

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 15, 2004, Display Notice having been published in the Richmond
4 Times-Dispatch on March 25, 2004 and April 1, 2004.

5
6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson, Tuckahoe
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, Brookland
8 Mr. C. W. Archer, C.P.C., Fairfield
9 Mr. John Marshall, Three Chopt
10 M. E. Ray Jernigan, C.P.C., Varina
11 Mr. Randall R. Silber, Assistant Director of Planning, Secretary
12 Mr. James B. Donati, Jr., Board of Supervisors, Varina
13

14 Others Present: Mr. Ralph J. Emerson, Principal Planner
15 Mr. Mark Bittner, County Planner
16 Mr. Thomas Coleman, County Planner
17 Mr. Seth Humphreys, County Planner
18 Ms. Samantha Brown, County Planner
19 Ms. Debra Ripley, Recording Secretary
20

21 Mrs. Ware - Good evening and welcome to the rezoning meeting for April 15 and since
22 there is no one here to recognize from the press, I am going to turn the meeting over to the
23 Secretary, Mr. Silber.
24

25 Mr. Silber - Thank you, Madam Chairperson. We do a quorum tonight. All members
26 of the Planning Commission are present, so we can conduct business. We do have a number of
27 deferrals and I know that we have at least one withdrawal. Mr. Emerson, if you can walk us
28 through those.
29

30 Mr. Emerson - Yes, sir, Mr. Secretary. The first item is on Page 3 of your Agenda. It is a
31 withdrawal. It was withdrawn by the applicant. That requires no action by the Commission.
32

33 **TUCKAHOE:**

34 **Deferred from the December 11, 2003 Meeting:**

35 **C-32C-03 William R. Cawthorn for Amir Zinat:** Request to conditionally rezone from
36 RTHC Residential Townhouse District (Conditional) to R-5C General Residence District (Conditional),
37 Parcel 749-755-3834, containing approximately 3.33 acres, located on the south line of Three
38 Chopt Road approximately 575 feet east of Cedarfield Parkway. A child care center or multi-family
39 residences are proposed. The use will be controlled by proffered conditions and zoning ordinance
40 regulations. The R-5 District allows a density up to 14.52 units per acre. The Land Use Plan
41 recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Environmental Protection
42 Area.
43

44 **Deferred from the December 11, 2003 Meeting:**

45 **C-52C-03 Mr. And Mrs. Hung Yim:** Request to conditionally rezone from A-1 Agricultural
46 District to B-3C Business District (Conditional), Parcel 735-763-5299, containing 1.922 acres,
47 located on the north line of West Broad Street (U. S. Route 250) approximately 1,450 feet east of
48 N. Gayton Road. A restaurant is proposed. The use will be controlled by proffered conditions and
49 zoning ordinance regulations. The Land Use Plan recommends Mixed Use. The site is also in the
50 West Broad Street Overlay District.
51

52 Mr. Emerson - The deferral is requested to the June 10, 2004 meeting.
53

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

55

56 Mr. Marshall - Madam Chairman, I move that Case C-52C-03 be deferred to the June 10,
57 2004 meeting at the request of the applicant.

58

59 Mr. Jernigan - Second.

60

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

63

64 At the request of the applicant, the Planning Commission deferred Case C-52C-03, Mr. And Mrs.
65 Hung Yim, to its meeting on June 10, 2004.

66

67 **P-2-04 Ale House of Innsbrook, Inc.:** Request for a Provisional Use Permit under Sections 24-
68 58.2(a), 24-58.2(e), 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code in order to place
69 four (4) video games and one pool table for use in the restaurant, along with extended operating
70 hours for restaurant use and billiard parlor, on part of Parcel 747-760-9391, containing 9,700
71 square feet (billiard parlor 900 square feet), located on the north line of W. Broad Street (U. S.
72 Route 250) between Dominion Boulevard and Cox Road (The Innsbrook Shoppes). The existing
73 zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial
74 Concentration.

75

76 Mr. Emerson - The deferral is requested to your May 13, 2004 meeting.

77

78 Mrs. Ware - Is there any opposition to the deferral of this case? No opposition. Mr.
79 Marshall.

80

81 Mr. Marshall - Madam Chairman, I move that Case P-2-04 be deferred to the May 13,
82 2004 meeting at the request of the applicant.

83

84 Mr. Vanarsdall - Second.

85

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

88

89 At the request of the applicant, the Planning Commission deferred Case P-2-04, Ale House of
90 Innsbrook, Inc. to its meeting on May 13, 2004.

91

92 **C-15-04 Joseph P. Marchetti, Jr.:** Request to rezone from A-1 Agricultural
93 District to O-1 Office District, Parcel 746-757-7922, containing 0.556 acre, located on the east line
94 of Church Road approximately 140 feet north of Woodbaron Way. The applicant proposes a
95 general office, medical or dental use. The use will be controlled by zoning ordinance regulations.
96 The Land Use Plan recommends Office.

97

98 Mr. Emerson - The deferral is requested to the July 15, 2004 meeting.

99

100 Mrs. Ware - Is there any opposition to the deferral of this case? No opposition. Mr.
101 Marshall.

102

103 Mr. Marshall - Madam Chairman, I move that Case C-15-04 be deferred to the July 15,
104 2004 meeting at the request of the applicant.

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106 Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-15-04, Joseph P. Marchetti, Jr. to its meeting on July 15, 2004.

C-16C-04 Garth Brandaw for Colson & Colson Construction Co.: Request to conditionally rezone from A-1 Agricultural District and R-6C General Residence District (Conditional) to R-6C General Residence District (Conditional), Parcels 749-755-4576, 749-755-9136 and 749-755-8188, containing approximately 10.80 acres, located on the north line of Three Chopt Road and the southwest corner of the I-64/Gaskins Road Interchange, approximately 500 feet west of Gaskins Road. The applicant proposes a 118-suite unit retirement residence for seniors with associated uses. The R-6 District allows a density up to 19.80 units per acre. The Land Use Plan recommends Office and Environmental Protection Area.

Mr. Emerson - The deferral is requested to the July 16, 2004 meeting.

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

Mr. Marshall - Madam Chairman, I move that Case C-16C-04, Garth Brandaw for Colson & Colson Construction Co. be deferred to the July 15, 2004 meeting at the request of the applicant.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-16C-04, Garth Brandaw for Colson & Colson Construction Company to its meeting on July 15, 2004.

Mr. Emerson - Madam Chairman, that completes the withdrawals and deferrals that we had requested tonight, unless the Commission tonight has other items they wish to add.

Mr. Marshall - Madam Chairman, I have two cases that I am going to defer. Page 1.

Deferred from the March 11, 2004 Meeting:

C-9C-04 Gloria Freye for Webb L. Tyler and G. Edmond Massie, IV: Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional) and C-1 Conservation District, Parcels 744-764-5770, 744-764-5157, 744-764-4443, 744-764-3831, 744-764-3317, 744-764-2703, 744-763-2190, 744-763-1576, part of Parcels 744-763-0961 and 744-763-0148 (McDonalds Small Farms subdivision), and Parcel 743-763-3572, containing 30.31 acres (R-3C= 28.83 ac.; C-1= 1.48 ac.), located along the west line of Belfast Road beginning at a point approximately 167 feet south of its intersection with Dublin Road and on the east line of I-295 approximately 375 feet north of I-64. The applicant proffers no more than 2.2 single family residential dwelling units (approximately 67 single family units) per acre. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mrs. Ware - Is there any opposition to the deferral of this case? No opposition.

159 Mr. Marshall - Madam Chairman, I move that Case C-9C-04 be deferred to the July 15,
160 2004 meeting at the request of the Commission.

161
162 Mr. Vanarsdall - Second.

163
164 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor
165 say aye. All opposed say no. The motion passes.

166
167 The Planning Commission deferred Case C-9C-04, Gloria Freye for Webb L. Tyler and G. Edmond
168 Massie, IV, to its meeting on July 15, 2004.

169
170 Mr. Marshall - Madam Chairman, on Page 2 of the Agenda, Case C-11C-04.

171
172 **Deferred from the March 11, 2004 Meeting:**

173 **C-11C-04 Gloria Freye for Webb L. Tyler and G. Edmond Massie, IV:** Request
174 to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
175 (Conditional) and C-1 Conservation District, Parcels 743-764-6363 and 743-764-4622, containing
176 20.95 acres (R-3C= 13.93 ac.; C-1= 7.02 ac.), located between Belfast Road and I-295. The
177 applicant proffers no more than 2.2 single family residential dwelling units (approximately 46 single
178 family units) per acre. The R-3 District allows a minimum lot size of 11,000 square feet. The Land
179 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and
180 Environmental Protection Area.

181
182 Mrs. Ware - Is there any opposition to the deferral of this case? There is no opposition.

183
184 Mr. Marshall - Madam Chairman, I move that Case C-11C-04 be deferred to the July 15,
185 2004 meeting at the request of the Commission.

186
187 Mr. Vanarsdall - Second.

188
189 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor
190 say aye. All opposed say no. The motion passes.

191
192 The Planning Commission deferred Case C-11C-04, Gloria Freye for Webb L. Tyler and G. Edmond
193 Massie, IV, to its meeting on July 15, 2004.

194
195 Mr. Jernigan - Madam Chairman, I have three cases that have to be deferred.

196
197 **Deferred from the February 12, 2004 Meeting:**

198 **C-6C-04 Gloria Freye for Ray Perkins:** Request to conditionally rezone from A-1
199 Agricultural District and C-1 Conservation District to R-2C (82.5acres) R-2AC (63.4 acres) and R-3C
200 (30.1 acres) One Family Residence District (Conditional); R-5AC (26.9 acres) General Residence
201 District (Conditional), and RTHC (41.036 acres) Residential Townhouse District (Conditional),
202 Parcels 816-729-1884, 814-731-5764 and part of Parcel 817-731-6470, containing 243.936 acres,
203 located at the northern terminus of Westover Avenue, extending northward to Creighton Road.
204 The applicant proposes a residential community of no more than five hundred ninety-seven (597)
205 units (320 one family lots, 79 villa lots, 96 townhouses, 102 condominiums). The R-2 District
206 allows a minimum lot size of 18,000 square feet; the R-2A District allows a minimum lot size of
207 13,500 square feet; the R-5A District allows a minimum lot size of 5,625 square feet; and the
208 maximum density in the RTH District is nine (9) units per acre. The Land Use Plan recommends
209 Suburban Residential 1, 1.0 to 2.4 units net density per acre, Office/Service, Light Industry, and
210 Environmental Protection Area. The site is in the Airport Safety Overlay District.

211

212 Mrs. Ware - Is there any opposition to the deferral of this case? No opposition. Mr.
213 Jernigan.
214
215 Mr. Jernigan - Madam Chairman, I move to defer Case C-6C-04, Ray Perkins, to the July
216 15, 2004 Planning Commission meeting by request of the Commission.
217
218 Mr. Vanarsdall - Second.
219
220 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor
221 say aye. All opposed say no. The motion passes.
222
223 The Planning Commission deferred Case C-6C-04, Gloria Freye for Ray Perkins, to its meeting on
224 July 15, 2004.
225
226 **C-17C-04 Glenn Moore for Darbytown Partners, LLC:** Request to conditionally
227 rezone from B-1C Business District (Conditional) to R-3C One Family Residence District
228 (Conditional) and C-1C Conservation District (Conditional), part of Parcel 807-707-6551, containing
229 8.7 acres (5.917 ac. – R-3C; 2.784 ac. – C-1C), located at the southwest intersection of Darbytown
230 and Oakland Roads. The applicant proposes no more than fourteen (14) single family residential
231 units. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan
232 recommends Commercial Concentration and Environmental Protection Area.
233
234 Mrs. Ware - Is there any opposition to the deferral of this case? There is no opposition.
235
236 Mr. Jernigan - Then I move to defer this case to July 15, 2004 by request of the
237 Commission.
238
239 Mr. Vanarsdall - Second.
240
241 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor
242 say aye. All opposed say no. The motion passes.
243
244 The Planning Commission deferred Case C-17C-04, Glenn Moore for Darbytown Partners, LLC, to its
245 meeting on July 15, 2004.
246
247 Mr. Jernigan - And the third case is C-18C-04.
248
249 **C-18C-04 Gooss & Associates, AIA:** Request to conditionally rezone from R-3 One
250 Family Residence District and B-1 Business District to B-1C Business District (Conditional), Parcels
251 829-715-3035, 829-715-4034, and part of Parcel 828-715-8918, containing 0.71 acre, located at
252 325 and 335 E. Williamsburg Road (U. S. Route 60) approximately 100 feet west of East Lake
253 Drive. A restaurant and shops are proposed. The use will be controlled by proffered conditions
254 and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration and
255 Suburban Residential 2, 2.4 to 3.4 units net density per acre. The site is in the Airport Safety
256 Overlay District.
257
258 Mrs. Ware - Is there any opposition to the deferral of this case? There is no
259 opposition.
260
261 Mr. Jernigan - Madam Chairman, I move to defer this case to May 13, 2004 by request of
262 the Commission.
263
264 Mr. Vanarsdall - Second.

265
266 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor
267 say aye. All opposed say no. The ayes have it. The motion passes.
268
269 The Planning Commission deferred Case C-18C-04, Gooss & Associates, AIA, to its meeting on May
270 13, 2004.
271
272 Mrs. Ware - And I also have a case to defer this evening. It is C-73C-03.
273
274 **Deferred from the March 11, 2004 Meeting:**
275 **C-73C-03 Gloria Freye for WILHOOK, LLC:** Request to conditionally rezone from
276 A-1 Agricultural District and R-1 One Family Residence District to R-2C One Family Residence
277 District (Conditional), part of Parcel 744-742-5871, containing 22.753 acres, located on the north
278 line of Patterson Avenue (Route 6) approximately 1,600 feet west of Gaskins Road. The applicant
279 proposes no more than forty (40) single family residential lots. The R-2C Districts allows a
280 minimum lot size of 18,000 square feet. The Land Use Plan recommends Semi Public.
281
282 Mrs. Ware - Is there any opposition to the deferral of this case? Since there is no
283 opposition, then I move that Case C-73C-03 be deferred to the July 15, 2004 meeting, at the
284 request of the Commission.
285
286 Mr. Marshall - Second.
287
288 Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Marshall. All in favor say
289 aye. All opposes say no. The motion passes.
290
291 The Planning Commission deferred Case C-73C-03, Gloria Freye for WILHOOK, LLC, to its meeting
292 on July 15, 2004.
293
294 Mr. Silber - Any other deferrals at this point? OK. Next on the agenda would be the
295 expedited items. These are items that are on the Commission's expedited list of cases. These are
296 cases where there are no known issues, there is no opposition that the County is aware of. The
297 Planning Commissioner from that district is comfortable with the request and so we put it on the
298 expedited agenda so as to not go through a hearing on that. So, we have one, Mr. Emerson, that
299 is on the expedited agenda?
300
301 Mr. Emerson - Yes, sir, Mr. Silber. We have one on the agenda. It is on page 2 of your
302 regular agenda. It is P-3-04.
303
304 **P-3-04 Mark Slusher for Panera, LLC:** Request for a Provisional Use Permit
305 under Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code in order to provide an
306 outside dining area for the restaurant, on part of Parcel 737-762-4724, containing 450 square feet,
307 located at the southeast intersection of W. Broad Street (U. S. Route 250) and Lauderdale Drive
308 (The Shoppes At Westgate). The existing zoning is B-2C Business District (Conditional). The Land
309 Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District.
310
311 Mrs. Ware - Is there any opposition to hearing this case on the expedited agenda?
312 There is none.
313
314 Mr. Marshall - Madam Chairman, I move approval of P-3-04.
315
316 Mr. Vanarsdall - Second.
317

318 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor
319 say aye. All opposed say no. The motion passes.
320

321 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
322 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
323 request because it is reasonable in light of the surrounding uses and existing zoning on the
324 property.
325

326 **Deferred from the March 11, 2004 Meeting:**

327 **C-7C-04 Larry Horton for Anthony P. Renaldi:** Request to conditionally rezone
328 from A-1 Agricultural District and M-1C Light Industrial District (Conditional) to R-2C (15.29 ac.) and
329 R-2AC (48.52 ac.) One Family Residence Districts (Conditional), Parcels 813-733-7603, 814-732-
330 6992, 815-733-0010 and part of Parcel 815-733-2040, containing approximately 63.81 acres,
331 located on the north line of Creighton Road approximately 360 feet east of Cedar Fork Road. The
332 applicant proposes no more than one hundred twenty-five (125) single-family residential lots. The
333 R-2A District allows a minimum lot size of 13,500 square feet; the R-2 District allows a minimum lot
334 size of 18,000 square feet. The Land Use Plan recommends Office/Service. The site is in the
335 Airport Safety Overlay District.
336

337 Mrs. Ware - Is there any opposition to this case? We do have opposition. Mr.
338 Emerson.

339
340 Mr. Emerson - As Mr. Silber stated, this case contains 63.81 acres from A-1, Agricultural
341 District, and M-1C, Light Industrial District (Conditional), to R-2C, Single Family Residence District
342 (Conditional), and R-2AC, Single Family Residence District (Conditional), to develop a single-family
343 residential subdivision. This request would permit the development of up to 120 single-family
344 homes.
345

346 You just had passed out to you revised proffers that were submitted this afternoon. The time limits
347 would have to be waived if you choose to act on this case tonight.
348

349 Portions of this property were rezoned to M-1C by two previous rezoning cases (C-8C-96, and C-
350 62C-96). The proposed use in both cases was an Office/Service complex. The proffers on both
351 cases called for a substantial buffer around the perimeter of the site to protect the adjacent
352 residential uses.
353

354 The 2010 Land Use Plan designates the subject site as Office/Service. Residential development is
355 not consistent with the Plan's recommendation; however, it is consistent with the adjacent
356 residential uses in this corridor and other uses that are currently becoming predominant in the
357 corridor. The site is also located in the Creighton Road Corridor Special Strategy Area which the
358 Creighton Road Corridor Study recommends specific guidelines for new development. These
359 guidelines are intended to establish a higher level of design, including;
360

- 361 • Brick as the preferred finish material for all buildings.
 - 362 • Sidewalks, where logically needed, along collection and arterial roadways.
 - 363 • Landscaped and recreational spaces for residents.
- 364

365 The applicant has completed and submitted a traffic impact study. Upon review by the Traffic
366 Engineer and comments from the Traffic Engineering Department, the applicant has submitted and
367 proffered a new conceptual layout, which aligns the Creighton Road entrance with the entrance to
368 St. Paul's Baptist Church south of the property.

369 The applicant has submitted revised proffers dated today that address staff's concerns including
370 sidewalks, curb and gutter, foundation and tree planting, garages, lot widths, and percentage of
371 brick on the dwellings.

372

373 In summary, single-family residential use would be in keeping with the trends in this area and the
374 applicant has satisfied all of staff's concerns and we can recommend approval of this application
375 tonight.

376

377 If you have any questions, I would be happy to try to answer them.

378

379 Mrs. Ware - Thank you. Are there any questions for Mr. Emerson? No questions.
380 Would you like to hear from the applicant?

381

382 Mr. Archer - Yes.

383

384 Mr. Horton - Good evening. My name is Larry Horton, representing the applicant. We
385 have been working on this case since about September to assemble these parcels and I'd like to
386 point out that out of the adjoining site, it is 64 acres. Fifty-seven acres are zoned M-1 which touch
387 approximately 47 residents, so, obviously, we feel like residential is a more prudent use than the M-
388 1 that is currently there. I had gone door to door with all of the residents along Creighton that
389 actually touched the site and I have met with the St. Paul's Church twice. I have met with the
390 Clarendon Farms neighborhood. There are a couple of ladies that live actually right in the middle of
391 the site, and I worked with them to give them access to public water and sewer and a paved road
392 once the site will hopefully be completed. The density is about 1.9 per acre and I've met staff for
393 an entrance feature. It is a little two-acre pond in the middle that I hope to use for amenities and
394 as far as the proffers, we had gone through and addressed the concerns that staff had on my
395 product except for one, where the staff was talking about 2100 sq. ft. for a two-story. I have six 2
396 stories that we are offering and the average square footage of all six of them is 2300, so in total I
397 exceed the 2100 that staff wanted, but I have one plan that is 2023 sq. ft. that is one of our better
398 sellers, so I take a little except to that, but overall I meet the spirit of the act. I guess that was
399 about all I would like to say. I have met with the neighbors, sent letters to the adjacents and tried
400 to work with them on issues and concerns that they had and I will submit to you that I think that
401 residential is more appropriate and the highest and best use as opposing to having M-1 in a
402 predominantly residential area.

403

404 With that I will entertain any questions.

405

406 Mrs. Ware - Are there any questions?

407

408 Mr. Archer - Mr. Horton, were you aware that we had opposition?

409

410 Mr. Horton - No, sir.

411

412 Mr. Archer - OK. We will find out what it is about. We didn't time that. I believe you
413 need to reserve some time.

414

415 Mr. Horton - Yes, sir. I would.

416

417 Mr. Archer - Did we time it?

418

419 Mr. Silber - We did not time it. I will estimate it.

420

421 Mr. Archer - Thank you, sir.

422
423 Mrs. Ware - Would you like to hear from the opposition now? Please state your name
424 and address.
425
426 Mr. Jay Shurley - I am Jay Shurley. I go by Jay. My name is John. I live at 4508
427 Creighton Road. I live down the hill from this and some of my concerns that I have heard that the
428 Arthur Ashe School is already slated to be filled to capacity before this even gets started, and I
429 have two children; one already at Arthur Ashe and one that is going to be going there in the next
430 couple of years, and it worries me that they will either be in trailers or overcrowded class rooms,
431 especially with a subdivision this size being added to it. I knew that St. Paul's Church had wanted
432 to put a school there themselves, and to me it personally seems to make sense to have a school
433 there instead of the neighborhood. But, anyway, the other issue I have is the traffic, with the
434 traffic trying to get out of my driveway can be pretty hairy to say the least, and sometimes it can
435 take quite a while to get out onto the road. The other concern that I had is the runoff from the
436 water. Ever since this Clarendon Farms has been put up there, my property has been consistently
437 or continually flooding more and more to the point that the front part of my yard I can't mow but
438 once maybe twice a year, and sometimes with a weed eater at that. And then, of course, with the
439 runoff you have sediment issues and people washing their cars and putting lawn fertilizer down,
440 washing down towards us. I am on a well and have noticed since the other one that there has
441 been an odor in my water in the last couple of years. And I am concerned about the wild life,
442 because all of this is going to affect the wild life in the area. We just had a substantial area
443 timbered near our property, too, between us and them, and that affects the runoff. It affects the
444 impact on the wild life and those are my issues. Thank you.
445
446 Mrs. Ware - All right. Are there any questions?
447
448 Mr. Archer - Mr. Shurley, before you sit down, have you talked with anyone concerning
449 the existing water issues that you have, anybody at the County?
450
451 Mr. Shurley - Yes, I have.
452
453 Mr. Archer - What kind of response have you gotten?
454
455 Mr. Shurley - One of them is, I wanted a back to ditch because when it rains, all of this
456 water – keeping in mind that not only does the storm water flow down Creighton Road but the
457 existing storm water sewer is flowing in the back, and so I've got water coming from the back and
458 the front onto my property, but I did have a gentleman, I don't remember his name. He came out
459 to look at the ditch, and we discussed possibly putting a back to the ditch. His concern is, well my
460 concern is when the water is coming down the hill, it gets to my yard and just shoots into my yard
461 and starts flooding. His concern is the water that is in my yard can't get into the ditch, but if the
462 water wasn't in my yard to begin with I wouldn't have that problem. So, he did come out and look
463 at it and he said he was going to talk to some people about possibly putting, paving the flume right
464 at the pipe that is going under my driveway now.
465
466 Mr. Archer - So at this point the water just disburses. Is that what you are saying?
467
468 Mr. Shurley - In the front, yes, sir. We've also got a ditch in the back that bring water
469 from the back and, obviously, because I live in a swamp I understand that it is a flat area and
470 during a rain like we just had, I am going to have some standing water, but we have noticed more
471 water running off from the hill since the subdivision has been in place.
472
473 Mr. Archer - Did you call me about that about a month ago, maybe?
474

475 Mr. Shurley - Could be. I believe I recognize several names in here that I have called.
476
477 Mr. Archer - You have talked to everybody by now?
478
479 Mr. Shurley - Yes, sir. I left my list of names at home from Planning and Public Works
480 and some of the engineers that I have been talking to.
481
482 Mr. Archer - Do you live all the way down in the bottom?
483
484 Mr. Shurley - Yes, sir. I do.
485
486 Mr. Archer - OK. I know where your house is.
487
488 Mr. Shurley - I live in the cedar sided house that sits back off the road. It is easy to
489 miss. I share a driveway with the cinderblock house.
490
491 Mr. Archer - Now I am aware that probably when we have heavy rainfall, even before
492 Clarendon Farms, that you probably got the water all of the time, but did your water increase when
493 Clarendon Farms was built?
494
495 Mr. Shurley - Yes, sir, it did.
496
497 Mr. Archer - Did you discuss it with anybody at that time?
498
499 Mr. Shurley - No, sir. I did not. I felt at that time that there really wasn't a whole lot I
500 could do about it, but just live with it, because by the time I realized that the development was
501 being built, it was beyond the planning stages. As a matter of fact, I surveyed that area. I was
502 working for a survey company that surveyed that, but that is when I found out about it, was when
503 I was in the process of surveying it, so at that point, it was a pretty much done deal.
504
505 Mr. Archer - Well, there is not much we can do about the problem that exists already.
506
507 Mr. Shurley - Correct. I understand that. That is why I don't want to make it any worse
508 than it already is.
509
510 Mr. Archer - I understand. At subdivision time, plans that are approved are then
511 presented the opportunity of being done in a way that would alleviate these problems. I don't
512 know what we can do about what is already there, except the things you have already noted, but
513 now that we are aware that you are having a problem, this subdivision, if it is approved and any of
514 the others that might be approved, certainly credibility should be given to the fact that you have
515 lodged this complaint, and we certainly are aware of it.
516
517 Mr. Shurley - And sediment basins trap and other things would certainly be helpful and I
518 don't recall that there were any in Clarendon Farms. I believe they drained out into the swamp
519 itself as I recall. That has been about five years or so ago. I haven't been back in there since
520 then.
521
522 Mr. Archer - Mr. Secretary, we don't have anybody here tonight that can address that
523 sewer for us?
524
525 Mr. Silber - No, Mr. Archer. I don't see anybody from the Drainage Division here. Mr.
526 Shurley, I would want to let you know that what is before the Commission tonight is a request to
527 rezone this property. This is an opportunity for the County to review the request for the possible

528 use of putting a subdivision here. If this is approved by the Board of Supervisors, then the next
529 step would be for the developer to put together his subdivision plans and construction plans. At
530 that point, I think you need to be involved in that process to be sure that the drainage from this
531 subdivision is handled properly so that it doesn't cause use of drainage problems in the future.
532 What we can do is, we can take your name and address and phone number, and when the
533 subdivision comes in...

534
535 Mr. Shurley - I will be happy to give it to any one of you all. I just filled this out earlier.
536 Here it is.

537
538 Mr. Silber - Yes, sir. We can take that and we will do the best we can to notify you at
539 the time of subdivision so you can be involved in the process. But, typically, when the construction
540 plans are submitted, our Drainage Engineers would review those and make sure that there is no
541 additional excessive runoff in the subdivision. It should be contained within the storm system in
542 that development and handled properly so as not to create flooding down stream. So, hopefully
543 this development will not increase any runoff under your property. The other point you made, you
544 made reference to the school situation. Right now, all of the schools, elementary, middle and high
545 school have capacity for additional children. There is additional development coming on line in the
546 Creighton Road area, so it is not to say that there could not be a concern in the future, but at this
547 point, schools has indicated that the Arthur Ashe Elementary School has current enrollment, and
548 this is as of September 30, 2003, of 485 students and the capacity of 618, so right now they have
549 capacity to handle this subdivision.

550
551 Mr. Shurley - Except that there is already a subdivision that is going to be on the other
552 side of Cedar Fork that is going to fill it to capacity, as I understand it, and if St. Paul's indeed isn't
553 interested in keeping it zoned so that they could build an academy or a school, as it were, it seems
554 that that would be a viable option of filling up the school. But, also, looking at this plan I don't see
555 any sediment control devices on there at all.

556
557 Mr. Archer - That would not be done until the subdivision approval time came. This is
558 a zoning case.

559
560 Mr. Shurley - OK.

561
562 Mr. Archer - I was also going to comment on the school situation and I am glad that
563 Mr. Silber did because he probably explained it better than I could, but that is something that
564 comes up probably every time we have a subdivision near schools that are nearing capacity. And I
565 am aware that there is a lot more building than just this that is going on in that area, and I don't
566 guess it is any secret to anybody that we are approaching the time that we are going to have to
567 have another school or schools, whatever the case may be. I don't think it is like that movie "If you
568 build it, they will come." You don't build the schools first and wait for them to fill up, but I think
569 you have to create a need for them.

570
571 Mr. Shurley - You are right. I remember the movie.

572
573 Mr. Archer - That is kind of the dilemma we are faced with all of the time, that you
574 have to wait until the schools or until we get enough population that warrants a school, and then,
575 of course, it is up to the School Board to start looking for land to build another one on. But
576 anyway, I appreciate your comments. I understand that somebody else wants to speak.

577
578 Mr. Jernigan - I'd like to say one thing. You were talking about the traffic and as you just
579 stated, you know that there is a massive project planned behind St. Paul's Church.

580

581 Mr. Shurley - I am aware of that and that is another reason I was here, but it got
582 deferred.
583
584 Mr. Jernigan - But there was a traffic study done on that, which included this current
585 subdivision, too, and according to our traffic people, they say that the road will handle it.
586
587 Mr. Shurley - OK. Did they ever actually sit in my driveway and try to get out when
588 they made that determination?
589
590 Mr. Jernigan - I am sure from time to time that it will be tough, but we did, because the
591 development behind the church was so big, we did do a traffic study on it. The situation here,
592 you're in the Fairfield District, Mr. Archer's territory. Across the street where the church is is my
593 district, so that is the reason I am familiar with this case, too. I talked to Chris about what is going
594 on, but that study was done and it incorporated the subdivision we are looking at now, plus the one
595 that is planned behind the church, and traffic says that the road can handle it.
596
597 Mr. Shurley - OK, thank you.
598
599 Mr. Archer - I appreciate you coming and I think you did call me one time. I'd like you
600 to keep me abreast of how the rest of that information that you shared with us gets handled from
601 this point on. We don't intend to want to harm you in any way.
602
603 Mr. Shurley - Thank you.
604
605 Mr. Silber - If you can leave your name and address with staff down there...
606
607 Mr. Shurley - I've done that.
608
609 Mr. Silber - You've done that. OK. Thank you.
610
611 Mrs. Ware - Ma'am, I believe you wanted to speak as well. Come up and give your
612 name and address.
613
614 Mr. Silber - I didn't do this before, but the Commission's policy is that there is 10
615 minutes that is allotted for the applicant to present their case, some of which they can save for
616 rebuttal, and there is 10 minutes for the opposition. The 10 minutes does not include time in which
617 the Commission is asking questions, so there is still about seven minutes left.
618
619 Ms. Rice - OK. My name is Terri Rice and I live at 4280 Creighton Road and almost
620 smack in the middle of it. I live across the street from St. Paul's Church, about a quarter mile back,
621 and I assure you that nobody has knocked on my door and asked me anything. There is a field
622 right next to me about 50 feet from my front door, which I understand there is going to be some
623 building. When we first moved there, it was full of trees and foliage and stuff and it was fine. The
624 owner decided to lease the land to a guy that wanted to do peas and wheat. Well, when they
625 leveled off to do his peas, I don't know what kind of peas they were, but there was nothing there
626 but dirt. We had a hard rain. Now our driveway goes across the creek which is spring fed, and
627 because there was no place for this water to go, the creek overflowed and washed out our
628 driveway. We talked to the guy about it and he said if it happened he would help us. Now where
629 they are building this, with all of the concrete, mud, driveways, where is the flood going to go? We
630 can't afford to keep building our driveways back and forth. That is my concern. We just spent a
631 bunch of money putting our driveway back together. And the creek is spring fed and we do have
632 animals up there. We have deer. I have two dogs. We have three deer that come up there that I
633 think they belong to us. Our dogs don't even bother them. They feed on that field. They feed in

634 our backyard. They drink out of that water. And you're talking about the traffic at St. Paul's
635 Church. On Sundays I can't get in or out of my driveway until after the services. People can't visit
636 me until they get in. They have even put up cones to where I have to get out and move the cones
637 so I can get out of my driveway.

638
639 Mr. Archer - They put cones in front of your driveway, ma'am?

640
641 Ms. Rice - They put large cones up in front of my driveway to keep people from
642 coming in to my driveway, but I can't get out unless I go out and move the cones. And the traffic
643 problem is a problem when anything has to do with St. Paul's Church.

644
645 Mrs. Ware - Any questions?

646
647 Mr. Archer - The problem that you have with your driveway being washed out came
648 from land that someone rented and changed the topography?

649
650 Ms. Rice - Yes, what they did, when we first moved there, which was three years
651 ago, it was always kept up field and stuff and we used that field, which we got permission, and we
652 made a track around it. That is where we walked our dogs and if you walk around it 3 times you
653 walk a mile, so that was a good exercise deal. But a friend of theirs wanted to lease it to do wheat
654 and some kind of peas. And so when he took all of that foliage and all of the trees out, there was
655 nothing left but dirt, so when we had that real hard rain, back when he had the peas growing,
656 there was nothing to hold the water at all. All of the water went down into the creek and the creek
657 overflowed, and we had this much of a driveway. We had to walk, we had to rebuild to get out of
658 our driveway because it was too narrow to get a vehicle through it, and it took us two days in order
659 to get out of the driveway. And I work for the Bank of America and I had to walk out and have
660 people pick me up so I could go to work until we got the driveway rebuilt. Now if they are going to
661 put houses up and they are going to have black top, where is this water going to go? Is it going to
662 come down and flood our house out? Is it going to flood our creek out? I mean we can't afford to
663 do that.

664
665 Mr. Archer - I understand, ma'am.

666
667 Mr. Silber - Ms. Rice, let me try to answer some of your questions, and some of this
668 may sound as though we are putting this decision off to some later date, but what I hear you
669 saying is you are receiving a lot of runoff from existing conditions that are there right now. What is
670 going to happen is if this zoning case is approved and the developer comes forward with
671 subdivision plans and construction plans, they will be required to capture the runoff that falls on
672 that property. Yes, there will be more impervious material from the driveways and the houses and
673 the roads, but they have got to capture that and put that into underground storm drains and then
674 have that discharged into a water course that can adequately handle that drainage, so it should not
675 result in anything that is worse than what you have right now. If anything, it should improve it.
676 Now, I am not an engineer and I can't tell you right now exactly where that water is going to be
677 taken or how it is going to be discharged, but it should be a situation that won't worsen your
678 existing situation. In fact, it may improve it, and similar to Mr. Shurley's situation, I think you all
679 need to participate in the subdivision plans and the construction plan process of when that comes
680 along to make sure that the engineer that the applicant will be hiring is putting together plans that
681 the County is reviewing that becomes adequate to your satisfaction, to assure that you don't have
682 this continued problem. The County needs to know these problems that you are having so they
683 can be addressed when those engineering plans are being reviewed and approved by the County.

684
685 Ms. Rice - OK, let me ask you another question. When we first moved there, we
686 went to the people that owned the land and we asked them if they decided to sell it if they'd give

687 us first option. Of course, they said yes. And right before the people, they go to Florida every year
688 for the Winter, had approached my husband and said he had been approached by contractors, but
689 he wasn't going to do anything until he came back from Florida, which he has not come back from
690 Florida yet, and from my understanding, one of the owners said that the contractor told him he
691 wanted all or nothing, so which means maybe he would give us a chance to even talk with these
692 people to buy maybe another acre or acre and a half of land.
693
694 Mr. Archer - I don't know how we could address that.
695
696 Ms. Rice - Where does that leave us? I mean, if the contractor offered all or nothing.
697 I mean, the contractor didn't come up and say, what can I buy. He said I want all or nothing. So
698 that means whoever wants a little piece of land is out to lunch because we can't compete with
699 those prices.
700
701 Mr. Archer - I understand, ma'am. There is no legal remedy that I know of unless you
702 have something in writing that would address it.
703
704 Ms. Rice - I mean, this is the other night on my front porch.
705
706 Mr. Archer - I understand. To add on to what Mr. Silber was just saying, it is never our
707 intention to create any kind of a condition that would be hazardous to you or that would in anyway
708 endanger your property and that is why we have subdivision hearings, and again if this plan is
709 approved, it has to go through more steps than just us tonight. It has to go before the Board for
710 another public hearing and be approved, and then the subdivision plan has to be submitted for a
711 public hearing, just like this one tonight. And at that point in time, you and Mr. Shurley should
712 certainly try and have some input into what your situation is so it can be addressed when the
713 subdivision plan is done.
714
715 Ms. Rice - OK.
716
717 Mr. Archer - I am sympathetic toward what you are saying.
718
719 Ms. Rice - I know. I mean, but this is my dream house, and like they are saying in
720 three to five years, then I will be in my 60s. Who wants to start over and build a new home when
721 you are 60 years old? You know? I don't understand it.
722
723 Mrs. Ware - I do have a question for you concerning the church across the street.
724 They put the cones in front of your driveway?
725
726 Ms. Rice - Yes, ma'am.
727
728 Mrs. Ware - So they do not have adequate parking on Sundays?
729
730 Ms. Rice - Apparently not, because whenever you come out of my driveway, the
731 second driveway, they stay full. And they've got this little golf cart lady that sits there and directs
732 them someplace else.
733
734 Mrs. Ware - OK, that is good to know.
735
736 Ms. Rice - I raise my right hand to God.
737
738 Mr. Archer - Do you know if the parking has been completed for St. Paul's yet? Is
739 there additional land that has been designated for parking down there?

740
741 Mr. Silber - Mr. Archer, I am not sure. I thought all the parking was complete. I will
742 look into that and see. There are minimum parking requirements for all uses, so the church had to
743 put in the minimum parking requirements, but if that is not adequate to handle the capacity of that
744 church, then we need to be talking about adding more parking.
745
746 Ms. Rice - Well, you know when I come home from work on Wednesday nights, they
747 usually have something then, I call it the suicide lane, because you have to get into the middle and
748 nine times out of ten, people coming up the hill are already in that line, and I am way back here
749 waiting for them to go to church before I can get into my driveway to go home. I work 10 hours a
750 day. I want to go home.
751
752 Mr. Archer - Have you talked to anyone at the church about placing the cones in front
753 of your driveway?
754
755 Ms. Rice - Yes, I did, and they said it wasn't going to happen again, but it varies. It
756 all depends on how big of a crowd, what kind of an event they have going on. You know, it
757 depends.
758
759 Mr. Archer - Yes, but it is not a regular every Sunday thing.
760
761 Ms. Rice - It is not an every Sunday thing. It is just whatever they have going.
762
763 Mr. Archer - I had the tendency, but I didn't attend the very first day they were there.
764
765 Ms. Rice - Oh that was a terrible Sunday. They were parking down in my driveway.
766
767 Mr. Archer - Well, they were bussing people in that day.
768
769 Ms. Rice - Yes.
770
771 Mr. Archer - I sort of suspected after the newness wore off a little bit things would sort
772 of settle down.
773
774 Ms. Rice - But sometimes they have big events. They have a lot of entertainment
775 and stuff that goes on and sometimes that does happen. And it usually, the police officers are out
776 there. They are directing traffic. You know, they have that, but there is this little girl who sits there
777 in this cart and the sign says, "Auxiliary Parking Full" and she's got cones all up and down that
778 driveway so you can't get in there.
779
780 Mr. Archer - She never gets to go to church either, does she?
781
782 Ms. Rice - I don't guess so. I guess she hears it from the outside.
783
784 Mr. Archer - Well, ma'am, again, we appreciate your coming and voicing your
785 concerns, and we will try to address everything that we can that has to do with this particular
786 subdivision as much as we can, and hope your situation gets better. I thank you for coming.
787
788 Ms. Rice - Thank you.
789
790 Mr. Archer - Thank you, ma'am. Anybody else?
791
792 Mrs. Ware - Is there anyone else to speak in opposition? How much time is left?

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Mr. Silber - Four and a half minutes.

Ms. Tina Shurley - Hi. I was going to chicken out. My name is Tina Shurley, Jay Shurley's wife, 4508 Creighton Road. I just want to add some things about the traffic. I am waiting on the bus and a lot of times cars just come careening down the road and they are almost stopping at the backdoor of the bus. I think maybe if they had more houses and whatnot, they actually need to put a bus stop sign out there, and anybody wants to do a traffic study are welcome to come sit in my driveway and see how many people turn around in our driveway. You cannot get out. It is not only on Sundays. It is just about every day of the week except for when it floods, and they close our road. When they close Creighton Road, it is backed up anyway, and your study, has that been considered what they are going to do with overflow traffic, because we live on the road that is just the two-lane, and it comes from a four to a two. And as you come down the hill past St. Paul's, everybody just sort of erps, because it is like this small little lane that you have to merge in and the traffic study is one of my big concerns, as well as water. And at St. Paul's it is not just because of the church, but because it is a high quantity of people that maybe there needs to be a stop light or an issue of one-way in, one-way out, because you have to stop twice going or coming when church is in and that is all I had to say.

Mr. Archer - Thank you, Ms. Shurley. You did that well.

Mr. Silber - Let me just note that the County is aware of Creighton Road and how it narrows from the four lanes at the wider section to the two-lane section, and one of the challenges is the bridge down at the Chickahominy. The County is very aware of that. At some point in time, when the traffic warrants it, I think the County will have to make that improvement. It will be a very, very expensive improvement to widen that bridge and take it all the way four lanes across. I will make sure that the Traffic Engineer is aware of your concerns and is evaluating that as a part of the review of the traffic impact study, but they are very aware of that narrow bridge and the impact that it is having on Creighton Road, but we appreciate your comments.

Mr. Archer - Mr. Secretary, I can remember about I guess four or five years ago when the County Manager was presenting CIP to us one night, I asked that question about broadening Creighton Road down at the bridge, and we got an answer, but it was sort of like it was something that was in the plans, but not immediate, and I think we are approaching the point where if these residences continue, we will have to do that. It is sort of like the same situation with the schools. We have got to be able to accommodate it when it happens.

Ms. Rice - Then why doesn't the church buy the other side and make a parking lot?

Mr. Archer - I don't know.

Ms. Rice - Instead of houses build a parking lot.

Ms. Ware - Is there any more opposition to be heard? OK. Any rebuttal from the applicant?

Mr. Horton - Not a real way of rebuttal, but I sent letters and touched base with everyone that was close by. Apparently, these folks are a little further down the hill than where I am, and that is why I wasn't able to try to address that concern, if I had of been, honestly, I would have met with them prior to, but if I am successful in this endeavor, I will be glad to, as you all have suggested, be sure that I take their concerns into the actual design of the subdivision. That is all I had. Thank you.

846 Mr. Archer - Mr. Horton, before you sit down, and before we move on this, I think that
847 is something that you really do need to keep in mind if we approve this case, and we approach
848 subdivision time, to make sure that everybody, especially the Shurleys and Ms. Rice have some
849 input in the things that they are trying to get answered here tonight, because I just told them, we
850 don't ever do anything that exacerbates a problem that is already there, and we certainly don't
851 want to do that to them.
852

853 Mr. Horton - I just didn't go as far down the hill as perhaps I should have, but I will get
854 the addresses before I leave.
855

856 Mr. Archer - OK. Be sure you do that, because I think that they are very heavily
857 affected by it. All right. Anybody else have a question?
858

859 Mrs. Ware - Is that all? Mr. Archer.
860

861 Mr. Archer - OK, I was not aware that there was any opposition to this case until
862 tonight, but in terms of the way that staff has handled it, and they worked very hard on this with
863 Mr. Horton, and we have discussed it quite a few times up until today actually, and to be honest
864 with you he has done practically everything that we have asked him to do, and it seemed as
865 though the quality of the subdivision will be very nice. I am very much aware of the concerns that
866 these people have expressed here tonight, and I hope that we will be able to take care of those
867 things when we get the subdivision, but this does allow us the opportunity, as Mr. Horton said, to
868 remove some commercial uses from an area that is heavily residential and become even more
869 residential and also from the proximity of the church. I am sure that by the time the Board gets an
870 opportunity to vote on this, Mr. and Mrs. Shurley and Ms. Rice may get an opportunity to have
871 some more input as to how we proceed. With what we have done tonight, I think I am going to
872 move for approval and first I have to move to accept the revised proffers that we received today
873 and waive the time limits.
874

875 Mr. Vanarsdall - Second.
876

877 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
878 say aye. All opposed say no. The motion passes.
879

880 The Planning Commission voted to waive the time limit on the proffers for Case C-7C-04, Larry
881 Horton for Anthony P. Renaldi.
882

883 Mr. Archer - And I move to recommend for approval Case C-7C-04, Larry Horton for
884 Anthony P. Renaldi.
885

886 Mr. Vanarsdall - Second.
887

888 Mrs. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor
889 say aye. All opposed say no. The motion passes.
890

891 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission
892 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
893 it represents a logical continuation of the one-family residential development, which exists in the
894 area, and because the proffered conditions would provide for a higher quality of development than
895 would otherwise be possible.
896

897 Mr. Silber - This will be heard then at the Board of Supervisors May 11, 2004 meeting
898 at 7:00 p.m.

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The next case is on Page 4 of the agenda.

Deferred from the March 11, 2004 Meeting:

P-1-04 Ambre Blatter for Omnipoint Communications: Request for a provisional use permit under Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the County Code in order to allow a 30-foot extension of an existing 97-foot telecommunications tower and erect an associated unmanned communication equipment platform at the base of the tower, on part of Parcel 775-744-9936, containing 1,085 square feet, located on the west side of Byrdhill Road approximately 200 feet south of Oakland Avenue. The existing zoning is M-1 Light Industrial District. The Land Use Plan recommends Light Industry.

Mrs. Ware - Is there any opposition to this case? No opposition. How are you, Mr. Bittner?

Mr. Bitter - Hello, Mrs. Ware. This tower was built in 1997. Omnipoint Communications currently operates equipment on this tower but has indicated approval of this request would expand the coverage area, improve service, and eliminate the need to install equipment at other locations.

The applicant has provided staff with additional information and addressed the following issues presented in the staff report:

- The applicant has committed to providing supplemental landscaping to reduce the visibility of the fencing and equipment at the tower's base. That can be seen here (referring to slide). Let me zoom in if I can find that. This is Byrd Hill Road (referring to slide). This is the existing tower. The applicant has agreed to plant these four evergreen trees here (referring to slide), the intent being to lessen the view of the tower and the equipment at the base from Byrd Hill Road.
- The applicant has agreed to provide a gate to secure access to the site from Byrdhill Road.
- The applicant has also:
 - submitted a "letter of intent" to provide for the collocation of additional providers at this location
 - provided a site plan demonstrating this request would meet setback requirements, and
 - provided evidence there were no better alternatives in the vicinity of this existing tower.

This site is not objectionable for a taller tower, and the applicant has satisfactorily addressed issues presented in the staff report. Staff recommends approval of this application.

I would be happy to try to answer any questions you may have.

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

Mr. Vanarsdall - Mr. Bittner, on Condition No. 6, what was the reason that the last tenant said "The Director of Planning may waive the enforcement of this condition if it is deemed unnecessary."

Mr. Bittner - That is a standard sentence that is in many other tower cases. It is done mainly for not existing tower situations but new towers, where, after we look at the plans and look

952 at the site closer we determine that landscaping really just wouldn't be necessary, sometimes
953 because it is so remote and nobody would see it. So, it is standard language, and in this case I
954 think it would be necessary landscaping and the applicant is showing it on this plan here.

955
956 Mr. Vanarsdall - Thank you. I don't have any more questions.

957
958 Mr. Silber - Mr. Bittner, the trees that are planted, one is on another property. Is that
959 the same property owner?

960
961 Mr. Bittner - It is the same property. The property itself is 5.8 acres total in the leased
962 area. This is a driveway. I don't think this is a property line. It shows a driveway that exists today
963 off of Byrd Hill Road to get back to this tower.

964
965 Mr. Silber - OK.

966
967 Mrs. Ware - Anymore questions? Thank you, Mr. Bittner. Would you like to hear from
968 the applicant?

969
970 Mr. Vanarsdall - I don't really need to hear from Rick unless somebody else does. I am
971 ready for a motion.

972
973 Mrs. Ware - Fine.

974
975 Mr. Vanarsdall - First of all, this tower, this is 30 feet on a tower that has been there a long
976 time as Mark says, and we have on file from the applicant the places that he tried to find a place
977 for this and couldn't, and he has also promised them to co-locate with anyone else who wants to
978 use the tower. I went over and talked to one of the neighbors who lives on the corner next to it,
979 and she said, "Well, I don't think it is any problem to it. I never did like the tower there to start
980 with, but it never has bothered me, but too many people go down that road." So, the applicant
981 has agreed at our request to put a chain across the road and we noticed somebody had unloaded a
982 load of plaster from a house there, so this will stop that. And, also, Mr. Coleman and Mr. Bittner
983 went out and the applicant agreed to landscape the base. Some people say, "How are you going to
984 landscape all the way to the top of a 130 foot tower?" This is just the base of it, which it looks kind
985 of shaggy now. So, Rick is in the audience there and thank you for that. With that, I recommend
986 to the Board of Supervisors that P-1-04 be recommended for approval.

987
988 Mr. Marshall - Second.

989
990 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in favor
991 say aye. All opposed say no. The motion passes.

992
993 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Marshall, the Planning
994 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
995 the request because it would provide added services to the community and would improve landscaping
996 on the site.

997
998 **C-19C-04 Henry L. Wilton for Verizon Virginia, Inc.:** Request to conditionally
999 rezone from O-3 Office District and R-2A One Family Residence District to RTHC Residential
1000 Townhouse District (Conditional) (18.2 acres), and R-2A One Family Residence District (0.2 acres),
1001 Parcels 767-752-5942, 767-752-7623, 767-751-5291, 767-752-3012, 767-751-0480, and part of
1002 Parcel 766-752-5952, containing approximately 18.4 acres, located on the north line of Wistar Road
1003 approximately 413 feet east of Shrader Road and at the western terminus of Topsham Road. The
1004 applicant proposes no more than ninety (90) units. The maximum density in the RTH District is

1005 nine (9) units per acre. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units
1006 net density per acre and Office.

1007
1008 Mrs. Ware - Is there any opposition to this case? There is opposition. Mr. Bittner.
1009

1010 Mr. Bittner - Hello, again, Mrs. Ware. The subject property is owned by Verizon, which
1011 also owns the office building on the adjacent property. The property borders two established
1012 single-family neighborhoods, Tuscon Heights to the north and Wistar Farms to the north and east.
1013

1014 The applicant has submitted a proffered conceptual site plan which we have here and an elevation.
1015 In addition, the applicant has submitted revised proffers, which include the following:
1016

- 1017 - A maximum of 90 units equaling a density of approximately 5 units per acre;
- 1018 - A minimum of 1,500 square feet of finished floor area per unit;
- 1019 - Front porches on at least 40% of the units;
- 1020 - A minimum of 40% brick on the front façades of each row of units and 50% brick on total
1021 front façade space for the entire project;
- 1022 - 25-foot landscaped buffers or berms around the entire project;
- 1023 - The deeding of a 25-foot strip of land to the adjacent landowner on Topsham Road; and I
1024 can show you on the plan right here (referring to slide), it would be this strip of land right
1025 here, which would be deeded over to the owner of this property, this single-family lot right
1026 there.
- 1027 - A 6-foot white vinyl privacy fence adjacent to Wistar Farms and Tuscon Heights;
- 1028 - A decorative metal fence with brick columns along Wistar Road;
- 1029 - A 6-foot black or green chain link fence adjacent to the Verizon office building; and
1030 - A minimum sound suppression coefficient rating of 54 between units.

1031
1032 While the applicant has proffered many positive features for this development, there are some
1033 other items the applicant may wish to consider. These include:
1034

- 1035 • Sod and Irrigation: Providing sod and irrigation for lawn and landscaping areas on the site.
- 1036 • Foundation Landscaping: Providing a landscaping package for exterior areas along building
1037 foundations; and
- 1038 • BMP's in Buffers: Prohibiting the location of BMP's within the 25-foot perimeter buffer.
1039

1040 The new proffers would only permit a BMP encroachment in the buffer in this area here, but to the
1041 applicant's credit, he would not have BMPs in any of the remaining buffer areas. Townhouse
1042 developments properly designed and regulated could be an appropriate use for this site. If the
1043 applicant were to address the issues presented tonight, staff could fully support this request.
1044

1045 This concludes my presentation. I would be happy to try and answer any questions you may have.
1046

1047 Mr. Vanarsdall - These are the proffers that the applicant faxed or had carried to each one
1048 of the Commission?
1049

1050 Mr. Bittner - Yes.
1051

1052 Mr. Vanarsdall - Thank you. This is the seventh and a couple of things improved on it. I
1053 don't have any more questions.
1054

1055 Mrs. Ware - For the landscaping, I just want to be clear that landscaping and sodded
1056 yards are included in the covenants?
1057

1058 Mr. Bittner - They have provided sod for lawn areas.
1059
1060 Mrs. Ware - For front yards, right?
1061
1062 Mr. Bittner - They have not provided sod for landscaping or common areas and they
1063 have not provided irrigation in the proffers.
1064
1065 Mrs. Ware - Irrigation for anything or just the common area?
1066
1067 Mr. Bittner - For anything.
1068
1069 Mrs. Ware - OK.
1070
1071 Mr. Vanarsdall - I would like to hear from the applicant since he has opposition.
1072
1073 Ms. Sandra Verna - Madam Chairman, Planning Commissioners, Mr. Donati, my name is
1074 Sandra Verna and I am here to present the case for Verizon Virginia. We have incorporated the
1075 recommendations of the supervisor, planning commissioner and staff to improve the rezoning case
1076 for a townhouse development on Wistar Road. The most significant changes are reducing the
1077 number of units from 100 to 90, resulting in an overall density of 4.9 units per acre, enhancing the
1078 type of fencing around the entire development and providing an additional buffer to the adjacent
1079 property owner. These additional changes have been made to insure a quality development.
1080 Concerning the BMP in the buffer adjacent to the property owner, we can strike that and move that
1081 out of the buffer area between now and the Board of Supervisors meeting, so between now and
1082 the Board of Supervisors meeting, we will remove any wording that will reflect a BMP in the buffer
1083 area, so that will address one of staff's comments and Rip Melchor from Ryan Homes is here to
1084 address the landscaping and the sod around their townhouse development.
1085
1086 Mrs. Ware - Are there any questions for Ms. Verna?
1087
1088 Mr. Melchor - Madam Chairman, members of the Planning Commission, Mr. Donati, Mr.
1089 Silber, my name is Rick Melchor with Ryan Homes. To address the issues of landscaping and sod,
1090 we put sod in the front, rear and side yards of our town homes as a standard feature, so that is
1091 something we automatically do, not only for the aesthetic issue but also it is a customer service
1092 issue. They get the yard right away and we don't have to keep going back and reseeding, that
1093 type of thing. We also put a nice package of foundation plantings in all of our townhouse
1094 communities. I don't know if you've been to some of the recent ones, a lot of colors, a lot of
1095 evergreens. As far as irrigation on the lots, we do not put irrigation on the lots. We found it is not
1096 necessary once we have gotten the sod established. Also, it adds an additional cost to the property
1097 owners association to have that much irrigation because of the water cost as well as the number of
1098 repairs that need to be made by the maintenance staff in those communities. Normally, the grass,
1099 once it takes originally, it stays green and the plantings also with what James River does for us in
1100 these communities. They plant plants that do not need constant irrigation.
1101
1102 Mrs. Ware - Thank you. Are there any questions?
1103
1104 Mr. Vanarsdall - Thank you.
1105
1106 Mrs. Ware - Mrs. Verna, do you have anything else?
1107
1108 Mrs. Verna - No, that was it, just that we respectfully request this case to be approved,
1109 but we do want to hear the concerns from the residents, because we were not aware of those.
1110

1111 Mrs. Ware - Are there any questions from the Commission for Mrs. Verna? All right.
1112 Thank you. We will hear from the opposition now. Can you state your name and address?
1113
1114 Mr. Wayne Robertson - Wayne Robertson. I live at 7215 Stoneman Road and I think this is
1115 Stoneman Road right here (referring to slide). Where is your...I guess my first question was the
1116 fence. The original fence was going to be like – what is this going to be?
1117
1118 Mrs. Verna - A white vinyl solid fence.
1119
1120 Mr. Robertson - Just like what is around the new shopping center around Ukrop's?
1121
1122 Mr. Silber - Why don't you pose all your questions to the Planning Commission and the
1123 Planning Commission will decide who they want to hear from to answer your questions.
1124
1125 Mr. Robertson - OK, the fence. This is Stoneman Road. This is my home right here. What
1126 fence is going to come across my backyard and I didn't know that they could build on wetlands
1127 either. So, you've got wetlands, you've got a fence, you've got all these kids who are going to
1128 come straight through my yard to go to Hermitage High School. If the fence is anywhere that they
1129 can climb over it, we have people walking through the woods and coming through that way now.
1130 What is that going to make, 150 children? My concerns of them being able to get over a fence to
1131 walk through the neighborhood.
1132
1133 Mr. Silber - OK. We will have them address your concerns about how that side is
1134 going to be fenced. Do you have any other questions?
1135
1136 Mr. Robertson - No, my biggest concern is what are they going to do with the wetlands
1137 and fence.
1138
1139 Mrs. Ware - Stay down in this area and we will have someone for the applicant speak.
1140
1141 Mr. Lewis - I am Pierre Lewis, 7303 Stoneman Road and I live on this lot right here
1142 (referring to slide). My concern is about a fence, also, and I wanted to know if you guys had done
1143 a study on the wild life in that area. The reason being, there are two owls that live there and they
1144 have been there for a few years, and I was kind of concerned about them, also, as well as the kids
1145 traveling through and the traffic that actually comes through the woods in that area.
1146
1147 Mrs. Ware - OK. Those are your questions, about the fence.
1148
1149 Mr. Lewis - Right, and also the traffic that is going to be on Wistar Road, if you say
1150 you've got 642 vehicles traveling on Wistar Road. The traffic at the light at Wistar and Broad, you
1151 already have to wait three cycles in the morning, as well as Hungary Spring and Broad. I am sure
1152 you guys are aware of the traffic situation on Hungary Spring Road, and also that is a 45 mile an
1153 hour speed limit, and you also have people, if you are going to build this unit in here, you are going
1154 to have all of that traffic being backed up even more on that road, also.
1155
1156 Mr. Vanarsdall - Thank you, Mr. Lewis.
1157
1158 Mr. Silber - Mr. Lewis, let me answer maybe one or two of your questions. Traffic
1159 Engineers do look at the traffic impact of proposed rezoning. This is a proposed rezoning of this
1160 property, taking it from its current use and proposing townhouses on this property. They have
1161 projected that this development would generate approximately 642 vehicle trips per day. They are
1162 trips going and coming from the site. Right now there are 8,414 vehicle trips per day on Wistar
1163 Road, so it would increase Wistar Road traffic by about 642 trips per day, so there would be some

1164 increase. They go on to say, however, that the adjacent road network of Wistar Road and the
1165 surrounding roads can accommodate this additional traffic safely, so there is going to be some
1166 increase in traffic. Yes, there is already traffic out there, but our Traffic Engineer does believe that
1167 the road system can handle that additional traffic.

1168
1169 Mr. Lewis - It is a two lane road. You are aware of that, right?
1170

1171 Mr. Silber - Yes, I am aware of that.
1172

1173 Mr. Lewis - And another thing I wanted to ask you about was early in the morning,
1174 like 4:00 a.m., I hear the dumpsters being emptied from Merchant's Walk, and what is going to
1175 happen as far as the removal of trash from that area and also, I hear Verizon when they dump
1176 their dumpsters there in the morning. It sounds like a bomb going off is what it sounds like.
1177

1178 Mr. Silber - Often in a development like this, we will have a condition that deals with
1179 the handling of trash. I will have to ask the applicant or staff to help me. I don't see that as a
1180 proffered condition here, but we can look into that. I will have the applicant address that issue.
1181 You also raised a question about owls on the property and wild life. We do not do an extensive
1182 study of the wild life that is on a piece of property before it is developed unless there is some
1183 known species of some endangered characteristic. Typically, the wild life would just find other
1184 habitat, so I know that there are owls in the area. Owls often go to other wooded areas to survive.
1185

1186 Mr. Lewis - How many wooded areas are going to be left? They are (unintelligible) like
1187 crazy now. This is one of the last few pristine areas that we have. They've got the water to drink
1188 right there and they've got all of the food in the woods. I mean it is a wetland through there. I
1189 don't know if you are aware of that.
1190

1191 Mr. Silber - Yes, there are wetlands on the property and that has been identified in the
1192 applicant's plans and they will have to deal with that and stay off of the wetlands in the
1193 development of the property.
1194

1195 Mr. Lewis - I don't know. Can you bring that program back up? In all actuality, the
1196 owls, they live right in here in this area right here is where they live (referring to slide). There are
1197 two of them.
1198

1199 Mr. Silber - Based on, if I am reading this plan correctly, and this is just a conceptual
1200 tentative plan at this point, it looks as though that is an area that would remain undisturbed. They
1201 are not proposing any buildings or parking lots or anything on that area, so in all likelihood that will
1202 remain in its current state and perhaps the owls can continue to reside at that location.
1203

1204 Mr. Lewis - But in all actuality the creek, I guess this is the creek right here. Here is
1205 where they are going to get their water. I do actually walk through here with my dog and we do
1206 enjoy the woods back there I can tell you that, and these owls, I don't know what kind they are,
1207 but I do hear them and I do watch them fly through, and they have got like an eight foot wing
1208 span, so they are older. They are mature owls. So, are they going to go anywhere else? I don't
1209 know.
1210

1211 Mr. Silber - I don't know. Just keep in mind this is property that is owned by someone
1212 and they have the right to request to have it rezoned for development, so that is what is before the
1213 County for consideration.
1214

1215 Mrs. Ware - Are there any questions?
1216

1217 Mr. Vanarsdall - Thank you, Mr. Lewis.
1218
1219 Mrs. Ware - Please come forward to the microphone. We are audibly taped. You have
1220 about seven minutes left. Please state your name and address, please.
1221
1222 Ms. Rogers - My name is Judy Rogers. I live at 114 North Nansemond in the City, but I
1223 own the property adjacent to the back end of where this proposed building comes out onto Wistar
1224 Road. I am curious about two things. One, is the road going to continue to come out at the same
1225 angle that it comes out now, or will it be changed? And what will the buffer against my property
1226 be? And I am also curious, since the next four parcels along Wistar that attach to the back end of
1227 the phone company, I had drawn up plans for townhouses there several years ago and I was
1228 turned down because of the wetlands problem, and I am wondering if this sets a new precedent
1229 that I might come back with other plans to do this in the future. It appears that where this creek
1230 continues on through the phone company, it looks like it will be developed and does this give me
1231 precedence to be able to develop my property, also. That is my two questions.
1232
1233 Mr. Vanarsdall - My secretary.
1234
1235 Mr. Silber - Was that two questions? OK. I think the road, if I am reading the plans
1236 correctly, and the applicant can correct me, but I believe the road location will change with
1237 development of this property. They will be relocating the existing road to Verizon, and they will be
1238 constructing their own road to serve their townhouse development. The buffer adjacent to Wistar,
1239 I think you were asking about, I may ask the applicant to answer that question. Will this set a
1240 precedent for zoning across the street? Yes, across the street, I presume your property across the
1241 street is zoned R-3, which is for single-family residential. With this property being rezoned to
1242 townhouses, it could have a precedent. It could have an influence on that; however, the Land Use
1243 Plan, the County's Long Range Land Use Plan shows some of that property across the street for
1244 residential and a portion of it for offices, so the County does have a long-range guide or plan on
1245 how that property is to be used.
1246
1247 Ms. Rogers - When you say across the street, I am on the north side of Wistar, which is
1248 the same side the phone company is on.
1249
1250 Mr. Silber - Oh, I am sorry. I thought you said you were across the street.
1251
1252 Mr. Lewis - Her property is immediately to the right. She owns the parcels next door.
1253
1254 Mr. Silber - OK. I misunderstood. Then that property is all zoned for single-family
1255 residential. The zoning is R-2A. I personally think that those properties across there should
1256 continue to be used for single-family residential. I don't see a need for that land use to change.
1257
1258 Ms. Rogers - That the possibility might exist if I could show that I could follow in the
1259 same sort of housing that is being proposed.
1260
1261 Mr. Silber - I think that we would have to look at the size of the properties. How
1262 many properties were put together, the impact that that might have on the single-family nearby.
1263 That would need to be evaluated based on configuration of the property.
1264
1265 Mrs. Rogers - And the other question about how the new road is coming off of the back
1266 end of the phone company will be separated from my property is what? Will that be done with a
1267 buffer or a fence, or what will be the separation there?
1268

1269 Mr. Marshall - The phone company relocation road is not going to be anywhere near
1270 your property.
1271
1272 Mr. Silber - Maybe we need to back up Mark that shows it near the bottom.
1273
1274 Mrs. Rogers - Can I see where that is? I don't quite understand where it is going to be.
1275
1276 Mr. Marshall - Right down at the bottom.
1277
1278 Mr. Bittner - This is the existing entrance (referring to slide). It would be relocated to
1279 here (referring to slide). There would be another new entrance constructed here, both off of
1280 Wistar Road.
1281
1282 Mrs. Rogers - OK, and would there be a buffer there?
1283
1284 Mr. Marshall - There is a landscape berm or buffer along Wistar Road on the plan.
1285
1286 Mr. Bittner - It is 25 feet along the whole perimeter. Is that correct, Sandy?
1287
1288 Mrs. Verna - Right.
1289
1290 Mr. Bittner - Yes, a 25-foot buffer would be along Wistar Road and around the project.
1291
1292 Mrs. Rogers - OK, thank you.
1293
1294 Mrs. Ware - Do you want to hear from the applicant at this point? Is there anymore
1295 opposition? Does anyone want to speak in opposition? Good evening.
1296
1297 Mr. Henry Wilton - For the record, my name is Henry Wilton and I have come to answer a
1298 number of questions. No. 1, I think I should take some of the easier ones. The trash removal, the
1299 trash cans like any residential community would be contracted for by the association, and the
1300 association probably will get one of the many companies to do this, that handle townhouse
1301 subdivisions, will actually contract for the trash removal. There will be no dumpster pickup, so
1302 there is not going to be that problem.
1303
1304 In regard to the wetlands, you can see by the way we've planned this out, originally we had impact
1305 in additional wetlands and we decided to stay away from that and not impact those wetlands, so
1306 the area that is where the owls are living, we decided basically not to impact that. So, I guess,
1307 again, that is not going to be...the trees won't be cut, the wetlands will not be disturbed from there
1308 back. There was a concern that it might become a playground, but, again, we are not planning on
1309 clearing that property. It is wooded and the entrance to that property is actually wetlands, so to
1310 get to that piece of property would be extremely painful, I guess. It is hard to sense these
1311 concerns against the residential property. Every residence will be – there will be a 6- foot high
1312 vinyl fence. It will be maintained by the association, again, a vinyl solid 6-foot high fence all the
1313 way around the project. So, I think that there will also be some additional buffering with some
1314 landscaping and also some berms against the residential property also. In regard to Mrs. Rogers's
1315 property to the right, she had talked to me, and basically I have taken a look at that, and hopefully,
1316 with their approval, I would hope that you could, actually I think I've laid it out for about eight
1317 units, possibly down the road. Her property to the right, in regard to her question of buffering, we
1318 are not developing anything adjacent to her property. In fact, we are leaving that open also, and
1319 the only thing that she has got adjacent to it would be the BMP facilities that were put in, so there
1320 is no construction, no development next to your property. So, does that answer those two
1321 questions? We will be happy to go ahead between now and the Board of Supervisors meeting, if

1322 you would meet us out here afterwards, we'd like to have a meeting with everybody, and we could
1323 go through exactly the types of fence, and everything else. And also, walk the back of your yard so
1324 you know exactly what we are going to go ahead and do, and we will do that in the next week or
1325 two. So, we will be happy to go ahead and set that up if you will meet us at the end of the
1326 meeting. Other than that, I think I've answered everything.
1327
1328 Mr. Vanarsdall - You remember the meeting we had over at the townhouse, and I brought
1329 up about the dumpster and the dumpster hours.
1330
1331 Mr. Wilton - Yes, sir.
1332
1333 Mr. Vanarsdall - Do you remember that? So, I would like to see you put a proffer on there
1334 that there wouldn't be a pickup before 7:00 a.m. or after 9:00 p.m.
1335
1336 Mr. Wilton - Yes, sir. As far as the basic residential trash, we don't have dumpsters.
1337 We...
1338
1339 Mr. Vanarsdall - Some kind of vehicle has to come to that place, pick up something and go
1340 away.
1341
1342 Mr. Wilton - Sir, we will be happy to put that proffer in.
1343
1344 Mr. Vanarsdall - And what I wanted to do is what the gentleman, Mr. Lewis, mentioned
1345 about at Merchant's Walk. This happens everywhere. It is always at 3:00 and 4:00, so if you
1346 would put a proffer on that I would appreciate it. Do you want to do it now or do you want to do it
1347 at Board time?
1348
1349 Mr. Wilton - Yes, sir. We will go ahead and put that proffer in and again, we will add
1350 some more proffers between now and then. We will meet with the people and if they have some
1351 other concerns, we will certainly address them in proffers.
1352
1353 Mr. Vanarsdall - I just wonder what he said about the traffic. That does back up at that
1354 light. I understand now that Broad Street now, a State road, they always set it for them, and you
1355 on the side in a County road, you have to wait longer. I was just throwing it out. Maybe they
1356 would want to synchronize it.
1357
1358 Mr. Wilton - Because we are increasing the traffic, maybe increasing the frequency of
1359 the light. Certainly, we will go ahead and talk to them about that.
1360
1361 Mr. Vanarsdall - That is all the questions I have.
1362
1363 Mr. Wilton - Yes, sir.
1364
1365 Mrs. Ware - Are there any more questions for Mr. Wilton from the Commission? Thank
1366 you. You have one quick question, sir?
1367
1368 Mr. Lewis - Yes, I do. Also, on here you are describing that as being wetlands
1369 through this area right here. What about the homes being built right here? All this is a wetland
1370 buffer also. You are talking another 10, 15, maybe 20 units that are also sitting right here in the
1371 wetlands. This one right here is right on the end. I am a construction inspector by job, a heavy
1372 equipment operator by trade, but I can see that is wetlands.
1373

1374 Mr. Silber - Yes, sir, Mr. Lewis. I will let Mr. Wilton answer that. You can impact
1375 wetlands. They need to do that properly with the proper approvals. I will let Mr. Wilton indicate
1376 how he intends to do that.
1377

1378 Mr. Wilton - Yes, again, we can impact some wetlands, and what we have decided to
1379 do here is again, that is additional wetlands. It is less, substantially less than an acre, probably .2
1380 of an acre, so they went back. We are allowed to actually impact some wetlands, and again, a
1381 majority of the wetlands and some of the property that is protected by the wetlands, we have
1382 decided not to. But in this particular case, again, we are allowed to. We have to have the
1383 necessary permits. We will apply for those, but we have talked to our wetlands expert and these
1384 have been flagged and we know where the wetlands are and again we know approximately how
1385 much we can affect or impact, and, again, we have set that up, but we have minimized the impact.
1386 Originally this was set up with an impact on more wetlands and we decided to reduce the wetlands
1387 impact, so we are allowed to impact this much. And, again we will work with VEC and the Army
1388 Corps in regard to the permits that we need.
1389

1390 Mrs. Ware - Thank you. Anything else, Mr. Vanarsdall?
1391

1392 Mr. Vanarsdall - I think Mr. Wilton covered everything we talked about and all of you who
1393 came tonight to speak, I appreciate your coming and your input. Mr. Wilton said he would talk to
1394 you in the lobby and answer any other questions you might have. I want to use this case as a
1395 good example. Mr. Wilton, Mr. Glover, Jean Moore and Mark, all of us had a meeting over at the
1396 County about this case and this was Jean Moore's first case in the Brookland District, and so she
1397 was somewhat delighted about how it went, because Mr. Glover insisted on this fence. Mr. Wilton
1398 said he didn't mind doing it, but it was going to be kind of expensive. Mr. Glover said, "Well, I told
1399 you a long time ago not to pay too much for property." Remember that? Anyway, Mr. Wilton and
1400 Mrs. Verna have worked on this case and have done everything we asked for and we talk about
1401 cases that are filed sometimes with one or two proffers just to make it a proffered case, and this is
1402 a good example. For one thing, the supervisor knew what he wanted on that property or pretty
1403 well, and we kind of knew what it would take to make it go, and I want to thank you all for the
1404 cooperation we got from Sandy and Hank on this, and having said that, I recommend to the Board
1405 to approve Case C-19C-04.
1406

1407 Mr. Marshall - Second.
1408

1409 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in favor
1410 say aye. All opposed say no. The motion passes.
1411

1412 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Marshall, the Planning
1413 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1414 request because the proffered conditions would provide for a higher quality of development than
1415 would otherwise be possible.
1416

1417 Mr. Silber - This will be heard at Board level on May 11, 2004 at 7:00 p.m.
1418

1419 That concludes the rezoning requests on the agenda. We do have two additional items.
1420

1421 **APPROVAL OF MINUTES: Planning Commission March 11, 2004**
1422

1423 Mrs. Ware - Do you have any corrections to the minutes? Do we have a motion for
1424 approval?
1425

1426 Mr. Vanarsdall - I move that we accept the minutes of March 11, 2004.

1427
1428 Mr. Marshall - Second.
1429
1430 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in favor
1431 say aye. All opposed say no. The motion passes.
1432
1433 **DISCUSSION ITEM:** Setting of Work Session for Land Use Plan Amendment for an Urban Mixed
1434 Use area in Innsbrook.
1435
1436 Mr. Silber - We need to set a work session with the Planning Commission to discuss a
1437 Land Use Plan Amendment for an Urban Mixed Use designation in Innsbrook. There is a portion of
1438 Innsbrook that a developer is interested in having shown on the Land Use Plan and later zoned for
1439 UMU. We'd like to hold a work session with the Planning Commission on May 13 if that is
1440 acceptable. As you recall, we already have a work session scheduled beginning at 5:30 p.m. on the
1441 13th to talk about two other things. One was to talk about the Planning Commission processes and
1442 the second was to talk about tot lot locations and designs of tot lots in single-family subdivisions.
1443 This would be the third item we would add to the agenda and I would propose that we would start
1444 earlier, that perhaps we start at 5:00 p.m. in the County Manager's Conference Room. We will
1445 serve you a warm dinner, if that makes a difference.
1446
1447 Mr. Marshall - Are we going to have that same presentation that I saw already?
1448
1449 Mr. Silber - Very close to it. I don't expect to invite the applicant. I think staff will just
1450 brief the Commission, but, Mr. Marshall, it is the same concept.
1451
1452 Mr. Marshall - The other was a slide show.
1453
1454 Mr. Silber - We probably won't be that elaborate, but we will have some ideas of
1455 things we want to share with the Commission.
1456
1457 Mr. Archer - What was that date again, Mr. Secretary?
1458
1459 Mr. Silber - It is May 13 at 5:00.
1460
1461 Mr. Marshall - ... be in there at 5:30.
1462
1463 Mr. Vanarsdall - We have something at 5:30. I think that is a meal, isn't it? It is a
1464 Commissioner's meeting with a meal.
1465
1466 Mr. Silber - We have all three of these items in schedule if you are allowing me to set
1467 this.
1468
1469 Mr. Archer - And that is 5 instead of 5:30. Is that what you said?
1470
1471 Mr. Silber - Instead of 5:30, it would be 5:00 p.m.
1472
1473 Mr. Jernigan - Mrs. Ware had a good idea the other day when I was talking to her. We
1474 eat at 5:00? Let's just go ahead and start talking at that point, because we can talk while we eat.
1475
1476 Mr. Vanarsdall - I usually do that anyway.
1477
1478 Mr. Silber - We could do it that way if you want to. Come hungry and we can feed
1479 you. I would like time for staff to eat, too, and it is hard for them to eat when they are presenting.

1480
1481 Mrs. Ware - Is there a motion for the work session?
1482
1483 Mr. Vanarsdall - I move that we set this UMU Work Session on May 13, 2004, at 5:00 p.m.
1484 during the meal and just before the Commission meeting, and then we will come down here and
1485 have a regular meeting.
1486
1487 Mr. Archer - Second.
1488
1489 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor
1490 say aye. All opposed say no. The motion passes.
1491
1492 Mr. Marshall - I make a motion to adjourn.
1493
1494 Mr. Vanarsdall - Second.
1495
1496 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall to adjourn.
1497 All in favor say aye. All opposed say no. The motion passes. The meeting is adjourned.
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Lisa Ware, C.P.C., Chairman
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Randall R. Silber, Secretary