

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia, held in  
2 the Board Room of the County Administration Building, Parham and Hungary Spring Roads at  
3 7:00 p.m. on August 15, 2002, Display Notice having been published in the Richmond Times-  
4 Dispatch on July 25, 2002 and August 1, 2002.

5  
6 Members Present: Mr. Allen Taylor, P.E., C.P.C., Chairperson, Three Chopt  
7 Mr. E. Ray Jernigan, C.P.C., Vice Chairperson, Varina  
8 Mr. C. W. Archer, C.P.C., Fairfield  
9 Mr. Ernest B. Vanarsdall, C.P.C., Brookland  
10 Mrs. Lisa D. Ware, Tuckahoe  
11 Mr. Frank J. Thornton, Board of Supervisors, Fairfield  
12 Mr. John R. Marlles, AICP, Secretary, Director of Planning

13  
14 Others Present: Mr. Randall R. Silber, Assistant Director of Planning  
15 Mr. Joe Emerson, Principal Planner  
16 Mr. Lee Householder, County Planner  
17 Mr. Mark Bittner, County Planner  
18 Mr. Tom Coleman, County Planner  
19 Mr. Paul Gidley, County Planner  
20 Mr. Seth Humphreys, County Planner  
21 Ms. Jean Moore, County Planner  
22 Ms. Debra Ripley, Recording Secretary

23  
24 Mr. Frank J. Thornton, the Board of Supervisors Representative, abstains on all cases unless  
25 otherwise noted.

26  
27 Mr. Taylor - I want to welcome everybody to the August Zoning Meeting and  
28 we have a relatively full agenda tonight, and we want to welcome everybody here and look  
29 forward to an interesting discussion and getting the agenda underway. And with that, I will  
30 turn the program over to our Secretary, Mr. Marlles.

31  
32 Mr. Archer - Mr. Chairman, before you begin, may I have just a moment  
33 please?

34  
35 Mr. Taylor - Yes, you may.

36  
37 Mr. Archer - I would just like to take this opportunity to thank the Commission  
38 and the staff members and all of the other people who performed so many acts of kindness at  
39 the passing of my mother three weeks ago today. My family and I all appreciate it. It was very  
40 uplifting and I can't thank you enough.

41  
42 Mr. Taylor - Thank you very much.

43  
44 Mr. Vanarsdall - You are very welcome, Mr. Archer.

45  
46 Mr. Taylor - And with that we will turn the meeting over to Mr. Marlles, our  
47 Secretary.

48  
August 15, 2002

49 Mr. Marlles - Thank you, Mr. Chairman. Good evening members of the  
50 Planning Commission. We do have a full quorum and we can conduct business. We do have, as  
51 the Chairman mentioned, quite a few items on the agenda. We do have a number of  
52 withdrawals and deferrals as well, and with that, I am going to ask Mr. Emerson if he would  
53 review those.

54  
55 Mr. Emerson - Yes, sir, Mr. Secretary. We have two withdrawals tonight.

56  
57 **Deferred from July 11, 2002 Meeting:**

58 **P-7-02 Jared Ledet for VoiceStream Wireless:** Request for a  
59 provisional use permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code  
60 in order to construct and operate a telecommunications tower extendable to 199 feet and  
61 related equipment and also to install a temporary tower for 90 days, on part of Parcel 798-696-  
62 8886 (213-A-2), containing 10,000 square feet, located on the east side of Osborne Turnpike  
63 approximately 1,700 feet north of Sholey Road (7000 Osborne Turnpike). The existing zoning is  
64 A-1 Agricultural District. The Land Use Plan recommends Office.

65  
66 Mr. Taylor - Is there anybody in the audience who is opposed to withdrawing P-  
67 7-02? No opposition.

68  
69 Mr. Vanarsdall - I wouldn't be in opposition if I could find it.

70  
71 Mr. Emerson - It is on Page 5 at the bottom.

72  
73 Mr. Vanarsdall - Now we are with you, Mr. Emerson.

74  
75 Mr. Emerson - The final agenda is page 6. You may still have the preliminary.  
76 That might be where we are getting confused. The next withdrawal is C-46C-02. It is on Page 2  
77 of the agenda.

78  
79 **C-46C-02 Robert M. Atack:** Request to conditionally rezone from A-1  
80 Agricultural District to RTHC Residential Townhouse District (Conditional), part of Parcel 776-  
81 766-3112 (32-A-8), containing 1.075 acres, located approximately 180 feet east and 275 feet  
82 south of the intersection of Woodman and Mountain Roads (10571 Woodman Road).  
83 Residential townhouses for sale are proposed. The applicant proffers to develop no more than  
84 7.2 units/acre. The use will be controlled by proffered conditions and zoning ordinance  
85 regulations. The Land Use Plan recommends Office.

86  
87 Mr. Vanarsdall - We don't need any action on these, do we?

88  
89 Mr. Emerson - No, sir.

90  
91 Mr. Taylor - Then I guess we will be able to go to our first case, Mr. Secretary.

92  
93 Mr. Emerson - No, sir. We have a number of deferrals and several expedited  
94 items.

95

96 **C-45C-02 Mountain–Woodman LLC:** Request to conditionally rezone from  
97 A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), part of Parcel  
98 775-763-5984 (41-A-24), containing 0.420 acre, located approximately 700 feet east and 550  
99 feet south of the intersection of Woodman and Mountain Roads. Additional property for an  
100 adjoining future townhouse development is proposed. The applicant proffers to develop no  
101 more than 7.2 units/acre. The use will be controlled by proffered conditions and zoning  
102 ordinance regulations. The Land Use Plan recommends Open Space/Recreation.  
103

104 Mr. Emerson - This is on page 2 of your agenda. The deferral is requested to  
105 September 12, 2002. The request is to rezone from A-1, Agricultural District, to RTHC,  
106 Residential Townhouse District.  
107

108 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral  
109 of Case C-45C-02? No opposition. Then I will move that Case C-45C-02 be deferred to  
110 September 12, 2002, at the applicant's request.  
111

112 Mr. Archer - Second.  
113

114 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Archer. All in  
115 favor say aye. All opposed say no. The motion passes.  
116

117 At the request of the applicant, the Planning Commission deferred Case C-45C-02, Mountain–  
118 Woodman LLC, to its meeting on September 12, 2002.  
119

120 Mr. Emerson - The next deferral is on page 3 of your agenda.  
121

122 **SUBDIVISION (Deferred from the July 24, 2002, Meeting)**

The Park at Twin Hickory Collector Roads – Old Nuckols Road (July 2002 Plan)	<b>Youngblood, Tyler &amp; Associates, P.C. for HHHunt Corporation:</b> The 8.44 acre site is located on the west side of Nuckols Road across from the intersection of Nuckols Road and Opaca Lane on part of parcels 745-768-7374, 745-769-6845, 5071, 6789, 746-770-0619, 1492, 4038, 745-770-0962, 747-771-2430 and 3965. The zoning is A-1, Agricultural District, RTHC, Residential Townhouse District (Conditional), O-3C, Office District (Conditional), R-5AC, General Residence District (Conditional) and R-6C, General Residence District (Conditional). County water and sewer. <b>(Three Chopt) 0 Lots</b>
---	---

123  
124 Mr. Emerson - The deferral is requested to September 25, 2002.  
125

126 Mr. Taylor - Is there anybody in the audience who is opposed to the  
127 subdivision for The Park at Twin Hickory? No opposition, Mr. Secretary. I will move The Park at  
128 Twin Hickory Collector Roads – Old Nuckols Road (July 2002 Plan) be deferred until September  
129 25, 2002, at the request of the applicant.  
130

131 Mr. Jernigan - Second.  
132

133 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in  
134 favor say aye. All opposed say no. The motion passes.

135  
136 At the request of the applicant, the Planning Commission deferred Subdivision The Park at Twin  
137 Hickory Collector Roads – Old Nuckols Road (July 2002 Plan), until September 25, 2002.  
138

139 **Deferred from the June 13, 2002 Meeting:**

140 **C-26C-02 Andrew M. Condlin for Dr. George Oley:** Request to conditionally rezone  
141 from R-2 One Family Residence District to O-1C Office District (Conditional), part of Parcel 754-  
142 747-5266 (79-A-71B), containing approximately 0.19 acre, located at the southwest intersection  
143 of Michael Road and Fawn Lane (south line of Michael Road approximately 150 feet east of N.  
144 Parham Road). Additional parking for an existing dental office is proposed. The use will be  
145 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
146 recommends Office.  
147

148 Mr. Emerson - The deferral is requested to October 10, 2002.  
149

150 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of  
151 Case C-26C-02 to October 10, 2002. No opposition. I will move, therefore, that Case C-26C-02  
152 be deferred until October 10, 2002, at the applicant's request.  
153

154 Mr. Vanarsdall - Second.  
155

156 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall to  
157 defer Case C-26C-02. All in favor say aye. All opposed say no. The motion passes.  
158

159 At the request of the applicant, the Planning Commission deferred Case C-26C-02, Andrew M.  
160 Condlin for Dr. George Oley, to its meeting on October 10, 2002.  
161

162 **Deferred from the July 11, 2002 Meeting:**

163 **C-11C-02 Webb L. Tyler for Parham Road Self-Storage, LLC:** Request to conditionally  
164 rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional), Parcel 748-  
165 770-8794 (19-A-27); 11140 Ford's Country Lane, containing 6.668 acres, located on the east  
166 line of Ford's Country Lane approximately 440 feet east of its intersection with Nuckols Road  
167 and New Wade Lane. A mini-storage facility is proposed. The use will be controlled by  
168 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends  
169 Office/Service.  
170

171 Mr. Emerson - The deferral is requested to September 12, 2002.  
172

173 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of  
174 Case C-11C-02 to September 12, 2002? There being no opposition, I will move that Case C-  
175 11C-02 be deferred until September 12, 2002, at the applicant's request.  
176

177 Mr. Jernigan - Second.  
178

179 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan to defer  
180 Case C-11C-02 to September 12. All in favor say aye. All opposed say no. The ayes have. The  
181 motion passes.  
182

183 At the applicant's request, the Planning Commission deferred Case C-11C-02, Webb L. Tyler for  
184 Parham Road Self-Storage, LLC, to its meeting on September 12, 2002.

185

186 **Deferred from the July 11, 2002 Meeting:**

187 **C-36C-02 Jim McVey:** Request to conditionally rezone from R-2 One Family  
188 Residence District to O-1C Office District (Conditional), Parcel 754-747-3878 (79-A-70),  
189 containing approximately 0.32 acre, located at the southeast intersection of Michael and  
190 Parham Roads (8481 Michael Road). An office building is proposed. The use will be controlled  
191 by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends  
192 Office.

193

194 Mr. Emerson - The deferral is requested to September 12, 2002.

195

196 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of  
197 Case C-36C-02 to September 12? Then I will move that Case C-36C-02 be deferred until  
198 September 12 at the applicant's request.

199

200 Mr. Jernigan - Second.

201

202 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in  
203 favor say aye. All opposed say no. The motion passes.

204

205 At the request of the applicant, the Planning Commission deferred Case C-36C-02, Jim McVey,  
206 to its meeting on September 12, 2002.

207

208 **C-49C-02 Jack R. Wilson, III:** Request to conditionally rezone from O-3C  
209 Office District (Conditional) to B-2C Business District (Conditional), Parcel 749-761-3214 (48-5-  
210 A-12A), containing 2.905 acres, located on the north line of Innslake Drive approximately 400  
211 feet east of Cox Road (4051 Innslake Drive). A hotel/motel (signage) is proposed. The use will  
212 be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
213 recommends Office.

214

215 Mr. Emerson - The deferral is requested to September 12, 2002.

216

217 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of  
218 Case C-49C-02 to September 12? No opposition, Mr. Secretary. Therefore, I will move that  
219 Case C-49C-02 be deferred until September 12 at the applicant's request.

220

221 Mr. Vanarsdall - Second.

222

223 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall to  
224 defer Case C-49C-02 to September 12, 2002. All in favor say aye. All opposed say no. The  
225 motion passes.

226

227 At the request of the applicant, the Planning Commission deferred Case C-49C-02, Jack R.  
228 Wilson, III, to its meeting on September 12, 2002.

229

230 **Deferred from the July 11, 2002 Meeting:**

231 **C-42C-02 Malachi M. Mills for Marchetti Property I, LLC:** Request to  
232 conditionally rezone from R-2 One Family Residence District to O-2C Office District  
233 (Conditional), Parcel 765-764-5100 (40-A-23; 10120 Staples Mill Road), containing 0.672 acre,  
234 located on the west side of Staples Mill Road (U. S. Route 33) approximately 300 feet north of  
235 Warren Road. An office development is proposed. The use will be controlled by proffered  
236 conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban  
237 Residential 1, 1.0 to 2.4, units net density per acre.

238  
239 Mr. Emerson - The deferral is requested to September 12, 2002.

240  
241 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of  
242 Case C-42C-02 to September 12, 2002? No opposition, Mr. Vanarsdall.

243  
244 Mr. Vanarsdall - I see Mr. Condlin in the audience and I want to thank you for  
245 deferring this, you and Bill Axselle. I think it will probably work out and if we can't then we will  
246 go forward in another way. Thank you. I move that Case C-42C-02 be deferred to September  
247 12, 2002 at the applicant's request.

248  
249 Mr. Archer - Second, Mr. Chairman.

250  
251 Mr. Taylor - Motion was made by Mr. Vanarsdall and seconded by Mr. Archer  
252 to defer Case C-42C-02. All in favor say aye. All opposed say no. The motion passes.

253  
254 At the applicant's request, the Planning Commission deferred Case C-42C-02, Malachi M. Mills  
255 for Marchetti Property I, LLC, to its meeting on September 12, 2002.

256  
257 Mr. Emerson - Mr. Chairman, that completes the withdrawal and deferral items.  
258 We do have three items on the Expedited Agenda tonight.

259  
260 **Deferred from the May 9, 2002 Meeting:**

261 **C-6C-02 Michael J. Kelly for L-C Corporation:** Request to amend  
262 proffered conditions accepted with rezoning case C-14C-87, on Parcel 749-760-0500 (48-A-45)  
263 (Universal Ford), containing 4.057 acres, located on the south line of West Broad Street (U. S.  
264 Route 250) approximately 400 feet east of Cox Road. The amendment is related to eliminating  
265 the buffer on the south line of the property. The existing zoning is B-3C, Business District  
266 (Conditional). The Land Use Plan recommends Commercial Concentration.

267  
268 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-6C-02  
269 being approved on the Expedited Agenda? No opposition. Therefore, I will move that Case C-  
270 6C-02 be approved on the Expedited Agenda at the request of the applicant.

271  
272 Mr. Vanarsdall - Second.

273  
274 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in  
275 favor say aye. All opposed say no. The motion passes.

276

277 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning  
278 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
279 request because it is not expected to adversely impact surrounding land uses in the area.  
280

281 **Deferred from the May 9, 2002 Meeting:**

282 **C-7C-02 Michael J. Kelly for L-C Corporation:** Request to conditionally  
283 rezone from A-1 Agricultural District to B-3C Business District (Conditional), part of Parcel 748-  
284 759-9860 (48-A-44), containing 0.687 acre, located on the east line of Cox Road approximately  
285 600 feet south of West Broad Street (U. S. Route 250). Automobile dealership parking and  
286 accessory uses are proposed. The uses will be controlled by zoning ordinance regulations and  
287 proffered conditions. The Land Use Plan recommends Commercial Concentration.  
288

289 Mr. Taylor - Is there anyone in the audience who is opposed to the approval of  
290 Case C-7C-02 on the Expedited Agenda? No opposition. Therefore, I will move approval of  
291 Case C-7C-02 on the Expedited Agenda.  
292

293 Mr. Vanarsdall - Second.  
294

295 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in  
296 favor say aye. All opposed say no. The motion passes.  
297

298 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning  
299 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
300 request because it continues a form of zoning consistent with the area.  
301

302 **C-48C-02 James W. Theobald for PF Colonnades West Corporation:**  
303 Request to amend proffered conditions accepted with rezoning case C-22C-95, on Parcel 747-  
304 759-8591 (48-A-47), containing 15.1102 acres, located at the southwest intersection of W.  
305 Broad Street (U. S. Route 250) and Cox Road (10901 W. Broad Street). The amendment would  
306 restate the proffer describing fast foods delivery uses and restaurants (Proffer 7. (15),  
307 prohibited uses) to read, "Restaurants with drive through windows." The existing zoning is B-  
308 2C Business District (Conditional). The Land Use Plan recommends Commercial Concentration.  
309

310 Mr. Taylor - Is there anyone in the audience who is opposed to the approval of  
311 Case C-48C-02 on the Expedited Agenda? No opposition. I will move approval of Case C-48C-  
312 02 on the Expedited Agenda.  
313

314 Mr. Vanarsdall - Second.  
315

316 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in  
317 favor say aye. All opposed say no. The motion passes.  
318

319 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning  
320 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
321 request because it is compatible with the existing uses and zoning on the property and the  
322 surrounding area, and it is consistent with the Goals, Objectives and Policies of the 2010 Land  
323 Use Plan in that it is not expected to have any adverse effects on the area.  
324

325 Mr. Emerson - Mr. Chairman, that completes the Expedited, Withdrawals and  
326 Deferrals for tonight.

327  
328 Mr. Taylor - Thank you very much, Joe. Now we go to the next case.  
329

330 **Deferred from the July 11, 2002 Meeting:**

331 **C-43C-02 Andrew M. Condlin for Richmond International Raceway:**  
332 Request to conditionally rezone from A-1 Agricultural District, C-1 Conservation District, and M-1  
333 Light Industrial District to O-2C Office District (Conditional), C-1 Conservation District, and M-1  
334 Light Industrial District, part of Parcel 796-747-9944 (86-A-2; 5900 Richmond-Henrico  
335 Turnpike), containing approximately 57.084 acres, located along Upham Brook on the west line  
336 of the CSX Railway and the Richmond-Henrico Turnpike approximately 900 feet south of the  
337 Hanover-Henrico County Line and approximately 1,700 feet northeast of the Turnpike's  
338 intersection with Azalea Avenue. Addition of property to the existing Richmond International  
339 Raceway facility for various uses including parking is proposed. The O-2C uses will be  
340 controlled by proffered conditions and zoning ordinance regulations. The M-1 uses will be  
341 controlled by zoning ordinance regulations. The Land Use Plan recommends Planned Industry  
342 and Environmental Protection Area.  
343

344 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.  
345

346 Mr. Bittner - Mr. Marlles, I would like to point out that the second case is  
347 related to this one, and perhaps we could hear them both at the same time.  
348

349 Mr. Marlles - Thank you for pointing that out, Mr. Bittner. The second case,  
350 which is a companion case, was also deferred from the July 11, 2002 meeting.  
351

352 **Deferred from July 11, 2002 Meeting:**

353 **P-12-02 Andrew M. Condlin for Richmond International Raceway:**  
354 Request for a provisional use permit under Sections 24-62.2(k) and 24-122.1 of Chapter 24 of  
355 the County Code in order to allow for additional acreage to be added to the Richmond  
356 International Raceway facility and to update the existing provisional use permit, on Parcels 797-  
357 748-0583 (86-A-1), 796-747-9944 (86-A-2; 5900 Richmond-Henrico Turnpike), 799-745-7579  
358 (86-A-4), 795-743-1283 (96-A-29A), 796-745-8505 (96-A-29B), 794-743-0840 (96-A-30A), 796-  
359 740-2482 (96-A-42A) and 798-740-1078 (107-A-1A) containing approximately 783.03 acres.  
360 The additional acreage is located along Upham Brook on the west line of the CSX Railway and  
361 the Richmond-Henrico Turnpike approximately 900 feet south of the Hanover-Henrico County  
362 Line and approximately 1,700 feet northeast of the Turnpike's intersection with Azalea Avenue.  
363 The existing zoning is B-3, B-2, B-1, R-6, R-3, M-2, M-1, M-1C, A-1 and C-1. The Land Use Plan  
364 recommends Commercial Concentration, Office, Office/Service, Light Industry, Planned Industry  
365 and Environmental Protection Area.  
366

367 Mr. Bittner - Thank you, Mr. Marlles.  
368

369 Richmond International Raceway (RIR) is requesting expansion of the existing raceway facility by  
370 providing an additional 75-acre parking area. This request would expand the master plan to an  
371 overall total of 783.03 acres. The expanded parking area is located on the north side of  
372 Richmond-Henrico Turnpike and is mostly wooded.



373  
374 As a result of much discussion between the County and the applicant, both the proffers and the  
375 Provisional Use Permit conditions have been revised. I would like to point out that the proffers  
376 were revised just today, so we would need to waive the time limit in order to accept them. The  
377 proffers now contain larger buffers, including a 45-foot buffer along Richmond-Henrico Turnpike  
378 and a 25-foot buffer along the western border of the site. Previously these buffers were only 20'  
379 in depth.

380  
381 The PUP conditions have also been updated to reflect the increased buffers and to address other  
382 outstanding issues:

383  
384 Condition 6 has been revised to state that a phasing component will be provided that addresses  
385 how and when a pedestrian movement plan will be implemented. This pedestrian movement  
386 plan will include measures for safely and efficiently moving pedestrians across Richmond-  
387 Henrico Turnpike to and from the raceway complex.

388  
389 Condition 7 on page 2 of the packet we handed out to you just now has been revised to state  
390 that right-of-way for Concept Road 85-1, which runs right through the middle of this property,  
391 the right of way for this road shall be dedicated prior to final construction plan approval, or at  
392 the request of the County. The revisions also state this dedication shall be by recordation of a  
393 subdivision plat.

394  
395 The proposed use is consistent with the 2010 Plan and with surrounding development. The  
396 revised proffers provide increased buffers, and the new PUP conditions address issues relating  
397 to pedestrian movement and the dedication of Concept Road 85-1. Staff recommends approval  
398 of both applications. I would be happy to answer any questions you may have. And again, I  
399 would like to point out the proffer time limit would need to be waived to accept this.

400  
401 Mr. Taylor - Thank you, Mr. Bittner. Is there anyone in opposition to Case C-  
402 43C-02 or P-12-02? No opposition.

403  
404 Mr. Archer - Mr. Bittner, I have one question. In revised condition #7, at time  
405 of final construction plan approval on such property, or at the request of the County, and that is  
406 irrespective of any kind of time limit, at the request of the County?

407  
408 Mr. Bittner - Yes. It means whenever we may request it. However, they are  
409 moving forward and they are planning on doing all of this, and we don't plan on springing any  
410 surprises on them.

411  
412 Mr. Archer - OK. Very good.

413  
414 Mr. Taylor - Any other questions for Mr. Bittner on the part of the  
415 Commission? I guess, Mr. Archer, we are ready for a motion.

416  
417 Mr. Archer - All right, Mr. Chairman.

418  
419 Mr. Vanarsdall - Is there any opposition in this case?  
420

421 Mr. Taylor - Not that I saw. Is there any opposition that I didn't see? No  
422 opposition.

423  
424 Mr. Archer - Well, it is always good for me to get more parking for the  
425 raceway, particularly when it moves traffic away from the residential component out there. First  
426 of all, I need to move to waive the proffers that were received today on C-43C-02.

427  
428 Mr. Vanarsdall - Second.

429  
430 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall to  
431 waive the time limits for the proffers. All in favor say aye. All opposed say no.

432  
433 The Planning Commission waived the time limits on Case C-43C-02.

434  
435 Mr. Archer - Then I move for approval of Case C-43C-02 with the new proffers  
436 as stated.

437  
438 Mr. Vanarsdall - Second.

439  
440 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All  
441 in favor say aye. All opposed say no. The motion passes.

442  
443 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
444 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
445 request because it continues a form of zoning consistent with the area and it would provide an  
446 added service to the community.

447  
448 Mr. Archer - I move to waive the time limits on the revised conditions received  
449 with P-12-02.

450  
451 Mr. Vanarsdall - Second.

452  
453 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall to  
454 waive the time limits on Case P-12-02. All in favor say aye. All opposed say no. The motion  
455 passes.

456  
457 The Planning Commission waived the time limits for conditions on Case P-12-02.

458  
459 Mr. Archer - All right. I move to recommend to the Board for approval P-12-02,  
460 Richmond International Raceway.

461  
462 Mr. Vanarsdall - I second that.

463  
464 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All  
465 in favor say aye. All opposed say no. The motion passes.

466  
467 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
468 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the

469 request because it is reasonable in light of the surrounding uses and existing zoning on the  
470 property and would provide an added service to the community.

471  
472 **C-25C-02 James W. Theobald for Alvin S. "Spud" Mistr, Jr.:** Request to  
473 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District  
474 (Conditional) and RTHC Residential Townhouse District (Conditional), Parcels 784-759-7593  
475 (53-A-26), 785-760-2106 (53-A-27), 785-759-8052 (53-A-28), and 785-759-0085 (53-5-A-1),  
476 containing 30.05 acres (10.43 ac. in R-3C; 19.62 ac. in RTHC), located along the east line of  
477 Telegraph Road approximately 800 feet north of Mountain Road and along I-95 approximately  
478 1,100 feet north of Scott Road. Single family residences at a density of 2.97 units per acre and  
479 172 town homes are proposed. The use will be controlled by proffered conditions and zoning  
480 ordinance regulations. The Land Use Plan recommends Planned Industry.

481  
482 Mr. Marlles - The staff report will be given by Mr. Lee Householder.

483  
484 Mr. Taylor - Is there any opposition in the audience to case C-25C-02? No  
485 opposition. Mr. Householder.

486  
487 Mr. Householder - Thank you, Mr. Chairman, and members of the Commission.

488  
489 As Mr. Marlles pointed out the property is located along the east line of Telegraph Road  
490 approximately 800 feet north of Mountain Road and along I-95 (it is circled in yellow on this  
491 aerial photography photo) approximately 1,100 north of Scott Road. The surrounding  
492 development along this portion of Telegraph Road consists of large lot single-family residences  
493 on the east side of Telegraph and a mini storage warehouse on the west side of Telegraph  
494 Road. The subject site is mostly wooded and there is a small home on the eastern portion of  
495 the property adjacent to Interstate 95.

496  
497 In this case, the applicant is proposing to develop 172 townhouse units and single-family  
498 residences at a maximum density of 2.97 units per acre. They have submitted a layout showing  
499 31 single-family lots and proffered no more than 172 townhouses units on the remainder of the  
500 property.

501  
502 The County's 2010 Land Use Plan recommends the subject property for Planned Industry. The  
503 proposed residential uses in this case do not comply with this designation. This proposal,  
504 combined with other development inquires in the vicinity of this request, prompted the Planning  
505 Office to conduct a small area land use study adjacent to Scott Road including the subject  
506 property. This shown here is the recommended future land uses that would seek to insure high  
507 quality developments for properties within the study area.

508  
509 I will just quickly go over some of the concepts. It does include two concept roads seen here  
510 and here (referring to rendering) to enhance access and act as gateways to what the County  
511 considers to be prime economic development sites, which are colored pink on the screen. These  
512 prime economic development areas are envisioned to be large-scale coordinated Office  
513 developments with strict design and appearance standards. Additionally, the recommended  
514 land use changes complement some of the current recommendations of the 2010 Land Use Plan  
515 by reducing land use conflicts in the area. Staff feels these proposed land use changes reflect a  
516 realistic and preferred development pattern for these properties within the study area. I would

517 also like to point out that these are just recommendations, and they are not actually adopted  
518 land use. The study at the end recommends that the Board consider amending the current 2010  
519 Land Use Plan. As far as the subject property goes, (I will zoom in this area), it remain  
520 unchanged, (Planned Industry). However, the property directly to the north is recommended  
521 to be changed from Urban Residential to Office and Office/Service. This would form a gateway  
522 entrance through this Concept Road here (referring to rendering) to the properties further east  
523 across I-95, (this pink property, referring to rendering). Staff feels the proposed change will  
524 also act as a better land use transition from existing residential development to the north and to  
525 the Planned Industry designation of the subject property.

526  
527 In addition, we feel that there are other elements of this project that are not ideal for residential  
528 development, including the proximity to commercial uses. On Brook Road, residential uses are  
529 inappropriate in close proximity to areas of intense commercial activity.

530  
531 Also, residential uses adjacent to Interstate 95 on the eastern edge, staff has concerns with  
532 residential uses being placed adjacent to a busy interstate highway and, therefore, not a very good  
533 arrangement for residential living.

534  
535 And, the decreased tax revenue for the County, residential zoning in an area designated for  
536 Planned Industry would not only reduce the potential taxes generated on the subject property,  
537 but also place increased demand on County services.

538  
539 In conclusion, overall, this request is not consistent with the recommendations of the 2010 Land  
540 Use Plan as it is now nor is it consistent with the new recommendations of the Scott Road Small  
541 Area Study, and it proposes residential uses in close proximity to intense commercial activity  
542 and an interstate. Staff recommends denial of this request. I will answer any questions that  
543 you may have.

544  
545 Mr. Jernigan - Mr. Householder, I just have one question. Even before the Study  
546 came out in the 2010 Land Use map, it was shown as Planned Industry then.

547  
548 Mr. Householder - Correct. This map shows, right here (referring to rendering) is the  
549 subject property in the dotted line, and the dotted line below the UR is where the Planned  
550 Industry designation begins.

551  
552 Mr. Jernigan - But it was in the old map even before the Study was planned?

553  
554 Mr. Householder - Correct. The Study simply reaffirmed it, the existing  
555 recommendation, and it also, this UofR area here, where the cursor is moving, the Study  
556 recommends changing that to an Office/Service designation because the Concept Road comes  
557 through. The Concept Road comes through here (referring to rendering) so the Office/Service  
558 along that Concept Road would make a more attractive entrance to a larger economic  
559 development potential.

560  
561 Mr. Jernigan - Thank you.

562  
563 Mr. Householder - You are welcome.

564

565 Mr. Taylor - Are there any other questions for Mr. Householder from members  
566 of the Commission?  
567

568 Mr. Archer - I have no questions, Mr. Chairman, but the applicant would like to  
569 make a presentation.  
570

571 Mr. Taylor - Well, let's hear it from the applicant, Mr. Mistr.  
572

573 Mr. Spud Mistr - Ladies and gentlemen of the Commission and Mr. Secretary, I am  
574 Spud Mistr, Foster and Miller, representing the applicant and the property owners. We filed  
575 this request requesting RTH and R-3 zoning for single-family and townhouse development on  
576 30-acres of property on Telegraph Road. Granted the Land Use Plan, the current approved  
577 Land Use Plan, calls for Planned Industry. The land adjacent to it calls for Urban Residential.  
578 The Small Area Study really bisects this property. A majority of the property is now  
579 Office/Service and the property at the bottom is Planned Industry. So, Mr. Abernathy's  
580 property, and by the way, Mr. Abernathy's son, Kevin, is with me, as well as Betty High, Mrs.  
581 Goodman's daughter. Mrs. Goodman owns the property with the front along Telegraph Road  
582 and Abernathy Construction owns the property in the back along I-95. We felt like this was the  
583 highest and best use of the property at this time because it is adjacent to a residential area.  
584 There is a tremendous amount of single-family residential to the north of this site between I-95  
585 and Telegraph Road and up to 295. When this Small Area Study was done, the study area, the  
586 area really in question seems to me to be I-95 to 301 and from Parham Road to 295. And now  
587 this property between Telegraph Road and I-95 has been added into it. We talk about the  
588 Concept Roads being a gateway to a prime economic development area, but if you look back at  
589 the Concept Road, the prime access to this property is off of Parham Road. The property has  
590 access to Parham and I-95 to 301 and 295. You can go up Route 1 to the interchange of 95  
591 and 295, and it also has a bridge on Scott Road. I don't know why we would want to spend  
592 millions of dollars building a bridge over 295, when we already have a bridge over 295, which is  
593 Scott Road. Granted it is two lane, but I don't, nobody has explained how an access on Route 1  
594 would be a gateway entrance to a prime economic development area of Henrico County. The  
595 gateway entrance will be Parham Road, and I understand that when this property was looked at  
596 previously by a large economic development client that it had been arranged to have a ramp  
597 from and to Interstate 295, and if somebody was going to develop this area again of that  
598 magnitude, I would think that that would be their prime access to it again. When you have  
599 these prime economic development areas, you not only need Office/Service, you need  
600 residential areas in close proximity to them, which provide upscale housing for the people that  
601 work there, so they can get to work without tying up the highways and having long areas to  
602 drive. After reading this Study, we met with the Economic Development people of Henrico  
603 County and asked them what the opportunities for an office development on this property were,  
604 and they said, "Well, if you build a building, maybe we can lease it to somebody." And, I said,  
605 "But realistically, what is the opportunity?" Well for the next two years it is zero. None for the  
606 next two years. Now, the sellers have a developer and builders to build these townhouses, and  
607 single-family units right now, where they could sell their property. But as it is, this property is  
608 being put on hold by the County, or so it appears, for some use in the future, which could be  
609 two or three years, could be 15 or 20 years. Nobody really seems to know. The things that the  
610 staff was concerned about was proximity to commercial uses. Well, directly across Telegraph  
611 Road there is a mini-storage. When that mini storage was zoned, it was proffered to put a brick  
612 wall up there to smooth the impact between this commercial development and the residential

613 area to the east of Telegraph Road. A mini-storage in my opinion is not an intense commercial  
614 development. In fact, it is one of the least intense that I think you can have. On residential  
615 areas adjacent to 295, which staff has concerns over, I would point out if you drive 295 or I-95  
616 or 64 that there is a lot of residential development along these corridors. And I point out on  
617 295, you have Hunton Estates, Hartley Plantation, Winterberry, Summerberry and numerous  
618 other single-family and multi-family developments, and these are \$300,000 and \$400,000  
619 houses, so it hasn't affected the ability to sell those homes along 295, and I don't think it would  
620 affect or impair the ability to sell them along 95.

621  
622 The third item of the staff was decreased tax revenue, that having residential zoning would  
623 decrease the potential taxes to be generated from the County. However, residential zoning  
624 would generate an increase in the tax base. An office zoning that may not come around for 10  
625 or 15 years generate zero taxes for the County. So, how long does this sit vacant in order to  
626 overcome this concern about decreased tax revenue. Then they were saying that the request  
627 would also place burdens on the County services that would set an unwanted precedent for  
628 residential development in the area. Now there is already a lot of residential development in  
629 the areas you can see by this map (referring to rendering). But it is also interesting that when  
630 you read the Public Service and Site Considerations, the traffic engineer said the existing  
631 roadways could handle this development. The drainage engineer and environmental engineer  
632 said that there were no concerns other than normal for this development. Public Utilities stated  
633 that the water and sewer are available within 100 feet of this property. The schools can  
634 accommodate the projected new students from this development. Public Safety being fire and  
635 police, recommended, and had no objections to this development other than the standard  
636 concerns that they had for every development. Recreation and Parks said there were no  
637 impacts. So every department in the County has taken no objection or recommended approval,  
638 other than the Planning Staff, and that is based on the 2010 Land Use Plan and the Small Area  
639 Study that was just completed. So, I am not sure where this objection from the Planning Staff  
640 came from, but we feel like this is a good use for this property, and would request that you  
641 recommend approval to the Board of Supervisors. Now, Mrs. High is here tonight and her  
642 mother, who owns this property, is in Arizona and is not able to attend, but she would like to  
643 address you for about a minute, if that is OK.

644  
645 Mr. Vanarsdall - Spud, let me ask you a question. You say that Industrial  
646 Development Authority, you went to them?

647  
648 Mr. Mistr - I met with them yesterday.

649  
650 Mr. Vanarsdall - Had you ever – before you filed the case, did you meet with Mr.  
651 Archer?

652  
653 Mr. Mistr - No. I spoke with him.

654  
655 Mr. Vanarsdall - Did you meet with Mr. Thornton?

656  
657 Mr. Mistr - I spoke with him, also. I told him we were thinking about  
658 requesting development, and he had some concerns about Telegraph Road, about the roadway  
659 itself, and said he would look at it when we filed the case, and I did talk to members of the

660 staff before we filed this case, and there was, the objections at that point in time were not  
661 nearly as severe as they are now.  
662

663 Mr. Vanarsdall - Well, they usually are not, because there are a lot of details to be  
664 worked out.  
665

666 Mr. Mistr - I understand that, and I pointed out one other thing about  
667 Economic Development.  
668

669 Mr. Vanarsdall - You did your homework. I just wanted to know if you had  
670 touched base with them.  
671

672 Mr. Mistr - Well, I did. I didn't sit down and meet with anybody, but I think I  
673 talked to everybody that we are supposed to. And I would also point out that in Park Central  
674 and in Windsor Business Park, north of Parham Road, that all of those office buildings are full of  
675 vacancy signs and for rent signs right now, because I was there this afternoon.  
676

677 Mr. Vanarsdall - And I've had the Industrial Development Authority recommend  
678 something before, and as far as traffic, I've never seen a road yet that they didn't say wouldn't  
679 handle it.  
680

681 Mr. Mistr - This wasn't Economic Development. This was Traffic Engineer that  
682 said that the road was OK.  
683

684 Mr. Vanarsdall - I've never seen the Traffic Engineer yet turn one down. Yes, that  
685 road can handle it. Not but a million vehicles on it today, and they can handle a million more  
686 tomorrow.  
687

688 Mr. Mistr - Well, that may be true, but this is 1,385 trips, which is not out of  
689 the ordinary.  
690

691 Mr. Vanarsdall - I don't have any more questions, Mr. Chairman.  
692

693 Mr. Marlles - Mr. Mistr, do you think that the County should not plan for more  
694 than a two-year time frame?  
695

696 Mr. Mistr - No, I think you should plan for it, and I think it is a good plan. It  
697 is a great text book plan, but we develop things on supply and demand and need, and use is  
698 not just what we all think we would like it to be. It is great to have a plan. I agree. It is a  
699 good plan. I don't agree with the bridge over 95. I don't think that is a good plan, but the rest  
700 of it is pretty good.  
701

702 Mr. Marlles - I guess I would suggest that the reason the County has such a  
703 strong economic base is we have taken measures to protect that prime economic development  
704 sites and I think that was what staff is essentially trying to do here.  
705

706 Mr. Mistr - OK. I am not questioning any motives. I am just not necessarily  
707 agreeing with them.

708  
709 Mr. Jernigan - Mr. Chairman, did you ask if there was any opposition on this  
710 case?  
711  
712 Mr. Taylor - I believe I did and there was no opposition to this case. I will ask  
713 again. Is there any opposition to this particular case, C-25C-02?  
714  
715 Mr. Mistr - And I would like to come down here every time we have a case  
716 with no opposition and a staff report as good as this one.  
717  
718 Mr. Vanarsdall - I will add that we are not here for opposition. The Planning  
719 Commission is not a political, not supposed to be. We don't answer to the ballot box, so we  
720 don't, we sometimes have to look you in the eye and oppose it, even if you are not opposed.  
721  
722 Mr. Taylor - Ma'am, if you would for the record, would you please state your  
723 name.  
724  
725 Ms. Elizabeth  
726 Goodman High - Yes, I am Elizabeth Goodman High. I am the daughter of Bernelle  
727 Goodman who is one of the owners of this property. Thank you for letting me speak. Both my  
728 Mom and I are life-long residents of Henrico County. The property being discussed has been in  
729 our family for generations and we always knew that there was a likelihood that we would have  
730 to sell it to take care of Mom. Unfortunately, that likelihood became a reality. Mom is 86. She  
731 was stricken with cancer in 2001 and a left-side massive stroke in January of this year, which  
732 left her disabled both physically and in her speech. This property constitutes the bulk of her  
733 assets. We have a contract to sell the property to a developer, who in turn has builders in  
734 agreement to build. We have had absolutely no interest in this property from potential  
735 commercial buyers. By denying our request for rezoning, the County is essentially prohibiting  
736 us from selling the property. My family and I have great respect for the County and its plan for  
737 the future from both a growth and revenue standpoint. However, this property is on the west  
738 side of 95 from the primary area of Planned Development. We are offering a win-win situation,  
739 using peripheral property for residential development, which will enhance the County's revenue  
740 in the near term and provide a bedroom community for the commercial development when it  
741 occurs. My request to you tonight is to please consider seriously our rezoning requests for the  
742 sake of my mother and as a revenue consideration for the County. Thank you.  
743  
744 Mr. Taylor - Thank you Ms. High.  
745  
746 Mr. Vanarsdall - Do you live in that area?  
747  
748 Ms. High - I live over off of Dickens, not too far.  
749  
750 Mr. Vanarsdall - All right. Thank you.  
751  
752 Mr. Taylor - Are there any other people in the audience that would like to  
753 speak on this issue? Sir, if you would, please come down to the podium and state your name  
754 for the record, and we would enjoy hearing your comments.  
755



756 Mr. Kevin Abernathy - My name is Kevin Abernathy and I am the son of Bobby  
757 Abernathy. We own the bottom half of this property. I just want to say, like it has been said,  
758 that we have a purchaser. We have somebody that is interested in the land. There has been no  
759 interest since we have owned the land to develop it. My family has lived in Henrico County a  
760 long time. The land was originally bought with the intentions of moving our company there. It  
761 never happened. It just didn't go through. Now we have a developer, somebody ready to buy,  
762 and we'd like for you to approve it. That is all I have to say.  
763

764 Mr. Jernigan - I have a question for you, sir.  
765

766 Mr. Abernathy - Yes, sir.  
767

768 Mr. Jernigan - Did you all put this property out for sale or were you approached  
769 by a developer?  
770

771 Mr. Abernathy - We were approached. I believe we were approached. I don't  
772 know the details of that.  
773

774 Mr. Jernigan - So you haven't tried to sell it on the open market? You were just  
775 approached by a developer?  
776

777 Mr. Abernathy - Yes.  
778

779 Mr. Taylor - Mr. Abernathy, I have a question. When you say the lower  
780 segment, which, that is just...  
781

782 Mr. Abernathy - I can show you. It is that part – 16-1/2 acres approximately on  
783 this bottom (referring to rendering).  
784

785 Mr. Taylor - Over the years, has there been any industrial interest, or  
786 commercial interest in that property?  
787

788 Mr. Abernathy - No, none that I have know of, that my father has expressed to me  
789 in the last couple of days in speaking about this.  
790

791 Mr. Taylor - No commercial ventures, wanting it for storage or construction?  
792

793 Mr. Abernathy - Well, he has wanted to move his business there from where we  
794 are currently located, but he decided, he withdrew that decision.  
795

796 Mr. Taylor - Why did he withdraw? Was he concerned, too, about the  
797 marketability of that area or the usability of that area?  
798

799 Mr. Abernathy - I believe his concerns were, and he felt that the conditions that  
800 would have been placed on him were too restrictive for moving, so he felt it would be better to  
801 stay where we are currently.  
802

803 Mr. Taylor - Are there any other questions for Mr. Abernathy?

804  
805 Mr. Mistr - Could I add a comment to that? The Abernathy property runs all  
806 along 95. The Goodman property does not touch 95. And Abernathy does not have access to  
807 Telegraph Road, without going through another property. Now, in 1993 Mr. Abernathy filed a  
808 zoning case for M-1C to put his construction company here, and he withdrew the case before it  
809 was denied, but one of the reasons was that his access would be through Scott Road and  
810 through paper streets of these single-family subdivisions that is recorded just north of Scott  
811 Road.  
812  
813 Mr. Vanarsdall - Do you want anything else from him, Mr. Chairman?  
814  
815 Mr. Taylor - No. My question was on that parcel. That is parcel that is  
816 longitudinal or parallel to 95?  
817  
818 Mr. Abernathy - Yes, sir.  
819  
820 Mr. Taylor - That is your parcel? And there is no access to that, according to  
821 Mr. Mistr. Is that correct?  
822  
823 Mr. Abernathy - I believe the access is off of Scott Road, just a drive-way access.  
824  
825 Mr. Taylor - Basically every parcel that is around that is pretty much all  
826 commercial, is it not?  
827  
828 Mr. Abernathy - I believe that it is Planned Industry. Excuse me, sir. It is  
829 Agricultural.  
830  
831 Mr. Taylor - That is Agricultural now, all of it?  
832  
833 Mr. Abernathy - Yes.  
834  
835 Mr. Taylor - I don't have any more questions. Any more questions from the  
836 Commission?  
837  
838 Mr. Jernigan - Thank you, sir.  
839  
840 Mr. Archer - Are you ready, Mr. Chairman?  
841  
842 Mr. Taylor - Yes, sir. Go ahead.  
843  
844 Mr. Archer - As Mr. Mistr stated so eloquently in his presentation, we don't  
845 know what the time table would be for proposed development of this property. He chose to  
846 think it might be later rather than sooner, but it could be the other way around. And, also, I  
847 would like to state that the support departments who give us information that support the  
848 staff's request to either support or not support these things are not really recommendations.  
849 They make available to us information that would alert us to problems that might arise should  
850 we have the opportunity to rezone property from one thing to another. We certainly have no  
851 interest or any reason to just, for no salient reason deny the rezoning of land, but it appears in

852 looking at the overall report that was prepared by staff that the reasons against this request do  
853 far outweigh potential non-development. You know, this piece of land was at one time looked  
854 at by an applicant. Who was it, Mr. Secretary? Capitol One? And it is a very nice area and it is  
855 one that the County quite naturally would like to hold onto for another future potential  
856 development of the same type. And for that reason, even though I am very much in sympathy  
857 with Mr. Abernathy and Mrs. High, I can't see that the reasons would override the objection  
858 that staff has made, and perhaps when this gets to the Board, and you get the opportunity to  
859 present this again, the argument might shift in the other direction. But based on the staff's  
860 report, it is my recommendation that we deny this request and I so move.

861  
862 Mr. Vanarsdall - I second that.

863  
864 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall to  
865 deny Case C-25C-02. All in favor say aye. All opposed say no. The motion passes.

866  
867 Mr. Vanarsdall - Mr. Secretary, you might want to tell him when it comes before  
868 the Board.

869  
870 Mr. Taylor - The vote is unanimous not to approve Case C-25C-02.

871  
872 Mr. Marles - Mr. Vanarsdall, this item will come before the Board on September  
873 10, 2002, on the evening of September 10.

874  
875 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
876 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **deny** the  
877 request because it does not conform to the recommendation of the Land Use Plan nor the  
878 Plan's Goals, Objectives and Policies and it would likely set an adverse zoning and land use  
879 precedent for the area.

880  
881 **C-44C-02 Roy Rogers Industries, Inc.:** Request to conditionally rezone  
882 from R-1C One Family Residence District (Conditional) to R-5C General Residence District  
883 (Conditional), Parcel 808-731-7728 (129-A-53D), containing 10.328 acres, located at the  
884 southeast intersection of N. Laburnum Avenue and Watts Lane and on the west line of Harvie  
885 Road approximately 1,300 feet north of Creighton Road (1401 N. Laburnum Avenue).  
886 Residential townhouses for sale are proposed. The applicant proffers to develop no more than  
887 one hundred (100) units. The use will be controlled by proffered conditions and zoning  
888 ordinance regulations. The Land Use Plan recommends Office. The site is also in the Airport  
889 Safety Overlay District.

890  
891 Mr. Taylor - Is there anyone in the audience opposed to Case C-44C-02? Duly  
892 noted. We are not going to listen to that number of people who are opposed. Are there a few  
893 designated spokesmen for the opposition? There are. We will call you, ma'am, when we get to  
894 it. We will ask the opposition to step forward at that particular time.

895  
896 Mr. Vanarsdall - Unless you all have a large community, there is nobody left there  
897 tonight, is it?

898  
899 Mr. Taylor - Mr. Bittner, go ahead with the case.

900  
901 Mr. Bittner - Thank you, Mr. Taylor. With quality development and landscape  
902 plans, this townhouse development could be compatible with the adjacent residential uses and  
903 could provide a favorable transition area between the existing single-family residences to the  
904 east and multi-family apartments to the north. The proffers have been revised and handed out  
905 to you just now. However, they still do not provide the desired level of quality.

906  
907 The major revisions to the proffers include the following:

908  
909 The minimum house size has been increased to 1,440 square feet of finished floor area.

910  
911 The number of units has been decreased to 88, which equals a density of 8.5 units per acre.

912  
913 Two-story townhouse units have been proffered. This would prevent the site from being  
914 developed as an apartment complex.

915  
916 At least 25% of the units shall have a minimum of 50% brick on the front facade. This  
917 equals an overall brick percentage of 12.5%.

918  
919 A 20-foot buffer has been proffered along the eastern boundary. This buffer would not be  
920 in addition to required setbacks.

921  
922 Provision of recreational amenities such as a tot lot, playground, or picnic area has also  
923 been proffered.

924  
925 Even with these revisions, staff still has several concerns with this application:

926  
927 The proffered density of 8.5 units per acre is above staff's recommended density of six  
928 (6) units per acre. This lower density would more closely match recent townhouse  
929 rezonings in the County.

930  
931 The proffered exterior brick percentage of 12.5% is very low. Staff continues to  
932 recommend exterior building materials be at least 50% brick and the side of any  
933 building facing a road or driveway be 100% brick.

934  
935 Recent townhouse developments in the County have provided garages for individual  
936 units. This is generally considered to be a high-quality feature. However, the revised  
937 proffers do not include garages.

938  
939 Staff recommends a minimum 35-foot buffer between the proposed development and  
940 the existing single-family residences to the east and a minimum 35-foot landscaped  
941 buffer along Laburnum Avenue. A 20-foot buffer has been provided along the eastern  
942 border, but no specific buffer has been proffered along Laburnum Avenue.

943  
944 Staff believes a residential townhouse development could be a compatible and beneficial use for  
945 this site. However, the applicant has not submitted proffers that insure the desired level of  
946 quality; therefore, staff cannot support the project as proposed.

947

948 I would be happy to answer any questions you may have.  
949  
950 Mr. Vanarsdall - Did you say that it is not in accordance with the Land Use?  
951  
952 Mr. Bittner - It is not in accordance with designated use of Office, which I do  
953 believe is in the Land Use Plan.  
954  
955 Mr. Vanarsdall - It doesn't meet the goals, objectives and policies of the County,  
956 either.  
957  
958 Mr. Bittner - No. It does not, mainly through the area of quality. As you may  
959 recall, this is also a part of the Creighton Road Corridor Study Area, which has its own list of  
960 recommended design guidelines to include things like brick, varying in architectural design and so  
961 forth. They have proffered various designs between units, but as I said, the brick percentage is  
962 very low, compared to some other townhouse rezonings in the County.  
963  
964 Mr. Vanarsdall - If you pointed out all of these things to the applicant, what was the  
965 reason he could not improve it? Why wouldn't he go up on 50%?  
966  
967 Mr. Bittner - I think I would prefer to have the applicant address that question.  
968  
969 Mr. Vanarsdall - OK. Thank you.  
970  
971 Mr. Jernigan - Mr. Bittner, did you say this showed O on the Land Use Map?  
972  
973 Mr. Bittner - Yes, I do believe it is recommended. Yes, it is Office on the Land  
974 Use Map.  
975  
976 Mr. Jernigan - That is what I thought you said.  
977  
978 Mr. Vanarsdall - This application is not consistent with this designation.  
979  
980 Mr. Taylor - Any other questions from the Commission? I guess we will hear  
981 from the applicant.  
982  
983 Mr. Marlles - Mr. Chairman, as the applicant is approaching the podium, I would  
984 review the rules and policy of the Commission when there is opposition to a case. It is the policy  
985 of the Commission to grant 10 minutes to the applicant to make his presentation. That 10  
986 minutes does include the time for any rebuttal, so Mr. Theobald, if you would like to reserve some  
987 time we can do that. For the opposition, there is a total of 10 minutes that is also granted to the  
988 opponents to a case to present their concerns. I do have a clock and I do keep track of it. Would  
989 you like to reserve some time for rebuttal?  
990  
991 Mr. Theobald - Two minutes, please. Mr. Chairman, ladies and gentlemen, my  
992 name is Jim Theobald and I am here this evening on behalf of Roy Rogers Industries, Inc. and  
993 the Metropolitan African-American Baptist Church, and in the interest of balance and fairness, I  
994 would, with your permission, ask the supporters of this request to please stand, Mr. Chairman, if  
995 that is all right with you.

996  
997 Mr. Taylor - Would the supporters please rise? A large body of supporters and  
998 a large body of people opposed. Lots of interest in the community, obviously.  
999

1000 Mr. Theobald - Mr. Chairman, this is a request to rezone approximately ten acres  
1001 on Laburnum Avenue north of Creighton Road, next to the King's Point Apartments. This  
1002 property was zoned for the church, which is hopefully selling the parcel in order to seek some  
1003 relief from debt associated with its acquisition of it, which has become a significant burden for the  
1004 church. Your applicant proposes constructing 88 quality town homes to meet the growing  
1005 demand of Henrico County for reasonably priced home ownership opportunities. The initial  
1006 purchasers will be offered a variety of elevations and options and two of those purchasers will  
1007 include additional brick on the exteriors. We have revised our proffers, which have been handed  
1008 out to you this evening in attempting to meet some of the concerns expressed by staff. You will  
1009 note that all foundations are to be constructed of brick, all utilities underground. We have  
1010 significantly increased the minimum square footage of our town homes to 1,440 sq. ft. of finished  
1011 floor area. The interior design of these homes is for a three-bedroom town home. We have  
1012 provided both controls on shimmy design. We have provided for protective covenants  
1013 significantly. We have said that we would not have direct access to Laburnum Avenue, but rather  
1014 using Watts Lane for access. By the way, we have, at the request of the County, we will be  
1015 completing the construction of Watts Lane through to Harvie Road. We have proffered a fence  
1016 and landscaping along Laburnum Avenue. We have not provided specificity with that at the  
1017 moment. There is a BMP that is likely going to be required across the better part of the front,  
1018 which will need to be landscaped, but I am not sure how much room we will have between the  
1019 right of way and the BMP for just landscaping, and thus the reason that that is a bit vague at this  
1020 point. We originally proffered that the density of the project would be some 100 units. We have  
1021 lowered that number to 88 units in order to better set forth the intent of the developer. We have  
1022 added Proffer #9, suggesting that all units will be owner occupied from the initial purchasers, and  
1023 such units would be of two-story townhouse design. This was an attempt to assure that  
1024 apartments would not be developed on this parcel. We have agreed to vary our architecture and  
1025 our design to provide some interesting and different facades. You will see in the language that it  
1026 will be no more than eight units in a building, no more than two units in a building can have the  
1027 same elevation, and if two units do have the same elevation, they cannot be developed next door  
1028 to one another. We also provide for varying colors of siding, varying window designs, varying  
1029 doorway designs and setback among the individual units to provide some visual relief.  
1030

1031 There has been a lot of discussion about brick and I am sure there will be more this evening. We  
1032 initially thought that these units might be all siding. We have agreed that at least 25% of the  
1033 units, or two out of the eight in a row, would have a minimum of 50% brick. It is not quite  
1034 accurate to suggest that that is 12-1/2% brick across. It certainly results in 12-1/2% brick if you  
1035 look at the whole façade, but essentially two out of the eight units would be a minimum of 50%  
1036 brick.  
1037

1038 The buffer in the back, there is basically no required buffer under your ordinance in this zoning  
1039 classification, I don't believe, up against the adjacent property. None the less, we have provided  
1040 a 20-foot buffer and you will see from the aerial that there is a stand of trees back along that rear  
1041 property line. We have also agreed to provide some recreational amenities, such as tot lots, a  
1042 playground, and picnic area, which will be shown on our subdivision plan or plan of development.  
1043

1044 To acknowledge the comment made by staff about a conceptual plan that we furnished to them,  
1045 we are in a project that is somewhat linear in nature and we have begun the redesign process to  
1046 address that, and that was, I think, a commitment made verbally to staff that we would attempt  
1047 to provide a more curve-linear design with our final design. I would suggest to you that this is a  
1048 significant opportunity to encourage and promote home ownership and provide a logical transition  
1049 from the multi-family development that is next door to the single-family detached dwellings  
1050 nearby. It will certainly be a big boost to the church and I believe compatible with surrounding  
1051 development. I think it is also consistent with the County's desire to promote home ownership for  
1052 first-time home buyers, which has become a significant challenge in Henrico County, given the  
1053 elimination of some of the smaller lot categories in our zoning ordinance. As you see, ladies and  
1054 gentlemen, there is a significant amount of support for this request in the audience. There are, I  
1055 know, some speakers who wish to address you in support, and I will save the balance of my  
1056 comments for rebuttal, but I would be happy to answer any questions.

1057  
1058 Mr. Taylor - Are there any questions from the Commission on this?

1059  
1060 Mr. Archer - Mr. Theobald, I have one question that I think has some relevance.  
1061 Of the people who stood in support, how many live adjacent to this property? Wait, I did not ask  
1062 for applause, I really just wanted to know.

1063  
1064 Mr. Theobald - Perhaps in the immediate area, I mean adjacent to the property is  
1065 but four or five property owners.

1066  
1067 Mr. Archer - I am assuming that the people who were opposed to it lived near  
1068 it, and I was just trying to find out where. I didn't want applause or anything like that. I just  
1069 need to know.

1070  
1071 Mr. Theobald - Did you get your answer?

1072  
1073 Mr. Archer - I did. Yes. Thank you.

1074  
1075 Mr. Taylor - Thank you, Mr. Theobald. Now, let me go back and address the  
1076 speakers who are opposed to this. Speakers in favor? Shall we do that first? May I see the  
1077 hands of the people who are in favor of this project? Now may I see the hands of the people  
1078 who are going to speak in favor of this project. There are three who hands are up, and as  
1079 discussed before, as Secretary Marlles said, you have 10 minutes collectively. Now there are still  
1080 three hands up.

1081  
1082 Mr. Marlles - Mr. Chairman, Mr. Theobald reserved two minutes for rebuttal. So  
1083 there is actually two minutes of the original 10 minutes left for speakers in favor. You have four  
1084 minutes remaining, and two of those minutes are reserved for rebuttal, which leaves two minutes  
1085 for anyone else who would like to speak in favor of it.

1086  
1087 Mr. Taylor - And that means we have how much for the people in favor of it?  
1088 Two minutes. Well, we have two people then. Would you please come forward and one at a  
1089 time, and we will give you both a minute each, and ask you to talk convincingly and quickly. And  
1090 with that, if you would, please give us your name for the record.

1091

1092 Ms. Pearl Anderson - Good evening, and thank you for the opportunity. My name is  
1093 Pearl Anderson and I am a resident of the River Bluffs Subdivision. I wear several hats here  
1094 tonight. Professionally over the last 10 years I have been in the housing business. I worked for  
1095 Virginia Housing as an executive and I am now a consultant with my own company specializing in  
1096 providing home ownership opportunities for first-time home buyers, as well as home buyer  
1097 education. I also help raise money for organizations who have a commitment to first-time home  
1098 buyers. As a resident of this community, I am particularly interested in seeing the opportunities  
1099 for home ownership extend to first-time home buyers. I do not believe that such a development  
1100 would hurt our community. I have a commitment to the community. I have been there for over  
1101 10 years and I plan to stay. I just recently refinanced my house, so I plan to stay for a while. So,  
1102 while I certainly do understand some concerns, as a resident and as an owner I also believe there  
1103 are some opportunities to extend home ownership to others and I believe our community would  
1104 be an excellent place to do so. Thank you for the opportunity to speak to you tonight, and, of  
1105 course, the third hat I wear is being a member of the Metropolitan African American Baptist  
1106 Church. Thank you.

1107  
1108 Mr. Taylor - Thank you, Ms. Anderson. And sir, if you would give your name  
1109 and Mr. Marles will give you your time limit.

1110  
1111 Mr. Gordon Anderson - Thank you. My name is Gordon Anderson and for the record, I  
1112 might say, that there is no relationship between myself and the previous speaker, Pearl Anderson.  
1113 Ladies and gentlemen of the Commission, I am a resident of Maplewood Farms Subdivision,  
1114 which is relatively close to the property in question. Basically, the only thing that I want to say to  
1115 the Commission at this point is that I am in favor of the rezoning request, primarily because I  
1116 know it will give first-time home owners or home owners or potential home owners the  
1117 opportunity to own their first home. I don't see that there will be any opposition or I can't  
1118 understand why there would be any opposition to that desire on the part of our struggling youth  
1119 that are out there today. Basically I am for it, and I just want to go on record that I plan to be  
1120 there for a number of years, and I don't see that there should be any conflict with my desire to  
1121 be there nor the desires of those that want to start in a decent home. Thank you.

1122  
1123 Mr. Taylor - Thank you, Mr. Anderson. And now if the opposition... We are out  
1124 of time, but if you can be brief.

1125  
1126 Ms. Waylan Clark - I will be very brief. My name is Waylan Clark and I also am a  
1127 resident of Arbor Road Court right off of Laburnum Avenue. And also in being a first-time home  
1128 buyer, myself, and I have been in the area now for almost 10 years and I, too, have just  
1129 refinanced my home. I plan to be there for some time to come. And I see this as an opportunity  
1130 for a first-time home buyer and I am real thrilled about the opportunity for myself and for new  
1131 residents. Thank you.

1132  
1133 Mr. Taylor - Thank you, ma'am. Mr. Secretary, I guess we are down to those in  
1134 opposition, and...

1135  
1136 Mr. Jernigan - Mr. Chairman, I have one thing. Let me ask this. Do people that  
1137 are for this, how many of you live within 1,000 feet of this property? OK. Thank you.

1138



1139 Mr. Taylor - Now let me go back again and I would like to canvass the  
1140 opposition to get the number of speakers. If I could, just may I have a show of hands of people  
1141 who are opposed to the project who would like to speak. I count...are there any designated  
1142 spokesmen? This lady is one. Do we have another? Let's do three. And yourself, and you, sir.  
1143 We will have three speakers, so typically we will give you between three and four minutes if you  
1144 could make it. If you would approach the microphone, please give us your name for the record.  
1145

1146 Ms. Maria Stubbins - Good evening. My name is Marie Stubbins and I a resident of  
1147 Harvie Road. I have lived there for approximately nine years. I would like to state that I was a  
1148 first-time home buyer and I found it to be a wonderful area to move to. I also would like to point  
1149 out on this map that right down here (referring to rendering) where you see all of these dirt  
1150 roads, that is approximately 150 single-family homes right now, with many more being built. We  
1151 understand that our area is growing, but we don't see it moving in a commercial way. We also  
1152 don't see it moving in a way that promotes apartments and town homes as sorts of residences.  
1153 What we see there are single-family homes. Our home values appreciated as all of the new  
1154 building has come into our area and we look at town homes that are currently in our area that are  
1155 selling for approximately half of what our homes sell for. We also see a lot of crime in our area.  
1156 Right along in here (referring to rendering) this area has been proffered for 20 years, that nothing  
1157 outside of a single-family home be requested for that area, and we watch people walk through  
1158 the woods from King's Point Apartments right over there to purchase drugs from parked cars, and  
1159 we currently call the police. We probably call them on a daily basis sometimes, and what we see  
1160 happening is when you bring in a lower income area, we see that increasing. We also watch the,  
1161 I know many people told me they watch the drug dealers come down into their cul-de-sac and  
1162 they watch the people walk over and purchase drugs. So, what we see in our area is a property  
1163 devaluing. We see an increase in traffic on Harvie Road. Harvie Road has not painted any lines.  
1164 It is a very tiny little road, and what would be happening is all traffic would come off of Harvie  
1165 onto Watts Lane to go into that proposed area, and we also see happening in the future an  
1166 increase in the number of apartments in this proffered area right here (referring to rendering).  
1167 That time will be coming up in 2008, and we can foresee them coming in and asking to develop  
1168 that, as well, and with town homes already there, I can't see what would stop them. What we  
1169 propose in the area are single-family homes, because that is what is being built there, and that is  
1170 what is there currently. Thank you.  
1171

1172 Mr. Taylor - Thank you, Ms. Stubbins. Sir, if you would please, come up and  
1173 identify yourself for the record.  
1174

1175 Mr. Alvis Oldham - Good evening, I am Alvin Oldham and I live at 3715 Pinoak Road, a  
1176 little house right across the field up there. You can see it on your map. I have lived here since I  
1177 was five years old. My parents lived here and I came back from the Army and from college and  
1178 took care of them. It is a very quiet community. We would like to keep it that way. If I had my  
1179 druthers, we would stay an agricultural community, with just a few little houses around. No. That  
1180 is not possible. But we would like to continue to have at least single-family detached houses  
1181 along this stretch of Henrico County. Harvie Road, as the lady said before, is a very narrow road.  
1182 It is not going to be able to stand a lot of traffic. The only access out, right now, would be  
1183 through Creighton Road, which is a four-lane highway with a lot of traffic running to 295, or at  
1184 the other end we've got another four-lane section of Harvie Road, which has just been completed  
1185 this last year. At that intersection, if you look off to your left, it sits up on top of a hill. The way  
1186 they built the road is that you have a blind spot for about 150 yards below that intersection. So,

1187 you can't see traffic coming. Another 88 houses with an access to Laburnum Avenue will bring  
1188 traffic and potential real accident problems at Creighton Road and at the other end of the little  
1189 section of Harvie Road. Thank you.

1190  
1191 Mr. Taylor - Thank you, Mr. Oldham. And now, sir, if you would give your name.  
1192 You have the remainder of 10 minutes, which Mr. Marles will tell us is.

1193  
1194 Mr. Marles - You have almost six minutes left.

1195  
1196 Mr. Boland - Mr. Marles, I ask to keep two minutes remaining to add a rebuttal  
1197 for our group. So if you can cut me off before the end.

1198  
1199 Mr. Marles - Sir, the opponents do not have a rebuttal period. Only the  
1200 applicant has a rebuttal period on the policy of the Commission. You do have six minutes left.

1201  
1202 Mr. Boland - My name is Eugene Boland and for the record where the cursor is  
1203 setting is my house (referring to rendering), so I am abutting directly against on the east end of  
1204 this property. I would like to say first of all that I am not a life-long resident of Henrico County. I  
1205 moved here two years ago to attend school, your fine establishment at Virginia Commonwealth  
1206 University, to pursue a doctoral degree. The reason I am living on the east side of Henrico  
1207 County is exactly what you see here, single-family one-acre lots. That is what we were looking  
1208 for when we were moving here. When we bought the property, under the understanding that a  
1209 church was being built behind us, we didn't know that this residential group, this group right here  
1210 (referring to rendering) was on approximately 1/4-acre lots and single-family houses, and we felt  
1211 that that would be a complement to our single-family one-acre lots right here, or in this case, a  
1212 three-acre lot, and what I would like to say is, first of all, since that is what did bring me to the  
1213 area, differing with the proposed Land Use here with the town homes. First of all, if you look just  
1214 from observation, by living in the area, what I find is the smaller single-family homes in the area  
1215 are not owner-occupied. I do understand from the plan the original sale will go to owner-  
1216 occupied, but I can almost guarantee you that a small townhouse in this area will become rental  
1217 property. This area is filled with rental property as it is right now, and with rental property brings  
1218 a lower standard of living. Not that people that rent don't care about their property, but in a  
1219 general sense, there is a little bit loss in pride in ownership, especially when you have a density  
1220 approaching 8-1/2 units per acre. Another thing that I would like to say is that with the church I  
1221 understand that there is probably financial hardship with the church trying to unload this  
1222 property. However, I travel Harvie Road and Laburnum Avenue each and every day and I have  
1223 yet to see a sign go up saying that this land was for sale. There may have been a sign that I  
1224 missed, but I am just saying that I don't believe there has been a significant effort in selling this  
1225 property. As far as their plan to bring all the traffic out onto Harvie Road, as the previous speaker  
1226 mentioned, Harvie Road isn't even wide enough to be painted right now. You know, you are  
1227 touching the gravel on both sides, passing a car on this road, and adding 88 units as well as what  
1228 is not on this photograph is, as the Commission is aware, that this area to right about where I am  
1229 moving the cursor now, has been clear cut an additional eight acres to expand this subdivision  
1230 and this subdivision does have a road that dumps right here in front of my property. So there is  
1231 an access to this subdivision now that is dumping onto Harvie Road and now they are proposing  
1232 another access on Watts Lane dumping onto a quiet two-lane, not even two-lane, 1-1/2-lane  
1233 practically road. I understand that roads can be widened, but that is not what we were looking  
1234 for when we were buying in this area, and, I believe, most of the people here in opposition with

1235 me felt the same way, whether a life-long resident or first-time buyers in the area. In our case,  
1236 we have some other members in opposition that would like a chance to speak, so I want to thank  
1237 the Board (sic) for its time and thank you very much.

1238  
1239 Mr. Taylor - Thank you, Mr. Boland.

1240  
1241 Ms. Julian Moore - Hi. My name is Julian Moore and I live off of Harvie Road, and as  
1242 has been mentioned, that road is a 1-1/2-lane road. My driveway dumps into that 1-1/2-lane  
1243 road and I do believe that the amount of traffic that is going to be added to Harvie Road, with  
1244 such a subdivision, is going to be significant. I don't understand why they wouldn't make a  
1245 subdivision off of Laburnum Road, which is a major four-lane road, rather than bringing it off of a  
1246 1-1/2-lane road. The area is mostly, was previously agricultural, mostly one-acre lots. It has  
1247 been developed with a subdivision on one side of the property. There is another subdivision being  
1248 developed, kind of on the north side, all single-family homes, half an acre to 1/4 -acre lots. I think  
1249 a townhouse development here is not going to be helpful, especially the townhouse development  
1250 is right against the apartments. If you want to put a townhouse development here, put it  
1251 someplace else, away from the apartments. Spread it out so that there are single-family  
1252 residences around the apartments and then the townhouse is slightly down the road. I don't  
1253 think you are doing yourself any favors by making the townhouse basically just a slightly  
1254 improved apartment complex. I have a real issue with making the townhouses so little brick. I  
1255 think most of the houses in the area are mostly brick, and so that is going to be very different  
1256 looking from the other homes in the area, and it is really going to stand out. Thank you.

1257  
1258 Mr. Taylor - Thank you. Mr. Marles says you are fine, you're fine.

1259  
1260 Mr. Carl Overton - My name is Carl Overton. I am from the Mitchell Tree Subdivision.  
1261 We are neighbors to the people across here on Harvie Road. Not to long ago, a few years back,  
1262 there was the big to do along Creighton Road about its development. One of the biggest  
1263 arguments going at the time was that not too many residential homes could go up, for the simple  
1264 reason that they would overload Creighton Road, a four-lane highway. OK. Now, you are  
1265 stacking people up in a small area in what amounts to multiple dwellings, and there seems to be  
1266 no objection. This is not right. It is not right. Now this property, we championed it. The case of  
1267 Rev. Cooper and the church to acquire that property, we wished him well then and we still wish  
1268 him well. We hope that he can resolve this problem that he has as far as unloading his property,  
1269 but we who live here still want to maintain the quality of the homes that are going up in the area,  
1270 and it cannot be maintained if they start putting in low-quality multiple dwellings. I want to thank  
1271 you very much for allowing me to speak.

1272  
1273 Mr. Taylor - Thank you. I think, Mr. Marles, that this is all. Is there anybody  
1274 who would like to speak for the opposition? We have a minute and a half, so we must be brief  
1275 and we must be on time. But you do have a minute and a half. And if you would, when you  
1276 come to the podium, sir, please give your name for the record.

1277  
1278 Mr. Donald Summit - Hi. My name is Donald Summit. I have probably been a resident of  
1279 Henrico for about one week. I used to live in Henrico when I was much younger, and I really  
1280 enjoyed the County and I moved back to this community because it was a quiet community, a  
1281 nice community, and the houses in the area were very, very good quality. I would really be upset  
1282 to see apartments and town homes go in here. I think it would be a devaluation of the property

1283 and a detriment to the community. I would not have bought that house if I thought that  
1284 apartments were going to be built on this road. Thank you very much for your time. That is all I  
1285 want to say.

1286  
1287 Mr. Taylor - Thank you. We still have some more time, so I would expect there  
1288 are one or two more speakers. Someone else want to speak? Sir, if you would, please identify  
1289 yourself for the record.

1290  
1291 Mr. J. R. Stubbins - I am J. R. Stubbins. I will be very brief. I do live on the property  
1292 that is just north of the buffer, right where the words "Harvie Road" are written, there is a small  
1293 treed buffer area right there, and that was mentioned before. My home is right against it, and I  
1294 can see dealers pull into these little dirt roads that are in that buffer right now. They are little dirt  
1295 paths. They are beaten down with their cars. They pull in and I witness people from those  
1296 apartments right now walk over there, exchange drugs. I call the police on them, of course, and it  
1297 happens all the time, but I have never seen a resident of Harvie Road or any neighbors of mine  
1298 walk over to those cars to buy drugs. They come from those apartments right there, and I do not  
1299 see how, you can call them condos or whatever you want, it is going to be, whatever you want to  
1300 call it, they are half the price of a house. The mortgage is cheap. They can pay for rent there or  
1301 they can pay a cheap mortgage there, and it is lower income housing any way you cut it, and that  
1302 is where they are coming from. Thank you for your time.

1303  
1304 Mr. Taylor - Thank you, Mr. Stubbins. That, ladies and gentlemen, concludes  
1305 the amount of time that we have. So, we have two minutes rebuttal for Mr. Theobald. Mr.  
1306 Theobald.

1307  
1308 Mr. Theobald - Mr. Chairman, I would like to emphasize that this is not a request  
1309 to rezone this property for apartments. It is a request to rezone it for town homes. There is no  
1310 relationship between the existing apartment project for the developers of that and the developers  
1311 of this piece. In fact, there has been a real estate sign advertising this property for sale since  
1312 November of 2001. For some reason, there seems to be a perception that all of this traffic is  
1313 going on to Harvie Road as opposed to Laburnum Avenue. Watts Lane, you will see where it is  
1314 written Watts Lane, is improved back part way and the County will require us to improve it all of  
1315 the way in order to provide adequate safety vehicle entrances for the property. Laburnum  
1316 Avenue has 25,000 cars a day on it. Adding 88 town homes, I don't think, is going to stress the  
1317 system. I manage to drive Harvie Road today. Didn't get run off the road. That seems to be a  
1318 two-lane road as opposed to a lane and a half. I don't know why people wouldn't use Laburnum  
1319 Avenue. There is a median break right there at Watts Lane.

1320  
1321 You know, I guess first-time home buyers are lower income by definition. I guess if they were,  
1322 had purchased a home before, perhaps they wouldn't need one and they would not be lower  
1323 income, and I will suggest to you if we don't provide home ownership opportunities to people of  
1324 modest incomes then you do nothing to guarantee that you will have additional rental property  
1325 developed, so I honestly believe that it is in the County's interest and all of our interests to  
1326 promote home ownership for people with the wherewithal to buy and own a home and purchase  
1327 all of the things that goes into those homes. Quality doesn't always equate with purchase price.  
1328 I really don't think this debate ought to be about the amount of brick. It really ought to be about  
1329 people. Those are my comments. I'd be happy to answer any additional questions you might  
1330 have.

1331  
1332 Mr. Vanarsdall - Mr. Theobald, I will ask you a question I started out and asked  
1333 Mark Bittner. He referred me to the applicant. I don't understand why the applicant wouldn't  
1334 build a better mousetrap after reading this report, and you usually are good at working with an  
1335 applicant to get them to see the light. There must be a reason. It must be the costs and if it is  
1336 too much, he should walk away from it and let somebody else challenge it.  
1337  
1338 Mr. Theobald - Well, as you know, Mr. Vanarsdall, the decision to develop property  
1339 and borrow money and pay the debt service on that money is viewed in terms of your ability to  
1340 get a reasonable rate of return commensurate with the risk, and in identifying that piece of  
1341 property, you have to examine the market in the area and decide the price at which you can  
1342 market the homes and in a way that it doesn't take 20 years to sell. So, it is a process whereby  
1343 you arrive at a level of...  
1344  
1345 Mr. Vanarsdall - Well, he knew these people were living there when he bought the  
1346 property or when he filed the case. All these people have been living there a long time. I don't  
1347 have any more questions.  
1348  
1349 Mr. Taylor - Are there any other questions or comments from the Commission?  
1350 Thank you, Mr. Theobald. We appreciate those comments. Mr. Archer.  
1351  
1352 Mr. Archer - Is there any time left for me?  
1353  
1354 Mr. Taylor - There is always time for you.  
1355  
1356 Mr. Archer - I would just like to start out by saying that just listening to the  
1357 comments here tonight and I didn't speak, I just listened. There has been a lot of misinformation  
1358 about this project from the beginning, and if you listened to what the staff report said, this was  
1359 not, the staff report was not about anything at all except design and quality of this project. A lot  
1360 of people spoke about quality and first-time home buyers, but I support first-time home buyers  
1361 anyway that I can. I at one time was a first-time home buyer. I don't know how you describe  
1362 low-income people. My wife says I am a low-income person. And you know, it is also, I think,  
1363 wrong and absolutely absurd to assume that people who live in townhouses or even in  
1364 apartments are the only people who buy drugs, and just because they live there they buy drugs.  
1365 That is not true. You know, rich people can afford more drugs than low-income people. And a  
1366 better quality, too, I suppose. But the whole crux of this matter is not about a small townhouse  
1367 complex. What we and staff talked about consistently has had to do with the quality of what is  
1368 being built here, and maybe there are some people who, if they came up to the level of quality  
1369 that we would want and would expect, could not afford these townhouses as a first-time home  
1370 buyer. But that is not anybody's responsibility to be able to make available to anyone what a first-  
1371 time homebuyer might buy. First-time homebuyers might have enough money to buy something  
1372 that is quite expensive, and others would not. So, none of those reasons will go into what I think  
1373 the decision that I will ask for tonight, or in the staff's recommending against what was proposed.  
1374 There were things that were asked for that we could not get. We talked about having a certain  
1375 percentage of brick, which we played around with the demands for a little bit, and as Mr.  
1376 Theobald said it might not come out to be exactly true, but 25% or 50% is 12%, and that doesn't  
1377 have a lot to do with anything, but there were a lot of design issues and other components of the

1378 staff report that we don't seem to be able to get. And Mr. Theobald, you are standing, I assume  
1379 you want to say something.

1380  
1381 Mr. Theobald - Well, Mr. Archer, I was speaking with Mr. Rogers and apropos of  
1382 Mr. Vanarsdall's comment, if you think it would be beneficial, I am happy to redouble my efforts.  
1383 I have been involved in this case for probably just two weeks, and if you think it would be helpful,  
1384 I would be willing to make another effort to try to address some of those issues additionally, and  
1385 would be prepared to ask for a 30-day deferral in an effort to try to do that.

1386  
1387 Mr. Archer - Well, I tell you, Mr. Theobald, you and I discussed this today as to  
1388 where we might go with that, and what I am really surprised about tonight is the last time we  
1389 met we knew of no known opposition to this case. In fact, there were people who called me who  
1390 were in support of it, and who have since called me and said that they had withdrawn their  
1391 support, and I don't know for what reason, to be honest with you. But, in view of the folks who  
1392 have shown up here tonight, even though again I will admit that a lot of the information that you  
1393 all have is incorrect, I think what I would do tonight is to move to recommend denial and  
1394 between now and the time the Board meets, if you all think you can come up with something that  
1395 would entice the Board of Supervisors to change that, then the opportunity certainly exists, and  
1396 we can save ourselves another 30 days of having to go through this again. So, my  
1397 recommendation to the Board would be denial.

1398  
1399 Mr. Vanarsdall - I second that.

1400  
1401 Mr. Archer - And Mr. Chairman can tell you when that next meeting is going to  
1402 be.

1403  
1404 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in  
1405 favor say aye. All opposed say no. The motion passes.

1406  
1407 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
1408 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **deny** the  
1409 request because conflicts with the adopted Land Use Plan and it failed to include the proffered  
1410 conditions deemed necessary to provide the appropriate quality assurances.

1411  
1412 Mr. Marlles - Mr. Chairman, if I could, for the citizens in the audience, the  
1413 Planning Commission's decision tonight is a recommendation to the Board of Supervisors. This  
1414 matter will come up at the Board of Supervisors meeting on September 10. The Board does make  
1415 the final decision. And that meeting is at 7:00 p.m. here in this room.

1416  
1417 **THE PLANNING COMMISSION TOOK A FIVE-MINUTE RECESS.**

1418  
1419 **THE PLANNING COMMISSION RECONVENED.**

1420  
1421 Mr. Taylor - Mr. Marlles is a little bit under the weather, so Mr. Silber is going to  
1422 act as Secretary for the remainder of the meeting.

1423  
1424 **C-13C-02 James W. Theobald for HHHunt Corporation:** Request to  
1425 conditionally rezone from A-1 Agricultural District and RTHC Residential Townhouse District

1426 (Conditional) to O-3C Office District (Conditional), RTHC Residential Townhouse District  
1427 (Conditional), R-5AC General Residence District (Conditional) and R-6C General Residence  
1428 (Conditional) Parcels 747-771-2430 (18-A-35), 747-771-4048 (36), 747-771-3965 (37), 746-  
1429 770-1492 (38), 745-770-0962 (39A), 746-770-0619 (56), 745-769-6789 (56A), 746-770-4038  
1430 (57), 746-769-3486 (57A), and Parcels 745-768-7374 (27-A-14B), 745-769-5071 (15), 745-769-  
1431 6845 (15A), 745-769-0926 (15B) and 746-769-3767 (49), containing approximately 120 acres,  
1432 located along the north and west lines of New Wade Lane and Nuckols Road. A residential and  
1433 office development is proposed. The use will be controlled by proffered conditions and zoning  
1434 ordinance regulations. The Land Use Plan recommends Rural Residential, not exceeding 1.0  
1435 unit net density per acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, Open  
1436 Space/Recreation, and Environmental Protection Area.

1437  
1438 Mr. Taylor - Is there anyone here tonight in opposition to Case C-13C-02? All  
1439 right, so we will reserve some time at the end. Go ahead.

1440  
1441 Mr. Bittner - Thank you, Mr. Chairman. This application has been revised from  
1442 what is shown in the staff report. The display slide shows a summary of these changes.  
1443 Several of these changes are very positive. The major revisions to this application include the  
1444 following:

1445  
1446 The amount of proposed single-family development has been increased to 24.7 acres. This is  
1447 shown as Parcel 2, zoned R-5AC, adjacent to the Saddleridge neighborhood. The proffers also  
1448 now state that all homes on this parcel shall have brick fronts as well as a 2-car garage.

1449  
1450 The detached condominiums planned for Parcel 3 have also been amended. Their minimum unit  
1451 size has been increased to 1,750 square feet and each unit will now include a 2-car garage.

1452  
1453 RTHC Parcel 1 adjacent to Interstate 295 has also been upgraded. Half of these units will be at  
1454 least 1,700 square feet in size with the remaining units being at least 1,500 square feet in size.  
1455 The brick percentage on the front has been increased to 75%; any rear side of a unit facing  
1456 Hickory Bend Drive or Hickory Park Drive will be 100% brick; and each unit will have a 1-car  
1457 garage.

1458  
1459 R-6C Parcel 5 will also have the same standards if developed as townhouses or condominiums. If  
1460 developed as an assisted living center, it will be at least 50% brick on all sides, limited to 3 stories  
1461 in height, and limited to 2 stories in height within 250' of Hickory Bend Drive.

1462  
1463 The height of structures within the O-3C parcels has also been limited to 2 stories within 250' of  
1464 Hickory Bend Drive. The maximum height will be 5 stories and hotels will not be permitted on  
1465 these properties.

1466  
1467 It should also be noted the applicant has stated his intention to add all of the residential parcels  
1468 to the Twin Hickory Homeowners Association.

1469  
1470 As stated before, these changes are very positive and improve the quality of this application. The  
1471 applicant has addressed most of the issues raised in the staff report, although staff continues to  
1472 encourage the applicant to consider wider lots with side and rear-loading garages on the single-  
1473 family R-5AC Parcel 2.

1474  
1475 With the revisions made to the proffers, staff can recommend approval of this application. I'd  
1476 be happy to answer any questions you may have.  
1477  
1478 Mr. Taylor - Thank you, Mr. Bittner. Are there any questions from the  
1479 Commission?  
1480  
1481 Mr. Bittner - I believe we just handed out the latest proffers to you. I  
1482 apologize for not getting them to you before the start of my presentation.  
1483  
1484 Mr. Taylor - All right. Thank you. Is Mr. Theobald going to present the case?  
1485 Mr. Theobald.  
1486  
1487 Mr. Silber - Mr. Theobald, since there is opposition, the 10-minute rule will  
1488 apply. Would you like to reserve some of your time for rebuttal?  
1489  
1490 Mr. Theobald - I think two minutes would probably suffice, Mr. Silber.  
1491  
1492 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald  
1493 and I am here this evening on behalf of HHHunt. This is a request to rezone 120 acres of land  
1494 to be a part of the award-winning community of Twin Hickory. Some three years ago the Board  
1495 approved a request to rezone 426 acres of land to create Twin Hickory. What was and is most  
1496 significant about Twin Hickory is its true mixed-use nature in the middle of an abundance of the  
1497 private and public amenities. It is a community where people live, work and play. The original  
1498 Twin Hickory zoning included single-family attached homes, condominiums, town homes,  
1499 retirement living, apartments, day care and even light industrial uses, which was later amended  
1500 to single-family detached housing. The result is the fastest selling community in perhaps all of  
1501 Henrico County. Over the past many years we have met with County staff to advise them of  
1502 our plans in land assemblage and planning and development in this area. We looked for land  
1503 uses that were logical and transitional, uses that acknowledged some of the physical limitations  
1504 of the land, the area along 295 that had been quarried, used as a borrow pit for the  
1505 construction of 295, and also to be responsive to market conditions. The County did a small  
1506 area plan study and we essentially withheld our request from being advertised until that study  
1507 was finished. We have amended what we intended to do only after further meetings with staff,  
1508 and believe that we are now consistent with that small area plan study. Mr. Bittner has  
1509 explained the proffered conditions to you. I will merely summarize. We provided green belts  
1510 along the major roadways as we have consistently with Wyndham and Twin Hickory and  
1511 provided for conservation area rezoning, where applicable, provided for pedestrian and bicycle  
1512 access ways and a master plan showing that at the time of our first subdivision or POD  
1513 approval. We agreed to do median landscaping and portions of Nuckols Road adjacent to our  
1514 property, and also within in any landscaped median areas on the internal roads. The RTH  
1515 property in this quadrant, known as Parcel 3, in your case is an extension of Belmont Park. It is  
1516 actually proffered significantly to higher standards than it was proffered for Belmont Park, but it  
1517 has essentially been proffered to replicate Belmont Park, and those are single-family detached  
1518 condominiums.  
1519  
1520 Moving down, we amended our case again to bring it in further conformance with the small  
1521 area plan and combined what was Parcel 2, 2B, 2A and a portion of what was Parcel 3 into



1522 single-family detached homes in the R-5 area and provided significant additional quality  
1523 guarantees. As we moved toward I-295, we get a little more traditional town house product,  
1524 but again, significant proffered conditions relating with percentage of brick, garages, square  
1525 footage, architectural design, etc. The R-6 piece is hoped to become an assisted living facility.  
1526 Since that category also allows town homes and condominiums, we have added the same  
1527 guarantees of quality design as are attendant to the RTHC up against 295. The free portion of  
1528 the property is where we see office uses expanding into this quadrant. You are seeing all of the  
1529 land that we have currently been able to acquire and it was the County's staff's belief that this  
1530 area should become a transition of uses from the existing Twin Hickory towards the quadrant,  
1531 ending in an office-type use, an Innsbrook Corporate Campus type environment, and the O-3  
1532 parcels that you see there have been conditioned accordingly. There has been some discussion  
1533 in the past about whether or not this should or shouldn't be part of Twin Hickory. It is certainly  
1534 a sensitive issue with many. Originally we had thought that some of this land would not be  
1535 annexed into Twin Hickory. On reflection, and as we increase the square footage and the  
1536 quality designs of this, it sort of became obvious to us that we had created a superior brand  
1537 and living environment for Twin Hickory, and we had spent hundreds of thousands of dollars  
1538 creating that image and promoting it, and why we would abandon that as we move into this  
1539 potential additional section, we started to question. We have had meetings with many  
1540 neighbors about the sufficiency of the recreational amenities and what I am here to tell you this  
1541 evening is a process has begun. I know there is a meeting on September 5. I am sure others  
1542 will likely address this, this evening, where members of the HOA and certain interested people  
1543 will be meeting to discuss the adequacy of the recreational facilities. Hunt has agreed to pay  
1544 for a master plan by a landscape architect to be prepared. We believe this additional area will  
1545 both expand the parking and the pool facilities, but it needs to be studied, as to if and when  
1546 that is appropriate. It is likely to be appropriate with the addition of new folks, but not  
1547 tomorrow, and so there needs to be additional study as to how and when that would occur. I  
1548 have also been authorized to tell you, and I have communicated with some of the residents  
1549 today that Hunt will participate financially and contribute a portion of the funds necessary to  
1550 expand those facilities as and when they are deemed to be necessary, so they have, in essence,  
1551 made a commitment to look at this, participate in it, and to ultimately help to do something  
1552 about it when that issue is studied further. This request is consistent with your small area plan  
1553 study. The proffers are equal to or greater, if you will, than those rendered with the original  
1554 Wyndham rezoning, and with the Twin Hickory project. I believe it is a community that you will  
1555 continue to take pride in and makes a lot of sense from a transitional standpoint, and with that,  
1556 I think I will pause and see if you have any questions about this request.

1557  
1558 Mr. Taylor - Thank you, Mr. Theobald. Are there any questions for Mr.  
1559 Theobald on behalf of the Commission? No questions apparently, so we will go on, and you will  
1560 reserve...how many minutes did he reserve?

1561  
1562 Mr. Silber - He has 2-1/2 minutes.

1563  
1564 Mr. Taylor - Two and a half minutes and we will pass to the opposition. Do we  
1565 have some designated speakers for the opposition? All right. Come on down, please, and  
1566 identify yourself for the record. We will be happy to hear your comments.

1567  
1568 Mr. Rick Dodge - Good evening. My name is Rick Dodge. I live at 5108 Park  
1569 Meadows Court. That, of course, is in Twin Hickory. I have been appointed to a committee in

1570 the HOA and I am also the voting rep for my subdivision, but I am not speaking to you tonight  
1571 from either one of those official positions, because I haven't been authorized to do so. I am  
1572 just speaking to you as a concerned resident in the neighborhood, and my comments really are  
1573 first to thank the applicant, and I guess through Mr. Theobald, for reducing the number of town  
1574 homes and increasing the number of single-family homes. It is my opinion that that will result  
1575 in fewer transient neighbors and neighbors that we will potentially develop long-term  
1576 friendships and our lives, of course, will grow together, through our children, as a result of the  
1577 changes that they proposed. There are a couple of residents that have expressed to me their  
1578 concerns still about the density that this proposal recommends. I personally don't have those  
1579 concerns, because I know where we started with this proposal, and the density was much  
1580 higher than what we are seeing tonight. I also want to thank Mr. Bittner. I have never publicly  
1581 thanked him for all of his hard work on Twin Hickory and several residents have worked with  
1582 him very closely and Mr. Silber, we thank very highly of your staff. The pool issue is the main  
1583 issue that I would like to address, and Mr. Theobald just alluded to the fact that Hunt has  
1584 agreed to financially contribute to that, and really my only comment is I hope that that is a  
1585 significant contribution, because I believe that the rest of the financial requirement will come  
1586 from the HOA, and, of course, our hope is that we will need see a substantial increase in our  
1587 annual dues or potentially a outright contribution that would bring about our second pool. So, I  
1588 hope that the intent, even though we haven't heard any solid numbers yet, it is a little  
1589 premature to hear exactly how much the applicant will be fronting for additional facilities, I  
1590 hope that it is a significant and serious contribution. I will be happy to answer any of your  
1591 questions. And it is good to see all of you again, by the way.

1592  
1593 Mr. Taylor - Are there any other questions or are there any questions of Mr.  
1594 Dodge from the Commission?

1595  
1596 Mr. Jernigan - Rick, I don't want to put you on the spot.

1597  
1598 Mr. Dodge - I am ready.

1599  
1600 Mr. Jernigan - But we have seen you up here a few times before, and the way  
1601 you are sounding now is you are in support of this project.

1602  
1603 Mr. Dodge - Yes, sir. It is my opinion that Hunt had made concessions. They  
1604 have responded appropriately to the resident input that I have heard other than the few  
1605 individuals that are still concerned about the density. So, yes, I would publicly praise Hunt for  
1606 the changes that they have made. I am not terribly excited about the amount of buffers, but  
1607 you know, in my opinion, you can never have too many trees. They help us breathe. But, yes,  
1608 in general, Mr. Jernigan, you are right. I would have to say that I support this proposal.

1609  
1610 Mr. Jernigan - That is good. Thank you, sir.

1611  
1612 Mr. Vanarsdall - It has been a long road, hasn't it?

1613  
1614 Mr. Dodge - We have come a long way, yes, sir, and a lot of folks have put in  
1615 a lot of time, some on the County side and some on the developer's side, some on the  
1616 resident's side. A lot of meetings and Mr. Taylor has been very gracious with his time to come  
1617 out to Twin Hickory, and we appreciate that, Mr. Taylor.

1618  
1619 Mr. Jernigan - I think that is the reason you got the laugh on the way up here,  
1620 because you have made this walk quite a few times. We're not on a first-name basis, now.  
1621  
1622 Mr. Dodge - Unfortunately, sir, you probably have not seen the last of me. I  
1623 will always try and keep my comments brief. I can promise you that. Thank you very much.  
1624  
1625 Mr. Taylor - Is there anybody else who would like to speak? Ma'am, if you  
1626 would come down and identify yourself, we'd be happy to hear your comments. Thank you, Mr.  
1627 Dodge.  
1628  
1629 Ms. Stephanie Hunt - Good evening, my name is Stephanie Hunt. I live in Scot's Glen in  
1630 Twin Hickory and as well as Rick, I am also a neighborhood voting rep. I am president of the  
1631 Twin Hickory Swim Team and I am also on the pool committee. I am not speaking tonight in  
1632 any of those arenas. I am here as a concerned resident of my neighborhood, Scot's Glen. I  
1633 love my neighborhood, Twin Hickory. I want to make sure it is the best community that it  
1634 possibly can be, and my main concerns with this parcel is the over-saturation at Twin Hickory  
1635 Elementary School. I received a figure from the Principal that the school is going to be at  
1636 capacity this year, and what is troubling to me is that there is a rumor going around that can be  
1637 neither confirmed nor denied that my neighborhood, Scot's Glen, and Avery Green are going to  
1638 be redistricted to the new elementary school going in by Wyndham Forest. And my main  
1639 concern here is that if we are adding all of these new homes in, where is the logical districting  
1640 line for these new elementary schools? And I bought my house in Scot's Glen because there  
1641 was a brand new elementary school being built down the street, and if I did get redistricted,  
1642 that is going to be the third elementary school that we've been redistricted to, and I have been  
1643 in my house for not even three years. So, that is my concern, and I don't know if the applicant  
1644 has any control over that, but I think certainly some County officials do have that, and I think  
1645 we need to do what is in the best interest of the Henrico County tax-paying citizen, as opposed  
1646 to trying to increase our tax base. Thank you.  
1647  
1648 Mr. Archer - Ms. Hunt, excuse me. Have you talked to anyone on the School  
1649 Board about this?  
1650  
1651 Ms. Hunt - Penny Blumenthal, she couldn't confirm or deny redistricting and  
1652 several of my neighbors are concerned about this, and we are trying to set up a meeting with  
1653 School Board officials in October.  
1654  
1655 Mr. Taylor - Ms. Hunt, I don't believe there is any representative from the  
1656 School Board here tonight as we look around. This is new information to us on the panel, so it  
1657 is something we will have to check out.  
1658  
1659 Mr. Silber - It is also, I think, worth noting that the Planning Commission  
1660 doesn't establish those lines. The Board of Supervisors doesn't establish those lines. Those are  
1661 established by the School Board.  
1662  
1663 Ms. Hunt - Right. I understand that, but with adding this development, the  
1664 applicant can sell Twin Hickory Elementary as an amenity, and basically kick myself out,  
1665 because of the way boundaries are drawn up.

1666  
1667 Mr. Silber - It is hard to say whether this would have a bearing on that or not,  
1668 but the school that your children would go to at this time has capacity for additional enrollment,  
1669 and with the new school coming on, there would be some lines drawn and where those lines  
1670 would be drawn we don't know. And we don't know whether this development would even  
1671 impact that or not.  
1672  
1673 Ms. Hunt - Right. It is just something to think about. That is my concern.  
1674 Thank you.  
1675  
1676 Mr. Vanarsdall - It wouldn't be anything wrong with you calling Andy, your school  
1677 board representative.  
1678  
1679 Ms. Hunt - We tried to contact him and set up a meeting.  
1680  
1681 Mr. Vanarsdall - Has he called you back?  
1682  
1683 Ms. Hunt - Not that I am aware of. No. Thank you.  
1684  
1685 Mr. Taylor - OK. Thank you, Ms. Hunt.  
1686  
1687 Mr. Dodge - Can I just mention that there is a meeting planned with Penny  
1688 Blumenthal. A couple of the residents do have something planned later in the month to get  
1689 some more information from her.  
1690  
1691 Mr. Taylor - Thank you, Rick. This is the first time that we have heard that, so  
1692 we will have to check up on it. Are there any other speakers from the neighborhood of Twin  
1693 Hickory? Yes, sir. If you would, please come down and identify yourself, and we'd like to hear  
1694 your comments.  
1695  
1696 Mr. Derrick Anderson - My name is Derrick Anderson and I live at 4821 Saddleridge  
1697 Court. I am the voting rep for Saddleridge, but again just speaking as a concerned citizen.  
1698 Very briefly, I want to echo Mr. Dodge's thanks to the applicant for much progress in the last  
1699 few months, and just one quick comment on existing natural buffers to be left specifically in the  
1700 parcel to the roughly 80 new houses that have been proposed. I met with Mr. Moore of Hunt  
1701 and appreciate his direction and explanation of the trees that are going to be left because of  
1702 the environmental protection area, but my only request and encouragement is to see more  
1703 trees left and possibly proffers and for wooded lots in some of those 80 houses that back up to  
1704 Saddleridge residents or the lake or onto Parcel 3. My only request is that we investigate and  
1705 possibly have proffers for some additional trees left standing. Any questions for me?  
1706  
1707 Mr. Taylor - Thank you, Mr. Anderson. I am not sure if Mr. Bittner wants to  
1708 take that one on. We have talked about trees and buffers all along here, and it is an individual  
1709 parcel effort in terms of what landscaping is going to go in there, but generally speaking, I think  
1710 you have to acknowledge that HHHunt has done really, I think, a commendable job in trying to  
1711 save the trees and abide by the buffers, and do what we need to do. As we go forward, I think  
1712 it is good to keep an eye out for what is happening to make sure that that quality is maintained.  
1713 But I am reasonably sure that HHHunt will continue and respond to the neighborhood

1714 comments, and I know now there are several neighborhood councils that are working with  
1715 HHHunt. They continue to have dialogue, and I think we will just have to see as we go along. I  
1716 think we learned our lesson the last time in letting the developers get a little bit advanced in  
1717 terms of what their planning was, without controls, and I think we have corrected that now. So,  
1718 I think we will hope that the landscaping in the buffer is materially improved from what we had  
1719 a year ago in terms of control. Thank you. Are there any other comments? Any comments on  
1720 behalf of the Commission? Well, I am delighted to hear these comments and particularly the  
1721 comments that HHHunt is continuing to be responsive to the community, and I am delighted to  
1722 see the progress that we have made, the efforts that HHHunt has made, the efforts the  
1723 community has made to keep abreast of what is happening. I think a lot of credit evolves  
1724 through the people who live there in terms of statements of quality, both with regard to the  
1725 pools and the many meetings, and the meeting that we had at the school I think attests to the  
1726 neighborhood interests and also the County interests, and also the developer interests, as we  
1727 work ahead with this plan. Mr. Bittner, in working on this plan, has spent several months in  
1728 coming up with this concept, and he has been working with the developer, working with the  
1729 staff, and I am delighted to see the current progress of Twin Hickory, but I really think the best  
1730 is yet to come, as we begin to build these last ones, because we have learned a lot in terms of  
1731 working together, working with the community, working with the developer, recognizing  
1732 problems early, resolving them quickly and reasonably definitively with a good natured spirit or  
1733 good spirit, and a lot of cooperation, and I would hope that that continues and it grows and it  
1734 improves as we go along. And with that, I will recommend approval of Case C-13C-02, and  
1735 move it for approval.

1736  
1737 Mr. Jernigan - I want to second this one.

1738  
1739 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in  
1740 favor say aye. All opposed say no. The motion passes.

1741  
1742 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning  
1743 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
1744 request because the proposed zoning is compatible with adjacent land uses and proffered  
1745 conditions will assure a level of development otherwise not possible.

1746  
1747 Mr. Taylor - I want to thank all of the participants from Twin Hickory for their  
1748 attendance tonight, their continuing efforts on behalf of the community, and hope that we can  
1749 progress with the same degree of zeal and success in the future. It is a very successful  
1750 community and I think you all recognize that with the amenities that we have now, and the  
1751 amenities that we hope to have in the future. So, I wish you all a happy future. Thanks for the  
1752 support. And with that, Mr. Silber, I believe we have the next case.

1753  
1754 ***Deferred from July 11, 2002 Meeting:***  
1755 **C-30C-02 James W. Theobald for HHHunt of North Carolina:** Request  
1756 to conditionally rezone from B-1C Business District (Conditional) to R-6C General Residence  
1757 District (Conditional), Parcel 745-751-3992 (67-A-14B), containing 5.48 acres, located at the  
1758 southeast intersection of Ridgefield Parkway and Flintwood Drive. An 80 unit age-restricted  
1759 assisted living facility is proposed. The R-6 District allows a maximum density of 19.8 units per  
1760 acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The  
1761 Land Use Plan recommends Commercial Concentration.

1762  
1763 Mr. Taylor - Is there anyone in the audience opposed to Case C-30C-02? Are  
1764 there some people who would not be characterized by the opposition, but who would like to  
1765 speak? Yes, sir. Just one person who would like to speak. OK.  
1766  
1767 Mr. Jernigan - This lady raised her hand, too.  
1768  
1769 Ms. Russell - He is in opposition to it. I want to speak for it.  
1770  
1771 Mr. Silber - So we have some who may want to speak in opposition or make  
1772 some comments, and we have some in favor of it.  
1773  
1774 Mr. Vanarsdall - You want to speak in favor of that, Ms. Russell?  
1775  
1776 Ms. Russell - Yes.  
1777  
1778 Mr. Vanarsdall - I am glad to know you.  
1779  
1780 Mr. Taylor - Go ahead, Joe.  
1781  
1782 Mr. Emerson - Yes, sir, Mr. Chairman. We also have some proffers that have  
1783 been submitted, so there will be a requirement of waiving the time limits in regard to those. As  
1784 stated, this request would rezone 5.48 acres from B-1 Business District Conditional to R-6C  
1785 General Residence District Conditional. The permitted use would be Age Restricted Assisted  
1786 Living Facility. The property is located at the southeast intersection of Ridgefield Parkway and  
1787 Flintwood Drive.  
1788  
1789 R-6 zoning allows a density of 19.8 units per acre. The applicant has proffered to limit the  
1790 development to 80 units, a density of 14.6 units pre acre.  
1791  
1792 The property was originally zoned B-2 with no conditions in the overall action approving 585  
1793 acres of the Raintree development in 1971. In 1978 the Irving Company approached the county  
1794 with case C-78C-78, requesting adjustments to the 1971 rezoning to accommodate the final  
1795 location of Ridgefield Parkway. The subject property was included in that action and the  
1796 request was a down zone to B-1C. In March of 1979 the Board of Supervisors approved the  
1797 request. The conditions placed on the case did not address buffering from the adjacent  
1798 residential uses.  
1799  
1800 The Land Use Plan recommends commercial concentration for this property, and the land use  
1801 guide recommends Existing Area. This request deviates from the Land Use Plan  
1802 recommendation.  
1803  
1804 The applicant has submitted proffers addressing architectural treatment, conceptual plans,  
1805 building height, density, uses (restricting the use to age assisted living), lighting, exterior  
1806 materials, screening of the trash receptacles and so forth.  
1807  
1808 You do have a proffer that was handed to me just a few minutes ago regarding the buffer on  
1809 the eastern property line, which has been one of the points of contention and much discussion.

1810 This proffer has been agreed upon between the residents and the developer. It is in keeping  
1811 with staff's wishes as well. Therefore, in my opinion, it is acceptable. The other proffers that  
1812 were outstanding that have been worked out through this process that were noted in my report  
1813 dealt with the BMPs, which are now underground, with above-ground bio-retention facilities. At  
1814 this point, this case is in order. Staff recommends approval. If you have any questions I will be  
1815 happy to try to answer them.

1816  
1817 Mr. Taylor - Thank you, Mr. Emerson. Are there any questions on behalf of  
1818 the Board (sic) for Mr. Emerson?

1819  
1820 Mr. Archer - Mr. Emerson, does this new 18 require a waiver?

1821  
1822 Mr. Emerson - Yes, sir. It does.

1823  
1824 Mr. Taylor - Thank you, Joe. Mr. Theobald.

1825  
1826 Mr. Theobald - Thank you, sir. Mr. Chairman, ladies and gentlemen, my name is  
1827 Jim Theobald and I am here on behalf of HHHunt of North Carolina, and I want to make a few  
1828 comments, because so many people work so very hard for quite some time in shaping the case  
1829 to what you see before you this evening, not the least of whom is Ms. Ware and Mr. Emerson.  
1830 This is a great opportunity. This site was zoned B-1, as you heard, originally zoned B-2 long  
1831 ago as part of the mixed-use community of Raintree. It has been zoned for retail since 1971,  
1832 and sooner or later somebody was bound to build a shopping center on it. It is owned by  
1833 Crown Petroleum. I bet I have had six different users come to me over the years with ideas for  
1834 developing the property, most of which were very bad ideas and never saw the light of day, but  
1835 this was one that I think we all recognized that if we did it right was really, it could be win-win,  
1836 and that has really been the attitude of, I think not only of HHHunt, but the adjacent property  
1837 owners and the residents of Raintree in trying to shape this case. There are a number of  
1838 proffered conditions Mr. Emerson has summarized them for you briefly. I would say to you this  
1839 is a true assisted living facility. The average age of the resident in this facility is some 82 years  
1840 of age. Hunt had 17 of these facilities. We are not guessing as to what goes on here and what  
1841 some of the statistics are. They own and operate all of those. They have never sold any. We  
1842 could expect possibly three or four of these residents to drive, so it is a very, very low intensity  
1843 use. It is a one-story building, three meals a day, private pay, recreational activities, etc. They  
1844 do a great job and a number of the residents checked it out all through the Carolinas and  
1845 reported to us at the library meeting that they passed with flying colors. We have spent a lot of  
1846 time on the buffer. I appreciate the concerns of the adjacent property owners. We have tried  
1847 to forge a consensus and believe that we have with the language that you see. And on 18, I  
1848 would just say to those folks, that the approval of the zoning, which I hope will be  
1849 recommended by the Commission, and approved ultimately by the Board, is not the end of this  
1850 process but really the beginning of working with neighbors, and once we now have a property,  
1851 it will be graded and the landscaping required and there will be many additional opportunities  
1852 for input on this. So, I didn't want you to think by agreeing to this proffer that we were  
1853 finished, because in fact we are not. And, perhaps, with that, I will pause. The Raintree Board  
1854 has considered this on two occasions without opposition albeit with sensitivity to the adjacent  
1855 property owners. The Stony Run community, the town home community across the way, has  
1856 also considered it, and we have some representatives here tonight who would be happy to get  
1857 up and support if deemed necessary, and perhaps, would like to say something anyhow. But, I

1858 think with that I will pause and see if you all have any questions of me with regard to this case.  
1859 I do appreciate everybody's work that has gone into this.  
1860  
1861 Mr. Taylor - Thank you, Mr. Theobald. Ms. Ware, do you have any questions  
1862 for Mr. Theobald?  
1863  
1864 Ms. Ware - Not at this time. I will in a little bit after we hear from...  
1865  
1866 Mr. Theobald - Perhaps let the ladies who have come to speak in support might  
1867 just say a word or two, and then I know that some of the other folks have some comments to  
1868 make as well.  
1869  
1870 Mr. Silber - Mr. Theobald, I have a question. Unless I am looking at the  
1871 wrong exhibits, it looks like the proffers for, under Proffer 1 and 2, say the date for Exhibit A  
1872 and B. The staff report exhibits have a different date or am I looking at the wrong exhibits?  
1873  
1874 Mr. Theobald - Those exhibits have not changed.  
1875  
1876 Mr. Silber - So the proffers say, one says, "The architectural treatment says  
1877 dated April 30" and it looks like the exhibit and staff report is June 20. The conceptual plan  
1878 says May 21.  
1879  
1880 Mr. Theobald - At one point somebody did a revision of one of those with that, or  
1881 actually just changed the date. I think that is something maybe we will look at, Randy, and  
1882 make sure we are looking at the same, but this is the conceptual plan that has been proffered.  
1883  
1884 Mr. Silber - Down at the bottom it says 6/20 and the proffers have a different  
1885 date. We can fix that.  
1886  
1887 Mr. Theobald - Thank you.  
1888  
1889 Mr. Taylor - Thank you, Mr. Theobald. If you would, ma'am, please state your  
1890 name for the record.  
1891  
1892 Ms. Russell - I am Virginia Russell and I have lived in Stony Run Townhouses  
1893 for 20 years and I live at 2212 Rocky Point Parkway. I have suffered for 20 years worrying  
1894 about what is going to go across the street from us, and when they proposed this and I went to  
1895 two presentations, I was very pleased. I talked to my neighbors and the other people on the  
1896 Stony Run Board with me, and we are very happy to have the assisted living facility as our  
1897 neighbors and we look forward to seeing the facilities built.  
1898  
1899 Mr. Vanarsdall - Virginia, do you remember why, a good while ago that was zoned.  
1900 The POD was approved on that. Do you remember what happened to it; just financially they  
1901 didn't develop the shopping center?  
1902  
1903 Ms. Russell - I think the neighborhood objected to everything that has been  
1904 proposed. It was a service station, strip mall, and I can't remember the others, but everything  
1905 was undesirable.



1906  
1907 Mr. Vanarsdall - Thank you.  
1908  
1909 Mr. Taylor - But you are happy with the present concept?  
1910  
1911 Ms. Russell - Yes, I have been to two presentations. We think it is attractive  
1912 and we will see more of it than anyone else because our neighborhood is up high across the  
1913 street and we overlook this facility.  
1914  
1915 Mr. Vanarsdall - Well, I knew if you got involved it was going to be a success.  
1916  
1917 Mr. Taylor - Ma'am, if you would, please take the microphone there and give  
1918 us your name and address.  
1919  
1920 Ms. Debra Cohen- My name is Debra Cohen and I live in Stony Run right across the  
1921 street. Let's see. My backyard is right here where the cursor is (referring to rendering), and I  
1922 have owned my home for six years and I plan to stay for quite a while, if not the rest of my life,  
1923 and I am in support of this, thinking about the other things that could be developed there. I  
1924 think that this will help my property values, or at least not diminish my property values when I  
1925 think about the fact that a strip mall could go there, or a filling station. I just don't want the  
1926 noise and don't want my property to be devalued. So, I am in favor of this.  
1927  
1928 Mr. Taylor - Thank you, Ms. Cohen, I appreciate that.  
1929  
1930 Ms. Cohen - Thank you.  
1931  
1932 Mr. Taylor - Are there any other people in the audience who would like to  
1933 speak? Sir, if you would come down and provide your name for the record, we'd enjoy your  
1934 comments.  
1935  
1936 Mr. Joshua Lief - Thank you, Mr. Chairman. My name is Joshua Lief. I am an  
1937 attorney and I represent several of the adjacent property owners. I'd like to ask them to just  
1938 stand up briefly, so you can see who. These are several of the adjacent property owners. I  
1939 would start off by saying that we appreciate the hard work of the Planning Commissioner for  
1940 the Tuckahoe District, Ms. Ware. I have talked to her several times over the last couple of  
1941 days. The County staff, Joe Emerson, I really appreciate his work on this project. He has been  
1942 helpful and provided many opportunities for input. I think the developer has been working with  
1943 the residents to try to talk to them and work through the issues. We are not opposed to the  
1944 County rezoning, based upon the proffers offered by the developer, as well as other  
1945 representations made to my clients by the County, we are not opposing it. Among other items  
1946 that we have relied upon in discussing our support, or non-opposition I should say of this  
1947 application, are assurances from the County that first when the site clearing begins, they are  
1948 going to work with the adjacent home owners to make sure when the trees are cleared that  
1949 they work to mark a line to work with them to be sure that there is a common area that adjoins  
1950 the property that is going to be developed, and we find the lines are there when they cut the  
1951 trees down. We want to mark the line and make sure that when trees are moved we don't  
1952 have any accidental removals and that the line is well defined. Second, we wanted to make  
1953 sure, you know this is going to be a lot of construction, we want to keep the dust down. It is

1954 very dry out there, as you know. We appreciate the offer to wet down the property during  
1955 appropriate times during the construction. Finally and most importantly, we believe the  
1956 proposed plan, it is an intensive use. You can look at the site, look at the map, and it is  
1957 intensive use of this five-acres that is putting a pretty big development. We certainly agree that  
1958 it is better than other uses that have been talked about, and that is why we are not opposing it.  
1959 But the proffer talks about 80 residential units on the property, and that is made a part of the  
1960 proffers, and we talked with the County about the representations about 80 units, and as it  
1961 works with the plan of development stage, we just want to make sure it doesn't go with two  
1962 beds in each unit, where you'd have 160 people staying in there, because the parking, it is a  
1963 very tight sight, as you can see, and the parking is kind of close in terms of the number of  
1964 parking spaces per unit. So I look forward to working with the County and the developer as we  
1965 go through the plan of development stage. Thank you very much.

1966  
1967 Mr. Taylor - Sir, have you asked Mr. Theobald about the 80-unit issue?

1968  
1969 Mr. Lief - Yes, I have.

1970  
1971 Mr. Taylor - To your satisfaction?

1972  
1973 Mr. Lief - With the proffers at this stage, we are satisfied. Yes, sir.

1974  
1975 Mr. Taylor - Thank you. Any other questions for Mr. Lief? Ms. Ware?

1976  
1977 Ms. Ware - I am fine.

1978  
1979 Mr. Taylor - You are fine.

1980  
1981 Mr. Silber - I have a quick question. I know there has been some discussion  
1982 about this 20-foot buffer and the proffer that has now been submitted looks like it is offering a  
1983 six-foot fence within that buffer. It says "It shall be provided on the eastern property line."  
1984 Has there been any discussion as to whether that would be on the property line or where within  
1985 that 20-feet?

1986  
1987 Ms. Ware - I thought that was going to be decided at time of plan of  
1988 development.

1989  
1990 Mr. Silber - OK. Well, it says, "provided on the eastern property line" and I  
1991 wasn't sure.

1992  
1993 Mr. Lief - It is on the line.

1994  
1995 Mr. Silber - On the line? So, if you are concerned about, I guess my point is if  
1996 you are concerned about preserving the trees or whatever, that fence would be on that eastern  
1997 property line, so there may have to be.

1998  
1999 Mr. Lief - There is a common area of 20 feet on the eastern boundary, on  
2000 the developer's property would be the fence, and the additional planting on the other side of  
2001 the fence going up to the building.

2002  
2003 Mr. Silber - So the fence would be on the eastern property line adjacent to  
2004 the commons? As long as everybody understands that.  
2005  
2006 Mr. Taylor - Thank you, Mr. Lief. I don't believe there are any other questions.  
2007 Ms. Ware.  
2008  
2009 Ms. Ware - I guess, Mr. Theobald, I just wanted to, I guess reiterate for the  
2010 record and get this on the record that, I know we talked about this before, when limits of  
2011 clearing are set that it is requested that a member of the Raintree Association be present along  
2012 with the County and the Hunt representatives, as far as checking trees and taking care of that,  
2013 and also, it is requested that the site be watered down during clearing and construction to  
2014 reduce the dirt and dust.  
2015  
2016 Mr. Theobald - We discussed, I think Mr. Lief correctly stated that, obviously  
2017 there is some dust associated with construction and when it is appropriate or when there is an  
2018 unusual amount of dust or it is deemed necessary – Mr. Cook made a very public representation  
2019 at a meeting that he would be willing to water the site.  
2020  
2021 Ms. Ware - OK. Thank you.  
2022  
2023 Mr. Taylor - Any other questions from the Commissioners? All right, then I  
2024 believe a motion might be appropriate.  
2025  
2026 Ms. Ware - All right. This piece of property does have a history and the  
2027 current application to down zone it from B-1C to R-6C, I think, is certainly a positive one.  
2028 Under the current zoning, a plan of development could be submitted for a variety of business  
2029 uses, including restaurants, shopping centers and convenience stores, with a building height of  
2030 up to 35 feet and hours of operation from 6 in the morning until 12 midnight. The impact on  
2031 the residents can include traffic, late hours of activity, and restaurant exhaust during all hours  
2032 of operation. With this application, and the proposed residential zoning, the impact of the  
2033 surrounding residents would be much less. The residential zoning will, of course, prohibit any  
2034 business uses and apartments have been restricted as well. The building height would not  
2035 exceed one story. Traffic will be at a minimum due to the limited number of residents that can  
2036 drive, and an average of 13 employees during the day and four overnight. Deliveries are also  
2037 limited to regular business hours by the proffers, and the delivery area has been removed from  
2038 the immediate adjacent property owners. The building will be of quality construction and have  
2039 a residential feel and because the BMPs are underground, it will increase the greenspace and  
2040 provide for walking trails on the property. The citizen input concerning this case as well as the  
2041 applicant's consideration has been considerable, and I thank everyone. The major issues have  
2042 been worked through and I look forward to working with everyone again during the plan of  
2043 development phase. So, with that, I move that the time limits on the proffers be waived.  
2044  
2045 Mr. Taylor - Second. Motion made by Ms. Ware and seconded by Mr. Taylor  
2046 to waive the time limits. All in favor say aye. All opposed say no. The motion passes. The time  
2047 limits are waived.  
2048

2049 Ms. Ware - And I move that C-30C-02 be approved to the Board of  
2050 Supervisors.

2051  
2052 Mr. Vanarsdall - Second.

2053  
2054 Mr. Taylor - Motion by Ms. Ware and seconded by Mr. Vanarsdall to  
2055 recommend approval to the Board of Supervisors. All in favor say aye. All opposed say no.  
2056 The motion passes.

2057  
2058 **REASON:** Acting on a motion by Ms. Ware, seconded by Mr. Vanarsdall, the Planning  
2059 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
2060 request because it will not adversely affect the adjoining area, the proffered conditions provide  
2061 for a high quality of development and it is an appropriate residential zoning at this location.

2062  
2063 **Deferred from the July 11, 2002 Meeting:**

2064 **C-28C-02 Laraine Isaac for William D. Godsey:** Request to conditionally  
2065 rezone from M-1 Light Industrial District to M-2C General Industrial District (Conditional) and C-  
2066 1 Conservation District, part of Parcel 817-721-5981 (154-A-30C), containing 60.696 acres,  
2067 located on the north line of Oakley's Lane approximately 94 feet east of Oakley's Place and 217  
2068 feet west of S. Holly Avenue. The use will be controlled by proffered conditions and zoning  
2069 ordinance regulations. An industrial park including a contractor's equipment storage yard is  
2070 proposed. The Land Use Plan recommends Planned Industry and Environmental Protection  
2071 Area. The site is also in the Airport Safety Overlay District.

2072  
2073 Mr. Taylor - Is there anyone in the audience opposed to C-28C-02? So we will  
2074 have two speakers. So we will have 10 minutes divided five minutes each? Oh, OK. You don't  
2075 care to speak? Just one speaker? OK. Go ahead, Mr. Coleman.

2076  
2077 Mr. Coleman - Thank you. Amended proffers have been distributed to you that will  
2078 require waiving the time limit.

2079  
2080 This application was presented to the Commission in May, so I will briefly recap the request and  
2081 focus my presentation on the most important unresolved issues.

2082  
2083 The applicant proposes to rezone 60.696 acres from M-1 to M-2C and C-1. Approximately 32.5  
2084 acres are requested for M-2C and 28.0 acres for C-1. A contractor's storage yard and other  
2085 selected M-2 uses are proposed. The Land Use Plan recommends Planned Industry and  
2086 Environmental Protection Area.

2087  
2088 The property was mined extensively through the 1960's and the old borrow pits and mining scars  
2089 remain. The property also contains significant wetland and floodplain areas and steep slopes.

2090  
2091 There are tracts of industrially zoned property nearby, however the subject property serves as a  
2092 buffer between the adjacent residential areas to the north and industrial uses to the south. In  
2093 the vicinity of the subject property, there is no industrial development north of Oakley's Lane.  
2094 And any development activity on the subject property could impact the adjacent, historic Manakin  
2095 Mansion property.

2096

2097 Lack of appropriate improvements to Oakley's Lane are a longstanding issue. Oakley's Lane is a  
2098 narrow two-lane road with no shoulders and an average overall pavement width of 18 feet. It is  
2099 not conducive to transporting construction equipment or introducing any additional traffic in a  
2100 safe manner. And Oakley's Lane also runs dangerously close to the Manakin Mansion property.

2101  
2102 Planning staff recommends that approval of this application be contingent upon the completion of  
2103 improvements to Oakley's Lane. To this end, the applicant has met with County staff, including  
2104 public works and planning staff, on a design to realign Oakley's Lane. Substantial progress has  
2105 been made and discussions are ongoing; however, important issues remain unresolved, including:

2106  
2107           The applicant has not committed to construct the improvements to Oakley's Lane.  
2108           It has not been determined who will construct the right-of-way improvements; and  
2109           There is no guarantee the project can get Army Corps approval.

2110  
2111 This application is not consistent with the County's Land Use Plan and could introduce negative  
2112 impacts on nearby residential and historic properties. Only in consideration for the expected  
2113 public benefits related to the improvements to Oakley's lane can Planning staff consider  
2114 approval of this application. It is the applicant's responsibility to commit to those  
2115 improvements.

2116  
2117 Additionally, it is not appropriate to introduce a series of M-2 uses into this area. Planning staff  
2118 also recommends restricting permitted uses to a contractors' equipment storage yard plus uses  
2119 permitted in the M-1 district. Additional M-2 uses must be carefully considered on a case-by-case  
2120 basis.

2121  
2122 Staff cannot recommend approval at this time and recommends that the applicant defer this  
2123 application until the County and the applicant reach agreement on the construction of Oakley's  
2124 Lane and the necessary approvals for the construction, including Army Corps approvals, are in  
2125 place.

2126  
2127 I would be happy to answer any questions.

2128  
2129 Mr. Vanarsdall -                   Mr. Coleman, on Page 2, at the bottom, third paragraph up, you  
2130 recommend that it be deferred until the County can reach an agreement. Who in the County  
2131 would reach that agreement?

2132  
2133 Mr. Coleman -                   In the discussions concerning Oakley's Lane, there have been  
2134 discussions about the County and the applicant participating in the construction. To my  
2135 knowledge, the County has not agreed to participate.

2136  
2137 Mr. Vanarsdall -                   Who is they?

2138  
2139 Mr. Coleman -                   The applicant.

2140  
2141 Mr. Vanarsdall -                   Who in the County? Somebody in Public Works?

2142  
2143 Mr. Silber -                   Mr. Vanarsdall, I think that decision would be made by the County  
2144 Manager and the Board representative from that district.

2145  
2146 Mr. Vanarsdall - County Manager?  
2147  
2148 Mr. Silber - Yes. And really the Board as a whole, so that is a decision that is  
2149 not going to come from the Planning Office. That is a decision that has to be made.  
2150  
2151 Mr. Vanarsdall - I knew it wasn't. I just wanted to know who was holding it up, if  
2152 we deferred it, how long will you have to defer it? Six months? Six years, or when will they get  
2153 together on it.  
2154  
2155 Mr. Silber - I think the issue is not so much that the County hasn't decided to  
2156 what extent to participate or to even participate, I think the issue is until the road has been  
2157 approved by the Corps of Engineers we can't have that dialogue. But once there is approval by  
2158 the Corps of Engineers, we are assured that this road can go through and this alignment, then  
2159 there will be discussions with the applicant as to who.  
2160  
2161 Mr. Vanarsdall - It is more detailed than it looks then.  
2162  
2163 Mr. Jernigan - Nobody is really holding it up. Because after our meeting the  
2164 other day, that Mr. Donati and I had with Ms. Isaacs and EDA, that Mr. Donati had not had time  
2165 to talk to Mr. Hazelett before this meeting.  
2166  
2167 Mr. Vanarsdall - Oh, OK. The other question was, why wasn't there more uses  
2168 proffered out? Why weren't more M-2 uses proffered?  
2169  
2170 Mr. Coleman - Staff has been consistent that limiting uses is an important  
2171 consideration in evaluating a case.  
2172  
2173 Mr. Vanarsdall - Why didn't the applicant want to do that?  
2174  
2175 Mr. Coleman - I think we'd have to defer that question to the applicant.  
2176  
2177 Mr. Vanarsdall - OK. That is all the questions I have, Mr. Chairman.  
2178  
2179 Mr. Silber - I would like to elaborate on one point. The existing Oakley's Lane  
2180 is the dividing line between Varina and the Fairfield District, so actually I think it would involve  
2181 more than just one Board member's decision in participation of this road, but certainly it is a  
2182 decision that is made by the Board as a whole.  
2183  
2184 Mr. Vanarsdall - Thank you, Mr. Silber.  
2185  
2186 Mr. Archer - I had a question, Mr. Coleman, but Mr. Vanarsdall already asked  
2187 it.  
2188  
2189 Ms. Isaac - Lorraine Isaac, Engineering Design Associates. We have had  
2190 meetings on this project. We have had meetings with everybody from the Board of Supervisors  
2191 practically to the janitor. We have had combinations of people. We have discussed this with  
2192 everyone. Mr. Godsey is committed to this road. He has prepared an expense of how much

2193 this road was going to cost, three quarters of a million dollars. This was presented to Jim  
2194 Donati, who was going to take it to Virgil Hazelett. I do not know if that has happened, but we  
2195 have gotten an estimate into the County, and hopefully we will soon get a commitment. This  
2196 road will not get built without County commitment, and what Mr. Godsey would like from the  
2197 County is less than the money they originally had that they put toward the relocation of  
2198 Oakley's Lane that was going to go to this job, and then the road was going to be too  
2199 expensive, so that money went other places. So, it is kind of like we'd like that money to come  
2200 back to this project, so this road can be relocated.

2201  
2202 Concerning the uses on the property, this morning I did submit a revised proffer that eliminated  
2203 that the "Portland cement would not be allowed on this property." I also talked with Mr.  
2204 Godsey this morning about restricting the M-2 uses, and he told me at this time he would not  
2205 do it. I understand the staff's concern and I understand the Commission's concern, but tonight  
2206 my hands are tied. I cannot restrict that because I have been directed not to. I realize that  
2207 you can make a recommendation to the Board with additional requirements for proffer changes.  
2208 I think that his alignment of the road is going to be, it is going to be the road the County  
2209 promised Rhonda Allen ten years ago, but never got built. I think it protects her. I think it  
2210 moves the industrial property far enough away that it should have minimal impact on the  
2211 Mansion. We also have the POD process and the subdivision process to go through with the  
2212 development of this site, so I think there are further checks and balances that will we will be  
2213 going through in the process. If additional landscaping is needed, we can address it on a site-  
2214 by-site use by use basis. I think that by Mr. Godsey being able to develop this property is the  
2215 only way that this road is going to be built, and I think that if it is not rezoned the property will  
2216 be developed under its current M-1 unproffered zoning and that no improvements to Oakley's  
2217 Lane will be made. I'll be happy to answer any questions.

2218  
2219 Mr. Archer - Ms. Isaac, the .75 million, is that the total cost to construct the  
2220 road, or would that be the portion that Mr. Godsey would provide?

2221  
2222 Ms. Isaac - That was his estimate for the total cost, including his engineering  
2223 fees, his permitting, and Mr. Silber stated that the permit should be gotten before the County  
2224 commits to the road, and because that is a very expensive process unless the County is going  
2225 to participate, participation has got to come first before the permitting process.

2226  
2227 Mr. Archer - Well, as a part of the engineering fee and the design fee, has  
2228 anybody approached the powers that be that would permit the road, the Corps of Engineers, or  
2229 whoever, to find out if is a likelihood that they would approve it?

2230  
2231 Ms. Isaac - No, sir. We are starting with trying to get a commitment from the  
2232 County before we start that process.

2233  
2234 Mr. Silber - That is news to me. That wasn't my understanding. My  
2235 understanding was that there has already been application to the Corps of Engineers.

2236  
2237 Ms. Isaac - Not to my knowledge.

2238  
2239 Mr. Jernigan - The Corps of Engineers has the drawings and at this point, they  
2240 have said that they are happy with the alignment.

2241  
2242 Ms. Isaac - I didn't know that.  
2243  
2244 Mr. Jernigan - Yes. I checked with Bob Thompson yesterday. I mean, the  
2245 concept there, we may have to tweak it a little bit.  
2246  
2247 Ms. Isaac - Then that was made through the County to them?  
2248  
2249 Mr. Jernigan - This has been a difficult process because...  
2250  
2251 Ms. Isaac - We have had one too many meetings, Mr. Jernigan.  
2252  
2253 Mr. Jernigan - Mr. Godsey can't commit to the road because the commitment of  
2254 what his cost or how much he is going to do as to what the County is going to do has not been  
2255 settled yet. That is where Mr. Donati and Mr. Hazelett get into the picture. As we know, he  
2256 has committed that he will do all the clearing and bringing to finish grade on the dirt, and that  
2257 the County would put down the gravel base and asphalt, and that is the way it stands right  
2258 now, and we have to get a commitment from the County before it is going to be finalized as to  
2259 whether it will be proffered.  
2260  
2261 Ms. Isaac - Right. OK.  
2262  
2263 Mr. Silber - I think that is true, Mr. Jernigan. I think everything you said is  
2264 true. I guess from the staff's perspective we question if the Corps of Engineers refuses to  
2265 approve this alignment, and the road cannot be realigned, then is it appropriate to send  
2266 forward to the Board of Supervisors a request for M-2 zoning when the fate of this road is  
2267 undetermined. I think it makes sense to have that determination made that the road can work  
2268 at this location and at the same time be working out the arrangement as to who is going to pay  
2269 for what, and then send it to the Board of Supervisors with a recommendation for some form of  
2270 action.  
2271  
2272 Mr. Jernigan - Mr. Donati and I have already discussed that this property will not  
2273 be rezoned until it is worked out that we have permission from the Corps of Engineers and that  
2274 it's defined who is going to pay for what on the construction. I mean he is not going to pass  
2275 the property. I discussed this with him and told him if it moved ahead. I feel at this point the  
2276 Commission has done as much as it can. I mean, we've got the road on the map, which, first  
2277 of all, I want to commend the Department of Public Works, which Lee Priestas sat in on that  
2278 meeting, and Tom Coleman, with the staff people he worked with, and your people, really, in  
2279 less than 90 days brought a road through a mine field and that is basically what this is, because  
2280 it is water every where. It is floating mines. They had a road before that was conceptually I  
2281 couldn't even see it. It was bridges and everything coming through, but everybody has put up  
2282 a lot of effort, and I mean in less than 90 days we have a road that I think will work and that I  
2283 think the Corps of Engineers thinks will work. So, my hat's off to everybody that has been in on  
2284 that project.  
2285  
2286 Mr. Vanarsdall - I kind of agree with you, Mr. Jernigan. It seems we have done all  
2287 we can do at this level.  
2288



2289 Mr. Jernigan - And that is the reason I discussed long-term with Mr. Donati  
2290 about this case, but anyway, Ms. Isaac, do you have anything else?  
2291

2292 Mr. Vanarsdall - I wanted to ask about the uses. I think I did once before. I don't  
2293 know if you answered it or not.  
2294

2295 Ms. Isaac - I thought I did.  
2296

2297 Mr. Vanarsdall - It says, "Portland Cement Concrete Mixer". Portland Cement is a  
2298 kind of cement, isn't it?  
2299

2300 Mr. Jernigan - Well, they are referring to a concrete plant.  
2301

2302 Ms. Isaac - That is the language of the Ordinance. I pulled that language  
2303 directly out of the Ordinance.  
2304

2305 Mr. Taylor - But Portland Cement I think is used as a generic...  
2306

2307 Mr. Vanarsdall - I thought there was something about that. What I was saying,  
2308 you wouldn't, unless it was in the Ordinance like that, you wouldn't specify Portland. If it was  
2309 somebody else, you'd come in there and say, but I don't use Portland.  
2310

2311 Ms. Isaac - Right. So I could say, but that means Tarmac can go there. Like I  
2312 said, I did pull that out of the Ordinance because that is not the language I would have used.  
2313

2314 Mr. Vanarsdall - You ought to work on him for some other uses.  
2315

2316 Ms. Isaac - Well, like you said, I just got back this morning and I just, I've got  
2317 my marching orders tonight. You don't. I do.  
2318

2319 Mr. Jernigan - Mr. Vanarsdall, what would you feel was proper on the uses?  
2320

2321 Mr. Vanarsdall - I don't know what uses. It came up and staff said other M-2 uses  
2322 should be proffered out.  
2323

2324 Ms. Isaac - My understanding was that a contractor's storage yard would be  
2325 the only M-2 use allowed because that is what is needed for Mr. Godsey's business.  
2326

2327 Mr. Vanarsdall - M-2 is a heavy zoning.  
2328

2329 Mr. Archer - Ms. Isaac, I kind of had the same question and I am concerned,  
2330 because you know, this property borders right on Fairfield and most of it is residential  
2331 component around, isn't it?  
2332

2333 Ms. Isaac - Right.  
2334

2335 Mr. Archer - And if that contractor's yard is going to be the only use, then why  
2336 the hesitation to proffer out the additional uses?

2337  
2338 Ms. Isaac - I can't answer that question because I don't know the answer. I  
2339 just know what I've been told. I can't, but I think there is another thing, too, the residential,  
2340 the way we have wrapped the C-1 District around it, nothing on that site can be built any closer  
2341 than 300 feet to the adjacent property.  
2342  
2343 Mr. Vanarsdall - That isn't far. Don't fool yourself. That isn't far at all.  
2344  
2345 Ms. Isaac - Sounds awfully far to me.  
2346  
2347 Mr. Thornton - Well, that is not funny, Ms. Isaac. These people are living out  
2348 there and that is always my concern. When you come up to say "That is not far," and we are  
2349 talking about impact on residential area, there is, you know, I think we might have to show  
2350 some sensitivity. Right?  
2351  
2352 Ms. Isaac - I understand your concern. Like I said, my hands are tied tonight  
2353 and I understand what you want and I understand what the staff wants, I am just not in a  
2354 position to do anything about it tonight.  
2355  
2356 Mr. Vanarsdall - It says in here it shouldn't be M-2 zoning considered for that. That  
2357 is the whole problem right there.  
2358  
2359 Mr. Jernigan - Staff is OK with the contractor's storage yard, because that would  
2360 be Mr. Godsey's business, and possibly another one could come in there, too. The staff is not  
2361 in favor of anything other than this contractor's storage yard.  
2362  
2363 Mr. Vanarsdall - I don't want to keep on dwelling on it, but when you, if you're  
2364 going to put a heavy zoning in there, for whatever reason and don't proffer out what is bad,  
2365 then it doesn't make any sense to me. That is all I've got to say about it.  
2366  
2367 Mr. Jernigan - That is all I have. We have some people who would like to speak.  
2368  
2369 Ms. Isaac - Yes. An adjacent property owner.  
2370  
2371 Mr. Taylor - This is people in support of the project?  
2372  
2373 Mr. Jernigan - Well they are not, they want to speak about the project.  
2374  
2375 Mr. Taylor - They want to speak, OK? If you would, please come forward and  
2376 identify yourself for the record. And we have 10 minutes.  
2377  
2378 Ms. Rhonda Allen - I am going to be very brief. We've had lots of discussions and I  
2379 don't have a lot to say that hasn't already been addressed.  
2380  
2381 Mr. Taylor - Fine. Thank you.  
2382  
2383 Ms. Allen - My name is Rhonda Allen. I am the owner of the Nationally  
2384 Registered Historic Manakin Mansion and we've had quite a few discussions with Mr. Jernigan,

2385 Tom Coleman, and I'd like to thank everyone for their hard work, and listening to all my  
2386 questions on the phone, and coming on over and taking a tour and really looking at the  
2387 situation. My issues have been addressed already by Mr. Vanarsdall and Mr. Jernigan and Mr.  
2388 Archer. The primary issues that I still have are how and when will the road be built and is that  
2389 going to be prior to the M-2 zoning. I would request that it was, and the other issues that I  
2390 have would be that the permitted uses be limited to Mr. Godsey's business, which is the storage  
2391 yard. I think those are all the same concerns that everyone else has here, and if those are  
2392 addressed, then I would not have any opposition to the situation any further. That is really all  
2393 that I have to say.

2394  
2395 Mr. Jernigan - Thank you, Ms. Allen.

2396  
2397 Mr. Taylor - Is there anyone else who'd like to speak for or in opposition to  
2398 this project? No volunteers for or opposed. Mr. Jernigan.

2399  
2400 Mr. Jernigan - Well, as I said before, this has been a tough case, because we  
2401 have a road alignment, we have the relocation of a road tied in with the zoning of a property.  
2402 As I said before, I believe the Commission has moved as far as we can on this, and I don't see  
2403 any sense in holding it down here. The main objection that I think we have, Ms. Allen seems to  
2404 be supportive of everything other than the conditions of the M-2 conditions other than Mr.  
2405 Godsey's contractor's yard. And also, Mr. Vanarsdall and Mr. Archer have expressed their  
2406 concerns about it. What I think I am going to do, I want to explain to the Commission first and  
2407 then I will make a motion, I feel that the same way that everybody does, that the zoning of the  
2408 property, the proffering of the road completion and proffering of the conditions of the property  
2409 have to go through all together, and as I told you before, I have discussed this with Mr. Donati,  
2410 and being that this is the difficult case that it is, he understands that too, and has verbally told  
2411 me that is what would happen. My first condition on, the first condition on my approval would  
2412 be that dedication of the road, construction, would be worked out and completed and proffered  
2413 before it would be passed by the Board of Supervisors. The second condition is that the Army  
2414 Corps of Engineers would give in writing that they feel the placement of the road is proper, and  
2415 that permits would be issued at time of construction. The third condition...

2416  
2417 Mr. Taylor - May I say something here. Just for a second, because one thing  
2418 that would concern me with the Corps of Engineers is the Corps of Engineers has categorical  
2419 exclusion with regard to wetlands, and if this is a wetland, there first concern is its wetland  
2420 status and interference with the wetland status. I don't know that they would be really  
2421 interested in the design of the road, except to the degree that they understand what would  
2422 happen to the wetland.

2423  
2424 Mr. Jernigan - Well, they understand that it is coming through the wetlands.  
2425 Right now, as I spoke to Bob Thompson, who is head of the Department of Public Works, they  
2426 have seen the layout and tentatively they say it looks pretty good, not that they may not tweak  
2427 it a little bit, but this is under the condition, also, that we would have written approval from the  
2428 Corps of Engineers before the property would be zoned.

2429  
2430 Mr. Taylor - So the first condition is really the condition from the Corp and the  
2431 next one would be the design condition.

2432

2433 Mr. Jernigan - The first condition, as I said, would be the County and Mr. Godsey  
2434 would tweak or decide on how they are going to pay for it, and it would be proffered by Mr.  
2435 Godsey that he would build the road. The second thing would be that we have approval from  
2436 the Corps of Engineers and that permits would be issued to build the road.  
2437  
2438 Ms. Ware - I have a question.  
2439  
2440 Mr. Taylor - We will not interfere with the wetlands.  
2441  
2442 Mr. Jernigan - Well, if the Corps gives, when the Corp of Engineers gives their  
2443 satisfaction and a permit, they have taken into, they have studied it and they know that it is  
2444 going through a wetland. I mean that is the drawings that they have right now. Yes, ma'am.  
2445  
2446 Ms. Ware - Could this not, perhaps, be deferred for a longer period of time  
2447 because I have concerns about sending it to the Board of Supervisors with so many variables  
2448 involved.  
2449  
2450 Mr. Jernigan - Well, the problem is it is going to have to go that way anyway. I  
2451 mean, that is the reason I discussed it with Mr. Donati prior to this meeting, and he knew what  
2452 I was going to do, but, like I said, it is not going to be passed until everything comes together.  
2453  
2454 Mr. Silber - Mr. Jernigan, I guess, I think you know what the staff's position is  
2455 and staff's concern, and let me say it one more time, and then I have a suggestion for you  
2456 perhaps. Staff's concern is that, you know, I have discussed this at length with Mr. Thompson  
2457 also, and he has not given me the assurance that he has apparently given you on this road.  
2458  
2459 Mr. Jernigan - Assurances, yes. He just said that the Corp of Engineers has  
2460 reviewed it and right now, they haven't given the OK on it, but they are saying it doesn't look  
2461 bad.  
2462  
2463 Mr. Silber - But if the road cannot be approved by the Corps of Engineers,  
2464 then the County would be faced with the decision of either approving M-2 zoning without a road  
2465 alignment. In other words, we would be sticking more or less with the current alignment of  
2466 Oakley's Lane. The County would then have to determine whether they want to zone it or not.  
2467 And I hear you saying that you are comfortable with M-2 zoning if the road is realigned in the  
2468 general configuration that is shown here, and that there is some form of consideration given  
2469 here to who might construct this road. I think you are not recommending categorically that M-  
2470 2 zoning is OK, but you think it is OK if the road is constructed.  
2471  
2472 Mr. Jernigan - Well, I hadn't finished yet.  
2473  
2474 Mr. Silber - Maybe I should not have interrupted.  
2475  
2476 Mr. Jernigan - No, that is all right. I mean, because I had three conditions on  
2477 here. The third condition was that I would approve the M-2 zoning with M-1 restrictions with  
2478 the exception of the contractor's storage yard, and that other conditions in M-2 with 300-foot  
2479 restrictions would be brought back before the Planning Commission for approval, anything other  
2480 than the contractor's storage yard.

2481  
2482 Mr. Silber - OK. Are you finished?  
2483  
2484 Mr. Jernigan - Yes.  
2485  
2486 Ms. Isaac - I have a question. I hope I didn't hear this, or I hope I heard it  
2487 wrong. I heard you say that the road would have to be dedicated and completely constructed  
2488 prior to rezoning?  
2489  
2490 Mr. Jernigan - No.  
2491  
2492 Ms. Isaac - Thank goodness.  
2493  
2494 Mr. Jernigan - If I said that, I want it proffered that once Mr. Donati works out  
2495 with Mr. Hazelett, as you know, the way we have it right now that he does the two grades and  
2496 to check with the County on that. That is the loose end that we have there. But the proffering,  
2497 first of all, he has to dedicate the property, because it is on his property.  
2498  
2499 Ms. Isaac - Oh, he is going to have to dedicate by subdivision. Right.  
2500  
2501 Mr. Jernigan - So, he is going to dedicate the property for the road. He is going  
2502 to build his portion of the road as the deal works with the County. Now, once they work that  
2503 out, when they have the definite dollars down as to who is going to pay what, Mr. Godsey  
2504 would proffer that this road would be built as said for the M-2 zoning.  
2505  
2506 Ms. Isaac - OK.  
2507  
2508 Mr. Jernigan - I am not saying that it has to be built. He has to proffer that he is  
2509 going to do his part as agreed to by the County.  
2510  
2511 Ms. Isaac - And I don't see any problem with that, because at that point we  
2512 have answers.  
2513  
2514 Mr. Jernigan - OK, like I said, that is No.1. No.2 is that the Army Corps of  
2515 Engineers at the same time has to give their approval.  
2516  
2517 Ms. Isaac - And you are not looking for permits? You are looking more for a  
2518 green light?  
2519  
2520 Mr. Jernigan - I am not that familiar with the Corps.  
2521  
2522 Ms. Isaac - The permitting process takes quite a long time, and because we  
2523 still have to go through tentative subdivision, we could begin that process while we are trying to  
2524 get the permits. But if we are just looking for kind of a green light, saying it looks OK. So we  
2525 are trying to get the permits. We are just kind of looking for a green light to say it looks OK.  
2526

2527 Mr. Jernigan - I believe that the Courts can issue, I mean, they can give you the  
2528 green light because the permits aren't.... I'm not sure who is going to have to file for the  
2529 permit, whether it would be the County or....  
2530  
2531 Ms. Isaac - We will.  
2532  
2533 Mr. Jernigan - OK.  
2534  
2535 Ms. Isaac - It will be filed through our office.  
2536  
2537 Mr. Taylor - What it is, it is a Corps of Engineers permit because of wetlands  
2538 that's affected, so one way or another you will have to get a Corps of Engineers permit to affect  
2539 a wetland.  
2540  
2541 Ms. Isaac - Right. And in this estimate....  
2542  
2543 Mr. Taylor - According to the National Environmental Policy Act.  
2544  
2545 Ms. Isaac - The estimate for the road construction has a line item for the  
2546 wetlands work. We know we have to get a permit.  
2547  
2548 Mr. Taylor - What I want to say, all three conditions have to be satisfied. The  
2549 bottom line is all three conditions have to be satisfied for the zoning to be approved. No.1, the  
2550 County. No. 2, Corps of Engineers and No. 3 that it's zoned M-2, but M-1 conditions with the  
2551 exception of the contractor's storage yard, additional M-2 zoning or additional M-2 pieces in  
2552 there would have to come back before the Planning Commission other than the contractor's  
2553 storage yard.  
2554  
2555 Mr. Silber - Mr. Jernigan, I think the last one is not legal. You can't have a  
2556 proffer that would say you would do M-1 uses but these uses are okay if the Planning  
2557 Commission approves them. That wouldn't be legal through the State Law.  
2558  
2559 Mr. Jernigan - She's not proffering it, I'm putting it as a condition.  
2560  
2561 Mr. Silber - Is this a recommendation that you are making to the Board of  
2562 Supervisors if they consider this?  
2563  
2564 Mr. Jernigan - Yes, because ours is a recommendation. That's what I am  
2565 recommending. That it be allowed, M-1 uses, all of M-1 uses and M-2 use of contractor storage  
2566 yards.  
2567  
2568 Mr. Taylor - I believe Mr. Thornton has something to add. Mr. Thornton.  
2569  
2570 Mr. Thornton - Yes. Mr. Chairman, I hear what my good colleague is saying. I'm  
2571 just wondering about process. I don't recall ever having received a case like this, presented in  
2572 this manner before, and I want to opt for the best way to handle it through process. I just  
2573 don't know. It seems to be a little confusing, and we want to make sure that it is done in such  
2574 a way that has the specificity that it needs to have and also in a way that we normally do it

2575 procedurally. I just have some problems about how that can be schematically put for  
2576 acceptance by the Board. It seems like to me it's a little confusing.

2577  
2578 Mr. Jernigan - Well, Mr. Thornton, I'm looking for any ideas you can give me  
2579 because I've been confused on this for a long time. I mean, the thing of it is, we want the road  
2580 location, but we don't want the property zoned unless the road is built. The thing of it is Mr.  
2581 Godsey does have a letter from Lee Priestas from DPW that says that he is under no contract or  
2582 obligation to build the road. But, he is offering to do it to get this zoning going. So, we can't  
2583 zone the property without having verification that the road is going to be built.

2584  
2585 Mr. Thornton - I guess my question then is there a time restraint by the  
2586 applicant? If there is not a time restraint, if that time restraint is not deleterious or injurious in  
2587 anyway, it seems like to me this challenge that we have has to be worked out, and it look like  
2588 time would do that.

2589  
2590 Mr. Jernigan - Let me ask you this. Do you think we should approach the  
2591 County's legal staff before this goes any farther?

2592  
2593 Mr. Thornton - As I look at it procedurally I just think that some decisions have to  
2594 be made. Those decisions have not been made yet. It seems to me, as you have been  
2595 informed, and other have been informed. We are close to that. I just don't see a problem; we  
2596 just need a little more time.

2597  
2598 Ms. Isaac - Can I say something?

2599  
2600 Mr. Jernigan - Sure.

2601  
2602 Ms. Isaac - Your concerns have been of the road, which I don't have any  
2603 problems with because I think what it is going to do, if we can send this to the Board, it's going  
2604 to create a situation where the County has to decide if they are going to participate or not. I  
2605 think it's going to keep the process moving forward.

2606  
2607 Ms. Ware - I would question sending it to the Board when we still have the  
2608 issue of uses.

2609  
2610 Mr. Archer - What concerns me most about this, and I understand what Mr.  
2611 Jernigan is trying to do and I don't envy him for having to put forth the effort. But, you know,  
2612 giving the voluntary nature of proffers I don't know how, without having received these  
2613 conditions that you are talking about, which ultimately will be proffers from the applicant, we  
2614 could vote on it. I don't know exactly what it is we are voting on. I understand what you are  
2615 trying to do, but like Mr. Thornton said, I don't know if the process that we would have to do  
2616 tonight would be to consider an up vote. It seems like, based on the way that the case is  
2617 presented tonight, if we vote on it we would have to vote for denial, the way it is presented  
2618 tonight. Now, those conditions that you talked about can be added to this case prior to the  
2619 time it goes to the Board in the form of proffers. Proffers are conditions and I understand, but  
2620 they are voluntary.

2621  
2622 Mr. Jernigan - Right. It was suggested they do that.

2623  
2624 Mr. Archer - Ms. Isaac has to actually do it. They have to be drawn up and the  
2625 language probably would have to be approved. And, again, somebody made the suggestion  
2626 maybe legal ought to look at it before we move on it. We could kill the procedure by doing  
2627 something absolutely wrong.  
2628  
2629 Mr. Jernigan - Ms. Isaac, this case has been so difficult and confusing already, I  
2630 don't think another 30 days is going to hurt us, and I know Mr. Godsey wants to work through  
2631 this, but I think what we need to do is consult the legal staff. And I need to consult with Mr.  
2632 Donati again, but I do believe we may need to consult with the legal staff to get this straight.  
2633  
2634 Mr. Vanarsdall - Let me go back to what Mr. Silber said. And we might get caught  
2635 in a bind on over that M-2. Is that what you said?  
2636  
2637 Mr. Silber - Yes, sir.  
2638  
2639 Mr. Vanarsdall - The interpretation that I got from Ray was that if we could get it  
2640 on to the Board and then maybe it would move faster. But, if we are going to get caught in a  
2641 "Catch 22" on something, and I know what Lisa is saying that we usually try to work everything  
2642 out for the Board and there are so many lose ends.  
2643  
2644 Mr. Taylor - Perhaps that is what Mr. Thornton is thinking. The thing that I  
2645 am concerned about is somewhere in there if this is a wetland.... Wetland jurisdiction is the  
2646 Corps of Engineers and I'm not sure whether or not the Corps of Engineers have really been  
2647 contacted as to what the impact on the wetlands would be and what action we make take to  
2648 bring that road across there.  
2649  
2650 Mr. Jernigan - Ms. Isaac, I think at this point the best thing we can do, even  
2651 though we did want to try and work this out, and I do feel the Commission has probably done  
2652 as much as we can do on this case, and that's the reason I was going to move it on upstairs,  
2653 but I think, under the confusion that we have right now, especially, the legal term of bringing  
2654 all of this together at one time, I think we need to consult the legal staff. So, what I would like  
2655 for you to do is defer this for 30 days any maybe we can get something straight by then.  
2656  
2657 Ms. Isaac - Well, I don't have any options.  
2658  
2659 Mr. Jernigan - You're right, you don't or I can defer it.  
2660  
2661 Mr. Vanarsdall - Well, that's what staff suggested to begin with.  
2662  
2663 Mr. Jernigan - Well, I mean I can defer it if you don't want to. I don't think I've  
2664 used my deferral on this.  
2665  
2666 Mr. Taylor - No, you haven't, so we can go on and defer this.  
2667  
2668 Mr. Coleman - The Planning Commission deferred it at the May meeting.  
2669  
2670 Mr. Jernigan - Oh, we have deferred it one time?



2671  
2672 Mr. Archer - Ours is gone.  
2673  
2674 Mr. Jernigan - Then you may defer it.  
2675  
2676 Ms. Isaac - Well, I have to defer it and I would also like to request that you  
2677 and I meet with Mr. Godsey sometime soon.  
2678  
2679 Mr. Jernigan - Yes, anytime, just let me know. So, with that, Mr. Chairman, I'll  
2680 make a motion that we defer zoning case C-28C-02 to the September 12, 2002, meeting, by  
2681 request of the applicant.  
2682  
2683 Mr. Vanarsdall - Second.  
2684  
2685 Mr. Taylor - The motion was made to defer case C-28C-02 to September 12, at  
2686 the request of the applicant. All in favor say aye...all opposed say no. The motion passes.  
2687  
2688 At the applicant's request, the Planning Commission deferred C-28C-02; Laraine Isaac for  
2689 William D. Godsey, to its meeting on September 12, 2002. Mr. Thornton abstained.  
2690  
2691 **C-50C-02 Laraine Isaac for David L. Campbell:** Request to conditionally  
2692 rezone from B-3 Business District to M-1C Light Industrial District (Conditional), part of Parcel  
2693 823-716-7341 (163-A-23), containing 4.5 acres, located on the south line of Audubon Drive and  
2694 on the north line of Williamsburg Road (U.S. Route 60) approximately 264 feet west of  
2695 Trampton Road (500 W. Williamsburg Road). Office and self-storage units are proposed. The  
2696 use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use  
2697 Plan recommends Commercial Concentration. The site is also in the Airport Safety Overlay  
2698 District.  
2699  
2700 Mr. Taylor - Is there anybody in the audience opposed to case C-50C-02? No  
2701 opposition. Mr. Secretary.  
2702  
2703 Mr. Silber - Mr. Gidley, are you ready to present this case?  
2704  
2705 Mr. Gidley - Yes, sir.  
2706  
2707 Mr. Jernigan - Mr. Gidley, Mr. Silber and I had a discussion at the beginning of  
2708 this meeting and I think at this point, we are looking at a deferral on this.  
2709  
2710 Mr. Gidley - That's probably the ideal.  
2711  
2712 Mr. Jernigan - Things changed this afternoon that we haven't had time to sort  
2713 out and Ms. Isaac, I know I haven't given you a chance to get up yet, but I beat you up so bad  
2714 the last time I just figure I'd give you a chance to defer this without even having to come up  
2715 here. So, I'll make a motion that we defer zoning case C-50C-02 to the September 12, meeting  
2716 by request of the applicant.  
2717  
2718 Mr. Vanarsdall - Second.

2719  
2720 Mr. Taylor - Is that a request by the applicant or the Commission?  
2721  
2722 Mr. Jernigan - That's a request by the applicant. Right, Ms. Isaac?  
2723  
2724 Ms. Isaac - Yes. I formally request a deferral and I also request to be put  
2725 first on the next agenda.  
2726  
2727 Mr. Jernigan - That's not going to happen, you are going to be mid-way. We did  
2728 pretty good tonight, it was better than I thought it was going to be.  
2729  
2730 Ms. Isaac - Well, I'll shoot for expedited next month.  
2731  
2732 Mr. Jernigan - Well, I'll tell you what, we may do that. If we can get together  
2733 and work out these details we may be able to blow it on through here.  
2734  
2735 Ms. Isaac - We'll try. Thank you.  
2736  
2737 Mr. Vanarsdall - You just have to drive from the east end to drive, we have a lady,  
2738 the lady behind you, have to go to Charlottesville.  
2739  
2740 Ms. Isaac - I live down by St. Mary's and can practically walk home.  
2741  
2742 Mr. Taylor - The motion was made by Mr. Jernigan to defer case C-50C-02 to  
2743 the zoning meeting on September 12, at the request of the applicant and seconded by Mr.  
2744 Vanarsdall. All in favor say aye. All opposed say no. The motion passes.  
2745  
2746 At the applicant's request, the Planning Commission deferred C-50C-02, Laraine Isaac for David  
2747 L. Campbell, to its meeting on September 12, 2002. Mr. Thornton abstained.  
2748  
2749 Mr. Taylor - And that, I believe, will bring us to our last case.  
2750  
2751 Mr. Silber - Yes, sir.  
2752  
2753 **C-40C-02 Robert B. Smith, III for Asbury Automotive North Carolina**  
2754 **Real Estate Holdings L. L. C.:** Request to conditionally rezone from A-1 Agricultural District  
2755 to O-2C Office District (Conditional), part of Parcel 760-756-7631 (59-A-16), containing  
2756 approximately 3.16 acres, located on the west side of Darnell Road at the western terminus of  
2757 Lynn Avenue (2510 Darnell Road). An employee parking lot and adaptive reuse of existing  
2758 building for storage of office equipment, files and supplies for the adjoining automobile  
2759 dealership is proposed. The use will be controlled by proffered conditions and zoning ordinance  
2760 regulations. The Land Use Plan recommends Semi-Public.  
2761  
2762  
2763 Mr. Taylor - Is there anyone in the audience in opposition to case C-40C-02?  
2764 We have opposition. Mr. Emerson.  
2765

2766 Mr. Emerson - Yes, sir, Mr. Chairman. This request would rezone 3.16 acres of a  
2767 4-acre parcel from A-1, Agricultural District to O-2C, Office District (Conditional) leaving the  
2768 residual property A-1. The current use of the property is the Parham Hill's Christian Church.  
2769 The applicant is the contract purchaser and the permitted use would be employee parking and  
2770 reuse of the existing building for storage of office related files and equipment. The applicant  
2771 would construct a new parking area along the eastern border of the property to provide 52  
2772 additional parking spaces increasing the number of spaces on the site to 106. The subject  
2773 property is currently governed by Provisional Use Permit, P-11-95, which allows for the use of  
2774 47 parking spaces by the adjacent automobile dealership Monday through Friday, 7:00 a.m. to  
2775 7:00 p.m. The property is located on the west side of Darnell Road at the western terminus of  
2776 Lynn Avenue to the rear of Crown BMW, which fronts on Broad Street. The Land Use Plan  
2777 recommends Semi-Public uses for this property and the Land Use Guide recommends existing  
2778 area.

2779  
2780 This request deviates from the Land Use Plan recommendation. The proffers contained in the  
2781 staff report have been revised and you just received that revision. It adds one new proffer No.  
2782 6. Proffered items include in Nos. 1 and 3, covering uses, "Employees of the adjacent  
2783 automobile dealership shall only use property for parking. The building on the property may be  
2784 used for storage of office equipment, supplies and files."

2785  
2786 Proffers Nos. 2 and 5 covers access. "Vehicular access to the property shall only be from the  
2787 adjacent automobile dealership. A plan shall be provided for the elimination of the access to  
2788 Darnell Road, Lynn Avenue, to the Planning Office for approval. The plan shall provide for  
2789 emergency access of approximately 12 feet in width, it will be secured in a manner to limit the  
2790 use to emergency access only. The existing vehicle entrance shall be modified so as to remove  
2791 the appearance as a vehicular driveway."

2792  
2793 Proffer 4 provides for transitional buffers. "A 50-foot transitional buffer shall be provided along  
2794 the eastern border of the property. A 25-foot transitional buffer shall be provided along the  
2795 northern and western borders. No parking or any other activity or storage will occur in the  
2796 buffer areas. The landscaping plan for the purpose of screening the use from the adjacent  
2797 properties shall be submitted to and approved by the Planning Office prior to occupancy."

2798  
2799 Proffer 6 covers the lighting issues. Restricting light standards to 12 feet in height and inquiring  
2800 use for concealed sources directing light away from the residential areas. Staff believes that a  
2801 50-foot and a 25-foot landscape buffer will insure quality transitional area between the subject  
2802 property and the adjacent residential and semi-public uses.

2803  
2804 In addition, community concern regarding higher traffic volume on the adjacent streets would  
2805 be addressed by preventing vehicular access to the parking area on Darnell Road and Lynn  
2806 Avenue. This will also require a plan of development, so the Commission will see this again to  
2807 insure that these proffers are met.

2808  
2809 The Land Use Plan recommends semi-public uses for this property and again the Land Use  
2810 Guide recommends existing area. This request does deviate from the Land Use Plan  
2811 recommendation. However, the proposed parking and office storage areas will be an equal or  
2812 less intensive use than the previous church and would be compatible with the existing  
2813 development area. With the addition of Proffer 6 addressing the lighting concerns, staff is

2814 recommending approval of this proposal. The attorney for the applicant is present and may  
2815 wish to address the Commission and I'll be happy to attempt to address any questions you may  
2816 have as well.

2817  
2818 Mr. Taylor - Thank you, Mr. Emerson.

2819  
2820 Mr. Vanarsdall - I notice one of the concerns was the lighting and that's in Proffer  
2821 6.

2822  
2823 Mr. Emerson - Yes, sir. That was covered with the additional proffer.

2824  
2825 Mr. Silber - Mr. Emerson, in the staff report there is a site layout, it's not  
2826 proffered is it?

2827  
2828 Mr. Emerson - That is correct. It is not proffered.

2829  
2830 Mr. Vanarsdall - What isn't?

2831  
2832 Mr. Emerson - The site layout is not proffered. It will come through POD review.  
2833 It's a generalized plan to provide the concept of what will occur there, but it is not proffered.

2834  
2835 Mr. Taylor - The church existing there now, will that remain?

2836  
2837 Mr. Emerson - The building will remain and will be reused as a storage for files  
2838 and office related equipment. The property line that you see on the site plan will have to be  
2839 moved and that will be taken care of at the plan of development stage in order to create the  
2840 use on one property.

2841  
2842 Mr. Taylor - Is that the proposed zoning line to the north?

2843  
2844 Mr. Emerson - Yes, sir.

2845  
2846 Mr. Taylor - The area north of that is just going to remain as agricultural?

2847  
2848 Mr. Emerson - Yes, sir, that's correct.

2849  
2850 Mr. Taylor - Mr. Vanarsdall, would you like to hear from the applicant?

2851  
2852 Mr. Silber - I think he needs to because we have opposition.

2853  
2854 Mr. Vanarsdall - Yes, because we have opposition.

2855  
2856 Mr. Taylor - Okay. Thank you, Mr. Emerson. Would the applicant please  
2857 address the podium and state your name, sir, and we will enjoy hearing your comments.

2858  
2859 Mr. Smith - They will be very brief. My name is Robert Smith, Mr. Chairman,  
2860 lady and gentlemen. I represent in essence Crown. Asbury Automotive is a national company,  
2861 which owns Crown and other automobile dealers. We've been here a little over 17 years, out

2862 on W. Broad Street, it's been some time less than that since we bought the property. We have  
2863 now achieved probably close to our maximum growth, and what brings this about is the fact  
2864 that we have over 110 employees who have no place to park at the present time. Some years  
2865 ago we entered into an agreement with the church, and while they were still viable, we used  
2866 part of their parking lot. When the church decided to sell their property because it is adjacent  
2867 and contiguous and because at the time Mr. Glover, when we got the permission from the  
2868 church, required us to move our cars from our property onto the church's property and to close  
2869 off Darnell Road. The church put up a fence. The church still owns the property. And I think  
2870 you will hear from the opposition that their concern is that the fence, the public be closed  
2871 permanently. Let me assure you that we have no opposition to that. We have 100 employees'  
2872 cars back there and we do not want people coming through Darnell Road or Lynn Lane over  
2873 onto the property while these cars are parked. This is a fair distance away from the actual  
2874 offices of Crown and we do need the property simply for our employees to park. Right now  
2875 they are parking all up and down Broad Street and having to walk across Broad Street and it's  
2876 very difficult.

2877  
2878 Mr. Emerson went through the proffers with you. It's our intent and our promise to you that  
2879 these proffers, the 50-foot border, as well as the 25-foot border, will insulate the parking lot  
2880 from the neighbors. We've attempted to do that with the lighting as well, the lighting not  
2881 exceeding 12 feet. Do you have any questions?

2882  
2883 Mr. Taylor - Mr. Vanarsdall.

2884  
2885 Mr. Vanarsdall - I don't have any questions.

2886  
2887 Mr. Silber - Mr. Smith, I have a question, if I may, Mr. Chairman.

2888  
2889 Mr. Taylor - Yes, please do, Randy.

2890  
2891 Mr. Silber - I've been doing some quick math over here then I realized my  
2892 math does jive somewhat with the staff's report. There would be 106 parking spaces on site for  
2893 employees?

2894  
2895 Mr. Smith - Mr. Silber, I looked at this today and I hope that's correct. We  
2896 are going to lose two parking places because we are going to have to put this buffer in next to  
2897 the Boy's Home, but I believe that's correct.

2898  
2899 Mr. Silber - I guess the nature of my question is, it seems like there are a lot  
2900 of parking spaces for employees. Now the staff report indicates that you have 114 employees.  
2901 Are all of the employees at the dealership or the site at one time that they would need to have  
2902 106 parking spaces?

2903  
2904 Ms. Gianakos - Most of the (unintelligible).

2905  
2906 Mr. Vanarsdall - Come on down so that we can get you on tape.

2907  
2908 Mr. Smith - This is Theo Gianakos. She's the general manager of Crown  
2909 Acura.

2910  
2911 Mr. Taylor - Ma'am, would you spell your name please so that we can get it on  
2912 the record.  
2913  
2914 Ms. Gianakos - Sure. G I A N A K O S.  
2915  
2916 Mr. Archer - That's the way I would spell it.  
2917  
2918 Mr. Taylor - Now, you may answer the question.  
2919  
2920 Ms. Gianakos - I would say 80% of the employees.  
2921  
2922 Mr. Vanarsdall - Of course, your sales people will be coming and going.  
2923  
2924 Ms. Gianakos - That's correct.  
2925  
2926 Mr. Taylor - And will they go through the gated.... You said they would not be  
2927 exiting or entering the site through the gated or now gated entrance that's at Darnell and Lynn.  
2928  
2929 Mr. Smith - That's absolutely correct.  
2930  
2931 Mr. Taylor - They will be coming from the front of the site. There will be no  
2932 traffic on the back. And then I presume that the buffer, the 50-foot-wide buffer that's between  
2933 you and the others, will that be planted?  
2934  
2935 Mr. Smith - Yes, sir. There's a requirement, Mr. Chairman, for that.  
2936  
2937 Mr. Silber - What I was just trying to achieve is some assurance that this  
2938 would be just for employee parking. When I saw that number of parking spaces I didn't want  
2939 this to become an overflow situation where new cars or used cars would be parked in this  
2940 location. This would become an enforcement problem for us if we have to go back there and  
2941 try to determine whether this is simply being used by employees.  
2942  
2943 Ms. Gianakos - You have my commitment that that will not be the case.  
2944  
2945 Mr. Silber - So, we can go back at any point in time and determine that those  
2946 are employees parking and not stickers on the cars?  
2947  
2948 Ms. Gianakos - That's correct.  
2949  
2950 Mr. Silber - Okay. Thank you.  
2951  
2952 Mr. Smith - Mr. Silber, and further answer to your question, because of the  
2953 growth that does not necessarily mean that they have quit growing as far as their sales force.  
2954 In fact, that's a concern, that's why we are doing this. We want to make sure that the  
2955 neighbors are affectively blocked. One of them said he didn't want to be like the little road that  
2956 runs down by Haynes Jeep. We don't want that. We also want to make sure that the road  
2957 coming in is effectively blocked. Our major concern is the fire to the church, and the only

2958 public access is through Darnell and Lynn. And for that reason, there is the 12-foot area. The  
2959 pavement would be torn up, it would be grassed in and there would be a fence put up and  
2960 permanently locked. But, I've been told by your staff that the Fire Department have bolt  
2961 cutters and if there is a fire they can slip on through.

2962  
2963 Mr. Taylor - Thank you, Mr. Smith. Thank you, Ms. Gianakos. Are there any  
2964 other comments on this case? We have opposition. We have two in opposition. If you would,  
2965 in some order of your choosing, figure out who would like to come first. Would you share 10  
2966 minutes and if you would come to the podium and identify yourself however you two want to  
2967 separate the 10 minutes or you can see how long the first one takes and see what happens  
2968 with the second one.

2969  
2970 Mr. Woodard - I'm Jerry Woodard and I live at Darnell Road. I have no  
2971 objection, actually, to the rezoning of the property in question but I do have a few concerns  
2972 regarding the proffers, mainly No. 2 and No. 5. I as well as many residents in our  
2973 neighborhood of Mount Vernon Heights would prefer to see the existing access to what is now  
2974 Parham Hill Christian Church to be permanently closed and have no access to or from Lynn  
2975 Avenue at the intersection of Darnell Road. I understand the car dealership on Broad Street,  
2976 the Crown Acura BMW, is considering using this entrance for emergency entrance. I believe  
2977 any other possibility such as to the west of their existing property would be more suitable and  
2978 probably better used in an emergency. If allowed to use Lynn Avenue as an access this would  
2979 create a danger to our children and family in our neighborhood. Prior to 1995, this entrance  
2980 from Lynn Avenue, which goes into the church now, use to be used for parking for the  
2981 employees. This created a very hazardous situation for our families, for our whole  
2982 neighborhood. Fortunately, this problem was corrected when they put up a locked gate.  
2983 Another thing which would help maintain the value of our neighborhood would be not only to  
2984 create a minimum 50-foot buffer between the property of Darnell Road and Lynn Avenue, but  
2985 also if they had some type of fencing there along with plantings, several evergreen trees or  
2986 shrubs in order to block the neighborhood's view of the dealership altogether, this being the  
2987 cars as well as the building. So, when you enter or exit the neighborhood you won't be able to  
2988 see any of that, the cars, the building or any activity going on over there. I would also like to  
2989 say, whatever type of buffer or barrier and landscaping, which is proposed, should not only be  
2990 approved by Henrico County Planning Office but also by any concerned residents of Mount  
2991 Vernon Heights. If a 12-foot-wide emergency access is approved it should be done in a manner  
2992 and design so as to hide as much as possible the cars and building from Lynn Avenue and  
2993 Darnell Road. Mainly, I am opposed to any access through our neighborhood. And, finally, I  
2994 would like to say that any lighting on the property be kept to a minimum and some type of low-  
2995 level lighting. That's it. Thank you.

2996  
2997 Mr. Taylor - Thank you, Mr. Woodard. Are there any questions from the  
2998 Commission for Mr. Woodard? All right. Our next speaker, please. Sir, if you would do likewise  
2999 in identifying yourself, we would enjoy hearing your comments.

3000  
3001 Mr. Kaufelt - I'm Roy Kaufelt and I live on Darnell Road.

3002  
3003 Mr. Taylor - Would you spell that, sir, for us please.

3004  
3005 Mr. Kaufelt - Sure, K A U F E L T.

3006  
3007 Mr. Taylor - Thank you, sir.  
3008  
3009 Mr. Kaufelt - You're welcome, I'm very accustomed to that. Basically, like Mr.  
3010 Woodard, I'm not opposed to the rezoning. I mean, it's a nice piece of property and it's got to  
3011 be used for something and the car dealership apparently needs the space. However, I am  
3012 opposed to having any entrance at Darnell and Lynn. We've experienced that in the past. It  
3013 gets quite dangerous there. Now, there's mention of closing it off and doing away with the  
3014 asphalt and landscaping it and making it 12-foot wide so a fire truck could get through there,  
3015 but I would like to see it at least, preferably I'd like to see the fence put back so that there is no  
3016 access. But, as a secondary measure, if that's necessary to have an emergency entrance, other  
3017 than the one off of Broad Street, that it be gated, and it be gated in a like manner as the fence  
3018 that currently surrounds that property, which I think is about five or six feet high with barbwire  
3019 across the top, if my memory serves me correctly. They talk about landscaping. Well I get a  
3020 little wheezy when somebody says that because to some people landscaping is we irrigate the  
3021 yard and we throw some grass on it. Well, I'm like Jerry back here, I'd like to see the place  
3022 screened off. I'd like to see it screened off with trees, shrubs, whatever so that when I come  
3023 down Lynn Avenue toward Darnell Road, I'm not looking at a car lot, if you will, whether it be  
3024 employee cars or repaired cars, loaner cars or whatever the case may be. I would like to see it  
3025 screen by vegetation of some sort. Other than that, do with the property as they will. Those  
3026 are my comments.  
3027  
3028 Mr. Taylor - Thank you, Mr. Kaufelt. Are there any questions of Mr. Kaufelt?  
3029  
3030 Mr. Vanarsdall - Mr. Smith, do you want to shade some light on that for us?  
3031  
3032 Mr. Smith - Yes, sir, very briefly. The comment was made that you would like  
3033 to cut off the access so that it would come through the west. The western part is the Boys  
3034 Home and there is no public access, that's private property. In deed, if there was a fire you  
3035 would have to go through the Boys Home, hang a left, go over across their fields and Lord only  
3036 knows what is going to be there in the future and then go down a hill through a 25-foot buffer  
3037 zone to whatever the problem is. The current road we want... as much as the neighbors want  
3038 limited access, we want limited access. We do not want people coming off Darnell or Lynn  
3039 coming onto the property when there are a number of cars parked back there. For that reason,  
3040 we are certainly agreeable to a gate, five or six feet, the chain-link type, as the man suggested.  
3041 And if he wants to put barbwire on top, fine. As far as the screening, I talked with one of those  
3042 gentlemen earlier tonight, red tips or whatever. Whatever it takes to screen off the property so  
3043 that they don't see the cars. That is equally as fine with us. I hope when you drive by Crown  
3044 and you see the amount of money that they have put into that place, it is an entity, they don't  
3045 do things half way. We heard about Twin Hickory tonight, but I assure you with respect to how  
3046 they take care of their property that they do it in a first-class manner and we will do this  
3047 parking lot the same. I think that addresses all of the comments that were made by the two  
3048 gentlemen.  
3049  
3050 Mr. Vanarsdall - The lighting has been taken care of?  
3051  
3052 Mr. Smith - Yes, sir, it has been. It's indirect lighting and it's low.  
3053



3054 Mr. Vanarsdall - You are using shoebox lighting and it won't overflow into the  
3055 neighborhood.  
3056  
3057 Mr. Smith - Right.  
3058  
3059 Mr. Vanarsdall - We never have allowed anything through the neighborhood there.  
3060 That's one thing we have never done. We don't want anybody through that neighborhood.  
3061 And that hasn't changed now, has it? You have a proffer here, and I'm confused.... The proffer  
3062 is that it will only be from the automobile dealership.  
3063  
3064 Mr. Smith - That's correct.  
3065  
3066 Mr. Vanarsdall - Roy, are you talking about a gate? Where are you talking about  
3067 putting a gate?  
3068  
3069 Mr. Kaufelt - Where Darnell Road and Lynn comes together, right here  
3070 (referring to rendering on the screen). If you look at your drawing on the screen you will see a  
3071 road leaving Darnell and looking into....  
3072  
3073 Mr. Smith - Right there (referring to screen).  
3074  
3075 Mr. Kaufelt - Yes, right there.  
3076  
3077 Mr. Smith - There's a gate there now.  
3078  
3079 Mr. Vanarsdall - I thought there has always been a gate there.  
3080  
3081 Mr. Kaufelt - There was a gate there. It was put up in 1995 and we had this  
3082 problem that we are talking about. It is a very tiny gate. A very lightweight gate, I will say.  
3083 Also, by the way, that gate was open tonight before we came here.  
3084  
3085 Mr. Vanarsdall - Well, that concerns me. We don't want anybody through the  
3086 neighborhood, not a soul.  
3087  
3088 Mr. Smith - That is exactly right. We don't want anybody coming through the  
3089 parking lot. And the major reason we believe we need emergency access is the church.  
3090  
3091 Mr. Vanarsdall - Well, I don't think he has a problem with the emergency access as  
3092 long as the chain is lock.  
3093  
3094 Mr. Smith - We have agreed to that.  
3095  
3096 Mr. Vanarsdall - Because emergency vehicles can get anywhere.  
3097  
3098 Mr. Kaufelt - My concern is the type of gate that will be there.  
3099  
3100 Mr. Smith - We are agreeable to whatever type of gate the neighbors want to  
3101 put up.

3102  
3103 Mr. Jernigan - Is there a five-foot gate there now?  
3104  
3105 Mr. Smith - No, it's a pipe gate, it's a kind of a farm gate.  
3106  
3107 Mr. Vanarsdall - Where he's coming from is that when this all began, in 1995 I  
3108 think it was, this was all going to be really lovely, just like tonight, and all of a sudden people  
3109 started going through the neighborhood. The same thing they did at Haynes Jeep that  
3110 somebody mentioned.  
3111  
3112 Mr. Smith - Well, I was around in 1995, Mr. Vanarsdall, and it was closed off  
3113 in 1995 and we came through and only the employees that came through there to the church  
3114 came through Crown's parking lot.  
3115  
3116 Mr. Vanarsdall - Now, tonight how can I get in writing or proffer or how can we  
3117 get the gate there?  
3118  
3119 Mr. Jernigan - So, in other words, would you be willing to put up, let's say a...  
3120 The rest of the gating is five feet.  
3121  
3122 Mr. Smith - Yes.  
3123  
3124 Mr. Jernigan - Would you be willing to put up a five-foot gate rather than the  
3125 pipe gate there and keep it locked?  
3126  
3127 Mr. Smith - The money is approaching the microphone.  
3128  
3129 Ms. Gianakos - Believe me, it's not mine.  
3130  
3131 Mr. Jernigan - I think Mr. Vanarsdall is looking for a little bit of assurance here.  
3132  
3133 Ms. Gianakos - We have had discussions and we are committing to doing exactly  
3134 what they want us to do. We will not allow employees to come through the Darnell Road.  
3135  
3136 Mr. Vanarsdall - We already have that, No. 2 is the concern.  
3137  
3138 Ms. Gianakos - The problem is the gate that he was talking about.  
3139  
3140 Mr. Vanarsdall - Well, how about making proffer No. 7 about the gate, however  
3141 you want to word it.  
3142  
3143 Mr. Taylor - Mr. Vanarsdall, rather than add it we may want to add something  
3144 to Item 4 because that comes up with the landscaping plan and a possibility of a fence and I  
3145 think if we put the landscaping plan and the kind of trees that you are going to plant and the  
3146 gate.....  
3147  
3148 Mr. Smith - Actually, the gate is under No. 5 where you talk about the 12-foot  
3149 entrance. If we could describe the gate at the end of that....

3150  
3151 Mr. Taylor - That describes the width but it doesn't describe whether it's going  
3152 to be a chain-link or whatever. So, I think what you can do is just come up with a plan that  
3153 implies this as a landscaping plan as a part.  
3154  
3155 Mr. Silber - I think Mr. Vanarsdall is asking for it now.  
3156  
3157 Mr. Archer - Just proffer it now and we will be done with it.  
3158  
3159 Mr. Taylor - Just proffer it now and submit it when you can.  
3160  
3161 Mr. Vanarsdall - Just proffer it now and be done with it.  
3162  
3163 Mr. Taylor - And we will get a time limit on the proffers.  
3164  
3165 Mr. Vanarsdall - Yes.  
3166  
3167 Ms. Gianakos - Whatever you want us to do with it.  
3168  
3169 Mr. Smith - (Unintelligible)  
3170  
3171 Mr. Vanarsdall - What are you talking about, No. 4?  
3172  
3173 Mr. Jernigan - He's talking about the gate. He's proffering that they will put up a  
3174 gate that will be five-foot....  
3175  
3176 Mr. Vanarsdall - Well, where did he write it?  
3177  
3178 Mr. Jernigan - He just verbally proffered it.  
3179  
3180 Mr. Smith - They just told me I could verbally proffer it.  
3181  
3182 Mr. Vanarsdall - All right, good. Is that all right, Randy?  
3183  
3184 Mrs. Ware - I have a question for Mr. Emerson before we finish.  
3185  
3186 Mr. Jernigan - I don't think we have to waive the time limit on a verbal proffer.  
3187  
3188 Mr. Taylor - I believe Mr. Smith still has the floor, frankly.  
3189  
3190 Mr. Smith - I'm done. I was answering question.  
3191  
3192 Mr. Taylor - OK. What we need to do is get an idea of how we are going to do  
3193 the proffer.  
3194  
3195 Mr. Silber - Mr. Smith, let me ask a question or two. If you are going to  
3196 provide us with an additional proffer tonight, that's fine. They will have to waive the time limit  
3197 to accept that, and you will need to write it formerly on your proffer form and sign it tonight, if

3198 that is what the Commission wants. But, let me point out an item or two. First of all, in the  
3199 observation that I've made is that I think one of the concerns is there is already a 50-foot  
3200 buffer that you are proffering along this edge.

3201  
3202 Mr. Smith - Correct.

3203  
3204 Mr. Silber - It seems as though there is a screening issue that the neighbors  
3205 would prefer not to see the parking of the cars by the employees in this location, so it may be  
3206 appropriate to have some fence that runs along there and the gate would be of similar material  
3207 as the fence and would just be a swing gate that would be locked off so that if the Fire  
3208 Department need to get in they would just cut it. But, some type of a screening fence in this  
3209 50-foot buffer to me seems like it would make sense. Now, if you like, you can work up some  
3210 language and write it up now or you can commit that you will do that between now and the  
3211 Board meeting. It is really up to Mr. Vanarsdall how he would like to handle that.

3212  
3213 Mr. Vanarsdall - Let's see what he wants first, Roy.

3214  
3215 Mr. Kaufelt - You use the term screening fence. That disturbs me. There is  
3216 already a fence all the way around that property, if my memory serves me correctly, except at  
3217 this entrance. If they can put a gate comparable to the fence that currently exist, it's a chink-  
3218 link fence, they could put a chink-link gate there that they could lock permanently except when  
3219 used by emergency vehicles and then the landscaping give the screening like hedges and trees  
3220 or whatever. I think that would make the neighborhood happy.

3221  
3222 Mr. Silber - That's fine. That will work fine. I'm just saying a chain-link fence  
3223 you can see right through. So, the actual screening would be taken place by the landscaping.  
3224 To block your view of the cars there will be landscaping. I was suggesting you may put some  
3225 type of fence that would block your view in addition to that. But, if you just think the chain-link  
3226 fence would do it, that's fine.

3227  
3228 Mr. Kaufelt - There's a maintenance problem with that because the slats break  
3229 and then you have a trashy looking area in five to ten years, where if the vegetation is there it's  
3230 just going to get denser and improve the screening, in my opinion.

3231  
3232 Mr. Taylor - We've got to get this on the record, so I would like to have Mr.  
3233 Woodard, if you would, if you have something to say, please go to the microphone and identify  
3234 yourself so that we can put it on the record.

3235  
3236 Mr. Woodard - Yes, this is Jerry Woodard speaking again. Mr. Smith and I talked  
3237 about this earlier. This here is the entrance where the church is now (referring to screen). As  
3238 you come up Darnell or come from Lynn, you can look straight into this property. The road  
3239 right now is enough for two cars to go by, to go in and out of the church. So, it is wide enough  
3240 for that, whatever that width is, it's probably about....

3241  
3242 Mr. Vanarsdall - Sir, may I interrupt you for a minute?

3243  
3244 Mr. Woodard - Yes.

3245

3246 Mr. Vanarsdall - He's not listening.  
3247  
3248 Mr. Woodard - He and I have already talked about this, so he knows. So,  
3249 everything is fine, we are in agreement. So, just do as I say. We talked about the way as you  
3250 come in here how you can see into this property and we talked about rerouting it kind of to  
3251 where it swings southward and then kind of curve that road now. Now, it's not going to be a  
3252 road because it is going to be eliminated, but the little grassy area whatever they need for  
3253 access for the Fire Department instead of just coming straight down like it is now, to try to  
3254 reroute it so it helps to block the view. Now, I don't know if that needs to be proffered or  
3255 written in the landscaping plans or something like that, but I just wanted to make sure that that  
3256 was clear, not only the fencing but the shape of the access area, if it needs to be there at all.  
3257  
3258 Mr. Taylor - Thank you, Mr. Woodard.  
3259  
3260 Mr. Jernigan - What you are saying you physically want to change the entrance  
3261 road coming into it?  
3262  
3263 Mr. Woodard - Well, instead of just straight in because it's wide enough for two  
3264 cars now. They are talking about a 12-foot area of clear land. If you have shrubs and trees  
3265 outside of this 12-foot area, if it is wide enough now for two cars you could, as I said, instead  
3266 of coming straight in just kind of curve it around a little bit, as much as possible, to create so  
3267 that when you are coming from either direction, Lynn Avenue or Darnell Road, you are not  
3268 actually looking straight in through any access you are looking, actually around a corner to see  
3269 into the lot.  
3270  
3271 Mr. Silber - Mr. Woodard, the proffer says the landscape plan would have to  
3272 be submitted. When the landscape plan is submitted I think the details of that would be  
3273 worked out. You have a very good point. I think we can work on those details when the plan  
3274 is submitted.  
3275  
3276 Mr. Vanarsdall - We will get that at POD time.  
3277  
3278 Mr. Woodard - POD, tell me what that is, payable on debt?  
3279  
3280 Mr. Vanarsdall - That's a Plan of Development.  
3281  
3282 Mr. Taylor - That's a plan of development that goes with the site. Mr. Smith  
3283 can prepare, as a part of the landscaping plan, working with Mr. Emerson and the staff, we can  
3284 come up with a plan that is submitted to the County. And as a part of the landscaping plan, we  
3285 can have the fence, the adjacent roadway and whatever landscaping you all depend on.  
3286  
3287 Mr. Woodard - That's fine.  
3288  
3289 Mr. Taylor - But, I think what we should do, Mr. Vanarsdall, is just approve  
3290 this predicated on the fact that we will get our updated landscaping plan that coordinated with  
3291 the neighbors.  
3292  
3293 Mr. Vanarsdall - All right. Is everything fine?

3294  
3295 Mrs. Ware - I have one question for Mr. Emerson. It will be real quick. I just  
3296 want to clarify proffers Nos. 4 and 5. It says that they will be submitted to the Planning Office  
3297 for approval, but this will come back through the full POD process, right?  
3298  
3299 Mr. Emerson - Yes, it will. The reason that's that way, let me explain it to you  
3300 real quick. When we originally started with this we didn't know that the parking lot was going  
3301 to become quite as intense as it has, and these proffers were worked out prior to the submittal  
3302 of the expanded plan. As we discussed this, and the applicant became more knowledgeable of  
3303 the uses that they were restricting themselves to, that's when the use of the building became  
3304 clearer and the expansion of the parking lot. The expansion of the parking lot, the BMP  
3305 required, automatically kicks it into your plan of development review. So, that's the reason that  
3306 verbiage was in there because at one time it was nothing more than the existing space as the  
3307 original discussion. So, that's why it was that way.  
3308  
3309 Mrs. Ware - Thank you.  
3310  
3311 Mr. Taylor - Thank you, Mr. Emerson. I guess, Mr. Vanarsdall, a motion is in  
3312 order.  
3313  
3314 Mr. Emerson - I do have some suggested language that I worked out real quick  
3315 with Mr. Smith. I don't know if this is what you are talking about regarding the gate but real  
3316 quickly this came out. "The gate provided to prohibit access to Lynn Avenue and Darnell Road  
3317 shall be of the same kind and similar material as the existing perimeter fence."  
3318  
3319 Mr. Vanarsdall - Would that be proffer No. 7?  
3320  
3321 Mr. Emerson - That would be proffer No. 7, if Mr. Smith agrees to it.  
3322  
3323 Mr. Smith - I agree to it.  
3324  
3325 Mr. Emerson - Now, the existing fence is chain-link, as the residents know, and  
3326 that locks you into the chain-link.  
3327  
3328 Mr. Vanarsdall - And y'all remember you get another shot at it when it comes up  
3329 for the plan of development and landscape.  
3330  
3331 Mr. Kaufelt - Do we have a date for that yet?  
3332  
3333 Mr. Vanarsdall - No. They have to file it. It could be by Christmas, it could be by  
3334 next Easter.  
3335  
3336 Mr. Taylor - Mr. Vanarsdall, a motion please.  
3337  
3338 Mr. Archer - We've got to waive the time limit first.  
3339  
3340 Mr. Vanarsdall - All right. I move that C-40C-02 be recommended to the Board of  
3341 Supervisors for approval and we have proffers 1 through 7.

3342  
3343 Mr. Silber - We have to waive the time limit.  
3344  
3345 Mr. Vanarsdall - Oh. I have to waive the time limit on the proffer. I make a  
3346 motion to waive the time limit on the proffers.  
3347  
3348 Mr. Archer - Second, Mr. Chairman.  
3349  
3350 Mr. Taylor - The motion was made by Mr. Vanarsdall and seconded by Mr.  
3351 Archer to waive the time limit on the proffers. All in favor say aye...all opposed say nay. There  
3352 being no opposition, the time limit on the proffers is approved. The vote is 5-0 (Mr. Thornton  
3353 abstained). Now to the case.  
3354  
3355 The Planning Commission approved to waive the time limit for the proffers for C-40C-02.  
3356  
3357 Mr. Vanarsdall - I move that we recommend to the Board to approve the case for  
3358 C-40C-02.  
3359  
3360 Mr. Archer - Second.  
3361  
3362 Mr. Taylor - The motion was made by Mr. Vanarsdall and seconded by Mr.  
3363 Archer to approve case C-40C-02. All in favor say aye. All opposed say no. The motion passes.  
3364  
3365 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning  
3366 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
3367 request because, with the proffered conditions, it would not be expected to adversely affect the  
3368 pattern of zoning and land use in the area.  
3369  
3370 **APPROVAL OF MINUTES: Planning Commission July 11, 2002**  
3371  
3372 Mr. Taylor - Do we have a motion with regard to the minutes? These are the  
3373 minutes of the meeting held on July 11, 2002.  
3374  
3375 Mr. Jernigan - Mr. Chairman, I make a motion that we approve the minutes.  
3376  
3377 Mr. Vanarsdall - Second.  
3378  
3379 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr.  
3380 Vanarsdall to approve the minutes of July 11, 2002. All in favor say aye...all opposed say nay.  
3381 Being no opposition, the minutes of the July 11, 2002, meeting is approved. Now do I have a  
3382 motion to adjourn?  
3383  
3384 Mr. Silber - Al, can I have another minute or two of your time?  
3385  
3386 Mr. Taylor - Yes.  
3387  
3388 Mr. Silber - This past Tuesday the Board of Supervisors approved three board  
3389 papers. One was the ordinance on the Urban Mixed Use District, Zoning Ordinance. If you will

3390 recall, you had that the month before. In addition to that, they approved the Guidelines and  
3391 Classification, as a part of the Land Use Plan, the Comprehensive Plan for UMU (Urban Mixed  
3392 Use District) and thirdly, they passed a resolution requesting that the Planning Commission  
3393 study an amendment of the Land Use Plan to incorporate an Urban Mixed Use Area, a Land Use  
3394 Plan designation at the request that was made by Rocketts Landing. So, the Planning  
3395 Commission needs to set a public hearing to consider the study of the area in the vicinity of  
3396 Rocketts Landing for Urban Mixed Use Area. We were hoping to have this hearing on  
3397 September 10. We still hope to do that. The difficulty is that we have made a request of the  
3398 applicant's of Rocketts Landing to provide us with the necessary information so that we can  
3399 perform this study so that we can bring it to the Planning Commission. But, at this point in  
3400 time, we do not have that information from the applicant. We hope that we will have this by  
3401 tomorrow but we don't have it at this point. We don't have another opportunity to set a public  
3402 hearing because there is no other Planning Commission meeting between now and September  
3403 10. So, we would perhaps request of the Planning Commission to set a public hearing.... Oh,  
3404 the date is wrong (speaking to Mr. Emerson) Oh, September 12, 2002. Thank you very much.  
3405 Staff has corrected me. It is September 12 and we would need the Planning Commission to set  
3406 the public hearing for September 12 with the understanding that if we do not get the  
3407 information that we need, in a timely fashion, like by tomorrow or Monday at the latest, that we  
3408 would have the right to pull back and set another public hearing date.

3409  
3410 Mr. Taylor - We would do that as a part of our zoning meeting?

3411  
3412 Mr. Silber - Yes, it would be a part of the zoning meeting and we would  
3413 probably prefer that this be first on the agenda. So, we could set a UMU public hearing for  
3414 7:00 p.m. and then do zoning at 7:30 p.m. Or, if you feel hungry we could serve dinner to the  
3415 Planning Commission and then go into the public hearing, like at 6:30 p.m.

3416  
3417 Mr. Archer - I'm hungry now.

3418  
3419 Mr. Taylor - We will do this the reasonable way. We will do dinner in the  
3420 conference room, work session there and then we'll have the regular meeting. That sounds  
3421 reasonable?

3422  
3423 Mr. Silber - I'm not sure we have a work session scheduled.

3424  
3425 Mr. Emerson - We have some things, that's what we were just talking about, if  
3426 you want to add a work session, we would like to go over the Sandston Area Study.

3427  
3428 Mr. Silber - The Sandston Area Study?

3429  
3430 Mr. Emerson - The guidelines and special strategies.

3431  
3432 Mr. Silber - Lee, can you be ready by the 12<sup>th</sup>?

3433  
3434 Mr. Taylor - Do we need a motion for that or can we adopt that as a scheduled  
3435 activity?

3436  
3437 Mr. Silber - I think we need a motion for the public hearing.



3438  
3439 Mr. Taylor - All right. Then I will move that we schedule a public meeting at  
3440 6:00 p.m. or 6:30 p.m.?  
3441  
3442 Mr. Jernigan - Well, we are going to eat, but what time will the public hearing  
3443 start, 6:30 p.m.?  
3444  
3445 Mr. Silber - I think if we are going to have a work session before the Planning  
3446 Commission hearing, I think we should start the Planning Commission hearing around the  
3447 normal time so we can have our work session on Sandston, provide you dinner, and then still  
3448 have time to get here around 7 o'clock. So, I'm fine with starting the public hearing at 7:00  
3449 p.m. for UMU District and then have our zoning cases start at 7:30 p.m. Have a work session,  
3450 maybe have dinner like 5:45 p.m., and then the work session around 6:15 p.m. Something  
3451 along those lines.  
3452  
3453 Mr. Archer - It works for me.  
3454  
3455 Mr. Taylor - That works for us.  
3456  
3457 Mr. Silber - So you are setting a public hearing on designating the area  
3458 around Rocketts Landing for public hearing at 7:00 p.m. on the 12<sup>th</sup> of September.  
3459  
3460 Mr. Vanarsdall - And the work session at what time?  
3461  
3462 Mr. Silber - The work session at 6:15 p.m.  
3463  
3464 Mrs. Ware - So, we will eat before, which is the key information.  
3465  
3466 Mr. Taylor - Then I will move that on September 12, 2002, we schedule a  
3467 working meeting to begin at 6:15 p.m. on Thursday and follow that by our normal zoning  
3468 meeting.  
3469  
3470 Mr. Jernigan - Second.  
3471  
3472 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr.  
3473 Jernigan. All in favor say aye...all opposed say nay. The ayes have it. The motion is carried.  
3474  
3475 Mr. Vanarsdall - The Mixed Use will be about 30 minutes?  
3476  
3477 Mr. Silber - I think that we should go ahead and schedule the zoning cases at  
3478 7:30 p.m. in case we finish by that time, but if we go over, we go over.  
3479  
3480 Mr. Taylor - We have the opportunity to schedule that without a motion, right?  
3481 I mean we can just make it right? Within the motion I just made, we can schedule that.  
3482  
3483 Mr. Silber - Yes.  
3484

3485 Mr. Vanarsdall - Are you going to send out any kind of flyer to us on this, any kind  
3486 of memo?  
3487  
3488 Mr. Taylor - I think it would be wise if the staff captured all this on a note and  
3489 sent all of us a letter so that we are all dancing from the same song sheet.  
3490  
3491 Mr. Silber - OK.  
3492  
3493 Mr. Vanarsdall - Thank you, Mr. Silber.  
3494  
3495 Mr. Silber - Yes, sir. I think Mr. Taylor wanted to also share some information  
3496 with you on his Denver trip.  
3497  
3498 Mr. Taylor - Oh, yes. I'll share some information on the Denver trip. I went to  
3499 Denver on a different kind of a trip. This was my wife's doll convention in which I did not  
3500 participate, however, I was able to bring back a number of different pamphlets of facilities,  
3501 capabilities and attractions in Denver that is on file in the Planning Office. I have entrusted it to  
3502 Mr. Marlles and Mr. Silber, but it has information on Denver, different facilities, different  
3503 capabilities there and I have several copies of the magazine for the Planning Commissioners.  
3504 So, I would recommend the staff, as well as the Planning Commissioners, take a look at what I  
3505 brought back. There are a lot of different features there and it will be at the Adams Mark Hotel  
3506 where I was able to stay and I think that will have a lot of good features there. Now if we can  
3507 have a motion to adjourn.  
3508  
3509 Mr. Archer - So moved, Mr. Chairman.  
3510  
3511 Mr. Vanarsdall - Second.  
3512  
3513 Mr. Taylor - The motion was made by Mr. Archer to adjourn and seconded by  
3514 Mr. Vanarsdall. All in favor say aye...all opposed say nay. The ayes have it. The meeting is  
3515 adjourned at 11:17 p.m.  
3516  
3517 On a motion by Mr. Archer and seconded by Mr. Vanarsdall, the Planning Commission  
3518 adjourned its meeting at 11:15 p.m.  
3519  
3520  
3521  
3522  
3523 

---

Allen Taylor, P.E., C.P.C., Chairman  
3524  
3525  
3526  
3527  
3528 

---

John R. Marlles, AICP, Secretary