

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and
3 Hungary Spring Roads at 7:00 p.m. on August 9, 2001, Display Notice having been
4 published in the Richmond Times-Dispatch on July 19, 2001 and July 26, 2001.

5
6 Members Present: C. W. Archer, C.P.C., Chairperson, Fairfield
7 Elizabeth G. Dwyer, C.P.C., Vice-Chairperson, Tuckahoe
8 Ernest B. Vanarsdall, C.P.C., Brookland
9 Eugene Jernigan, Varina
10 David A. Kaechele, Board of Supervisors, Three Chopt
11 Randall R. Silber, Acting Secretary, Assistant Director of
12 Planning

13
14 Members Absent: Allen J. Taylor, C.P.C., Three Chopt

15
16 Others Present: Jo Ann Hunter, AICP, Acting Principal Planner
17 Mark Bittner, County Planner
18 Thomas M. W. Coleman, County Planner
19 Lee Householder, County Planner
20 Ann Cleary, Recording Secretary
21 Tim Foster, Traffic Engineer, Public Works

22
23 Mr. Archer - The Planning Commission will come to order. Good
24 evening ladies and gentlemen. We apologize for being a little late. We had a work
25 session that ran a little bit over, and Mr. Secretary, before we start, we are prepared to
26 make a motion in that session. First, I'd like to welcome any members of the press that
27 may be present. Welcome. And if there is anybody else, welcome to you, too. Mr.
28 Secretary, before we begin this session, perhaps we could expedite that motion that we
29 did not make. We can do it now.

30
31 Mr. Silber - Yes, sir. Good evening, Mr. Chairman. We just concluded
32 a work session on the Williamsburg Road Technology Boulevard Study, and I think it
33 would be appropriate for the Commission to set another work session to further discuss
34 this item, and we have discussed the possibility of setting a work session for September
35 26, 2001, if we can do that, at the POD meeting at the end of the meeting.

36
37 Mr. Archer - All right. Would somebody care to make that motion?

38
39 Mr. Vanarsdall - I move that we do that.

40
41 Ms. Dwyer - What was the date of that POD meeting?

42
43 Mr. Silber - September 26, 2001.

44
45 Mr. Jernigan - I will second it.

46

47 Mr. Archer - Motion by Mr. Vanarsdall and seconded by Mr. Jernigan.
48 All in favor of the motion say aye. Those opposed say no. The ayes have it and we will
49 have the work session on that day. The Planning Commission voted 4-0. Mr. Kaechele
50 abstained.

51
52 The Planning Commission voted to set a work session on the Williamsburg
53 Road/Technology Boulevard Land use and Transportation Study on September 26, 2001.
54

55 Mr. Archer - All right. Mr. Marlles is not here tonight and Mr. Silber
56 will be the Secretary, so with that, Mr. Silber, I will turn it over to you, sir.
57

58 Mr. Silber - Thank you, Mr. Chairman. We do have a quorum tonight.
59 Mr. Taylor is not here with us tonight. He is out of town, but the Commission can
60 conduct business. The first item of business would be our requests for withdrawals and
61 deferrals. Ms. Hunter.
62

63 Ms. Hunter - Good evening, Mr. Chairman, and members of the
64 Commission. We do have two deferrals this evening. We only had one on the screen.
65 One came in very late this afternoon. It is on Page 3 of your agenda.
66

67 **Deferred from the July 12, 2001 Meeting**

68 **C-37C-01 Robert Stout for The Dakota Group, Ltd.:** Request to conditionally
69 rezone from A-1 Agricultural District to R-3C One Family Residence District
70 (Conditional), Parcel 192-A-20, containing 8.254 acres, located on the west line of
71 Midview Road approximately 70 feet south of Habersham Drive and on the north
72 property line of Varina Station Subdivision. Single family residential development is
73 proposed. The applicant proposes no more than twenty (20) lots. The Land Use Plan
74 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
75

76 Ms. Hunter - The applicant has requested deferral until September 13,
77 2002.
78

79 Mr. Archer - OK. Is there anyone present who is opposed to this
80 deferral? No opposition. Mr. Jernigan.
81

82 Mr. Jernigan - Mr. Chairman, I make a motion to defer Zoning Case C-
83 37C-2001 to September 13, 2001 at the request of the applicant.
84

85 Mr. Vanarsdall - Second.
86

87 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall.
88 All in favor of the motion say aye. All opposed say no. The ayes have it. The motion
89 passes. The vote was 4-0. Mr. Kaechele abstained.
90

91 At the applicant's request, the Planning Commission voted to defer Case C-37C-01 to its
92 September 13, 2001 meeting.

93

94 **Deferred from the May 10, 2001 Meeting:**

95 **C-11C-01 James W. Theobald for Daniel Corporation:** Request to conditionally
96 rezone from R-2 One Family Residence District, O-2C Office District (Conditional),
97 O/SC Office/Service District (Conditional), and PMD Planned Industrial District to R-5C
98 General Residence District (Conditional), O-2C Office District (Conditional), and M-1C
99 Light Industrial District (Conditional), Parcels 53-A-69, 71, 74B, 75-79, 81-84, and 87,
100 containing 59.48 acres, located on the north line of Parham Road at St. Charles Road and
101 on the east line of Scott Road approximately 450 feet south of Level Green Lane
102 (private.). A mixed-use development including multi-family, light industrial and office
103 uses are proposed. The R-5 District allows a maximum density of 14.5 units per acre.
104 The nonresidential uses will be controlled by zoning ordinance regulations and proffered
105 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
106 density per acre, Office and Office/Service.

107

108 Ms. Hunter - This case is being revised. Therefore, it needed to be re-
109 advertised, so the applicant has requested a deferral until September 13, 2001, also.

110

111 Mr. Archer - Is there anyone here to objects to this deferral? Case C-
112 11C-01. All right, then I will move deferral of Case C-11C-01 to the September 13, 2001
113 meeting, at the applicant's request.

114

115 Mr. Vanarsdall - Second.

116

117 Mr. Archer - All right. Motion by Archer and seconded by Mr.
118 Vanarsdall. All in favor of the motion say aye. All opposed say no. The ayes have. The
119 motion carries.

120

121 At the applicant's request, the Planning Commission voted to defer Case C-11C-01 to its
122 September 13, 2001 Meeting. The vote was 4-0. Mr. Taylor was absent. Mr. Kaechele
123 abstained.

124

125 Mr. Silber - The next item of business would be our Expedited Items. I
126 believe there are two items on the agenda that are ready to be expedited. Both of these
127 are plans of development.

128

129 **Deferred from the July 25, 2001, Meeting**

130 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

131

<p>POD-41-01 Windsor Business Park - West Buildings 5, 6, and 7 (POD-3-00 Revised)</p>	<p>TIMMONS and John Frost for Robert B. Ball, Sr., Edna H. Ball, Robert B. Ball, Jr., Roberta B. Rivers and Windsor Business Park, LLC: Request for approval of a revised plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct three office/warehouse buildings</p>
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totaling 159,913 square feet. The 16.66 acre site is located on the west line of Magellan Parkway, approximately 450 feet north of Parham Road on parcel 54-A-1A and part of 54-A-2. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

132

133 Mr. Archer - All right. Is there any discussion on this? I have discussed
134 it pretty thoroughly with Mr. McGarry. All right. With that, I move approval of POD-41-
135 01, Windsor Business Park, subject to the annotations on the plan, the standard conditions
136 for developments of this type and added conditions Nos. 23 through 32.

137

138 Ms. Dwyer - Second.

139

140 Mr. Archer - Motion by Archer and seconded by Ms. Dwyer. All in
141 favor say aye. All opposed say no. The ayes have it. The motion carries. The vote was
142 4-0. Mr. Taylor was absent. Mr. Kaechele abstained.

143

144 The Planning Commission voted to approve the Plan of Development and Transitional
145 Buffer Deviation for POD-41-01, Windsor Business Park – West Buildings 5, 6 and 7
146 (POD-3-00 Revised), subject to the standard conditions for developments of this type and
147 the following additional conditions:

148

149 23. The developer shall provide fire hydrants as required by the Department of Public
150 Utilities and Division of Fire.

151 24. The proffers approved as a part of zoning case **C-90C-87** shall be incorporated in
152 this approval.

153 25. The certification of building permits, occupancy permits and change of occupancy
154 permits for individual units shall be based on the number of parking spaces
155 required for the proposed uses and the amount of parking available according to
156 approved plans.

157 26. Any necessary off-site drainage and/or water and sewer easements must be
158 obtained in a form acceptable to the County Attorney prior to final approval of the
159 construction plans.

160 27. Deviations from County standards for pavement, curb or curb and gutter design
161 shall be approved by the County Engineer prior to final approval of the
162 construction plans by the Department of Public Works.

163 28. Insurance Services Office (ISO) calculations must be included with the plans and
164 approved by the Department of Public Utilities prior to the issuance of a building
165 permit.

166 29. The master plan and summary table required by proffers for this project shall be
167 updated with each request for POD approval. The summary table at a minimum
168 shall include site coverage percentages, gross square footage of all buildings, and
169 percentages of restricted uses.

170 30. Prior to landscape plan approval, the developer shall provide a sight line plan,
171 which would provide details of the berms and walls necessary for the screening of
172 all loading dock facilities. Further, with the construction of future phases, any

173 remedial screening necessary to meet proffer No. 8 shall be completed by the
174 property owner.

175 31. A second point of access to a public road shall be provided in a manner
176 acceptable to the Traffic Engineer, prior to issuance of a certificate of occupancy
177 for building No. 5 and/or building No. 7.

178 32. Provide dumpster details on construction plans.

179

180 Mr. Silber - The next case is a POD that was also deferred from the July
181 25, 2001 meeting.

182

183 **Deferred to from the July 25, 2001, Meeting**

184 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

185

POD-53-01
Parham Place II -
E. Parham Road
(POD-150-86, POD-75-99
and POD-85-00 Revised)

Balzer & Associates, Inc. for Parham Place II Associates LLC: Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 28,800 square foot office building. The 3.94 acre site is located at 1920 East Parham Road on the north line of E. Parham Road approximately 1,050 feet east of Lydell Drive on parcel 52-A-5C and part of 5. The zoning is O-2C, Office District (Conditional) and R-3, One-Family Residence District. County water and sewer. **(Fairfield)**

186

187 Mr. Archer - Is there any discussion on this item? Is there any
188 opposition? No opposition. All right. We finally nailed down where this is and I did
189 discuss it with Ms. News before she left to go on vacation. So, unless there is further
190 discussion, I move approval of POD-53-01, Parham Place II – East Parham Road, subject
191 to the annotations on the plans, the standard conditions for developments of this type, and
192 additional conditions Nos. 23 through 30.

193

194 Mr. Vanarsdall - Second.

195

196 Mr. Archer - Motion by Archer and seconded by Mr. Vanarsdall. All in
197 favor of the motion say aye. All opposed say no. The ayes have it. The motion passes.
198 The vote was 4-0. Mr. Taylor was absent. Mr. Kaechele abstained.

199

200 The Planning Commission voted to approve Plan of Development and Transitional
201 Buffer Deviation for POD-53-01, Parham Place II – E. Parham Road (POD-150-86,
202 POD-75-99 and POD-85-00 Revised) subject to the annotations on the plans, the standard
203 conditions for developments of this type, and the following additional conditions:

204

205 23. The easements for drainage and utilities as shown on approved plans shall be
206 granted to the County in a form acceptable to the County Attorney prior to any

- 207 occupancy permits being issued. The easement plats and any other required
208 information shall be submitted to the County Real Property Agent at least sixty
209 (60) days prior to requesting occupancy permits.
- 210 24. The developer shall provide fire hydrants as required by the Department of Public
211 Utilities and Division of Fire.
- 212 25. The proffers approved as a part of zoning case **C-113C-85** shall be incorporated
213 in this approval.
- 214 26. The certification of building permits, occupancy permits and change of occupancy
215 permits for individual units shall be based on the number of parking spaces
216 required for the proposed uses and the amount of parking available according to
217 approved plans.
- 218 27. Any necessary off-site drainage and/or water and sewer easements must be
219 obtained in a form acceptable to the County Attorney prior to final approval of the
220 construction plans.
- 221 28. Deviations from County standards for pavement, curb or curb and gutter design
222 shall be approved by the County Engineer prior to final approval of the
223 construction plans by the Department of Public Works.
- 224 29. Insurance Services Office (ISO) calculations must be included with the plans and
225 approved by the Department of Public Utilities prior to the issuance of a building
226 permit.
- 227 30. Evidence of a joint ingress/egress and maintenance agreement must be submitted
228 to the Planning Office and approved prior to issuance of a certificate of
229 occupancy for this development.

230
231 Mr. Silber - Maybe I can just clarify, on both of those PODs, I am
232 assuming the Commission approved the plan of development and the transitional buffer
233 deviation request.

234
235 Mr. Archer - Did we need to do that separately?

236
237 Mr. Silber - I don't think so, as long as it goes on the record that you
238 did take action on both.

239
240 Mr. Archer - Let the record show that both items were included in the
241 motions. Thank you, Mr. Secretary.

242
243 **Deferred from the July 12, 2001 Meeting:**

244 **C-26C-01 James W. Theobald for Tascon, LLC:** Request to conditionally rezone
245 from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional),
246 Parcels 67-A-2A and 66-A-11J, containing 11.2 acres, located at the southwest
247 intersection of Ridgefield Parkway and Pump Road. Condominiums for sale are
248 proposed. The applicant has proffered that there shall be no more than 54 units
249 developed on the property. The Land Use Plan recommends Suburban Residential 1, 1.0
250 to 2.4 units net density per acre.

251

252 Mr. Archer - Is there anyone here in opposition to Case C-26C-01? We
253 do have opposition. All right. We will get to you. All right, Mr. Bittner.

254
255 Mr. Bittner - Thank you, Mr. Chairman. Since this case was last heard,
256 the applicant has submitted revised proffers, which we have just passed out to you.
257 These new proffers do improve this application in an attempt to address the concerns
258 outlined in the staff report. The major changes include the following: the total number of
259 units has been decreased from 54 to 52. This lowers the proposed density of the project
260 from 4.8 to 4.6 units per acre. The clubhouse has been relocated from the Ridgefield
261 Parkway entrance to near the Pump Road entrance. This is their latest proposed site plan
262 (referring to slide). As you will recall, last time the proposed clubhouse was in this area
263 (referring to slide). It has since been relocated over along the Pump Road frontage
264 (referring to slide). The applicant has also proffered that no BMPs will be located in the
265 35-foot natural portion of the buffers adjacent to the Prescott and Royal Oaks
266 Subdivisions. Also, only underground BMPs may be located within the 25-foot
267 landscape area. Staff would prefer that no BMPs be located in buffer areas, however, this
268 is a positive measure that improves the quality of this application.

269
270 Thirty-five foot buffers have also been proffered along both Pump Road and Ridgefield
271 Parkway, but they would not be in addition to required setbacks. The applicant has
272 proffered additional buffer area in the form of a variable width buffer. The buffer would
273 have a minimum depth of 35 feet but would be greater in some areas. Those areas would
274 basically be, if you look on the site plan where there is no building or impervious surface,
275 it would be in this general area here (referring to slide), and also up here at the corner
276 (referring to slide). Although this is not consistent with staff's preference for additional
277 setback area, the variable width buffer does improve the quality of this application.

278
279 In summary, the revised proffers provide some positive items and do address most of the
280 issues outlined in the staff report. Although these new proffers do not provide all of
281 staff's preferences, staff does not object to this proposal. I'd be happy to answer any
282 questions you may have.

283
284 Mr. Archer - All right. Are there questions from the Commission? Mr.
285 Bittner, the variable width buffer, does that mean that the minimum width at any point
286 would be 35 feet?

287
288 Mr. Bittner - Yes, it does. The minimum buffer would have to be along
289 this dotted line here (referring to slide), but in areas where there is no impervious surface,
290 they would have additional buffer areas.

291
292 Mr. Archer - OK. That is what I was just trying to determine, the
293 smallest point would be no less than 35 feet.

294
295 Ms. Dwyer - And is that tied into the site plan that is proffered, Mr.
296 Bittner?

297

298 Mr. Bittner - I don't believe it is tied into the site plan. Let me check.
299 No. It is tied to the site plan. I am sorry.
300
301 Mr. Silber - That is why I read the condition that says a variable width
302 buffer will be provided as shown on the schematic plan.
303
304 Mr. Archer- OK. Does that satisfy you, Ms. Dwyer?
305
306 Ms. Dwyer - Yes it does.
307
308 Mr. Archer - Any other Commission members have questions? All right,
309 then we will hear from the applicant. Mr. Theobald, good evening, sir.
310
311 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen. My
312 name is Jim Theobald and I am here on behalf of Tascon, L.L.C. With me is Steve
313 Suttlege, who is the principal with Tascon and I'd like to reserve one minute, if I might,
314 for rebuttal.
315
316 Mr. Archer - Mr. Theobald, before you go further, I think I explained
317 this at the prior meeting, but Mr. Theobald has reserved one minute of his allowable 10
318 minute time. The opposition will have the same amount of time, excluding the time the
319 Commission may ask questions. That is not counted toward their time. He has 10
320 minutes. The opposition has 10 minutes, and he has reserved one minute of his 10-
321 minute time for rebuttal. You may proceed, sir.
322
323 Mr. Theobald - Mr. Chairman, this case got a full hearing at our last
324 meeting and with your permission and consent of Ms. Dwyer, I would merely summarize
325 the fact that at the last meeting the proffers arrived at the last moment. We agreed to
326 meet with neighbors to give them another opportunity to ask us questions and make
327 comments on those proffers. We did that. We subsequently had additional discussions
328 with Ms. Dwyer and staff, the result of which was to revise the proffers and the site plan,
329 as you see them before you. I would merely say that it continues to be a very high quality
330 development with a very desirable resident profile. Mr. Bittner has accurately
331 summarized the proffer changes. I will say that the underground BMP proffer does
332 provide that even the underground can only be in the 25-feet if necessary for technical or
333 engineering type reasons, it is our preference to have it out of the buffer and near the
334 entrance on Ridgefield. And with that, I would be happy to answer any questions. Mr.
335 Collings is here this evening, who would like to speak, during my portion of the
336 presentation, as well as Mr. Cecil Sears, who is the Director of Economic Research with
337 Integrity Roundtree. Mr. Sears has conducted a fairly extensive study regarding
338 economic impact on property values of condominiums and town homes next to single-
339 family developments, and he is prepared to provide you with a brief summary of his
340 report. We attempted to e-mail and fax a report to each of you today, some of which was
341 successful and some not. So, I am happy to answer any questions or introduce Mr.
342 Collings.
343

344 Mr.Archer - Thank you, sir. Are there questions from the Commission?
345
346 Mr. Kaechele - Just one, Mr. Chairman. The clubhouse location has
347 changed, but has the size changed as well?
348
349 Mr. Theobald - Of the clubhouse?
350
351 Mr. Kaechele - Yes.
352
353 Mr. Theobald - No, sir.
354
355 Mr. Kaechele - Same design, different location?
356
357 Mr. Theobald - We changed the units from the clubhouse and the two-unit
358 building that you see over in that location (referring to slide).
359
360 Ms. Dwyer- The clubhouse is now between one of the residential units
361 and Pump Road?
362
363 Mr. Theobald - Yes, ma'am.
364
365 Ms. Dwyer - So it will provide some buffer to that particular residence
366 from Pump Road, and then, in lieu, the space where the clubhouse was is now a two-unit
367 residential building.
368
369 Mr. Theobald - That is correct.
370
371 Ms. Dwyer - And then in the corner (referring to slide), just looking at
372 the site plan, a four-unit, one of the four-unit buildings has been reduced to a two-unit
373 building.
374
375 Mr. Theobald - That is correct. You may recall we started out with 60
376 units initially. We have revised our proffers so that now we have 52 units proffered on
377 this plan.
378
379 Ms. Dwyer- OK. Just to make sure that, I know I received an e-mail
380 about the BMP. I think there may have been some confusion about that on the part of
381 one of the adjacent property owners, so it is my understanding and as I read the proffer, it
382 is clear that no BMP whatsoever will be in the 35-foot undisturbed buffer which is closest
383 to the property line, and then in the 25-foot space that is adjacent to the 35-foot buffer,
384 there is a possibility – the plan now is not to have the BMP in that area at all.
385
386 Mr. Theobald - That is correct. The BMP is hoped to be in this area here
387 (referring to slide).
388

389 Ms. Dwyer - OK, and that is what that is for. If, for some unforeseen
390 reason it needs to be moved to the other side of the entry drive, it would, in any event, be
391 underground.
392

393 Mr. Theobald - That is correct, and just so you will know, Ms. Dwyer, our
394 engineers have provided us with reasonable assurances that this can, in fact, go up here,
395 but I can't absolutely foreclose that option until we get our final engineering for this site,
396 but we tried to make it clear that but for engineering reasons, that would be no BMP
397 above ground or underground even in the 25 feet.
398

399 Ms. Dwyer - OK, and so the other changes that were made, many which
400 were in response to my comments, included the fact that the foundations would not be
401 exposed, that they would be covered with brick.
402

403 Mr. Theobald - You would not see any exposed edge of slab. We also
404 provided that the fence height along Ridgefield and Pump would not exceed four feet in
405 height. We also have limited hours of construction activity on the site. We have also
406 agreed to put a provision in our contract with the general contractor regulating
407 construction traffic not utilize those adjacent neighborhood roads, and we have
408 committed that the roads internally will be private roads rather than public roads, which
409 gives us a little greater discretion in trying to eliminate and prevent any potential cut-
410 through traffic.
411

412 Ms. Dwyer - Those are the only changes that I noted.
413

414 Mr. Theobald - The site plan issues, the decrease in density, BMPs,
415 variable width buffer and site construction hours, traffic, and private roads.
416

417 Ms. Dwyer - OK. You put Mr. Collings on. Is he going to speak? Is
418 that correct?
419

420 Mr. Theobald - Yes, he is.
421

422 Ms. Dwyer - I didn't think he'd be in town, so OK.
423

424 Mr. Archer - Are there any further questions for Mr. Theobald? All
425 right, then we will hear from Mr. Collings.
426

427 Mr. Collings - Good evening. My name is Greg Collings. I live at 10728
428 Old Prescott Road in Prescott Subdivision. My property backs up immediately to the
429 property that is being discussed this evening. Forgive me, Ms. Dwyer, some of this is
430 redundant to the e-mail I sent to you. I didn't think I'd be in town. At the risk of
431 alienating some of my friends and neighbors in Royal Oaks, I would like to present a
432 different view than those that spoke in opposition at the last meeting. Of those that spoke
433 last time, none were adjoining property owners other than Mr. Tom Bailey, who had, I
434 believe, a legitimate concern over the proximity of the clubhouse to his property. It has

435 been moved, so I don't believe that is still an issue. If he is here, I will let him speak to
436 that. I do understand the concerns of those that spoke at the last meeting in opposition. I,
437 too, was very much opposed to the project as first presented. There have, however, been
438 considerable changes in the plan since it was first proposed. I cannot officially speak for
439 all of those that abut the property, but by virtue of listening to their comments at meetings
440 at my home and one-on-one conversations, I do think I can present the general attitude of
441 most of that adjoin the property. I had a meeting with adjacent property owners on May
442 24th to discuss the options as they related to the proposed rezoning. There were two main
443 issues on the agenda. The first one was to decide whether we should try to attempt to
444 oppose this outright or whether we should approach the developer and try to work on
445 some sort of common ground consensus that would meet all of our expectations. We
446 chose to approach it the second way and work with the developer, if that was possible.
447 The second part of that agenda followed, which was to devise exactly what our
448 expectations were, so that we could present them to the developer.
449

450 In summary, I don't want to spend too much time on this, to increase the value of the
451 units to a minimum of \$200,000, to help protect our property values and minimize the
452 chance of them being rental properties on the secondary market, provide more
453 architectural diversity, a more traditional style and increase the percentage of masonry.
454 We also wanted an increase in the buffer in the natural area between the property, provide
455 landscaping to screen driveways and parking areas from common view, relocate and/or
456 bury the BMP, and address the potential for cut-through traffic through the existing
457 neighborhood. These expectations were, in turn, delivered to and presented to the
458 developer at Godwin High School during a neighborhood meeting on May 28th. As a
459 follow-up, we had another meeting at my home in July so the developer would have a
460 chance to respond to these communicated expectations. During this meeting, the
461 developer substantively and positively addressed every issue and expectation we had
462 outlined for him at the previous meeting, and the plan he presented was generally well
463 received by those in attendance at the meeting. Indeed, most of the discussion ultimately
464 focused and centered around what type of fence that we would all prefer. In trying to be
465 realistic about the potential use of this property, we feel that it is highly unlikely that it
466 would ever support single-family homes at or near the value of the adjoining properties. I
467 believe the most likely use would be something like what has been proposed or single-
468 family homes of significantly lesser value. A single-family residential development
469 would require no buffer or natural segregation, and likely no greater separation from
470 property line to residence. The prospect of looking out at well-landscaped and
471 maintained properties in a planned community appeals to me. There would be no such
472 provisions for single-family homes and a greater risk of backing up to dog kennels, boats,
473 swimming pools, sheds, trash, noise and the like. I have visited the developers other
474 projects on many occasions during the day and the evening. I found the nature and the
475 character of the residence to be as advertised. They are extremely quiet neighborhoods
476 and the landscaping, although immature at present, is well maintained. It is my opinion
477 that the developer has made a good faith effort to work with us and within the system to
478 mitigate our concerns. Although not perfect, I believe this is a reasonable and relatively
479 benign use for the property when considering the alternatives, and I support the project as
480 outlined in the developer's most recent proposal. I'd be happy to answer any questions.

481
482 Mr. Archer - Thank you, Mr. Collings. Are there questions from the
483 Commission of the gentleman?
484
485 Ms. Dwyer - Mr. Collings, did your neighborhood in your meetings that
486 you had consider other uses and eventually decide that this use was the most acceptable?
487
488 Mr. Collings - Yes. We tried to be very realistic about this. We know that
489 some of the alternatives of this are certainly not as good as this one, and although we
490 would prefer it to stay wooded, that is not likely. It is expensive property and it does not
491 belong to us. We would like it to be zoned and kept at single-family as long as those
492 homes would be comparable in value to ours, which I think the likelihood of that is
493 extremely low, given the orientation and the location of the property, so based on the
494 comments that I received from the adjacent property owners, our consensus was this was
495 a reasonable approach, and that I support it, and from the comments they gave me, I
496 believe they support it as well.
497
498 Ms. Dwyer - Early on, I believe some of the neighbors were considering
499 office. Have you discussed that at all or has that been discarded by the neighbors.
500
501 Mr. Collings - I am sorry. Would you repeat that?
502
503 Ms. Dwyer - Office use?
504
505 Mr. Collings - Oh, yes. I think pretty much most everybody, after
506 discussion, decided we would prefer not to have somewhat of a monolithic structure back
507 there, even if there were more buffer. I am not speaking for everybody, but I believe that
508 was the general consensus.
509
510 Ms. Dwyer - Thank you.
511
512 Mr. Archer - Any further questions for Mr. Collings? Was there anyone
513 else who wanted to speak as a proponent? Mr. Sears. Mr. Secretary, how much time do
514 we have remaining.
515
516 Mr. Silber - One minute.
517
518 Mr. Archer - OK, and Mr. Theobald you wanted one minute for rebuttal,
519
520 Mr. Sears - Good evening. My name is Cecil Sears. I am Director of
521 Economic Research at Integra Roundtree. I conducted a study on this kind of
522 condominium development and whether or not it is likely to have a negative impact on
523 property values. We can to basically three conclusions. Conclusion No. 1 was that
524 condominium-type developments are scattered throughout western Henrico, and yet the
525 average price of homes in western Henrico is the highest in the area. So, apparently, we
526 already have an on-going combination of existing condominiums and single-family co-

527 existing. Secondly, we are finding that builders and developers who want to locate out
528 here have no qualms about creating new single-family developments adjacent to existing
529 condominiums. One that is just down the road, Rolfield, is being built around the Sussex
530 Woods Condominiums. Rolfield is selling homes averaging \$251,000 and the Sussex
531 Woods Condominiums are selling for about \$109,000 on an average. So, they are willing
532 to build homes that are next to homes that are selling for only 40%, and even more so, we
533 are finding that buyers are coming and buying them. So, the market is saying, "We don't
534 mind. It is residential and we really want to be in western Henrico." Now, one of the
535 reasons is Godwin High School. I don't know how many of the audience tracks the SOL
536 scores, but Godwin High school is third in the state in terms of its SOL scores and the
537 other two are magnet schools, so it is an extremely big asset for residences out here.

538
539 And lastly, we found that in rate of appreciation, we have found very little difference
540 between those subdivisions that have been next to condominiums and those that have not
541 been next to condominiums. The rates vary all over the map, but they have all basically
542 been the same rates. So, we understand that change is sometimes fraught with a little
543 uneasiness. We could find no reason to expect that home prices would decline or not
544 appreciate because this project is in place. That is our conclusion.

545
546 Mr. Archer - Thank you, Mr. Sears. Are there questions from the
547 Commission?

548
549 Mr. Vanarsdall - There are a lot of good things in that report.

550
551 Mr. Archer - Is there anyone else to speak for the applicant?

552
553 Ms. Dwyer - Mr. Theobald, you submitted a report to the Commission.
554 Is there something to go on record?

555
556 Mr. Theobald - I would like to make a part of the record the report prepared
557 by Mr. Sears dated August 7, 2001, as part of the record.

558
559 Mr. Archer - All right. Then, if there is no one else to speak for the
560 applicant, we will hear from the opposition. Opposition?

561
562 Mr. Max Maizels - My name is Max Maizels, and I live directly across the
563 street from Mr. Collings, and I just wanted to say first off that I own a residence and a lot.
564 The meetings that Mr. Collings referred were only for the adjacent property owners, and I
565 didn't know anything about them until afterwards, as I think most of the neighborhood
566 didn't. So, the meeting that he talked about, the meeting with the developer, etc., I think
567 involved a hand full of people. I think, I don't know how many, but I presume there were
568 less than five people there.

569
570 There is a lot of neighborhood opposition and the developer promised us that everybody
571 in Royal Oaks, Prescott and the president of the across the street association would be
572 notified of this meeting. I don't think they followed through on this promise. I

573 canvassed some of the neighbors last night and they had no idea that this meeting was
574 occurring tonight, so I wanted to point out to you, No.1, the developer, through his
575 attorney, has promised the neighbors in several of the adjacent neighborhoods would be
576 notified of tonight's meeting, and they were not, and that, to me, shows that whatever
577 they are promising they will do, they haven't followed through on it in the planning
578 stages. I am asking that you defer again so that the neighbors can be notified, because
579 there is a lot of opposition and they were just unaware of the meeting. I believe that the
580 statute only requires that adjacent property owners be notified, and there is a large civic
581 association that is in our neighborhood, and the individual neighbors that I think are in
582 opposition were unaware of tonight's meeting. I request that if you are not going to vote
583 the development down that you would at least defer it and then ask the developer to
584 follow through on his promise that he made to us. It was only a verbal promise that
585 everybody in the neighborhood would be notified.

586
587 Ms. Dwyer - Mr. Maizels - Where is the lot that you own? I understand
588 simply that you live on Old Prescott across from the adjacent property owners.

589
590 Mr. Maizels - I own the corner lot at Old Prescott Road and Old Prescott
591 Court. Mark will help me (referring to slide). Can you help me with the orientation?

592
593 Ms. Dwyer - Would that be Lot 11 maybe?

594
595 Mr. Maizels - If I give you my address, is that helpful?

596
597 Ms. Dwyer - OK, it would. It is on the zoning map.

598
599 Mr. Maizels - Do you know where Mr. Collings' house is?

600
601 Mr. Bittner - It is right along in here (referring to slide). He is right
602 along in here (referring to slide). I don't know exactly which one.

603
604 Mr. Silber - What is your address on Old Prescott Road?

605
606 Mr. Maizels - I am at 2017 Old Prescott Court, and I own the lot that is at
607 the corner.

608
609 Ms. Dwyer - So you're at 2017 and the lot next to you would be 2021.
610 So, it is lot 7 and 8 on the map. They are adjoining properties. OK. Mr. Maizels, do you
611 have a neighborhood association that has been working on this?

612
613 Mr. Maizels - Prescott does not have a neighborhood association and
614 we're unofficially loosely tied into the Royal Oaks Association, and we hope to join
615 them. The Royal Oaks' president is here, and I understand that their association opposes
616 the development, also.

617
618 Ms. Dwyer - Thank you.

619

620 Mr. Archer - Thank you, Mr. Maizels. Was there someone else to speak
621 in opposition?

622

623 Mr. Ralph Fisher - I am Ralph Fisher. I am the president of the Homeowners
624 Association of Royal Oaks. The Homeowners Association opposes this development for
625 the density, not for the development. We would rather see 27 units in there, whether they
626 are individual homes, condominiums or whatever they are. We would rather see it go
627 back to the original zoning for 27 units. There is no need to put 54, 52, 60 or 30 units in
628 there. They can put 27 condominiums in there and charge just as much money and make
629 just as much as they can doing 52. They need to increase the square footage of the
630 condominiums and the quality of them. We have been in contact with the attorney. The
631 attorney has advised us that the proffers have enough loopholes that the biggest colander
632 that a restaurant has, has less holes in it than the proffers do. If he chooses to, he can put
633 (unintelligible) wire all the way around that development. There are enough loopholes in
634 the proffers to allow him to do that. If he wants to put stucco on the buildings he can. If
635 he wants to put form stone on the building he can. He has left himself enough loopholes
636 to get out of every proffer that is in that offer. We do not want him not to build. We
637 don't want the property not to be used. We would rather it be used, but be used sensibly.
638 And, there is one other question. At the end of tonight's meeting, Tascon has asked for
639 owner-occupied condominiums against condominiums for sale. I have a question. What
640 is the difference between these two? Can somebody explain this stuff? What is the
641 difference between the two?

642

643 Mr. Silber - I am not sure if I understand your question. His statement
644 that these will be for sales, and condominiums for sale?

645

646 Mr. Fisher - In Ridgefield, they are condominiums for sale. The ones
647 over at Gayton that he is asking to rezone are owner-occupied condominiums. What is
648 the difference?

649

650 Mr. Silber - There is no difference, sir. I think what they are saying is
651 that these properties on initial sale would be owner occupied. There is no way that they
652 couldn't; there are no restrictions for them later to be rented.

653

654 Ms. Dwyer - I believe there is something in the zoning ordinance for this
655 zoning category, is there not, Mr. Silber?

656

657 Mr. Silber - There is. There is something in the zoning ordinance, but it
658 doesn't keep someone from later renting them. I think the value and the design of these
659 do not lend themselves to rental units. It is not something that would normally fit into the
660 market for rental units when they are designed and built of this size and this quality.

661

662 Mr. Fisher - That is basically Royal Oaks opposition to this. We don't
663 want you not to rezone. We just don't want the density. OK. We want it brought down to
664 the original, somewhere 27 to 30 units. That is all we ask for. Just some common sense.

665 Let the contractor increase the square footage of the units. He can make just as much
666 money, and if he isn't able to do it, some other contractor can come behind him and do it.
667 It is simple. There is more than one contractor in this county who is able to build
668 condominium units or individual houses. So, the property is not going to sit there idle. It
669 is not going to lose value. And that's basically all I have to say.

670

671 Mr.Archer - Thank you, Mr. Fisher. Are there questions of Mr. Fisher
672 from the Commission members?

673

674 Mr. Fisher - Thank you.

675

676 Mr.Archer - Thank you, sir. There is approximately five minutes left
677 for the opposition, if someone else cares to speak. All right, Mr. Theobald. If there is no
678 one else to speak, you have 90 seconds for your rebuttal, sir.

679

680 Mr. Theobald - I have no further comments, Mr.Chairman.

681

682 Mr. Archer - All right.

683

684 Ms. Dwyer - Mr. Theobald, I have a question for you, and I may have
685 gone over this in last month's meeting, and we did have a full review, I think, of most of
686 the facts in this case. But the question has been raised about valuation, and now we have
687 Mr. Sears' report, but could you review again the statistics about the square footage and
688 the relative valuation of these condominiums in relation to the single-family homes.

689

690 Mr. Theobald - Yes, ma'am, we have proffered that homes would have a
691 minimum of 1,500 square feet of finished floor area. There are no one bedroom units, so
692 that would essentially be for two-bedroom units. Three bedroom homes have a minimum
693 of 1,675 square feet. The square foot cost to construct these is \$135 dollars per square
694 feet, and compared to homes in that area, based on building permits and selling prices,
695 some are in the neighborhood of \$110 per square foot. Obviously, there is a difference in
696 size, but the types of interior finishes and quality of these units that serve this empty-
697 nester population and the exteriors push those prices up, and if you stop and think a little
698 bit about all of the things that this project has that surrounding neighborhoods don't, such
699 as they all have garages, paved driveways, all these landscaped areas and the grass is
700 irrigated, there is a homeowners association to maintain the property. There are
701 sidewalks, there are streetlights, there are ornamental entrance features, recreational
702 facilities, all of which build towards that value.

703

704 Ms. Dwyer - There was a concern expressed in the opposition about
705 specifically fencing and exterior materials, and I know that we often see, and it is not
706 unusual to see in proffers that exceptions may be granted by the Planning Commission at
707 the time of plan of development review, and I think that might be some of the concern or
708 some of the concerns expressed by the folks in opposition. Could you comment on that?
709 I am not sure there is much of an exception in the fencing proffer to allow any other kind
710 of fencing.

711
712 Mr. Theobald- Basically, the fencing proffer was very carefully crafted to
713 meet the expectations of the adjacent property owners. We have in Proffer No. 19A
714 proffered the wrought-iron style fence with brick or stone columns along Ridgefield
715 Parkway and Pump Road. We said that the fence itself wouldn't be any closer than three
716 feet to the right of way in order to give some space there with the sidewalks. Columns
717 can't be any closer than 1-1/2 feet and that fence won't exceed four feet in height. There
718 is no, unless otherwise approved by the Planning Commission, provision...
719
720 Ms. Dwyer - Except in Paragraph C which is at the request of the
721 neighbors.
722
723 Mr. Theobald - Paragraph C is basically the fence line along the Bailey
724 property and the Pegano property, which is over on the Royal Oaks side, and those
725 neighbors wanted an option of either a wrought iron styled fence, the possibility of a
726 three-rail or maybe even a privacy fence. They also wanted the option of no fence, which
727 is why we say, if any. That is this area over here (referring to slide), Mr. Bailey here, and
728 Mr. Pegano over here (referring to slide), and what we decided was that was a better
729 approach once we knew exactly how the site was developing, and what the foliage was in
730 between, and so that is why we put in here that it would be determined at the time of
731 POD only after consultation with adjacent property owners. Mr. Settlege has committed
732 to the property owners on many occasions that frankly, whatever they wanted there, was
733 acceptable to him.
734
735 Ms. Dwyer - So there is any exception in that, but as I recall, that was
736 expressed at the request of the neighbors adjacent to this western edge of the property
737 because they weren't certain what kind of fence they wanted at this point, and they
738 wanted to...
739
740 Mr. Theobald - That is correct, and they have some other issues with the
741 pipe, the natural gas pipeline that goes through that area as well. So, their screening
742 issues are a little different than the folks on the southern side of the property.
743
744 Ms. Dwyer - OK, and then to clarify the exterior materials proffer, there
745 is the possibility that a different architectural treatment could be applied to the exterior
746 walls, but that would be only as approved by this Commission, at time of plan of
747 development review, and my expectation and what I think has been negotiated in good
748 faith by the developers and the neighbors is that the brick or stone in the amount of 45%
749 was what is expected here.
750
751 Mr. Theobald - Absolutely, and the reason that language is there, for
752 instance, is four years ago Hardy Plank didn't exist, which turned out to be a superior
753 product and it is utilized in different locations in the County and so as new products that
754 are both durable, long lived, etc. come up, the way that we view that language is if there
755 is a better idea and you agree that it is a better idea, then you have the opportunity to

756 approve this, but we intend to build exactly what we showed in those elevations that are a
757 part of the case.
758

759 Ms. Dwyer - And the point to be made then is that it is not the
760 developer's option to change any sort of exterior material.
761

762 Mr. Theobald - No, ma'am.
763

764 Ms. Dwyer - Other than the 45%. That would be something that would
765 only come as the Commission allowed.
766

767 Mr. Theobald - Correct.
768

769 Ms. Dwyer - The decision is in the hands of the Commission and not in
770 the hands of the developer.
771

772 Mr. Theobald - That is correct.
773

774 Ms. Dwyer - That is all I have.
775

776 Mr. Archer - All right, Ms. Dwyer. Any other Commission members
777 have a question?
778

779 Mr. Kaechele - Mr. Chairman, just a clarification in this Roundtree report
780 on home sales, on page 4, does that include new homes as well as resale homes?
781

782 Mr. Sears - Yes.
783

784 Mr. Kaechele - Both? I am surprised that Zone 22 is still ahead of Zone
785 34.
786

787 Mr. Archer - All right, Ms. Dwyer.
788

789 Ms. Dwyer - I do have, I would ask Mr. Foster to come to the podium if
790 he would just for a clarification, and the reason I am asking Mr. Foster is that early on in
791 this case the neighbors expressed a great deal of concern about the traffic situation at this
792 corner at the corner of Ridgefield and Pump, and a number of development option were
793 discussed, I believe, Todd Eure from the Traffic Department came and spoke at one of
794 the neighborhood meetings that we had, and we reviewed from traffic that would be
795 generated by various uses, and I wonder if you would review for us the traffic generated
796 if this were developed R-3 Single-Family vs. this development, and then also, the
797 numbers for this development, assuming that this is an empty-nester type of development.
798

799 Mr. Foster - Typically single-family homes is the highest generator of
800 residential uses. As most of the Commission knows, it is easy math; it is 10 trips per unit
801 in single-family dwellings. As you move down the list, apartments are approximately

802 6.63 trips per dwelling unit, townhouses are 5.86, which also includes condominiums,
803 essentially anything for sale, and then retirement communities are 3.48. So, for this
804 development, with 27 single-family homes, the number I heard at the last meeting that
805 would be in there, it is 270 trips per day. With townhouses with 52 townhouses, 305 trips
806 per day, and with a retirement community, if it is that way, it would be 181. The biggest
807 difference is peak hour, which is where most people note as the traffic volume, a single-
808 family home would generate approximately 23 trips per day during that peak hour, and
809 peak hour here is crucial in the morning, because of school. Townhouses will generate
810 approximately will also generate about 23, same as the single-family home. Retirement
811 communities generate about 9 vehicles during that peak hour just because it is the nature
812 of the community. Most of those folks don't leave between that crucial hour of 7 and
813 8:00 a.m.

814

815 Ms. Dwyer - We're not talking about a retirement community where it is
816 assisted living or anything like that. We are talking about a condominium or townhouse
817 complex where most of the people are not working.

818

819 Mr. Foster - That is correct. The category is called Retirement
820 Communities, so mainly these condos and townhouses for sale, anything that you
821 discussed, such as the Cedarfield would be elderly housing, either attached or detached.
822 We've have codes that have traffic generation for each of those.

823

824 Ms. Dwyer - So we have no confusion there.

825

826 Mr. Foster - OK.

827

828 Ms. Dwyer - Thank you.

829

830 Mr. Archer - Thank you, Mr. Foster. All right, Ms. Dwyer, are we ready
831 for a motion?

832

833 Ms. Dwyer - I would like to state for those who are here, who didn't
834 have the benefit of last month's discussion, we did have a fairly lengthy hearing on the
835 case last month and a number of other facts were brought on the record, which I won't
836 reiterate here. I would like to make a few comments before I make my motion because I
837 know that there has been opposition to this case. There have been numerous
838 neighborhood meetings, and as was discussed here, I think the applicant also met with a
839 special group of members in the neighborhood, that is those whose property is directly
840 affected, the adjacent property owners whose property lines are adjacent to this particular
841 piece of development.

842

843 So, there has been quite a bit of effort expended on this case, and I think that is obvious
844 by the number and details in the proffers. We have six pages of proffers here to assure
845 that what will be built here is of good quality. This is a very difficult site to develop for
846 several reasons. It is an infill site, which basically means it is an empty piece of property,
847 a piece of property that is surrounded by existing development, and that often creates

848 expectations on the parts of people who live around undeveloped property, as Mr.
849 Collings said. Most folks would rather see it stay wooded and stay undeveloped, because
850 they have become accustomed to seeing those woods and enjoying the vista, and I don't
851 disagree with that. But, as Mr. Collings also noted, this is not property that any of the
852 surrounding residents own, and the person who owns it does have property rights in it,
853 and does have the right to develop this property in accordance with the law. What makes
854 this also difficult to develop is that when the surrounding neighborhoods, that is Prescott
855 and Royal Oaks were built, no stub road was built to adjoin this property. I think if a stub
856 road had been built to this property, then this could have been well developed as a single-
857 family neighborhood as it would not have required any access to Ridgefield or to Pump
858 Road. Also the access could have been internal, and that would have saved a lot of
859 concern about the road network and the traffic problem that would be created by the
860 development of this property. But because a stub road was not placed here, any
861 development is going to have to have access to Ridgefield and Pump, and in the first
862 meetings that we had, traffic was the major concern. We spent many, many hours
863 discussing traffic, and, in fact, the first proposal here was a cul-de-sac street that provided
864 access only from Pump Road, and it was a great deal of discussion from the neighbors
865 about the traffic hazards that would cause because of the required u-turns that would have
866 to be made to get in and out of property, and also because it would be placing all of the
867 traffic from this property to a point on Pump Road that would be near and across the
868 street from Godwin High School, and as we know, high schools are terribly congested,
869 particularly in the morning, because we have many young drivers that sometimes there is
870 a greater chance for collision, so there was a lot of discussion about accidents that had
871 already happened involving Godwin students and the traffic problems that exist there.
872 So, traffic, although it hasn't been mentioned tonight, I think it is because the traffic
873 issues have been resolved. So, I am going to focus on that first.

874
875 If this were a single-family development, it would either have to have a through street as
876 we have here (referring to slide), and that street would be a public street and would be
877 more likely be a cut-through for a way for people to avoid the light at Ridgefield and
878 Pump, so I think that would create a very undesirable situation for the single-family
879 homeowners who would live here. It would also create again that hazard of having cut-
880 through traffic dumped out onto Pump Road in the morning and create a lot of potential
881 for accidents across from Godwin High School and mix with the Godwin High School
882 traffic. If this were developed as a single-family residential area and cul-de-saced, then
883 we again would have the problem of numerous u-turn maneuvers that would have to be
884 made by the people who lived in the neighborhood, and that, of course, as our traffic
885 folks have informed us, is the most dangerous traffic maneuver that can be made, but that
886 would have to be done, if this were a cul-de-sac street. So, traffic wise, according to the
887 numbers that have been quoted here tonight, if this, in fact, is a retirement community,
888 and that is essentially what has been said. It is not age restricted, but the experience of
889 this developer is that these developments are primarily inhabited by people who are
890 retired. In that case, we have the fewest vehicles, the fewest trips generated by residents
891 of this area with this use, even fewer than if they were single-family homes on this site. I
892 think that that is a significant fact in considering what the best development would be for
893 this particular tract. Moreover, the traffic that is generated is not going to be peak hour

894 traffic. That is, you are not going to have everyone here who is an active, single-family
895 resident, maybe two cars for each house leaving the property to get to work in the
896 morning when we have all of the school traffic. There are going to be people who are
897 going to be leaving and coming to the site at off-peak hours, so that it makes it even more
898 beneficial in terms of the traffic impact of this Residential Townhouse or Condominium
899 development.

900

901 So, taking into account the traffic situation, I find that this particular proposal, particular
902 use, is the best use, even better than single-family home use that would be, perhaps, less
903 dense. Looking at other advantages of this particular use over single-family, I see that as
904 Mr. Collings wrote to me in his e-mail and he represented that his statements here tonight
905 and in my letter generally reflect the people who are most closely linked to this property,
906 that is, the adjacent property owners. They have larger buffers with this development
907 than they would have single-family homes. They have less activities and proffered that
908 there would be no buildings and recreational activities within the buffer areas. These are
909 single-story units as opposed to two-story or even 2-1/2 story that we could have just
910 with single-family development.

911

912 These buffer areas and the interior areas of this particular development will be
913 landscaped. We have a site plan. We have elevations that show variation in style, which
914 were not a part of the original proposal. We have a density that has been reduced from
915 the original proposal of 60 units down to 52. Fencing has been proffered. Sidewalk is
916 being placed along Pump Road that will be more to the benefit of all the public. And, as
917 I said, there are six pages of proffers including things like the underground BMP and
918 sound suppression systems in the development itself. So, all of these are reasons why I
919 think that this particular use has a great deal of merit. I think even single-family homes
920 where if we had a stub road that had gone into the property might have been viable when
921 I look at the extensive amount of road frontage, the odd shape of the parcel, and the
922 traffic considerations, I think the single-family use is less workable on this site than
923 condominium use, which I think will provide a good transition between a single-family
924 development and the busy roadway network.

925

926 So, for those reasons, Mr. Chairman, I move that the Commission recommend for
927 approval Case C-26C-01, Tascon, L.L.C.

928

929 Mr. Vanarsdall - Second.

930

931 Mr. Archer - Motion by Mrs. Dwyer and seconded by Mr. Vanarsdall.
932 All in favor of the motion say aye. Those opposed to the motion say no. The ayes have
933 it. The motion carries. The vote was 4-0. Mr. Taylor was absent. Mr. Kaechele
934 abstained.

935

936 REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Vanarsdall, the Planning
937 Commission voted 4-0 (one abstention) to recommend that the Board of Supervisors
938 **grant** the request because it is a reasonable residential use of the property and the
939 proffered conditions assure a level of quality not otherwise possible.

940
941 Mr. Silber - This will be coming up before the Board of Supervisors on
942 September 11. The Planning Commission has just made a recommendation to the Board
943 and the case will be heard at 7:00 p.m. on September 11, 2001.

944
945 Mr. Archer - Thank you, Mr. Secretary.

946
947 **C-45-01 James W. Theobald for Tascon Group, Inc.:** Request to rezone from B-
948 3 Business District to R-5 General Residence District, part of Parcel 65-A-7, containing
949 0.615 acre, located at the southwest corner of Gayton Road and Gayton Centre Drive.
950 Owner-occupied condominiums are proposed. The R-5 District allows a density up to
951 14.52 units per acre. The Land Use Plan recommends Multi-Family Residential, 6.8 to
952 19.8 units net density per acre.

953
954 Mr. Archer - All right. Is there opposition to C-45-01? No opposition.
955 Mr. Coleman.

956
957 Mr. Coleman - This proposal would rezone a .615 acre of property from B-
958 3 to R-5. The applicant intends to incorporate the subject property into an owner
959 occupied condominium plan for the remaining 19 acres of the parcel. The subject
960 property is a small triangular piece of land at the southwest intersection of Gayton Road
961 and Gayton Center Drive. It is part of a larger parcel containing approximately 19.8
962 acres in the aggregate and also have frontage along Lauderdale Drive. The remainder of
963 the parcel not subject to this application tonight is zoned R-5. Tascon Group has filed a
964 preliminary plan of development for the owner-occupied condominium project. This
965 rezoning application will permit the subject property to be used for residential purposes
966 and for density calculations for the condominium project.

967
968 Under the current business zoning, residential use of the subject property would be very
969 limited. Gayton Business Center is a retail office and service development lying to the
970 north and west of the subject property. Ginter Hall West, Gayton Terrace Apartments
971 and (unintelligible) apartments are to the east across Gayton Road. The vacant property
972 for the proposed condominiums to the south and further to the south are Hunter Ridge
973 Apartments and Brandywine Apartments. The requested zoning change is compatible
974 with the surrounding area. The application is consistent with the 2010 Land Use Plan and
975 existing and proposed development. If approved, this request incorporates a small tract
976 in the same zoning district as the larger tract. This could then be developed under the
977 County's plan use regulations. Staff supports this proposal. I would be happy to answer
978 any questions.

979
980 Mr. Archer - Are there questions from the Commission for Mr.
981 Coleman?

982
983 Ms Dwyer - Mr. Coleman, you mentioned that this is essentially a
984 housekeeping measure, rezoning this particular triangle, small triangular piece of
985 property so that it is consistent with this development. You also state that you

986 recommend that the access point for this end of the property onto Gayton Center Drive as
987 opposed to Gayton Road. Is Gayton Center Drive a public roadway? Do we know that?
988

989 Mr. Coleman - I believe that Mr. Foster can confirm that it is.

990

991 Mr. Foster - It is.

992

993 Ms. Dwyer - It is? OK, I wasn't sure if there was any restriction or any
994 restriction or any potential that they could not have access to Gayton Center Drive. OK.
995 Do we still have some inquiries from the adjacent property owners about this 35-foot
996 buffer that needs to be provided, or is that not...
997

998 Mr. Coleman - The part of the Gayton Center business center that is across
999 from Gayton Center Drive is currently vacant. This rezoning application by changing it
1000 from commercial zoning to residential zoning would impact some of his requirements,
1001 and he has specifically talked about the buffer requirements. If he has had an opportunity
1002 to request a deviation, it would be incumbent upon him at that time to provide whatever
1003 evidence if he wanted to make a request like that to the Planning Commission.
1004

1005 Mr. Archer - Ms. Dwyer, do you wish to hear from the applicant?

1006

1007 Ms. Dwyer - OK.

1008

1009 Mr. Theobald - Mr. Chairman, Ladies and Gentlemen, my name is Jim
1010 Theobald and I'm here on behalf of the Tascon Group. This little sliver of land is zoned
1011 B-3, as you may know. The Wilton owns all of this land (referring to slide) including the
1012 R-5, the land that you see here. I believe this sliver has remained or was orphaned after
1013 the geometrics of that roadway were placed in the property, but the parcel is owned by
1014 the owner of the unrestricted R-5 parcel which Tascon has contracted, so with your hoped
1015 for favorable recommendation, we would like to change this B-3 to R-5 consistent with
1016 the bulk of the track. I will tell you we have had an inquiry from Mr. Wilton across the
1017 way who is concerned about the possibility of in the future having a transitional buffer on
1018 his B-3 zoned property. For the benefit of our R-zoned property, I sent a letter to Mr.
1019 Wilton today stating that we do not intend to require Mr. Wilton to provide any particular
1020 screening on his side of the line and we intend to take care of screening our residents on
1021 our side of the line, and that we would support his request for a total deviation
1022 transitional buffer. What that means under your ordinance, it doesn't mean his
1023 transitional buffer now becomes my transitional buffer. That is not how your ordinance
1024 works, as you all know, but when we come in with the POD and landscape plan, we
1025 intend to take care of our residents through our screening on our side of the street, rather
1026 than looking to Mr. Wilton across the street to shield us from his development, which is
1027 presumably an office development. That is obviously up to, ultimately to you all, as to
1028 providing that deviation, but we have committed in writing to Mr. Wilton that that is our
1029 position.
1030

1030

1031 Ms. Dwyer - So what we have is a 35-foot?

1032
1033 Mr. Theobald - I believe B-3 against R-5 is a 35-foot transitional buffer, if I
1034 am not mistaken. But Mr. Wilton could seek a deviation that, based on circumstances
1035 that you all could consider.
1036
1037 Ms. Dwyer - But on your side of the property, what you are going to do
1038 is take care of your residents?
1039
1040 Mr. Theobald - We are going to do a combination of landscaping and/or
1041 fencing to screen our residents and protect the property values of our property. We are
1042 up against the mini-warehouses over here, this office/service development, just to take
1043 care of ourselves over there.
1044
1045 Ms. Dwyer - What about the streetscape along Lauderdale and this is
1046 related; this is not exactly this piece of property but this is the opportunity I have to ask
1047 about that. Looks like a 35-foot building setback along Lauderdale, and you intend to
1048 fence and landscape that area?
1049
1050 Mr. Theobald - I believe that is correct. Steve, you may want to, since this
1051 has been considered for preliminary POD...
1052
1053 Mr. Settlage - Good evening. I am Steve Settlage, president of Tascon.
1054 Ms. Dwyer, we have not addressed in detail the landscaping and transitional treatment of
1055 that street yet. I would need to look at the grades and other factors that go into that, but it
1056 is in our best interests to provide an aesthetic and attractive transition over in that area,
1057 but we have not addressed it to that extent at this point.
1058
1059 Ms. Dwyer - Would you expect fencing along there, on Lauderdale?
1060
1061 Mr. Settlage - I think that would get to be a question probably related to
1062 sidewalks. We have really not planned to put a sidewalk up Lauderdale and if memory
1063 serves me, a large part of that frontage on Lauderdale, is a somewhat different grade
1064 differential between the finished floor of the building pads versus the street, which will
1065 be considerably lower, so I am not sure yet what purpose fencing would serve as part of
1066 it. I am not opposed to the idea if it is consistent with the...we try to provide a self-
1067 contained environment for or communities and fencing is a part of that in most of these
1068 communities. There would be no privacy fence whatsoever along Lauderdale. If there is
1069 a fence, it is going to be a decorative fence.
1070
1071 Ms. Dwyer - I was more concerned about the fence than advocating it.
1072
1073 Mr. Settlage - Right. No. I didn't understand where you were going with
1074 that.
1075

1076 Mr. Silber - Mr. Settlage, the layout you have shown on this diagram
1077 perhaps does not reflect the zoning that you are seeking. You are not showing any
1078 buildings or structures on that portion that you are now rezoning.
1079
1080 Mr. Settlage - Correct.
1081
1082 Mr. Silber - So, that is likely to change and there will be some
1083 buildings?
1084
1085 Mr. Settlage - There will be a maximum change of two units.
1086
1087 Mr. Silber - Two units.
1088
1089 Mr. Settlage - A maximum change. The area along Gayton, not Gayton
1090 Center Drive but Gayton Road itself, we have planned as a recreational gazebo picnic
1091 facility-type area, trying to use as much as the natural vegetation area and so forth as
1092 possible. The most density, the only change would be that the building, which is on the
1093 right, up in that little neck, could become a four-unit building – I can't read the number.
1094
1095 Ms. Dwyer - So you may increase the density by two units?
1096
1097 Mr. Settlage - By two. That is the maximum change.
1098
1099 Ms. Dwyer - You would have a picnic area in this section along Gayton?
1100
1101 Mr. Settlage - Yes, we are planning some sort of a passive recreational
1102 area. We are thinking in terms of a gazebo and perhaps some benches and that type of
1103 treatment down in that area.
1104
1105 Ms. Dwyer - Will there be sidewalks through out?
1106
1107 Mr. Settlage - Yes, throughout the interior.
1108
1109 Ms. Dwyer - And there is a pool and clubhouse, I see.
1110
1111 Mr. Settlage - Yes.
1112
1113 Ms. Dwyer - OK. All right.
1114
1115 Mr. Settlage - Thank you.
1116
1117 Mr. Archer - Thank you. Any further questions from anyone on the
1118 Commission? I don't believe there was opposition, Ms. Dwyer, so I suppose you are
1119 ready.
1120

1121 Ms. Dwyer - This does appear to be somewhat of a housekeeping
1122 measure to unify the zoning on this parcel. I believe it has been recommended by the
1123 County staff that the roadway access be to Gayton Center Drive, and I see from the site
1124 plan that that is what is being done on this to avoid another access point on Gayton Drive,
1125 which I think is wise. So, rezoning this parcel will allow that access to occur onto
1126 Gayton Center as opposed to Gayton Road, which is very beneficial from a traffic
1127 standpoint. There are some issues about adjacent properties providing buffer and I
1128 believe that is an issue for another day, another time depending on when that particular
1129 property is developed, so that is nothing that the Commission will be considering this
1130 evening. So, I recommend that the Commission recommend for approval Case C-45-01,
1131 Tascon Group, Inc.

1132
1133 Mr. Vanarsdall - Second.

1134
1135 Mr. Archer - Motion by Ms. Dwyer and seconded by Mr. Vanarsdall.
1136 Those in favor of the motion say aye. Those opposed to the motion say no. The ayes
1137 have it. The motion carries. The vote was 4-0. Mr. Taylor was absent. Mr. Kaechele
1138 abstained.

1139
1140 REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Vanarsdall, the Planning
1141 Commission voted 4-0 (one abstention) to recommend that the Board of Supervisors
1142 **grant** the request because it continues a similar pattern of zoning and land use as currently
1143 exists in the area.

1144
1145 **BROOKLAND:**
1146 **C-46C-01 W. Gerald Yagen:** Request to conditionally rezone from R-3 One Family
1147 Residence District and O-2 Office District to O-3C Office District (Conditional), Parcels
1148 60-A-74 and 61-A-36, containing approximately 3.9 acres, located on the north line of E.
1149 Parham Road approximately 240 feet east of Hermitage High Boulevard and Prince
1150 Henry Drive and approximately 130 feet west of Dixon Powers Drive. Office
1151 development is proposed. The use will be controlled by zoning ordinance regulations and
1152 proffered conditions. The Land Use Plan recommends Office and Environmental
1153 Protection Area.

1154
1155 Mr. Archer - Is there opposition to Case C-46C-01? Anyone? Don't
1156 think so. Mr. Householder.

1157
1158 Mr. Householder - Thank you, Mr. Chairman, and members of the
1159 Commission. This application would rezone 3.9 acres from R-3 and O-2 to O-3C and an
1160 office development is proposed. The property is located on East Parham Road
1161 approximately 240 feet east of Hermitage High Boulevard as shown here on this aerial
1162 photograph (referring to slide); we are here (referring to slide). The symbol is the County
1163 Government Complex right across the street actually over here (referring to slide), but the
1164 County Government Complex being across the street and Hermitage High School to the
1165 north of the site. The 2010 Land Use Plan recommends Office for the subject parcel and
1166 the proposed use is consistent with this designation. The main property in this area, as

1167 you can see by the aerial are governed uses on the 2010 Plan with the exception of some
1168 flood plain areas that is designated for environmental protection area. The parcel has
1169 over 600 feet of road frontage on Parham Road and the Parham Road Corridor possesses
1170 high quality offices and upper end office/service type development in this area. It is
1171 characterized by attractively landscaped frontages and many structures in this area are
1172 predominantly brick. In reference to staff's concerns in the staff report, the applicant has
1173 provided proffers that were handed out to you today that address the following of staff's
1174 concerns: With regard to building materials, staff was concerned that the building would
1175 be constructed of primarily of brick; in the way the original proffer was written it allowed
1176 for many other materials, and this would be consistent with the nearby Courthouse
1177 Commons Office Park, which is right next to the property in that area (referring to slide).
1178 They revised that proffer to address that and it will be primarily brick.
1179

1180 With regard to the landscape buffer, Proffer No.8, the applicant has proffered 15 feet
1181 along Parham Road, but it is vague as to the nature and extent of the landscaping in that
1182 proffer, and they have revised the language to try and clarify the intent and to get and
1183 maintain existing vegetation as at Courthouse Commons.
1184

1185 Also, with regard to the 15-foot right-of-way easement that runs along the property in this
1186 area, just right along the deep black line there (referring to slide), it is an old basically
1187 driveway or 15 feet dedicated area that staff feels disposition of needs to be addressed.
1188 The applicant has added No.9, which agrees to start the process of vacation by working
1189 with the adjacent property, but they indicated they are not sure what the background or
1190 who owns or what needs to be done, but they have agreed that they will take steps to
1191 vacate this area. They have also provided a layout which staff was concerned about
1192 (referring to slide) and it shows a 15,300 square foot one-story building with quite a bit of
1193 parking, which gets us to the other element that they have attempted to address with their
1194 proffers tonight, which is access. Staff and the Traffic Engineer in their comments were
1195 hoping this would be coordinated with the nearby Courthouse Commons, and, as you can
1196 see (referring to slide), right up in here it is sort of stubbed access and they added a
1197 proffer that said they will explore the opportunity to provide and coordinate access. In
1198 essence what they proffered was with the nearby Courthouse Commons development.
1199 Staff thinks that language is a bit vague, but it does think it would give the intent to
1200 exploring that option. The reason that another point of access would be appropriate is
1201 best shown by the aerial (referring to slide) where you can see in this area where
1202 Courthouse Commons is aligned with Dixon Powers Drive, with quite a bit of people
1203 using this facility likely, the opportunity for them to come out and actually make the
1204 appropriate turns without right-in, right-out access would be important for this
1205 development.
1206

1207 The applicant has proffered many elements, in addition, that would help ensure quality on
1208 this site, including underground utilities, screening of the trash receptacles, mechanical
1209 equipment, also a minimum building height of 48 feet, and they have proffered to
1210 eliminate uses such as child care centers, other than for on-site workers, funeral homes,
1211 hospitals, etc.
1212

1213 Overall, staff feels this request does conform with the Land Use Plan designation, in that
1214 the use is appropriate and consistent with existing office development on Parham Road.
1215 The applicant has addressed staff's concerns with the case and although the proffer
1216 language is vague in places, staff would recommend approval of this request. I'd be glad
1217 to answer any questions that you may have.
1218

1219 Mr. Archer - Thank you, Mr. Householder. Are there questions from the
1220 Commission?
1221

1222 Mr. Vanarsdall - Mr. Householder, what did he tell you, 90% brick, what did
1223 he tell you the 10% would be?
1224

1225 Mr. Householder - I've got an exhibit (referring to slide). I am sure that Mr.
1226 Blake can easily answer this, but we spoke today and we will try and zoom this out to
1227 make it look better. This is what the building would mostly look like, but he thinks it
1228 could be accented with some other materials to make it even more attractive, and he said
1229 that he will do so. So, we didn't get clarification on what those accents would be, but this
1230 would be a substantially brick building as shown.
1231

1232 Mr. Vanarsdall - Do you have a problem with the wording of No. 9?
1233

1234 Mr. Householder - Yes. No. 9 could be improved by just a commitment to
1235 vacate the right of way as opposed to a commitment of...
1236

1237 Mr. Silber - Mr. Householder, if I can elaborate now. I think the
1238 concern is, and we have run into this numerous times with other developments and we
1239 believe, staff believes we need to begin to address these up front at the time of zoning
1240 instead of later at the time of POD approval. This is a 15-foot access to provide access to
1241 property behind, off of Parham Road. It would be my recommendation that this proffer
1242 be worked on and if the Commission wants to take action on it tonight, I propose that it
1243 be worked on between now and the Board meeting, but I certainly think that this needs to
1244 be strengthened. I would like to amend the proffer to say "This 15-foot private road be
1245 vacated prior to plan of development approval." I don't think we want to get into the
1246 situation of having to work this out at the time of POD. I think it needs to be addressed
1247 prior to POD and I think that there needs to be greater commitment up front. I also think
1248 that Proffer No.10 is vague. I think it needs to be looked at closer. I think that having
1249 access to a crossover is important in this area. There are some traffic challenges on
1250 Parham Road in this stretch, and I think having joint access would be highly desirable. I
1251 think we would like to work with the applicant further to try to achieve that goal.
1252

1253 Mr. Kaechele - Mr. Secretary, would you say that No. 9 needs to be cleared
1254 up before No.10 can be addressed?
1255

1256 Mr. Silber - That is correct. You would have to vacate that private
1257 drive in order to allow for access.
1258

1259 Mr. Householder - I want to also add that these proffers were received today
1260 and I meant to include that in my presentation, so you would have to waive the time limit.
1261 ...the clarification to some of staff's concerns this afternoon, and we would have a real
1262 long time to study other possible ways to improve the language.
1263
1264 Mr. Archer - All right. Thank you Mr. Householder. Any further
1265 questions before we hear from the applicant? Do you want to hear from the applicant,
1266 Mr. Vanarsdall?
1267
1268 Mr. Vanarsdall - Yes, I do. Thank you.
1269
1270 Mr. Archer - Would the applicant come forward, please?
1271
1272 Mr. Donald Blake - Good evening, ladies and gentlemen. I'm Donald Blake
1273 and I represent the applicant, W. Gerald Yagen.
1274
1275 Mr. Vanarsdall - Don, you did a good job on taking care of the proffers
1276 today, but I am still concerned about No. 9 and No.10, but especially No. 9 after what
1277 Mr. Silber just explained to us, and Mr. Householder has concerns, also. I don't like, as I
1278 told you before, I don't like to leave anything for the Board to handle.
1279
1280 Mr. Blake - I can appreciate that.
1281
1282 Mr. Vanarsdall - I don't like to do that and I haven't done it in a long time. I
1283 would like to ask you to defer this for 30 days until you can get it straight.
1284
1285 Mr. Blake - Well, let me give you, all of you some background. The
1286 gentleman, Mr. Thornton, who has owned the property, lived at the end of the 15-foot
1287 road and has been here since he was a young man, I guess. Courthouse Commons has
1288 been there since 1983. I've been a landowner there since 1980. We always thought that
1289 15-foot was the easement back there to Mr. Thornton's house. And the family thought
1290 so, and the owners of Courthouse Commons, and at one time the half-acre on
1291 (unintelligible) on Parham Road is already zoned. I had a POD on that property for an
1292 office building, and the POD approved. We thought at that time that it was an easement
1293 and we would always give Mr. Thornton an easement back there to his property. Never
1294 did we think it was a "road" until this case came up and research was done. We have
1295 requested a title search on the property to see if it belongs to Mr. Thornton or is it
1296 Courthouse Commons property. Since some people are trying to figure out who the
1297 property belongs to, if it belongs to Courthouse Commons, if it fronts on Courthouse
1298 Commons, we are going to keep the 15 feet. If it belongs to Mr. Thornton, then it will be
1299 sold to the purchaser, Mr. Yagen. So, if it doesn't belong to either one of us, we will
1300 vacate it and split it half and half. That is the logical thing to do. There are only three
1301 alternatives to it: It belongs to Courthouse Commons, it belongs to the Thornton property,
1302 or it belongs to 7-1/2 feet one side and 7-1/2 feet the other side, and we do not know. I
1303 talked to the engineer the other day about it, and they were trying to do some research.
1304 They had some old maps out and I don't know who it belongs to, but I can make the

1305 commitment that between now and the Board meeting we will have a definite legal
1306 opinion, even if we have to go to the County Attorney to figure this out, because this
1307 property goes way back to before when Parham Road was here, and we looked at some
1308 old maps there, and which parcel does it belong to? It belongs to one parcel or the other
1309 or either it is an easement like we thought it was for the last 20 years. I am confident we
1310 can remedy that problem before the Board of Supervisors meeting, and we do want to,
1311 this gentleman who is building a school was located at Innsbrook. He is on a fast track to
1312 move out of Innsbrook and have his own building here. And they are doing the design
1313 work for the site and the building all at the same time.

1314
1315 Mr. Vanarsdall - Thank you for explaining it. Can you change the proffer to
1316 word it the way Mr. Silber suggested?

1317
1318 Mr. Blake - I would be glad to because it is in my best interest, because
1319 I am the adjacent landowner, to work that out. I hope it belongs to Courthouse Commons
1320 because we pick up 15 feet.

1321
1322 Mr. Vanarsdall - What happens if you can't, if you don't work it out between
1323 now and the Board?

1324
1325 Mr. Blake - If I don't, it will be some lawyer's fault. If it is something I
1326 can quitclaim the property or just get a quitclaim deed, either that or a judge would have
1327 to decide who it belongs to. I don't know. It won't be our fault. It will be some lawyer's
1328 fault. It is something we can resolve with a title insurance company and some lawyers to
1329 resolve this. I am confident in 30 days that they can; they title insurance company can
1330 come over here every day and try to figure out who owns the property. I don't have any
1331 questions. I will address the question about the cross easements to Courthouse
1332 Commons. When the property was first contracted to Mr. Yagen, the property would
1333 accommodate probably three kinds of structure. Courthouse Commons has several
1334 partners in it and are thinking about having a 45,000 sq. ft. building there on the site, and
1335 all we get from Traffic is some concerns about bringing traffic through the Courthouse
1336 Commons Office Park. Now that the contract purchaser has designed this building and
1337 locked in towards the POD, the plan is being done now for a 15,000 sq. ft. building, it is a
1338 whole new approach to property. It is a one-third use of the property, about a third of the
1339 land use that we could have, and so will go back to the other people and Courthouse
1340 Commons and talk about the cross easements there, but I can't speak toward that, but I
1341 will be able to speak in about a month now. I don't think that that would prohibit the
1342 land being zoned if the owners of Courthouse Commons say they don't want the traffic to
1343 go through there. The plan is not going to be zoned residential. The front part is zoned
1344 for office anyway, so it would be used for the same use – this particular use, 15,000 sq. ft.
1345 on a site that could probably accommodate 45,000 square feet is a low density use, and as
1346 the adjacent land owner, I am particular as to how it is going to look and affect the
1347 property next door to it. That is the best I can answer your question.

1348
1349 Mr. Vanarsdall - Mr. Silber, do you have any other suggestions?

1350

1351 Mr. Silber - No, I guess, Mr. Vanarsdall, I have some language that you
1352 may want to consider or Mr. Blake may want to consider proffering, but I think from past
1353 history that it is best to try to have these things vacated or disposed of as early in the
1354 process as possible. I still feel that we need to work with the applicant to explore all
1355 possibilities of having a joint access agreement go through Courthouse Commons. We
1356 can, perhaps, live with Proffer No. 10 at this time, or we can just address that. So, as for
1357 possible language for Proffer No. 9, it might be, "Prior to approval of plan of
1358 development on the property, a 15-foot private road on the eastern side of the property
1359 will be vacated or otherwise disposed of."
1360
1361 Mr. Blake - I am agreeable to that.
1362
1363 Mr. Vanarsdall - Do you want to change it now? OK. And what did you say
1364 the other 10% was going to be?
1365
1366 Mr. Blake - The other 10% of the building?
1367
1368 Mr. Vanarsdall - It is 90% brick. What is the other 10% going to be?
1369
1370 Mr. Blake - It will probably be all brick, but I would like more color.
1371 You can see it does have dryvit across the front. I remember the architect yesterday, just
1372 yesterday...
1373
1374 Mr. Vanarsdall - Everything up and down the corridor is brick.
1375
1376 Mr. Blake - But to me, it needs a little color to it.
1377
1378 Mr. Vanarsdall - We need the brick.
1379
1380 Mr. Blake - I'm don't know. It is a flat looking building. This is just a
1381 rendering, but...
1382
1383 Mr. Vanarsdall - I will tell you what, if you will change No. 9 the way Mr.
1384 Silber and Mr. Householder want it, change the brick to 100%, I will recommend
1385 approval tonight, otherwise, I will have to defer it.
1386
1387 Mr. Blake - I will do that. It is already brick. I was going to jazz it up a
1388 little bit.
1389
1390 Ms. Dwyer - Is this going to be three story or a one story?
1391
1392 Mr. Blake - A one-story building. When we originally got involved in
1393 this, we were going to build a two-story building and then come back build another two-
1394 story building, but we decided to put it all on one floor.
1395

1396 Mr. Kaechele - Isn't there a potential that it could go to three-stories? Is
1397 there anything to prohibit it from going to 45,000 square feet?
1398

1399 Mr. Blake - No. There is nothing in the zoning that prohibits that and
1400 obviously it would take about 45,000 square feet.
1401

1402 Mr. Kaechele - But the building proposed is 15,000?
1403

1404 Mr. Blake - Fifteen, and the engineering, the POD work is being done
1405 now and the building is being designed. In another week we can have working drawings
1406 on the building. They intended to build it if they could, starting November and
1407 December construction on it.
1408

1409 Mr. Kaechele - But if you have cross access, you still have the potential for
1410 a 45,000 square foot building.
1411

1412 Mr. Blake - Well, not unless they tear this building down.
1413

1414 Mr. Kaechele - Not unless what?
1415

1416 Mr. Blake - Not unless they take this building down. Once this
1417 building is built, you would have, they are not going to tear it down.
1418

1419 Mr. Kaechele - You could build it to add additional stories.
1420

1421 Mr. Blake - I don't think..
1422

1423 Mr. Kaechele - OK. That is an architectural consideration.
1424

1425 Mr. Silber - Mr. Blake, the Courthouse Commons, as you are aware, is
1426 a Colonial Style pitched roof design office building. What you are showing in this
1427 rendering, and this is the first time I've seen it, so I apologize for that, but is it the one-
1428 story flat roof design?
1429

1430 Mr. Blake - Yes.
1431

1432 Mr. Silber - Has any consideration been given to making that building
1433 comparable to or similar in appearance to the architecture of Courthouse Commons,
1434 Colonial in design with a pitched roof?
1435

1436 Mr. Blake - No, from a Courthouse Commons standpoint, I am happy
1437 with Courthouse Commons, but this, the gentleman has several of these buildings that he
1438 has done in Virginia, in Virginia Beach, one in Chesterfield County, and they are now
1439 leasing in Innsbrook, and so this is what he likes, and he is willing to pay to buy this
1440 piece of land to put a low-density use on it. If it looks this good, I will be happy with it,
1441 as a neighbor, but also I will be involved with the construction of the project, too, so I

1442 will have more input than the average, somebody else might have, and I will be working
1443 on the POD. So, I am going to have it look as good, as well as I can have it look, and I
1444 am pleased with this and I was going to put a little more color on there, but we will try to
1445 just put some brick on there with some different color. I don't know. It is a nice looking
1446 building. We will be happy with it.
1447

1448 Mr. Silber - I guess we just need you to write that proffer out, Proffer
1449 No. 9, and change the brick percentage, initial it and date it, and I think the Commission
1450 is prepared to take action.
1451

1452 Mr. Blake - Sure.
1453

1454 Ms. Dwyer - What about Proffer No. 10? Did we decide that 10 did not
1455 need to be amended?
1456

1457 Mr. Silber - I did not come up with any language for that.
1458

1459 Ms. Dwyer - You need sort of a commitment to do that. This proffer
1460 doesn't seem to really obligate the applicant to produce the easement.
1461

1462 Mr. Vanarsdall - No, it doesn't. It just says that we will pursue it.
1463

1464 Mr. Silber - Mr. Blake, do you believe that there would be some
1465 agreement on this cross access and do you believe that can be worked out and these two
1466 developments can access each other?
1467

1468 Mr. Blake - It has more of a chance with a 15,000 square foot building
1469 than it does with a 45,000 square foot building, but Courthouse Commons is a business
1470 partnership, there are four people who have it. It is a democratic process to agree to do it,
1471 so from a personal standpoint, I have always looked at the two properties as being jointly
1472 developed and I am aware of the cross-over there, Dixon-Powers Road. This is
1473 something that more people have to have input in than I can. I can't speak for other
1474 people.
1475

1476 Mr. Silber- Do you think you could have that democratic process
1477 worked out by the Board meeting?
1478

1479 Mr. Blake - Yes, I think so. The other partners don't even know that
1480 they reduced the size of the building down to this point. It hasn't been discussed at all
1481 since the site plan was created. It hasn't been discussed at all.
1482

1483 Mr. Vanarsdall - I know this came up earlier, but have you finished with that
1484 Mr. Silber, or are you working on how to change that? I am concerned that you have on
1485 here that the building height will not exceed three stories. You are not proffering any
1486 kind of a rendering tonight. I don't know what it is going to look like.
1487

1488 Mr. Blake - Well, it is going to brick and it won't exceed three stories,
1489 but Courthouse Commons is brick and it does not exceed three stories. That is the same
1490 proffer that we had at Courthouse Commons.
1491
1492 Mr. Vanarsdall - I tell you, Don, we are going to have to start over. I am
1493 not going to accept this like it is, and if you don't want to defer it, I will.
1494
1495 Mr. Blake - I would rather not defer it.
1496
1497 Mr. Vanarsdall - There is no use to talk about it any longer. We've got
1498 things in here that are not right and there is no sense in waiting until the Board meeting,
1499 and now we've got this flat roof. It is something, I don't know what it is. It looks like
1500 nothing over there, and we've got on here "won't exceed three stories." We just have to
1501 start over and work with Mr. Householder between now and 30 days, and if you want to
1502 defer it, I appreciate it, and if you don't, I will defer it.
1503
1504 Mr. Blake - I can appreciate, I understand your feelings. However, the
1505 zoning request is in with the Land Use Plan, and if I wasn't involved with Courthouse
1506 Commons and somebody else was, you probably would not have the advantage that you
1507 have now of trying to get adjoining office parks to work together. Staff has
1508 recommended it with some issues that they would like to see worked out, and I think that
1509 we all have to work together with the staff, the architect and the engineer to bring these
1510 things to a conclusion.
1511
1512 Mr. Vanarsdall - Do you want to defer this to the 13th of September, or do
1513 you want me to?
1514
1515 Mr. Blake - I would rather you do it.
1516
1517 Mr. Vanarsdall - OK, thank you. I hope you understand where I stand. Mr.
1518 Chairman, I move that C-46C-01 be deferred to September 13th at the Commission's
1519 request.
1520
1521 Ms. Dwyer - Second.
1522
1523 Mr. Archer - We have a motion by Mr. Vanarsdall and a second by Ms.
1524 Dwyer to defer to September 13, 2001. All in favor of the motion say aye. All opposed
1525 say no. The ayes have it. The motion carries.
1526
1527 The Planning Commission deferred Case C-46C-01, W. Gerald Yagen, to its meeting on
1528 September 13, 2001. The vote was 4-0. Mr. Taylor was absent. Mr. Kaechele abstained.
1529
1530 **AT THIS TIME THE COMMISSION TOOK A 10-MINUTE RECESS.**
1531
1532 **THE COMMISSION RECONVENED.**
1533

1534 Mr. Silber - The next case is C-47C-01 and with your permission I think
1535 we'd like to call both of these cases at the same time. They are, more or less, companion
1536 cases in the area, so we would like to call both of these cases at the same time and it will
1537 require the Planning Commission to act independently on each of the cases.

1538
1539 **C-47C-01 Attack Properties:** Request to conditionally rezone from A-1 Agricultural
1540 District and O/SC Office/Service District (Conditional) to R-5C General Residence
1541 District (Conditional) and RTHC Residential Townhouse District (Conditional), part of
1542 Parcel 12-A-4B, Parcel 12-A-5, and part of Parcel 21-A-2, containing 33.719 acres,
1543 located on the north line of Hunton Park Boulevard approximately 700 feet northeast of
1544 Staples Mill Road (State Route 33). Apartments and townhouses are proposed. The R-5
1545 District allows a density up to 14.52 units per acre. The RTH District allows a density up
1546 to 9 units per acre. The Land Use Plan recommends Office/Service and Environmental
1547 Protection Area.

1548
1549 **C-48C-01 Attack Properties:** Request to conditionally rezone from RTHC
1550 Residential Townhouse District (Conditional) and O/SC Office/Service District
1551 (Conditional) to R-5AC General Residence District (Conditional), part of Parcels 13-A-
1552 24 and 21-A-5, containing 23.088 acres, located along the northwest line of Mill Road
1553 between Interstate 295 and Long Meadow Drive. A residential subdivision for older
1554 persons is proposed. The minimum lot size allowed in the R-5A District is 5,625 square
1555 feet. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per
1556 acre, and Office/Service.

1557
1558 Mr. Archer - Thank you, sir. Is there opposition to C-47C-01? Is there
1559 opposition to C-48C-01? All right. We will get to you. Mr. Bittner.

1560
1561 Mr. Bittner - Thank you, Mr. Chairman. I will first address Case C-47C-
1562 01, the apartments. Most of this site would be zoned R-5 and only a small portion would
1563 be zoned RTH. The RTH portion would be adjacent to the existing RTH property to the
1564 northeast. If approved, this proposal would make the north side of Hunton Parkway
1565 mostly Residential and the south side Office/Service.

1566
1567 Revised proffers have been submitted which address the issues in the staff report. We
1568 have handed those out to you tonight. I would point out that we received those today.
1569 Therefore, in order to accept them, you would have to waive the time limit. The major
1570 additions to the proffers are as follows: An overall density of 300 units has been
1571 established. This would equal an approximate density of 12 units per acre on the
1572 developable portion of the property. The maximum allowable R-5 density is 14.50 units
1573 per acre. A 25-foot landscape buffer has been provided along Hunton Parkway to
1574 improve the aesthetics of the development. BMPs would not be permitted in this buffer.
1575 Building elevations have been submitted as part of this application. The applicant has
1576 proffered that this development would be comparable in style and quality to the
1577 illustrations, and these are part of the proffers, although they are not attached to the set
1578 that you have, but we do have the pictures here. This is a proffer exhibit for an apartment
1579 clubhouse. This is an apartment style (referring to slide). This is another style of

1580 apartments, and finally a third (referring to slide). As I said, all four of those pictures
1581 have been included in the proffers; however, variations in colors and materials would be
1582 permitted. The proffers also state that at least 25% of building exteriors will be made of
1583 brick or stone. Recreational amenities have been provided that would include, at a
1584 minimum, a community center, a swimming pool and pedestrian walkways. In
1585 accordance with the Multifamily Development Guidelines, the applicant has also
1586 proffered sound suppression measures between units with at least a 55 sound co-efficient
1587 rating, and finally, the applicant has also proffered to rezone flood plain areas on the
1588 property to C-1, Conservation. This site is recommended for Office/Service development
1589 on the 2010 Plan and the proposed zoning is not consistent with this designation.
1590 However, it is compatible with the adjacent townhouse development. The current
1591 proffers also address the issues listed in the staff report. For these reasons, staff
1592 recommends approval of this application.

1593
1594 I will also now go into the next case, which is C-48C-01, which is the manor homes
1595 proposal on Mill Road. The proposed development is surrounded by the Rock Spring
1596 Estates and Chickahominy Branch subdivisions to the northeast, the Holly Grove
1597 subdivision across Mill Road, and the Mill Place East and West subdivisions to the south
1598 across I-295.

1599
1600 Let me go to the zoning map, so you can better understand that (referring to slide).
1601 Directly west of the site (referring to slide), is more of the Hunton property, zoned
1602 Office/Service and Residential Townhouse. Further east along the opposite side of Mill
1603 Road is the Hunton Estates subdivision, currently under construction. The applicant has
1604 proffered that if access to the property comes from Mill Road, any access to adjacent
1605 property would be emergency access only. This means that this proposed subdivision
1606 would be effectively separated from the rest of the Hunton property to the west.

1607
1608 This request would be more compatible with the existing residential development in the
1609 Mill Road corridor than the current Office/Service zoning is. The Hunton Estates
1610 subdivision basically established Mill Road as a residential corridor. Previously, it had
1611 been planned and zoned for Office/Service development. This request would reinforce
1612 the residential character of Mill Road. It could also provide further protection to Mill
1613 Road by separating the site from the rest of the Hunton property to the west.

1614
1615 Revised proffers have also been submitted for this case, which do address the issues in
1616 the staff report. The time limit would also need to be waived for these as well. The
1617 major additions to the proffers are as follows: A buffer has been provided along Mill
1618 Road to improve the aesthetics of the site and at a minimum this buffer would be 100 feet
1619 wide starting from the edge of the Mill Road pavement. A 35-foot buffer has also been
1620 proffered along Long Meadow Drive and the Rock Spring Estates subdivision. That
1621 would be the northern border of this site (referring to slide). The applicant intends to
1622 preserve existing vegetation within these buffer areas. An overall density of 90 units has
1623 been established. This would equal an approximate density of 3.9 units per acre. A
1624 building elevation has also been submitted as part of this application (referring to slide).
1625 The applicant has proffered that this development would be comparable in style and

1626 quality to this illustration (referring to slide). Again, variations in colors and materials
1627 would be permitted under the proffers. The proffers also state that at least ½ of the
1628 buildings would have brick or stone fronts. The building elevation shows a two-family
1629 dwelling with a common wall in the middle of the structure. The common wall would sit
1630 directly over the property line, separating two lots. Finally, in accordance with the
1631 Multifamily Development Guidelines, sound suppression measures with a 55 co-efficient
1632 rating have also been proffered.

1633

1634 A portion of this site is recommended for Office/Service development on the 2010 Plan.
1635 The proposed zoning is not consistent with this designation. However, it is compatible
1636 with adjacent residential development. The current proffers also address the issues listed
1637 in the staff report. For these reasons, staff recommends approval of this application. With
1638 that, I would be happy to answer any questions you may have.

1639

1640 Mr. Archer - Thank you, Mr. Bittner. Are there questions from the
1641 Commission?

1642

1643 Mr. Jernigan - Mr. Bittner, did you say only 50% of the buildings will
1644 have brick?

1645

1646 Mr. Bittner - Fifty percent of the buildings would have brick fronts,
1647 meaning the side that faces the road would be brick.

1648

1649 Mr. Archer - Are there any further questions?

1650

1651 Ms. Freye - Good evening, Mr. Chairman, and members of the
1652 Commission. My name is Gloria Frye and I am an attorney here on behalf of the
1653 applicant, Attack Properties, and also here this evening is Bob Attack, who will also be
1654 speaking to you about the elevations that have been filed with this case and the marketing
1655 of these projects.

1656

1657 Mr. Archer - Would you like to reserve some time for rebuttal?

1658

1659 Ms. Freye - Yes, sir. I was just going to say that I would like to reserve
1660 two minutes of time as rebuttal for each of the cases. I would also like to make sure that I
1661 have allowed enough time for any one in the audience who might like to speak in support
1662 of the case, and I am wondering if at this time we could ask if there are folks that would
1663 like to do that, so we can divide up the time.

1664

1665 Mr. Archer - Sure. Is there anyone here in support of the case, who
1666 would like to speak to it? I see several.

1667

1668 Ms. Freye - OK, thank you. I think that we probably should allow
1669 about six minutes between the two cases. Is that doable?

1670

1671 Mr. Silber - I presume. I guess the Commission would like to allow 10
1672 minutes for each case.
1673
1674 Ms. Freye - I would like each of the persons who are here to speak in
1675 support of it to at least have a minute or two each to speak.
1676
1677 Mr. Archer - We can kind of judge that by the time that you take.
1678
1679 Ms. Freye - OK, that sounds fine.
1680
1681 Mr. Archer - Would you like two minutes on each, or...
1682
1683 Ms. Freye - I would like probably two minutes rebuttal and that is
1684 enough for both. Thank you, and if you will guide me about the time, I would appreciate
1685 it.
1686
1687 Mr. Archer - We always make a concerted effort to do that.
1688
1689 Ms. Freye - I know that I can depend on you to do that. Some of you
1690 on the Commission are familiar with the history and background of this Hunton tract. It
1691 is a very large piece of property, over 400 acres when it was originally rezoned, and
1692 zoning was A-1 and some industrial on part of one side of Mill Road and agricultural on
1693 the other. And, that was about 10 years ago, and then it was owned by RF&P who went
1694 through the zoning process to get it rezoned Office/Service with some residential town
1695 homes on the portion of the two cases that are before you tonight affect. During that
1696 time, there was a lot of involvement with the community and the neighbors about that
1697 case. It was a large case and they had a lot of meetings, and as a result of it, it turned out
1698 to have a lot of proffered conditions that were built in to protect the single-family homes,
1699 both along Mill and Rock Springs Estates. One of the things I would like to point out is
1700 that the land that backs up to Rock Springs Estates is not part of either of these cases.
1701 The town homes and the proffers that are on file with that are not being effected or
1702 changed, so that the fence and the buffers all stays in place for Rock Springs Estates.
1703 That is not being changed.
1704
1705 Rezoning this acreage to permit multifamily would be compatible with the residential
1706 town homes that are being developed now where you see the RTHC on the screen
1707 (referring to slide), and that would replace Office/Service with this rezoning, would
1708 replace it with residential so that, as Mr. Bittner explained, you basically would have
1709 primarily residential development north of Hunton Park Boulevard. The apartment
1710 development would be, as the crow flies, about a mile away from the closest property in
1711 Rock Springs Estates. It by car is more like three miles away. All the traffic from the
1712 apartment complex would be from Hunton Park Boulevard off of Staples Mill, so we
1713 don't anticipate that there would be any traffic problems and, actually, the traffic
1714 generated from the apartments would be less than what the Office/Service would generate
1715 today. Mr. Bittner has done a wonderful job going through the proffers. There are other

1716 proffers in there, but they are proffers that you typically see, so unless you have questions
1717 about these, I won't go over that.

1718
1719 The change in zoning is compatible with the other residential development. Like I said, it
1720 would generate less traffic and would not have any adverse impact on the surrounding
1721 properties. The apartments are going to be marketed as high rent apartments; a higher
1722 socio-economic resident is being marketed for these projects. In the staff report, you note
1723 that the School System did look at this request to evaluate whether the school system
1724 could accommodate children, school-age children that might be residents of the complex.
1725 The School System determined that with these apartments that it could generate 64
1726 school-aged children. That study did not take into account the higher socio-economics of
1727 the residents that would be marketed for this, and based on a study that, I know you heard
1728 from Mr. Cecil Sears earlier today, on a study that he did, they looked at the higher rent
1729 apartments in the County and found that the higher the rent, the fewer the school-aged
1730 children they generated. So, we believe that based on that information they provided in
1731 his study that we would expect probably in the neighborhood of 20 school-aged children
1732 to be generated. And, in any event the school system did say that they could
1733 accommodate that number of school children. I will be glad to answer any questions that
1734 you might have about the proffers or the zoning, but then I would like to go on to the
1735 manor homes discussion, if that is all right with you.

1736
1737 Mr. Archer - Mr. Vanarsdall, is that all right with you? Are there any
1738 questions from the Commission?

1739
1740 Ms. Freye - On the retirement community on Mill Road, Mr. Atack is
1741 proposing to develop a 90-lot subdivision of manor homes that are age restricted to 55
1742 years of age and older. That is on about 23-acres, west of Mill Road, and the property
1743 would need to be rezoned to R-5A. When you have an age-restricted community, it is
1744 intended and operated for persons who are 55 and older. That requirement in compliance
1745 with the law is that the possibility of either a property management company or a
1746 homeowners association to, I guess, really enforce that proffer. And, also I guess you
1747 have a lot of self-policing in that kind of community, so it typically has not been a
1748 problem with that kind of proffer. As Mr. Bittner stated, I think one of the most
1749 important proffers in this case is that if access is to Mill Road, there will be no connection
1750 to Hunton Parkway (referring to slide). That was very important to the neighbors when
1751 this case was rezoned ten years ago, is that Mill Road, as a residential rural road would
1752 not be subject to office/service traffic, either the volume or the type of traffic that the
1753 Hunton Park Boulevard would have generated, and for that reason there was no access to
1754 Mill Road. This case, however, is very different. This case would propose single-family
1755 that are age-restricted so that the type of traffic that would be accessing Mill Road is
1756 going to be less volume than normal single-family and not have the impact at the peak
1757 hours, just as Mr. Foster explained in the previous case to you this evening. We have
1758 restricted the density to 90, which also controls the trips per day, which, according to the
1759 numbers that Mr. Foster was talking about earlier, really gets the traffic per day, in the
1760 neighborhood, of about 500 vehicles per day. And, Mr. Jernigan, one of the things I

1761 wanted to clarify is on the brick on the fronts of the homes. That would be a minimum.
1762 There very well could be more and we expect that there would be, but that is a minimum.

1763
1764 We feel that rezoning this property to manor homes, an age-restricted community, is an
1765 improvement, because the way the property is situated now with office/service, you could
1766 have an office/service warehouse within 100 feet of Mill Road, maybe even as close as
1767 50-feet to Long Meadow Drive, which would really change the rural character and the
1768 residential character of Mill Road, whereas having the retirement community there, you
1769 have homes that are very attractive to the community, very compatible with the other
1770 residential development on Mill Road, and something in keeping with the character of the
1771 community. Rezoning this property to permit the manor homes would not have a
1772 negative impact either on the schools or the roads, and with the high quality that has been
1773 proffered in the proffers as far as elevations and the design and materials, we feel that it
1774 would be an asset to the community and really serve the community better than the
1775 office/service zoning that is there today. As Mr. Bittner pointed out, it would also give
1776 greater protection to the single-family homes from the office/service development that be
1777 occurring south of Hunton Park Boulevard.

1778
1779 In the staff report, in looking at the traffic situation, which was one of the concerns that
1780 we heard from the neighbors, the conclusion was that the road network really was
1781 adequate to handle this traffic. Actually, the staff report looked at a full build-out, not
1782 even as restrictive as we have made it. We feel that there is still a need for retirement
1783 communities and for this type of housing, and at this time, unless you have questions of
1784 me, I would like to turn it over to Mr. Atack so he can talk to you about the elevations
1785 that have been filed with this case.

1786
1787 Mr. Archer - All right. Any questions for Ms. Frye? Good evening, Mr.
1788 Atack.

1789
1790 Mr. Atack - Good evening, Mr. Chairman. My name is Bob Atack and
1791 the applicant before you and in the essence of time; I think I would like to try to address
1792 three specific issues. One is, as Ms. Frye has aptly identified the age restricted, we in the
1793 marketing side of this scenario prefer to consider it age qualified. There are 10,000
1794 people every day turning age 50, and this market is becoming a very popular market and
1795 this product is something that we have recently in the last couple of years had a lot of
1796 experience in. We are doing a major development on Staples Mill Road. We have had
1797 over 200 inquiries on that project just off of the sign, so we are very cautiously optimistic
1798 about the opportunity of this community, but also we believe that with the architectural
1799 requirements and the economic involvement that we will make as far as a commitment to
1800 this property, that it will be a great, great compliment to the rest of the components in the
1801 Mill Road Corridor.

1802
1803 No. 2, I refer to the apartments, and they really are truly luxury apartment homes. This
1804 apartment development will be the most expensive development that we have seen in
1805 Henrico County in the last years. Most of the development has occurred in the Nuckols
1806 Road Corridor. There has been a great demand for it there. We believe that we will be

1807 able to take this mark up another notch. We have a product that has an attached garage.
1808 It is an amenity in the luxury homes. This is something we have not found in the market
1809 to date. We also are proffering a minimum of a 5,000 square foot amenity package. The
1810 clubhouse, which is pictured before you on the left (referring to slide), will have a
1811 minimum of 100 square foot exercise room. It will also have an aerobics room. It will
1812 even have something that – we don't have a picture of it with us – but it actually has a
1813 theater in it, a recessed theater, not one for commercial use, but one for luxury apartment
1814 home residents. The average income will be in excess of \$60,000. The residents here
1815 will be primarily employed in the Innsbrook and western Henrico County Corridor.

1816
1817 They are the two major points that I wanted to mention regarding the product, but my
1818 third issue, and my final one is this, and I appreciate the fact that these folks have come
1819 out tonight, because I think there is one significant concern of all, and it has been ever
1820 since this property was developed or rezoned in 1990, and that is access to Mill Road
1821 from Hunton Park. Access to Mill Road, as well as the traffic for our age-qualified
1822 homes, could produce on this road, I think, is in my opinion, the single biggest concern of
1823 the residents. When we met about 10 days ago, we made a commitment to have a traffic
1824 study done on this, and the impact of that study provided. We have committed to that
1825 and we have the study under process now, and will be having that available as soon as it
1826 is complete. We will also have another study done once the elementary school is open,
1827 because it is somewhat of a traffic generator itself, so we will have a traffic study that
1828 requests the impact today in the area as well as the traffic impact when the elementary
1829 school is opened, and we would like to think that that might be a help to those people
1830 who are genuinely concerned about the traffic on Mill Road. I will be glad to answer any
1831 questions that you might have. I apologize. We have one exhibit. I can show you the
1832 proposal for the age-restricted homes. Thank you, Mr. Bittner. The significance of this
1833 layout (referring to slide) that I proffered is that it shows – it will show – that we have a
1834 commitment to maintain the natural buffer that exists along Long Meadow and at the
1835 intersection of Long Meadow and Mill Road. That is a mature corner of trees, heavily
1836 wooded, not our typical Pine trees that look like woods, and we made a commitment to
1837 maintain 100-foot natural buffer at this section. The current proffer today allows for a
1838 50-foot buffer, but it has the ability to have the entire area re-landscaped, so what we are
1839 providing is that this natural buffer will be maintained. We also show this to reflect the
1840 fact that, onto Mill Road the way it is designed now, and if you have any questions I will
1841 be glad to try and answer them.

1842
1843 Mr. Archer - Thank you, Mr. Atack. Are there any questions for Mr.
1844 Atack?

1845
1846 Mr. Vanarsdall - Mr. Atack, you say that on the far left is the – you call it a
1847 clubhouse? In here you call it a community center. Is it the same thing?

1848
1849 Mr. Atack - Yes, sir.

1850
1851 Mr. Kaechele - Do you recall the timing for the elementary school? Was
1852 that part of the bond issue?

1853
1854 Mr. Atack - The bond issue, Mr. Kaechele, included a middle school
1855 site on Staples Mill Road. Are you referring to the site, the school site that is across the
1856 street, the one that was acquired?
1857
1858 Mr. Kaechele - The one you referred to. Yes. I thought you said an
1859 elementary school.
1860
1861 Mr. Atack - Excuse me. I apologize for misarticulating that. What I am
1862 referring to as far as the traffic study, the traffic impact, the residents who are here
1863 tonight who live in this community and also their children in the existing Glen Allen
1864 Elementary School. So, our traffic study that we are doing now, and once school is open,
1865 so we can reflect the impact of the traffic at that time.
1866
1867 Mr. Silber - You have about 3-1/2 minutes per case left.
1868
1869 Ms. Freye - Since we do have some time left, then I think it would be a
1870 good time to ask those folks who would like to speak in support to come to the podium.
1871
1872 Ms. Barbara Corsan - Mr. Chairman, and Board of Supervisors (sic), my name is
1873 Barbara Corsan. I live at 11754 Mill Road. I actually live on the Mill Road Corridor. I
1874 am very familiar with Mr. Atack, Atack Properties, and many of their developments in
1875 the area. I have seen them. I have looked at them. I have looked at Ash Creek, The
1876 Village, The Woods, Stonewall Manor, Magnolia Ridge, Cedars and now he is in the
1877 process of working on Hunton, which is also on Mill Road. Yes, as all of us neighbors in
1878 the area know, there is big change coming. It is inevitable. This property is owned by
1879 developers and other people, not the people who live on the road. I have seen the options
1880 placed before us, whether it would be to have warehouses put on this property that would
1881 back up to our road, or to have more homes put on the property and have it developed,
1882 such as Mr. Atack is proposing, and I am in full support of having homes put there. I
1883 think it would look much nicer on our road. His development would be pleasing to the
1884 eye, and I do not think it would be as big an issue as it may appear this evening, as more
1885 people talk about it. But I just wanted to say that I am a proponent of this change. I think
1886 it would be very good. I think the development would be very nice for the community.
1887
1888 Mr. Archer - Thank you, ma'am.
1889
1890 Mr. Talmadge Harris - Thank you. My name is Talmadge Harris and I have lived
1891 on Mill Road with my wife for 16 years, and we moved to this area because of the rural
1892 flavor, but knowing that it was going to change and it was becoming more suburban as
1893 we had spent our time there. We are currently sitting right in front of Hunton Estates, so
1894 I can personally attest to having watched that process. I can assure you that the property
1895 is being handled in a very high quality fashion and I support this project specifically
1896 because it is more in keeping with the character of the road, and there may be some
1897 discussion on what that means as opposed to a long office or warehouse yet to be
1898 determined, I'd much prefer to drive across 295 coming home and instead of looking off

1899 to the left and seeing the entrance to my community, that last corner of Henrico County,
1900 instead of it being an office building of some undetermined quality, I'd rather see people
1901 living there, and I do believe that these age-qualified homes have a minimal impact to the
1902 traffic and to the schools. That can be debated, but certainly compared to other
1903 alternatives that could have gone there, I would prefer this certainly. Thank you.
1904

1905 Mr. Archer - Did you say your name was Mr. Share?
1906

1907 Mr. Harris - I am sorry. I say it so fast. I am Talmadge Harris.
1908

1909 Mr. Archer - Thank you, sir. I appreciate that.
1910

1911 Mr. William Elmore - Ladies and gentlemen, my name is William Elmore and I
1912 have lived on Mill Road for 60 years, and I live to the east of this property and the
1913 entrances have been probably the biggest dispute on there, but there is a four-lane area
1914 right in there, and I have no opposition to it. Everything I have ever seen that Mr. Attack
1915 has done, and I have seen some of his projects, have always been real well done. I trust
1916 his ability now for the area to be a nice thing. I have lived there like I said for 60 years. I
1917 hate to see the progress but it is there. There is just nothing that we can do about it. So, I
1918 am not opposed to it. Thank you.
1919

1920 Mr. Archer - Thank you, sir. Is there anyone else?
1921

1922 Mr. Silber - You may need to make a decision. You have about three
1923 and a half to four minutes left combined on these cases.
1924

1925 Mr. Hade - Ladies and gentlemen, Maurice Hade is my name and I live
1926 at 11543 Wood Brook Road, Rock Springs Estates, and in looking over this project, this
1927 manor home has a great deal of appeal to me, being over the 55 age category, because I
1928 am seriously considering selling my home and moving into this upscale development.
1929 Thank you very much.
1930

1931 Mr. Archer - Thank you. Is there anyone else? All right. So, now we
1932 will hear from the opposition, and the same rules will apply that we had. We have 10
1933 minutes per case. So, who is first? Please state your name and address for the record.
1934

1935 Ms. Lynn Stevenson - Good evening, Mr. Chairman, and member of the Board.
1936 My name is Lynn Stevenson. I live at 11529 Wood Brook Road in Rock Springs Estates,
1937 and have lived there for over 16 years. I was active in the original zoning case over
1938 11 years ago for the Hunton property. It was of utmost importance then, and I feel that it
1939 still is, to limit the amount of traffic on Mill Road. The whole intention in the original
1940 zoning case for the grade separation of Hunton Parkway was to avoid accessing Mill
1941 Road. Since then, Mr. Attack has purchased the property on the east side of Mill Road for
1942 his Hunton development, and we have had many opportunities to chat. He was even a
1943 guest in my home when we met with neighbors to discuss this plan. The main concern
1944 we all voiced was the ever-increasing traffic on Mill Road. Since then, Mr. Attack has

1945 rezoned his Hunton parcel to allow him to construct 166 new homes. Also approved at
1946 that same time were plans for Henrico County to construct a middle school at the
1947 northern boundary. Currently there are at least 70 new home sites being developed in
1948 Rock Spring Estates. Mill Place has been approved to add at least an additional 25
1949 homes, and Arbill Acres on Mill Road is rumored to open 40 lots. I am not opposed to
1950 Mr. Atack's intended plan to construct upscale age-restricted units abutting Mill Road.
1951 What I am opposed to is the proffer which would allow Mill Road to be the main access.
1952 Once again, I reiterate, the main intention of the community in the previous rezoning case
1953 was exactly to avoid this situation. As we heard, the traffic survey is currently underway.
1954 In my opinion, this is totally useless, since it would be based on current occupancy rates
1955 and would not include the nearly 300 additional properties, which are for sale in the area.
1956 Once again, I emphasize, view the numbers that I have here from the Henrico County
1957 Planning Office. They predict that the age-restricted units would generate approximately
1958 1,500 trips on Mill Road, not the 500 as previously stated by Mr. Atack's attorney. That
1959 number comes to over 4,500 when you include the parcels are zoned for residential
1960 occupancy that are currently for sale. Adding to that, 1,600 vehicles that Mill Road is
1961 currently carrying, and that is also from the Planning Commission (sic), results in a
1962 staggering 6,000 per day, on a two-lane divided road, with no shoulders, just ditches on
1963 the side, and according to County officials, no plans for improvement. Please remember,
1964 I did not even touch on the traffic generated by the Glen Allen Elementary School nor the
1965 proposed middle school. I would like to ask the Planning Board (sic) to please deny the
1966 proposed rezoning as it now stands. As I stated earlier, my intention is not to deny Mr.
1967 Atack the opportunity to build these units, just to turn the major access from Mill Road to
1968 Hunton Parkway. Thank you.

1969

1970 Mr. Archer - Thank you, Ms. Stevenson.

1971

1972 Mr. Wade Kizer - Good evening, Mr. Chairman, and members of the
1973 Commission. My name is Wade Kizer and I live at 11621 Chickahominy Branch Drive.
1974 I've been there since 1992. I am opposed to both of these cases, but preliminary to that, I
1975 would say that both cases are not even ripe for discussion. I say that for these reasons:
1976 There has been very little notice to the homeowners who are going to be affected by these
1977 cases. The blue signs that the County put up just a little bit over a week ago, I think I
1978 talked to Mr. Bittner this week, and I think he told me that July 30 or 31 is when the signs
1979 were put up. He told me that the County policy was to give at least 10 working days, and
1980 that hasn't been given in this case. Everybody who has been involved in the many
1981 attempts to rezone this property over the last six, seven or eight years knows that it has
1982 generated a huge amount of interest. There was one meeting. I met at one of the
1983 churches and some 200 people attended because there is so much concern about rezoning
1984 this particular property. We are here in the height of summer. Many people are on
1985 vacation and many people didn't know about this meeting. Many of the people who are
1986 here tonight didn't know about this meeting until within the last couple of days, and I am
1987 certain that if more notice had been given, you'd probably fill this room with people who
1988 are concerned about both of these cases.

1989

1990 Secondly, with regard to the timing of this, there has been in both cases, as I understand
1991 it, proffers filed within the last couple of days. I went to the County Planning Office on
1992 Monday and paid for copies of the proffers that existed at that time, only to be told today,
1993 this afternoon, that new proffers had been added since that time. The entire purpose for
1994 notice to the public is to give them time to come to the County and review the County file
1995 so they know exactly what is being proposed and what the County's comments have
1996 been, and that hasn't been done in this case. They've allowed new proffers to be filed
1997 within the last couple of days, and maybe today. I don't know when they came in, but
1998 they were not there Monday, when I paid for copies of the proffers at that time.
1999

2000 Lastly, I would say to you that that the County has not met its requirements under Section
2001 15.2-2204 of the Code of Virginia with regard to the affidavit of mailing that needs to be
2002 done before this hearing can go forward. With regards to the merits of the case, again I
2003 ask you to oppose both cases for many of the same reasons that Ms. Stevenson has
2004 already voiced. The people in the community, over the last several years, have been
2005 extremely concerned about traffic on Mill Road. The purpose of the last, or the original
2006 zoning for this entire property, required that a tunnel go underneath of Mill Road so that
2007 there would be no access to Mill Road on either the east side or the west side. Mr. Atack
2008 has now been successful in rezoning the property, the east side of Mill Road. We've
2009 already got access there that we didn't intend, and have fought against, and some 175
2010 new homes in that particular piece of property. Additionally, in that same piece of
2011 property, the County, as I understand it, has already purchased property to build a middle
2012 school that will open up somewhere around 2008 or 2009, so your traffic study is going
2013 to include all of the additional traffic that will be generated when that school opens, and
2014 when it opens, every single student, every single person who goes to the middle school,
2015 as well as Glen Allen Elementary School, has to travel on Mill Road. There is no other
2016 way to get there. You've got to come in from either the north end or the south end, but
2017 the only way to get to either of those schools is going to be to travel on Mill Road. As I
2018 understand the County's documents, some 1,600 trips on Mill Road occur each day
2019 presently, and Ms. Stevenson mentioned, some 300 new homes have already been
2020 approved for development that are going to add to the 1,600 traffic trips that are already
2021 on Mill Road. Now, this proposal for the age-restricted community is going to allow
2022 another access onto Mill Road for 90 new homes, and according to the County, they say
2023 it is going to generate 500 additional trips there. The people who live in this area, and
2024 most of them go to work at 7:30 or 8:00 in the morning, and a lot of them go out by the
2025 elementary school, you first have to get past, navigate your way past the elementary
2026 school which takes a long time, then get to the stop sign at Mill and Mountain Road, and
2027 it is a terrible intersection. It takes a long time now. I can't imagine what three times the
2028 amount of traffic on Mill Road is going to do to that intersection. Mill Road is a narrow
2029 crooked single two-lane road. People who bike on the road now, there is no shoulder on
2030 it, and it is a drop off into a ditch. It is a hazard. I think the speed limit is 45 miles per
2031 hour. You come around a curb and you come upon a biker now, and it is very hazardous.
2032 If you increase the traffic three times what it is now, it is just a matter of time before a
2033 child is hit and killed.
2034

2035 With regards to the age-restricted community, there was overwhelming support at the
2036 Glen Allen Cultural Arts Center, just so long as Mr. Attack would agree to have the
2037 entrance come off of Hunton Parkway as opposed to Mill Road. There was a real estate
2038 agent there in the meeting who said he could sell the units if the entrance was off of
2039 Hunton Parkway. Mr. Attack admitted that the most direct route for people to get to that
2040 community would be off of Hunton Parkway rather than have to come down Mountain
2041 Road and then onto Mill Road and over to 295, to get in there. We are asking simply not
2042 that it not be built, but that you turn the entrance around onto Parkway rather than onto
2043 Mill Road.

2044
2045 Mr. Archer - Mr. Kizer, I hate to interrupt you, but sir we have exhausted
2046 the ten minutes and gone a little bit above it, and the Commission may have some
2047 questions for you, sir. You did mention a Code violation. Could you explain just what
2048 that is?

2049
2050 Mr. Kizer - Yes, sir. That section requires that, in essence, the County
2051 file an affidavit whenever they mail notices of a rezoning meeting to adjacent
2052 landowners. The County filed a certificate that they called an affidavit. It doesn't
2053 contain a notary clause. It doesn't contain the name of the person who administered the
2054 oath to the person who swore to the affidavit, nor the signature of that person, and for that
2055 reason, it is my opinion that it does not qualify as an affidavit. You may disagree, but I
2056 would ask you, you may want to take it up with the County Attorney as to whether he
2057 believes that it qualifies as an affidavit. I don't think it does.

2058
2059 Mr. Archer - That is a little too technical for me, Mr. Kizer.

2060
2061 Mr. Silber - While we are on the subject, let me just try to speak to that,
2062 Mr. Kizer. The affidavit that you are referring to is the affidavit we have been using for a
2063 number of decades. It has never been challenged to my knowledge. We certainly can
2064 confer with the County Attorney to see if there is some legal absence here.

2065
2066 Mr. Kizer - I tell you I brought it to the attention of Mr. Tokarz and Mr.
2067 Rapisarda yesterday and you may want to talk to them. I am not going to speak for them.
2068 I am just saying that it is my opinion that it does not qualify as an affidavit.

2069
2070 Mr. Silber - I am not even aware that an affidavit is required by law,
2071 and I do know that the State law requires we provide notification, written notification to
2072 surrounding property owners. I wasn't aware that there was an affidavit required, but the
2073 County certainly does do that.

2074
2075 Mr. Kizer - I refer you to Section 15.2-2204 of the Code.

2076
2077 Mr. Archer - Thank you, Mr. Kizer.

2078
2079 Mr. Vanarsdall - All right, let me ask you a question. You said that that blue
2080 and white sign was not on the property?

2081
2082 Mr. Kizer - No, I said it wasn't up, according to Mr. Bittner, I believe,
2083 until the 30th or 31st of July.
2084
2085 Mr. Bittner - It was either July 31st or August 1st that our zoning
2086 inspector put it up. He couldn't recall the exact date, but it was one of those dates.
2087
2088 Mr. Kizer - Either way, it was less than 10 working days notice to the
2089 people in the height of summer when many people are on vacation and would probably
2090 have been here had they seen the notice.
2091
2092 Mr. Vanarsdall - Thank you.
2093
2094 Mr. Archer - Are there any other questions of Mr. Kizer? All right, then
2095 I believe Ms. Freye, that you did reserve some time for rebuttal, and we have exhausted
2096 all of it, I think. Haven't we, Mr. Silber?
2097
2098 Mr. Silber - Sir, that was only ten minutes. They are entitled to 20 since
2099 there are two cases.
2100
2101 Mr. Archer - Oh, I am sorry. Is there anybody else that wants to speak,
2102 we still have the time reserved for C-48C-01.
2103
2104 Ms. Dwyer - I would like to ask Mr. Kizer a question about the access
2105 onto Mill Road. Is it your opinion that there could be access to Mill Road, but just not
2106 the main access, or do you want to limit all access?
2107
2108 Mr. Kizer - No. We are asking that there not be any access to Mill
2109 Road, and that is what the citizens in this area have fought for, and been able to maintain
2110 for so many years, and what I have heard many people say so many times that the zoning,
2111 when this Hunton property, the two parcels were done, was the very best zoning case in
2112 Henrico County for many, many years, and now for the last six years there has been an
2113 effort to redo it every year or every two years.
2114
2115 Mr. Archer - Any other questions? Does that answer your question, Ms.
2116 Dwyer? All right, thank you, sir.
2117
2118 Ms. Dwyer - Do we have a site plan for this parcel? Is this it? It is not
2119 in our packet but it is up here (referring to slide). Is that right? We didn't get one in our
2120 zoning packets.
2121
2122 Mr. Bittner - No.
2123
2124 Ms. Dwyer - OK. How many units are in this development?
2125
2126 Mr. Bittner - Ninety.

2127
2128 Ms. Dwyer - And it requires two points of access?
2129
2130 Mr. Vanarsdall - And you have an emergency access.
2131
2132 Ms. Dwyer - We weren't being secretive up here. I was just wanted to
2133 see where the access was planned and, as you know, I had not seen this before tonight, so
2134 I was getting clarification about the access that was planned for Mill Road. No one had
2135 seen it? OK. Maybe we should put it on the slide there.
2136
2137 Mr. Archer - Can we make it any larger?
2138
2139 Ms. Dwyer - Maybe we can, as was just done for my benefit, just show
2140 exactly where the access is planned to be on Mill Road. Mr. Bittner, maybe you could do
2141 that.
2142
2143 Mr. Bittner - There it is. It is a little fuzzy, but the access is basically
2144 across from Bekah Lane on Mill Road.
2145
2146 Mr. Archer - Can everyone see that?
2147
2148 Ms. Dwyer - And is there an emergency access?
2149
2150 Mr. Bittner - The plan at this point would be to have an emergency
2151 access going to the west to the office/service property.
2152
2153 Ms. Dwyer - OK, and where is the Hunton Parkway with relation to this
2154 development?
2155
2156 Mr. Bittner - Where that red dot is (referring to slide).
2157
2158 Ms. Dwyer - So it ends there (referring to slide)?
2159
2160 Mr. Bittner - This is Hunton Park Boulevard right through here (referring
2161 to slide) and it would wrap around through the town homes and basically would end and
2162 not continue through the manor homes.
2163
2164 Mr. Vanarsdall - It begins at Staples Mill Road.
2165
2166 Ms. Dwyer - OK, because on our plan, it looks like the Thoroughfare
2167 Plan calls for Hunton Park to go all the way to Mill Road, so that is not being done?
2168
2169 Mr. Bittner - The MTP, I believe, does require it at this point. That was
2170 put into place, of course, with the 1990 zoning, original zoning case, with Hunton. The
2171 MTP would have to be amended if that were to take place. As I said earlier, with the Mill
2172 Road rezoning for Hunton Estates, we believe that the character of that road has changed.

2173

2174 Mr. Silber - Ms.Dwyer, originally the concept was to run it from
2175 Staples Mill under Mill Road and tie into the property to the east. When the property to
2176 the east was rezoned R-1A, obviously, that no longer was necessary, certainly not to go
2177 underneath Mill Road. So, a spine road, Hunton Parkway, was proposed and has been
2178 recorded into about ½ of the Hunton development west of Mill Road. The dash lines
2179 shown on this map is the dash line that reflects the original alignment that was proposed
2180 with the 1990 rezoning for both east and west of Mill Road. Proposed now, with R-5A,
2181 is access to R-5A onto Mill Road, and the apartment complex would access the parkway
2182 that would access out to Staples Mill.

2183

2184 Ms. Dwyer - Well, given that we are now adding all the residential
2185 development along this parkway, it says Hunton Parkway on here, but Hunton Park
2186 Boulevard, will there actually be less traffic than on Mill Road, because of this scenario
2187 only one phase of the development will access Mill Road, whereas before the entire
2188 parkway or boulevard have accessed Mill Road?

2189

2190 Mr. Silber - No. Previously there was no access to Mill Road. It was
2191 going to go underneath Mill Road, so there was no intersection. Maybe why there is
2192 some concern now is there is more traffic projected with this alternative, however, what
2193 is being contemplated now is all residential accessing Mill Road. Before, there was non-
2194 residential use, and that is why the County was concerned about the non-residential uses
2195 accessing Mill Road. That is why we worked out the arrangement to go underneath Mill
2196 Road.

2197

2198 Ms. Dwyer - I see.

2199

2200 Mr. Kaechele - With this plan limit access to Mill Road to only 82
2201 residential units?

2202

2203 Mr. Silber - Ninety units with the R-5A.

2204

2205 Mr. Archer - Are we clear? All right. Sir, I apologize for making you
2206 wait, but we did not to clear this point up.

2207

2208 Mr. Frank Huddle - That is quite all right. My name is Frank W. Huddle and I
2209 live in 3301 Wood Brook Lane in Rock Springs Estates. I won't reiterate the points that
2210 have already been made other than to say that I am in complete agreement with them.
2211 The whole issue is access to Mill Road, and in addition to the loads that may impact the
2212 roads that are already planned that Lynn spoke about, I'd also like to point out to the
2213 Board, or the Planning Commission, that there is extensive development going on Route
2214 623 in Hanover County, just a few miles from Mill Road, and Mill Road would be used,
2215 at least I believe the road would be used as a cross-over for the West End from those
2216 properties as well. I don't know what additional development plans might be going on in
2217 Henrico County along Cedar Lane, which is Route 623, but they would have an affect on
2218 the traffic pattern as well.

2219

2220 Secondly, this set of proffers that I have is indeed the latest from Mr. Atack. No? OK.
2221 Can you relate upon No. 14 now. Has that changed?

2222

2223 Ms. Dwyer - Yes.

2224

2225 Mr. Huddle - Basically the question that I have here is, the proffer that I
2226 have says that a minimum of 50% of the homes shall have a minimum of 25% masonry.
2227 All in all, that equates to roughly 12% of the surface area of the house will be masonry,
2228 which certainly isn't, does not correspond to the ...so again, we are looking at 50% of the
2229 homes have one-quarter of their sides brick, at a minimum, but that still equates to a
2230 possibility of maybe 12% of the surface area of these homes being brick, which is not
2231 equivalent to the quality of the elevations shown. Any questions?

2232

2233 Mr. Archer - Any questions from the Commission? Thank you, sir.

2234

2235 Mr. Vanarsdall - Thank you.

2236

2237 Mr. Archer - We've got almost seven minutes left.

2238

2239 Ms. Suffa - I know you must be tired. My name is Lynda W. Suffa. I
2240 live at 3330 Wood Brook Lane in Rock Spring Estates. I want to say that I am in total
2241 support of everything that Stevenson said. A couple of things that you might not be
2242 aware of on Mill Road in addition to what Frank was talking about. The large
2243 development up in Hanover is probably less than a mile and a half from where we are
2244 talking about. There is also a well-used railroad track which does interfere with the
2245 traffic on Mill Road. It does back up and it does cause traffic to be interrupted several
2246 times a day, so even with the excessive traffic flow that we are talking about, that is
2247 going to play an important part on how the traffic does flow at peak times.

2248

2249 I also would like to express my concern for the additional folks that are going to be living
2250 in these houses. Unusually, my family style is not 55 and retired. I happen to have twins
2251 that will start the first grade, at 55, which I realize is kind of unusual, but I do believe that
2252 this community probably will generate more traffic than is predicted, and it just seems
2253 reasonable to me that if you have a divided four-lane road that is easily accessible as
2254 opposed to a congested two-lane road, wouldn't it be prudent to use the four-lane divided
2255 highway as opposed to a two-lane congested highway that is already over used?

2256

2257 I did have a question of the County. I noticed in what I believe are the current proffers
2258 that are in the current County suggestions that it talks about an additional access would
2259 be required if the total number of dwellings exceed 82. I was wondering is that a
2260 proposal for a second access to Mill Road, or is that then going to cause a direct access to
2261 Hunton Parkway, which would then cause the traffic from Hunton Parkway also to feed
2262 onto Mill Road?

2263

2264 Mr. Archer - Mr. Foster, would you care to come up and answer that
2265 question.
2266

2267 Mr. Tim Foster - I made that comment about the secondary point of access.
2268 County policy states that if it is a single-family residential development, you have to have
2269 two points of access with 50 units or more. With multifamily or attached development, it
2270 is 82. The Planning Commission has the discretion of making a decision on whether a
2271 boulevard entrance, as shown on this plan, does meet that standard. Our opinion is 82 is
2272 the minimum, but that is not something that is not enforced. That is something that the
2273 Planning Commission decides.
2274

2275 Mr. Vanarsdall - I think she asked about the emergency access.
2276

2277 Mr. Foster - Of course, you've got emergency access. What we
2278 envision, if this is approved with no road, we don't want access to cut through either. As
2279 far as the emergency access goes, what we have proposed, working with Fire, is to have
2280 some kind of surface that a fire truck or emergency vehicle could go over that would then
2281 be grassed over. We've got several of those in the County where unless you knew that it
2282 was an access point, you'd never know it was an access point. And what they can do is
2283 either chain or just have it natural grass and underneath the grass is having the surface, to
2284 be able to carry an ambulance across through there, if needed, but vehicles, standard
2285 vehicles, probably wouldn't even know it was there, and if someone does cut through it,
2286 we have chained them off, just a nice decorative chain.
2287

2288 Mr. Archer - Thank you, Mr. Foster. Did that answer your question,
2289 ma'am?
2290

2291 Ms. Suffa - Yes, it did. I did want to state two other concerns, one is I
2292 am concerned, too, about the percentage of masonry on these dwellings. The other thing
2293 is that this plan still does call for some office buildings that these two proposals won't
2294 wipe out. In fact, they probably will be office buildings at some point on the property,
2295 and as one resident talks about coming over the hill and seeing a 55 or older community
2296 and visualizing single dwelling homes, they will still be looking at an office building.
2297 Thank you.
2298

2299 Mr. Archer - We have a little better than five minutes left.
2300

2301 Mr. Kizer - Can I come back?
2302

2303 Mr. Archer - All right, Mr. Kizer.
2304

2305 Mr. Kizer - That's OK. I would just like to say that I am also opposed
2306 to the apartments and we haven't talked very much about them, but even in the County's
2307 notes, the apartments are going to have an adverse impact on the schools in this area, and
2308 certainly all of us are very concerned with Glen Allen Elementary School. Three
2309 hundred apartments there will empty to Glen Allen Elementary School. Mr. Atack, I

2310 think, or the County documents estimate that that would generate 36 students. Mr. Atack,
2311 I think, says 20 children. I would respectfully say that I don't see how you could expect
2312 only 20 children, elementary school children, to come out of 300 additional apartments.
2313 In my cul-de-sac there are five houses and 11 children that are all approximately
2314 elementary school age. The apartments that are not in the area, other than the 400 or so, I
2315 think, that Mr. Atack is building on the other side of Staples Mill Road. We've got 400
2316 there. We don't need 300 additional ones on this side of Staples Mill Road. So,
2317 respectfully, I would ask you to deny both applications.

2318

2319 Mr. Archer - Thank you, Mr. Kizer. We still have approximately four
2320 minutes left if there is someone who cares to speak. All right. Ms. Freye, I suppose you
2321 have some rebuttal time left. Two and a half minutes.

2322

2323 Ms. Freye - Thank you, Mr. Chairman. In speaking with Mr. Atack
2324 now, since the majority of the folks here spoke in opposition to this, have really focused
2325 on the traffic issues and concerns about Mill Road. You know, we recognized that, even
2326 in our presentation coming before you this evening, but what we would like to do, I think,
2327 at this point in time, is considering the strength in their comments and to have heard some
2328 of the things that they have stated, Mr. Vanarsdall and Mr. Chairman, I think we would
2329 like to ask for a 30-day deferral so we can finish the traffic study, to have an engineered
2330 study that speaks to this specifically instead of just having, and have something to
2331 document that we can put into the case, and that we can report back to the Commission
2332 on. So, we would like to ask for a 30-day deferral on both of these cases, and defer this
2333 until September.

2334

2335 Mr. Archer - Mr. Vanarsdall.

2336

2337 Mr. Vanarsdall - I certainly agree, because of that issue and other issues, and
2338 as a couple of people, Mr. Kizer for one, mentioned the proffer changes that we had to do
2339 to approve the case, so I think that it is a good idea. I will be glad to make the motion,
2340 Mr. Chairman.

2341

2342 Mr. Archer - All right. Go right ahead.

2343

2344 Mr. Vanarsdall - I move that Case C-47C-01, Atack Properties, a Hunton
2345 property, be deferred for 30 days to September 13 at the applicant's request.

2346

2347 Ms. Dwyer - Second.

2348

2349 Mr. Archer - A motion was made by Mr. Vanarsdall and seconded by
2350 Ms. Dwyer. All in favor of the motion say aye. All opposed say no. The motion passes.
2351 The Commission voted 4-0 to defer the case. Mr. Taylor was absent. Mr. Kaechele
2352 abstained.

2353

2354 At the request of the applicant, the Planning Commission voted to defer C-47C-01, Atack
2355 Properties, to its meeting on September 13, 2001.

2356
2357 Mr. Vanarsdall - Before I read the other one, I want to thank everybody for
2358 coming, everybody that spoke for and everybody that spoke against. And we will see
2359 you in 30 days. Now, I would like to move that Case C-48C-01, Attack Properties, a
2360 Hunton property, be deferred to September 13, 2001 at the applicant's request.

2361
2362 Ms. Dwyer - Second.

2363
2364 Mr. Archer - A motion was made by Mr. Vanarsdall and seconded by
2365 Ms. Dwyer. All in favor of the motion say aye. All opposed say no. The ayes have it.
2366 The motion carries. The Commission voted 4-0 to defer the case. Mr. Taylor was absent.
2367 Mr. Kaechele abstained.

2368
2369 At the applicant's request, the Planning Commission voted to defer C-48C-01 to its
2370 meeting on September 13, 2001.

2371
2372 **Deferred from the July 12, 2001 Meeting**

2373 **C-40C-01 John J. Hanky, III for The JJH Corporation:** Request to conditionally
2374 rezone from A-1 Agricultural District to RTHC Residential Townhouse District
2375 (Conditional), Parcels 32-A-15 and 16, containing 4.009 acres, located on the north line
2376 of Mountain Road approximately 780 feet east of the intersection of Woodman and
2377 Mountain Roads (on the east property line of the Mountain Laurel Subdivision), and the
2378 south line of Interstate 295 approximately 150 feet east of the Woodman Road
2379 Interchange. Residential townhouses are proposed. The applicant proposes no more than
2380 thirty (30) units. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net
2381 density per acre.

2382
2383 Mr. Archer - All right. Is anyone here in opposition to Case C-40C-01,
2384 John J. Hanky, III? There is opposition over here. All right. We will get to you in a
2385 minute.

2386
2387 Mr. Householder - Thank you, Mr. Chairman. As you remember, this case
2388 was deferred due to citizen concerns from the adjoining Mountain Laurel Townhouses
2389 with this zoning request. Since the last meeting the applicant has met with members of
2390 Mountain Laurel and revised their proffers to address some of their concerns. Those
2391 proffers have been handed out to you. I will go through them. The first thing that I want
2392 to address is Proffer No. 1. They increased their density from 30 to 31 units. Staff
2393 originally didn't catch the fact that if they increased their density, staff would have to re-
2394 advertise the case, and contacted the applicant and they said, "Well, that is why you see it
2395 crossed out and we are still proposing 30 units at this time." They have intentions of
2396 building 31, but as presented to you tonight it is 30-unit density.

2397
2398 Also, changes to the proffer, Proffer No.7, the applicant reduced the recreation area of
2399 this proffer by 50 feet. Proffer No. 9, language was added in this proffer to specify there
2400 would be at least one length per building in this townhouse development. This language
2401 was added specifically to address concerns from surrounding property owners. The

2402 applicant, at staff's request, proffered a sound suppression rating of 50 to 54. That is a
2403 sound co-efficient rating. Staff still recommends 55. We feel that is what is consistent
2404 with our multifamily guidelines, and we have communicated that to the applicant, but
2405 they have proffered 50 to 54. They have also amended Proffer No. 12 to provide a 20-
2406 foot landscape buffer on either the eastern or western property line, depending on which
2407 way they orient the units. Let me show you, this was a site plan submitted and included
2408 in a staff report (referring to slide). After their meeting with the community, they
2409 realized that they might flip it and move the units to this side (referring to slide) with the
2410 parking to this side (referring to slide). That gets to Proffer No. 13 where the applicant is
2411 committed to build a privacy fence along this property line and along this line (referring
2412 to slide) to address neighborhood concerns, and they wanted to leave Proffer No. 12 with
2413 flexibility in it, depending on which way they decided to orient the units.

2414
2415 Mr.Archer - Mr. Householder, could you define that fence line again?

2416
2417 Mr. Householder - If you follow, can you see this (referring to slide), which is
2418 that there, and then right here (referring to slide) is the way that it is written to be built
2419 along that line no matter what way the units are oriented.

2420
2421 Mr. Archer - OK, thank you.

2422
2423 Mr. Householder - The proposed density is slightly higher than what the Land
2424 Use Plan recommends, but it is lower than the density of the nearby Mountain Laurel
2425 Townhouses. Staff feels that the applicant has proffered elements that will assure a
2426 quality development on this site with the exception of the sound co-efficient rating
2427 proffer, but staff is prepared to recommend approval of this request. I will be glad to
2428 answer any questions that you may have. I will also add that I talked with Jan Bell, who
2429 is the President of the Mountain Laurel Townhouse Civic Association and she indicated
2430 that their Board did vote in support of this request. I think it was done either yesterday or
2431 today. She said that they didn't get a chance to communicate that position of the Board
2432 to the rest of the community, but she called me at 4:00 today to tell me that.

2433
2434 Mr. Archer - Well, thank you, Mr. Householder. Let me ask a question,
2435 if I may, because I am not an expert on sound co-efficient rating. What does it take to go
2436 from 54 to 55?

2437
2438 Mr. Householder - I don't know. Maybe we could ask Mr. Hanky to answer
2439 that question if he is aware of the reasoning obviously for him to choose 50 to 54 in
2440 meeting with his prospective builders.

2441
2442 Mr. Silber - I think it would be good to have him comment on that. Let
2443 me tell you what I do know about that. It is not a whole lot, Mr. Archer.

2444
2445 Mr. Archer - That is more than I know.

2446

2447 Mr. Silber - The State Building Code requires a sound co-efficient of at
2448 least 45. They are looking to increase that State requirement to 49. Our multifamily
2449 design guideline suggests 55. This sound co-efficient can be achieved in a number of
2450 ways, either with additional sheetrock or additional insulation or other techniques, but 55
2451 is the level that we believe is appropriate to up the quality standards in some of our
2452 multifamily guidelines to begin to address sound between units. This is not going to keep
2453 you from hearing your neighbor entirely, but it certainly will provide some better
2454 protection between units.

2455
2456 Mr. Archer - OK. That helps.

2457
2458 Mr. Silber - The difference between 54 and 55, I don't know if it is that
2459 much, but I think the point is that we are trying to achieve a certain quality level and the
2460 County has determined that 55 is the level that is achievable.

2461
2462 Mr. Archer - OK, I suppose Mr. Hanky can answer that. All right. Does
2463 the Commission have any questions for Mr. Householder? I reserve the right to call you
2464 back again, Mr. Householder. All right. We need to hear from the applicant. Mr.
2465 Hanky. You are aware that there is opposition and you may want to reserve some of your
2466 10-minute time as rebuttal time.

2467
2468 Mr. John J. Hanky - I am not real adept at this, but I guess I should reserve two
2469 minutes. I am Jay Hanky, President of JJH Corporation. We didn't prepare to present
2470 this and didn't intend to go through all of the proffers. Obviously, Lee has done a good
2471 job with that and we concur with him on his recommendation for your approval. The one
2472 item that has been changed perhaps I can address. The increase in density from 30 to 31
2473 was a result of a redesign in units to face them the other way. We were able when the
2474 case was originally sent to the County, we started off with 31 and went back to 30
2475 because of the multifamily setback requirements, and then in changing it we were able to
2476 regain the other unit. That was a factor that helped us agree in talking with the owners
2477 there to the privacy fence, knowing that we could get the other additional unit. The other
2478 changes in the proffers we made were all directly related to responding to the concerns
2479 from the homeowners.

2480
2481 With respect to the sound suppression, I don't have any more knowledge than anybody
2482 up there does specifically. I did try to find out about that and my understanding was that
2483 just this month in July that the Board of Supervisors accepted the specific language that
2484 we have included here. They accepted it on another case, so we were trying to follow
2485 what we understood would be acceptable. My understanding is that it is an increase to go
2486 from 54 to 55. It seems small, but it probably is incremental in terms of how much
2487 improvement in the sound suppression that is minor, but the expense probably is not or
2488 not appropriate, but we were trying to do what other phases have already done, again.

2489
2490 Mr. Archer - All right. I understand that, sir. It would seem to me,
2491 whatever it is, that it couldn't cost that much to kick it up one notch, but I honestly don't
2492 know.

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Mr. Hanky - I can't tell you what that is exactly.

Mr. Archer - I am trying to figure out the restitution of (unintelligible). Are there any questions of Mr. Hanky from the Commission members? Sir, I am a little bit concerned about this reorientation of the layout, and I understand that it has been flipped and perhaps staff can help me with this, some, and maybe you, too, Mr. Silber. I am really concerned about what will be facing what. If the prospective purchasers of these townhouses look out the front door, what will they see? I know initially we talked about having things back-to-back, backyard-to-backyard.

Mr. Hanky - And when we first looked at the property and I asked Youngblood Tyler to, you know, our goal from day one was to look at the project next door and I said let's try to do everything that we can to meet setback and side yard requirements. It was a good project next door and we wanted to duplicate it in every way, and it made sense for me to back them up, but after last month's meeting, there were a number of people there. We spent probably two hours out in the hall and then attending another homeowner's meeting. From that prior meeting they had requested that I investigate it, and in looking, we went back to our engineers to "Can it be flipped? Can we do it the other way?" And, in so doing, we did gain another unit. One of the other comments from the first staff report was that I was not aware of initially was that, I get this word mixed up, retention or detention, but basically 50/10 retention would be required would be required for this type of site, so we had to ask the engineers to look into that, the feasibility of that. So, the newer design has been reversed and has addressed that and it looking at the two, I have come, not just because we have gained a unit, but we felt like from a drainage standpoint they may be an advantage to flip it and to have the units back up to the school as opposed to backing them up to the existing town homes. It is a very flat site, and here again, I am not an engineer but my guess is that if we put in a low point beside the parking closer to the adjacent project then I am not able to say that we are going to improve the situation, but it just seems like we would have better ability to perhaps have a positive impact on these folks here.

Mr. Archer - Well, I am not saying it may not be the proper thing to do. I am just looking at it and trying to figure out how far it is from one unit to the back of the other unit, not necessarily the yard but the back of it itself, and the other concern that I think I mentioned to you today, CPTED might have a problem, Mr. Secretary, with the fence. Had you thought about that Randy? This is something that is relatively new to the case and I guess I will speak about this some more after we hear from the opposition. Fences are not, but the problems with fences is that people can hide behind them on either side, and the County Police Department doesn't necessarily frown upon fences, but would like to have them constructed and oriented in such a way that they don't become something that criminals can take advantage of. You've got to remember that a fence has two sides, and when they are on your side you can see them. When they are on the other side you can't, so we will speak to that after we get a chance to talk.

2538 Mr. Hanky - Originally, we did not feel like a fence was necessary. We
2539 thought the two projects were not only similar but also identical, at least that was the
2540 goal, and it did not seem appropriate, but we were trying to respond to the concerns. One
2541 concern that did make a little sense to me with respect to having a fence there was
2542 expressed was concern for parking ratios. There was some concern from the Board, and
2543 the members who were at the meeting that if there was some overflow parking from one,
2544 if there was a fence there, it would limit somebody from parking in the opposite project
2545 and cutting through the back way, and also perhaps from the school.

2547 Mr. Archer - We also don't generally as a rule like to buffer one
2548 residential property from another.

2549
2550 Mr. Hanky- I agree.

2551
2552 Mr. Silber - To address the orientation question, I am not aware of the
2553 details of the drainage. I certainly don't know what conversations took place in the
2554 hallway relative to the concerns of the adjacent property owners, so I would think that
2555 from a design standpoint that typically we would much prefer to have you backup to each
2556 other and not have a parking area, in this case, on the western side, which would be in
2557 someone's backyard. You would then have your units in this new development facing
2558 across the parking, would be facing the rear yard of the other townhouses, so from a
2559 design standpoint, we would much prefer to have these units on the western side of the
2560 property and back up to the townhouses. I don't know the details of the drainage or what
2561 the residents of the existing townhouse project prefer.

2562
2563 Mr. Archer - I think, Mr. Silber, the way they came up, as you remember
2564 from the last meeting, there were concerns from the adjacent townhouse complex that
2565 they already had some drainage problems, which you and I, I remember saying, we can't
2566 really hold Mr. Hanky responsible for what is already there, but I did indicate that there
2567 were some instances in which one new project might help to alleviate the drainage in
2568 another, not that it would occur, but that it could occur, and probably that is how the
2569 discussion came up in your meeting, I would suppose.

2570
2571 Mr. Hanky - I think so, but I think there were also some residents that
2572 felt like having the unit being a little bit further away from the unit was preferable and
2573 there were some folks that said, "I'd rather look out my back window and see the
2574 landscaped front of a unit as opposed to an un-landscaped back of a unit." The attempt of
2575 the proffer with respect to the buffer, I think, has created a situation where the issue
2576 would be resolved at the POD. The only question there would we have proffered because
2577 I felt it was necessary that we satisfy the concerns. The privacy fence would be on that
2578 line either way. And, if there is a privacy fence on that line, it would probably limit the
2579 use of privacy fences on the actual lot lines.

2580
2581 Mr. Archer - Well, if it is configured this way, the privacy fence, if it
2582 were allowed, certainly would change the landscape quite a bit, but, you know, the other

2583 concern that I have is that somebody is going to buy these townhouses and we've got to
2584 consider what they see when they look out their front door.

2585
2586 Mr. Hanky - They would be looking out back to the school. The school
2587 has an existing fence along that property line, and I am sure that, while it is not proffered,
2588 we would probably be having to do some landscaping along that. It is a chain-link fence.

2589
2590 Mr. Archer - OK. Any other questions for Mr. Hanky? The opposition
2591 may now come forward.

2592
2593 Mr. Householder - I just wanted to say one thing real quick. I did contact our
2594 Public Works Department about drainage concerns voiced at the last meeting and they
2595 did go visit the Mountain Laurel Townhouse Development and found no evidence of an
2596 existing drainage problem. Without more specifics, based on just general check out the
2597 community, that is what they came back with, so if we get more specifics, then they can
2598 look into that.

2599
2600 Mr. Archer - OK. While you are there, can you sort of show us what is
2601 on the screen here (referring to slide) where these units would actually sit.

2602
2603 Mr. Householder - I will try. These are the units right here (referring to slide).
2604 This is our outline of the lots. The building footprint is not pictured, but that would be
2605 the last, the 31st unit right there (referring to slide). This would be the parking in this
2606 direction (referring to slide). This would be the buffer area and the circle, these kind of
2607 oblong half circles shown are their guesses as to a type of drainage facility that might be
2608 necessary (referring to slide). The specifics of that are not known – if this would be
2609 required at this time. I did take it over to Public Works and just have them take a look at
2610 it. They thought that maybe these features might not be necessary. There would be a very
2611 slight depression, two to three feet depressions in this area (referring to slide), so that
2612 would impact the appearance of this buffer area, but also to know that if it was to be
2613 reoriented to this side, I think they'd be looking at using that as part of their drainage, to
2614 address drainage also. So, either way you put it, I think this buffer is going to have some
2615 sort of drainage function to insure that it does not impact the nearby properties. But this
2616 was just provided by the applicant as another example.

2617
2618 Mr. Archer - Thank you so much.

2619
2620 Mr. Kaechele - Excuse me. The parking along the front is equivalent to
2621 how many spaces per unit?

2622
2623 Mr. Householder - I didn't count them. It is 2.25 required by Code. It meets
2624 that. So we would have 80 spaces for 31 units. That would exceed the standard. The one
2625 thing that is probably not reflected, these little landscape bump outs; they would have to
2626 be more frequent, so would lose a few spaces in this design here.

2627

2628 Mr. Archer - Do they have ample space to do that? Is that what you are
2629 saying?
2630

2631 Mr. Householder - Yes. The only problem with this design is the way this last
2632 lot is laid out. It is too close to this line; so you would have to provide space between
2633 these two lot lines, so they may have to shift a lot further to get to the road if they were
2634 going to accommodate that one.
2635

2636 Mr. Archer - Do you mean shift the entire project forward?
2637

2638 Mr. Householder - I would think they would have to, or possibly not be able to
2639 construct this.
2640

2641 Mr. Vanarsdall - Are you saying that they could lose a lot?
2642

2643 Mr. Householder - They possibly could. Details have not been worked out.
2644 This has been kind of a cursory review from staff.
2645

2646 Mr. Archer - OK, thank you, Lee. All right. The opposition.
2647

2648 Ms. Salerno - Good evening. My name is Cindy Salerno and I live at
2649 10709 Mountain Ash Drive and I am one of adjacent property owners. I bought my town
2650 home about a year and a half ago and I am a little bit disappointed that our Association
2651 isn't here to represent us today.
2652

2653 I really haven't any prepared statements, but we were not aware, I and this other lady that
2654 is an adjacent property owner, also were not aware that our Association had approved this
2655 plan, and that there was a meeting to go over the issues that we had brought up at the last
2656 meeting. We were not aware of that at all. Some of our concerns, mainly at the last
2657 meeting, that I would like to hear about are the style and quality of the proposed town
2658 homes. I am very concerned about my property values. If I am going to be backing up to
2659 units that are less in quality than the one that I purchased, and also that speaking about
2660 the proposed fence, I agree that I would not like that either. I already have a privacy
2661 fence and if there was another privacy fence in back of my privacy fence, that would
2662 leave just a gutter right there in my back yard, and I don't think I would prefer that at all.
2663

2664 We are also concerned about the noise from 295 once the wooded area was cut down and
2665 how much that would increase the noise in our area, and the drainage problems. I assure
2666 you that we do have drainage problems. It is the heat of the summer and we have had
2667 very little rain, so any study that was done on that in the past few days probably would
2668 have shown that we don't have any drainage problems, but I can assure you that in the
2669 winter time and when we have a lot of rain, we do experience a lot of drainage problems
2670 back there in that area where my property would be up against the new property. And,
2671 they are just some of the things I would like to hear addressed here today, because like I
2672 said, I was unaware of the meeting that the developer had with the Association, and what
2673 was discussed at that time.

2674
2675 Mr. Archer - Ms. Salerno, you are aware in terms of the style and quality
2676 that Mr. Hanky had proposed to build units modeled after the one that you live in.
2677
2678 Ms. Salerno - That is what he has stated, but I think they are limited to
2679 either 8 or 10 units per strip, and as you can see from the plan that was shown earlier, we
2680 have a lot of places where you can drive in and out and a lot of landscaped areas. The
2681 proposed development is just one strip of long town homes, and I don't see any
2682 landscaping plans.
2683
2684 Mr. Archer - Landscaping would be a part that we would attend to when
2685 we had a plan of development on that. It has to be landscaped.
2686
2687 Ms. Salerno - So, they say that it is similar or identical, but all I see is a
2688 big, long strip of town homes and nothing that really looks like what we have in our
2689 community.
2690
2691 Mr. Archer - It would be a requirement that it be landscaped and we
2692 would have to approve the landscaping plan, if it were to be developed. The drainage
2693 problem, I think we tried to address that at the last meeting. We cannot really hold Mr.
2694 Hanky responsible for any pre-existing drainage problems, and he would be required to
2695 submit a drainage plan that would pass approval before he would be able to go forward
2696 with this. And, as far as the woods are concerned from I-295, I think he has indicated that
2697 he would keep 200 feet of natural vegetation that is there.
2698
2699 Mr. Hanky - Yes. That area is the narrower part getting closer to I-295.
2700 That strip back there is about 300 feet long and we proffered at least 200 out of it to
2701 remain wooded, possibly the whole 300 feet, but the land is very flat and I know we are
2702 going to have to stockpile some dirt and we may have to clear a little further back to have
2703 it stockpiled.
2704
2705 Mr. Archer - OK. Well if we go 300 feet we are talking about the length
2706 of a football field. That would be a significant piece of wooded area that would be
2707 remaining. Mr. Hanky, do you have any representation of what your townhouses would
2708 look like? Have you looked at that part yet, that you could show them tonight?
2709
2710 Mr. Hanky - No. We had proffered, I will have to get the numbers, but I
2711 guess No. 2, to have a brick foundation and no cantilevered chimneys and what have you,
2712 and then also No. 4 addresses the square footage minimum. In each case what we try to
2713 do is look at the project next door and we modeled it after that. That was my instructions
2714 to the engineer so that the side yards and backs and what have you would be equal or
2715 greater. When you look at our renderings, at the small project, we maybe could have
2716 done a better job with coloring them up and accentuating the positive and minimizing the
2717 negative, but they are only eight units per building and they are right in a row, but it is a
2718 narrow site so we tried to do the best we could with what we had.
2719

2720 Mr. Archer - Does that give you any level of confidence?
2721
2722 Ms. Salerno - Yes, I understand what he said about they can't be
2723 responsible for any existing drainage problem, but our concern is more that the drainage
2724 problems would increase and I also would prefer, it would make me feel better, to know
2725 that they would be at least equal quality town homes going there, since my property is
2726 completely back to back with these new town homes. I would like to at least see what the
2727 proposed design of these town homes looks like.
2728
2729 Mr. Archer - OK.
2730
2731 Mr. Silber - Could you spell your last name for us, please.
2732
2733 Ms. Salerno - It is Salerno.
2734
2735 Mr. Jernigan - Ma'am, let me ask you something. You say you have a
2736 privacy fence in your backyard?
2737
2738 Ms. Salerno - Yes.
2739
2740 Mr. Jernigan - Are there any more along there?
2741
2742 Ms. Salerno - Yes, I think all except one of the units that directly back
2743 against the proposed property has a privacy fence.
2744
2745 Mr. Jernigan - Thank you.
2746
2747 Mr. Archer - Ms. Salerno, before you sit down, you didn't attend any of
2748 the meetings or whatever meetings they had with the Association, so you are not aware of
2749 the fence proposal at all?
2750
2751 Ms. Salerno - No, we were not given any notice of the meeting with Mr.
2752 Hanky.
2753
2754 Mr. Archer - Is there anybody here? Mr. St. John, were you there? Ms.
2755 St. John? Could you help us, please?
2756
2757 Ms. St. John - I didn't come prepared to speak.
2758
2759 Mr. Archer - That is all right. We won't ask you anything.
2760
2761 Ms. St. John - I am a member of the Board and we do have regular
2762 monthly meetings on the first Wednesday of each month. We had our regular meeting.
2763 Mr. Hanky was invited as our guest to answer some of our questions. The turnout was
2764 very, very low. Why the homeowners were not there, I do not have the answer. I am not
2765 the president of the Board at this time. I have served in that capacity, but not this time.

2766 The homeowners did not attend, but to my satisfaction Mr. Hanky answered all of the
2767 questions that I had to my satisfaction. So far as the fence is concerned, the fence is an
2768 extension of the existing chain-link fence, or anchor fence, from the Lash property to
2769 Mountain Laurel. It is on the southwest side of the property that is under discussion, and
2770 it was a privacy fence. It was discussed at length at the Board and the members present
2771 were pleased that Mr. Hanky had reversed the construction of the building so that the
2772 back did face the school, instead of back to back to Mountain Laurel. Now there are a lot
2773 of privacy fences. Not all of the homeowners have privacy fences. Quite a few do have
2774 them, but a privacy fence would not be a deterrent. It would be a safety factor as well as
2775 a privacy factor to both developments.
2776

2777 Mr. Archer - Ms. St. John, I guess what I was referring to is just like in
2778 the case she made. She already has a fence. So if you put another fence there, then, you
2779 in effect create an alley between the fences.
2780

2781 Ms. St. John - But there is no fence now. It is just a wooded area.
2782

2783 Mr. Archer - But are there some individual fences there?
2784

2785 Ms. St. John - There are some, but all of the units do not have fences.
2786

2787 Mr. Archer - Yes, ma'am, but I am just saying the ones that do...
2788

2789 Ms. St. John - But one continuous fence the length of the property in my
2790 opinion would be an asset, and I don't see it as being a negative factor for persons who
2791 already have fences.
2792

2793 Mr. Archer - What if there were some other kinds of natural screening
2794 instead of a fence?
2795

2796 Ms. St. John- I think the concern of the homeowners from Mountain
2797 Laurel are from the traffic, and now there are some natural trails through the woods that
2798 have been used for people from the school, especially in the spring. The students come
2799 through. They park in Mountain Laurel and go through the path to the school, because I
2800 don't suppose they can park there, or whatever the reason may be, but there is some
2801 traffic, and I think that was some of the concern of the homeowners, and they were also
2802 afraid, too, that there is a parking problem somewhat in District 2 of Mountain Laurel
2803 that without a privacy fence there between the two developments, that we would be
2804 perhaps, well, they'd be parking on our property.
2805

2806 Mr. Archer - There are some merits to the fence in this particular case. I
2807 am always concerned about fences, particularly when we talk about board fences,
2808 because eventually they deteriorate, rot, and you know that one guy hits it with his
2809 lawnmower and knocks a board off. Is he going to get off and walk around the other side
2810 and nail it back up?
2811

2812 Ms. St. John - Well, it would also determine who is going to be
2813 responsible for the fence constructed by Mr. Hanky would be the responsibility of the
2814 Board of that particular complex, not Mountain Laurel. It doesn't necessarily have to be
2815 a fence, as long as it is a privacy fence. It could be of more durable construction. There
2816 are some types of products out as well as some wrought iron products out.
2817

2818 Mr. Archer - Now we are more concerned about the solidity of the fence
2819 more so than the product itself. I know that there are vinyl fences that can be
2820 constructed, and as I mentioned, the police department does have concerns about solid
2821 fences, a 6 or 7-foot fence, because there is no way at all to see what goes on on the other
2822 side. It helps a little bit here, but these are rather densely populated residential districts,
2823 so people have not much of an opportunity to hide as they would in a single-family
2824 residential area. I think that is an issue that we can address to some degree. Mr. Hanky
2825 has agreed to the fence. We haven't talked about materials to any extent, I don't believe.
2826 Have you? You did not proffer a board fence, did you, Mr. Hanky?
2827

2828 Mr. Hanky - It is described in the buffer as a wooden privacy fence.
2829 One of the provisions was it was a continuation of a, it was an actually the first 200 or
2830 300 feet starting at Mountain Road a six foot wooden privacy fence already there, and
2831 initially what I thought was appropriate would be a continuation of the same fence, but
2832 the residents had asked for an 8 foot, and I was trying to be accommodating...
2833

2834 Mr. Archer - So you compromised with a seven-foot fence.
2835

2836 Mr. Hanky - Well, seven is the limit the County permits, if I understand
2837 them correctly. So we tried to do what we were able to do.
2838

2839 Mr. Archer - Mr. Secretary, are we able to have this done so that it can
2840 be in the covenants that the Association would be responsible for maintaining this fence?
2841

2842 Mr. Silber - Yes, sir. The fence on the subject property you are
2843 referring to, if it were in the common area, yes that would be the responsibility of the
2844 Association.
2845

2846 Mr. Hanky- I think it already would be. It would not be a fence on a
2847 personal lot line. Excuse me. That area between the parking lot and the property line
2848 would necessarily be a common area. I am showing my inexperience with town houses.
2849 I have probably been involved with 3000 single-family lots, but this is the first town
2850 house, but it is my understanding that would just be a part of an improvement that is in a
2851 common area and any common area, I would assume, would be the responsibility of the
2852 Association to maintain it.
2853

2854 Mr. Silber - That is correct.
2855

2856 Mr. Archer - OK. Does anybody else have any more questions? I know
2857 we have heard this twice and I don't think that we need to bring it back three times. I do

2858 have some concerns with the way this is laid out, but I do believe that there are some
2859 things that can probably be taken care of between now and time the Board hears this, and
2860 they may want to defer it to make further improvements to it. I am like Mr. Vanarsdall. I
2861 don't like to pass stuff along to the Board that is not really ready, but I think this is close
2862 enough that we can do it. Mr. Hanky, I am going to ask you if you will change that
2863 proffer from 50 to 54 to 55, so we can satisfy the Planning staff with it's sound co-
2864 efficient. I don't know what it will take to do it, and you probably are going to request
2865 before we go back that you have 31 units instead of 30.

2866

2867 Mr. Hanky- Yes.

2868

2869 Mr. Archer - I think that is a fair trade-off. Do we have someone in the
2870 opposition to speak?

2871

2872 Mr. Kenneth Minser - No. I am actually for it. My name is Kenneth Minser. I
2873 work for Ryan Homes and I am just going to – really as a favor – maybe talk to the sound
2874 suppression for just a second. Last month, we had a case with Mr. Wilton that came
2875 through the Board of Supervisors with a range of 50 to 54, knowing that the Code is 45.
2876 Even if it goes to 49, as the State Code, we are already beating that. This project, I don't
2877 mean to be speaking out of turn, and probably most likely we will be involved somehow,
2878 if we can get it worked out right. This design is based on our product, so presumably it
2879 most likely is going to be the exact same thing you see in the back portion of Mountain
2880 Laurel that we already built, and the sound thing. That is about the cost. It actually is
2881 pretty significant. We had a major sound study done on our walls that we are currently
2882 using for product, and it does give us a range of 50 to 54. Polysonics out of Maryland did
2883 a study and we actually asked them what it would take to get the walls to 55 and the
2884 amount of expense is about \$250 per unit to build the extra wall to get the 55 rating, and
2885 the proffer did read a range of 50 to 54, the one that passed last month, and it seemed to
2886 satisfy everybody.

2887

2888 Mr. Archer - What was that?

2889

2890 Mr. Minser - It was on Dumbarton Road.

2891

2892 Mr. Kaechele - What happens if you have a building that has brick on one
2893 side and ...

2894

2895 Mr. Minser - That would not matter. The exterior wall would be brick.
2896 What we are talking about is just in-between units. We did check into what it would take
2897 to get to 55, and it is a substantial. We want to be sensitive to the price ranges that expect
2898 out there, and we do want to increase value for the Mountain Laurel people. Obviously,
2899 we have tried to do that in all of our subdivisions as we move forward and prices go up,
2900 and hopefully the product changes enough that you can justify increases and things like
2901 that, but when you start talking about fences and lights and walls that are 55, it does add
2902 up and it creeps you possibly out of the range that is comfortable for selling, marketing,
2903 and building, so with that said, having had one go through with the range of 50-54, I am

2904 hoping that would satisfy you enough that the Board has already seen that that is OK, just
2905 as recently as last month, so maybe Mr. Hanky won't have to proffer something that
2906 could dramatically increase the cost of these units. Again, we are not involved in these
2907 units. My company is not under contact on this piece. We have just kind of been talking
2908 informally about it, and the layout is designed on the exact same project that we built in
2909 Mountain Laurel, because I think it was just a natural fit that we would be considered for
2910 building that 30 units. But, we do not have any arrangement with Mr. Hanky at all. I am
2911 just helping out.

2912
2913 Mr. Kaechele - Can you say what is involved in building a wall that gives
2914 you 55?

2915
2916 Mr. Minser - No. I am not a structural or sound engineer, but it is, we
2917 would basically have to build another wall, insulation and studs and sheetrock. You
2918 basically have to design a wall that has existing sheetrock – sheetrock and then another
2919 wall basically on one side or the other and it does add to the expense, along with
2920 materials and it can be substantial, and actually, from what Polysonics tells us, different
2921 sounds transmit differently through the walls, so going from 54 to 55, you end up
2922 incurring the cost and you don't necessarily dramatically change the transmission of the
2923 different sounds, so we came to the conclusion that if we could stick with our existing
2924 wall that already has a range between 50 and 54 that that would hopefully be satisfactory
2925 but without increased costs.

2926
2927 Mr. Kaechele - Well, an existing wall is a stud and a couple of..

2928
2929 Mr. Minser - It is a pretty neat thing. I'd be happy to later show you.
2930 We have got all of the stuff, but I don't know the technical terms. It is a gypsum based,
2931 basically a sheetrock on either side, and then you've got these – I don't know if they are
2932 called baffles or something – but you've got these sound suppression devices in the walls
2933 as well. You know, some very good insulation quality. So you not only have insulation
2934 but you have sound suppression as well. I sold these town houses for six years, this exact
2935 product, before I moved into our office, and having sold them, I can tell you that I have
2936 never had a complaint about noise between our units, and to be honest with you, selling,
2937 that is the first thing you would think you would hear if you are telling somebody a story
2938 – that you are not going to hear your neighbor's toilet flush or whatever – I never got a
2939 complaint. My biggest complaint was always parking and you guys seem to have
2940 addressed that, so sound has never really been an issue and we've built I don't know how
2941 many of these things over the years, and they are only getting better. They are getting
2942 bigger and better, and with these walls, I think, these walls would satisfy almost any
2943 buyer as far as sound transmission. With the caveat, that we are not under contract and it
2944 could be somebody else that builds them, but I have a suspicion that if we get some terms
2945 worked out that we would probably be willing to. It makes sense for us. It is a project
2946 that we'd like to build, since it is right near our existing community. I hope that helps.

2947
2948 Mr. Archer - Thank you, sir. I would just like to say that I don't know if
2949 it is that big of an issue, but I assume the Board would want to be consistent with what it

2950 just did, and if they did that last month, perhaps they won't find that so far out of favor.
2951 But there are two things that I think that we do need to take care of, in any event.

2952
2953 Mr. Hanky, you indicated your product would be similar to the one that is next door to us.
2954 I think it would be very helpful in this case if you would proffer that instead of just
2955 indicating it. That would give the Board something to work with if we should decide to
2956 pass it along. This is a narrow strip of land and I realize it is a tough one to have to work
2957 with, but it appears as though, based on what has been said here tonight, the fence won't
2958 be that big of an objection if everybody is out there wants it, and it would help the
2959 appearance between one set of units and the other. Do we have to do this proffer
2960 language tonight or can we wait until it goes to the Board?

2961
2962 Mr. Silber - I think that is up to you, Mr. Archer.

2963
2964 Mr. Archer - Mr. Householder, can you take care of that for me, please,
2965 the proffer language concerning the design of the town houses?

2966
2967 Mr. Householder - Yes. The design, the appearance, the elevations? I think
2968 we can help the applicant with language between now and before the staff's report is
2969 drafted for the Board.

2970
2971 Mr. Archer - And I can tell you that I will be very careful to discuss this
2972 with Mr. Thornton quite a bit before they move forward on it, bearing in mind that
2973 regardless of what decision we make tonight, the Board does have the final decision and
2974 we might recommend no and they can say yes or vice versa. So, with that, and with the
2975 improved language in the proffers, I will move to recommend C-40C-01 to the Board for
2976 approval.

2977
2978 Mr. Vanarsdall - Second.

2979
2980 Mr. Archer - Motion by Archer and second by Mr. Vanarsdall. All in
2981 favor of the motion say aye. All opposed say no. The ayes have it. The motion carried.
2982 The vote was 4-0. Mr. Taylor was absent. Mr. Kaechele abstained.

2983
2984 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
2985 Commission voted 4-0 (one abstention) to recommend that the Board of Supervisors
2986 **grant** the request because it continues a similar pattern of residential development and
2987 the proffered conditions assure a level of quality not otherwise possible.

2988
2989 Mr. Silber - The Board will be hearing this case on September 11 at
2990 7:00 p.m.

2991
2992 Mr. Archer - Ms. Salerno, if you have problems at that time, you can still
2993 reiterate your problems to the Board. Hopefully by then everything will be satisfactory.
2994 Thank you for coming.

2995

2996 Mr. Silber - That concludes the rezoning requests. We do have old
2997 Discussion Items. One is the Consideration of the Planning Commission Calendar. You
2998 may recall this came up at the last meeting. It was deferred to this meeting. We have sent
2999 out a letter to the Planning Commission in your packets with several alternatives that you
3000 may want to consider with the upcoming calendar. The calendar was deferred so that the
3001 Planning Commission could further consider and discuss the possibility of not having a
3002 second Planning Commission meeting in August of 2002. That would be the POD
3003 meeting in 2002. We have spelled out a couple of options, not to belabor this point, but I
3004 guess some choices could be to defer this or approve the first six months of 2002 and
3005 establish the rest of the meeting dates later in the year.

3006
3007 You could approve the Calendar with no second meeting date in August 2002. Number
3008 three would be to approve the Calendar with all 24 meetings, that would be two meetings
3009 per month, or another option would be to defer the Calendar to the September 26th
3010 meeting to allow greater opportunity to evaluate the workload that is placed on these
3011 agendas. It will give you a chance to look at the absence of the second meeting this
3012 August 2001.

3013
3014 Mr. Archer - Personally, Mr. Silber, I haven't had a chance to discuss
3015 this and I don't think any of us have, to any great degree, but I think we have time to
3016 work on this and I think if we did defer it to September, to see how this one shakes out,
3017 so it could give us some indication of how things might look in the future. We haven't
3018 failed yet, because we haven't done it.

3019
3020 Mr. Vanarsdall - Also, Mr. Chairman, we would have a full Commission,
3021 because Mr. Taylor is not here tonight.

3022
3023 Mr. Archer - I really don't know how I feel about this, to be honest with
3024 you. I certainly did not realize it would create a problem when we first brought this issue
3025 up, and maybe it hasn't. I don't know. Apparently there is some concern that we do
3026 need to deal with, so that would be my suggestion. Some of us have been away and have
3027 not had a chance to deal with it very much, but at least that would give us this month of
3028 August to have something to spring off, to see how it works, if everybody is in agreement
3029 with that. I would like everybody else's opinion, too.

3030
3031 Ms. Dwyer - Sounds good.

3032
3033 Mr. Silber - The choice is the Commission's choice. Let me point out
3034 what we know thus far for the September 13th meeting, which is your next meeting. We
3035 do have a – if we do establish a work session, which is a Discussion Item – if we do set
3036 that Discussion, it would be the Sandston Study would come up on September 13th. We
3037 also have a public hearing on a Multifamily Mixed Use Ordinance, a public hearing on
3038 Accessory Dwellings in Office/Business Districts. We would need to set a work session
3039 on the Chesapeake Bay Comp. Plan Amendment, and we do have a public hearing on the
3040 MTP Amendment for Concept Road between Broad Street and Three Chopt Road. The
3041 zoning agenda for September is very heavy.

3042
3043 We have the maximum that we could possibly carry, and a couple of those are some very
3044 large, complicated zoning cases, so I suspect that September 13th Planning Commission
3045 meeting, if it is any indication of missing a meeting in August, this would be an example.
3046 We really are loaded up for September 13th. September 26th you are setting a few more
3047 work sessions on some of these items that we are bringing forward. Now, this may be a
3048 busy time because there are some Land Use Studies, special studies coming along, and a
3049 lot of Ordinance Amendments. That is, I guess, where I was coming from because it has
3050 been a challenge trying to coordinate the setting of these work sessions, working around
3051 the Board's schedule and the Planning Commission's schedule with a lot of these items
3052 coming down. It has been a little bit of a challenge trying to work around the one
3053 missing meeting. It is not so overwhelming that we can't work with it. Whatever you
3054 want to do is fine with us.

3055
3056 Mr. Archer - Let me ask you this, Randy, if I may. We want to settle
3057 this and come up with the best conclusions for everybody. Do you feel like this August
3058 has been unusual in the depth of meetings? We have had quite a lot on our plate this
3059 summer, but it seems like right now with all of these work sessions, do you think that has
3060 had some effect on how the Calendar has been perceived.

3061
3062 Mr. Silber - Maybe that is part of the problem. Maybe this summer has
3063 been busier than the past; therefore, it is more of a challenge to work around the absence
3064 of this second August meeting. I think we pretty much stay busy throughout the year, but
3065 all of a sudden it does seem like we've gotten a backlog of work now that we need to get
3066 scheduled. Maybe it is a function of the workload, all of a sudden, here, late, late August.

3067
3068 Mr. Archer - I don't think it would take too long for us to discuss this at
3069 the end of the meeting and make a decision one way or the other, and at least have a little
3070 bit of ammunition when that time comes, if everybody else agrees to do it. I am in the
3071 middle of the road.

3072
3073 Mr. Silber - So, if I hear what you are saying, you would choose Option
3074 No.4 to defer this to the September 26th meeting?

3075
3076 Mr.Archer - Is that everyone's choice?

3077
3078 Mr. Vanarsdall - I'd vote for No. 4. That is what I'd like to see.

3079
3080 Mr. Silber - What I just ask is that we really do need to decide this on
3081 September 26th, because we need to get this Calendar out to the public.

3082
3083 Mr. Archer - OK, so we will shoot it down one-way or the other.

3084
3085 Mr. Vanarsdall - We haven't done this but once and we don't know the
3086 impact yet, because we are not even off yet.

3087

3088 Mr. Archer - You are not going to vote to hold the August meeting, are
3089 you?
3090

3091 Mr. Vanarsdall - No, not at all! But just to try something one time isn't
3092 much.
3093

3094 Mr. Silber - We do have a Discussion Item to set, a work session for the
3095 Sandston Study. This is the study that Mr. Jernigan is fully aware of. He has been
3096 participating in a series of meetings. Once again, this is a study that is underway in
3097 Sandston. There is a consultant that is working on this. Staff and Mr. Householder have
3098 been very involved with this for probably close to a year, and we are at the verge of
3099 having a recommendation or study completed, and we'd like to brief the Commission on
3100 some of the findings of that study. I think it has been an outstanding opportunity, an
3101 excellent study. A draft is now ready and we would like to take some time to sit down
3102 and talk about this. I think we would invite the consultant to come down and walk us
3103 through this. I think this is a good opportunity, so we are suggesting that it be scheduled
3104 for September 13th.
3105

3106 Mr. Archer - What is the Commission's pleasure?
3107

3108 Mr. Vanarsdall September 13th, Sandston. When are we going to handle
3109 Williamsburg again?
3110

3111 Mr. Silber - Williamsburg is coming up the 26th of September.
3112

3113 Mr. Archer - All right, do we have a motion to accept that?
3114

3115 Mr. Jernigan - I will make a motion.
3116

3117 Mr. Vanarsdall - I will second the motion.
3118

3119 Mr. Archer - Motion made by Mr. Jernigan and seconded by Mr.
3120 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.
3121

3122 Mr. Silber - I have one other thing. I don't see any minutes on here. We
3123 have no minutes. Is that correct? Did we pass this by last month?
3124

3125 Mr. Archer - We missed it last month and we didn't have them. We had
3126 it on the agenda, but we had not gotten the minutes.
3127

3128 Mr. Vanarsdall - No, I received two sets of minutes and they are not on the
3129 agenda. It was the other way around last time.
3130

3131 Mr. Silber - Two sets to be approved?
3132

3133 Mr. Vanarsdall - June 14 and July 12

3134
3135 Mr. Archer - Has everyone read the June minutes?
3136
3137 Mr. Silber - Do you want to defer these until September?
3138
3139 Mr. Vanarsdall - Yes, June 14th and July 12th.
3140
3141 Mr. Silber - Do you want to defer these until September?
3142
3143 Mr. Archer - Yes.
3144
3145 Mr. Silber - I apologize for that. We miss Judy Thomas very much.
3146 One other announcement I have is that, you may have noticed if you pay any attention to
3147 JoAnn that she is on the verge of starting her family and so we have made a temporary
3148 personnel change that you all need to be aware of. JoAnn should be going out on
3149 maternity leave any day, maybe a week or two, but it could be any day. When JoAnn
3150 goes out on maternity leave, that section will be down two key staff. We will not have a
3151 Principal Planner. We will not have an Acting Principal Planner. We do not have Judy
3152 Thomas. We are struggling in that section. To save the day, we have decided to move
3153 Dave O'Kelly over to that section on a temporary basis to oversee Comprehensive
3154 Planning. So, he will be in that section until we tell him otherwise. Hopefully, we can
3155 soon find a replacement and put a permanent Principal Planner in there and he can be put
3156 back into his old position. We really appreciate Dave helping us out and overseeing that
3157 section. So, therefore, you will not see Dave at the POD meetings during this period of
3158 time, as Jim Strauss and Leslie News will be taking over those responsibilities. So, bear
3159 with us as we try to get through this.
3160
3161 Mr. Vanarsdall - Does he have enough experience to handle that?
3162
3163 Mr. Silber - Well, he only has 33 years.
3164
3165 Mr. Jernigan - I move we adjourn.
3166
3167 Ms. Dwyer - Did we adjourn?
3168
3169 Mr. Archer - We have a motion for adjournment. Can we have a
3170 second?
3171
3172 Ms. Dwyer - Second.
3173
3174 Mr. Archer - The meeting is adjourned at 11:10 p.m.
3175
3176 There being no further business, acting on a motion by Mr. Jernigan, seconded by Ms.
3177 Dwyer, the Planning Commission adjourned its meeting at 11:10 p.m. on August 9, 2001.
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Chris W. Archer, C.P.C., Chairman

Randall R. Silber, AICP, Acting Secretary