

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. December 12, 2002, Display Notice having been published in the
4 Richmond Times-Dispatch on November 21, 2002, November 28, 2002 and December 5, 2002.

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

12
13 Members Absent: Mrs. Lisa D. Ware, Tuckahoe

14
15 Others Present: Mr. Joe Emerson, Principal Planner
16 Mr. Mark Bittner, County Planner
17 Mr. Tom Coleman, County Planner
18 Ms. Jean Moore, County Planner
19 Mr. Paul Gidley, County Planner
20 Mr. Seth Humphreys, County Planner
21 Ms. Ann B. Cleary, Office Assistant

22
23 Others Absent: Mr. Randall R. Silber, Assistant Director of Planning

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

27
28 Mr. Taylor - Good evening, ladies and gentlemen. It is now 7:05 p.m. and we
29 have a quorum. Commissioner Ware is not with us tonight but we do have a quorum and we
30 will be able to conduct business. I want to turn the meeting over to our Secretary, Mr. Marlles,
31 and we will begin.

32
33 Mr. Marlles - Thank you, Mr. Chairman. Good evening, ladies and gentlemen
34 and members of the Planning Commission. The first item on the agenda is Request for
35 Withdrawals and Deferrals and those will be presented by Mr. Mark Bittner.

36
37 Mr. Bittner - Thank you, Mr. Marlles. The first item is a withdrawal. It is the
38 first case on Page 1.

39
40 **Deferred from the October 10, 2002 Meeting:**

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

47

48 Mr. Bittner - Again, this case has been withdrawn and no action is required by
49 the Commission.

50

51 **Deferred from the November 14, 2002 Meeting:**

52 **C-61C-02 William H. Shewmake for North Atlantic Holdings, Inc.:**

53 Request to amend proffered conditions accepted with Rezoning Case C-54C-89, on Parcel 761-
54 754-4773 (59-A-84A), containing approximately 2.52 acres, located on the south line of W.
55 Broad Street (U. S. Route 250) approximately 600 feet northwest of E. Parham Road. The
56 amendment is related to the landscape and natural buffers on the property. The existing
57 zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial
58 Concentration.

59

60 Mr. Bittner - This is a deferral request to June 12, 2003.

61

62 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
63 Case C-61C-02, William H. Shewmake for North Atlantic Holdings, Inc.? No opposition.
64 Therefore, I move deferral at the request of the applicant of Case C-61C-02 to June 12, 2003.

65

66 Mr. Jernigan - Second.

67

68 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan to defer
69 Case C-61C-02. All in favor say aye. All opposed say no. The motion carries.

70

71 At the request of the applicant, the Planning Commission deferred Case C-61C-02, William H.
72 Shewmake for North Atlantic Holdings, Inc. to June 12, 2003.

73

74 **Deferred from the September 12, 2002 Meeting:**

75 **C-28C-02 Laraine Isaac for William D. Godsey:** Request to conditionally

76 rezone from M-1 Light Industrial District to M-2C General Industrial District (Conditional) and C-
77 1 Conservation District, part of Parcel 817-721-5981, containing 60.696 acres, located on the
78 north line of Oakley's Lane approximately 94 feet east of Oakley's Place and 217 feet west of S.
79 Holly Avenue. The use will be controlled by proffered conditions and zoning ordinance
80 regulations. An industrial park including a contractor's equipment storage yard is proposed.
81 The Land Use Plan recommends Planned Industry and Environmental Protection Area. The site
82 is also in the Airport Safety Overlay District.

83

84 Mr. Bittner - A deferral is requested until April 10, 2003.

85

86 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
87 Case C-28C-02 to April 10, 2003? No opposition. Mr. Jernigan.

88

89 Mr. Jernigan - Mr. Chairman, I make a motion to defer Zoning Case C-28C-02 to
90 April 10, 2003, by request of the applicant.

91

92 Mr. Vanarsdall - Second.

93

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

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At the request of the applicant, the Planning Commission deferred Case C-28C-02Laraine Isaac for William D. Godsey to its meeting on April 10, 2003.

100 **C-80C-02**

RRI, LLC: Request to conditionally rezone from A-1 Agricultural

101 District to R-3C One Family Residence District (Conditional) and R-5AC General Residence
102 District, (Conditional) Parcels 811-731-2493, 811-731-6048 and 812-731-4040, containing
103 78.679 acres (R-3 - 51.679 ac.; R-5A – 27 ac.), located on the north line of Creighton Road
104 approximately 800 feet east of Harvest Crest Drive, 600 feet west of Cedar Fork Road, and at
105 the eastern terminus of Seasons Lane and Harvest Grove Lane. A single family residential
106 development (new section to Harvest Crest subdivision) is proposed. The R-3 District allows a
107 minimum lot size of 11,000 square feet. The R-5A District allows a minimum lot size of 5,625
108 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
109 density per acre. The site is also in the Airport Safety Overlay District.

110

111 Mr. Bittner - This deferral is requested to January 9, 2003.

112

113 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
114 CaseC-80C-02, RRI, LLC, to January 9, 2003? No opposition.

115

116 Mr. Archer - Mr. Chairman, I move deferral of C-80C-02, RRI, LLC, to the
117 January 9, 2003 meeting at the request of the applicant.

118

119 Mr. Vanarsdall - Second.

120

121 Mr. Taylor - Motion made by Mr. Archer, seconded by Mr. Vanarsdall, to defer
122 Case C-80C-02 to January 9, 2003. All in favor say aye. All opposed say no. The motion passes.

123

124 At the request of the applicant, the Planning Commission deferred Case C-80C-02, RRI, LLC, to
125 its meeting on January 9, 2003.

126

127 **C-65C-02**

Sharon & Dwight Fortune, et al: Request to amend proffered

128 conditions accepted with rezoning case C-61C-99, on Parcels 823-696-9339, 824-696-0738,
129 824-696-2237, 824-696-3536, 824-696-4734, 824-696-7532, 824-696-8055, 824-696-6684,
130 824-696-4265, 824-696-3265, 824-696-2265, 824-696-1265, 824-696-0266, 823-696-9167,
131 823-696-7861, 823-696-6569, 823-696-5469, 823-696-7443, 823-696-6345, 832-696-5246,
132 located on Stansfield Court (Bewdly Subdivision). The amendment would reduce the natural
133 buffer on the property. The existing zoning is R-2AC One Family Residence District
134 (Conditional). The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
135 density per acre. The site is also in the Airport Safety Overlay District.

136

137 Mr. Jernigan - I have a Commission referral to February 11, 2003.

138

139 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
140 Case C-65C-02 at the request of the Commission to February 11, 2003?

141

142 Mr. Bittner - Maybe real quickly, Mr. Chairman, I can describe where this case
143 is in case there is any question of anyone in the audience. This case, C-65C-02, is an

144 amendment to reduce the natural buffer on property in the Bewdly Subdivision. The existing
145 zoning is R-2AC, One-Family Residence District, and I believe this is in the Varina District.

146
147 Mr. Taylor - Is there any opposition to the deferral of Case C-65C-02 for 60
148 days, which would be February 11, 2003?

149
150 Mr. Jernigan - Mr. Chairman, I make a motion to defer zoning case C-65C-02 for
151 60 days to February 11, 2003, by request of the Commission.

152
153 Mr. Vanarsdall - Second.

154
155 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to
156 defer Case C-65C-02, Sharon & Dwight Fortune, et al, at the request of the Commission for 60
157 days. All in favor say aye. All opposed say no. The motion passes.

158
159 The Planning Commission deferred Case C-65C-02, Sharon and Dwight Fortune, et al, to its
160 meeting on February 11, 2003.

161
162 Mr. Bittner - That concludes tonight's withdrawals and deferrals.

163
164 Mr. Marlles - Mr. Chairman, the next item on the agenda is request for
165 expedited items. For just the benefit of the audience, items or cases that are on the Expedited
166 Agenda, are cases in which staff is recommending approval. The Planning Commission member
167 is in support of the request and there is no known neighborhood or citizen opposition. If there
168 is citizen opposition, a case can be taken off of the Expedited Agenda and then heard in its
169 normal rotation on the agenda. Mr. Bittner.

170
171 Mr. Bittner - Thank you, Mr. Marlles. The first case on the Expedited Agenda is
172 on Page 2 of the agenda.

173
174 **C-76C-02 Andrew M. Condlin/Caroline Browder for G3 Investments,**
175 **L.L.C.:** Request to amend proffered conditions accepted with rezoning case C-31C-97, on part
176 of Parcels 743-762-6518 and 743-761-5197, containing 3.175 acres, located on the east line of
177 Brookriver Drive and the west line of Interstate 64 approximately 650 feet north of the north
178 line of W. Broad Street. The amendment would eliminate Proffer 12 that prohibits retail uses.
179 The existing zoning is M-1C Light Industrial District (Conditional). The Land Use Plan
180 recommends Commercial Concentration. The site is also in the West Broad Street Overlay
181 District.

182
183 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-76C-02
184 being placed on the Expedited Agenda? No opposition. Therefore, I move approval of Case C-
185 76C-02, Andrew M. Condlin/Caroline Browder for G3 Investments, LLC.

186
187 Mr. Jernigan - Second.

188
189 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in
190 favor say aye. All opposed say no. The motion passes.

191

192 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning
193 Commission voted 40 (one abstention and one absence) to recommend that the Board of
194 Supervisors **grant** the request because the change in use is compatible with surrounding
195 development and is not expected to adversely impact these surrounding land uses.

196

197 **Deferred from the November 14, 2002 Meeting:**

198 **C-66C-02 Gloria Freye for Stony Run Development Co. LLC:** Request
199 to conditionally rezone from A-1 Agricultural District and R-3AC One Family Residence District
200 (Conditional) to R-3C One Family Residence District (Conditional) and C-1, Conservation District,
201 Parcel 806-727-6208, containing 14.8 acres, located on the east line of Creighton Road
202 approximately 160 feet north of Stone Dale Drive and at the northern terminus of Stoney Valley
203 Drive and the southern terminus of Maplegrove Drive (3183 Creighton Road). A single-family
204 subdivision with up to 35 residences is proposed. The R-3 District allows a minimum lot size of
205 11, 000 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units
206 net density per acre, and Environmental Protection Area. The site is also in the Airport Safety
207 Overlay District.

208

209 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-66C-
210 02, Gloria Freye for Stoney Run Development Co., LLC? No opposition. Mr. Jernigan.

211

212 Mr. Jernigan - Mr. Chairman, in looking through this, this falls completely in line
213 with the 2010 Land Use Map and it is zoned for R-3C, but actually the density had been cut to
214 R-2 status at 2.36, so with that, I will make a motion to approve Zoning Case C-66C-02 on the
215 Expedited Agenda.

216

217 Mr. Vanarsdall - Second.

218

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

221

222 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
223 Commission voted 40 (one abstention and one absence) to recommend that the Board of
224 Supervisors **accept the proffered conditions and grant** the request because it conforms to
225 the recommendations of the Land Use Plan and it continues a similar level of single family
226 zoning as currently exists in the area.

227

228 **C-77C-02 Laraine Isaac and/or Robert F. Nelson for Gary L. Price:**
229 Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District
230 (Conditional), Parcels 817-708-5106, 817-707-5693, 817-707-6299, 817-707-6693, 817-707-
231 7588, containing 3.992 acres, located on the south line of Charles City Road approximately 450
232 feet west of Miller Road. Warehouses are proposed. The use will be controlled by proffered
233 conditions and zoning ordinance regulations. The Land Use Plan recommends Heavy Industry.
234 The site is also in the Airport Safety Overlay District.

235

236 Mr. Taylor - Is there anyone in the audience opposed to Case C-77C-02 being
237 heard on the Expedited Agenda? No opposition.

238

239 Mr. Jernigan - Mr. Chairman, I make a motion to approve Zoning Case C-77C-02
240 on the Expedited Agenda.

241
242 Mr. Vanarsdall - Second.

243
244 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All
245 in favor say aye. All opposed say no. The motion passes.

246
247 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
248 Commission voted 40 (one abstention and one absence) to recommend that the Board of
249 Supervisors **grant** the request because it continues a form of development consistent with the
250 area and the proffered conditions would provide for a higher quality of development than would
251 otherwise be possible.

252
253 **C-78-02 Laraine Isaac and/or Robert F. Nelson for William R.**
254 **Elliott:** Request to rezone from O-1 Office District to R-3 One Family Residence District, Parcel
255 801-703-7934, containing 1.636 acres, located on the east line of New Market Road (State
256 Route 5) approximately 600 feet north of McLean Street. A single family residential
257 development is proposed. The R-3 District allows a minimum lot size of 11,000 square feet.
258 The Land Use Plan recommends Office.

259
260 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-78-02
261 being heard on the Expedited Agenda? There is opposition, so we will have to drop that off of
262 the Expedited Agenda and we will hear it in turn. Thank you, sir.

263
264 **C-79-02 Laraine Isaac and/or Robert F. Nelson for William R.**
265 **Elliott:** Request to rezone from B-1 Business District to R-3 One Family Residence District, part
266 of Parcel 801-703-7169, containing 0.684 acre, located on the south line of Wilderness Drive
267 approximately 165 feet east of New Market Road (State Route 5). A single-family residential
268 development is proposed. The R-3 District allows a minimum lot size of 11,000 square feet.
269 The Land Use Plan recommends Commercial Concentration.

270
271 Mr. Bittner - The next item is a companion case to that, and probably with the
272 first one being off the Expedited, you may want to take this one off.

273
274 Mr. Jernigan - It is two separate parcels. They are not adjoining.

275
276 Mr. Bittner - But they will all become part of the same existing subdivision, I
277 believe.

278
279 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-79-02
280 being heard on the Expedited Agenda? There is opposition to both C-78-02 and C-79-02, so
281 will hear those both on the regular agenda.

282
283 Mr. Bittner - That concludes the Expedited Agenda for tonight.

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285 Mr. Taylor - All right. Thank you very much, Mr. Bittner, and we will go on to
286 the regular agenda.

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C-74C-02 Gloria L. Freye for Webb L. Tyler & G. Edmond Massie, IV:

Request to conditionally rezone from A-1 Agricultural District and C-1C Conservation District (Conditional) to R-3C One Family Residence District (Conditional) and C-1C Conservation District (Conditional), Parcels 745-765-2822, 745-765-1418, 744-765-8338, 744-765-5906, and part of Parcel 746-765-0853, containing approximately 22.395 acres (R-3C: 21.535 acres; C-1C: 0.86 acre, located at the northwest intersection of Dublin and Belfast Roads (McDonald's Small Farms subdivision). A single-family residential subdivision is proposed. The applicant has proffered the density shall not exceed 2.2 dwelling units per acre on the properties defined in Rezoning Cases C-74C-02, C-2C-01 and C-3C-01 in the aggregate. The density calculations shall be provided at the time of each subdivision. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mr. Marlles - The staff report will be given by Mr. Paul Gidley.

Mr. Taylor - Is there anyone in the audience opposed to Case C-74C-02? No opposition. Mr. Gidley, please proceed.

Mr. Gidley - Thank you Mr. Chairman, Mr. Secretary, members of the Planning Commission.

This case is C-74C-02. It is a request to rezone 22.365 acres of land mostly from A-1 to R-3C, with a small piece of C-1 land being made C-1 (Conditional). There are revised proffers with this case that you should have.

The subject property is located in the northernmost part of the McDonalds Small Farm subdivision It is also located at the north corner of the intersection of Dublin Road and Belfast Road.

Several issues were raised in the staff report, many of which have been addressed with revised proffers. Briefly, these include:

- providing a street connection to McDonald Small Farms
- raising the minimum square footage on the homes to 2,000 square feet
- requiring each home to have a two-car garage
- planting two trees with a minimum caliper of 2.5" in each front yard

However, there are two key issues that remain unresolved. These include the zoning requested (i.e. the minimum lot size) and the building materials used with each house.

Staff believes R-2 or R-2A zoning would better reflect the Comprehensive Plan's recommendation of SR-1 (1.0-2.4 units/acre). Given this designation and the two-acre size of many of the lots in McDonalds Small Farm, R-3 would seem a little bit intense.

While the applicant has implied that the quality of homes proposed might justify the R3C zoning, the proffers concerning building quality are fairly standard. These include brick foundations and a pledge that at least 25% of the homes will have fronts of brick and/or stone. Staff believes that if the more intense zoning district is to be provided, the applicant should

335 provide a more widespread use of materials like brick or stone, i.e., brick or stone. Staff would
336 suggest that at least 50% of each home's exterior contain brick and or stone.

337
338 If the applicant could address these issues staff could support this case.

339
340 Are there any questions or comments that you may have now?

341
342 Mr. Taylor - Mr. Gidley, when you say 50% of each exterior of the individual
343 building, I believe that is what you said...

344
345 Mr. Gidley - Yes, sir. That could be any portion, the front or the side totally
346 brick or a combination of those materials throughout all four sides of the building.

347
348 Mr. Taylor - So the total exterior surface counting two sides, front and rear, so
349 that the sum total comes out to be 50%, so one-half of that would be brick or stone, or Dryvit
350 or, is Dryvit acceptable?

351
352 Mr. Gidley - Yes, sir.

353
354 Mr. Taylor - Something...

355
356 Mr. Gidley - Low maintenance, durable, long-lasting, something a little bit
357 more beyond what we would get with a rezoning case which is brick foundation, mostly vinyl
358 siding. If we are going to a higher density, we'd like to see a little bit more beyond the same
359 standard that we get with most of our subdivisions.

360
361 Mr. Taylor - OK. Thank you. And just let me ask one other question in terms
362 of point. Fifty percent of the exterior, that is extracting the windows, that is net area of
363 building surface. Correct? Not a total building area.

364
365 Mr. Gidley - That is correct. Yes.

366
367 Mr. Taylor - Thank you.

368
369 Mr. Vanarsdall - Are you recommending R-2A zoning? Is that what you say?

370
371 Mr. Gidley - Ideally, staff would like to see R-2, but we have indicated that we
372 could live with R-2A zoning as a compromise position. Yes, sir.

373
374 Mr. Jernigan - Let me clear up what Mr. Chairman was speaking of. A minimum
375 of 25% of the houses on the property shall have brick. Now he is talking about how much
376 percentage on each house. What are we looking for here?

377
378 Mr. Gidley - The proffers as they read now pledge that of the homes in the
379 subdivision, at least ¼ of those, i.e., 25% will have fronts which are brick, or stone. Staff
380 would like to see those materials more wide spread throughout the subdivision. For instance,
381 all of the homes, each individual home containing at least 50% of the exterior in brick or stone.

382

383 Mr. Jernigan - Each home having 50%?
384
385 Mr. Gidley - Yes, sir. That is correct.
386
387 Mr. Taylor - Of the total surface of that individual home?
388
389 Mr. Gidley - Yes, sir.
390
391 Mr. Jernigan - I just wanted to clear that up.
392
393 Mr. Taylor - Thank you very much, Paul.
394
395 Mr. Gidley - Thank you, Mr. Chairman.
396
397 Mr. Taylor - Now, there is no opposition, but we are to the stage where we
398 would hear from the applicant.
399
400 Ms. Freye - Good evening, Mr. Chairman, and members of the Commission.
401 My name is Gloria Freye and I am an attorney here on behalf of the applicants, Webb Tyler and
402 Ed Massie, both of whom are also here this evening. As Mr. Gidley explained, this request is to
403 rezone this property essentially to permit the expansion of Sadler Grove Subdivision located to
404 the east, and to this area (referring to slide). The proffered conditions that are filed with this
405 case are better than those that have been filed with the previous sections of Sadler Grove
406 Subdivision, which have been approved by the County. The home values that are projected for
407 this property are going to range from \$325,000 to \$400,000. In fact, the homes that are being
408 sold now in Sadler, the earlier sections of Sadler Grove, that have been developed, are already
409 selling in those amounts, and in this case we have higher quality proffers than what exists in
410 those cases. We have agreed to a 2,000 square foot minimum, whereas in the other cases, it
411 was 1,800. So there is an improvement. Also, the applicant has increased the lot width from
412 the previous cases to 85 ft. compared to 80 in the previous case. We have matched the size of
413 the lots along the creek, as we did in the previous cases. The two-car garages that are being
414 provided for every house, and the fact that 50% of them will have rear or side entries is
415 another improvement over the previous case. We have also included the provision that staff
416 requested about making sure that the streetscape would have trees on it. This is a wooded
417 property. We don't think there will be any problem retaining those trees, but if we run into a
418 problem, then if they are not retained, then they would be planted to the size that Mr. Gidley
419 explained. The reason that the applicant feels comfortable with the R-3 zoning that is being
420 requested is because overall they have proffered that the density will not be greater than 2.2,
421 and that is well within the SR-1 recommendation in the Land Use Plan. We have agreed to the
422 street connection to McDonald's Small Farm Subdivision. So, with these proffers, and the
423 example that the developer has already set in Sadler Grove Subdivision with the quality of
424 development that is going to be on this property, we believe that this case, with these proffers,
425 does set the highest of precedents for the high stand of development that staff says is
426 important for setting the precedent in this area. We agree that that is an important factor, and
427 that is why we have improved the proffers from the previous case.
428
429 An advantage of this case, as well, is that it brings public water and sewer to an area that
430 doesn't have that available now. It is very important to the adjacent property owners to have

431 the public utilities brought to them. Properties in this McDonald's Small Farms have
432 experienced both well failures and drainfield failures to the extent that neighboring properties
433 have had to run garden hoses from their wells to help their neighbors. The applicants have
434 also agreed to delay building on this property until 2004, so we feel that with the proffers that
435 are proposed, with the improvements over the previous cases, and recognizing that the
436 development and the marketing of this property is going to have significant challenges. I don't
437 know how many of you are familiar with McDonald's Small Farms, but there is a wide range of
438 property values there. There is a wide variety of housing that goes all the way from mobile
439 homes to cinderblock houses to some very nice houses. But it does have challenges with a lack
440 of infrastructure and the lack of controls that have occurred in that development.

441
442 The applicants have also demonstrated in their earlier cases and their early development,
443 particularly in this area, that they can take an area that doesn't have infrastructure, that doesn't
444 have utilities, that can take some sorely neglected properties and really turn it into a very
445 attractive high-quality neighborhood. We have been talking with the neighbors, and as far as
446 we know, there is no opposition to this request. We actually did receive a letter of support
447 from our neighbors across the street, which I would like to read into the record at this time.
448 "Dear Ms. Frye, We are writing in support of the rezoning proposed by Webb Tyler and Ed
449 Massie. Our properties are located on the opposite corner of Dublin Road and Belfast Road
450 from the property they wish to rezone and develop. We have had numerous discussions with
451 Ed Massie and are very familiar with the previous developments in Sadler Grove. We are
452 impressed with the quality of their development, and feel their project would add value to the
453 properties around it. The high standard of quality and the controls being offered in their zoning
454 will protect everyone's investment. We also understand that public water and sewer will be
455 brought closer to our property. This added benefit is a great comfort considering the worries
456 about the viability of wells and lack of public water in this neighborhood during the recent
457 drought. We do not see any downside to the rezoning. Please advise the appropriate people at
458 Henrico County that we support the rezoning and ask them to approve it." And I will submit
459 this for the record.

460
461 Mr. Taylor - Thank you very much.

462
463 Ms. Freye - In conclusion, we feel that this request meets and exceeds the
464 standards that have been approved in the previous Sadler Grove cases. The proffers in this
465 case will continue that high quality development, plus this development will bring improvements
466 to the area that will benefit and increase and protect the property values of the existing
467 neighbors. For these reasons, we ask that you recommend approval and we will be glad to
468 answer any questions that you have.

469
470 Mr. Jernigan - Ms. Freye, did you come up with an average lot size?

471
472 Ms. Freye - We don't have an average lot size at this time. The lots that are
473 going to abut the creek are going to be 12,500 sq. ft. minimum. We know that the zoning
474 category would allow 11,000 sq. ft., but we have also made sure that we have wide enough lots
475 that we can accommodate the rear or side entry garages that staff was asking for. But we
476 don't have an average at this time.

477
478 Mr. Jernigan - Thank you.

479
480 Mr. Taylor - The figures that you gave us, \$325,000 and \$400,000, that is for
481 housing that is really, is it 2,000 sq. ft. area?
482
483 Ms. Freye- Right, the minimum house size will be 2,000 sq. ft. and our
484 experience is that even though you have that as a minimum, more than likely the house sizes
485 will be larger.
486
487 Mr. Taylor - Of the houses that you are now building, do you have any idea as
488 to whether the perspective buyers have added additional square footage as options, or are
489 there any opportunities for options?
490
491 Ms. Freye - I know that the applicants could answer this more specifically, but
492 I was told that the houses that are being developed now are running in the 2,500 sq. ft. range.
493
494 Mr. Taylor - And originally when we looked at those they were planned to be...
495
496 Ms. Freye - Eighteen hundred. The minimum there is 1,800. Yes, sir.
497
498 Mr. Taylor - And people are adding 700 sq. ft. to their basic house?
499
500 Ms. Freye - Yes, sir. And I think that is an experience that the County finds all
501 over, that you do have a minimum, but that the market will generally increase the sizes of the
502 house.
503
504 Mr. Taylor - Could you hazard a guess as to what percentage of the buyers are
505 asking for this added area, or is that one that I should address to Mr. Tyler?
506
507 Ms. Freye - I think they would be in a better position to respond to that, Mr.
508 Taylor.
509
510 Mr. Taylor - The point that I am searching for here is, while we have a
511 minimum, there is a wider lot size, and if most of the people are deciding the basic house is
512 2,000 feet, or 1,800, but I want 2,500, we don't need a minimum or anything. They are going
513 to build houses that are in the 2,500 area to match, and that to me speaks well of the area, the
514 facilities, the arrangements, the locale. So we may set a minimum that we think is Spartan or
515 whatever, the houses are going to be 500, 600, or 700 sq. ft. more and that is just by nature of
516 the buyer.
517
518 Mr. Ed Massie - Yes, Mr. Taylor. I am Ed Massie. As you remember, when we
519 started our first section we were anticipating that the sales prices of the homes would probably
520 be in the low to mid \$200,000. The average in the section we are currently in is in the low
521 \$300,000s, and the houses have been larger, much larger than 1,800 sq. ft. more in the 2,500
522 or 3,000, and sometimes a little higher than 3,000 sq. ft. I think it is a classic illustration that
523 we Americans always tend to have champagne taste and a beer pocketbook, so we want to go
524 as large as we can.
525

526 Mr. Taylor - Well, they seem to be swinging the loans, I guess. As far as I
527 know there haven't been too many on the distressed market.
528
529 Mr. Massie - No. It has been a very, very active one. We have been very
530 pleased and the builder has been very pleased, with both the pace of sales as well as the size
531 of the homes.
532
533 Mr. Taylor - Mr. Massie, when we first zoned that, that was zoned as R-3A, I
534 believe.
535
536 Mr. Massie - Correct.
537
538 Mr. Taylor - Which the minimum is 1,800 sq. ft.
539
540 Mr. Massie - Correct. And we kept that as a minimum as we have moved
541 through, but the housing has moved from the mid to upper \$200,000s up into the typical sales
542 price now is in the low \$300,000s to mid \$300,000s. And these lots would allow us, because
543 they are larger and we are proffering a two-car – that all of them will have a two-car garage.
544 We know that this is going to be substantially above the, what we are now selling. So we
545 expect the prices to be in the \$325,000 to \$400,000 range easily.
546
547 Mr. Taylor - Thank you, Mr. Massie.
548
549 Mr. Vanarsdall - How many houses do you think you can get in there? Forty?
550
551 Mr. Massie - I am sorry.
552
553 Mr. Vanarsdall - How many houses do you think you can get in there?
554
555 Ms. Freye - Mr. Vanarsdall, with the different configurations, we don't really
556 have a layout at this point, to know exactly. We do know that we have to hold it to 2.2 density
557 overall for Sadler Grove Subdivision, so that is going to dictate how many houses we can get in
558 there. And it will also then allow some flexibility for the lot sizes as well.
559
560 Mr. Vanarsdall - I was just wondering. Thank you.
561
562 Mr. Jernigan - Mr. Massie, are any of these houses in here going to be Dryvit?
563
564 Mr. Massie - So far, if we have had any homes that were Dryvit, so far, I don't
565 remember them. We have had some brick and stone faced. If you have been through what we
566 are now developing just up the street, the builder does a great job of varying the floor plans
567 and the exteriors, so you don't get a uniformity appearance. You get a diversity of appearance.
568 I think we have one that might be all brick. I don't remember any Dryvit.
569
570 Mr. Jernigan - The reason I was asking, there has been some concern on Dryvit.
571

572 Mr. Massie - Right. I think the market is pretty well aware of concerns, and
573 that makes me think, I can't remember a Dryvit house. I know we've got brick and stone and
574 mixtures.
575

576 Mr. Taylor - But the limitations on the Dryvit, as I understand it, are more with
577 the installation than the basic physical characteristics of the material.
578

579 Mr. Massie - You're over in an area of expertise – I don't have that expertise. I
580 just know that there have been some concerns.
581

582 Mr. Taylor - I wonder if Mr. Tyler would care to express his view on Dryvit as a
583 properly applied building material relative to stone.
584

585 Mr. Tyler - For the record, my name is Webb Tyler. As with all products, if it
586 is properly constructed by fully educated technicians, it will work. Unfortunately, the education
587 has not been that good and there are pending law suits on various different types of this
588 product. My preference is to not use it, but I don't think we should preclude its use, because
589 we are going to stay optimistic that somebody will get educated on how to build it.
590

591 Mr. Jernigan - Would you do us a favor and kind of let us know if somebody
592 wants one?
593

594 Mr. Tyler - There is a fine line between social responsibility and individual
595 freedom.
596

597 Mr. Vanarsdall - Well, as Mr. Tyler knows, when Dryvit first came on the market,
598 you remember, everybody called it stucco and old stucco, and it looks like stucco, and they did
599 say, as Mr. Taylor said what was under it was the secret, and in the beginning they were just
600 throwing it up on anything, cardboard, or...
601

602 Mr. Tyler - I do think it is important for you to understand that we have
603 built probably 50 homes, and not one of them has Dryvit, and I think that is an indication. I
604 think that is an indication that the market place has said, "We are either afraid of it or we don't
605 want the problems." But, we have not precluded it.
606

607 Mr. Archer - Mr. Taylor, I would just like to add that I think it is a good point
608 that Mr. Jernigan raised, because from time to time we see newspaper clippings and sizeable
609 articles written about the non-performance of Dryvit, which is a brand name, from what I
610 understand, and as Mr. Tyler indicates, a lot of it has to do with the fact that people have not
611 been educated on how to put it on. Apparently, they still have not learned how to do it, and it
612 takes a while before you can discover the damage that has occurred with Dryvit. I just
613 thought I would mention that before we left that issue, but we will see it again, I am sure.
614

615 Ms. Freye - Thank you.
616

617 Mr. Taylor - Are there any other questions? I do want to recognize the efforts
618 that Mr. Tyler and Mr. Massie and his firm have shown in taking an area of Henrico County that
619 was in need of some upgrading, and they have worked diligently to give it, perhaps, a rebirth

620 and capture many of the amenities that were there, but are frankly hard to recognize. There
621 are some really nice areas, a water course is in there, and wonderful trees, and some beautiful
622 scenery, and from my observation of going through and looking at the buildings built today,
623 they are significantly reinvigorating the neighborhood, and I think that is both significant and
624 helpful. I am heartened by hearing when we first went with R-3 in there, we were concerned
625 about the size of the houses and I am struck by the fact that they are now 20 to 25% over the
626 original square footage. I also am aware of all of the utilities that they are providing, and the
627 amenities, and looking at it, I think it is a high quality development with added value, and while
628 I recognize the issue of density, I find that going through the neighborhood the current density
629 is very attractive, and very substantial, and the lot sizes are even going to be increased in this
630 phase, and I think that that will materially improve the entire neighborhood. So, I will move
631 approval of C-74C-02, Webb Tyler and Ed Massie.

632
633 Mr. Jernigan - Second.

634
635 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in
636 favor say aye. All opposed say no. The motion passes.

637
638 Ms. Freye - Mr. Taylor, I may not have noticed, but did you accept the
639 amended proffers and I think we need to waive the time limits?

640
641 Mr. Taylor - No. I didn't. I must waive the proffers. Thank you very much for
642 doing that. This case, we have looked at it earlier this week, with the staff very carefully, and
643 there has been a number of new proffers, improved proffers, and I do want to recognize and
644 thank Mr. Tyler for providing those. I would like to move to waive the time limit on those
645 proffers.

646
647 Mr. Jernigan - Second, Mr. Chairman.

648
649 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in
650 favor say aye. All opposed say no. The motion passes.

651
652 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning
653 Commission voted 40 (one abstention and one absence) to recommend that the Board of
654 Supervisors **grant** the request because it would permit development of the land for residential
655 use in an appropriate manner.

656
657 Mr. Vanarsdall - Mr. Chairman, before we go any further, I intended to do this
658 before we got on the first case. This is my last meeting of this year, so normally I would do
659 this next meeting. I just wanted to thank Mr. Thornton for sitting with us for a year. It has
660 been a privilege having you with us, Mr. Thornton.

661
662 Mr. Taylor - Thank you, Mr. Thornton. And we will thank you next time, too,
663 Mr. Thornton, for the rest of us. You have done a good job and we have appreciated having
664 you with us, sir.

665
666 **C-75C-02 James W. Theobald for Wellesley Centre, L.C.:** Request to
667 conditionally rezone from B-2C Business District (Conditional) and O-3C Office District

668 (Conditional) to B-2C Business District (Conditional), part of Parcel 737-762-4724, containing
669 6.633 acres, located along the southeast intersection of West Broad Street (U.S. Route 250)
670 and Lauderdale Drive. A retail use is proposed. The use will be controlled by proffered
671 conditions and zoning ordinance regulations. The Land Use Plan recommends Mixed Use
672 development. The site is also in the West Broad Street Overlay District.

673
674 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.

675
676 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-75C-
677 02? No opposition. Mr. Bittner.

678
679 Mr. Bittner - Thank you, Mr. Chairman. This request would increase the
680 amount of retail zoning currently on this corner (referring to rendering) by 3.703 acres.

681
682 The site is designated Mixed Use on the 2010 Land Use Plan. The site in question represents
683 the final piece of vacant property on this corner.

684
685 This corner was originally rezoned under C-69C-95 and this new application would basically
686 retain the proffers associated with that case along with some minor technical changes. Overall,
687 staff sees this as a minor request and does not object.

688
689 Staff would prefer proffer language stating that existing vegetation shall be retained in the
690 buffers along West Broad Street and Lauderdale Drive. Staff suggests the applicant preserve all
691 trees with a 6-inch or greater caliper in these areas. If the applicant were to address this issue,
692 staff could recommend approval of this application.

693
694 I would be happy to answer any questions you may have.

695
696 Mr. Taylor - Are there any questions for Mr. Bittner? Thank you, Mr. Bittner.
697 Would the applicant like to address the group? Mr. Theobald.

698
699 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald
700 and I am here this evening on behalf of Wellesley Center, L.C. This is a request to rezone 6.6
701 acres to B-2C, three acres of which are already zoned B-2C, and our purpose, as Mr. Bittner
702 indicated is to convert some of the existing O-3 land that could have been developed into multi-
703 story office buildings with, frankly, more coverage, into less dense single-story neighborhood-
704 retail. This allows us to move our buildings back a little further and spread some green space
705 throughout the project rather than focus in a single area. As I think the traffic section of your
706 staff report indicates, this essentially will generate about the same amount of traffic, consistent
707 with your land use plan, that designation being for mixed-use, and we have essentially retained
708 the proffers from the 1995 case. Importantly, we met with the Wellesley Board and our
709 Architectural Review Board, and there is a letter of support from Wellesley in your file, and with
710 that, I am happy to answer any questions, Mr. Chairman.

711
712 Mr. Taylor - Are there any questions for Mr. Theobald? That is a shorter
713 speech than I expected tonight.

714

715 Mr. Theobald - I can elaborate. I would add, with regard to Mr. Bittner's
716 comment, that I've got the 6-inch caliper of trees that your Code Section 24-106.23(c) requires
717 that any tree six inches or greater in caliper located within the setback area from the public
718 right of way shall be retained. I would also point out that this property is controlled by the
719 West Broad Street Overlay District standards, which, as you know, are enhanced streetscape
720 standards, worked for probably six to nine months by our office as well as the committee of
721 citizens that provide a consistent and enhanced streetscape design along this corridor, and I
722 would also point out to you that that landscape overlay standard is a 35 ft. standard along
723 Broad Street and Lauderdale Drive, and we have proffered a 50 ft. landscaped area. And I
724 would also point out that this is the same proffer that you all and the Board accepted with the
725 prior case. So, those trees, six inches in caliper, or greater, are required to be preserved.

726
727 Mr. Taylor - Mr. Theobald, does that show on your cross-sectional diagram?
728 Could you point that out for us, please?

729
730 Mr. Theobald - It is really not shown on this cross section, Mr. Taylor.

731
732 Mr. Taylor - Do you have a smaller cutaway?

733
734 Mr. Theobald - I have the cutaway. Let me show you 30 feet. What you are
735 referring to, Mr. Taylor, I will put up here in a moment, was the part of your ordinance that
736 showed the combination of the West Broad Street Overlay District landscape requirements and
737 guidelines. I will have Mr. Bittner put that up in a moment. This picture was taken this week,
738 obviously, with the snow on the ground, and I believe is along Lauderdale Drive and you can
739 see the "For Sale" sign over here in the corner, but, as you can see, this site, while treed, is
740 really full of loblolly pines, many of which are not particularly large, and you can see pretty
741 much right through there. And that was really the purpose of the landscape standards set forth
742 in the West Broad Overlay District, and that is providing street trees at certain intervals, and
743 also requiring, by ordinance, two feet to three and a half-foot tall at time of planting, a
744 continuous line of evergreen shrubbery, 10 feet behind the trees. So, keep in mind that this is
745 not a screening proffer in the West Broad Street Overlay District guidelines, but one that
746 provides an attractive streetscape feature. We are not trying to hide the retail development
747 that is going in there, but rather enhance it consistent with the high standards that have
748 already been set in Wellesley and its surrounding area. I think we are going to get you all the
749 point that Mr. Bittner was concerned about. Again, I suggest, too, you have an ordinance
750 requirement that requires the retention of six-inch caliper trees.

751
752 Mr. Taylor - Can we have that put on the screen so that everybody can see
753 what you are talking about there with regard to the 35 foot width buffer along the...

754
755 Mr. Theobald - This is a schematic out of your ordinance that shows both the
756 ordinance requirements and the ordinance guidelines, in terms of the notion of, again this is a
757 combination of both what is required and what is aspirational, so I don't want to mislead you on
758 that point. Street trees, pedestrian access ways, lower decorative trees, continuous hedge, and
759 then some larger shade trees within the area, before you get to the parking. And then, again,
760 we have increased this area from 35 ft. to 50 ft.

761

762 Mr. Taylor - Can you show where that is on that diagram? Just point where
763 that extra width would be.

764
765 Mr. Theobald - Well, this schematic shows, I can't read this very well, 35 feet
766 from, which is the right-of-way line, the legal right-of-way line, which keep in mind is not the
767 edge of pavement, almost in any location, so this is really within the public right-of-way, but
768 nonetheless, landscaped with pedestrian access. So the 35 feet required by the ordinance is in
769 here (referring to rendering). Now, the ordinance requirement, I think, is four street trees per
770 100 linear feet and that continuous hedge 2 feet to 3-1/2 feet at time of planting behind those
771 trees. That is a minimum stand, but then again, those standards are enhanced requirements
772 over any other areas in the County, frankly.

773
774 Mr. Taylor - I think that extra increase of 15 feet is significant, and will extend
775 all along Lauderdale and then all the way along Broad.

776
777 Mr. Theobald - Yes, sir. Both sides.

778
779 Mr. Taylor - We have discussed that we have a landscaping plan to look at in
780 terms of trees, and my only concern is that we retain a relatively dense screen. I recognize
781 your efforts to make it a screen so that the people to see through it for retail purposes, and I
782 am fully in support of that, but I do want to try to maintain the forested look of the area.

783
784 Mr. Theobald - I think the important thing is to insure the aesthetic quality of this
785 area consistent with what you see at Wellesley, and, keep in mind that the West Broad Street
786 Overlay District guidelines and requirements for landscaping were not screening requirements.
787 They weren't meant to hide things, but merely provide attractive aesthetic streetscapes along
788 that corridor, so when we down to the landscape plan, we can go out there and look at what is
789 there, and we will certainly be adhering to the high standards of the West Broad Street Overlay
790 District. I don't want to leave any body with the impression or anybody to pull out the
791 minutes to this meeting and think that we have agreed to a screening proffer to hide the retail
792 buildings, because that is certainly not what you see across the street.

793
794 Mr. Taylor - I understand that, Mr.Theobald.

795
796 Mr. Theobald - I think we are on the same wave length, Mr. Taylor.

797
798 Mr. Taylor - Thank you very much. With all of that, I will move approval of
799 Case C-75C-02, James W. Theobald for Wellesley Centre, L.C.

800
801 Mr. Vanarsdall - Second.

802
803 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall to
804 approve C-75C-02. All in favor say aye. All opposed say no. The motion passes.

805
806 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning
807 Commission voted 40 (one abstention and one absence) to recommend that the Board of
808 Supervisors **grant** the request because it would not be expected to adversely affect the pattern
809 of zoning and land use in the area.

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Deferred from the November 14, 2002:

C-57C-02 Koontz-Bryant, PC for J. Stefan Cametas: Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 831-720-3959 (1790 Meadow Road), 831-720-0223, and 831-721-8011, containing approximately 39.6 acres, located on the north line of Meadow Road approximately 2,054 feet east of Hanover Road. An 83 lot single family subdivision is proposed. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area. The site is also in the Airport Safety Overlay District.

Mr. Marlles - The staff report will be given by Mr. Mark Bittner. This item is on the agenda for decision only. Mr. Bittner.

Mr. Bittner - Thank you, Mr. Marlles.

The 2010 Plan designation for this site is Suburban Residential 1, which recommends 1.0 to 2.4 units per acre. The proffered 83 lots equals a density of 2.1 units per acre, which is within the recommendations of the SR1 range.

The applicant has revised this application by proffering at least 50% of the lots will be 90 ft. or greater in width. The requested R-2A zoning requires a minimum lot width of 80 ft. This new provision makes this application more consistent with the recommendations of the 2010 Plan.

Staff continues to encourage the applicant to consider providing sidewalks within the proposed subdivision. This would be consistent with the nearby Chartwood Subdivision.

If the applicant could address this concern, staff could recommend approval of this request. I will be happy to answer any questions that you may have.

Mr. Taylor - Thank you, Mr. Bittner. Are there any questions for Mr. Bittner?

Mr. Jernigan - Mr. Chairman, even though this is a decision only, can we see a show of hands of what opposition there is.

Mr. Taylor - Is there anybody in the audience who is opposed to Case C-57C-02? There are three. So, we will ask them to speak.

Mr. Jernigan - No. No. This is decision only.

Mr. Vanarsdall - We listened to all of that last time.

Mr. Jernigan - Thank you, Mr. Bittner. I don't have any questions for you. The reason that I deferred this case last time was because there had already been three neighborhood meetings, and I believe twice here at the Planning Commission, and the last time there seemed to be a substantial amount of people that raised their hand in opposition. I wanted to give everybody a chance to say what they wanted to say before we made the decision on this. And, basically, so we ended up with four neighborhood meetings, and I wanted to see if anything came out of the

858 last meeting different than what we heard before, which I didn't hear anything different. Now, I
859 know that there is opposition down there, and a lot of people don't want things because that is
860 normal. Most people don't want any more development around them. So, you are not different
861 than anybody else. Varina has 52% of the land mass of Henrico County, so we are going to have
862 to have development coming our way. Mr. Thomas and Mr. Leake, I am glad that you all did
863 come tonight, because I know that you all are two of the people that are opposed to this mostly.
864 And I tried to explain to you, and mainly you, Mr. Thomas. I did question you at the meeting
865 about industry and retail business coming to Varina, that we would have to have places for these
866 people to live. As I told you, I live close to Inferon and the Hewlett Packard facility, and when
867 those were built, most of the people that worked there came either to the west end or to the
868 Hanover area, and I had asked a couple of agents why, and they said there just wasn't enough
869 housing in the east end, and some of the nicer houses people were looking for, and what she did
870 say, "There are a lot of nice homes in Varina, but there are not many up that are for sale." And
871 that is the reason that most of these people travel. Now, Henrico County, at this time, let's start
872 out this way: The ideal situation for business to residential is 37, and right now this County has
873 65-35, which is a little better than the ideal, and we want to keep it up that way, and we want
874 industry coming this way. Industry that wants to come to the east end is going to look at housing,
875 they are going to look at schools, and they are going to look at amenities for their employees,
876 especially big corporations. So, I explained to you also that the job of a Planning Commissioner is
877 to watch out for three things. We are supposed to watch out for the County, we are supposed to
878 watch out for the citizens, and we are supposed to watch out for the developer. The young lady
879 that has been in the neighborhood two or three years asked me at the end of the meeting did we
880 have a legal, did the County of Henrico face a legal problem if this project wasn't passed. And I
881 spoke at that time and I will say it again tonight, I am not an attorney, and I am not going to
882 speak for the County on a legal matter, but let's flip it a little bit and let's say that you were a juror
883 in a case that came like this where the land use map calls for SR-1, which is density from 1. to 2.4.
884 They have 2.1. They have met all of the qualifications. They have done everything and exceeded
885 most areas, and I don't feel it would be right to deny this case. I don't think I would be doing my
886 job right if I denied this case, so, Mr. Chairman, with that, I am going to ask for approval of Case
887 C-57C-02.

888
889 Mr. Vanarsdall - And I second it.

890
891 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
892 favor say aye. All opposed say no. The motion passes.

893
894 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
895 Commission voted 4-0 (one abstention and one absence) to recommend that the Board of
896 Supervisors **grant** the request because it conforms to the recommendations of the Land Use Plan
897 and the proffered conditions would provide for a higher quality of development than would
898 otherwise be possible.

899
900 **C-78-02 Laraine Isaac and/or Robert F. Nelson for William R. Elliott:**
901 Request to rezone from O-1 Office District to R-3 One Family Residence District, Parcel 801-703-
902 7934, containing 1.636 acres, located on the east line of New Market Road (State Route 5)
903 approximately 600 feet north of McLean Street. A single-family residential development is
904 proposed. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan
905 recommends Office.

906
907 **C-79-02 Laraine Isaac and/or Robert F. Nelson for William R.**
908 **Elliott:** Request to rezone from B-1 Business District to R-3 One Family Residence District, part
909 of Parcel 801-703-7169, containing 0.684 acre, located on the south line of Wilderness Drive
910 approximately 165 feet east of New Market Road (State Route 5). A single-family residential
911 development is proposed. The R-3 District allows a minimum lot size of 11,000 square feet.
912 The Land Use Plan recommends Commercial Concentration.

913
914 Mr. Marlles - Mr. Chairman, the next two cases are companion cases at the
915 bottom of Page 3 of your agenda. They were originally on the Expedited Agenda. The first
916 case is C-78-02. The second case is C-79-02. The staff report will be given by Mr. Tom
917 Coleman.

918
919 Mr. Coleman - Thank you.

920
921 Mr. Taylor - Good evening, Mr. Coleman.

922
923 Mr. Coleman - Thank you. On September 25, the applicant obtained Conditional
924 Subdivision approval for New Market Place Subdivision. As a condition of that approval, Lots 16
925 and 19 in Road B could not gain final subdivision approval until the subject property is rezoned
926 to residential district. Upon approval, the applicant will incorporate the subject property into
927 the proposed New Market Place Subdivision, and the applicant can also gain final subdivision
928 approval for Lots 15 and 19, Road B, and up to three additional lots. Concurrent with this
929 request, the applicant has also filed Case C-79, which would add .684 acres to the north side of
930 New Market Place. The subject property for C-79-02 is shown as future development on the
931 approved conditional subdivision plan, and approval would allow the applicant to obtain final
932 subdivision approval for up to three lots, which would be lots 6, 7, and 8, Section B, on the
933 north side of New Market Place. These requests are reasonable and consistent with the
934 proposed New Market Place Subdivision, and staff recommends approval. I'd be happy to
935 answer any questions.

936
937 Mr. Taylor - Any questions from the Commission? There is opposition to this
938 case, and I think there were three people who put their hands up. Are you three people
939 together, and would you each like to speak, or is there one spokesman for the group? One
940 spokesman for the group? Sir, if you would, please, step forward to the microphone and give
941 us your name and information, and we'd be happy to hear your comments.

942
943 Mr. Vanarsdall - Wait a minute. You need the applicant first.

944
945 Mr. Marlles - I guess we would like to have the applicant first.

946
947 Mr. Taylor - Oh, I am sorry. Ms. Isaac. I am sorry.

948
949 Ms. Isaac - Good evening. My name is Lorraine Isaac, representing Elliott
950 Properties.. I believe only one of these cases has been called or are we hearing both of them?

951
952 Mr. Jernigan - We are hearing C-78-02.

953

954 Ms. Isaac - OK. C-78-02 is a piece of property owned by Elliott Properties. In
955 fact, he owns two pieces of property in here. This one is zoned R-1 and it can support no more
956 than three residential lots, and because of the configuration of the subdivision and that
957 subdivision has tentative approval from this Planning Commission for 14 lots, would incorporate
958 those three lots into the subdivision and, if it is left in its O-1 state, the only access it has is
959 directly onto New Market Road, and if it is developed as a residential piece, the new
960 requirements for the 25 foot landscape strip along New Market Road will be incorporated, so
961 there is a little more dressing up of the property if it is rezoned rather than left in the O-1
962 District. Also, the residential designation is, it goes with the neighborhood. The O-1 is kind of
963 stuck there between, I believe it is A-1, B-1 and R-3. We don't feel the impact of three
964 residential lots in this location is going to be very much, and if you have any questions, I will be
965 happy to answer them.
966

967 Mr. Taylor - Any questions for Ms. Isaacs from the Commission? No questions.
968 All right, we will hear from the opposition, and sir, if you could come to the podium and give us
969 your name, we would appreciate it.
970

971 Mr. Horace Arrington - Yes. My name is Horace Arrington. I live at 6510 McLean Street.
972 Now, my understanding is this zoning, is this supposed to be rezoning from O-3 to B-1 or A-1,
973 or is it zoned already for this?
974

975 Mr. Jernigan - It is zoned O-1 now. It is going to be R-3.
976

977 Mr. Arrington - Now, my problem is, I don't think my neighbors know about this,
978 because we have not been properly notified about this. My understanding, three of my
979 neighbors I know of have been notified. I have got one of my neighbors sitting here with me
980 right now, and she lives right next door to me. Her property connects to the same property
981 that everybody is talking about rezoning. She has not been notified. The neighborhood has
982 not been notified. We feel that this should be put on the back burner until the whole
983 neighborhood is notified, because this affects our neighborhood. Of the three people that have
984 been notified, you all come up with 14 houses, then adding 6 more to make it 21. But nobody
985 has no idea what type of homes that are going to be put out there at all. We tried calling Mr.
986 Tom Coleman, which I had talked to him twice already, or once, not twice. I believe my
987 neighbor had talked to him twice, and he recommended somebody else that we get ahold to. I
988 believe it was the young lady right here, and we never could get ahold of her. We have no idea
989 what type of plans are built for this area. We are not opposed, some of us are opposed to it,
990 but I am not opposed to homes being built. I am just opposed to homes being built not as
991 quality as the same that we have out there right now.
992

993 Mr. Jernigan - What street do you live on, sir?
994

995 Mr. Arrington - McLean, route off of Route 5. It is in my backyard. I think that
996 me and two of the neighbors have the biggest lots out there, and we are connected to the lot
997 that we are opposing to be built 14 homes now.
998

999 Mr. Vanarsdall - Do you remember seeing a white and blue sign on it?
1000

1001 Mr. Arrington - Yes, sir. That is the first time we realized that something was
1002 being changed. That is when me and my neighbors got together and talked about it, and
1003 everything else, and then the next thing you know, I received a letter in the mail the next day.
1004 I checked with 12 of my neighbors, and the same street around the corner, and none of them
1005 have received any letters. I talked to Mr. Coleman. I asked him to fax me, which we had talked
1006 on the phone that he had sent out notices to about 20 of them, to different residences,
1007 neighbors in my area. I asked him to fax me a list of the names that he had sent, and he never
1008 faxed it. So, it is my understanding, with the neighbors I have talked to, and made copies of
1009 this, I think there were about eight of them that had never seen it, and the rest of the
1010 neighbors I have talked to were never notified about this development about to take place. I
1011 don't think half of my neighbors are opposed to development in our neighborhood, but we have
1012 development going on in our neighborhood right now that no one knew about. Things are
1013 being passed in the neighborhood and no questions or anything are coming to the neighbors
1014 who live there, as far as the buyers of the homes, the property values, the taxes, anything.

1015
1016 Mr. Marlles - Mr. Arrington. I think maybe I can clear up the issue of
1017 notification. Under the County Code, which is based on the State Code, only adjacent property
1018 owners, immediately adjacent property owners, including property owners across the street, are
1019 notified of a rezoning request. The sign that is placed on the property, which actually exceeds
1020 State Code requirements, is really intended to try to notify the larger community, and then in
1021 addition to the sign and the adjacent property owner's letters, there are also at least two legal
1022 ads that go into the paper. So, that is the mechanism, and that doesn't mean that everyone
1023 gets notified. We do understand that people don't, but the adjacent property owners are the
1024 ones that receive the written letters. So that is both a County Code requirement and a State
1025 Code requirement.

1026
1027 Mr. Arrington - I understand. But the fact is, you all are suggesting to build
1028 homes where a community is there already, and have no idea that you are about to build it,
1029 and it will affect most everyone there, and build homes that is not equal value of the homes
1030 that we have already, and someone building less home value, 1,100 sq. ft. homes versus what
1031 we have, which is 1,800. I think the maximum is 1,900 or 1,905 out there.

1032
1033 Mr. Jernigan - All right. There is not a copy of the proffers. Let me explain to
1034 you what is going on here. I don't know if you listened when Mr. Coleman said this in my staff
1035 report. As a condition, now the other part of the subdivision is approved with proffers and
1036 house sizes. It is not in this case, but I can get you a copy of it. As a condition of subdivision
1037 approval, lots 15 and 19 and Road B cannot gain final subdivision approval until the subject
1038 property is rezoned to a residential district. The County is telling the developer to rezone this
1039 other piece down here to finish off that subdivision, which has pending approval now. Do you
1040 see that on the map? See that, the major part of the subdivision has already been approved.
1041 Just that lot right on the bottom, the County is telling the developer that he has to rezone that
1042 to fulfill the rest of that subdivision. That is for lots 15 and 19. Now, I tell you what I will do, I
1043 will get you a copy of the proffers on the original subdivision...

1044
1045 Mr. Coleman - Mr. Jernigan, it is not a conditional case. The original subdivision
1046 has an R-3 zoning. It was in place. It wasn't rezoned.

1047
1048 Mr. Jernigan - It was zoned years ago?

1049
1050 Mr. Coleman - Right.
1051
1052 Mr. Jernigan - I stand corrected. The subdivision itself, the main part of the
1053 subdivision, was rezoned R-3 many years ago. I thought it had been something that came
1054 through in the last few years. Ms. Isaac, do you have any size of the homes that are going to
1055 be in there?
1056
1057 Ms. Isaac - No. It will just be controlled by ordinance and dictated by
1058 demand, and I assume that everything in there will be at least equal to what is already in the
1059 general neighborhood. The lots we are proposing have no access to any of the existing
1060 neighborhood, and they will access on to New Market Road.
1061
1062 Mr. Arrington - My understanding of what she is saying is no access, no entry.
1063
1064 Mr. Jernigan - The access for this subdivision is going to be through that Amoco
1065 Station's lot. They are taking his front, the first road when you are headed west, they are
1066 taking that as the entry to that subdivision.
1067
1068 Mr. Arrington - And the back of it will be on our street. The street behind me, and
1069 the street beyond the Amoco. Correct? That little circle there (referring to rendering). So that
1070 will affect our neighborhood.
1071
1072 Mr. Jernigan - Yes, but what we are saying is, this was zoned years ago. So that
1073 is already history. What the County has told the developer to do is just finish this small parcel
1074 on here so they can finish up lots 15 and 19. That property was zoned so long ago it wasn't
1075 conditional, so that is the reason there weren't proffers on it.
1076
1077 Mr. Arrington - I understand it was zoned before that, but it was trying to get a
1078 Food Lion out there, I believe, and the neighborhood was opposed to that plan before.
1079
1080 Mr. Jernigan - I believe you are correct. I spoke to Mr. Everly, who owns the
1081 Amoco Station, and had a long talk with him, and he kind of explained to me the background
1082 on it. He did say that before Mr. Elliott had tried to put commercial in there, and that it was
1083 heavily opposed.
1084
1085 Mr. Arrington - Correct.
1086
1087 Mr. Jernigan - So they just went back to residential and this parcel, this 1.63
1088 parcel is being zoned because the County has told the developer that they have to do it to
1089 finish off that cul-de-sac and those two lots.
1090
1091 Mr. Arrington - OK. I go along with that. As far as that, I understand very well.
1092 But as far as the homes, what type of homes are going to be put up there? That is our main
1093 concern.
1094
1095 Mr. Jernigan - Well, that's a good question, because when the zoning came
1096 through there were no proffers on it. That has been many years ago. Everything that comes

1097 through this Commission now we get in writing a proffer of what size homes will be on the
1098 property. That is R-3C zoning. The property where the subdivision is proposed now is R-3 and
1099 was unconditional. I will find out for you and notify you, or have somebody with Engineering
1100 Design Associates notify you.
1101
1102 Mr. Arrington - Notify me? Where does this stand as far as can we stop this until
1103 we find out what types of homes are going to be built on this piece of property?
1104
1105 Mr. Jernigan - You can't stop the subdivision.
1106
1107 Mr. Arrington - I am not trying to stop the subdivision. I am just trying to find
1108 out what type of homes – so we can go along with the program. We don't have a problem
1109 going along with it, as long as we know what type of homes are there.
1110
1111 Mr. Jernigan - OK, but what I am saying is, when this zoning came through,
1112 many years ago, they didn't have to say what size was on it. That is what I am saying. I don't
1113 have control of that at this point.
1114
1115 Ms. Isaac - Can I insert something? I know for a fact that Mr. Elliott has not
1116 committed to a builder at this time. He is developing the property and the lots will be sold to a
1117 builder. He is not a builder himself, and so I cannot address that question until a builder has
1118 been determined and we know what kind of product. As for the 14 lots that have been
1119 approved already, they can build as long as they meet Ordinance requirements, they can build
1120 anything that meets those requirements. And that was after my meeting with the staff. Prior
1121 to putting this zoning case in, we went with an unproffered case because it didn't seem fair that
1122 somebody living next door to another person would have different requirements on their lots.
1123 So, that is just a little history of how we got to this point.
1124
1125 Mr. Vanarsdall - Mr. Jernigan, I don't see how we could find that out. I was
1126 thinking maybe if you went on and sent it on to the Board, they could find out.
1127
1128 Mr. Jernigan - Well, I mean, in this case, like I said, that is what happens when
1129 it goes through with unconditional zoning. That is the reason that we don't have it any more.
1130
1131 Mr. Vanarsdall - As Ms. Isaac said, if we don't have a builder, then we don't know
1132 what he is going to build.
1133
1134 Mr. Jernigan - Well, they are going to have to file a POD.
1135
1136 Ms. Isaac - Well, they will have to file a subdivision.
1137
1138 Mr. Vanarsdall - Well, we won't know until then is what I am trying to tell Mr.
1139 Arrington.
1140
1141 Ms. Isaac - They will have to file a tentative and final subdivision, however,
1142 normally we don't file any kind of architectural plan with a subdivision.
1143

1144 Mr. Archer - Mr. Chairman, might it be helpful if the Secretary would explain to
1145 Mr. Arrington and the folks who have questions what our process is as it pertains to first
1146 approving the zoning and then going through the POD process, so he will know what the steps
1147 are.

1148
1149 Mr. Jernigan - We can regulate..

1150
1151 Mr. Taylor - Go ahead. I think that might be a reasonable request.

1152
1153 Mr. Arrington - I am sorry. This is the first time we've been here.

1154
1155 Mr. Archer - No. You have every right to be here. This is a public hearing and
1156 you are the public.

1157
1158 Mr. Marlles - Mr. Arrington, as Mr. Jernigan was trying to explain, the type of
1159 zoning that we have in place in the County right now is called conditional zoning, which allows
1160 an applicant, as part of the review process to include what are called proffers. You have heard
1161 that term thrown around a couple of times. Proffers are basically just conditions that will
1162 guarantee, for example, if the house will be of a certain size, the lot will be of a certain size, or
1163 a certain width, certain materials. You have heard some of that talked about tonight. In this
1164 particular case, this zoning for the property, the existing zoning predates, it sound like when we
1165 had conditional zoning, so none of those proffers exists on this property. I am pretty sure that
1166 you understand that. What we do have in the County though is for each zoning ordinance,
1167 there are requirements that regulate the size of the lot, setbacks of the structure on the lots,
1168 the height of the lot, all those types of requirements are, in fact, still in place even though there
1169 are no proffered conditions on the property. Once a property is zoned, then it moves into the
1170 next phase of development, which is usually the subdivision process, where the property is
1171 divided up into individual lots. My understanding is that subdivision has then received some
1172 level of approval, or at least a portion of the subdivision has received approval. The next
1173 phase, once the zoning is in place, and the subdivision is approved, is, of course, going out and
1174 finding a builder or developer to actually construct the homes. And in this case, what Ms. Isaac
1175 is telling us, the reason she can't provide any details on what those houses are going to look
1176 like is because the owner has not secured a builder or developer, at this point. That is kind of
1177 where we find ourselves right now. The zoning is in place. There has been apparently some
1178 type of subdivision approval granted, and this is, I guess, a small portion of that subdivision
1179 that still needs to be rezoned. It is being requested at the request of the County, so that is kind
1180 of a quick overview of the development process.

1181
1182 Mr. Jernigan - They still have to file a POD.

1183
1184 Mr. Archer - And also, Mr. Arrington, what we will do tonight is to make a
1185 recommendation to the Board. We don't have the final say on this, and between now and the
1186 time the Board meets, which is probably 30 days from tonight, you will have another
1187 opportunity to speak on this issue and bring forth suggestions, complaints or whatever it is that
1188 you need to bring forth at the next public hearing, and then the Board may approve or deny or
1189 delay what we do here tonight.

1190

1191 Mr. Jernigan - But now, too, they still have to file a plan of development, which
1192 that comes back to us, and at that point, we can scrutinize what is going in there.
1193
1194 Mr. Arrington - Now I have a question. This subdivision, is this a part of New
1195 Market Subdivision?
1196
1197 Mr. Jernigan - Yes, it is all the same. It is just that one there, and this is what
1198 the County has instructed the developer to do to finish the conditions for that subdivision.
1199
1200 Mr. Arrington - For that subdivision, OK, and the County instructed the owner to
1201 do to finish that off, wouldn't it follow under the same guidelines as when they first started
1202 building the houses out there?
1203
1204 Mr. Jernigan - Yes, but what we are saying is, there were no proffers as to what
1205 it was going to be, but we are going to have to review it at the plan of development. Now, I
1206 tell you what I want to do, I mean the County said this man has to rezone this to finish this
1207 subdivision. We still have the POD coming up. I tell you what I am going to do. I am going
1208 for approval of this tonight, and, of course, this has to go to the Board of Supervisors once it
1209 leaves here, but between now and then, Ms. Isaac, well, I will have to get with Mr. Elliott, and
1210 see what we can work out here. Because I can understand his position. He wants to know
1211 what is going in there.
1212
1213 Mr. Thornton - Mr. Jernigan, may I defer to you for a moment, before you bring
1214 this forward to make a comment.
1215
1216 Mr. Jernigan - OK.
1217
1218 Mr. Thornton - Whenever you finish.
1219
1220 Mr. Jernigan - No, I am fine, sir.
1221
1222 Mr. Thornton - Mr. Chairman, I just want to say, to you and to you, Mr.
1223 Arrington, that all those that Ms. Isaac did not give you any specifics, you should feel at least a
1224 little more reassured that we heard your argument, that we heard your concern, and I just
1225 want to let you know that the Board is sensitive to your particular issue, and I am sure that Ms.
1226 Isaac heard your issue, and so with the sensitivity being relayed to responsible developers, the
1227 Board would expect that in the ultimate decision that concerns like yours would be heeded
1228 because when cases like this come to the Board, the Board is concerned about citizens' input
1229 and how they feel, as well as the developer's rights. So I want you to leave here tonight
1230 understanding that sensitivity on behalf of the Board.
1231
1232 Mr. Jernigan - Mr. Thomas and Mr. Arrington, too, I will tell you this, neither Mr.
1233 Donati nor I or Mr. Thornton or Mr. Archer, any of us here, we don't want any junk anywhere.
1234 We want quality homes in Varina and every district that stuff goes in. We want people to put in
1235 good stuff, and that, like I said, has to go through the plan of development process, and we will
1236 have a chance to go over this at that point.
1237
1238 Mr. Thomas - Thank you.

1239
1240 Mr. Jernigan - I appreciate you coming up. Mr. Coleman, would you make sure
1241 that you get his address and phone number, so we can contact him, please. Mr. Chairman,
1242 with that, I will move for approval of zoning case C-78-02.
1243
1244 Mr. Vanarsdall - Second.
1245
1246 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to
1247 approve case C-78-02, William R. Elliott. All in favor say aye. All opposed say no. The motion
1248 passes.
1249
1250 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
1251 Commission voted 40 (one abstention and one absence) to recommend that the Board of
1252 Supervisors **grant** the request because it represents a logical continuation of the one-family
1253 residential development which exists in the area.
1254
1255 **C-79-02 Laraine Isaac and/or Robert F. Nelson for William R.**
1256 **Elliott:** Request to rezone from B-1 Business District to R-3 One Family Residence District, part
1257 of Parcel 801-703-7169, containing 0.684 acre, located on the south line of Wilderness Drive
1258 approximately 165 feet east of New Market Road (State Route 5). A single-family residential
1259 development is proposed. The R-3 District allows a minimum lot size of 11,000 square feet.
1260 The Land Use Plan recommends Commercial Concentration.
1261
1262 Mr. Marlles - The staff report will be given by Mr. Coleman.
1263
1264 Mr. Taylor - Is there anyone opposed to Case C-79-02?
1265
1266 Mr. Jernigan - Do you want to speak on that again, sir? OK.
1267
1268 Mr. Coleman - Again, similar to the previous case, on September 25 the Planning
1269 Commission did approve the conditional subdivision for New Market Place for the subject
1270 property, C-79-02. This is 0.684 acres on the north part of the subdivision. If this case were
1271 approved by the Board, the applicant could gain final subdivision approval for up to three
1272 additional lots, which would be lots 6, 7 and 8, Section B. The request is consistent with the
1273 proposed New Market Place Subdivision, and staff recommends approval.
1274
1275 Mr. Taylor - Any questions for Mr. Coleman? Would you like to speak for the
1276 applicant?
1277
1278 Ms. Isaac - I just have a comment. We really don't think we can get three
1279 lots. We think we are going to get two lots, and a temporary cul-de-sac on Wilderness. This B-
1280 1 property represents all of the property that Bill Elliott owns, and with these two zoning cases,
1281 he owns no more property in this area. This B-1 was residual property left over from when he
1282 sold to New Market Convenience Store, and again, it would be incorporated into the subdivision
1283 we already have tentative approval on. Basically it is the same argument on the other piece,
1284 that we just want to incorporate all of his property into one subdivision, and he is out of the
1285 picture. I will be happy to answer any questions.
1286

1287 Mr. Taylor - Any questions for Ms. Isaac? Thank you, Ms. Isaac. We would
1288 like to hear then from the opposition. Would the opposition like to speak?
1289

1290 Mr. Jernigan - It is the same thing, and like I said, I am going to get with you. I
1291 will call you and we will sit down when I know something more, and go over this. When I
1292 spoke to Mr. Eberly, who owns the Amoco Station in front of it, most don't want something
1293 coming right up next to him, but he was excited, because he has been robbed repeatedly, and
1294 what people have been doing is coming off of Wilderness in that cul-de-sac and coming across
1295 that field, robbing him, and then going back through. He feels that if they put these two other
1296 houses up there that it will be better security, and it will cut down on crime through there,
1297 because then with two houses there, there will probably be a fence at that area where people
1298 can't just run through. So, he did explain that to me.
1299

1300 Mr. Taylor - There were several people who were opposed. Would any of the
1301 opposition like to speak?
1302

1303 Ms. Sheila Curley - Well, I was one of the neighbors he was talking about.
1304

1305 Mr. Jernigan - Could you come up front, please.
1306

1307 Mr. Taylor - Please, if you would, come up to the podium and identify yourself,
1308 and we'd be glad to hear your comments.
1309

1310 Ms. Curley - Good evening. My name is Sheila Curley, and I live at 6512
1311 McLean Street. I am the very first house off of Route 5 and I am next door to the gentleman
1312 that was with us, and as I was explaining to him, because the gentleman you are talking about,
1313 Bob, we call him Bob, who owns the filling station, he was explaining it to me, when we were
1314 asking him from the beginning about the rezoning sign. And I explained to him that I didn't
1315 receive any type of papers. I called Mr. Tom Coleman and asked him about what was going on,
1316 that I didn't receive any forms or any papers, any information. He explained to me that it
1317 didn't, it wouldn't affect me, which is not true. I live in that neighborhood. I have been there
1318 16 years, so I am figuring like, if they are going to bring in all these extra homes, extra traffic,
1319 extra people, extra water lines, extra everything coming into the neighborhood, it affects me.
1320 You understand what I am saying. I live there. And then I asked him what type of homes
1321 were going to be constructed there and what maybe what would the value of some of the
1322 homes be there, were they going to be low-income homes, which would bring the value of our
1323 property down, exactly what was going to be there. He referred me to Mark Bittner. I called
1324 his office. I didn't get any response from him. Meanwhile, Mr. Coleman called me back, not
1325 know I was the person he had already talked to, so I really didn't get any kind of answers from
1326 anybody, and then I started talking to some of the neighbors, which a lot of them didn't get any
1327 information about anything that is going on, and that is why I am here tonight. Maybe I could
1328 get some type of information or something. And just because it is not adjacent to my line, I
1329 live in that neighborhood. That property. I live next door to Mr. Arrington right here. Now, my
1330 property wasn't that line, too. It just so happens that the very tip of my property is next to his,
1331 where his property is adjacent to that line. See what I am saying? So, it is still right in my yard.
1332

1333 Mr. Jernigan - Well, as our Secretary explained, the law requires that we send it
1334 to adjacent land owners, and now I am not saying that I don't feel maybe there may need to be

1335 some changes to where more people in the area are notified, but as it stands right now, the law
1336 requires, and that is what the County does, what the law requires.

1337
1338 Ms. Curley - Yes, but I think the law maybe needs to do a little revamping.
1339 Just because you are going to build some new houses in a subdivision, you don't disregard the
1340 other neighbors. They live there.

1341
1342 Mr. Jernigan - You are right, but as you realize already, this subdivision has
1343 already been approved before. The zoning on this was a long time ago.

1344
1345 Ms. Curley - I was there when they wanted it. I
1346 was one of the old neighbors that when they wanted to put the Food Lion in, I was one of
1347 those neighbors that went against that. So I already know about the zoning and what
1348 happened at that time. That was a long time ago.

1349
1350 Mr. Jernigan - When was that?

1351
1352 Ms. Curley - Oh, I have been there 16 years, and I guess it was like 12 or 13
1353 years ago, something like that.

1354
1355 Mr. Jernigan - At that point it was zoned R-3?

1356
1357 Ms. Curley - Yes. See I was there. I was one of the ones there at that time.

1358
1359 Mr. Jernigan - Well, that is what I said before was, before, when it came through
1360 then it was just R-3 unconditional. Today it is different. But as I explained to Mr. Arrington,
1361 when this comes up for plan of development, we are going to sit down and look it over and we
1362 are going to try to get some quality development. But we can't change now what has been
1363 done.

1364
1365 Ms. Curley - Oh, no. That is understandable. That is understandable.

1366
1367 Mr. Jernigan - That is the reason nobody has the information, because at the
1368 time of zoning, there was no information, and it is still not today. Now, when we zone
1369 something today, we make, they proffer the size of the homes and everything, the materials
1370 that are going to be in there, but this didn't happen 16 years ago. That is the reason...

1371
1372 Ms. Curley - Right. From what I heard tonight, sitting back there, what you are
1373 saying is the County is telling the developer to rezone this area so they can finish off the
1374 subdivision. So this is not only 14 houses, this is going to be six more, right? Is this what it is
1375 going to be? About five more she is saying. So the County is recommending that they do it.

1376
1377 Mr. Jernigan - The County has told them they have to rezone the 1.63 to finish
1378 the cul-de-sac and those two lots.

1379
1380 Ms. Curley - That is what I thought I heard. The County is.

1381
1382 Mr. Jernigan - Yes, ma'am.

1383
1384 Ms. Curley - OK. Thank you. But I still would like to get some information
1385 from this young lady here, whatever type you say you are going to do.
1386
1387 Mr. Jernigan - She doesn't have the information.
1388
1389 Ms. Curley - She doesn't have it – that I understand.
1390
1391 Mr. Jernigan - Because it was never proffered.
1392
1393 Ms. Curley - Right.
1394
1395 Mr. Jernigan - But what I am saying, I am going to get with Mr. Elliott myself. I
1396 am going to call him, and I am going to try to find out where we stand on this, but it has to
1397 come through the plan of development process, and at that time they have to give us drawings
1398 and elevations of what they want to put in there.
1399
1400 Ms. Curley - Some sort of an idea.
1401
1402 Mr. Jernigan - Yes, ma'am.
1403
1404 Ms. Curley - That is what I would like to know, too.
1405
1406 Mr. Jernigan - We are going to get to look at what is going in there before it
1407 goes.
1408
1409 Mr. Jernigan - And you will have a chance to come to that meeting. It is Plan of
1410 Development and it will be on a Wednesday. It is on Wednesday morning at 9:00 a.m. It is
1411 the fourth Wednesday. Now, when that comes around I will make sure that you and Mr.
1412 Arrington know.
1413
1414 Ms. Curley - Thank you. I would appreciate it. Thank you for your time.
1415
1416 Mr. Taylor - Thank you very much.
1417
1418 Mr. Jernigan - With that, Mr. Chairman, I would like to make a motion to
1419 approve C-79-02 to be sent to the Board of Supervisors.
1420
1421 Mr. Vanarsdall - Second.
1422
1423 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All
1424 in favor say aye. All opposed say no. The motion passes.
1425
1426 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
1427 Commission voted 4-0 (one abstention and one absence) to recommend that the Board of
1428 Supervisors **grant** the request because it represents a logical continuation of the one-family
1429 residential development which exists in the area.
1430

1431 WE WILL TAKE A 10-MINUTE BREAK AND RECONVENE AT 8:50 P.M.

1432

1433 THE PLANNING COMMISSION RECONVENED.

1434

1435 Deferred from the November 14, 2002 Meeting:

1436 **C-60C-02 Robert M. Atack for Hunton Estates Development, Inc.:**

1437 Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence
1438 District (Conditional), Parcels 763-772-8743 (21-A-16, 3936 Mountain Road) and 764-772-3888
1439 (21-A-4), containing approximately 19.2 acres, located on the north line of Mountain Road
1440 approximately 160 feet east of Old Mountain Road. Single-family residential subdivision is
1441 proposed. The applicant has proffered a density of no more than forty-five (45) units. The
1442 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

1443

1444 Mr. Marlles - Staff report will be given by Mr. Bittner.

1445

1446 Mr. Taylor - Is there any opposition in the audience to case C-60C-02? There
1447 is opposition. Thank you very much. Mr. Bittner, please proceed.

1448

1449 Mr. Bittner - Thank you, Mr. Chairman. The Planning Commission deferred this
1450 case from its November meeting to allow the applicant time to address the issues raised in the
1451 staff report. We have handed out two documents to you tonight. One is some revised proffers,
1452 which were received today, and therefore the time limit would need to be waived in order to
1453 accept them. There was also a letter of opposition handed out, and I do believe the author of that
1454 letter is going to speak tonight, as well. I will quickly try to go through what the changes are in
1455 the proffers. They have been highlighted for you.

1456

1457 1. Dryvit has been removed as a foundation material for chimneys, which would match the
1458 foundation of the house, which has to be brick or stone. The house size has been changed
1459 to say that the minimum finished square footage of each dwelling will be 2,000 sq. ft.

1460 6. No. 6 dealing with garages now states "that 75% of the homes shall have at least a 2-car
1461 garage, and of that percentage, at least 60% of those shall be either a side or rear entry
1462 garage, which when you do the math, works out to 45% of the homes in the entire
1463 subdivision would have to have a side or rear-entry garage on them.

1464 10. Proffer No. 10 deals with front stoops and porches and in a nutshell it says that any front
1465 stoop would have to have a brick or stone foundation, and that any porch, covered porch,
1466 would have to have at least brick piers underneath it.

1467

1468 11. Going to the second page, they added Proffer No. 11 dealing with street trees, basically
1469 saying that each lot shall have at least two trees planted on it within, I believe, 25 feet of
1470 the street right of way.

1471

1472 Now, even with all of these new proffers, there is still one significant outstanding issue, which staff
1473 has been maintaining all along in this case, and that is the requested density and zoning of R-3.
1474 Staff's preference would be R-2 zoning, and a density no greater than two units an acre to more
1475 closely match existing development in this area of the County. That concludes my presentation,
1476 and I will be happy to answer any questions you may have.

1477

1478 Mr. Taylor - Any questions from the Commission for Mr. Bittner? Thank you, Mr.
1479 Bittner. I guess we will hear from the applicant. Mr. Attack.

1480
1481 Mr. Attack - Mr. Chairman and members of the Planning Commission, my name
1482 is Bob Attack and I am the applicant before you this evening. Our request this evening for rezoning
1483 will provide homes that will be built in the Mountain Road Corridor, which will exceed the economic
1484 value of the homes that currently exist in this area. These homes will be single-family detached
1485 houses between \$250,000 to \$300,000. The density will not exceed 2.3 homes per acre, which is
1486 in compliance with the Land Use Plan. As well, in our proffered conditions, we have proffered that
1487 in our zoning request is proffered that exceeds our actual frontage exceeds the R-2A requirements
1488 for frontage. In R-2A zoning, you are allowed to have an 80 ft. wide lot. Our proffered conditions
1489 stipulate that we will have a lot that is a minimum of 85 feet. We have also included a 33 page
1490 declaration of covenants and restrictions, plus a 14 page builder guideline addressing each specific
1491 home to be built in this community. We believe that these added restrictions, combined with the
1492 12 proffered conditions, will assure the quality of housing and lifestyles that the Mountain Road
1493 Corridor currently enjoys. We have also had extensive dialogue with the adjoining residential
1494 community, Mill West Place, with the president of that homeowner's association. He has asked me
1495 on behalf of that association for us to consider to do something that we've never done before, and
1496 never have requested before, but has a lot of merit. They have asked that we include our
1497 residential community within their community. What they would like to do is take their community
1498 of approximately 45 homes and have one community, even named one community. The adjoining
1499 community, Mill Place West, they would like to either have it renamed or have our community
1500 named to complement theirs, so that they would have the synergy of a community that they
1501 would have the ability to have one homeowner's association, that they would have the ability to
1502 manage it and administer and have the neighborly feeling that a larger community would provide
1503 that they currently don't enjoy. That is a little bit different than what we typically see. But we
1504 have agreed to pursue that, and we are having our attorneys evaluate the legalities of being able
1505 to incorporate these two communities in one. I will be glad to answer any questions that you
1506 have.

1507
1508 Mr. Taylor - Any questions from the Commission of Mr. Attack? No questions,
1509 Mr. Attack. Thank you very much. I guess we will hear from the opposition.

1510
1511 Mr. Attack - Thank you.

1512
1513 Mr. Jernigan - Mr. Chairman, you might want to explain time limits.

1514
1515 Mr. Marlles - Ladies and gentlemen, it is the policy of the Commission, when
1516 there is a lot of opposition on a zoning case to grant 10 minutes to the applicant to present his
1517 case, and a total of 10 minutes to the opposition to present their case. That 10 minutes does not
1518 include responding to questions from the Commission members. That 10 minutes can also be
1519 expanded at the discretion of the Planning Commission. In Mr. Attack's case, he has about six
1520 minutes left from his presentation that he can use for rebuttal, but it generally is a good idea,
1521 where there is a large number of people in opposition to have some spokespeople who can
1522 summarize the concerns or the issues, but again a total of 10 minutes is provided to each side.

1523
1524 Mr. Taylor - That being clear, may I see again the number of people who are in
1525 opposition? Is there any spokesman? There are six hands up. Are there a couple of people that

1526 would like to speak? May I see the people that are speaking? Why don't we start out giving 10
1527 minutes, how about we just assume that we will each of you three minutes and see how that
1528 works out. That will give us nine minutes and the more eloquent of you will get an extra minute.
1529 And who would like to start first? The eloquent one or the one on the right side. Sir, if you would
1530 address the microphone and give us your name for the record. We'd appreciate it.

1531
1532 Mr. Christopher Taylor - Good evening Mr. Chairman and Board (sic), Christopher Taylor. I
1533 am here representing myself and my father who could not be here, Lock A. Taylor. He is away on
1534 business. I provided the handout that was disbursed. I am going to be going over some statistics
1535 on traffic. I got these statistics from Henrico County Police, which I have here if you'd like to see
1536 those later. The first thing I would like to discuss would be density on Mountain Road. Currently
1537 density there is a desire to maintain the remnants of rural Glen Allen. This can only be
1538 accomplished by eliminating the density of homes built on Mountain Road. Currently there are 29
1539 homes between Staples Mill Road and Courtney Road on Mountain Road. Of the lots that we have
1540 been able to research, the average size is over four acres. It has been stated that the proposed
1541 project is compatible with the existing neighborhood and to be existing with what is on Mountain
1542 Road, there should be no more than five houses on the 19-acre tract. I know that is probably a
1543 stretch.

1544
1545 Traffic – it has been suggested that an entrance to this project would result in an intersection on
1546 Mountain Road on that curve. I feel that the intersection on this curve will have catastrophic
1547 results on Mountain Road. From January 1, 2000 to November 30, 2002, there have 76 accidents
1548 resulting in 31 injuries. I did a computer problems at the County Record's Department for fatalities
1549 that had not been listed. I can personally recall a fatality in the recent past that has occurred
1550 within 300 yards of the proposed intersection. From January 1, 2000 to November 30, 2002, there
1551 have 154 speeding tickets. In addition to these, there have been six reckless driving convictions
1552 which is driving over 60 miles an hour on Mountain Road. I think it is clear that the intersection in
1553 this curve would be hazardous. It is also clear that the density of the homes would directly affect
1554 the volume of traffic on Mountain Road.

1555
1556 In closing, I would urge you to please take the necessary time to consider the impact that high
1557 density housing would have on a small community, also consider the potential traffic danger that
1558 would be caused by the proposed entry on Mountain Road. We will be living with your decision
1559 the rest of our lives.

1560
1561 Mr. Taylor - Are there any questions for Mr. Taylor? Thank you, Mr. Taylor.

1562
1563 Mr. Christopher Taylor - I also have a larger map. I know that the map that I gave you was
1564 hard on the eyes, if you would like to see it.

1565
1566 Mr. Taylor - If you would, give it to the staff, please.

1567
1568 Mr. Vanarsdall - Thank you for those statistics.

1569
1570 Mr. Taylor - That was very well done. Almost all three minutes there, and now
1571 we will enjoy hearing from the next speaker, which I believe is on this side of the room, and the
1572 gentleman in the sweater. Sir, if you would please come down and give us your name, we'd be
1573 happy to hear your comments.

1574
1575 Mr. David Cooper - Hello. My name is David Cooper and I live at 4112 Micah Court.
1576 Actually, my home overlooks the valley where they are planning to build this community. My
1577 concern is to echo Mr. Taylor's with the traffic and having that entrance onto Mountain Road would
1578 be a dangerous situation for everybody involved. My vision of what is going to happen over there
1579 would be that this area of Mountain Road is going to mimic Springfield Road. That is what he is
1580 planning to make it look like. I don't think that is what Mountain Road is supposed to look like. At
1581 the last meeting here, the Planning Commission did ask him to have another meeting with the
1582 neighborhood, which we were never notified if there was one. I don't know if there was one or
1583 not. I was never notified nor my neighbors. Maybe Mr. Atack can let us know if he had a meeting
1584 and he just didn't tell us about it. These are my concerns of the impact of 45 houses over there,
1585 45 houses over there would be a great impact to our neighborhood where we live. Thank you.
1586
1587 Mr. Taylor - Thank you, Mr. Cooper. Are there any questions for Mr. Cooper
1588 from the Commission?
1589
1590 Mr. Vanarsdall - I don't have a question for Mr. Cooper. I do have a statement, Mr.
1591 Cooper. We decided, I decided it wasn't necessary to have another community meeting, because
1592 we talked with Mr. Atack in between the other time, and what you were in favor of would never
1593 change anyway, so there wouldn't be any reason to have another meeting.
1594
1595 Mr. Cooper - We were never notified of that either.
1596
1597 Mr. Vanarsdall - All right.
1598
1599 Mr. Cooper - Thank you.
1600
1601 Mr. Taylor - Thank you again, Mr. Cooper, and now, sir, we have the third
1602 speaker and would you please come down and identify yourself for the record? We would be
1603 happy to hear your comments, and our distinguished Secretary says that you have six minutes, so
1604 we time for yet a fourth.
1605
1606 Mr. Hudnall Davis - Good evening, gentlemen. My name is Hudnall Davis. I am here
1607 really to point out some things that may not have been considered. I drove down the new
1608 subdivision that is being developed on the other side of the interstate, which part of it is Ryan
1609 Homes and there is the Lodge at Hunton, which is in such a state of development now that no one
1610 there could answer any questions. I am sure you gentlemen are aware of the density level of that
1611 neighborhood, but I don't think anything has been considered about the schools that these new
1612 neighbors of ours are going to be using. You have a development back there that is going to end
1613 up with nearly 500 units, all will be using Glen Allen, Brookland and Hermitage High School,
1614 according to the Ryan Homes representative that I spoke with back there, which all of that traffic
1615 will now be coming from Staples Mill Road, turning left onto Mountain Road, and then left onto Mill
1616 Road, to gain access to Glen Allen Elementary School. This is going to be on top of the
1617 development that you are planning now for Mr. Atack and that area there, which after talking with
1618 Dr. Siegel today, in his office, I asked him how many people, how many students he thought he
1619 could absorb comfortably at the school's current room sizes and allocations that he's got for
1620 incoming new students. His comment to me was 50 students was all he could absorb easily at this
1621 point. If he were to need to absorb more, it would mean moving the Special Education

1622 Department from Glen Allen to another school and, you know, he said there were some other
1623 ideas about schools being built at Greenwood and Mountain or Woodman, and I understand there
1624 is a new middle school in the early stages of development, but that is not going to eliminate our
1625 problem which will be on us in the Fall, based on the current rate of construction on those two
1626 communities. And, by the way, those two communities have only access and entrance to that
1627 entire area back there. I asked the Ryan Homes representative if they had intended on opening
1628 the entrance that serves them now back onto the back side of Mill Road, which he said they were
1629 not at this point, so there is a classic case of where nearly 500 units will be serving with one access
1630 point to a highway. They are landlocked by the Chickahominy River and 295. I feel that if you
1631 open up this new entrance in the curve on top of the new traffic that we are going to see by the
1632 Fall, you are going to have a recipe for disaster for sure, and we realize that we are not going to
1633 stop completely the development that you have planned, but we certainly hope you would limit the
1634 number of houses back in this area and give consideration to the necessary infrastructure to
1635 service its residents in a comfortable fashion as well.

1636
1637 Mr. Taylor - Thank you, Mr. Davis. Are there any questions for Mr. Davis?
1638

1639 Mr. Vanarsdall - We do have a school report, Mr. Davis, for this particular
1640 development, but it is based on 60 total lots, which is the way it was filed, and it is down to 45 as I
1641 speak. And it does mention that the schools can take it, 21 would go to Glen Allen, 11 to
1642 Brookland and 13 to Hermitage. They can all take it now, and a new elementary and a middle
1643 school are going to open in the Fall of 2004. But, you are right, it does do that, and I appreciate
1644 your calling that to our attention.

1645
1646 Mr. Davis - OK. Well, again, it was just out of sight, out of mind, but I happen
1647 to work out that way and I ride by that community every day and I watch the trucks and the new
1648 services that are being rendered over there. It has already created a real hazardous intersection
1649 right there at the bridge where a lot of construction is going on currently to give them a de-
1650 acceleration lane. So, please consider that heavily before you give it the thumbs up. All we ask is
1651 that you put a cul-de-sac rather than an access point at that one critical area there where it meets
1652 the curve.

1653
1654 Mr. Taylor - Thank you, Mr. Davis. Mr. Secretary has advised me that we have
1655 three and a half minutes left if any one would like to speak. You are welcome to consider it and
1656 step forward to the podium. I don't see any volunteers, so I presume that you will waive the time
1657 and we will go to Mr. Attack for rebuttal.
1658

1659 Mr. Jernigan - Mr. Secretary, I have a question. When we see the school report as
1660 Mr. Davis was saying, and it shows the student yield and what they can take, if there is already a
1661 subdivision that is being built and we have received figures from that, are those figures from the
1662 subdivision that is being constructed now, already added into these figures.

1663
1664 Mr. Marlles - That is my understanding, Mr. Jernigan, that the school planner is
1665 aware of all of the development that is occurring in that particular area, and has taken all of that
1666 development into account when they provide a report on a particular rezoning case.

1667
1668 Mr. Jernigan - So even though those students are not yet in school, the numbers
1669 are figured in here.

1670
1671 Mr. Marlles - That is my understanding.
1672
1673 Mr. Vanarsdall - And Mr. Jernigan, many times a report will point that out, that down
1674 two miles there is a subdivision being built. This one did not, but sometimes they do.
1675
1676 Mr. Jernigan - I didn't see it in there, but I was wondering, if there were like three
1677 subdivisions being constructed at the same time, I wanted to make sure that the student yield was
1678 accounted for in each one. OK.
1679
1680 Mr. Vanarsdall - I hope they are putting those in there.
1681
1682 Mr. Taylor - So there is no duplication. Mr. Atack.
1683
1684 Mr. Atack - Thank you, sir. I think the concerns of those people who spoke are
1685 very legitimate with regard to, without over elaborating on the school issue, the schools have
1686 taken these developments into consideration. There is a new middle school actually under
1687 construction now just east of this site, as well as a new elementary school, and Henrico County
1688 does – they call us as developers on a pretty frequent basis – the schools department does to
1689 inquire as far as expansions. I think they follow that pretty closely.
1690
1691 But, the concern over the traffic is always a fair and legitimate concern, and this road is a road that
1692 is popularly traveled today. Mr. Davis, who spoke last, suggested that we consider cul-de-sacing
1693 at Mountain Road. If you look at the plat layout on your far left, where you see ingress and
1694 egress, that is something that is a possibility, but actually Traffic prefers us to have that ingress
1695 and egress to Mountain Road, as well as to connect to Mill Place Drive. There will be
1696 requirements, gentlemen, probably, for us to make on Mountain Road in the form of a potential
1697 de-acceleration lane into this property, and I think that should have some benefit with regard to
1698 traffic and ingress and egress to this site, and I will be glad to answer any other questions you
1699 may have.
1700
1701 Mr. Taylor - Are there any questions from the Commission for Mr. Atack?
1702
1703 Mr. Vanarsdall - I don't have any, Mr. Chairman.
1704
1705 Mr. Archer - I don't think so, Mr. Chairman.
1706
1707 Mr. Taylor - Thank you, Mr. Atack.
1708
1709 Mr. Atack - Thank you, sir.
1710
1711 Mr. Vanarsdall - Are you ready for a motion?
1712
1713 Mr. Taylor - Yes, sir.
1714
1715 Mr. Vanarsdall - I thank those who came tonight and spoke. At the last meeting
1716 some of you spoke last time, and now we had some additional. I want to thank Mark Bittner for
1717 his hard work on this and Joe Emerson's. I don't need to go over everything that I went over last

1718 time, the meetings we had with Mr. Attack, and the neighborhood and so forth, and I will just
1719 simply say that in its present form I cannot recommend this case to the Board of Supervisors for
1720 approval, and there are several issues. The case has been improved since it was filed. It went
1721 from 60 homes to 45. It needs to go further than that. Some of the things that Mr. Bittner had
1722 pointed out in his report, his first report and his second report, have been addressed. This is the
1723 first time, tonight is the first time I've seen the finished proffers and the things we talked about
1724 with Mr. Attack and Mr. Parker the other day at the meeting were addressed, but the two issues
1725 have been every since the case was filed. It was filed an R-3 case and in my opinion it should
1726 never have been filed R-3. I have told Mr. Attack this, and the two issues that are outstanding are
1727 exactly what Mr. Bittner said at the end of his report. It is the density and the classification. The
1728 classification should be R-2. The density should be two units per acre. Now, the gentleman, that
1729 talked about, I believe it was Hudnall Davis, talked about traffic. You are never going to do
1730 anything about traffic unless we control the density. That just makes good sense. We are going
1731 to have enough traffic with even lower density.

1732
1733 So, with that, if Mr. Attack had changed this to R-2 and had addressed the density to two units per
1734 acre, and the other things that are still incomplete, I could recommend it, but I cannot in good
1735 conscience, so I recommend C-60C-02 be recommended to the Board of Supervisors for denial.

1736
1737 Mr. Archer - Second, Mr. Chairman.

1738
1739 Mr. Taylor - We have a motion by Mr. Vanarsdall and a second by Mr. Archer to
1740 deny Case C-60C-02. All in favor say aye. All opposed say no. The motion passes.

1741
1742 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning
1743 Commission voted 4-0 (one abstention and one absence) to recommend that the Board of
1744 Supervisors **deny** the request because the requested R-3 zoning and lot size is inconsistent with
1745 the development pattern and density of surrounding subdivisions.

1746
1747 Mr. Vanarsdall - Mr. Secretary, would you notify the people when this will come
1748 before the Board of Supervisors.

1749
1750 Mr. Marlles - Yes, sir. I was going to ask Mr. Bittner if he had the date of the
1751 Board meeting. I don't have my calendar with me.

1752
1753 Mr. Bittner - The zoning case will be heard at the second Board meeting in
1754 January, which I am not sure, but it will be toward the end of the month, I believe. The first
1755 meeting of the Board is always their election of officers.

1756
1757 Mr. Marlles - I believe that is the 28th of January, 2003.

1758
1759 Mr. Vanarsdall - It can't be the first meeting, because that is the election of the
1760 officers and all of that stuff.

1761
1762 Mr. Marlles - I will say it is January 28, 2003.

1763
1764 Mr. Archer - I think it is.

1765

1766 **Deferred from the November 14, 2002 Meeting:**

1767 **C-23C-02 Richmond Federal Credit Union:** Request to conditionally
1768 rezone from O-1 Office District to O-2C Office District (Conditional), Parcel 783-762-9359 (43-2-
1769 1-11 & 12), containing 0.8305 acre, located at the northwest intersection of Brook Road (U. S.
1770 Route 1) and New York Avenue (Biltmore Subdivision). A bank (credit union) branch of the
1771 Richmond Federal Credit Union is proposed. The use will be controlled by proffered conditions
1772 and zoning ordinance regulations. The Land Use Plan recommends Office and Environmental
1773 Protection Area.

1774

1775 Mr. Marlles - Staff report will be given by Ms. Jean Moore.

1776

1777 Mr. Taylor - Good evening, Ms. Moore.

1778

1779 Ms. Moore - Good evening, Commissioners and Mr. Chairman. The handouts
1780 you just received are revised proffers submitted to our office on December 4, 2002. The
1781 revised proffers specifically Proffer 10 was amended and there is only one change regarding
1782 prohibited uses, which I will discuss further in my presentation.

1783

1784 This case was deferred by the applicant on three occasions to allow the applicant to address
1785 staff's concerns. The site is improved with a single-family residence that was converted to an
1786 office in 1985, when the property was rezoned to O-1. This was consistent with the 2010 Land
1787 Use Plan, which designates the site as Office and Environmental Protection Area. The property
1788 is also located within a residential transition special strategy area. The applicant wishes to
1789 rezone the property to O-2 Condition in order to convert the structure to a credit union. The
1790 structure will not be altered except to meet ADA requirements. Initially, staff had several
1791 concerns regarding the potential impacts of rezoning this property to allow for more intensive
1792 office uses. These concerns stem from the following conditions:

1793

1794 • The property is relatively small and abuts an established residential neighborhood.

1795 • The proposed credit union would operate and provide similar services as a bank, which
1796 would generate higher turnover of vehicle traffic than general offices would.

1797 • And the orientation of the existing structure and the current location of the drive-way
1798 and parking area hinder the ability to provide transitional buffers to further protect the
1799 adjacent neighborhood.

1800 • The applicant amended the application and included proffers to help mitigate the
1801 impacts of the proposed use. First, the applicant has proffered that the property would
1802 only be used as a credit union, general offices, and studios for artists. This would
1803 exclude all other uses permitted in the O-2 zoning district and all uses except for general
1804 office and artist studios otherwise permitted in an O-1 zoning district.

1805 • Second, ATMs, drive-thrus and other outdoor transactions would be prohibited. This
1806 would allow the property to retain its residential character and reduce the potential of
1807 continuous traffic and noise on the site.

1808 • Third, the applicant would remove the driveway which abuts the front property line on a
1809 single-family residence to the west. The driveway would be relocated to the east side of
1810 the office structure, closer to Brook Road. This would lessen the noise impact on the
1811 residents to the west and allow them to install a landscape buffer between the office
1812 and residential uses. As such, the applicant has proffered to install a 15-ft. wide
1813 landscape buffer with a four foot high wood fence along the western property line.

1814 Other proffers include limiting outdoor lighting to 15 in height and limiting detached
1815 signs to six feet in height. In addition, the amount of employees located at any one
1816 time would be six.

- 1817 • The hours of operation would be 8:30 a.m. to 5:30 p.m. Monday through Friday. The
1818 Credit Union would be closed on Sundays, however, the applicant wishes to operate
1819 from 9:00 a.m. to 12:30 p.m. on Saturday after January 1, 2004.

1820
1821 Although the proposed project would provide the benefit of proffers, which would permit more
1822 control of uses in this residential area, staff does have concerns regarding Saturday hours of
1823 operation. Staff would also like to point out that the proposed location for handicapped parking
1824 would not meet zoning standards and the applicant would be required to relocate the spaces
1825 toward the rear of the property. The applicant is aware of the potential zoning conflict and is
1826 proposing to amend the conceptual layout prior to submitting a plan of development.

1827
1828 It should be noted that staff received approximately 137 letters of support for this case. The
1829 majority of these appear to be form letters signed by members of the Credit Union. In addition,
1830 there has been no opposition voiced from any nearby residents. Due to the lack of opposition
1831 toward the case and the implementation of proffers discussed, staff could be more supportive
1832 of the case if the applicant eliminated hours on Saturdays. We feel this would help retain the
1833 residential character of the area. In addition, staff maintains that if the request is approved,
1834 that no ATMs and drive-thrus would be permitted in the future.

1835
1836 This concludes my presentation and I'd be happy to try to answer any questions you may have.

1837
1838 Mr. Archer - Ms. Moore, in considering the site, is the applicant going to be
1839 able to deal with the handicapped parking issue? Can that be accomplished?

1840
1841 Ms. Moore - He believes he can. He will confer with Public Works on that, as
1842 well, but he has spoken to me, and if that is what they need to do, they are willing to do that,
1843 but maybe the applicant could address that further.

1844
1845 Mr. Jernigan - Ms. Moore, if there was no opposition, exactly why did the
1846 January 1, 2004 Saturday date come around? How was that?

1847
1848 Ms. Moore - I believe that is just phasing. The applicant would address that
1849 better than I could as far as operation of her project.

1850
1851 Mr. Jernigan - OK.

1852
1853 Mr. Taylor - Any other questions for Ms. Moore? Is there anyone in the
1854 audience who is opposed to Case C-23C-02? There is no opposition. Then we will hear from
1855 the applicant.

1856
1857 Mr. Vanarsdall - Well, maybe some of those people here are in favor of it.

1858
1859 Mr. Taylor - I would suspect there are a few. Would those in favor please raise
1860 their hands.

1861

1862 Mr. Vanarsdall - The reason I said that was I didn't think you all came out for
1863 entertainment.

1864
1865 Mr. Jernigan - Even though it has been an entertaining night.

1866
1867 Mr. Jim Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald
1868 and I am here this evening on behalf of the Richmond Federal Credit Union, and Mr. Secretary,
1869 if you would let me know when I have spent seven minutes, I would appreciate it. There are
1870 three other individuals I think who would like to speak.

1871
1872 This is a request to rezone approximately 0.805 acre from O-1 to O-2 to permit the reuse of an
1873 existing 1,500 sq. ft. home as a branch for the Richmond Federal Credit Union. This house was
1874 first rezoned in 1984 and converted to an office use in 1985. Since then it has also been used
1875 as a daycare facility. First of all, what are we in terms of a – what is a credit union? Well,
1876 credit unions are obviously different than banks. They are designed to help its members better
1877 themselves financially, and as a credit union they are a non-profit organization, and they exist
1878 for the benefit of their members. They don't do commercial lending. They basically do those
1879 basic financial services such as provide checking accounts, savings accounts, home loans, car
1880 loans, and this time of year Christmas Club Accounts, which are sometimes hard to find
1881 anymore. Our members live and work in Henrico County in the Fairfield District. We believe we
1882 have over 900 members of our 6,500 members who are residents of the Fairfield District, and
1883 those members are substantially comprised of employees that work for the Federal
1884 Government, those that work for the Federal Reserve Banking System, where our offices are
1885 located, the Virginia National Guard, and Time-Life, which is one of Henrico County's largest
1886 employers. The purpose for this location is to provide for convenience for our employees.
1887 However, the vast majority of our members bank electronically, as I guess is the growing
1888 custom. We believe at this location we are liable to see between 25 and 45 customers a day
1889 other than the two days a month that constitutes a payday. And, if I could get a little
1890 assistance here using the screen, I want to talk a moment about the Land Use Plan and some
1891 surrounding uses. Land Use Plan for this area, as you saw earlier, on the screen is for office
1892 uses, and your Land Use Plan contemplates by that office designation both O-1, O-2, and O-3
1893 uses, so this constitutes really the perfect transitional use between Brook Road, which carries
1894 some 24,000 cars a day, in the neighborhood behind it. Interestingly, the home behind our
1895 property is also in the Land Use Plan for office use, and you can see on this map the location of
1896 the site, if we can get the pen here to work. This is the current site (referring to rendering), and
1897 you can see this is a State Police Headquarters. This is a Verizon Switching Station immediately
1898 across the street. You can see the large concentration of commercial uses to the south and we
1899 are within a stone's throw of intersection with Interstate 295. The Board did rezone this
1900 property back in 1984 to O-1, and that permits new construction, obviously, for office uses,
1901 medical office uses and day care, so the current home does not necessarily need to be
1902 preserved, and as I said, has, in fact, been used for office and day care uses.

1903
1904 I believe that you all, in your planning, have contemplated some different uses for this corridor
1905 as you see the commercial uses coming together on your zoning map. You may recall that you
1906 also recently adopted the Small Area Plan for Telegraph Road, which contains a concept road
1907 that potentially bridges over Interstate 95 from the east heading west in this area (referring to
1908 rendering) and stopped just south of this parcel. So, you obviously, have planned for big things
1909 to happen in this area, and to impact Brook Road. A few pictures of the surrounding premises

1910 (referring to pictures). Here is a picture of the existing home. That was the switching station
1911 directly across the street from the site, and you can see the sloping front yard down to Brook
1912 Road. This is the office building directly across New York Avenue that is home to Turn Key
1913 Promotions, and you will hear from its president a little bit later, but is used as an office
1914 building, again, in the same office corridor consistent with your Land Use Plan.

1915
1916 Next please (referring to picture). This is looking up the hill at the house standing on Route 1.
1917 And this is standing on our site looking north to the interchange with Interstate 295. So, we
1918 are on a significant corridor. This is six lanes divided at this location. There is no median break
1919 there and generates some 24,000 trips per day. Thanks.

1920
1921 Mr. Marlles - Mr. Theobald, you have used about four minutes, just so you
1922 know.

1923
1924 Mr. Theobald - Thank you. Mrs. Mayo, the CEO of Richmond Federal Credit
1925 Union has undertaken some very strenuous efforts with the neighbors. She has walked the
1926 neighborhood on two or three occasions, sent letters to all adjacent property owners in addition
1927 to the neighbors on the streets surrounding the property, offered to hold two meetings last
1928 August. There was no one who attended those meetings. You have heard that we do have a
1929 large amount of support for this facility as evidenced by the letters sent to staff. We also have a
1930 speaker, I believe, here this evening from Time-Life regarding the use of the facility by its
1931 employees and has been authorized to say that the adjacent property owners to the rear have
1932 been consulted and have no objections, in fact, participated in the development of this buffer
1933 language. We are not aware of any opposition to this case, and it appears that there is none
1934 here this evening.

1935
1936 We have tried very diligently to mitigate the impact of this proposed request. We have worked
1937 very hard with staff to improve this case from the time that it was originally filed, and I think if
1938 you remember the staff report in its original form and the one that is before you this evening is
1939 evidence of that hard work and I think some of the finding a way to may it work, added to that
1940 we all engaged in to try to bring you the best case possible. We do not believe that this will
1941 have a negative impact on the neighborhood. Your Traffic Engineer, Mr. Foster, has indicated
1942 in his traffic report that there is not a traffic problem with this request. We have provided you
1943 with an independent little traffic report suggesting that this use is far less intense than would be
1944 an office use, a medical office use, or certainly a day care use. We have consulted with Mr.
1945 Foster, as well, about the location of the handicapped parking. We are able to move that either
1946 to the other side of the property if we can transition that grade, or we can place it in the back
1947 on the existing parking lot. This parking lot exists today. We are just moving the driveway to
1948 the other side and allow our handicapped customers enter through the lower level, and achieve
1949 their banking needs.

1950
1951 Ms. Moore has summarized proffers and so I don't think I will walk through those again for you.
1952 With regard to the question of Saturday hours, I think the case was originally filed that way to
1953 delay that Saturday opening until January of 2004, but please keep in mind that we have taken
1954 away the ability to do ATM machine and the ability to do a drive-thru, which would normally be
1955 for the very great convenience of our members, and so we really do need to have a few
1956 Saturday morning hours to accommodate the normal needs of really any business. Again, the

1957 neighbors are fully aware of that request and those hours, and we have not received any
1958 opposition to that request.

1959
1960 In summary I would just point out once more that this is totally consistent with your Land Use
1961 Plan, it is an appropriate transitional use, consistent with nearby uses, and anticipated uses. I
1962 believe the way this case is proffered represents far less of an impact than the current 0-1
1963 zoning would permit, should you tear down the existing home and rebuild with medical offices
1964 or daycare, or general office, as is currently permitted. Again, we have worked hard to build
1965 support for this request and are not aware of any opposition, and it certainly would be for the
1966 convenience of our members, particularly those who reside in the Fairfield District, and this
1967 represents a brand new business for Henrico County. There only location currently is in the
1968 Federal Building downtown, and this would be their first venture into Henrico County. Again, I
1969 would like to thank Mr. Archer and Ms. Moore, and Mr. Emerson, and we have worked hard to
1970 bring this case a long way. I hope we have hit the mark and I will be happy to answer any
1971 questions that you might have.

1972
1973 Mr. Archer - Mr. Theobald, is it going to be physically possible to take care of
1974 the handicapped parking without...

1975
1976 Mr. Theobald - Yes, sir, it is. I have met with Mr. Foster to discuss that with him.
1977 In fact, there is a proffer that basically requires that the handicapped parking, Proffer No. 4,
1978 has to be in a location that is approved by the Department of Public Works.

1979
1980 Mr. Archer - I just wanted to make sure you could achieve it.

1981
1982 Mr. Theobald - Yes, sir.

1983
1984 Mr. Archer - No other comment on the Saturday hours, right?

1985
1986 Mr. Theobald - I need to have them, sir.

1987
1988 Mr. Archer - OK. I don't have anything else, Mr. Chairman.

1989
1990 Mr. Taylor - Thank you, Mr. Theobald. Thank you, Mr. Archer. Are there any
1991 of the bank people who would like to make a statement?

1992
1993 Mr. Theobald - We have three speakers, Mr. Chairman.

1994
1995 Mr. Taylor - We will let you know how much time we have. We have four
1996 minutes. How many speakers are there?

1997
1998 Mr. Theobald - Three, I think.

1999
2000 Mr. Taylor - Three. We will try it at one minute a piece.

2001
2002 Ms. Katrina Vanhus - Good evening. I am Katrina Vanhus. I am the president of Turn
2003 Key Promotions. I am located immediately next door to the proposed credit union, right across
2004 the street from New York Avenue. My business occupies the entire front to Route 1, Brook

2005 Road, and heck, we moved there because it was a great place to have a business. The access
2006 is wonderful to 295 and 95. What we do is design and promote promotional materials to
2007 companies. We have 14 employees and we have been here two years. We have social events
2008 throughout the year. At those, we invite our neighbors. They come. They socialize with us.
2009 Ms. McIntire, I consider my bell weather. The lady has lived in the neighborhood for 30 years.
2010 She would let me know if she were opposed and she is not. She likes the cheese straws at
2011 Christmas time. The neighborhood has welcomed the credit union and I hope that you all will
2012 join us in doing that. Thank you.

2013
2014 Mr. Taylor - Would you repeat your name for the record? Vanhus.

2015
2016 Ms. Kathy Kirkwood - Good evening, I am Kathy Kirkwood and I am here on behalf of
2017 Time-Life Customer Service, AOL Time-Warner/Time-Life has been part of the Richmond
2018 Federal Credit Union for almost 14 years. It is an important benefit for our employees and over
2019 ½ of our employees belong. We are a major employee in Henrico County and we are proud of
2020 it, and hope you will support this zoning request. Thank you.

2021
2022 Mr. Taylor - Thank you, Ms. Kirkwood. I believe there were one or two others.
2023 Sir, if you would give us your name, please.

2024
2025 Mr. James M. Johnson - Yes, I am James M. Johnson and I live at 3813 Brook Road. I am
2026 a member of the Board of Directors of the Credit Union and I am a retired IRA Special Agent. I
2027 am a retired Vietnam Veteran, and I am a college professor in criminal justice, so I know how
2028 to be succinct.

2029
2030 Mr. Taylor - We'd better be on our best behavior, too.

2031
2032 Mr. Johnson - This is an opportunity for the credit union to move out into the
2033 community, and the timing is right, because there are a lot of old guys like me, you look over
2034 there and you will see a lot of gray hairs, and they don't like going downtown Richmond, so we
2035 saw this opportunity to move into the community without causing any big disturbance. We are
2036 not going to put big signs up, Cash Checks Here, pink and blue, or anything like that. We move
2037 into a little home and we provide it as a service to our members who are becoming senior
2038 citizens now, and, to accommodate them that is very friendly and also in the community. So,
2039 we want you to vote favorably on this, to think of us old guys who need a place to go out in the
2040 field, and not have to worry about parking. Thank you.

2041
2042 Mr. Vanarsdall - Mr. Johnson, I know one other thing about you. You are a
2043 personal friend of my brother-in-law, George Shahenny.

2044
2045 Mr. Johnson - Oh, yes, sir, who is also in real estate, too, and he in the big
2046 property. We are just little things.

2047
2048 Mr. Vanarsdall - I remember when you all were together.

2049
2050 Mr. Johnson - Oh, yes I worked with him for 25 years. And we are not a bank.
2051 They want to call us a bank, but we are not a bank. This is like saying a pick-up is a truck. A

2052 tractor trailer is a truck, too. So, we are the pick-up. Just think of it as a pick-up in the
2053 community that is going to be nice. Thank you.

2054
2055 Mr. Taylor - Thank you, Mr. Johnson.

2056
2057 Mr. Archer - Mr. Johnson, we are not going to hold your IRS affiliation against
2058 you. Thought I'd better mention that.

2059
2060 Mr. Taylor - I believe that is all of the speakers for the project whose hands
2061 that I recognize, unless someone has developed a desire to speak. You may now raise your
2062 hand and we will allow you to speak in the time that we have remaining. Is there anybody? No.
2063 I guess then that concludes the speakers for the project. Thank you.

2064
2065 Mr. Archer - Thank you, Mr. Chairman. One way or the other, I am sure that
2066 Ms. DeMayo will be happy when all of this is over. This has been an interesting case, to say the
2067 least, and one that has called for a lot of effort on the part of everybody. I think there has
2068 been probably from the very beginning some misunderstandings as to how all of this came
2069 about. And there have been some errors made and they were unintentional errors, but they
2070 were made nonetheless, and tended to complicate matters quite a bit.

2071
2072 Planning is, of course, charged with the responsibility of looking out for the health, welfare and
2073 safety of the community, and that means that we have to do it now and also in the future. And
2074 the things that staff has to look at are not just the things that will occur today or tomorrow, but
2075 the things that might occur 10 or 20 years down the road, and it is a difficult thing to do. We
2076 have to sympathize with them a lot, because they have to have a lot of foresight in doing that.
2077 As Ms. Moore said, we received a lot of letters and a lot of phone calls, and there were a lot of
2078 form letters. In fact, at a certain point, it probably got to the point where it was somewhat
2079 counterproductive. I think people got the impression from some of the phone conversations
2080 that I had that they were actually voting on this matter, and it is really not a matter that you
2081 vote on. Staff has to make a diligent effort to try and come up with something that will fit the
2082 community and not be a sticking point at some point way in the future, and it is not an easy
2083 thing to do. Someone indicated and it got repeated several times, that there was a negative
2084 report that had been given by staff. And I tend to not tend and classify staff reports as either
2085 being negative or positive. They are just truthful reports, and sometime you just have to lay it
2086 out there and let the chips fall where they may. It may be favorable, it may not, but nobody
2087 flips a coin and says, "Let's make a negative report this time, and a positive one the next time."
2088 But, having said all of that, there has been a lot of hard work, a lot of give and take on this
2089 case. It is still a difficult case, and as you can determine from Ms. Moore's report, there are still
2090 issues that staff is concerned about, and it is not a knock on your industry or what you do at all.
2091 But, it is just their way of trying to make sure that what we portend for the future is the right
2092 thing for this corridor. So, don't dislike it when they give what you think is a negative report.
2093 That is not the intent. They are just trying to tell the truth.

2094
2095 This has another phase to go through, of course, because it has, whatever we do tonight, has
2096 to go past the Board of Supervisors, and Mr. Thornton is sitting over there and he is looking at
2097 me right now. And he is very much aware of the issues that staff has with how this is to be
2098 conducted, and the two main issues I think, or the one main issue, of course, is the Saturday
2099 banking hours, and I can certainly understand why you would want and need them. One of the

2100 things that I think that was effective in helping us make a decision on this, and Mr. Theobald
2101 had to work along with us on this, but it was something that staff came up with, and something
2102 that I expect might be true before too long. I just don't know, based on what I think the
2103 anticipated growth of the credit union will be, that this location will suit you for a long period of
2104 time, which means at some point in time it will probably have to be sold and you all will
2105 probably move to a bigger, better place that is more accommodating. And by being able to
2106 proffer the conditions that we were able to work out with Mr. Theobald and Ms. DeMayo, we
2107 are able to maybe protect whatever the next future thing that comes to this location would be.
2108 And, having said all of that, let me thank everybody and especially Ms. Moore and the people
2109 that work with her in trying to work with you all and bringing this to some kind of fruition and,
2110 hopefully, you will be able to get it passed at the next step, and that is the Board of
2111 Supervisors. But, again, I want to commend everybody for working on this. This really took a
2112 lot of work to try to pull it together, and based on the things we have to proffer out, I am
2113 certain it is not all that you all want, and it is certainly not all that staff wanted to see, so there
2114 was some compromise in there, a lot of compromise on both sides. But, in light of this
2115 combined effort, and in the spirit of the season I will move to recommend this to the Board of
2116 Supervisors for approval.

2117

2118 Mr. Jernigan - Second.

2119

2120 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in
2121 favor say aye. All opposed say no. The motion passes.

2122

2123 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the Planning
2124 Commission voted 4-0 (one abstention and one absence) to recommend that the Board of
2125 Supervisors accept the proffered conditions and grant the request because the project
2126 would not adversely affect the adjoining area if properly developed as proposed and it conforms
2127 with the Office designation recommended for this site in the Land Use Plan.

2128

2129 ***Deferred from the November 14, 2002 Meeting:***

2130 **C-70C-02**

2131 **Gloria L. Freye for Harlan Enterprises:** Request to amend
2132 proffered conditions accepted with Rezoning Case C-95C-88, on Parcel 799-737-4491,
2133 containing 15.44 acres, located at the northeast intersection of E. Laburnum and Vawter
2134 Avenues. The amendment is a revision of the proffers from the original case, including buffer
2135 areas, building materials, lighting, permitted and prohibited uses, and access. The existing
2136 zoning is M-1C Light Industrial District (Conditional). The Land Use Plan recommends Light
2137 Industry. The site is also in the Airport Safety Overlay District.

2137

2138 Mr. Marllles - The staff report will be given by Mr. Tom Coleman.

2139

2140 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-70C-
2141 02? There is opposition, so we will hear from the opposition. Please proceed, Mr. Coleman.

2142

2143 Mr. Coleman - Thank you. The applicant submitted revised proffers, which have
2144 been handed out to you, that do not require waiving the time limit. The applicant is requesting
2145 to amend proffered conditions approved in 1988. Although the subject property is zoned M-1C,
2146 the existing proffers restrict uses to those permitted in Office and Office/Service Districts.
2147 Approval of this application is necessary to develop a self-service storage facility and to amend

2148 proffers regulating the building and site design. The subject property is bordered by single-
2149 family residential development to the east and north, to Vawter Street Park to the north,
2150 commercial and industrial enterprises that operate on Vawter Avenue, including Ruffin and
2151 Payne and Old Dominion Tractor and Equipment. The subject property is heavily treed and
2152 provides substantial buffer for adjacent residents from the activities taking place on the
2153 commercial and industrial property to the west. The applicant has provided several assurances
2154 of quality development, including a 50 ft. landscaped and natural buffer along Laburnum
2155 Avenue and a 25-foot buffer along Vawter Avenue, a 75-ft. landscaped and natural buffer
2156 adjacent to the neighborhood to the east and west, retaining trees 6 inches or larger in caliper
2157 within the buffer areas, and attractive architectural design for the self-service storage building
2158 facilities, and selected building materials for office and office-service buildings. Supplemental
2159 landscaping to screen future storm water management facilities from residential properties, and
2160 additional proffers would regulate building heights, lighting, screening for loading areas,
2161 dumpsters and HVAC equipment, outside storage, parking areas and drive isles, impervious
2162 covers, outside speakers, hours of operation, security and other items. The applicant has had
2163 three meetings with nearby property owners and this application addresses many of the
2164 concerns that were discussed at those meetings.

2165
2166 Traffic problems at the Laburnum Avenue-Vawter Avenue intersection were mentioned
2167 repeatedly. The County's Traffic Engineer has recently expressed the County's intention to
2168 undertake a traffic light study early in 2003 to determine if a traffic light is warranted at this
2169 intersection.

2170
2171 The proposed self-service storage facility is consistent with the Land Use Plan. This request
2172 preserves the intent of the existing proffers by maintaining large buffer areas and a proof of
2173 quality by committing to an attractive architectural design. Self-service storage facilities can
2174 provide an acceptable transition between residential and non-residential areas, when there is
2175 sufficient quality, and should create fewer impacts on nearby neighborhoods than the office and
2176 office-service development that is otherwise permitted.

2177
2178 Staff recommends approval of this application, and I would be happy to answer any questions.

2179
2180

2181 Mr. Jernigan - Mr. Coleman, were you at all three meetings?
2182

2183 Mr. Coleman - I attended the first two meetings. I believe Mr. Archer attended
2184 the third meeting.

2185
2186 Mr. Taylor - Any other questions for Mr. Coleman?
2187

2188 Mr. Archer - Mr. Coleman, what are some of the uses permitted under the
2189 current zoning?

2190
2191 Mr. Coleman - The current zoning...

2192
2193 Mr. Archer - Or can you give an example that the Commission could think of.
2194

2195 Mr. Coleman - Well, it is office and office-service, and I think certainly office is
2196 broad as an office district, so things like banks, savings and loans, those typical office type of
2197 developments would be permitted. Under office-service, office-service does introduce some
2198 light manufacturing type uses that are in the office-service, I think like a Hewlett-Packard type,
2199 something that might have some distribution from that location.
2200
2201 Mr. Archer - You mentioned a pending traffic study. Is that going to occur
2202 anyway, or is that something that is dependent on this case, how would ... Mr. Foster on this?
2203
2204 Mr. Coleman - Mr. Archer, I cannot tell you why the Traffic Engineer, certainly I
2205 think this case has brought greater light on the issues of this intersection, but I think certainly
2206 because of this zoning case they have certainly moved quickly to say that actually they are not
2207 doing it now because of the holidays, but early next year, hopefully in January, they are going
2208 to undertake a traffic study. And they are going to look at existing conditions and how this
2209 proposed development, they are looking at both scenarios, how this proposed development
2210 would impact the intersection.
2211
2212 Mr. Archer - That is right. We are only two weeks from next year.
2213
2214 Mr. Thornton - Mr. Coleman, what did you say about quality features?
2215
2216 Mr. Coleman - The applicant has committed to providing 75-foot natural or
2217 landscaped buffer along the boundaries of the adjacent residential property. Also, the 50-foot
2218 buffer along Laburnum Avenue and a 25-foot buffer along Vawter Avenue. All of those buffer
2219 requirements are larger than the Code would otherwise require. He has also committed to a
2220 specific architectural theme for the self-service storage facility, which would include building
2221 materials.
2222
2223 Mr. Archer - Do you have that?
2224
2225 Mr. Coleman - Yes. We do have a picture of that.
2226
2227 Mr. Thornton - I guess my other question would be as I am looking at this is the
2228 terminology used here. You might help me a little bit on this. This says, one of these says,
2229 "Typical storage unit perspective." So, now is that jargon or planning or do those words really
2230 have any fit to them?
2231
2232 Mr. Coleman - I am sorry. Could you repeat that?
2233
2234 Mr. Thornton - In other words, what does that mean?
2235
2236 Mr. Coleman - Could you repeat the phrase?
2237
2238 Mr. Thornton - In other words as I look at the other picture, not this one, the
2239 other one that says "Typical storage unit perspective." Many times when things come before
2240 the Planning Commission it may not be exactly the product that it ends up with, so my question
2241 to you, and this terminology is being used under this picture here. Is that what persons will see
2242 in the future or something similar to this?

2243

2244 Mr. Coleman - Yes, these pictures are supported in narrative form in the proffers,
2245 and the proffers say they will build substantially this, and this has to go back to the Planning
2246 Commission because this is not something that would be handled administratively. When they
2247 come back for their plan of development, the Planning Commission will have an opportunity to
2248 review their plan to insure that they are consistent with these pictures, and any changes, the
2249 applicant would have to request, and they would have to be specifically granted as part of the
2250 plan of development process.

2251

2252 Mr. Thornton - I was kind of sick one night and I could not attend one of those
2253 meetings and Mr. Archer did attend. And I am presuming that some of the features that are
2254 here are simply quality, but also were they features that some of the residents advocated, also?

2255

2256 Mr. Coleman - I think certainly preserving existing trees, because this is a heavily
2257 treed site, and there is no doubt about that, and if the development were to move part of that
2258 natural tree buffer, the applicant has specified the 75-foot. They have committed to preserving
2259 all of the trees 6 inches of caliper, and they also will offer some supplemental planning in there
2260 also. In addition, there was concern expressed about the potential for a large BMP storm water
2261 management facility because of the topography of the site that will be a concern, and one the
2262 applicant has committed to keep that BMP or storm water management facility outside of that
2263 75-foot buffer area, and also to provide supplemental landscaping between any storm water
2264 management facilities and any residential areas that would be further screened and to also
2265 enclose that in a black vinyl-clad fence. Those were two specific recommendations that were
2266 made at the community meeting.

2267

2268 Mr. Thornton - OK, and my last concern is one that is rather personal to me, and
2269 I have expressed on this Commission several times and that is that in your professional opinion,
2270 as we look at the buffers, the frontage that you mentioned with buffers, I am always concerned
2271 and sensitive to the fact that the neighborhood was there first. I feel the residents there, and is
2272 it your professional opinion we have adequate buffering and/or other features that this would
2273 be an enhancement to the neighborhood, but at any rate would not be deleterious to it anyway.

2274

2275 Mr. Coleman - Right, absolutely, Mr. Thornton, like I pointed out because it is
2276 heavily treed area and I think a lot of us like the idea of having that there. If there is going to
2277 be a development that will occur, there are three aspects of this, which I think are really
2278 positive. One is landscaping – there will be large buffers and landscaping which is a positive.
2279 One is the architecture – this is an attractive architecture. It is something we showed at the
2280 community meeting and I believe there is consensus that it was attractive, and I think also the
2281 nature of the use, the self-service storage facility is generally a low traffic, low noise, low
2282 building height. It is less intrusive than other types of uses. Even some of the office-service
2283 type uses that would otherwise be proposed here could be more intense, and I would say they
2284 are more intense than what is being proposed. So, I think there are several reasons why this is
2285 a good complementary, if this site were going to be developed, this would be an appropriate
2286 type of development to be located here.

2287

2288 Mr. Thornton - One tangible concern are the trees there. I am a person, like
2289 many of you perhaps, I like trees, so is there anyway we can even save more trees than what
2290 may be advocated?

2291
2292 Mr. Coleman - Certainly, I think we can defer to the applicant. Is there a way?
2293 For example, we could shrink the caliper down, instead saving trees of 6 inches caliper, we
2294 could go to four, but that would be one way of preserving some trees. One way would be
2295 some supplemental landscaping. There is a commitment to do supplemental landscaping, but
2296 that is something that we could pay closer attention to, because in addition to a site plan the
2297 developer will have to come back to the Planning Commission for the landscape plan, which
2298 would be a public hearing, and provide an opportunity to discuss that more specifically.
2299
2300 Mr. Thornton - Thank you very much.
2301
2302 Mr. Vanarsdall - Can I ask him a question? Tom, what do you address about the
2303 BMP a few minutes ago? One of your concerns in the beginning was the BMP.
2304
2305 Mr. Coleman - The concerns – one concern is the size, because of the
2306 topography there is a low side, and there is going to be a large BMP, so we had discussions
2307 with the applicant.
2308
2309 Mr. Vanarsdall - Dry or wet?
2310
2311 Mr. Coleman - Yes, it would be wet and one of - one that is on the natural
2312 location to the low point would put it in a closer proximity to the residential property, and that
2313 was a concern, and what the applicant has committed to do is to keep that out of the 75-foot
2314 buffer and to provide some extra screens for it, and also we had discussions, and I don't think
2315 they have committed to it, instead of having one large one, maybe to break it up to different
2316 sites, and by having smaller, that may lessen the impact.
2317
2318 Mr. Vanarsdall - Thank you. I thought I'd take this opportunity just to mention it
2319 to the rest of the Commission, there is a concern now, and when I was in a meeting today, it
2320 was discussed, about all of these BMPs with the West Nile Virus and so I think, and I
2321 understand that the Government has done nothing about it, and the County is not really doing
2322 a whole lot, so I don't know what the answer is that we are going to have to do something,
2323 because when the mosquito season comes back.
2324
2325 Mr. Archer - Yes, we discussed that in the last neighborhood meeting, too, Mr.
2326 Vanarsdall.
2327
2328 Mr. Vanarsdall - Did you?
2329
2330 Mr. Archer - We kind of reached the same conclusion. We don't know where
2331 we are with it, but it is something to think about.
2332
2333 Mr. Vanarsdall - Right. It was brought up today and they talked about wanting to
2334 put a fence around it. Is that going to keep the mosquitoes out? They said we are not talking
2335 that now, we are talking about the kids. So, we said, you don't let the kids play in the middle
2336 of the highway, do you? So don't let them play in a BMP. We are talking about mosquitoes
2337 now. It is going to be a problem. No one ever anticipated this with the Chesapeake Bay Act,
2338 naturally. I never met a West Nile mosquito before that. Thank you.

2339
2340 Mr. Taylor - Mr. Coleman, on what is named in here as an exhibit, and it looks
2341 like kind of a planned view, even though it is somewhat of an isometric, the buildings in there,
2342 am I correct, there are four, those four black geometrical shapes. Those are the buildings?
2343
2344 Mr. Coleman - That was the original request. And those are four office-service
2345 type buildings.
2346
2347 Mr. Taylor - Will the new – does that footprint that is on this one represent the
2348 footprint that we are looking at in terms of that proposed construction?
2349
2350 Mr. Coleman - They did proffer a layout. One of the early layouts in the original
2351 application they were proposing retail, and through our discussions this is one of the things that
2352 got removed.
2353
2354 Mr. Taylor - So this would probably be more retail?
2355
2356 Mr. Coleman - The original request.
2357
2358 Mr. Taylor - And this one here with the four buildings, it looks like it would be
2359 retail. It looks like there would be an internal road distribution. It looks like there would be
2360 internal trees, and the building aesthetics, I really can't judge, except from the other one. But if
2361 their new plan is to not use this, what is the new plan? Is it a couple of buildings or one
2362 building or? What happened to the trees that would be a part of this planned view?
2363
2364 Mr. Coleman - One of the things that we have done, one of the issues with this
2365 site, is it has approximately 15 acres, and he only needs about five or six acres for his use, so
2366 what does he do with the remainder of it, and we do not have a proffered site plan for that.
2367 But, some of the things that original site plan permitted, for example, we have excluded. For
2368 example, it showed a quad of four buildings, but it showed parking and drive isles on the
2369 outside. We have turned that around to protect residential property, to keep the drive isles and
2370 the parking towards Vawter Avenue and toward Laburnum Avenue, so they will not be to the
2371 residential side of the property. So, instead of having a proposed layout, because the applicant
2372 does not know what the future uses are going to be, we have actually pushed them to further
2373 restrict what some of their design requirements are sort of in exchange for that.
2374
2375 Mr. Taylor - Consistent with that, and understanding that, then would the
2376 building that are consistent with it residual for whatever type they come out.
2377
2378 Mr. Coleman - It will be, I would guess, several buildings.
2379
2380 Mr. Taylor - Then the question becomes, will the site be treed internally, in
2381 other words will there be a building, will they then brace the trees? Or will it be building, a pad
2382 of paving, more buildings, and just the whole site be paved? Or would it be left natural,
2383 naturally green with trees, with grass, and probably with mosquitoes.
2384
2385 Mr. Coleman - We did not address internal trees. What we do have, I think, is
2386 substantial buffers around the perimeter of the site and there is a site coverage ratio of 65%,

2387 which will limit paving and building, so that will give them flexibility, but whatever flexibility they
2388 have, they will be limited by that impervious cover ratio.
2389

2390 Mr. Taylor - So the impervious coverage is 65% and would include buildings
2391 and roadways?
2392

2393 Mr. Coleman - Right.
2394

2395 Mr. Taylor - That would leave, let's say, at the best case, the residual 35% as
2396 trees and vegetation. Thank you.
2397

2398 Mr. Archer - I don't have anything further, Mr. Chairman.
2399

2400 Mr. Taylor - I have no further comments. Shall we hear from the applicant, or
2401 may we hear from the applicant.
2402

2403 Ms. Freye - Good evening, Mr. Chairman, and members of the Commission.
2404 My name is Gloria Freye. Merry Christmas.
2405

2406 Mr. Marlles - Ms. Freye, would you like to reserve some portion of your time?
2407

2408 Ms. Freye - Yes, sir. I would. Three minutes for rebuttal. I am here, I am an
2409 attorney here this evening on behalf of the applicant, Harlan Enterprises, and Will Harlan, the
2410 developer is also here. As Mr. Coleman explained, the applicant would like to develop a self-
2411 storage facility on this property, and that is not currently permitted under the current zoning. It
2412 does have M-1 conditional zoning, however, the proffers of that zoning case, which happened
2413 14 years ago, limited the uses to office and office-service, like Mr. Coleman explained. So, in
2414 order for Mr. Harlan to have a self-storage facility on this property, we do have to amend this
2415 case to allow that additional use to be permitted. We are also amending the proffers to make
2416 that use be compatible with the residential neighborhood, and to build in protections into this
2417 case that weren't given to the neighborhood 14 years ago. We have had several meetings with
2418 the neighborhood. I guess the first comment is they would just as soon not see that property
2419 be developed. It is about 14 acres of woods that they have had behind their homes and you
2420 can appreciate that folks don't like to have change. The next question, comments and concerns
2421 was what kind of an impact will that have on us? They were very candid with us about their
2422 concerns about traffic, about visibility, about the buffers, about the trees, the hours of
2423 operation, the access. And I would really like to take this point and time to publicly recognize
2424 our neighbors and to thank them for the many hours that they gave us of their time and their
2425 attention and their courtesy to try to come up with proffers that would address those concerns.
2426 We have also worked hard to address the concerns that were raised by staff. We do feel that
2427 these proffers have, do the best we can to address those concerns that the developer as a
2428 property owner will actually have control over. The improvements of this case, I think Mr.
2429 Coleman has spent a good time explaining those, but just for the public, this will be a better
2430 project than what the current zoning presents. Right now there are only 10-foot buffers on
2431 Laburnum and on Vawter. They are being increased to 50-feet and 25-feet. The improvement
2432 with the buffer against the neighbors, is preserving certain size trees and keeping that natural
2433 vegetation as best we can, and supplementing where needed, and keeping the activity out of
2434 the area between the backs of their homes, their property, and the buildings, so there will be

2435 no drive isles or parking, which will prevent headlights and activity door slamming, those kinds
2436 of things.

2437
2438 The hours of operation have been limited. We have also limited the hours that maintenance
2439 can be done on the parking lot. We have restricted that. That protection wasn't in there
2440 before. We have kept the restriction that there will be no access into that residential
2441 neighborhood. That was in the old case, and we have kept that in there. We have provided
2442 additional screening. We have limited the height of buildings. That was not in the old zoning, so
2443 that is another thing that improves this case, that they will not have office buildings towering
2444 over their homes. Another special concern that this community has is the raceway and the
2445 impact that it has on it.

2446
2447 One of the special different kind of proffers that we have in there is that we have proffered no
2448 commercial parking would be allowed on this property. We understand from the neighbors that
2449 race fans will pay just about anything to park just about anywhere. So, we want to make sure
2450 that that is not going to happen on this property, so we did make that a proffer. The
2451 neighborhood already experiences sound and noise and outside speakers from other businesses
2452 in the area, and we eliminated that and proffered restrictions against that. The applicant has
2453 proffered quality building materials of brick and split faced block, and having a design with
2454 architectural features so that you don't just have a monotonous institutional looking building.

2455
2456 The storm water management facility. That was difficult for us in working with the neighbors.
2457 The developer has to do one. County requires it. They can't avoid it. It has to be done. What
2458 we have committed with the community is that we would provide the screening security
2459 fencing, we would provide supplemental landscaping, and that we would keep it away from the
2460 backs of their houses. That is about as far as we can go until we get to the plan of
2461 development stage, where we know how large it will be, whether it will be one or two, where it
2462 will be on the property, whether it is going to be accessible, and how we can best design it so
2463 that it serves and meets the regulations without having a negative impact on the community,
2464 and not being an attractive nuisance for children in the area, so we have committed to the
2465 community that we will proffer this minimum in the zoning case, but at the plan of development
2466 stage, when this case, hopefully, gets to come back before you that we will continue to work
2467 with the community to make sure that their issues and their concerns about the BMP are being
2468 addressed. Mr. Vanarsdall raised the issue that has been on a lot of folks' minds, like Mr.
2469 Archer said, it did come up at meeting, the concern about the West Nile Virus. I took the
2470 opportunity to go talk with the Director of Public Works to see if there was an opportunity for
2471 this property to opt out to participate in the stream protection program and not have a BMP or
2472 not have one as large. Unfortunately, the size of this property does not qualify them to opt out.
2473 They are going to have to have a BMP on site. We have made a commitment to the community
2474 to continue to work with them about this issue to do the best we can, given the regulations we
2475 have to abide by on a BMP.

2476
2477 Overall, we feel that the community is fairly accepting of adding the self-storage facility. We
2478 feel that adding it and amending the proffers the way the community has helped us develop,
2479 that this is actually an improvement over the existing zoning. The buffers are better. The
2480 screening is better. The development will actually have less of an impact both on the
2481 residences and on the business development that is in the area. It will generate less activity
2482 and it will generate less traffic. Actually we had a report done by a traffic consultant, which I

2483 have a report to add to the record that looked at the trip generation of the current zoning
2484 projected compared to the development that is being proposed with this zoning. Under the
2485 current zoning, there was an estimate of 1,150 to 1,870 trips per day generated with the office
2486 and office-service on the entire property. If you add in the self-storage on about a third of the
2487 property, it drops to 669. So, right there is a big improvement over what the current zoning
2488 would permit, and I will submit this for the record.

2489
2490 Mr. Marlles - Ms. Freye, you are at the three minute mark now.

2491
2492 Ms. Freye - So, with the proffers, the building elevations and the propose use
2493 that is being added to this, we feel that there will be less of an impact on the neighbors and the
2494 current zoning, we think that with their help, we think with their help we have actually
2495 improved their situation and we ask that you recommend approval, and I will be glad to
2496 respond to questions.

2497
2498 Mr. Archer - Ms. Freye, you, of course, heard Mr. Thornton's question about
2499 the building elevations.

2500
2501 Ms. Freye - Yes, sir.

2502
2503 Mr. Archer - And, of course, Mr. Coleman was trying to answer, but what we
2504 are seeing here is in essence the proffered building elevation. Is that correct?

2505
2506 Ms. Freye - Yes, sir. At first we had just put in a proffer that described the
2507 building materials and that it would have architectural design, and in working with the staff and,
2508 they said, "There is very general and that is very vague, what do we know what we are going
2509 to get?" We have proffered these exhibits and the text that they have to be substantially in
2510 compliance with it, so when they come back at POD, this is what you are going to be looking
2511 for.

2512
2513 Mr. Archer - OK. I just wanted to make sure everyone understood that.

2514
2515 Ms. Freye - Yes, sir.

2516
2517 Mr. Thornton - Ms. Freye, would the applicant also be amenable to at the
2518 propitious time, when it comes to this BMP, to give some idea of maybe having water features,
2519 if possible, for the BMP.

2520
2521 Ms. Freye - Mr. Thornton, I think we are open to looking at just about
2522 anything on that BMP and the reason I can't go much more making the commitment right now
2523 is because we don't exactly know the specifics of what we are dealing with. But by the time we
2524 come to POD, we will know exactly what the calculations are, how many pollutants have to be
2525 removed, what the impervious coverage is, how many trees have been retained, all that
2526 calculation has to be done and engineered, and then we will be able to say we can do smaller
2527 ones, we can aerate or we can create an aquatic environment for frogs that eat mosquito larva.
2528 We will be able to deal with the specifics at that time.

2529

2530 Mr. Thornton - So you are suggesting though that you will have, at least the
2531 mental flexibility about things like that?
2532

2533 Ms. Freye - And the opportunity, yes, sir.
2534

2535 Mr. Thornton - And you will have the opportunity as well.
2536

2537 Ms. Freye - Yes, sir.
2538

2539 Mr. Taylor - Ms. Freye, one question in relation to my previous question, on
2540 the site plan, with the plan view, do you have any idea of what the density of buildings would
2541 be, or the number of buildings would be, or the geometry of the buildings would be.
2542

2543 Ms. Freye - Mr. Taylor, we do not. I know that in the case that was approved
2544 14 years ago they had put that conceptual drawing in there, showing all office and office-
2545 service building. But the certainty here is that this developer wants to do a self-storage facility.
2546 We know what those buildings can look like, we know how to position those buildings so they
2547 will provide the buffer and the protection for the neighbors. What is totally unknown is what is
2548 going to develop on the rest of the property, whether it is going to be office, office-service or
2549 where or how much. And, frankly, it has been zoned that way for 14 years and nobody has
2550 really been interested in putting an office or an office-service there yet. That is not to say that
2551 with the improvements and the interest that is being shown in this particular area that there
2552 might create an interest. It is very encouraging for us to hear that the County Public Works
2553 Department is going to be done that signal, traffic signal study. That will benefit this property
2554 and all of the other properties in that area, so we are very happy to hear that.
2555

2556 Mr. Taylor - My question really relates to what the density of buildings and
2557 their geometry will be, because as I look at these four buildings, I am just going to hazard a
2558 guess that the amount of square plan view is maybe a third to a quarter. And that is fairly
2559 light, because there is a lot of open space and there are a lot of places for driveways. There
2560 are a lot of places, frankly, for vegetation, trees, shade, tree-save areas, that was in the
2561 previous view as commercial or shopping area, but if you intensify those buildings to put just
2562 long rectangular buildings and they are side by side, you could get as much as the density of
2563 maybe 75% building coverage on that site.
2564

2565 Ms. Freye - And the proffer that we have in the case will prevent that,
2566 because we have to have 35% open space at the end of the day. So, as these plan of
2567 developments come in, the County will be calculating and regulating that, so that you have to
2568 have 35% open space on this property. And I think with the plan is to build a self-storage to
2569 begin with, and they know what perimeters they need to situate those buildings in and then the
2570 office and office-service is going to be restricted by what gets used up, so that is going to leave
2571 an opportunity for internal landscaping and landscaping the parking lots along the buffers.
2572

2573 Mr. Taylor - I can understand that, but if 65 here, if coverage of buildings is
2574 65%, and you have to allow for traffic lanes and paving....
2575

2576 Ms. Freye - Which will all serve to reduce the size of the building.
2577

2578 Mr. Taylor - You have a pretty dense sight.
2579
2580 Ms. Freye - But that will all serve to reduce the size of the building when you
2581 take all of that out.
2582
2583 Mr. Coleman - Mr. Taylor, it is impervious cover of 65, so that 65 includes
2584 building, parking and traffic isles.
2585
2586 Ms. Freye - Which reduces the size of the building.
2587
2588 Mr. Jernigan - Ms. Freye, maybe Mr. Harlan can answer this one. What will be
2589 the net square footage that you will have that is available for rent?
2590
2591 Ms. Freye - In the self-storage facility? I think we were estimating about
2592 80,000 sq. ft. of storage capacity, as a maximum, in the self-storage?
2593
2594 Mr. Jernigan - In the self-storage?
2595
2596 Ms. Freye - Yes, sir.
2597
2598 Mr. Jernigan - On a single level?
2599
2600 Ms. Freye - Yes, sir. The office building is shown as a two-story, but that will
2601 be for the resident manager's quarters. This will be a secure site. It will have an on-site
2602 resident manager. That is another feature that is helpful to the community, because it is a
2603 secure site. That enhances the feeling of safety.
2604
2605 Mr. Taylor - Mr. Archer, are you finished?
2606
2607 Mr. Archer - We have opposition, sir.
2608
2609 Mr. Taylor - Yes, we do. The opposition now will have, as we have stated
2610 before, we have 10 minutes for the total amount of speakers. May I see the hands again of the
2611 speakers? So, there are only three hands that I see, four? So, if we might, let us start off with
2612 two to three minutes per person and please see if you can get your comments to that, and we
2613 will see if we can get everybody into 10 minutes, and if you like, we will signal you when you
2614 are at 2-1/2 minutes. That is what we will achieve, will do. Can we do that, Mr. Secretary?
2615 Sir, when you are ready to start, would you please give us your name for the record, we will
2616 appreciate it.
2617
2618 Mr. Hall - Mr. Chairman and members of the Commission, my name is
2619 George E. Hall, III, and I am the President of Ruffin and Payne Lumber Company, which is
2620 located adjacent to the subject property.
2621
2622 Mr. Archer - Good evening, Mr. Hall.
2623
2624 Mr. Hall - Hi, how are you doing, Mr. Archer. I think the developer has done
2625 a good job of addressing the concerns of the neighborhood, however, the two concerns that we

2626 have as business owners has not been addressed, and I don't know whether they can address
2627 them or not.

2628
2629 Part of the concern that we have here is one that a member has already brought up. We really
2630 don't know what the configuration of this thing is going to be. I don't know whether there is
2631 going to be an entrance to this property around here (referring to rendering) or whether it is
2632 going to be coming in over here, or whether it is going to be a through road through here, or
2633 exactly what is going on, and, of course, that kind of affects the way that we look at it, because
2634 we are really about the traffic on Vawter Avenue. The current situation on Vawter Avenue that
2635 I feel as a business owner, and I think these other people do, too, makes us feel that a two-
2636 man teepee is too much to add on there without some real study being done at this
2637 intersection, some traffic controls being implemented, and at a minimum a turn lane being put
2638 out there on Vawter Avenue. One of the problems that we have there is not just the trips per
2639 day we currently have, it is the type of traffic, this is an industrial intersection. Ruffin and
2640 Payne, Old Dominion Tractor, Douglas Chemical, Washington Roofing, D. Shoring and Creative
2641 Offices, which is across the street, we all operate trucks and some very heavy trucks, wide load
2642 trucks. One of our biggest problems is trying to get across the two-lanes of Laburnum to go
2643 eastbound on Laburnum. We often have to stop vehicles out there in the middle, which is
2644 illegal for us to do, but it is almost the only way we can do it. Mr. Tate, who is here with Old
2645 Dominion Tractor, and Mr. Sims, will tell you a little bit later that they were timing tractor
2646 trailers this morning trying to make a right-turn onto Laburnum and coming up with about 9-
2647 1/2 minutes. We have timed ours to 15 to 20 minutes to get out of this intersection, at times,
2648 and our business, we are trying to get lumber out, early in the morning to our customers and
2649 that is a big, big problem for us. The accidents that staff have stated in here show three
2650 accidents on an average. We have gone back and we looked at the Police web site on this and
2651 we have totaled up seven accidents in the past 12 months. So the trend is twice what the
2652 average is, and that is consistent with what we are seeing out there. One of our employees has
2653 been involved in an accident out there in a personal car during lunch time about nine months
2654 ago. One of our trucks just recently was involved in an accident trying to cross over Laburnum
2655 Avenue. We have got 105 employees working at our plant and I don't know how many are
2656 down the road. I think Creative has got about 110 across the way. The site distance was
2657 addressed by staff, saying it was adequate, but site distance is limited. It is not just a horizon
2658 site distance. It is limited by the bridge on one side and a curve on the other side. We wanted
2659 a traffic study and, of course, we just found out today that there is going to be a traffic study,
2660 and we think a traffic study would be something to look at before we go much further. And, of
2661 course, it brings us back to I don't know what the design or the layout of this thing is going to
2662 be. I've just, I am the one to put the entrances in the subject property just assuming that that
2663 is how they are going to enter, but I really don't know what the layout is going to be. So, it is
2664 kind of like, you know, a pig in a poke. We don't know what we are getting. Except that we do
2665 know that it is going to generate, I think, between 650 trips, according to the engineering that
2666 Ms. Freye showed us. If I looked at the staff report, they are saying up to 1,000. Another
2667 concern that we have is, especially for our customers, our customers come in here and they get
2668 behind this traffic trying to get back out to work. Maybe of them have got framing crews,
2669 contractors on the job, and they are trying to slip in, pick up materials at 7:30 a.m. and then
2670 get back to their jobs. It takes them 20 minutes to get out there and get to the job. They have
2671 got crews that simply can't work. As I mentioned before, we have got customers telling us that
2672 "we are better off dealing with Home Depot in Hanover County" – and you know, they are
2673 down there. They've got a regulated area and they say, "Why don't you guys move out to

2674 Hanover?" so I don't have to fight this traffic here. But we've got a pretty good setup here and
2675 I don't even want to think about moving. The other thing that concerns us is that originally
2676 Vawter Avenue was designed. It was supposed to go down past the treatment facility that
2677 Henrico has at the end of Vawter, and it was supposed to hook up with Carolina Avenue. But
2678 then the EPA and the Chesapeake Bay Protection Act and all of that stuff came in, so they
2679 couldn't extend Vawter through there, because it is swamp. So, for emergency vehicles, there
2680 is only one way in to this area, and that is off of Laburnum. Now, if there is a through road
2681 brought in off of Laburnum into Vawter Avenue, that could help that particular problem. What
2682 we have run into in the past is we get tractor trailers that are going westbound on Laburnum
2683 like this, and they are trying to make this turn without a turn lane, and they fall over right here,
2684 and block this entire intersection for two or three hours. Of course, our concern is "What would
2685 happen if we had a fire?" which we have had before. Our entire facility burned down about 25
2686 years ago. You simply could not get equipment in there, and that is another thing that
2687 concerns us with added traffic. So, really what it is, it is a safety issue and it impedes our
2688 business. And that is what is concerning us, and I don't think that there has been an adequate
2689 study of traffic or potential safety issues, and I just don't know exactly what the layout here is
2690 going to be. As I mentioned to the developer before, as far as I was concerned if it had to
2691 entrance and exit out onto Laburnum Avenue, I'd be a lot happier with it, but they don't know.
2692 It all might be on Vawter, and I guess I'd better save some time for the rest of the people here.
2693

2694 Mr. Taylor - Thank you, Mr. Hall. I appreciate that, and our next speaker.
2695 Let's see. There are six minutes left, approximately and we will try to get everybody in, and if
2696 you could think in terms of two or three minutes, that would help.
2697

2698 Ms. Singleton - My name is Sheila Singleton. Gentlemen, I am here on behalf of
2699 most of the residents on Lyndover and Fenwick. We want to thank Mrs. Freye and Mr. Harlan
2700 for all of the work that they have committed on this project. As I said, we did have some
2701 concerns primarily about the BMP. The reason why we asked for this fence is because this area
2702 is next to a conservation area, and there are children out there playing. This is the Vawter
2703 Street Park area, so this area is adjacent to where they plan to put this, so we didn't want the
2704 children out there playing in this conservation area to accidentally stumble into this BMP. We
2705 are concerned about the mosquitoes. We had addressed possibly having it underground as we
2706 know it can be done. However, the reason why we tried to work with Attorney Freye is to get
2707 the best thing that we can, because it is zoned this way.
2708

2709 And the other thing, on behalf of Mr. Hall, he is one of the businesses in the area and 64% of
2710 the accidents that have occurred on Laburnum between Austin and Vawter have been at the
2711 corner of Vawter and Laburnum. Sixty-four percent, so we are also in favor of not particularly
2712 the property, but having Laburnum more safe for these vehicles and the people who travel that
2713 road, which when we leave our of our community, this is the way that the people in the
2714 community who work who have to go to the west end, we have to make that turn, and the
2715 traffic there is very, very congested in the morning, so in conjunction with the business,
2716 businesses and the residents, we would like to see something along improvement when the
2717 POD or all those fancy terms you guys use, are looked at. So, thank you.
2718

2719 Mr. Vanarsdall - Ms. Singleton, we do have BMPs underground in the County. It
2720 can be put underground. It is just very expensive.
2721

2722 Mr. Taylor - If we may have the next speaker, the Secretary tells me there is
2723 almost four minutes left. So, if there is one more speaker, if you could share let's say two
2724 minutes each.

2725
2726 Mr. Tate - I will try to be brief. My name is Robert Tate and I am with Old
2727 Dominion Tractor, and I would just like to echo the concerns that you just heard as far as the
2728 traffic on Vawter. It is not out of the ordinary to see, particularly a heavy truck, a tractor and
2729 trailer that is loaded with paint or heavy equipment set there for 15 or 20 minutes trying to
2730 make a turn. And this morning I clocked one that was 9-1/2 minutes trying to make a right-
2731 hand turn. I was stuck behind him when I was trying to leave the office. As far as the overall
2732 plan, I have no complaints on what the applicant has done, but unless the traffic issue is
2733 addressed, none of it should be approved, really. It could be tabled until the traffic study is
2734 done and you can see where everything is going, but somehow along the way we have to
2735 address that issue first. Thank you.

2736
2737 Mr. Taylor - Thank you, sir. Very well done. We have two minutes, so if we
2738 may have the next speaker, please.

2739
2740 Mr. Phil Staten - I am Phil Staten with Creative Office Environments. Like you see
2741 on the map, we are across from Ruffin and Payne and I have been in that organization or that
2742 building for 12 years or more, and that intersection has changed for us. It was moved recently,
2743 and since then traffic around there has gotten treacherous for the employees, who we roughly
2744 have 100 to 115 employees, but subcontractors come there on any given day and from
2745 personal experience, trying to get out of there in the mornings or trying to get out of there in
2746 the evenings has gotten much more treacherous, to say the least. I hear our employees on any
2747 given day concerns about whether they are going to get hit or not. Our company is not
2748 opposed to anything across the street, as far as any business there, but like we said before, I
2749 think we really seriously need to look at some type of traffic light. I see there is a study that is
2750 going to happen, but we've got to think about this before it proceeds, because this is kind of a
2751 time bomb waiting to happen before someone gets hurt in that intersection. We also have a lot
2752 of tractor trailers coming in, and we have a number of trucks leaving on any given day, and I'd
2753 hate to see someone hurt because of increased traffic that may happen with the business that
2754 may come in here. That is all I've got to say.

2755
2756 Mr. Taylor - Any questions of Mr. Staten?

2757
2758 Mr. Archer - Sir, we did an improvement on Vawter on your side of the street.
2759 Are you saying that made the traffic worse?

2760
2761 Mr. Staten - Yes, because you have to, before our entrance a little further
2762 down, we had the ability to pull out and go in the turn lane and you could do a u-turn. Since
2763 then, you are going straight across and taken from personal experience, you are kind of
2764 hanging out there until you can get across the other lane. That was the concern I noticed
2765 when we finished it that it gets pretty heavy traffic there around 5:00 p.m. and you've got a lot
2766 of traffic coming in both directions, and you can be sitting out there, especially with some of
2767 our trucks, 22 foot trucks. Most of them don't sit out there because of the traffic. They go
2768 down to the next intersection and turn around, but the employees don't. They usually sit out

2769 there and I have heard before that it is illegal, but they will until traffic lets up, and then they
2770 move.

2771
2772 Mr. Archer - I am sorry to hear that we made it worse. I thought we were
2773 trying to help you. Thank you, sir.

2774
2775 Mr. Taylor - Sir, if you would, come down to the microphone so we can get
2776 you on the tape and just start all over.

2777
2778 Mr. Hall - Mark Washington Roofing. This is George Hall again. They
2779 couldn't be here. They had inventory, but that is the heavy materials company at the end of
2780 Vawter. They operate large trucks and they gave me a letter to read and leave with you. I
2781 would like to quickly read it.

2782
2783 Mr. Taylor - All right. Thank you.

2784
2785 Mr. Hall - "To the Henrico Planning Commission Reference C-70C-02 Harlan
2786 Enterprises: I am aware of the proposed rezoning and development by Harlan Enterprises at
2787 the corner of Laburnum and Vawter Avenue. It is my understanding that the proposed
2788 development may generate from 650 to 1,000 vehicle trips a day at this intersection. This
2789 intersection is used heavily by industrial and commercial traffic, including large trucks and
2790 tractor trailers. At certain times during the day, there are long traffic backups and, in addition,
2791 our trucks have to block the westbound lanes from Laburnum in order to cross the intersection
2792 and merge into the eastbound traffic during peak hours of the morning and evening. This
2793 intersection needs a traffic signal presently and any further development that results in an
2794 increase in traffic would be detrimental to the operation of our business and to the safety of our
2795 customers and employees. In light of the foregoing, I am opposed to the development
2796 proposed by Harlan Enterprises unless a turn lane on Laburnum Avenue is proffered and some
2797 form of traffic control is implemented at the intersection of Vawter and Laburnum Avenue.
2798 Sincerely, Robert Hall, Jr., Manager, Washington Roofing Products, Cameron-Ashley Building
2799 Products."

2800
2801 Mr. Taylor - Thank you, Mr. Hall. If you would just give that to Mr. Coleman,
2802 we will be sure to put it in the record, sir. Thank you very much. I believe you have some
2803 rebuttal time left, Ms. Freye.

2804
2805 Ms. Freye - Mr. Chairman, thank you very much. I would like just to remind
2806 us why we are here this evening. I don't want to lose sight of the fact that the question before
2807 us this evening is whether it is appropriate to allow a self-storage facility to be added as a use
2808 on this property and whether we have the appropriate and conditions as part of that that
2809 provide the protection for the community. I also don't want to lose sight of the fact that the
2810 proposal of the question that is before you this evening has not caused the problem that the
2811 business owners have spoken to you about this evening. I don't want to lose sight of the fact
2812 that the problem they have spoken to you about has existed for some time and has no
2813 connection to the proposal that Mr. Harlan is proposing. As a matter of fact, the proposal that
2814 Mr. Harlan is suggesting will generate less traffic than the current zoning permits and will
2815 actually create a different type of traffic that will be fewer trucks, which seems to be the
2816 problem that these business owners have. So, we want to be able to have the opportunity to

2817 get this request for rezoning recommended for approval and we would like to have it eventually
2818 get approved, so that we can work with the staff and with the Planning Commission at the time
2819 of POD to determine where the appropriate accesses are. Like I said, it is very encouraging to
2820 us that the County is stepping up to the plate to recognize the problem and to assess it and see
2821 what the appropriate measures are. And that will be a benefit to this landowner as well as to
2822 them, who is another business owner. Thank you for your consideration.

2823
2824 Mr. Taylor - Thank you. We certainly appreciate your comments in terms of
2825 the needs to look at some kind of traffic study, and I will pass that on to Mr. Thompson through
2826 Planning.

2827
2828 Mr. Archer - Ms. Freye, I have a couple of questions I need to ask you if I may.
2829 In looking at the map that is in front of you there, Mr. Hall had some question as to where you
2830 may or may not empty onto whatever thoroughfare you plan to use to get into and out of your
2831 site. Can you give us any indication?

2832
2833 Ms. Freye - Mr. Archer, we do not have a site plan or a conceptual layout at
2834 all. What we will be driven by is working with the Planning Staff and particularly the
2835 Transportation Department about what are the appropriate distances from the corner of that
2836 intersection to have an access. We expect that, and I am speculating here, but I anticipate that
2837 the Traffic Department is going to say that there should only be one access on Laburnum and
2838 probably only one access on Vawter, with an appropriate distance from that intersection that
2839 would allow the smooth circulation of traffic to get through there, the proper stacking distances,
2840 and all of that will be nailed down at POD. It has to be. That is one of the fundamental criteria
2841 of even doing a POD is to determine where the access is appropriate.

2842
2843 Mr. Archer - Thank you, ma'am. I make that point because there have been a
2844 lot of questions raised tonight, and you have hit on part of it just there that at this point in time
2845 nobody really has any control.

2846
2847 The traffic situation obviously is bad there now. Mr. Thornton will remember that we spent a
2848 lot of time doing the other side of Vawter Avenue and we thought we were improving the
2849 situation over there, and, obviously, we made it worse. I don't know what the answer is in that
2850 regard to be honest with you.

2851
2852 There are a lot of things that have come up tonight that we can't answer. You know, we can't
2853 stop building BMPs, because the Government won't let us, and we don't know when they might
2854 eradicate the West Nile Virus. I don't have any idea.

2855
2856 And I might also ask the gentleman that spoke, Mr. Hall, and the other gentleman, you don't
2857 have to come up here to answer me, but have you all pursued any relief at all to the traffic
2858 situation that exists now?

2859
2860 Mr. Hall - For years we had no u-turn signs at that intersection there so that
2861 people coming up and down Laburnum Avenue could not make u-turns, and that was a good
2862 thing. They took them down, I guess, what about a year or so ago, and that further
2863 exacerbated the problem, because, in addition to the traffic thing we have now, we have tractor
2864 trailers that make u-turns there, and they jack and do six-point turns in the middle of all of this

2865 mess. I called Public Works at that time. It was about two years ago they took them down. I
2866 asked them two questions, No. 1 about the traffic light, and the other was about putting the u-
2867 turns back up. He said that we consciously took down the no u-turn signs because we think we
2868 have too many on Laburnum Avenue. And I said what about the traffic signal, and he said,
2869 "Well, one it is not in the cards right now." And I said, "What do you mean by that?" He said,
2870 "All of our studies at this point says that we don't have enough traffic to justify one." This was
2871 about two years ago. And just as we saw, I think the staff said there was an average accident
2872 rate of three per year there, we noticed that there were seven there this past year. So, we've
2873 doubled the average accident rate there, so I think this whole intersection has changed
2874 dramatically over the past two years, and some of it may be because of the change that
2875 Creative has done across the street, or I just don't know, or I just don't know. Maybe there is
2876 more traffic coming up and down Laburnum. A lot of it has changed, and then, of course, all of
2877 the businesses that operate on Laburnum, or in our area of Laburnum and Vawter, are also
2878 effectively put out of business for four days a year because of the races. Now, I'm not going to
2879 go there.

2880
2881 Mr. Archer - There is no point in it.

2882
2883 Mr. Hall - And I always wonder, what would happen. Because I talked
2884 about the tractor trailer turning over there which blocked emergency access. What would ever
2885 happen if we had a fire on race day. Bring your marshmallows.

2886
2887 Mr. Archer - Well, you know, the issue that we have to deal with, and you and
2888 I talked about this before, one thing is if you leave the current zoning as is, what could be built
2889 there, and I know what your answer is, and so far nothing has been built there. But, you know,
2890 that won't stay that way always I don't suppose. And I do see merit in what the applicant is
2891 proposing, because I do think it does lessen to a great degree the impact of what would be
2892 there if this thing were to develop under the current zoning. So, there is merit in what they are
2893 trying to do here. I just have no idea how to alleviate the problems that already exist, and at
2894 the same time I don't think we can hold the applicant responsible for what already does exist. I
2895 am trying to think of some kind of way we could lessen the impact of that intersection, and
2896 from what I am hearing, it is just like the wild, wild west out there. I am very disappointed in
2897 the fact that we did not improve the situation when we spent all of that time doing the other
2898 side of Vawter Avenue for Creative, but it obviously didn't happen, and I am sort of shocked to
2899 hear that the situation got worse and worse. From what we understood from that
2900 conversation, it was awful, and this was undertaken so we could improve that situation, and
2901 now I understand it has gotten worse.

2902
2903 (Unintelligible voice in the audience) It sounded like you were asking me a question, and I
2904 have to agree with you. Yes, I think that it could be a heck of a lot better than the worse case
2905 scenario, too, but it is a bad situation there, and for any additional traffic would further
2906 exacerbate the current situation.

2907
2908 Mr. Archer - Well, let me ask you this. I guess I asked all of you all.

2909
2910 Mr. Taylor - It might be good sir if you stepped up to the podium and then we
2911 will get you. This is a good discussion.

2912

2913 Mr. Archer - Are you all opposed to this proposal just for the sake of the
2914 proposal or is traffic the real issue here?

2915
2916 Mr. Hall - It is 100% for us the safety and the traffic issue that impedes out
2917 ability to do business and a safety issue. That is 100%. I think I am speaking for the rest of
2918 the businesses. I see them all nodding their heads. I have encouraged the residents there to
2919 be supportive of a self-storage thing, because I told them, you know, and believe me, as I said
2920 before, development is my life blood. I am in the materials business. Far be it from me to go
2921 around and let anybody know I am opposing development. That is not good, you know. And
2922 the same with Mr. Sims and Washington Roofing, his letter that you have. It is kind of a unique
2923 situation that we are in. And I have encouraged the residents over there to take a real wide
2924 open approach to this, because what better could you have in your backyard than a self-
2925 storage. It generates a little traffic, but it is not a whole lot of coming and goings, and it is a
2926 nice thing. If I had to have commercial stuff behind me, that is what I would want. I told Ms.
2927 Freye from a Ruffin and Payne standpoint we really didn't care whether it was a (unintelligible)
2928 or you know, the self-storage. It just the additional trip traffic – we are getting ready to really
2929 have an explosive situation there.

2930
2931 Mr. Archer - That is the dilemma we have now. We have..

2932
2933 Mr. Hall - This might not be the right forum for getting it done. Well, you've
2934 got to start somewhere.

2935
2936 Mr. Archer - We are here, and you know, we tried to encourage the applicant
2937 to give us some things that we wanted to see in the event the self-storage unit was built, and
2938 they have done that. I think the design guidelines that they have come up with, the
2939 architectural features of the building, the way they have taken care of not using the driving
2940 isles, for example, as part of the buffer, the way they are willing to screen the BMP to make it
2941 as safe as they possibly can or even design it in some way that would give a feature that might
2942 be a benefit to the neighborhood. All of these things are things that we like to see. But I just
2943 don't know how to deal with the objection that you all have with traffic or how much
2944 responsibility we need to place on Mr. Harlan. What immediate thing could you see at that
2945 intersection, other than a traffic light? Let us say the traffic light is not warranted because of
2946 the study. What else immediately could you see that might improve the intersection?

2947
2948 Mr. Hall - Well, in all seriousness, you know, not being crazy about it, the
2949 only thing I can possibly see would be a turn lane in the westbound Laburnum Avenue side.
2950 There is a turn lane everywhere else there except for there. That is the only other thing I could
2951 see that could help the situation, especially with the people getting in there, and that would
2952 help with the inbound tractor trailers that are coming. That would be a help. Right now the
2953 inbound tractor trailers that bring materials to us have to swing out into Laburnum Avenue to
2954 make that turn, and either the traffic on Vawter has to back up, and with a turn lane there, the
2955 last time that Henrico Police responded we had the overturned trailer who had spilled his goods
2956 across Vawter. He made a right turn into Vawter and right past those trees, you know the last
2957 time one turned over and spilled everything and blocked the access, that is when you get
2958 worried about emergency services. You know, the Henrico Policeman said that there should be
2959 a turn lane here because it would at least prevent these guys from turning over and blocking
2960 the whole road.

2961
2962 Mr. Archer - I know there is a substantial ditch right there, too.
2963
2964 Mr. Hall - It is. And then if you get past that, the other problems you have
2965 if you get past that and avoid our trucks that are blocking the place, your only recourse is to
2966 shoot over a 40 foot embankment and fall down into one of our warehouses there, too. It is
2967 not a nice intersection.
2968
2969 Mr. Archer - But that would be an improvement, if you could get a right-turn
2970 lane?
2971
2972 Mr. Hall - A right-turn lane would be an improvement, but also what it
2973 needs is to have a regulator intersection.
2974
2975 Mr. Archer - Well, I understand that, but traffic studies can yield positive and
2976 negative results. We just don't know.
2977
2978 Mr. Hall - That is right.
2979
2980 Mr. Archer - And, you know, I've got to be honest with you. I don't feel like it
2981 is fair to hold these people hostage until we can decide what is good and what is bad, but let
2982 me see what they might be willing to do in trying to help the access. We want to try to help
2983 the intersection now. That is what I am trying to get at.
2984
2985 Mr. Hall - I think that every business that is here could do some business
2986 with the business that wants to get in there.
2987
2988 Mr. Archer - That is my point, and even the neighborhood may be able to do
2989 that. OK.
2990
2991 Mr. Jernigan - Mr. Hall, let me ask you this. You said originally that Vawter was
2992 supposed to be joined into Carolina Avenue.
2993
2994 Mr. Hall - Yes.
2995
2996 Mr. Jernigan - How much wetlands is at the end of Vawter?
2997
2998 Mr. Hall - That runs down to the Chickahominy Swamp basin. It was going
2999 to cut right back down; some type of Henrico Treatment Facility or Water Junction, what is
3000 down there? I don't know. It is right across from the Glen Lea Parks and Recreation area.
3001
3002 Mr. Jernigan - We are talking substantial wetlands. It is not just a little bit.
3003
3004 Mr. Hall - You can't do hardly anything nowadays unless you want to get
3005 into mitigation, and I think once you are mitigating that type of acreage, it gets pretty cost
3006 prohibitive, and the other thing about this is that you do have the recreational area down at the
3007 end, and that is a seasonal thing. That generates tremendous amounts of volume, particularly
3008 during the summer. When we close up in the summer on a Thursday or Friday evening, we

3009 usually see anywhere from 100 to 200 cars going down there. It is just incredible, the traffic
3010 they have down there. I think they have Little League baseball down there, that is what they
3011 have.

3012
3013 Mr. Archer - Thank you, sir. Ms. Freye.

3014
3015 Ms. Freye - Yes, sir.

3016
3017 Mr. Archer - It sounds like they laid some things on the table here. Can you
3018 help us out? Would you all be willing to do anything with a right-turn lane?

3019
3020 Ms. Freye - Mr. Archer, we had actually discussed, when this case first started
3021 one of the things that Mr. Harlan wanted was to get some retail on the corner of Vawter and
3022 Laburnum. The neighbors made it very clear that was not going to get any support from them,
3023 and I didn't want them fighting me on that, so we quickly gave that up. But when we were
3024 talking about retail on the corner, it would have made sense, because of the increase in traffic
3025 that retail would have brought, to look at a right-turn lane there, and we did discuss that with
3026 the community at that time. But then, that went away, when the retail went away. What I
3027 hear you saying now is, would we maybe look at that again. And I think the developer's
3028 willingness would be to provide a right-turn lane at that portion of the property that has
3029 frontage on both Laburnum and Vawter that he could put a right-turn lane there when that
3030 portion of the property develops. Again, I can't tell you when that would be, but I think that
3031 Mr. Harlan would still be willing to do that when that corner develops. Yes. And he has
3032 indicated that he would be willing to do that.

3033
3034 Mr. Archer - At what stage right now do you envision that happening? Would
3035 that be a part of the storage case, or you just can't tell?

3036
3037 Ms. Freye - I really cannot tell you, Mr. Archer. I really can't. We will know
3038 as soon as the plan of development comes in. And you know from your experience that the
3039 Traffic Department, the transportation folks, look at turn lanes as just about a part of every
3040 development, and where they are, where the access is going to be, and where they should be.
3041 But, at this proffer stage, not knowing any of that, I think I would have to stick and advise my
3042 client to stick with saying, yes, if you will make a commitment to provide the frontage, because
3043 it is going to take his land to do this, and he will have to provide the land outside of the
3044 ultimate right of way, and I understand from the Traffic Engineer that they are looking at 100-
3045 foot ultimate right of way there. So, he is already probably going to lose some property. It is
3046 already gone. If that is the ultimate right of way, that is gone. But, he will have to dedicate
3047 that land to provide that turn lane. It would cost effective, most cost effective for him to
3048 provide that when that corner develops, when a POD comes in for that. If it comes in on the
3049 first POD, then that is when it would be provided.

3050
3051 Mr. Archer - So, then even if we were looking at the storage facility, and, of
3052 course, that would be the first thing to develop...

3053
3054 Ms. Freye - Yes, sir.

3055

3056 Mr. Archer - And looking at this map that we have that Mr. Hall provided,
3057 closer back up to Mechanicsville Pike he shows an inlet. And the next thing down from that
3058 traveling westerly is that intersection.
3059
3060 Ms. Freye - Correct.
3061
3062 Mr. Archer - So you are saying now, if this were to develop with the inlet, at
3063 that point, then, of course, you all wouldn't have any, you wouldn't be involved in the corner
3064 down at Laburnum and Vawter.
3065
3066 Ms. Freye - Unless the design – unless it works best for the storage to front all
3067 along Laburnum.
3068
3069 Mr. Archer - Well, suppose you were granted two intersections. One of them
3070 was this one, and the other one was on Vawter.
3071
3072 Ms. Freye - If that were to occur at the POD, then that could be addressed at
3073 that time. Because that is when the accesses get determined.
3074
3075 Mr. Archer - But let's say that it did happen. Let's say that one of the accesses
3076 was on Vawter, I don't know where on Vawter, but anywhere on Vawter. Would you be willing
3077 to install the right turn lane if there were an access on Vawter and assuming that, and I know
3078 assumptions are not good, but that configuration would call for one access on Laburnum and
3079 one on Vawter, or maybe just one only on Vawter.
3080
3081 Ms. Freye - If I understand what you are asking me, is if the first POD,
3082 whatever that shows, if it is for office, office-service, or the storage comes in showing an access
3083 on Vawter, any access on Vawter, could the turn lane be provided at that time.
3084
3085 Mr. Archer - That is what I am asking.
3086
3087 Ms. Freye - Yes, sir.
3088
3089 Mr. Archer - All right. That is all I have to ask. Anybody else?
3090
3091 Mr. Taylor - Any other questions from the Commission? No, sir. No further
3092 questions. I need to ask the gentleman in the back now how does that sound? This is the one
3093 thing, and I don't care who comes down to answer it. I have picked on Mr. Hall enough.
3094
3095 (Unintelligible) ...traffic issues.
3096
3097 Mr. Archer - Well that is what I am trying to alleviate, and I am trying to get
3098 them to help you do it. We've got a traffic issue now. That is not going anywhere. I can't hold
3099 them responsible for the stop light, but I am trying to find out, what is the most immediate
3100 thing that we could do that could help you all, and they are willing to put a right-turn lane in.
3101 Well, you have got to understand they can't do a POD until we approve the zoning case for
3102 them to have a POD. They are kind of in a Catch 22 here. But that does substantially help you
3103 out if we come up with a POD that can have some access on Vawter Avenue?

3104
3105 Mr. Hall - A turn lane would help the situation there.
3106
3107 Mr. Archer - It seems to me that it would help it tremendously. If you have
3108 got tractor trailers that are turning over because they are making a right turn...
3109
3110 Mr. Hall - It is going to help us and also help the employees get in there to
3111 work safely, too.
3112
3113 Mr. Archer - OK. All right. Anybody else?
3114
3115 Mr. Jernigan - I don't know. This might not be a good idea.
3116
3117 Mr. Harlan - We just don't know what the layout is going to be.
3118
3119 Mr. Archer - Yes, and we can't determine that until they get some approved so
3120 they can do a POD. We can strongly encourage that the POD have some sort of entrance on
3121 Vawter Avenue, that would, I think we can move in that direction. It seems like we could, Mr.
3122 Harlan. There ought to be a way to do that.
3123
3124 Mr. Jernigan - Mr. Archer, I think that the entrance would be best off of Vawter
3125 and not off of Laburnum. Put in the cut lane, but the way I see it right here, you have a stub
3126 road that comes off of Fenwick. I would like to see the design made that could be an
3127 emergency exit, or emergency entrance, in case there were problems in there. See that stub
3128 road? That is what it shows on here anyway.
3129
3130 Mr. Archer - Is there going to be a fence there, a wall there or something?
3131 That is the back of the neighborhood.
3132
3133 Ms. Freye - That is at its right...
3134
3135 Mr. Jernigan - What I was saying is an emergency access only. Emergency
3136 entrance only. Not to be something used.
3137
3138 Mr. Taylor - Excuse me for a moment. These are very good discussions, and
3139 worth recording, but we are very limited that we are only going to get one side, and our
3140 problem is the recording secretaries – this is going to drive them absolutely crazy – trying to
3141 figure out the words they are missing, so I would ask that if we want to put this on the record,
3142 that in some sequence we put it on the record, so that we can capture it for use, and that they
3143 have a snowball's chance of effectively and accurately recording our comments. So, however
3144 we want to do it, I want to ask that we only speak, one at a time, and we can continue to
3145 speak, but please talk into the microphone so that the ladies can record it.
3146
3147 Mr. Coleman - I was going to add that there is a proffer prohibiting access at
3148 that side of the road. I think the neighborhood would vehemently oppose any access.
3149
3150 Mr. Jernigan - Emergency access – emergency only.
3151

3152 Mr. Coleman - The way they have put this issue is that it existed in the previous
3153 case, and the applicant maintained it in this case. They are adamant about not having access.
3154
3155 Mr. Jernigan - I just thought I'd bring it up.
3156
3157 Mr. Archer - Mr. Chairman, I guess we need to wrap this up. The 11:00 news
3158 is already on.
3159
3160 Mr. Taylor - It is your show, Mr. Archer. We are here to help you.
3161
3162 Mr. Archer - It is a very difficult thing to try and work through, and I am just
3163 trying to see if we can reach some sort of compromise here and I think we probably have. The
3164 applicant has worked, I think, pretty hard with the neighborhood to try and address their
3165 concerns. The concerns that the business community have are really not something that is of
3166 their making, but I see a way in this wherein they can maybe help the business community and,
3167 I am sure that we can sought of structure at the POD so that we can an entrance onto Vawter
3168 Avenue. Mr. Hall, you were signaling?
3169
3170 Mr. Taylor - I think he would like to speak when you are finished, Mr. Archer.
3171
3172 Mr. Archer - OK. We will just ask Mr. Hall if you will come down.
3173
3174 Mr. Hall - I think the businesses are pretty much in agreement this is kind of
3175 a first step in maybe a long journey to get a traffic signal up there. But what we really that we
3176 can accomplish here is to make sure that as soon as development goes in there that there is a
3177 turn lane provided and all the businesses would be very happy with that.
3178
3179 Mr. Archer - I think that is what we are trying to get to.
3180
3181 Mr. Hall - Right. I just wanted to make sure that you knew we had a
3182 consensus. OK.
3183
3184 Mr. Archer - Thank you, sir. So anyway, where I was, it seems like to me that
3185 this right-turn lane would not necessarily alleviate all of the problems, but it certainly would
3186 make things a lot better than they are now. And, since the applicant is willing to do that and
3187 since I think we can accomplish one good thing by doing this and eliminating the type of
3188 business that could go in with the current zoning classification that I think would be much
3189 worse, and there are no conditions in there that would preclude that they had to do anything.
3190 So, I am about to put this over to the point where Mr. Thornton can worry with it for a little
3191 while. My recommendation is that we take all the things we discussed here tonight and if can
3192 get a proffer to the effect that they will do the right-turn lane, and I am not suggesting that.
3193 We are not supposed to suggest proffers. I think you understand what I am saying.
3194
3195 Ms. Freye - Yes, sir. I will write one.
3196
3197 Mr. Archer - Then my motion would be to recommend approval.
3198
3199 Mr. Vanarsdall - Second.

3200
3201 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All
3202 in favor say aye. All opposed say no. The motion passes.

3203
3204 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
3205 Commission voted 40 (one abstention and one absence) to recommend that the Board of
3206 Supervisors **grant** the request because the proffered conditions would provide for a higher
3207 quality of development than would otherwise be possible and it would not adversely affect the
3208 adjoining areas if properly developed as proposed.

3209
3210 Mr. Marlles - Mr. Chairman, the last item on the agenda is approval of minutes
3211 for the Planning Commission meeting on November 14, 2002.

3212
3213 Mr. Taylor - Is there a motion to approve the minutes of the November 14,
3214 2002 meeting?

3215
3216 Mr. Jernigan - So moved.

3217
3218 Mr. Vanarsdall - Second.

3219
3220 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All
3221 in favor say aye. All opposed say no. The motion passes.

3222
3223 Is there a motion for adjournment?

3224
3225 Mr. Archer - So moved, Mr. Chairman.

3226
3227 Mr. Vanarsdall - Second.

3228
3229 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in
3230 favor say aye. All opposed say no. The meeting is adjourned.

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Allen Taylor, P.E., Chairman

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John R. Marlles, AICP, Secretary
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