

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 14, 2005, Display Notice having been published in the Richmond
4 Times-Dispatch on March 24, 2005 and March 31, 2005.

5
6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson, Brookland
7 Mr. C. W. Archer, C.P.C., Vice Chairman, Fairfield
8 Mr. Tommy Branin, Three Chopt
9 Ms. Bonnie-Leigh Jones, Tuckahoe
10 Mr. E. Ray Jernigan, C.P.C., Varina
11 Mr. David A. Kaechele. Board of Supervisors, Three Chopt
12 Mr. Randall R. Silber, Director of Planning, Secretary
13

14 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
15 Mr. David D. O'Kelly, Jr., Assistant Director of Planning
16 Ms. Jean Moore, Principal Planner
17 Mr. Lee Tyson, County Planner
18 Ms. Rosemary Deemer, County Planner
19 Mr. Thomas Coleman, County Planner
20 Mr. Seth Humphreys, County Planner
21 Ms. Debra Ripley, Recording Secretary
22

23 **Unless otherwise indicated, Mr. Kaechele abstained from voting on all zoning cases.**
24

25 Mr. Vanarsdall - Good evening ladies and gentlemen, the Planning Commission will now
26 come to order, and before we start the regular business, I have the honor of presenting
27 something, and if Mr. Kaechele will join me down at the podium I'd appreciate it. Ladies and
28 gentlemen, it's my pleasure to present an award tonight. This is gift for one of our members
29 who has moved on to bigger and better things and higher, and he did a tremendous job with us
30 and so we want to, in a small token tonight, to award him. Judge Marshall would you please
31 come down? Will the Commission all rise? John, this is a token of goodwill and to thank you for
32 all the things you did for us. I remember when John, when Dave first announced who it was
33 going to be and I said, "What is his occupation?" and he said, "He's an attorney." I said, "Oh
34 Lord". So I called John on the phone a couple of days later and said you know that I am glad to
35 have you, but being an attorney may be a handicap because you know. John said, "Oh no, I, Joe
36 Rapisarda and Tom Tokarz could take care of all of this," but it wasn't a handicap. In fact, it
37 helped us. And John knew what he was doing and didn't mind making decisions and in fact it
38 came easy. John, I think you'll make an excellent judge, and we appreciate all the time you
39 spent with us. And this is the man who appointed him, Mr. Kaechele whose on the Board of
40 Supervisors.

41
42 Mr. Kaechele - Thank you. You all may be seated. Judge, it's a real honor and I just
43 want to say congratulations. I'm really sorry I missed your investiture last week. I was out of
44 town, and I know it was a real proud moment for you, for your family, and all your friends and
45 for Henrico, in general. I had mixed emotions about it, but I really hate to see you go but I don't
46 always agree either with everything that our legislature does for us or to us, but their decision to
47 appoint you as a judge was one that I really recommend that they have done a good job with it.
48 So, your tenure on the Planning Commission was rather short, but it was very, very meaningful
49 and you really served our citizens well in the Three Chopt District.
50

51 Judge Marshall - Thank you.
52

53 Mr. Kaechele - We've had some proud Commissioners, Planning Commissioners from
54 the Three Chopt District over the years. Mary Wade, who was here for 20 some years and Al
55 Taylor for four years, and your short term, but we've asked Mr. Brannin here to sign a longer
56 term contract. So, I think he's in it for the long term. Right? Future, or whatever. Anyway,
57 John, I just want to say thank you for all the people in Three Chopt and the County for the great
58 job that you did and I know your're going to be a great judge. I hope to see you a lot in the
59 future, but not in the courtroom.

60
61 Judge Marshall - Well I really enjoyed my time on the Planning Commission. I don't know
62 that what I'm doing is higher from the standpoint of serving the citizens. It's a different role in
63 serving the citizenry, but you guys I think have one of the utmost and highest responsibilities in
64 the things that you do. I didn't know that until I came. Mr. Kaechele basically asked me out of
65 the blue. I never considered serving up here. But the decisions that you all make are very
66 important. I will say that there are no harder working people that I know of from the standpoint
67 of the staff. I don't know of any other County agency where you can come in at seven or eight
68 o'clock and still see the lights on, and that is a regular occurrence from what I saw in the little
69 over a year that I spent serving on the Planning Commission. And I laugh sometimes when they
70 call what you all do as a part-time job, because, of course, Mr. Kaechele said, "Oh, it's only two
71 meetings a month".

72
73 Mr. Vanarsdall - We've heard that before.

74
75 Judge Marshall - Right, right. And then you find out some weeks its five meetings, or you
76 know those are just the meetings you have to go to. They don't tell you about all the other
77 voluntary meetings that are not voluntary with the developers and so forth. But it's a very
78 rewarding job. My only regret is that I didn't get to do it longer. But you know I had the
79 opportunity to go next door and serve in a different capacity, but I will tell you all that when I
80 went down to legislature for my final interview with the House and Senate Courts of Justice
81 committee members, one of the senators that I did not know was quickly looking over my
82 resume and what I had done and he looked a little startled and then he spoke up and said, "I see
83 you served on the Planning Commission." He said, "I guess that will, in my opinion, I guess that
84 gives you the temperament to be a judge." And I said, "Well, sir, yes I guess it should because
85 when you're sitting up here and you have citizens that are angry and coming before you they
86 don't have anything at stake from the standpoint of you all can't put them in jail or do anything
87 to them." So the people that I see next door do act a little friendlier to me when they're talking
88 to me anyway. But you guys taught me a lot. I learned a lot about making decisions. I'm sure
89 Mr. Rapisarda is not necessarily happy to see me go, but I don't think he's that unhappy to see
90 me go from the standpoint of challenging his legal issues. But I truly enjoyed it, and I'm going to
91 miss being with you guys. Thank you. Thanks, now I can go get some legal reading material.

92
93 Mr. Vanarsdall - You might get that book, "Judging for Dummies." You know I was just
94 thinking, TV has Judge Judy and we have Judge John.

95
96 Mr. Branin - Mr. Chairman, the Honorable Mr. Marshall, Judge Marshall now will be
97 getting a payback at some time, because what you all don't know is when Mr. Marshall would
98 work very late with you all, and it would be at 12:00 p.m. or 1:00 a.m.. Mr. Marshall would call
99 me at home and wake me up to let me know how hard he was working for our County. And
100 although I cannot discuss anything with the honorable Judge Marshall, he will be getting a phone
101 call at the first 1:00 a.m. meeting.

102
103 Mr. Vanarsdall - Well, that reminds me of when I asked, I didn't want to ask John, I
104 didn't know if he'd ever been in any trouble or anything, speeding tickets so I asked him, Have
105 you ever been up before the judge?" and he said, " I don't know. What time does he get up?"

106
107 Judge Marshall - Mr. Branin had quite an interest in what I was doing and I'm glad that
108 he's a close friend. I'm glad that he gets to sit up there now, but he would often ask well what
109 do you do, you know, how much time does it take, so I just decided that on my way home I
110 would call him and let him know what time we were getting out of our meeting so he would
111 know what he was getting in to.

112
113 Mr. Vanarsdall - That's good thank you. All right, Mr. Secretary.

114
115 Mr. Silber - Yes sir, Mr. Chairman, next on the agenda would be consideration of the
116 withdrawals and deferrals. I'm not aware that we have any withdrawals, but there are a few
117 deferrals. I'll review those please.

118
119 Ms. Moore - Thank you Mr. Secretary, we have four requests for deferrals. The first
120 is in the Brookland District. It's on page 2 of your agenda.

121
122 **Deferred from the February 10, 2005 Meeting:**

123 **C-61C-04 Dominion Land & Development Partnership:** Request to conditionally rezone
124 from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 759-767-
125 5161, 759-767-2638, 759-767-6934, 759-767-6516 and 758-767-8413, containing approximately
126 14.2 acres, located on the west line of Francistown Road at Castle Point Road. The applicant
127 proffers to develop no more than thirty (30) single-family units, an equivalent density of 2.1 units
128 per acre. The R-3 District allows a minimum lot size of 11,000 square feet, an equivalent of 3.96
129 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
130 density per acre, and Environmental Protection Area.

131
132 Ms. Moore - A deferral is requested to the May 12, 2005 meeting.

133
134 Mr. Vanarsdall - Anyone in the audience in opposition to the deferment of C-61C-04,
135 Dominion Land, in the Brookland District? No opposition, I move that Case C-61C-04 be deferred
136 until May 12, 2005 at the applicant's request.

137
138 Mr. Jernigan - Second.

139
140 Mr. Vanarsdall - We have a motion by Mr. Vanarsdall and a second by Mr. Jernigan. All in
141 favor say yes. All opposed say no. The motion passes.

142
143 At the applicant's request, the Planning Commission deferred Case C-61C-04, Dominion Land and
144 Development Partnership, to its meeting on May 12, 2005.

145
146 Ms. Moore - The next is in the Fairfield District. It is on Page 3 of your agenda.

147
148 **Deferred from the March 10, 2005 Meeting:**

149 **C-48C-04 Henry L. Wilton:** Request to conditionally rezone from A-1 Agricultural District to
150 B-3C Business District (Conditional), Parcels 804-737-4084 and 804-737-1251, containing 4.83
151 acres, located on the east line of Mechanicsville Turnpike (U. S. Route 360) opposite Springdale
152 Road. The applicant proposes business uses. The uses will be controlled by zoning ordinance
153 regulations and proffered conditions. The Land Use Plan recommends Government and Urban
154 Residential. The site is in the Airport Safety Overlay District.

155
156 Ms. Moore - The deferral is requested to the June 9, 2005 meeting, which is different
157 than on your agenda. We did receive a new deferral request to June 9th. This property is located
158 on Mechanicsville Turnpike, opposite Springdale Road and the applicant proposes business uses.

159 Mr. Vanarsdall - In the Fairfield District, is anyone in opposition to the deferment of C48C-
160 04, Henry L. Wilton. No opposition. Mr. Archer.

161

162 Mr. Archer - Mr. Chairman, I move the deferral of C48C-04, Henry L. Wilton, until June
163 9, 2005 meeting at the applicant's request.

164

165 Mr. Jernigan - Second.

166

167 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mr. Jernigan. All in favor say
168 aye. All in favor say aye. All opposed say no. The motion passes.

169

170 At the applicant's request, the Planning Commission deferred Case C-48C-04, Henry L. Wilton, to its
171 meeting on June 9, 2005.

172

173 Ms. Moore - Also in the Fairfield District on page 3 of your agenda is C-12C-05.

174

175 **C-12C-05 Wilton Development Corp.:** Request to conditionally rezone from B-2C
176 and B-3C Business Districts (Conditional) to R-3C One Family Residence District (Conditional) and B-
177 3C Business District (Conditional), Parcel 804-736-0481, containing 10.77 acres, located at the
178 northeast intersection of Mechanicsville Turnpike (U.S. Route 360) and Neale Street. A single-
179 family residential subdivision (6.87 acres) and business uses (3.9 acres) are proposed. The R-3
180 District allows a minimum lot size of 11,000 square feet, the equivalent of 3.96 units per acre. The
181 proposed Districts would be controlled by zoning ordinance regulations and proffered conditions.
182 The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety
183 Overlay District.

184

185 Ms. Moore - We have received a new deferral request to June 9, 2005.

186

187 Mr. Vanarsdall - Anyone in the audience in opposition to the deferment of this case? This
188 is C-12C-05, also in the Fairfield District. No opposition.

189

190 Mr. Archer - Mr. Chairman, I move the deferral of C-12C-05, Wilton Development
191 Corporation to the June 9, 2005 meeting, at the applicant's request.

192

193 Mr. Jernigan - Second.

194

195 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor say
196 aye. All opposed say no. The motion passes.

197

198 At the applicant's request, the Planning Commission deferred Case C-12C-05, Wilton Development
199 Corporation, to its meeting on June 9, 2005.

200

201 Ms. Moore - Next is on page 4 of your agenda. it's in the Tuckahoe District.

202

203 **Deferred from the February 10, 2005 Meeting:**

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

211

212 Ms. Moore - The deferral is requested to the June 9, 2005 meeting.
213
214 Mr. Vanarsdall - Anyone in the audience in opposition to this case, C-27C-02, in the
215 Tuckahoe District? Deferment? No opposition.
216
217 Mrs. Jones - Mr. Chairman, I move deferral of C-27C-02, RFA Management, LLC, to the
218 June 9, 2005 meeting at the applicant's request.
219
220 Mr. Jernigan - Second.
221
222 Mr. Vanarsdall - Motion made by Mrs. Jones, seconded by Mr. Jernigan. All in favor say
223 aye. All opposed say no. The motion passes.
224
225 At the applicant's request, the Planning Commission deferred Case C-27C-02, RFA Management,
226 LLC, to its meeting on June 9, 2005.
227
228 Ms. Moore - That concludes our report for the deferrals unless there's any from the
229 commissioner that would like to be voiced at this time.
230
231 Mr. Branin Mr. Chairman, I would like two additional deferrals.
232
233 **C-13C-05 Shawn Smith for The Estate of Madeline W. Smart and William D.**
234 **Smart, Sr. and Mamie J. Smart:** Request to conditionally rezone from A-1 Agricultural District to
235 R-2AC One Family Residence District (Conditional), part of Parcel 740-770-0883 and all of 740-770-
236 5728, containing 30.4 acres, located on the north line of Shady Grove Road approximately 1,100
237 feet east of Pouncey Tract Road (State Route 271). The applicant proposes a single-family
238 residential subdivision with the maximum density not to exceed 2.0 lots per acre. The R-2A District
239 allows a minimum lot size of 13,500 square feet, an equivalent of 3.23 units per acre. The Land
240 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
241
242 **C-14C-05 Shawn Smith for The Estate of Madeline W. Smart:** Request to
243 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
244 (Conditional), part of Parcel 740-770-0883, containing 14.5 acres, located on the south line of
245 Shady Grove Road approximately 1,100 feet east of Pouncey Tract Road (State Route 271). The
246 applicant proposes a single-family residential subdivision with the maximum density not to exceed
247 2.0 lots per acre. The R-3 District allows a minimum lot size of 11,000 square feet, an equivalent of
248 3.96 units per acre. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net
249 density per acre.
250
251 Mr. Branin - All right, I would like to make a motion that we defer C-13C-05 and C-
252 14C-05 to the May meeting please.
253
254 Mr. Vanarsdall - What page is that?
255
256 Mr. Silber - Page 3.
257
258 Mr. Vanarsdall - All right, go ahead.
259
260 Mr. Branin - I would like to make a motion that we defer Case C-13C-05 and Case C-
261 14C-05, to the May 12, 2005 meeting, please. I haven't had a chance to meet with the applicant.
262
263 Ms. Moore - It is May 12, 2005.

264 Mr. Vanarsdall - All right, anyone in the audience in opposition to this deferral, C-13C-05, in
265 the Three Chopt District?
266
267 Mr. Kaechele - Are the applicants here tonight?
268
269 Mr. Vanarsdall - Are you in opposition, sir? Did anyone second his motion?
270
271 Mr. Archer - I will second it, Mr. Chair.
272
273 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say
274 aye. All opposed say no. The motion passes.
275
276 The Planning Commission deferred Case C-13C-05, Shawn Smith for The Estate of Madeline
277 W. Smart and William D. Smart, Sr. and Mamie J. Smart, to its meeting on May 12, 2005.
278
279 Mr. Vanarsdall - Now we are going to have to take them separate.
280
281 Mr. Branin - I move that Case C-14C-05 be deferred to the May 12, 2005 meeting.
282
283 Mr. Jernigan - Second.
284
285 Mr. Vanarsdall - Any opposition to this case, also? No opposition. Motion made by Mr.
286 Branin and seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The motion
287 passes.
288
289 The Planning Commission deferred Case C-14C-05, Shawn Smith for The Estate of Madeline W.
290 Smart, to its meeting on May 12, 2005.
291
292 Mr. Vanarsdall - Any one else on the Commission have a deferment? All right. Mr.
293 Secretary.
294
295 Mr. Silber - Yes, sir. We don't have any items on the expedited agenda tonight, so we
296 can move in to the normal agenda.
297
298 **SUBDIVISION (DEFERRED FROM THE MARCH 10, 2005, MEETING)**
299

Majestic Meadows **Engineering Design Associates for Reginald H. Nelson, IV and**
(February 2005 Plan) **Phyllis Marie Nelson:** The 180.94-acre site proposed for a
subdivision of 130, single-family homes is located at 9421 Osborne
Turnpike at the northeast corner of the intersection of Osborne
Turnpike and Kingsland Road on parcel 808-672-3167. The zoning is
A-1, Agricultural District. Individual well and septic tank/drainfield.
(Varina) 130 Lots

300
301 Mr. Silber - Jim Strauss is not here. He has had a family emergency, so Dave O'Kelly
302 is stepping in to make the presentation on this subdivision.
303
304 Mr. Vanarsdall - Any opposition to this case? It is in the Varina District, Majestic
305 Meadows?
306
307 Mr. Steel- I'm not opposed, but I would like a chance to comment.
308
309 Mr. Vanarsdall - Okay, thank you. All right. Good evening, Mr. O'Kelly.

310

311 Mr. O'Kelly - Thank you, Mr. Secretary. Good evening, Mr. Chairman and members of
312 the Planning Commission. I would not have come here otherwise. I guess it's the luck of the Irish.
313 We also have Mike Jennings, Assistant Traffic Engineer, present tonight.

314

315 In the way of background, this subdivision was originally filed in September, 2004. It's an A-1,
316 Agricultural Subdivision proposal with a minimum one-acre lot size on well and septic tanks. It
317 would be located at the intersection of Osborne Turnpike and Kingsland Road. I think the agenda
318 states that there are 130 lots. That was the original plan. The current plan before the Planning
319 Commission is for 123 lots. The original plan had several issues. Both Kingsland and Osborne are
320 shown on the current Major Thoroughfare Plan as minor collective roadways. Both of these
321 roadways in the future will be widened, perhaps, to four lanes. That is the current County plan,
322 and the staff would recommend with this proposed subdivision that the plan comply with the Major
323 Thoroughfare Plan recommendations.

324

325 The second major issue with the original plan was that it provided for reverse frontage lots on both
326 Kingsland and Osborne, and the staff and the Department of Recreation and Parks and the
327 neighbors preferred that the plan be redesigned with lots fronting on those major roadways, but
328 with an adequate planting strip easement to prohibit ingress and egress from the individual lots
329 and with private alleys for access to the lots. There have been several variations of plans
330 developed since the original plan was filed and the staff has designed it's own plan, which I will get
331 to in just a very short moment. The most recent deferral was from the March 10th meeting, again
332 to allow staff and the applicant to discuss alternatives. The applicant has revised the plan with a
333 40 mile per hour design speed for the intersection of Osborne and Kingsland Road, and has
334 provided lots fronting, at the request of the staff, to these major roadways. They will be accessed
335 with private alleys. Staff believes that since this plan, however, does not meet the design speed
336 for the intersection in accordance with the Major Thoroughfare Plan recommendations, it does not
337 meet the requirement of the Subdivision Ordinance. The Subdivision Ordinance requires in part
338 that the design, alignment, grade and width of all streets shall correspond with the existing and
339 planned streets shown on the adopted Major Thoroughfare Plan. This is in section 19-101 of the
340 County Code.

341

342 The staff has prepared a Concept plan, which first of all it does meet the requirement of the Major
343 Thoroughfare Plan in that the intersection is designed at a 55 mile per hour speed limit. Secondly,
344 the plan provides for lots fronting Kingsland and Osborne with private alleyways for access. The
345 plan also increases the lot yield by one lot. So, we're able to get an additional lot with the staff
346 plan and looking at some design changes. And lastly, this layout provides for more attractive
347 entrance features. We're recommending a common area be provided at the entrance to the
348 subdivision for the enjoyment of the neighborhood. Also, it acts as a buffer to the existing
349 neighborhood in the area. I would be happy to answer any questions. There are a number of
350 residents that may wish to address the Planning Commission. We do have information submitted
351 from the Varina Beautification Committee that I think the Commission has before them, and Mr.
352 Robbie Nelson is here to represent the applicant.

353

354 Mr. Vanarsdall - Any questions by Commission members for Mr. O'Kelly?

355

356 Mr. Silber - So Mr. O'Kelly, the plan that has been provided in the Planning
357 Commissions' packet, as dated as April 14, shows a slight reconfiguration of the bend. That's
358 different from what's on the screen now. What's on the screen now is a staff recommendation.

359

360 Mr. O'Kelly - That's correct. The applicant's plan is for a 40 mile per hour design
361 speed for the intersection and the staff's plan is 55 miles an hour.

362

363 Mr. Vanarsdall - Any more questions?
364
365 Mr. Archer - Mr. O'Kelly, the green portion that shows at the lower left corner, does
366 that still remain a part of the subdivision?
367
368 Mr. O'Kelly - Yes, sir, that would be the common area for the common use and the
369 enjoyment of the residents. We'd hoped that it would be landscaped appropriately and be used for
370 open space. I would also like to comment, Mr. Chairman and members of the Commission, that
371 the staff is not recommending that the applicant build this roadway on this alignment at this time.
372 We are only asking for the right of way dedication to plan for the road in the future.
373
374 Mr. Vanarsdall - Any more questions for Mr. O'Kelly?
375
376 Mr. Jernigan - Mr. O'Kelly, you probably know and I see Mike Jennings sitting in the
377 audience, the site distance from the Osborne Landing to the curve is 580 feet?
378
379 Mr. Jennings - It requires 530.
380
381 Mr. Jernigan - Five hundred thirty and the...
382
383 Mr. Jennings - But it's more than that out there.
384
385 Mr. Silber - Mr. Jennings, will you come up to the microphone, please.
386
387 Mr. Jennings - Good evening, Planning Commission members. I am Michael Jennings,
388 Assistant Traffic Engineer with the County. Mr. Jernigan, as we looked at this plan before, the
389 required site distance at a posted speed of 45 is 530 feet. But when we looked at it before we
390 could get more than that out there.
391
392 Mr. Jernigan - It was around 580 feet of site distance. I believe that's what we
393 measured off in there.
394
395 Mr. Jennings - Well, at one point when we looked at 800 with that 1190 radius.
396
397 Mr. Jernigan - Okay, thank you.
398
399 Mr. Vanarsdall - Mr. Jernigan, you want to hear from the applicant, don't you?
400
401 Mr. Jernigan - Yes, sir.
402
403 Mr. Nelson - Mr. Chairman, members of the Planning Commission, my name is Robbie
404 Nelson. I am with Engineering Design.
405
406 Mr. Jernigan - Hi Robbie, how are you?
407
408 Mr. Nelson - Fine, thank you. I would like to address a couple of things Dave said
409 before I get into the (unintelligible). I would like to bring to everybody's attention that my plan has
410 not been put up on the overhead. The original plan that I submitted in September is what was
411 shown and has been greatly revised in negotiating with the community and the Planning
412 Commission member. But first of all, Dave is correct. In September we submitted the plan. We
413 got seven months of deferrals and the main issue we have with the staff is the realignment of this
414 curve at the end of Osborne and at the end of Kingsland. The community and applicant don't feel
415 that what the staff is proposing is a safe condition, #1, due to the fact that the public boat landing

416 is right there. and if anyone's been at that boat landing, you know that you come up about 20
417 percent slope. You know, I own a boat. I know I can't pull out in front of this traffic that's going
418 to be running 45, 50, 55 miles an hour without getting hit. Secondly, we've addressed every issue
419 that the staff has had, every issue that the community has had. We've turned these houses
420 around. We have faced the streets. We supplied alleys. We're proposing a pretty aggressive
421 landscaping plan that we're working with the Varina Beautification committee with, and I believe
422 that we've about beat this thing to death, and I would, respectfully, ask the plan that I submitted
423 be approved and the relocation of this curve be approved as I submitted at 40 miles an hour. I
424 don't believe that we need to increase the speed. If anything, we need to slow the speed down.

425

426 I would also like to address a couple of conditions that are listed. Condition No. 13, it's basically
427 talking about the landscaping, and they've asked us to provide a decorative fence. We've spoken
428 with the community, and the applicant and I, and the community would like to see the decorative
429 fence stricken from that condition. We proposed a 25-foot landscaping strip that we are going to
430 work with the Beautification Committee to get good landscaping detail there. I would also like to
431 modify Condition No. 19. We agreed to the majority of it that this piece of right away that's
432 dedicated by the applicant for the new realignment as I have shown on the plan that it will be
433 maintained by the lot owners, but I'd like the last sentence to read, I guess the main sentence,
434 that "The owners of the lots fronting on the right-of-way until such time as Osborne Turnpike
435 Realigned is constructed" I would like to add "by the County". And we would dedicate the 66-foot
436 right of way as shown on the Thoroughfare Plan where we have no intention of building this road.

437

438 The applicant and myself are here to answer any questions you may have.

439

440 Mr. Vanarsdall - Robbie, what was the reason that you don't want the decorative fence?
441 Did you all think that over?

442

443 Mr. Nelson - Mainly because it's going to be in the front yards of peoples' homes.
444 The fences look nice one or two years after their built. Ten years after they are built they're pretty
445 much of an eye sore.

446

447 Mr. Vanarsdall - That's a wooden fence, not a decorative fence.

448

449 Mr. Nelson - Well, I just...

450 Mr. Jernigan - Well, it says a decorative fence, but Ernie, in negotiations on this I never
451 said anything about putting a fence up. We're getting a 25-foot landscaping strip.

452

453 Mr. Nelson - I'm giving more that what the staff has requested already.

454

455 Mr. Jernigan - Well, when the fence came in, I didn't want that anyway, because not
456 everybody wants a fence in their front yard. And plus that's something else you'd have to weed
457 eat around. So they're willing to do a 25-foot nice landscaping strip and these houses are fronting
458 Kingsland and Osborne. And that's what I'm happy with.

459

460 Mr. Vanarsdall - Well, all you have to do is just when you get to your motion, delete that
461 fence.

462

463 Mr. Jernigan - Right, and as far as the No. 19, I guess we can put that in because you
464 weren't going to build, they weren't asking you to build it anyway.

465

466 Mr. Nelson - They would never ask us to build that.

467

468 Mr. Jernigan - They just want the 66-foot right away.

469
470 Mr. Nelson - Yes, and the curve that we have given meets all of the, to my
471 knowledge, meets all of the design criteria for a 40 mile an hour design curve.
472
473 Mr. Silber - Mr. Nelson, is the purpose of your concerns with the staff
474 recommendation the safety issues associated with the boats pulling out of the boat ramp?
475
476 Mr. Nelson - It's several reasons. That's one, that's the main safety reason. Two is
477 the community. We've met numerous times with the community, community organizations, the
478 Planning Commission member, the Supervisor, and to my knowledge, there is only one person here
479 that wants that curve. And that's, we don't want to give the curve up if we don't have to give the
480 curve.
481
482 Mr. Silber - So there's other reasons besides just the boat ramp?
483
484 Mr. Nelson - Yes.
485
486 Mr. Silber - How far will the houses be set back from the right of way, the houses
487 that front on Kingsland and Osborne Turnpike?
488
489 Mr. Nelson - Their getting...
490
491 Mr. Silber - You're giving a 25 foot landscape strip?
492
493 Mr. Nelson - Plus your 50 front yard setback would be a minimum of 75.
494
495 Mr. Silber - So they would be setback at least 75 feet.
496
497 Mr. Nelson - Yes.
498
499 Mr. Silber - Is that contained anywhere in these conditions?
500
501 Mr. Nelson - That's by County Ordinance.
502
503 Mr. Jernigan - That's the Ordinance.
504
505 Mr. Silber - No. The Ordinance says 50 feet. Does this say in addition to the
506 setback?
507
508 Mr. Nelson - Your setback comes off your landscaping strip. It's not...the landscaping
509 strip isn't inclusive in the setback.
510
511 Mr. Silber - Maybe that needs to be clear. I don't see it in the conditions unless I
512 missed it, that there would be a 25-foot planting strip easement. It says 20 feet here, doesn't it?
513
514 Mr. Jernigan - Yes. No, he is increasing it to 25.
515
516 Mr. Nelson - My plan proposes 25 foot.
517
518 Mr. Silber - We need to change that in the condition.
519
520 Mr. Nelson - That's fine.
521

522 Mr. Silber - I think we also need to say that that would be in addition to the front yard
523 setback.
524
525 Mr. Nelson - That's fine.
526
527 Mr. Jernigan - Yes, we'll put the plus 50-foot setback. I don't have any other questions.
528
529 Mr. Vanarsdall - You have more questions, Ray?
530
531 Mr. Jernigan - No.
532
533 Mr. Vanarsdall - Any more questions by the Commission members? Thank you.
534
535 Mr. Vanarsdall - Mr. Chairman, if we could take a few minutes and hear from some of the
536 neighbors.
537
538 Mr. Vanarsdall - All right. If that's what you want to do. Good evening.
539
540 Mr. Steel - Good evening Mr. Chairman, members of the Commission, my name is
541 John Steel and I live at 9700 Osborne Turnpike, and I have a concern which I'm hoping you can
542 help clarify for me, although I want to be clear that I do not oppose what you are planning to do.
543 They say a picture is worth a thousand words so if you'll bear with me...
544
545 Mr. Jernigan - John, I'm familiar, if they can put that on the camera and show it.
546
547 Mr. Steel - Thank you. As you can see from the survey of my property, on the right
548 there, Osborne Turnpike is in front of my property, and my property fronts about 350 feet on
549 Osborne Turnpike at the point where Osborne comes into the intersection with Osborne Landing.
550 And I've lived in that house since 1978 and I want to further reemphasize the value of realigning
551 the curve as been proposed, because of the safety issues that I have seen there in my front yard
552 since the time I've lived there. Since I have been in that house, at least five cars had to be towed
553 out because they were so far into my yard that they couldn't drive out. There have been countless
554 near misses which you can tell because of road signs knocked down or there are skid marks or
555 tracks in the berm. A motorcycle lost it in my yard and a fuel oil truck rolled over in the yard and
556 the oil tank completely came off of the truck, and the driver went through the windshield and
557 ended up out in the road. And most recently the VEPCO pole, in the photograph of my house, you
558 can see... let me get my little pointer to work. There's a utility poll right there next to that big tall
559 tree. That utility poll was knocked down last October, which not only affects me but affected the
560 region down there, if you will. People several miles away lost power as a result of that and that's
561 the second time that pole has been knocked down since I have lived there. So, and I don't mind
562 the inconvenience, it's pretty quiet down in Varina, so I'm not upset about people tearing up the
563 yard. It's kind of exciting to see this kind of stuff until you go out there and find people
564 unconscious or otherwise hurt because that curve is deceptive, and when you're into it plays tricks
565 on you and you don't have the wiggle room that you thought. So my point is that I think that it's
566 prudent to realign the curve. If an agreement has been reached with the developer on which curve
567 it is, that's great. If not, I hope you all will work that out sooner rather than later. But my point is
568 now that if you agree on realigning the curve, and the road, the pavement in front of my house
569 becomes unnecessary, I just don't want to be in a situation a few years from now where the curve
570 has been realigned and there is this abandoned piece of County roadway in front of my house.
571 Also my access to the new Osborne Turnpike would have to be, I guess, worked through with an
572 easement with the owner of the property, because if that little sliver that's created between the old
573 road and the new road, I presume that would belong to Mr. Nelson. I would imagine that it would.
574 But I can't just put a driveway across that to get out to Osborne Turnpike without his consent. So,

575 as I say, I'm not here to oppose Majestic Meadows, but I just hope that the Commission can guide
576 me on how I can be protected in the future so that if and when the new curve is built down the
577 road someone doesn't say, "We don't have any money in the budget to take up the old pavement,
578 we're sorry as we can be, and this and that and one thing and the other". So I don't know if the
579 Planning Commission is the place to raise that question now, or if you can guide me on how to
580 pursue that.

581
582 Mr. Jernigan - Well John, it's in the records now, but that'll be a Public Works issue.
583 That's not something that's decided by us, but Public Works will handle that. Mr. Jennings.

584
585 Mr. Silber - Mr. Steel, I would agree with that. I think that that would be determined
586 at some later date. If the road is built to this new realignment, then the existing pavement would
587 be scarified. It would be removed. It would be planted. The right-of -way for that would be
588 abandoned and you would be provided access to the new road. We would not provide any type of
589 strip that would keep you from accessing the roads. So that would be determined at the time
590 which that new road is built.

591
592 Mr. Steel - I appreciate your clarifying that for me. Thank you.

593
594 Mr. Jernigan - Thank you, John.

595
596 Mr. Upshur- Good evening, my name is Henry Upshur, and I'm representing Kingsland
597 Reach Marina. And to pick up from where Mr. Steel was talking, our entrance is right next to his
598 property. When I say our entrance, Mr. Nelson kind of brought up a good point about the coming
599 up of, the boats coming up the Osborne Landing and getting on to that road. What bothers me is
600 55 miles an hour. It doesn't work in that area. They have got a little bit more of a run coming out
601 of there to come on to the, coming up towards the bend, coming up to Kingsland Road. But in our
602 situation, they come up in your car and you're looking like this, and you're hoping nobody's coming
603 because your momentum going when you bring the boat up on to the roadway and continue on.
604 I've got a great concern about how, how customers get up on to the road, and I don't really want
605 to give up that access on the property to the road. Do you have any questions? Do you
606 understand what I said?

607
608 Mr. Jernigan - I understand it. Thank you.

609
610 Mr. Upsher - Okay.

611
612 Mr. Vanarsdall - Thank you. Anyone else? Come on down.

613
614 Ms. Snyder - Good evening, Mr. Chairman, Commissioners. I'm Nelda Snyder, Varina
615 Beautification Committee. I'm also representing R.O.O.T. tonight, an organization along Osborne
616 Turnpike. We'd like a different plan than what is up here. It's a compromised plan. Is there a
617 picture of that that will go up?

618
619 Mr. O'Kelly - The Planning commission has it, Ms. Snyder.

620
621 Ms. Snyder- If you have it that's fine. That's the plan that Varina Beautification
622 Committee and ROOT supports. It is a gentler curve, 40 miles an hour. Hopefully, it will be posted
623 at 30. We don't want the speed out there and this is along the river, all these boats from two
624 different places, County park right next to the boat landing. We're going to have people, families,
625 dogs and everything from the park and then on the curve, 55 mile an hour? Right next to all of this
626 it is, with all deference to the staff, who is so good and you are in here, and your engineers who
627 are so good, it might show up well on paper, but it doesn't fit when you get in the area. It is just 55

628 mile an hour, and it just does not go. So we want a safe curve, but we feel like the alternative
629 plan, the compromise plan is safe enough and slowing the speed down is what's important, not
630 raising it. The community doesn't want any high speed roads anywhere in our area. We also were
631 thinking that if that road, if the new curve is built now, maybe you could build two lanes of it. But
632 two lanes closest to the subdivision and the other two could be built later at whatever time and if
633 Osborne and Kingland, or either one are ever four-laned. That would give us a better, safer curve
634 now and would protect John Steel and other neighbors on that curve. If that's something maybe
635 the County could do now, maybe the expense wouldn't be too great.

636
637 The other thing, the plan that the staff put up, it looks nice with a meadow, but if that's not
638 accepted by the developer, then he's going to put lots there. And then John Steel and all the other
639 people on that curve are going to have backyards hanging in their front yards. And that's no way
640 to do a neighborhood either. I think that's everything on the curve.

641
642 I did want to say that the developer, we were happy about having the houses along Kingsland and
643 Osborne facing front. We're happy about the 25- foot landscape strip. Nobody particularly cared
644 about a fence. We'd rather have them put the money in the better landscaping than a fence, but if
645 they want a fence that's okay too, but they don't.

646
647 One last thing we wanted and I did not notice it as a condition, and I spoke to Robbie this morning.
648 That extra space. the right-of-way space, we would like the developer to landscape or maintain it.
649 It can be grass, it can be meadow, it can be whatever, but maintain that space until such time as a
650 new curve is built, so it isn't just a pile of weeds. Now he mentioned the lot owners being
651 responsible, but that's perhaps not good enough, and I don't know if legally they could be forced to
652 do that, and why should they pull up that whole right-of-way strip? So, can we have something
653 more definite on that?

654
655 Mr. Nelson - I think it's something we can work up out with the county whether we
656 need the Homeowners Association to reestablish and maintain that little strip that's created or the
657 lot owners legally. I don't know how it's done, because it will be ultimately County property. But I
658 believe we can work that out, and the applicant will agree to try to work that out with the county.

659
660 Mr. Jernigan - Randy, even if they were to dedicate, I think, well let's see, the wanted to
661 dedicate the 66 feet but the County doesn't require it until they build the road. Am I correct?

662 Mr. Silber - Well, it could be dedicated when they record the subdivision. It would be
663 County property at that time. Ms. Snyder, I think that may be, instead of instead of having it a
664 condition that would be binding, I think it may be best just to have them work that out with either
665 the property owners or their Homeowners Association. It sounds like the Association would be
666 willing to maintain it. Quite often people will maintain rights of way that's adjacent to their lots.
667 We all do that because we all have about 7 feet between the front of our lots and the curb or
668 street. So we all do that anyway. This would be a little larger if it becomes an issue...

669
670 Ms. Snyder - If it were a little bit larger, I'm not sure that anyone would want to
671 maintain it. And we just don't want to have a patch of weeds.

672
673 Mr. Silber - Well, I think he said that the Association would be willing to do that.

674
675 Mr. Nelson - Yes, Randy I think her concern is how and it's addressed in condition No.
676 19 that basically says about maintaining that future right away. I think Nelda's concern is how
677 that's enforced. You know, legally I don't know if that's an agreement between the County and the
678 developer. You know, because once it's County right of way, if I lived there I would maintain it, but
679 some people do not. It might be conditions we can put on those lots.

680

681 Mr. Silber - Yes, now that I see where it is, that is somewhat of a concern because we
682 are putting in a condition of the subdivision approval that future homeowners will maintain the
683 County's right-away.
684
685 Mr. Nelson - Exactly.
686
687 Mr. Silber - And I'm not sure if that's a condition we want to have in here.
688
689 Mr. Nelson - But, you know, we can work this out. We're willing to, you know, to do
690 what Ms. Snyder would like.
691
692 Ms. Snyder - Could the county take it over at such time as they build a new curve, but
693 until that time the Homeowners Association do it?
694
695 Mr. Jernigan - Well what he just said a minute ago, when he draws the finals on this he
696 has to dedicate the property at that point.
697
698 Ms. Snyder - I understand.
699
700 Mr. Jernigan - Now the road may be three, four, five, whatever down the road, you
701 know. But the dedication has to take place now.
702
703 Mr. Nelson - Is it something that we can address in the Covenants just on those specific
704 lots?
705
706 Mr. Jernigan - I would think so.
707
708 Mr. Silber - Yes, sir.
709
710 Mr. Steel - Then we'd be glad to address it in the Covenants.
711
712 Mr. Silber - Okay.
713
714 Ms. Snyder - That will work.
715 Mr. Silber - Ms. Snyder, also just a point of clarification, you mentioned a couple of
716 times that this would be 55 miles an hour through here and that that's excessive. It would be
717 posted at 45 miles an hour.
718
719 Ms. Snyder - Which means people will drive 55.
720
721 Mr. Silber - People may go faster than 45, but it's posted at 45.
722
723 Ms. Snyder - But are we set that's it's going to be the compromised plan, the one that's
724 submitted and not the one the staff did.
725
726 Mr. Jernigan - Nelda, the one that's up for the, the one that we're voting on is the 40
727 mile and hour curve. That the one that's in the case.
728
729 Ms. Snyder - Okay, that's good.
730
731 Mr. Jernigan - That's the one that was sent to us. That was the last case that was filed.
732 The other one is the one that staff had that we had talked about with the County Manager.
733

734 Ms. Snyder - Okay. Good. Thank you very much.
735
736 Mr. Jernigan - Thank you. Mike, did you want to say anything?
737
738 Mr. Jennings - I guess I should.
739
740 Mr. Jernigan - Okay.
741
742 Poor Mike Jennings, the only time me and he ever get to talk is at each other's throat, so I'm going
743 to take him to lunch one day so we can sit down and talk.
744
745 Mr. Jennings - I'm going to need it after this. As you know, Public Works cannot support
746 this plan. To carry out our Major Thoroughfare Plan, the road needs to be designed to proper
747 design standards. We're looking at a radius of 1190 feet and a design speed of 55 miles per hour.
748 What this means is in the future when needed, the County will build a road to a four-lane undivided
749 road. If this road is posted with the proposed 40 mile an hour design speed, this would not
750 function properly in the future as a four-lane road. Right now the road is carrying 440 vehicles per
751 day. So far, developments approved and currently proposed in this area would be this subdivision
752 which is going to have about 1300 vehicles per day, Newstead Landing another 22 houses, 258
753 vehicles per day, Kingsland Green 61 single family homes, 660 vehicles per day, Roundabout
754 Estates, 61 single family lots, 660 vehicles per day, and the Osborne boat landing improvements.
755 They are adding 91 parking places, overflow parking, shelters, walking paths and they're looking
756 forward to hosting bass tournaments. With all this proposed, you're looking at now 3000 vehicles
757 per day added to that road. Does this warrant the four-lane road yet? No. But what it is the four-
758 lane undivided road is looking at carrying 8000 to 10000 vehicles per day in the future, and when
759 this development, there's a lot of undeveloped land in this area, and once everything is fully
760 developed, this road will not be able to function properly with 8 to 10 thousand vehicles a day on it
761 with that 40 mile an hour design curve. I did an accident update through the Police database over
762 the last 10 years. Mr. Steel is correct in a lot of his numbers. Some of his numbers, the accidents I
763 can look up are reported accidents. A lot of them ended up in his front yard and were not even
764 reported sometimes. And of course, with the nature of the existing situation, half the accidents I
765 looked at were vehicles hitting deer. But that's going to change with all this development out
766 there. So with this proposal, the road will not be able to handle in the future carrying out a Major
767 Thoroughfare Plan with a 40 mile an hour design speed.
768 Mr. Jernigan - Why did you put Roundabout Estates in that?
769
770 Mr. Jennings - Because some of that traffic will go in this direction.
771
772 Mr. Jernigan - Because that's on Varina Road and they'd be better to come up and hit
773 route 5 then come down....
774
775 Mr. Jennings - Well, some of them may come this way, and as you know on a Major
776 Thoroughfare Plan in this corner of the County, these are the only two roads on the plan. So as
777 you know, Public Works cannot support this plan.
778
779 Mr. Jernigan - I know and I think with all due respect, I think your calculations are a little
780 higher than what they're going to be because knowing the area in which you do and I do too, that
781 some of that traffic will go up Strath Road and go to Route 5 rather than coming all the way down
782 through Osborne.
783
784 Mr. Jennings - Some of it will be yes sir, but then you've got a lot of undeveloped land
785 out there also that's going to add to this.
786

787 Mr. Jernigan - But that's is closer to Strath, and Strath is really a lot closer to go that way
788 then to come down Osborne.
789
790 Mr. Jennings - Some of it will, yes, sir.
791
792 Mr. Jernigan - Okay. Thank you, Mike.
793
794 Mr. Silber - Mr. Jernigan, I think it's also important that the Commission understand
795 that from a planning prospective, I know Mr. Jennings explained from a transportations standpoint,
796 but from a planning prospective we believe that this is a violation of the County's Subdivision
797 Ordinance as well. I think that just needs to be reiterated.
798
799 Mr. Vanarsdall - All right, anybody else? Come on down, Robert.
800
801 Mr. Nelson - And I'm like Ray, the only time I get to see Mike in this area is when we're
802 against each other. He and I are hunting buddies, so I'll have to take him to lunch too. He made
803 some comments that grabbed my attention. I live in Varina, was born and raised in Varina, baled
804 hay on this piece of land. I disagree in part. The Major Thoroughfare Plan shows minor collector.
805 No where on there does it says design speeds for curves. All right. The curve that I'm proposing is
806 a 45, 40 mile an hour design curve that meets all Public Works design criteria. He mentioned
807 Roundabout Estates and Kingsland Green. Roundabout Estates is about three miles from here on
808 Varina Road. And believe me, anybody that develops that, lives there, they're going down Varina
809 Road to Route 5. They aren't coming down Kingsland, to go way up Osborne, to eventually hit
810 Route 5, 10 miles down the road. Kingsland Green is at the corner of Ruffin Road and Kingsland
811 Road, probably guessing eight to nine miles away from this project. I don't think they're going to
812 come down to the other end of Varina to go back up to Route 5.
813
814 As far as future development, I'm pretty knowledgeable on the land in this area and what is
815 developable. There is currently only two pieces besides Newstead and this project in this
816 immediate area that can be developed. One of them is Mr. Perk's property that's right beside it.
817 He also, his land runs from Majestic Meadows all the way to Varina Road. Maybe half of his
818 development, if it ever happens, might come to this curve. The other piece of land that's
819 developable is owned by Buzz and Nelda Snyder and I'm sure they would like, well they can
820 address their development rights on their property. They spoke to me numerous times in the past
821 and I don't even think that it can be bought to be developed. That's in agreement with Ray, I think
822 the numbers are greatly skewed, I don't believe that this is in any capacity against the Subdivision
823 Ordinance. We're dedicating the right of way, we're realigning a curve that the community has put
824 a lot of input in and I think it creates a lot safer situation than what's there. Thank you.
825
826 Mr. Vanarsdall - Thank you. Any more questions?
827
828 Mr. Archer - Mr. Chairman, if I may make a comment. We've seem to have reached an
829 impasse here with regard to whose knowledge is the most correct in terms of how we have to
830 handle this, and even though it looks like this is a nice subdivision, we have got a plan that Public
831 Works cannot support, and staff says it's in violation of the Subdivision Ordinance. And I'm not
832 sure I have enough knowledge about this to be able to make an informed decision. I don't know
833 where we can go with it from here. I know it's been deferred from March.
834
835 Mr. Jernigan - I've talked to the County Attorney about it before, and I haven't got a
836 clear cut answer yet. So, I mean, I'm ready, this case has been around for seven months. And I
837 want to move on it tonight, and if it is in violation, than let the District Court settle, you know, if it's
838 wrong. But we can't, with the knowledge we have right now, we can't just keep on bringing this
839 case back. It has been the same thing. So I think it's time.

840
841 Mr. Vanarsdall - Why won't the County Attorney give you an answer?
842
843 Mr. Jernigan - Well, because I'm not sure what Randy says. He termed it right. He
844 thinks it is in violation of the Subdivision Ordinance. In the Major Thoroughfare Plan, this road is
845 not on the Major Thoroughfare Plan. Now, Public Works says if they have a design speed set and it
846 is a four-lane road, that they don't have to have it on the plan, and that is the part that is in the
847 gray area right now. When this first came up and they said we've got to have the curve. It's on the
848 Major Thoroughfare Plan. If you look in the Major Thoroughfare Plan, it's not there. It shows
849 Kingsland and Osborne at a 45 mile an hour speed limit now. And it shows it to be four lanes, but
850 it doesn't show this new curve.
851
852 Mr. Vanarsdall - You don't think that if you defer it one more time you could get a solid
853 answer out of it.
854
855 Mr. Jernigan - No, sir.
856
857 Mr. Vanarsdall - Okay.
858
859 Mr. Archer - Mr. Chairman, I'm not disputing what Mr. Jernigan says. I believe you 100
860 percent. It's just that from my personal point of view, I don't feel like I know enough about it to be
861 able to make a good decision one way or the other.
862
863 Mr. Jernigan - Well let me finish, then after I finish then if you still feel that same way, I'll
864 tell you, but when this case first came around, and Public Works came to me and said we have to
865 have this road, not the one we're looking at now, but the other one, we got to have this curve for
866 55 miles an hour. Actually, the developer was okay with it originally. I'm the one that had the
867 problem. Because Osborne Landing is there and the only thing that has stopped accidents at that
868 boat landing right now is the present curve that we have slowing traffic down to 25 mile an hour.
869 When you put that 55 mile an hour curve in there it may be posted at 45, but people are going to
870 come through there running 60 miles an hour. You have many, many boats coming out of Osborne
871 Landing, there coming off a 20 degree grade. They're pulling big boats, 20 foot, 30 foot boats,
872 coming out of there. It takes them a long time to get up to highway speed. If you've got a car
873 coming along at 60 miles an hour, 55 or 60 miles an hour, with the sight distance, you may see
874 that boat, and you may slow down, but if you've got somebody behind you that's right close to you,
875 he might not. Sometimes you have to go with your gut and that's on this one, I don't want to see
876 somebody get killed down there. And I'm telling you right now, that's going to happen. If you put
877 a 55 mile an hour curve coming down on those boats coming out of that ramp, somebody's going
878 to get hurt. On Saturday night and Sunday night in the summer time, after it's dusk and dark sets
879 in with people still hauling their boats out, if you've got a dark colored boat coming out of there you
880 can't see it because you're on it before you know what happens. The only thing that's saved it
881 right now has been that 25 mile an hour curve that's in their right now slows that traffic down to
882 where they're not running but so fast when they come up to the boat landing. Now...
883
884 Mr. Vanarsdall - Mr. Jernigan, I mean Mr. Silber, is that the only violation, to the
885 Subdivision Ordinance?
886
887 Mr. Silber - Yes sir, as Mr. O'Kelly pointed out, the Subdivision Ordinance under 19-
888 101 indicates that the design location alignment and grade shall comply with the County
889 Department of Public Works design standards and specifications. You have heard Mr. Jennings
890 explain that it doesn't meet their design standards and specifications. The road is on the Major
891 Thoroughfare Plan, both Kingsland....
892

893 Mr. Jernigan - The curve is not on the Major Thoroughfare...
894
895 Mr. Silber - The road is on there. The curve, that alignment, that particular alignment
896 is not on the Major Thoroughfare Plan, but these two roads are on the Major Thoroughfare Plan.
897 So you have heard Mr. Nelson. He disagrees with our interpretation of this. He has his opinion.
898 He's entitled to that. We just differ on this. We believe that it doesn't comply with the subdivision
899 requirements. Mr. Jennings has indicated that from a sight distance perspective, he believes that
900 people can negotiate that curve in a safe fashion without creating a safety issue for boats coming
901 out of the Osborne Boat Landing. Mr. Jernigan disagrees with that. Again he's entitled to his
902 opinion. It's a difficult situation. We just believe that staff has spent a lot of time designing this,
903 trying to maintain the number of lots that the developer would like to yield from this piece of
904 property. We've been able to do that. In fact, designed it so they had one additional lot, and tried
905 to design it so that this road in the future could be accommodated without asking them to build a
906 road. But in the future if we think it's necessary, it may not be, but if it is necessary, we've got the
907 right of way to be able to build this road. So that's where we are, Mr. Archer. I'm not so sure a
908 deferral will help. I think if you would like to defer it, that's fine. It's been around a long time. But
909 I think at this point, we've given this as much consideration as it probably is deserving of and it
910 probably is time to take some action on this.
911
912 Mr. Kaechele - I was going to ask, has Public Works addressed that dangerous
913 intersection with the boat ramp there? Do you feel that intersection can be improved to make it
914 safer in the future? There seems to be a disagreement on how unsafe it is.
915
916 Mr. Jennings - Well, we looked at that with Mr. Jernigan at different radiuses that meet
917 our standard that we could redo it, if necessary, but the plan that Jim Strauss put together shows
918 that at more that adequate site distance. And if the boat is pulling out of landing, remember it's
919 going the same direction as people coming around that curve, and the way the sight distance is set
920 up, if it had to, a vehicle coming out of that curve, could come to a complete stop before it hit that
921 boat. So these are the current standards. If I may, I would like to follow up on the Major
922 Thoroughfare Plan issue. The road shown on the Major Thoroughfare Plan are the conceptual
923 classical concept. It's a conceptual plan showing the classification that everybody in the County
924 voted on to see what the roads will be in the future. None of these roads that are shown on there
925 are, the lines aren't showing to our design standards. They're just highlighted colors. We don't
926 show all the curves of all the roads that we've straightened out. So it's highlighted at existing roads
927 that we want to see in as a 52-foot section, 66 foot right-a-way. We don't have new roads, even if
928 you look at our Major Thoroughfare Plan, even new roads that they throw on a map, from even
929 North Gayton Road Extension, we've just passed the bond referendum. That was thrown on the
930 Major Thoroughfare Plan. That line does not meet design standards. So it's just a conceptual plan
931 of what we want to see as a classification of the road. That is not to our design standards.
932
933 Mr. Jennings - Thank you, Mike.
934
935 Mr. Vanarsdall - Mr. Branin, do you have anything to say about this, one way or the other?
936 Do you have an opinion?
937
938 Mr. Jernigan - Mr. Silber, one thing I want to say when you were talking about they got
939 another lot. The lot yield was never a concern to me. I don't care if it's 120 lots, 115 lots, 130 lots,
940 I'm worried about the safety. The lot yield, and I've expressed this in the meeting with Mr.
941 Hazelett, was not, that was not the concern, it was the safety. I don't care how many lots they get
942 out of here. They're going to have lots. But I'm worried about the safety issue and that's my
943 concern right there. They can get right now it's at 123 lots. They started with 130. If was 115,
944 they have still got lots. But my concern is the safety issue. I don't feel, I'm from that area. Mr.
945 Marshall, who was on that Commission before, we had discussed this. He lived right there. He

946 grew up there as a boy. He agreed with me on the same thing. It's a dangerous situation. I don't
947 want to put 55 mile, 55, it's a 55 mile an hour curve that's posted at 45 that you can run 65, and
948 somebody will. And when you got that traffic coming out of that boat ramp, it's not safe. Even
949 when you ride down the road now, if you have dump trucks come in the road, it has a sign that
950 says watch for trucks on the road. We don't want to have a permanent sign that says,
951 "Watch for boats entering the road. " Just cut the speed down. The curve that's been planned now
952 is a 40-mile an hour curve that will be posted at 30. If somebody comes through there running at
953 40, it moves the road approximately 90 some feet from Mr. Steel, which would give him some
954 relief, but yet I feel they are going to still be safe. But I know this is time to put to bed and I'm
955 going to make a motion on it.

956
957 Mr. Vanarsdall - I'm going to ask Ms. Jones, do you have an opinion on it?

958
959 Ms. Jones - I'm wondering why there isn't something we can come up with to control
960 traffic. I've used that boat ramp many of times, and it is a very difficult thing to do pulling a trailer.
961 So I don't know. Stop lights, anything on a major road. Are there any other options?

962
963 Mr. Branin - Mr. Chairman I have been to this site and have seen the boat ramp. I've
964 used that boat ramp before. And the, it is in my opinion now, it's not the safest place to pull out
965 pulling a boat. So my concern has obviously all the constituents that are here is not with that
966 actual development, it's about the curve, and what I heard the constituents asking for is
967 maintaining a vote of that curve to slow traffic down. So, I understand the constituents pulling a
968 boat out of there before. I understand that concern.

969
970 Mr. Jernigan - Well, like I said I want to put it to bed tonight. If it is illegal, than the
971 courts can settle it, but we can't settle it here. It's not going to... I'm not going to change the way I
972 feel, so and I've done a lot of thinking on this, and I thought about it the other night if I put this
973 through and somebody gets killed down there, especially a child, I'm going to feel bad about it.

974
975 Mr. Vanarsdall - Well I don't understand why Public Works doesn't see it the same way you
976 do and the staff?

977
978 Mr. Silber - Well I think it's because we believe there is going to be future
979 development in this area. We believe that Public Works believes that in the long term it will be
980 safer to realign this. You heard Mr. Steel say there are accidents occurring now and people are
981 ending unconscious in his front yard. If it's a safe curve, then that wouldn't be happening. So I
982 think we can debate which way is more safe. Our professional staff says it's safer and can better
983 handle traffic with the higher speed and realignment recommended.

984
985 Mr. Jernigan - Anything else?

986
987 Mr. Vanarsdall - You don't want to defer it one more time?

988
989 Mr. Jernigan - No, sir.

990
991 Mr. Vanarsdall - Okay, go ahead.

992
993 Mr. Jernigan - One more time is not going to help. With that Mr. Chairman, I would
994 move for approval of Majestic Meadows, (February 2005 Plan), subject to the standard conditions
995 for subdivisions not served by Public Utilities and the following additional conditions, No. 4, left
996 amended, 11 and 12, 13 that the planting strip would be changed from 20 to 25 feet with a 50-foot
997 setback, the decorative fence removed from the language, and Nos. 14 through 18 and on No. 19...

998

999 Mr. Silber - Mr. Jernigan, I think we can just delete No.19. I don't see a need for it.
1000
1001 Mr. Vanarsdall - You don't see any need for it?
1002
1003 Mr. Jernigan - Okay. Okay then we'll delete #19.
1004
1005 Mr. Silber - On No. 13 if I can just clarify that, we would take out "and a decorative
1006 fence".
1007
1008 Mr. Jernigan - Yes, remove the decorative fence, but expand the planning strip to 25-
1009 feet.
1010
1011 Mr. Silber - Increase it to 25, and then if we could add a sentence at the end of 13
1012 that says, "The landscape strip shall be in addition to the minimum required set back
1013 requirements."
1014
1015 Mr. Jernigan - That's fine.
1016
1017 Mr. Silber - And delete No. 19.
1018
1019 Mr. Jernigan - Number 19 deleted. That's my motion.
1020
1021 Mr. Vanarsdall - All right. I need a second.
1022
1023 Mr. Branin - Second.
1024
1025 Mr. Vanarsdall - Motion made by Mr. Jernigan, seconded by Mr. Branin. All in favor say
1026 aye. All opposed?
1027
1028 Mr. Archer - I abstain, Mr. Chairman.
1029
1030 Mr. Vanarsdall - Pardon.
1031
1032 Mr. Archer - I will abstain from voting, if I may.
1033
1034 Mr. Vanarsdall - I didn't know you had that privilege.
1035
1036 Mr. Silber - So it's moved by Mr. Jernigan, seconded by Mr. Branin and Mr. Archer
1037 abstained. Mr. Kaechele, did you vote?
1038
1039 Mr. Kaechele - I voted no.
1040
1041 Mr. Silber - Mr. Kaechele voted no.
1042
1043 Mr. Vanarsdall - You voted no?
1044
1045 Mr. Kaechele - I did.
1046
1047 Mr. Vanarsdall - What did you vote?
1048
1049 Mr. Branin - I voted for.
1050
1051 Mr. Vanarsdall - Okay, Ms. Jones.

1052
1053 Ms. Jones - No.
1054
1055 Mr. Vanarsdall - All right, I vote aye.
1056
1057 Mr. Silber - So it passes three to two.
1058
1059 Mr. Vanarsdall - Three to two.
1060
1061 Mr. Silber - So, it's approved three to two. Mr. Archer abstains. And Ms. Jones and
1062 Mr. Kaechele voted no. The vote was as follows:
1063
1064 Mr. Archer - Abstained
1065 Mr. Kaechele - No
1066 Mr. Branin - Yes
1067 Ms. Jones - No
1068 Mr. Vanarsdall - Yes
1069 Mr. Jernigan - Yes
1070
1071 4. **AMENDED** – This approval is the conditional plat only. Final approval of the plat shall not
1072 be granted until such time as the Virginia Department of Health has granted approval for
1073 sewage disposal on all lots or until a final plat is prepared that conspicuously indicates all
1074 lot(s) not receiving Virginia Department of Health approval for sewage disposal, and which
1075 states that there shall be no construction on lots without such approval. Details of approved
1076 sewage disposal systems and reserved areas for such systems shall be included with the
1077 final construction plan prior to construction plan approval.
1078 11. Each lot shall contain at least 43,560 square feet, exclusive of the flood plain areas.
1079 12. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on the
1080 plat and construction plans and labeled "Limits of 100-year floodplain." Dedicate floodplain
1081 as a "Variable Width Drainage & Utilities Easement."
1082 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
1083 foot-wide planting strip easement along the east side of Osborne Turnpike and the north
1084 side of Kingsland Road shall be submitted to the Department of Planning for review and
1085 approval prior to recordation of the plat. The landscape strip shall be provided in addition to
1086 the minimum front yard set back.
1087 14. Any necessary offsite drainage easements must be obtained prior to approval of the
1088 construction plan by the Department of Public Works.
1089 15. Any future building lot containing a BMP, sediment basin or trap and located within the
1090 buildable area for a principal structure or accessory structure, may be developed with
1091 engineered fill. All material shall be deposited and compacted in accordance with the
1092 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
1093 professional engineer. A detailed engineering report shall be submitted for the review and
1094 approval by the Building Official prior to the issuance of a building permit on the affected
1095 lot. A copy of the report and recommendations shall be furnished to the Directors of
1096 Planning and Public Works.
1097 16. A plan shall be submitted prior to recordation of the plat showing the buildable area for each
1098 lot to properly recognize the limitations for dwelling unit dimensions and setbacks. Buildable
1099 area is that area within which a dwelling unit may legally be located considering the front
1100 yard, side yard, and rear yard setback requirements of Chapter 24, of the Henrico County
1101 Code.
1102 17. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
1103 the maintenance of the common area by a homeowners association shall be submitted to
1104 the Planning Office for review. Such covenants and restrictions shall be form and

1105 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
1106 the subdivision plat.

1107 18. The individual owners of each lot with a common drive will be responsible for the
1108 maintenance of the common drives (alleys) as shown on the approved plan.

1109

1110 ***Deferred from the March 10, 2005 Meeting:***

1111 **C-11C-05 Rogers-Chenault, Inc.:** Request to conditionally rezone from A-1
1112 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 777-764-6922,
1113 approximately 41.6 acres, located on the west line of Mountain Road at its intersection with Megan
1114 Drive. The applicant proposes a single-family residential subdivision with a maximum number of
1115 eighty-six (86) lots, an equivalent density of 2.07 units per acre. The R-3 District allows a minimum
1116 lot size of 11,000 square feet, an equivalent density of 3.96 units per acre. The Land Use Plan
1117 recommends Open Space/Recreation and Environmental Protection Area.

1118

1119 Mr. Silber - It's in the Fairfield District.

1120

1121 Mr. Vanarsdall - Excuse me, excuse me, would you all please take the conversation back in
1122 the lobby please, so we can continue. While we're doing that, I am sorry that I didn't do this
1123 before. I want to recognize Tom Roberts from *The Henrico Citizen* and Meredith Bonny from *The*
1124 *Times-Dispatch*. We are glad to have you.

1125

1126 Mr. Vanarsdall - Anyone in the audience in opposition to this case? Thank you. Good
1127 evening, Mr. Coleman.

1128

1129 Mr. Coleman - This request is to rezone 41.6 acres from A-1 to R-3C to develop a single
1130 family subdivision. The applicant would limit development to 86 dwelling units. The property is
1131 otherwise known as Springlake Golf Club, a long-standing nine hole golf course on Mountain Road.
1132 It is designated open space recreation and environmental protection area on the Land Use Plan.
1133 Although this request is not consistent with the open space recreation designation, a single family
1134 subdivision, properly designed and regulated could be an acceptable land use of this location. The
1135 applicant hosted a community meeting at St. Peter's Baptist Church on March 29th and submitted
1136 revised proffers today. The revised proffers are for several positive features which include a
1137 minimum fenced pool area of 2,000 square feet for two story dwellings, 1,500 square feet for one
1138 story dwellings and at least 75 percent of the units will be two story. All homes will have two car
1139 garages, a 25 foot buffer along Mountain Road, which will be in addition to required yard setbacks
1140 and will be landscaped equivalent to a transitional buffer 25. A road is constructed with standard 6
1141 inch curb and gutter, a \$12,000 per lot cash proffer, equipment to plan and retain street trees, an
1142 internal sidewalk along the spine road, inside along Mountain Road, and a commitment to rezone
1143 flood plan areas to the C-1, Conservation District. Additional proffers address foundations, limiting
1144 vehicle access to Mountain Road, chimneys, underground utilities, paved driveways, restricted
1145 covenants and other items.

1146

1147 The applicant also submitted an unproffered conceptual lot layout. If the applicant could
1148 satisfactorily address the following items, staff could recommended approval of this request. The
1149 staff recommends lots adjacent to Mountain Road providing minimal lot depth of 180 feet in
1150 addition to the proposed buffer along Mountain Road. Front-loading garages are discouraged. In
1151 proffer No. 12, the applicant has committed to providing side-loading garages on corner lots. Staff
1152 encourages an additional commitment to side and rear loaded garages. The applicant submitted
1153 photos presenting several architectural styles of homes to be constructed, and these illustrate
1154 several positive features. As proposed in Proffer No. 13, however, all of the homes could be
1155 constructed with primarily vinyl siding. Staff encourages a stronger commitment to high quality
1156 building materials, such as brick or stone. In summary, although this proposal is not entirely
1157 consistent with the Land Use Plan, a single-family subdivision properly designed and regulated

1158 could be acceptable. The proffers include several assurances of quality development. If the
1159 applicant can satisfactorily address the items I've outlined, staff could recommend approval of this
1160 request. I would like to point out to the Commission that prior to the meeting, the applicant
1161 amended Proffer No. 8, which is not shown on the black line. He struck what staff recommended
1162 striking.
1163
1164 Mr. Vanarsdall - Number 8?
1165
1166 Mr. Coleman - Yeah, following the word Henrico County, in Proffer No. 8, there is a
1167 clause that says at the time of rezoning, and we've requested that he strike that language. And he
1168 has.
1169
1170 Mr. Archer - I'm sorry. Did you say that he has?
1171
1172 Mr. Coleman - He has struck that. That was at the request of staff, and that would
1173 require waiving the time limit to accept the proffers.
1174
1175 Mr. Vanarsdall - Any questions for Mr. Coleman by Commission members?
1176
1177 Mr. Archer - Mr. Coleman, could you review just briefly please those items that you
1178 said you would like to see?
1179
1180 Mr. Coleman - For the lots that front along Mountain Road, we are requesting that the
1181 lots be deeper and our recommendation is at 180.
1182
1183 Mr. Archer - Okay.
1184
1185 Mr. Coleman - In proffer No. 12, he has committed to providing the side-loaded garages
1186 on corner lots, and in conversations with the applicant, they've indicated that their intent is to
1187 provide a variety of front and side loaded garages. That's not reflected in the proffers and my
1188 request is to reflect that in the proffers.
1189
1190 Mr. Archer - Okay.
1191
1192 Mr. Coleman - In proffer No. 13, he has provided again, indicated an intent, to, through
1193 discretions of intent, to use a variety of building materials, but as stated in the proffer, however,
1194 that would still allow all of the homes to be constructed of siding. And my request is simply to
1195 strengthen the commitment to a variety of building materials.
1196
1197 Mr. Archer - Okay.
1198
1199 Mr. Vanarsdall - All right. Any more questions? Thank you, Mr. Coleman. You want to
1200 hear from the applicant, don't you, Mr. Archer.
1201
1202 Mr. Archer - Yes. I was going to remind you that we do have opposition so the
1203 applicant needs to reserve some time.
1204
1205 Mr. Chenault - Mr. Chairman, members of the Planning Commission, I'm Mike Chenault,
1206 and if you won't hold it against me, I'm from the adjacent county of Hanover.
1207
1208 Mr. Vanarsdall - That's all right. We could not help where you were born.
1209

1210 Mr. Chenault - Well, actually, I'm there by choice, sir. I was born out in King William
1211 County. First I want to thank the staff and Mr. Archer. They've helped us a great deal. We've
1212 worked a lot on this project from where we started to where we are now. We have made a
1213 tremendous leap in quality that I think that is reflected in the proffers. There were a couple of
1214 things that I just wanted to address and I'll save the rest of the time for rebuttal and questions that
1215 you all may have. If the 180 foot lots facing Mountain Road, that's what we intend to do, I think
1216 the conceptual plan will show that it's 180 feet, we'll commit to that. We, my clients, are
1217 committed to a quality, a nice quality development in this area. We want people to have garages.
1218 What we've committed to do is to put a side-load garage on each corner lot. We've committed in
1219 the proffers to have the front elevation of the garage to be at least equal to the house or recessed
1220 from the house. My clients have been in the business for quite awhile with these lots that we're
1221 working with. We feel that we can make a better looking subdivision if we're not required to put a
1222 side-load garage or rear load garage on a lot that simply doesn't fit, and you're taking away the
1223 space, the open space that the potential buyer would want. As to the variety of building materials,
1224 maybe I missed it. I did not know that that was an issue. I'm not blaming Mr. Coleman. Maybe
1225 he expressed that to me, but we had committed to use brick, stone, vinyl, but we did not commit
1226 to any particular percentage of any one type of material. I think I've addressed the things Mr.
1227 Coleman has talked about. We have committed to the widening the 25-foot widening strip for
1228 Mountain Road. We've committed to a 25 transitional buffer along Mountain Road. We've
1229 committed to sidewalks along Mountain Road and the interior spine road. We've tried to make the
1230 subdivision be attractive to people who want to come to the area. And so I've reserved the rest of
1231 my time, Mr. Chairman, to answer any questions or for rebuttal.

1232

1233 Mr. Vanarsdall - All right, thank you. Any questions by the Commissioner?

1234

1235 Mr. Archer - Mr. Chenault, before you sit down, with regard to the garages..

1236

1237 Mr. Chenault - Yes, sir.

1238

1239 Mr. Archer - You did indicate a desire to use front-loading garages on corner lots, I am
1240 sorry, side loading garages on corner lots.

1241

1242 Mr. Chenault - Side loads.

1243

1244 Mr. Archer - And in some instances, some other side loading garages and some rear
1245 I'm suppose, where it might fit.

1246

1247 Mr. Chenault - Yes, Mr. Archer, there are going to be some lots that have a radius so that
1248 the they would be wider than other lots. And on those lots where we can do a side load and it
1249 looks right and it will sit on the lot, then I think my client would be willing to do that. But I can't
1250 tell you how many of those lots are actually, tonight, how many of those lots would be eligible or
1251 be able to fit into that scenario.

1252

1253 Mr. Archer - You couldn't approximate it at all at this point?

1254

1255 Mr. Chenault - During my, if you will allow me to, I will try to try to talk to the engineer
1256 while we are hearing the people in opposition to see if I can get that for you.

1257

1258 Mr. Archer - That would be fine, sir. Thank you.

1259

1260 Mr. Chenault- Thank you.

1261

1262 Mr. Silber - Mr. Chenault, you have these slides that you are sharing with us. What
1263 size lot is this house sitting on? Lot width?
1264
1265 Mr. Chenault- I will get that answer for you as soon as I come back.
1266
1267 Mr. Silber - This doesn't look like it is a corner lot. You have the side-loaded garage.
1268
1269 Mr. Chenault- I would have a feeling that lot is a lot larger than the ones that we're
1270 dealing with.
1271
1272 Mr. Silber - And this the house, the second house to the right has brick front, side and
1273 rear, but you're not going to commit to any brick onto any parts of any of these houses.
1274
1275 Mr. Chenault- I can't do that at this point.
1276
1277 Mr. Silber - Okay, maybe it's best not to show these slides then.
1278
1279 Mr. Archer - Well let me make sure I understand that. You asked could he commit to
1280 brick on any houses.
1281
1282 Mr. Chenault- I will talk to my client and get right back to you.
1283
1284 Mr. Archer - Oh, Okay.
1285
1286 Mr. Vanarsdall - Thank you, Mr. Chenault.
1287
1288 Mr. Chenault - Thank you.
1289
1290 Mr. Vanarsdall - Now we'll hear from the opposition. Who ever wants to be first come on
1291 down, state your name, and we will be glad to hear what you have to say.
1292
1293 Ms. Johnson - Good evening, Commissioners. My name is Ann Carol Johnson and I am
1294 a resident at 2080 Mountain Road across from Springleaf Golf Course, and that golf course has
1295 been there for over 50 something years because that's how old I am.
1296
1297 Mr. Vanarsdall - You don't look that old. That golf course looks older than you do, I can
1298 tell you that.
1299
1300 Ms. Johnson - One of the reasons that I oppose it is he's already spoken to the fact
1301 that it doesn't even meet this space recreation area, and one of the things he said was that the
1302 homes were going to be sideways on instead of facing Mountain Road, even though they would
1303 have a landscape. Well if you go down Mountain Road a little further, there's another
1304 development that has landscaping there with trees and many times during the summer months
1305 it's an eye sore to the community. And even though we were told, or I heard that we would
1306 have a homeowners association, I heard nothing just now from him saying that they would
1307 maintain that property, and so to me that would be another eye sore. Also, I'm sure you are
1308 aware that on Mountain and Woodman Road right now we have a development being done, and
1309 the traffic on Mountain and Woodman has backed up on 295. I don't know if you all are out
1310 there in the mornings at 7 to 9 o'clock a.m., but traffic is backing up on 295 and that to me is a
1311 safety hazard, a real safety hazard.
1312
1313 Also, the schools, you have Longdale that serves that area and you have Glen Allen Elementary.
1314 There would be Brookland Middle School, which is almost at capacity already. That doesn't

1315 include the development that was just put there. They are proposing 84 homes. Well, if we
1316 double 84 homes, that gives us roughly 168, and that's going to increase traffic again on
1317 Mountain Road. Mountain Road really wasn't built for probably that, the number of cars that are
1318 already going on Mountain Road. You've got heavy traffic on Mountain Road. You've got heavy
1319 traffic down there now. As far as the schools, you have got Brookland Middle School, you got
1320 Hermitage High School, and you have the Virginia Randolph School. All those schools right now
1321 are serving at capacity or getting close to their capacity, and so when you talk about putting 84
1322 more families there, you are really talking about over crowding these schools. And I think you
1323 should consider that. As far as the right-away area that he's talking about and putting a
1324 sidewalk, well if you walk down Mountain Road we don't have but a little shoulder as is. And
1325 there are kids who walk that road that go up to the complex up there to play, and many times
1326 they have to walk on the golf course and then they cross over so that they can go back home.
1327 Once you put that sidewalk there, then all of a sudden it drops off. I mean, it's another hazard
1328 again, a safety hazard. Also, he said something about he couldn't commit to whether the houses
1329 were going to be brick or siding or wood constructed and that 75 percent of the homes were
1330 two, going to be two levels. Well if you look on Mountain Road, we don't have that kind, type of
1331 houses not down there in that area right there. And again it, of course it's going to increase, you
1332 would say, the property value, but you've got a lot of fixed income people living there right now.
1333 So I am definitely opposed to it 100%, and because if you notice, last year alone, Mountain Road
1334 was paved. It was paved from Woodman Road to Francis Road, and they stopped. Where this
1335 development is going, it's going beyond there. So again, there haven't been any improvement
1336 on the road to helping for the traffic that's going to there, not including the traffic that's already
1337 going to be coming on board with the new development. So I ask that you oppose this
1338 development that is going to be done at Mountain Road. Any questions?

1339
1340 Mr. Vanarsdall - Any questions for Ms. Johnson? Thank you very much.

1341
1342 Ms. Johnson Thank you.

1343
1344 Mr. Vanarsdall - Anyone else? Good evening.

1345
1346 Ms. Scott- Good evening to the Board. My name is Debra Scott. I live at 10901
1347 Baxter Road, and I'm representing the Lower West Civic Association.

1348
1349 Our main concern is traffic on Mountain Road. We know how long it took to get a light at
1350 Mountain and Woodman. There was several major accidents long, long before we had a light
1351 there. My other concern, in addition to increased traffic there, it's already too much traffic on
1352 Mountain Road. If you leave your subdivision in the morning, if you're anywhere between 7:15
1353 a.m. and after, it takes you at least ten or 15 minutes just to get on Mountain Road, from the
1354 traffic coming in both directions. And my other concern is why can't we just save a tree? Why
1355 do we have to have development at every nook and cranny? I mean we need trees, we need
1356 grass, but we don't always have to develop. Has anyone taken a survey as to how much
1357 development has already going on on Mountain Road? I think all of this needs to be considered.
1358 So Lower West Subdivision ask that you not, that you vote against this subdivision. Thank you.
1359 Any questions?

1360
1361 Mr. Vanarsdall - Any questions by the commissioner? Thank you.

1362
1363 Mr. Archer - Thank you Ms. Scott.

1364
1365 Mr. Vanarsdall - Any one else? Good evening, sir.

1366

1367 Mr. Mitchell - Good evening, Planning Commission. My name is Chris Mitchell, and I
1368 am a resident of Henrico County for over 20 years. My concern also is safety. The traffic on
1369 Mountain Road is congested. It really is. If they add another subdivision in that area it would
1370 definitely be a safety problem. Also, the runoff of water in that area, and I know also that it's a,
1371 trying to think of the bridge over on Hungary Road. Now that's been blocked now several
1372 months, and all that runoff water from this new subdivision that they're talking about putting in is
1373 going to, it's got to run off somewhere, and that's going to be another concern of where the
1374 water is going to go. And, again, like I said, my main concern is safety and adding more traffic
1375 in that area. That's all I have, any questions?
1376
1377 Mr. Vanarsdall - Any questions by Commissioners? Thank you.
1378
1379 Mr. Archer - Thank you, Mr. Mitchell.
1380
1381 Mr. Vanarsdall - Is there anyone else that would like to speak on this case either for or
1382 against? All right thank you. You want to come back for a rebuttal Mr. Chenault?
1383
1384 Mr. Chenault - Yes.
1385
1386 Mr. Vanarsdall - You don't have much to your fight when it comes to traffic and schools.
1387
1388 Mr. Chenault Mr. Chairman, I'm really, you know, it's not much I can address about
1389 traffic and schools. The staff report, you know, I think covers that. I did want to answer the
1390 questions that I was asked. I was asked to estimate the number of lots that would be able to
1391 handle a side or rear load garage and that would be, our estimate is 20%. We were asked about
1392 the variety of building materials. My client is willing to commit to at least 25% of the homes
1393 would have at least 25% of the exterior brick. If you would look at the slide that's been put up
1394 on the screen, you'll notice that house is not totally brick in the front, so we can't, we don't want
1395 to commit to 25 odd percent of the homes to have a brick front, but what we're committing to is
1396 at least 25% of the homes would have an exterior of at least 25% brick.
1397
1398 Mr. Kaechele - Does that include four sides or are you talking about 25 percent of four
1399 sides.
1400
1401 Mr. Chenault- No sir, it would be 25 percent of the home.
1402
1403 Mr. Kaechele - The front? No, the portion per home is 25 percent, that's equivalent to
1404 one side, right?
1405
1406 Mr. Chenault- Yes, sir.
1407
1408 Mr. Kaechele - So the front could be all brick?
1409
1410 Mr. Chenault- Yes. But it may not be, that's what I was...by using this example. And
1411 Mr. Chairman, if you would, the photographs that my client brought to the Planning office, there
1412 was a whole portfolio of photographs. There were a lot more than one photograph, and I'd ask
1413 that the rest of those photographs be shown to the Commission. This was a representative that
1414 was picked out by the staff, not by my client and I think it would all be fair to show all of the
1415 photographs.
1416
1417 Mr. Vanarsdall - All right, I'll let Mr. Archer make that decision.
1418

1419 Mr. Archer - If we could do it fairly quickly, we could lay them down. Can we put
1420 them down on the table?
1421
1422 Mr. Silber - Ms. Moore, do we have all those in a slide presentation?
1423
1424 Ms. Moore - We have four that has the variety of samples, so...
1425
1426 Mr. Coleman - We didn't include all of the photos that he gave us, but we did select
1427 four.
1428
1429 Mr. Archer - Is that a definitive enough samples?
1430
1431 Mr. Chenault- I just want the Commission to know that we didn't give a brick example,
1432 we submitted a variety of them.
1433
1434 Mr. Silber - Okay, we appreciate that.
1435
1436 Mr. Vanarsdall - I'm glad you cleared that up.
1437
1438 Mr. Chenault Thank you. Are there any questions, Mr. Chairman?
1439
1440 Mr. Archer - Yes, in terms of the 25% brick, you did indicate that that would be
1441 minimum specification. Is that correct, sir? So if a buyer, a purchaser wanted a house that was
1442 totally brick, would you accommodate?
1443
1444 Mr. Chenault - Absolutely.
1445
1446 Mr. Archer - I mean they would have to pay the price...
1447
1448 Mr. Chenault - Absolutely, I'm sure my client would love to have every house in there
1449 for the clients who want them to be all brick.
1450
1451 Mr. Archer - And the other things that I want to address with you are the questions
1452 that were raised by the three people who came up to speak. Mrs. Johnson's questions deserve
1453 an answer, although I understand all of them might not be able to come from you. The one
1454 central concern seemed to be the one with traffic. And, of course, as you indicated, the staff
1455 report indicates that the roadway network can handle the traffic, which is about all that we have
1456 to go on. School situations addressed by staff, would you want to respond to that?
1457
1458 Mr. Chenault - I think I'll pass that off to Mr. Coleman, unless I can take a quick minute
1459 to look at the staff report.
1460
1461 Mr. Archer - Mr. Coleman, you can answer that. Would you please?
1462
1463 Mr. Silber - Mr. Archer, maybe I can answer that to save Mr. Coleman from coming
1464 up. The school report indicates that Longdale Elementary School has capacity for additional
1465 children. Brookland Middle School has capacity for additional children. Hermitage high school is
1466 over capacity. Its capacity is 1,981, and its membership right now is 2,254.
1467
1468 Mr. Archer - Okay.
1469
1470 Mr. Kaechele - Is that figure with the current redistricting of Hermitage and Tucker? Do
1471 you know?

1472
1473 Mr. Silber - I think that reflects that redistricting, yes sir.
1474
1475 Mr. Archer - Okay, and, sir, Mr. Mitchell had a concern about drainage. Would you
1476 like to respond to that?
1477
1478 Mr. Chenault - Yes.
1479
1480 Mr. Archer - I understand that there is a drainage problem that already exists and to
1481 address Mr. Mitchell's concern about that, we can't tie those two things together. We can't make
1482 him responsible for what's already there, but I think it's only fair that you answer how we deal
1483 with drainage that you might create.
1484
1485 Mr. Chenault - That's an appropriate question, Mr. Archer. Of course, our clients have
1486 to have professional engineers to design the drainage for this project. We're not allowed to have
1487 drainage from this project adversely affect any offsite properties. My clients do have, engaged
1488 engineers in the drainage problems are being addressed.
1489
1490 Mr. Archer - Okay.
1491
1492 Mr. Chenault Now, if you ask me a technical question, I'll have to go back and get Mr.
1493 Cave to answer that.
1494
1495 Mr. Archer - I understand you don't want to speak out of turn. Also, Mrs. Johnson
1496 asked a question about the Homeowner's Association. Can you explain to her how that is
1497 normally done?
1498
1499 Mr. Chenault - I'll be glad to. What we do is, we form a Homeowner's Association.
1500 Every homeowner has to belong to that Association. They actually pay dues for common area
1501 maintenance. There are certain requirements that are going to be imposed upon the
1502 homeowners about upkeep of their yards and how they have to maintain their homes, and all of
1503 that is done, and part of the restrictive covenants, and I think you'll find that we've proffered that
1504 we will put those restrictions to record, including the Homeowners Association, prior to or
1505 contemporary with the subdivision plat being recorded.
1506
1507 Mr. Vanarsdall - Mr. Chenault, you have to, don't you have a certain number of houses,
1508 of homes before you form that Homeowner's Association?
1509
1510 Mr. Chenault - Generally, what happens is that the developer himself, who will be the
1511 Homeowner's Association and take care of the maintenance until there are a certain number of
1512 houses sold. Then the Association is formed and it's turned over to the Association. They form
1513 there own, they have their own bylaws or own president and secretary and that sort of thing.
1514
1515 Mr. Vanarsdall - What I meant was, they don't form it after the first house if finished?
1516
1517 Mr. Chenault - No sir, but I wanted to make sure that...
1518
1519 Mr. Vanarsdall - I wanted them to understand that.
1520
1521 Mr. Chenault- I wanted Ms. Johnson to know that we had proffered to form this and
1522 made it part of the restrictions that people understand that that, when they buy a house that
1523 they will be required to do that. There is one other question that Ms. Johnson brought up. Mr.
1524 Archer didn't address this to me, but it was the orientation of the homes along Mountain Road.

1525 We have offered to orient the houses towards Mountain Road, and we've offered to orient the
1526 houses away from Mountain Road. It's basically up to what the Planning Commission and the
1527 staff really want. We've given, we've done it both ways.
1528

1529 Mr. Archer - But Mr. Chenault, I understand that. In fact, Mr. Coleman and I had a
1530 discussion about that this afternoon, and to be honest with you, I'm not quite sure we're ready to
1531 commit to one way or the other, but we appreciate the fact that you're committed to doing it
1532 either way that the commission sees fit or staff sees fit.
1533

1534 Mr. Chenault - Thank you. And Mr. Archer, just for your information, I've delivered a
1535 conceptual plan to the staff tonight that shows the orientation of the houses towards Mountain
1536 Road, so basically, you have your choice. The other thing that the conceptual plan that we're
1537 asked to do is provide a stub road from the subdivision, and my clients have agreed to do that.
1538 It would be located in the vicinity of lots 11 and 12. That's shown on the conceptual plan that's
1539 on file with the County at the present time. And it would be oriented to the southeast, where I
1540 think there is a road and, I might be wrong with the directions, but I think it's to the southeast of
1541 this property.
1542

1543 Mr. Archer - Okay. Mr. Coleman, could you come back up again for me before Mr.
1544 Chenault takes his seat? I just want to ask you a couple of questions.
1545

1546 Mr. Coleman - Yes, sir.
1547

1548 Mr. Archer - With regard to the things that you've indicated, when you were doing
1549 your report that you like to see, how favorable are you towards what Mr. Chenault has indicated
1550 he's willing to do?
1551

1552 Mr. Coleman - Well, in defense of the applicant, you know we've had several
1553 conversations and the staff report outlined several issues, and he's continued to address our
1554 concerns and certainly the commitment that he's made this evening is a continuance of his
1555 willingness to address our concerns.
1556

1557 Mr. Archer - Okay.
1558

1559 Mr. Silber - Mr. Archer, if you don't mind me saying, I appreciate Mr. Coleman's
1560 comments. I guess I'm having a challenge with the fact that there's a lot being offered tonight.
1561 I mean I think they, Mr. Chenault and his team have done a good job of bringing forward revised
1562 proffered conditions, but these have just recently come in. I don't know if they've been shared
1563 with our legal staff. There are a couple of issues that I think we would still like to kind of filter
1564 through, and see if we can't fine tune. I understand what they're offering in form of brick and
1565 some side and rear-entry garages, but I personally think this might deserve a little more time.
1566

1567 Mr. Archer - You have, you've about gone in the direction I was headed in, Mr. Silber.
1568

1569 Mr. Silber - Okay, I'm sorry to interrupt.
1570

1571 Mr. Archer - Not a problem, I was just, I was at this point trying to find out what we
1572 had accomplished tonight based on what Mr. Coleman has answered. I understand where you
1573 are, because I have a couple of things I have a reservations about, too, at this point.
1574

1575 Having said that Mr. Chenault, I don't doubt your sincerity or your integrity at wanting to do this.
1576 But when these items come along at a late stage in the game, we haven't had a chance to
1577 decipher what it is you presented. I'm pleased with the cooperation that you've give Mr.

1578 Coleman and the rest of the staff in getting to the point that we are tonight. We haven't heard,
1579 and I don't know if you had, from anybody who was in opposition to this until tonight and I don't
1580 think staff has either at this point. But in view of that fact, and the things that you have
1581 presented tonight, and I'm willing to do this on our nickel, but I would prefer that we defer this
1582 one more meeting to get all of these things that we talked about ironed out and further set in
1583 stone, so that we can make it work and perhaps be able to answer the questions of those people
1584 who did come up to defer tonight.

1585

1586 Mr. Chenault- Mr. Archer, a very good friend of mine taught me something long ago
1587 and that was it's easier to swim downstream than upstream. So having heard what you are
1588 saying, I think I would respectfully ask you to go forward, but I know where you're going to end
1589 up, so we apologize. The things that were brought before the Planning Commission tonight were
1590 things that did not really come to our attention until the last minute. We were just trying to
1591 answer questions that were asked of us tonight.

1592

1593 Mr. Archer- I can understand, sir, and I think you've done well in that regard.

1594

1595 Mr. Chenault - I apologize if it seems like we've dropped a lot on you at the last minute,
1596 that was not our intention. We've worked with the staff closely, as you well know. So having
1597 said that, I respectfully ask you to move this forward, but I will respect whatever decision you
1598 make.

1599

1600 Mr. Archer - Well, I appreciate that and we also appreciate the fact that you have
1601 been committed to the things that you said you would do, and having also said, I should warn
1602 never swim downstream if you're heading toward the waterfall.

1603

1604 Mr. Chenault - Well maybe my friend wasn't as good a friend as I thought.

1605

1606 Mr. Archer - But in any event, I think these events and the things that you proffered
1607 tonight do need to be studied a little bit closer by staff to make sure we're where we are, where
1608 we want to be and give the people who are in opposition a chance to ask more questions if they
1609 have them to ask.

1610

1611 So with that sir, I would prefer that we defer this until our May meeting, and it'll be at the
1612 request of the commission. And also I'd like to ask that those people who had questions out
1613 there tonight to contact us or staff or Mr. Chenault if we haven't answered them satisfactorily
1614 and we'll be able to try to accommodate what you have to ask. And we appreciate you coming
1615 and asking, because a lot of things we don't know unless you tell us. So with that Mr. Chairman
1616 I move to defer to the May 12 meeting at the request of the Planning Commission.

1617

1618 Mr. Jernigan - Second.

1619

1620 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mr. Jernigan. All in favor say
1621 aye. All opposed say no. The motion passes.

1622

1623 The Planning Commission deferred Case, Rogers-Chenault, Inc. to its meeting on May 12, 2005.

1624

1625 Mr. Silber - The next case is on page 4.

1626

1627 **P-3-05 Ralph Axelle, Jr. for Parham Development Company:** Request for a
1628 Provisional Use Permit under Sections 24-58.2(a) and 24-122.1 of Chapter 24 of the County
1629 Code, in order to operate a Wal-Mart store to 1:00 a.m., on part of Parcel 753-745-5901,
1630 containing approximately 2.43 acres (105,994 square feet), located on the west line of N. Parham

1631 Road approximately 275 feet north of Quioccasin Road and on the north line of Quioccasin Road
1632 approximately 1,175 feet west of N. Parham Road (Parham Plaza Shopping Center). The existing
1633 zoning is B-2 Business District. The Land Use Plan recommends Commercial Concentration.
1634

1635 Mr. Vanarsdall - Is anyone in the audience in opposition to this case or here on behalf of
1636 this case? No opposition. Good evening, Mr. Tyson.
1637

1638 Mr. Tyson - Mr. Chairman, Mr. Kaechele, members of the Commission. The subject
1639 property is located on Parham Road in an area zone predominantly for commercial uses. Three
1640 existing buildings, former K-mart and the current Mattress Discounter and a bank on an out
1641 parcel, will be torn down to allow for the development of a Wal-Mart store, and the applicant has
1642 submitted a provisional use permit to permit an extra hour of operation until 1:00 a.m. The Land
1643 Use Plan recommends commercial concentration for the site and the proposed retail use is
1644 consistent with the designation of the Land Use Plan and again it is a permitted use by right
1645 under the current zoning, and the only subject of this provisional use permit tonight is an extra
1646 hour of operation from 12:00 midnight until 1:00 a.m.
1647

1648 In 1979 a former tenant at the shopping center, which was Giant Food, was granted a provisional
1649 use permit to operate twenty-four hours per day, however that use no longer exists. The graphic
1650 before you shows four other provisional use permits that were submitted to permit extended
1651 hours of operation for businesses in the surrounding area in the 1990s. P-17-96 was to permit
1652 extended hours of operation until 3:00 a.m. and an outdoor dining area for a restaurant at the
1653 Quioccasin Station Shopping Center. The permit was denied. The applicant withdrew provisional
1654 use permit P-20-96, submitted on behalf Food Lion stores for extended hours of operation also at
1655 the Quioccasin Station Shopping Center. The Westbury Pharmacy site was rezoned to B-2C,
1656 Business in 1996 and a provisional use permit was approved for 24 hour operation of that store
1657 in 1996. P-11-97, which requested extended hours of operation until 1:00 a.m. for the Jewish
1658 Mother restaurant in Quioccasin Station was approved. There is a convenience store located at
1659 the corner store of Ridge Road and Quioccasin Road which operates 24 hours a day; however,
1660 that site is zoned B-3, and there are no restrictions on the hours of operations for the use in that
1661 zoning district. The area is transitional and the use may be an acceptable addition to the
1662 neighborhood, but only if it is operated in a manner that is compatible with its surroundings. In
1663 your staff report are a number of standard conditions that we tend to see with extended hours of
1664 operation. The applicant, staff, and the police department has hammered out some revised
1665 conditions that have been submitted to you. These have been reviewed by staff and the police
1666 department and have been found acceptable. The first suggested condition is that the operation
1667 of the Wal-Mart will not be between the hours of 1:00 and 6:00 a.m. The second condition is
1668 that the applicant and the Crime Prevention Unit of the Division of Police shall conduct a security
1669 survey of the property and store operation prior to the operation of the store and Wal-Mart shall
1670 implement the mutually agreed upon security recommendations affecting the property. Condition
1671 3 deals with window tinting and obscuring by posters, signage and other materials. Condition 4
1672 deals with the owner or the operator of the facility installing a video security system, and exterior
1673 surveillance cameras. Other areas deemed necessary by the Division of Police will be filmed.
1674 The recordings of those activities under surveillance shall be retained for a period of a mutually
1675 agreed upon by the applicant and the Division of Police and the exterior surveillance cameras
1676 shall be operational at all times the store is open to the public.
1677

1678 Adequate lighting is required. There shall be no overnight parking of recreational vehicles in the
1679 parking lot serving the proposed use, and the parking area shall be cleaned of trash and debris at
1680 least twice a week. That concludes my presentation. The applicant is represented here tonight
1681 and I'll be happy to try to answer any questions the Commission might have.
1682

1683 Mr. Vanarsdall - Any questions for Mr. Tyson? Good evening, Mr. Axelle.

1684
1685 Mr. Axselle - Mr. Chairman, ladies and gentleman of the Commission, I would ask first
1686 that the Chairman not comment on my hairstyle as you did with Mr. Coleman.
1687
1688 Mr. Vanarsdall - I noticed that you had gotten it cut a little bit but I didn't want to say
1689 anything.
1690
1691 Mr. Axselle - Rather severe cut. I'm here on behalf of Parham Development
1692 Corporation, which is the Marchetti family. They're here with us. They own the Parham Plaza
1693 and the Ridge Shopping Centers. As you know, those centers have been in existence and really
1694 very stable and well-maintained centers in the Parham Road area for many years. As Mr. Tyson
1695 indicated, the Wal-Mart that we would hope to have there that is permitted as a matter of right,
1696 it would be joining other facilities there such as Staples, Button and Bows, Hecht's furniture, etc.
1697 This is an area that is in transition, and the staff report clearly recognizes that's it's very
1698 important, as they said, that we have a vibrant commercial community in this area and this is
1699 quite frankly a fairly good balancing of interests. There are eight Wal-Mart Stores in the
1700 Richmond area, I'm told by the Wal-Mart folks. Seven of them have 24 hours. That is, in fact,
1701 their preference. We, on behalf, of the owner of the property and the Wal-Mart and the County
1702 folks, got together and the indications were that that was not appropriate for this area. Thus, we
1703 have requested the one o'clock closing hour, and as the staff report says, that has been the
1704 pattern. A number of years ago there were 24 hours in the area, but in most recent years it has
1705 been the one o'clock time, so that's what we're requesting. This is not your typical Wal-Mart.
1706 The Wal-Marts in Henrico are 192,000 and 202,000 square feet. This is smaller, in a range of
1707 110,000 square feet depending on whether you count the mezzanine or not. It is also a new
1708 type that Wal-Mart has. They call it a "store in the community." We're all familiar with the fairly
1709 big box stand alone in the Wal-Mart. Now this is a concept that they'll be using here called "store
1710 in the community." And that's where the building is actually tailored to fit in with the existing
1711 area. For example, Mr. Marchetti has advised me that it actually fits in and it's very consistent
1712 with the center's appearance and so forth. Obviously, it is being modernized. It's actually on a
1713 smaller footprint than the building that will be taken down. The other advantages are the
1714 lighting, which is 35 years old and grandfathered will be replaced with directional shoebox
1715 lighting. The parking will be reoriented and they will have better directions. There will be
1716 landscaping in the parking lot, which is not there now. The parking lot will be maintained by the
1717 owner of the center and will have to be cleaned at least twice a week. In the meeting we've had
1718 with Ms. Jones and the staff, they, in fact, clean it daily, but there are occasions where if it rains
1719 or so forth, they can't do that. And so, basically, we find that we're before you asking only to go
1720 from 12:00, which is permitted under B-2. to 1:00 a.m., and the conditions that have been
1721 mentioned we find acceptable with the PUP. It doesn't matter whether we find them acceptable
1722 or not, you can impose them, but we think that they've been well worked out by the staff and
1723 the police department and our folks. So we're very comfortable with those conditions and any
1724 others that you find reasonable. In light of the fact that there is no opposition, I would not make
1725 any further comments unless to answer any questions you might have.
1726
1727 Mr. Vanarsdall - Bill, I have a question. It mentions exterior cameras, exterior cameras
1728 and they will be naturally on the outside but they will, what will pick up in the inside if any?
1729
1730 Mr. Axselle - They do have observations and cameras inside. I think the police
1731 department was concerned more about from an exterior or a safety standpoint.
1732
1733 Mr. Vanarsdall - I think it should be, and the other thing is it says in No. 5 that you'll
1734 have adequate lighting and over on the last page, it says, No. 8, it has employees shall have an
1735 escort upon request. I think it should be really sure that the lighting is really excellent, in fact

1736 that the area employees drive, because employees drive the same vehicles everyday, parking in
1737 the same place, and people pick up on that, people who have the wrong intentions.
1738
1739 Mr. Axselle - Ms. Jones might want to address No. 8.
1740
1741 Ms. Jones Yes, Mr. Chairman, I did want to say that the applicant has been very
1742 forthcoming in discussing all of these areas of concern and, clearly, safety is primary on our mind
1743 as well as on Wal-Mart's mind. We have discussed a number of these issues. They have been
1744 very kind to run through them with me as new Commissioner. They have brought me well up to
1745 speed and I'm quite convinced that they are committed to providing a clean and a safe
1746 environment. The 1:00 a.m. closing is at what is at issue today, and in light of that particular
1747 concern, I had asked whether we could suggest that Wal-Mart make an effort to expand even
1748 further their commitment to safety, by including what has been written up as No. 8, which is
1749 'Wal-Mart shall provide security escorts for employees from the store to their vehicles after 1:00
1750 a.m., upon request.' This means that it gives the employees a certain layer of safety and it gives
1751 Wal-Mart the satisfaction that they're doing everything they can to make sure that this
1752 environment is safe, especially after closing.
1753
1754 Mr. Vanarsdall - I think that's an excellent idea.
1755
1756 Mr. Axselle - We do, too.
1757
1758 Ms. Jones - Excuse me, this Wal-Mart request is well consistent with other
1759 businesses in the area, and I feel they've given this a tremendous amount of effort to make sure
1760 that they are meeting the specifications that staff has asked.
1761
1762 Mr. Vanarsdall - I think that's a good idea. What I meant was I think they should make
1763 double sure that the lighting there is very, very bright, because it's not going to spill over to any
1764 neighborhood. There is nothing behind it. But there may be a time when an employee may
1765 want to get off at 11:00 and say, "Oh, I am not going to bother with Security".
1766
1767 Mr. Axselle - We will have to come before the County with a lighting plan, and they
1768 will have to comply.
1769
1770 Mr. Vanarsdall - Thank you.
1771
1772 Mr. Axselle - Thank you.
1773
1774 Ms. Jones - So I'm prepared to make a motion...
1775
1776 Mr. Vanarsdall - Any more question, any questions for Mr..., anybody. Mr. Axselle is
1777 gone, so I hope there are no questions for him. He learned years ago to shut up when he's
1778 ahead I think. I will entertain a motion, Ms. Jones.
1779
1780 Ms. Jones - Yes, Mr. Chairman I move that we recommend Provisional Use Permit P-
1781 3-05 to the Board of Supervisors for approval, with certain restrictions and conditions as set forth
1782 tonight and including the condition No. 8 relating to security escorts.
1783
1784 Mr. Branin - Second.
1785
1786 Mr. Vanarsdall - Motion made Mrs. Jones, seconded by Mr. Branin. All in favor say aye.
1787 All opposed? Thank you. Thank you Bill.
1788

1789 **REASON:** Acting on a motion by Mrs. Jones, seconded by Mr. Branin, the Planning Commission
1790 voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request
1791 because, as conditioned, the use would not be expected to adversely affect public safety, health
1792 or general welfare and it is consistent with the surrounding uses and existing zoning in the area.
1793

1794 Mr. Silber - The last rezoning request of the evening is in the Varina District.
1795

1796 **VARINA:**

1797 **C-17C-05 Alvin Mistr for WWLP Development, LLC:** Request to conditionally rezone
1798 from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 806-
1799 703-3309, containing approximately 40.8 acres, located on the north line of Midview Road
1800 approximately 180 feet east of Fox Down Drive extended. The applicant proposes a single-family
1801 residential subdivision with no more than ninety-four (94) lots constructed on the property, an
1802 equivalent of 2.3 units per acre. The R-2A District allows a minimum lot size of 13,500 square
1803 feet, an equivalent of 3.23 units per acre. The Land Use Plan recommends Suburban Residential
1804 1, 1.0 to 2.4 units net density per acre. The site is in the Airport Safety Overlay District.
1805

1806 Mr. Vanarsdall - Any opposition to this case, C-17C-05 in the Varina District? Any
1807 opposition? Thank you.
1808

1809 Audience - Not opposed, however would like to speak.
1810

1811 Ms. Deemer - Thank you, Mr. Secretary, and good evening members of the
1812 Commission. The applicant proposes to rezone approximately 40.8 acres to R-2AC to construct
1813 up to 94 single-family residences, which would be the equivalent density of 2.3 units per acre.
1814 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre for
1815 this parcel. The use and density of the proposed project is consistent with the Land Use Plan and
1816 would be in keeping with the single-family developments to the north, east and west. The
1817 applicant has submitted a conceptual plan, which I believe you have now before you with along
1818 with some amended proffers. The conceptual plan is not proffered, however, it shows two points
1819 of access and orientation of houses along Midview Road, both of which are proffered features
1820 proposed with this development. There is an existing home on the property, which is proposed
1821 to remain on approximately three acres located in the southeastern portion of the property.
1822 However, the existing out buildings would be removed. If the existing residence is demolished in
1823 the future, the conceptual plan generally shows how the land will be laid out to accommodate
1824 several additional lots. The applicant has submitted revised proffers, dated April 14th, and time
1825 limits would need to be waived for consideration of these proffers. The major aspects of the
1826 proffers include a maximum of 94 lots, a 25-foot landscape buffer installed along Midview Road,
1827 homes adjacent to Midview Road would be oriented to face Midview Road. Seventy-five percent
1828 of the homes would have a minimum of 2,000 square feet of finished floor area and the
1829 remaining homes would have a minimum of 1,950 square feet. All homes would be built on a
1830 crawl space foundation except for those homes with a basement. All homes would have garages
1831 and 75% of those homes would have two-car garages. No more that 25% of the garages would
1832 be front loading. Garages that are front loading would not protrude beyond the front elevation.
1833 At least 40% of the homes would have a minimum of 30% brick or stone finish, and a minimum
1834 of two trees measuring at least two and a half inches in caliper would be planted in the front
1835 yards and side yards on corner lots. The revised proffers addressed the majority of staff
1836 concerns, however, there remain a few unresolved issues pertaining to landscaping, cumulative
1837 impacts and the historic significance of the existing home currently on the lot. Specifically, staff
1838 encourages the applicant to quantify the 25-foot landscaping strip to be placed along Midview
1839 Road. In addition, the School Administration and Library Services stated that the development
1840 would have a cumulative impact on County services and the applicant has not address this issue.
1841 Finally, the last issue pertains to the existing structure on the property. The home is listed in the

1842 Virginia Department of Historic Resources as a local example of a Colonial Revival house, Circa
1843 1928, and the Department of Recreation and Parks has requested to have the ability to photo
1844 document the existing structure on site if it is ever slated for demolition. Staff encourages the
1845 applicant to provide language to ensure this could be implemented. Overall, staff is supportive of
1846 the proposed R-2AC District for this property, and the project gained general support during the
1847 community meeting held on April 6th. If the applicant could address the remaining issues, staff
1848 would support this request. That concludes my presentation. I'd be happy to answer any
1849 questions you may have and I also believe that the applicant is here, if you should wish to have
1850 him addressed.

1851
1852 Mr. Vanarsdall - Any questions for Mrs. Deemer? All right, thank you Mrs. Deemer.

1853
1854 Mrs. Deemer - You're welcome.

1855
1856 Mr. Vanarsdall - Will the applicant please come down?

1857
1858 Mr. Silber - As the applicant comes forward, what I should have done on previous
1859 case when there is opposition is to remind those present tonight the Planning Commission does
1860 have a policy and that is that the applicant is provided 10 minutes to present his case. Some of
1861 that time can be saved for rebuttal. So Mr. Mistr you'll need to let us know if you want to save
1862 some time for rebuttal. The opposition also cumulatively has 10 minutes to present issues
1863 associated with this case. Any questions the Commission may have of either party that does not
1864 take away from the 10 minute time allotment, and, of course, the Planning Commission can
1865 extend the 10 minutes if they also wish.

1866
1867 Mr. Vanarsdall - Good evening, Mr. Mistr.

1868
1869 Mr. Mistr - Good evening members of the Planning Commission, Mr. Chairman, I'm
1870 Spud Mistr, Foster and Miller, representing the applicant. And I will be very brief, I'd like to
1871 reserve five minutes in case it goes longer than that. A couple of things that weren't addressed.
1872 I think Mrs. Deemer pretty well covered all of the proffers. We did agree to have two windows
1873 on either side of the house unless there was a garage door opening on that side of the house.
1874 They wouldn't have any solid walls with no openings on them, and we did agree with all the
1875 driveways being paved. The one thing, the existing house, the existing homeowner is going to
1876 maintain three acres right now for the subdivision and the arrangement is that she can live there
1877 for the rest of her life or until she decides to sell the house. At that point in time, it would be cut
1878 out on a one acre or possibly slightly smaller parcel, and then it would be eight additional lots
1879 developed into a Section C at that time. So our original intent is to do 86 lots now and eight later
1880 to make the 94. There's been a lot of concern about this existing house and I didn't realize it
1881 was a historic house. But it's not going to be demolished. It's not slated for demolition. It's
1882 going to be sold as it is on a smaller parcel, but if Parks and Recreation wants to come by and
1883 photo document it, they can do it now or at any time they chose to, and I'm sure if they wanted
1884 to go inside we could make arrangements for that, too, and I think the question was should we
1885 make that a proffer. I don't think that's a proper thing to put in a proffer, but they can do it
1886 anytime they want to. So with that we feel like the request is consistent with the 2010 Land Use
1887 Plan and with all the surrounding properties and we would request recommendation of approval
1888 of the R-2AC zoning.

1889
1890 Mr. Vanarsdall - Any questions for Mr. Mistr by the Commission members?

1891
1892 Mr. Jernigan - Spud, on the landscaping, and I know you don't have a landscaping
1893 package together now, you proffered the two and a half inch caliper trees. Would you be willing

1894 to proffer that at the time the landscaping would come back to the PC and Director of Planning
1895 for approval?
1896
1897 Mr. Mistr - Yes, we can make that into a proffer. What we'd said is two landscaped
1898 trees on the front, two trees on the sides of any corner lots that faced the trees, and there are
1899 nine lots. There will probably be seven or eleven. It would be nine additionally along Midview
1900 Road, are going to have a twenty five foot buffer, they are going to be setback. We're still going
1901 to put the two trees in the front, and then we're trying to work out a landscape package with the
1902 builders so that they would be put in, not necessarily at the same in front of every house, but
1903 each house would have something similar. We've got some ideas on the project sign, you know,
1904 which would be of brick or stone sign, you know, a pretty big thing. There would be one at each
1905 entrance, two of them, and it'd be landscaped around that, possibility have it lit and it would be
1906 irrigated.
1907
1908 Mr. Vanarsdall - Would you proffer to bring it back to the Commission for approval from
1909 the PC and the Director of Planning?
1910
1911 Mr. Mistr - If the staff would give us whatever language they want, we'd put it in
1912 before it goes to the Board.
1913
1914 Mr. Jernigan - OK.
1915
1916 Mr. Vanarsdall - Any more questions by the Commission? Thank you Mr. Mistr. Now
1917 we'll hear from the opposition in the audience. You all decide who wants to be first and come on
1918 down, and tell us what you need to tell us. Good evening.
1919
1920 Mr. Olds - Good evening, Commissioner, my name is Calvin Olds, and I reside at
1921 6913 Foxdowns Drive, adjacent to the proposed development, and I have a couple of concerns.
1922 First of all with regard to the, also echoed by the staff, with regard to the schooling capacity. I
1923 just have reservations as far as, has thought been given to the, by the developer, to the impact
1924 of the school system? Is there adequate facilities to handle the increased population? My other
1925 concern is just in regard to the area itself, the Varina District itself. It has a rural atmosphere to it
1926 and by adding another subdivision that basically builds up the empty space that had farm land,
1927 another aspect of Varina is going to decreased. I had seen a petition at a local business, with
1928 regard to that concern in the past about the increased population and development of Varina and
1929 I have concerns as far as how this will impact the neighborhood, the population has increased.
1930 Our subdivision has fully, to my knowledge, I think, there's just one home that's yet to be
1931 developed on the lot, and I wanted to also know has adequate communication been received
1932 within the entire neighborhood of Foxboro Downs, Oakland Chase and Varina Station? I know
1933 for a fact that I'm a member of, our subdivision has a Homeowner's Association and I do not
1934 know whether or not contact has been made with that Homeowner's Association. I know that it
1935 was stated in the meeting last week that a letter was sent to the homeowners who reside
1936 adjacent to the proposed development and I feel that as a member of the subdivision that has a
1937 Homeowner's Association that the communication should involve more than just the persons
1938 adjacent to the property, when you have persons who are also members of the Homeowner's
1939 Association, and that's one of my concerns as well. So I do stand in opposition to this
1940 development. I do recognize the need for progress in general, but I do believe that you have to
1941 also keep in mind the neighborhood itself and the current residents to make sure that their needs
1942 are also adequately addressed. Thank you.
1943
1944 Mr. Silber - Sir, was your name Mr. Olds.
1945
1946 Mr. Olds - Olds, O-L-D-S.

1947
1948 Mr. Silber - For your information we are required by law to contact all the adjacent
1949 property owners, and in this case along that side of Foxboro Downs, there are about 25 lot
1950 owners that were contacted. I don't know if staff can tell me whether, if the Homeowner's
1951 Association was contacted or not, but that is a good number homeowner's along that edge.
1952
1953 Ms. Deemer - Yes, we did receive a letter and we don't have a certified list, but the
1954 developer did give us a list. They mailed out about 45 to 48 around Foxdowns Drive, all the
1955 residents within those on file. And that was the letter for their community meeting.
1956
1957 Mr. Silber - Okay. And if action is taken by this body, it will be a recommendation to
1958 the Board of Supervisors and we can expand that and send a letter to the Association if you'd
1959 like.
1960
1961 The other thing I wanted to comment on is simply that this property is somewhat of an infill
1962 development. There's already homes, as you're aware of, at least on two sides of this and the
1963 zoning that has been requested is a similar type of zoning, or in fact, it is a zoning that would
1964 allow for even slightly larger lots. So I just wanted to point that out to you as well.
1965
1966 Mr. Olds - Thank you. And I also have one last concern that was raised at the
1967 meeting last week at the Varina High School, that I wasn't aware of, but other residents within
1968 our neighborhood have raised the issue with regard to draining issues that were noted, during
1969 various thunder storms, or rain storms. And I did not know whether or not any consideration
1970 was given as to how to address those concerns.
1971
1972 Mr. Silber - This is a request to rezone the property to allow a certain use. In this
1973 case they're proposing a single-family community. The next step, if this gets approved by the
1974 Board of Supervisors, then they would have to submit a subdivision plan. The subdivision plan
1975 would have detailed engineering drawings that would deal with and show how the drainage
1976 would be handled. It should not be any increase in drainage on to your properties from this
1977 development. That would be dealt with through the engineering practices.
1978
1979 Mr. Olds - Okay, thank you.
1980
1981 Mr. Jernigan - Mr. Olds, I think, I don't want to swear to it, but when I was looking
1982 through the CIP I believe there is one of the drainage programs in there for the Midview area.
1983 And I can check on that and let you know the CIP which is the seven year projection and it has
1984 the dates on when it's to be done, but I believe that when I looked through there, there was a
1985 drainage program by the County that will be done in that area.
1986
1987 Mr. Olds - Thank you sir.
1988
1989 Mr. Vanarsdall - Thank you.
1990
1991 Mrs. Olds - Good evening. My name is Mrs. Carla Olds, I'm Calvin's wife. My
1992 concern is about the property that is located adjacent to our backyard. We moved to our home
1993 in 2001 expecting to live in an area with a rural backyard. At the time we purchased our home
1994 we were told that there would not be any construction in our backyard, behind us. We chose to
1995 live in eastern Henrico County and in Varina because it was zoned as an agricultural area. If I
1996 wanted to live in Short Pump, I would have moved to Short Pump. I am very impressed with the
1997 Henrico County Public School System, but I really enjoy the country feel and the flavor of living in
1998 Varina without having any other homes adjacent to my property. And, because of the open
1999 space, there was another reason we chose to live in Varina. My concern is the traffic. I also

2000 have a two year old, and that would also create more traffic along Midview, and within the
2001 neighborhood. Now I have a question. I was out during the day when I returned home, there
2002 were already some red flags in my backyard. Have you all made any decisions about rezoning
2003 the property as of yet?
2004
2005 Mr. Jernigan – No.
2006
2007 Mrs. Olds - Well can I ask why there were already red flags along my property
2008 line?
2009
2010 Mr. Jernigan - They always stake the property. When it's a zoning case, the engineers
2011 have to put the, they go out everywhere and do it.
2012
2013 Mrs. Olds - So you do it. Well I'm not originally from Virginia. And I just wanted to
2014 know do you go out and stake the property even before it's approved? So if it's not approved we
2015 just go out and pull them up, am I right? Okay. Next question would be, have we had someone
2016 to come out and talk to us about how far our property will come in? Because the area where
2017 they staked, like on our property or something, it was about three feet into my backyard. So I
2018 think that needs to be clarified, also. And again my address is 6913.
2019
2020 Mr. Jernigan - Well that's taken care of by the engineering firm, when they come out
2021 and stake the property.
2022
2023 Mrs. Olds - I want to know, the true property line. Because I was told my property
2024 line was here...the property where they staked, you know with those little flags, was closer to my
2025 deck, closer to my house. They were, I was told my property line was when I moved there in
2026 2001.
2027
2028 Mr. Jernigan - Right, did the same person tell you where your property line was that
2029 told you there'd never be any building behind you?
2030
2031 Mrs. Olds - I guess they lied, huh?
2032
2033 Mr. Jernigan - They did.
2034
2035 Mrs. Olds - Okay.
2036
2037 Mr. Jernigan - Never believe that, I mean, and you're not the only one that's happened
2038 to. We hear that all the time. They say, the real estate man said nobody would ever build here.
2039
2040 Mrs. Olds - Well can I believe you Mr. Jernigan?
2041
2042 Mr. Jernigan - Can you believe me?
2043
2044 Mrs. Olds - Yes?
2045
2046 Mr. Jernigan - Yes ma'am.
2047
2048 Mrs. Olds - Okay, okay.
2049
2050 Mr. Jernigan - Virginia law says that people have a right to develop their property. And
2051 that's our responsibility to make sure if it's done, that it's done in a good fashion. And that's
2052 what, I mean. People do have the right, it's just like when your house was built before your

2053 subdivision was built, that was barren land, too. And then they came in and tore everything
2054 down and built your subdivision.
2055
2056 Mrs. Olds - Okay.
2057
2058 Mr. Jernigan - And as Mr. Silber said, this is infill. This is the last spot that's left there.
2059 But the lady that owns that property, does by right have, by law, has the right to develop her
2060 property if she wants to.
2061
2062 Mrs. Olds - And I also have the right to come and voice my concern, right?
2063
2064 Mr. Jernigan - Yes, ma'am, you do.
2065
2066 Mrs. Olds - Okay, well thank you all so very much. You all have any questions?
2067
2068 Mr. Silber - Mrs. Olds, I think when the applicant comes back up I would like for him
2069 to respond to the question about the staking that's taken place out there, maybe he can address
2070 what they have done with the staking of the property. And I think it's also, I may have staff put
2071 the Land Use Plan slide back up there so that you understand that, you know, as property
2072 owners come forward and propose, as Mr. Jernigan's indicated, propose use of their property,
2073 the County has the ability to review that proposal against our long-range Land Use Plans, and
2074 this plan that is on the slide right now shows that. You can see there's a lot of homes out here.
2075 This triangular piece of property that's up for rezoning now is bordered by the red. You can see
2076 across the street, the other side of Midview Road is also a large open tract land of that has not
2077 been developed yet that is also shown for SR-1, that stands for Suburban Residential 1, that's
2078 also proposed for homes. So, you need to be aware of when you buy in a community as to what
2079 eventually may occur around you based on the community's long range plan. Now the good
2080 news is that we're just now embarking on the update of our Comprehensive Plan. And we're
2081 looking for people to participate in that process. So as there's undeveloped land near your
2082 home, we'd like for you and your husband to participate and help guide the future development
2083 of Varina in this area. So we'd like to have you participate with the future planning of this area.
2084
2085 Mrs. Olds - Again my address is 6913 Foxdowns Drive. I'll be anticipating a letter
2086 from you in the mail.
2087
2088 Mr. Silber - And what would that letter say?
2089
2090 Mrs. Olds - The letter would say, we're having a meeting Mrs. Olds. Come on over
2091 at such and such a time. And I'll be there.
2092
2093 Mr. Silber - Okay, we have your address thank you.
2094
2095 Mrs. Olds - Thank you.
2096
2097 Mr. Vanarsdall - Thank you. Thank you, Mrs. Olds. Anyone else? Good evening.
2098
2099 Mr. Adams - Good evening. My name is Quinton Adams. I live at 6721 Foxdowns
2100 Drive.
2101
2102 Mr. Jernigan - I didn't get your last name.
2103
2104 Mr. Adams - Adams.
2105

2106 Mr. Jernigan - Thank you.
2107
2108 Mr. Adams - Yes. And actually I live adjacent to the proposed property, down in the
2109 rear portion of the proposed development. My concern is with the easement that runs behind
2110 this property. I understand it's located within a wetland area. And I'm not sure if there is any
2111 continuance maintenance of this area, but it has accumulated quite a bit of debris and there are
2112 actually huge boulders out there that actually prevent the runoff from flowing as it should. And
2113 I've had experiences where the waters actually come as far up as my first step on my back deck.
2114 So I'm interested in hearing more about how the future development plans to handle additional
2115 drainage, that I anticipate will be flowing into that easement area. And it's my understanding
2116 that my neighbor, Pat Ford, actually saw the developers out there, might have been yesterday or
2117 the day before, and had brought this to their attention. They said they would be willing to
2118 address this matter, but it would require certain permits, being issued by the Civil Corps.
2119
2120 Mr. Jernigan - Corps of Engineers.
2121
2122 Mr. Adams - Yes. So again I'm interested in having that situation addressed, as it is
2123 both a safety issue in terms of standing water, as well as it's an eye sore for me having my
2124 property adjacent to it. Any questions?
2125
2126 Mr. Vanarsdall - Any one have any questions? Thank you.
2127
2128 Mr. Jernigan - Mr. Secretary, perhaps we should explain why wetlands can't be
2129 disturbed without permission from the Corps.
2130
2131 Mr. Silber - Yes, that's not my area of expertise, but I can try.
2132
2133 Mr. Adams - I understand that there are property guidelines around disturbing that
2134 area but I would also expect for someone maintaining it. So it would perform the job it was
2135 intended to do. Right now that water backs up and I apologize I have pictures that can share. I
2136 only have one copy. But it builds up to such a point where it's truly a hazard and it's not serving
2137 the purpose that I think it was intended.
2138
2139 Mr. Silber - We appreciate that and there are requirements in dealing with wetlands.
2140 And perhaps Mr. Mistr could address some of those in what he intends to do with development of
2141 this property if this gets zoned and how that may impact your situation.
2142
2143 Mr. Mistr- All right, I'll try to address all the questions.
2144
2145 First we finished surveying the property early this week. We did a boundary survey and a
2146 topographic survey and there are stakes out there. I don't know that the stakes are on the
2147 property line, because typically what we do is run a traverse line around it, which is not
2148 necessarily the boundary line, and an open field, it probably is. In general, we tell our surveyors
2149 not to put them on anybody else's property, to keep on our property. But I will find out in the
2150 morning and I will let you know next week where the back property lines are, you know, at 6913.
2151 And if you look, at one time when I grew up in here, every one of these houses were in a farm
2152 field. So, I've seen a lot of change over the years, too. But there was an old fence down there
2153 and I can see down where the problem is that fence line was the property line, so if your
2154 backyard extends past where that old fence line is, you're probably over on the adjacent
2155 property. Now if your fence line is beyond where your backyard is, maybe we're over on you.
2156 But it might not be where you are. But we'll get that straight for you.
2157

2158 I also, Scott and I were out there earlier this week on Tuesday, and we looked at this drainage
2159 problem. The problem is about 300 feet from that back corner of the property is a stream
2160 protection area and it's a 100 year flood plain and it's a paved ditch it runs, starts about 300 feet.
2161 Well, actually, it starts at about Varina Station, about 300 or 400 feet off of Midview Road, and
2162 the paved ditch runs all the way to the back corner of this property, and when the property ends,
2163 the ditch stops and it goes into a natural ditch, which is pretty irregular. That's where the
2164 problem is, because debris have come down, and with Gaston and the other storm, it's been
2165 debris in there. Well, I talked to Jeff Perry yesterday and he said you can't take mechanized
2166 equipment in there. The only thing you can do is go clean it out by hand. Well, we can go and
2167 clean the debris out, and I told him that we would work at least for the first three or four houses
2168 to do that, but I don't want to have to get any permits from the Corps of Engineers to go into a
2169 wetland or whatever. So that's going to be a temporary solution to the problem, but it's not
2170 going to be an ultimate solution. And I'm not sure what you have to do to get a permit to really
2171 reshape that whole channel when it's in a wetland in an area regulated by the federal
2172 government. As everybody knows it becomes more difficult. But we did make the commitment
2173 to work on those first two or three houses to try to get them.

2174
2175 Mr. Jernigan - You'll have to come up here, sir.

2176
2177 Mr. Adams - I would just like to say for the record that there is some debris back
2178 there, I don't argue that. But there are huge boulders back there that actually contribute to the
2179 problem, now I'm not sure if kids can actually bring those over and drop those off. Those
2180 obviously were there before...

2181
2182 Mr. Mistr - I'm not sure you or me could pick one of those up. They're pretty heavy.
2183 It's rip rap that was put at the end of that paved channel, but it wasn't installed like it should
2184 have been. It should have been dug out. But it's a little bit higher than the end of the channel
2185 so what happens is when a lot of water comes down, it backs up which it started to silt up the
2186 channel. We even got cattails growing in the paved ditch, which Jeff tells me is still a wetland.
2187 You can't clean, it's still an impaired stream in a County paved ditch, and you can't clean it out.
2188 So, I'm not sure where we stand on that, but we will try to fix the rip rap at the bottom, but I'm
2189 not sure we can do it by hand. We might have to get a backhoe in there to do it. So if the Corps
2190 comes out, I am expecting the Commission to bail us out if we get in trouble.

2191
2192 Mr. Jernigan - I mean, Randy, what do you do in a situation like that?

2193
2194 Mr. Silber - I'm not sure. I think we're going to need to get a team of our drainage
2195 engineers and professionals with Mr. Mistr and with the neighborhood, because it sounds like
2196 there are possible solutions, but I don't know the answers tonight.

2197
2198 Mr. Mistr - Randy, we've talked about that, and I've talked to Sam Amos and Jeff
2199 Perry about it and we're going, and if we get the zoning approved, we will work with them.

2200
2201 Mr. Silber - It is something that needs to be done.

2202
2203 Mr. Mistr - Yes. Any other questions? Is there anything I haven't addressed that
2204 you all asked?

2205
2206 Mr. Archer - Mr. Mistr, I think you addressed what I was trying to, and get Mr. Adams
2207 to understand, because we know, but he may not know. When a property exists in a wetland, it
2208 is essentially federal property. And nobody can touch it unless they get permission from the
2209 Corps of Engineers to do it. You're not even suppose to break a twig in there, unless you get
2210 permission. So that's what Mr. Mistr was referring to. So you can just arbitrarily go in there and

2211 move anything unless that permission is granted. And I just wanted to make sure that you
2212 understood that, because we do, but that's not something that you might know about.
2213
2214 Mr. Adams - I understand now. Thank you.
2215
2216 Mr. Archer - Okay.
2217
2218 Mr. Mistr - I think the other questions was about the schools, but I believe the staff
2219 report indicates that the, this is in the Varina Elementary, Mehford School District and that school
2220 and Rolfe and Varina do have the capacity to handle additional children that would be generated,
2221 projected from this Subdivision.
2222
2223 Mr. Vanarsdall - All right, Mr. Mistr.
2224
2225 Mr. Mistr - There is one other thing I wanted to clarify. I believe when Mrs. Deemer
2226 said, she said that 40% of the homes would have 30% brick or stone that was on the fronts, not
2227 on the entire house. Thank you.
2228
2229 Mr. Jernigan - Thank you Spud.
2230
2231 Mr. Vanarsdall - Thank you. I will entertain a motion anytime you want to, Mr. Jernigan.
2232
2233 Mr. Jernigan - Okay. For those of you at the meeting, I guess you didn't get to look at
2234 the latest proffers, but there was a lot of increase of proffers that me and Mr. Mistr worked out
2235 prior to this meeting, and I think by all accounts this is going to be a nice subdivision and we
2236 want to make sure that everybody's values are protected down there, so are you all satisfied with
2237 the conditions that we have in the proffers?
2238
2239 Mrs. Olds - I enjoy my cornfield. I'm just being honest with you.
2240
2241 Mr. Jernigan - I'm sure you do.
2242
2243 Mrs. Olds - I enjoy it.
2244
2245 Mr. Jernigan - But if that was your property, you would also have the right to develop it
2246 if you wanted to.
2247
2248 MR. Olds - I understand that but, you know, but I'm just letting your know. I enjoy
2249 my cornfields.
2250
2251 Mr. Vanarsdall - I don't think we need to go into this anymore tonight. Everything is over
2252 and we are entertaining a motion. I appreciate your feelings on it.
2253
2254 Mr. Jernigan - With that Mr. Chairman, I'll move for approval of Zoning Case C-17C-05
2255 WWLP Development LLC, to send it to the Board for approval.
2256
2257 Mr. Archer - Second.
2258
2259 Mr. Vanarsdall - Motion made by Mr. Jernigan, seconded by Mr. Archer, all in favor say
2260 aye. All opposed say no. The motion passes. Mr. Branin abstained and Mr. Kaechele abstained.
2261
2262 Mr. Jernigan- We have to waive the time limits. I make a motion we waive the time
2263 limits on case C-17C-05.

2264
2265 Mr. Branin - Can I abstain from this, sir?
2266
2267 Mr. Vanarsdall - Motion made by Mr. Jernigan, seconded by Mr. Archer. All in favor say
2268 aye. All opposed say no. The motion passes. Mr. Branin and Mr. Kaechele abstained.
2269
2270 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Archer, the Planning Commission
2271 voted 4-0 (two abstentions) to recommend that the Board of Supervisors grant the request
2272 because it conforms with the recommendations of the Land Use Plan and it represents a logical
2273 continuation of the single-family residential development which exists in the area.
2274
2275 **DISCUSSION ITEM TO SET A PUBLIC HEARING FOR: INITIATE STUDY OF POTENTIAL**
2276 **AMENDMENT TO THE MAJOR THOROUGHFARE PLAN OF THE COMPREHENSIVE PLAN:**
2277 **MTP-1-05** Proposed Deletion of Shrader Road Extension between the northwest terminus of
2278 Bunche Street and Wistar Road.
2279
2280 Mr. Silber - We have a resolution that we have provided the Commission. I don't
2281 know if we need a presentation, Mr. Tyson, but Mr. Tyson does have the road shown on this
2282 aerial photograph, so you know where this road is. If you recall, this road runs along the
2283 western border, southwestern border of a piece of property that is up for rezoning. It was, the
2284 Planning Commission considered this a month ago. The Board of Supervisors considered this
2285 Tuesday night, it was deferred for two weeks, but here you can see the Major Thoroughfare Plan
2286 Road.
2287
2288 Mr. Vanarsdall - It was deferred for two weeks?
2289
2290 Mr. Silber - Yes sir, but there are some issues associated with some proffer
2291 language. So this deletion is proposed. We would need to study it and bring it back before the
2292 Planning Commission in the form of a public hearing this proposal and study. The Planning
2293 Commission then would set the public hearing and move it on the Board of Supervisors to make
2294 the final decision. So this resolution is just to initiate this amendment.
2295
2296 Mr. Kaechele - To initiate a study?
2297
2298 Mr. Silber - Right, to initiate a study. Yes.
2299
2300 Mr. Kaechele - So the matter will still come back to the Board of Supervisors.
2301
2302 Mr. Silber - That's correct. So we need a motion...
2303
2304 Mr. Archer - Mr. Chairman, I move that we move the resolution to initiate the study.
2305
2306 Mr. Vanarsdall - I second, Mr. Chairman.
2307
2308 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Vanarsdall. All in favor say
2309 aye. All opposed say no. The ayes have it. The motion is passed.
2310
2311 Mr. Vanarsdall - I think Ms. Jones read the minutes.
2312
2313 Mrs. Jones - I did actually, and I would like to move that they be adopted.
2314
2315 Mr. Vanarsdall - I think you would read all of it.
2316

2317 Mrs. Jones - I swear, every word.
2318
2319 Mr. Vanarsdall - And we appreciate that. Thank you Mrs. Jones. Any changes?
2320
2321 Mrs. Jones - No, sir.
2322
2323 Mr. Vanarsdall - I will entertain a motion then.
2324
2325 Mr. Jernigan - So moved.
2326
2327 Mr. Archer - Second.
2328
2329 Mr. Vanarsdall - Moved by Mr. Jernigan and seconded by Mr. Archer. All in favor, say aye.
2330 All opposed say no. The motion passes. Thank you Mrs. Jones.
2331
2332 The Planning Commission approved the minutes of the March 10, 2005 Meeting.
2333
2334 Mr. Silber - Take one and pass it down. I have two comments.
2335
2336 Mr. Vanarsdall - I read the draft one time.
2337
2338 Mr. Silber - It has already been provided to you? What I'm providing you is a
2339 draft of our itinerary for a trip that's coming up next Wednesday, April the 20th. This is being
2340 organized to take a trip to Northern Virginia to see some developments in Alexandria, and in the
2341 Woodbridge area, Belmont Bay, in particular. These are mixed-used developments, town center
2342 development. With the recent adoption and approval of three UMU zoning cases, we are now
2343 receiving plans of developments and we are needing to, we believe, have a better understanding
2344 and appreciation of some urban mixed use developments. So we are renting a bus and the
2345 developers of Rockett's Landing, Bill Abeloff and Bill Axelle and the developer's representatives
2346 are going to take us up there, lead us up there, and tour us around to show some of these
2347 developments. So the Planning Commission is being invited along, and again this is going to be
2348 an all day trip on Wednesday, the 20th if you're interested in coming.
2349
2350 Mr. Vanarsdall - Is this Hunt?
2351
2352 Mr. Silber - No, this would be Rockett's Landing.
2353
2354 Mr. Vanarsdall - Oh, Rockett's Landing.
2355
2356 Mr. Archer - So at 7:30, we're leaving in the middle of the night.
2357
2358 Mr. Silber - It's a.m.
2359
2360 Mr. Vanarsdall - Do we eat lunch on the bus or...
2361
2362 Mr. Silber - I don't know.
2363
2364 Mr. Jernigan - This isn't a box lunch is it? Are we going to stop and eat somewhere?
2365
2366 Mr. Silber - Mr. Jernigan, I don't know. We're the guest of these other people that
2367 are taking us, so we don't know what lunch will be provided. Because two districts were impacted
2368 by the UMU zoning cases, that being Varina and Three Chopt, we're are strongly encouraging
2369 those Commissioners and Board Member to go. But everyone is invited as a learning experience.

2370 Can we have a...are you all aware of this and how many have an idea of going?
2371
2372 Mr. Vanarsdall - Yes, I'm already signed up. Reginia called.
2373
2374 Mr. Archer - I plan to go.
2375
2376 Mr. Silber - Okay, so everybody else is planning to go, Mr. Kaechele?
2377
2378 Mr. Archer - You pretty sure we'll be back by at least 5:00?
2379
2380 Mr. Silber - No, we're not sure.
2381
2382 Mr. Branin - Yes, can we be back because, the only thing I have a problem with is
2383 I've got another commitment at 5:00.
2384
2385 Mr. Silber - Well...
2386
2387 Mr. Branin - Can I follow the bus in my own vehicle?
2388
2389 Mr. Vanarsdall - I'm going to tell you up front. You can't go to every single thing we have
2390 and don't apologize for it.
2391
2392 Mr. Silber - I really think we will be back by 5:00, because the County Manager and
2393 the Deputy County Manager have a function, I believe, at 7:00 and the Manager said, 'I really
2394 want to be back by 5:00' so..
2395
2396 Mr. Archer - We'll be back by 5:00.
2397
2398 Mr. Vanarsdall - I have a question for Tommy. Is this a box of snuff or and do you have
2399 to be a safe cracker to get into it?
2400
2401 Mr. Branin - You didn't get your memo. I sent a memo out.
2402
2403 Mr. Silber - I have one other discussion tonight. Before I lose you all. One more
2404 please... Just wanted to remind you that we also are going to be holding on the 21st and 22nd
2405 next week, next Thursday and Friday, a briefing on cash proffers for the development community
2406 to let them know what is being proposed with the cash proffer policy. This is an opportunity for
2407 them to provide us input on the proposed cash proffer policy, so we're holding one in the evening
2408 at 6:00 p.m. on the 21st and one in the morning at 10:00 a.m. on the 22nd. You do not need to
2409 come. I'm just sharing this with you.
2410
2411 Mr. Jernigan - I thought that was just for the Board.
2412
2413 Mr. Silber - No, the Board does not need to come. We will have a consultant there
2414 and we will staff it and it's to...we've invited the development community and they will be here in
2415 the room to receive their comments.
2416
2417 Mr. Archer - Are both sessions the same thing?
2418
2419 Mr. Silber - The same thing.
2420
2421 Mr. Archer - So we can come to one or the other if we choose to.
2422

2423 Mr. Silber - You don't even need to come. This is informational purposes. No need
2424 to come.
2425
2426 Mr. Kaechele - Are they going to discuss interim cash proffers?
2427
2428 Mr. Silber - No, I don't think we'll be discussing interim. That concludes my
2429 comments, thank you.
2430
2431 Mr. Archer - Mr. Chairman, I move for adjournment.
2432
2433 Mr. Vanarsdall - OK, we are adjourned.
2434
2435
2436
2437
2438

Ernest B. Vanarsdall, C.P.C., Chairman
2439
2440
2441
2442
2443

Randall R. Silber, Secretary
2444