

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., August 12, 2004, Display Notice having been published in the Richmond
4 Times-Dispatch on July 22, 2004 and July 29, 2004.

5
6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson, Tuckahoe
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, Brookland
8 Mr. C. W. Archer, C.P.C., Fairfield
9 Mr. John Marshall, Three Chopt
10 M. E. Ray Jernigan, C.P.C., Varina
11 Mr. James B. Donati, Jr., Board of Supervisors, Varina
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13 Members Absent: Mr. Randall R. Silber, Director of Planning, Secretary
14

15 Others Present: Mr. Ralph J. Emerson, Assistant Director of Comprehensive
16 Planning and Administration
17 Ms. Jean Moore-Illig, Principal Planner
18 Mr. Mark Bittner, County Planner
19 Mr. Thomas Coleman, County Planner
20 Mr. Paul Gidley, County Planner
21 Mr. Seth Humphreys, County Planner
22 Ms. Samantha Brown, County Planner
23 Mr. Kevin Wilhite, County Planner
24 Ms. Debra Ripley, Recording Secretary
25

26 Mrs. Ware - Good evening, welcome to the Planning Commission for rezoning
27 cases for August 12th. At this time I will turn the meeting over to our Secretary, Mr. Emerson.
28

29 Mr. Emerson - Thank you, Madam Chairman. Good evening.
30

31 Mrs. Ware - Good evening.
32

33 Mr. Vanarsdall - Good evening, Mr. Secretary.
34

35 Mr. Emerson - Good evening. As per article 5 of your Rules and Regulations you
36 have a quorum here tonight. That would consist of four and you have a full compliment of your
37 members and we will begin with the withdrawals and deferrals and Ms. Moore will present those.
38

39 Ms. Moore - Thank you, Mr. Secretary. There are no items or request for
40 withdrawals on this agenda and there is a total of five items to be deferred on the 7:00 agenda.
41

42 The first is in the Tuckahoe District and is on page 2 of your agenda.
43

44 **Deferred from the May 13, 2004 Meeting:**

45 **C-27C-02 RFA Management, LLC:** Request to amend proffered conditions
46 accepted with rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located at
47 the northeast intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest intersection
48 of Ridgefield Parkway and Eagles View Drive, and the southeast intersection of Eagles View Drive
49 and Glen Eagles Drive. The amendment would change the maximum density allowed from 7,850
50 square feet per acre to 8,975 square feet per acre. The existing zoning is B-2C, Business District
51 (Conditional). The Land Use Plan recommends Commercial Concentration.
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53 The deferral is requested to the November 10, 2004 meeting.

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Mrs. Ware - Is there any opposition to the deferral of C-27C-02, RFA Management, LLC in the Tuckahoe District? Since there is no opposition to this deferral I move that C-27C-02, RFA Management be deferred to the November 10th meeting at the applicants request.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Vanarsdall. All in favor, aye. All opposed. The motion passes.

At the applicant's request, the Planning Commission deferred C-27C-02, RFA Management, LLC, to its meeting on November 10, 2004.

Mrs. Ware - The second request is on page 3 of your agenda and also in the Tuckahoe District.

Deferred from the July 15, 2004 Meeting:

C-35C-04 Gaskins Centre, L.C.: Request to conditionally rezone from R-3C One Family Residence District (Conditional), R-5C General Residence District (Conditional), and RTHC Residential Townhouse District (Conditional) to RTHC Residential Townhouse District (Conditional), Parcels 745-740-9892, 746-741-3665 and part of Parcel 745-741-0907, containing 54.589 acres, located at the southeast intersection of N. Gaskins Road and Patterson Avenue (State Route 6). The applicant proposes a mixed-residential development with no more than two hundred twenty (220) dwelling units. The maximum density in the RTH District is 9 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

The deferral is requested to the September 9, 2004 Meeting.

Mrs. Ware - Is there any opposition to the deferral of C-35C-04, Gaskins Centre, LC in the Tuckahoe District? Since there is no opposition to the deferral I move that C-35C-04, Gaskins Centre, LC be deferred to the September 9th meeting at the applicants request.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Vanarsdall. All in favor, aye. All opposed. The motion passes.

At the applicant's request, the Planning Commission deferred C-35C-04, Gaskins Centre, LC, to its meeting on September 9, 2004.

Ms. Moore - The next item is in the Tuckahoe District and is on page 3 of your agenda.

C-36C-04 The Episcopal Diocese of Virginia: Request to conditionally rezone from O-3C Office District (Conditional) to R-0C One Family Residence District (Conditional), Parcel 737-750-7485 and part of Parcel 737-751-4601, containing 7.577 acres, located at the northwest intersection of Ridgefield Green Drive and Ridgefield Parkway. A church is proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The R-0 District requires three acres for a church. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Office.

107 The deferral is requested to the October 14, 2004 Meeting.

108

109 Mrs. Ware - Is there any opposition to the deferral of C-36C-04, The Episcopal
110 Diocese of Virginia in the Tuckahoe District? Since there is no opposition to the deferral I move
111 that C-36C-04, The Episcopal Diocese of Virginia be deferred to the October 14th meeting at the
112 applicants request.

113

114 Mr. Vanarsdall - Second.

115

116 Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Vanarsdall. All in
117 favor, aye. All opposed. The motion passes.

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119 At the applicant's request, the Planning Commission deferred C-36C-03, The Episcopal Diocese of
120 Virginia, to its meeting on October 14, 2004.

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122 Mrs. Moore - The next item is in the Varina District and it is located on page 4 of
123 your agenda.

124

125 **Deferred from the July 15, 2004 Meeting:**

126 **P-8-04**

127 **Omnipoint Communications CAP Operations LLC:** Request for
128 a Provisional Use Permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code
129 in order to construct a 140-foot wireless telecommunications tower, on part of Parcel 833-716-
130 9203, containing 2,500 square feet, located between I-64 and Old Williamsburg Road, 2,000 feet
131 west of Drybridge Road. The existing zoning is M-1C Light Industrial District (Conditional). The
132 Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District.

132

133 The deferral is requested to the September 9, 2004 Meeting.

134

135 Mrs. Ware - Is there any opposition to the deferral of P-8-04, Omnipoint
136 Communications in the Varina District?

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138 Mr. Jernigan - Madam Chairman, I move for deferral of P-8-04, Omnipoint
139 Communications to September 9, 2004 by request of the applicant.

140

141 Mr. Vanarsdall - Second.

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143 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
144 favor, aye. All opposed. The motion passes.

145

146 At the applicant's request, the Planning Commission deferred, P-8-04, Omnipoint
147 Communications CAP Operations, LLC, to its meeting on September 9, 2004.

148

149 Mrs. Moore - The next on your request for deferral is in the Brookland District.

150

151 **C-40C-04**

152 **RER Properties, LLC:** Request to amend proffered conditions
153 accepted with Rezoning Case C-73C-85, on part of Parcel 760-755-5474, containing 1.644 acres,
154 located on the north side of W. Broad Street (U. S. Route 250) approximately 220 feet west of N.
155 Skipwith Road. The amendments would permit vehicle repair and service as a use, and also
156 regulate building location from the northern property line. The existing zoning is B-3C Business
157 District (Conditional). The Land Use Plan recommends Commercial Arterial.

157

158 The deferral is requested to the September 9, 2004 Planning Commission Meeting.

159

160 Mrs. Ware - Is there any opposition to the deferral of C-40C-04, RER Properties
161 in the Brookland District? No opposition.
162
163 Mr. Vanarsdall - Madam Chairman, I recommend C-40C-04 be deferred at the
164 applicants request to September 9, 2004.
165
166 Mr. Marshall - Second.
167
168 Mrs. Ware - Motion made by Mr. Vanarsdall, seconded by Mr. Marshall. All in
169 favor, aye. All opposed. The motion passes.
170
171 At the applicant's request, the Planning Commission deferred C-40C-04, RER Properties, LLC, to
172 its meeting on September 9, 2004.
173
174 Ms. Moore - I believe there maybe one...
175
176 Mr. Jernigan - Is that it?
177
178 Ms. Moore - Yes.
179
180 Mr. Jernigan - Madam Chairman, I have a deferral in the Varina District.
181
182 **Deferred from the July 15, 2004 Meeting:**
183 **C-56C-03 WWLP Development, LLC:** Request to conditionally rezone from
184 A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 802-696-
185 9269 and part of Parcel 803-696-6866, containing 41.76 acres, located on the east line of
186 Osborne Turnpike .41 mile north of Tree Ridge Road. A single-family residential subdivision is
187 proposed. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan
188 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
189
190 Mrs. Ware - Is there any opposition to the deferral of C-56C-03, WWLP, in the
191 Varina District? No opposition.
192
193 Mr. Jernigan - Madam Chairman, I move to defer case C-56C-03, WWLP
194 Development, to the October 14, 2004 meeting by request of the Commission.
195
196 Mr. Vanarsdall - Second.
197
198 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
199 favor, aye. All opposed. The motion passes.
200
201 The Planning Commission deferred Case C-56C-03, WWLP Development, LLC, to its meeting on
202 October 14, 2004.
203
204 Mr. Emerson - Madam Chairman, the next section of your agenda deals with
205 expedited items. An expedited review agenda is allowed by your Rules and Regulations for
206 rezoning, provisional uses and related plans in order to make most efficient use of the Planning
207 Commissions time and reduce unnecessary waiting by the public and development community.
208 In order to quality for an expedited hearing the staff must be recommending approval of the
209 applicants request, subject to any conditions or recommendations. The applicant must submit a
210 letter stating its agreement with the staffs recommendations no later than 4:00 p.m. on Tuesday
211 prior to the meeting and there should be no known opposition to the approval of the request. If

212 there is any known opposition to the approval of the request the item shall be removed from the
213 expedited agenda. Ms. Moore...

214

215 Ms. Moore - This request is in the Tuckahoe District and is on page 3 of your
216 agenda.

217

218 **C-37C-04 Wayne & Dorothy Booze:** Request to amend proffered conditions
219 accepted with Rezoning Case C-72C-89, on Parcel 744-739-5871, containing approximately 0.5
220 acre, located at the northwest intersection of Gaslight Drive and Gaslight Place in the Gaslight
221 subdivision. The amendment pertains to roofing materials. The existing zoning is R-2C. The
222 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

223

224 Mrs. Ware - Is there any opposition to hearing C-37C-04, Wayne & Dorothy
225 Booze on the expedited agenda in the Tuckahoe District? There is no opposition. Therefore I
226 move that C-37C-04 be recommended to the Board of Supervisors for approval.

227

228 Mr. Vanarsdall - Second.

229

230 Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Vanarsdall. All in
231 favor, aye. All opposed. The motion passes.

232

233 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning
234 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
235 the request because the change does not reduce the original intended purpose of the proffers and
236 the proffered roofing material continue to be of high quality in keeping with the neighborhood.

237

238 Ms. Moore - The second request is also in the Tuckahoe District. It is on page 3
239 of your agenda.

240

241 **P-10-04 J. Phillip Cornett:** Request for a Provisional Use Permit under
242 Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code in order to allow a 588
243 square foot outside dining for Max and Erma's restaurant, on part of Parcel 737-751-3748,
244 located on the west line of the John Rolfe Parkway right-of-way opposite Ridgefield Green Drive.
245 The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends
246 Commercial Concentration.

247

248 Mrs. Ware - Is there any opposition to hearing P-10-04, J. Phillip Cornett in the
249 Tuckahoe District on the expedited agenda? No opposition. Since there is no opposition I move
250 that P-10-04, J. Phillip Cornett be recommended to the Board of Supervisors with a
251 recommendation of approval.

252

253 Mr. Vanarsdall - Second.

254

255 Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Vanarsdall. All in
256 favor, aye. All opposed. The motion passes.

257

258 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning
259 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
260 the request because it is reasonable in light of the surrounding commercial uses and as conditioned,
261 would not be expected to adversely affect public safety, health or general welfare.

262

263 Ms. Moore - This concludes the request for the expedited agenda. We do have
264 two requests for deferrals at the 8:00 agenda.

265
266 Mrs. Ware - Thank you.
267
268 Ms. Moore - Thank you.
269
270 Mr. Emerson - Madam Chairman, the first item on your agenda tonight for a public
271 hearing is:

272
273 **PLAN OF DEVELOPMENT (Deferred from the July 28, 2004, Meeting)**
274

POD-57-04
Staples Mill Car Wash

Koontz-Bryant for Joseph M. Coleman, Roger Bouchard and Champe Granger: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 2,072 square foot car wash. The 0.44-acre site is located along the east line of Staples Mill Road (U.S. Route 33), approximately 75 feet north of Heisler Avenue on parcel 770-753-9193. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Brookland)**

275
276 Mrs. Ware - Is there any opposition to POD-57-04, Staples Mill Car Wash?
277
278 Mr. Kevin Wilhite - Thank you, good evening.
279
280 Mr. Jernigan - Good evening.
281
282 Mr. Marshall - Good evening.
283
284 Mr. Vanarsdall - Hello, Kevin.
285
286 Mr. Wilhite - You have just been handed out a packet that includes a revised
287 cover map, revised site plan as well, and one added condition that staff is recommending. The
288 revised site plan was just received yesterday, so the Planning Commission will need to waive the
289 time limits in order to act on it. Staff has spent quite a bit of time trying to work on this revised
290 plan since this was deferred on July 28th.
291
292 What is being proposed here is an automatic car wash, one bay with three self-service bays. The
293 major changes to the site plan involve turning the building 90 degrees counter clockwise so the
294 bays are no longer facing Staples Mill Road, but are facing the side property lines. This will allow
295 the bays to load from left to right as shown on the site plan in your packet. Also, the entrance to
296 the site has been shifted from the middle of the site to the eastern property line to improve
297 traffic circulation on site. Additional green space was provided straight from the property line to
298 the building, 35 feet. This was accomplished by eliminating the one-way drive aisle on the front
299 of the building and changing the drive aisle on the back to 24 feet. Due to this we were able to
300 get more green space on this site. 50/10 storm water management is required on this site. This
301 facility will be located underground. The condition in your packet, which is, listed as number 35
302 addresses this requirement, that all storm water management facilities on the site will be located
303 underground and in the paved areas. Also with the change, of the location of one fire hydrant
304 has been shifted to the eastern entrance as shown on the revised plan.
305
306 As well as the site plan there was changes to the architectural plans. We, however, were not
307 able to get revised architectural plans for this meeting, however, I believe we can accomplish the
308 changes with annotations to the plan that you have in your packet.
309

310 Originally the applicant was proposing a pre-fab cement panel building with a faux split- face
311 block finish. The proffers for this case require that split face block be provided and the
312 alternative material will have to be specifically approved by the Planning Commission. The
313 applicant has since agreed to provide a thin brick treatment on the panels similar to the car wash
314 that has already been constructed for Sheetz on West Broad Street.

315
316 Also, there were some slight changes to the parapet design. They have agreed to provide a
317 raised parapet on the side facing Staples Mill Road and would extend that parapet the full depth
318 of the automatic car wash bay on the front.

319
320 Also the A-frame design feature that shows up on the elevation that you have there would be
321 moved to the front along Staples Mill Road as well.

322
323 I need to also point out that the thin brick treatment will be on all four sides of this building.

324
325 With that staff is in position to recommend approval of the revised site plan with the standard
326 conditions for developments of this type and the annotations on the plans and additional
327 conditions 23 through 35, with 35 being in your packet.

328
329 Mrs. Ware - Thank you, Mr. Wilhite. Are there any questions for Mr. Wilhite from
330 the Commission? No questions.

331
332 Mr. Vanarsdall - Thank you, Kevin.

333
334 Mrs. Ware - Would you like to hear from the applicant, Mr. Vanarsdall?

335
336 Mr. Vanarsdall - No.

337
338 Mrs. Ware - Okay.

339
340 Mr. Vanarsdall - Thank you. Before I make a motion I want to thank Roger Bouchard
341 and Champe Granger and I know Don Blake had something to do with it, in the background. I
342 want to thank you for trying so hard to get this...and I want to thank Kevin for all his help and
343 patience and so forth and they brought along a realtor to make sure that everything would go
344 right.

345
346 With that I make a motion to waive the time limits on the plans and the condition 35.

347
348 Mr. Archer - Second.

349
350 Mrs. Ware - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All in
351 favor, aye. All opposed. The motion passes.

352
353 The Planning Commission voted to waive the time limits on the plans on POD-57-04, Staples Mill
354 Car Wash.

355
356 Mr. Vanarsdall - Now I move that POD-57-04, Staples Mill Car Wash be approved
357 with the annotations on the plan and the standard conditions of this condition and conditions 23
358 through 34 and number 35 on the addendum. The 35 reads, "Any storm water management
359 facilities required for this development shall be located underground and in the paved areas of
360 the site."

361
362 Mr. Marshall - Second.

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Mrs. Ware - Motion made by Mr. Vanarsdall, seconded by Mr. Marshall. All in favor, aye. All opposed. The motion passes.

The Planning Commission approved POD-57-04, Staples Mill Car Wash, subject to the annotations on the plans, the standard conditions for developments of this type and the following additional conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
24. The entrances and drainage facilities on Staples Mill Road (U.S. Route 33) shall be approved by the Virginia Department of Transportation and the County.
25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.
26. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
27. Outside storage shall not be permitted.
28. The proffers approved as a part of zoning case C-52C-02 shall be incorporated in this approval.
29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
30. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
31. Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.
32. Approval of the construction plans by the Department of Public Works does not establish the curb and gutter elevations along the Virginia Department of Transportation maintained right-of-way. The elevations will be set by the contractor and approved by the Virginia Department of Transportation.
33. The owner or manager on duty shall be responsible for temporarily closing the car wash facility when the on-site stacking space is inadequate to serve customer demand to prevent a backup of vehicles onto the public right-of-way. The owner shall arrange with the Traffic Engineer to provide standard traffic control signs to notify customers that stopping or standing on the public right-of-way shall not be permitted near the entrances to the car wash facility.
34. The location of all existing and proposed utility and mechanical equipment (including HVAC units, electric meters, junction and accessory boxes, transformers, and generators) shall be identified on the landscape plans. All equipment shall be screened by such measures as determined appropriate by the Director of Planning or the Planning Commission at the time of plan approval.
35. Any storm water management facilities (i.e. 50/10 basins and BMPs) required for this development shall be located underground and in the paved areas of the site.

Mr. Vanarsdall - You all let us know when it is open, so everybody can get down there and get there car washed.

416 Mr. Emerson - Madam Chairman, just briefly before we start further into the
417 agenda I will go over the Commissions procedures for public hearings. I apologize; I should have
418 done it prior to our first case. Following staff presentation, the applicant or its representative
419 shall be allowed ten minutes to present testimony. A portion of the time can be saved for
420 rebuttal of opposition statements. Following the applicant's presentation the opposition will be
421 allowed ten minutes to present testimony. Time to answer questions of the Commission shall not
422 be included within the applicants or the opponents allotted time. Limits may be announced
423 before the commencement of the testimony and the Commission may extend the time limits for
424 each side at its discretion.

425

426 With that your next case is on page 3 of your agenda. It is in the Tuckahoe District.

427

428 **C-38C-04 Pocoshock Commons, LLC:** Request to amend proffered
429 conditions accepted with Rezoning Case C-63C-03, on Parcel 741-751-7865, containing 2.02
430 acres, located at the northeast intersection of Pump Road and Ridgefield Parkway. The
431 amendment pertains to exterior materials and the conceptual plan. The existing zoning is O-2C
432 Office District (Conditional). The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4
433 units net density per acre.

434

435 Mrs. Ware - Is there any opposition to C-38C-04, Pocoshock Commons in the
436 Tuckahoe District. No opposition. Hello, Ms. Moore-Illig.

437

438 Ms. Moore-Illig - Good evening. Thank you, Madam Chairman.

439

440 Rezoning case C-63C-03 rezoned the property to O-2C to allow the development of a small office
441 complex with three one-story buildings and ample setbacks along Pump Road and Ridgefield
442 Parkway. The proffers accepted with this case included a detailed conceptual layout and building
443 elevations.

444

445 This request would allow the development of Primrose School, a childcare facility with
446 approximately 75 children. Although, childcare centers are permitted on this property under the
447 O-2C zoning, the prospective tenant has programmatic needs, which would require a deviation of
448 the proffered conceptual layout and elevations as shown.

449

450 Therefore, the applicant proposes to amend the proffers to allow a submission of an alternate
451 layout and elevations for this tenant. The applicant submitted a revision to the proffers, which
452 we received August 5. However modifications to the conceptual have been received tonight and
453 because it is attached with the proffers it is recommended that the time limits be waived.

454

455 All of the existing proffers for the development of the office complex would remain intact. This
456 amendment would include new proffers stating that if the Primrose School is developed on this
457 site it shall conform to the Site Plan, as shown, and the elevations labeled as exhibit C:

458

459 The proposed site design for Primrose School increases the opportunity for buffer areas and the
460 applicant has increased the buffers along this development scenario. This would include along
461 Pump Road and Ridgefield Parkway. In addition, the 6' high masonry wall proffered along Crown
462 Grant subdivision would wrap the corner and proceed south 25' along King's Grant Drive.

463

464 The proposed amendments are consistent with the zoning on the property and would permit an
465 alternative but less intensive development with the same high quality standards attached with
466 rezoning case C-63C-03. Staff only had one unresolved issue which has been remedied tonight
467 and that was to include additional landscaping within the interior parking lot of the Primrose

468 Schools, which is shown. That is shown on the handouts that you just received. Based on this
469 change staff supports this request.
470
471 This concludes my presentation. I would be happy to try to answer any questions you may have.
472
473 Mrs. Ware - Are there any questions for Ms. Moore-Illig from the Commission?
474
475 Mr. Marshall - Ms. Illig, how many parking spaces is on this site?
476
477 Ms. Moore-Illig - This site has 35 spaces provided. Daycares provide two spaces per
478 classroom, plus (unintelligible) for 250 for office use.
479
480 Mr. Marshall - The reason why I asked is because the plan shows 10 and 10 in the
481 main island, but it is 9 and 9. But the 35 adds up even though those numbers are wrong.
482
483 Ms. Moore-Illig - And that is on the conceptual that you just received?
484
485 Mr. Marshall - Yes. They say 10 and 10, but it is really 9 and 9.
486
487 Mrs. Ware - 10 and 9.
488
489 Ms. Moore-Illig - We can see if the applicant can rectify this. Mr. Marshall, you are
490 correct and we'll ask the applicant to correct this before it proceeds, if it moves forward.
491
492 Mrs. Ware - Thank you. Hello, Mr. Condlin.
493
494 Mr. Andrew Condlin - Madam Chairman, Andy Condlin from Williams Mullen. I would be
495 happy to take that landscaped island out if you would like to...
496
497 Mrs. Ware - No.
498
499 Mr. Condlin - No, okay, I'll change the parking space number before the Board of
500 Supervisors.
501
502 Mrs. Ware - Thank you.
503
504 Mr. Marshall - I know you are lawyer, so math is not your strong suit.
505
506 Mr. Condlin - I'm not sure what my strong point is as of this time. The only
507 comment I would add is based on the neighborhood meeting that you attend that one of the
508 neighbors had raised the question along Kings Grant Drive because of the mature oaks that are
509 out there whether at the time of landscape plan approval if appropriate, if the Planning
510 Commission deems appropriate, that we may do away with the berm to retain those mature
511 trees. We all agree that the proffers read that we would put in the 3' berm and that is where it
512 stands now and if the neighbors are adamant towards keeping those that they will come out and
513 so stay during the landscape plan. They asked me to mention that in a phone telephone
514 conversation I had a couple of days ago. We are willing to do whatever the Planning
515 Commission desires with respect to that and we proffered of course the berm and the
516 landscaping in that area.
517
518 Mrs. Ware - All right.
519
520 Mr. Condlin - We will change the plan to get the right number.

521
522 Mrs. Ware - Are there any questions for Mr. Condlin from the Commission?
523
524 Mr. Condlin - Thanks.
525
526 Mrs. Ware - Thank you. Then I will move to recommend to the Board for
527 approval C-38C-04, Pocoshock Commons, LLC.
528
529 Mr. Jernigan - Second.
530
531 Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Jernigan. All in favor,
532 aye. All opposed. The motion passes.
533
534 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Jernigan, the Planning Commission
535 voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request
536 because the proffered site plan and elevations for the proposed Primrose School continue to
537 assure a quality form of development with maximum protection afforded to the adjacent
538 properties.
539
540 Mr. Emerson - Madam Chairman, did you need to waive the time limits?
541
542 Mrs. Ware - Oh, yes I do. I move that the time limits on C-38C-04, Pocoshock
543 Commons be waived.
544
545 Mr. Jernigan - Second.
546
547 Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Jernigan. All in favor,
548 aye. All opposed. The motion passes.
549
550 The Planning Commission voted to waive the time limits on Case C-38C-04, Pocoshock Commons,
551 LLC.
552
553 **Deferred from the July 15, 2004 Meeting:**
554 **C-6C-04 Ray Perkins:** Request to conditionally rezone from A-1 Agricultural
555 District and C-1 Conservation District to R-2C (82.1 acres) R-2AC (89.8 acres); R-5AC (26.6
556 acres) General Residence District (Conditional), and RTHC (40.728 acres) Residential Townhouse
557 District (Conditional), and C-1C (21.6 acres) Conservation District (Conditional), Parcels 816-729-
558 1884, 814-731-5764 and part of Parcel 817-731-6470, containing 260.828 acres, located at the
559 northern terminus of Westover Avenue, extending northward to Creighton Road. The applicant
560 proposes a residential community of no more than five hundred ninety-seven (597) units (320
561 one family lots, 79 villa lots, 96 townhouses, 102 condominiums). The R-2 District allows a
562 minimum lot size of 18,000 square feet; the R-2A District allows a minimum lot size of 13,500
563 square feet; the R-5A District allows a minimum lot size of 5,625 square feet; and the maximum
564 density in the RTH District is nine (9) units per acre. The Land Use Plan recommends Suburban
565 Residential 1, 1.0 to 2.4 units net density per acre, Office/Service, Light Industry, and
566 Environmental Protection Area. The site is in the Airport Safety Overlay District.
567
568 Mrs. Ware - Is there any opposition to C-6C-04, Ray Perkins in the Varina
569 District? We have opposition. So noted, thank you, sir.
570
571 Ms. Moore-Illig - Thank you, Madam Chairman. I'll go through this as quickly as I
572 can, but I'm not going to rush through it, it is a large development.
573

574 The proffers you just received, we did receive today, so therefore the time limits would have to
575 be waived in order to take any action this evening.

576

577 As Mr. Emerson mentioned this request would permit a mixed residential development with a
578 total of 597 units. The applicant is proposing 5 zoning district classifications for this
579 development: R-2C; R-2AC; R-5AC; RTHC; and C-1.

580

581 The zoning map before you gives you an overview of the development. Together, the single-
582 family districts including the R-5AC would comprise of 192.8 acres and up to 399 single-family
583 homes are proposed within these districts. There are two RTHC districts proposed. The RTHC
584 District fronting Creighton Road at the northwest section of the property is approximately 16.5
585 acres and would contain 96 townhomes. The RTHC District located behind St. Paul's Baptist
586 Church is 24.3 acres and would contain 102 attached carriage and quad homes. This simply
587 means that the attached homes in some series would have four units in one building. The
588 proposed C-1 District would rezone areas adjacent to an 100-year flood plain located on the
589 eastern portion of the site.

590

591 The applicant has proffered a conceptual plan that generally outlines the proposed districts and
592 the interior road network.

593

594 Two boulevard entrances are proposed on Creighton Road. Another point of access would be
595 provided at Wren Road leading into Tiffany Meadows to the south. No other connections are
596 proposed.

597

598 The applicant has submitted proffers that are applicable to the entire development as well as
599 each of the proposed zoning classification. Proffers pertaining to the entire development include:

600

601 • The boulevard entrances would resemble the two proffered exhibits, which is Exhibit C and
602 Exhibit I.

603 • Structures would be setback 70' from Creighton Road.

604 • A 25' landscape and berm buffer is proposed along Creighton Road

605 • In addition, a 10' landscaped buffer would be provided for portions of the RTHC districts
606 adjacent to St. Paul's Baptist Church.

607 • All single-family homes would be constructed on crawl foundations and finished in brick or
608 stone. The townhomes, carriage, and quad homes would have the appearance of a brick or
609 stone foundation.

610 • Interior roads would contain 6-inch curb and gutter. Four-foot sidewalks would be provided
611 on one side of interior streets and along the portion of Creighton Road. Sidewalks would be
612 separated from parking lots and interior streets by a 2 foot wide grass strip.

613 • In conjunction with sidewalks, pedestrian trails would be provided throughout the
614 development.

615 • Four acres adjacent to the historic Enderdale home, which is located in the northern portion of
616 this site, where the hand is (referring to slide) would be reserved for recreational use and
617 would include a swimming pool. The Enderdale house will be renovated to serve as a
618 community center.

619 • The exterior finishes of all units would consist of brick, stone, hardiplank or a premium grade
620 vinyl.

621 • All front stoops would be constructed of brick, stone or concrete with brick or stone steps.
622 Country porches would be at least 6 feet deep and would be constructed on brick piers or
623 brick or stone foundations.

624 • Each residential lot would have foundation plantings along the front elevations.

625 • Each single family lot would have a minimum of 2 trees in the front yard and 2 trees within
626 side yards on corner lots.

627

628 As mentioned, the applicant also submitted proffers for each of the 5 residential districts. I will
629 briefly walk through each starting with the R-2C District.

630

631 • Up to 100 single-family homes with a minimum finished floor area of 2,200 square feet would
632 be constructed in substantial conformance to the elevations shown before you.

633 • Each home would have a 2-car garage. 75% of the homes would have side or rear loading
634 garages. The remaining could be front loading; however, no garage can protrude beyond the
635 front line elevation and at least half of the front loading garages would be recessed at least
636 5' from the front building line.

637 • A minimum of 25% of the homes would have all brick or stone front elevations.

638 • There are two Civil War redoubts or fortifications on the R-2C tract. The redoubts would be
639 preserved and protected by a fence or bollards with a chain.

640

641 Proffers pertaining to the R-2AC District include:

642 • Up to 220 single-family homes with a minimum finished floor area of 1,850 square feet.
643 However, 67% of the homes would be a minimum of 2,000 square feet.

644 • The homes would be designed to be in conformance with the elevations shown.

645 • 50% of the homes would have a minimum 50% brick or stone front elevations.

646 • The minimum lot width for the R-2A District is 80'. The applicant proposes that 50% of all
647 lots would be a least 90' in width.

648 • Each home would have a 2-car garage of which 50% would be side or rear loading.

649

650 • The homes within the R-5AC, labeled as "Villa Lots" in the proffers, would be constructed
651 similar to the elevations shown.

652 • A maximum of 79 villa homes are proposed with a minimum finished floor of 1,600 square
653 feet.

654 • 25% of the homes would be two-stories and one-third of the homes would have all brick or
655 stone front elevations.

656 • Minimum lot widths for each lot would be 65' and

657 • One garage would be provided for each home.

658

659 • Up to 102 Carriage and Quad homes would be constructed in substantial conformance to the
660 elevations shown.

661 • This development would contain architectural features (capstones, shutters, decorative
662 windows) similar to the exhibit labeled "Church Square Smithfield Virginia". This is not
663 proffering the exact mass elevation, it is only to show the architectural features that would
664 be included.

665 • Each unit would be a minimum of 1,400 square feet in finished floor area for age qualified.
666 Non-age qualified would be a minimum of 1,550 square feet.

667 • Each unit would have a one-car garage. 65% would have a two-car garage, at least 14 feet
668 in width. All garages would be rear or side loaded.

669

670 • The proposed townhomes would consist of up to 96 units with no more than 6 attached units
671 in one building and would be constructed on the site similar to the site plan shown as Exhibit
672 J.

673 • The exterior materials and design would be substantially similar to the elevations shown.

674 • The minimum finished floor area would be 1,550 for 2 bedrooms and 1,750 for 3-bedroom
675 units.

676 • Each townhome would have an attached one-car garage.

677 • Elevations of the first four townhomes visible from Creighton Road will be finished in brick or
678 stone and brick or stone finishes would be incorporated in the majority of the remaining
679 buildings.

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The Land Use Plan recommends Office/Service, Light Industrial, Suburban Residential, and Environmental Protection Area for the property. The majority of the subject property is also identified as a Prime Economic Development site within the Creighton Road Corridor Special Strategy Area. A residential community may be appropriate for the area given the recent residential developments in the immediate area and the presence of St. Paul's Baptist Church. However, the magnitude of this development will significantly alter the character and needs in this area.

Staff believes the submission of a more detailed conceptual plan is warranted to address the potential development impacts on the surrounding area as well as the interior of the proposed development. This would also allow staff and the developer to ascertain the possible implementation of features which would improve the development, including:

- Have a minimum 5' wide sidewalks with a minimum 5' grass median;
- The traffic circles shown on the conceptual plan, which would be an enhancement to the development; however, the true implementation of these is unknown for the lack of detail.
- 90' wide lots for the majority if not all of the lots in the proposed R-2AC District. The original proffers stated 65% of these lots would be 90'. This has been reduced to 50% with the revised proffers.
- Increasing the number of rear and side loading garages to a minimum of 60% in the R-2AC District.
- Delineation for tree save areas
- Delineation of pedestrian walkways interlinked with protection of star fort sites and
- Including additional tree canopy coverage in common areas located in the RTHC District which staff is recommending.

In addition, staff encourages the applicant to address the recommendations of the Traffic Engineering Division, which are listed in the staff report. There is also concern how a right turn lane into the easternmost entrance would be installed if additional dedication of right-of-way were necessary since the property is not included in this request. Consideration should also be given to providing a stub road to address potential development of the Roseneath property to the southeast.

To ensure immediate usage of proposed amenities within this development, the applicant should also consider specifying a time frame when the community center and swimming pool would be completed.

The applicant should also clarify the intent of the age-restricted units proposed for the Quad and Carriage homes. The applicant intends to market this product to age qualifying persons, however, there is no assurance of this intent.

It should also be noted the Planning Office for Schools states Highland Springs High School could not accommodate the students from this request. Capacity relief will be needed which may include a new high school in this area of the county.

If the applicant could address these issues, staff may be more supportive of this request.

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

Mrs. Ware - Are there any questions for Ms. Moore-Illig from the Commission?

732 Mr. Jernigan - First off I want to say, Jean you put a lot of work and I think we
733 have got about 8 or 9 months in this project and you've done a great job on it. It has been good
734 working with you.
735
736 I want to make a correction on the R-2C, where you said 25% of the homes would have brick
737 fronts. 25% of them are all brick. That is proffer number 9 on R-2C.
738
739 Ms. Moore-Illig - Yes, sir. Okay. We will note that, thank you.
740
741 Mr. Jernigan - You said..., but it is all brick. The minimum house size in the R-2A,
742 2000 square feet, is 67%.
743
744 Ms. Moore-Illig - Yes, that is correct.
745
746 Mr. Jernigan - You said, 67. You didn't put the percent on it.
747
748 Ms. Moore-Illig - Okay.
749
750 Mr. Jernigan - I wanted to make sure everybody knew where we were. The reason
751 on the R-2AC on the 50% of side loaded, the other on the front loaded, because we did recess
752 some of those and that, I felt, gave it a little different character. So that is the reason we don't
753 have that at 65%.
754
755 I know that we do not have a conceptual drawing and I know that is one of the things that you
756 don't like about this case. Let me ask you this, does every zoning case that come through have a
757 conceptual plan?
758
759 Ms. Moore-Illig - I would say that given the trends that we've had and the recent
760 development that has been asked and certainly with a case this large that will be continued to be
761 ask on this project.
762
763 Mr. Jernigan - We will have a conceptual plan, but we've discussed before why that
764 it is not is because the lot yield could go down as low as 540 and it is around 580 right now, but
765 the lot has been engineered. There was a significant amount of opposition to this and the
766 developer at this time didn't want to spend probably \$150,000 to \$200,000 additional if this case
767 may get turned down. Now, he is going to do the conceptual plan, but he did as I instructed
768 when you showed the colored section of it. It is broke down into the different zoning districts.
769
770 Let me ask, "Were you here Tuesday night?"
771
772 Ms. Moore-Illig - For the beginning of it, yes, sir. For the zoning portion, yes, sir.
773
774 Mr. Jernigan - There were two cases that come through with no conceptual plan.
775
776 Mrs. Ware - Were they this large?
777
778 Mr. Jernigan - Well, I don't know. They were two companion cases.
779
780 Mr. Marshall - They were mine.
781
782 Mr. Jernigan - They were yours. Well, what I want people to know is that we are
783 going to get a conceptual plan on this, but its not that everyone that has come through has had
784 the conceptual plan with it.

785
786 Mrs. Ware - I have a question. When do you expect the conceptual plan to be
787 submitted? Would it be before this case goes to the Board of Supervisors for their consideration?
788
789 Mr. Jernigan - No.
790
791 Mrs. Ware - So there would not be a proffered conceptual plan.
792
793 Mr. Jernigan - No.
794
795 Mrs. Ware - Okay.
796
797 Mr. Jernigan - Well, like I said the engineering, I mean, what happened before was
798 this particular developer was in another case that he inherited that had an conceptual plan and
799 that is what a plan is, conceptual. There seemed to be a lot of plans when it came it changing
800 the lots. I'll say another thing, I started out with a Jean Moore and I ended up with a Jean Illig,
801 she had gotten married on me in the middle of this project. Anyway, Jean, I thank you again.
802
803 Ms. Moore-Illig - Thank you.
804
805 Mr. Emerson - Jean, before you set down, one question. A lot of the renderings
806 indicate active adult. Are there any proffers in the case that actually age restrict the project?
807
808 Ms. Moore-Illig - We do have one proffer that speaks to the quad homes that
809 specifies if they were marketed to a non-age they would be a certain size, but it is a may
810 language, so there is no specific language proffering that those would definitely be aged
811 restricted.
812
813 Mr. Emerson - Thank you.
814
815 Ms. Moore-Illig - You are welcome.
816
817 Mr. Jernigan - Madam Chairman, I would like to hear from the applicant.
818
819 Mrs. Ware - Good evening.
820
821 Ms. Gloria Freye - Good evening, Madam Chairman, Members of the Commission, my
822 name is Gloria Freye and I am...
823
824 Mrs. Ware - You have ten minutes. Do you want to save some time for rebuttal.
825
826 Ms. Freye - Yes ma'am, two minutes. My name is Gloria Freye, I am an attorney
827 here on behalf of the applicant and also here representing Atlantic Homes this evening is Ray
828 Perkins along with the engineer, Janet Bowers and there traffic engineer, Scott Dunn.
829
830 As Ms. Moore-Illig said this is a large case. You can tell by the size of my notebook how big this
831 case is. A lot of time and work has gone into this over the many months we've worked on it.
832 The vision here is to create a planned community called Enerdale that has a variety of
833 neighborhoods that are compatible with the rural location around it, but that provides a number
834 of different home styles. All of the highest quality available in this area that will attract home
835 buyers in different stages of their lives, which in turn will create a diverse and inclusive
836 community. Seventy-two percent (72%) of this property, it is a large tract of land, but 72% of it
837 is going to be developed with single-family detached homes. These are in the R-2 and R-2A

838 districts and traditional type rural style subdivisions, like those around it and in the R-5A with the
839 villa homes on the zero lot lines. The other residential townhouse district is shown on two tracts
840 with the carriage homes and the quad homes on tract 5 and then on tract 6 being designed for
841 traditional style townhouses. This part of the property covers about 40 acres which is only 16%
842 of this property. The townhouses, I want to emphasize, are all for sale properties. The home
843 owners of the town homes will own their townhouses and their lots, whereas the owners of the
844 carriage homes and the quad homes will own their units but the property around their homes will
845 be owned commonly with their neighbors.

846
847 The community is planned for all types of home owners, singles, young professionals, young
848 couples, young families, more established families, empty nesters, active adults and seniors and
849 an emphasis is being placed on creating homes that are constructed with high grade quality
850 materials and that are low maintenance. They are going to look good ten years from the time
851 that they are developed. This planned community will be the flag ship of residential development
852 for this area. It will transform Creighton Road corridor and it will set a new threshold for quality
853 housing in this corridor. This plan community not only matches the quality of housing that you
854 find in the west end, it often exceeds it in certain incidences. There are 64 proffers presented
855 with this case. Everyone of them designed to insure that this will be a quality development.

856
857 The work on this case started last August, a year ago. A lot of work went into it before the case
858 was even filed, which was not until December. Throughout that time we have addressed every
859 zoning issue imaginable. We feel that the case before you tonight with the proffers that are
860 being presented is the one that addresses every zoning issue and one that you can be proud to
861 support.

862
863 This case has had special concerns from the very beginning. The first of the one being the
864 historical nature of this property. Very special attention is being provided to the Enerdale house
865 so that the house, the historic house is being preserved and it is going to be used along with the
866 surrounding four acres as a community center for the residences. The two civil war readouts on
867 the property have been proffered to be preserved, protected, and interpretative historical marker
868 or signs will be provided for them.

869
870 As always traffic is a concern. When you are talking about over 500 new residents it is of a
871 particular concern. So right off the bat the developer commissioned a traffic study that was done
872 and it was done considering not only the traffic that would be generated from this development
873 but also the development proposed on the north side of Creighton. The study has been reviewed
874 by the county staff and have found that the developer will have to make improvements to
875 Creighton Road. Creighton Road will need to be widened and a left turn installed at the eastern
876 most entrance into this property. That is where Creighton Road narrows to two lanes and that is
877 needed so that people making a left turn into this property will not hold up thru traffic. Traffic
878 will be able to move on and not be held up. The developer also proposes to install right turn
879 lanes to both entrances. The traffic engineers found that with these improvements, along with
880 those that are being proposed by other developers in the area, and along with the plan
881 improvements that the county will make to Cedar Fork Road, that the road network will function
882 at acceptable levels of service.

883
884 Amenities was another concerned that was raised by folks in the community. When you have
885 this many residents you want them to have recreational outlets. The community center that is
886 being provided is going to be available for social gatherings. The four acre site is going to be
887 improved with a swimming pool for the residents. The community also offers 20 acres of
888 undeveloped C-1 land that will be available for passive recreational use. Sidewalks and trails are
889 being provided throughout the neighborhood for the residents. Also in this area there is
890 Meadowview Park. The county has recently dedicated funds to improve that park with basketball

891 courts, tennis courts, picnic areas, and biking paths all that are very near to this site, less than
892 two miles away.

893

894 Last, the concern about the schools. It was determined and reported by the schools that the
895 students potentially generated from this development could not be accommodated at the high
896 school. That was considering a worse case scenario, but in any event it is recognized as a
897 concern and a problem. To address this the applicant has proffered to acquire and dedicate
898 approximately 58 acres and to dedicate that to the county for a new school. The site would be
899 dedicated to the county free of charge and would be done prior to getting any building permit.
900 When that proffer was drafted and submitted to you today there has been further discussion on
901 that. We would like to amend that proffer to delete the word high school and just refer to it as
902 school. We would also like to extend the time period from ten years to fifteen years.

903

904 We believe that the quality issues have been very well addressed. A lot of detail has been
905 provided. The conceptual layout that has been provided does address the general layout of the
906 townhomes, how they would be arranged. It does address the access. It does address the
907 recreational areas. It addresses how the streets would connect the different neighborhoods. We
908 feel that the conceptual that we have provided addresses every zoning issue that needs to be
909 addressed at this point and time. The only difference with providing a lot layout are to address
910 issues that legitimately should be addressed at by the Planning Commission at the time of
911 subdivision and at POD when the site has been engineered and when decisions can be made with
912 the information that you need to make them.

913

914 We believe that the case before you, with all the work that has been done on it, is more than
915 ready to be considered. We hope that you will consider all the statements that have been made
916 this evening and that you will recommend approval to the Board and we will be glad to answer
917 any questions.

918

919 Mrs. Ware - Are there any questions for Ms. Freye from the Commission?

920

921 Mr. Jernigan - I'll give you a minute to catch your breath.

922

923 Mrs. Freye - I was talking fast.

924

925 Mrs. Ware - You just made it too.

926

927 Ms. Freye - I know.

928

929 Mr. Jernigan - Ms. Freye, two things: one thing that I do want on the RTH; with
930 the sound suppression we have proffered a 54...

931

932 Ms. Freye - Yes, sir.

933

934 Mr. Jernigan - ...at some point in time before even, before we go to final
935 construction I would like to see a cross section.

936

937 Ms. Freye - Of how that is going to be accomplished.

938

939 Mr. Jernigan Fifty-four (54) sound suppression so our inspectors will know...

940

941 Mrs. Freye - How to judge that.

942

943 Mr. Jernigan - ...what they are looking for at that point.

944
945 Ms. Freye - Yes, sir.
946
947 Mr. Jernigan - Ms. Freye, if this should get passed tonight do you think we can get
948 some type of conceptual plan?
949
950 Ms. Freye - Mr. Jernigan, for the very reasons that you stated this site has not
951 been engineered. When we came forward with this, of course, you are going to try to plan for
952 the worst case scenario. What are the absolute largest number of homes you could possibly get
953 on this site? And we came up with 597 and so we addressed our issues based on that worst
954 case scenario. As we have refined this case, and the more and more details are worked out,
955 we've got down to 580. Now we are down even lower than that, more like 540. When that is
956 constantly changing and when the site hasn't even been engineered, it would be impossible to
957 say where the lot lines are going to be. What we have shown is the districts, we've shown how
958 those districts would be connected or those neighborhoods would be connected. We know what
959 has to fit within there. Whatever number of lots are going to be able to be supported and be
960 defined by the engineers and still met the guidelines that the county has. The time to do that is
961 at subdivision and POD.
962
963 Mr. Jernigan - Okay. Ms. Freye, I want to say I think it has been a long case.
964 We've had quite a few conversations, but I think we have covered all the bases.
965
966 Mr. Marshall - Ms. Freye, I have a questions.
967
968 Ms. Freye - Yes, sir.
969
970 Mr. Marshall - You mentioned as the staff report does about the adding of a lane
971 on Creighton Road at the eastern most end...
972
973 Ms. Freye - Yes, sir.
974
975 Mr. Marshall - ...and providing the separate left and right turn lanes approaching
976 Creighton Road.
977
978 Ms. Freye - Yes, sir.
979
980 Mr. Marshall - I didn't see those in your proffers.
981
982 Ms. Freye - If you will notice that is the primary entrance into this property, the
983 R-2 section. That boulevard entrance comes across A-1 zoned land. That land is not part of this
984 case. The zoning does permit the access to serve the residential development, so the zoning is
985 not necessary. The arrangement that the developer has with the landowner is to have that right-
986 of-way and have the right of first refusal and to have the land available that is available that is
987 needed to make any road improvements to serve this development.
988
989 The property is currently in land use and zoning would disturb that, so when it was determined
990 that zoning wasn't necessary for the access the land could stay in land use. We still had every
991 opportunity and every right to develop the road improvements that we need. That is way it was
992 structured that way.
993
994 Mr. Marshall - Can't you still put it in your proffers, that you are proffering with the
995 case to widen Creighton Road at the eastern most end to put the left turn lane and also to

996 provide those turn lanes into the development? Without zoning the property you can put it in the
997 proffers, right?
998
999 Ms. Freye - Well, one of the things that I wanted to explore with the County
1000 Attorney is that typically you cannot put proffers on land that is not subject to the zoning case.
1001
1002 Mr. Marshall - Well, I understand that, but I mean that is...what I'm saying is that
1003 is a proffer that you are putting in your case to say we are going to do that when we do this
1004 development.
1005
1006 Ms. Freye - We are going to...
1007
1008 Mr. Marshall - Then after the fact it is up to you how you get it done.
1009
1010 Ms. Freye - Well, I think, we are willing to make that a proffered condition if it
1011 would be acceptable and approved by the County Attorney to do it that way.
1012
1013 Mr. Emerson - Could you not submit a proffer that said something along the lines
1014 that you would make all improvements as required by the Traffic Engineer and is recommended
1015 by the Traffic Impact Study, therefore avoiding the specific off site...?
1016
1017 Ms. Freye - I think that we probably could do that.
1018
1019 Mr. Emerson - I think that will probably clear it up.
1020
1021 Ms. Freye - Yes, because we fully intend to do what is recommended by the
1022 Traffic Engineer.
1023
1024 Mr. Emerson - I think it would probably be appropriate to have that proffer
1025 addressing that as long as it is worded in a way that...
1026
1027 Ms. Freye - That it doesn't look like an offsite. Yes, sir I understand. We can
1028 work on that between now and the Board.
1029
1030 Mr. Emerson - Okay.
1031
1032 Ms. Freye - Thank you.
1033
1034 Mr. Archer - Ms. Freye.
1035
1036 Ms. Freye - Yes, sir.
1037
1038 Mr. Archer - I have a couple of questions. Is this entire project subject to
1039 phasing?
1040
1041 Ms. Freye - Excuse me. No, sir we have not phased it.
1042
1043 Mr. Archer - Okay. The other thing was you mentioned that the condo part of
1044 this would have common area, which means you will have to have a condominium association.
1045
1046 Ms. Freye - Yes, sir.
1047

1048 Mr. Archer - Would the association be separate and apart from the rest of the
1049 development?
1050
1051 Ms. Freye - It really depends, Mr. Archer, on how this does get set up as to
1052 whether...
1053
1054 Mr. Archer - You understand why I'm asking, don't you?
1055
1056 Ms. Freye - Yes, sir I do because you are going to have homeowners
1057 associations of different neighborhoods and then condominiums. I'm not really sure how that is
1058 going to be arranged, but that is an issue for us to consider.
1059
1060 Mr. Archer - I just wanted to be sure you had thought about it.
1061
1062 Ms. Freye - Yes, sir.
1063
1064 Mr. Archer - One final question. In proffer 17...
1065
1066 Ms. Freye - Yes, sir.
1067
1068 Mr. Archer - ...concerning the 58 acres...
1069
1070 Ms. Freye - 58 acres, yes, sir.
1071
1072 Mr. Archer - ...you changed, the two things you changed, high school to school
1073 and ten years to fifteen years.
1074
1075 Ms. Freye - Yes, sir.
1076
1077 Mr. Archer - The end sentence said, "That the land shall be conveyed back to the
1078 developer."
1079
1080 Ms. Freye - In the event that the county does not use it. The state code
1081 requires that if there is a dedication, a cash payment or dedication of land, their needs to be
1082 some provision to dispose of the property in some event that it is not used by the county.
1083
1084 Mr. Archer - I understand that. I guess what my questions is if it conveyed back
1085 to the developer. Would it be done at no fee? Would it be sold back? How exactly would it be
1086 done?
1087
1088 Ms. Freye - I would hope that if it was given that it would be given back.
1089
1090 Mr. Archer - Okay. That is all I had. Thank you.
1091
1092 Mrs. Ware - Are there any more questions? Thank you, Ms. Freye.
1093
1094 Ms. Freye - Thank you.
1095
1096 Mr. Jernigan - Thank you.
1097
1098 Mrs. Ware - Would like to hear from the opposition, sir. Is there anyone else
1099 who would like to speak in opposition to this case? Did you want to speak ma'am? I just need

1100 to know how many people, no sir you may go ahead. I just need to know how many people so I
1101 can set the time.
1102
1103 Ms. Betty L. Walters - I wasn't speaking in opposition.
1104
1105 Mr. Jernigan - She is the property owner.
1106
1107 Ms. Walters - I was concerned about the property they don't own that is next to
1108 the entrance.
1109
1110 Mrs. Ware - Okay. We'll go ahead and hear from this gentlemen right now and
1111 we'll get back to you. Go ahead, sir. Can you please give us your name and address for the
1112 record?
1113
1114 Mr. Jay Shurley - I'm Jay Shurley, I live at 4508 Creighton Road. It looks like there is
1115 still some issues that need to be resolved here. They mentioned two entrances, but they are
1116 showing three, one in Tiffany Meadows and two on Creighton Road and the one at the eastern
1117 part of Creighton Road appears to be FEMA floodplain. I don't know that they are going to be
1118 able to put that entrance in for one. Also, I think we need to look at all of the development as a
1119 whole, not just this one. There is a lot of extra development going on Creighton Road and
1120 Laburnum Avenue that are going to severely impact the traffic and the schools as well as what
1121 this (unintelligible) project is going to put on there. Obviously traffic, schools are my biggest
1122 issues. You mentioned conceptual drawing, if they can get away with that I might get away with
1123 slapping my wife, doesn't mean its right to slap my kids. I think everything should be in order
1124 and spelled out before this goes through. What they are doing, where this road is going, how
1125 they are going to widen it, where these school are going to go? I know the concern I would
1126 have and I don't know if you all thought about it, is how emergency medical people are going to
1127 handle all of this new development going in there. Is that going to create an issue? When I was
1128 in school I remember running track and a fellow runner collapsing, it took an hour to get medical
1129 people there. With this and all the extra development on Creighton Road and Laburnum that
1130 should be a serious thought process on, if there is indeed enough fire and rescue squad personal
1131 available for this. That is going to be impacted by, obviously accidents in the home, but also
1132 collisions on the road. Unfortunately, I didn't bring a pen to write all of my thoughts down as I
1133 was hearing them, but I guess those are my greatest concerns.
1134
1135 Mrs. Ware - Are they any questions for Mr. Shurley from the Commission?
1136
1137 Mr. Jernigan - Jay, I appreciate you coming tonight. We've had quite a few phone
1138 conversations and I will have to say you are one neighbor that has really hung in with
1139 everything. You are really kept abreast of everything that is going on.
1140
1141 On the conceptual plan, and I'm not going to go into detail, but along with another conceptual
1142 plan on another piece of property is where he had problems. This was discussed with staff and I
1143 and some other members and that is the reason that we are doing what we are doing. We are
1144 going to get...everything will...at the POD process everything has to be spelled out and
1145 everything has to be passed by staff before any movement can be made.
1146
1147 On medical...you have a Fire House right up there on Laburnum Avenue that is within probably
1148 three minutes.
1149
1150 Mr. Shurley - But, with all of this...not just this one, but with all the others, what
1151 happens if you have two emergencies, possibly three, which is conceivable with all the extra
1152 traffic and the people in these other neighborhoods. I understand what you are saying.

1153
1154 Mr. Jernigan - Jay, that is true everywhere because in the west end it is the same
1155 thing. I mean, if you have a group of accidents, Engine Company #6, that is down on Laburnum
1156 Avenue close to...right across from VIA Systems, I guess they would have to respond.
1157
1158 Mr. Donati - Number 7 is closer on Laburnum.
1159
1160 Mr. Jernigan - Number 7.
1161
1162 Mr. Donati - Number 7 is the one up near Mechanicsville on the pike.
1163
1164 Mr. Jernigan - He is saying if that was busy, you know, number 6 would have to
1165 respond. What other concerns did you have? I mean, overall we have tried to...the one reason
1166 this project has taken as long as it has is to bring the quality up and that is one thing that I did
1167 want to do for this neighborhood is make sure that we had quality. At this point I feel we have
1168 it.
1169
1170 Mr. Shurley - Most of my concerns I have already spoken with you over the phone
1171 and communicated most of them before hand.
1172
1173 Mr. Jernigan - I don't have any more questions. I do appreciate you coming up
1174 tonight. Thank you.
1175
1176 Mrs. Ware - Thank you.
1177
1178 Mr. Jernigan - Ms. Walters, did you want to say something? How are you this
1179 evening?
1180
1181 Ms. Betty L. Walters - Pretty well, thank you. I'm Betty Walters, 4211 Creighton Road and
1182 I live at Enerdale. I own the property that you have just been discussing that has not been sold.
1183 It was not my intent originally to sell it at this time. I felt that after it was developed, that would
1184 be worth more, but I hear that you are speaking of a right hand turn into that road that leads out
1185 to Creighton. If there is a right hand turn there you have taken all of my frontage on Creighton.
1186 I'll have no access to Creighton Road and I'm not willing to do that. If the developer is
1187 interested in talking to me about buying that tract then that would be different, but as far as
1188 saying you can just have a right-of-way to make a turn there I just don't see how you can hope
1189 to take my access to the highway and that is what it would do. That is all. I don't have any
1190 other opposition to anything that has been said.
1191
1192 Mr. Jernigan - All right, Ms. Freye.
1193
1194 Ms. Walters - What is done about that?
1195
1196 Ms. Freye - Yes, sir. Thank you, Ms. Walters. What we would like to do is have
1197 an engineering done to show what existing right-of-way is there. Exactly what the length of the
1198 turn lane would need to be. These are the kind of detailed issues that get done when you do
1199 subdivision and the plan of development. As Ms. Walters knows we have the contract with her
1200 about the right-of-way that is necessary, she just hasn't had the opportunity to see the details of
1201 what they are because they haven't been determined yet. It is one of those development issues
1202 as opposed to one of the zoning issues. I don't think it would prevent us from committing to the
1203 County to make the road improvements necessary to serve this development, but I know that
1204 Ms. Walters is not going to feel comfortable with that until she can see the engineer drawings
1205 about just what that means. We can show her what right-of-way is available and how long the

1206 turn lane is going to be and exactly where it is going to be which also addresses what Mr.
1207 Shurley raised is about, you know, just where that access is going to be in conjunction with the
1208 floodplain or the C-1 line. You know that has to be engineered too. This is totally conceptual
1209 and it hasn't been engineered, so until that gets done we can't exactly say where that entrance is
1210 going to be and what the road improvements have to be to it. That is something that will have
1211 to be worked out in detail.
1212
1213 Mr. Jernigan - In your contract with Ms. Walters is there a provision in there for a
1214 right-of-way on that property for a turn lane?
1215
1216 Ms. Walters - No.
1217
1218 Ms. Freye - Well, first of all the contract does provide a right of first refusal to
1219 buy that entire property. It does say that the right-of-way is deemed necessary and approved by
1220 Henrico County in accordance with the location of the layout that was discussed. That is an
1221 approximate location and that the ability to rezone it if necessary, but we determined that that
1222 wasn't necessary because the A-1 land would let the right-of-way be shown there and that the
1223 meets and bounds with that location would have to be worked out at a later date. We believe
1224 that it does cover it, but we would be glad to talk about that with Ms. Walters in more detail.
1225
1226 Ms. Walters - Nothing was said about a right-of-way. There is nothing about a
1227 right-of-way in my copy.
1228
1229 Mr. Jernigan - We have got to clear this up.
1230
1231 Ms. Freye - Well, I agree because there seems to be a misunderstanding.
1232
1233 Mr. Jernigan - We can't move forward until...because we have to have on this two
1234 major entrances.
1235
1236 Ms. Freye - Yes, sir we've always planned on that.
1237
1238 Mrs. Ware - And the turn lanes.
1239
1240 Mr. Jernigan - And the turn lanes, yeah, but I mean...we need to make sure that in
1241 the contract this is covered before I can move this case forward.
1242
1243 Ms. Freye - What I would like to do then is get with the engineer and see if we
1244 can come up with a drawing and set down with Ms. Walters and get all that worked out. I don't
1245 know if we can do that in two weeks. We think that we would be able to get that done in two
1246 weeks, if you would like to defer it.
1247
1248 Mrs. Ware - We don't have a POD meeting.
1249
1250 Mr. Jernigan - We don't have a POD meeting at all in August.
1251
1252 Ms. Freye - Oh, that is right, this is August. So that would mean September 9th.
1253
1254 Mrs. Ware - Correct.
1255
1256 Mr. Emerson - That is correct.
1257
1258 Mr. Jernigan - Gloria, you need to ask for a deferral until September 9th.

1259
1260 Ms. Freye - Are you agreeable to a deferral until September 9th to work on this
1261 issue?
1262
1263 Mr. Ray Perkins - Can we have one minute?
1264
1265 Mr. Jernigan - Yes, sir.
1266
1267 Mrs. Ware - We need to...we can't stop the meeting like this. Do we want to
1268 come back to this?
1269
1270 Mr. Jernigan - Yes. Why don't ya'll go out and talk and we're going to hear another
1271 case.
1272
1273 Ms. Freye - Okay.
1274
1275 Mr. Emerson What we need to do...we do have an 8:00 agenda, which we are at
1276 8:00...go through our deferrals for 8:00. We do have two of those, we can do that and allow you
1277 that time.
1278
1279 Mr. Jernigan - Yeah, that is going to take us a few minutes. Why don't you all go
1280 out in the hall and talk this over.
1281
1282 Mrs. Ware - Out in the lobby.
1283
1284 Ms. Freye - Thank you, for the recess.
1285
1286 Mr. Jernigan - That is okay.
1287
1288 Mrs. Ware - Then we want to go forward with the deferrals for 8:00 at this time.
1289
1290 Mr. Emerson - Yes, Madam Chairman at this time we do have an 8:00 agenda. We
1291 do have two deferrals that are on the 8:00 portion of the agenda. Since we have reached the
1292 8:00 time we can move forward with those. Ms. Moore-Illig will present those.
1293
1294 Ms. Moore-Illig - Thank you, Mr. Secretary. The first item is in the Three Chopt
1295 District. It is on page 6 of your agenda.
1296
1297 **Deferred from the July 15, 2004 Meeting:**
1298 **C-16C-04 Colson & Colson Construction Co.:** Request to conditionally
1299 rezone from A-1 Agricultural District and R-6C General Residence District (Conditional) to R-6C
1300 General Residence District (Conditional), Parcels 749-755-4576, 749-755-9136 and 749-755-
1301 8188, containing approximately 10.80 acres, located on the north line of Three Chopt Road and
1302 the southwest corner of the I-64/Gaskins Road Interchange, approximately 500 feet west of
1303 Gaskins Road. The applicant proposes a 118-suite unit retirement residence for seniors with
1304 associated uses. The R-6 District allows a density up to 19.80 units per acre. The Land Use Plan
1305 recommends Office and Environmental Protection Area.
1306
1307 The deferral is requested to the October 14, 2004 Planning Commission Meeting.
1308
1309 Mrs. Ware - Is there any opposition to the deferral of C-16C-04, Colson & Colson
1310 Construction Co. in the Three Chopt District? No opposition, Mr. Marshall.
1311

1312 Mr. Marshall - Madam Chairman, I move that case C-16C-04, Colson & Colson be
1313 deferred to the October 14th meeting at the request of the applicant.

1314
1315 Mr. Vanarsdall - Second.

1316
1317 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
1318 favor, aye. All opposed. The motion passes.

1319
1320 At the applicant's request, the Planning Commission deferred C-16C-04, Colson & Colson
1321 Construction Co., to its meeting on October 14, 2004.

1322
1323 Ms. Moore-Illig - The next request is on page 6 of your agenda. It is also in the
1324 Three Chopt District.

1325
1326 **Deferred from the May 13, 2004 Meeting:**

1327 **C-22C-04 Reynolds Development, LLC:** Request to conditionally rezone
1328 from O-3C Office District (Conditional), B-3 Business District and M-1 Light Industrial District to
1329 O-3C Office District (Conditional) and B-3C Business District (Conditional), Parcels 767-744-9052,
1330 767-744-6325, 765-744-6557, 766-745-8230 and 767-745-5402, containing 71.028 acres (31.192
1331 ac. – O-3C; 39.836 ac – B-3C), located along the southeast intersection of I-64 and Glenside
1332 Drive and the southwest intersection of I-64 and W. Broad Street (U. S. Route 250). An office,
1333 hotel and retail development is proposed. The use will be controlled by proffered conditions and
1334 zoning ordinance regulations. The Land Use Plan recommends Planned Industry and
1335 Government. The site is in the Henrico County Enterprise Zone.

1336
1337 The deferral is requested to the September 9, 2004 Planning Commission Meeting.

1338
1339 Mrs. Ware - Is there any opposition to the deferral of C-22C-04, Reynolds
1340 Development, LLC in the Three Chopt District? No opposition.

1341
1342 Mr. Marshall - Madam Chairman, I move that case C-22C-04, Reynolds
1343 Development LLC be deferred to the September 9th meeting at the request of the applicant.

1344
1345 Mr. Vanarsdall - Second.

1346
1347 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
1348 favor, aye. All opposed. The motion passes.

1349
1350 At the applicant's request, the Planning Commission deferred C-22C-04, Reynolds Development,
1351 LLC, to its meeting on September 9, 2004.

1352
1353 Ms. Moore-Illig - That concludes the deferrals for the 8:00 agenda.

1354
1355 Mr. Emerson - If you move to the next case I would suggest you come back to this
1356 case at the end of your agenda.

1357
1358 Mrs. Ware - All right.

1359
1360 Mr. Emerson - If you want to move forward.

1361
1362 Mr. Archer - Let's move on.

1363
1364 **THE COMMISSION TOOK A 10-MINUTE RECESS.**

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THE COMMISSION RECONVEYED.

Mrs. Ware - We'll bring the meeting back to order again. And I believe what we will do at this time is the case that we were hearing, Ray Perkins, C-6C-04, we will save to the end of the meeting.

Mr. Jernigan - Yep.

Mrs. Ware - Okay. And we will move onto the next case.

Mr. Emerson - Madam Chairman, the next case on your agenda is on page 4.

Deferred from the July 15, 2004 Meeting:

C-13C-04 Mike Fleetwood: Request to conditionally rezone from A-1 Agricultural District, M-1 Light Industrial District and M-2 General Industrial District to M-2C General Industrial District (Conditional), Parcels 819-704-9284, 820-705-3941, 820-705-5372, 820-706-5002, 820-705-6725 and 819-703-7057, containing 105.164 acres, located at the southwest intersection of Monahan and Charles City Roads and the C&O Railroad. Light Industrial manufacturing with possible hotel/retail uses are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District.

Mrs. Ware - Is there any opposition to C-13C-04, Mike Fleetwood in the Varina District? No opposition, Ms. Moore-Illig.

Ms. Moore-Illig - Thank you, Madam Chairman.

The intent of this request is to provide a more cohesive industrial development, which is in keeping with the 2010 Land Use Plan's designation for Planned Industrial for this site. The majority of the property is zoned M-2 and M-1 unconditional. Approximately 26 acres of the A-1 zoned property to the south would be incorporated within this request to accomplish a more unified development.

The applicant has submitted proffers including language addressing:

- Architectural materials
- Uses to limit most of the intensive or heavy industrial uses
- Signage, which would be limited to 10' in height.

The proffers would also provide a:

- 25' landscape and/or natural greenbelt along Seven Hills Boulevard and a 75' building setback along Seven Hills Boulevard.
- In addition, a 60' right-of-way would be dedicated to allow the extension of Seven Hills Boulevard, which is slated on the Major Thoroughfare Plan to cross through the property to Monahan Road.

Overall, staff supports the concept of a planned industrial development. However, there are several unresolved issues pertaining to this request.

The applicant has submitted but not proffered two master plans. It is important that the applicant considers proffering the conceptual layouts to ensure adequate roadway connections are made and a cohesive development.

1417 The applicant should also specify that Seven Hills Boulevard would be constructed with development
1418 of this property.
1419

1420 The M-2 District permits all uses permitted in M-1 and as proffered all business uses would be
1421 permitted on this site. The applicant has indicated a hotel or service station may be developed.
1422 While these uses may be appropriate, a shopping center and other similar retail uses may not be as
1423 acceptable. We encourage the applicant to examine and prohibit retail with this development.
1424

1425 In addition, County staff maintains that a traffic impact analysis be conducted at the time of
1426 rezoning. The applicant has indicated they would prefer to conduct a traffic impact analysis at the
1427 time of Plan of Development, when users of the site are known. At a minimum, the applicant should
1428 include language to ensure a traffic impact analysis would be conducted at time of POD.
1429

1430 If the applicant could sufficiently address all of the concerns outlined, staff could be more
1431 supportive of this request.
1432

1433 This concludes my presentation. I would be happy to try to answer any questions you may have.
1434

1435 Mrs. Ware - Are there any questions for Ms. Moore-Illig from the Commission?
1436

1437 Mr. Jernigan - Not at this point.
1438

1439 Ms. Moore-Illig - Thank you.
1440

1441 Mrs. Ware - The applicant.
1442

1443 Mr. Jernigan - Yes ma'am, I would like to hear from him, please.
1444

1445 Mrs. Ware - Good evening. Would you please state your name and address for
1446 the record?
1447

1448 Mr. Kevin Humphrey - My name is Kevin Humphrey, 5147 Dorin Hill Court. I represent
1449 Michael Fleetwood who is out of the country.
1450

1451 Mr. Jernigan - Kevin, we can't hear you.
1452

1453 Mr. Humphrey - I'm sorry. My name is Kevin Humphrey. My address is 5147 Dorin
1454 Hill Court. I represent Michael Fleetwood who is the applicant and is out of the country. We've
1455 had a couple of meetings during this meeting and we've agreed, the applicant agrees to proffer
1456 the traffic study be done at POD. It should have been done with this package and will be done
1457 prior to Board approval. They also, he also will proffer the master plans that were referenced
1458 and we will immediately start looking at the business uses and start looking at and working with
1459 staff on those objections, all proposed before the Board approval.
1460

1461 Mr. Jernigan - So you are saying you will proffer one of the master plans and the
1462 traffic study.
1463

1464 Mr. Humphrey - Well, we would like to proffer... With the extension of Seven Hills
1465 and the new interchange, the feeder of the Airport, this piece can develop several different ways
1466 and a lot of it springs off the design and access elements off of Seven Hills. So we've developed
1467 two plans. Now those two plans didn't incorporate retail elements.
1468

1469 Mr. Jernigan - Did not?

1470
1471 Mr. Humphrey - Did not, but I know that the applicant wishes...he would like to
1472 include some retail elements, by right, by use. This is going to be a transition piece and we
1473 know, the applicant does not want a grocery store, some more objectionable elements that
1474 would create traffic problems, but he would like to reserve the right for the hotels, for the gas
1475 stations. All of which will be identified at POD and incorporated into the traffic study. We will go
1476 through the business uses and eliminate those that are defiantly not going to be utilized.
1477
1478 Mrs. Ware - But, the concern is having business there are all. Correct? I mean
1479 not if, or maybe, or kind of sort of.
1480
1481 Mr. Jernigan - Well, let me tell you where we stand on this. They can put any kind
1482 of business they want to there right now because 75% of the property is already zoned M-1 and
1483 M-2. There was only 25 acres that had to be rezoned to finish this parcel. What we did, we
1484 asked the applicant if he would rezone all of the property to bring quality to where we could put
1485 conditions on. So, knowing that the situation we are in right now, they can do pretty much
1486 whatever they want to.
1487
1488 Mrs. Ware - What about the proffered conceptual plans? We haven't seen those
1489 or...
1490
1491 Mr. Jernigan - No. We have two plans, but they are not...
1492
1493 Mrs. Ware - In here.
1494
1495 Mr. Jernigan - ...well yeah, they are in the package also.
1496
1497 Mr. Humphrey - Madam Chairman, they are in there.
1498
1499 Mr. Jernigan - But they have not been proffered.
1500
1501 Mr. Humphrey - They are just not officially proffered. We will officially proffer them.
1502
1503 Mrs. Ware - They are the ones that are in here.
1504
1505 Mr. Humphrey - Yes.
1506
1507 Mr. Jernigan - What has happened, Seven Hills Boulevard gets extended and goes
1508 through this property. They are going to dedicate the right-of-way for that, but it hasn't been
1509 engineered yet. Along with that the 895 connector comes from north to south through this
1510 property also and that is conceptual. So we have two roads that are coming through here which
1511 haven't been engineered yet. We won't say the County proffers them, but they are not the final
1512 design. Now, Kevin you realize that on Seven Hills Boulevard if you'll decide to use that before
1513 the county builds it that you will have to build it.
1514
1515 Mr. Humphrey - Yes.
1516
1517 Mr. Jernigan - Okay.
1518
1519 Mrs. Ware - So its RZ1 and RZ2.
1520
1521 Mr. Jernigan - Yes.
1522

1523 Mrs. Ware - Okay.
1524
1525 Mr. Donati - Isn't Seven Hills Boulevard, maybe Mr. Foster could answer that
1526 question. Seven Hills Boulevard extension, that is a bond referendum funding isn't it, Mr. Foster?
1527
1528 Mr. Tim Foster - My name is Tim Foster, I'm the traffic engineer for the county.
1529 Charles City Road is part of the bond referendum. Seven Hills Boulevard also is. At one point we
1530 weren't for sure if it was going to be built because of the Airport expansion, but the Airport
1531 expansion is not going to happen as far as we know. So we do plan on both of these roads
1532 being constructed.
1533
1534 Mr. Jernigan - Seven Hills is in the bond referendum.
1535
1536 Mr. Foster - I don't have the bond referendum information with me, but I think it
1537 includes Seven Hills and Charles City Road.
1538
1539 Mr. Jernigan - Because when I met with Lee I thought he checked on that and
1540 came back down and told us that it wasn't.
1541
1542 Mr. Foster - It could be, I don't have the information in front of me.
1543
1544 Mr. Donati - I'm almost certain that it is funded by the 2000 bond referendum.
1545
1546 Mr. Foster - Charles City Road is definitely funded by the 2000. I do not know
1547 about Seven Hills Boulevard. I'd have to check that.
1548
1549 Mr. Donati - That takes off and goes through this...
1550
1551 Mr. Jernigan - Right. And they are going to dedicate the right-of-way for that.
1552
1553 Mr. Foster - We will definitely have that information before the Board.
1554
1555 Mr. Jernigan - I can call Lee tomorrow because he did check on it before.
1556
1557 Mr. Foster - Okay, and like I said I have not looked at it in a couple of years so it
1558 is possible that I'm misreading that.
1559
1560 Mr. Donati - Thank you.
1561
1562 Mr. Jernigan - Thank you, Tim.
1563
1564 Mr. Humphrey - The applicant's land associated with the Airport extension is being
1565 condemned as we speak. They don't have the money (unintelligible), but are going through the
1566 condemnation process. So, that road, I don't know what the future of that road is, but they are
1567 going through with the condemnation to achieve the necessary right-of-way. All the landholders
1568 have been contacted. The paperwork has been filled out and so, again, I know that they don't
1569 have the money or the funding for the connector, but it is planned to go forward whenever they
1570 get the funding.
1571
1572 Mr. Jernigan - For Seven Hills?
1573
1574 Mr. Humphrey - No.
1575

1576 Mr. Jernigan - 895?
1577
1578 Mr. Humphrey - Mr. Foster had indicated that they weren't going to build it. They
1579 are condemning land for it, so...I don't know what they are planning to do, but they are
1580 condemning the land for it.
1581
1582 Voice in the Audience - Which road are you talking about?
1583
1584 Mr. Humphrey - The I895 Airport extension.
1585
1586 Mr. Jernigan - The 895 connector.
1587
1588 Mr. Donati - There was some initial funding to do the study and to also do land
1589 acquisition, but not any money right now for construction. But they are doing land acquisition.
1590
1591 Mr. Jernigan - Do you have any more questions?
1592
1593 Mrs. Ware - Are there any more questions from the Commission? All right.
1594 Thank you, Mr. Humphrey.
1595
1596 Mr. Jernigan - Thank you. Madam Chairman, like I said, we are treating this case a
1597 little bit different because by right, right now they can build whatever they want to and not even
1598 worry about the 25 acres. Under normal conditions we'd have this tided up a little bit more.
1599 Now he has said, proffered at the podium that he will proffer one of the two conceptual layouts
1600 and will proffer the traffic study...
1601
1602 Mrs. Ware - By POD...
1603
1604 Mr. Jernigan - Yes, at the POD.
1605
1606 Mrs. Ware - ...by the Board Meeting?
1607
1608 Mr. Jernigan - No, I told him in the meeting before that the traffic study could be
1609 done at the time of POD because at this point they don't know what is coming in there. There
1610 has been several things discussed, but nothing has been nailed down. Like I said, the traffic
1611 study and...we've cleared up for the master plan, Seven Hills and the traffic study. So, I'm ready
1612 to make a motion.
1613
1614 Mrs. Ware - All right.
1615
1616 Mr. Jernigan - Madam Chairman, with that I'll move for approval of C-13C-04, Mike
1617 Fleetwood to move to the Board of Supervisors.
1618
1619 Mr. Vanarsdall - Second.
1620
1621 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
1622 favor, aye. All opposed. The motion passes.
1623
1624 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
1625 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1626 request because it is appropriate industrial zoning in this area and the proposed industrial park
1627 conforms to the Land Use Plan's recommendation of Planned Industrial for the property.
1628

1629 Mrs. Ware - The next case, please.
1630
1631 Mr. Emerson - Madam Chairman, the next case on your agenda tonight is on page
1632 5.
1633

1634 **Deferred from the July 15, 2004 Meeting:**

1635 **C-24C-04 Lunsford L. Duke:** Request to conditionally rezone from A-1
1636 Agricultural District to R-5AC General Residence District (Conditional), Parcels 761-769-6447 and
1637 761-769-4574, containing 10.36 acres located at the southwest intersection of Staples Mill (U. S.
1638 Route 33) and Springfield Roads. Up to thirty-three (33) attached and detached residential units
1639 are proposed. The R-5A District allows a minimum lot size of 5,625 square feet. The Land Use
1640 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
1641

1642 Mrs. Ware - Is there any opposition to case C-24C-04, Lunsford L. Duke in the
1643 Brookland District? No opposition, Ms. Moore-Illig.
1644

1645 Ms. Moore-Illig - Thank you, Madam Chairman.
1646

1647 This application has been amended from the previous request of RTHC, which would have
1648 allowed up to 150 condominium units, the request now is to R-5AC. Under this zoning request
1649 up to 33 residential units are proposed, consisting of a mixture of attached and detached homes.
1650

1651 Staff has just given you proffers submitted by the applicant dated August 12, 2004. The time
1652 limits for these proffers would need to be waived. Major aspects of the proffers include:
1653

- 1654 • A proffered conceptual plan showing 33 lots, which is shown before you (referring to slide).
- 1655 • A minimum lot size of 3,100 gross sq ft of which 2,500 sq ft would be finished.
- 1656 • Attached homes would occupy 8 lots to give the appearance of 4 large single-family homes
1657 from Staples Mill and other homes on the property could be detached.
- 1658 • The front facades of all structures would be brick.
- 1659 • Boulevard style entrances with a landscaped median on Springfield Road and Staples Mill
1660 Road will be gated.
- 1661 • A decorative brick wall, with a minimum height of 5 feet extended 50' to either side of the
1662 center of the Springfield Road entrance.
- 1663 • A decorative ornamental fence with brick pillars along the remaining Springfield Road and
1664 Staples Mill Road frontages.
- 1665 • Minimum lot widths of 60'.
- 1666 • Sidewalks would be provided adjacent to one side of interior roadways.
- 1667 • Street trees, mailboxes, and post lamps would be provided.
- 1668 • A minimum two-car garage will be provided for each home, and any attached garages would
1669 be side or rear loading.

1670
1671 The Land Use Plan recommends SR-1 or suburban residential 1 for this property. However, the
1672 location of the Hindu Center to the north and the location of the major arterial road to the east
1673 have changed the trends in this area, and this request would be suitable for this site.
1674

1675 The proffers submitted by the applicant offer assurance of a quality project. There are a few
1676 issues and clarifications that need to be addressed:
1677

- 1678 • Proffer #6 outlining the treatment of vegetation along the common areas. The applicant is
1679 not proposing to clear all vegetation, however they should indicate language to provide
1680 supplemental planting. In addition, supplemental planting should be considered along the
1681 fence along Springfield Road and Staples Mill Road.

1682 • Due to the type of development being proposed, sod and irrigation should be provided or
1683 considered on side and rear yards in addition to the front yard.
1684
1685 Overall, the residential use is of high quality and would be appropriate for this site. If the
1686 applicant could address these concerns, staff could support this request.
1687
1688 This concludes my presentation. I would be happy to try to answer any questions you may have.
1689
1690 Mrs. Ware - Are there any questions for Ms. Moore-Illig from the Commission?
1691
1692 Mr. Vanarsdall - I have a question, Madam Chairman. On number 15, Jean, I
1693 thought we were going to have a sidewalk on both sides. It said a sidewalk shall be provided on
1694 at least one side.
1695
1696 Ms. Moore-Illig - We discussed this with the applicant further and based on the type
1697 of development and the other developments in the area we were...they thought that was
1698 appropriate and we'd presented this as is so if you have any other suggestions we will take that
1699 under advisement.
1700
1701 Mr. Vanarsdall - I'm glad they put at least one side, so that means we'll have a
1702 sidewalk. Okay, thank you. I see we have the streetlight. How long have we been working on
1703 this? How long, this was filed back in what, April?
1704
1705 Ms. Moore-Illig - Years.
1706
1707 Mr. Vanarsdall - It is a year, isn't it. I appreciate all the work you and Joe have done
1708 on it. That is all the questions that I have.
1709
1710 Mrs. Ware - Are there any other questions? Thank you.
1711
1712 Ms. Moore-Illig - Thank you.
1713
1714 Mrs. Ware - Good evening, Mr. Theobald.
1715
1716 Mr. Vanarsdall - Mr. Theobald, you are so use to getting up and presenting, he don't
1717 even need it.
1718
1719 Mr. James Theobald - That is a trick questions, right. Madam Chairman, ladies and
1720 gentlemen, I'm Jim Theobald here on behalf of Lunsford L. Duke and Atack Properties. I also
1721 want to express my thanks to Ms. Moore-Illig and Mr. Emerson and you Mr. Vanarsdall. It seems
1722 like we have all been working on this case nearly around the clock and it was filed back in the
1723 spring.
1724
1725 Mr. Vanarsdall - It was not this case.
1726
1727 Mr. Theobald - It is a much different case.
1728
1729 Mr. Vanarsdall - This is about the fifth thing that has been proposed on this corner
1730 and it hasn't passed...
1731
1732 Mr. Theobald - I think that everybody recognized that this was a special piece and
1733 considered a gateway to this portion of the county with lots of quality development in the area
1734 and desired a different approach. So what you see before you now is an R-5A request, which

1735 are, as you know zero lot line homes. These are designed to be styled after the Parson Walk
1736 Development in Twin Hickory, which many of you are familiar with. A very interesting design.
1737 Large homes on zero lot lines although some number of these have been attached at the
1738 common boundary in order to create the appearance of a manor home where they would be
1739 within the view corridor of Staples Mill Road.

1740

1741 We have been working feverously on revised proffers and have limited the number of homes to
1742 the 33 versus the 150 condominiums that at one time was proposed. On this site, and have also
1743 provided minimum square footages of both the gross square footage of the main structure and
1744 also finished floor area, again, to resemble the Parson Walk development. We've tried very hard
1745 to work on exterior materials to enhance the views from Staples Mill Road as well as Springfield.
1746 This is designed to be a gated community with upscale amenities and I believe as Ms. Moore-Illig
1747 went through these you can see that everything from street trees to lighting has been addressed.
1748 We have committed, by the way, Mr. Vanarsdall in proper 6 to provide supplemental landscaping
1749 along that Springfield Road side. It does say, "and landscaping shall be provided as approved at
1750 the time of landscape review," consistent with our discussions with you the other day. Also, in
1751 number 7, and of course these proffers were being amended at such a fast and furious pace that
1752 its hard to keep them all in mind, but in number 7 we have also provided that there would be
1753 landscaping along that ornamental fence on both Staples Mill Road and Springfield Road.

1754

1755 I would be happy to answer any questions that you might have at this time.

1756

1757 Mrs. Ware - Are there any questions for Mr. Theobald?

1758

1759 Mr. Vanarsdall - I want to...something you just said went by me.

1760

1761 Mr. Theobald - About landscaping, Mr. Vanarsdall?

1762

1763 Mr. Vanarsdall - Yeah. I would like for you to tell the Commission how far back from
1764 the road that it is.

1765

1766 Mr. Theobald - Staples Mill Road, that first unit on the left side of your screen
1767 (referring to slide), I think is about 100' from the existing right-of-way. So that space will be
1768 green. You have a significant pond in the front which is designed to have a fountain in it, which
1769 has been proffered. So you get a nice little sort of a village green area there and the homes
1770 behind the pond that you see there are where two sets of attached homes will be located to
1771 create that manor house effect, as well as the two setting over to the right side of the pond, as
1772 well as the first two homes coming off Staples Mill that you see on the left there (referring to
1773 slide).

1774

1775 Mr. Vanarsdall - They all have two car garages, you said.

1776

1777 Mr. Theobald - Yes, sir.

1778

1779 Mr. Vanarsdall - So, it is very upscale. I don't have any questions.

1780

1781 Mrs. Ware - All right.

1782

1783 Mr. Theobald - Thank you.

1784

1785 Mrs. Ware - Thank you. No opposition.

1786

1787 Mr. Vanarsdall - This started out as one thing and went to another thing, another
1788 thing and another thing and Mr. Glover has been working with the applicant and never could
1789 quite get what we would like to have on that corner because its like a gateway there and there is
1790 a lot of land from this corner all the way down Staples Mill and he wanted to be careful what
1791 went on this corner and wanted it to set way back like this one does (referring to slide). This is
1792 similar to Parson Walk as Mr. Theobald said. It took a lot of work particularly on staff,
1793 particularly on Jean Moore, and particularly on Joe Emerson, and so on. Tuesday of this week
1794 they were asked to get all of this together with Mr. Theobald. They must have worked on it all
1795 night to get it like it is. So with that I recommend approval, very gladly recommend approval..
1796

1797 Mr. Marshall - You need to waive the time limits.
1798

1799 Mr. Vanarsdall - I recommend that the time limits be waived on C-24C-04.
1800

1801 Mr. Marshall - Second.
1802

1803 Mrs. Ware - Motion made by Mr. Vanarsdall, seconded by Mr. Marshall. All in
1804 favor, aye. All opposed. The motion passes.
1805

1806 The Planning Commission voted to waive the time limits on Case C-24C-04, Lunsford L. Duke.
1807

1808 Mr. Vanarsdall - And I'm very happy and glad that we have come to this and this will
1809 be a good thing and with that I recommend approval of C-24C-04 to the Board of Supervisors to
1810 be approved.
1811

1812 Mr. Marshall - Second.
1813

1814 Mrs. Ware - Motion made by Mr. Vanarsdall, seconded by Mr. Marshall. All in
1815 favor, aye. All opposed. The motion passes.
1816

1817 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Marshall, the Planning
1818 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
1819 the request because it would permit development of the land for residential use in an appropriate
1820 manner and the proffered conditions assure a level of development not otherwise possible.
1821

1822 Mr. Emerson - Madam Chairman, the next case on the agenda tonight is on page 5.
1823

1824 **P-11-04 Cugini, LLC:** Request for a Provisional Use Permit under Sections
1825 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code in order to allow an 800 square foot
1826 outside dining area for Roma's restaurant, on part of Parcel 771-752-0193, located on the west
1827 line of Staples Mill Road (U. S. Route 33) at Hermitage Road. The existing zoning is B-2C
1828 Business District (Conditional). The Land Use Plan recommends Office.
1829

1830 Mrs. Ware - Is there any opposition to P-11-04, Cugini, LLC in the Brookland
1831 District? Hello, Mr. Bittner.
1832

1833 Mr. Bittner - Hello, Mrs. Ware.
1834

1835 The outside dining area would be on the northern side of this site and its construction is almost
1836 complete.
1837

1838 The site is in close proximity to both the Hermitage Farms and Hermitage Farms Annex
1839 neighborhoods to the west. Proper design is important to insure noise from the outside dining
1840 area does not impact these residents.

1841

1842 With the appropriate conditions, staff believes this request could be compatible with the
1843 surrounding area. Major recommended conditions are being handed out to you right now and
1844 they include the following:

1845

- 1846 • The outside dining area shall be completely closed by 10:00 p.m. (Please note the
1847 wording of this condition is slightly different from what is in the staff report.)
- 1848 • No outside music performances shall be permitted.
- 1849 • Outside speaker or sound systems shall be prohibited.
- 1850 • A six (6) foot tall vinyl fence along the rear property line shall be installed prior to the use
1851 of the outside dining area and in the case of this photo that rear property line would be
1852 right in front of the backyard of that house (referring to slide); and
- 1853 • The applicant shall plant a tree along the western side of the outside dining area. This
1854 tree shall have a minimum height of eight (8) to ten (10) feet or a minimum caliper of
1855 two and one-half (2.5) inches. (Please note this condition does not currently appear in
1856 the staff report.)

1857

1858 This concludes my presentation. I would be happy to try and answer any questions you may
1859 have.

1860

1861 Mrs. Ware - Are there any questions from the Commission for Mr. Bittner?

1862

1863 Mr. Vanarsdall - Yeah. Mark, Paul called me on this first one because it said it would
1864 be utilized past the hour of ten and I was thinking nine would be better and they get out by ten.
1865 But then Roma's would like to keep it 10, so that means when it said completely closed, that
1866 means that there won't be anybody there past...

1867

1868 Mr. Bittner - It means that all dinners and patrons will...

1869

1870 Mr. Vanarsdall - So in other words they are going to watch when they serve
1871 someone.

1872

1873 Mr. Bittner - Right. There should not be anybody else on the area after...

1874

1875 Mr. Vanarsdall - They won't serve somebody at five minutes to ten.

1876

1877 Mr. Bittner - They can do that but they have got to be out by ten.

1878

1879 Mr. Vanarsdall - You have got to be a quick eater.

1880

1881 Mrs. Ware - Fast...

1882

1883 Mr. Vanarsdall - You have got to swallow it like a vacuum cleaner. That is all I have.

1884

1885 Mrs. Ware - Thank you.

1886

1887 Mr. Vanarsdall - The fence is being installed today, but we are going to have that
1888 number 11, a tree there anyway. I move that P-11-04, be recommended to the Board of
1889 Supervisors for approval with the condition 1 through 11.

1890

1891 Mr. Marshall - Second.
1892
1893 Mrs. Ware - Motion made by Mr. Vanarsdall, seconded by Mr. Marshall. All in
1894 favor, aye. All opposed. The motion passes.
1895
1896 Mr. Vanarsdall - They have excellent spaghetti, hamburgers, nice dining room for
1897 Christmas parties...
1898
1899 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Marshall, the Planning
1900 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1901 request because when properly developed and regulated by the recommended special conditions,
1902 it would not be detrimental to the public health, safety, welfare and values in the area.
1903
1904 Mr. Emerson - Madam Chairman, the next item is also on page 5 of your agenda.
1905
1906 **P-13-04 RMA/Hunton, L.C.:** Request for a Provisional Use Permit under
1907 Sections 24-12.1(c) and 24-122.1 of Chapter 24 of the County Code in order to permit The Ridge
1908 at Hunton Park subdivision to be a gated community, on part of Parcel 763-774-7122, containing
1909 49.122 acres, located along the south line of Hunton Park Boulevard, opposite Abbot's Cross
1910 Lane. The existing zoning is R-2AC One Family Residence District (Conditional). The Land Use
1911 Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Office/Service.
1912
1913 Mrs. Ware - Is there any opposition to P-13-04, RMA/Hunton, LC in the
1914 Brookland District. No opposition, Mr. Bittner.
1915
1916 Mr. Bittner - Thank you, Mrs. Ware.
1917
1918 This proposed subdivision is located between Hunton Park Boulevard and Interstate 295.
1919
1920 As you are aware, Henrico County recently adopted regulations to allow gated subdivisions with a
1921 Provisional Use Permit. This is permitted when roads in a subdivision have not been accepted
1922 into the County road system for maintenance; are primarily for the general welfare of the
1923 residents of the subdivision; and do not serve as a connector to other public roads.
1924
1925 In the case of the Ridge at Hunton Park subdivision, staff review of the conditional subdivision
1926 has been completed. Construction plans showing all the gated entrances, including their
1927 locations and security details have not yet been submitted. Staff believes that given the relative
1928 isolation of this proposed subdivision, along with the recommended conditions found in the staff
1929 report, approval of this request can be granted.
1930
1931 This concludes my presentation. I would be happy to try and answer any questions you may
1932 have.
1933
1934 Mrs. Ware - Are there any questions for Mr. Bittner from the Commission?
1935
1936 Mr. Vanarsdall - No, not from me. I move P-13-04, RMA/Hunton LC be
1937 recommended to the Board of Supervisors for approval.
1938
1939 Mr. Marshall - Second.
1940
1941 Mrs. Ware - Motion made by Mr. Vanarsdall, seconded by Mr. Marshall. All in
1942 favor, aye. All opposed. The motion passes.
1943

1944 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Marshall, the Planning
1945 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
1946 the request because it would not be expected to adversely affect public transportation, safety, health
1947 or general welfare.

1948

1949 Mr. Emerson - Madam Chairman, the next case is in the Fairfield District, it is also
1950 on page 5 of your agenda.

1951

1952 **Deferred from the July 15, 2004 Meeting:**

1953 **C-33C-04 Atlantic Senior Development, L.L.C.:** Request to conditionally
1954 rezone from B-3C Business District (Conditional), R-5 General Residence District, and C-1
1955 Conservation District, to R-5C General Residence District (Conditional), part of Parcel 783-748-
1956 5077, containing 20.792 acres, located west side of Brook Road (U. S. Route 1), approximately
1957 875 feet south of its intersection with Hilliard Road. The applicant proposes a senior independent
1958 living facility containing no more than 240 residential units. The R-5 District allows a density up
1959 to 14.52 units per acre. The Land Use Plan recommends Commercial Concentration and
1960 Environmental Protection Area.

1961

1962 Mrs. Ware - Is there any opposition to C-33C-04, Atlantic Senior Development,
1963 LLC in the Fairfield District. Okay, so noted, Mr. Bittner.

1964

1965 Mr. Bittner - Thank you, Mrs. Ware.

1966

1967 The applicant has submitted a number of proffered conditions, including the following:

1968

- 1969 • Permitted uses limited to only an age-restricted senior living facility;
- 1970 • Total units limited to 240; and
- 1971 • A proffered site plan.

1972

1973 The applicant has also submitted several new proffers, which we have just handed out to you,
1974 they include the following:

1975

- 1976 • Aeration of detention ponds to limit the risk of West Nile Virus;
- 1977 • Hard surface sidewalks with a width of at least (5) feet;
- 1978 • A walking trail in the undeveloped floodplain area; and
- 1979 • Landscaped buffers along the eastern and southern sides of the property to reduce the
1980 impact of nearby commercial businesses and Brook Road traffic.

1981

1982 The applicant has also proffered a building elevation with a substantial amount of brick. This
1983 design would be on the sides of the buildings most visible from the Brook Road right-of-way.

1984

1985 The time limit would have to be waived to accept these new proffers.

1986

1987 Because of these new provisions, staff can support this request.

1988

1989 This concludes my presentation. I would be happy to try to answer any questions you may have.

1990

1991 Mrs. Ware - Are there any questions for Mr. Bittner from the Commission? No
1992 questions, thank you. We would like to hear from the applicant I believe, Mr. Archer.

1993

1994 Mr. Archer - I'm not sure I need to hear from the applicant because we talked
1995 about this quite a bit. I know we have opposition and if you would like to reserve some time for

1996 the opposition, because I don't know what it is. Unless you have something you would like to
1997 say.
1998
1999 Mr. Tom O'Brien - No I will reserve the time for...
2000
2001 Mrs. Ware - Ma'am, would you like to come up and give us your name.
2002
2003 Ms. Paige Berry - My name is Paige Berry, 8209 Chipplegate Drive, but I'm reading this
2004 letter from someone else, for Sharon Brownlee, 7505 Seminary Avenue.
2005
2006 "I am a resident of Henrico County and own a home along the Brook Road
2007 corridor on Seminary Avenue. I have been active in working with the County
2008 and Mr. Thornton over the past three years to help improve and revitalize Brook
2009 Road, one of the County's older residential and commercial areas.
2010
2011 The Brook Road Enhancement Study, completed in 2003 and subsequently
2012 approved by the Board of Supervisors as the Brook Road Enhancement Plan,
2013 recommends **commercial** development of the 20.72 acres that Atlantic Senior
2014 Development wants to rezone in order to construct a 240 unit facility to house
2015 persons 62 and older. Henrico County's 2010 Land Use Plan for this property
2016 also recommends commercial concentration and environmental protection. I'm
2017 sure sound reasoning precipitated this recommendation from both plans and
2018 alarm bells "go off" when I hear talk of going against these well-conceived plans.
2019
2020 As cited in the Brook Road Plan, Brook Road has an active daily pattern of
2021 pedestrian traffic, and during 2001-2002 three pedestrians were injured and 1
2022 pedestrian was killed. There are very few sidewalks to accommodate Henrico
2023 County pedestrians along this busy State highway and one of the goals of the
2024 plan is to construct new pedestrian sidewalks as development and
2025 redevelopment occur. Approving the addition of three to four hundred more
2026 senior residents to this "pedestrian-unfriendly corridor" without construction of
2027 sidewalks would prove to be a short-sighted and detrimental decision. The
2028 consequences of such a decision would be borne by the senior residents of this
2029 proposed development.
2030
2031 At the last community meeting with the attorneys for Atlantic Senior, they
2032 indicated that about 25% of the residents at this development would possess a
2033 vehicle. This leaves 75% whose chief mode of transportation would be walking
2034 or catching rides with a friend. They also indicate that their residents will be
2035 independent and are able to pursue daily activities without assistance. Henrico
2036 County's Belmont Recreational Center is situated at Hilliard and Brook and offers
2037 senior activities-this would probably be **one** of the many destinations for these
2038 residents. They should be able to navigate safely along Brook Road.
2039
2040 Atlantic Senior, through their attorneys, has indicated a willingness to offer
2041 limited funding to ameliorate the sidewalk situation, although they have not
2042 indicated how much funding. Building a huge development of this nature with
2043 no accompanying sidewalks provides two negative choices to elderly residents
2044 who have no mode of motorized transportation and want to pursue daily
2045 activities in their neighborhood: (a) walk on the highway and risk your life (b)
2046 stay sequestered on the grounds which surround your apartment development.
2047

2048 Therefore, since we have no binding assurances at this juncture as to how much
2049 Atlantic Senior will agree to offer I respectfully request that this case be
2050 deferred.
2051
2052 I would agree to rezoning at a later date if Atlantic Senior forms a legal
2053 agreement to donate monies to cover, at the very least, all costs involved in
2054 construction of a 5' sidewalk from their Brook Road entrance to Hilliard Road to
2055 include a pedestrian bridge over Upham Creek so that residents can navigate this
2056 portion of Brook Road safely. This will help to reduce the impact of their
2057 development along the Brook Road Corridor as well as make the road safe for
2058 their pedestrian traffic.
2059
2060 Please enter this letter into the public record. Thank you."
2061
2062 Sharon Brownlee
2063
2064 Mrs. Ware - Thank you. Are there any questions?
2065
2066 Mr. Archer - I'm sorry ma'am I didn't get your name, was it Berry?
2067
2068 Ms. Berry - Berry.
2069
2070 Mr. Archer - Thank you, so much.
2071
2072 Mrs. Ware - Opposition?
2073
2074 Mr. Vidler - No, I'm for it.
2075
2076 Mrs. Ware - Okay, well we are hearing from the opposition right now. Do you
2077 want to go ahead and hear from this gentlemen as well, Mr. Archer?
2078
2079 Mr. Archer - Yes.
2080
2081 Mrs. Ware - You want to go ahead. Sorry, you will have to stand back up. Come
2082 on up and give us your name and address.
2083
2084 Mr. Brian Vidler - Now you have got me all confused.
2085
2086 Mrs. Ware - Sorry, my fault.
2087
2088 Mr. Vidler - My name is Bo Vidler and I own Vidler Automotive on Brook Road. I
2089 am also President of the Brook Road Business Association. I like to speak in favor of Atlantic
2090 Senior Development for this reason: it is giving 18 to 20 million dollar investment on Brook Road
2091 which needs investment badly, new development badly on Brook Road. With 240 units of age
2092 restrictive housing will have a minimum impact on the community as far as school children and
2093 traffic compared to other potential uses that could go on the site. Residents living in the 240
2094 units represent new customers to businesses on Brook Road, I like that and to will insure that
2095 Ukrops stays at the Brook Run Shopping Center by giving them support, which I have also talked
2096 to several Ukrops people, Jim Blackburn, which is head of the managers, and they are real
2097 excited about the development. It will also attract new businesses to the area. In fact the
2098 applicant also plans to call for new business on the outer parcel towards Brook Road and those
2099 new businesses will help install sidewalks and landscaping that the residences can use as part of
2100 the Brook Road Enhancement Study. One major goal of the Brook Road Enhancement Study was

2101 to improve business climate along Brook Road and I feel this development will help that. Finally,
2102 the applicant has done his homework. He has met with the County and representatives and the
2103 neighborhood several times. I was at the last meeting on July 28th, which was very positive up in
2104 North Chamberlayne Civic Association. As far as Sharon Brownlee's letter and Sharon is a
2105 customer of mine and she is really (unintelligible). She is probably one of the feistiest people I
2106 know. I feel that Atlantic Senior Development needs to do there part on their little area, but I
2107 think it is unreasonable to make them try to run a sidewalk all the way to Hilliard Road. I think
2108 that is the county's responsibility. At our last meeting Mr. Thornton said that he has allocated
2109 \$250,000, I think it was a year, something like that. I think that money would be best suited for
2110 that kind of construction along that creek, because it would be a fortune to put a bridge across it.
2111 So, I'm for it. Any questions for me.

2112

2113 Mrs. Ware - Any questions? Thank you, sir.

2114

2115 Mr. Archer - Thank you, Mr. Vidler.

2116

2117 Mr. Tom O'Brien - Madam Chairman, Members of the Planning Commission, I'm Tom
2118 O'Brien and I represent Atlantic Senior. I just want to touch on a couple of points. We have had
2119 numerous meetings, both with County Officials and with Civic Leaders and the Civic Association
2120 and the Business Associations in this area going back for many months. In fact we met with the
2121 Civic Association group long before we even filed the case. What Ms. Brownlee is raising, we met
2122 with some citizens and we've offered to donate money to a Civic Organization or to the County
2123 for some off-site improvements that we cannot proffer. The sidewalk and pedestrian bridge that
2124 would cross the Upham Branch and go out to Hilliard Road are off-site and are beyond the scope
2125 of what we could proffer under Virginia law. Again, we are working with them. I think that in
2126 terms of the money we have spent on site to make this a quality development, I think it shows in
2127 terms of the renderings we have provided to the County and the layout. This is being done by
2128 the same development group that is doing the senior restrictive multi-family in the Twin Hickory
2129 development and it is a quality development designed by the same architects and are going to be
2130 run by the same people. I'd be happy to answer any questions that you may have.

2131

2132 Mr. Archer - Mr. O'Brien, in our discussions and in your discussions with Mr.
2133 Bittner you did indicate a willingness to contribute something to...

2134

2135 Mr. O'Brien - Absolutely.

2136

2137 Mr. Archer - ...to the corridor. Have you been able to pinpoint exactly what it is
2138 you want to do or would you rather just do it in general terms and have somebody else allocate
2139 it?

2140

2141 Mr. O'Brien - At this point I think it is going to be easier for us...there are a
2142 number of complications no matter what type of improvement. There are basically a couple
2143 things that came out. They would like a sidewalk along Hilliard Road. That is either going to be
2144 in VDOT right-of-way, so in terms of working with them it is off-site. We are proving and actually
2145 the development along Brook Road is going to provide sidewalks along Brook Road as well as
2146 internal sidewalks to connect our development to the shopping center. I think that my client
2147 would rather look toward making a contribution of some sort to...and we had hoped there would
2148 be some type of Community Association, 501(C3) or something like that that would be active in
2149 this would make that an easier process. They are committed to working with them. I will note
2150 that we reached into our pockets this morning and substantially increased the brick on one of the
2151 elevations that will have to factor into that, but...

2152

2153 Mr. Archer - It is not unappreciated, I want you to know that.

2154
2155 Mr. O'Brien - ...and my client's wallet is substantially lighter today.
2156
2157 Mr. Marshall - Somewhere Mr. Silber is smiling.
2158
2159 Mr. O'Brien - Absolutely.
2160
2161 Mr. Archer - Anybody else have any questions?
2162
2163 Mrs. Ware - I don't.
2164
2165 Mr. Donati - Is there any type of subsidization for these apartments, tax
2166 credits...?
2167
2168 Mr. O'Brien - These are eligible for a 4% tax credit, but it is an age restrictive
2169 facility and if you are familiar with the 4% tax credit, there is no active subsidy. There are
2170 income limitations, but that is actually the same income limitations that are imposed on the Twin
2171 Hickory development. It is the exact same product.
2172
2173 Mr. Donati - So, it is not going to be Section 42.
2174
2175 Mr. O'Brien - No.
2176
2177 Mr. Donati - Okay.
2178
2179 Mrs. Ware - Any other questions? Thank you, Mr. O'Brien.
2180
2181 Mr. Archer - Thank you, Mr. O'Brien. Well Madam Chairman, this has been
2182 complicated to some degree and uncomplicated in other ways. The applicant has, I think they
2183 are very forth coming in meeting with the interested parties in this case. I would like to also
2184 compliment Ms. Brownlee because she has really been a stickler in the Brook Road Enhancement
2185 Study. I also attended that meeting on July 28th along with Mr. Bittner and Mr. Marlls was also
2186 at that meeting. I will caution Mr. O'Brien that, I'm sure this will come up again when the Board
2187 meets to discuss this regardless of which way we go with it tonight. He has been very
2188 cooperative with us, particular on the last two days with Mr. Bittner in trying to do things to
2189 enhance this particular site. This zoning case gives us an opportunity to develop what is now a
2190 partially unconditioned R-5 site to a proffered site. It also gives us the opportunity to add the
2191 availability of the type of facility that is either very rare or non-existent in Fairfield and for that
2192 reason...and also knowing that he has also agreed that he will contribute something to the Brook
2193 Road Enhancement Study I felt as though the major thrust of what he should do such be in
2194 making sure that this particular site is one that is complementary to the Brook Road
2195 Enhancement Study. And also it should be known that there are three undeveloped outparcels
2196 that will exist between this project and Brook Road. While I support the Brook Road
2197 Enhancement Study, I think it is necessary and I think it is something Mr. Thornton is working
2198 very hard to try to see that it comes to fruition. I see a lot of good things that can come out of
2199 this type of development. We have heard rumors for quite some time that the Ukrops store was
2200 thinking about closing in the Shopping Center. I don't know how true or not that is, but this
2201 would certainly provide a thrust of some new customers for that development. So, with that and
2202 I also defer to Ms. Brownlee and we have not forgotten what has to occur in this area in terms of
2203 the Enhancement Study, but based on what we have tonight it is my feeling that I should move
2204 for recommendation of this project to the Board of Supervisors.
2205
2206 Mr. Vanarsdall - Second.

2207
2208 Mr. Marshall - Do we need to waive the time limits?
2209
2210 Mr. Emerson - Yeah, they need to be waived, yes, sir.
2211
2212 Mr. Vanarsdall - They are dated today.
2213
2214 Mr. Archer - I first move to waive the time limits on the proffered conditions.
2215
2216 Mr. Vanarsdall - Second.
2217
2218 Mrs. Ware - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in
2219 favor, aye. All opposed. The motion passes.
2220
2221 The Planning Commission voted to waive the time limits on Case C-33C-04, Atlantic Senior
2222 Development, LLC.
2223
2224 Mr. Archer - Next move to recommend approval of C-33C-04, Atlantic Senior
2225 Development, LLC.
2226
2227 Mr. Vanarsdall - Second on that too.
2228
2229 Mrs. Ware - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in
2230 favor, aye. All opposed. The motion passes
2231
2232 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
2233 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
2234 the request because it represents an enhancement to the surrounding area, provides housing
2235 alternatives for seniors and the proffered conditions will assure a level of development otherwise
2236 not possible.
2237
2238 Mrs. Ware - Next case, Mr. Emerson.
2239
2240 Mr. Emerson - Madam Chairman, the next case is on page 6 of your agenda. It is
2241 also in the Fairfield District.
2242
2243 **C-31C-04 John Cabell Chenault and Marion S. Chenault:** Request to
2244 conditionally rezone from O-2 Office District to B-1C Business District (Conditional), Parcels 786-
2245 745-9691 and 787-746-0309, containing 1.49 acres, located at the northwest intersection of
2246 Chamberlayne Road (U. S. 301; State Route 2) and Wilmer Avenue. A private school and office
2247 are proposed. The use will be controlled by zoning ordinance regulations and proffered
2248 conditions. The Land Use Plan recommends Office.
2249
2250 Mrs. Ware - Is there any opposition to C-31C-04, John Cabell Chenault and
2251 Marion S. Chenault in the Fairfield District. No opposition. Good evening, Mr. Gidley.
2252
2253 Mr. Paul Gidley - Good evening, Madam Chairman. Thank you and thank you
2254 Members of the Planning Commission.
2255
2256 This is a request to rezone 1.49 acres from O-2 to B-1C in order to have a private school for
2257 developmentally disabled youth. The site is located at the northwest corner of Chamberlayne Road
2258 and Wilmer Avenue. The 2010 Land Use Plan designates the site for Office uses.
2259

2260 The applicant has submitted a number of proffered conditions, including the following:
2261
2262 • Any new construction on the property shall be architecturally harmonious with the existing
2263 building;
2264 • Several uses would be prohibited, including commercial parking lots, bars, and restaurants;
2265 and
2266 • Any detached signs to be monolithic style, not exceeding six (6) feet in height;
2267

2268 The applicant has also submitted revised proffers, which you should have copies of now, that
2269 include the following new items:

- 2270
2271 • The prohibition of check cashing and payday loan establishments;
2272 • No access to Chamberlayne Road;
2273 • A 35-foot transitional buffer along the Chamberlayne Road frontage;
2274 • The prohibition of outside speaker systems; and
2275 • Any playground on site to be screened by a non-opaque fence.
2276

2277 The time limit does not have to be waived to accept these proffers.
2278

2279 While these proffers contain several positive features, there are some issues the applicant should
2280 consider, including the following:

- 2281
2282 • Prohibiting use of this property as a residence or boarding school. Having students living
2283 on-site full-time creates additional concerns regarding safety and the delivery of social
2284 services. The applicant has indicated he is willing to proffer this and will do so prior to
2285 the Board of Supervisors meeting.
2286 • The applicant should also consider providing a wrought-iron fence on the perimeter of
2287 the site as suggested by the Police Planner. This would provide for increased security by
2288 controlling access to the site. The applicant has indicated a willingness to explore this
2289 issue with the Police Planner prior to the Board of Supervisors meeting.
2290

2291 Although the site is designated for office uses, staff believes a conversion to a school would not
2292 adversely impact the surrounding area. As a result, if the applicant would address the issues
2293 outlined tonight, staff could support this request.
2294

2295 This concludes my presentation. I would be happy to try to answer any questions you may have.
2296

2297 Mrs. Ware - Are there any questions for Mr. Gidley from the Commission?
2298

2299 Mr. Archer - Mr. Gidley, can you tell me, because the applicant asked me this
2300 tonight, the wrought-iron fence that is proposed, would it be a full fence all the way around or
2301 just on two sides of this thing?
2302

2303 Mr. Gidley - The Police Planner requested it around the entire perimeter of the
2304 site.
2305

2306 Mr. Archer - Okay. That is all I have.
2307

2308 Mrs. Ware - I just wanted to check. I might have missed something and that is
2309 why I was asking Mr. Emerson. The first bullet on the staff report of issues that had not been
2310 addressed, because the northernmost parcel is being rezoned is undeveloped. Was that
2311 addressed? It said, "...submitting a site plan showing any changes proposed to the property
2312 including entrances and exits, parking lots and playgrounds."

2313
2314 Mr. Gidley - The applicant indicated to us, and he can probably speak to this
2315 better than I could, but he indicated to us that they had not really decided what use they would
2316 make of that northern most parcel. So at this time they weren't able to submit a site plan.
2317
2318 Mrs. Ware - Okay. So of all the issues that were bulleted in the staff report it
2319 was that and the fence...
2320
2321 Mr. Gidley - Yes ma'am that is correct.
2322
2323 Mrs. Ware - Okay. Thank you.
2324
2325 Mr. Archer - I think we need to hear from the applicant.
2326
2327 Mrs. Ware - Mr. Condlin.
2328
2329 Mr. Andrew Condlin - Madam Chairman, Members of the Commission, Andy Condlin from
2330 Williams Mullen here on behalf of Cabell Chenault who is here and Dean Goldston from Dominion
2331 (unintelligible) Services as well with this request. I am going to dispense with the typical
2332 presentation to answer the questions. With respect with to the site plan. Obviously, this is a
2333 private school; it is a 4400 square foot facility that is currently there. There would have to be no
2334 exterior improvements made in transition of this use from an office to a private school and day
2335 facility. With respect to the northern parcel we did prohibit access onto Chamberlayne Road
2336 unless approved by the Planning Commission. The idea was that if this school maintains with the
2337 initial 15 to 20 students that they anticipate. If they get a lot of good response from the public
2338 school systems for the developmentally challenged students that they may, in fact, do more than
2339 just a playground and a turnaround. They may, in fact, do another facility behind there. They
2340 didn't want to commit to a site plan, obviously because the cost and quite frankly it wasn't
2341 necessary we didn't think at this point.
2342
2343 With respect to the fence, there is on the northern line running from Chamberlayne an existing
2344 chain link fence, although 4'. Quite frankly we couldn't image why we would have to, which is
2345 not required at most public schools, have to fence in the entire site. With Ms. Vann not able to
2346 answer our questions, what we did in response, because she is out on vacation this week, what
2347 we did in response was to proffer that we would put a security recreation area. So that any
2348 recreation areas that are actually built would have to be secured with the thought that certainly
2349 in the building would be secured and then any areas leading to the recreation area would be
2350 secured. We will certainly work with Ms. Vann prior to the Board of Supervisors hearing. There
2351 has been some question as to whether it is all four sides or two sides and quite frankly we just
2352 don't have a strong answer. We are willing to work with them and do whatever security is
2353 necessary at the time they would propose. That is all I have.
2354
2355 Mrs. Ware - Any questions for...
2356
2357 Mr. Archer - Andy, did you answer the question about prohibiting the residential
2358 use, overnight stay?
2359
2360 Mr. Condlin - Sorry, yes, I didn't originally put that and respond in the proffers
2361 because I didn't think that was an allowed use. I did put in the proffers that we might have a
2362 manager on site, but we would still have to get a provisional use permit, which is required by the
2363 code. The staff was concerned about being a boarding school. That maybe an accessory use.
2364 In no way are we planning on that, so we will proffer that out prior to the Board of Supervisors

2365 that no student will be housed full time or overnight or this will not be a boarding school for any
2366 students. We will proffer that out. That won't be an issue.
2367
2368 Mr. Archer - Okay. Now, Mr. Gidley did indicate that Ms. Vann would prefer to
2369 see the wrought iron on the entire perimeter.
2370
2371 Mr. Condlin - I, you know, I have to say that seems a little excessive particularly
2372 when you look at most schools that are much larger than this, they don't have that required
2373 around the entire perimeter. I'm not sure exactly what is necessary. You can see on this picture
2374 that we've got (referring to picture) a lot of mature trees along the area. I'm not sure exactly
2375 what they are trying to achieve by having a fence around the entire site. We have tried to
2376 accommodate that, like I said about the recreation area.
2377
2378 Mr. Archer - But you do understand that you might have to revisit that again?
2379
2380 Mr. Condlin - We will revisit that. We are planning on meeting with Ms. Vann and
2381 the Planning staff immediately after. Quite frankly they are willing to do what is necessary to
2382 comfort her as to what needs to be done and when. We are just not clear as what needs to be
2383 done and what she is looking for.
2384
2385 Mr. Vanarsdall - Okay. Well you've been presenting cases long enough that we can
2386 take your word for it.
2387
2388 Mr. Condlin I'll plan on coming back.
2389
2390 Mr. Vanarsdall - Especially since we have it on the video.
2391
2392 Mr. Condlin - On the minutes, I know. They come out pretty quick.
2393
2394 Mr. Marshall - You are to be congratulated on getting your proffers in so we don't
2395 have to waive the time limits.
2396
2397 Mr. Condlin - I noticed that was...
2398
2399 Mr. Archer - I was going to ask him to make one, but we would have to... Mr.
2400 Secretary are we okay with having that proffer being done by Board time?
2401
2402 Mr. Emerson - Yes, sir I think so as long as the applicant commits to doing that.
2403
2404 Mr. Condlin - I'm committed.
2405
2406 Mr. Archer - He is fully committed. All right, thank you Mr. Condlin.
2407
2408 Mrs. Ware - Thank you.
2409
2410 Mr. Archer - All right. Well, not having to waive the time limits I will proceed to
2411 recommend approval of C-31C-04, John Cabell Chenault and Marion S. Chenault with the
2412 promises that Mr. Condlin has made and he'll take care of before the Board of Supervisors.
2413
2414 Mr. Vanarsdall - Second.
2415
2416 Mrs. Ware - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in
2417 favor, aye. All opposed. The motion passes.

2418
2419 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
2420 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
2421 request because it would provide added services to the community and the proffered conditions
2422 will provide appropriate quality assurances not otherwise available.

2423
2424 Mr. Vanarsdall - I wanted to congratulate Mr. Archer, the only one tonight who didn't
2425 have to waive the time limits on the proffers.

2426
2427 Mr. Archer - That is why I didn't ask him to make that proffer.

2428
2429 Mr. Emerson - Madam Chairman, the next item on your agenda tonight is also on
2430 page 6. It is in the Three Chopt District.

2431
2432 **Deferred from the July 15, 2004 Meeting:**

2433 **C-4C-04 Forest Park Associates, L.L.C.:** Request to conditionally rezone
2434 from RTH Residential Townhouse District and O-2 Office District to O-2C Office District
2435 (Conditional), Parcel 758-743-7963, containing 1.815 acres, located at the northeast intersection
2436 of Santa Rosa and Three Chopt Roads. An office and bank is proposed. The use will be
2437 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
2438 recommends Office.

2439
2440 Mrs. Ware - Is there any opposition to C-4C-04, Forest Park Associates, LLC in
2441 the Three Chopt District? So noted, sir. Good evening, Mr. Coleman.

2442
2443 Mr. Thomas Coleman - Good evening. Thank you, Madam Chairman, Mr. Secretary.

2444
2445 Mr. Jernigan - Good evening, Tom.

2446
2447 Mr. Coleman - Good evening.

2448
2449 Mr. Coleman - This request will require waiving the time limit.

2450
2451 This request was originally filed to include business zoning, however, the applicant has revised
2452 the application to request 0-2C for the entire tract, and staff supports this revision.

2453
2454 The applicant proposes to remove the existing building, also known as the Kogerama Building,
2455 and construct a new bank and an office building. The 2010 Land Use Plan recommends Office
2456 for the properties within the office park. This request is now consistent with this
2457 recommendation.

2458
2459 The applicant has submitted several proffers including:

- 2460
2461 - An irrigated, minimum 40' variable width buffer along Three Chopt Road landscaped
2462 to the Transitional Buffer 35 standard;
2463 - A prohibition on funeral homes;
2464 - No vehicular access to Three Chopt Road;
2465 - Building materials shall primarily be brick, stone, pre-cast or cast-in-place concrete,
2466 E.I.F.S., or glass;
2467 - Hours of operation are limited to 7:00 a.m. to 8:00 p.m.;
2468 - Underground utilities are required;
2469 - Parking lot lighting no taller than 15' in height; and
2470 - Other items.

2471
2472 Retaining the property for office uses furthers the Land Use Plan's goal of maintaining a cohesive
2473 office development at this location and providing less intensive uses adjacent to established
2474 residential areas.
2475
2476 With the changes to this request, staff now recommends approval of this application.
2477
2478 This concludes my presentation. I would be happy answer any questions.
2479
2480 Mrs. Ware - Are there any questions for Mr. Coleman from the Commission?
2481 Thank you, Mr. Coleman.
2482
2483 Mr. Marshall - Thank you, Tom.
2484
2485 Mrs. Ware - Will the applicant, Mr. Condlin.
2486
2487 Mr. Marshall - I need him to speak so I can take back my compliment I just gave
2488 him about not having to waive the time limits.
2489
2490 Mr. Andrew Condlin - I apologize. I wanted you to have some action tonight. Madam
2491 Chairman, Members of the Commission, again Andy Condlin from Williams Mullen. This as you
2492 could see on the previous picture that was up there. The Kogerama, while a unique piece of
2493 architecture is somewhat outdated. Actually, quite a bit outdated from an office standpoint.
2494
2495 Currently the property is zoned O-2 with the front being RTH, which was to be serving as a
2496 buffer under the original zoning. We are not asking for any use that is otherwise not allowed in
2497 the existing zoning. What we hope to do is to be able to accomplish a more effective screening
2498 than what the RTH provided, which was really just a green-grassed area. We have proffered, as
2499 you can see, some of the landscaping, including putting in a 35' transitional equivalent with
2500 respect with the plantings. We are going to want to revise the plan to show the dimensions to
2501 show a little bit better transition from the existing 75' onto this 40' buffer.
2502
2503 We feel that the office project that is out there with a 40' buffer was consistent with existing
2504 office product around the area particularly with the landscaping that we would be able to put in.
2505 It is much more effective. The reduction of the buffer will allow for a better circulation of the
2506 building for what we have got planned for a bank along Three Chopt Road. Access will not be off
2507 of Three Chopt Road but will allow for circulation in front of the bank that would otherwise not be
2508 allowed with the RTH buffer. With that I would ask that you follow the staff recommendation
2509 and I'll be happy to answer any questions you may have.
2510
2511 Mrs. Ware - Are there any questions for Mr. Condlin at this time? I would like to
2512 hear from the opposition now, please. Will you please state your name and address for the
2513 record?
2514
2515 Mr. Marshall Waring - My name is Marshall Waring and I have resided at 8005 Neuson
2516 Court for the past 45 years. I was just handed a copy of the proposal, just a few minutes ago.
2517 This is a change from what was originally proposed so my presentation is kind of going to be on
2518 the old proposal rather than the updated new ones. They were proposing to have retail in this
2519 facility. That is what I'm opposed to mainly. I'm going to have to go on with my presentation as
2520 I see fit. Is that correct? Is that all right?
2521
2522 Mrs. Ware - It is up to you. If they have addressed your concerns then you don't
2523 have to address that. But if you have any questions or anything that you would like to state...

2524
2525 Mr. Waring - Thank you, very much. I will proceed. Neuson Court is located
2526 directly across the intersection under consideration here tonight. For the twelve homes on
2527 Neuson Court the only access to the outside world is through this intersection. When I
2528 purchased my home in 1959 all the surrounding area was single-family homes. Forest Avenue
2529 did not exist from Three Chopt to Glenside. Franklin Farm was the rural setting in our
2530 neighborhood. Then came the sale of Franklin Farm. The fields and the trees were replaced
2531 through 19 office buildings. Today I have yet to find one benefit that has resulted from this
2532 rezoning. Now you might say how about the taxes to the county. Well, how about the taxes to
2533 the county. My children had no sidewalks to walk to and from High School. We still have no
2534 sidewalks. I've been trying to get the county to pave the street in front of my house but they
2535 have not done so. I have to walk in tar when I get out of my automobile and track it in my
2536 house. They will not come in and cover it up. They came one time and they put sand on top of
2537 it and that lasted about a week and they also have got holes in the street and they haven't fixed
2538 those. So what about benefits. I have seen none from this rezoning.

2539
2540 When this property was getting rezoned in 1970 we formed an organization to try and better
2541 protect our quiet life called the Tuckahoe Homeowners Association and was headed by George
2542 Jenkins. Some of you may remember George Jenkins because he later became on the Board of
2543 Supervisors. Now I remember that at least three arguments/agreements were made when this
2544 rezoning took place; (1) there would be no retail in this office park; (2) a buffer zone to give
2545 space between office building and single family homes, I believe that buffer was 150', now the
2546 park wants to cut it to 40'; (3) there would be no entrance to this park from Three Chopt Road.
2547 Many people do not remember that, but there was to be no entrance to this park from Three
2548 Chopt Road. Since Forest Avenue was placed through the wooded area and no homes, all
2549 entrances were to be from Forest Avenue so that it would not interfere with the already existing
2550 homes. When the office park was built an entrance was placed on Three Chopt because we were
2551 told that the county required this entrance because emergency vehicles had to have an access.
2552 Most of us thought this would mean a single lane with a sign for emergency vehicles only.
2553 However, this was not the result and it became as big and as main an entrance as any other.
2554 Vehicles turning into and coming out of this office park make it impossible many times for
2555 vehicles coming our of Neuson Court to take a left onto Three Chopt. Sometimes it is difficult to
2556 even take a right.

2557
2558 Thirty-four years and nineteen office buildings is enough. Enough is enough. Now
2559 (unintelligible) retail and a bank there will add additional traffic coming and going at all hours.
2560 Restaurants will serve alcohol seven days a week which will bring additional problems to our
2561 single-family neighborhood. We do not need these proposals in our community. There are
2562 ample grocery, banks and restaurants nearby. The county should stand firm on the original
2563 zoning that there would be no retail in this office park. It is an office park and should remain an
2564 office park. Operating hours in which originally was proposed from 5:30 to 10:00, now I think is
2565 from 7 to 8, seven days a week. This will mean additional headaches to these single-family
2566 homes. The buffers of 150' that were originally zoned were put there for a purpose. The buffer
2567 should remain and not be changed. There should be no retail in this nineteen office park. And
2568 some confusion I have because of the proposal that I had, it says on page 3 that funeral homes
2569 and grocery stores would be prohibited. Yet on the proffered conditions of rezoning it states, no
2570 grocery store, convenient store, food store shall be permitted that exceeds 5,000 square feet. So
2571 you can have a grocery store by that wording. It is a little misleading I think. Also on page 3 it
2572 states that no vehicle access to Three Chopt Road. In this area the big entrance that it has that
2573 is said there is no vehicle access does not make any sense.

2574
2575 How many members of the Board, of this Commission or the Board of Supervisors would approve
2576 this rezoning if it were in your or their neighborhood? I doubt if you would approve such a thing.

2577 I am asking you to do the same thing as we in the field of education have done, to tell children
2578 to do regard to drugs. Just say no. Just say no to the rezoning request. Just say no.
2579

2580 I hope you realize that once you begin to allow this sort of thing what will be next. There is the
2581 east corner of Santa Rosa and Three Chopt. How long will it be before a request is made to put
2582 something on the west corner? How about a gas station at the corner of Forest and Three
2583 Chopt? I want you to think about all of that because, and ask yourself where will it end. Let it
2584 end here tonight. Just say no. Thank you for your patience.
2585

2586 Mrs. Ware - Thank you, Mr. Waring. Are there any questions for Mr. Waring
2587 from the Commission?
2588

2589 Mr. Marshall - No.
2590

2591 Mrs. Ware - Okay.
2592

2593 Mr. Marshall - Mr. Condlin, I think I can address most of what you are going to say.
2594

2595 Mr. Condlin - If I can make just one comment about Santa Rosa.
2596

2597 Mr. Marshall - Sure.
2598

2599 Mr. Condlin - I just wanted to remind the Commission that Santa Rosa Road is a
2600 public road and while I certainly wasn't participating in the original zoning back in 1970. The
2601 reasons for that road...it is a public road and that is where the access will come from this. I
2602 would also like to point out that the RTH is 75' and not 150'. Again, I can't speak to the concerns
2603 that were placed with regard to the original zoning, but 75' was certainly there. And of course
2604 the retail that we discuss before, that there is no retail at this point. I'll be happy to answer any
2605 questions that you might have.
2606

2607 Mr. Marshall - Madam Chairman and Mr. Waring, this case it originally came before
2608 me in January and there was a proposal to build a retail building with various retail uses, as you
2609 are concerned about with restaurants and so forth. When we met with the developer we told
2610 them that we did not like the retail, because as you stated it was promised years ago that there
2611 would not be retail there. We were also concerned that if retail was allowed at one site in the
2612 park then there would be other parts of the park that would want the retail also. Now, the bank
2613 can be built in the current zoning without rezoning. The bank use is allowed. So after we told
2614 them that we weren't going to allow the commercial uses they came back with an office use,
2615 which is currently what they have. So basically what they are doing is removing three office
2616 buildings and replacing it with a bank and another office building. They are not accessing Three
2617 Chopt Road. So the only issue in this case, Madam Chairman and Members of the Commission,
2618 was the issue of for site reasons whether or not we were going to allow an intrusion into the 75'
2619 buffer. I'll point out that nothing is actually being built in the buffer on this plan. It is mainly
2620 used for parking and circulation along the front of the bank for vehicles and if you looked at the
2621 previous picture (referring to rendering), I don't know if ya'll can see. You can see that there is
2622 actually little or no landscaping at all in that green area along Three Chopt compared to what is
2623 going to be put in there now. There will be substantial landscaping as the proffer states, 35'
2624 transitional. As you can see by the plan it is a serpentine type-planting strip to make it look less
2625 of like a wall effect, which will shield the bank parking lot and the bank building from Three
2626 Chopt. So with the detail of the landscaping that was done by the developer I was comfortable
2627 with allowing the intrusion into the buffer for the parking and the circulation based on the
2628 landscape plan. So because they removed the retail it does meet the land use plan and as I say
2629 by right they could build what they want to build but for the buffer issue. I'm going to

2630 recommend approval of C-4C-04, but first because of Mr. Conklin I'm going to have to waive the
2631 time limits on the proffers. I'll make a motion to do that.

2632
2633 Mr. Vanarsdall - Second.

2634
2635 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
2636 favor, aye. All opposed. The motion passes.

2637
2638 The Planning Commission voted to waive the time limits on Case C-4C-04, Forest Park Associates,
2639 L.L.C.

2640
2641 Mr. Marshall - All right, with that I move that case C-4C-04 be recommended to the
2642 Board of Supervisors for approval.

2643
2644 Mr. Vanarsdall - Second.

2645
2646 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
2647 favor, aye. All opposed. The motion passes.

2648
2649 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
2650 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
2651 the request because the proposed office uses conform to the Land Use Plan's Office designation for
2652 the site and the proffered conditions would provide a higher quality of development than would
2653 otherwise be possible.

2654
2655 Mrs. Ware - We will return to C-6C-04.

2656
2657 Mr. Emerson - Yes, ma'am.

2658
2659 **Deferred from the July 15, 2004 Meeting:**

2660 **C-6C-04** **Ray Perkins:** Request to conditionally rezone from A-1 Agricultural
2661 District and C-1 Conservation District to R-2C (82.1 acres) R-2AC (89.8 acres); R-5AC (26.6
2662 acres) General Residence District (Conditional), and RTHC (40.728 acres) Residential Townhouse
2663 District (Conditional), and C-1C (21.6 acres) Conservation District (Conditional), Parcels 816-729-
2664 1884, 814-731-5764 and part of Parcel 817-731-6470, containing 260.828 acres, located at the
2665 northern terminus of Westover Avenue, extending northward to Creighton Road. The applicant
2666 proposes a residential community of no more than five hundred ninety-seven (597) units (320
2667 one family lots, 79 villa lots, 96 townhouses, 102 condominiums). The R-2 District allows a
2668 minimum lot size of 18,000 square feet; the R-2A District allows a minimum lot size of 13,500
2669 square feet; the R-5A District allows a minimum lot size of 5,625 square feet; and the maximum
2670 density in the RTH District is nine (9) units per acre. The Land Use Plan recommends Suburban
2671 Residential 1, 1.0 to 2.4 units net density per acre, Office/Service, Light Industry, and
2672 Environmental Protection Area. The site is in the Airport Safety Overlay District.

2673
2674 Mrs. Ware - Ms. Freye.

2675
2676 Ms. Freye - Thank you, Madam Chairman and Members of the Commission for
2677 allowing us to have that recess. We did have a nice opportunity to talk with Ms. Walters. Ms.
2678 Walters did not realize that the agreement to provide the right-of-way deemed necessary by the
2679 county might include a turn lane. She is concerned about the effect of how that turn lane would
2680 be configured, where the right-of-way is and how it might effect the remaining frontage of the
2681 remaining parcel if she continues to own it. So she is agreeable with letting the Planning
2682 Commission go forward, act on the case this evening provided that the developer provides her a

2683 drawing, that she is satisfied with prior to the Board of Supervisors acting on this case. We have
2684 committed to do that with and to make sure that no case goes before the Board before we have
2685 that satisfaction from her. We are committed to reflecting that in the proffers, that resolution
2686 would be reflected in the proffers. We are also willing to make the changes to the school site
2687 dedication proffer that we discussed earlier. With those changes we would ask that you waive
2688 the time limits and move forward with the case.

2689
2690 Mr. Jernigan - Okay.

2691
2692 Mrs. Ware - Are there any questions for Ms. Freye?

2693
2694 Ms. Walters - I just want to comment that the county, more than ten years ago
2695 purchased the right-of-way to make that road four lanes all the way to Hanover and that was
2696 abandoned, that plan sometime later. And so the county already owns what they indicated to
2697 me was probably about what they would use in making the turning lane.

2698
2699 Ms. Freye - Mr. Jernigan that is what the purpose of what we will be
2700 accomplishing between now and the Board is getting those drawings so that that is clearly shown
2701 where the right-of-way is and where the turn lane would be so that she is satisfied before we go
2702 forward to the Board.

2703
2704 Mr. Jernigan - Okay, now...

2705
2706 Ms. Freye - And she is agreeable with that.

2707
2708 Ms. Walters - I'll be at the Supervisors meeting too.

2709
2710 Mr. Jernigan - Okay, Tim could you come back up please? It seems we look okay
2711 here, but I wonder, do you know anything about the county owning the four lanes?

2712
2713 Mr. Tim Foster - We do own right-of-way in this area and you can see...

2714
2715 Ms. Walters - You purchased three and some areas from us, from my mother and
2716 me at the time.

2717
2718 Mr. Jernigan - Okay.

2719
2720 Mr. Foster - What I wanted to say was we do have some right-of-way on
2721 Creighton Road. The turn lanes would require an additional 12' or a distance of 100' from the
2722 entrance with the 100' taper, that is what we anticipate. Excuse me, 150' storage a 100' taper.
2723 That is what we anticipate. That in no way precludes access to Creighton Road anywhere in
2724 there provided that, for example, if it is still going to be a single-family home. If this property is
2725 redeveloped at a subdivision we would actually encourage from a traffic standpoint that it shares
2726 the road that is going to be built. But, one of the things I wanted to state was that regardless
2727 we, having the turn lanes does not take away anyone's access to their property. I did want to
2728 clarify that. With the detailed engineering plans they can tell us exactly how much right-of-way if
2729 could be. The worst-case scenario I'm looking at now would be 12', but we would have to have
2730 the engineering drawings to determine that.

2731
2732 Mr. Donati - So you are saying that in addition to the right-of-way that is already
2733 owned by the county they would need another 12' of right-of-way. So they would have to
2734 improve the road where the existing right-of-way is now that is unimproved plus the turn land.

2735

2736 Mr. Foster - Yes, sir and it really depends on where in this area that the driveway
2737 ends up being because we do have some improvements here and then we taper down to the
2738 two-lane section. Once we found out exactly where they are going to put the driveway the
2739 improvements could mainly consist of the 12' for the right turn lane only.
2740
2741 Mr. Donati - Okay.
2742
2743 Mr. Foster - From what I can see we have the right-of-way that we can do the
2744 other improvements within existing right-of-way. I can't commit to what is going to happen until
2745 I see those detailed plans. I did also want to state that adding the right turn lane and dedicating
2746 the 12' of right-of-way does not preclude additional access to the property depending on how its
2747 developed in the future.
2748
2749 Mr. Jernigan - Okay. Thank you. All right. This has been a little bit of a confusing
2750 night but I think everybody is on the same page now. Ms. Walters has been to the podium. She
2751 is in agreement with Ms. Freye that before the Board of Supervisors that we'll have this worked
2752 out. Before I make a motion on this there was a lot of opposition from this case at first. The
2753 church had some concerns about the quality of the development and I think that at this point
2754 they realized that it is going to be a quality development and that is what we worked so long for.
2755 I received quite a few letters from some of the neighbors on the request that they had. One was
2756 no slab foundation. Well all multi-family has slab foundations and that is county wide. If you
2757 have a quad homes or carriage homes they are always built on a slab, but these will have the
2758 appearance of a crawl space and that is what we specified. The sidewalks will be through the
2759 neighborhood and it will be 4' wide and there will be a 2' planting strip between the backside of
2760 the curb and the front edge of the sidewalk and this gives a little bit more pleasing appearance.
2761 They asked for concrete driveways. Well, there won't be any gravel driveways, but they could be
2762 aggregate, they can be concrete and they can be asphalt, but all of the driveways in this
2763 community will be hard surface. They asked for ten different home designs and in the R-2, those
2764 homes in there will be custom built. The design that is in there will just be of a quality design as
2765 what was proffered. But any home that goes in there, there is a 2200 square foot minimum.
2766 They can be 5000 square feet if they want to, they just have to meet the criteria and meet
2767 approval of the architectural review board.
2768
2769 Side loaded garages. The two, the R-2 and the R-2A...all the R-2 is side loaded. I forget what
2770 the percentage of the R-2A that was side loaded, but they are all two-car garages. The reason
2771 that we have some front-load garages...I had them recessed because we did not want to give a
2772 cookie cutter appearance in this community. We wanted to have some flexibility of side load and
2773 front load garages.
2774
2775 Connection to sewer will be there and 30' roadways. The standard road for Henrico County is
2776 36'. The roadways through the R-5A, excuse me, the town homes and the quad homes and
2777 carriage homes will be 30', I think I'm correct on that. If they are not county maintained they
2778 will be 30', if they are going to be private roads.
2779
2780 The R-3 that was originally in the case was pulled and we changed that zoning to R-2.
2781
2782 Ray Perkins knowing the size of this development...that it was an impact on the school and we
2783 did at that time ask for a school site to help along with this project. And he did consent to that
2784 and I think that is an asset for Henrico County.
2785
2786 Did you all have something to say? I saw you moving around.
2787
2788 Mr. Vanarsdall - I think it has all been said.

2789
2790 Mrs. Ware - Are you ready for a motion?
2791
2792 Mr. Jernigan - Yeah. Gloria looked like...did you want to say something Gloria?
2793 You look like...if it is about the road...
2794
2795 Mr. Vanarsdall - I don't think there is nothing else to say.
2796
2797 Mr. Jernigan - If it is about the road, don't worry about it. We know it's a 36', the
2798 road is 36' and it will meet county code and whatever comes back through on the private road
2799 normally is 30'.
2800
2801 Mr. Marshall - The last time she talked she got sent outside.
2802
2803 Mrs. Ware - Yeah.
2804
2805 Mr. Jernigan - So with that I will move for approval of case C-6C-04, Ray Perkins.
2806
2807 Mr. Vanarsdall - Second.
2808
2809 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
2810 favor, aye. All opposed. The motion passes.
2811
2812 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
2813 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
2814 request because it reflects the type of residential growth in the area, would permit development
2815 of the land for residential use in an appropriate manner and the proffered conditions will provide
2816 appropriate quality assurances not otherwise possible.
2817
2818 Ms. Moore-Illig - The time limits, I think.
2819
2820 Mr. Emerson - Time limits.
2821
2822 Mr. Jernigan - We have to waive...I don't want to be different than anybody else so
2823 we'll have to waive the time limits. So I make a motion that we waive the time limits on case C-
2824 6C-04.
2825
2826 Mr. Vanarsdall - Second.
2827
2828 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
2829 favor, aye. All opposed. The motion passes.
2830
2831 The Planning Commission voted to waive the time limits on Case C-6C-04, Ray Perkins.
2832
2833 Mrs. Ware - Now we move onto a resolution.
2834
2835 Mr. Emerson - Yes ma'am, Madam Chairman we do have a resolution for you to
2836 consider tonight.
2837
2838 Mr. Archer - Mr. Secretary.
2839
2840 Mrs. Ware - Mr. Secretary, Mr. Archer wants to ask you something.
2841

2842 Mr. Archer - Could I interject for just one second, please.
2843
2844 Mr. Emerson - Sure.
2845
2846 Mr. Archer - Case C-31C-04 had an indication that I meant to mention that I
2847 forgot. The notes that came from the county attorneys office questioned one of the proffers in
2848 that case and I just want to make sure that somebody realizes it and mentions it to Mr. Condlin
2849 before the Board.
2850
2851 Mr. Emerson - Okay.
2852
2853 Mr. Archer - Having to do with the word architecturally harmonious.
2854
2855 Mr. Vanarsdall - Good lord.
2856
2857 Mr. Archer - If somebody would just remember to remind Mr. Condlin...
2858
2859 Mr. Emerson - That needs to be cleaned up.
2860
2861 Mr. Archer - ...yeah, just cleaned it up, that I would appreciate it. I apologize for
2862 interrupting.
2863
2864 Mr. Emerson - We will do that.
2865
2866 Mr. Marshall - Do we have to waive the time limits on this resolution?
2867
2868 Mr. Emerson - I hope not. We do have a revised version of the resolution. The
2869 original resolution you have is correct, but it is a little confusing in the way it was worded so we
2870 did reword it.
2871
2872 Mr. Archer - Anything that starts with whereas is confusing.
2873
2874 Mr. Emerson - This resolution authorizes or actually directs planning staff to begin a
2875 study of a land use plan amendment for the Wilton Farm Area as an urban mixed-use
2876 development. We do anticipate in our next filing, due on the 19th, that we will receive an
2877 application for the Wilton Farm property to be developed as an urban mixed use development
2878 and in order to work with that we also need to amend the plan therefore we're requesting by the
2879 adoption of this resolution the Planning Commissions blessing of that process. This
2880 resolution...would you like me to read the resolution or...
2881
2882 Mr. Marshall - No.
2883
2884 Mrs. Ware - Pardon.
2885
2886 Mr. Marshall - He doesn't have to read it.
2887
2888 Mr. Emerson - Okay.
2889
2890 Mr. Jernigan - You don't.
2891
2892 Mrs. Ware - You don't.
2893
2894 Mr. Marshall - I don't think you do.

2895
2896 Mr. Emerson - If you would like me to read it I would be happy to, if not...
2897
2898 Mrs. Ware - I think we will read it.
2899
2900 Mr. Vanarsdall - You don't have to read it.
2901
2902 Mr. Marshall - You can adopt it, can't we.
2903
2904 Mr. Vanarsdall - Why don't you read a short sentence of it and get it over with.
2905
2906 Mrs. Ware - Generally they read them.
2907
2908 Mr. Emerson - Generally we do read them. The resolution reads as follows:
2909
2910 **WHEREAS**, the County has received a request to designate Wilton Farm –
2911 comprised of an area generally bordered by the James River to the west and
2912 south and straddling the Pocahontas Parkway (Route 895) - as an Urban Mixed
2913 Use Development Area; and,
2914
2915 **WHEREAS**, designation of an Urban Mixed Use Development Area requires
2916 careful study and consideration of the land use impacts associated with urban
2917 mixed use development; and,
2918
2919 **WHEREAS**, designation as an Urban Mixed Use Development Area is necessary
2920 for development under the Urban Mixed Use District regulations; and,
2921
2922 **WHEREAS**, the County Manager and Director of Planning have recommended
2923 the Planning Commission consider adoption of an amendment to the 2010 Land
2924 Use Plan to designate Wilton Farm as an Urban Mixed Use Development Area.
2925
2926 **NOW, THEREFORE, BE IT RESOLVED** that the Henrico County Planning
2927 Commission directs County staff to prepare a report and to advertise a public
2928 hearing at the Planning Commission public meeting on October 14, 2004 to
2929 consider an amendment to the 2010 Land Use Plan to designate Wilton Farm as
2930 an Urban Mixed Use Development Area.
2931
2932 Mrs. Ware - Do we have an motion?
2933
2934 Mr. Jernigan - I make a motion, Madam Chairman. I make a motion that
2935 we approve the resolution for UMU study on the Wilton Farm Tract.
2936
2937 Mr. Marshall - Second.
2938
2939 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Marshall. All in
2940 favor, aye. All opposed. The motion passes.
2941
2942 Mr. Emerson - Madam Chairman, the next item on your agenda is approval of the
2943 Planning Commission, July 15, 2004 minutes.
2944
2945 Mrs. Ware - Any changes?
2946

2947 Mr. Jernigan - I've got a change, but I left my minutes in the truck. I know what it
2948 is and it is on the Food Lion case. I don't know if I really said this...
2949

2950 Mr. Archer - You said it I remember.
2951

2952 Mr. Jernigan - Wait a minute.
2953

2954 Mr. Marshall - He wants to wait till 10:00.
2955

2956 Mr. Jernigan - What it was...when I was reading through the minutes I was talking
2957 about Food Lion and it said safe way...it said safe way, not as a noun, but...and I don't believe I
2958 said that.
2959

2960 Mr. Emerson - We can find that or you can call Ms. Ripley tomorrow and let her
2961 know what the change is.
2962

2963 Mr. Jernigan - I'll just do that. I only had one change in the minutes and that was
2964 it.
2965

2966 Mrs. Ware - Anybody else.
2967

2968 Mr. Archer - Thank you for saying there was a safe way to build a Food Lion.
2969

2970 Mr. Jernigan - Isn't that horrible.
2971

2972 Mr. Marshall - He was talking about a Safeway Food Store.
2973

2974 Mr. Jernigan - Well that is what...but it was two words as safe way, not as a noun
2975 but as an adjective so...
2976

2977 Mr. Emerson - We can figure that out.
2978

2979 Mr. Archer - Madam Chairman, I move we approve the minutes as corrected by
2980 Mr. Jernigan.
2981

2982 Mr. Jernigan - I'll second.
2983

2984 Mrs. Ware - Motion made by Mr. Archer, seconded by Mr. Jernigan. All in favor,
2985 aye. All opposed. The motion passes.
2986

2987 The Planning Commission approved the July 15, 2004 minutes.
2988

2989 Mr. Emerson - Madam Chairman, we have a discussion item and the request from
2990 staff is to set a work session at your September 9, 2004 to begin the amendment to the
2991 ordinances for the larger lot sizes in the A-1 district. We are requesting that you set a work
2992 session on the 9th to discuss those potential changes and provide staff input on how you would
2993 like us to proceed.
2994

2995 Mr. Marshall - I'm already missing the truck race that night.
2996

2997 Mr. Emerson - That is NASCAR week.
2998

2999 Mr. Marshall - That is NASCAR week. That is the first thing I noticed when I got
3000 my schedule.
3001
3002 Mrs. Ware - What time?
3003
3004 Mr. Emerson - We would suggest 5:30. We would probably start the session...
3005
3006 Mr. Vanarsdall - On the 9th, you say.
3007
3008 Mr. Emerson - Yes, sir on the 9th.
3009
3010 Mr. Vanarsdall - All right, we are going to start it at 6:00, aren't we?
3011
3012 Mr. Emerson - Yes, sir we can start at 6:00.
3013
3014 Mr. Vanarsdall - Meal at 5 something.
3015
3016 Mr. Emerson - Yes, sir. Mr. Silber and I discussed this prior to his departure and
3017 that is why I suggested 5:30. Dinner at 5:30, work session at 6:00.
3018
3019 Mr. Marshall - That is fine with me.
3020
3021 Mrs. Ware - All right with everybody.
3022
3023 Mr. Vanarsdall - Yeah.
3024
3025 Mr. Archer - We can make that work.
3026
3027 Mr. Marshall - Yeah.
3028
3029 Mrs. Ware - All right.
3030
3031 Mr. Archer - That is on what date now?
3032
3033 Mr. Marshall - The 9th.
3034
3035 Mr. Emerson - On the 9th.
3036
3037 Mr. Archer - September the 9th.
3038
3039 Mr. Vanarsdall - That is on the A-1 lot, Joe.
3040
3041 Mr. Emerson - Yes, sir on the A-1 lots.
3042
3043 Mr. Archer - Dinner at 5:30.
3044
3045 Mr. Emerson - Dinner at 5:30, work session at...
3046
3047 Mr. Vanarsdall - Talk at 5:30.
3048
3049 Mr. Emerson - We can talk at 5:30 if you like.
3050
3051 Mr. Vanarsdall - Oh.

3052
3053 Mr. Marshall - I thought you eat.
3054
3055 Mr. Vanarsdall - What is down here for 6:00? We put that sometime ago, Randy did.
3056
3057 Mrs. Ware - What they thought we need to start our meeting earlier? No, its not
3058 advertised earlier.
3059
3060 Mr. Emerson - No. This is just setting a work session. Did Randy bring it up with
3061 you earlier?
3062
3063 Mr. Vanarsdall - I don't know.
3064
3065 Mrs. Ware - Well, you have A-1 on there. Was that on there before?
3066
3067 Mr. Vanarsdall - I just wrote A-1.
3068
3069 Mrs. Ware - Oh.
3070
3071 Mr. Emerson - We were thinking, work session at 6:00 and dinner at 5:30.
3072
3073 Mrs. Ware - Okay.
3074
3075 Mr. Vanarsdall - That's good.
3076
3077 Mrs. Ware - Are we ready to adjourn.
3078
3079 Mr. Archer - Yes ma'am.
3080
3081 Mrs. Ware - Motion to adjourn.
3082
3083 Mr. Archer - Madam Chairman, I move adjournment.
3084
3085 Mr. Vanarsdall - Second.
3086
3087 Mrs. Ware - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in
3088 favor, aye. All opposed. We are out.
3089
3090
3091
3092
3093
3094

 Lisa Ware, C.P.C., Chairman
3095
3096
3097
3098
3099

 R. J. Emerson, Jr., Acting Secretary
3100