

1 Minutes of the regular monthly meeting of the Planning Commission of the  
2 County of Henrico, held in the County Administration Building in the Government  
3 Center at Parham and Hungary Springs Roads, beginning at 7:00 p.m. Thursday,  
4 April 12, 2007. Display Notice having been published in the Richmond Times-  
5 Dispatch on March 22, 2007 and March 29, 2007.

6  
7

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)  
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
Mrs. Bonnie-Leigh Jones (Tuckahoe)  
Mr. Frank J. Thornton (Fairfield)  
Board of Supervisors Representative  
Mr. Randall R. Silber, Director of Planning, Secretary

Also Present: Ms. Jean M. Moore, Principal Planner  
Mr. Lee Tyson, County Planner  
Mr. Thomas Coleman, County Planner  
Mr. Livingston Lewis, County Planner  
Ms. Sylvia Ray, Recording Secretary

8 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**  
9 **on all cases unless otherwise noted.**

10

11 Mr. Branin - I'd like to call the April 12, 2007 Planning Commission  
12 Meeting to order. Good evening, everybody. I do not believe we have any press  
13 in the audience tonight. I'd like to introduce our supervisor that keeps a close  
14 eye on us to make sure we're doing right, Mr. Frank Thornton, and good evening  
15 to all the other Commissioners and staff.

16

17 Mrs. Jones - Mr. Chairman.

18

19 Mr. Branin - Mr. Silber.

20

21 Mr. Silber - Yes sir. Thank you, Mr. Chairman. All members of  
22 the Planning Commission are present this evening, so we can conduct business.  
23 We have several deferrals on the agenda this evening, in fact, we only have  
24 three items that will be heard, one of which is planned to be expedited. If Ms.  
25 Moore can review the deferrals for us.

26

27 Ms. Moore - Yes sir. We have a total of five requests for deferrals.  
28 The first is on page 1 of your agenda. It is case C-15C-07, West Broad Village,  
29 LLC, and West Broad Village II, LLC. The deferral is requested to the May 10,  
30 2007 meeting.

31  
32 **Deferred from the February 15, 2007 Meeting.**  
33 **C-15C-07 Andrew M. Condlin for West Broad Village, LLC**  
34 **and West Broad Village II, LLC:** Request to amend proffered conditions  
35 accepted with Rezoning Case C-12C-06, on Parcel 742-760-7866, located on the  
36 south line of W. Broad Street (U.S. Route 250), north of Three Chopt Road, at  
37 the I-64 Interchange. The applicant proposes to amend Proffer 16 to increase  
38 the number of apartments for lease from 250 to 350 units. The total number of  
39 all residential unit types (884) would remain unchanged. The existing zoning is  
40 UMUC, Urban Mixed Use (Conditional). The Land Use Plan recommends UMU.  
41 The site is in the West Broad Street Overlay District.

42  
43 Mr. Branin - Is anyone in opposition to the deferral of C-15C-07?  
44 No one? Then I would like to move that C-15C-07 be deferred to the May 10,  
45 2007 meeting per the applicant's request.

46  
47 Mr. Vanarsdall - Second.

48  
49 Mr. Branin - Motion made by Mr. Branin and seconded by Mr.  
50 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

51  
52 At the request of the applicant, the Planning Commission deferred Case C-15C-  
53 07, Andrew M. Condlin for West Broad Village, LLC and West Broad Village II  
54 LLC, to its meeting on May 10, 2007.

55  
56 Ms. Moore - On page 2 of your agenda in the Tuckahoe District is  
57 case C-19C-07. The deferral is requested to the May 10, 2007 meeting.

58  
59 **C-19C-07 John G. Adamson:** Request to conditionally rezone  
60 from R-1 One-Family Residence District to O-2C Office District (Conditional),  
61 Parcel 742-742-7724, containing approximately 1.06 acres, located on the north  
62 line of Patterson Avenue (State Route 6) at Otlyn Road. The applicant proposes  
63 a professional office. The use will be controlled by zoning ordinance regulations  
64 and proffered conditions. The Land Use Plan recommends Environmental  
65 Protection Area.

66  
67 Mr. Branin - Is anyone in opposition to the deferral of C-19C-07?  
68 No one?

69  
70 Mrs. Jones - I move for the deferral of C-19C-07, John G.  
71 Adamson, to the May 10, 2007 meeting by request of the applicant.

72

73 Mr. Vanarsdall - Second.

74  
75 Mr. Branin - Motion by Mrs. Jones and seconded by Mr.  
76 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

77  
78 At the request of the applicant, the Planning Commission deferred Case C-19C-  
79 07, John C. Adamson, to its meeting on May 10, 2007.

80  
81 Ms. Moore - On page 2 of your agenda in the Varina District is P-  
82 13-06. The deferral is requested to the July 12, 2007 meeting.

83  
84 ***Deferred from the January 11, 2007 Meeting.***  
85 **P-13-06 Burke Lewis for New Cingular Wireless PCS, LLC**  
86 (Lessee): Request for a Provisional Use Permit under Sections 24-95(a), 24-120  
87 and 24-122.1 of the County Code in order to construct a 199' high  
88 telecommunications tower, on parts of Parcels 855-689-5504 and 855-688-7082,  
89 located approximately 1,450 feet south of Charles City Road and 400 feet west of  
90 Upper Western Run Lane. The existing zoning is A-1 Agricultural District. The  
91 Land Use Plan recommends Prime Agriculture.

92  
93 Mr. Branin - Is anyone in opposition to the deferral of P-13-06?  
94 Yes sir?

95  
96 Mr. Silber - We'll need you to come down, sir.

97  
98 Mr. Branin - When you come down, just state your name so we'll  
99 have it for the record please.

100  
101 Mr. Cochrone - My name is Charles Cochrone, Jr. I live right  
102 adjacent to this piece of property. We don't understand why this is dragging on  
103 and on and on. You keep deferring and keep deferring it.

104  
105 Mr. Branin - Okay. Mr. Jernigan, can you help?

106  
107 Mr. Jernigan - Mr. Burke Lewis, are you here? Yes sir. I'm going to  
108 let the attorney explain to you what's going on with Cingular.

109  
110 Mr. Silber - Please state your name for the record.

111  
112 Mr. Lewis - Members of the Commission, my name is Burke  
113 Lewis. I'm an attorney speaking on behalf of New Cingular Wireless. We believe  
114 that this application, when we brought, we probably brought it prematurely in that  
115 it would provide for an island of coverage and wouldn't connect to any other  
116 existing sites. So, what we've done during this process is try to allow time for  
117 applications for other sites to be prepared and to catch up with this site so we  
118 could bring more of a network for the Commission to review at one time rather

119 than an isolated site. What Cingular has also done during this time is to continue  
120 to look for sites in this area that may negate the need for this site, as well as a  
121 site south of here, and instead we would end up with one tower instead of two.  
122 That's in the process as well and that's the reason for the deferrals.  
123  
124 Mr. Branin - Does that help, sir?  
125  
126 Mr. Cochrone - [Off mike.] That's fine. [Unintelligible.]  
127  
128 Mr. Branin - That's the reason and they have the right to.  
129  
130 Mr. Jernigan - Wait a minute, what's he—What he's saying is true.  
131  
132 Mr. Cochrone - Correct.  
133  
134 Mr. Jernigan - Okay.  
135  
136 Mr. Cochrone - I said partially. I own a piece of property that they've  
137 cut across. They're carrying me to court now so they can get away with going  
138 across that piece of property.  
139  
140 Mr. Silber - So, to get to this subject property, they're going  
141 across your piece.  
142  
143 Mr. Cochrone - They're going across a piece of my property.  
144  
145 Mr. Silber - So, you're just wanting to—  
146  
147 Mr. Cochrone - Nobody's ever asked me anything about crossing this  
148 piece of property. They're just trying to bull their way across is the way I feel.  
149  
150 Mr. Jernigan - Now, Cingular's not doing that; you're brother's doing  
151 that.  
152  
153 Mr. Cochrone - That's correct, but my brother isn't paying the lawyers.  
154 Somebody's backing this thing besides Kenneth Cochrone. This is not all on the  
155 up and up, is what I'm trying to say. If somebody would come and ask me if they  
156 could cross this property—No, they just sent me a judgment to show up in court.  
157  
158 Mr. Jernigan - What's your wife's name?  
159  
160 Mr. Cochrone - Kathy.  
161  
162 Mr. Jernigan - Wasn't she was here at the original hearing?  
163  
164 Mr. Cochrone - Yes sir.

165  
166 Mr. Jernigan - I don't think they've been back yet.  
167  
168 Mr. Cochrone - She's been here every meeting. My wife's been here  
169 every meeting.  
170  
171 Mr. Jernigan - She has?  
172  
173 Mr. Cochrone - This is the first time I've been in town. Really, if  
174 somebody would have come to us and explained all this stuff instead of just  
175 trying to bull their way through, this probably would have been long since settled.  
176 Now that he's carrying me to court, I'm going to fight it to the bitter end.  
177  
178 Mr. Jernigan - He didn't come to you and ask you about—  
179  
180 Mr. Cochrone - Nobody asked me anything.  
181  
182 Mr. Jernigan - Okay.  
183  
184 Mr. Cochrone - There's a tower a quarter of a mile, two miles down  
185 the road. You're probably going to end up putting four or five towers over there  
186 on an acre of ground. You wouldn't have an acre if you weren't going to put  
187 more than one tower.  
188  
189 Mr. Branin - Mr. Cochrone, what's before the Commission right  
190 now is a consideration for this to be deferred, so they need to take action on that.  
191 If it is deferred, this will come up in July. What I would suggest is the two of you  
192 continue to have discussion about this so that this can be resolved when it  
193 comes back up in July. What's before the Commission at this time is a request  
194 by the applicant to defer this until July.  
195  
196 Mr. Jernigan - With respect to Cingular, Mr. Lewis did call me and  
197 tell me he wanted to defer this and I told him I would do it. It wouldn't be right for  
198 me not to do it now. I will say this. Burke, let's try to get to the bottom of this and  
199 find out by July what's going to happen. Okay? Fair enough?  
200  
201 Mr. Cochrone - That'll be fine with me.  
202  
203 Mr. Jernigan - Okay. Thank you.  
204  
205 Mr. Cochrone - Remember one other thing. Thirty-five years ago, you  
206 said you'd never rezone that piece of property again when it was divided. Right  
207 here in this building. I was sitting right here when that piece of property was  
208 divided when I built my house on it.  
209  
210 Mr. Jernigan - It's not zoned.

211  
212 Mr. Cochrone - One acre of it was zoned. This part right here was  
213 zoned, one acre, to build my house on. If you look back at your records when  
214 you all gave me that zoning, there was nothing else to be rezoned in there until  
215 public right-of-ways and utilities were put in that piece of property.  
216  
217 Mr. Jernigan - Well, 35 years ago, I'd have to check the records on  
218 that, because I—  
219  
220 Mr. Cochrone - You do it, but I have it all over there.  
221  
222 Mr. Jernigan - What is the zoning on your property?  
223  
224 Mr. Cochrone - Mine is—  
225  
226 Mr. Jernigan - A-1?  
227  
228 Mr. Cochrone - Agriculture, yes. Except for the house. It's one acre.  
229 See, all these plats and deeds are not right there anyway, but that's another story  
230 for another day.  
231  
232 Mr. Jernigan - Okay. Well, probably what happened is you had a  
233 variance not a zoning case because you don't have any road frontage. They  
234 probably gave you a variance so you could build your house.  
235  
236 Mr. Cochrone - When they did that they said we would not get any  
237 other variances to build any houses in there. Of course, they've done that,  
238 they've given three more. Now you're going to give another one.  
239  
240 Mr. Jernigan - Well, that was a family split after your father died.  
241  
242 Mr. Cochrone - Correct.  
243  
244 Mr. Jernigan - The property was split up. A family subdivision is a  
245 little different than a regular—  
246  
247 Mr. Cochrone - Right. Now you're going to put a commercial  
248 subdivision in there.  
249  
250 Mr. Jernigan - No, it's just—Anyway, I'm going to go ahead and ask  
251 for a deferral on this and then we'll see if we can't clear this up by July.  
252  
253 Mr. Branin - Mr. Cochrone, that hopefully will allow you the time to  
254 go with Mr. Lewis, and Mr. Lewis, definitely go with Mr. Cochrone.  
255  
256 Mr. Cochrone - I had to hire a lawyer.

257  
258 Mr. Branin - Hopefully, you'll be able to get it resolved without an  
259 attorney and we're going to go ahead and move forward and defer this. You'll  
260 have until July to get it resolved.  
261  
262 Mr. Vanarsdall - If this ever comes up again, get it in writing. No  
263 matter what they said 35 years ago, if it's not in writing, it doesn't mean anything.  
264  
265 Mr. Branin - I'll also ask staff to check on that as well, sir.  
266  
267 Mr. Cochrone - When you rezoned my piece of property, that's what it  
268 was.  
269  
270 Mr. Jernigan - I'll tell you what, call me sometime in my office. Mr.  
271 Lewis can give you my number. Call me and I'll discuss that with you.  
272  
273 Mr. Cochrone - Okay, yeah. I appreciate it.  
274  
275 Mr. Branin - Thank you, gentlemen. All right. Is there any other  
276 opposition to the deferral of P-13-06? None? Mr. Jernigan.  
277  
278 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of P-  
279 13-06, New Cingular Wireless, PCS to the July 12, 2007 meeting by request of  
280 the applicant.  
281  
282 Mrs. Jones - Second.  
283  
284 Mr. Branin - Motion was made by Mr. Jernigan and seconded by  
285 Mrs. Jones, all in favor say aye. The motion carries.  
286  
287 At the request of the applicant, the Planning Commission deferred Case P-13-06,  
288 New Cingular Wireless, PCS, to its meeting on July 12, 2007.  
289  
290 Ms. Moore - Also on page 2 of your agenda is case C-3C-07, The  
291 Tetra Group One, LLC. The deferral is requested to the May 10, 2007 meeting.  
292  
293 ***Deferred from the March 15, 2007 Meeting.***  
294 **C-3C-07** **The Tetra Group One, LLC:** Request to conditionally  
295 rezone from A-1 Agricultural District, R-3 One-Family Residence District, R-5  
296 General Residence District and B-3 Business District to R-3C One-Family  
297 Residence District (Conditional), R-5C General Residence District (Conditional),  
298 and B-3C Business District (Conditional), Parcels 836-714-2353, 835-714-7916,  
299 836-712-7784, 835-713-1662 and 836-713-7564, containing approximately  
300 79.769 acres (R-3C – 9.654 ac; R-5C – 9.305 ac; and B-3C – 60.810 ac), located  
301 between the north line of E. Williamsburg Road, the south line of Old  
302 Williamsburg Road, the east line of Dry Bridge Road and the west line of Old

303 Memorial Drive. The applicant proposes a mixture of uses including a single-  
304 family development, age-restricted multi-family dwelling units, and general  
305 business. The R-3 District allows a minimum lot size of 11,000 square feet and a  
306 maximum gross density of 3.96 units per acre. The R-5 District allows a  
307 maximum gross density of 14.52 units per acre. The uses will be controlled by  
308 zoning ordinance regulations and proffered conditions. The Land Use Plan  
309 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Office  
310 and Environmental Protection Area. The site is in the Airport Safety Overlay  
311 District.

312  
313 Mr. Branin - Is anyone in opposition to C-3C-07? No one?

314  
315 Mr. Jernigan - Mr. Chairman, I move for deferral of case C-3C-07,  
316 The Tetra Group One, LLC, to the May 10, 2007 meeting by request of the  
317 applicant.

318  
319 Mr. Archer - Second.

320  
321 Mr. Branin - Motion made by Mr. Jernigan and seconded by Mr.  
322 Archer. All in favor say aye. All opposed? The motion carries.

323  
324 At the request of the applicant, the Planning Commission deferred Case C-3C-  
325 07, The Tetra Group One, LLC, to its meeting on May 10, 2007.

326  
327 Ms. Moore - Next is on page 3 of your agenda. It is C-4C-07, Twin  
328 Oaks Business Park, LLC. The deferral is requested to the May 10, 2007  
329 meeting.

330  
331 ***Deferred from the February 15, 2007 Meeting.***

332 **C-4C-07 Todd M. Lynn for Twin Oaks Business Park, LLC:**  
333 Request to conditionally rezone from A-1 Agricultural District to O-2C Office  
334 District (Conditional), Parcel 814-710-0782, containing 2.505 acres, located at  
335 the northwest intersection of Glen Alden Drive and Charles City Road (Garden  
336 City subdivision). The applicant proposes a warehouse with limited office. The  
337 use will be controlled by zoning ordinance regulations and proffered conditions.  
338 The Land Use Plan recommends Planned Industry. The site is in the Airport  
339 Safety Overlay District.

340  
341 Mr. Branin - Is anyone in opposition to the deferral of C-4C-07?  
342 No one?

343  
344 Mr. Jernigan - Mr. Chairman, I move for deferral of case C-4C-07,  
345 Twin Oaks Business Park, LLC, to the May 10, 2007 meeting by request of the  
346 applicant.

347  
348 Mr. Vanarsdall - Second.



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Mr. Branin - Motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

At the request of the applicant, the Planning Commission deferred Case C-4C-07, Twin Oaks Business Park, LLC, to its meeting on May 10, 2007.

Ms. Moore - Mr. Chairman, that concludes the deferral requests we've received from applicants.

Mr. Silber - Assuming there are no requests for deferral by Planning Commission members, we'll move on to the expedited items on the agenda. We have one item on the expedited agenda. These are cases for which there are no known outstanding issues, staff is recommending approval of these cases, they're somewhat minor in nature, and there is no known opposition. If there is opposition to any of these cases, they will be pulled off the expedited agenda and heard in the order in which they're found on the full agenda. We have one item tonight on the expedited agenda.

Ms. Moore - This is on page 2 of your agenda, C-18C-07, Centex Homes.

**C-18C-07**                    **Jeff S. McKay for Centex Homes:** Request to conditionally rezone from A-1 Agricultural District to R-2AC One-Family Residence District (Conditional), Parcels 739-770-5439, -7142 and -9147, containing approximately 7.096 acres, located on the north line of Shady Grove Road approximately 715 feet east of Pouncey Tract Road. The applicant proposes a single-family residential subdivision with a maximum density not to exceed 1.6 units per acre. The R-2A District allows a minimum lot size of 13,500 square feet and a maximum gross density of 3.23 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mr. Branin - Is anyone in opposition to C-18C-07? Good. With that, I'd like to move that C-18C-07, Centex Homes, be approved and placed on the expedited agenda and moved forward to the Board of Supervisors.

Mr. Jernigan - Second.

Mr. Branin - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in favor say aye. All opposed. The motion carries.

**REASON:** Acting on a motion by Mr. Branin, seconded by Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend

395 the Board of Supervisors **grant** the request because it represents a logical  
396 continuation of the one-family residential development in the area and the  
397 proffered conditions will provide appropriate quality assurances not otherwise  
398 available.

399

400 Mr. Silber - Ms. Moore, on the proffer conditions, we did not need  
401 to waive the time limit on those?

402

403 Ms. Moore - No sir. They came well within the 48 hours. It should  
404 be noted that they were revised and we'll mark that in the case.

405

406 Mr. Silber - Thank you. The next case for consideration would be  
407 two companion cases. These were deferred from the March 15, 2007 meeting.

408

409 ***Deferred from the March 15, 2007 Meeting.***

410 **C-59C-06 Andrew Condlin for Towne Center West, LLC:**  
411 Request to conditionally rezone from B-2C Business District (Conditional) to R-  
412 6C General Residence District (Conditional), Parcel 734-764-9340, containing  
413 9.38 acres, located on the north line of W. Broad Street (U.S. Route 250)  
414 approximately 540 feet east of N. Gayton Road. The applicant proposes retail  
415 and office uses with no more than 180 condominium units. The R-6 District  
416 allows a maximum gross density of 19.80 units per acre. The uses will be  
417 controlled by zoning ordinance regulations and proffered conditions. The Land  
418 Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay  
419 District.

420

421 ***Deferred from the March 15, 2007 Meeting.***

422 **P-19-06 Andrew Condlin for Towne Center West, LLC:**  
423 Request for a Provisional Use Permit under Sections 24-36.1(b), 24-120 and 24-  
424 122.1 of the County Code to permit retail and office uses within a proposed multi-  
425 family development on Parcel 734-764-9340, located on the north line of W.  
426 Broad Street (U.S. Route 250) approximately 540 feet east of N. Gayton Road.  
427 The existing zoning is B-2C Business District (Conditional). The property is the  
428 subject of rezoning case C-59C-06, which proposes to rezone the property to R-  
429 6C General Residence District (Conditional). The Land Use Plan recommends  
430 Mixed Use. The site is in the West Broad Street Overlay District.

431

432 Mr. Branin - Is anyone in opposition to C-59C-06 or C-19-06? No  
433 one? Good evening, Mr. Coleman.

434

435 Mr. Coleman - Mr. Chairman, members of the Commission. This  
436 request would rezone a 9.4-acre parcel from B-2C to R-6C to develop a mixed-  
437 use project including condominiums and retail space. The site is within the West  
438 Broad Street Overlay District and is designated Mixed Use Development in the  
439 Land Use Plan. The retail uses in the R-6 District as proposed require approval

440 of a Provisional Use Permit, and to this end, the applicant also submitted  
441 companion case P-19-06.

442

443 The site is part of the Towne Center West development. The rezoning for Towne  
444 Center West was approved in 2004 to include a mix of retail, apartment, and  
445 hotel uses. The subject site was proposed for retail use only. The applicant now  
446 proposes to develop retail uses on the ground floor and up to 180 condominium  
447 units on floors above.

448

449 Interconnectivity and cohesive, high quality development were important  
450 considerations for Towne Center West. The applicant carried forward many of  
451 the same or similar proffers approved for that project and the conceptual plan  
452 shows roadways would not be altered. Major aspects of the proffers include:  
453 Access would be provided via Towne Center West Boulevard, Henley Lane, and  
454 internal connections and the properties would not have direct access to West  
455 Broad Street; amenities would include a large common space courtyard in the  
456 area between the buildings which would include a minimum 2,000-square-foot  
457 fitness facility and clubroom; covered parking and interior courtyard parking  
458 provided for residents; pedestrian circulation provided internally and connections  
459 provided to adjacent development; sound suppression between residential units  
460 with at least a 55 STC rating and sound suppression between commercial and  
461 residential units with at least a 58 STC rating; and the sprinkling of residential  
462 and commercial units.

463

464 Proffers also address buffers, density, residential unit size, loading areas,  
465 lighting, pedestrian walkways, site coverage, signage, use restrictions, separate  
466 entrances to residential areas, and several other items.

467

468 The applicant also proffered elevations. The applicant committed to providing a  
469 minimum of 50% masonry on the exterior elevations, and the architecture should  
470 complement the rest of Towne Center West.

471

472 The Land Use Plan recommends Mixed Use Development, and properly  
473 designed and regulated, this proposal would be consistent with this designation  
474 and appropriate at this location. The applicant submitted proffers offering  
475 assurances of quality development including several previously approved for  
476 Towne Center West and satisfactorily addressed items outlined in the staff  
477 report. This proposal is in keeping with the high quality development expected in  
478 this area, and staff recommends approval of this application.

479

480 That concludes my presentation. I would be happy to answer any questions.

481

482 Mr. Branin - Thank you, Mr. Coleman. Does anybody have any  
483 questions for Mr. Coleman?

484

485 Mrs. Jones - I do. Mr. Coleman, if I understood what you just  
486 mentioned, you said that the staff concerns as listed on page 4 have all been  
487 met?  
488  
489 Mr. Coleman - Yes.  
490  
491 Mrs. Jones - Okay. Are there color designations in any of this?  
492  
493 Mr. Coleman - Color designations?  
494  
495 Mrs. Jones - Yes, for any of the exterior.  
496  
497 Mr. Coleman - They provided some additional.  
498  
499 Mrs. Jones - Those are proffered?  
500  
501 Mr. Coleman - Those are proffered.  
502  
503 Mrs. Jones - Okay.  
504  
505 Mr. Coleman - This is the courtyard, (referring to rendering), this is  
506 the garage side towards the rear.  
507  
508 Mrs. Jones - Okay.  
509  
510 Mr. Coleman - This would be from Broad Street.  
511  
512 Mr. Branin - Mrs. Jones, there's one thing that isn't shown in here.  
513 Could you put up the actual layout? Do you see the two entrance roads?  
514  
515 Mrs. Jones - Yes sir.  
516  
517 Mr. Branin - In meetings with Breeden and Mr. Kaechele and  
518 myself, they're looking to actually continue that through with the walkway and an  
519 arch so it would be completely enclosed. Our concerns also were for the retail,  
520 how they would service that. They've worked out a system with a hallway like  
521 you would see at mall so it would all be within the building.  
522  
523 Mrs. Jones - Okay.  
524  
525 Mr. Branin - This is probably the third or fourth look at this and  
526 they have it pretty tight.  
527  
528 Mrs. Jones - Thank you.  
529  
530 Mr. Branin - I'm pretty excited about it.

531  
532 Mr. Silber - Mr. Coleman, I believe as we've met on this, the  
533 discussion has only been that these would be condominiums that are occupied,  
534 not rental units.  
535  
536 Mr. Coleman - Correct.  
537  
538 Mr. Silber - There is no proffer that speaks to that or a condition.  
539  
540 Mr. Coleman - Excuse me?  
541  
542 Mr. Silber - Is there a condition or proffer that speaks to that?  
543  
544 Mr. Coleman - To answer your question, no, that has not been  
545 addressed.  
546  
547 Mr. Jernigan - Mr. Coleman, when you talking about sound  
548 suppression, what was the figure you said?  
549  
550 Mr. Coleman - There are two measures. There's one between  
551 residences only and there's another between floor and ceiling of commercial  
552 units and residential units.  
553  
554 Mr. Jernigan - Did you say that was 58?  
555  
556 Mr. Coleman - Right. So, in between the ceiling of a commercial and  
557 the floor of a residential, that would be 58.  
558  
559 Mr. Jernigan - It says 54 in the proffers.  
560  
561 Mr. Silber - The revised proffers.  
562  
563 Mr. Branin - It's changed to 58.  
564  
565 Mr. Jernigan - I'd like to see a cross section of 58 sound suppression  
566 myself. I don't know if we've had one.  
567  
568 Mr. Silber - This is between the retail and the residential.  
569  
570 Mr. Branin - It's very innovative in the Three Chopt District, Mr.  
571 Jernigan.  
572  
573 Mr. Vanarsdall - We've had them at 56 in Brookland but not 58.  
574  
575 Mr. Branin - That's why Three Chopt wanted to a little bit better  
576 than 56.

577  
578 Mr. Vanarsdall - In Brookland, before Three Chopt even knew it was a  
579 district.  
580  
581 Mrs. Jones - Boys, boys, boys.  
582  
583 Mr. Jernigan - You'd probably be able to hear that pin drop right  
584 there.  
585  
586 Mr. Coleman - Mr. Jernigan, they have committed to providing a  
587 cross section of that detail during the POD, so you'll have an opportunity to see  
588 that at that time.  
589  
590 Mr. Jernigan - Okay, thank you.  
591  
592 Mr. Branin - Ladies, I'm going to ask this question so I know how  
593 to proceed forward. Are you guys here for this case? Okay. That's all I wanted  
594 to know. Would the Commissioners like to hear the presentation from Mr.  
595 Condlin or ask Mr. Condlin any questions?  
596  
597 Mr. Vanarsdall - I don't need to hear it.  
598  
599 Mr. Condlin - Okay. Mr. Condlin, I just have one question for you.  
600  
601 Mr. Jernigan - Mr. Condlin, we'll stipulate.  
602  
603 Mr. Vanarsdall - Whether you present it or not, you get the same  
604 amount of money.  
605  
606 Mr. Condlin - Right. I'm getting paid [unintelligible] first and last  
607 case. They won't get me any longer.  
608  
609 Mr. Branin - Mr. Condlin, you and your client don't have a problem  
610 with proffering for sale not for—  
611  
612 Mr. Condlin - Correct. I think there's a reference to "condominium"  
613 somewhere in here, but—  
614  
615 Mr. Branin - It is and that's what I saw, but there's no—  
616  
617 Mr. Condlin - No commitment. We'll make that commitment. We  
618 did that in another case for no apartments.  
619  
620 Mr. Branin - I have no further questions for Mr. Condlin or the  
621 applicant. Anyone? Okay. With that, I would like to first move for approval of C-  
622 59C-06, Towne Center West, LLC

623

624 Mr. Jernigan - Second.

625

626 Mr. Branin - Motion made by Mr. Branin and seconded by Mr.  
627 Jernigan. All in favor say aye. All opposed say no. The motion carries.

628

629 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.  
630 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend  
631 the Board of Supervisors **grant** the request because it conforms to the Mixed  
632 Use recommendation of the Land Use Plan and the proffered conditions will  
633 provide appropriate quality assurances.

634

635 Mr. Branin - I'd like to move that P-19-06 also be approved and  
636 moved forward to the Board of Supervisors.

637

638 Mr. Vanarsdall - Second.

639

640 Mr. Branin - Motion made by Mr. Branin and seconded by Mr.  
641 Vanarsdall. All in favor say aye. All opposed? The motion carries as well.

642

643 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.  
644 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend  
645 the Board of Supervisors **grant** the request because it is reasonable in light of  
646 the surrounding mixture of uses and the conditions will assure the use will not be  
647 detrimental to the public health, safety, welfare and values of the area.

648

649 Mr. Silber - The only remaining item on the agenda tonight is  
650 consideration of your Planning Commission minutes from March 15, 2007.

651

652 Mr. Jernigan - The shortest minutes I've ever seen.

653

654 Mrs. Jones - I move the minutes be accepted, be approved.

655

656 Mr. Vanarsdall - I have something. I don't have a correction; I have  
657 something I didn't appreciate. The Chairman, who I called and said I will not be  
658 there and I'll be in Jamestown, said we don't have a supervisor this evening—I  
659 don't know where Mr. Thornton was—and we're missing Mr. Vanarsdall.  
660 Sounded like I just didn't show up.

661

662 Mrs. Jones - No, we were missing you.

663

664 Mr. Branin - Mr. Vanarsdall, I didn't feel it necessary for the full  
665 room to know that you were on an Easter trip.

666

667 Mr. Vanarsdall - The Secretary usually picks it up and says Mr.  
668 Thornton is such-and-such, Mr. Vanarsdall is out of town. Instead, Randy, you

669 went right along with it: "Thank you four for showing up." "Thank you four for  
670 showing up," like maybe I was out fishing or something.  
671  
672 Mr. Branin - Did you catch any fish, sir?  
673  
674 Mr. Vanarsdall - Anyway, I put it on here so if anybody ever reads this,  
675 they'll read the other one.  
676  
677 Mr. Silber - We did miss you.  
678  
679 Mrs. Jones - Yes, of course.  
680  
681 Mr. Branin - We actually had to get it done so quickly because we  
682 didn't know what to do without you, Mr. Vanarsdall.  
683  
684 Mr. Vanarsdall - You know that that doesn't mean that you missed me;  
685 it means he's missing in action.  
686  
687 Mrs. Jones - I never questioned it. We just were sorry you weren't  
688 here. I move approval of the minutes as amended.  
689  
690 Mr. Branin - Can I get a second?  
691  
692 Mr. Archer - Second.  
693  
694 Mr. Branin - So moved.  
695  
696 Mr. Vanarsdall - I don't read the minutes, but I had to get in on this  
697 one. There's nothing in the rules and regulations that says I have to read them,  
698 but I used to read them for years and correct all the "haves" and "has." I got tired  
699 of it.  
700  
701 Mr. Jernigan - Now Bonnie-Leigh does that.  
702  
703 Mr. Branin - I'm going to close this meeting at 7:27.  
704  
705 Mr. Archer - Mr. Chairman, I move for adjournment before this  
706 gets out of hand.  
707  
708 Mr. Branin - Second.  
709  
710 Mr. Silber - It's been adjourned.  
711  
712 Mr. Branin - So moved.  
713  
714



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Randall R. Silber, Secretary

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Tommy Branin, Chairman