

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 6:00 p.m., December 11, 2003, Display Notice having been published in the
4 Richmond Times-Dispatch on November 20, 2003 and November 27, 2003.

5
6 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson, Varina
7 Mrs. Lisa D. Ware, C.P.C., Vice-Chairperson, Tuckahoe
8 Mr. Allen Taylor, P.E., C.P.C., Three Chopt
9 Mr. C. W. Archer, C.P.C., Fairfield
10 Mr. Ernest B. Vanarsdall, C.P.C., Brookland
11 Mr. Richard W. Glover, Board of Supervisors, Brookland
12 Mr. Randall R. Silber, Assistant Director of Planning, Secretary
13

14 Others Present: Mr. Ralph J. Emerson, Principal Planner
15 Mr. Mark Bittner, County Planner
16 Ms. Jean Moore, County Planner
17 Mr. Thomas Coleman, County Planner
18 Mr. Paul Gidley, County Planner
19 Mr. Seth Humphreys, County Planner
20 Ms. Samantha Brown, County Planner
21 Ms. Debra Ripley, Recording Secretary
22

23 **Unless otherwise indicated, Mr. Glover abstained from voting on all zoning cases.**
24

25 Mr. Jernigan - Good evening, ladies and gentlemen and members of the Commission and
26 staff. Ladies and gentlemen, on behalf of the Henrico County Planning staff and the Commission,
27 we'd like to welcome you to our December evening meeting for zoning. For those of you who are
28 not regular members, I will explain the way the process works here. When a case is called, that
29 case will be presented at the podium. I will ask if there is opposition. If there is opposition, just
30 please raise your hand and I will recognize you. You will have an appropriate time to speak. If you
31 do want to speak, please come to the podium. These hearings are audibly taped and you will have
32 to be at the podium for us to pick you up for the record. In cases where there is opposition, the
33 application will have 10 minutes to present a case. The opposition will have 10 minutes in denial of
34 it. Also, I'd like to welcome tonight, we have two members of the press here. We have Chris Dovi
35 from the *Richmond Times-Dispatch* and Jonathan Spears from *The Henrico County Leader*. So,
36 with that I'd like to turn our meeting over to Mr. Silber, our Secretary.
37

38 Mr. Silber - Thank you, Mr. Chairman, and members of the Commission. We do have
39 a quorum and we have all members of the Commission present tonight. First on the agenda, I think
40 we will deal with the requests for withdrawals and deferrals. We have the agenda divided into two
41 portions, a 6:00 p.m. portion of the agenda, and a 7:00 p.m. portion. We will not be able to get
42 into the 7:00 p.m. deferrals until 7:00. If Mr. Emerson could walk us through the deferrals under
43 this portion of the agenda, we'd appreciate that.
44

45 Mr. Jernigan - Good evening, Mr. Emerson.

46
47 Mr. Emerson - Thank you, Mr. Chairman. The first item on your deferral agenda tonight
48 is on page 1 of your regular agenda.
49

50 **C-67C-03 Gloria Freye for Clarendon Associates LLC:** Request to conditionally
51 rezone from O/SC Office Service District (Conditional) to R-5AC General Residence District
52 (Conditional) and R-6C General Residence District (Conditional), Parcel 762-773-4696 and part of
53 Parcel 763-774-7122, containing 87.10 acres (R-5AC = 49.25 ac.; R-6 = 37.85 ac.), located along

54 the north line of Interstate 295, extending northward to Hunton Park Boulevard, and from Hunton
55 Park Lane, eastward to approximately 750 feet west of Mill Road. No more than ninety-two (92)
56 single-family residential units and four hundred fifty (450) apartment units for rent are proposed.
57 The R-5A District allows a minimum lot size of 5,625 square feet. The R-6 District allows a
58 maximum density up to 19.80 units per acre. The Land Use Plan recommends Urban Residential,
59 3.4 to 6.8 units net density per acre, Office/Service and Environmental Protection Area.

60
61 Mr. Emerson - The deferral is requested to the January 15, 2004 meeting.

62
63 Mr. Jernigan - Is there any opposition to the deferral of Case C-67C-03, Gloria Freye for
64 Clarendon Associates LLC? There is no opposition.

65
66 Mr. Vanarsdall - Mr. Chairman, I move that Case C-67C-03 be deferred to January 15,
67 2004, at the applicant's request.

68
69 Mrs. Ware - Second.

70
71 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All in
72 favor say aye. All opposed say no. The ayes have it. The motion is passed.

73
74 At the request of the applicant, the Planning Commission deferred Case C-67C-03, Gloria Freye for
75 Clarendon Associates LLC to its meeting on January 15, 2004.

76
77 **C-68C-03 F. Philip Parker, Jr.:** Request to conditionally rezone from R-1C One
78 Family Residence District (Conditional) to RTHC Residential Townhouse District (Conditional), Parcel
79 808-731-7728, containing 10.328 acres, located at the southeastern corner of the intersection of N.
80 Laburnum Avenue and Watts Lane. A residential townhouse development is proposed. The
81 maximum density in the RTH District is nine (9) units per acre. The Land Use Plan recommends
82 Office. The site is in the Airport Safety Overlay District.

83
84 Mr. Emerson - The deferral is requested to the January 15, 2004 meeting.

85
86 Mr. Jernigan - Is there any opposition to the deferral of Case C-68C-03, F. Philip Parker,
87 Jr.? There is no opposition.

88
89 Mr. Archer - Mr. Chairman, I move deferral of Case C-68C-03 to the January 15, 2004
90 meeting, at the request of the applicant.

91
92 Mr. Vanarsdall - Second.

93
94 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
95 favor say aye. All opposed say no. The ayes have it. The motion passes.

96
97 At the request of the applicant, the Planning Commission deferred Case C-68C-03, F. Philip Parker,
98 Jr., to its meeting on January 15, 2004.

99
100 Mr. Emerson - Mr. Chairman, the next item is on page 2 of your agenda.

101
102 **C-18C-03 James W. Theobald for Commercial Net Lease Realty Services,**
103 **Inc.:** Request to conditionally rezone from B-3 Business District and A-1 Agricultural District to B-2C
104 Business District (Conditional), Parcel 741-761-8112 and part of Parcel 741-761-8532, containing
105 approximately 2.899 acres, located at the southeast intersection of W. Broad Street (U. S. Route
106 250) and Three Chopt Lane. A retail use is proposed. The use will be controlled by proffered

107 conditions and zoning ordinance regulations. The Land Use Plan recommends Office and
108 Commercial Concentration. This site is within the West Broad Street Overlay District.

109

110 Mr. Emerson - The deferral is requested to the January 15, 2004 meeting.

111

112 Mr. Jernigan - Is there any opposition to the deferral of Case C-18C-03, James W.
113 Theobald for Commercial Net Lease Realty Services, Inc.? There is no opposition.

114

115 Mr. Taylor - No opposition. Mr. Chairman, I will move to defer Case C-18C-03 to
116 January 15, 2004, at the request of the applicant.

117

118 Mr. Vanarsdall - Second.

119

120 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
121 favor say aye. All opposed say no. The ayes have it. The motion passes.

122

123 At the applicant's request, the Planning Commission deferred Case C-18C-03, James W. Theobald
124 for Commercial Net Lease Realty Services, Inc. to its meeting on January 15, 2004.

125

126 Mr. Emerson - Mr. Chairman, the next item is also on page 2.

127

128 **C-52C-03 Mr. And Mrs. Hung Yim:** Request to conditionally rezone from A-1
129 Agricultural District to B-3C Business District (Conditional), Parcel 735-763-5299, containing 1.922
130 acres, located on the north line of West Broad Street (U. S. Route 250) approximately 1,450 feet
131 east of N. Gayton Road. A restaurant is proposed. The use will be controlled by proffered
132 conditions and zoning ordinance regulations. The Land Use Plan recommends Mixed Use. The site
133 is also in the West Broad Street Overlay District.

134

135 Mr. Emerson - The deferral is requested to the April 15, 2004 meeting.

136

137 Mr. Jernigan - Is there any opposition to deferral of Case C-52C-03, Mr. and Mrs. Hung
138 Yim? No opposition.

139

140 Mr. Taylor - No opposition, Mr. Chairman. I move that Case C-52C-03 be deferred to
141 April 15, 2004, at the applicant's request.

142

143 Mr. Vanarsdall - Second.

144

145 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
146 favor say aye. All opposed say no. The ayes have it. The motion passes.

147

148 At the request of the applicant, the Planning Commission deferred Case C-52C-03, Mr. And Mrs.
149 Hung Yim, to its meeting on April 15, 2004.

150

151 Mr. Emerson - Mr. Chairman, the next item is on page 2 of your agenda.

152

153 **C-58C-03 Jim Theobald for TC&P, LLC:** Request to conditionally rezone from A-1
154 Agricultural District to RTHC Residential Townhouse District (Conditional), part of Parcel 739-759-
155 9539, containing 14.825 acres, located at the southeast intersection of Pump and Three Chopt
156 Roads. Seventy-nine (79) residential townhouses (5.33 units per acre) are proposed. The
157 maximum density in the RTH District is nine (9) units per acre. The Land Use Plan recommends
158 Urban Residential, 3.4 to 6.8 units net density per acre. The site is in the West Broad Street
159 Overlay District.

160
161 Mr. Emerson - The deferral has been requested until the December 17, 2003 meeting.
162 There is a slight issue surrounding this regarding an interpretation, Section 15.2-2204 of the Code
163 of Virginia regarding the length of time required for notification to adjacent property owners. The
164 Code says at least five days. The earliest that we would mail a notification would go out tomorrow
165 afternoon, so you would not meet a full five-day spread between the time that the notification is
166 mailed and the time that it actually could be considered delivered, as we interpret the Code. Mr.
167 Theobald does interpret it somewhat differently counting tomorrow as a day. You cannot count the
168 day of the meeting as a day. The other thing I would note to you is we have received considerable
169 input on this request, and this is deferring it to a daytime meeting, which possibly could be difficult
170 for people to attend that have commented and live in the area. So, staff is recommending that this
171 go to January 15, 2004.

172
173 Mr. Jernigan - Is there any opposition to the deferral of Case C-58C-03, Jim Theobald for
174 TC&P, LLC? There is no opposition. Mr. Taylor, what do you want to do on this?

175
176 Mr. Taylor - Unintelligible.

177
178 Mr. Jernigan - Do you want to let him address it now? OK, Jim. Come on.

179
180 Mr. Theobald - Mr. Chairman, my name is Jim Theobald and I am here on behalf of the
181 applicant. I just want to comment that we are debating a section as to how to count the number
182 of days, and we have a disagreement as to how the statute reads because the POD meeting is so
183 close at hand to tonight's meeting, we don't normally have this issue. The statute says the written
184 notice shall be given at least five days before the hearing, and we don't count the hearing, but I
185 submit that you count Friday, Saturday, Sunday, Monday, Tuesday, and if the notices go out
186 tomorrow, we would be OK. I am happy to, if you can produce the notices, I am happy to pay to
187 have those hand delivered tomorrow to all of the adjacent. The statute doesn't require that they
188 be received any number of days before the hearing, and I do appreciate the issue of lack of notice.
189 I have been working with Mr. Jan Julea and others in Wythe Trace in an effort to resolve the
190 issues. The main issue, in my opinion, left with regard to that subdivision, is one of buffer and
191 screening, and we have worked for many, many other issues, and so we believe that if we had this
192 five or six day break that with input from our engineers, we might be able to increase the amount
193 of setback and buffers. So, I realistically believe that we can accomplish what we have and I am
194 willing to have those hand delivered tomorrow. I don't think I need to do that, but I am happy to
195 do that, if that would help, and there are, I believe, a number of people here tonight from Wythe
196 Trace. I did e-mail some 39 people today, asking about - letting them know I had requested the
197 deferral and then today I put into the mail to all of the adjacent property owners and everybody
198 who had been at a prior meeting a letter stating that I had requested that deferral. So, if at all
199 possible, I'd like to defer it to next week, if we think that is going to be OK, particularly if I am
200 willing to hand deliver it. So, we need just a little more time, not a lot more time, and I hate to
201 move all the way to February, so if that would meet with your approval, and you think that that
202 would satisfy even the County's interpretation of the statute, that is what I would be happy to do.

203
204 Mr. Jernigan - Jim, does it say just five days or five working days?

205
206 Mr. Theobald - At least five days before the hearing.

207
208 Mr. Silber - The challenge is that the State Code is not explicit. There is some
209 interpretation here. The staff believes, and the way that we have interpreted it in the past, is that
210 you don't count the day that you put the notice in the mail as being one of those days. We feel
211 there needs to be proper notification given. We need to make sure the Planning Commission is
212 comfortable with having time to review the changes that take place during this five-day period, or

213 approximately five days, because you will not be receiving a new staff report. We don't have time
214 to give you a new staff report, so when you come to the POD meeting next week, you will be
215 hearing the resolutions at the meeting. This is somewhat atypical to have meetings so close
216 together, so this is an unusual situation. We are also concerned, as Mr. Emerson pointed out, that
217 the meeting coming up next week is a day time meeting, because there are issues associated with
218 this that have public interest from the neighborhood. We wanted to maximize the ability of those
219 people to be able to attend. Sometimes a daytime meeting doesn't allow that.

220

221 Mr. Theobald - It would be my preference if we are found not to be able to defer this to
222 next week, to go ahead and put the case on tonight, although I am not sure that that works, but
223 I'd rather put the case on and have you make a recommendation, I think, than slip 30 days, given
224 our timetable. But I believe I can accomplish your goals by having these hand delivered at our
225 expense in the morning. I have already sent those out from my end, but it does have to come
226 from you under the statute. And I honestly think we have a chance to resolve this buffer issue with
227 Wythe Trace. Obviously, it is up to you.

228

229 Mr. Jernigan - The buffer issue is, basically that is the issue we have.

230

231 Mr. Theobald - I would let Mr. Jan Juleo or others speak to that, but basically we have
232 proffered a number of additional quality guarantees and the issue from the beginning has really
233 been the width of the buffer and the screening between the two neighborhoods, and we were able
234 to provide screening between the two neighborhoods, and we were able to provide and enhance
235 buffers this week, as to half of the property, and now we are working with our engineer to see if
236 we can't do that along the whole way. It is really not up to me to tell you if I do that that they are
237 all going to be happy, but I think that the way we have been working together with Mr. Taylor and
238 Mr. Kaechele has been in on these discussions as well, that if we can reach consensus on the buffer
239 and screening issue, we will likely be there.

240

241 Mr. Emerson - Mr. Chairman, the County Attorney concurs with staff on the
242 interpretation.

243

244 Mr. Theobald - How about if I hand deliver them tomorrow?

245

246 Mr. Emerson - That would not satisfy the requirement of Code. It has to come from the
247 local government.

248

249 Mr. Theobald - No, no. It would be from the local government. I would just pay for your
250 courier.

251

252 Mrs. Ware - I would still be concerned about the people that are involved in this case
253 not having the time to consider what they need to consider.

254

255 Mr. Jernigan - Mr. Taylor, are you prepared to try this tonight or not?

256

257 Mr. Taylor - Mr. Chairman, I think we are.

258

259 Mrs. Ware - You don't want to take a deferral yourself?

260

261 Mr. Taylor - Well, we are pushing the time.

262

263 Mr. Emerson - Mr. Chairman, if I could, I would raise a concern regarding the people who
264 are not here, who thought the case was going to be deferred tonight.

265

266 Mr. Silber - I think staff has concerns. There is a serious concern among staff about
267 hearing the case tonight, because there are a number of people who called in wanting to know if it
268 was going to be heard, and we informed them that there had been a request for deferral. Of
269 course, it is up to the Planning Commission to make that decision, but I think that there may be
270 people not here tonight because they thought it was going to be deferred. So, I would think it
271 would be wise not to hear the case. It is a matter of whether we defer it for one week, next week,
272 or the end of January.
273

274 Mr. Jernigan - That is the question. Can we defer it to next week? That is what he is
275 saying.
276

277 Mr. Theobald - Tom, is there a problem if it is hand delivered? That would certainly
278 satisfy the statute.
279

280 Mr. Silber - Mr. Tokarz, since you are here and since you have read the language, and
281 since you have contributed to our staff, if you could come down and address this, we would
282 appreciate it.
283

284 Mr. Tokarz - I am Tom Tokarz from the County Attorney's office. Mr. Chairman, I am
285 sorry that I did not know about this issue until about 20 minutes ago. I just came from my home
286 and I have had a chance to read the statute. I understand Mr. Theobald's view that hand delivery
287 would satisfy the purpose of the statute in terms of giving notice to the owners at least five days
288 before the hearing. However, I think in terms of statutory construction, given the fact that there is
289 a requirement for, the statutes specifically says if the hearing is continued notice shall be remailed.
290 And so I don't think that you can substitute actual notice for a remailing requirement in the statute,
291 and for that reason, not because I don't believe that Mr. Theobald's proposed solution wouldn't
292 provide notice, but the fact that the statute is in mandatory terms, "shall be remailed" and leads me
293 to conclude that the staff is correct on this point.
294

295 Mr. Jernigan - Thank you, Mr. Tokarz. Mr. Taylor, my recommendation is that you defer
296 it for 30 days.
297

298 Mr. Taylor - What would that be?
299

300 Mr. Emerson - January 15.
301

302 Mr. Taylor - January 15? I agree. I had hoped we could move it forward because I
303 think it is an expeditious matter that desires resolution.
304

305 Mr. Jernigan - I would be OK with that if we – if people hadn't called in and we told them
306 the case was being deferred.
307

308 Mr. Taylor - Yes, I realize that. That really doesn't leave us much of an option.
309 Therefore, Mr. Chairman, I will move that we defer Case C-58C-03 to January 15, at the request of
310 the applicant.
311

312 Mrs. Ware - Second.
313

314 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware. All in favor
315 say aye. All opposed say no. The ayes have it. The motion is passed.
316

317 The Planning Commission deferred C-58C-03, Jim Theobald for TC&P, LLC, to its meeting on
318 January 15, 2004.

319
320 Mr. Emerson - Mr. Chairman, that completes the deferrals that we have for 6:00 p.m.
321 However, it is my understanding that some Commissioners may have some deferrals of their own
322 they may wish to add.

323
324 Mr. Archer - I have an addition, on page 2, Case C-69-03.
325

326 **C-69C-03 Robert M. Atack:** Request to conditionally rezone from A-1 Agricultural
327 District and RTHC Residential Townhouse District (Conditional) to O-2C Office District (Conditional),
328 Parcels 776-766-2949 and 776-766-3128, containing 2.176 acres, located at the southeast
329 intersection of Woodman and Mountain Roads. Office use is proposed. The use will be controlled
330 by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office.

331
332 Mr. Jernigan - Is there any opposition to the deferral of Case C-69C-03, Robert M. Atack
333 and the Ramsey property? There is no opposition.

334
335 Mr. Archer - Mr. Chairman, I move deferral of Case C-69C-03 to the January 15, 2004
336 meeting at the request of the Commission.

337
338 Mr. Vanarsdall - Second.

339
340 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
341 favor say aye. All opposed say no. The ayes have it. The motion is passed.

342
343 The Planning Commission deferred Case C-69C-03, Robert M. Atack, to its meeting on January 15,
344 2004.

345
346 Mr. Emerson - Mr. Chairman, I understand that there may be one more from the
347 Commission before we move to expedited.

348
349 Mr. Taylor - There is one more, Mr. Chairman. It is C-60C-03, Bill Axselle for Neil
350 Farmer. I move deferral of Case C-60C-03, Bill Axselle for Neil Farmer, to January 15, 2004 meeting
351 at the request of the Commission.

352
353 Mr. Jernigan - First of all, Mr. Emerson has to read his portion.

354
355 **Deferred from the November 13, 2003 Meeting:**

356 **C-60C-03 Bill Axselle for Neil Farmer:** Request to conditionally rezone from A-1
357 Agricultural District to R-2AC One Family Residence District (Conditional), part of Parcels 741-774-
358 7210, 741-775-7309, 741-773-9074 and 742-773-2472, containing approximately 17.70 acres,
359 located in the northern portion of the Bridlewood subdivision, just south of the southern terminus of
360 Woolshire Court in the Hampshire subdivision. The aggregate density is proffered not to exceed
361 2.1 units per acre. The R-2A District allows a minimum lot size of 13,500 square feet. The Land
362 Use Plan recommends Rural Residential, not more than 1.0 unit net density per acre, and
363 Environmental Protection Area.

364
365 Mr. Jernigan - Is there any opposition to the deferral of Case C-60C-03, Bill Axselle for
366 Neil Farmer? There is no opposition. All right, Mr. Taylor, you can go now.

367
368 Mr. Taylor - Can you just second what I have already said? I move that Case C-60C-03
369 be deferred to January 15, 2004, at the request of the Commission.

370
371 Mrs. Ware - Second.

372
373 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware. All in favor
374 say aye. All opposed say no. The ayes have it. The motion is passed.
375
376 The Planning Commission deferred Case C-60C-03, Bill Axselle for Neil Farmer, to its meeting on
377 January 15, 2004.
378
379 Mr. Emerson - Mr. Chairman, that completes your deferrals for 6:00 p.m. We do have
380 seven more for 7:00 p.m.
381
382 Mr. Jernigan - Thank you, Mr. Emerson.
383
384 Mr. Glover - Mr. Chairman, before we start the meeting on zoning cases, I would like to
385 state as I always do, that I will not be voting on zoning cases tonight, since they do come before
386 the Board; whatever decision the Planning Commission makes is a recommendation to the Board of
387 Supervisors, and since I sit on the Board of Supervisors, I will hear and make a decision at that
388 time on any of those that would come forward. So I'd like to make sure that the minutes show that
389 I will not be voting. I will be abstaining on all zoning cases tonight.
390
391 Mr. Silber - Yes, sir. Thank you, Mr. Glover.
392
393 Mr. Jernigan - And Mr. Glover, we want to thank you for joining us as our Supervisor
394 member.
395
396 Mr. Silber - Mr. Chairman, back at the top of the agenda, the first item of business
397 would be a public hearing.
398
399 Mr. Emerson - Mr. Secretary, we have one expedited.
400
401 Mr. Silber - Oh, I am sorry. We do. I apologize. One expedited item.
402
403 **Deferred from the November 13, 2003 Meeting:**
404 **C-59C-03 Bill Axselle for HCA Health Services of Virginia, Inc.:** Request to
405 conditionally rezone from R-3 One Family Residence District and R-6 General Residence District to
406 O-3C Office District (Conditional), part of Parcels 761-744-2028 and 760-744-5644, containing
407 1.554 acres located approximately 600 feet south of Forest Avenue and 350 feet west of Skipwith
408 Road. Expansion of Henrico Doctor's hospital is proposed. The use will be controlled by proffered
409 conditions and zoning ordinance regulations. The Land Use Plan recommends Government and
410 Semi-Public.
411
412 Mr. Emerson - Would you like to explain the expedited agenda?
413
414 Mr. Silber - Yes. Let me do that. Thank you. We have one item on the expedited
415 agenda. This is an opportunity for which we can expedite an item through the process. These are
416 items that have no known issues. Staff is comfortable with the request. The Planning Commission
417 member from that district has no outstanding issues and we know of no opposition. If there is any
418 opposition tonight, this would be pulled off of the expedited agenda and heard in order, but at this
419 point in time we know of no issues, and, therefore, can act without hearing it.
420
421 Mr. Jernigan - You may proceed, Mr. Emerson.
422
423 Mr. Emerson - Thank you, Mr. Chairman. Again, the expedited item is on page 3 of your
424 agenda. It is C-59C-03, Bill Axselle for HCA Health Services of Virginia, Inc. It is a request to

425 rezone from R-3 One-Family Residence District and R-6, General Residence District, to O-3C, Office
426 District. It is located approximately 600 feet south of Forest Avenue and 350 feet west of Skipwith
427 Road. An expansion of Henrico Doctor's Hospital is proposed.

428

429 Mr. Jernigan - Is there any opposition to Case C-59C-03, Bill Axselle for HCA Henrico
430 Doctor's Hospital? There is no opposition.

431

432 Mr. Taylor - Mr. Chairman, I move approval of Case C-59C-03 on the expedited
433 agenda.

434

435 Mr. Vanarsdall - Second.

436

437 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
438 favor say aye. All opposed say no. The ayes have it. The motion is passed.

439

440 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning Commission
441 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
442 it continues a form of zoning and land use consistent with the area.

443

444 **AMENDMENT TO THE MAJOR THOROUGHFARE PLAN OF THE COMPREHENSIVE PLAN:**
445 **MTP-2-03** Proposed Deletion of Axe Handle Lane, Stone Horse Road, and Concept Road 9-1 North
446 of Kain Road and Perrywinkle Road.

447

448 Mr. Silber - Now moving to the beginning of the agenda. In the Three Chopt District
449 is a request for an Amendment to The County's adopted Major Thoroughfare Plan. This is one of
450 the elements of the County's Comprehensive Plan, this being MTP Amendment-2-03, and includes
451 the proposed deletion of three roads. These are proposed roads on the long-range plan, being Axe
452 Handle Lane, Stone Horse Road and Concept Road 9-1, all lying north of Kain Road and Perrywinkle
453 Road.

454

455 Mr. Jernigan - Is there any opposition to Case MTP-2-03 with the removal of Axe Handle
456 Lane, Stone Horse Road and Concept Road 9-1? There is no opposition. Mr. Bittner, good evening.

457

458 Mr. Bittner - Thank you, Mr. Chairman. These roads were planned to provide roadway
459 connections between anticipated future subdivisions in this area of the County west of Pouncey
460 Tract Road. Elimination of these roads is requested by the applicant of a proposed subdivision in
461 this vicinity. That subdivision is King's Reach. This subdivision, in its present design form, would
462 not provide connections to any adjacent property. A nearby property owner has expressed his
463 support of this proposed amendment. Existing residents in the area have also expressed some
464 opposition to new roadway connections in their neighborhood. The Department of Public Works
465 has stated these roads are a vital link in the County's Major Thoroughfare Plan and should remain
466 on the plan as currently shown. Therefore, staff does not support the Amendment. However, staff
467 has examined the planned road network and feels an alternative road alignment could provide the
468 necessary linkage in this area. For this alternative, staff recommends the following amendments be
469 made to the current Major Thoroughfare Plan:

470

- 471 • Remove Axe Handle Lane from the MTP.
- 472 • Realign Stone Horse Road more to the northwest instead of turning it due west, and
- 473 • Moving Concept Road 9-1 to the northwest so it aligns with Old Wyndham Drive at
- 474 Pouncey Tract Road.

475

476 This concludes my presentation and I'd be glad to answer any questions you may have.

477

478 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you,
479 Mr. Bittner. Mr. Atack, would you like to speak?

480
481 Mr. Atack - Yes, sir, Mr. Jernigan. I appreciate it. My name is Bob Atack and I am
482 actually the entity that requested the change of the Thoroughfare Plan. Our concern is that we
483 appreciate the County has revised this Thoroughfare Plan, and our concern is that the property,
484 and we could have the previous exhibit put back up there (referring to rendering). I appreciate
485 that. This is a layout. This is what will be a tentative. We have prepared to present to the
486 Planning Commission a tentative once this issue is resolved of this property. This is a 100-acre
487 tract of land that we are intending, hopefully, to develop this into one acre plus home sites. We
488 would have a maximum of 80 homes on this property. If the road was to be approved the way it is
489 being presented by the staff, this road would intersect right at this second cul de sac that we have.
490 The exhibits that we have just passed out to you, and Mr. Parker is going to present a
491 (unintelligible) to this effect. This is an opportunity for us to develop one of the first million dollar
492 residential communities in Henrico County. We intend to have a 1,600 ft. brick wall across the
493 entire frontage of this property that will dove tail into a gate house that will be monitored 24 hours
494 a day. It will record every vehicle that enters the community. The homes will be a minimum of
495 5,000 sq. ft. Many of the homes would have their own swimming pool or tennis court, and we
496 would respectfully hope that the Planning Commission tonight would not accept the staff's
497 recommendation of this road intercepting this property. It would definitely defeat our major
498 purposes for an exclusive community such as this in the Three Chopt District. In all due respect, I
499 think maybe had we the opportunity to present this to the staff in its total light, the fact that we
500 have 100 acres with only 80 homes, I think decreases significantly the need for a connecting road
501 because of the density being so low. I will be glad to answer any questions if you like.

502
503 Mr. Jernigan - Any questions for Mr. Atack from the Commission?

504
505 Mr. Taylor - Mr. Atack, I had a question. How exactly does the removal of these three
506 roads affect the opportunity to develop that site?

507
508 Mr. Atack - Thank you, Mr. Taylor. The removal of those three roads is fine. Actually,
509 it sort of gives us a clean slate to operate from. What staff's recommendation is, however, to have
510 another road – if you could put that back (referring to rendering). I will show you what I am
511 referring to. Staff is recommending that a road at Old Wyndham Drive, which is right at Pouncey
512 Tract and where our entrance would be, they are recommending that road continue through our
513 community and then head south paralleling Pouncey Tract Road. This is the proposed alternative
514 alignment. Well, if that were to occur, we would be intercepting this property and sort of defeating
515 the purpose of having a 6 ft. brick wall gated community. This would be one of our first
516 opportunities to have an electronically controlled gated entrance. In fact, we have that exhibit,
517 Philip, I think. We have an exhibit of that entrance, so to answer your question, Mr. Taylor; the
518 removal of those roads is fine. It gives us a clean slate. However, the suggestion of extending that
519 road through our community would be somewhat cumbersome. Not somewhat cumbersome but it
520 almost forbids us from being able to achieve this goal.

521
522 Mr. Jernigan - For members of the audience, to clear this up with you, we will let you
523 know that these are paper roads. These are not currently built. They are on the map as where a
524 proposed road would be, but these don't have any pavement on them. They are just proposed
525 roads, so when we are talking about closing a road, it is all on paper. It is not real.

526
527 Mr. Taylor - Mr. Chairman, further in talking to the staff, if you can envision this road
528 on a blackboard, we are looking at the blackboard. What we are looking at is simply erasing the
529 blackboard here. So we are just removing this Concept Road, as a Concept Road for the plan is my
530 understanding of it. Now with that, we have Mr. Foster here who is familiar with this case, and I

531 would appreciate it if Mr. Atack would waive his right at the podium for a moment, and we will ask
532 Mr. Foster to address this point.

533

534 Mr. Jernigan - Hi, Mr. Foster.

535

536 Mr. Foster - Mr. Chairman, I am Tim Foster, the Traffic Engineer. Of course, anyone
537 who knows our Public Works Department, we rarely recommend taking roads off of thoroughfare
538 plans. We did recommend to keep this one. One thing I do want to say about roads that are
539 changed on thoroughfare plans, it is a description you both used. It is that they are paper streets.
540 Actually, part of these roads do exist and people live on them. The main thing is, it is just a
541 classification that we are changing of the road. So, if the road is not on the thoroughfare plan, for
542 example, if you see the lots here, if you look at the thoroughfare plan and we can go back
543 (referring to slide), if you look how the connection is, there are some homes that are on some of
544 these roads that are considered on the Major Thoroughfare Plan. Removing them does not affect
545 the type of street that they are on or anything, so I want to make sure that people understood that
546 we are not taking a street away and we are not vacating anything. It is just that the classification
547 of the roadway has changed.

548

549 Mr. Jernigan - That is the reason I explained to them that the part we were deleting was
550 a paper portion and not actually built. Mr. Foster, how long have these roads been on the books?

551

552 Mr. Foster - I think these were added with the amendment. And Randy, you may have
553 the amendment in the 2010 Thoroughfare Plan that was created in 1995. Is that correct?

554

555 Mr. Silber - It was 1995, yes. It may have been on there with the previous plan, but
556 the adopted plan was 1995.

557

558 Mr. Jernigan - So they have been on for at least eight years?

559

560 Mr. Silber - Yes, sir.

561

562 Mr. Taylor - In my understanding, Mr. Chairman, this is just a prelude step for us to go
563 forward with other plans, and from the information that I got from the neighbors, they are all in
564 favor, for the most part, as far as I know, of this move, as is Mr. Kaechele.

565

566 Mr. Jernigan - Well, we had no opposition.

567

568 Mr. Taylor - With that, I will move to approve the AMENDMENT TO THE MAJOR
569 THOROUGHFARE PLAN OF THE COMPREHENSIVE PLAN: MTP-2-03, the removal of Axe Handle
570 Lane, Stone Horse Road and Concept Road 9-1.

571

572 Mr. Jernigan - Second.

573

574 Mr. Silber - So the motion is to not accept the staff recommended alternative, but in
575 fact to recommend to the Board of Supervisors the deletion of those three roads that Mr. Taylor
576 just mentioned, Axe Handle Lane, Stone Horse Road, and Concept Road 9-1, as is shown on the
577 exhibit right here.

578

579 Mr. Taylor - And as it is on Page 4, "Remove Axe Handle Lane from the MTP. Realign
580 Stone Horse Road more to the northwest, instead of turning it due west, and move Concept Road
581 9-1 to the northwest so that it aligns with Old Wyndham Drive at Pouncey Tract Road."

582

583 Mrs. Ware - That is the alternative.

584
585 Mr. Taylor - I am sorry. Let me revise that motion and go back to where I was, which
586 is the simple removal of Axe Handle Lane, Stone Horse Road and Concept Road 9-1.
587
588 Mr. Silber - Approval of this motion would delete those three roads from the Major
589 Thoroughfare Plan.
590
591 Mrs. Ware - Completely.
592
593 Mr. Jernigan - The paper roads.
594
595 Mr. Taylor - Just erase it in principal.
596
597 Mr. Jernigan - All right. We have a motion by Mr. Taylor and a second by Mr. Jernigan.
598 All in favor say aye. All opposed say no.
599
600 Mr. Silber - So I heard one dissenting vote.
601
602 Mr. Archer - I voted no, Mr. Chairman.
603
604 Mr. Jernigan - OK. We have one nay. Motion passes four to one.
605
606 **C-66C-03 Gloria Freye for Robert M. Atack:** Request to conditionally rezone from
607 R-2 One Family Residence District and M-2 Light Industrial District to RTHC Residential Townhouse
608 District (Conditional), Parcels 771-774-3745 and 771-774-2195, containing 8.98 acres, located on
609 the south line of Mill Road approximately 216 feet east of LaVecchia Way and on the west line of
610 the CSX Railway right-of-way approximately 545 feet south of Mill Road. A residential townhouse
611 development is proposed. The maximum density in the RTH District is nine (9) units per acre. The
612 Land Use Plan recommends Office and Light Industry.
613
614 Mr. Jernigan - Is there any opposition to case C-66C-03, Gloria Freye for Robert M.
615 Atack? We have opposition. Good evening, Ms. Moore, how are you.
616
617 Ms. Moore - I am good. Thank you, Mr. Chairman. This request would permit up to 77
618 townhouses for sale on the property. The site is currently zoned M-2C which permits a wide range
619 of uses including general industrial and uses permitted in the office and commercial district. The
620 2010 Land Use Plan designated the subject site as office and light industrial. The proposed use is
621 not consistent with this designation; however, it is consistent with the residential development
622 trends within the immediate area.
623
624 The applicant has submitted revised proffers dated December 10, copies of which you just
625 received. Subsequently, the time limits would have to be waived in order to make any action on this
626 project tonight.
627
628 Major aspects of the proffers include a proffered elevation showing varied materials of vinyl and
629 brick to articulate the building facades, a minimum finished floor area of 1200 sq. ft., sound
630 suppression materials between interior walls and exterior walls adjacent to the railroad right of way,
631 a minimum 100 ft. setback adjacent to Mill Road. There would be no vehicle access at LaVecchia
632 Way or across the existing 20-foot easement on the adjacent property to the north. There would be
633 irrigated and sodded front yards and detached garages to account for 20% of the required parking.
634 In addition, one acre would be reserved for passive recreation and a 6-ft. high vinyl fence along the
635 railroad right of way would be installed in along the western property line adjacent to Hunton
636 Estates. In your handouts, you just received an exhibit of what the vinyl fence would look like.

637 The applicant has submitted but not proffered a conceptual layout to display access and the
638 general layout of the recreational areas, parking areas and the buildings.

639

640 In conclusion, a residential townhouse development would serve as a good transition to single-
641 family development to the west, and would be more appropriate than industrial and commercial
642 development in its current M-2 zoning, which could adversely affect the residential character of the
643 area.

644

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

647

648 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission?

649

650 Mr. Silber - Let me make one clarification. I think Ms. Moore, maybe I heard you
651 wrong, but I think you said this case was zoned M-2C. It is M-2.

652

653 Ms. Moore - That is correct. It is unconditionally zoned. Thank you for that
654 clarification.

655

656 Mr. Jernigan - Any more questions for Ms. Moore? Thank you, ma'am. Ms. Freye, how
657 are you?

658

659 Ms. Freye - Very good, thank you. My name is Gloria Freye. I am an attorney here on
660 behalf of Attack Properties and Mr. Attack, as you know, is also here this evening.

661

662 Mr. Jernigan - Ms. Freye, excuse me. Would you like to reserve rebuttal time? We have
663 opposition.

664

665 Ms. Freye - Yes, two minutes.

666

667 Mr. Jernigan - Thank you. You may proceed.

668

669 Ms. Freye - The very most important and critical point that I want to stress this
670 evening has already been mentioned by Ms. Moore. This is a down zoning. This request, by and
671 large, will down zone industrial property. It is a request that would eliminate about seven acres of
672 unconditional straight zoned by right M-2 zoning. I believe that each of you have a list of the M-2
673 uses that potentially could be developed on this property. That list is about 2-1/2 pages long, but if
674 you were to downzone this property as we have requested for residential town homes, you would
675 be eliminating the risk of industrial and commercial uses, such as manufacturing plants, processing
676 plants, packaging plants, distribution plants, laboratories, warehouses, automobile and truck sales,
677 service stations, tire sales, building material stores and an auto-body paint shop. I mentioned that
678 last one because it is very important in this case, as well. A plan of development had actually been
679 filed and submitted to the County for the development of an auto-body paint shop on this property.
680 Many concerns were raised about the impact of a commercial development like that in this
681 residential neighborhood. Commercial uses and industrial uses could have serious negative impact
682 on the peaceful enjoyment that the residents have in this residential neighborhood. It could impact
683 the property values of adjacent properties and it could bring industrial and commercial traffic onto a
684 residential road network that the County has worked very hard, for the past 12 years, to make sure
685 that it didn't happen. The effort that the County has extended began with the rezoning of Hunton.
686 That large tract of land, the zoning ever since that zoning in 1990 has explicitly done everything in
687 the County's power to keep industrial and commercial property off of Mill Road. Down zoning this
688 property is another set in that direction. It is in recognition of the residential character of this
689 neighborhood that the applicant is seeking the approval of the townhouse development that is

690 before you this evening. This would be a quality development. As staff presented, there are 18
691 proffers that are in the case, and part of the case that would assure quality. We do have a couple
692 of exhibits to help illustrate those qualities.

693

694 One of the exhibits I'd like to show is the proposed entrance to this development. I am not sure if
695 Ms. Moore mentioned it, but it is proposed that this would be a gated development with a very nice
696 landscaped boulevard design entrance, and with meeting the proffer that no structure be closer
697 than 100 feet, that the guard house would be set back that far. With the layout that Ms. Moore
698 showed you earlier, that would mean that the first townhouse would be no closer than about 120
699 feet. So, the visual impact on Mill Road would be an extremely attractive one with the townhouses
700 being set back from the road.

701

702 I don't want to go over the proffers that Ms. Moore has already spoken to you about, but I do want
703 to draw attention to the vinyl fence that was proffered along the western property line, and along
704 the property line adjacent to the railroad track. The nice thing about that is the privacy that would
705 be afforded to the adjacent properties and it would also help in providing some sound attenuation
706 and have no maintenance.

707

708 By having the 18 proffers that have been submitted with this case, we build in the quality and we
709 build in protection for the adjacent landowners, and we take away uses that actually could be
710 considered obnoxious uses. By having the proffers in the case, it makes this not just a straight
711 residential townhouse development, as would be permitted by Ordinance, but one that has
712 proffered conditions that makes the quality go above and beyond what would be permitted for
713 regular townhouse development. We submit that with those protections and quality assurance and
714 getting rid of the M-2 zoning makes this a very desirable case and one that we ask that you
715 recommend to the Board for approval, and we will be glad to answer any questions that you have.

716

717 Mr. Jernigan - Are there any questions for Ms. Freye from the Commission? Thank you,
718 Ms. Freye. We have opposition. Who would like to be the first to speak? Come right on down, sir.

719

720 Mr. Vanarsdall - Did you explain the 10 minutes?

721

722 Mr. Jernigan - Yes, sir. You have 10 minutes and you have a few people to speak. How
723 many people want to speak?

724

725 Mr. Erick Ringberg - I've got the stack of petitions. I think that there might be a show of hands
726 for the balance of the people that are here as part of this.

727

728 Mr. Jernigan - Like I said, you have 10 minutes other than questions asked by the
729 Commission, so I just ask that you don't be repetitious.

730

731 Mr. Ringberg - I will be quick.

732

733 Mr. Jernigan - I don't mean that you have to be quick.

734

735 Mr. Ringberg - My name is Eric Ringberg and I am a resident of Rock Springs Estates.
736 Other residents here from Hunton, Chickahominy Branch and several other of the surrounding
737 subdivisions and streets in the area. I've got with me over 100-signed petitions in opposition to this
738 particular proposed rezoning. If I could, I would like to just go ahead and read it to you and read it
739 into the record. I should note up front, too, that this petition refers to this particular zoning request
740 as well as another that we expected to be on the agenda but was deferred, Case C-67C-03. So
741 there may be some language in this petition that refers to both. The petition states: "I am
742 concerned that the proposed development will adversely impact the health, safety and general

743 welfare of the public and seriously undermine the quality of life of the residents of the Hunton area
744 and surrounding citizens of Henrico County. As proposed, the development for the rezoned areas
745 will significantly increase traffic on Mill Road, Mountain Road and Staples Mill Road, that may
746 endanger the safety of the citizens who currently use these roads as pedestrians and bicyclist and
747 as a school crossing for children. The proposed development maximizes residential density without
748 preserving any open spaces, walking trails, or other community spaces and enhance the quality of
749 life for the community. I am also concerned that the proposed development may seriously
750 endanger the community's water supply, specifically those residents who rely on private wells
751 adjacent to the proposed development as their sole source of drinking water. I rely on the existing
752 zoning and the intended future land use plans contained in the County's Comprehensive Plan, and I
753 oppose the rezoning because it will burden my property and adversely impact my right to the quiet
754 enjoyment of my property. I, the undersigned, request that the Henrico County Planning
755 Commission unanimously recommend the denial of the rezoning application as currently proposed."

756

757 If you would like for me to enter these, or I don't know what the appropriate handling is.

758

759 Mr. Silber - Yes, why don't you bring them forward and give them to Mr. Archer and
760 he can pass them down.

761

762 Mr. Jernigan - Are there any questions for Mr. Ringberg from the Commission?

763

764 Mr. Archer - I have one question. When Ms. Freye was giving her report she indicated
765 that there was a list that we had of uses that could be included in the current zoning. Are you
766 aware of what those uses are?

767

768 Mr. Ringberg - We were aware of the body shop that was referenced as one potential
769 use. The primary concern surrounding this particular area, one of the primary concerns as outlined
770 in the petition, is the significant increase in traffic. I believe there is also a study that shows the
771 increase in traffic on Mill Road and it is a significant increase, and that concern remains. In fact, I
772 think it has increased, in fact, because of the use of townhouses and the density of the townhouses
773 as opposed to relatively light industrial application.

774

775 Mr. Archer - OK. I just wanted to make sure that you understood the implications
776 between what is allowed in a townhouse district and what is allowed in a M-2, because these uses
777 are unconditional M-2 zoning, so these things could be done as long as they are done to the
778 minimum standards.

779

780 Mr. Ringberg - Yes. Correct.

781

782 Mr. Archer - Without any further government interference. Just wanted to make sure
783 that you understand that.

784

785 Mr. Ringberg - Correct. I believe that we do.

786

787 Mr. Jernigan - And Mr. Ringberg, you said light industrial, M-2 is medium industrial.

788

789 Mr. Ringberg - Industrial, again, I believe that we were, I am speaking for a large group
790 here, and if anybody would disagree, please jump in, but...

791

792 Mr. Jernigan - Have you seen this list?

793

794 Mr. Ringberg - I don't believe we have seen the entire list. No. An auto-body was
795 certainly mentioned as an item, though.

796

797 Mr. Jernigan - Stop the clock. I want you to come up here and I want you to scan
798 through that list, because in M-2 zoning, it is pretty intense. I just want you to look through there
799 and see what is available that can go in there, because that is unconditional zoning. If you want to
800 read that to your neighbors, it will be fine.

801

802 Mr. Silber - I think what the Commission is pointing out is obviously there is a whole
803 array of zoning classifications, and zoning classifications allow different types of uses, and ranges all
804 the way from agricultural types of uses all the way up to the most intense zoning classification that
805 Henrico County has which is an M-3 classification, and there are very few places, maybe two or
806 three in the entire County that we have property zoned M-3, so M-2 is a very intense form of
807 zoning. This M-2 has been at this location for many, many years and so the Commission, I think, is
808 just wanting to make sure that people understand the potential use of this M-2 versus what is
809 being proposed, so that is why we bring this to your attention.

810

811 Mr. Jernigan - Not only that, M-2 includes M-1 and all Bs, B-1, B-2 and B-3; Business
812 districts. M zoning is an intensity of business zoning, so he is going to read you the list. We just
813 want to make sure that everybody knows what can go in there.

814

815 Mr. Ringberg - M-2 uses include automobile assembly or repair, non-faros metal foundry,
816 building material sales yard, lumber yards, including no work, contractor's equipment storage or
817 rental yard or plant, grain elevators and mills, trucking and hauling service yards, manufacture
818 concrete products, freight station or terminal train or motor, structural steel fabricating plant,
819 railroad machine shop, wiring. That is just the M-2. M-1s, I will highlight a few of the M-1s on
820 here, limited manufacturing and assembly plants, manufacturing compounding, processing,
821 packaging or treatment of cosmetics, pharmaceuticals and food products, pottery manufacturing,
822 laboratories, warehouses, on-site recycling, and the B-3, I assume, is included as well.

823

824 Mr. Jernigan - B-1, 2 and 3 all can go in there also.

825

826 Mr. Ringberg - Items on this list include towing services, automotive paint shops, car
827 wash, office-warehouse, flea market, department stores, clinics, banks, bakeries, churches, a wide
828 variety of applications.

829

830 Mr. Jernigan - I just wanted to make sure that everybody knew what can go in there.

831

832 Mr. Ringberg - OK. Thank you.

833

834 Mr. Jernigan - Thank you. Who is the next person who wants to speak in opposition?
835 Good evening, sir.

836

837 Mr. Steve Williams - Good evening. My name is Steve Williams and I live at Chickahominy
838 Branch. I am here today to express some of the concerns that I share along with many of my
839 neighbors, concerns that our property would be adversely impacted as would our lifestyle by this
840 proposal by Mr. Atack, including a potential adverse impact on our health, the safety, the traffic,
841 property values in the neighborhood and again with the schools, which are noted in the staff
842 report, which I will comment on in a second, and the general quality of life the residents in this
843 neighborhood currently enjoy. With regard to the adverse impact on the property values, if you
844 look at this particular proposed development, immediately beside this proposed development are
845 houses that are \$400 to \$500 thousand dollars in that range and exceeding that range. It is our
846 contention that this is inconsistent with the recent developments in this neighborhood. I appreciate
847 your concern and pointing out to us that this is currently zoned M-2 and what that potentially could
848 mean could come into this area. However, it is our contention that a precedent has been set with

849 the recent development in the area, including Chickahominy Branch, including Rock Spring Estates,
850 including the Hunton development, which Ms. Freye spoke of earlier. These are all areas that have
851 the average square footage for each house between \$100 per sq. ft. range and \$120 per sq. ft.
852 These are nice luxurious homes. The overwhelming majority of the homes in these area reside on
853 between half an acre and up to an acre, and some as much as five acres or more. This is a high-
854 density proposal, a development which is completely inconsistent with the recent developments in
855 the adjacent and abutting properties. So we have serious significant concerns of the impact that
856 this housing development will have on the property value. In addition to the property value, the
857 staffing report indicates and I quote, "The proposed development cannot support the additional
858 capacity of students and would require additional schools." In addition to that, there is a significant
859 impact on the traffic. The Traffic Engineer's report indicates that there will be an additional 538
860 vehicle trips, single trips, as a result of this proposal if it is approved accordingly. That is an
861 increase of over 26% of the daily trips that are currently there. I think it would be short sighted to
862 not take into consideration the potential development that could occur down the road. It is my
863 understanding that in 2010 there is a middle school that is to be opened, which is adjacent to this
864 property, which will also impact the traffic on Mill Road. This has an impact on the safety of the
865 neighborhood, given the large number of children that are in the neighborhood, and that play near
866 Mill Road. One thing that needs to be considered with regard to the traffic is there are very limited
867 ways to accommodate the increased traffic as development further extends in this area, other than
868 what would constitute eminent domain and the taking of some of the private property owner's
869 property to make Mill Road, to take it from a single-lane road to a double lane road. Many of the
870 houses that have been on Mill Road for many, many years before the recent developments have
871 been there, they are very close to Mill Road and any expansion of that road to make it a two-lane
872 road would encroach on their private property.

873

874 Another interesting point to note is in addressing the high density, this property abuts a railroad
875 and it is our concern that, quite frankly, we're concerned about the quality of the housing that is
876 going to go in there, and the impact that that is going to have on the development in the
877 surrounding areas, including Hunton, Rock Springs Estates and Chickahominy Branch. We feel that
878 there are more appropriate lower density alternatives that can be developed and be more
879 consistent with the development in this area. So, in summary I'd like to conclude that the citizens
880 of this neighborhood have relied on the zoning when they purchased the houses that they currently
881 reside in. They expect the development to be consistent with the zoning, as it is in these
882 neighborhoods. This proposal is inconsistent with the County plan. It jeopardizes the health and
883 potential safety of the citizens. It unduly creates additional significant traffic congestion. It unduly
884 burdens the current school system, which cannot support the additional students from these
885 proposals, and it will significantly impact the value of the existing homes in the neighborhood and
886 adversely impact our right to the quiet enjoyment of the property. Thank you for your
887 consideration.

888

889 Mr. Jernigan - Are there any questions for Mr. Williams from the Commission? I just
890 want to ask you one thing. If they put a sausage factory next door, that is going to hurt your
891 values, too.

892

893 Mr. Williams - Potentially, but we would rely on the zoning ordinances to take that into
894 consideration.

895

896 Mr. Jernigan - That is what we were trying to explain to you at the outset. We can't
897 control that. This is what I want everybody to understand. M-2 unconditional zoning means that
898 anything on that list that gentleman read can move in there. All they have to do is meet County
899 Code. We can't stop it. If somebody wants to put a snuff factory in there, they can go in there.
900 They just have to meet the building codes, and that is what M-2 zoning is.

901

902 Mr. Williams - We understand that.
903
904 Mr. Jernigan - OK. Thank you. Who is next? Good evening, sir.
905
906 Mr. Art Carroll - My name is Art Carroll and I have been a resident in that area since 1964.
907 I've watched the County allow five subdivisions to go in on Mill Road, an elementary school, a fire
908 house, and not one piece of work has been done to improve the capacity of Mill Road since the day
909 it was built, and I know that you are aware of what is coming, because you have already started
910 the construction, and it will be ready for 2004 and a new elementary school in that area at
911 Woodman at Greenwood. There is another 90 acres and Ms. Freye is sitting here without even this
912 one here, they've already started on this. They have already started the access road back in there
913 and she talks about it being set back 150 feet and everything like that, but when they get to where
914 the rubber is going to meet Mill Road, it is 20 feet wide and that is it. Not one single thing has
915 been done to improve it. You've got a t-intersection at Mill and Mountain, you've got a t-
916 intersection with a railroad crossing at Old Washington Highway. Nothing has been done to
917 improve any of the capacity of either Mill Road or Washington or Greenwood, and you know, with
918 any of this development, whether it is industrial or homes, it is coming. One of my questions is, are
919 we going to wait until it gets so burdensome with traffic and so unsafe in that area for the people
920 who live there, that then you are going to start shutting it down one lane at a time trying to rebuild
921 something that should be in place even before it is allowed to be developed regardless of whether
922 it is residential or industrial. And that is my objection to it. There is no plan.
923
924 Mr. Vanarsdall - Thank you.
925
926 Mr. Jernigan - Are there any questions for Mr. Carroll from the Commission? Thank you,
927 sir. All right, is there anybody else that would like to speak? We have just a little bit under three
928 minutes left, sir. How are you?
929
930 Mr. Neil Suffa - Just fine, thank you. My name is Neil Suffa and I am a resident of Rock
931 Springs Estates.
932
933 Mr. Jernigan - What is your last name?
934
935 Mr. Suffa - Suffa. I have lived there for about seven years. I have actually been to a
936 couple of zoning cases previously where we have granted additional access for Hunton. We have
937 allowed the building in the Hunton Parkway area, where there were supposed to be certain buffers
938 that were to maintain the preservation of the community and Rock Spring Estates and
939 Chickahominy Branch, which we continue to see them being encroached on and they are not
940 exactly consistent with what the community expected. You know, I know we brought our house.
941 We have a little over 3-1/2 acres. I've got twin 3-year olds and every time we go down the road,
942 more and more traffic. We expected to go Glen Allen Elementary. You know, we see additional
943 traffic coming in there. The roads backing up to Mountain Road are consistently backlogged,
944 especially during rush hour times. If you go to Mountain Road and Staples Mill, at rush hour you
945 can wait 10 minutes at the traffic light there. You know, adding 150 vehicles in there, potentially at
946 rush hour, that is a huge burden on that small narrow area. I know that in speaking with a lot of
947 our neighbors, we are very concerned about the traffic impact. I am concerned about the safety of
948 my children and the values. And when you look at this community, you've got 40 railroad trips a
949 day right at a railroad crossing. Are people going to spend \$250,000 for a townhouse where they
950 hear the whistle blow 40 times a day and have trains rolling right through their back yards. You
951 know, I have some friends who own \$200,000 houses that back up to railroad tracks where they go
952 eight times a day, and they are ready to move out right now. So I can only imagine someone
953 moving into this type of luxury community wanting to pay \$250,000 to \$300,000 with 40 railroad
954 trips a day. It just seems a little inconsistent to me. I appreciate your time. Thank you.

955

956 Mr. Jernigan - Are there any questions for Mr. Suffa from the Commission? Thank you,
957 sir. All right. Is that it? Ms. Freye, would you like to come back up? You have four minutes left,
958 ma'am.

959

960 Ms. Freye - I ask Ms. Moore to put the aerial on in hopes that it would give us some
961 context to consider the comments that you heard from some of the people in the neighborhood. I
962 guess that my concern is that the majority of folks that you heard from this evening live in Rock
963 Springs, Chickahominy Estates, which are in the far upper left-hand corner of this aerial (referring
964 to slide). They are not adjacent property owners. I don't believe there was one adjacent property
965 owner who spoke. The adjacent property owners are the ones who would have to live beside the
966 sausage packing plant. They are the ones that would have to compete with access onto Mill Road
967 with big trucks and distribution vehicles. Those folks deserve to have the protection that down
968 zoning this property would bring. Interestingly, the developer who developed Hunton Estates, the
969 half million dollars homes that were referred to adjacent to this is the same developer of this
970 townhouse property. I think it is fair to say that in every development that Mr. Atack has ever
971 undertaken, he has over delivered on his promises. We have proffered conditions that will assure
972 the quality, minimum standards, and I have no doubt in this case like all of the others he will
973 exceed those standards because he has a vested interest and that is protecting Hunton Estates, the
974 same development that is adjacent to this, that will provide this and getting rid of those industrial
975 uses protects that development as well as the adjacent land owners.

976

977 The question was brought up about traffic. I know that Mr. Foster is here and would be available
978 to respond to any questions, but I think the summary in the staff report really sums it up, that the
979 adjacent road network is adequate to serve the proposed townhouses. The nice thing about that
980 change in traffic is that it would be residential traffic. It wouldn't be industrial or commercial traffic,
981 which, as I said, the County has worked so hard to protect the residents from on Mill Road. I think
982 that what I'd like to close by saying is the very concerns and worries about property values and
983 negative impact and negative traffic are the things that we can protect the neighborhood and the
984 adjacent properties by approving this townhouse proposal.

985

986 I really don't know what else to say. I think with the school situation, there are elementary and
987 middle schools that are going to be coming on line I think as early as 2004. The road that was
988 referred to as already being there by Mr. Carroll is actually LaVecchia Way, that leads back to the
989 new school that was referenced to open in maybe 2010, so that is not adjacent to or leading to this
990 property. That is a separate road. I would be glad to clarify any other comments or respond to
991 any other questions.

992

993 Mr. Jernigan - Are there any other questions for Ms. Freye from the Commission? Let me
994 ask this, and she brought up the point about the people that are speaking aren't adjacent
995 neighbors. Are there any adjacent neighbors here to this? Yes ma'am. I'd love to have you come
996 up here.

997

998 Ms. Stokes - My name is Martha Stokes and I am one of the neighbors in Hunton
999 Estates, and there are several of us here who live in the homes there now. Just to clarify, there are
1000 no adjacent homeowners at the moment to this property because the roads have not been cut
1001 through, and there are no home sites that have been sold in Hunton Estates that are directly next
1002 to this property at the moment. I think we all share some concern that there are issues within
1003 Hunton Estates at the moment that we do not feel have been taken care of, at our request or at
1004 the neighbor's request. There are drainage issues that we are still dealing with, there are issues
1005 with the new property that are yet to be developed, and so I think our concern at the moment #1,
1006 comes from that fact, that there still are some issues that we are all addressing with our properties.
1007 Secondly, I don't know that any of us honestly were very aware of the current zoning that is in that

1008 property when we purchased our homes in the first section. Most of us understood that there was
1009 to be a school along that LaVecchia Way and railroad property, and I know that at least one of our
1010 neighbors came with information in hand that I saw. Most of what we received when we
1011 purchased our property gave us every indication that a County school one day was going to be
1012 located along that property, and that was all we were being concerned with at the time. So, just
1013 again, just to clarify, there are no adjacent neighbors in Hunton Estates right now next to this
1014 property, and there are a number of issues that we are continuing to try to address within the sites
1015 that have been developed for our homes and properties that give us reason to be here tonight
1016 along with our neighbors in the community from Chickahominy Branch and Rock Springs.

1017
1018 Mr. Jernigan - All right. Thank you, Ms. Stokes, but my question, too, was, we can see
1019 some house right in here from this GIS photo. Is anybody here that lives in these houses?

1020
1021 Mr. Silber - I guess those homes are on parcels that front on Mill Road.

1022
1023 Mr. Jernigan - What I am speaking of is the homes that are on Mill Road now. Right. Are
1024 any of those folks here? Sir, would you come to the podium, please.

1025
1026 Mr. Sharma - My name is Shekhar Sharma and I live in Hunton Estates. I see Ms. Freye
1027 throwing a red herring to up – (unintelligible) from the central issue, is all the people that drive on
1028 Mill Road, not the ones whose driveways are next to that property, and that is what we are here
1029 for. We don't have any problems. This was discussed in our meeting that Attack Properties hosted
1030 a few days ago. We have no problems about residential houses coming in there. We have
1031 problems about so many townhouses coming in there. The property values are so high over there
1032 that Attack Properties can still make a very good profit, creating single-family residential homes
1033 (unintelligible) with Hunton Estates and others going up in the neighborhood, and that is what we
1034 are talking about.

1035
1036 Mr. Jernigan - Any questions for Mr. Sharma from the Commission? All right. Thank you,
1037 sir.

1038
1039 Mr. Archer - Mr. Sharma, before you go, I am still concerned that you and the other
1040 people that spoke may not be fully aware of the possibilities that could arise with this unconditional
1041 M-2 zoning. As a Planning Commissioner, and I am sure my colleagues feel the same way, there is
1042 nothing more frightening than having uncontrolled industrial uses next to a residential
1043 neighborhood, and I just wanted to show that you all really understand what the implications are of
1044 this unconditional M-2 zoning.

1045
1046 Mr. Sharma - I hope I am speaking for everybody else that they are aware of that, but
1047 there is something called market forces. The other proposal that Attack Properties had, that was
1048 postponed to January 15, 2004, was already an industrial office park or something like that, which
1049 Mr. Attack, and we like Mr. Attack. He has done a great job up in Hunton. I will be the first one to
1050 say that. He is proposing getting out of the industrial business and getting into the residential
1051 because that is what is going to get better dollar. So, you know, I fully understand what you are
1052 saying, but there is some market force over here that is going to prevent that sausage factory from
1053 coming and stinking up our neighborhood.

1054
1055 Mr. Jernigan - Thank you, Mr. Sharma. That was good. I want you all to know, and one
1056 of my colleagues passed me a note to remind you that in M-2 zoning, that can be run 7 days a
1057 week, 24 hours a day, no restrictions. OK. We've got hands up and we are out of time. We can't.
1058 Somebody that hasn't spoke, come on up here. I will give you 30 seconds, sir, because we are out
1059 of time.

1060

1061 Mr. Silber - The challenge is we have a long agenda tonight and we hope you
1062 understand.
1063
1064 Mr. Jernigan - Yes, we've got 11 cases tonight and I'm not trying to push you. We want
1065 to hear what everybody has got to say, but for the respect of everybody else who is here, we have
1066 to cap it at some point.
1067
1068 Mr. Struther - I understand. Thank you for just a few more minutes, 30 seconds. But in
1069 any event, I am Phil Struther. I am a resident of the Brookland District. I have lived in the area
1070 with my family of five. I can tell you that I've had an opportunity to speak with many of the
1071 citizens here. They are deeply concerned about the density of this development. I don't think
1072 anyone believes that there won't be some kind of development there. We are deeply concerned
1073 about the density, the traffic that is involved. There is a school that is on Mill Road as you are well
1074 aware. And we are concerned. This is a neighborhood. This is a community that still uses it road
1075 for pedestrian uses, still uses it for bicycling purposes, and other uses besides having vehicular
1076 traffic on it. We are very interested in keeping our community a community that has an excellent
1077 quality of life. Mr. Atack has the opportunity and one of the problems that I saw with deferring the
1078 other case until the next Planning Commission is that these cases should be considered together.
1079 This is an opportunity for Mr. Atack to enhance the quality of life for our community, to make it
1080 extremely an excellent place to live. What we are looking for is something in these plans that
1081 enhance our quality of life, walking trails, something that will offset the level of traffic that is going
1082 to be caused by these developments, something that will allow the school children, our kids in our
1083 community, the opportunity to get out of their homes, get away from their televisions, get into the
1084 community to enrich our lives. I don't see any walking trails proposed. I don't see anything that
1085 will set aside some kind of open spaces for the community to gather, and become united. What I
1086 see is an enclave that has been proposed, an isolated enclave with a gate in the front that will
1087 segregate this development from the rest of the community, and we are deeply concerned about
1088 that. I think that is much more than 30 seconds, but...
1089
1090 Mr. Vanarsdall - I didn't hear you say where you live.
1091
1092 Mr. Struther - I live within legal standing of the development. I will just leave it at that.
1093
1094 Mr. Jernigan - Can you be a little more specific?
1095
1096 Mr. Struther - I live in Rock Springs Estates.
1097
1098 Mr. Glover - I know where you live, Mr. Struther.
1099
1100 Mr. Struther - Thank you, sir.
1101
1102 Mr. Jernigan - OK, thank you, Mr. Struther. Mr. Vanarsdall. I will turn it over to you.
1103
1104 Mr. Vanarsdall - I made a few notes here and I really don't know where to start, because I
1105 think that everything I was going to say has been said one way or the other. One of the things I
1106 am surprised at is that although we had a community meeting last Thursday night, and several of
1107 you were there, one of the things that I am surprised at is that no one asked about the quality of
1108 the development, and we know that Mr. Atack is well known in the area and has always done that,
1109 made a good project. And I want to go back to some of the speakers. The health, safety, welfare
1110 and quality of life one of the speakers said. I don't understand how you think an M-2
1111 Manufacturing zoning could be anything about health, safety and welfare of your community, and
1112 first of all, I understand how you feel and I appreciate you coming and voicing your opinion, and I

1113 understand that you have never had townhouses in the area. That doesn't mean that they are all
1114 that bad and it doesn't mean bad people live in them. It just never has come up.

1115

1116 I know that one lady said it impacts on schools. There won't be but 23 students out of this project,
1117 and we are going to have a new middle school and a new elementary school, and these students
1118 that will be, 10 will go to Glen Allen and only six to Brookland, seven to Hermitage which is already
1119 over-capacity, and this does not make it but seven more, and I am sure the School Board is
1120 addressing that. So, I don't see where that is such a concern.

1121

1122 Traffic, every time we've ever had a zoning case in the area, and I've been with you on many of
1123 them, there has always been traffic in them, and I said one time I wished we had a proffer that we
1124 could say that there is no more traffic. We up here in the Commission hear about traffic
1125 throughout the County more than any other subject. The other subject probably would be drain
1126 issues and water runoff. So, someone mentioned single-family dwelling and single-family dwellings
1127 would make even more traffic.

1128

1129 Drainage issues. Drainage issues are always taken care of at the time of subdivision development
1130 and plan of development and then that will be addressed. The school that was there, at the
1131 community meeting it was mentioned that a school would be built in 2010, and that it would start
1132 in 2008. And that is exactly what the lady said, it is exactly where this M-2 zoning is, it is right
1133 beside it. And I don't think you all realize now when you ride down Mill Road, and I rode down it
1134 again yesterday, I don't think you realize that when this school is cleared to be built, I don't think
1135 you realize how it is going to look if you have something back there like a warehouse or something.
1136 I'd like for you to picture what that would be like.

1137

1138 We talked about anything that would go in an M-2 zoning. M-2 zoning also includes, I believe it
1139 was mentioned, but I want to make sure you understand it from my point. The M-2 zoning
1140 includes M-1 uses and that includes the B-3 uses. The B-3 issues include the B-2 and B-1, and I
1141 think it is between 50 to 75 uses that would go on the property as we speak that you would not
1142 want there, and believe me, I know personally a warehouse can go under the M-2 and you don't
1143 want that. A warehouse brings an addition to trucks. It brings people going and coming, people
1144 going to lunch, dental appointments, doctor's appointments, a little sandwich truck comes with the
1145 bell. They load trucks at midnight and 3:00 in the morning you have dumpsters and keep in mind
1146 again, this is unsecured and unconditioned. Unconditioned means any hour they want, 24/7 days a
1147 week and you can't do a thing about it, you can't control it, and the County can't control it. So, I
1148 am really surprised that you all were not really interested in getting rid of a blight in the area.
1149 Having said that, as you know, the Planning Commission has certain rules and regulations that we
1150 go by. So, staff supports this request. It is consistent with the Land Use Plan. It is consistent with
1151 the goals, objectives and policies of the Land Use Plan that we go by, and only adds 23 students,
1152 as I said previously, to the school, and that is not very much. I don't see how you could do
1153 anything but consider this, and I think some of you said no just to the idea of this development
1154 before you ever heard all about it. So, we have done everything we can do on the Planning
1155 Commission and so I am going to recommend it to the Board of Supervisors to be approved, and
1156 then it will be heard by the Board 30 days from today. So, with that I move that Case C-66C-03 be
1157 recommended to the Board for approval.

1158

1159 Mrs. Ware - Second.

1160

1161 Mr. Vanarsdall - And I appreciate all of you coming and Mr. Secretary you can tell them the
1162 date that it will come before the Board.

1163

1164 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All in
1165 favor say aye. All opposed say no. The ayes have it. The motion is passed.

1166
1167 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Ware, the Planning Commission
1168 voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request because
1169 it continues a form of zoning more consistent with the residential nature of the area and the
1170 proffered conditions will provide quality assurances not otherwise available on the site.
1171
1172 Mr. Glover - Mr. Chairman, if I can make a remark here since it will come to the Board
1173 of Supervisors and I say to each of you who have come here tonight and spoken against this case,
1174 I want to tell you that I am probably as much against townhouses in that area as you are. Maybe
1175 even more so. I would like to, between now and the time that we hear this case, we've had good,
1176 some of you haven't been there but some of you have been in the area long enough to know that
1177 each time there has been anything that comes before the Board for rezoning, in your area, we've
1178 met and we've looked at things with an open mind, and then we've made decisions together. It
1179 has not been me making decisions for Rock Springs. It is not me making decisions for
1180 Chickahominy Branch. Any of those, we have always met with the public, even though the
1181 Planning Commission has met with you, the developer has met with you, I don't like townhouses,
1182 but I don't know right now what I can do about it but between now and the time we make a
1183 decision, I want you all to help me make a decision based on the quality of life that you want and
1184 the quality of life you desire. I desire those same things, believe me. You've got a wonderful
1185 community out there. I am very proud of it from a standpoint of a supervisor that have been here
1186 for 16 years and have watched Rock Springs grow from a few homes. Actually, I have been here
1187 20 years. As a matter of fact, I had an opportunity to buy one of your prime lots for \$21,000.
1188 Does that tell you how long ago that I have been involved with Rock Springs? Chickahominy
1189 Branch is the same thing. We were very fortunate that the developer there developed one-acre
1190 lots that he could have built 900 sq. ft. homes on, but he didn't do it. I really do want to work with
1191 you. I want you to work with me, but it is very difficult to do it if we've made up our minds
1192 already. I want to tell you that my mind isn't made up. OK. You can count on that. I do want
1193 you to help me and I want you to meet with me and I do plan to have a meeting before the Board
1194 meets to make this decision. If we have to defer it in order to get that in between now and the
1195 27th, I don't think we will, but would you all be willing to do that? If you don't think we want to do
1196 that, then let me know right now. OK. Thank you. Merry Christmas.
1197
1198 Mr. Silber - Thank you. This will come up on January 27, 2004.
1199
1200 Mr. Vanarsdall - I believe I have to waive the time limits on the proffer. I move that we
1201 waive the time limits on Case C-66C-03.
1202
1203 Mrs. Ware - Second.
1204
1205 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All in
1206 favor say aye. All opposed say no. The ayes have it. The motion is passed. Mr. Bittner, we want
1207 to go back now on the 7:00 p.m. schedule.
1208
1209 Mr. Bittner - Yes, sir. I am prepared to do the 7:00 p.m. deferrals if you like.
1210
1211 Mr. Jernigan - OK. Give everyone a minute to clear out.
1212
1213 Mr. Silber - Please move outside of the room so that we can continue the meeting.
1214 Thank you.
1215
1216 Mr. Jernigan - OK. Mr. Bittner, you may proceed on the 7:00 p.m. agenda.
1217

1218 Mr. Bittner - Yes, I am going to cover the cases on the 7:00 p.m. agenda that have
1219 requested deferral. The first one is on page 4 of the agenda.
1220

1221 **Deferred from the September 11, 2003 Meeting:**

1222 **C-32C-03 William R. Cawthorn for Amir Zinat:** Request to conditionally rezone
1223 from RTHC Residential Townhouse District (Conditional) to R-5C General Residence District
1224 (Conditional), Parcel 749-755-3834, containing approximately 3.33 acres, located on the south line
1225 of Three Chopt Road approximately 575 feet east of Cedarfield Parkway. A childcare center or
1226 multi-family residences are proposed. The use will be controlled by proffered conditions and zoning
1227 ordinance regulations. The R-5 District allows a density up to 14.52 units per acre. The Land Use
1228 Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Environmental
1229 Protection Area.
1230

1231 Mr. Bittner - This is a deferral request to April 15, 2004.
1232

1233 Mr. Jernigan - Is there any opposition to the deferral of Case C-32C-03, William R.
1234 Cawthorn for Amir Zinat?
1235

1236 Mrs. Ware - I move that Case C-32C-03 be deferred to the April 15, 2004 meeting at
1237 the applicant's request.
1238

1239 Mr. Vanarsdall - Second.
1240

1241 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in
1242 favor say aye. All opposed say nay. The ayes have it. The motion is passed.
1243

1244 At the applicant's request, the Planning Commission deferred Case C-32C-03, William R. Cawthorn
1245 for Amir Zinat, to its meeting on April 15, 2004.
1246

1247 **Deferred from the November 13, 2003 Meeting:**

1248 **C-25C-03 Henry L. Wilton for Wilton Companies LLC:** Request to conditionally
1249 rezone from O-3C Office District (Conditional) to B-2C Business District (Conditional), Parcel 737-
1250 751-4601 and part of Parcel 737-751-4028, containing 11.495 acres, located at the northeast
1251 intersection of Ridgefield Parkway and John Rolfe Parkway right-of-way. Retail with limited office
1252 uses are proposed. The use will be controlled by proffered conditions and zoning ordinance
1253 regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per
1254 acre, and Office.
1255

1256 Mr. Bittner - This is a request to defer to the January Planning Commission meeting.
1257

1258 Mr. Jernigan - Is there any opposition to defer Case C-25C-03, Henry L. Wilton for Wilton
1259 Companies LLC?
1260

1261 Mrs. Ware - I move that Case C-25C-03 be deferred to the January 15, 2004 meeting
1262 at the applicant's request.
1263

1264 Mr. Vanarsdall - Second.
1265

1266 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in
1267 favor say aye. All opposed say no. The ayes have it. The motion is passed.
1268

1269 At the applicant's request, the Planning Commission deferred Case C-25C-03, Henry L. Wilton for
1270 Wilton Companies LLC, to its meeting on January 15, 2004.

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C-73C-03 Gloria Freye for Robert M. Atack: Request to conditionally rezone from A-1 Agricultural District and R-1 One Family Residence District to R-2AC One Family Residence District (Conditional), part of Parcel 744-742-5871, containing 22.753 acres, located on the north line of Patterson Avenue (Route 6) approximately 1,600 feet west of Gaskins Road. The applicant proposes no more than forty (40) single-family residential lots. The R-2A Districts allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends Semi Public.

Mr. Bittner - This is a deferral request to March 11, 2004.

Mr. Jernigan - Is there any opposition to the deferral of Case C-73C-03, Gloria Freye for Robert M. Atack? No opposition.

Mrs. Ware - Then I move deferral of Case C-73C-03, Gloria Freye for Robert M. Atack, be deferred to the March 11, 2004 meeting, at the applicant's request.

Mr. Taylor - Second.

Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Taylor. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

At the request of the applicant, the Planning Commission deferred Case C-73C-03, Gloria Freye for Robert M. Atack, to its meeting on March 11, 2004.

Deferred from the November 13, 2003 Meeting:

C-41C-03 Don Smith: Request to conditionally rezone from B-2C Business District (Conditional) to M-1C Light Industrial District (Conditional) and B-2C Business District (Conditional), Parcel 808-729-7538, containing 8.585 acres (M-1C - 6.496 ac.; B-2C - 2.089 ac.), located at the southeast intersection of Dabbs House and Creighton Roads. A mini-storage warehouse/self-storage facility and retail are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay District.

Mr. Bittner - This deferral request is to January 15, 2004.

Mr. Jernigan - Is there any opposition to the deferral Case C-41C-03, Don Smith? There is no opposition. I move for deferral of Case C-41C-03, Don Smith, to the January 15, 2004 meeting, by request of the applicant.

Mr. Vanarsdall - Second.

Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

At the request of the applicant, the Planning Commission deferred Case C-41C-03, Don Smith, to its meeting on January 15, 2004.

Deferred from the November 13, 2003 Meeting:

C-56C-03 Gloria Freye for Finer Homes, Inc. & Debbie Stoddard: Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional) Parcel 802-696-9269 and part of Parcel 803-696-6866, containing 41.758 acres, located on the east line of Osborne Turnpike approximately 0.41 mile north of Tree Ridge Road and approximately 240 feet west of the western terminus of Harmony Avenue. A single family

1324 residential subdivision is proposed. The R-2A District allows a minimum lot size of 13,500 square
1325 feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

1326

1327 Mr. Bittner - The deferral request is to January 15, 2004.

1328

1329 Mr. Jernigan - Is there any opposition to the deferral of Case C-56C-03, Gloria Freye for
1330 Finer Homes, Inc. & Debbie Stoddard? No opposition. With that, I will move for deferral of Case
1331 C-56C-03, Gloria Freye for Finer Homes, Inc. & Debbie Stoddard, to January 15, 2004, by request
1332 of the applicant.

1333

1334 Mr. Taylor - Second.

1335

1336 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Taylor. All in favor
1337 say aye. All opposed say no. The ayes have it. The motion is passed.

1338

1339 At the request of the applicant, the Planning Commission deferred Case C-56C-03, Gloria Freye for
1340 Finer Homes, Inc. & Debbie Stoddard, to its meeting on January 15, 2004.

1341

1342 **Deferred from the November 13, 2003 Meeting:**

1343 **C-64C-03 David Redmond for Mid-Atlantic Commercial Properties, LLC:**

1344 Request to conditionally rezone from A-1 Agricultural District to B-2C Business District (Conditional),
1345 Parcel 814-717-0480, containing 5.06 acres, located at the southwest intersection of Gay and S.
1346 Laburnum Avenues. Community retail is proposed. The use will be controlled by proffered
1347 conditions and zoning ordinance regulations. The Land Use Plan recommends Office. The site is in
1348 the Airport Safety Overlay District.

1349

1350 Mr. Bittner - The deferral is requested to the February 12, 2004 meeting.

1351

1352 Mr. Jernigan - Is there any opposition to the deferral of Case C-64C-03, David Redmond
1353 for Mid-Atlantic Commercial Properties, LLC? There is no opposition. With that, I move for deferral
1354 of Case C-64C-03, David Redmond for Mid-Atlantic Commercial Properties, LLC, to February 12,
1355 2004, by request of the applicant.

1356

1357 Mr. Vanarsdall - Second.

1358

1359 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in
1360 favor say aye. All opposed say no. The ayes have it. The motion is passed.

1361

1362 At the request of the applicant, the Planning Commission deferred Case C-64C-03, David Redmond
1363 for Mid-Atlantic Commercial Properties, LLC, to its February 12, 2004 meeting.

1364

1365 **C-74C-03 Laraine Isaac for Alan Braun:** Request to conditionally rezone from A-1
1366 Agricultural District to R-5AC General Residence District (Conditional), Parcels 805-692-4564 and
1367 806-692-0994, containing 54.073 acres, located along the north line of I-895 and at the southwest
1368 intersection of Burning Tree Road and I-895/S. Laburnum Avenue Extension. No more than one
1369 hundred seventy-five (175) age-restricted residential lots are proposed. The R-5A District allows a
1370 minimum lot size of 5,625 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0
1371 to 2.4 units net density per acre.

1372

1373 Mr. Bittner - The deferral is requested to January 15, 2004.

1374

1375 Mr. Jernigan - Is there any opposition to the deferral of Case C-74C-03, Laraine Isaac for
1376 Alan Braun? There is no opposition. With that I move for deferral of Case C-74C-03, Laraine Isaac
1377 for Alan Braun, to January 15, 2004, by request of the applicant.

1378
1379 Mr. Taylor - Second.

1380
1381 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Taylor. All in
1382 favor say aye. All opposed say no. The ayes have it. The motion is passed.

1383
1384 At the request of the applicant, the Planning Commission deferred Case C-74C-03, Laraine Isaac for
1385 Alan Braun, to its meeting on January 15, 2004.

1386
1387 Mr. Bittner - That is the final deferral request on the 7:00 p.m. agenda, sir.

1388
1389 Mr. Jernigan - Thank you, Mr. Bittner.

1390
1391 Mr. Silber - OK. If we can move back to the 6:00 portion, we are now up to page 3,
1392 which would be rezoning request C-61C-03.

1393
1394 **Deferred from the November 13, 2003 Meeting:**

1395 **C-61C-03 Bill Axselle for Neil Farmer:** Request to conditionally rezone from A-1
1396 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 752-763-4795 and
1397 part of Parcel 752-763-1932, containing 10.03 acres, located at the northern terminus of Lexington
1398 Farms Drive, 528 feet southeast of the southeastern terminus of Chicopee Road, and 70 feet west
1399 of the southern terminus of Fort McHenry Parkway. The aggregate density is proffered not to
1400 exceed 3 units per acre. The R-3 District allows a minimum lot size of 11,000 square feet. The Land
1401 Use Plan recommends Suburban Residential 2, 2.4 to 3.4, units net density per acre.

1402
1403 Mr. Jernigan - Is there any opposition to Case C-61C-03, Bill Axselle for Neil Farmer? We
1404 have opposition. Mr. Bittner, you may proceed.

1405
1406 Mr. Bittner - Thank you, Mr. Jernigan.

1407
1408 There are three (3) options for road access to this property:

- 1409
1410 1. Access all new lots from the terminus of Lexington Farm Drive
1411 2. Access all new lots from the terminus of Fort McHenry Parkway
1412 3. Split access with some lots off both roadways

1413
1414 Under no option would Lexington Farm Drive and Fort McHenry Parkway connect with each other
1415 to form a through-road.

1416
1417 Staff has analyzed the three options and finds them all to be acceptable. However, the preferred or
1418 "best" option would be all new lots accessed from Lexington Farm Drive. That is shown on this
1419 diagram here (referring to rendering). The reasons for this are as follows:

1420
1421 1. Traffic Generation: This proposed subdivision is for approximately 27 lots. The amount
1422 of traffic generated by these lots would be small compared to the current traffic levels
1423 on surrounding roads. Under any option, the traffic impact of this development would
1424 be limited. This is why any of the options could be acceptable.

1425
1426 2. Orientation of Existing Residences: No existing residence fronts on or has direct access
1427 to Lexington Farm Drive. Several existing residences front on and directly access Fort

1428 McHenry Parkway. Because of this, Lexington Farm Drive is better designed to handle
1429 additional traffic.
1430

1431 3. Peak Hour Traffic: The presence of Springfield Park Elementary School at the terminus
1432 of Fort McHenry Parkway creates significant amounts of peak hour traffic on this road.
1433 School openings and closings cause this level of traffic. Peak hour traffic volumes near
1434 the terminus of Lexington Farm Drive are less than those on Fort McHenry Parkway.
1435 Traffic distribution would be better served via access to Lexington Farm Drive.
1436

1437 4. Traffic Patterns Around Springfield Park Elementary School: Fort McHenry Parkway's
1438 terminus is at Springfield Park Elementary School. This "insulates" the school to some
1439 degree because no vehicular traffic approaches it from the southern direction. This
1440 makes the movement of cars, school buses, and school children easier on and around
1441 the site. If the proposed subdivision were accessed via Fort McHenry Parkway, new
1442 traffic would flow to and by the school from the south. This could complicate vehicle
1443 and pedestrian traffic patterns. Access via Lexington Farm Drive would prevent this.
1444

1445 For the above-listed reasons, staff feels the preferred or "best" option would be #1 with all lots
1446 accessed from Lexington Farm Drive.
1447

1448 The applicant has submitted revised proffers that satisfactorily address the other issues in the staff
1449 report. The time limit does not need to be waived to accept these new proffers. Therefore, staff
1450 recommends approval of this request.
1451

1452 This concludes my presentation. I would be happy to try to answer any questions you may have.
1453

1454 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission?
1455

1456 Mr. Taylor - Not at this time, Mr. Chairman.
1457

1458 Mr. Jernigan - Thank you, Mr. Bittner.
1459

1460 Mr. Archer - Mr. Bittner, you did say these proffers were timely. Did you not?
1461

1462 Mr. Bittner - Yes. They came in two days ago. The time limits do not need to be
1463 waived.
1464

1465 Mr. Jernigan - Mr. Axselle, how are you?
1466

1467 Mr. Axselle - Fine, Mr. Chairman. I'd like to reserve three minutes for rebuttal. I will
1468 be very brief. I believe there are some other people who want to speak in support, but I would like
1469 to have three minutes for rebuttal for the applicant. I think Mr. Bittner has laid out the issue very
1470 well. We are in compliance with the Land Use Plan, we have lots that are bigger than the adjacent
1471 subdivision, houses that are bigger, less density, and the sole issue has been the access, and we
1472 have, in fact, collectively, the County, the neighborhood and us have explored three options.
1473 Finally, we did what probably we all should have done from the start, and that was to have the
1474 Traffic Engineer do a study, which he did, and so I think the report that is before you in our case,
1475 and the County's recommendation is consistent with that.
1476

1477 Mr. Bittner went through the reasons, but let me kind of hit a couple of them for you. While all
1478 three of the options could accommodate the limited traffic that comes from 27 lots, there are
1479 probably three reasons in my mind that Lexington Farm Drive is more appropriate. The first is the
1480 presence of the school. The school, because of the traffic it brings, and the safety of the children

1481 and everything is something that needs to be considered. Second, on Fort McHenry, an option that
1482 was not eventually chosen, there are about 40 some homes that face Fort McHenry. These are
1483 folks whose driveways, they come in and out on toward McHenry, so traffic of any nature is an
1484 impediment to them. On Lexington Farm Drive, I do not believe that are any homes that face or
1485 front on Lexington Farms Drive. And the third is the peak hour. The traffic between the two sides,
1486 if you will, on a normal daily basis, is about 1,700 as opposed to 1,400, a difference, but not a
1487 significant difference, but the 7 to 8:00 a.m. peak period off of Fort McHenry, Option #2, is 590
1488 vehicles during that hour at the spot closest to this property. In the 7:00 to 8:00 a.m. peak period
1489 on Lexington Farm Drive, it is 137. So you are talking about the difference between 590 vehicles
1490 on the option that was not chosen, and 137 on the option that was, and while you are adding a
1491 limited amount of traffic because of the school and the turning movements and so forth, it is the
1492 thought of the applicant, and I believe the County and others that that was the more appropriate
1493 way to proceed. I suggest to you the case should be approved because it is in compliance with all
1494 of your standards and that the road network presented to you is, in fact, in compliance with the
1495 County requirements.

1496

1497 I like to respond to any questions and reserve the rest of the time for rebuttal.

1498

1499 Mr. Jernigan - Are there any questions?

1500

1501 Mr. Axselle - There has been a little bit of difference of opinion between the folks who
1502 live on Fort McHenry and the people who live on Lexington Farm, and so I know there are some
1503 folks from Fort McHenry who would like to speak, I believe, in support of this, and I expect we will
1504 get some from Lexington Farm who won't be in support of it.

1505

1506 Mr. Jernigan - Are there any questions for Mr. Axselle from the Commission?

1507

1508 Mr. Taylor - Not at this time, Mr. Chairman.

1509

1510 Mr. Jernigan - OK, thank you, Mr. Axselle. We have opposition. Who would like to be the
1511 first to speak? Would the people that are in support of this project please come up, one at a time.

1512

1513 Mr. Silber - If Mr. Axselle is reserving three minutes rebuttal, then you have
1514 approximately four minutes collectively to speak in support of this request.

1515

1516 Mr. Richardson - Thank you, Mr. Secretary. I am Mark Richardson. I live in Olde Springfield which I
1517 don't live on Fort McHenry or in Lexington Farm Drive. Everybody understands that development
1518 can't be stopped. This is an infill project. It is a very tenuous situation. All parties involved can't be
1519 completely satisfied with the final outcome. We all understand that. I have been in attendance at
1520 all of the meetings that have taken place and have heard and seen the different options that have
1521 been brought forth. At this time it appears the most logical and feasible option would be No. 1 for
1522 the following reasons:

1523

- 1524 • There is no disruption in the current school environment that is adapted to the heavy traffic
1525 flow, primarily because there was only a left-hand turn into the school and a right-hand
1526 turn out of the school. Introducing the opportunity for opposing traffic at the school
1527 entrance changes the entire complexion, safety and school staffing of this intersection.
- 1528 • There is no additional traffic to Fort McHenry, which already has a tremendous volume.
1529 Given Fort McHenry was constructed prior to the school, there are also no sidewalks and all
1530 the houses front the street. Additional traffic just makes a bad situation even worse. This
1531 is supported by the traffic studies performed by Mr. Foster's department.
- 1532 • The third item, adding the 27 lots, which is very similar to the 21 lots on Brunson Way,
1533 which is currently in Lexington to the existing Lexington Farm Drive will definitely add to

1534 the traffic flow, given the length of the street, compared to Fort McHenry, which should
1535 allow traffic to blend into the area in a less harmful and noticeable way than on Fort
1536 McHenry. Lexington also has sidewalks along a good portion of it and none of these
1537 homes front the street, but front side streets.
1538

1539 If option No. 3 was chosen, there could be an identity problem for this new 27 home development
1540 because No. 3 was being looked at, and would it be part of The Woods or would it be part of
1541 Lexington? Would it be part of The Village? People buying in that subdivision would really not
1542 know what they'd be buying into if that route was taken. And also, with Option No. 1, given the
1543 proposed sidewalks, this will give Lexington residents walking access to the school, which has been
1544 desired since the earlier discussions took place about a linear park.
1545

1546 In conclusion, as I mentioned, I am a resident of Olde Springfield, and based on my review of the
1547 proposed plan, from a personal standpoint, No. 3 would actually benefit me more, because it would
1548 give me more of a buffer between our lot and the proposed development. So, I am standing here
1549 today definitely not out of self interest, but to reiterate the concerns of the citizens that live and are
1550 most affected by this decision, and that I have heard very clearly in all of the meetings that have
1551 been held. Thank you.
1552

1553 Mr. Jernigan - Are there any questions for Mr. Richardson from the Commission? Thank
1554 you, sir.
1555

1556 Mr. Taylor - Mr. Richardson, just before you go. One statement that you made I think
1557 is that there were three alternatives. One was the mixed alternative, one was the Fort McHenry
1558 and the other was Lexington. In all of those cases, the numbers were the same.
1559

1560 Mr. Richardson - Yes, sir. No. 1 was Lexington Farm Drive, No. 2 would have been access
1561 solely from Fort McHenry, and No. 3 would have been the dual access with the double cul-de-sac.
1562

1563 Mr. Taylor - OK. Just wanted to make that clear.
1564

1565 Mr. Jernigan - We have one and two reversed on here from what they say. No. 1 is from
1566 Fort McHenry.
1567

1568 Mr. Richardson - No. 1 should be via Lexington Farm Drive.
1569

1570 Mr. Bittner - I think there is a discrepancy in some of the numbering, but again, what is
1571 being recommended is Lexington Farm Drive access.
1572

1573 Mr. Richardson - These are my notes.
1574

1575 Mr. Jernigan - Thank you, Mr. Richardson.
1576

1577 Mr. Richardson - Thank you.
1578

1579 Mr. Jernigan - How are you, sir?
1580

1581 Mr. Richardson - My name is John Richards. I live at 4404 Fort McHenry Parkway. If you
1582 look at any one of the maps, where Fort McHenry and (unintelligible) meet, I am the second house
1583 away from the school. So, for example, this morning I was looking out my window waving
1584 goodbye with my daughter to my wife, watching everybody try to get out of their driveways while
1585 500 or so cars are coming through. Basically, what we are discussing here are the rights of the
1586 owner of the property to sell the property and the developer to develop it, and the parents and the

1587 residents to be able to control safely the traffic around their neighborhood, both Lexington and Fort
1588 McHenry Parkway. I think the main thing at issue should be the rights of the children to have a
1589 safe environment for which to go to school. The volume of traffic that we are talking about, 1400
1590 cars at the end of Fort McHenry Parkway in front of that school, was also taken on a holiday week.
1591 It was on the Tuesday of Thanksgiving. The numbers are a little bit eschewed. I talked to the
1592 principal and we're about 10% down on attendance and we had about 50 cars that normally use it
1593 for Parks and Rec during those days during a normal weekday. So, the numbers are really more
1594 elevated than what you are actually appearing...what you are looking at during the peak hours of
1595 the traffic is about 58% of the traffic coming through there. During that 58% of the time, you
1596 have teachers standing there at the street corners and that type of stuff, managing the flow of the
1597 traffic coming in and out of the neighborhood and the pedestrian traffic. About 42% of the time,
1598 you have children coming from all of these neighborhoods, Lexington, Olde Springfield, The Woods,
1599 The Forest, Snowmass, all the rest of the neighborhood to use the school facilities. But that is all
1600 unsupervised. That is really where we also have a huge problem with people speeding up and
1601 down this road coming in and out using the facility, and that is 7 days a week, 365 days a year.
1602 Right now we only have five buses servicing this school, four of which make two trips. The reason
1603 being is that so many of these children live within walking distance of this school. But because of
1604 basically the way that it is laid out, no sidewalks on Fort McHenry, a majority of these students
1605 cannot walk to school. So it is a duel edged sword. They live in a neighborhood that has its own
1606 school, but they can't walk to it because there is too much traffic. Right now what we are talking
1607 about doing or what the one proposal of coming off of Fort McHenry Parkway is, it is not only
1608 adding to the traffic volume which is bumper to bumper during rush hour anyway, and the kids are
1609 not walking to school. I see about 12 to 14, maybe 15 kids everyday walking to school, and that is
1610 it. It is a shame, but it is the change in the traffic pattern and putting an intersection right in front
1611 of a school where you have 1400 trips of cars and buses and vans and all that kind of stuff going
1612 right in front of the school and completely changing this traffic pattern, whereas when you look at
1613 the count between Lexington and Fort McHenry where they did the count at Fort McHenry, it is
1614 right at just beyond...(unintelligible). All those cars are going to the school, where the count that
1615 was done in the Lexington neighborhood is further back, three or four roads back into Lexington.
1616 If we were to move these back to the end of both of the cul-de-sacs or both of the terminuses of
1617 the road, the numbers would be drastically different. The problem is there is no other way in and
1618 out of there. Mr. Taylor and myself after many, many hours of working on this, we've walked the
1619 property of the school, we've come up with ideas, but basically what we are speaking about is
1620 safety issues of the children, of the school, and their rights to be able to go in and out of that
1621 school both during school hours and after school hours and on the weekends, and not be
1622 concerned about another whole intersection being put right in front of that school when there are
1623 other options available. I am not opposed to the development. I think there are some other
1624 options. One option I think should be looked at is coming across Mr. Kennedy's property, but that is
1625 neither here nor there. The real problem and concern again is not the increased traffic volume, but
1626 to exacerbate this problem without also, the County has been asked for years to address the issue
1627 of the traffic problems on Fort McHenry and that has not been even addressed as far as any type of
1628 traffic-calming measures. To add to that problem by increasing traffic volume and changing the
1629 traffic pattern and adding an intersection would be just completely irresponsible to not only the
1630 people of Fort McHenry Parkway, The Woods, but all of the students and the parents of the school
1631 and any other children that want to use the school, whether they are below elementary school age
1632 or above. Thank you very much for your time.

1633

1634 Mr. Jernigan - Are there any questions for Mr. Richardson from the Commission?

1635

1636 Mr. Taylor - Not at this time.

1637

1638 Mr. Jernigan - Thank you.

1639

1640 Mr. Silber - Mr. Axselle, you had asked for three minutes for rebuttal. We have
1641 exceeded the entire 10 minutes. I don't know if there are others that want to speak in favor or not,
1642 but I think in respect to the time that we have tonight, I don't know if you are managing who is
1643 speaking in favor of your proposal, but we do have those who need to speak in opposition.
1644
1645 Mr. Axselle - If we could have one person speak briefly, save 30 seconds, and I am
1646 fine.
1647
1648 Mr. Silber - OK. Keep it brief.
1649
1650 Mr. Jernigan - OK. Do you want to just wait until after the opposition? We have
1651 opposition. Who would like to be the first person to speak? Come right on down, sir.
1652
1653 Mr. Gary Waller - Good evening. My name is Gary Waller and I live in Lexington. I live on
1654 Brunson Way, which is the last street at the end of Lexington Farm Drive. I have a couple of points
1655 to make. Looking at the staff and Planning reports, which have not been updated and seem to have
1656 changed based off of the Traffic Engineer's recommendations. One of the first things I noted was
1657 the general policy that you have listed under D. To encourage good site design which minimizes
1658 land use impacts on adjacent properties. Your second one is "to continue home ownership, goal
1659 No. 4," and policy I. To promote the improvement of design standards for the protection of
1660 residential areas. Now, we are talking about adding additional residents into this infill, which is
1661 great. I think all three neighborhoods don't oppose that. What I do want to make sure is that the
1662 access to this neighborhood meets these goals and objectives that you all have stated.
1663
1664 The traffic counts that were presented show between the hours of 7:00 and 8:00. We do see high
1665 volume in front of Springfield Park Elementary. I have a child that goes there now and I have one
1666 that starts next year and will be there for the next five years. I would like to note that we don't see
1667 the hours between 8 and 9:00, or 8 a.m. to 9 a.m. Lexington Farm, where we saw not that much
1668 traffic, between the hours of 7 and 8, that is probably where you see most of the traffic. So, we
1669 have an isolated hour out of 24 hours where Springfield Park is affected. It was our understanding
1670 prior to the Traffic Engineer's, that most of the residents in all three areas kind of would like to see
1671 Exhibit No. 3, where we are in favor of that where we split eight homes in the Lexington Farm 18
1672 homes, into The Woods. Those 18 homes are not going to generate a lot of traffic. Additionally, we
1673 talked about safety of the children, and with Option #3, we have the ability to add a park, a
1674 sidewalk, between the two neighborhoods, Lexington and The Woods. The amount of traffic
1675 coming through there, again, is not going to be that much. The road, itself, the way it is currently
1676 designed is not the best for Springfield Park, where the parents have to come in and make a left-
1677 hand turn into the school. It can easily be diverted and make it a straight pass into the school.
1678 Then the road coming out of the new 18 homes could easily stop, and they would have to wait.
1679 Again, between the hours of 7 and 8, I don't believe you are going to have that many cars coming
1680 out of there for that much of a concern. Within our current neighborhood of Lexington Farm, we
1681 have three bus stops. My son has to go to the 7:00 a.m. bus stop, serviced by a different bus,
1682 because the other bus that services our neighborhood it is only the second stop, and the bus is full.
1683 So, it will be nice again having option #3 with this nice sidewalk between the two neighborhoods.
1684 Children from Lexington Farm can now walk to Springfield Park. They won't have to walk with this
1685 exhibit. They won't have to walk down Lexington Farm Drive, and we also do not see where that
1686 sidewalk will be extended to Springfield Park Elementary. When Hoston Lane was opened up for
1687 development to Woodberry II, we knew that was going to happen and we also knew that Lexington
1688 Farm Drive on paper was supposed to connect. At the time it was called Fort McHenry and we
1689 were supposed to connect to the other side of Fort McHenry. And it was successfully taken off of
1690 the books, I guess, the 2010 Plan to where they wouldn't be connected. This is the first Planning
1691 meeting I have been to. I saw how easy it was to take it off the books. I am concerned about
1692 how easy it is to put it back on the books. We have assurances from everybody at the October and

1693 November meeting that would never happen, however, what happens when this current Board (sic)
1694 is no longer here? Based off of this exhibit, in the middle there is a cul-de-sac that just dead ends.
1695 There are no houses around that cul-de-sac. It is kind of like saying "Here is a possibility of
1696 connecting to Fort McHenry" and Lexington Farm feeds Woodberry II, Woodberry and
1697 Greensprings. They come through our neighborhood to get to theirs. Basically, a short cut between
1698 Springfield Road and Broad Street. We all agree we do not need connections between Broad Street
1699 and Nuckols Road. With this option, you are leaving it open that that could happen. The same
1700 thing with option #1 where all the homes feed onto Fort McHenry. You still at the end of Lexington
1701 Farm 50 feet where they don't connect. It can easily be put on the books to make them connect.
1702 Also, looking at high level, just looking at this on Exhibit #3, the homes being split that way, it
1703 actually, those 8 homes could become a part of Lexington, meet the covenants of Lexington, and
1704 basically welcome them as part of our neighborhood, and the other 18 homes, whatever their
1705 developer chooses to do, they could become a part of The Woods, or they could become their own
1706 little entity.

1707
1708 If this option is chosen, then we requested that after the traffic counts. In fact some of the
1709 neighbors from the other neighborhoods had said we don't have time to digest the traffic counts,
1710 and the developer wanted to present this and not defer one more month. When the traffic counts
1711 came out, we knew Lexington Farm was going to have more traffic than the other guys, but we
1712 were not anticipating that the developer would also change their mind and say, "OK, we are going
1713 to go for Option No. 2." The way it was done just is not tolerable. We would like to see...

1714
1715 Mr. Jernigan - Mr. Waller, I want to interrupt you for a minute. Of the 10 minutes, you
1716 have used seven, and I am sure there is somebody else that wants to speak.

1717
1718 Mr. Waller - OK. I will wrap this up real quick then. We would like to see, perhaps, if
1719 all the homes have to come off Lexington Farm, we would like to see the roads basically redone to
1720 where it is definitive that no traffic will go through to Fort McHenry.

1721
1722 Mr. Jernigan - All right. Are there any questions for Mr. Waller from the Commission?

1723
1724 Mr. Silber - In response to that last question, it is definitive that if the option chosen to
1725 go through to Lexington, it would be no connection to Fort McHenry Parkway. Secondly, there was
1726 a comment you made earlier about a pedestrian connection if Option #1 was chosen, there would
1727 be a pedestrian connection from Lexington Drive to Fort McHenry Parkway, so children could access
1728 the school from that development. That is one of the proffered conditions.

1729
1730 Mr. Waller - I don't see it reflected on the map.

1731
1732 Mr. Taylor - Sir, if you look at the map, it looks like to me there is a trail traced on
1733 there from the tip of the cul-de-sac that goes over to Fort McHenry, and that was discussed and I
1734 believe that line is supposed to be the trail across there, but I think we may want to wait and ask
1735 the developer that question.

1736
1737 Mr. Waller - Thank you.

1738
1739 Mr. Robert Lotze - Good evening. My name is Robert Lotze. I am a resident of Olde
1740 Springfield Subdivision and my house adjoins on Rocket Drive Street back. It would back onto
1741 what is the new proposed Lexington Farm Drive. I will not take your time too much, but I am
1742 really opposed to having any one of these plans approved at this time. Mr. Kennedy, who owns the
1743 land, that is selling this, has proposed that this be done in such a way that what you are doing as a
1744 Commission is you are not looking at, in my opinion, the whole plan. Eventually, at some point,
1745 there will be a road coming off of Chicopee, which fronts his property and that will service that area

1746 from the front of his property. Is there a pointer here? Thank you. This drive right here is
1747 Chicopee, going up and down this direction. It is a driveway for Mr. and Mrs. Kennedy right now.
1748 That is the logical access to this property. This is all wooded area in here right now. My house is
1749 located right here (referring to rendering). And I want you to take a couple of things into account
1750 as you approve this. This road is the natural access for these properties right here. When those
1751 properties sell, which they will, at some point, some one will develop them into smaller lots such as
1752 these, this whole property here will then be developed into housing. It will happen at some point in
1753 the future. Mr. Kennedy does not want to sell this property right now. I understand that. I don't
1754 know if I have a solution for you at this point, but there are a couple of other points you need to
1755 understand. Right here (referring to rendering) is Argonne Drive. That is not a cul-de-sac right
1756 now. It is a couple of bricks lying in the back of this area right here, and that potential to go
1757 through and create a connection all of the way from Broad Street through our neighborhood in
1758 Springfield, Olde Springfield, the potential is still there. This property right now is in, I guess, some
1759 dispute over whether houses are going to be built there, but that is not a cul-de-sac and the
1760 potential for this to go through is tremendous. And what I am asking you to do is reconsider this
1761 proposal from the get-go, because what you are doing is, you are putting in a road from here or
1762 here, which are not bad plans. I know the development will have to take place. But what you are
1763 saying is, then, at some point in the future you are going to approve a plan to come in from this
1764 direction, which is a natural access for all of this property in here. It solves your problems of
1765 access from this direction, Ft. McHenry Parkway, it solves your problems completely from Lexington
1766 Farm Drive. It also provides a green area between the buffer, which is right now there, which is
1767 that road you said would never go through. And there was a park proposed in that area, a linear
1768 park, with a sidewalk connecting Lexington Farms with the school area so the kids could get back
1769 and forth through here and maintaining a green area here. I think it needs to be looked at a little
1770 bit more holistically, is what I am suggesting. Thank you for your time.

1771

1772 Mr. Jernigan - Thank you. Any questions for Mr. Lotze from the Commission?

1773

1774 Mr. Silber - I have one comment. I think we probably at the end would like to hear
1775 from our Traffic Engineer, Tim Foster, and we will bring him up, if the Commission needs him, in a
1776 few minutes. Mr. Lotze, I understand what you are saying and that certainly is an option to take in
1777 that direction to Chicopee. I would point out, though, that no direction is ideal. The problem of
1778 going to Chicopee, one of the problems is traffic wanting to head to Chicopee then south on
1779 Thorncroft Drive, and then it takes you up to Broad Street where there is no signalized intersection.
1780 We have major problems with people trying to make left-hand turns there, whereas Lexington
1781 Farm Drive takes you out to a signalized intersection.

1782

1783 Mr. Lotze - For some reason there is not a signal there either, so I agree with you.
1784 The only thing I want you to take into consideration, I guess, I am not sure the name of that street
1785 off of Chicopee goes to Thorncroft, the number of houses that are affected and the number of
1786 driveways that enter on to that are minimal compared to all of the rest of your properties. And that
1787 would be something that maybe you need to take into consideration, too. I had not thought of
1788 what you said about not being a light there. But I think this is a long-term issue that maybe we
1789 need to look at a little bit more wholly, is what I suggest.

1790

1791 Mr. Jernigan - OK. Thank you, Mr. Lotze. Is there anybody else that was speaking in
1792 opposition? OK, Mr. Axelle. Do you want to hear from Mr. Foster?

1793

1794 Mr. Taylor- I would like to hear from Mr. Foster because he has been instrumental in
1795 looking at the traffic areas between Fort McHenry and Lexington and the data that he has, I think is
1796 interesting in terms of his views as to which is the appropriate direction.

1797

1798 Mr. Foster - Again, my name is Tim Foster. I am the Traffic Engineer for the County.
1799 We had a meeting with the residents several weeks ago. At that time, there were concerns with
1800 both neighborhoods about traffic volumes, and we committed to do a traffic study based on their
1801 concerns, a little bit more detailed traffic study. We did complete that study. We did some counts
1802 the week of Thanksgiving and also the week after that. Also, I went out and did some observations
1803 of both neighborhoods during the rush hour, or peak hour is what we call it. The numbers that you
1804 see (we've got a map). Can you zoom in on that? This may be difficult to see, but one of the
1805 things that we did, I wanted to try to get a comprehensive count data of not only the traffic volume
1806 on Fort McHenry and Lexington but also some other roads in the area. We did those counts and
1807 one of the things that we did notice was that counts were very similar on a daily basis at both
1808 Lexington and Fort McHenry Parkway, but what we did notice was the tremendous amount of
1809 traffic that is on Fort McHenry Parkway during school times, 7 to 8. We did look at 8 to 9. The
1810 school traffic on Fort McHenry Parkway, the traffic does go down from 8 to 9. It actually goes
1811 down some on Lexington Farm, too, but it is very similar traffic volumes. The 590 trips or vehicles
1812 that are going to the school give you an idea of how much traffic that is. Sometimes it is hard to
1813 visualize what traffic is. That is about equivalent to the amount of traffic during the rush hour we
1814 have on Skipwith Road. It is about equivalent to the amount of traffic we have during that same
1815 hour on Three Chopt Road in the two-lane section, so if you are familiar with those roads, that is
1816 how much traffic we have for that hour on Fort McHenry Parkway. We then rode through the
1817 neighborhood and looked at both roads. All the houses that front Fort McHenry Parkway have their
1818 driveways onto Fort McHenry Parkway. What I saw during the rush hour was people having to
1819 back out and compete with traffic backing out or even pulling out of driveways, trying to parallel
1820 park and pull out and turn around and go the other way. I did witness that when I came out there.
1821 Fort McHenry Parkway was in the Thoroughfare Plan. It was intended to go through. The houses
1822 there were fronting. I guess you could say that we realized some mistakes were made there, so
1823 when I reviewed the Lexington Farm Subdivision, it was intended to have houses that did not front
1824 at the time Fort McHenry Parkway and actually the little intersection there where it takes a left to
1825 go out to Broad Street was put in an effort to try to discourage cut-through traffic when we thought
1826 the road would go all the way through. The road was taken off of the Thoroughfare Plan. The
1827 Public Works Department has submitted to the Board of Supervisors that we would not ask for that
1828 road to ever connect up again, and so that is one of the reasons that Lexington has houses that do
1829 not front onto that portion. We do have approximately 113 vehicles that leave that area in the
1830 morning versus the 390 that approach the school. Let me look at my numbers. That is 590. I was
1831 looking at 387. This is what happens between 7 and 8. The 387 that approach the school and two
1832 or three that leave versus the 113 that leaves Lexington. As I stated before, there are no
1833 driveways to the houses for the folks on Lexington. Lexington is designed as a collector road. It
1834 collects the traffic from the cul-de-sacs onto the main roads, so none of the houses actually front or
1835 have to back out onto that roadway. We also wanted to do counts on Tostan and Anna Maria and
1836 Boscastle to make sure, to see what we had as far as people cutting through in both directions, and
1837 the counts were about what we expected, given the trip generation. What we are seeing is some
1838 people from Boscastle are cutting through to Lexington, but there are people from Lexington that
1839 are cutting down to Boscastle and Anna Maria, and then we looked at the amount of traffic that 27
1840 houses would add during these two rush times. Most of the times those subdivisions, if you go into
1841 a subdivision at 1:00 in the afternoon, typically there are no problems. It doesn't matter which part
1842 of the County you are in. We are generating approximately 258 trips from 27 homes. That means
1843 half of those leave. If you leave that is one and if you come back that is one. So, coming to this
1844 meeting and going home is two trips. During the morning peak hour, we expect approximately 15
1845 vehicles to leave the subdivision. We do expect about 30% that would use Tostan to get down to
1846 Springfield Road. What that means is that then we'd have about five vehicles that would probably
1847 use Tostan and Anna Maria, and then the other 10 to 15 vehicles would use Lexington Farm.
1848 Coming into the subdivision at the same time, we expect about five vehicles to enter. So from the
1849 standpoint of the traffic generated from the subdivision, the types of the streets that the
1850 subdivision is built on is a 40 ft. wide road equivalent to like Francistown Road. We expect those

1851 kinds of roads to accommodate up to 8,000 cars a day, which is why it was built to 40 feet when
1852 we had the road cutting through. The last number of conflict points from Fort McHenry Parkway
1853 versus Lexington, we think Lexington in this case is a better alternative from a pure traffic
1854 standpoint. I will be happy to answer any questions.
1855
1856 Mr. Jernigan - Are there any questions for Mr. Foster from the Commission? Thank you,
1857 Mr. Foster. All right. Mr. Axselle.
1858
1859 Mr. Axselle - Mr. Chairman, and members of the Commission, I will not deal with the
1860 traffic issue further, because I think both sides have been heard very well and we have heard from
1861 the profession, the Traffic Engineer. I am putting up a map to show you, and this is a closer
1862 version of the option that has been suggested. On Lexington Farm Drive there is a four foot
1863 sidewalk all along Lexington Farm Drive and when it gets to the cul-de-sac, there is, in fact, a five-
1864 foot pedestrian trail, and it goes over to the school, and that would allow youngsters walking from
1865 Lexington Farm to walk down the sidewalk and to the school and of course back in the evening.
1866 Mr. Chairman, I will be glad to respond to any questions. I hope you would approve the case.
1867
1868 Mr. Jernigan - Thank you, Mr. Axselle. Did anybody have any questions for Mr. Axselle?
1869 Mr. Foster, would you come back up again, because I wanted to ask you something and I didn't,
1870 because this gentleman brought it up. What is your feeling on Chicopee?
1871
1872 Mr. Foster - Chicopee we did look at. Thorncroft Road has about a thousand cars on it
1873 per day, but Thorncroft Road is also a road that is about 22 feet wide with no curb and gutter, and
1874 in some places it is 19 feet wide. So, we do think that eventually they will probably access out to
1875 there, because there is vacant property, but when we are looking at a 40 ft. wide road with curb
1876 and gutter versus a 19 ft. road with no curb and gutter, and no houses fronting right there at
1877 Lexington Farm, we do expect some development off that road, but we felt that this development
1878 did not need to go to that road.
1879
1880 Mr. Jernigan - Thank you.
1881
1882 Mr. Taylor - Let me follow up on that question. The Chairman brought up the fact that
1883 at sometime that would be developed, but from your statement, you would think that would be
1884 developed but that would be a cul-de-sac and that would run out to Chicopee?
1885
1886 Mr. Foster - Yes, sir. We don't expect any additional traffic heading south to get to or
1887 east to get to Lexington Farm Drive. And it can't happen with this development.
1888
1889 Mr. Taylor - No additional connection to Lexington Farm or Lexington?
1890
1891 Mr. Foster - That would be my understanding, yes, sir.
1892
1893 Mr. Taylor - OK. Thank you.
1894
1895 Mr. Jernigan - Make it quick, but you have got to come up here, sir.
1896
1897 Mr. Richardson - The only thing I want you to bring to mind is if you do this, please make
1898 some kind of a commitment that they will not take Argonne Drive on through and attach it onto
1899 Lexington Farm Drive. Please make a commitment to that if this goes through. I am not opposed
1900 to it because it is not a bad plan. But the other thing is you have an opportunity here to maintain
1901 some green space from the end of the present Lexington Farm Drive to where the other end of Fort
1902 McHenry Parkway are, and a linear park can be existing there at some point and it will be there
1903 forever, if you will bring the whole access off of Chicopee. And I am not sure where Mr. Kennedy

1904 sets with this. I haven't talked with him. He is a great guy. But I am saying you have an
1905 opportunity to create some green space in that what would have been the roadway for Fort
1906 McHenry Parkway, a linear park there, whereas if you put this through, there will be a road coming
1907 off of, eventually off of Chicopee, as well as Lexington Farm Drive. That will happen, maybe not in
1908 my lifetime, but it will happen, whereas if you put it all off of Chicopee, that green space is
1909 maintained for eternity. I guarantee it. That is the only other observation. Thank you so much.
1910
1911 Mr. Taylor - Mr. Chairman, I don't really understand that. Could you describe that
1912 again or draw it.
1913
1914 Mr. Richardson - This pointer does not work here. Can we back up to the other map so I
1915 can. See it ends right where his pen is right now. Actually it ends back up further.
1916
1917 Mr. Jernigan - To the left.
1918
1919 Mr. Richardson - OK. You notice the road, if you can move your pen, let's go back. Thank
1920 you. Lexington Farm Drive ends in a dead end right here with a No Dumping sign. OK. From here
1921 on, including the space from here on, it is woods all the way around through here, all the way here,
1922 all of this is woods here, where this is. This is open space here where Mr. Kennedy has a lot where
1923 he did some truck farming. This is all woods. This will be taken out. There are woods, there is
1924 very little woods through here because it was cleared for the perspective road, but I am saying the
1925 space from here all the way to here would all be maintained as a green space in the middle of
1926 neighborhood, neighborhood, neighborhood, neighborhood, as a linear park. It would never, never
1927 be accessed as a road then if you put the road off of Chicopee at some point, planning wise. And I
1928 am just saying that is just one other option you want to consider. It solves the problem of any
1929 traffic on Lexington Farm. It solves the problem on Fort McHenry Parkway. It puts it all here, and
1930 yes, this road is some concern, but as the gentleman has said, your traffic person, there is other
1931 development other than just this that is potentially available on this road. Eventually it is probably
1932 going to get widened out. I am just looking 20 years down the road. Thank you. Does that
1933 explain it better?
1934
1935 Mr. Taylor - Yes it does. Thank you very much.
1936
1937 Mr. Richardson - I want to say the people have been very nice and I am really not opposed.
1938 This is just a different idea, OK? Thank you.
1939
1940 Mr. Axelle - Those two points that came up there at the end. There are two problems
1941 with coming off of the road to the north. One is that Mr. Kennedy will not sell that land. We have
1942 no legal right to get there. The second is the one mentioned by Mr. Foster and Mr. Silber that it
1943 puts traffic on Thorncroft coming out on Broad Street, making an east movement to the left without
1944 a traffic light. The other one coming down from Argonne ends right there. That land was not
1945 developed when Olde Springfield was developed. It is full of wetlands. And the developer surely
1946 would have developed it 15 or 20 years ago if he could and you cannot develop that it is my
1947 understanding. Thank you.
1948
1949 Mr. Jernigan - All right. Mr. Taylor.
1950
1951 Mr. Taylor - Well, Mr. Chairman and audience, this has been a difficult effort over
1952 several years, way back when we started the park across there, and it is a difficult alignment to
1953 work out on. The first consideration I think we need to consider here is the traffic and safety issue,
1954 particularly on Fort McHenry. The volume of traffic, the speeding there, the bumper to bumper
1955 traffic in the morning, no sidewalks, the buses, really poses what everybody agrees is a significant
1956 danger in that area, and when our traffic study looks at that, they are feeling that the traffic in

1957 there is about limited out and I personally, with Mr. Richards, have looked at every possible
1958 opportunity that I could determine was appropriate from that side, and I really could not find any
1959 that would satisfy the traffic considerations as well as the school considerations. Looking at what
1960 we were trying to do is get enough amenities and enough safety and getting good access to the
1961 school, and looking at the two with 27 units in the total mix, and we originally had 8 on Lexington
1962 and 19 on Fort McHenry and looking at what that did to the traffic, to the opportunities for
1963 development, it really didn't work out very well. When we looked at the fact that if we do it the
1964 way we've got it here, or we got park to the linear park that we had as a concept sometime ago,
1965 we could get fairly close to the linear park and we could get very close to linking the two areas by a
1966 nice walkway, a nice trail that would be an amenity, and the developer has assured me that in that
1967 area it would not just be a path or a sidewalk. It would be nicely developed and it would lead to
1968 communication along there for walkers and for school children, and right now there is a potent
1969 danger for school children going from the Lexington side to the Fort McHenry side and vice versa.
1970 We also looked at the lot layouts we could get, and a lot layout in this configuration was the better
1971 lot layout of all the ones we could come up with, and it fits the configuration of the lots and the
1972 configuration of the architecture, more or less fits the current size and the current quality and
1973 contemporary standards of the houses on the Lexington side. We looked at the cohesiveness of
1974 the neighborhood and felt that this would be a new neighborhood, but it would be in this area and
1975 the children and the people there would quickly adapt to the residents. They would have their own
1976 enlarged cul-de-sac with a number of various cul-de-sacs and amenities to work from, and the
1977 houses would all be similar to the houses that are there now, and looking at it, with the amenities
1978 with the green space that is left over from the original tract, the Kennedy property, this would be a
1979 pretty good backdrop as we develop along Chickapee, but we would never connect. We looked at
1980 that little area that was wetlands and decided we couldn't do anything with that. We looked at
1981 what we could do in the school and we couldn't go around the school, and it has been a very
1982 exhaustive effort with the entire staff looking at traffic, looking at opportunities, and when you look
1983 at this, this has emerged as what we consider the best alternative for this area that fits the
1984 neighborhood, fits the traffic, is safe, and has a potential for future growth around it, but without
1985 interfering on this particular project or interfering on the Chickapee side of the development. So, I
1986 think in looking at it, everybody on the staff, everybody in the neighborhoods, and I've listened to
1987 most of you. We have had several meetings trying to work this out. I am convinced that of the
1988 alternatives we've looked at in this particular difficult situation that we have arrived at the best
1989 balance of different forces or different features, and we've squeezed the best essence that I can
1990 see we could make out of it. And I would recommend to the Board of Supervisors that we approve
1991 this project as we have before us, and that is my motion, Mr. Chairman.

1992
1993 Mr. Archer - Second, Mr. Chairman.

1994
1995 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Archer to approve.
1996 All in favor say aye. All opposed say no. The ayes have it. The motion is passed.

1997
1998 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission
1999 voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it
2000 would permit appropriate infill development, consistent with the existing residential development,
2001 with the proper connection for roads and other public facilities.

2002
2003 **THE COMMISSION TOOK A 15-MINUTE BREAK AT THIS TIME, AND THE COMMISSION**
2004 **RECONVENED AT 8:45 P.M.**

2005
2006 Mr. Jernigan - It is 8:45 p.m. I want to bring this meeting back to order please. Next
2007 case, Mr. Silber.
2008

2009 **P-12-03** **Denise Kranich for Innsbrook Foundation:** Request for a provisional
2010 use permit under Sections 24-62.2(f), 24-120 and 24-122.1 of Chapter 24 of the County Code in
2011 order to extend provisional use permit P-4-01 to continue operating a temporary outdoor
2012 entertainment pavilion (Innsbrook Pavilion) for an additional three (3) years, on Parcel 750-768-
2013 4593, containing approximately 6.4 acres, located at the northeast intersection of Nuckols Road
2014 and Interstate 295. The existing zoning is M-1C Light Industrial District (Conditional). The Land Use
2015 Plan recommends Planned Industry.
2016
2017 Mr. Jernigan - First of all, the meeting came back to order at 8:45 p.m. Is there any
2018 opposition to Provisional Use Permit P-12-03, Innsbrook Foundation? There is no opposition. Ms.
2019 Moore, you may proceed.
2020
2021 Ms. Moore - Thank you, Mr. Chairman.
2022
2023 The Innsbrook Entertainment Pavilion is located within the North Shore Commons office
2024 development. The Pavilion had held outdoor entertainment at this location through previous
2025 provisional use permits since 1999. Due to constructional delays for a permanent facility, the
2026 applicant is requesting another Provisional Use Permit to extend its operation for an additional three
2027 years. The site is located within an M-1C District.
2028
2029 The 2010 Land Use Plan designates the property as Planned Industry. The use is compatible with
2030 this designation and with the existing office and future offices slated for this area. Since its
2031 operation, staff has not received any opposition or complaints regarding this use.
2032
2033 The staff report includes four conditions of approval, which were included in the previous
2034 provisional use permits for this use. The conditions include:
2035
2036 • An expiration date for the permit. If approved, this permit would expire December 31, 2006;
2037 • Security measures to restrict unauthorized access to portions of the property;
2038 • Administrative review and approval of the facility's site layout. Major deviations of the site
2039 layout would require a new Provisional Use Permit; and
2040 • Review and approval of an annual Entertainment and Festival Permit, which would address
2041 issues pertaining to sanitation, emergency medical services, parking, traffic, crowd control, and
2042 fire protection.
2043
2044 After the staff report was drafted, staff received an additional comment from the Henrico Police
2045 Department concerning attendance for events. It was recommended venues be limited to a
2046 maximum of 6,500 people. The applicant has limited ticket sales in the past and is agreeable to
2047 continue to limit ticket sales for events. Therefore, staff recommends this condition be included if
2048 this request is approved.
2049
2050 For your ease, I have handed all of the previous four conditions including the one we are just
2051 suggesting regarding attendance.
2052
2053 This concludes my presentation. I would be happy to try to answer any questions you may have.
2054
2055 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission? Thank you,
2056 ma'am.
2057
2058 Mr. Archer - Ms. Moore, has there been a time when the 6500 admittances have gone
2059 over?
2060

2061 Ms. Moore - There was one. The applicant did state, as we were corresponding
2062 regarding this, they had an unpaid venue, and it was a rally right before the war that they were not
2063 expecting and it did go over. I think it was about 7,000 people.
2064
2065 Mr. Archer - OK. That is not that much over.
2066
2067 Mr. Jernigan - Thank you, Ms. Moore.
2068
2069 Ms. Moore - Thank you.
2070
2071 Mr. Taylor - Well, Mr. Chairman, looking at what we've got and given this is an
2072 extension, and will be a three-year extension that is compatible with what they have done in the
2073 past, and there is no opposition, and we've got conditions for security, administrative review site
2074 layout, and a permit would limit it to 6500 people and it looks like our Police people have looked at
2075 it and they are agreeable. I see no problem with this and I recommend that we approve
2076 Provisional Use Permit P-12-03 for Innsbrook Foundation.
2077
2078 Mr. Archer - Second.
2079
2080 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Archer. All in favor
2081 say aye. All opposed say no. The ayes have it. The motion is passed.
2082
2083 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission
2084 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
2085 it is a continuation of an existing use, it is reasonable to respect to the surrounding uses and
2086 existing zoning on the property.
2087
2088 **C-70C-03 Bill Axelle for John J. and Ima M. Liesfeld Family LLC, Virginia**
2089 **Commonwealth University School of Engineering Foundation, and the County School**
2090 **Board of Henrico County:** Request to conditionally rezone from A-1 Agricultural District, O-1
2091 Office District, and B-3C Business District (Conditional) to O-2C and O-3C Office Districts
2092 (Conditional) and B-2C Business District (Conditional), Parcels 741-760-6979, 744-759-2099, 742-
2093 760-7866, 742-760-1598, 742-761-5510, 743-759-3484, 744-759-2228, 744-759-5633, 744-759-
2094 5898, 744-759-5485, 744-759-5176, 744-759-5068, 744-759-4561, 744-759-4055, 744-759-4242,
2095 744-759-4922, 744-760-8832, 744-760-9125, 744-760-9016, 744-760-8908, 744-759-8498, 744-
2096 759-7490, 744-760-7404, 744-760-7418, 745-760-1419, 745-759-0898, 745-759-0189, 744-759-
2097 8979, 744-759-8271, 744-759-7358, 744-759-6751, 744-759-3047, 744-759-2249, 744-759-0218,
2098 744-759-1315, 744-759-2613, 744-759-3326, 744-759-4211, 744-759-1131, 744-759-6242, 743-
2099 760-5660, and 743-760-9645, and part of Parcels 741-760-8628, 741-760-4323, and 741-759-
2100 0697, containing 117.387 acres, located at the southwest corner of the Interstate 64 and West
2101 Broad Street (U. S. Route 250) interchange (Short Pump exit), extending southwestward to the
2102 north line of Three Chopt Road. An office and retail development is proposed. The use will be
2103 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
2104 recommends Urban Residential, 3.4 to 6.8 units net density per acre, Multi-Family Residential, 6.8
2105 to 19.8 units net density per acre, Office, Commercial Concentration, Government, and
2106 Environmental Protection Area. The site is in the West Broad Street Overlay District.
2107
2108 Mr. Jernigan - Is there any opposition to Case C-70C-03? There is no opposition. Mr.
2109 Bittner, you may proceed.
2110
2111 Mr. Bittner - Thank you, Mr. Jernigan.
2112

2113 This site was the subject of the West Broad Street / I-64 Small Area Land Use Study. That Study
2114 recommends this area contain a mixture of uses including offices, a hotel and conference center,
2115 and limited retail development. This proposal is not fully consistent with the recommendations of
2116 the West Broad Study and approved Plan in three ways:

- 2117
- 2118 1. The proposed commercial development is larger;
 - 2119 2. There is no Urban Residential or retirement residential development proposed; and
 - 2120 3. The proposed office development comes closer to Three Chopt Road than what is
2121 recommended.

2122

2123 While these proposed changes represent modifications to the vision of the original Study, the
2124 proposal does incorporate several significant components. These include:

- 2125
- 2126 1. A major office development component;
 - 2127 2. A land swap with the Schools to allow better site design and improved layout for Pocahontas
2128 Middle School;
 - 2129 3. A major access road from John Rolfe Parkway to provide a needed parallel roadway to West
2130 Broad Street;
 - 2131 4. Land uses and access points which show sensitivity to the residential communities to the
2132 south including the prohibition of any access onto Three Chopt Road and;
 - 2133 5. Overall design controls to insure a coordinated and quality development for the acreage as a
2134 whole.

2135

2136 This is a complex case involving many factors, including review of a traffic study submitted by the
2137 applicant. The Department of Public Works and VDOT have not yet completed their reviews of the
2138 Traffic Impact Study.

2139

2140 Early indications from the Traffic Engineer reveal that improvements to existing roadways in the area
2141 will be necessary. The specifics relating to those improvements would need to be addressed prior to
2142 the Board of Supervisors taking action on this request.

2143

2144 Outside of those issues, staff believes this request incorporates many aspects of the original land use
2145 vision and offers assurances of quality development.

2146

2147 We find this case to be reasonable and can recommend approval to the Board, with the
2148 understanding the applicant needs to address the remaining issues prior to Board consideration.

2149

2150 In addition, staff continues to raise concerns over the phasing of development, specifically relating to
2151 the timing of the retail portion versus the office component. Staff would like to continue discussion
2152 with the applicant on this matter as this case moves through the review process.

2153

2154 This concludes my presentation, and I would be happy to try and answer any questions you may
2155 have.

2156

2157 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you,
2158 Mr. Bittner. Mr. Axselle.

2159

2160 Mr. Axselle - Mr. Chairman, ladies and gentlemen of the Commission, Bill Axselle on
2161 behalf of LGW, and in reference to your time and the effort that has gone into this over the last year
2162 or so, I will be fairly brief. I will tell you that this case comes to you with work over more than a
2163 year with the County staff and with the neighborhood and it has been, quite frankly, very
2164 encouraging. The staff has been very, very helpful to us in providing information. We worked with
2165 them about nine months and then we went to a neighborhood meeting in late August. The

2166 Barrington, the Barrington Valley, the Windsor Place, Church Run, Pocahontas Middle School,
2167 appointed neighborhood steering committee, and we had four meetings with them from August until
2168 early December, at which time we had another community-wide meeting with the people there and
2169 no objection was voiced to the plan. The neighborhood steering committee took a good plan and
2170 made it much, much better. We have sent to you the same information that we provided to them
2171 and on Tab 3 we highlighted for you a number of matters that relate to Three Chopt Road, which
2172 was an area of interest to them. No access to Three Chopt Road when Three Chopt Road is
2173 widened. It will all come off of the LGW property rather than half coming off of the other side,
2174 instead of a 35 foot buffer that the Broad Street Overlay District calls for, we have 60 feet. Our
2175 plantings in that buffer are about three times what the County would normally require. The timing
2176 of the planting is important. We have committed that within 90 days of getting the rezoning that we
2177 will come forward and ask for approval of a landscape plan and then the plantings along Three
2178 Chopt will be installed at that time, although it is anticipated that the initial development will be
2179 along Broad Street. The plantings we have given them information on what type of plantings. The
2180 building setbacks are normal building setbacks from Three Chopt Road, would be 35 feet, or we
2181 have a 60-foot buffer. Our buildings are set back 170 feet. We have agreed on the nature of the
2182 building, the features of the building in area five, and they have been proffered. It is the limitation
2183 on the height of the lighting, the nature of the lighting, and the activities along Three Chopt. I will
2184 stop there to tell you that it has been one of the most enjoyable and productive steps, working in a
2185 collaborative fashion with the staff, Mr. Kaechele and Mr. Taylor, Mr. Silber and Mr. Bittner, and
2186 many others have just been splendid in their cooperation. They beat us up, but they beat us up
2187 nicely, and the neighbors beat us up, but they beat us up nicely, and I will say, our client, LGW, the
2188 Liesfeld family and the VCU Engineering Foundation who are represented here were very, very
2189 cooperative and very responsive. They want a good quality development. Mr. Bittner did point out
2190 that the traffic impact study has been done and is being done and has been analyzed, and that
2191 needs to be completed and we are aware that when we get to the Board level that needs to be
2192 resolved and that things may be modified in light of that report, but I hope you will follow the
2193 recommendation of the staff and move this case on forward with your recommendation for approval
2194 with that understanding. Thank you all very much.

2195
2196 Mr. Jernigan - Any questions of Mr. Axselle?
2197

2198 Mr. Archer - How many cows are going to be displaced, Mr. Axselle?
2199

2200 Mr. Jernigan - I will let you know that the County does use the highest quality heater hose
2201 we can when we beat you up and it doesn't leave any scars.
2202

2203 Mr. Axselle - I thank you. I can attest to that.
2204

2205 Mr. Jernigan - OK. Thank you, sir. Mr. Taylor, you have the floor.
2206

2207 Mr. Taylor - Mr. Chairman, I did ask Mr. Axselle if he was going to leave the silo
2208 standing and that was the only vestige of the cow we could get. On a serious note now in looking at
2209 this project, this project was really begun five years ago by a study made in conjunction with the
2210 staff and a team led by Mark Bittner and the people that are around us tonight, Randy Silber and
2211 me, to a certain extent. From the beginning it was envisioned as a very high end, very cohesive
2212 project and there was a great deal of discussion and debate between planner and developers at the
2213 very outset, to look at the controls and ideas about restrictions and having it close to Three Chopt,
2214 complex traffic patterns, good solid architectural buildings and additional issues that really built the
2215 highest quality in terms of current construction technology into it, and it looks like it is phased and
2216 when I look at what we had hoped, yes, the proposed commercial development is larger. The
2217 retirement element that we had at one time is not there and the proposed office development comes
2218 a little closer to Three Chopt than we thought, but with those three things being fairly close to the

2219 original line and the acceptability of the neighborhood, all of the neighborhood that backed to this
2220 development along Three Chopt, I have to say, the team as we started out, which was the County
2221 team, plus the architectural team, plus Mr. Axselle and his people, I think it was a great effort by all,
2222 and I think the quality of the project reflects good teamwork and good County spirit, and I think
2223 we've got a good product here, and I am delighted to recognize it and move approval of C-70C-03,
2224 Bill Axselle for John J. and Ima M. Liesfeld Family LLC, Virginia Commonwealth University School of
2225 Engineering Foundation, and the County School Board of Henrico County.
2226
2227 Mrs. Ware - Second.
2228
2229 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware. All in favor
2230 say aye. All opposed say no. The ayes have it. The motion is passed.
2231
2232 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Ware, the Planning Commission
2233 voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the
2234 proffered conditions assure a level of development quality otherwise not possible.
2235
2236 **C-71C-03 Bill Axselle for John J. and Ima M. Liesfeld Family, LLC:** Request to
2237 conditionally rezone from A-1 Agricultural District to R-2C One Family Residence District
2238 (Conditional), part of Parcel 741-760-8628, containing 4.076 acres, located at the southwest
2239 intersection of Barrington Hill Drive and Three Chopt Road. A single family residential development is
2240 proposed. The R-2 District allows a minimum lot size of 18,000 square feet. The Land Use Plan
2241 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. The site is in the West
2242 Broad Street Overlay District.
2243
2244 Mr. Jernigan - Is there any opposition to Case C-71C-03? There is no opposition. Mr.
2245 Bittner, you may proceed.
2246
2247 Mr. Bittner - Thank you, sir.
2248
2249 This site is adjacent to the Barrington and Barrington Valley subdivisions.
2250
2251 The requested zoning is consistent with the land use plan recommendation of SR-2 and single-
2252 family residential development is appropriate at this location.
2253
2254 The applicant has also provided proffers to improve the quality of development at this location.
2255
2256 In addition, the applicant has revised the proffers to address the issues in the staff report and make
2257 this development compatible with existing development in Barrington and Barrington Valley.
2258
2259 The applicant also intends to make these new lots officially part of the Barrington and Barrington
2260 Valley homeowners associations.
2261
2262 The revised proffers are acceptable and do not require waiving of the time limit.
2263
2264 Staff recommends approval of this application.
2265
2266 I would be happy to answer any questions you may have.
2267
2268 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you,
2269 Mr. Bittner.
2270

2271 Mr. Condlin - Hi. You might be sick of seeing Mr. Axselle, so Andy Condlin here on
2272 behalf of LGW. This is related to the previous case that you had and I would like to reiterate
2273 everything Mr. Axselle said, especially I think we probably spent during the working sessions with
2274 Barrington and Barrington Valley about as much time on the four acres as we did on the 125
2275 acres, and I think rightfully so, given its proximity and I do appreciate all of the time and effort that
2276 went into a number of meetings, to come to what I think is an excellent resolution of five lots on
2277 four acres with 1.25 density, looking at homes with a minimum of 3,000 sq. ft. and a number of
2278 other standards, including becoming a part of the Barrington and Barrington Valley Subdivision, and
2279 part of their homeowners associations. So, thankfully, there have been no cows that we have
2280 displaced with this request, so I believe we meet all jurisdictional prerequisites by matching the
2281 Land Use Plan. We ask that you follow the recommendation of the staff, and I will be happy to
2282 answer any questions you might have.
2283

2284 Mr. Jernigan - Any questions for Mr. Condlin from the Commission? Thank you, Andy.
2285 All right, Mr. Taylor. You have it again.
2286

2287 Mr. Taylor - Mr. Chairman, we don't have to waive the time limits on the proffers, do
2288 we?
2289

2290 Mr. Jernigan - No.
2291

2292 Mr. Taylor - Well, yes, it is my turn again and I have to say this one is literally right in
2293 my backyard. It is a project that I think lends credit to the development community, the Liesfelds
2294 and the many, many assistants and consultants, in working very carefully with all of the
2295 neighborhoods involved to fit very carefully with the neighborhoods, with the architecture, but more
2296 importantly when they realized that the yield wasn't as great as they thought, they were diligent in
2297 coming up with revised numbers and revised approaches, and I think a great deal to their credit
2298 results in a very good, seamless project with the Barrington and Barrington area. So, with that, I
2299 will move approval of C-71C-03.
2300

2301 Mrs. Ware - Second.
2302

2303 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware. All in favor
2304 say aye. All opposed say no. The ayes have it. The motion is passed.
2305

2306 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Ware, the Planning Commission
2307 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
2308 it would permit infill development with the property connection for roads.
2309

2310 **Deferred from the November 13, 2003 Meeting:**
2311 **C-63C-03 Andrew Condlin for Pocoshock Commons, LLC:** Request to
2312 conditionally rezone from A-1 Agricultural District to O-2C Office District (Conditional), Parcel 741-
2313 751-7865, containing 2.02 acres, located at the northeast intersection of Pump Road and Ridgefield
2314 Parkway and the southeast intersection of Pump Road and Kings Grant Drive. Office condominiums
2315 are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations.
2316 The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.
2317

2318 Mr. Jernigan - Is there any opposition to Case C-63C-03, Andrew Condlin for Pocoshock
2319 Commons, LLC? There is no opposition. Ms. Moore, you may proceed.
2320

2321 Ms. Moore - Thank you Mr. Chairman.
2322

2323 The applicant proposes to develop general and medical offices on the site. The applicant has
2324 proffered to prohibit funeral homes, banks and savings and loans establishments.

2325
2326 The 2010 Land Use Plan recommends Suburban Residential 2 for the subject and abutting
2327 properties. The property directly across Pump Road is designated Office. This request is not
2328 consistent with the SR2 designation.

2329
2330 The applicant has submitted revised proffers dated December 10, 2003. The time limits would
2331 have to be waived in order to make any action on this project tonight.

2332
2333 In addition, the applicant has also proffered a site plan and an elevation for the office buildings.

2334
2335 The adjacent properties consist of one-story single-family dwellings. The applicant has proffered to
2336 limit all office buildings to 26' in height. Other proffers include:

- 2337
- 2338 • 25' landscape buffers along Ridgefield Parkway and Pump Road and minimum 15' landscape
 - 2339 buffers along Kings Grant Drive and the adjacent residential properties to the northeast. All
 - 2340 buffers would be planted equivalent to a 35' transitional buffer.
 - 2341 • Storm water facilities would be placed underground;
 - 2342 • There are provisions to restrict hours of deliveries, trash pick up and parking lot cleaning.
 - 2343 • A 6' pre-cast wall finished to match the brick office buildings would be constructed along the
 - 2344 adjacent residences; and
 - 2345 • Access would be restricted to Pump Road and Ridgefield Parkway.

2346
2347 A 30-foot setback for any building and a 20 ft. setback for any parking area adjacent to the
2348 residential development would be in place, and hours of construction would be limited to Monday
2349 through Friday only, 7:00 a.m. to 8:00 p.m.

2350
2351 Although this request is not consistent with the Land Use Plan, the configuration of the lot, its
2352 location along three street frontages and across from a large office building lessens the
2353 appropriateness of single-family development on this site. The proposed office building would be
2354 consistent with the development trends along Pump Road and would serve as a good transition to
2355 the single-family subdivision to the northeast. In addition, the submitted proffers would ensure
2356 high quality and compatible development. Therefore, staff supports this request.

2357
2358 This concludes my presentation. I would be happy to try to answer any questions you may have.

2359
2360 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission? Thank you,
2361 Ms. Moore.

2362
2363 Mr. Condlin - Again, Andy Condlin from Williams Mullen representing the applicant,
2364 Pocoshock Commons, LLC. This is always a difficult case to have an infill site, which I guess is the
2365 story of the Tuckahoe District, at times. I think we went through a lot of issues and as Ms. Moore
2366 pointed out, I believe we have a lot of quality to allow for the compatibility and a good transition
2367 from I think would be deemed a very heavily traveled corridor between Pump and Ridgefield that
2368 may not be appropriate for single-family uses as designated on the Land Use Plan. I think all of
2369 those provisions would justify a variance from the Land Use Plan. I am not going to go through all
2370 of the specifics of what we proffered, other than to state that we have placed in there the specific
2371 elevations and the lot layout as part of the proffers. So, certainly, we have done a lot of work
2372 beforehand in engineering this site to a certain extent much more than is typical in a zoning case,
2373 to be able to do that. I would add one additional thing that wasn't pointed out, which was the
2374 sidewalk along Ridgefield Parkway, and since I live just down the neighborhood, and I always try to
2375 get to Deep Run Park, that is my personal testament that I didn't have a problem with that at all.

2376 With that I hope you follow the recommendation of the staff, and I will be happy to answer any
2377 questions that you may have.
2378

2379 Mr. Jernigan - Are there any questions for Mr. Condlin from the Commission? Thank you,
2380 Andy. Mrs. Ware.
2381

2382 Mrs. Ware - All right. I think office condos are a good use for this corner. It is low in
2383 density and it will transition well with the established neighborhood, especially with the setbacks,
2384 masonry wall berm and landscaping.
2385

2386 So, first I'd like to waive the time limits. I make a motion to waive the time limits.
2387

2388 Mr. Taylor - Second.
2389

2390 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Taylor to waive the
2391 time limits for Case C-63C-03, Andrew Condlin for Pocoshock Commons, LLC. All in favor say aye.
2392 All opposed say no. The ayes have it. The motion is passed.
2393

2394 Mrs. Ware - And I would like to move that Case C-63C-03 be recommended to the
2395 Board of Supervisors for approval.
2396

2397 Mr. Taylor - Second.
2398

2399 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Taylor. All in favor
2400 say aye. All opposed say no. The ayes have it. The motion is passed.
2401

2402 **REASON:** acting on a motion by Mrs. Ware, seconded by Mr. Taylor, the Planning Commission
2403 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
2404 it is reasonable in light of the office development in the area and it would not adversely affect the
2405 adjoining area if properly developed as proposed.
2406

2407 Mr. Silber - That concludes the rezoning requests on the agenda. We do have two
2408 sets of minutes for consideration by the Planning Commission. November 5, 2003, Special Meeting
2409 Minutes, and November 13, 2003.
2410

2411 Mr. Jernigan - Let me first ask. I see you folks sitting here. Did you have something you
2412 need to say? OK. All right. Are there any corrections to the minutes of November 5? Do I have a
2413 motion?
2414

2415 Mr. Taylor - I move approval of the minutes of November 5, 2003 meeting of the
2416 Planning Commission of the County of Henrico.
2417

2418 Mrs. Ware - Second.
2419

2420 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware to approve
2421 the minutes of November 5, 2003. All in favor say aye. All opposed say no. The ayes have it. The
2422 minutes are approved.
2423

2424 Are there any corrections to the minutes of November 13, 2003? I need a motion.
2425

2426 Mr. Taylor - I move approval of the minutes of the Regular Monthly Meeting of the
2427 Planning Commission, County of Henrico, for November 13, 2003.
2428

2429 Mrs. Ware - Second.
2430
2431 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware to approve
2432 the minutes of November 13, 2003. All in favor say aye. All opposed say no. The ayes have it.
2433 The minutes are approved.
2434
2435 If there is no further business, the meeting is adjourned.
2436
2437
2438
2439
2440

E. Ray Jernigan, C.P.C., Chairman
2441
2442
2443
2444

Randall R. Silber, Acting Secretary
2445