

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary  
3 Spring Roads at 7:00 p.m. April 10, 2003, Display Notice having been published in the Richmond  
4 Times-Dispatch on March 20, 2003 and March 27, 2003.

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6 Members Present: Mrs. Lisa D. Ware, C.P.C., Vice-Chairperson, Tuckahoe  
7 Mr. Allen Taylor, P.E., C.P.C., Three Chopt  
8 Mr. C. W. Archer, C.P.C., Fairfield  
9 Mr. Ernest B. Vanarsdall, C.P.C., Brookland  
10 Mr. Richard W. Glover, Board of Supervisors, Brookland

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12 Members Absent: Mr. E. Ray Jernigan, C.P.C., Chairperson, Varina

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14 Others Present: Mr. Randall R. Silber, Assistant Director of Planning, Acting Secretary  
15 Mr. Ralph J. Emerson, Principal Planner  
16 Mr. Mark Bittner, County Planner  
17 Mr. Thomas Coleman, County Planner  
18 Ms. Jean Moore, County Planner  
19 Mr. Paul Gidley, County Planner  
20 Mr. Tim Foster, Traffic Engineer  
21 Ms. Debra Ripley, Recording Secretary

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23 Others Absent: Mr. John R. Marlles, AICP, Director of Planning, Secretary

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25 **Board of Supervisors Representative abstains on all cases unless otherwise noted.**

26  
27 Mrs. Ware - Welcome to the April 10, 2003 Planning Commission meeting for cases  
28 to be heard for rezoning. Good evening everybody. Do we have anyone from the press here  
29 tonight? OK. Then I will turn the meeting over to our Secretary, Mr. Silber.

30  
31 Mr. Silber - Thank you, Madam Chairman. We have a quorum tonight and we can  
32 conduct business. We are missing one member of the Planning Commission, Mr. Jernigan. Mr.  
33 Jernigan is our Chairman, so we have our Vice Chair sitting in. We do have a number of items  
34 this evening that look to be on the deferral agenda, and several expedited items. Mr. Emerson,  
35 can you walk us through the deferrals, please?

36  
37 Mr. Emerson - Thank you, Mr. Secretary and Madam Chairman. On your Withdrawals  
38 and Deferrals tonight, you have one withdrawal and nine deferrals.

39  
40 **Deferred from the October 10, 2002 Meeting:**

41 **C-26C-02 Andrew M. Condlin for Dr. George Oley:** Request to conditionally  
42 rezone from R-2 One Family Residence District to O-1C Office District (Conditional), part of Parcel  
43 754-747-5266, containing approximately 0.19 acre, located at the southwest intersection of  
44 Michael Road and Fawn Lane (south line of Michael Road approximately 150 feet east of N.  
45 Parham Road). Additional parking for an existing dental office is proposed. The use will be  
46 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
47 recommends Office.

48  
49 Mr. Emerson - Case C-26C-02 has been withdrawn by the applicant.

50  
51 Mr. Vanarsdall - We don't need a motion for that, do we?

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53 Mr. Silber - Mr. Vanarsdall, for zoning cases we do not need a motion.

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Mr. Emerson - The next item is a deferral. It is on Page 1 of your Agenda.

**Deferred from the February 13, 2003 Meeting:**

**C-27C-02 RFA Management, LLC:** Request to amend proffered conditions accepted with rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located at the northeast intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest intersection of Ridgefield Parkway and Eagles View Drive, and the southeast intersection of Eagles View Drive and Glen Eagles Drive. The amendment would change the maximum density allowed from 7,850 square feet per acre to 8,975 square feet per acre. The existing zoning is B-2C, Business District (Conditional). The Land Use Plan recommends Commercial Concentration.

Mr. Emerson - The deferral is requested to June 12, 2003.

Mrs. Ware - Is there any opposition to the deferral of this case? I move that Case C-27C-02 be deferred to the June 12, 2003 meeting at the applicant's request.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mrs. Ware and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion is passed.

At the request of the applicant, the Planning Commission deferred Case C-27C-02, RFA Management, LLC, to its meeting on June 12, 2003.

**Deferred from the December 12, 2002 Meeting:**

**C-28C-02 Laraine Isaac for William D. Godsey:** Request to conditionally rezone from M-1 Light Industrial District to M-2C General Industrial District (Conditional) and C-1 Conservation District, part of Parcel 817-721-5981, containing 60.696 acres, located on the north line of Oakley's Lane approximately 94 feet east of Oakley's Place and 217 feet west of S. Holly Avenue. The use will be controlled by proffered conditions and zoning ordinance regulations. An industrial park including a contractor's equipment storage yard is proposed. The Land Use Plan recommends Planned Industry and Environmental Protection Area. The site is also in the Airport Safety Overlay District.

Mr. Emerson - The deferral is requested to May 15, 2003.

Mrs. Ware - Is there any opposition to the deferral of this case?

Mr. Vanarsdall - Since Mr. Jernigan is absent, I move that Case C-28C-02 be deferred at the applicant's request for 30 days.

Mr. Taylor - Second.

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

At the applicant's request, the Planning Commission deferred Case C-28C-02, Laraine Isaac for William D. Godsey, to its meeting on May 15, 2003.

**Deferred from the March 13, 2003 Meeting:**

**C-6C-03 Robert L. Stout for Gilbert E. Holt, Jr., Claudia T. Holt and Roberta J. Holt:** Request to conditionally rezone from A-1 Agricultural District to R-3C One

107 Family Residence District (Conditional), part of Parcel 805-705-6565 (approx. 2.8 acres) and  
108 Parcel 805-705-5584 (approx. 0.767 acre), containing approximately 3.567 acres, located on the  
109 south line of Old Oakland Road approximately 600 feet west of Oakvale Street and adjoining the  
110 east line of the Old Oakland subdivision. A single-family residential subdivision is proposed. The  
111 applicant proffers no more than four (4) residential lots including the existing residence, will be  
112 developed on the property. The R-3 District allows a minimum lot size of 11,000 square feet.  
113 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

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115 Mr. Emerson - The deferral is requested to May 15, 2003.

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117 Mrs. Ware - Is there any opposition to the deferral of this case?

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119 Mr. Vanarsdall - Madam Chairman, I move that Case C-6C-03 be deferred to May 15,  
120 2003 at the applicant's request.

121  
122 Mr. Archer - Second.

123  
124 Mrs. Ware - Motion is made by Mr. Vanarsdall and seconded by Mr. Archer. All in  
125 favor say aye. All opposed say no. The motion passes.

126  
127 At the request of the applicant, the Planning Commission deferred Case C-6C-03, Robert L. Stout  
128 for Gilbert E. Holt, Jr., Claudia T. Holt and Roberta J. Holt to its meeting on May 15, 2003.

129

130 **Deferred from the March 13, 2003 Meeting:**

131 **C-8C-03 Laraine Isaac for Godsey Properties, Inc.:** Request to conditionally rezone  
132 from A-1 Agricultural District to R-3C One Family Residence District (Conditional) Parcels 755-  
133 768-1347 and 755-768-2764, containing 6.0 acres, located on the west line of Springfield Road at  
134 Olde Milbrooke Way. A single-family residential subdivision is proposed. The R-3 District allows  
135 a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential  
136 2, 2.4 to 3.4 units net density per acre.

137

138 Mr. Emerson - The deferral is requested to May 15, 2003.

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140 Mrs. Ware - Is there any opposition to the deferral of this case?

141

142 Mr. Vanarsdall - I move that Case C-8C-03 be deferred at the applicant's request to May  
143 15, 2003.

144

145 Mr. Archer - Second.

146

147 Mrs. Ware - Motion is made by Mr. Vanarsdall and seconded by Mr. Archer. All in  
148 favor say aye. All opposed say no. The motion is passed.

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150 At the applicant's request, the Planning Commission deferred Case C-8C-03, Laraine Isaac for  
151 Godsey Properties, Inc. to its meeting on May 15, 2003.

152

153 **Deferred from the March 13, 2003 Meeting:**

154 **C-71C-02 Robert Atack/F. Robert Loftis for Cedar Fork, LLC:** Request to conditionally  
155 rezone from A-1 Agricultural District and R-2A One Family Residence District to R-3C One Family  
156 Residence District (Conditional) 16.447 acres and R-5AC General Residence District (Conditional)  
157 34.593 acres, Parcels 813-729-0099, 813-729-1810, 813-728-1795, 812-729-4468 and 812-729-  
158 5529, located on the west line of Cedar Fork Road at Tiffanywoods Lane. Up to 40 and 100  
159 single family residences are proposed within the requested R-3C and R-5AC Districts,

160 respectively. The R-5AC District would permit zero-lot-line development. The R-3 District allows  
161 a minimum lot size of 11,000 square feet. The R-5A District allows a minimum lot size of 5,625  
162 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density  
163 per acre, and Suburban Residential 2, 2.4 to 3.4 units net density per acre. The site is also in the  
164 Airport Safety Overlay District.

165  
166 Mr. Emerson - The deferral is requested to May 15, 2003.

167  
168 Mrs. Ware - Is there anyone in opposition to deferral of this case?

169  
170 Mr. Archer - Madam Chairman, I move deferral of Case C-71C-02 to the May 15, 2003  
171 meeting at the request of the applicant.

172  
173 Mr. Vanarsdall - Second.

174  
175 Mrs. Ware - We have a motion by Mr. Archer and seconded by Mr. Vanarsdall. All in  
176 favor say aye. All opposed say no. The motion is passed.

177  
178 At the request of the applicant, the Planning Commission deferred Case C-71C-02, Robert  
179 Atack/F. Robert Loftis for Cedar Fork, LLC to its meeting on May 15, 2003.

180  
181 **C-14C-03 Robert Atack for Atack Properties Inc.:** Request to conditionally  
182 rezone from A-1 Agricultural District and R-3AC One-Family Residence District (Conditional) to R-  
183 5C General Residence District (Conditional), part of Parcel 751-766-9555, containing  
184 approximately 7.7 acres, located at the southwest intersection of Nuckols and Snowmass Roads.  
185 A multi-family residential development is proposed. The R-5 District allows a density up to 14.52  
186 units per acre. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net  
187 density per acre, and Environmental Protection Area.

188  
189 Mr. Emerson - The deferral is requested to May 15, 2003.

190  
191 Mrs. Ware - Is there anyone here in opposition to this case?

192  
193 Mr. Taylor - No opposition? Madam Chairman, I move deferral of Case C-14C-03,  
194 Robert Atack for Atack Properties, Inc. be deferred to May 15, 2003, at the applicant's request.

195  
196 Mr. Vanarsdall - Second.

197  
198 Mrs. Ware - We have a motion by Mr. Taylor, seconded by Mr. Vanarsdall. All in favor  
199 say aye. All opposed say no. The motion passes.

200  
201 At the request of the applicant, the Planning Commission deferred Case C-14C-03, Robert Atack  
202 for Atack Properties, Inc. to its meeting on May 15, 2003.

203  
204 **C-15C-03 Andrew M. Condlin for Windsor Enterprises:** Request to conditionally  
205 rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels  
206 740-775-9712, 740-774-4255, 739-774-4564, 740-774-1407, 740-771-4107, 740-773-4426, 740-  
207 772-8110, 740-775-5801, and part of Parcel 740-771-4780, containing 128.4 acres, located  
208 beginning on the south line of Nuckols Road, the northern terminus of Luxford Place and the  
209 southern and western boundaries of Bridlewood subdivision. A single family residential  
210 subdivision is proposed. The applicant has proffered the maximum density of 1.8 units per acre.  
211 The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan

212 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, Rural Residential,  
213 maximum of 1.0 unit per acre, and Environmental Protection Area.

214

215 Mr. Emerson - The deferral is requested to June 12, 2003.

216

217 Mrs. Ware - Is there anyone here in opposition to the deferral of this case?

218

219 Mr. Taylor - Madam Chairman, there being no opposition, I will move that Case C-  
220 15C-03, Andrew M. Condlin for Windsor Enterprises be deferred to June 12, 2003 at the  
221 applicant's request.

222

223 Mr. Vanarsdall - Second.

224

225 Mrs. Ware - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All in favor say  
226 aye. All opposed say no. The motion passes.

227

228 At the request of the applicant, the Planning Commission deferred Case C-15C-03, Andrew M.  
229 Condlin for Windsor Enterprises to its meeting on June 12, 2003.

230

231 **C-16C-03 Ralph Axselle, Jr. for Route 271, LLC:** Request to conditionally  
232 rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional) and  
233 RTHC Residential Townhouse District (Conditional), part of Parcel 738-772-9227 and Parcel 739-  
234 770-0693, containing 120.34 acres (107.97 – R-2AC; 12.37 RTHC), located on the east line of  
235 Pouncey Tract Road approximately 400 feet south of Perrywinkle Road and 600 feet north of  
236 Shady Grove Road. A single-family subdivision, including detached condominiums for sale, is  
237 proposed. The applicant has proffered the maximum number of lots not to exceed 2.0 units per  
238 acre. The R-2A District allows a minimum lot size of 13,500 square feet. The RTH District allows  
239 a maximum density of nine (9) units per acre. The Land Use Plan recommends Suburban  
240 Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

241

242 Mr. Emerson - The deferral is requested to June 12, 2003.

243

244 Mrs. Ware - Is there anyone here in opposition to the deferral of this case?

245

246 Mr. Taylor - There being no opposition, Madam Chairman, I move deferral of Case C-  
247 16C-03, Ralph Axselle, Jr. for Route 271, LLC, be deferred to June 12, 2003, at the applicant's  
248 request.

249

250 Mr. Vanarsdall - Second.

251

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

254

255 At the request of the applicant, the Planning Commission deferred Case C-16C-03, Ralph Axselle,  
256 Jr. for Route 271, LLC, to its meeting on June 12, 2003.

257

258 **C-17C-03 Paul Hinson/Greg Koontz for Carol Sacra:** Request to conditionally  
259 rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel  
260 744-773-8230, containing approximately 5.07 acres, located on the south line of Old Nuckols  
261 Road, approximately 1,000' east of its intersection with Shady Grove Road. Attached single family  
262 residential townhomes for sale are proposed. The applicant has proffered a density not to  
263 exceed thirty-three (33) units. The RTH District allows a maximum density of nine (9) units per

264 acre. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 net units per acre, and  
265 Environmental Protection Area.

266  
267 Mr. Emerson - The deferral is requested to May 15, 2003.

268  
269 Mrs. Ware - Is anyone here in opposition to the deferral of this case?

270  
271 Mr. Taylor - No opposition. Madam Chairman, I move the deferral of Case C-17C-03,  
272 Paul Hinson/Greg Koontz for Carol Sacra, to May 15, 2003, at the applicant's request.

273  
274 Mr. Vanarsdall - Second.

275  
276 Mrs. Ware - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All in favor say  
277 aye. All opposed say no. The motion passes.

278  
279 At the request of the applicant, the Planning Commission deferred Case C-17C-03, Paul  
280 Hinson/Greg Koontz for Carol Sacra, to its meeting on May 15, 2003.

281  
282 Mr. Silber - OK, now that we have dispensed with a large portion of our Agenda, we  
283 do have several items on the Expedited Agenda. Let me review for the public what this means.  
284 These are items that are on the Planning Commission Agenda that the issues associated with this  
285 request have been resolved to the staff's satisfaction. The Planning Commission member from  
286 that District has no unresolved issues at this point and we are not aware of any opposition from  
287 the public. It is on the Expedited Agenda so we do not have to hear the case, but if there is  
288 opposition to this request, it will be pulled off of the Expedited Agenda and heard in the order  
289 that is on the Agenda. We do have several on the Expedited Agenda and Mr. Emerson, can you  
290 point those out, please?

291  
292 Mr. Emerson - Yes, Mr. Secretary

293  
294 **Deferred from the March 13, 2003 Meeting:**  
295 **C-7C-03 F. Robert Loftis for Sunstar Technologies:**

296 Request to conditionally  
297 rezone from A-1 Agricultural District and R-2AC One Family Residence District (Conditional) to R-  
298 3C One Family Residence District (Conditional), Parcel 762-761-6559 and part of Parcel 766-762-  
299 1042, containing approximately 0.37 acre, located on the north line of Hungary Road  
300 approximately 60 feet east of Walton Farms Drive. A single-family residential subdivision is  
301 proposed. The applicant proffers a maximum of two (2) lots will be developed on the property.  
302 The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan  
303 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

304 Mrs. Ware - Is there anyone here in opposition to this case?

305  
306 Mr. Vanarsdall - I recommend that Case C-7C-03 be recommended for approval to the  
307 Board of Supervisors.

308  
309 Mr. Taylor - Second.

310  
311 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Taylor. All those in  
312 favor say aye. All opposed say no. The motion passes. Mr. Glover abstained.

313  
314 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning  
315 Commission voted 4-0 (one abstention and one absence) to recommend that the Board of  
316 Supervisors **grant** the request because it continues a form of zoning consistent with the area and

317 because the proffered conditions will provide appropriate quality assurances not otherwise  
318 available.

319

320 Mr. Glover - Madam Chairman and Mr. Secretary, I abstain from all zoning cases due  
321 to the fact that they will come to the Board, and I will have an opportunity to vote on them  
322 there.

323

324 Mr. Silber - Yes, sir. Thank you.

325

326 **C-12C-03 Neil P. Farmer:** Request to amend proffered conditions accepted with  
327 rezoning case C-54C-02, on Parcels 748-766-1856, 747-766-9196, 748-766-2289, 748-767-3704,  
328 containing approximately 18.6 acres, located on the southeast line of Sadler Road at Trexler  
329 Road. The proffer amendment would increase the proposed density from thirty-three (33) to  
330 thirty-five (35) lots. The existing zoning is R-3C One Family Residence District (Conditional). The  
331 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

332

333 Mrs. Ware - Is there anyone here in opposition to this case?

334

335 Mr. Taylor - Madam Chairman, there being no opposition, I will move that Case C-  
336 12C-03, Neil P. Farmer, be approved on the Expedited Agenda.

337

338 Mr. Archer - Second.

339

340 Mrs. Ware - We have a motion by Mr. Taylor and a second by Mr. Archer. All those  
341 in favor say aye. All opposed say no. The motion passes. Mr. Glover abstained.

342

343 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission  
344 voted 4-0 (one abstention and one absence) to recommend that the Board of Supervisors **grant**  
345 the request because the change does not greatly reduce the original intended purpose of the  
346 proffers and is not expected to adversely impact surrounding land uses in the area.

347

348 **P-6-03 Gloria Freye for Chipotle Mexican Grill:** Request for a provisional  
349 use permit under Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code in order to  
350 permit an outside dining area, on part of Parcel 749-759-5776, containing approximately 832  
351 square feet, located on an out-parcel of the Summit Shopping Center on the south line of W.  
352 Broad Street (U. S. Route 250) at Innesbrook Road. The existing zoning is B-2C Business District  
353 (Conditional). The Land Use Plan recommends Commercial Concentration.

354

355 Mrs. Ware - Is there any opposition to this case?

356

357 Mr. Taylor - Madam Chairman, on this one, I am not sure if this is opposition or the  
358 opportunity to make a comment.

359

360 Mr. Nuckols - It is the opportunity to make a comment, Mr. Taylor.

361

362 Mr. Taylor - Madam Chairman, we may allow that if you like rather than coming back  
363 to it, or we could just go ahead and take it off the Expedited Agenda, whichever you prefer.

364

365 Mr. Silber - Mr. Nuckols, do you intend to take much time to discuss this. We will be  
366 happy to pass it by.

367

368 Mr. Nuckols - Not over a few minutes.

369

370 Mr. Silber - Come on down.  
371  
372 Mr. Nuckols - Good evening, members of the Commission, and ladies and gentlemen  
373 of the audience. My name is Norwood Nuckols and I live at 4181 Innsbrook Road and have been  
374 there for roughly 35 years. My home is about a third of a mile from the intersection of the  
375 Innsbrook Road with Broad Street and therefore a third of a mile from the Summit Shopping  
376 Center. I guess I have neither a fish nor fowl situation relative to this case. I am not opposed to  
377 the Mexican Restaurant or to the outdoor dining area, which is the specific subject of this case. I  
378 don't mind that usage, the Summit Shopping Center already being there. What I do object to is  
379 the, and I am speaking not only for myself, but for my neighbors all along Innsbrook, Riverdale,  
380 and Thorncroft Roads, is that there is a very vexatious traffic situation that people who live in our  
381 area have for getting out into Broad Street. How bad it is – I think you just have to see it and  
382 live with it day by day to realize how bad it is. We have made numerous requests over the years  
383 that something be done about this, going back to when the zoning, not the zoning but the first  
384 POD was approved for the Summit Shopping Center, something like 10 years ago, I think that  
385 was. We have talked at length and numerous times with the County Traffic Engineers and with  
386 VDOT. They are involved since Broad Street – Route 250 is a State Highway, and nothing has  
387 ever been done to help that situation yet. I guess what this brings us down to is we would like  
388 that there be no further commercial development in the Summit unless and until something is  
389 done about this traffic. That is the nub of this whole thing and if you all conclude that you must  
390 approve this case, please, at the very least, get something done by VDOT, by the County,  
391 whoever has to deal with it, to do away with the u-turns at this intersection. Mr. Taylor and I  
392 have discussed it at length and he is quite familiar with this problem. So, we ask that we get  
393 some consideration before there is a very bad tragic accident there. We have been very cautious  
394 so far, but keep your fingers crossed because there is one coming if something isn't done about  
395 it. And that is my request unless you all have questions.  
396  
397 Mr. Silber - Mr. Nuckols, we appreciate that. I know you have been down here  
398 before speaking to this matter and I think we are sensitive to your issues. What is on the  
399 agenda right now is, as you are aware, is just for this use permit to have outdoor dining. So, this  
400 use is permitted here. They can go forward with this, but we are sensitive to your situation. If  
401 we need to discuss this further, we do have the Traffic Engineer here. But, I think because this  
402 is a State facility, State Highway, then I think you know where we stand with the u-turn  
403 movements being a VDOT consideration.  
404  
405 Mr. Vanarsdall - Madam Chairman, I have a question for Mr. Nuckols. Norwood, we  
406 promised you, I think when the Panera Restaurant went in there, we promised you that night  
407 that it would be looked into at some length, and that someone would get back with you. Did  
408 that materialize?  
409  
410 Mr. Nuckols - Yes and no. The County folks did their part, and, of course, we ended  
411 up being in discussion with VDOT through the Sandston Residency Office and through the  
412 Colonial Heights District Office. Their response was, well, I am just going to say that we got no  
413 satisfaction. They showed no interest and I will even go so far as to say that it came to the point  
414 that they refused to return our telephone calls from the Colonial Heights office, so, in total, we  
415 are very dissatisfied with how this has been handled.  
416  
417 Mr. Vanarsdall - Does Universal Ford still use it all the time?  
418  
419 Mr. Nuckols - Yes, sir. They still contribute many u-turns per day.  
420  
421 Mr. Vanarsdall - OK. Thank you.  
422



423 Mr. Taylor - Thank you, Mr. Nuckols. As has been said by Mr. Silber, I think the  
424 County is well aware of this, and Mr. Foster is in the audience, and I know that he is aware of it,  
425 and without taking a lot of time, because we want to put this on the Expedited Agenda, I think  
426 the County is well aware of the issue and your concerns, and your concerns are something that is  
427 being looked into, and I think what we will do, based on your comment tonight, I will contact the  
428 Traffic people and talk some more and ask them that we give you some kind of a response by  
429 letter or whatever with regard to the status, if that is acceptable to you, sir.  
430  
431 Mr. Nuckols - Thank you, sir.  
432  
433 Mr. Taylor - You are very welcome.  
434  
435 Mr. Nuckols - Thank you for hearing me at this stage of the hearing tonight.  
436  
437 Mr. Taylor - You are very welcome, sir. Madam Chairman, there being no other  
438 opposition, I will move approval of Case P-6-03, Gloria Freye for Chipotle Mexican Grill, on the  
439 Expedited Agenda.  
440  
441 Mr. Archer - Second, Madam Chairman.  
442  
443 Mrs. Ware - Motion made by Mr. Taylor, seconded by Mr. Archer. All in favor say  
444 aye. All opposed say no. The motion passes. Mr. Glover abstained.  
445  
446 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission  
447 voted 4-0 (one abstention and one absence) to recommend that the Board of Supervisors **grant**  
448 the request because it is reasonable in light of the surrounding uses and existing zoning on the  
449 property.  
450  
451 Mr. Emerson - That completes the Expedited Agenda for tonight.  
452  
453 Mrs. Ware - Thank you.  
454  
455 **Deferred from the March 13, 2003 Meeting:**  
456 C-10C-03 Andrew Condlin/Caroline Browder for Wendy's International, Inc.:  
457 Request to conditionally rezone from O-2 Office District to B-2C Business District (Conditional),  
458 Parcel 741-741-6996, containing 0.586 acre, located at the southeast intersection of Patterson  
459 Avenue (State Route 6) and Pump Road. A Wendy's Fast Food Restaurant with drive-thru is  
460 proposed. The use will be controlled by zoning ordinance regulations and proffered conditions.  
461 The Land Use Plan recommends Office.  
462  
463 **Deferred from the March 13, 2003 Meeting:**  
464 **P-4-03 Andrew Condlin/Caroline Browder for Wendy's International,**  
465 **Inc.:** Request for a provisional use permit under Sections 24.58.2(a) and 24-122.1 of Chapter 24  
466 of the County Code in order to extend the permitted hours of service until 1:00 a.m., on Parcel  
467 741-741-6996, containing 0.586 acre, located at the southeast intersection of Patterson Avenue  
468 (State Route 6) and Pump Road. The existing zoning is O-2 Office. The Land Use Plan  
469 recommends Office.  
470  
471 Mr. Silber - Mr. Mark Bittner will make our presentation.  
472  
473 Mr. Bittner - Thank you, Mr. Silber. What you see on the screen right here (referring  
474 to rendering) is the latest site plan for this proposed Wendy's. I will just orient everybody.  
475 Patterson Avenue is at the top of this drawing. Pump Road is on the left side of the drawing and

476 the rectangular figure in the middle would be a proposed drive-through for Wendy's. The site is  
477 wooded and designated Office on the 2010 Land Use Plan.

478

479 Staff had previously viewed this as a positive request that could have improved the aesthetics of  
480 an existing commercial area. Because of the unique characteristics of this site, staff had asked to  
481 see more detail concerning site layout, landscaping, and architectural design. The applicant  
482 supplied this information, and upon its examination, several issues of concern were noted.

483

484 Staff now feels this site is not large enough for the proposed use. Traffic circulation would be  
485 extremely tight and vehicular conflict could be substantial, both on-site and in the Pump Road -  
486 Patterson Avenue intersection.

487

488 The small size of the site may also not allow sufficient room for quality landscaping.

489

490 The applicant is also proposing grading on the site that would require construction of a retaining  
491 wall adjacent to neighboring buildings. This wall would be 8 ft. at its highest point. Staff is  
492 concerned not only with the appearance of this wall, but also its potential impact on the  
493 structural integrity of adjacent development.

494

495 Staff is also concerned with the request for extended hours of operation. No similar business in  
496 the Patterson Avenue corridor operates during extended hours. Permitting that to happen on this  
497 site would likely encourage other businesses in the corridor to request the same.

498

499 Because of these concerns, staff cannot recommend approval of this application. I would be  
500 happy to answer any questions you may have.

501

502 Mrs. Ware - Before we have any questions for Mr. Bittner, is there anyone here in  
503 opposition to this case? OK. Thank you. Do you have any questions?

504

505 Mr. Vanarsdall - Mr. Bittner, the way the traffic looks around the building, there is an  
506 awful lot of traffic on Patterson Avenue, and it is a pretty good speed, too, isn't it?

507

508 Mr. Bittner - Yes, there is, and the entrance from Patterson would be extremely close  
509 to the intersection. On this here (referring to rendering) we had marked in the dark arrows  
510 where we think there is a potential for some vehicular conflicts, crossing over drive isles and  
511 people leaving the drive-through and people trying to get into the drive-through, coming off of  
512 Patterson and so forth, and, of course, Tim Foster, from Traffic Engineering is here to speak  
513 further, but this here illustrates where we think the major traffic conflicts could occur on this site.

514

515 Mr. Vanarsdall - Thank you.

516

517 Mrs. Ware - Any other questions? OK. Thank you, Mr. Bittner. Do you want to hear  
518 from the applicant, Mr. Condlin?

519

520 Mr. Condlin - Thank you, Madam Chairman, and members of the Commission. My  
521 name is Andy Condlin from Williams-Mullen and I have with me John Howard from Wendy's  
522 International, Lance Coats from TIMMONS, and Lee Archer, who is a representative of the  
523 property owner. This property is .586 acres, admittedly a small site, probably most well known  
524 for having a for-sale by Bill Eudalie for office use for as many years as I think I have been in  
525 Richmond, has been at this site. This property, and I don't think I heard from Mr. Bittner that  
526 other than the size, most of the objections result from a site plan issue, not necessarily from a  
527 real objection as to the use that we are proposing or the zoning that we are proposing, other  
528 than the PUP for additional hours. I don't think there is any real objection here with respect to

529 that particular type of use that we are proposing. The items that he has set forth, the retaining  
530 wall, the landscaping, the size of the site and the traffic conflict, I think are all related to site-plan  
531 type issues. I think it is also indicative of the fact that there was a neighborhood meeting where  
532 a few people have shown up as well as a letter in the file that said there is support from the  
533 neighboring Riverlake Colony Homeowners Association.

534  
535 As to the retaining wall, there was a concern that was expressed to us that the retaining wall was  
536 too high, potentially dangerous, and an invitation for graffiti. Originally, the wall went along, if I  
537 may, I will go along here (referring to rendering), the walls along the eastern side of the site and  
538 along the rear of the site. After reducing the footprint of this site by getting rid of the sit down  
539 seating, we reduce the footprint from 2,400 sq. ft. to 1,255 sq. ft., so we've got 1,255 sq. ft.  
540 building on the site. By doing that, along with some other benefits, we are able to reduce the, I  
541 think a pretty quick increase in height to 10 feet along this wall, to make it a gradual tapered  
542 increase up to 8 ft. at its highest point, but also eliminate the rear wall. That would go along  
543 because of the existing wall that is already here serving the veterinarian office space. The  
544 upshot of this is that I don't think it is uncommon at all to have a wall, a retaining wall along  
545 what I consider a very difficult site with respect to – it is really just a leftover piece. There are a  
546 number of examples that have been done well throughout the County, including at Short Pump  
547 Crossing and just recently as proposed by the Kroger along East Ridge Road at the very same  
548 height.

549  
550 With respect to the reduction of the site, we had the additional benefit of being able to decrease  
551 the parking. Originally, it was sit down seating. We had 2,400 sq. ft. of building and we,  
552 therefore, had 24 parking spaces. By reducing this down to 1,200 sq. ft. we were able to have  
553 14 spaces. They did a couple of things. Obviously, there was a concern with the fact that the  
554 employees would be taking up a number of the 24 spaces, and would there be enough spaces for  
555 the customers. With the drive-through only, I think this is certainly one instance in which the  
556 Code requirements probably exceed that which is practically necessary. With 14 spaces at a  
557 drive-through only, I don't think there is a real need for any additional spaces. In addition, by  
558 creating a smaller footprint and lower spaces, we were able to have the benefit of increasing our  
559 landscaping throughout the area.

560  
561 In the staff report, of the eight suggestions that were made by staff, half were about  
562 landscaping. We have made some vast improvements in the landscaping and particularly the  
563 most – the best improvements we have made were the increase in the areas along the various  
564 sides of the property. Along the front, we went from 10 ft. to 15 ft. Along the side, along Pump,  
565 we went from 10 to 15 feet. On the side opposite Pump, we went from 6 to 12 to 13 feet, and in  
566 the back we went from 10 feet up to 17 feet and greater in this area in the back. And now since  
567 we have increased the green area on our space from 20% to over a third of the site. We have  
568 exceeded the requirements by Code in all of those instances, and we have proffered a very  
569 specific, and, I think, effective landscaping plan. We have also addressed the concerns by the  
570 staff by placing plantings in the median, and I apologize for the fact that in the staff report it did  
571 mention that there were some plantings to be made at the end of Pump Road. We did not put  
572 that on our landscape plan that we have proffered which has been placed here. And you can see  
573 that we have specifically placed within the area what we were going to do as far as effective  
574 landscaping throughout the site.

575  
576 The two greatest concerns that I think the staff had provided was that there was an over-use of  
577 the site and the traffic conflicts. Obviously, I can't do anything about the size of the facility. It is  
578 obviously a very small site. One of the comments that has been made is that it is zoned for  
579 office and would an office use be more appropriate? I would propose to you that even with an  
580 office that could be built without any conditions on the property, but they would have to  
581 maximize the site even more than what we are doing with this case. There would be a very

582 small building at even 3,500 sq. ft., which I don't think is marketable in the office market.  
583 Fourteen spaces are the same number of spaces that would be required. I would also contend  
584 because this had been on the market for so long that there really is not a market for an office  
585 space that could be put onto this site. With no conditions that would prohibit maximizing the use  
586 of the site per the Code requirements, I would contend that there be even small buffers and  
587 smaller landscape area that we are proposing here, and having a larger building and potentially  
588 even more conflict with the surrounding area. Further, there are a number of sites throughout  
589 Henrico that have had fast food restaurants on small parcels. It is simply the nature of what the  
590 business is. For example, at Parham and Staples Mill, there is a Burger King, and I only choose  
591 that because that is the closest one and the one that we looked at that we were able to get the  
592 information. The building is actually 10% of the overall area site. That parcel is only .826 acres  
593 with a sit-down restaurant, containing 3,600 sq. ft., but also having 42 parking spaces. In  
594 essence, they have a building that is three times the size and three times the parking, but they've  
595 also only got a building that is a difference of a quarter of an acre. By comparison, we are  
596 asking for a 1,200 sq. ft. building site, which is a very small site, considering even the size of this  
597 parcel, which is .589 acres. I think the point is that Burger King functions very well and it looks  
598 good on paper. In looking at that, it looks very tight, and could be seen as very tight, just as  
599 ours does on paper, but I think it does function well.

600

601 Finally, I will bring myself to the traffic conflicts that were pointed out. One of the reasons that  
602 we specifically looked at that Burger King at Parham and Staples Mill was because that it  
603 functions almost exactly as our site functions. As you come off of Staples Mill, and I have the  
604 site plan, if you'd like to take a look at that, as you come off of Staples Mill you have to do a  
605 complete loop around the property, just like you do off of Pump Road on our property. There is  
606 a conflict at the Patterson Avenue access, just as there is, I would contend, at the Parham Road  
607 access, off of Burger King. Again, I think that functions well and I don't believe it is any more  
608 conflict than is typical at a fast-food restaurant, other drive-through facilities and typical for any  
609 gas station, for example, or any other high traffic use. I think the key is that the stacking lanes  
610 are functioning properly and moves the traffic circulation properly. Again, I don't think it is  
611 uncommon for fast food restaurants that I would point to, for example, Parham and Patterson,  
612 not to pick on Burger King tonight, but also another Burger King, where there is a number of  
613 conflicts that have come in, and in checking with the Traffic Department, I don't think that there  
614 has been any large number of reports, any greater than any other site on these types of facilities.  
615 I would also point out that in the staff report I don't believe what was written down, that the  
616 Traffic Department had any real concerns that they were that dissatisfied with the traffic  
617 circulation. The only comment they did make was to make the entrance perpendicular onto  
618 Patterson Avenue.

619

620 Finally, I think there is a compelling argument to make that even though this site is small, that  
621 the use of this site is better than a lot of the other particular uses that could be made for this  
622 site. This proposal creates an opportunity that is as good or better than any other alternative,  
623 especially with this small of a footprint. It also functions as typical as other fast food restaurants  
624 with drive-through. Staff proposed that it could support the case if we met a lot of the following  
625 items that were placed in the staff report. I do believe that we have addressed all of those  
626 items. The proposal is consistent with the surrounding uses and with the surrounding zoning.  
627 The proposal matches or exceeds all of the development criteria, including elevations, which I do  
628 have a colored rendering. At the time we submitted our package, we didn't have this in color,  
629 but a color rendering of what I think is a very nice looking building and would be very effective  
630 and a very good use of this property.

631

632 Finally, I would ask, and I know that this is a difficult decision either way that you vote, but I  
633 hope that this property owner and the user will have an opportunity to make a viable use of this  
634 site, just as others have with their properties, even for fast food restaurants, and we request that

635 you recommend this case to the Board of Supervisors. I will be happy to answer any questions.  
636 I have Mr. Coats and Mr. Howard here to also answer any questions you have of a technical  
637 nature.

638  
639 Mrs. Ware - Does anyone have any questions for Mr. Condlin? Not at this time.  
640

641 Mr. Silber - Madam Chairman, let me make one comment, which I think Mr. Condlin  
642 pointed out some comparisons to another fast food restaurant, and also possibly use of the  
643 property for office. And I know that I have been involved with this case, so if I might speak to  
644 that. First, relative to this other fast food restaurant chain, and I won't mention its name, the  
645 site, Mr. Condlin, is considerably larger. I don't disagree that they have traffic circulation  
646 patterns that are similar to the one you are proposing. The site is larger. At the same time, they  
647 do have a larger building on there, so that could be argued that they have taken up more space  
648 with their building, but I think the point is that your site is much smaller than the Burger King at  
649 Staples Mill and Parham. Relative to the office use on this piece of property, an office use does  
650 not require the same circulation pattern as a drive-through facility. An office building doesn't  
651 have to have a driveway that goes all the way around it as does a drive-through window.  
652 Therefore, you can place the building strategically in different parts of the site and park around  
653 that, so you do have a lot more flexibility in site design. So, I think there is a fundamental  
654 difference between design for an office versus design for a fast food restaurant with a drive-  
655 through window.

656  
657 Mr. Condlin - I, obviously, don't disagree with that at all, and the access ways or the  
658 circulation ways are the issue here, but, and that is a trade off, but obviously that is not my  
659 decision to have to make, and I would contend that having a nice looking, what I would consider  
660 a nice looking building with a good use that is not objectionable, I don't think the use itself is  
661 objectionable, versus having an office that hasn't worked and gives the owner an opportunity to  
662 have a viable use for this property. There is really no control, other than the Code controls over  
663 an office use, and I guess that is a decision that will have to be weighed, and I would hope that  
664 obviously it gets weighed in favor of Wendy's. And I agree, as well, with the other un-named,  
665 maybe I shouldn't be naming names, but at Staples Mill and Parham, that is a larger site, but it  
666 also has three times the number of parking spaces in it and it is a tight site as well.

667  
668 Mr. Glover - They have round hamburgers there, too.

669  
670 Mr. Condlin - They don't have frosty's though, if that is the case, but thank you.

671  
672 Mrs. Ware - I would like at this time to call Mr. Foster. Oh, I am sorry. No, he is not  
673 in opposition, I don't believe. Are you?

674  
675 Mr. Archer - I am on their side.

676  
677 Mr. Vanarsdall - You are not an opponent?

678  
679 Mr. Archer - I am a friend. My name is Lee Archer. I am the attorney for ACORP,  
680 Limited, that is the current owner of this property. I am the actual person who acquired the  
681 property for ACORP and did the transaction. When I was involved, I think it was more than 10  
682 years ago, we bought this from a very large developer in Henrico County, and it was sold to my  
683 client as a fast food location. That was over 10 years ago and this property has been on the  
684 market ever since. It seems to me that while that is not binding, we have been looking at every  
685 possible use we could make of this property. The owner has actually tried to talk me into renting  
686 the space or building a building myself, and using it for my law offices. I have not been able to  
687 find anybody who wants to be between a kennel and a mini-warehouse in an office situation. I

688 think that the opportunity to put up an office between the kennel and the mini-warehouse isn't  
689 really there even though it seems to be there on paper. I have been watching the progress of  
690 this case and up until fairly recently the staff was favorably inclined towards this project.  
691 Wendy's, on a relatively small footprint, maybe a little bit smaller than the Burger King just down  
692 the road, and I eat at that place, too, because my office is in the Koger Center. Wendy's wants  
693 this pretty badly, and we would like them to have it pretty badly. We don't think there is an  
694 opportunity to put up an office, even though we can talk about it on paper. We know that the  
695 people in the townhouses for rent are supporting having this place. My client, the actual owner  
696 of ACORP lives a couple of blocks away. He lives on Bondruth, and he uses this corner to go to  
697 work and come home every single day. He'd like the opportunity to get a bowl of chili and a  
698 baked potato, as well, and there is no opportunity to do that any place around there. It is our  
699 opinion that there is no better use of that corner than an attractive fast food establishment, and  
700 he is asking for your kind consideration to really consider giving him the opportunity to sell this  
701 and let Wendy's have it. Thank you.  
702

703 Mrs. Ware - Thank you. At this time, I'd like to ask Mr. Foster if he could come speak  
704 on the traffic situation. One reason is while during the talk about this particular case, as we were  
705 going through, we did not have the grading plans for the case until after the application was filed  
706 and I guess Mr. Foster will speak to the fact of what needs to be done on this piece of property  
707 in order to handle a drive-through restaurant.  
708

709 Mr. Foster - Yes, ma'am. Before we get started, Mr. Condlin said he had a copy of  
710 the plan for the Burger King at Staples Mill and Parham. Could I see that?  
711

712 Mrs. Ware - You've got to give it up.  
713

714 Mr. Foster - I am Tim Foster, the Traffic Engineer. One of the things I wanted to talk  
715 about. I brought the Parham and Patterson Burger King, because I have been working with the  
716 gentleman in the area who have had some complaints about it, so I already had a copy of that.  
717 And once I heard Mr. Condlin say he had a copy of this plan, I wanted to point out some of the  
718 differences on the circulation of this site and the other site. Mr. Condlin said that the plans, the  
719 circulation was similar. Well, it is probably similar to most fast foods, to be honest with you.  
720 But, there are some important differences between this Burger King at Parham and Staples Mill  
721 from a traffic standpoint, as we do from a layout standpoint. First of all, you can see that you  
722 come off of Staples Mill Road, and I wish I had a pointer out. I don't know if you can see this or  
723 not (referring to pointer), but here when you come in you actually come in and this island in  
724 here, and we struggled with this with Burger King to force everyone this way, so that we do have  
725 a conflict point here, but we have two lanes that go this way, the drive-through lane and also the  
726 pick-up lane. Now, the difference between what the Wendy's are showing is right here these two  
727 lanes merge back together. If you look at what the Wendy's plan is, and I will show you that in a  
728 second, they don't. You either go around the building or you come out onto Patterson Avenue.  
729 Then it comes around here, and you come to a stop condition or you can turn left or turn right  
730 coming around the building and it is two-way traffic, but it flows very nicely coming around the  
731 corner. If we can switch back to the Wendy's plan, if you will, (referring to rendering), if you  
732 look at this plan you can see – and I will use the hand, you can see that we have the two lanes  
733 coming here very similar, but instead this lane can actually pop out to Patterson Avenue, which is  
734 what it would do if it was to go to the right. This lane actually has to cross in front of it and  
735 come back around. It also conflicts with this traffic coming in and coming around this way. So,  
736 say those two are similar, similar maybe, but there is a big difference especially from a traffic  
737 standpoint. Also, what that means is that people coming off of Pump Road, just like the Burger  
738 King, they do have to come all of the way around, but there is definitely less conflict points that  
739 we have to deal with getting around that site. Also, from our standpoint, when we looked at this,  
740 the difference between this point right here and Patterson Avenue is about four feet. So, we

741 have an upgrade as we come in, looking at the grading plan here. So, there is an upgrade here,  
742 and then you can see the conflict point, my understanding is that this is a walk-up now. You are  
743 going to drive through a walk-up, so then we introduce pedestrians into this area. And even  
744 though normally we don't get this detailed on a zoning case, these parking spaces here we  
745 probably would not approve in this configuration because they are 90 degree and we would be  
746 concerned with it being 90 degrees. You will have people that will actually back out and try to  
747 come back out this way. Also, when we looked at this plan, this dumpster here, which is similar  
748 to the dumpster in the other plan; I wish we had enough room. We think since this has to be a  
749 hard island here, concrete island, that is going to be an awful tight fit for a truck to pull into here  
750 and get out. Once again, these are site plan issues that we typically don't get into at the zoning  
751 case stage, but since we did have plan to look it, we did look at that. So, those are some of the  
752 concerns that we do have with the plan as far as traffic circulation goes. If we could go back to  
753 the, if you take that off, the aerial photograph. This is the Patterson and Parham Burger King  
754 that was also mentioned. I can tell you that this started out it was my understanding as just a  
755 free-standing Burger King. Randy, you might remember that back in the 1970s, I believe. Not  
756 that you were here, but you might remember it. And my understanding is that this is sort of a  
757 retrofit where they came back in and added the drive-through later. I can tell you the truth, we  
758 wouldn't approve something like that today. Back then, Parham Road had about 4,000 cars a  
759 day in this area. Patterson Avenue had about 15,000 cars a day, and it was approved, but  
760 looking at this configuration and the way the stacking is and the stacking does get out to Parham  
761 Road on that, we would not approve something like that today, especially with Parham Road  
762 having close to 40,000 cars a day at that location. So to say that this is tight site, yes. But to say  
763 we've got this one here and it works, this is not one of our favorite fast foods we have to deal  
764 with. This is just a terrible circulation plan on the site, and as I said, we would not approve this  
765 plan today at all in this configuration.

766

767 Mrs. Ware - Does anyone have any questions for Mr. Foster?

768

769 Mr. Archer - Mr. Foster, in looking at the site plan that has been presented, is there  
770 any alternate orientation that you could think of that would work?

771

772 Mr. Foster - Well, the original plan that we looked at, we did, with some reservation  
773 we had some concerns about it, but we did say that that did meet all of the standards. Of  
774 course, that is when you have the 8-foot walls and that kind of thing, so that is the balance from  
775 the traffic versus the balance of a good site plan. So, from that standpoint, we did say, and I  
776 went to the citizen meeting, as well, that the preliminary plan that we did see was workable from  
777 a traffic standpoint with maybe some tweaking here and there. But those also included the loss,  
778 because we needed to get the site a little bit wider and a little bit bigger to make that work. So,  
779 there could be some options, but from what we are seeing now, and the site is very tight for  
780 good traffic circulation.

781

782 Mrs. Ware - Any other questions? Thanks very much.

783

784 Mr. Vanarsdall - There wasn't any opposition, was it?

785

786 Mrs. Ware - You need to come down to the podium, please.

787

788 Mr. Mike Ligon - My name is Mike Ligon and I am President of the Riverlake Colony  
789 Homeowners Association and, as Andy Condlin mentioned, there is a letter on file from our  
790 subdivision. We feel like Wendy's would be a favorable – this would be a favorable location for  
791 them, that they would be a good tenant for the area. Our only concern, and this is where I am a  
792 little against it, is the 1:00 p.m. closing, so we would ask you to consider that, but I would like to  
793 just make the comment in favor of the Wendy's. Thank you.

794

795 Mrs. Ware - Thank you, Mr. Ligon. Do we hear from anyone else? OK. Well, I guess  
796 it is time for me to make a motion. Wendy's, itself, is a desirable business, and I personally like  
797 the Mandarin Chicken Salads, and staff has worked very hard over the past month to  
798 accommodate them at this location. The staff report states that the dimensions of Wendy's may  
799 hinder appropriate access and site design, and I believe this is what has occurred. The use  
800 proposed over intensifies this particular site. Even though the building has been reduced from a  
801 drive-through with a 60 seat eating area to a drive-through only facility with a walk-up window,  
802 there are too many challenges on the site to support this case. Because the drive through is  
803 required, the site would have to be graded out to meet Patterson. The grading would require a  
804 retaining wall that would reach heights of 8-feet without space for landscaping to soften its  
805 impact. The impact of the wall would be further accentuated by the adjacent buildings that  
806 would be on a higher grade than the proposed Wendy's. On a half-acre site, the effect would be  
807 very overwhelming. There are also safety concerns associated with the wall height and concerns  
808 as to the impact the grading and the wall will have on the adjacent buildings. The traffic  
809 circulation on the small site, especially coupled with the pedestrian traffic, presents a hazard.  
810 The size of the site has made it difficult to allow for the safe and efficient flow of traffic with  
811 conflicting circulation patterns and tight turn movements. The site is currently zoned for office  
812 use. An office building at this location would not pose the same traffic circulation challenges as  
813 the drive-through restaurant would. Office use requires less parking, does not require access to  
814 Patterson Avenue and allows more design options on the property. There are many office  
815 buildings in the County on less than an acre of land, and I feel that the site is better suited for  
816 office use. The Land Use Plan also recommends this site be used for office. Therefore, I move  
817 that Case C-10C-03, Wendy's International, be sent to the Board of Supervisors with a  
818 recommendation of denial.

819

820 Mr. Vanarsdall - Second.

821

822 Mrs. Ware - Motion made by Mrs. Ware and second by Mr. Vanarsdall. All in favor say  
823 aye. All opposed say no. The motion passes. Mr. Glover abstained.

824

825 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning  
826 Commission voted 4-0 (one abstention and one absence) to recommend that the Board of  
827 Supervisors **deny** the request because the site is limited in size and does not allow for safe and  
828 adequate circulation for vehicles and pedestrians, adequate area for a quality building design,  
829 and adequate space for appropriate landscaping; and because the request does not comply with  
830 the adopted Land Use Plan which recommends office uses.

831

832 Mrs. Ware - And the companion Provisional Use Permit, and before I put this through  
833 I just want to say that I do not support extended hours in this particular area, and with that I  
834 move that P-4-03 be sent to the Board of Supervisors with the recommendation of denial.

835

836 Mr. Taylor - Second.

837

838 Mrs. Ware - Motion made by Mrs. Ware and seconded by Mr. Taylor. All in favor say  
839 aye. All opposed say no. The motion passes.

840

841 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Taylor, the Planning Commission  
842 voted 4-0 (one abstention and one absence) to recommend that the Board of Supervisors **deny**  
843 the request because no similar business in the Patterson Avenue corridor operates during  
844 extended hours and permitting this to happen on this site would likely encourage other  
845 businesses in the corridor to request the same.

846



847 Mr. Silber - This is a recommendation to the Board of Supervisors. The Board of  
848 Supervisors will be hearing this case at their meeting on May 13 at 7:00 p.m. in this same room.

849

850 **C-13C-03 George Duke for 10070 W. B. Associates, LLC:** Request to conditionally  
851 rezone from B-2C Business District (Conditional) to B-3C Business District (Conditional), part of  
852 Parcel 752-760-2509, containing 0.467 acre, located on the north line of W. Broad Street (U. S.  
853 Route 250) approximately 600 feet west of Gaskins Road. An automobile leasing company is  
854 proposed. The use will be controlled by zoning ordinance regulations and proffered conditions.  
855 The Land Use Plan recommends Environmental Protection Area.

856

857 Mr. Vanarsdall - Will we have to waive the time limits on it?

858

859 Mrs. Ware - Is there any opposition to this case? OK, then we will hear from Mr.  
860 Coleman.

861

862 Mr. Coleman - Thank you. A blackline copy of the revised proffers have been  
863 distributed to you which would require waiving the time limits.

864

865 The subject property is also known as Phase 3 of the Deep Run Shopping Center. Phases 1 and 2  
866 are the Studio Plus extended stay hotel and Haverty's furniture store. All of these properties are  
867 zoned B-2C were rezoned in 1994. A POD for the subject property was approved in January 1999.  
868 The building is currently vacant with the proposed business apparently becoming the first tenant.

869

870 This application was filed to enable Enterprise Rent-A-Car to relocate an existing automobile  
871 leasing business from Universal Ford to this site. In the staff report, Planning staff expressed  
872 concern about introducing a B-3 zoning district and an automobile leasing business at this  
873 location.

874

875 In response, the applicant has amended the application to include several proffers, which  
876 strengthen the application and should make the proposed business more suitable at this location.  
877 The proffers include:

878

879 \* The automobile leasing business will be the only B-3 use permitted.

880 \* No additional businesses can be operated on the subject property while the automobile  
881 leasing business is located at the site.

882 \* The number of vehicles available for leasing and parked at this location will be limited to 9 -  
883 which corresponds to the number of available parking spaces over the required  
884 minimum.

885 \* The applicant will provide supplemental landscaping corresponding to Transitional Buffer 35  
886 along the northernmost parking area to buffer automobile detailing activities occurring  
887 outside.

888 \* No chain link or other security fencing will be installed.

889

890 With that, I would be happy to answer any questions.

891

892 Mrs. Ware - Any questions for Mr. Coleman?

893

894 Mr. Archer - Mr. Coleman, have the new proffers done anything to alleviate your  
895 concerns in which you originally recommended denial?

896

897 Mr. Coleman - Through our meetings with them, many of these proffers have specifically  
898 addressed concerns that staff has raised concerning the site.

899

900 Mr. Silber - Mr. Coleman, they will have no more than nine vehicles that will be used  
901 as a part of the rental leasing business?  
902  
903 Mr. Coleman - Correct.  
904  
905 Mr. Silber - And the remaining parking spaces meet their minimum parking  
906 requirements?  
907  
908 Mr. Coleman - Correct. They have 21 spaces provided. The requirement at that location  
909 is 12, so there are nine additional spaces.  
910  
911 Mr. Vanarsdall - Where do I see that?  
912  
913 Mr. Silber - This would be on the new proffer No. 11.  
914  
915 Mr. Vanarsdall - Yeah, OK.  
916  
917 Mr. Glover - Is this the same Enterprise that is front of Outback Steak House?  
918  
919 Mr. Coleman - They do have at least four locations along Broad Street. I guess I would  
920 have to defer to them on the specific locations of them.  
921  
922 Mr. Glover - Could you? I'd like to know.  
923  
924 Ms. Moore - Yes.  
925  
926 Mrs. Ware - Are there any more questions for Mr. Coleman? OK. Thank you. I'd like  
927 to hear from the applicant, please.  
928  
929 Mr. Jim Theobald - Madam Chairman and members of the Planning Commission, my name is  
930 Jim Theobald and I am here this evening on behalf of 10070 W. B. Associates, LLC, George Duke  
931 being the principal of that organization, and also Enterprise Rent-A-Car. This is a request to  
932 rezone less than an acre for exclusive use by Enterprise Rent-A-Car. As you know, this site was  
933 originally zoned to accommodate a Sears Home Life as well as a Studio Plus Facility. In working  
934 over the years with Public Works on various drainage issues, and you can see the very large  
935 amount of drainage at the bottom of this drawing, this huge swale. We were able to construct a  
936 very small building on .467 acres of land. This building has recently been constructed. It has not  
937 been occupied, largely because of its lack of visibility from Broad Street. It is some 300 feet back  
938 again in its size. Enterprise currently services its Innsbrook client base from space in Universal  
939 Ford but they are losing that space within a month, and have a need, a desperate need to  
940 relocate. They have looked in the area and simply can't find a replacement site. They are a  
941 much needed accessory use to the businesses in the Innsbrook community. Over 50% of their  
942 business is with corporate accounts, another 30% is with insurance related business, and another  
943 10% in terms of work with dealerships; that also have a location at Dominion Chevrolet out at  
944 Gayton and Broad, and essentially the corporate account business results in them delivering cars  
945 to a user, generally at Innsbrook, someone who may need a car for company use, who the  
946 company does not supply cars, and they don't wish to use their own cars. Often in the  
947 dealership work or the insurance related work, they might take a car again to a dealership or pick  
948 that customer up and bring him back. Obviously, nobody is driving a car into the rental car  
949 business to then rent an additional car. The proffers in this case are designed to mitigate any  
950 impact. We have basically pulled the proffers forward from the large case and added additional  
951 restrictions to sort of update some of these and added some others suggested by staff. I do  
952 need to make one change in the proffer relating to the fencing, in that there is a chain link fence

953 behind the building, currently on top of the flood wall that was required by the County, so I need  
954 to carve that, and not only the existing wrought iron fence but the existing security fence, but we  
955 agreed not to place any other fences on that site, which was I think a concern again of the  
956 County. We have limited the number of cars on this site. I submit to you that the use is very  
957 benign, has much less of an impact than many of the other already permitted B-2 uses. We have  
958 a letter of support that has been handed out to you from the Studio Plus folks in the back. They  
959 are corporate clients of Enterprise. They are aware of what is being planned for this area, and  
960 we are happy to evidence their support. We have had some discussions about the need to do  
961 any repairs or maintenance on site. We have proffered that. Any ability to do any maintenance  
962 or repairs, we do have to wash a car and we hand vacuum it with basically a hand vac back  
963 there, and we have agreed that that would only occur at the backside of the building, which  
964 would be closest to Studio Plus, which basically is against that large swale and drainage area. It  
965 is not visible from the Haverty's – the front of Haverty's nor from the front of Bed, Bath and  
966 Beyond, and is some 300 feet distance from Studio Plus. In order to mitigate that, we have  
967 agreed to provide additional buffering and landscaping along that northern property line. We  
968 have agreed to adhere to the standards of Transitional Buffer 35, which is, as you know, five  
969 large deciduous or evergreen trees with an ultimate height of 50 feet or greater, which then will  
970 help the Studio Plus folks, plus 2-1/2 small deciduous or evergreen trees with an ultimate height  
971 of 20 feet, and 19 shrubs with an ultimate height of 10 feet, and that is all for every 100 linear  
972 feet of space, and we think that that would more than adequately shield that occasional car  
973 wash. Not every car that comes back needs to be washed, particularly on a corporate account,  
974 but I do need to alert you that we do have to have a bucket and a hose and a hand vac back in  
975 there, but all maintenance is done by Firestone or Goodyear. They do no maintenance work  
976 themselves whatsoever and they don't "detail" cars, I think was the term used. It is just the  
977 same way you and I might wash our cars in the driveway. I believe this use is appropriate for  
978 the area. Broad Street is the County's commercial corridor. It is across from Deep Run, which is  
979 zoned M-1, and it is catty-cornered from the Good Year facility at Gaskins and Parham, and again  
980 functions like any other B-2 use. It is a building that exists. It is brick. It is glass. There are  
981 going to be people in it. There are going to be cars outside of it. The only difference is that  
982 some of those cars will be a little newer than the cars parked over at Haverty's. Enterprise is an  
983 existing business in Henrico County, a very strong supporter of many charitable civic causes in  
984 the County, and letters to that effect were provided to Mr. Taylor today. Mr. Duke, the owner of  
985 the site, has a number of commercial properties in Henrico. He has an empty building and a very  
986 willing tenant who needs to relocate. I submit this has no impact on County services, but will  
987 merely increase the amount of tax revenue produced. We do have folks from Enterprise Rent-A-  
988 Car here this evening and we all will be happy to answer any questions that you might have.

989  
990 Mrs. Ware - If you need to speak, ma'am, you need to come down to the podium.

991  
992 Mr. Vanarsdall - We haven't finished with Mr. Theobald yet. Mr. Theobald, I have a  
993 couple of questions. I think I forgot the first one, so the second one was it seems that, you say  
994 you will landscape back there. So does that mean I wouldn't be able to see you wash your cars?

995  
996 Mr. Theobald - If you were in Studio Plus, which is a 3-story building, obviously if you  
997 are on the third floor of that building, you are going to be a football field away from this parking  
998 spot and with the Transitional Buffer 35 with ultimately 50-foot canopy trees, there is already  
999 some landscaping there, not to that standard, but likely that will significantly mitigate the visual  
1000 impact.

1001  
1002 Mr. Vanarsdall - And that is your purpose...

1003  
1004 Mr. Theobald - For the landscaping to mitigate the visual impact.

1005

1006 Mr. Vanarsdall - Are you going to make it pretty thick and so forth?  
1007  
1008 Mr. Theobald - I will be happy to do whatever it takes over there with landscaping. The  
1009 proffer actually says that at your request we could provide a tent. That was a suggestion at one  
1010 point along the way, that was less than a permanent structure. That has since seemed to have  
1011 fallen out of favor, but it was something that was offered as an earlier suggestion like was done  
1012 at one point out at Aero Park by the Airport when they were drying off cars, but you are correct,  
1013 Mr. Vanarsdall.  
1014  
1015 Mr. Vanarsdall - I know what the other question was. Who would police nine cars? How  
1016 would we know it wouldn't be over nine cars there?  
1017  
1018 Mr. Theobald - Well, like every other proffer I guess if you want to go count, you know,  
1019 you can count. It is what we needed to do to make sure that we provided the amount of  
1020 required space, which is 12 on this site. We have 21 provided, nine cars, keep in mind they only  
1021 make money in the rental car business when cars are off the lot, not on a lot. And at any one  
1022 time their average is 90% of their inventory is off the lot, so we think that nine cars, and we've  
1023 had a lot of talks about this as the numbers came down as to whether we could live with that  
1024 because I think you all will go out and check and you ought to.  
1025  
1026 Mr. Vanarsdall - OK. I don't have any more questions, Madam Chairman.  
1027  
1028 Mrs. Ware - Does anyone else have any more questions for Mr. Theobald?  
1029  
1030 Mr. Silber - I have a question. Is this a ground lease or do they own this property?  
1031  
1032 Mr. Theobald - It is a lease. It is a space lease.  
1033  
1034 Mr. Silber - A space lease.  
1035  
1036 Mr. Theobald - They lease the building and the entire site.  
1037  
1038 Mr. Silber - The entire site.  
1039  
1040 Mr. Theobald - A ground lease would indicate that they would own the building and the  
1041 current owner would actually own the building. It is not a ground lease. It is a full lease of the  
1042 building and the entire site.  
1043  
1044 Mr. Silber - So the site that you intend to landscape is part of the leased site?  
1045  
1046 Mr. Theobald - Yes, it is part of the leased site. Yes, sir.  
1047  
1048 Mr. Silber - It is part of the leased site?  
1049  
1050 Mr. Theobald - Yes, sir. It is part of the approved POD for that building, for that Phase  
1051 3.  
1052  
1053 Mr. Silber - So it is still within the area that you are rezoning and to be captured with  
1054 this property?  
1055  
1056 Mr. Theobald - Correct.  
1057  
1058 Mr. Silber - Do you know how they intend to sign the property?

1059  
1060 Mr. Theobald - We are not entitled to a freestanding sign. This is considered a shopping  
1061 center by the County, and so we will have a building mounting sign facing Broad Street. It will  
1062 be 300 feet back and it will be, I presume, internally lit, illuminated sign. And our signs, as you  
1063 see, are fairly narrow and they say "Enterprise Rent-A-Car" and that is it.  
1064  
1065 Mr. Silber - So the only signage would be the attached signage.  
1066  
1067 Mr. Theobald - You are correct. That is all they are entitled to as a matter of law.  
1068  
1069 Mr. Silber - You indicated something I didn't quite catch on the fencing that you are  
1070 going to have to exclude chain link fencing.  
1071  
1072 Mr. Theobald - Yes, the proffer that was submitted, I think, that said we would have no  
1073 chain link or security fencing, I think it said "Other than existing wrought iron fencing."  
1074  
1075 Mr. Silber - So you would add in there, "chain link and wrought iron?"  
1076  
1077 Mr. Theobald - It would be existing chain link. That was a safety requirement by the  
1078 County, and you can't imagine the width and depth of this swale, the marshy area next door, and  
1079 so there was a need. The site was built up and there is safety fencing behind the building, so we  
1080 wanted to make sure that we weren't inadvertently excluding that. I am happy to change that  
1081 and initial that.  
1082  
1083 Mr. Archer - Mr. Theobald, you may not know this, but are there other Enterprise  
1084 sites in which the number of vehicles are restricted that you are aware of?  
1085  
1086 Mr. Theobald - I don't know that answer.  
1087  
1088 Mr. Archer - I wasn't sure if you did. Somebody else might.  
1089  
1090 Mr. Theobald - Yes, I was at a site today meeting with Ms. Moore and Mr. Callahan at  
1091 their Broad near Staples Mill and there were, I think, 12 cars on the site when I got there this  
1092 morning at 8:15. What they do is, again, their offices work together in terms of shuttling cars  
1093 around to meet needs. The nice thing about the corporate business that they do in this location  
1094 because of their proximity to Innsbrook, those cars tend to go out for a week or two as opposed  
1095 to a day or two, and so if we need to pull a car from Dominion Chevrolet or we need to pull one  
1096 from Staples and Broad, then that is what they do all day long. They are in 21 locations in the  
1097 metropolitan area. They are not trying to have a huge block in any one place, but really diffused  
1098 locations and you know, when you rent a car or I rent a car downtown, when I need to go  
1099 somewhere where I need a four-wheel drive for the weekend, I use the Enterprise downtown  
1100 because I can walk there and don't have to drive my car.  
1101  
1102 Mrs. Ware - Any other questions?  
1103  
1104 Mr. Taylor - I might have a few I would like to ask because we have looked at this  
1105 fairly carefully and it is an introduction of B-3 zoning into an area that is B-2, so I really think we  
1106 needed to consider that issue. I think we need to consider the position of the staff and the staff  
1107 at this particular point in time is not recommending approval of the location, so there is an  
1108 obvious mismatch here between what we would hope and what we have, and so I'd like to ask  
1109 just a few questions relative to that. Mr. Theobald, what percentage of the users are local now?  
1110 Do you know that figure?  
1111

1112 Mr. Theobald - The percentage of the users are nearly all local. I shouldn't say that. I  
1113 mean, someone who might come in...  
1114  
1115 Mr. Taylor - The Studio Plus is right near there. How many cars, first off how many  
1116 cars total are going to be at the agency, either out on loan or in the lot?  
1117  
1118 Mr. Theobald - We can't have more than nine there at any one time.  
1119  
1120 Mr. Taylor - How many does that – but with nine at any one time, you could have a  
1121 large number that were around the corner, so to speak.  
1122  
1123 Mr. Theobald - Well, you can't. Legally, no. You can't. I can't park fleet cars over on  
1124 the B-2.  
1125  
1126 Mr. Taylor - There is no parking but can you lease them and have them out on lease?  
1127  
1128 Mr. Theobald - Yes, I could rent cars. I could rent 100 cars and have nine on the lot.  
1129 Now, if they come back I can't park them. They are going to have to go to other dealers.  
1130  
1131 Mr. Taylor - I recognize that, but you have other locations in and around the  
1132 Tidewater area that...  
1133  
1134 Mr. Theobald - In and around the Richmond area.  
1135  
1136 Mr. Taylor - If you are limited, you could park them there.  
1137  
1138 Mr. Theobald - Yes, but again, remember, that 90% of the entire inventory is out for  
1139 rent on average at any one time. That is 90%. If they own 1,000 cars, 900 of them at any one  
1140 time are being rented and driven, not sitting on the lot. You don't make any money with a car  
1141 sitting on the lot.  
1142  
1143 Mr. Taylor - Right, so on the lot you really think...  
1144  
1145 Mr. Theobald - I can only have nine cars on the lot, period. That is all I can have.  
1146  
1147 Mr. Taylor - And what would you do with the extras? Just send them to another lot?  
1148  
1149 Mr. Theobald - They would go to the Dominion Chevrolet facility or one of the other 21.  
1150 There are six sites in Henrico, a number in the City, and again 21 all together.  
1151  
1152 Mr. Taylor - Do we have any idea of the current usage rate at Universal where we  
1153 have a similar operation? How many cars are floaters in there? Do we know?  
1154  
1155 Mr. Theobald - They have 10 cars at Universal at any one time, while they may have  
1156 100 out for rental, and they may only have 10 cars at one time. We have a clarification. The  
1157 rental car facility, Mr. Glover, in front of the Outback is Triangle Rent-A-Car. They have one near  
1158 there. That is not their facility.  
1159  
1160 Mr. Glover - OK. I didn't have any problem with them. I just wondered if that was  
1161 the same one.  
1162  
1163 Mr. Theobald - I hope that wasn't your favorite.  
1164

1165 Mr. Glover - I never rented one from either one of them. I drive my own. Want to  
1166 rent mine?  
1167

1168 Mr. Taylor - So, my question was how many are floating at any one given time and  
1169 the average and how many are home in the nest at any one given time?  
1170

1171 Mr. Theobald - At Universal Ford, ten cars in the nest, 90 floating consistent with their  
1172 90% of their inventory being out for rent.  
1173

1174 Mr. Taylor - Right. Now what happens if the 90 suddenly decide they want to come  
1175 home at night?  
1176

1177 Mr. Theobald - Well, they don't. I mean there is 90% out, not just on Monday, but on  
1178 average there is 90% out and I am sure that is close, but if that is the average some days it is  
1179 higher and some days it is lower, but we have to move them to another location.  
1180

1181 Mr. Taylor - And you can instantly relocate them?  
1182

1183 Mr. Theobald - That is all people do all day long in this business is drive cars around.  
1184

1185 Mr. Taylor - I am sorry, sir. I did not hear that.  
1186

1187 Mr. Theobald - He was offering to help answer the question if you would like more  
1188 information about that.  
1189

1190 Mrs. Ware - Mr. Theobald, can you tell me how long the particular office that you are  
1191 planning on using has been vacant?  
1192

1193 Mr. Theobald - It is a fairly new building. Just a month or so.  
1194

1195 Mrs. Ware - OK.  
1196

1197 Mr. Taylor - The building is a new location and it does fit this particular use, and I  
1198 frankly think, even though it is B-3 use in a B-2 zone, there is some capabilities to handle this.  
1199 But I am disturbed that the staff doesn't recommend approval at this point in time and there are  
1200 a few issues that I know we were hurrying in trying to produce here in the last few days in terms  
1201 of late proffers. I would suggest that this use is a B-3 use because the ordinance says that it is a  
1202 B-3 use, because it is coupled with car sales and car repairs. Car rental, in and of itself, on one  
1203 scale may not be appropriate at this location, but, you know, Broad Street is your commercial  
1204 artery and if you can't do .4 of an acre of a B-3 here, I am just not sure where you can do it. I  
1205 mean what you are going to have here is the brick and glass building with people working inside,  
1206 just like people do that sell baskets, and there are going to be cars parked outside just like  
1207 people shopping out of my baskets. In terms of the impact, usually what we look at is B-3  
1208 versus B-2 is that relative to impact. Are you intensifying a use that is inappropriate in that area,  
1209 and in this case, you are in an island in the middle of the swale. You are literally beside the  
1210 concrete wall of Haverty's on one side and Bed, Bath and Beyond on the other, a football field  
1211 away from Broad Street and a football field away from Studio Plus. It is a very benign innocuous  
1212 use and you will be accommodating an existing business in Henrico County that very badly needs  
1213 to relocate and very quickly. We have worked very hard on these proffers to mitigate the impact  
1214 in the staff report and I think that fundamentally we have succeeded.  
1215

1216 Mr. Silber - I think maybe from the Commission's information, when this was  
1217 originally filed, staff did have some significant concerns for this request. We were concerned

1218 about the impact it might have on the hotel. We were concerned about the ability for the small  
1219 site to be able to support parking of vehicles that may be at this location. We had a number of  
1220 concerns. At this point in time, most of our concerns have been addressed through the proffered  
1221 conditions. I think there are still a few things that we would like to work with the applicant on. I  
1222 certainly think one of those that comes to mind is perhaps hours of operation, for which they can  
1223 work on, clean and vacuum vehicles outside. I think that probably shouldn't be left unlimited. I  
1224 think there are a few things we might want to continue to work on, but I think generally  
1225 speaking that staff's position has improved on this case and I just wanted to make sure that the  
1226 Commission understood that there was a change in where we stood in comparison to the original  
1227 staff report that came out.  
1228  
1229 Mr. Theobald - And we can certainly work on those hours between now and the Board.  
1230 For your information, they are only open from 8:00 a.m. until 6:00 p.m. Monday through Friday,  
1231 and they are open just part of the day on Saturday, so for the folks from Studio Plus, you can  
1232 come back to roost for the night. They are closed.  
1233  
1234 Mr. Vanarsdall - And another plus, Mr. Taylor, is that it is not, as Mr. Theobald said, .4 of  
1235 an acre, so we can't worry about an automobile dealership the size of Dominion Chevrolet ever  
1236 being there. And they've got to come back to this body and through the Board and amend the  
1237 proffer. He didn't hear anything I said, but anyway...  
1238  
1239 Mr. Silber - It was a good comment, Mr. Vanarsdall. Thank you for that.  
1240  
1241 Mrs. Ware - Are there any more questions?  
1242  
1243 Mr. Vanarsdall - Mr. Taylor, did you hear what I said?  
1244  
1245 Mr. Taylor - Not completely, sir.  
1246  
1247 Mr. Vanarsdall - It is only .4 of an acre. You can't come back for a proffer amendment  
1248 and put a dealership on it as big as Dominion Chevrolet. So, that is one plus.  
1249  
1250 Mr. Taylor - Well, I think there are a lot of plusses and I think that Mr. Theobald has  
1251 worked very hard with the staff, and I think that the staff has had the opportunity to look at it  
1252 and as Mr. Silber says, I think we need a little bit more work with regard to the aspects of the  
1253 hotel and site and the hours of operation. I actually believe that those couple of things, after  
1254 talking with Mr. Glover, can be resolved according to him between now and the time that the  
1255 Board of Supervisors meet. I just questioned if there was enough time, and I think that there is,  
1256 so I really think we are close enough to having this resolved and going to the Board and I will  
1257 recommend approval of Case C-13C-03. Pardon?  
1258  
1259 Mr. Theobald - We need to waive the time limits on the proffers.  
1260  
1261 Mr. Taylor - Thank you. Having cleared where I am going, I will first move that we  
1262 waive the time limits for the proffers.  
1263  
1264 Mr. Vanarsdall - Second.  
1265  
1266 Mrs. Ware - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All in favor say  
1267 aye. All opposed say no. The motion passes.  
1268  
1269 The Planning Commission voted to waive the time limits on Case C-13C-03, George Duke for  
1270 10070 W.B. Associates, LLC.



1271  
1272 Mr. Taylor - And next with the issues that Mr. Silber has made us aware of, and the  
1273 time between now and the Board, giving us the opportunity to work actively, and we have been  
1274 working actively in this last few days, and I frankly thought we were a little closer to congruence,  
1275 but I think we can get there. So, with that, I will move approval of Case C-13C-03 for passage  
1276 up to the Board of Supervisors.  
1277  
1278 Mr. Vanarsdall - Second.  
1279  
1280 Mrs. Ware - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in favor  
1281 say aye. All opposed say no. The motion passes.  
1282  
1283 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning  
1284 Commission voted 4-0 (one abstention and one absence) to recommend that the Board of  
1285 Supervisors grant the request because the proffered conditions will provide appropriate quality  
1286 assurances not otherwise available and it would not adversely affect the adjoining area if  
1287 properly developed as proposed.  
1288  
1289 Mr. Silber - That takes care of the zoning requests, I believe, on the agenda. The  
1290 next item would be approval of the minutes, the Planning Commission minutes from the March  
1291 13, 2003 meeting.  
1292  
1293 Mr. Vanarsdall - I recommend approval as written.  
1294  
1295 Mrs. Ware - Are there any changes? I'm fine. Motion made by Mr. Vanarsdall and  
1296 seconded by Mrs. Ware. All in favor say aye. All opposed say no. The motion is passed. The  
1297 minutes are approved.  
1298  
1299 Mr. Silber - I do have two quick announcements if you allow me. One is, you may  
1300 recall that we had a staff person in our office by the name of Susan Blackburn. Susan Blackburn,  
1301 several months ago left and went to the Permit Center, still with Henrico County but with the  
1302 Permit Center. Some of you may not have even known Susan Blackburn. She worked under Ben  
1303 Blankenship in our Code Administration Section. But we have filled Susan Blackburn's position  
1304 with someone who is here this evening and his name is Lee Tyson. Lee, if you would stand for a  
1305 minute. Mr. Tyson has been with us, I think, since maybe mid-March, about a month or so. So I  
1306 just wanted to introduce you. He is here really to observe tonight and watch the Planning  
1307 Commission action. Lee, I am sorry we had so many deferrals tonight.  
1308  
1309 Mr. Glover - Could you tell me, are you any relation to the Tysons of Tyson's Corner?  
1310  
1311 Mr. Tyson - I wouldn't be here if I was.  
1312  
1313 Mr. Vanarsdall - Where did you come from?  
1314  
1315 Mr. Tyson - I am originally from Fredericksburg, but before I came here I worked for  
1316 the State for three years and before that I worked for Mr. Emerson in New Kent.  
1317  
1318 Mr. Vanarsdall - Well, you must be all right then, Lee. Glad to have you.  
1319  
1320 Mr. Taylor - Welcome and best wishes for every success.  
1321  
1322 Mr. Archer - See, I heard you found out you are related to those Tysons. Are you  
1323 going to stay or what?

1324  
1325 Mr. Taylor - We need every good planner we can get, too.  
1326  
1327 Mr. Glover - Way to go there, Chris.  
1328  
1329 Mr. Silber - The second comment I was going to make is I believe most of you have  
1330 received this. Mrs. Ware said she had not received her, but the Virginia American Planning  
1331 Association is holding their annual conference this year in Richmond, Virginia on April 23 through  
1332 the 25. I presume that the others have received the agenda. According to Melba Mitchell, I am  
1333 not aware that anyone has signed up yet, but that is fine. You don't have to sign up, but if  
1334 anyone is interested in attending this conference, Melba does need the reservation form back as  
1335 soon as possible. I do have two additional copies if you didn't receive this. Did the Commission  
1336 members receive this?  
1337  
1338 Mr. Archer - I may have, but I don't remember seeing it either.  
1339  
1340 Mr. Taylor - Maybe we didn't get that. I don't remember seeing it.  
1341  
1342 Mr. Silber - Do you get other things from VAPA?  
1343  
1344 Mr. Archer - Yes, we usually do?  
1345  
1346 Mr. Vanarsdall - Where is it?  
1347  
1348 Mr. Silber - In Richmond, VA.  
1349  
1350 Mr. Vanarsdall - I know it is Richmond.  
1351  
1352 Mr. Silber - Let's see. It is going to be the Richmond Omni Hotel.  
1353  
1354 Mr. Taylor - Very frankly, Mr. Silber, with the trip to Denver and our busy agenda, we  
1355 really haven't had too much opportunity to look at that.  
1356  
1357 Mr. Silber - I do have two more copies. Would you like one?  
1358  
1359 Mr. Archer - I think I have it. Since you said Omni, I believe I did see it.  
1360  
1361 Mr. Vanarsdall - Are you still talking, Mr. Silber?  
1362  
1363 Mr. Silber - No. I am finished.  
1364  
1365 Mrs. Ware - May I have a motion to adjourn the meeting?  
1366  
1367 Mr. Archer - I so move, Madam Chairman.  
1368  
1369 Mr. Vanarsdall - I second it.  
1370  
1371 Mrs. Ware - We have motion by Mr. Archer and a second by Mr. Vanarsdall. The  
1372 meeting is adjourned.  
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E. Ray Jernigan, C.P.C., Chairman

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John R. Marlles, AICP, Secretary