

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, beginning at 7:00 p.m. Thursday,
4 December 7, 2006. Display Notice having been published in the Richmond
5 Times-Dispatch on November 16th, 2006 and November 23, 2006.
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7

Members Present: Mr. C. W. Archer, C.P.C, Chairperson (Fairfield)
Mr. Tommy Branin, Vice Chairperson (Three Chopt)
Mr. Ernest B. Vanarsdall, C.P.C., (Brookland)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mrs. Patricia S. O'Bannon (Tuckahoe)
Board of Supervisors Representative
Mr. Randall R. Silber, Director of Planning, Secretary

Also Present: Ralph J. Emerson, Jr., AICP, Assistant Director of Planning
Ms. Jean M. Moore – Principal Planner
Mr. Lee Tyson, County Planner
Mr. Thomas Coleman, County Planner
Ms. Nathalie Croft, County Planner
Mr. Livingston Lewis, County Planner
Mr. Benjamin Sehl, County Planner

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9 **Ms. O'Bannon abstains from voting on all cases unless it is necessary to**
10 **break a tie.**

11
12 Mr. Archer: The Planning Commission will come to order. Good evening
13 everyone. Before we start, I'd like to welcome Ms. Olympia Meola and Will Jones
14 from the Richmond Times-Dispatch. Nice to have you here. Must be something
15 exciting going on with two newspaper people here. Ms. Patricia O'Bannon, who
16 is our adjunct representative from the Board of Supervisors. Welcome, Ms.
17 O'Bannon. All right. Without much ado, we'll get on with the proceedings. With
18 that, I'll turn the meeting over to our Secretary, Director of Planning, Mr. Randal
19 Silber. Mr. Silber.

20
21 Mr. Silber: Thank you, Mr. Chairman. I appreciate that. We have all
22 members of the Planning Commission present. First on the agenda would be
23 consideration of withdrawals and referrals. My microphone is not on. Thank you.
24 We have no withdrawals this evening, but we have several deferrals. So, if we
25 can hear about those, please.
26

27 Ms. Moore: Yes, Mr. Secretary, we actually have nine. The first is on
28 page 1 of your agenda in the Brookland District.
29

30 **C-64C-06 Jennifer D. Mullen for Wistar Creek, LLC:** Request to
31 conditionally rezone from R-3 One-Family Residence District to RTHC
32 Residential Townhouse District (Conditional), Parcels 767-750-8298, 767-751-
33 8651, 768-750-0490, 768-751-0638, -2435, -4119, and -1362 containing 24.46
34 acres, located on the south line of Wistar Road approximately 142 feet west of
35 Walkenhut Drive. The applicant proposes a residential townhouse development
36 with a maximum of 130 dwelling units, an equivalent density of 5.31 units per
37 acre. The maximum density allowed in the RTH District is 9 units per acre. The
38 use will be controlled by zoning ordinance regulations and proffered conditions.
39 The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net
40 density per acre, and Office.

41 Ms. Moore: The deferral is requested to the January 11, 2007 meeting.

42 Mr. Archer: Thank you, Ms. Moore. Is anyone present who is opposed
43 to the deferment of C-64C-06 in the Brookland District? No opposition. Mr.
44 Vanarsdall.

45 Mr. Vanarsdall: I move C-64C-06 be deferred at the applicant's request to
46 January 11, 2007.

47 Mr. Branin: Second.

48 Mr. Archer: Motion by Mr. Vanarsdall and seconded by Mr. Branin. All in
49 favor of the motion say aye. Those opposed say no. The ayes have it; the
50 motion carries.

51 Ms. Moore: Also on page 1 of your agenda in the Fairfield District.

52 **C-55C-06 Caroline L. Nadal for First Centrum of Virginia, Inc.:**
53 Request to conditionally rezone from O-1 Office District and C-1 Conservation
54 District to R-6C General Residence District (Conditional), Parcel 783-772-1148,
55 containing 8.7 acres located on the west line of Brook Road (U.S. Route 1) at its
56 intersection with Presbytery Court. The applicant proposes age-restricted multi-
57 family dwellings. The R-6 District allows a minimum lot size of 2,200 square feet
58 per family for multi-family dwellings and a maximum gross density of 19.80 units
59 per acre. The use will be controlled by zoning ordinance regulations and
60 proffered conditions. The Land Use Plan recommends Office and Environmental
61 Protection Area.

62 Ms. Moore: This deferral is also requested to the January 11, 2007
63 meeting.

64 Mr. Archer: Okay. Is there anyone present who opposes this deferment,
65 C-55C-06, First Centrum of Virginia in the Fairfield District? No opposition. I
66 move deferment of C-55C-06, First Centrum of Virginia, Incorporated, to the
67 January 11, 2007 meeting at the applicant's request.

68 Mr. Vanarsdall: Second.

69 Mr. Archer: Motion by Archer and second by Mr. Vanarsdall. All in favor
70 of the motion say aye. Those opposed say no. The ayes have it; the motion
71 carries.

72 Ms. Moore: On page 2 of your agenda.

73 **C-65C-06 Dan Caskie for Barrington Investors, LTD:** Request to
74 conditionally rezone from R-4 One-Family Residence District and M-2 General
75 Industrial District to R-5AC General Residence District (Conditional), part of
76 Parcel 799-732-4991, containing approximately 19.98 acres, located between the
77 west line of Barrington Road at its intersection with Glenthorne Road and the
78 east line of the Chesapeake and Ohio Railway right-of-way. The applicant
79 proposes a maximum of 53 zero lot line one-family dwellings. The R-5A District
80 allows a minimum lot size of 5,625 square feet and a maximum density of 6 units
81 per acre. The use will be controlled by zoning ordinance regulations and
82 proffered conditions. The Land Use Plan recommends Suburban Residential 2,
83 2.4 to 3.4 units net density per acre, and Environmental Protection Area.

84 Ms. Moore: The deferral is requested to the January 11, 2007 meeting.

85 Mr. Archer: Is there anyone present who is opposed to this deferment,
86 C-65C-06, Dan Caskie for Barrington Investors, Limited. No opposition. I move
87 deferral of C-65C-06 to the January 11, 2007 meeting at the applicant's request.

88 Mrs. Jones: Second.

89 Mr. Archer: Motion by Archer and seconded by Mrs. Jones. All in favor of
90 the motion say aye. Those opposed say no. The ayes have it; the deferral is
91 granted.

92 Ms. Moore: Also on page 2 of your agenda in the Three Chopt District.

93 **P-16-06 Glenn Moore for Basilios E. Tsimbos:** Request for a
94 Provisional Use Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of
95 Chapter 24 of the County Code in order to construct an outside dining area for a
96 proposed restaurant on Parcel 761-754-1383, located on the east line of Skipwith
97 Road approximately 350 feet south of West Broad Street (U. S. Route 250). The
98 existing zoning is B-2C Business District (Conditional). The Land Use Plan
99 recommends Commercial Arterial and Office.

100 Ms. Moore: The deferral is requested to the March 15, 2007 meeting.

101 Mr. Archer: Okay. Is anyone present who is opposed to the deferment
102 of P-16-06, Glenn Moore for Basilios Tsimbos? No opposition. Mr. Branin.

103 Mr. Branin: I'd like to move for deferral of P-16-06 to the March 15, 2007
104 meeting per the applicant's request.

105 Mr. Vanarsdall: Second.

106 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall.
107 Those in favor of the motion say aye. Those opposed say no. The ayes have it;
108 the motion is granted.

109 Ms. Moore: Also on page 2 of the Agenda is C-49C-06.

110 **C-49C-06 Caroline L. Nadal for Rockwood, Inc:** Request to
111 conditionally rezone from A-1 Agricultural District to R-2AC One Family
112 Residence District (Conditional), Parcels 738-771-6301, -4105, and -2400,
113 containing approximately 7.081 acres, located on the east line of Pouncey Tract
114 Road approximately 1,412 feet north of its intersection with Shady Grove Road.
115 The applicant proposes a single-family residential subdivision with a maximum
116 density not to exceed 2.0 units per acre. The R-2A District allows a minimum lot
117 size of 13,500 square feet and a maximum gross density of 3.23 units per acre.
118 The use will be controlled by zoning ordinance regulations and proffered
119 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
120 units net density per acre.

121 Ms. Moore: The deferral is requested to the January 11, 2007 meeting.

122 Mr. Archer: Okay. Is there opposition to the deferment of C-49C-06,
123 Rockwood, Incorporated? No opposition. This is Mr. Branin.

124 Mr. Branin: Thank you, Mr. Chairman. Mr. Chairman, I'd like to move for
125 C-49C-06 to be deferred to the January 11, 2007 per the applicant's request.

126 Mr. Vanarsdall: Second.

127 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall.
128 Those in favor of the motion say aye. Those opposed say no. The ayes have; the
129 deferral is granted.

130 Ms. Moore: On page 3 of your agenda.

131 **C-59C-06 Andrew Condlin for Towne Center West, LLC:** Request to
132 conditionally rezone from B-2C Business District (Conditional) to R-6C General
133 Residence District (Conditional), part of Parcels 734-764-9340 and 736-764-
134 1136, containing 13.56 acres (Parcel B - approximately 9.38 acres and Parcel I
135 approximately - 4.18 acres), located on the north line of West Broad Street (U. S.
136 Route 250) approximately 540 feet east of N. Gayton Road (Parcel B) and
137 approximately 650 feet north of West Broad Street (U. S. Route 250) (Parcel I).
138 The applicant proposes retail and office uses with no more than 165 multi-family
139 dwelling units on Parcel B, and retail and office uses with no more than 75 multi-
140 family dwelling units on Parcel I. The R-6 District allows a minimum lot size of
141 2,200 square feet per family for multi-family dwellings and a maximum gross
142 density of 19.80 units per acre. The uses will be controlled by zoning ordinance
143 regulations and proffered conditions. The Land Use Plan recommends Mixed
144 Use. The site is in the West Broad Street Overlay District.

145 Ms. Moore: The referral is requested to January 11, 2007.

146 Mr. Archer: Okay. Is there anyone present who is opposed to this
147 deferment, C-59C-06, Andrew Condlin for Towne Center West, LLC? I see no
148 opposition. Mr. Branin.

149 Mr. Branin: Mr. Chairman, I'd like to move for deferral of C-59C-06,
150 Towne Center West, to the January 11, 2007 meeting per the applicant's
151 request.

152 Mrs. Jones: Second.

153 Mr. Archer: Motion by Mr. Branin and seconded by Mrs. Jones. All in
154 favor of the motion say aye. Those opposed say no. The ayes have it; the motion
155 is granted.

156 Ms. Moore: The next is a companion case to the one just deferred. It's
157 on page 3 of your agenda.

158 **P-19-06 Andrew Condlin for Towne Center West, LLC:** Request
159 for a Provisional Use Permit under Sections 24-36.1(b), 24-120 and 24-122.1 of
160 the County Code to permit retail and office uses within the proposed multi-family
161 development on parts of Parcel 734-764-9340, and 736-764-1136, located on the
162 north line of West Broad Street (U. S. Route 250) approximately 540 feet east of
163 N. Gayton Road (Parcel B) and approximately 650 feet north of West Broad
164 Street (U.S. Route 250) (Parcel I). The existing zoning is B-2C Business District
165 (Conditional). The property is the subject of rezoning case C-59C-06, which
166 proposes to rezone the property to R-6C General Residence District
167 (Conditional). The Land Use Plan recommends Mixed Use. The site is in the
168 West Broad Street Overlay District.

169 Ms. Moore: The deferral is requested to the January 11, 2007 meeting.

170 Mr. Archer: Is there anyone present who is opposed to the deferment of
171 P-19-06, Towne Center West, LLC? No opposition. Mr. Branin.

172 Mr. Branin: Mr. Chairman, I'd like to move for deferral of P-19-06, Towne
173 Center West, LLC to the January 11, 2007 meeting per the applicant's request.

174 Mrs. Jones: Second.

175 Mr. Archer: Motion by Mr. Branin and seconded by Mrs. Jones. All in
176 favor of the motion say aye. Those opposed say no. The ayes have it; that
177 motion is granted.

178 Ms. Moore: On page 4 of your agenda in the Varina District.

179 **C-51C-06** **Caroline L. Nadal for Collins/Goodman Development,**
180 **LLC:** Request to conditionally rezone from A-1 Agricultural District to B-2C
181 Business District (Conditional), Parcel 814-717-0480 and Part of Parcel 813-717-
182 7951, containing approximately 10.19 acres, located at the south intersection of
183 S. Laburnum and Gay Avenues. The applicant proposes retail uses. The uses
184 will be controlled by proffered conditions and zoning ordinance regulations. The
185 Land Use Plan recommends Office. The site is in the Airport Safety Overlay
186 District.

187 Ms. Moore: The deferral is requested to the January 11, 2007 meeting.

188 Mr. Archer: Is there opposition to the deferment of C-51C-06,
189 Collins/Goodman Development, LLC, in the Varina District? No opposition. Mr.
190 Jernigan.

191 Mr. Jernigan: Mr. Chairman, I move for deferral of zoning case C-51C-06,
192 Collins/Goodman Development, LLC to January 11, 2007 by request of the
193 applicant.

194 Mr. Vanarsdall: Second.

195 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All
196 in favor of the motion say aye. Those opposed say no. The ayes have it; the
197 deferral is granted.

198 Ms. Moore: The last request that we received is also on page 4 of your
199 agenda.

200 **C-67C-06** **Ahmad Jafari:** Request to conditionally rezone from R-3
201 One Family Residence District and B-3 Business District to B-2C Business
202 District (Conditional), Parcel 818-726-8240, containing 1.859 acres, located on
203 the north line of Nine Mile Road between Barker and Forest Avenues. The
204 applicant proposes a retail strip shopping center. The use will be controlled by
205 zoning ordinance regulations and proffered conditions. The Land Use Plan
206 recommends Commercial Arterial. The site is in the Airport Safety Overlay
207 District. The site is in the Enterprise Zone.

208 Ms. Moore: The deferral is also requested to the January 11, 2007
209 meeting.

210 Mr. Archer: Okay. Is there anyone present who is opposed to this
211 deferment, C-67C-06, Ahmad Jafari? No opposition. Mr. Jernigan.

212 Mr. Jernigan: Mr. Chairman, I move for deferral of case C-67C-06, Ahmad
213 Jafari to January 11, 2007 by request of the applicant.

214 Mr. Vanarsdall: Second.

215 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All
216 in favor of the motion say aye. All opposed to the motion say no. The ayes have
217 it; that deferral is granted.

218 Ms. Moore: Thank you, Mr. Chairman.

219 Mr. Archer: Thank you, Ms. Moore.

220 Mr. Silber: Are there any deferrals on behalf of the Planning
221 Commission? Let's move on to page 2 of your agenda.

222 **C-66C-06 Mike Farmer for RAC II:** Request to amend proffered
223 conditions accepted with Rezoning Case C-5C-05, on Parcel 783-764-5602,
224 containing 2.9 acres, located at the northwest intersection of the I-295 ramp,
225 Brook Road (U.S. Route 1) and Cole Boulevard. The applicant wishes to amend
226 Proffer 13 related to sound suppression measures. The zoning is R-5AC General
227 Residence District (Conditional). The Land Use Plan recommends Suburban
228 Residential 2, 2.4 to 3.4 units net density per acre.

229 Mr. Archer: Is there anyone present who is opposed to this case, C-66C-
230 06, RAC II. No opposition. Good evening, Mr. Coleman.

231 Mr. Coleman: Good evening, Mr. Chairman, members of the Commission.
232 The Board of Supervisors approved rezoning case C-5C-05 in April 2005. In
233 September 2005, the Planning Commission granted conditional approval for Cole
234 Run Subdivision, which is not yet recorded. This request would amend and
235 restate Proffer #13, which mitigates noise impacts for lots abutting Interstate 295.
236 The proposed proffer language is consistent with recently approved proffer
237 language for other cases, which is preferable for regulating sound suppression.
238 Staff supports amending and restating the proffer language. The RC-1 sound
239 attenuation channel would increase the STC rating for the exterior walls. Staff
240 encourages the applicant to increase the STC rating for the windows to the
241 highest amount reasonable and practical to mitigate noise impacts from I-295.
242 That concludes my presentation. I'd be happy to answer any questions.

243 Mr. Archer: All right. Thank you, Mr. Coleman. I was going to make a
244 couple of comments, if not ask questions. Mr. Theobald so diligently faxed me or
245 e-mailed me a note today, which I can't find, but I remember what was in it. This
246 case is a little bit different from the normal sound suppression cases that we
247 have because most of the time, we are concerned about sound suppression in
248 units that are adjacent to one another. This particular case refers to sound
249 suppression that would block outside noise from coming into a residence. Mr.
250 Theobald discussed this in good detail with me today and I think I understand it a
251 little bit better. There is a case that we recently passed, that was passed by the
252 Board of Supervisors that allowed this. This is something that at this point in
253 time, has not had a lot of research done on it and it appears to me that there is
254 no standard. There are standards that different people within the industry have
255 set and it's hard to determine which one of these would apply in this case. From

256 what Mr. Theobald sent me this afternoon, this appear to be one where they
257 have attempted to reach the higher level of the standard of those standards that
258 have been set. I don't think they could do much for it in that case. It's something
259 that I recommend we probably study a little bit, because I think we are going to
260 hear some more from these where we use window suppression instead of solid
261 wall suppression to block out outside noises. Does anyone from the Commission
262 have any questions for either the applicant or Mr. Coleman?

263 Mr. Vanarsdall: I see it's going to be a 54.

264 Mr. Archer: It won't reach 54. I think 32, is that right?

265 Mr. Vanarsdall: Thirty-two is the windows.

266 Mr. Archer: For the windows, yes.

267 Mr. Archer: There's a different set of numbers, though. In this instance,
268 by not having a solid wall, but having a window in there, they're trying to attempt
269 to get the window to provide sound suppression in addition to the wall. The 32 is
270 well above what is called the standard for windows that do suppress sound.

271 Mr. Vanarsdall: That's a good improvement.

272 Mr. Archer: It is, but it's one that we do need to study. I think from time
273 to time, or as time goes by, we will see some more standards come. I don't think
274 the industry has studied this very much at this point in time. I understand that to
275 try to get it near where the wall sound suppression is, you're looking at
276 something that would be quite expensive. There's also a difference in the kind of
277 noise that we're trying to block from the outside, as opposed to the kind of noise
278 you're trying to block, say, from one apartment to another—voices and music and
279 so forth. From the outside, airplane noises and vehicle noises. It's a different
280 type of noise. I think, in this instance, the applicant has done about all he can do
281 to get this to a point that it's recommended. Mr. Coleman, unless you have some
282 more remarks or the Commission has some more questions, I'm ready to move
283 on this. Okay. Thank you so much. Okay, then. I move that C-66C-06, RACII
284 Cole Run be forwarded to the Board with a recommendation of approval.

285 Mr. Vanarsdall: Second.

286 Mr. Archer: Motion by Archer and seconded by Mr. Vanarsdall. All in
287 favor of the motion say aye. All opposed say no. The ayes have it, the motion
288 carries. Let's move on.

289 **REASON:** The Planning Commission voted 5-0 to recommend the
290 Board of Supervisors grant the request because the amendment does not reduce
291 the original intended purpose of the proffers and the proffers continue to assure a
292 quality form of development.

293 Mr. Silber: Moving on to page 3 of your agenda, this is a case that was
294 deferred from the November 9, 2006 meeting.

295 ***Deferred from the November 9, 2006 Meeting.***

296 **C-57C-06 James Theobald for W2005 Realty, LLC:** Request to
297 conditionally rezone from R-6C General Residence District (Conditional), O-3C
298 Office District (Conditional) and B-2C Business District (Conditional) to RTHC
299 Residential Townhouse District (Conditional) and B-2C Business District
300 (Conditional), Parcel 736-762-2022, containing approximately 41.066 acres (B-
301 2C - 26.889 +/- ac.; RTHC – 14.177 +/- ac.), located at the southwest intersection
302 of West Broad Street (U.S. Route 250) and Lauderdale Drive. The applicant
303 proposes retail, office, and a townhouse development with a maximum density of
304 6.8 units per acre. The maximum density in the RTH District is 9 units per acre.
305 The uses will be controlled by zoning ordinance regulations and proffered
306 conditions. The Land Use Plan recommends Mixed Use and Urban Residential,
307 3.4 to 6.8 units net density per acre. The site is in the West Broad Street Overlay
308 District.

309 Mr. Archer: All right. Is there present anyone who is opposed to this
310 case, C-57C-06? Okay, we'll get to you, sir. All right. Let's move on.

311 Mr. Sehl: Thank you, Mr. Chairman.

312 Mr. Archer: Good evening, Mr. Sehl, how are you sir?

313 Mr. Sehl: Doing just fine, thank you. The subject property is located at
314 the southwest intersection of West Broad Street and Lauderdale Drive and is
315 currently vacant. The property was rezoned to its current designations by case C-
316 68C-95. The proposed development at that time was for a Bon Secours
317 healthcare facility. A Provisional Use Permit for a life care facility was approved
318 in 1997 and three POD's were eventually approved to permit construction on the
319 site. None of the improvements proposed under those POD's were ever
320 constructed.

321 The 2010 Land Use Plan recommends Mixed Use and Urban Residential land
322 uses for the parcel. The Land Use Plan was amended in April of 2006 to address
323 the extension of Three Chopt Road from its current terminus at Lauderdale Drive
324 to North Gayton Road. The site is also located in the Far West Broad Street
325 Special Strategy Area and the West Broad Street Overlay District.

326 The Three Chopt Road extension area established Urban Residential and Mixed
327 Use designations, separated by the extended Three Chopt Road. The Urban
328 Residential portion of the area was created to serve as a buffer between the
329 more intense mixed uses to the north and the residential neighborhoods of
330 Wellesley to the south. The Land Use Plan amendment established guidelines
331 pertaining to architecture, streetscape, landscaping and open space, pedestrian
332 access and sidewalks, and structured parking.

333 The applicant has proffered this conceptual plan (referring to screen) showing the
334 proposed layout for both the B-2C and RTHC portions of the site. The B-2C
335 portion of the site shows a central parking area and pad sites surrounded by
336 retail shops, all located north of the extended Three Chopt Road. Also located to
337 the north of Three Chopt Road is a 40,000-square-foot office building, which will
338 be on the western boundary of the property. The RTHC portion of the site would
339 be located south of Three Chopt Road where the applicant has proffered that a
340 median will be constructed. The conceptual plan shows the townhouses
341 arranged in a linear fashion parallel to Three Chopt Road.

342 The applicant has submitted revised proffers today, dated December 7, 2006.
343 These proffers address buffering, sidewalks, hours of construction, exterior
344 materials, parking lot lighting, requirements for office square footage, and
345 building height. The applicant is also proffering out several incompatible uses,
346 and limiting any single user to a maximum of 90,000 square feet. In addition, the
347 applicant has submitted proffers for the RTHC portion of this site that address
348 buffering against the Wellesley development to the south, exterior materials,
349 minimum square footage, garages, street lighting, cantilevered features, and
350 density. Staff would like to note that these proffers have not been reviewed by
351 the County Attorney and time limits would need to be waived to accept these
352 proffers this evening.

353 The proffers provide a commitment to high-quality development; however, staff
354 feels that the proposal could be strengthened to ensure that development meets
355 the vision for the West Broad Street corridor and the designations in the 2010
356 Land Use Plan.

357 As part of the proffers, the applicant has submitted revised elevations that
358 articulate the frontage along West Broad Street and Lauderdale Drive. I'll run
359 through some examples here. The elevations now show buildings that create a
360 double frontage effect along West Broad Street and Lauderdale Drive, providing
361 glass and other architectural features to provide a finished look to those streets.
362 This is the side looking from the interior to the buildings. This is the elevation
363 facing from West Broad Street into the site (referring to screen) and this is the
364 elevation facing from Lauderdale Drive into the site, north of the entrance from
365 Lauderdale Drive.

366 The elevations showing the buildings fronting Three Chopt Road are not as
367 detailed architecturally as those fronting West Broad Street. Staff feels that
368 additional buffering should be provided to maintain the quality appearance along
369 Three Chopt Road that is being provided for along West Broad Street. In
370 addition, staff recommends that the applicant increase the proffered buffers that
371 do not meet or only state zoning code requirements.

372 Along Lauderdale Drive in the RTHC portion of the site, the applicant is proffering
373 the code-required landscape buffer and staff recommends this buffer be widened
374 to be consistent with the proffered buffer along the B-2 portion of Lauderdale
375 Drive.

376 Staff also recommends that details be provided for all buffers to create the
377 streetscape envisioned with the Land Use Plan amendment for the area. Staff
378 feels this is especially important along Three Chopt Road where the buffers
379 proffered by the applicant does not meet the Code requirements for the West
380 Broad Street Overlay District. A buffer deviation would need to be granted to
381 reduce the buffer as it is proffered currently.

382 Staff also recommends that the applicant clarify the width of the right-of-way
383 proffered in Proffer #7, as the proffered right-of-way could be insufficient
384 according to the Department of Public Works. The exact design and width of the
385 median are not known at this time and the applicant should commit to providing
386 the minimum right-of-way necessary to construct the extended Three Chopt
387 Road with the proffered median.

388 In addition, the applicant should detail who will maintain the provided median, as
389 Public Works has indicated that a maintenance agreement with the County would
390 be necessary and maintenance would need to be provided by the developer. The
391 applicant is also encouraged to detail the proposed landscaping for this median.
392 Staff does have concerns that this median will be removed if the applicant is not
393 granted the buffer deviation for the proffered buffer along Three Chopt Road. The
394 proffered buffer, as stated earlier, does not meet the requirements of the West
395 Broad Street Overlay District unless that buffer deviation is granted.

396 Staff also encourages the applicant to consider amenities in the RTHC portion of
397 the site, such as gazebos, tennis courts, and tot lots, and would like to note that
398 the traffic impact study was received by the Department of Public Works in late
399 November and that review has not been completed at this time.

400 The applicant did hold a community meeting on November 30, 2006, which was
401 attended by residents in the adjacent Wellesley community. At that meeting,
402 residents noted concerns with the entrance on Lauderdale Drive, shown here, as
403 well as the general traffic situation in the area.

404 While the applicant's proposal contains many positive features, staff believes that
405 a development that addresses staff concerns regarding buffering and details
406 associated with the extension of Three Chopt Road would more accurately reflect
407 the vision for this area of West Broad Street. Due to these few outstanding
408 issues, staff recommends deferral of this request. This concludes my
409 presentation. I'd be happy to answer any questions you might have.

410 Mr. Archer: Thank you, Mr. Sehl. Are there question for Mr. Sehl from
411 the Commission?

412 Mr. Branin: I have one for Ben. And I do want to see the applicant.

413 Mrs. Jones: Can I ask a quick question?

414 Mr. Archer: Sure, go ahead.

415 Mrs. Jones: Mr. Sehl, could you discuss just briefly again for me- the
416 Major Thoroughfare Plan and the alignment of Three Chopt is dramatically
417 different than the site plan versus the Major Thoroughfare Plan.

418 Mr. Sehl: Yes ma'am. As you can see here, the Major Thoroughfare
419 Plan that was adopted earlier this year shows the road sweeping a little more to
420 the north. The intent of this road extension was to get Three Chopt Road to
421 extend from its current terminus to North Gayton Road. The intent of that Major
422 Thoroughfare Plan—it is a concept road—is accomplished with this road as it is
423 shown, granting access through the potential extension on through to North
424 Gayton Road.

425 Mrs. Jones: So you have no problems with it.

426 Mr. Sehl: It's not in its preferred position, but we do feel that it meets
427 the intent of the Major Thoroughfare Plan.

428 Mrs. Jones: Even though it does reduce, by a significant amount, the
429 retail, excuse me, the residential component?

430 Mr. Sehl: That is a concern. With the proffered buffer along Wellesley,
431 staff feels that that should be sufficient there with the units, the similar types of
432 units through most of this location. I believe there are some wetland areas down
433 here that are going to remain undisturbed, so that should buffer the worst of the
434 road location.

435 Mr. Silber: Mrs. Jones, your point's well taken. I think staff's concern is
436 sort of the split or mix, if you will, between the pond between West Broad Street
437 and this concept road, and the area between the concept road and the Wellesley
438 community. You can see with the shift of the road and the direction it's going, it
439 begins to lessen the townhouse portion. Mr. Sehl, did I hear you say that Public
440 Works had some issues with an 80-foot right-of-way?

441 Mr. Sehl: That is correct. When I talked to Mike Jennings in the Traffic
442 Division of Pubic Works, he stated that 80 feet might not be sufficient with the
443 turn lanes, the median when the typical section through there is going to be 80
444 feet exclusive of the turn lanes with the medians included. That's where our
445 recommendation is coming from in that case, that perhaps 80 feet, until I get that
446 design is fully realized, it could be sufficient. There is concern that it might not
447 be.

448 Mr. Silber: The proffer indicating a maximum of 80 feet that was of
449 concern.

450 Mr. Sehl: I think it was the maximum that was a concern with that.

451 Mr. Silber: Sure. You also indicated that they have not completed the
452 review of the Traffic Impact Study?

453 Mr. Sehl: That is correct.

454 Mr. Archer: Okay. Anything further from the Commission for Mr. Sehl?
455 Thank you, sir. You need to hear from the applicant; is that right?

456 Mr. Branin: Absolutely.

457 Mr. Archer: Okay. Mr. Theobald? While Mr. Theobald is coming, we
458 have an indication of opposition. Our policy is to allow 10 minutes for each, 10
459 minutes for the presentation and 10 minutes for the total of the opposition. So, I
460 just wanted to make you aware of that. Mr. Theobald, would you like to reserve
461 some time for rebuttal, sir?

462 Mr. Theobald: I think maybe just a minute would be in order.

463 Mr. Archer: Okay.

464 Mr. Theobald: Chairman, ladies and gentleman, my name is Jim Theobald
465 and I'm here this evening on behalf of Archon Group and W2005 Realty, LLC. A
466 number of innocent inaccuracies by staff in this initial presentation that we'll try to
467 clear up as we go. First of all, that traffic study was delivered to the County on
468 September 13th and they can't find it. It was delivered to VDOT the same day and
469 they have theirs. Nobody does those things on purpose, but we have the
470 transmittal letters. When they finally couldn't find it, we delivered another copy a
471 week ago. So, I want you to know that that transportation study, and this is
472 second time this has happened, by the way, on our cases, different traffic
473 engineers, in the last three months. It happened on the Smith Packett case we
474 were working with Mr. Branin on. We'll get to, perhaps, some of these other
475 statements. I think Ben's presentation didn't reflect the changes that he
476 requested that we made today about 1:30 in terms of the right-of-ways and
477 exclusive of turn lanes, etcetera. So, we'll walk everybody through that to make
478 sure you're comfortable.

479 This is the zoning map. Mr. Weinberg and I rezoned this property some time ago
480 for retail uses along the front. Bon Secours intended an ambulatory surgical
481 center or a full-blown hospital on this site, and also included some multi-family
482 use limited to assisted living in the back. Your Land Use Plan that was changed
483 recently indicates Urban Residential and Mixed Use in the alignment as shown.
484 Just the point, Ms. Jones, you were concerned about. Keep in mind the Land
485 Use Plan shows a general orientation. It's not an engineered road. It also
486 doesn't show the right-of-way. It's just a solid line. So, your Land Use Plan
487 shows 14.2 acres of townhouse zoning and our plan has a 12.98. Once you take
488 into account the road and the mixed-use designation on the Land Use Plan, it's
489 26.9 acres and our plan has 25.72. So, actually, we're below when you take into
490 the account the right-of-way in terms of your Land Use Plan.

491 Our plan was designed to be consistent with this. Mr. Branin worked a lot with
492 the Wellesley folks as to what was appropriate. Urban Residential up to 6.8 units
493 per acre south of Three Chopt, mixed use to the north across from Short Pump
494 Town Center, the Breeden Project, etcetera.

495 This is our plan, as you've heard. The elements that have gone into this plan are
496 to try to promote a sense of internal focus and orientation, some new urbanist
497 type principles, and that's what you see. The buildings are essentially around the
498 exterior with the parking field and pedestrian orientation on the interior. You'll see
499 in the elevations in a moment the detail that we've added to those exteriors.
500 Admittedly, the townhouse portion represents really a yield study as to how we
501 can meet townhouse requirements as to setbacks, road spacing, etcetera. We
502 do not have a townhouse developer. Wellesley residents are aware of that and
503 so we've tried to proffer this case in such a fashion as to provide quality
504 assurances while not yet fully understanding what site plan might result. You'll
505 note over here a freestanding office building in the corner. That's a minimum of
506 40,000 square feet and we also have the ability to do other office uses in line
507 through various places. We've tried to segregate the parking for the office
508 because that parking doesn't move during the day and retailers don't really like to
509 have it nearby. We'll go through these buffers in a moment.

510 With regard to the median, etcetera, your Major Thoroughfare Plan calls for an
511 undivided four-lane section here, no mention of a median. That's a 66-foot-width
512 section. Planning encouraged us, as did Mr. Kaechele and Mr. Branin, to provide
513 a median and to landscape it, which we will happily do. It's a 14-foot median, a
514 standard County median, which takes us up to an 80-foot right-of-way. One of
515 the proffers filed today at 1:30 was that 80 feet does not include turn lanes. So,
516 the turn lanes are in addition to the 80-foot right-of-way, which was Mr. Jennings'
517 concern. So, that has been clarified in what you have before you. We did tinker
518 with that proffer a little bit because the West Broad Overlay District does suggest
519 a 35-foot buffer along Three Chopt, notwithstanding that this part of Three Chopt
520 didn't exist when the West Broad Overlay District was enacted. What we've
521 done is, basically, taken the requested 14 feet of median that is planted with
522 landscaping, and we've taken it out of these two buffers, if that's your choice. Mr.
523 Silber has the ability to grant that deviation or not.

524 Looking at an elevation, this is from the corner. Now you're looking south and
525 west, the corner of Lauderdale and Broad, as to how this will look with an
526 orientation looking into the center with the features. This is the building facing
527 Broad Street, although—

528 Mr. Branin: I'm going to interrupt you for one second.

529 Mr. Theobald: Yeah.

530 Mr. Branin: Please back up one. Keep that slide in mind because I'm
531 going to ask you to come back to it, okay?

532 Mr. Theobald: Okay.

533 Mr. Branin: Thank you, sir.

534 Mr. Theobald: This is, basically, from the inside of the center looking at the
535 building that is along Broad Street. Notice the different roof articulations, use of

536 stone consistent with the development across the street. This is the side of that
537 building looking due west. So, you're standing on Lauderdale looking west at that
538 plaza area. This is the façade along Broad Street and here's a blow up of that so
539 that you can see, Mr. Branin, how we've added the windows, sort of the fake
540 storefronts, etcetera, to try to soften that look.

541 Mr. Branin: Thank you, sir, because when I looked at the original one
542 this morning, I said it's still got those shutters in there.

543 Mr. Theobald: Right. The building on this corner along Lauderdale looking
544 from the inside of the center. This is the side view looking south from Broad
545 Street along the plaza area. This, again, is from Lauderdale Drive and this is the
546 blowup to show window and awning-type treatment along Lauderdale Drive.
547 These are the buildings that you can see on the little key going down Lauderdale.
548 Still elements consistent with the others, starting to blend those out. We've not
549 attempted to show the landscaping as representational here so that you can see
550 the buildings, but have proffered landscaping. This is the entrance off of Three
551 Chopt again without landscaping just to give you the sense of the look and feel of
552 the center.

553 The proffered conditions, the concept plan and elevations have all been
554 proffered. We have a 50-foot buffer adjacent to Broad Street, 25 feet adjacent to
555 Mr. Pruitt per written agreement with him, and along both sides of Three Chopt
556 Road, assuming the deviation is ultimately granted. We have committed to build
557 and extend Three Chopt Road consistent with your thoroughfare plan. We have
558 sidewalks on both sides of Three Chopt. At the request of Wellesley, we've
559 added a sidewalk from Three Chopt south to Park Terrace to connect the
560 pedestrian access. We've also agreed to put in a four-way pedestrian crossing
561 at Three Chopt Road and Lauderdale Drive, including the signalization to assist
562 pedestrians at that intersection. Prohibited the uses that you've seen in most B-2
563 cases, no one retailer to exceed 90,000 square feet. Again, that was really at a
564 request of staff to preclude the Wal-Marts, the Targets of the world from having
565 the big box. That represents a junior department store like a Kohl's. We've
566 guaranteed a minimum of 40,000 square feet of stand-alone office development.
567 We've limited the hours of construction, and drive-thru windows would only be
568 permitted for two establishments. Keep in mind we've proffered out fast-food
569 restaurants and convenience stores.

570 We have a 20-foot buffer adjacent in the rear to Wellesley. Ten of that is
571 undisturbed; ten of that can be graded and replanted. There's another 30 feet of
572 setback to those town homes from the lot line. That's consistent with what you
573 see on the other side of the line. In fact, it's a little bigger than what you see on
574 the Wellesley side of the line. We have a 35-foot buffer adjacent to Lauderdale
575 Drive where the town homes are consistent with the 35-foot green belt.

576 I see I'm being beeped. Let me say we've restricted the density on the town
577 homes, provided significant material guarantees, 1800 square feet in size. I
578 believe this request substantially does meet the Land Use Plan. We've met with

579 Wellesley on three different occasions. You can see we do have one gentleman
580 in opposition here this evening. I believe that's a testament to the response that
581 we've made to the Wellesley concerns. With that, I'd be happy to answer any
582 questions. I would respectfully request that you recommend approval of this
583 case to the Board of Supervisors.

584 Mr. Archer: All right. Thank you, Mr. Theobald. Are there questions from
585 the Commission for Mr. Theobald?

586 Mr. Branin: Absolutely. Anyone else want to go before I go? Mr.
587 Theobald, that is a testament to the work that you've done with Wellesley. I think
588 you have done a good job in meeting the requirements that Wellesley put upon
589 you, as well as a lot of things that Mr. Kaechele and I have asked you guys to do.

590 Mr. Theobald: Thank you.

591 Mr. Branin: Now, if this does proceed forward, the townhouses, I know
592 that the layouts you did were just basically for yield. What was the original that
593 you came in for, the original?

594 Mr. Theobald: Ninety-six units, which is at the Land Use Plan density and at
595 6.8 units per acre, this is 79 units, which is about 5.5.

596 Mr. Branin: To keep in mind for the developer and yourself, when we do
597 come towards POD if this does proceed forward, we are going to want a better
598 layout to give that area more character, not just a straight—

599 Mr. Theobald: Yeah, it's a little—I think there's going to need to be some
600 articulation and relief in the fronts, but the shape of the parcel, by the time you
601 meet the other setbacks, is going to result in kind of two rows. How those move
602 in and out on the fronts, I think, is where we can have some impact.

603 Mr. Branin: I appreciate you guys changing the Broad Street and the
604 Lauderdale façades, giving us the glass that we requested to give it more of a
605 storefront, as opposed to a blank wall. On the Three Chopt side, it still does
606 concern me a little with that, dealing with the road, dealing with the median, and
607 what kind of landscaping we're going to be getting along that back side. I know
608 you guys requested signs for the back side of that. I'm really not willing to put
609 signs up there if we're not willing to put storefronts, signage on the backside, the
610 Three Chopt side. It would be pointless. You all are going to put so much
611 landscaping in there you wouldn't be able to see your signs anyway.

612 Mr. Theobald: We fully intend to landscape, in addition to the landscaping
613 in the median. To landscape along here has been the plan all along.

614 Mr. Branin: Okay. As for the road, I know you're giving us the median
615 because Wellesley asked for a median. Mr. Kaechele and I both think that a
616 median is needed there. If this does go forward between now and Board time, I'll
617 be getting with, as well as I'm sure you would, be getting with Public Works to

618 see if we can possibly reduce this to a two-lane road. If so, we might be able to
619 meet the setbacks, the median and the buffers needed.

620 Mr. Theobald: We would be happy to make that a two-lane road. Your
621 thoroughfare plan calls for a four-lane.

622 Mr. Branin: Well, that's what we're going to look into.

623 Mr. Theobald: That's fine. That would be fine.

624 Mr. Branin: The last thing that I'm concerned about with this is the
625 maintenance agreement.

626 Mr. Theobald: It's in the proffers, sir.

627 Mr. Branin: It is?

628 Mr. Theobald: That was the one we added today when Ben called us.

629 Mr. Branin: At the last minute?

630 Mr. Theobald: Yes.

631 Mr. Branin: In the 12th hour?

632 Mr. Theobald: It's in #7 at the end. It says, "The developer shall be
633 responsible for the maintenance of the landscaping in an agreement satisfactory
634 to the County."

635 Mr. Branin: Thank you. I voiced all my concerns with this. I'd like to
636 hear the opposition. I'm sure there will be some more people that will have more
637 questions for you and then we can see if we can go forward.

638 Mr. Archer: All right, thank you, sir. Go ahead, Mr. Jernigan.

639 Mr. Jernigan: Let me clear up something on your road. What does the rest
640 of Three Chopt extension call for, four or two lanes?

641 Mr. Branin: The rest of—it's—

642 Mr. Theobald: The existing Three Chopt is four lanes undivided. Existing
643 Three Chopt.

644 Mr. Silber: Well, a portion of Three Chopt is undivided. From Pump
645 Road to Lauderdale is a four-lane, undivided. As you move east from there, it is
646 a four-lane divided facility. So, there isn't really a consistency here as far as
647 whether it has a median or not. It seems to be fairly consistent as four lanes.
648 The point that Mr. Branin is bringing up, is this is a section that would run from
649 Lauderdale to North Gayton Road. It's a fairly short segment. Would not extend
650 west of that point. So, he's wondering if it could be something Public Works

651 considers to be two lanes with a median as a possibility. We will need to explore
652 that. That might work.

653 Mr. Branin: What would the volume be from North Gayton or to North
654 Gayton with it being such a short distance? Something to look at.

655 Mr. Jernigan: I just had to get clear on that.

656 Mr. Archer: All right.

657 Mr. Silber: I guess maybe before the opposition comes up, I had two
658 matters I wanted to make mention of.

659 Mr. Archer: Go ahead.

660 Mr. Silber: One is on the 25-foot buffer. There is this proffer that
661 stipulates the 25-foot buffer along Three Chopt Road, different from many other
662 buffers and transitional buffers found in the Code. What is found in the West
663 Broad Street Overlay District is a requirement for 35 feet. It's not something
664 that's suggested; it is a requirement. There is an exception that is provided in the
665 West Broad Street Overlay District that does provide for the Director of Planning
666 to make a deviation if there is site topography, property configuration, or unique
667 circumstances that prevents full compliance of that requirement. So, if there is
668 something that's unique, given the site situation, then a deviation can be made.
669 The Director of Planning has a right to impose additional conditions if that
670 deviation is made. I will share with the Commission that I've had many, many
671 requests for deviations, as have previous planning directors, and the only time
672 that exception has ever been made was for West Broad Street Village. In that
673 particular case, an entire lane was built all the way across the frontage of the
674 property. The deviation was only for right-turn lanes in certain circumstances. I
675 think it was up to eight feet. What they're proffering is the right to have 25 feet
676 and to allow turn lanes to go into that. So, the 25 feet would be reduced by the
677 width of that turn lane. So, that is a concern of mine, proffering something that
678 would be in violation of the Code.

679 In regards to the 90,000-square-foot proffer that's been offered, I guess this is
680 somewhat new. I was under the impression that this was going to be smaller
681 retail stores. In my opinion, that is somewhat excessive. I'd like to be able to
682 continue to look at that number and see if we can get that down. If I'm reading
683 the numbers properly on this layout, it looks like that larger retail building, all the
684 building connected over by the office building, all of that together is 88,000
685 square feet. So, it would be larger than all of that string of retail space.

686 Mr. Theobald: You could also have a two-story building for a department
687 store.

688 Mr. Silber: As proffered, you could do that.

689 Mr. Theobald: We have a million-two square feet of enormous retail across
690 the street, so you could have a department store here, but you couldn't have a
691 Wal-Mart or a Target.

692 Mr. Silber: I think the point is that the design that we're trying to achieve
693 here is sort of a smaller-scale type of design. It could be a two-story facility. I
694 just wanted to clarify those two points.

695 Mr. Branin: One more thing Mr. Theobald. I have asked this before and
696 I'll ask again, hoping to get the same answer. Because of the inability for getting
697 the traffic study completed and reviewed, the people of Wellesley voiced—would
698 you bring up that other slide for me, the other one? The people of Wellesley
699 voiced a concern numerous times in the meetings. I've questioned it and asked
700 our traffic department to look at it, is what you're circling. That entrance there
701 concerns me greatly because of traffic coming onto Lauderdale from Broad
702 Street, from both West Broad and East Broad, and cross-traffic trying to get into
703 that entrance. I think it may create a problem for the people trying to just go
704 down Lauderdale.

705 Mr. Theobald: It would certainly be desirable to have it there, but if it's not
706 safe, it won't be there. I need permission to do that. I wanted to show it because
707 it's a possibility and it's a preference. It helps divert traffic before it gets to Three
708 Chopt. This is about 400 feet from Broad to this location and we are putting in a
709 turn lane here. We're also, at the request of Wellesley, looking into cutting down
710 what apparently is a substantial mound on this piece, so that when cars are in
711 here, they have to stop and they try to look back and they can't see over this
712 hump. So, we're going to take a look at that. Believe me, if this is not okay with
713 Public Works, it's just not going to happen.

714 Mr. Archer: Mr. Theobald, as that stands right now, is that a right-only
715 coming out of there or can you go both ways?

716 Mr. Theobald: No. That's right in, right out. There's a median in Lauderdale.

717 Mr. Branin: I don't have any more questions.

718 Mr. Archer: All right. Any other Commission members have questions?

719 Mr. Theobald: Thank you.

720 Mr. Archer: All right. We do have opposition and Mr. Theobald has
721 reserved a minute. Come up, sir, and if you would, state your name and address
722 for the record.

723 Mr. Armuth: My name is Joel Armuth. I live at 3213 Glastonbury Drive.

724 Mr. Archer: Would you spell your last name, please?

725 Mr. Armuth: A-R-M-U-T-H.

726 Mr. Archer: Okay.

727 Mr. Armuth: I do not live in Wellesley.

728 Mr. Archer: Okay.

729 Mr. Armuth: I live in the Sedgemoor Oaks subdivision off of North Gayton
730 Road. We have approximately 18 to 19 homes in that subdivision. We have no
731 association ever formed. The developer passed away before the person could
732 transfer it, creating an association for our subdivision. So, there's no present
733 representation there at this point. We have three homes in the back end of our
734 subdivision that go against a creek. This creek is fed off of this property that's
735 being proposed right now. With the expansion of the Short Pump Town Center,
736 Broad Street being widened, there's been a substantial amount of water just
737 being released into this stream. Three homes are in danger of being lost. The
738 County just recently, in the past year, rededicated these three properties into the
739 flood plain. This stream is about 20 feet from the homes that were just built back
740 in 2000. People are really concerned. Broad Street, their sewage/storm runoff is
741 great. It just gets pumped into that stream from Broad Street. Also, the two
742 ponds in front of the Short Pump Town Center also drain into it. There is a
743 stream on this property here that feeds into this stream. On the picture here, I
744 don't see any retention ponds whatsoever. We're afraid we might lose several of
745 the homes there. I would like to see the developer address these issues to the
746 County for this. I'm not against development. I understand people own property
747 and they want to make a profit. I understand that, but we're going to lose three
748 homes. That concerns me. Hopefully, I'll give some leadership into the
749 association. We'll create one. We'll be more in-depth with the County. Hopefully,
750 this can be addressed and, like I said, delaying it until we got to this point. We
751 could have addressed it earlier, like the Wellesley Association did. That's it,
752 pretty much. Thank you.

753 Mr. Silber: Mr. Armuth, if I could have my staff pull the slide up that
754 shows the zoning in this area. I think that might be even better than before—

755 Ms. O'Bannon: Back one.

756 Mr. Silber: That might even be better than the one you had before. The
757 other one. Yeah, that's good. You can see the creek that flows through, heads
758 down sort of in a westward, southwestward direction towards Sedgemoor Oaks.
759 What I wanted to inform you is when—if this development is approved, the
760 zoning is approved, they will be required to come in with a Plan of Development
761 that would deal with all aspects of storm water retention and that would be
762 reviewed very carefully by the County engineers. What I may ask in a minute is
763 for Mr. Theobald to get up, if he knows how they might be proposing some
764 aspects of retention because you're right, I don't see that on their plan at this
765 point. They would be required to provide for storm water retention when they
766 come in with their plans.

767 Mr. Armuth: I've been in contact with Ancher Madison through the
768 County. He was telling me about the east and west side of the Pruitt's home,
769 there is drainage into this stream as well, as well as Short Pump Town Center
770 drainage into this stream. He was a little bit concerned about it as well when I
771 brought it up to his attention. I'd just like to see how it would be addressed.

772 Mr. Silber: Yes. You can see one of the ponds at the Town Center on
773 the other side of Broad Street is actually connecting to that. I do see how it flows
774 in your direction. I think you raise a good point. I think when this property
775 develops, we have to make sure that proper storm water management is
776 handled.

777 Mr. Armuth: Especially when Three Chopt is being developed as well. I
778 can go up and point on the screen the three properties. Oh, you can see it for
779 yourself. On the one subdivision at the green.

780 Mr. Silber: You might be able to use the pointer.

781 Mr. Armuth: Okay. Thank you. We have this property here, here, and—
782 Sorry. There we go. Got it. The property here. This is our common area and we
783 have a retention pond in here. The drain off is in this subdivision here. The cul-
784 de-sac here and here. There's the retention pond. This property and this
785 property, the water comes about 20 feet from their house. Any heavy rain, it just
786 floods it. All this is now all flood land now, rezoned by the County as flood land.

787 Mr. Branin: Mr. Armuth, when did you say this subdivision was built?

788 Mr. Armuth: Back in 2000 by the Pruitt's. Wilbur and Leigh Pruitt.

789 Ms. O'Bannon: I'm sorry. How did you all do with the last rain? How bad
790 was it, the most recent one that was in November?

791 Mr. Armuth: It was washing over the banks of the stream. The stream's
792 about three feet wide and it was way up over the fence, coming towards the
793 house.

794 Ms. O'Bannon: It didn't come into the house or under the house.

795 Mr. Armuth: No. Presently, no.

796 Ms. O'Bannon: All right.

797 Mr. Archer: How deep is that stream normally, sir? About how deep?

798 Mr. Armuth: It's about, maybe about three inches. It's not very deep, but
799 when it floods—

800 Mr. Archer: Three feet wide?

801 Mr. Armuth: Yeah, about three feet wide, but it moves. The boundary
802 moves and the stream, it still fluctuates right there. It gets scary after a while.

803 Mr. Jernigan: Did you say the County just came in and designated that as
804 a flood plain?

805 Mr. Armuth: According to—I don't know exactly; a lot of it's just hearsay
806 since we had no proper representation. People who live in this house said they
807 got a letter about six or seven months ago saying something about flood
808 concerns or they're re-evaluating the flood plain. They never reacted to it, the
809 letter, never showed up, never inquired about it. Talking to Mr. Madison, he was
810 saying that's now all flood land now. Not by FEMA, but through the County.

811 Ms. O'Bannon: FEMA did a re-delineation or redrawing of the flood plain
812 areas because they have found through the years that their original plan was not
813 as accurate

814 Mr. Armuth: Okay.

815 Ms. O'Bannon: With new satellite maps and that sort of thing, they've got a
816 more accurate idea of where flooding would actually occur. So, when they redrew
817 their lines, they notified people who lived in areas adjacent to that to make sure
818 they would go get flood insurance, they qualify for flood insurance. They want
819 you to carry it, or the homeowner to carry it because if you don't, FEMA will not
820 cover it. If it ever does flood, FEMA will only pay you, basically, the difference
821 between what your insurance covers or whatever. They want you to cover it, too.
822 It can be provided inexpensively. That's what that was about. Obviously, the
823 word "EPA" mean you are right there at the edge of a flood plain. It's just really
824 important to find out what's going to happen to this water. Currently, I've got
825 several projects in the Tuckahoe District that are right in line with this, the retrofit
826 thing so yes, it is very important, what this gentleman's asking.

827 Mr. Jernigan: Under normal conditions, how far are these houses from the
828 stream now, just on a normal day?

829 Mr. Armuth: Twenty-five feet. Twenty-five feet from the base of the
830 house. The foundation wall to the stream, about 25 feet.

831 Mr. Branin: Mr. Armuth, I'll ask Ben to get your name and address. If
832 you wouldn't mind, I'd like to come out and look at it.

833 Mr. Armuth: Sure.

834 Mr. Branin: For future development and also if this proceeds forward,
835 when it comes through POD, we can definitely make sure that all aspects are
836 being covered.

837 Mr. Armuth: Great. Thank you.

838 Mr. Archer: Thank you, sir.

839 Mr. Vanarsdall: Thank you.

840 Mr. Silber: Mr. Jernigan, to address your comment about the proximity
841 of the house to the stream, the zoning ordinance says that you have to have the
842 lot area, minimum lot area requirements outside of the 100-year flood plain, but
843 the setbacks are measured from the property line. Now, there is a requirement
844 now. I think Public Works is requiring certain setbacks from EPA or wetland
845 areas, but when this was built, it's very possible those houses could have been
846 25 feet from the stream.

847 Mr. Jernigan: Randy, the SPA is 50 foot, it's a 50-foot minimum there.
848 RPA's a hundred, SPA is 50.

849 Mr. Silber: We'd have to look into it. It's entirely possible it meets all the
850 requirements, though, when the house was built.

851 Mr. Archer: See, the stream's owned by—

852 Mr. Branin: Mr. Armuth, we will be looking into it. You want to make a
853 comment?

854 Mr. Theobald: Mr. West addressed the specifics. I would just like to say for
855 the benefit of this gentleman that, as you know, the state law and the County
856 ordinance will not let us put any greater rate of water going off this site after it's
857 developed as before the development. The majority of this site drains to the
858 Wellesley lake. There are easements in place that were done by HHHunt when
859 all this was together. In fact, there's BMP credits that have been allocated to this
860 site. Now, admittedly, a portion of the site does go in the other direction and I
861 think maybe Junie can give you a better idea of his dealings with Public Works.

862 Mr. Archer: Good evening, Mr. West, how are you, sir?

863 Mr. West: Hello, sir. My name is Junie West with the Timmons Group.
864 A couple things. Clarification of information might be helpful. Regarding how this
865 gentleman's house could be 25 foot off the creek, I think Mr. Silber indicated
866 probably the correct answer, and that is the imposed regulations at the time that
867 was recorded, they're probably different regulations today. The SPA I don't think
868 came into effect until after that. I think you're exactly right, I think the SPA would
869 be in that area. So, it's highly probable and possible that that could have
870 occurred. I'd be more than happy to walk the site with you guys, too, and give
871 kind of an engineering perspective to take a look at it. For your own protection,
872 I'd be happy to donate that time.

873 We, this week, actually met with Public Words because we were concerned
874 about the drainage issues as well, early in the case. Not only from the standpoint
875 of the zoning, but the fact is, during the design, this has got to work. We know
876 early in the going that the drainage is very critical. There's a couple components
877 to the drainage in this watershed. Back during the Public Works, development of
878 their program of storm water detention, this area was identified not to be in a
879 storm water detainment area. So, this area actually does not require storm water
880 detention from the standpoint that it's actually detrimental to the overall

881 watershed of the County to have storm water detention. That's another topic for
882 another day, so to speak. But, you do have to have adequate outfall. Now, what
883 we're proposing on this site is trying to take most of this water—I think the
884 drainage divide following this arrow looks something like this. So yes, the
885 majority of water drains this direction. We've got two very defined outfall pipes
886 under Lauderdale Drive that will be our first targets for drainage. Our drainage
887 strategy will be to take most of this developed water back to Lauderdale Drive.
888 We've already met with Public Works to talk about that and they are very much in
889 support of that for all the reasons we're sitting here talking about today. What
890 we're doing is analyzing. There's two outfall swales that you saw on the overall
891 plan, one here, one here. Basically, what we're doing is we're looking at the
892 capacities and out-flowing those swales out. We're, basically, restricting the
893 water, storm water detention, in a sense, from the standpoint there's so much
894 capacity back over here underground in Lauderdale. We feel pretty good about
895 the storm water strategy. We'll be treating the water for quality and very
896 concerned about the overall discharges. We know that's a critical area, a critical
897 issue early in the game, regardless of the zoning. Again, it's gotta work from an
898 engineering perspective whether you get the zoning or not. So, I think we feel
899 pretty good about that we are going to try to divert most of this water back over to
900 Lauderdale. I'll be happy to be available to come out and take a look at your
901 house.

902 Mr. Branin: Junie, I may get you to do that.

903 Mr. West: I'm more than happy to.

904 Mr. Jernigan: Junie, you're right. In 2000, the SPA wasn't in. I think it was
905 '02 that it came in. One reason we brought it in was because before that, you
906 had to go by RPA.

907 Mr. West: Yeah.

908 Mr. Jernigan: It was a hundred feet. We felt that you were losing too much
909 property, so we came up with the SPA and reduced it to 50. It just seems a little
910 snug.

911 Mr. West: Yeah, I don't disagree with that. It sounds really snug.
912 Twenty-five, everybody would be pretty uncomfortable with, I think. I think the
913 key component is the vertical component, how much vertical water room do you
914 have there. I'd love to take a look at it because, typically speaking, kind of a rule
915 of thumb is about four vertical feet from the center line of the creek up to about
916 the hundred year flood plain. That's going to vary from topography, but that's a
917 good rule of thumb to use, if you're thinking about where the hundred years is
918 going to be. The thing about the RPA, though, that we go back to, is the
919 classification of what was an RPA and what wasn't, and the determination of
920 perennial streams changed. So, that's all kinda mushy from the standpoint that
921 this definitely could have happened. It could have been an intermittent stream,
922 intermittent blue line on a quad sheet. It could have been looked at as it's not an

923 RPA, it's not an SPA because it didn't exist. So, theoretically, it's a 25-foot
924 setback off of the creek back in 2000. I'll be happy to be a part of that field visit.

925 Mr. Jernigan: Thank you.

926 Mr. Archer: Any other questions or discussions for Mr. West? All right.
927 Thank you, Mr. West. I realized we deviated a little bit from what we said was
928 rebuttal time, but I think Mr. Theobald did his rebuttal in about a minute. That was
929 discussion I think needed to be heard—

930 Mr. Branin: Absolutely.

931 Mr. Archer: —and questions that had to be answered. I apologize to
932 those of you waiting for the next case and so forth. We needed to hear that. Any
933 further questions for anybody? All right then. Mr. Branin?

934 Mr. Branin: Mr. Chairman, this case, the layout, I believe is very good.
935 The people in the community, barring the one concern about storm water, are—
936 as you can see, Wellesley's usually here in strong opposition of most things, but
937 tonight no. I take that as a positive. I would like to voice my concerns with
938 buffers with the road. There's going to be a lot of work that needs to be done
939 before this actually gets to the Board, but I would like to move forward for
940 approval of C-57C-06 to be forwarded to the Board of Supervisors for
941 recommendation of approval. Do I have to waive the time limit?

942 Mr. Archer: Want to do that first?

943 Mr. Branin: If you'd like me to. Mr. Chairman. I'd like to waive the time
944 limit for C-57C-06.

945 Mr. Jernigan: Second.

946 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Jernigan to waive
947 the time limits. All in favor of the motion say aye. Those opposed say no. The
948 ayes have it.

949 Mr. Branin: With that, I'd like to move for approval of C-57C-06 to be
950 forwarded to the Board of Supervisors for recommendation of approval.

951 Mr. Jernigan: Second, Mr. Chairman.

952 Mr. Archer: Motion by Mr. Branin and second by Mr. Jernigan. All in
953 favor of the motion say aye. Those opposed say no. The ayes have it; the
954 motion carries.

955 **REASON:** The Planning Commission voted 5-0 to recommend the
956 Board of Supervisors grant the request because it conforms with the Urban
957 Residential and Mixed Used recommendations of the Land Use Plan and the
958 proffered conditions will assure a level of development not otherwise possible.

959 Mr. Silber: Next request is on page 4 of your agenda. These are
960 companion cases that were deferred from the November 9th meeting.

961 **C-60C-06 Andrew Condlin for Summit Investments, LLC:** Request
962 to conditionally rezone from A-1 Agricultural District and R-3 One Family
963 Residence District to B-3C Business District (Conditional), part of Parcel 816-
964 712-7520, containing 3.61 acres, located at the northeast intersection of S.
965 Laburnum Avenue and Eubank Road. The applicant proposes retail uses. The
966 uses will be controlled by zoning ordinance regulations and proffered conditions.
967 The Land Use Plan recommends Office. The site is in the Airport Safety Overlay
968 District.

969 **C-63C-06 Andrew Condlin for Summit Investments, LLC:** Request
970 to conditionally rezone from A-1 Agricultural District and R-3 One Family
971 Residence District to B-2C and B-3C Business Districts (Conditional), Parcels
972 816-711-8151, 817-711-0454 and -0712, 817-710-0397, and part of Parcel 816-
973 712-7520 containing 7.85 acres, located at the southeast intersection of S.
974 Laburnum Avenue and Eubank Road. The applicant proposes retail uses. The
975 uses will be controlled by zoning ordinance regulations and proffered conditions.
976 The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net
977 density per acre, and Office. The site is in the Airport Safety Overlay District.

978 Mr. Archer: Thank you, Mr. Secretary. Is there anyone present who is
979 opposed to either of these cases, C-60C-06 or C-63C-06? We have opposition.
980 We'll get to you, sir. Good evening, Mr. Tyson. How are you?

981 Mr. Tyson: Good evening, Mr. Chairman, members of the Commission.
982 This is a continuation of cases that were deferred from last month. I won't go into
983 detail as to the previous hearings. Both cases were deferred to give the
984 applicant the opportunity to conduct another community meeting. The community
985 meeting was held at the Varina Library on the 28th of November. New proffers
986 have also been submitted today. They remove EFIS as permitted construction
987 material. They also address fences located within the proffered buffers.
988 Additionally, there would be two streets that would have to be vacated as part of
989 this development. The applicant has started that process. The road vacation
990 process has been undertaken. You would need to waive the time limits if you
991 were to consider this case tonight. Staff does remain concerned that the Land
992 Use Plan calls for office development on both of these sites, also Suburban
993 Residential 2 on a portion of one of them, and they are proposing retail
994 development. Again, the community meeting was held. I'd be happy to try to
995 answer questions and I know the applicant's attorney is here as well.

996 Mr. Archer: All right. Are there questions for Mr. Tyson from the
997 Commission?

998 Mr. Jernigan: I'm fine.

999 Mr. Archer: All right. We do have opposition, so at this point in time,
1000 we'll—

1001 Mr. Jernigan: Well, let Mr. Axselle present the case.

1002 Mr. Archer: Yes, the applicant.

1003 Mr. Axselle: Mr. Chairman, ladies and gentleman of the Planning
1004 Commission, my name is Bill Axselle. I'm substituting for Andy Condlin today.
1005 I'd like to reserve about four minutes of my time.

1006 Mr. Archer: Thank you, Mr. Axselle.

1007 Mr. Axselle: We've heard this matter before. Let me try to cut to what I
1008 think is the real issue. This property and the property in the next case down is
1009 just to the south of it, is basically in the Williamsburg Road/Laburnum retail area.
1010 The property, what are the uses? Well, is residential appropriate along the
1011 Laburnum area? I think not. The neighbors, I'm told from meetings do not prefer
1012 that they be residential in the rear because it would cause the improvement of a
1013 road that's not improved, the reason that they have expressed. The staff feels
1014 that the property should be reserved and used for, and I quote, high quality office
1015 use. The 2010 Land Use Plan does call for office use. Keep in mind that this
1016 Land Use Plan was adopted some time in the mid-90's. It's now almost 2007.
1017 This is about the only piece of property in this area that's not developed. So, for
1018 10 to 15 years there's been no development on this property of an office use
1019 while the land has been in the Land Use Plan, an indication that perhaps this is
1020 not appropriate for office. If you start at 64 and Laburnum and you come south to
1021 Williamsburg Road and then further south here, there are probably only four or
1022 five office buildings, fairly small, and to my knowledge, none of those have been
1023 built in the last 15 or 20 years. They've been around for a while. So, again, an
1024 indication that office may not be appropriate in this area. There is no office use
1025 in the immediate area. In the immediate are, in fact, to the north towards
1026 Williamsburg Road is B-3. To the south towards Old Varina, industrial. To the
1027 west across Laburnum it's M-1. Then to the rear there are, in fact, some
1028 residential neighborhoods. There are 14 homes that would be impacted, if you
1029 will, by a zoning change. Six of those, however, would not have any impact
1030 because adjacent to them would be a buffer and a BMP. There are eight homes
1031 that would have some limited impact, which we think has been minimized, if not
1032 eliminated, by the proffers. I do not believe the staff has any objections to the
1033 proffers. I think they would say they're generally well done, they just think it
1034 ought to be an office use, while we think retail is more appropriate.

1035 A look at what's around the area. If you've been down Laburnum Avenue in this
1036 area, it is just, in fact, all retail. Even in the immediate area on the same side of
1037 the road, there are retail uses, a motel, a transmission facility, a DMV, an
1038 industrial park. On the other side of Laburnum, there's Bill Tally Ford, Lawrence
1039 Chrysler, Capital GMC. There's an abandoned manufacturing warehouse and

1040 there are industrial uses, as you can see from this photo, all around this area. So,
1041 there's just no office use here and so we just do not think that's realistic.

1042 Basically, we think that the proffers have met with the goals of what good land
1043 use and zoning would be. I won't go through them. You've been through them
1044 before. Two have been added today, as Mr. Tyson said, providing where the
1045 fence would be located. It's on the inside of the buffer so that the buffer area is,
1046 as it is now for folks, against and near in the residential. Then restricting the
1047 building material on the property in a fairly nice fashion.

1048 Mr. Chairman, I've kind of hit it quickly because I just think the major difference
1049 between the planning staff and the applicant is not over the proffers of the terms
1050 of the conditions of the development, but over whether it should be office or
1051 retail. I suggest that on Laburnum Avenue in the Williamsburg Road area,
1052 considering the industrial and other retail that's there, that the retail is the most
1053 appropriate use. I'd be glad to respond to any questions you might have and I
1054 would like to reserve the rest of my time.

1055 Mr. Archer: Thank you so much, Mr. Axselle. You've got about six
1056 minutes left, actually. Are there questions from the Commission?

1057 Mr. Jernigan: You raised your hand, Ray, did you want to say something?
1058 If you do, you can come on down.

1059 Mr. Cook: I'm not against this.

1060 Mr. Jernigan: No, you have to come to the podium.

1061 Mr. Archer: You have to come up.

1062 Mr. Cook: I'm Raymond Cook and I live at 6591 Boundary Run Drive in
1063 Hanover, but I do own land. My family, my boys and myself, my wife and I own
1064 seven lots on Robin Road. This 3.61, we'd be facing that. What I'm trying to tell
1065 you is they want a buffer of 35 feet. This man will probably put a buffer in there
1066 35 feet and maintain it. I'm sure he will. Down the road, years down the road, it
1067 probably wouldn't be maintained as well. The police department in other
1068 counties, and I imagine Henrico is the same way, they don't think much of buffers
1069 because it gives a place for a criminal to hide. The fence, I'm not against a
1070 fence, but I think you ought to be able to see the feet underneath of it. Have it
1071 not right down at the ground. It holds paper and everything else. I'm not against
1072 the man building, having the zone, and all, but I am against that 35 feet. I think
1073 we can cut that down to less than 25, but if we have to go to 25, I'll go along with
1074 that. I don't go along with 35 feet. It's just too much space for the criminals and
1075 everybody else to hide. Right now, it will be maintained, sir, but five years down
1076 the road, twenty years down the road, it may not be maintained and it will grow
1077 up and it'll be a place for somebody to hide. Businesses there and all and I just
1078 don't think it's a real good idea to have 35 feet. Like I said, our family, all of our
1079 family is not against this man zoning this property. We think he should zone it.

1080 We are against having 35 feet for a buffer or whatever you want to call it. I
1081 appreciate you all's time listening to me.

1082 Mr. Jernigan: Wait a minute, Ray, don't leave yet. Mr. Chairman, Mr. Cook
1083 was at the meeting and we discussed the buffer situation at that point. I told him,
1084 also, that it was code, it was in the ordinance that we had to have buffers. So,
1085 that's the reason he wants to diminish it from the 35 to the 25. He really doesn't
1086 want any, but I've told him—

1087 Mr. Cook: I'll go along with 25 feet, but I won't go along with 35. In
1088 other words, it's just too much spot for the criminal. In other words, we don't
1089 want to give him/her or him or no place to hide. It's just too much there. In other
1090 words, it grows up. You go down the street there from where we are and it's all
1091 grown up, that buffer there.

1092 Mr. Silber: Mr. Cook, I think the way that the proffer reads is it would be
1093 only 25 feet wide. That's how wide it would be.

1094 Mr. Cook: The thing that I got, it could go to 35 feet.

1095 Mr. Silber: I think 35 feet is that it would be planted fairly heavily.

1096 Mr. Cook: That's what I'm saying. I don't want that.

1097 Mr. Silber: You prefer not to have it heavily planted, I understand that,
1098 but the actual width would only be 24 feet.

1099 Mr. Jernigan: It was 35 in the 25. It was a 35-foot planting in a 25 strip.
1100 Originally, it was 35 and then it was going to be 35 in a 25. Now, he just wants
1101 the minimum of 25.

1102 Mr. Silber: The actual space, the actual distance would be 25 feet.

1103 Mr. Jernigan: Ray, during the meeting, you and several of the neighbors
1104 were there. Tell me if I'm wrong, but you all said to me that you would rather
1105 have retail there than residential.

1106 Mr. Cook: Oh, definitely. Yeah, yeah. I would, definitely have it, yeah.

1107 Mr. Jernigan: Okay.

1108 Mr. Cook: Like I said, we own the lots. It's like the gentleman just said
1109 here. In other words, you've got all that industrial around there. In other words,
1110 it's just—it's actually, it's right on Laburnum Avenue, that property, and then it
1111 backs up to us. We're not against it, no. I don't look at the others. We're not
1112 against it. In other words, the only thing we're against—well, we're against that
1113 on account of we don't want the criminals and that around. In other words, we'd
1114 like to cut that down to 25 feet and we'd appreciate if you all would do it for us.

1115 Mr. Jernigan: We will.

1116 Mr. Cook: I appreciate your time.

1117 Mr. Jernigan: All right. Thank you, Ray.

1118 Mr. Archer: We appreciate your time, sir.

1119 Mr. Jernigan: Thank you, Ray.

1120 Mr. Archer: Well, I'm not sure that was opposition, but we do have
1121 opposition.

1122 Mr. Melton: Hello everyone.

1123 Mr. Jernigan: Hey, how are you?

1124 Mr. Melton: My name is Dennis Melton and I live at 5406 Raleigh Road.
1125 My house was built in 1955 and I'm certain most of this industrial stuff has been
1126 encroaching on the neighborhood since. In 2005 and 2006, Henrico County
1127 reassessed the property values in our residential neighborhood. Each time the
1128 assessment values increased. Property taxes increased accordingly. Rezoning
1129 will lower the property values if they build over there, in the remaining residential
1130 portion of the Robinwood subdivision. Paying higher taxes on devalued property
1131 is unacceptable. The rezoning. Someone asked me about—you asked me, Mr.
1132 Jernigan, on November 9th about improvement of that land. The development
1133 and improvement should include expansion, extending the water, sewage, and
1134 electrical utilities, and not grabbing onto the convenient and available existing
1135 services right there. If you have contact with the Board of Supervisors, it would
1136 be nice if they would enforce the existing R-3 single-family residency laws
1137 because of—and this has been complained many times and they told me it's
1138 been taken care of, but it hasn't. They've been duped by the owner of New
1139 Trading, LLC, which is right, let's see, across Laburnum Avenue. It's probably
1140 this building right here, New Trading, LLC. I believe that's it. Anyway. They use
1141 the house next door to us as a flophouse. I've even had immigration and
1142 naturalization people knock on my door looking for a wanted illegal alien felon.
1143 So, anyway, if you would stop the thru-traffic on Eubank Avenue from coming
1144 across Laburnum from this city of warehouses over here, they can build all the
1145 want over here. The only thing that would attract criminals—there's never
1146 anything back in these woods but small animals. The only thing that would attract
1147 criminals is the development of this and this piece of land here. It's also going to
1148 interfere with the activities of the Division of Motor Vehicles, I'm certain. Anyway.
1149 Thank you for your time.

1150 Mr. Jernigan: Before you leave, let me ask you. Come again about the
1151 flophouse? That's the old machine building there.

1152 Mr. Melton: No, no, no. That would be 5404.

1153 Ms. O'Bannon: What is your address?

1154 Mr. Melton: 5406. Also, 53, I think 5306 is maybe where the owner lives.
1155 There's another house over on Coxson Road that they use, and another house
1156 up the block on Coxson Road that's been shut down for some reason.

1157 Mr. Jernigan: You didn't come to the last neighborhood meeting.

1158 Mr. Melton: No, but I wonder how many people did show up that meeting
1159 are opposed, just as I am.

1160 Mr. Jernigan: Well, that's what I'm saying. I wish you'd have been there,
1161 because everybody was okay. There was about 12 or 13 people, I guess.
1162 Something like that. We really didn't have any opposition.

1163 Mr. Melton: The lawyer that was here last time said it was 30 people
1164 there.

1165 Mr. Jernigan: Not the last meeting. We just had one.

1166 Mr. Melton: November 9th.

1167 Mr. Jernigan: 28th. We had another meeting.

1168 Mr. Melton: Not for this area.

1169 Mr. Silber: I think he's referring to the November 9th Planning
1170 Commission meeting.

1171 Mr. Jernigan: Yeah, we had another neighborhood meeting.

1172 Mr. Melton: Oh, yes.

1173 Mr. Jernigan: That was there. That they sent notifications out. It was at the
1174 Sandston Library.

1175 Mr. Melton: I was referring to when we were right here and the lawyer
1176 was saying there were 30 people at the meeting.

1177 Mr. Jernigan: See, I didn't make that one. That was my anniversary that
1178 night, so it was the first time I've missed one. I had to, but anyway. Then you
1179 were talking about closing Eubank with traffic through?

1180 Mr. Melton: Right, right.

1181 Mr. Jernigan: Mr. Melton, I can tell you, that's not going to happen. You
1182 can't close down a major thoroughfare road like that.

1183 Mr. Melton: Williamsburg Road is a major thoroughfare.

1184 Mr. Jernigan: Well, okay, I'll say arterial, major arterial. Eubank is a major
1185 arterial. They're not going to close that down.

1186 Mr. Melton: Williamsburg Road and Charles City Road are the ones that
1187 go to the airport. They have confiscated Eubank Road anyways.

1188 Mr. Jernigan: Okay. Well, I appreciate it.

1189 Mr. Melton: Okay.

1190 Mr. Jernigan: Thank you.

1191 Mr. Archer: Thank you, sir. Are there questions from anyone else?
1192 Don't think we have any, sir.

1193 Mr. Jernigan: Mr. Chairman, I'm ready to make a motion. First of all, I
1194 think we have to waive the time limits. Does anybody else have any questions?

1195 Mr. Branin: I have none.

1196 Mr. Jernigan: Mr. Chairman, with that, I would like to move to waive the
1197 time limits for cast C-60C-06.

1198 Mr. Branin: Second.

1199 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Branin to waive
1200 the time limits on C-60C-06.

1201 Mr. Jernigan: I'd like to move, make a motion to move the time limits—

1202 Mr. Archer: All in favor of the time limits say aye? Those opposed say
1203 no. The ayes have it. All right.

1204 Mr. Jernigan: I'd like to make a motion to remove the time limits for C-63C-
1205 06.

1206 Mr. Vanarsdall: Second.

1207 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall to
1208 remove the time limits on C-63C-06.

1209 Mr. Melton: [Off mike.] I have one question about that, 63C-06.

1210 Mr. Jernigan: You've got to come up here, sir.

1211 Mr. Melton: Here, is this going to go east of Robins, south of Eubank? Is
1212 there going to stop here at Robins?

1213 Mr. Jernigan: No, they're staying up front.

1214 Mr. Melton: It's going to stay west of Robins.

1215 Mr. Jernigan: Yes. That's the buffer.

1216 Mr. Silber: Can staff pull that case up please?

1217 Mr. Tyson: The property south of Eubank Road has been proffered so
1218 that B-3 uses, the more intense uses would take place west of Robins Road. The
1219 B-2 zoning would fall back against the neighborhood. They've also proffered that
1220 there would be no drive-thru uses in the B-2 portion back here. This triangular
1221 piece, as shown on the concept plan, would essentially be used as a location of
1222 their best management practice.

1223 Mr. Melton: At the last meeting, there was someone [unintelligible]. You
1224 were saying you would consider stopping at Robins because there is little
1225 construction they could do because of the power lines right there.

1226 Mr. Jernigan: Yeah, it's a challenging site and you can't put any strip mall
1227 in there because you have a sewer easement that runs right through the
1228 property. So, that's the reason these will be pad sites and not strip shops. They'll
1229 just be individual pad sites with what goes in there, which, what they're shooting
1230 for is restaurants.

1231 Mr. Melton: I'm just asking because the moment was right.

1232 Mr. Jernigan: Okay. Well, that's fine. I thank you.

1233 Mr. Archer: All right. Those in favor say aye. Those opposed say no. All
1234 right, the ayes it and the time limits on both cases have been waived.

1235 Mr. Jernigan: Mr. Chairman, before make a motion, we had our second
1236 neighborhood meeting on this. The residents that came in, most of them felt the
1237 same way, that they really didn't want residential in the area. The front of the
1238 property is zoned A-1, the rear portion is zoned R-3. Mr. Tyson did a good job,
1239 as usual, on his report and he reflected the way that the County feels for the
1240 Land Use Map. So, I understand when I read that that he did his job like he's
1241 supposed to. Well, when it comes to me, then, I have to make the decision of
1242 what's going on. I could deny the case and let it wait for "O" to come, which I
1243 think is a long ways down the road. Now that this case has popped to the surface
1244 and is flying a little above the radar, when that R-3 sticks out there, it won't be too
1245 far that somebody will be jumping on that. So, I feel that to satisfy—the
1246 neighborhood has no objection to "B." Also, to satisfy the neighbors, to make
1247 sure they don't have residential there, that's the reason I'm going to make a
1248 motion to approve case C-60C-06 to send to the Board for their approval.

1249 Mr. Vanarsdall: Second.

1250 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All
1251 in favor of the motion say aye. Those opposed say no.

1252 **REASON:** The Planning Commission voted 5-0 to recommend the
1253 Board of Supervisors grant the request because it is reasonable, it would not
1254 adversely affect the adjoining area if properly developed as proposed, and the
1255 proffered conditions will assure a level of development not otherwise possible.

1256 Mr. Jernigan: I'd like to move for approval of case C-63C-06 and send that
1257 to the Board for their approval.

1258 Mr. Branin: Second.

1259 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Branin. All in
1260 favor of the motion say aye. Those opposed to the motion say no. The ayes
1261 have it on both of these cases to go to the Board with recommendation for
1262 approval.

1263 **REASON:** The Planning Commission voted 5-0 to recommend the
1264 Board of Supervisors grant the request because it would not adversely affect the
1265 adjoining area if properly developed as proposed, and the proffered conditions
1266 will assure a level of development not otherwise possible.

1267 Mr. Silber: The final rezoning request for the evening will be C-68C-06.

1268 **C-68C-06 James W. Theobald for Community Development**
1269 **Partners, LLC:** Request to conditionally rezone from A-1 Agricultural District to
1270 RTHC Residential Townhouse District (Conditional), Parcels 812-718-6325, -
1271 1655 and -1638, containing approximately 13.2 acres, located on the south line
1272 of I-64, approximately 1,200 feet north of the intersection of Millers Lane and Gay
1273 Avenue. The applicant proposes up to 78 townhouse units, an equivalent density
1274 of 5.9 units per acre. The maximum density allowed in the RTH District is 9 units
1275 per acre. The use will be controlled by zoning ordinance regulations and
1276 proffered conditions. The Land Use Plan recommends Multi-Family Residential,
1277 6.8 to 19.8 units net density per acre, and Environmental Protection Area. The
1278 site is in the Airport Safety Overlay District.

1279 Mr. Archer: All right. Is there anyone present who is opposed to this
1280 case, C-68C-06, Community Development Partners, LLC? I see no opposition.
1281 Good evening, Mr. Lewis.

1282 Mr. Lewis: Good evening, Mr. Chairman. This is a request to rezone
1283 13.2 acres from A-1 to RTHC to construct a development of townhouses for sale.
1284 The subject property is at the northern terminus of Millers Lane directly east of
1285 Honey Brook Apartments. Copies of the revised proffers dated December 5th,
1286 2006, have just been distributed to you.

1287 The 2010 Land Use Plan recommended Multi-Family Residential for most of the
1288 site, except the lower-lying eastern portion located along the floodplain. This
1289 section is recommended for Environmental Protection Area. A 285-foot wide
1290 Dominion Power easement and overhead power lines also run through this
1291 eastern side of the property.

1292 This proffered conceptual plan shows the potential layout of the proposed 78-unit
1293 development with 14 buildings and a maximum of 6 units per building. Other
1294 major aspects of the proffers include building elevations; a minimum 1400-
1295 square-foot unit size; a one-car garage with every unit; at least 50% brick on a

1296 minimum of 50% of the front facades; a sound suppression of 55 for walls
1297 between units and RC-1 sound suppression construction in rear walls along
1298 Interstate 64; a 25-foot landscape buffer along the interstate boundary; and two
1299 internal open space areas of 24,000 square feet and 10,000 square feet. The
1300 applicant also proposes submitting a request to Real Property requesting
1301 vacation of the portion of Miller's Lane within the subdivision.

1302 The Department of Public Works and the Division of Fire have both raised
1303 concerns about the potential of having a cumulative 235 dwelling units, including
1304 Honey Brook Apartments and Lakefield Mews Phase 3, as well as these 78 units
1305 all relying on Millers Lane as their only point of access. In an effort to partially
1306 address this concern, the applicant has provided a stub road at the southern
1307 property line to potentially accommodate a second access to Gay Avenue in the
1308 future. Staff believes a more southeastern orientation of this stub would allow a
1309 potential second access road to pass more directly through the power easement
1310 and intersect Gay Avenue at a location further from Millers Lane. In addition, this
1311 proposal could also be enhanced by reducing the maximum number of units per
1312 building to five and committing to sprinkling of all buildings. This request is
1313 consistent with the 2010 Land Use Plan and the applicant's proffers provide
1314 quality assurances and address a number of concerns in the staff report.

1315 Staff generally supports the proposed use at this location, but believes the
1316 request could be improved by reorienting the stub road. This concludes my
1317 presentation. I'll be happy to take any questions.

1318 Mr. Archer: Thank you, Mr. Lewis. Are there questions from the
1319 Commission for Mr. Lewis?

1320 Mr. Jernigan: Livingston, you went out there. I know that this came up
1321 sometime ago about the relocation of the stub road, but if you head that toward
1322 the southeast, it actually throws it down into the EPA area because of the
1323 topography. That's the reason I had it—I think Mr. Silber and I had the discussion
1324 on this before, but I felt that keeping it running straight out the parking lot was
1325 better than turning it and putting it closer to the units there on that corner.

1326 Mr. Silber: Mr. Jernigan, I understand your point. I think staff's
1327 comment is, and we might want to go back to maybe a larger, maybe the zoning
1328 slide, Mr. Lewis. I think the staff's thought is—of course, it doesn't show the stub.
1329 If you can see, the stub would be to the west of—(referring to screen) it would be
1330 about there. What we're trying to do is get it to come across and pass
1331 underneath the power easement and tie into that driveway approximately right
1332 there. So, you'd be staying away from the EPA area and you'd be crossing the
1333 power lines more in a perpendicular fashion. The way it's heading now, it's going
1334 to take it pretty much straight down parallel to the power easements. It comes
1335 out so close to the Millers Lane intersection with Gay Avenue, we're not sure if
1336 it's going to serve its purpose.

1337 Mr. Jernigan: Well, but remember, that's just a stub. It's still got a long
1338 ways to come across that property, so they can put some curve in it coming
1339 through there rather than putting it up closer to the unit.

1340 Mr. Silber: That might be an interesting curve.

1341 Mrs. Jones: Did I not understand that the sprinkling of the units would go
1342 a long way to alleviating this problem?

1343 Mr. Lewis: I think the primary issue that fire and traffic have is traffic-
1344 related. Sprinkling the units would enhance the fire protection, but the single
1345 point of access would be more vehicle-related. Residents could certainly exit the
1346 building and not drive away from the site, but the single point of access is not
1347 quite as much a fire concern as it is—Fire commented more on an accident-
1348 related concern at the intersection.

1349 Mrs. Jones: Okay.

1350 Ms. O'Bannon: You mean by that that if there were an accident at the
1351 intersection, it would totally block it for all the units that are back there and any
1352 other fire protection equipment that needed to come in.

1353 Mr. Lewis: That's correct.

1354 Mr. Silber: Can you go back to the zoning slide again? Ms. O'Bannon,
1355 the issue is, and to a certain extent, it is an existing issue. You can see that the
1356 choke point is at the intersection of Millers Lane and Gay Avenue. All of the
1357 current apartments and all the development that's north of Gay Avenue have just
1358 one point of access. They already exceed the number, the policy number of 82
1359 units on a single point of access for multi-family. This simply compounds that
1360 and that's why we were trying to ensure a property stub alignment that hopefully
1361 in the future could eventually be built down to Gay Avenue.

1362 Mrs. Jones: Having the stub there doesn't assure that the problem won't
1363 exist for many years, though.

1364 Mr. Silber: That's true. I guess that was your point with sprinkling.

1365 Mr. Jernigan: I don't have any more questions, Mr. Chairman.

1366 Mr. Archer: Okay. I was just reading something here.

1367 Mr. Archer: All right. I'll just leave it alone for right now. Okay, we're
1368 ready.

1369 Mr. Jernigan: I think Chris wants to ask a question.

1370 Mr. Archer: I'll ask you later.

1371 Mr. Jernigan: Okay.

1372 Mr. Archer: It's something we can handle.

1373 Mr. Jernigan: Thank you, Livingston.

1374 Mr. Lewis: Thank you, sir.

1375 Mr. Jernigan: Jim, would you come up please?

1376 Mr. Archer: We helped you out last time, Mr. Theobald, now you can
1377 make up for it.

1378 Mr. Jernigan: Mr. Theobald, I guess you all know this case came around a
1379 year ago and one reason—there were six units on it at that time and then I think
1380 after that they wanted to go to the five units, and we've been working with that.
1381 This was drawn with the six units. We had a few other problems in the case that
1382 we had to get straight. We got those straight and I didn't feel it was justified to go
1383 in and change the whole layout now. So, I'm okay with the six units. Mr.
1384 Theobald, would you just skim over a few of the changes rather than doing a—

1385 Mr. Theobald: Yeah. For the record, my name is Jim Theobald and I'm here
1386 on behalf of Lloyd Poe, Community Development Partners, who are with me here
1387 this evening. Most significantly in terms of revisions, we revised our developers
1388 since the last time we were before you. Mr. Poe controls this property; he owns
1389 the property and is the sole developer of it. We tried to build on the comments in
1390 the last effort to improve upon it. We've reduced the number of units by two;
1391 we've provided for standard curb and gutter rather than a roll face curb and
1392 gutter. All driveways are now concrete. We moved the tot lots into a more central
1393 location. That was a criticism by staff in the last case and also we increased the
1394 buffer along the interstate to 25 feet, where I think 20 had been provided
1395 previously, and then we did some other editorial tweaks on the proffers.

1396 Keep in mind that Millers Lane used to continue and it was cut off by Interstate
1397 64. So, that's how this situation was created. I would just submit to you that this
1398 stub road that we have here has every opportunity—it just stops here. The fact
1399 that it's not bent a degree or two does not keep it. You're not going to come into
1400 this curve in any event, you're going to want to "T" in and I think what Randy was
1401 suggesting - you have ample opportunity to achieve this over time, to basically
1402 cant that road at this point. The only thing that that does is push these units back
1403 closer to that power line. You've made me take my tot lot out from underneath
1404 the power lines, so don't make me move my residence back closer to it, okay?

1405 That's the sum and substance of this request and how it differs from when,
1406 perhaps, you saw it a year ago. Does that work for you, Mr. Branin?

1407 Mr. Branin: Wow.

1408 Mr. Jernigan: Standard procedure is to always have the tot lot under the
1409 power line and we try to get rid of that.

1410 Mr. Branin: When did we change policy?

1411 Mr. Jernigan: We'll allow that now.

1412 Mr. Archer: All right, anything further?

1413 Mr. Jernigan: I don't have any more questions.

1414 Mr. Archer: Thank you, Mr. Theobald.

1415 Mr. Theobald: Thank you.

1416 Mr. Jernigan: Livingston, do we need to waive the time limits? Okay.

1417 Mr. Archer: They're on the 5th.

1418 Mr. Jernigan: Like I stated before, this case came through before and we
1419 had a few things to adjust on it. Even though we do have that one point of
1420 access, this land's been here, it shows multi-family. I don't know that we can
1421 keep it, hold it hostage forever until we get a second road in there. So, we are
1422 providing, they are going to provide the stub for it and at that point, we'll address
1423 it. I'm comfortable with the case right now. So, with that, I will move for approval
1424 of case C-68C-06 to be sent to the Board of Supervisors for their approval.

1425 Mr. Branin: Second.

1426 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Branin. All in
1427 favor of the motion say aye. Those opposed say no. The ayes have it; the
1428 motion carries.

1429 **REASON:** The Planning Commission voted 5-0 to recommend the
1430 Board of Supervisors grant the request because it conforms to the
1431 recommendations of the Land Use Plan, it would not adversely affect the
1432 adjoining area if properly developed as proposed, and the proffered conditions
1433 would provide for a higher quality of development than would otherwise be
1434 possible.

1435 Mr. Silber: Next on your agenda is a resolution for the Planning
1436 Commission's consideration. I have copies of this resolution for each of you.

1437 Mr. Archer: Thank you, Mr. Secretary.

1438 Mr. Silber: This resolution would initiate a land use study for an urban
1439 mixed use development. We have received a rezoning request and a request for
1440 Land Use Plan amendment for a development on Staples Mill Road. You may
1441 recall this was the site of the Suburban Apartments, most of which have been
1442 removed. The Gumenick family proposes an Urban Mixed Use development
1443 here. As you may recall, prior to the rezoning of any UMU, the Land Use Plan
1444 must reflect the UMU designation. So, as a part of that rezoning application and
1445 consideration of this as for Urban Mixed Use development, it's necessary for the
1446 County to study and bring back to the Planning Commission, with a public
1447 hearing, a Land Use Plan amendment for Urban Mixed Use. So, this is a

1448 resolution to initiate that study and set public hearing with the Planning
1449 Commission on January 11, 2007, to consider amendment to the 2010 Land Use
1450 Plan to designate the Staples Mill Center site as an Urban Mixed Use
1451 Development Area.

1452 Mr. Archer: All right. Is there any discussion on the resolution?

1453 Mrs. Jones: No.

1454 Mr. Vanarsdall: We need a motion on it, don't you?

1455 Mr. Archer: Yes, we do, I believe. Mr. Vanarsdall.

1456 Mr. Silber: Mr. Vanarsdall, did you have any comments you wanted to
1457 make on this?

1458 Mr. Vanarsdall: No.

1459 Mr. Silber: No.

1460 Mr. Branin: You want to make the motion on this since it's your district?

1461 Mr. Vanarsdall: I'll make a motion.

1462 Ms. O'Bannon: How many acres is it? Just a question. How many acres?

1463 Mr. Silber: It's about 77 acres, I believe.

1464 Mr. Vanarsdall: It is 80 acres.

1465 Mr. Silber: Eighty acres?

1466 Mr. Vanarsdall: 79.5, 80 acres.

1467 Ms. O'Bannon: Thank you.

1468 Mr. Vanarsdall: Best thing that's ever been on that property. Mr. Chairman, I
1469 move to make the resolution. Whereas the Planning Commission directs
1470 planning staff to initiate a study and consider a preparation of an amendment to
1471 the 2010 Land Use Plan to designate Staples Mill Center site an Urban Mixed
1472 Use Development Area. Now therefore be resolved that the Henrico County
1473 Planning Commission directs the County staff to prepare a report and to
1474 advertise a public hearing that the Planning Commission public meeting on
1475 January 11, 2007, to consider an amendment to the 2010 Land Use Plan to
1476 designate Staples Mill Center site an Urban Mixed Use Development Area, UMU.

1477 Mr. Branin: I'd like to second.

1478 Mr. Archer: All right. Motion by Mr. Vanarsdall and seconded by Mr.
1479 Branin to pass the resolution. All in favor of the motion say aye. Those opposed
1480 say no. The ayes have it. Mr. Secretary, do we need to designate a time for that?

1481 Mr. Silber: It would simply precede the rezoning request. You do not
1482 need to designate a time on that.

1483 Mr. Archer: Do it as a regular meeting item?

1484 Mr. Silber: Prior to the zoning request.

1485 Mr. Archer: All right. Then, the motion carries.

1486 Mr. Silber: I have one another announcement. I don't know if Sylvia
1487 can hear me, but we have a new employee in the Planning Department who has
1488 replaced—you may be aware that Jennifer Dean had left us, our Office Assistant
1489 IV that handled the comprehensive planning agendas and administrative
1490 functions. Sylvia, can you come out and stand out here so we can see you?
1491 Sylvia Ray is our new Office Assistant IV, and she's accompanied in the back by
1492 Anne Cleary, who often comes to these meetings, and of course Fred. Hi, Fred.
1493 This is Sylvia.

1494 All: Hello, Sylvia.

1495 Mr. Archer: Nice to have you.

1496 Mr. Branin: Sylvia, just a forewarning, we're getting out pretty early this
1497 evening, so be prepared. They're not all this early.

1498 Ms. Ray: Okay.

1499 Mr. Branin: Okay. As long as you know that.

1500 Mr. Archer: Also, as I like to say, that's the last applause you'll ever hear.

1501 Mr. Archer: Nice to have you.

1502 Ms. Ray: Thank you.

1503 Mr. Silber: Finally on the agenda would be approval of the minutes.
1504 These are the Planning Commission, November 9th minutes.

1505 Mr. Archer: All right. Are there any corrections to the minutes of
1506 November 9th? I had a couple, believe it or not. Page 8 on line 345. Should say,
1507 "Restaurants that they are recommending against." On page 15, line 666—ooh,
1508 hate to say that—at the end of that line, the word should be "any," instead of "in."
1509 That's all I have.

1510 Mr. Silber: Okay. Thank you. Other comments?

1511 Mr. Archer: Is that it? Can we have a motion on the minutes, then?

1512 Mr. Branin: So move.

1513 Mr. Jernigan: Second.

1514 Mr. Archer: All right. Motion by Mr. Branin and seconded by Mr.
1515 Jernigan, the motion that the minutes be approved. The minutes stand
1516 approved. Anything else, Mr. Secretary?

1517 Mr. Silber: I don't think so. Mr. Vanarsdall will not be at the next
1518 Planning Commission meeting. Is that correct, Mr. Vanarsdall? So, we say
1519 Merry Christmas to you.

1520 Mr. Archer: Merry Christmas, Mr. Vanarsdall.

1521 Mr. Silber: Ms. O'Bannon will not be here, too.

1522 Mr. Jernigan: Merry Christmas to you, ma'am.

1523 Mr. Vanarsdall: Merry Christmas to Ms. O'Bannon.

1524 Mr. Archer: With that, this meeting is officially adjourned at 8:53.

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Randall R. Silber, Secretary

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C. W. Archer, CPC, Chairman