

Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building, Parham and Hungary Spring Roads at 7:00 p.m., on February 10, 2000, Display Notice having been published in the Richmond Times-Dispatch on Thursday, January 20, 2000, and Thursday, January 27, 2000.

Members Present: Ernest B. Vanarsdall, C.P.C., Chairman, Brookland
Debra Quesinberry, Vice-Chairman, Varina
C. W. Archer, C.P.C., Fairfield
Allen J. Taylor, Three Chopt
Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe
Patricia S. O'Bannon, Board of Supervisors, Tuckahoe
John R. Marlles, AICP, Secretary, Director of Planning

Others Present: Randall R. Silber, Assistant Director of Planning
Elizabeth S. Via, Principal Planner
Mark Bittner, County Planner
Lee Householder, County Planner
Jo Ann Hunter, County Planner, AICP
Eric Lawrence, County Planner, AICP
Judy Thomas, Recording Secretary
Timothy Foster, Traffic Engineer, Public Works

Mr. Vanarsdall - It is good to see everybody here tonight. All of the Commissioners are present, and to my left is Mr. Marlles, who is the Director of Planning and Secretary, and he will conduct the meeting tonight. Mr. Marlles.

Mr. Marlles - Thank you, Mr. Chairman. Unfortunately, I have to start off by announcing that the Fire Marshall has told us that we exceed the capacity of this room, and that everyone who is standing and does not have a seat is going to have to move into the lobby. Now, we do have monitors and also audio in the lobby, so you can see and hear what is going on in the room here. But I am going to have to ask those citizens in attendance that are standing to move into the lobby by order of the Fire Marshall.

Lady from Audience - Will we be able to come in and speak for or against?

Mrs. Quesinberry - Yes.

Mr. Marlles - During the time of the Public Hearing, there will be an opportunity for opponents and the applicants to speak, and there will be an opportunity for people to come in.

Mr. Vanarsdall - I also want to recognize the media tonight; Jeremy Redmon from the Richmond Times-Dispatch and we have TV crews here with us, also, and anyone else who is here tonight that I don't know about from the news.

Mr. Marlles - Mr. Chairman, our first item is our Call to Order. I would note that we have a quorum tonight. All of our members are present, and so we can conduct business. The

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15°29'37" E, 815.30 feet to a point; Thence continuing along said east line of the Interstate 295 Right-of-Way, N 14°42'15" E, 78.97 feet to a point; Thence continuing along said east line of the Interstate 295 Right-of-Way, N 15°57'59" E, 257.18 feet to a point; Thence continuing along said east line of the Interstate 295 Right-of-Way, N 33°09'31" E, 235.50 feet to a point; Thence continuing along said east line of the Interstate 295 Right-of-Way, N 52°21'50" E, 179.37 feet to a point; Thence continuing along said east line of the Interstate 295 Right-of-Way, N 66°45'54" E, 571.18 feet to a point; Thence continuing along said east line of the Interstate 295 Right-of-Way, N 63°01'36" E, 48.46 feet to a point; Thence continuing along said east line of the Interstate 295 Right-of-Way, N 63°10'44" E, 112.49 feet to a point; Thence continuing along said east line of the Interstate 295 Right-of-Way, N 64°15'55" E, 292.83 feet to a point; Thence continuing along said east line of the Interstate 295 Right-of-Way, N 78°42'46" E, 209.03 feet to a point on the south line of the Interstate 64 right-of-way; Thence along said south line of the Interstate 64 Right-of-Way, S 74°02'20" E, 106.73 feet to a point; Thence continuing along said south line of the Interstate 64 Right-of-Way, S 74°22'37" E, 857.22 feet to a point; Thence continuing along said south line of the Interstate 64 Right-of-Way, S 74°22'19" E, 359.42 feet to a point; Thence continuing along said south line of the Interstate 64 Right-of-Way, S 75°57'48" E, 383.72 feet to a point; Thence continuing along said south line of the Interstate 64 Right-of-Way, S 71°00'20" E, 390.70 feet to a point; Thence leaving said south line of the Interstate 64 Right-of-way, S 11°25'03" W, 146.64 feet to a point; Thence, N 70°59'02" W, 152.18 feet to a point; Thence, S 11°30'51" W, 361.03 feet to a point on the south line of Old Williamsburg Road; Thence along said south line of Old Williamsburg Road, S 62°57'07" E, 1012.49 feet to the point of beginning Containing: 320.1± acres

Less and Except 10.149 acres shown as parcel "C" on said plat and Said parcel being more fully described as follows:

Beginning at a point on the north line of Williamsburg Road (State Route 60), said point being 1,018.65' east of the centerline of Technology Boulevard extended, Thence along a tie line N 33°16'09" W 132.98' to a point, said point being the true and actual point of beginning; Thence, from said point of beginning, along a curve to the right with a radius of 176.00 feet, a tangent length of 9.87 feet, a central angle of 6°25'10", the radius of which bears N 07°22'05" W, the long chord of which bears S 85°50'30" W for a distance of 19.71 feet; and along the arc of said curve for a distance of 19.72 feet to a point; Thence, S 89°03'05" W, 14.00 feet to a point; Thence, N 00°56'55" W, 481.35 feet to a point; Thence, N 82°37'55" E, 886.91 feet to a point; Thence, along a curve to the right with a radius of 35.00 feet, a tangent length of 40.13 feet, a central angle of 97°48'41", the radius of which bears S 07°22'05" E, the long chord of which bears S 48°27'45" E for a distance of 52.75 feet; and along the arc of said curve for a distance of 59.75 feet to a point; Thence, S 00°26'36" W, 393.04 feet to a point; Thence, along a curve to the right with a radius of 60.00 feet, a tangent length of 52.33 feet, a central angle of 82°11'19", the radius of which bears N 89°33'24" W, the long chord of which bears S 41°32'15" W for a distance of 78.88 feet; and along the arc of said curve for a distance of 86.07 feet to a point; Thence, S 82°37'55" W, 828.96 feet to the point of beginning. Less and Except 10.149 acres shown as parcel "C" on said plat and being more fully described as follows:

Beginning at a point on the north line of Williamsburg Road (State Route 60), said point being 1,018.65' east of the centerline of Technology Boulevard extended, Thence along a tie line N 33°16'09" W 132.98' to a point, said point being the true and actual point of beginning; Thence,

Mr. Vanarsdall - Is there anyone in the audience in opposition to the first case, C-9C-00, Otis Brown, Atlantic Rural Exposition? All right. I understand that we have some people here in favor of this case tonight. Is that true? All right. Thank you very much. Mrs. Via will present the case.

Mr. Marlles - Mr. Chairman, if I could just take a minute to, for the ladies and gentlemen here, to go over how the public hearing will be conducted.

Mr. Vanarsdall - Okay.

Mr. Marlles - Good evening, ladies and gentlemen, again. We are here this evening to conduct a public hearing on a rezoning and provisional use permit for the State Fair Park. We understand that this is a sensitive proposal with strong feelings on both sides of the issue. We have allocated approximately one hour on our agenda this evening for this item. We have also started the meeting one hour early to be fair to the other applicants on the agenda. We will conduct this hearing in the following manner:

First, staff, Mrs. Via, will make her report. Next, the applicant and any proponents will make their presentation. They will have 20 minutes to make their presentation, not including time answering questions from the Commission. Normally, the Planning Commission only allows 10 minutes for presentations of this type. The applicant may wish to preserve some time for rebuttal.

The opponents will also have 20 minutes to make their comments. We would encourage speakers not to be redundant, and we encourage both the applicant and opponents to use spokesmen or women to make the best use of their allotted time. With that, Mr. Chairman, unless there are any questions from the Commission, I believe that we are ready to proceed.

Mr. Vanarsdall - All right.

Mr. Marlles - Mrs. Via.

Mrs. Elizabeth Via, Principal Planner - Thank you, Mr. Secretary. Mr. Chairman, and members of the Planning Commission. The applicant in this case, Atlantic Rural Exposition, is proposing to develop approximately 320 acres for a year-round event and education complex with ancillary commercial uses. The site is located at the southeast corner of the intersection of I-295 and I-64 between Williamsburg Road and I-64. The aerial shown on the screen with I-295 in this area and I-64. This is the site of the proposed State Fair Park. The site, as you can see, is heavily wooded except for this area here which is cleared, and was used as active farm land. There are some wetlands on the site.

The site is bordered on two sides, as I mentioned, by the interstate highway and by vacant or agricultural land in this location here to the east and to the south (referring to slide). There are scattered residential developments within close proximity to the site. This location here along Old Williamsburg Road down towards the southeast of the site and then across Williamsburg Road in this area (referring to slide).

The zoning is almost all A-1 except for existing M-1 across I-295 here where VDOT is putting a new distribution center and here at the IMG site across Interstate 64 (referring to slide).

The Land Use Plan calls for a mixture of general commercial, office and rural residential on the site. The designations around the site are primarily rural residential with some general commercial areas across the site across from Williamsburg Road in this location here (referring to slide).

There is a concept road, shown on the Major Thoroughfare Plan, that would extend Technology Boulevard into the site in this location, as well. The applicant will be providing a complete overview of their proposal, however, by way of introduction, the principal elements of their proposal include approximately 296 acres for the State Fair Park, which is the majority of the site shown here (referring to slide); the primary event, of course, being the State Fair. But the facility would be open year around with events ranging from as small as 100 participants to 30,000 participants. Last year the fair attracted just over 467,000 participants over their 11-day period.

The other two elements of this rezoning request are an 11-acre RV and campground in this location here (referring to slide), and a 12-acre commercial site in this location here (referring to slide), that the applicant is proposing for private development, potentially restaurants and hotels.

Staff had several land use concerns that are expressed in the staff report regarding the appropriateness of this particular land use issue in this particular location. At the heart of the issue is that the 2010 Land Use map shown here (referring to slide) was adopted in 1995 prior to the development of the White Oak Technical International Park.

This is the location of the Fairgrounds (referring to slide), the existing commercial designations around it, and, then, of course, White Oak Technology Park.

Last year the County initiated a small area study around the intersection of Technology Drive and Williamsburg Road. The study was initiated in anticipation of significant changes, based on the land use precedent set by the development of the technology park. As you know, that study is currently underway. It has not been adopted by either the Planning Commission or the Board of Supervisors. However, our staff feels that the Fairgrounds proposal potentially introduces a competing precedent to the White Oak Technology Park that may detract from the idea now being discussed of creating a high technology center and employment center at this east end of the County.

Secondly, while the map identifies the majority of the site for general commercial, the County has adopted land use goals, objectives and polices and lists this property as a prime economic development site and several objectives included in the staff report argue for the preservation of prime sites, specifically, those like this one that have good access to transportation systems.

Lastly, the County's land development guide locates the site in an outlying area, the light blue is not showing up too well (referring to slide), but the outlined area is to the east of 295. The applicant will be required to construct the necessary infrastructure to develop this site. This will cause further development in this area of what is known and is shown on the map in this area of what is known and shown as the Boar Swamp South Sewer Shed. The applicant will, of course, carry the costs of

providing the infrastructure. However, the County just needs to be aware that this development decision will open an additional 1,200 acres of commercial and residential land that will need to be served in the near future. The Land Development Guide, of course, recommends that infrastructure not be provided beyond Interstate 295 until the Year 2010.

Staff is not currently in support of this application primarily for the land use issues expressed in the report and outlined very briefly in this presentation. If the Commission and Board of Supervisors feel that this land use is appropriate for this location, the staff is working with the applicant on the proffers and the conditions of the Provisional Use Permit.

Revised proffers have been provided to you this evening, which address the issues bulleted in the staff report on Pages 2 and 3. The last two items regarding signage and building design have been resolved by the applicant and staff is in concurrence with the revised proffers.

The applicant had partially resolved the issue of Old Williamsburg Road, but staff continues to recommend against any access to the Park through Old Williamsburg Road except for emergency access and access to the caretaker's residence.

Just to point out, this is Williamsburg Road, Old Williamsburg Road would come in this way, and these are the existing residences. There is a day care center, a small church, and then coming into the rear of the property (referring to slide). I believe the applicant will go over this, but this, I think, is the caretaker's residence, that would also be accessed by Old Williamsburg Road.

The proffer that is currently in front of you would allow service vehicles to use that road during the times the Fair is open to the public between 8:00 a.m. and 11:00 p.m.

Finally, as you are aware, the revised proffers, excuse me, if I may go back for just a moment. The revised proffers also propose transportation improvements that the Traffic Engineer is here tonight to address, at the Commission's request, if you'd like him to follow my presentation.

Also, the revised PUP conditions that you have in front of you address some of the comments raised by the County's Division of Police in a memorandum received late last week.

Finally, as you are aware, this has generated considerable public interest, and for the sake of those in the room that have already called and spoken with the Planning Office, you have at your seat a list of those in support, call ins, and those in opposition. All those names and their comments have been dutifully recorded and have been provided to the Planning Commission.

I am prepared to take any questions you might have, or you might want to hear from the Traffic Engineer at this time.

Mrs. Quesinberry – Ms. Via, if we can get back to the schematic there. Item 29, "the Equestrian Campgrounds," is that an additional campground? Is that a campground?

Ms. Via - There is a small campground right here (referring to slide) that it is my understanding would not be open to the general public, but would be used primarily for vendors

and equestrians utilizing the race track here. The applicant will have more detail and has a color rendering that is a little clearer. I hesitate to use it. This illustrious plan is not proffered. The only thing proffered on this plan, obviously, are the two access points on Williamsburg Road and the location of the campground is fixed because of the zoning case.

Mrs. Quesinberry - Thank you.

Mr. Vanarsdall - Do you have any other questions?

Mrs. Quesinberry - No. I'd like to hear from the Transportation Engineer.

Mr. Vanarsdall - All right, thank you. Any questions by Commission members for Mrs. Via? Any other questions?

Ms. Via - Would you like to hear from Mr. Foster at this time?

Mrs. Quesinberry - Yes.

Mr. Vanarsdall - Good evening, Mr. Foster.

Mr. Foster - Good evening, Mr. Chairman, and Commission. I am Tim Foster, the County's Traffic Engineer. We received a Traffic Impact Study and requested a Traffic Impact Study for this development. We received that the first of December.

We have reviewed that Traffic Impact Study with the Virginia Department of Transportation, since they maintain U.S. 60, and also the Interstate system. We reviewed the study, and then, typically, what we will do is we then meet with VDOT; come up with comments and we meet with the applicant's traffic consultant, which we did on the 25th of January.

To go through what some of the things we did, we looked at the traffic generation provided by the consultant, and we looked at it for several days, Friday, Saturday and Sunday, both weeks,

To give you an idea, especially the second Friday through Sunday, the second Saturday of the State Fair, we generated about 38,000 vehicles per day. That is essentially 19,000 vehicles going in and 19,000 coming out. That is the highest day. On Friday, the second Friday, it is 27,000 approximately. On Sunday, we are about 35,600 vehicles per day.

What we then looked at was, how do we get traffic in and out of the State Fair with those kinds of traffic volumes? The plan that you see before you, at least the schematic that we received, the proposal was to have one major access point into the Fair for the Fair patrons, which you can see at this location right here (referring to slide). This was to serve as the major access point. This entrance here was going to serve as the major exit point for the Fair.

We immediately had concerns trying to get this much traffic through one driveway. The developer has recommended on Route 60 the following improvements to handle the traffic here.

We would add a left-turn lane at the location that you see the hand here (referring to slide). We would then add one left-turn lane at this location here, with right turn lanes at this location, and a right-turn lane going here. What that meant was, we had to essentially push 38,000 vehicles on that Saturday through this one entrance.

To give you an idea of 38,000 vehicles, that would be equivalent to trying to serve Virginia Center Commons with one driveway with that type of development. We felt we could not do that with that kind of traffic. With the amount of traffic that we had coming through here some of our simulations that we ran, we had traffic backed up all the way to and beyond 295.

As you know, we recommend two points of access for subdivisions with only 50 lots; therefore, we were not in a position to recommend this with one driveway and one point of access.

We also have concerns with one point of access out, coming out of the Fair. I think the traffic pattern originally was to be to come around the tract here and come out this entrance here. Once again, that is one point of access exiting.

As our department, Public Works, and also working with Police, we work special events; the Fair being one of them; NASCAR being another. When we have events of that size, we are going to have accidents, even minor fender benders at these locations.

With one point of access, if you have something happen at this intersection, no one else goes in until we clear that up. If you block an intersection like this for only five minutes, you are probably backing traffic up close to the Interstate, and that has always been a concern that we had.

When we met with the developers, yesterday, actually, there was a proposed plan that they have shown and I think they are also part of the proffers they sent out for additional improvements on Route 60 and the entrance and the exits. We have not reviewed that at this point in time. We received a schematic. A traffic impact study for that revision has not been sent to us.

VDOT also had concerns, not only for Route 60, but also down at Bottoms Bridge at the intersection of New Kent Highway and Route 60, and also the interchange that's in New Kent with the Bottoms Bridge exit there.

So, with all of that said, the way the plan is presented now, we could not recommend approval of the plan as it is presented now. Once we get the revised traffic impact study, which we expect to get next week, we will then review that study to see what we can do to try to make traffic work out here for the Fair.

Mr. Vanarsdall - Any questions of Mr. Foster by Commission members? Thank you,
Mr. Foster.

Mrs. Quesinberry - Thank you, Mr. Foster.

Mr. Marlles - Would the applicant care to make his presentation?

Mrs. Quesinberry - Did you announce the timing, Mr. Secretary?

Mr. Vanarsdall - Yes.

Mr. Marlles - Before you begin, would you like to reserve some time for rebuttal?

Mr. Edward Kidd - Yes sir. If we could reserve about three minutes.

Mr. Marlles - Okay.

Mr. Vanarsdall - All right. Good evening, Mr. Kidd.

Mr. Kidd - Good evening. Mr. Chairman, members of the Planning Commission, my name is Ed Kidd, and I am here, tonight, representing the applicant, Atlantic Rural Exposition, Inc., which I will refer to, generally, tonight, as ARE. Also here this evening on behalf of ARE are members of its relocation team, the project architect and the engineers for the project; all of whom will be available to answer questions within their areas of expertise.

ARE is requesting approval for rezoning of approximately 320 acres to allow business uses on the property. As indicated, they are also requesting approval of a provisional use permit to permit the use of portions of the property to host the State Fair of Virginia, the Highland Games and Celtic Festival, the Strawberry Hill Races and other smaller outdoor or equestrian events.

The need for these approvals is occasioned by ARE's sale of the Strawberry Hill property that has been its home for the last 50 years. This decision was made in order to allow the Richmond International Raceway, ARE's former tenant and Virginia's only major-league sports facility, to remain at Strawberry Hill, rather than to leave Henrico County. The sale to RIR will not only allow the County to continue to enjoy the positive contributions of the Raceway, as it has in the past, but it will also result in the Strawberry Hill property becoming fully assessed for real estate taxes, with an estimated value of \$40 million.

The proposed development is a multi-use event, education and entertainment park, which will include a number of permanent facilities to be used on a year-round basis. They include: exhibition facilities, meeting, banquet and convention facilities, hotels and restaurants, which will be privately owned and fully taxed, a convocation center to be developed in cooperation with the Henrico County School System and other area educational institutions and a natural resource and environmental education center. These year-round, multi-use facilities will be constructed in a park-like, environmentally sensitive setting, designed in a manner to accommodate the State Fair of Virginia.

This project is not a traditional fairgrounds. It is a unique, high quality project involving a substantial investment in infrastructure and improvements which will have functions and benefits not generally associated with a typical fairgrounds.

With these thoughts in mind, at this time, I would like to call on Otis Brown, President of ARE, to comment on the plan for the Park.

Mr. Otis Brown - Mr. Chairman and members of the Commission, thank you very much for this opportunity. This is a unique project and really a unique site in many ways and it is imperative that, if you have a site, and a location for a park of this type, then you have to have one that has good access to the major thoroughfares to get people in and out and avoid any undue and unnecessary adverse impact on the community. And the site meets these two criteria as well as other key criteria in selecting a site for a park of this nature.

This project is also unique in that it will be a facility and a series of buildings and services of an educational and environmental-sensitive park that is designed in such a way that we can really focus on Virginia's heritage and culture and do it in a way of entertaining and informing the public.

The facilities that you will see here are unique in several different ways, and you will see here some facilities that are not presently available in the County for either the private community to use, or the public community to use.

Beginning with almost 100,000 square feet of modern exhibition and trade space situated in two buildings, not only for use during the Fair, but also to be used throughout the year for industrial technology and trade shows. These will be quality buildings that can be adapted to the needs of the business community.

The pride of the Park, in my opinion, is the proposed Youth and Convocation Center that will serve the entire community for uses ranging from musical events, graduations, athletic contests, science fairs and other such uses. This building will accommodate approximately 7,200 in an assembly setting and approximately 5,000 for athletic events.

In addition to the Center being used for the Fair, the first priority, after the use for the Fair will be for the area-wide educational systems, as well as, and including, of course, Henrico County.

You will note that on the plan we are projecting a 23,000 square foot agricultural hall, or training building located in proximity to the projected hotel sites. This attractively designed, full service building will be ideal for assemblies, banquets, small trade shows and many convention activities and in association with the hotels.

And, as stated earlier, these quality buildings provide a facility not available at this time in this particular area of the County, and that is a complaint that we have heard as we have talked with businesses in the industrial community in the entire area – the lack of the facilities of that nature.

Lastly, we have wanted and worked for years on the possibility of developing a natural resource and environmental center, and I am going to note it and you can see the area. It's approximately 20 acres of the site that will be devoted to this natural resource and environmental area amongst the protected wetlands and the streams on the project.

We received very positive response from both governmental and private agencies and organizations, even with offers to participate. This unique facility will allow us to better educate

and train teachers and the public on matters related to the environment and the use of natural resources.

Finally, you can see that this is not a typical Fairgrounds. This Park will complement the County's long-term plans for the area. This area could be one, including a technology corridor. And it will provide the open space and supported facilities needed in any high-tech complex. This is truly a one-of-a-kind project and it is exciting because it is so much better to develop something of this nature than simply laying out a fairgrounds in a typical agricultural district.

Mr. Chairman and members of the Commission, I truly feel that this park is right for this site, and it is also at this time, right for the County. Thank you.

Mr. Vanarsdall - Are there any questions by Commission members for either Mr. Kidd or Mr. Brown at this point?

Mr. Kidd - Mr. Vanarsdall, I am not finished yet.

Mr. Vanarsdall - I know you haven't. Do you want to give us the time, Mr. Secretary?

Mr. Marlles - Mr. Kidd, there is 11 minutes and 49 seconds left.

Mr. Vanarsdall - Left or used?

Mr. Marlles - Left. Remaining.

Mr. Vanarsdall - Proceed, Mr. Kidd.

Mr. Kidd - Thank you. While ARE recognizes there are those who oppose the project, as I believe will be demonstrated here tonight, ARE has received substantial community support for the project. They have met with many community and business groups, including rural clubs, 4-H clubs, the Varina Beautification Committee, the Henrico Business Council, and the Farm Bureau as well as substantial numbers of individuals, the vast majority of them having indicated their support for the project.

In order to gauge the level of support in the community among those who are not vocal with their opinions, ARE asked Media General Research to conduct a professional survey of residents in the area to determine their opinions regarding the State Fair.

The survey showed that those who support or are indifferent to ARE's relocation to this site outnumber those who oppose by a 3 to 1 margin.

Mr. Marlles - Excuse me. You are going to have to let the speaker continue, please, without interrupting.

Mr. Kidd - Yes, sir. It also showed that a significant majority prefer the proposed State Fair Park over uses such as a regional mall, a big box retail center, a housing development or an industrial office park.

Even when the survey results are examined separately for survey participants from zip code 23150 where the property is located, 63 percent indicated support or indifference, and only 31 percent indicated opposition.

Much of the discussion regarding the appropriateness of granting the requested approvals has centered around the economic impact of the proposed development, and the fact that ARE is exempt from payment of real estate taxes.

Some have taken the position that the requested rezoning may be inappropriate, as the County might receive a higher annual tax revenue from other uses in the future, such as those the community has indicated it does not prefer. Others, including ARE, take the position that good land uses should not be rejected based on the amount of tax revenue which will be received.

Notwithstanding that debate, the facts are that development of the property, as proposed, will provide substantial economic benefits to the County, both in tax revenue and otherwise. And those benefits will begin now, not at some speculative point many years into the future.

Economic benefits from the property include the following five categories:

First, direct tax revenues from events hosted on the property and from the hotels and restaurants to be constructed on the property. ARE has recently completed an updated economic impact analysis, which demonstrates that annual tax revenue to Henrico County from these uses will exceed \$500,000. This is the equivalent of real estate tax revenue from property assessed at over \$52 million.

Mrs. Quesinberry - Can I stop you there for a minute, Mr. Kidd? You are referring specifically to the commercial parts of this plan that would be under future development, such as the two hotels and restaurants. Correct?

Mr. Kidd - That, plus the economic activity from the State Fair and other events, sales tax revenue, and so forth.

Mrs. Quesinberry - So, you are lumping that together with what would come from the State Fair proper itself when you come up with that figure. In other words, I would like for you to break that down for me.

Mr. Kidd - The sales tax revenue from the activities that are part of the State Fair and the other events that are hosted on the property, the traditional fair-type events, will approximately net to Henrico County \$175,000. The additional revenue between is approximately \$530,000, and \$175,000 is attributable to the hotels and restaurant facilities.

Mrs. Quesinberry - So very little of that actually comes from the State Fair itself? Most of that, if I am hearing you correctly, you correct me if I am wrong. Most of it seems to be coming from commercial-type activities outside of the State Fair, i.e., when you rent it out for whatever event, and from the commercial enterprises that you are proposing; the two hotels, restaurants and so forth?

Mr. Kidd - I have stated the breakdown. The point is, that you have to look at the project as a whole in terms of assessing it and assessing the revenue, and that is the economic impact from direct tax revenue from this proposed development.

Mrs. Quesinberry - Well, you can look at it a lot of ways. I just wanted to make sure that we understood where that revenue was coming from.

Mr. Kidd - \$175,000 sales tax revenue. Most of that is the State Fair and some of it is from Strawberry Hill Races and so forth.

Mrs. Quesinberry - And those figures that you are talking about, that is the revenue that is direct to the County whether it is coming from the commercial enterprises or the State Fair? That is, in other words, is any of that going to the State?

Mr. Kidd - No. I have netted out those State figures. The gross sales tax revenue in total is in the \$800,000 range, and, again, the State gets the majority of that and about \$175,000 will come the County's way.

Mrs. Quesinberry - So, what is left there is what is coming directly to the County, and for the most part it is coming from commercial enterprises?

Mr. Kidd - More of the \$530,000 is coming from the commercial enterprises than the State Fair. Yes, ma'am.

Mrs. Quesinberry - Okay. Continue.

Mr. Kidd - The second source of benefits are resulting from ARE's extension of public sewer facilities at a cost of approximately \$6 million, which will be paid solely by ARE. In addition to serving the property, these facilities will allow development of approximately 1,200 acres of other property around this site, which do not presently have access to sewer service. That development to occur, as and when the County decides that development is appropriate.

In its report, the Planning Staff recognizes the benefit of ARE's investment in the sewer facilities and that the project could serve as a catalyst for other development which will add to the County's tax base.

While the costs of extending the sewer to this site is too great for for-profit development, which looks for an immediate return on its investment, with its non-profit status, ARE is able to look at the long term benefits of bearing that cost. This is a unique opportunity.

The third area of economic benefit is by setting the tone for quality development along Route 60 east of 295. The park's high quality, and sensitivity to the environment, will establish a standard for Route 60, which is consistent with the high standards set by the County at the White Oak Technology Park.

Fourth, by complimenting the needs and interests of businesses, including technology companies, both those now located in the area, as well as those to be recruited. The hotels, restaurants, and meeting, banquet and conference facilities included within the park will provide services, which are needed, but are not presently available to area businesses. In addition, the emphasis of the park on technology, the environment, and education will compliment the interests of those businesses.

In a meeting to discuss the project, ARE was told by top management at White Oak Semiconductor that the park's facilities will be very beneficial to White Oak. White Oak management also indicated they are interested in the Natural Resources and Environmental Center, and offered White Oak's assistance in the development of that facility.

The park, through its facilities and its emphasis on technology, the environment, and education, will serve as an amenity for the technology corridor and will be a powerful recruiting tool in the County's efforts to attract new business to eastern Henrico.

And, fifth, by the availability of the education, exhibition and convocation facilities, which, by their nature are public-type facilities. These facilities, which are being provided, such as the 180,000 square feet of exhibition space are not available elsewhere in the County and will be a tremendous resource, not only for the County and its schools, but for the entire Commonwealth of Virginia.

Also, as noted earlier, it is important not to forget the additional real estate tax revenues the County will enjoy from the Strawberry Hill facility as a result of ARE's agreement to sell to RIR. Those revenues are estimated at \$350,000 annually.

Mrs. Quesinberry - But that is not really the issue here, is it, Mr. Kidd?

Mr. Kidd - I am just pointing out the facts that benefits that the County receives as a result of ARE's agreement to sell to RIR in a time when they needed to control that property in order to retain the race track facility here in the County. I am not trying to tie that to the land use decision. I am just trying to point out that fact to you.

Mrs. Quesinberry - Yes, but what I want to point out, though, is while that is interesting history, tonight, we are really looking this particular case, and the appropriateness of this site for this case.

Mr. Kidd - Yes ma'am.

Mrs. Quesinberry - So, revenue outside of this case is really irrelevant, isn't it?

Mr. Kidd - That is your decision to make that conclusion. I am just making a statement of fact.

Mrs. Quesinberry - So am I. Thank you.

Mr. Kidd - Lastly, on this point, the Park will impose no demand on the school system, and only very limited County services will be required for the Park. The net impact is a significantly positive one.

As is acknowledged in the staff report, proffered conditions have been submitted which provide for quality building design, landscaping and roadway buffers. All issues which staff has raised with ARE during staff's review of the applications have been addressed in the proffers, and the proffers assure that the park will be a quality development without adverse impacts on other properties.

I would like to address two items, in that regard, specifically.

The first, is Old Williamsburg Road. We have worked with the staff to limit the use of Old Williamsburg Road to only the 11 days of the State Fair. And, during that period, it is limited to exhibition, vendor, and non-public traffic.

Staff asked us to provide them with some specific traffic numbers on that which we had been unable to do because the traffic counts available at the existing Strawberry Hill facility do not correlate to the traffic counts that we would anticipate here. ARE has, however, researched and indicated to me that they intend to limit that traffic to livestock hauling vehicles and deliveries to commissary facilities, and estimated that there would be an average daily total vehicle count of 150 vehicles.

The second item is the traffic. As Mr. Foster indicated, the study analysis review has not been completed. ARE and its engineers are confident that the additional information that will be provided will address all of Mr. Foster's concerns, and, conceptually, I think he indicated to us yesterday, that he thought that was realistic. Although, as he indicated, he really can't express an opinion at this point.

One aspect of the Park of which ARE is especially proud is its approach to the environment. The environmental attributes of the property were important in its initial selection of the site, and ARE is committed to development of the property in a manner which will serve as an example to others.

An important feature of this approach is the natural resources and environmental education center that's been described. Another is that ARE is working with the Department of Environmental Quality regarding participation in DEQ's Environmental Excellence Program; an application of sustainable concepts in the Park which include use of renewable energy sources, use of environmentally preferable building materials, and the promotion of innovative technologies. Consistent with its focus on education, ARE's goal is for the property to function as an environmental laboratory to assist in the development of better environmental practices, and to showcase those benefits for the visitors to the center.

I would like to close with some comments regarding the future use of the property.

Some key County officials have commented to ARE that its proposed plan for development of the property as park is a “great interim use.” But, that at some point in the future, they believe the property will become too valuable for continued use for the State Fair.

Having relocated the State Fair from sites presently occupied by Monroe Park, the Science Museum of Virginia, and the Diamond, and with ARE now preparing to leave Strawberry Hill, ARE certainly recognizes the potential for another relocation in the future and believes that the proposed development plan will facilitate such a relocation if that becomes appropriate.

Development of the park, as proposed, will involve the improvement of approximately one half of the property for the permanent business facilities which Mr. Brown and I have described. The remaining half of the property will be used for the Fair Park and equestrian facilities and will remain as generally as open areas.

As future land use patterns and property values dictate, the fair park and equestrian facilities can be relocated making those areas available for development, but leaving the exhibition, conference and convocation facilities, which will continue to support and compliment other uses such as those which have been suggested as being appropriate in the future.

The marketplace and developing land uses will determine when any “interim” use of the property for the Park should end. Until then, all of the positive benefits of the Park described tonight can be realized by Henrico County and its citizens.

On behalf of the applicant, I respectfully request that you vote to recommend approval of the requested rezoning and provisional use permit to the Board of Supervisors. We will be glad to answer any questions you might have. Thank you.

Mr. Vanarsdall - Are there any questions by Commission members of Mr. Kidd?

Mrs. Quesinberry - Mr. Kidd, the plan that we are looking at on the screen right now, just to be clear, has not been proffered? Correct?

Mr. Kidd - That is correct. We have not been asked by the staff to do so, if, however,...

Mrs. Quesinberry - Well, I didn't ask you that. I just asked, has this plan been proffered?

Mr. Kidd - No. It has not.

Mrs. Quesinberry - Thank you, and the building and elevations that we looked at then have not been proffered? Is that correct?

Mr. Kidd - They have not been proffered, in part, because the design of those buildings is incomplete, and also because of the participation in the environmental sustainability program that I indicated, it is possible that that program could force some additional design changes

and materials. It is not something, in terms of the timing, has been applicable to the project at this point that would make proffering those available.

Mrs. Quesinberry - So although we have proffers that describe building materials and quality of those building materials, generally, this plan is not proffered, and really could take on another form at a later time after zoning, could it not?

Mr. Kidd - That's correct.

Mrs. Quesinberry - I'd like to also ask you about some of your comments, particularly you mentioned, I believe as a benefit, that this plan offered limited county services. Can you expand on that?

Mr. Kidd - There are no impacts from schools. And, as a commercial facility, which is not used intensely throughout the year, there are just not significant services that would be provided.

Water and sewer services would be paid for routinely, so, I don't think we are looking at that. Police services are provided to the property. But, with the exception of the 11 days of the State Fair, those services are paid for separately by ARE directly with the Police Officers.

Mrs. Quesinberry - And do you have any idea how much it costs the County in police services for those 11 days of the State Fair?

Mr. Kidd - I do not. Mr. Brown might.

Mrs. Quesinberry - I am sure there are some others in this room that might, as well. We can get to that later. That is all of the questions I have right now.

Mr. Vanarsdall - Any other questions for Mr. Kidd by Commission members?

Mr. Archer - Mr. Kidd.

Mr. Kidd - Yes sir.

Mr. Archer - In deference to Mr. Foster's assertion concerning where the traffic would come in and out, points of ingress and egress, have you had any opportunity yet to work on something that would offset just having that one point?

Mr. Kidd - Oh, yes, sir. In fact, part of the plan that was presented to Mr. Foster yesterday is an arrangement to use both points of the former entrance only and the former exit only would be used both as a two-way entrance and exits during the Fair. They are also designed with a sufficient number of lanes so they can manage that as the traffic flow is going on, so that if they need three lanes in one direction, and two in the other in the morning and reverse that, they've got the flexibility to do that.

I don't think it is something that is in anybody's neighborhood. It is located off of a major roadway. It will be adjacent to property that, in the future, will be developed, I am confident. And I think the Planning staff would agree, for non-residential uses. And it can be an integral part of this overall facility.

Mrs. Quesinberry - Now what prevents someone from staying in that campground for an extended time or even full time?

Mr. Kidd - County ordinance restricts the length of stay to 14 days. So that is just a part of the operation. It is an ordinance requirement. It is clearly a transient thing for the tourist type.

Mrs. Quesinberry - And could the tourists and vendors as well not fill up our hotels and bring some revenue to the County?

Mr. Kidd - They do bring revenue to the County.

Mrs. Quesinberry - But, I am trying to find a benefit here. And it seems like with a campground, you diminish the possibility of actually using hotels and commercial services that are available.

Mr. Kidd - What we are doing is making the facility available to them in a convenient way. We are not creating a demand for people to stay in an RV park as opposed to a hotel. There is nothing that will be done to induce them not to stay in a hotel. This is the way these folks travel and get around. They have their RV vehicles, their Winnebagos and so forth. And we are just responding to that and making it available to them.

It is important, again, to the State Fair Park because of the various exhibitors and so forth to the facilities that they have that kind of place to stay and it just continues on to be made as a year-around use.

Mr. Vanarsdall - Any more questions by Commission members of Mr. Kidd?

Mr. Taylor - I would like to add just a couple on the economic...What is your estimate of the initial total cost of the development that you figure that you can share with us or is that for broadcast?

Mr. Kidd - I am not sure at this time what the initial development would be. The development would be phased in over a five to seven year period. And the present projections for that, the total project cost would be in the range of \$70 to \$90 million dollars. That is for the State Fair Park. That would exclude the hotels and restaurant developments, which would be on top of that.

Mr. Taylor - And that would then be an investment in infrastructure, buildings, real property investments. With your luck, our ARE may need a bigger home. And, in that case,

what would you guess you would leave standing of that initial investment as you left for greener pastures?

Mr. Kidd - Do you mean in terms of what was left at the Strawberry Hill facilities?

Mr. Taylor - Not necessarily what was at Strawberry Hill. How much would you feel you would donate to the taxpayers of Henrico County?

Mr. Kidd - Well, the initial sewer infrastructure price is \$6 million, and that goes right to dedication of the County for public facilities. The nature of the facilities that we have addressed and the convocation center, the exhibition facilities, and even the resource education center are all public-type facilities. They don't exist in the area. Some of them don't exist in the County.

The County, I guess, can choose to do without those uses, but I think, for example, the convocation building, the School Superintendent is very interested in that facility and has been working for a long time now with Mr. Brown talking about this concept, and, then, you know, participating in a cooperative manner in that development. What that would involve is that, Henrico County Schools would work out a lease payment where they would have the right to approximately 38 days a year, so that they would be able to pay a pro rata share of that cost rather than bear 100 percent of that cost in order to have that kind of a facility.

ARE will act as a facilitator on that; work out its own uses for the Fair, concerts and that kind of thing, and other school systems, such as Chesterfield County; perhaps, community colleges in the area.

Mr. Taylor - Thank you for that. But do you have any idea of what percentage of that investment might be left standing as a potential contribution to the County at sometime in the future?

Mr. Kidd - When you say "left standing", you mean in the future, when as I have described, the Fair Park would relocate?

Mr. Taylor - Yes.

Mr. Kidd - I think the vast majority of that investment that we are talking about is in the permanent facilities. The relative cost of the real core area of the Fair Park, and, if I could just point here on the drawing (referring to slide).

When we talk about the Fair Park, we are really talking about the area here of the steeple chase facility, and then the core area of, what you would consider to be, the midway in here (referring to slide). That is not intensely developed. And the facilities in there are not on a relative basis, terribly valuable.

On the other hand, the convocation building here, the exhibition facilities here, the Hall of Fame Building here, which is the banquet, meeting and conference facilities, and, as well as the environmental education center, all of that would remain in place. And, so the County would have the continued economic benefit of those facilities. And the vast majority of the \$70 to \$90 million is in those facilities.

Mr. Taylor - Thank you.

Mr. Kidd - Thank you.

Mr. Vanarsdall - Any other questions by Commission members?

Ms. Dwyer - I have one question, Mr. Kidd. It relates to the proffering of the site plan. Did you say you would be willing to proffer this site plan; the master plan?

Mr. Kidd - I think we could. As long as we recognize, what I would suggest is that, with the provisional use permit we could work out a condition that as long as it was recognized to have some level of flexibility to it, not to change it dramatically, but some flexibility to it, we could design with staff a condition under the provisional use permit which would assure that this is the layout and this is the facility that we would have. I am going to ask Mr. Brown if that is an accurate and fair statement, and he has indicated that I am correct.

Yes. Again, we need the flexibility to react to the sustainability things that we are working with DEQ on and that kind of thing. So there needs to be some flexibility. But in terms of the substantial elements, that would work.

Ms. Dwyer - The location of the parking fields and the buildings. I notice on here, this colored rendering, that the campground, which is for motor homes and trailers and that sort of thing along Route 60, appears as green space. Will that be totally paved, in fact, or will that be...

Mr. Kidd - Let me ask Mr. Brown to address that.

Mr. Vanarsdall - Mr. Brown.

Mr. Brown - The question is, "What will be paved in this particular area right here?" The County ordinance that controls RV Parks has certain requirements. But, basically, we are talking about the roadways being paved only; the entrances, and not the other areas. But the County's RV campground, we don't have one in the County, but they have an ordinance that dictates the part that has to be paved. We will pave the least amount possible, but actually the parking area will not be paved. Entrances, paths for utility services, and things of that nature will be paved. The rest will not be.

Ms. Dwyer - So, I assume that it will have to be paved to support the weight of the RV.

Mr. Brown - We kind of anticipate that the RVs will all be on grassy areas. We don't want to pave those. We want to stabilize them and not pave them. We want as much, again, that is part of the sustainability that we are working with the State. We want to keep as much area as we possibly can that water can penetrate as opposed to having everything running off. We will have to have, with our regular parking, a significant amount of paved spaces. Any area we don't have to pave, we would rather not do it. We may stabilize it in other ways and not pave it.

Mr. Vanarsdall - Thank you, Mr. Brown. Mr. Kidd, in the beginning when you first started this, wasn't it your intention to have VDOT have ramps or something into the Fair?

Mr. Kidd - I am not sure what you are indicating.

Mr. Vanarsdall - I thought that, in the beginning, you would have the Virginia Department of Highways have a special type of ramp in and out of the Fairground?

Mr. Kidd - Mr. Brown will address that.

Mr. Brown - Mr. Chairman, I can cover that. There has never been the intention, nor is there a physical arrangement so that you could have a ramp into the property.

I met with the Commissioner and the Secretary of Transportation and everybody in the State level early in the game, and I said that we are looking at this particular site. What are some of the possibilities?

If you will note that on I-64, the State Highway Department, of course, is building a fly-over to take care of eastbound traffic and will be extending that service road. That service road extension is down past the property. We don't have enough space on I-295 between the two interchanges. But, we do anticipate an expansion of the ramp going back onto the traffic that's exiting; expanding that existing ramp, widening it out to the extent that we need to do so and going back up onto I-295. And that may be what you are making reference to. But no ramp onto this property.

Mr. Vanarsdall - Thank you, Mr. Brown. Any more questions by Commission members?

Mr. Marlles - Mr. Kidd, does that complete your formal presentation? You have four and a half minutes left, and you have reserved three minutes for rebuttal. There is a minute and a half left for any other proponents who would like to speak in favor of the request, unless you have other speakers you would like to address the Commission.

Mr. Kidd - We don't have other speakers that we've arranged, but I know that there are speakers here from the public who would like to speak in support. Is it the Commission's intention, if I have reserved three minutes to limit that to a minute and a half?

Mr. Marlles - Well, there is a minute and a half over and above these three minutes you have asked to reserve for rebuttal. I just wanted to notify you of that.

Mr. Vanarsdall - All right. Can someone come down who wants to speak in favor of the Fair? And, please state your name.

Mr. Watson Marshall - Mr. Chairman, I am Watson Marshall, also known as Bubba. I have represented the Richmond International Raceway for 25 years, and I am very familiar with the Fairgrounds; the old Fairgrounds. I have been going there since 1948 and climbed over the fence when I didn't have enough money to pay to get in.

Mrs. Quesinberry - You only have a minute and a half, Mr. Marshall. You might want to get to the point.

Mr. Marshall - All right. The point is, I support it. I live down on Osborne Pike. I am in a 23231. I own 114 acres behind the scales that is not developable by office and I offered to sell it to the County, and the County doesn't want it.

I have a home that I own on Old Williamsburg Road, and I think this is a very desirable development for our County.

Mrs. Quesinberry - Now we are getting somewhere. Why?

Mr. Marshall - Because it is educational.

Mrs. Quesinberry - How?

Mr. Marshall - I have four children that went to the Fair and worked at the Pioneer Farmstead, and they learned how our forefathers lived. I worked out there. I bought a compressor and a sand blaster and I sand blasted a lot of antique farm equipment, and we displayed it. I worked out in the agricultural building. I had children. The County has a "Child's Day" that they close the schools and the children come out there. And it is the only place in Virginia where children can go and learn about agriculture. They can milk a cow if you like. They can do anything. They can ride a mule at the farmstead. You can learn about forestry out there. It is an educational tool, and I was on the School Board for five years and I believe that this is the most desirable development that has been proposed for the east end of Varina. We have gotten everything down there that is undesirable.

We have the sewer plant. We have I-895. We have I-295. We have a lot of undesirable things. Nobody wants to build an office park in the east end. I don't know why. They all go to the west end. And whether or not the County gets any tax revenue doesn't make any difference when you zone land. That has absolutely nothing to do with it, whether the County gets any revenue.

Mrs. Quesinberry - Do you pay taxes, sir?

Mr. Marshall - Ma'am, I have a piece of property on Williamsburg Road that Economy Transmission is in.

Mrs. Quesinberry - Do you want to pay more taxes?

Mr. Marshall - Well it's assessed at \$287,000, and the County just wrote me a letter and said we are going to raise the assessment to \$450,000. Do I have a choice, Mrs. Quesinberry? Do I have a choice in whether or not I pay taxes? I don't have any choices. The County will say we are going to reduce your rate and that is fine, and then what they do is raise your assessment. So I don't have any choice, but I am just here as an individual citizen and I believe that this is the most desirable thing that has been proposed in the last 25 years for Varina, and I hope you will approve it. Thank you.

Mr. Marlles - Ladies and gentlemen, I have to ask you again to refrain from clapping or speaking or making comments while other speakers are at the podium. We are going to treat each other with respect tonight. Thank you, sir.

Mrs. Quesinberry - Just a moment. Mr. Secretary, how much time is left?

Mr. Marlles - Approximately one minute. I considered Mr. Marshall responding to your question about what he liked about this proposal.

Mrs. Quesinberry - Let me just make a comment before the rest of you speak. In consideration of several that obviously do want to speak, if you will, you only have a minute left. If you will get to the point of why you are in favor, spare us the history of what has been going on in your family and your tax base and so forth. Tell us why this Fair in this site is of benefit to you or the community. If you can succinctly get that in, then several people will get an opportunity to make a comment, and that will be fair to those people that are behind you if you can manage to do that.

Mr. Rich Johnson - I'll try to talk fast. My name is Rich Johnson. Like Mr. Marshall, I'm just a private citizen and life-long resident of the area. But, I also happen to be Senior Vice President for the South Atlantic Region for Ducks Unlimited, the world's largest wetlands organization. We have watched this project. I have dealt with Mr. Brown on it. And we feel like this project is nothing short with the sensitivity they have given the wetlands area a living classroom. It provides a lot of educational opportunities, and the particular areas on this individual site are key to using the classroom environment for having a project at which the wetlands can be treated as a sacred land to preserve the water on site. Lots of sites have wetlands. This site has a unique blend between the open pines and the wetlands attached to it that we feel like will provide a great educational opportunity for conservation groups at large to carry their message forward to the community in conjunction with the educational activities of the Fair. Thank you.

Ms. Sandra Yancey - I am Sandra Yancey. I want to let you know that we don't have a County fair and we need a State Fair. So, therefore, that our kids who are not into sports can show their talents. They have nowhere to show some of their talents like in woodworking or in training a dog. They have agility competition with the 4-H, and then there are the sheep and the cattle. They can go out and see these things. And the food that they donate, and if it doesn't get a ribbon, it is donated to the kitchens for people who need food.

And the kids who are not into sports need this very badly because they have nothing else they can show their talents. And, if you decorate a cake, there is no place to show that. And, you do a dress, there is no place to show that. It's things these kids have talents in that they need the State Fair.

Mr. Vanarsdall - Thank you.

Ms. Gatewood Stoneman - I am Gatewood Stoneman and I live at 3151 Varina on the James and I don't normally use notes, but Ms. O'Bannon knows that I am long winded so I did write it out, but I will try to condense it.

I moved to Henrico in 1930 and I lived in the west end for 20 years. I have lived in the east end for 50 years. And, when I came, and I have been very much involved with the State Fair since about 1936. It is a very vital part of my life. You have an unprecedented opportunity tonight, because, if we lose the State Fair, not in anybody's lifetime around here, will we have a chance to have it in Henrico any more.

There isn't an area around that is so ideally located for moving cars in and out. When I came to Henrico it was mostly rural, with large dairy farms and poultry farms with scattered settlements of houses, and there were lumber yards and businesses along the railroad tracks. There were a number of horse stables for riding and horse shows and horse races.

Our slogan is, "Proud of our Past and Excited About Our Future." And, with this, I think that we have an opportunity to have a crown jewel with the State Fair in eastern Henrico. It offsets the Cultural Arts Center in Glen Allen and Meadow Farm. And I just think that this is the right thing at the right time. And it would honor both our past people who worked the land by hand with mules, and then it will showcase what we think will be the future after we are gone.

The opportunities for our young people are endless. And those of you who know me know that I don't play golf and I don't play bridge. I work with the young people of this County. And they deserve a safe place where they can show their animals, participate in horse shows, participate in the Heritage Village, and show their exhibits in addition to learning where the food comes from and how to help the environment.

The Boys Scouts and 4-H Clubs are two groups who send large numbers of Henrico citizens to the Fair. And, unfortunately, a lot of them were out here when I came in. And it is shame they were not able to come in and see what is going on.

In addition, we hope to have the State Envirthon here. The State Fair sponsors programs in the middle schools that give our students an opportunity to earn scholarships. And, even though the State Fair does not receive State funds, it does represent the whole state and should be located close to the capitol.

Mr. Vanarsdall - Ms. Stoneman, I hate to interrupt you.

Mrs. Stoneman - I've got one sentence and I am through. Okay?

Mr. Vanarsdall - Yes ma'am. Go ahead and finish.

Mrs. Stoneman - The agricultural community would have a nice place to hold meetings and banquets and so forth. The plan, as it has been presented, the land will remain a natural green setting.

In short I think this is a "win-win" plan for everyone and would appreciate your favorable vote. Thank you.

Mr. Vanarsdall - Thank you, Mrs. Stoneman. Ladies and gentlemen, we have run out of time. The Commissioner of the District has agreed to grant five more minutes, I believe.

Mr. Marles - Five more minutes. Okay.

Mr. Vanarsdall - This will be an additional five minutes.

Mrs. Quesinberry - Does anybody in this line have anything different to say other than what we have previously heard? By different I mean it is not just "I think it is a wonderful thing and, you know, we grow things and we look at water and teach kids." Is there some element..

Mr. Jerry Crisswell - Yes ma'am, I do.

Mr. Vanarsdall - I would appreciate it if you would keep it brief. I want you to talk.

Mr. Jerry Crisswell - I will do that.

Mr. Vanarsdall - Okay.

Mr. Crisswell - Good evening. My name is Jerry Crisswell and I spend a lot of my spare time promoting high school football and extracurricular activities in the Richmond area.

We have a wonderful opportunity to strike a blow for the youth of America. And we are in competition for the hearts and souls of our kids. And one way to reach them is through athletics.

Last evening, at least 1,000 people in this young lady's district left Henrico County so young men could participate in basketball in the City of Richmond at the Siegal Center at VCU, a wonderful facility had to donate that facility. This youth and convocation center will speak to that. We will have a grand opportunity to attract State high school events. The indoor facilities are perfect for the State volleyball tournament. Wouldn't it be great if Varina High School could defend their State volleyball championship in that building? I can almost guarantee you the State wrestling tournament would return. All we had to do is look in December of this year when a private organization, the University of Richmond donated a field and 18,000 eating, buying gasoline, and staying in hotel people showed up to watch high school football. This is an investment and this is an opportunity for Varina. You deserve to have this in your district.

Mr. Vanarsdall - Thank you.

Miss Katie Jacobs - I am one of those kids that everybody keeps talking about, the young people.

Mr. Vanarsdall - Would you state your name?

Ms. Jacobs - Oh, I am Katie Jacobs.

Mrs. Quesinberry - And where do you live?

Ms. Jacobs - I live on Mill Road in Varina, not too far from where this is proposed. I have showed in the State Fair for 11 years, and it has taught me respect for other people and animals and the environment, cooperation and it encouraged me, because I was one of those kids who didn't feel good about themselves. And being able to showcase what I had worked so hard on all year long, and then to be rewarded for it was an encouragement, and kids these days now need something like this to look forward to.

Mr. Vanarsdall - Thank you.

Mrs. Quesinberry - Hold on a minute. I have a question. Hold on a minute. So you are looking for a place to show your animals?

Ms. Jacobs - I am looking for a place for anybody to go and display something that they have done and be proud of and...

Mrs. Quesinberry - So, for you, having a place to show the animals is important or whatever it is your talent is, but this particular site is what we are considering tonight. We are not considering whether the State Fair should have certain facilities or show animals or show talents, and so forth. We are considering this particular site. Do you have something to say about this particular site and whatever it is that you do at the State Fair that is applicable to this site in particular?

Ms. Jacobs - Well, having it where it is allows us to have all these other things that it does.

Mrs. Quesinberry - Well, the State Fair would do that. We make the assumption they would do that wherever they were located.

Ms. Jacobs - If they found a place that suited the criteria that they needed and having it being close...

Mrs. Quesinberry - But there is nothing unique about this particular site that affects what you show or what you don't show.

Ms. Jacobs - Well, not this site in particular...

Mrs. Quesinberry - Okay.

Ms. Jacobs - ...but they wouldn't have...

Mrs. Quesinberry - Thank you.

Mr. Charlie Finley - I am Charlie Finley...

Mr. Vanarsdall - Wait a minute, we haven't finished (speaking to audience). Please keep it quiet. Thank you.

Mr. Finley - I am Charlie Finley, and I am Chairman of the Varina Beautification Committee. I would like to think I am another one of those young people that enjoys the State Fair.

We would like to focus briefly on the comments on this specific location. There are only so many places that you can put at 300-acre facility where you have got this kind of traffic, these kinds of facilities that need animals and people, ingress-egress from the districts that they draw people.

There are only so many places where this kind of thing can go. And with the County's concern for "highest and best use", our concern is, that this may not be the best criteria for you all to be using. Let me just give you a quick list of things. How about a landfill? How about a TV tower? How about a fire station?

Mrs. Quesinberry - Mr. Finley, we are not considering tonight alternatives for this site.

Mr. Finley - I realize that.

Mrs. Quesinberry - We are not considering tonight what will go in this site if the State Fair does not. What we are considering tonight, and what I want to talk about tonight is, "Is this an appropriate use for this site at this particular time for this plan?" So, I don't want to go where you are going.

Mr. Finley - Well, I am sorry. But, I think there are some facilities that don't require the highest and best use because...

Mrs. Quesinberry - But, we're not talking about that tonight. We really are on a time table. If you have something to say particularly about this plan and the appropriateness of this site, that is what we want to hear. In the interest of time and everybody that is here, if you could get to that point.

Mr. Finley - In deference to the Commission here, we will just say that we endorse this site, but there are many things you need to consider besides the highest and best use.

Mrs. Quesinberry - You are correct, sir, but tonight we are considering this site and this particular plan.

Mr. Finley - This is an \$80 million dollar facility. This is, to quote an ad, "Not your father's Oldsmobile." This is a showcase investment. And it's here and now and it is a chance for Henrico County to adopt it. Thank you.

Mrs. Quesinberry - Thank you.

Mr. Vanarsdall - Thank you for your opinion. Yes sir.

Mr. Arthur Dean - I am Arthur Dean, and I come from White Oak Road. I've been down there for about 52 years, and I think this is a good facility for the kids, for everybody. And, so far as money goes, I know it is not going to pay what another Innsbrook would probably pay, but we may live another 20 years before we ever get another Innsbrook, or get an Innsbrook of that class in our end of the County. I think its great. As Mr. Marshall said, just about everything I could say, so I will give the other people a chance to talk.

Mr. Vanarsdall - Thank you very much, sir.

Ms. Mary McCann - I am Mary McCann, and I live at 6490 Osborne Turnpike in Varina. I do a lot of subbing in that area of Highland Springs. That whole area has nothing to address the needs of the children of any kind of rural interest. I've been doing a seminar for the Fairgrounds with horses for inner-city kids for a couple of years. And, I am always amazed, I go in there and I've got a bunch of middle-school kids who listen. They are interested in the horses; interested in other pursuits besides pop music and city limits.

We need something there so they'd have an outlook. There would be something more to them than help, help, help. Subdivisions, rock, pop music, the things that are only right there. I deal with these kids and I know they really do appreciate it.

Mr. Vanarsdall - Thank you, Mrs. McCann.

Ms. Fisher - My name is Kathy Fisher..(Gap in tape)..facilities that will attract the business that I, hopefully, will revive the east end all the way up to the Nine Mile Road corridor and all those areas that really need an economic boost. And that's what I think this facility can do for Henrico.

Mr. Vanarsdall - Thank you for your input, very much. Yes sir.

Mr. Joey Plaster - I live in Sandston, Virginia right on Portugee Road, which is right across from this facility. And I just wanted to say that I'm in the horse part. My friend, Bob, back in the other room (lobby), he brought up the fact that there's a lot of people who will not be able to make it to the horse show in Lexington, Virginia this year because of the cost of it. You know, next year, you know I'm sure it will be cheaper for them to go on up there. So, I'd really like to have it here, you know.

Mr. Vanarsdall - Thank you, very much. All right, that ends this portion of the program. And now, we will...

Mr. Marlles - Mr. Chairman, if I could interject. We have a little less than a minute left. There might be some citizens out in the lobby who would like to talk.

Mr. Vanarsdall - Well, that minute is on the 5-minute extension.

Mr. Marlles - That's correct. We have a minute of that five-minute extension left. I, specifically, said earlier, that those citizens that had to go into the lobby would have an opportunity to talk.

Mr. Vanarsdall - Okay.

Mrs. Quesinberry - Okay. If we have anybody out there, ask them to come in quickly.

Mr. Marlles - If there is anybody in the lobby that would like to speak in favor of this request? There is little less than a minute remaining.

Mr. Vanarsdall - It probably will take you a minute to get here.

Mr. Archer - Someone's coming, Mr. Chairman.

Mr. Vanarsdall - Here he comes.

Mr. Bob Wilson - How y'all doing?

Mrs. Quesinberry - How hard was it to push through that crowd?

Mr. Wilson - Pretty bad.

Mrs. Quesinberry - Pretty bad?

Mr. Wilson - My name is Bob Wilson. I'm with the Varina Rising Stars 4-H and Joey, who just came in, made a good point. There's a lot of kids that are not going to be allowed to go to State Fair this year because of it being in Lexington. They won't be able to show their animals because of the cost.

When the Fair's in Henrico County, its accessible. It's easy. They work with us. That's all I have to say. And, I do live in Sandston. I grew up about a mile from where this is. Thank you.

Mr. Vanarsdall - Thank you very much. So, the time is up. We will now take the first speakers in opposition. I would like to ask you, we want to hear from you, we really do. But try to be brief. And if you have a lengthy speech, look it over and see if you can condense it a little bit. We appreciate that.

Mr. Everett Phelps - You know, I find it amazing that the State Fair is not going to have to pay any taxes, yet, they're going to charge the County Schools for the use of their buildings.

Mrs. Quesinberry - Mr. Phelps, would you state your name?

Mr. Phelps - I am Everett A. Phelps. I live in this area. I live about a mile and a quarter from where this area is located. I live in Zip Code 23150. I'm an attorney. My business is in this end of town. I've been living here for most of my life; my adult life especially.

I've not been retained, I'm not a hired gun. I'm here to speak on behalf of myself, and the citizens who oppose this ARE location. I will not get into the facts that the staff has presented to you, about the highest and best use of this property, and the things that they've covered. I believe that they've done a good job. And, I believe that they speak well, and I wholeheartedly concur with that report.

Now, the ARE has put forth results of polls they have run, so they say. They would have you to believe that about 60 percent plus of the people polled, were in favor of their location. But as Paul Harvey would say, "Let me tell you the other side of the story."

I, personally, contacted 78 people in Zip Code 23150, my area in my neighborhood. And, without being specific, of whatever, I just called the people on the phone who lived in the neighborhood. Some of them I knew. Some of them I didn't know.

Only one said that he was somewhat in favor of it. He would not oppose it, and he would not sign a petition. But, ironically, he's going to move to Deltaville come this June.

Of the other 78 people that I polled, 68 have signed a petition in opposition to it. We have approximately 690 or 700 people that have signed petitions that we will be presented to you shortly of people who opposed it. Excuse me?

Mrs. Quesinberry - Did you say, "690?"

Mr. Phelps - Something like that. Yes ma'am. We have more than that, but some of them are in Charles City, New Kent Counties, some of them in West Point, and some...

Mrs. Quesinberry - That was more than the polling sample, was it not?

Mr. Phelps - The polling sample was 450, from what I understand.

Mrs. Quesinberry - Thank you.

Mr. Phelps - Like I said, I personally called, I have about 80 or 90 petitions that I got signed that oppose it, but I personally talked to the 78 people.

Now, as I view this percentage, 86 percent of the people that I talked to are opposed to it. They signed the petition. I have their addresses and phone numbers and copies of the petitions I can give to you if these people want to talk to them. About 10 percent were uncertain. They didn't say they favored it. They didn't say they opposed it. They said they were uncertain.

One of the real issues here I have a problem with is this real estate tax issue of the State Fair. I don't understand why they feel like they can't pay their appropriate share of real estate taxes. And they're not proffering to pay any real estate taxes. They're not proffering to pay for some of the county services like police and fire that will be used for their benefit during the fair locations or the fair timing.

Now, at the present site, out here at the Fairgrounds, last year, the State Fair shorted the County about \$193,000 in real estate taxes, yet, they still got most of the services. At this site, I believe it will be much more than that, something like three or four times.

Now, White Oak, a neighbor over there, whose in the woods. I don't want to be derogatory, because that's the land they chose to develop, and Technology Boulevard was built into there.

They developed this property, and they have about 210 acres. We're talking about 320 acres of prime development property along Interstates 295, 64 and Williamsburg Road, that is really the gateway to eastern Henrico County. It's the first thing people are going to see.

Now, White Oak paid last year real estate taxes to the County in 1999, \$1,067,114.08. They paid roughly \$5.5 million in other taxes; personal property, sales tax, and that sort of thing. And they're not fully built out. You can see the impact that this is going to have on the County, and the loss of taxes.

Now, as I said before, this is a corridor; a main corridor to eastern Henrico County that people are going to be coming and going. And I just don't believe, in my opinion, I think the fair has become a theme park.

They're telling you that they're going to have some agriculture, but the vast majority of what they're going to have there is show houses; things that they're going to have vendors in; that sort of thing. The fair, in my opinion, has changed. I'm not against the fair. I'm against the fair at this site. I just don't think it's the highest and best use of the property.

This property needs some kind of development that will support the proper tax base. And we understand that the Fair, or the ARE went to Chesterfield County and discussed a location out there. But, when Chesterfield County told them that they're going to have to pay for their services, they're going to have to pay about \$200,000 for the services that the County will provide for them. Well, it seems that they went the other way, and here they are.

It is interesting the ARE made a point that the race track will now have to pay real estate taxes to the County but the Fair won't have to. And they're asking you to zone a very valuable piece of property.

Now, uses of property are relative. They're relative to other property owners, their users. And this use, as the County Staff has told you, is not relative to other properties in the area. It is not, again the highest and best use.

Now, before the Planning Commission and the Board, as you well know, can deny an applicant their rezoning and that sort of thing, your decision must not be arbitrary and capricious. I believe that you have adequate grounds to deny this application and not be arbitrary and capricious. And we have four or five other speakers who would like to speak.

And, in closing, I ask that you deny this application for this zoning as I don't believe its appropriate for this site. Thank you.

Mr. Vanarsdall - Thank you.

Ms. Mindy Royster - Good evening. My name is Mindy Royster. I was raised on Dale Street in Highland Springs. In 1979 we moved to Bradley Acres, where part of my family still lives.

My husband and I live on the very eastern end of Charles City Road in Varina. Our small farm is located within a 5 mile radius of the new proposed State Fair Park site. In November, we formed our committee to research and educate ourselves and our community about the Fair Park Proposal. We have been working tirelessly and have leaned a tremendous amount. We only have a limited amount of time tonight, so we are presenting the hard and indisputable facts.

I am a real estate broker and support development that will enhance and aid in the molding of our futures in Henrico County as a whole. This parcel is being bound by two major interstates, is in close proximity to the Richmond Airport and is referred to as "the Gateway into our County." This is not the highest and best use for that property. It will sell and it will benefit the owners, our community, and our County. Our gateway should not be paved with a bunch of hodge podge development.

Monday night, Mr. Brown stated that there would be no walk-in traffic at the proposed site due to the surrounding interstates. My parents will not be pleased to learn this. From the age of 10 and older, myself and friends from our neighborhood would crawl through the drainage pipes under Interstate 64 to go to old Spain's Store on Route 60. If there were much water in the pipes, we'd run across I-64.

This occurred in the early eighties, and there's a lot more traffic on the interstates today. At the current Fairgrounds site, they put manure along the fences to keep the children from sneaking in. And I know, for a fact, several children have crawled under the fences into this manure just to go to the Fair.

I'm sure you can remember as a child, or a young adult, you would walk distances to get where you wanted to go. There are thousands of you located all around the proposed Fair Park within a five-mile radius.

Please understand, we are not opposed to the Fair. My husband and I enjoy going to the Fair and seeing the animals, the educational environment, and agricultural events, and eating all of the "no fat" food.

My husband especially loves the farm and heavy equipment. But, the Fair Park, as shown, is much more than that. The Fair is only 11 days of the year. The ARE hosts 180 events annually at its current location. They are proposing 104 events annually in its report to the County.

I would also like to note that 4-H has moved to Lexington. Henrico County provides free of charge to the Fair, police, fire and rescue. At taxpayers expense this costs us \$151,000 in 1999 for police, and dispatch only.

Also, additional effects to the citizens of Henrico are: 25 percent of our uniform officers whose duties are to take calls for service are pulled from our streets to work at the Fair.

Monday night, Mr. Brown stated also that they obtained crime statistics that prove that there was no change from the two weeks prior or after as opposed to the two weeks of the fair. We do not know what Police Department these reports were obtained from, but ours came from the Henrico Police Criminal Records unit. And I have copies for you tonight.

These reports show increased calls for service from the Police Department during the 11 days of the Fair versus the two weeks prior inasmuch as 200 percent. Numerous persons are ejected each day during the 11 days of the Fair. These percentages are not reflected in these reports. No reports are filed in this instance.

Over the years there has been pedestrian fatalities on Laburnum Avenue in front of the Fair. Again, the speed limit surrounding the site will be 55 and 65 mph. We are fortunate to have leadership within our County that has helped to determine that this is not beneficial.

Staff has recommended denial, and now, Jim Donati, our Varina Supervisor, has announced his concerns and that he, too, will vote to deny the Fair Park relocation. We ask that you also deny this rezoning request. Please hear our concerns, based on the facts, and present them to your respective Board members.

In closing, I have two questions. Isn't it true that Henrico Police Department has surveillance tapes showing the extremely violent disturbances that have occurred on several nights over the State Fair? We ask for the sake of the full truth that these tapes be presented at the Board of Supervisors meeting. This is our neighborhood. Thank you.

Mr. John Deal - Ladies and gentlemen, my name is John Deal. I've been a resident of Varina for 33 years. My law offices have been in Varina that same period of time. As many of you, I've traveled throughout this Country and there's something I've noticed about quality cities. Quality cities have quality gateways. And they display in their gateways what they want you to think of the area on the inside of that gateway.

This is not just the eastern gateway to this entire metropolitan area. It's the first major intersection you get to in the eastern approach to this County and the metropolitan area. It's also for the people travelling I-95 who take the I-295 detour, their north/south gateway to this area.

And, I'm very sympathetic to the Fair. I'm very sympathetic to the people. I was born and raised on a chicken farm. I was in 4-H and my chickens won some prizes and I went to camp free. And I understand all of that, but all I'm saying is, this is not the location for that.

When you come into Richmond on I-95, and you enter Henrico County, what is the first thing you see? You see a golf course and you see the Figgie Building or what was the Figgie Building. What do you see when you come into the western gate of this County? You see corporate headquarters, and Class A office space. The only southern entrance to this area is on I-295 and this is the first thing people going north on I-295 are going to see.

Williamsburg is a Class A world class city, known throughout the world. People come there, and many of them travel there from Richmond International Airport. What they see going up and down Interstate 64 is what we are. And I would think, that in our County, especially, in the east end of the County where we need to set some good, solid precedents, and I've lived there. I love it, wouldn't want to live anywhere else. But, we do not have the precedents in the east end for quality that this County wants, needs, and projects itself to the world that it has. We don't have them in the east end.

So, we have a treasure where two interstate highways intersect with tens and tens of thousands of cars a day. And we want to project quality. There are thousands of vacant acres on Interstate 295 between 64 and the James River. I would like to offer a suggestion. I believe the County would probably like to have the Fair, but not here.

And my suggestion would be that the County and the Fair officials come together and say, "We've made our point. You know what we want to do. You know how we want to do it. Let us work together and come up with something that's acceptable to the County and the citizens." And, if we could do that, everybody is a winner. Thank you.

Mr. Vanarsdall - Thank you, Mr. Deal. Yes ma'am. Good evening.

Ms. Phyllis Ladd Blackwell - I'm a spokesperson for North Airport Drive Civic Association. I won't take a lot of time. I just want to say that we did a telephone survey of our members recently, and the majority of them were opposed to having the Fair in this site primarily because of the traffic congestion that we expect. The additional litter, where we already have a terrible problem out there, and the noise. Thank you.

Mr. Vanarsdall - Thank you.

Ms. Rose Williams - Good evening. I'm Rose Williams. I live in Bradley Acres, and it's about a mile from where this Fair would be. We have discussed all the financial attributes of this site. And, I have to admit, I am very emotional about this, and I hope that we have not come so far that we cannot listen to the emotional side of this, too.

I, as a resident, will be going up and down Route 60 to work. I will be fighting traffic of people trying to get in and out of the Fair. Funerals coming down the road; the Semens plant coming out. And I don't see how any way in this world this traffic will work; this plan will work.

And I am very concerned because I have been to every meeting that has been put on by ARE. They seem to try to sidestep some of these questions that we ask. And I'm very concerned that what we're seeing, and what we're hearing and what they're telling us will not be what we get. Suppose they run out of money and they stop? Then what happens to the property?

How about the trailer park that's going to be there? It's a small buffer there. If we have all these carnies parked there, or anybody else that wants to park there, we go up and down that road every day, and we're going to see that.

Suppose I try to sell my house? What are they going to do when they come by and see all of this? I do not think this would be good for our area and for the people that live close to it. Thank you so much, and for your patience.

Mr. Vanarsdall - Thank you for your input. Good evening.

Ms. Betty Dale Martin - Mr. Chairman, ladies and gentlemen of the Planning Commission, good evening. I am Betty Dale Martin. And I live at 2801 Melony Lane in Greenmeadows Subdivision. That's off Meadow Road, and approximately one mile from the proposed ARE Inc. site. I'm sorry, proposed relocation site.

I am opposed to this relocation because of the many negative effects that it would bring to our community. Noise, crime, traffic, declining property values, and additional strain on our police and fire personnel are major issues.

I have petitions signed by over, and Everett did have it close, over 700 people in our district alone and some I admit there are 12 or 13 from the west end, and I did take the ones out from Mechanicsville, New Kent. They are very concerned. And these are people who share the same concerns that I have and I would like to present it to the Board (sic) at this time. Thank you. Now, who do I give them to?

Mrs. Quesinberry - Start with this gentlemen down here (referring to Mr. Taylor). He'll pass it down.

Mr. Vanarsdall - Any more speakers? How much more time do we have, Mr. Secretary?

Mr. Marlles - Mr. Chairman, we have 10 minutes, and 5 seconds.

Mr. Vanarsdall - 10 minutes, and 5 seconds.

Mr. Rick Jenkins - Good evening. My name is Rick Jenkins. I live at 7284 Yahley Mill Drive. I'm a pastor in the area. And I have ethical and moral concerns concerning this.

Number 1, I don't know how we're going to control people dying in that stretch of road going to Technology Boulevard is a route that funeral processions take.

I'm concerned about the Fair. I love the Fair. I grew up going to the Fair. I'm one of those kids who tried to get in free. But, Mr. Brown, I didn't make it. I had to pay.

Mr. Vanarsdall - He didn't try to crawl under the fence, did you?

Mr. Jenkins - I didn't get into the mess. But the Fair has changed.

I found interesting in today's paper someone wrote that, "There's nothing for our young people to do in the County, except for the Fair." Well, that's a bad testimony for our County. There's lots of beer drinking at the Fair. There's lots of gambling at the Fair. They might not call it that, but that's what it is.

There's a lot of provocativeness in side shows at the Fair, and also some shows that aren't side shows at the Fair.

I'm concerned about the traffic. I think its lubricious for us to believe everybody's coming to the Fair on Interstate 64 and 295. I love to see how 500,000 vehicles are going to fit through Fair Oaks there at the cemetery. How's that going to back up through town. I don't know why we think that's not going to happen. That we're not going to get that traffic through the town.

I'm concerned because, when I first started paying attention to Mr. Brown, to what's been going on, I'm hearing a lot of "Gee, I just don't know. We'd love to be able to tell you exactly how this is. We're just not sure yet. You know, after we get this proposal taken care of, then maybe we can put this plan to rest." I'm concerned about the future of this site. I don't know what's going to happen when, or if it's going to happen at all.

I moved to this area because I want to live in a place that has open spaces. A place where I can raise my children in confidence. A place where I can tell my congregation is safe for the future. And this scares me as a pastor. So, I'm adamantly opposed to this proposal.

Mr. Vanarsdall - Thank you, Reverend. Next speaker.

Mr. Andy Washington - Good evening. My name is Andy Washington. And I live at 4462 Old Williamsburg Road, about a mile and a half from the proposed site. I did some brief calculation. Three hundred fifty four days of the year this site will not be used for the "State Fair." It's no longer a rural exposition. Quite frankly, it has become a "rude exposition" in a lot of ways, which can be well documented by Police reports, if you've been out to the Fair.

But, aside from that, this use for the property, 354 days a year, we're going to have interests come into our community that do not have a vested interest, such as White Oak. They're good neighbors. They provide good jobs, and they have a vested interest to keep the integrity of our neighborhood in our County in our community at a high level. And those are the kinds of businesses that we need.

The State Fair 354 days of the year, basically, will be renting their facilities for people to come into our County that have no vested interest, come in, do what they want to, leave their trash behind, and it doesn't improve the quality of our community.

Essentially, we don't want to rent out our backyards. And, if the County approves this site, essentially, what we're doing is renting out part of the County. Would you want to rent part of your backyard out? I don't think so. And, really, as a community, in a large sense of the word, community with a big C, that's all of us in Henrico. We don't want to rent out our property. We don't want to rent out our County for people who don't have a vested interest. And, if it was only 11 days of the year, this is great. Bring it on, Mr. Brown. We'd love to have it. But, we're not talking about 11 days a year. We're talking about 354 days a year of activities which really, four years from now, as Ronald Reagan once said, "You're better off today than you were four years ago?"

If the Fair comes in, 10 years from now, we most certainly will not be able to look back and say, "We're better off than we were 10 years ago." And, I thank you.

Mr. Vanarsdall - Thank you.

Mr. Cary Garrett - My name is Cary Garrett and I live in Bradley Acres. And there's two factors that no one has ever brought up. Number 1, that the airline pattern comes to the edge. With the helicopter rides that they have, I can see a catastrophe happening now. And another thing, the drag strip that is – the traffic comes off of Washington Memorial down to Technology Boulevard, dumps right out at the Fair. It's no way we can have it located there, and consider our citizens. Thank you. I'm opposed to it.

Mr. Vanarsdall - Thank you for your input. Any one else like to speak? How much time do we have, Mr. Secretary?

Mr. Marlles - Four minutes and 25 seconds, Mr. Chairman.

Mr. Vanarsdall - Four minutes and 25 seconds for the opposition. If there are no more speakers, we will have Mr. Kidd's rebuttal.

Mrs. O'Bannon - I had one question if I could just ask it of the Planning Staff.

Mr. Vanarsdall - Yes ma'am.

Mrs. O'Bannon - This would be to Mrs. Via. Just a basic question, if I can ask you this? The State Fair is, obviously, the Atlantic Rural Exposition, and has farm animals and all. This property is zoned A-1. Can there be a fair on A-1 property?

Mrs. Via - This was discussed when the proposal first came before the County. Just the Fair, and other outdoor large events, is my understanding, could be done in an A-1 with a Provisional Use Permit. The decision was made early on, and the recommendation from the staff was that, because of the year round nature and all the other activities that would be going on, that they would require commercial zoning of B-3.

Mrs. O'Bannon - So, they could have a State Fair...

Mrs. Via - Just the State Fair.

Mrs. O'Bannon - For a week and a half or so.

Mrs. Via - They could, potentially, apply for a Provisional Use Permit just to run the State Fair. Yes.

Mrs. O'Bannon - Okay. I just wanted to ask that basic question.

Mr. Vanarsdall - Thank you, Mrs. O'Bannon. Any other questions? We have another speaker.

Mr. Marles - Mr. Chairman, again, I'd like to suggest that there may be some citizens in the lobby, since we do have some time left over if they do wish to speak in opposition to this request, there is time. I would invite them in to come to the podium.

Mr. Vanarsdall - Any one in the lobby who would like to speak in opposition, would you please come down. Yes sir.

Mr. Ed Moseley - Mr. Chairman, ladies and gentlemen, Commission, my name is Ed Moseley. I live at the intersection of Interstate 295 and Route 5, the first interstate passed the proposed site for the Fair.

My concerns are, as far back as World War II, the Elko tract has laid, basically, dormant. Henrico County, in the last few years, was able, through the efforts of many people in the County, and outside, to bring industry into that area. I do not have any numbers with me tonight. I know Henrico County has spent a considerable amount of money creating an atmosphere that would be conducive to the type of industry that we have a nucleus of at the Elko site now.

I am concerned that, if things go as I have heard from on the outside, tonight, we would possibly change our position. And, I don't know that we want to do that. It seems to me, what we have going on the Elko tract is doing very well.

We have infrastructure there to take care of a considerable amount of commerce and industry. And, I just believe that will spill over onto the concerned property here. And, I think this property could be put to a much better use than what has been presented here tonight. Thank you.

Mr. Vanarsdall - Thank you, Mr. Moseley. Any one else who would like to speak?

Mrs. Marie Parrish - I have some questions.

Mr. Vanarsdall - Yes ma'am. Come down to the microphone.

Mrs. Parrish - I can't walk very well. My name is Mazie Parrish. I live at 1420 Battery Hill Drive in Varina. I have always loved the Fair and loved to go to it. But this location is not proper for the State Fair. It should be in the rural, rural section of Virginia somewhere else.

Another thing, I have not heard a person say, tonight, about the trash that will be put on Route 60 for our (Comments unintelligible-not at microphone).

Mr. Vanarsdall - Thank you. Yes ma'am.

Ms. Bernice Newell - Good evening. I do not live in the immediate area of the Fair.

Mr. Vanarsdall - Excuse me. Would you state your name?

Ms. Newell - I'm sorry. My name is Bernice Newell a.k.a. "Bee" with two e's.

Mr. Vanarsdall - Thank you.

Ms. Newell - I have spoken to you all before and to the Board of Supervisors. I'm sure that you recognize me. Like I said, I do not live in the immediate area. But, I am a conservationist. I like to see the open space. And, I do not think that this is the correct place for the Atlantic Rural Exposition.

I think that we should remain as rural as possible. I see nothing but city growing up around this area, with ARE. I speak of open space. I like the rural atmosphere of the Varina District.

And, those of us that do live in the paradise of Henrico County, the Varina District would like to see it remain as rural as possible. Even though we have industries around us, we have some housing developments. But we can continue to upgrade the eastern portion of our county with all its acreage.

I would hope that you would deny this rezoning. I hope you will deny ARE, even with a special use permit of ARE. I think the land could be better used for an office complex, a hospital, or retirement place. It's too expensive for a retirement home, but maybe there's some other use that could be put there. But, I do not think this is the proper location for it. Thank you.

Mr. Vanarsdall - Thank you for your opinion. We're now out of time. And Mr. Kidd, your rebuttal time is here.

Mr. Kidd - Thank you, Mr. Chairman. I just have three things that I wanted to address. First, with regard to whether there was anything unique about this property that made this appropriate for the site of the State Fair of Virginia, I'd like to just point out that, in its search for a site, ARE established early on, that there were four criteria that they were looking for.

One of those was that the location needed to be in the central Virginia area, convenient to the entire State. We have a property here that's essentially at the crossroads of Interstate 64 and 295. You can get to this property relatively conveniently from all areas of the State. Folks from northern Virginia have indicated they're happy to drive two hours, but they wanted it to be convenient when you get there.

So, the second criteria was a facility that could be done conveniently, easily accessible, traffic controls from interstate highways, and so forth.

The third criteria was to have something that did not go through residential neighborhoods and have a direct impact there. This property is isolated by three major roadways. And, again, undeveloped property on the east that, while its on the current plan for Rural Residential, the Planning Staff has indicated that they believe it will be a commercial use, let's say, "non-residential, office" or something like that in the future. And I think the Corridor Study reflects that.

And, the last was that the use meet the locality's plans that are projected for the property. And, I point out, while I'll acknowledge that the staff has made references to conflicting provisions of your Comprehensive Plan, nevertheless, this property is designated as Commercial Concentration. This use is Commercial Concentration. The staff has acknowledged that this use fits within that criteria.

There are not many sites around that will meet all those criteria. A significant search was done. And this is the site that does those, and does them in a very high way. It is a unique site.

Second, with respect to the comments on this being a gateway to the County, and a comparison made to the Virginia Center complex just as you move out of Henrico into Hanover, its attractive to look at a golf course, but for some reason, its not attractive to look at a manicured open equestrian facility. A facility that's half of the property is in a park like setting, significantly landscaped and so forth. I don't understand why this is viewed as unattractive or inappropriate.

The third item is to talk about the traffic impact. While we don't have Mr. Foster to tell us, today, that everything works, I just want to point out, that when we compare the traffic impact of the proposed development with the traffic impact of a development like Innsbrook, which it seems to be held up as an example here, I think Innsbrook is a far, far greater impact, except for four days of the year.

The State Fair, during its 11 days, is 4 days, the two weekends, that are very intense. You pull in a lot of people in and out of here, and there will be a lot of traffic on the roads. That's why its important to have the capacity of the interstate highways and not going through local neighborhoods and so forth.

But, once you get outside of those four days, from a traffic standpoint, this is not an intense use at all. And, I think if you want to hear further on that, we can talk to the Traffic Engineers.

And, I would add one last thing, and that is, again, just to reaffirm in response to Mrs. Dwyer's question, we are willing to have that PUP condition. And Mrs. Via has brought some language to me the staff drafted while the presentation was being made. And we are happy to have that additional condition imposed. Thank you.

Mr. Vanarsdall -

Thank you, Mr. Kidd.

Mr. Marlles - Mr. Chairman, before the Commission gets into deliberation, I would like to read to the Commission what staff would recommend as an additional condition to the Provisional Use Permit.

Mr. Vanarsdall - Okay.

Mr. Marlles - That wording is, and this would be a new condition to the Provisional Use Permit. It reads as follows: "The development of this site shall be substantially similar as determined by the Planning Director to the ARE State Fair Park Master Plan drafted by CUH2A, dated December 2, 1999, unless otherwise requested and approved by the County Planning Commission." That is staff's recommendation.

Mr. Vanarsdall - Thank you, Mr. Secretary. All right, before we have the motion, I want to thank everyone who came. I want to thank everybody who spoke for and everybody who spoke in opposition. And we appreciate you being involved in a project that we know that's dear to your community. With that said, Mrs. Quesinberry, are you ready for a motion?

Mrs. Quesinberry - Ready for a motion, Mr. Chairman.

Mr. Marlles - Mr. Chairman, we do have two items we're voting on. Staff would recommend that we take action on the Rezoning Request first, and then the Provisional Use Permit.

Mr. Vanarsdall - Thank you. We have to take them separately.
Mr. Archer - Mr. Chairman, could I have just a word, before we vote, please?

Mrs. Quesinberry - Certainly.

Mr. Vanarsdall - Yes sir, Mr. Archer.

Mr. Archer - I have always heard that in everybody's life there ought to be something that you feel passionate about. And I think we've run the gamut of passions tonight, from sand blasting old tractors to crawling through manure.

But, there is one sad thing about all of this, and I think that sadness lies in the fact that we have a community that is divided over an issue that we feel passionate about. And I hope that everybody understands that the Commission tries to make its recommendation based on the information that is contained in the staff report, at least, I will try to do it that way, and based on the merits of the case that we recommend to the Board. Thank you.

Mr. Vanarsdall - Thank you, Mr. Archer.

Mrs. Quesinberry - Let me start by just reiterating that, tonight, we are considering this plan at this time for this location. This Commission is not making any judgement on whether the State Fair, itself, is a good thing, or a bad thing, or whether it should be in Henrico County, or somewhere else in the greater Richmond metropolitan area. Those are not our concerns at this particular time. Although, they may be the things that you feel quite passionate about, the facts are

that we are charged with considering a rezoning case and a Provisional Use Permit for this plan at this time at this site, and trying to determine, “Is this an appropriate use, and does it benefit the citizens in our community in this area?”

And, in considering that, and looking at all of the different elements of the situation, what you come down to is that, this particular site really would be best suited developed in another way, the way that would support our community; support balanced growth; and support our tax base.

In other words, it is a prime site for economic development. That is a necessary thing in this County. Residential development does not pay its way. Let me say that again. Residential development does not pay its way. We enjoy our tax base. We enjoy living in the County that we live in, and the services that we get because, primarily our businesses support that.

The taxes our businesses pay, pave roads, build schools, pay police, pay fire, and, in overall, boost our quality of life in our County. And, we must have a certain amount of that type of development.

This particular site is the prime site for that type of development. There are only so many cloverleaf areas that can be developed in such a way as to support balanced growth in this County. So, on that particular element, this plan is not supported, and I can’t recommend it on that particular element.

When you look further at this particular plan, its very clear that, in fact, it goes further without even supporting our tax base, its actually a cost to the taxpayers in Henrico County. And you can get into some philosophical issues, well, you know, its good for the State or its good for Chesterfield, or its just good for people in general. It probably is good for people in general. But the point still comes back to, it’s the Henrico County taxpayers that will support the public services that are provided in this particular site. And I always have to keep asking myself, “What are they getting in return for that?”

And, I know there was discussion about services, and you know bunnies and cows and everything that the State Fair does, but that’s not really the issue. The State Fair is going to do that wherever they’re located. And they may, indeed, end up being somewhere in the greater metropolitan area, and I think a lot of people would like them to stay in the greater Richmond metropolitan area. And, the fact is, they’ll continue to do the things that they do, if, in fact, there’s a need and an interest in those services. But it doesn’t benefit the citizens in our particular area in this particular site in any special way because they can do those things wherever they happen to end up.

I’m also concerned about the public safety issues: health, safety and welfare of the citizens in our particular area of the County. This plan does not really have a public safety plan. I’ve looked through it and it really doesn’t address some of those things.

There are real concerns with increasing pedestrian traffic in this area. It’s just a given that something like this that goes in is going to attract children and pedestrians, and there are homes, families and children that are close enough that they’re going to get out there on the highway one way or the other, and that ‘s going to be a disaster.

The small community of Seven Pines and Sandston is certainly within a walkable distance. Those children in that community are used to walking. They have sidewalks. They walk to school. They walk to shops and facilities. They're going to head on down Route 60, and I don't think there's any way you're going to be able to stop that. That's a disaster waiting to happen. I haven't seen anything of that kind addressed.

You know when you get back to the taxpayers paying, and you look at just the cost for police services approaching \$200,000, and we discussed earlier the actual revenue that comes from the State Fair, its not even break even. So, in fact, this is costing our citizens in the form of direct costs to pay for services and in denied revenue, future revenue that's going to be needed which is significant.

At some point in time, this property will most likely develop as corporate headquarters or some type of high tech business. I don't know, because we're not considering that tonight. At some time in the future we'll consider that. And, if, in fact, it develops along those lines, we can expect at least a one million dollars a year coming in, in just real estate taxes. It's very significant and needed for the County.

The other thing that I'm really concerned about that wasn't addressed here tonight, and I didn't hear anyone else speak about it is, this particular plan has 12 acres that proposes two hotels and a restaurant. We don't have any proffers on that. It's just asking for zoning, and proposing a couple of hotels and a restaurant.

Normally, if we looked at a zoning case, just a separate case with 12 acres and a developer wanted to build a couple of hotels and a restaurant, we would have quite a few proffers ensuring that that site was developed appropriately. We don't really see that. We hear, again, that that's what we think is going to happen in that area. And it begs another question and that is, "Is that area an appropriate area to even develop hotels?"

We have a hotel developed area around the airport. If you look at Route 60 along the airport, if you look at Audubon Drive, its developed and become a very natural area for hotel development. It seems to be very convenient to that area.

In my mind, I wonder, "What happens to this picture when you move through Sandston, and east down Route 60 and you put a couple of hotels and some restaurants around the technology Route 60 interchange area?" It changes the complexion and the streetscape and the whole development process in that area considerably. And that really hasn't been addressed, and I don't think its been thought through how that will change the surrounding developing area, if you actually choose to do that. And that seems to be an integral part of this plan and necessary for this plan to develop to have that commercial property. So, in other words, I'm questioning the appropriateness of even doing that at this particular site.

In addition, we've heard some things about traffic in this area. And there are some questions that are still outstanding in the mind of Mr. Foster and I'm sure that's going to be discussed further between now and the time of the Board meeting. But, the traffic is quite concerning. I still have a lot of questions and issues about how you move that many cars and you don't back up traffic on

Route 60. That's a huge impact in and of itself separate from all of the other elements that I just discussed.

But, when you put all of those elements together and try to weigh this very logically and from a fairness and an appropriateness perspective, what you find is that, at this particular time, at this site, that this plan is not appropriate, that it does not serve the best interests of the community, and that there are significant questions with the health, safety, and welfare of the community, as well as, economic impact.

And, because of those issues, I would like to recommend, tonight, a denial for Case C-9C-00 Atlantic Rural Exposition.

Mr. Vanarsdall - Motion is made by Mrs. Quesinberry. Do I have a second?

Ms. Dwyer - Second.

Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mrs. Dwyer. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained).

Mrs. O'Bannon - Please have the record reflect that I abstained from voting. Thank you.

REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mrs. Dwyer, the Planning Commission 5-0 (one abstention) to recommend that the Board of Supervisors deny the request because it does not conform to the recommendation of the Land Use Plan nor the Plan's goals, objectives and policies, and it would likely set an adverse zoning and land use precedent for the area.

Mr. Vanarsdall - Thank you, Mrs. O'Bannon. That's normal procedure. We now will take the second part which is what we call the Provisional Use Permit.

Mr. Marlles - Ladies and gentlemen, don't leave quite yet.

Mr. Vanarsdall - Please don't leave. We haven't finished the motion. We take the second part of this case which is Provisional Use Permit which gives it permission for the Fair. Mrs. Quesinberry.

Mrs. Quesinberry - I'd like to make a recommendation for denial for the Provisional Use Permit P-1-00 Atlantic Rural Exposition.

Mr. Vanarsdall - Do I have a second?

Ms. Dwyer - Second.

Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mrs. Dwyer. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). The motion is carried.

Mrs. O'Bannon - Again, please have the record reflect my abstention as usual. Thank you.

REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mrs. Dwyer, the Planning Commission 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because it does not conform to the recommendation of the Land Use Plan nor the Plan's goals, objectives and policies, and it would likely set an adverse zoning and land use precedent for the area.

Mr. Marlles - Mr. Chairman, if I could, real quickly, the opponents presented a petition in opposition. Would you like the Commission to hold onto to that, or would you like to present that to the Board of Supervisors? I don't remember the speaker who actually presented it to the Commission. Would you like to hold on to it and present it at the Board meeting?

Lady from Audience - Yes.

Mr. Marlles - Okay. Then I'll have it. After the meeting, you can pick it up.

Secondly, I'd like to remind everybody that the Planning Commission is an advisory body, it makes recommendations to the Board of Supervisors. So, what you're hearing tonight is a recommendation that will be forwarded to the Board of Supervisors.

Under the normal schedule, it would be considered at the Board meeting on March 14th. I would encourage you to check with either the County Clerk's Office or the Planning Office to make sure that this item is, in fact, scheduled before you come to the meeting. But, under the normal timing sequence, it would be heard by the Board of Supervisors on Tuesday, March 14th. Mr. Chairman.

REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mrs. Dwyer, the Planning Commission 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because it does not conform to the recommendation of the Land Use Plan nor the Plan's goals, objectives and policies, and it would likely set an adverse zoning and land use precedent for the area.

Mr. Vanarsdall - Thank you, Mr. Secretary. The Commission will now take a 10-minute recess. All right, Mr. Secretary, we have a quorum. The Planning Commission will now reconvene and will take the deferred cases. Mr. Secretary.

Mr. Marlles - Thank you, Mr. Chairman. We have, I believe, three deferrals tonight. Those will be presented by Mrs. Via.

Mrs. Via - Thank you, Mr. Secretary. Mr. Chairman, and members of the Planning Commission, we do have three cases to be deferred this evening; the first in the Fairfield District:

Deferred from the December 9, 1999 Meeting:

C-58C-99 Robert M Atack for Atack Properties, Inc.: Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 23-A-18 through 20 & Parcel 23-A-22, containing approximately 95.01 acres, located on the north line of Woodman Road at the northern terminus of Jeb Stuart Parkway approximately 2,500 feet west of Brook Road (U. S. Route 1). A single family subdivision is proposed. The R-3 District requires a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

The applicant has requested a deferral until March 9, 2000.

Mr. Vanarsdall - Any one in the audience in opposition to C-58C-99? Any opposition? No opposition.

Mr. Archer - Mr. Chairman, I move deferment of C-58C-99 to the March 9th meeting at the applicant's request.

Mrs. Quesinberry seconded the motion.

Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs. Quesinberry. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained).

Mrs. O'Bannon - I would like to, of course, point out an abstention. There was a question asked earlier. I'd just like to point out, I know the audience is much smaller now, that's pretty much standard procedure. That was a question that came up during the intermission.

Also, if I can point out, I did have one letter that I received, and apparently it was not received by anyone else. I will pass that on to the Director of Planning to attach to the case.

Mr. Vanarsdall - Thank you, Mrs. O'Bannon. Mrs. Via.

Mrs. Via - The other two cases are in the Three Chopt District: The first is case C-5C-2000.

C-5C-00 Gloria L. Freye for Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District (Conditional), Parcel 27-A-30, containing 2.034 acres, located approximately 350' northwest of the intersection of Sadler and Trexler Roads. A single family residential subdivision is proposed. The R-3A District requires a minimum lot size 9,500 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

The applicant is requesting a deferral to your March 9, 2000 agenda.

Mr. Vanarsdall - Any one in the audience in opposition to this case. This Case is C-5C-00. Any opposition. No opposition. I need a motion Mr. Taylor.

Mr. Taylor - Mr. Chairman, I recommend that Case C-5C-00 be deferred to the March 9, 2000.

Mr. Vanarsdall - At the applicant's request.

Mr. Taylor - At the applicant's request.

Mr. Archer seconded the motion.

Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained).

I'd like to note that Gloria Freye is here with a rising star named Ramona, who just joined the firm. We're glad to have you Ramona. Next one, Mrs. Via.

Mrs. Via - Thank you, sir. The last case for deferral this evening is Case C-13C-00, also in the Three Chopt District.

C-13C-00 Charles Lessin for American Homecrafters, Inc.: Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 29-A-42, 43, 44 and 45, containing 12.374 acres, located on the west line of Francistown Road at its intersection with Castle Point Road. A single-family residential subdivision is proposed. The R-3 District requires a minimum lot size 11,000 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mrs. Via - The applicant has requested a deferral to March 9th.

Mr. Vanarsdall - Any one in the audience in opposition to this deferral, C-13C-00? No opposition? Entertain a motion, Mr. Taylor.

Mr. Taylor - Mr. Chairman, I recommend that Case C-13C-00 be deferred, as requested, to March 9, 2000 at the applicant's request.

Mr. Archer seconded the motion.

Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). The motion is carried.

Mrs. Via - That concludes the requests this evening, sir.

Mr. Vanarsdall - Thank you, Mrs. Via. Mr. Secretary.

Mr. Marlles - Okay. Thank you, Mr. Chairman. The first case on the 7:00 p.m. agenda is in the Fairfield District. It's C-12C-00.

C-12C-00 Charles H. Rothenberg for Kenneth N. and Janet N. Daniels:
Request to conditionally rezone from R-4 One Family Residence District to O-1C Office District (Conditional), Parcel 53-1-21-1, described as follows:

BEGINNING at a rod set on the corner of the eastern right of way line of Brook Road and the northern right of way line of Maryland Avenue; thence along the eastern right of way line of Brook Road N 8° 28' E, a distance of 158.24' to a rod set; thence along the eastern right of way line of Brook Road on a curve having a radius of 5779.65' and a length of 8.38' to a rod set; thence leaving the eastern right of way line of Brook Road S 81° 32' E a distance of 200' to a point; thence S 8° 28' W a distance of 119.06' to a point on the northern right of way line of Maryland Avenue; thence S 80° 17' 30' W to a rod set; thence N 61° 31' 06' W to a rod set being the point of beginning, containing approximately .75 acre of land.

Mr. Vanarsdall - Any one in the audience in opposition to this case? No opposition.

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

Mr. Vanarsdall - Mr. Householder, good evening.

Mr. Lee Householder, County Planner - Good evening. Did you ask if there was any opposition?

Mr. Vanarsdall - I can't hear you.

Mr. Householder - Do you want to ask now if there's any opposition to the case?

Mr. Vanarsdall - What?

Ms. Dwyer - Did you ask for opposition?

Mr. Vanarsdall - Yes.

Ms. Dwyer - You did? Okay.

Mr. Vanarsdall - I certainly did. I thought you said we had opposition.

Mr. Householder - I just wanted to make sure we covered that.

Mr. Marlles - We did.

Mr. Householder - All right. Thank you, Mr. Chairman. This subject request would rezone a .75 acre parcel from R-4 One Family Residence District to O-1C. An office use is

proposed on this property. The property is located at the northeast corner of the intersection of Brook Road and U. S. Route 1 and Maryland Avenue. It has 158 feet of road frontage on Brook Road, and 182 feet of road frontage on Maryland Avenue.

The surrounding zoning for this property appears on this map. Let me zoom in a little bit (referring to slide). It can be seen on this slide. On the east side of Brook Road, the surrounding properties are zoned R-4, a part of the Biltmore Subdivision. On the west side of Brook Road, the property is zoned O-1C.

Mr. Marles - Mr. Householder, could you speak up a little bit? It's hard to hear you.

Mr. Householder - I apologize. Back to surrounding zoning. On the west side of Brook Road, properties are zoned O-1C, north of Pennsylvania Avenue; R-4 directly across the street from the subject property, and B-1 south of Maryland Avenue. Overall, the properties immediately adjacent to the subject parcel are currently vacant at this time.

The 2010 Land Use Plan recommends Urban Residential for this property. Staff feels this site is no longer desirable for residential development because of its location on a major road. Therefore, we feel that an office use may be a more appropriate transition between Brook Road and the one-family residential zone.

Staff feels that a low intensity office use acts as a buffer between single-family homes on the east side of Brook Road. Although O-1C is not consistent with the Land Use Plan designation, we still feel it is a logical use for the property.

The proposed use of this site a structural engineering office. The applicant has proffered to retain the existing structure pictured here (referring to slide), renovate it, and accommodate the office use.

In addition, they have proffered that no child care centers will be allowed on the property. And we feel that these proffers also help to integrate the office use into surrounding single family homes, and minimize potential for adverse impacts.

Overall, staff feels this is an appropriate use for this site, and the applicant has submitted proffers that minimize potential for adverse impacts. In particular, the applicant is proposing to retain the existing structure, therefore, maintaining the single family use appearance to help strengthen this proposal. Therefore, we recommend approval of this request, and I'll take any questions that you may have.

Mr. Vanarsdall - Any questions for Mr. Householder from Commission members? Is the applicant here? Mr. Archer, do you want to hear from the applicant?

Mr. Archer - I don't think I do, unless some of the other Commission members have questions.

Ms. Dwyer - I have one question.

Mr. Archer - Go ahead, Mrs. Dwyer.

Ms. Dwyer - I'll ask Mr. Rothenberg.

Mr. Vanarsdall - Come on down, Mr. Rothenberg.

Mr. Chuck Rothenberg - Mr. Chairman, members of the Commission, my name is Chuck Rothenberg, on behalf of the applicant.

Ms. Dwyer - My question relates to Proffer No. 7. It seems, as I read Proffer 7, it says, "The property will be subject to a Plan of Development." Isn't that the case anyway, without this proffer? The proffer is not adding anything to the existing Ordinance requirements? Is that correct?

Mr. Rothenberg - Ms. Dwyer, as I understand the Ordinance, if the area that we're disturbing is less than 2,500 square feet, we would not be required to come back. But, I think, because of the sensitive nature of the area that, after discussing that with Mr. Householder, it made sense to bring the POD back to the Planning Commission.

Ms. Dwyer - Okay. And my other question on that same proffer, it states that, "...All uses shall be subject to the POD review." Indeed, we don't really look at uses. We are looking at development standards. And, maybe that's a technical point, but it did seem to be a misstatement of what we do at POD.

Mr. Rothenberg - Ms. Dwyer, I think you're right, and, I'm happy to simply provide that we'll submit the Plan of Development to Planning Commission review. And I can do that between now and the Board of Supervisors.

Ms. Dwyer - Okay. Thank you.

Mr. Vanarsdall - Any other questions of Mr. Rothenberg? Thank you.

Mr. Archer - Do we need to restate the proffer?

Ms. Dwyer - I believe he said he would correct it between now and the Board, and I'm sure staff can make sure that is done.

Mr. Archer - Okay.

Mr. Vanarsdall - Mr. Archer.

Mr. Archer - Okay, Mr. Chairman. When Mr. Rothenberg first proposed the case, I had asked him to contact neighbors to see if there was opposition. He did, and he didn't receive any opposition, and the applicant does propose to maintain the residential flavor of the property. And, there are also adjacent vacant structures. And, generally, when properties are vacated, it tends to lead to blight if something isn't done. I think this would probably be, even though it doesn't fall

right within the Land Use Plan, an appropriate use. It borders right on Route 1, which is a busy highway, which I think we're improving to six lanes before its all over with. And, we did change the zoning across the street; directly across the street either last year or the year before; changed it to a commercial use. So, I think for this particular location, this is appropriate. Therefore, I recommend to the Board that we approve C-12C-00 as stated in the proffers.

Ms. Dwyer seconded the motion.

Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Ms. Dwyer All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). The motion is carried. Next case.

REASON: Acting on a motion by Mr. Archer, seconded by Ms. Dwyer, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **accept the proffered conditions and grant** the request because it is appropriate business zoning in this area; and the proffered conditions should minimize the potential impacts on surrounding land uses.

C-3C-00 James W. Theobald for H. H. Hunt Corp: Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), part of Parcel 27-A-2, described as follows:

Beginning at a point on the south line of Shady Grove Road, said point being 0.5+ mile east of Pouncey Tract Road; thence leaving the south line of Shady Grove Road S 06°29'30" W, 366.50' to the True Point and Place of Beginning; thence from said True Point and Place of Beginning S 06°29'30" W, 691.73' to a point; thence S 69°25'20" W, 326.87' to a point; thence N 00°44'30" W, 798.11' to a point; thence N 89°23'55" E, 394.57' to the True Point and Place of Beginning containing 5.926 +- acres of land.

Mr. Marles - The staff presentation will be given by Ms. Jo Ann Hunter.

Mr. Vanarsdall - Any one in the audience in opposition to C-3C-00? All right, thank you. Good evening, Mrs. Hunter.

Ms. Jo Ann Hunter, County Planner - Good evening. Mr. Chairman, members of the Commission. The subject request would rezone approximately six acres from A-1 Agricultural to R-2AC single family subdivision. This property would be developed as part of the Twin Hickory planned community. The property to the east is zoned R-2AC, which is Autumnwood at Twin Hickory, and the property to the south is zoned R-3, Harvest Glen at Twin Hickory. These two developments have stub roads to the subject property. With the rezoning of these parcels, it would allow inter-connection between the subdivisions; something along in this manner (referring to slide). The inclusion of this property will allow for better traffic circulation; and traffic distribution in the Twin Hickory development.

The applicant has proffered the same proffers that were accepted as part of the Twin Hickory rezoning. Proffers include: underground utilities, brick or stone foundations, no cantilevered chimneys, a minimum finished floor area 2,200 square feet, and a lot width of 85 feet.

This request was deferred at the last meeting in order to allow time for the applicant to work out some outstanding concerns with adjacent residents. The concerns were expressed by these three residents here (referring to slide).

Revised proffers have been handed out to you this evening in response to these concerns. The applicant has proffered a 15-foot planting strip easement along the western boundary, which would run here (referring to slide) that would require a six-foot solid board fence, and additional evergreen plantings.

Residential development of this site is reasonable. Staff recommends approval of this request. I'd be happy to answer any questions that you may have.

Mr. Vanarsdall - Any questions by Commission members?

Mr. Taylor - I have one comment, Ms. Hunter referred to a square footages in houses of 22,000 square feet.

Ms. Hunter 2,200. Thank you.

Mr. Taylor - They are somewhat more modest than that.

Ms. Hunter 2,200, Thank you.

Mrs. O'Bannon - I had a question. You're talking about screening anyway. The underground utilities, except for the junction boxes, I just have a question. Are these the junction boxes that are placed at the front of the house, that front part of the property? Virginia Power has traditionally been putting in the front of the property.

Ms. Hunter That would be the same ones.

Mr. Archer - The green boxes.

Mrs. O'Bannon - Are they screened in any way? This is just a question that I have, because I know we have major discussions on this for any subdivision.

Ms. Hunter This is an issue that the Planning staff has been looking at for a long time, and trying to work out some agreement with Virginia Power. At this time, I don't believe Virginia Power allows them to be screened, so that they can get in and do any maintenance. But it is an issue that the Planning Staff is trying to come to some agreement with Virginia Power on.

Mr. Marlles - Also, Mrs. O'Bannon, the County Manager's and the County Attorney's Office is very much involved in that discussion with Virginia Power.

Mr. Vanarsdall - I believe you had a discussion, with them before?

Mrs. O'Bannon - Yes. I just was thinking. I know that it's kind of picking on this particular case. I was just concerned. So, there's no screening that they'll allow on there at all? I mean I thought there was some...Mr. Archer, do you have any ideas on that?

Mr. Archer - Mrs. O'Bannon, from what I can recall with prior conversation about this, technically, they don't allow screening, but there have been lots of instances where they have been screened, and they haven't caused any problems to date that I know of. But I have seen some that have been screened. I think, purely, technically, they're not supposed to be.

Mr. Vanarsdall - Any other questions for Ms. Hunter? Thank you, Ms. Hunter.

Ms. Hunter Thank you.

Mr. Vanarsdall - Can we hear from the applicant, please? Mr. Theobald. Good evening, Mr. Theobald.

Mr. Jim Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald. I'm here on behalf of H. H. Hunt. This is a fairly modest request to rezone about six acres of land, really as an addition to the Twin Hickory development that the Planning Commission and the Board has approved earlier.

This property is owned by Beulah Davis. You may recall when we were doing some zoning amendments on this side of the line (referring to slide), this was the piece we were all talking about, being the missing piece in terms of being able to connect this road system.

You see on this preliminary plat (referring to slide) that Mr. Tyler has produced the outline of the property that is the Davis piece and can see the connection here. What we have done is, basically, have brought all of the proffered conditions applicable to the planned mixed use community of Twin Hickory forward so that they would be applicable to this property, as well. This is fully integrated to the Twin Hickory project.

This is consistent with your Land Use Plan. It has been recommended for approval by staff. I will say that we have spent a lot of time with our future neighbors over here, Mr. Blankinship, Mr. Turner, Mr. Nuckols in providing adequate screening against their very nice homes, and looking at various future possibilities for extending easements and utilities there. And, I appreciate the time that they have taken, as well as Mr. Taylor and Mr. Tyler, in helping us all through some of the engineering aspects.

I'll just be happy to answer any questions and see if we can answer the concerns of the folks here this evening.

Mr. Vanarsdall - Are there any questions of Mr. Theobald?

Mr. Theobald - Thank you.

Mr. Vanarsdall - Thank you, Mr. Theobald. All right.

Mr. Taylor - Before we go on, Mr. Turner, would you like to make any statements?

Mr. Turner - Not at this time.

Mr. Taylor - You're happy with the...

Mr. Turner - I'm happy with the proffers...

Mr. Taylor - We were delighted to work with you and resolve it.

Mr. Turner - Thank you.

Mr. Vanarsdall - All right, we need a motion, Mr. Taylor.

Mr. Archer - Don't we have to have opposition?

Mr. Vanarsdall - I'm sorry. I didn't mean to slight you. We know what opposition is. We had it tonight. Come on up.

Mr. Bruce Woodson - Thank you, and good evening. My name is Bruce Woodson. My wife, Carol and I own a piece of property across Shady Grove. Forgive me. I don't have any illustrations for you. Our intention is to build our house there in a couple of years. It's a fairly low piece of land. And, at this time, we're on well and septic.

That's where our land is (referring to slide). You'll see a creek that kind of originates from here and heads on down, draining the water off. As I was saying, it's a fairly low piece of land. And, at this time, we're on well and septic. And our big concern is, will this development make our proposed site; make it inaccessible if the water should not flow as well as it is now, which is fairly minimal? The second concern, of course, would be the increase in traffic on Shady Grove, but, we're comfortable with how Henrico will handle that.

I'm not sure, as to, what the status of the sewer or water, and whether its going to be available to us. I think if it were available to us, or made available to us, that would resolve the issue. Again, aside from the water flow problem, we really are not opposed to it. Thank you.

Mr. Vanarsdall - Thank you.

Mr. Theobald - My engineer has left me here. The fire marshal wouldn't let him in, but, I think I can answer these questions. The drainage in this area, basically, goes in this direction (referring to slide). So, it's, basically, in the opposite direction from these folks' future home.

This is the elementary school that's under construction (referring to slide). Water is in Twin Hickory Extended coming down in this direction, and is going to be, basically, up in this part of Shady Grove. When it gets extended further, its going to be extended based on how areas in here (referring to slide) are ultimately developed.

You'll note the property under consideration this evening doesn't really touch Shady Grove Road. This is where Mrs. Davis, our contract seller, will continue to reside, I believe. And, of course, this is seven acres out of the 600 or 700 acres of the Twin Hickory development that's already been approved in terms of traffic. So, it would not be a consideration, in particular, with regard to the request this evening. These folks need to talk to Mr. Tyler, who, I think is standing in the lobby, and can better answer your questions about which way the water runs?

Mr. Woodson - If you follow that creek that goes through this property, goes down to a, what do you call it? Not an easement – a conservation..(Comments unintelligible-not at microphone).

Mr. Theobald - C-1 Conservation area?

Mr. Woodson - (Comments unintelligible-not at microphone).

Mr. Taylor - We've looked at this. It just may be an observation that we've gone through with Mr. Tyler, who just happens to come in right now. So, Webb, Mr. Woodson had a question with his parcel which is somewhat to the north of the parcels we were working on, and he was concerned about whether a well and a septic system could be there, and what your forecast might be for Henrico County's water and sewer. You may know that better than anybody here.

Mr. Webb Tyler, Youngblood, Tyler & Associates - Mr. Taylor, for the record, my name is Webb Tyler. I'm with Youngblood, Tyler & Associates. I'm the engineer of the Twin Hickory project.

Presently, plans are approved, and under construction. A water line will be at the intersection of Shady Grove Road and Autumnwood intersection where Shady Grove actually turns to Twin Hickory Road, specifically, right there (referring to slide).

This road is going back in this direction (referring to slide), from "T" intersection right here, actually, a "cross" intersection. The water line will be extended at that point, right there – a 16-inch water main all along in this road called, "Twin Hickory Road."

At that point, and that will be in the ground, and have tentative acceptance probably sometime this summer. The water line then needs to be ultimately extended from Shady Grove Road to tie into Pouncey Tract Road, just slightly off the map. That is not under design, but I can only give you my opinion as to when that water line will be there. I would tell you, sometime in the next three years. Probably, sooner rather than later.

As far as sanitary sewer, sanitary sewer is under construction right now at both this point right here, as well as in here, and will be brought up to approximately this point here (referring to slide). And this area would then be brought across Mrs. Davis's property or down this line and could serve a small pocket of land in this general area that drains to this side of Shady Grove Road. However, the bulk of the area back in here drains down to what is called, Millrose Creek, and is not served in the same sewer system.

This sewer system runs to what is called, "Allen's Branch." So, they're in two separate drainage basins. This drainage basin over here does not have sewer. This drainage basin over here does have sewer. But, because a small portion of this land drains to this basin, it might be able to be sewerred, probably within the next few years.

Mr. Taylor - Thank you very much. Mr. Woodson, does that answer your questions somewhat?

Mr. Woodson - It sounds like, "Close, but no cigar to me." If it could be extended so that I could have access to it, I would have no objection.

Mr. Taylor - Well, I would suspect that, depending on your timetable for constructing on that property, in the interim, would it be reasonable that there's good water and perkable conditions for septic and well, in the interim, or if it waits to see if it would be able to connect to the municipal services?

Mr. Tyler - I can't speak about his individual well, and his drainfield. I know that existing houses out on his side of the road do have wells and drainfields. Some of those wells yield in different quantities of water. To me, it would seem, very logical that he could hook up to the County water very, very soon, if not, right away down at this point, right here.

As far as, County sewer, sewer is extended as development occurs. And, to my knowledge, Mrs. Beulah Davis, you all retaining this parcel right in here (referring to slide), does not—she lives right about where the dot is (referring to slide); does not desire to develop that property or sell it. And, so, in order to get sewer to his property, she would need to develop it, or sell it for development, for an alternative routing of sewer, such as up in this point, obtaining easements from her to allow that to occur, would then be able to accelerate the availability of sewer to his property sooner than what might be if it was done in a more progressive manner, in a sense that when she decided to develop her property.

Mr. Marlles - Mr. Taylor, if I could add a comment, too. I think as this area...however, I don't think the developer has any obligation to provide water and sewer to offsite property owners.

Mrs. O'Bannon - If I can add one thing to, as it comes closer, the cost to you would go down, because you would pay per foot to extend it. And, so, as the development comes closer to your location, the cost would go down obviously, because you'd have less distance you'd have to cover. The last time I checked, its \$15 a foot to bring it to your house. In other words, if he brings it, you know, an extra 2,000 feet, you don't have to pay for that.

Mr. Taylor - Does that answer your question?

Mr. Vanarsdall - Any other questions for Mr. Tyler?

Mr. Taylor - We'll be happy to work with you on this separate from this case at the right time. See me afterwards. We'll work it out. Let me make a motion then that, Mr.

the staff report, including limiting the height and intensity of lighting, and prohibiting certain uses that could have a negative impact. However, these new proffers do not change the fundamental issues for this case which are inconsistent with the 2010 Plan in the proximity of single-family residences.

Also, one issue we'd like to make the Commission aware of, the wording of the proffers would need to be changed because they are not in a correct legal format. The proffers are not written in sentence form. However, we feel that's a minor point that could be corrected between now and the Board of Supervisors.

In summary, staff does not support this request, and recommends it be denied. I'd be happy to answer any questions you may have.

Mr. Vanarsdall - Any questions for Mr. Bittner?

Mrs. O'Bannon - If I could just point out one thing, Horsepen is usually written as one word. Spelling error.

Mr. Bittner - I wasn't sure of that.

Mrs. O'Bannon - Sort of like "Three Chopt." They put three chops on the tree and there's a horse pen and now he's put it all together, so...

Mr. Marlles - Mr. Bittner, I do have a question. I do recall that we have had some previous rezoning cases on this side of Horsepen that also back up to the adjacent residential neighborhood that the staff, and I believe the Commission, have been concerned with, because of the impact on the residential neighborhood.

Mr. Bittner - Yes, we have. And you can see a B-1C property here (referring to slide), and a B-2C property directly to the east of the site in question. And, yes, there is concern. And the reason this area was designated as Office on the 2010 Plan was to serve as a transition from businesses on the north side of Horsepen, across the road, and eventually down to the single family residences here on the south side.

Mr. Marlles - Thank you, Mr. Bittner.

Mr. Vanarsdall - Any other questions for Mr. Bittner?

Ms. Dwyer - So, I guess, I think the question has still been raised, "How does your staff report reconcile the fact there is existing "B" zoning on this side of Horsepen?"

Mr. Bittner - We are certainly aware of that "B" zoning. It's not what we want to encourage an increase in, though. And, we felt that the existence of the previous "B" zoning could not sway our opinion enough, nor recommend additional business zoning in this area. We want to stick with the "Office" designations on the plan.

Ms. Dwyer - Did this "B" zoning precede the 2010 Land Use Plan?

Mr. Bittner - I believe it did. I believe it was in '88, '89, when the other two sites were zoned.

Ms. Dwyer - Okay. So, the Land Use Plan was an attempt to halt that precedent, and to really discontinue that precedent.

Mr. Bittner - Yes. I believe so.

Ms. Dwyer - Thank you.

Mr. Vanarsdall - I asked the same thing about the "B" part today. All right, any other questions? All right, Mr. Taylor.

Mr. Taylor - Do we want to hear from the applicant?

Mr. Vanarsdall - I think we should.

Ms. Dwyer - Was there opposition?

Mr. Ronald White - Mr. Chairman, members of the Planning Commission, my name is Ronald White. I'm here on behalf of Khanh Vu, in an effort to try to rezone the property to a very low intensity use. What the uses he's planning to put here are a family owned bakery, a barber shop, jewelery store, and a video store, or gift shop. And we've tried to speak to the issues raised in the Planning Staff's report by offering revised proffers in terms of limiting the height of site lighting, and providing reflector shrouds around the site lighting; directing them away from the adjacent residential uses. And, then, also make them low intensity in the rear of the lot. And the rest of the lighting would be actually attached to the building, light the site and aimed away from the adjacent residential areas. And we would also prohibit any uses that would create negative impacts on the adjacent neighborhood.

We wish to limit the hours of operation to the hours between 7:00 a.m. and 9:00 p.m. And we also want to provide an architectural design that visually reflects the scale of the surrounding offices and the residences in a more residential scale.

And we are also proffering additional trees along Horsepen Road in the proposed buffer area. And also in the staff report, there were issues raised relative to having a 10-foot transitional buffer is required between the office use and the business use. My client happens to have an easement stated on the deed that is held in common with the adjacent property owner, that is in the adjacent office. That, of course, is reflected in the site plan.

We feel we have a workable plan there. And, I say, it is low intensity. And, we feel we've tried our best to minimize the negative impacts on the adjacent residences. And, we feel that it would be an improvement, and a service to, not only the residential; obviously, customers there, but an

improvement to that particular piece of land, which, right now, is more or less a barren field of grass with a poured concrete slab on it. Are there any questions?

Mr. Taylor - Mr. White, having looked at that site myself, do you have an elevation, a picture with you of the site and the building, or does the staff have a picture?

Mr. Bittner - We've got a picture here of the stature on the site that may show you the information you're looking for.

Mr. Taylor - Now, I see, actually, that the statute in the site plan remains.

Mr. Bittner - Yes. And just to orient you, this is Horsepen Road (referring to slide) here along the left side of the picture, and the property extends from left to right.

Mr. Taylor - What is the building in the background? Is that a fire station?

Mr. Bittner - No. That's a Metro-County Bank.

Mr. Taylor - Oh. That's a bank. And then there is the open space, and then there is office space that's really in a normal dwelling-type house that's been converted to office space?

Mr. Bittner - I'm not sure. We could look at the aerial photograph.

Mr. Taylor - From my observation. And that's one up from this vacant space, was an office space where Norton Bowman, architectural space, a white frame house, probably vintage 40's, and then the road starts from there.

The difficulty, sir, if we allow this, we're just going to move commercial development in that neighborhood. And, then it will work its way up the street. That would be a concern that I would have. How does staff feel about this?

Mr. Bittner - We have the same concern. We don't want to see more business encroach on the single-family area.

Mr. Taylor - And that's reflected in our long-range plan?

Mr. Bittner - Yes. The designation here is Office.

Mr. Vanarsdall - And the Land Use Plan calls for office development?

Mr. Marlles - Yes sir.

Mr. Taylor - I think my view on this, we would prefer to stand with the existing configuration, and try to keep that open space as a buffer, and...

Mr. Marlles - Mr. Taylor, before you make a motion, I believe we need to ask if there is any opposition to the case.

Mr. Vanarsdall - There wasn't any.

Mr. Marlles - Okay.

Mr. Vanarsdall - If there are no more questions from Mr. Taylor, anybody else have any questions for Mr. White? All right, thank you, Mr. White.

Mr. Taylor - Mr. chairman, on the basis of the staff report, I would recommend that Case C-4C-00 with the proffers be denied.

Mr. Vanarsdall - Is there a second?

Mrs. Quesinberry seconded the motion.

Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). The motion is carried. It will be recommended to the Board for denial. Do you want to tell them when the Board time will be?

Mr. Marlles - The Board of Supervisors meeting is scheduled for March 14th, a Tuesday evening.

Mr. Vanarsdall - Thank you. All right, next case.

REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because it does not conform to the recommendation of the Land Use Plan nor the Plan's goals, objectives and policies; and it represents an increase in intensity which could influence future zoning and development of adjacent properties.

Deferred from the January 13, 2000 Meeting:

C-6C-00 Joe Williford for Ivystone Properties, Inc.: Request to conditionally rezone from R-2A One Family Residence District to R-5AC General Residence District (Conditional), Parcel 67-A-19, described as follows:

BEGINNING at a point on the northwestern corner of Lot 6, Block B, Section A, Raintree East Subdivision as described on a Plat dated June 2, 1980 and recorded June 25, 1980 in Plat Book 70, page 81, said point being on the southern right-of-way of Ridgefield Parkway; thence leaving the southern row line of S. 27°23'06" W. 262.32 to a point; thence N. 49° 24' 20" W. 3.87' to a point; thence N. 48° 54' 25" W. 926.28' to a point; thence N. 38° 03' 30" W. 100.89' to a point; said point being in the southern edge of the right-of-way of Ridgefield Parkway, thence S. 62° 36' 54" E. 995.43' to the place and point of beginning, containing 3.20 acres.

Mr. Marlles - The staff presentation will be given by Ms. Jo Ann Hunter.

Mr. Vanarsdall - Any one in the audience in opposition to this case? (Opposition was indicated). Thank you. All right, Mrs. Hunter.

Mrs. Hunter - The application would rezone 3.232 acres from R-2A One Family Residence District to R-5A General Residence District for the development of a zero lot line residential development. The applicant has indicated there would be groupings of two attached residential units.

The case was deferred by the Planning Commission at their January meeting in order to obtain additional information from the applicant. Staff has since met with the applicant. However, he had indicated that no additional information can be provided.

The site is a 3-acre triangular piece that is located across the street from Deep Run Park, and it is surrounded on two sides by Raintree Subdivision. There is a vacant B-1 parcel west of the site. Dawndeer Lane stubs into this property.

In 1988 conditional subdivision approval for six single family lots was granted for this parcel. Access to the proposed lot was from Dawndeer Lane. The conditional subdivision approval expired in 1990.

Since the property is small, awkwardly shaped and has steep topography, staff is concerned that not enough information has been provided to determine the impact of the proposed rezoning. Staff encourages the applicant to provide additional information, such as, the proposed density, location of access drive, and building design, so that the impact on the neighborhood can be determined.

From the information provided, it is very difficult to determine how this site will be developed. The existing R-2A zoning is consistent with the 2010 Land Use Plan. Staff does not support this proposal and would continue to recommend that the applicant provide additional information.

Mr. Vanarsdall - Are there any questions of Mrs. Hunter by Commission members? Thank you, Mrs. Hunter. Is the applicant here? Is the applicant here on this case?

Ms. Dwyer - He's not here, so, we'll just move along.

Mr. Vanarsdall - All right. Fine.

Mr. Taylor - He gave up on it too.

Mr. Vanarsdall - All right. We'll move along with the opposition.

Ms. Dwyer - I'm not sure that we need to hear from the opposition. If any one would like to speak briefly, you're welcome to do that. We have about 10 people here in opposition. Please come to the podium and I'll be happy to hear your questions.

Mr. Vanarsdall - Maybe you better be quiet while you're ahead.

Ms. Diane Martin - I've been standing outside. My feet hurt. I'm nobody to be messed with probably tonight.

Mrs. O'Bannon - If I could just make one comment. I can say that Mr. Williford has attempted to call me today, and I haven't had a chance to call him back. I don't know what his phone call was about.

Ms. Dwyer - He hasn't attempted to call me.

Ms. Martin - Mr. Chairman, ladies and gentlemen, my name is Diane Martin. I live, if you look at the piece of property, where the light is, (referring to slide). I am right here, which his property would back up within 10 feet of my line.

The lady next to me in the back, Mrs. Bowling, her property is right there (referring to slide). My concern is, that if the opposition is here, Mr. Williford is not here, will this be closed or will it be readdressed again, should he decide to come back and talk about this property in the future for this type of zoning?

Ms. Dwyer - Will what be closed?

Ms. Martin - When you say, of course, what you've said tonight. Excuse me, if I'm wrong. You say, "It's been denied. Is there any opposition? No. We deny this."

Ms. Dwyer - It hasn't been denied, yet.

Ms. Martin - It hasn't been denied. This is my concern. Now, with Mr. Williford not showing up, what will be your position, tonight, because the opposition is here, and we would like to have it denied?

Ms. Dwyer - Well, I'm going to go ahead and make a decision. I have to make a decision. We have to make a recommendation tonight, because we're out of time with the Commission. We need to move the case forward to the Board of Supervisors.

Ms. Martin - I would like to give the reason why I propose it to be denied. And there's a lot of people here for that. Because my property is here (referring to slide). I bought this property in 1986. During this time the water that stands in the back of that property, because of the property here that is so high, it drains down into that property. It has been quite a concern for me.

Since 1986, I have spent \$20,000 on my house. I've had an engineer look at it. He says it should never have passed zoning codes. The entire bottom of my house is now salt treated wood. I've spent \$5,000 on my land to get the drainage away. And it still has moss and water problems, drainage problems there now.

If you'll look at the drainage, they said there's downstream flooding problems. There have been for sometime. There's a pipe that goes under the street that comes from Deep Run Park, which brings

Ms. Martin - What your answer will be?

Ms. Dwyer - We will decide tonight.

Ms. Martin - You will decide it.

Ms. Dwyer - And when the Board hears it, they will decide that night, as well.

Mr. Marlles - Yes. This Commission makes a recommendation to the Board.

Ms. Martin - To the Board? Thank you so much for your time.

Mr. Vanarsdall - You will know in just a few minutes.

Ms. Dwyer - The Board makes the final decision. As far as some future proposals,
Mr. Williford could file another rezoning case. It cannot be substantially the same as this case for one year.

Ms. Martin - For a year?

Ms. Dwyer - In one year, he could file the same case. We may revisit this in the future.

Ms. Martin - May revisit this? In my understanding, 1990 is when this, something about the fact of the way it was zoned has expired in 1990.

Ms. Dwyer - No. The zoning doesn't change...

Ms. Martin - Doesn't change?

Ms. Dwyer - ...unless there's an act by the Board of Supervisors to change it. What expired was the subdivision plan.

Ms. Martin - Thank you very much.

Ms. Dwyer - Okay.

Mr. Vanarsdall - Thank you, Ms. Martin.

Ms. Dwyer - ...for coming.

Mr. Taylor - Mr. Chairman, I have a question, procedurally. If this land has standing water on it and it impacts adjoining houses, is there not some program we have within the County to look at that and do whatever we can to resolve the issue ourselves or the problem ourselves, or advise the owner of the situation and see what he can do? Because this is, and I have talked to Ms. Hunter about this, this wedged shaped parcel, we had difficulty with before, and its

very difficult to consider how it would be developed with great ease. It may just become an orphan piece of property that sits there and troubles its neighbors. It would seem to me there would be some program that we could have somebody in Public Works inspect it and see what ought to be done with the drainage so we didn't cause the neighbors a problem, and/or require that the owner take some kind of action to mitigate the damage for its owners.

Mr. Marlles - Mr. Taylor, it is required. There are storm drainage requirements. And it is within the purview of the Department of Public Works to review drainage associated with subdivision and development projects. So, it will be looked at by the Department of Public Works.

Mr. Taylor - That might help. That might help the neighbors?

Mrs. O'Bannon - No. By law, any piece of property, as its being developed, you can't allow more drainage off of it than is currently there. Unfortunately, its got some now. Public Works could come out and take a look and see if it is coming off the road, or something like that. But, by law, they can't allow more drainage. However, you say you have some anyway. So, it probably wouldn't...That's kind of a tough question, because he's going to be allowed to put something there. I mean, he owns the property, and he can put something there. But, by law, they would have to look at it, and you can't allow any more drainage off the property. So, that's why his Plan of Development would be real important on how it is developed. And that's why Public Works would review it and would make suggestions.

Mr. Taylor - So, we'll do something to solve the problem.

Mr. Marlles - Mr. Taylor, the Planning Commission is not going to solve that problem.

Ms. Martin - No. I don't think so. I was not going to bring this up tonight because I have not had a chance to talk Mrs. O'Bannon, but I do have a suggestion for that piece of property, and I don't think its fair to mention it without talking to Mrs. O'Bannon first.

Mr. Vanarsdall - Would you state your name again.

Ms. Martin - Diane Martin.

Mr. Vanarsdall - So, the lady back there can pick you up on the tape.

Mr. Marlles - Mrs. Martin, Mr. Silber, whose the Assistant Planning Director will be glad to talk to you out in the lobby about where you could go for some recourse on that problem.

Ms. Martin - Well, actually, the water problem I think is going to stay there, because to build that land up, I thank you're still (Comments unintelligible-microphone not working)...But I do think there is a use for that land.

Mrs. O'Bannon - Right now, its zoned R-2A. How many houses could go on that piece of land now as its zoned?

Ms. Dwyer - Probably about six.

Mrs. O'Bannon - Well, okay. That's your answer. He really wouldn't have to go through any zoning. He'd just have to get the plan approval, as I said, and then Public Works would look at it and tell them to aim the water in a certain direction.

Mr. Vanarsdall - (Comments unintelligible.)

Mrs. O'Bannon - Well, that's the whole point of the hearing today. As it is now, he could build six houses on it.

Ms. Martin - As now, he could build six houses. I've done some more research, but it was suggested by several people not to bring it up this evening, what could be done to that, because that was not the issue. It would have to be discussed with, Patricia O'Bannon, and some legislation passed, something could be done with this property. And there is legislation in the General Assembly now that may take care of this. That's a future issue on this piece of property.

Mrs. O'Bannon - What legislation is that?

Ms. Martin - If the State passes the legislation that's in now, the State could buy that piece of property for open space. The County could match it and give Mr. Williford his money and leave it as open land, wet, not worry about building it up, tearing it down. Because unless you've been out there, you have not seen the height of the back drop off where those houses are built. So, in order to fill that in, I mean, literally, you'd be over the top of my house and higher. So, there's some legislation that's in the General Assembly to be passed. They did suggest there is a "Open Land Law" they want to have, you know, where you don't build on it, and that's such a strange piece of property that, that could come under that law.

Mrs. O'Bannon - Well, I'm not familiar with that. I'll wait and see what the General Assembly does. But, as I said, even now, its R-2A.

Ms. Martin - Right. I knew that.

Mrs. O'Bannon - You know, you can't take away his property.

Ms. Martin - Oh no. I wouldn't want to take it away. I'd want to buy it from him, would be nice. Thank you.

Ms. Dwyer - Is there anyone else who feels a need to speak?

Mr. Vanarsdall - Ms. Dwyer.

Ms. Dwyer - Ms. Hunter and I met with Mr. Williford last week, seeking to obtain some more details on his proposal. And, he was unwilling to supplement his existing proffers. And he understands, I think, as a result of our meeting, what the County's position is and what my position is on this case.

This is a small site, awkwardly shaped, long, narrow, triangular shaped piece of property surrounded on two sides by existing residential development and Ridgefield. The site has steep slopes. It's below the grade of Ridgefield. There are downstream flooding problems. It's clearly an extreme challenge to develop.

As the residents seems to know, it's presently zoned for residential development, single family, and could be developed for, I guess, as best we can determine, up to six lots. That would not require any sort of rezoning to do that.

The drainage problems are there and they would be addressed by the Department of Public Works in the future if that does occur.

However, the case before us is a rezoning of this property. It's proposed to R-5AC. In my view its clearly an inappropriate development, particularly in light of the scaracity of information in the proffers.

The proffers fail to include enough conditions so that we can deem that this property will not have an adverse effect on the surrounding properties. He has failed to overcome his burden to demonstrate that this change in zoning would be appropriate, in light of the fact, the R5A goes against what is recommended in the Land Use Plan. So, I recommend that the Commission vote to recommend denial to the Board of Supervisors of Case C-6C-00.

Mr. Taylor seconded the motion.

Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mr. Taylor. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Ms. O'Bannnon abstained). The motion is carried.

Ms. Dwyer - This will come before the Board on March 14th?

Mr. Marlles - Yes ma'am.

Mr. Vanarsdall - March 14th. Thank you for coming.

REASON: Acting on a motion by Ms. Dwyer, seconded by Mr. Taylor, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because it does not conform to the recommendation of the Land Use Plan nor the Plan's goals, objectives and policies; and the applicant failed to meet his burden to show that the requested changes are in the best interests of the welfare and future of the community.

C-14C-00 **John C. Moore for Trammell Crow BTS, Inc.:** Request to amend proffered conditions accepted with rezoning case C-59C-94, on Parcel 90-6-A-2, containing .653 acres, located at the northwest intersection of Quioccasin Road and Starling Drive (Quioccasin Gardens Subdivision). The amendment is related to permitted uses and hours of operation on the property to allow a tire and auto center. The Land Use Plan recommends Commercial Concentration.

Mr. Marlles - The staff presentation will be given by Mr. Lee Householder.

Mr. Vanarsdall - Anyone in the audience in opposition to C-14C-00 Trammell-Crow?
Mr. Householder.

Mr. Householder - Thank you, Mr. Chairman. The subject request would amend the proffered conditions accepted with Rezoning Case C-54C-94 to allow for a tire and auto center. In particular, this facility would specialize in tires, lubrication, minor repairs, maintenance, and inspections. The business would be a Merchants Tire & Auto Center.

The subject property is zoned B-3C and pictured on your aerial (referring to slide). It's a vacant outparcel of the Quioccasin Station Shopping Center, which is currently zoned B-2C. It's got 160 feet of road frontage along Starling Drive.

The property directly to the south of the site is also zoned B-2, and where the cursor is (referring to slide), is currently occupied by an Exxon Station. To the east and north, adjacent to the subject property, there are parking areas and driveways for Quioccasin Station Shopping Center.

Ms. Dwyer - Excuse me, Mr. Householder. Did you say it was zoned B-2?

Mr. Householder - Yes. B-2C. I guess I meant to say, "C" for Quioccasin Station Shopping Center. And then I said the Exxon Station – I can show the zoning map. It's B-2 included in this area; B-2C for the Exxon also.

Approximately, 200 feet north of the site are the Gateway Apartments up here (referring to slide), and they are zoned R-6. Across Starling Drive to the east, the property is zoned O-2.

Overall, the subject parcel is located in an area of concentrated commercial activity, which includes the Regency Square Mall, which is to the south of the site.

The applicant has amended and added to the proffers submitted with this Case C-59C-94. This case amended the proffers from the original case, C-63C-89. The applicant has made the following amendments:

Proffer 1 changed the case to allow for automobile service station, and uses allowed in the B-1 District. This is with the exception of food service of for sale of alcoholic beverages.

Proffer 3 amended the case to decrease the hours of operation.

Proffer 4 was amended to specify that the architectural character be similar to what is shown on this exhibit here (referring to slide).

Exterior storage of related automobile supplies shall be enclosed in a brick structure, and the island along the internal drive will be landscaped with shrubbery. No automobile bays shall face Starling

Drive, and no loud speaker or address systems, or boom boxes, or other outdoor audible systems shall be installed and used at this facility.

We have been working with the applicant over the last several weeks to address remaining concerns of staff. We handed out proffers to you this evening that were submitted past the time limit. So, you would be required to waive the time limit requirement. I haven't had too much time to go over them, but they do address some of the concerns.

In Proffer 1 the applicant chose to also limit the retail sales of gasoline on the site. Proffer 6 was added for trash and exterior storage of automobile supplies. Supplies will be located in the southwest corner of the property. So, it got a more specific location. And Proffer 10 was added to require a landscaped buffer 15 feet in width, with one foot, which can be reserved as a retaining wall along the eastern line of the property along Starling Drive.

And there will also be a landscaped buffer 6-feet in width along the northern line of the subject property. They clarified the island landscaping, Proffer 11, where there would be islands along the internal drive along the western boundary of the property will be landscaped.

Overall, the remaining concern of staff was the noise that could possibly be generated by such a use. In particular, you associate, when you think of changing tires, you think of that lug wrench that makes that funny sound. We figured that would kind of maybe carry from the site. We spent a lot of time discussing this with the applicant. And, they've submitted a letter to me this evening, I have not handed it out to you, for a similar case, which I'll let the applicant speak to. It was, I think, in Chesapeake or Virginia Beach where residents were 100 feet from the site and they wrote saying the noise did not bother them. They were concerned about it at first, and they wrote saying they didn't notice it.

We also considered the fact there's considerable traffic volume on Quioccasin Road and Starling is a cut through over to Parham Road. And the noise created by traffic, in general, may kind of deaden the sounds that could carry from this facility. So, the noise was not addressed through the proffers.

Overall, we feel the proffers submitted are generally consistent with design standards of surrounding properties; commercial properties in the area. And, giving the commercial nature of these properties, we feel that an automobile service station is a reasonable use for the property. Therefore, we recommend approval of this request, and I'd be glad to take any questions that you may have.

Mr. Vanarsdall - All right, thank you. Any questions of Mr. Householder by Commission members?

Mr. Taylor - I have a comment. I think the elevation looks rather nice for that area.

Mr. Householder - Yes. I agree. They have a good product for that store. It's a nice rendering. It's nice to have for a zoning case. It's makes it easier...

Mr. Vanarsdall - Ms. Dwyer, we have no opposition. Do you want to hear from the applicant?

Ms. Dwyer - I would like the applicant to just come forward and summarize information relating to the noise issue.

Mr. Vanarsdall - Come on down.

Mr. John Moore - Good evening. My name is John Moore for the applicant.

Ms. Dwyer - Mr. Moore, I know you submitted some information on the noise question to staff and to me, but I wondered if you would briefly summarize the content of that information, and the response that you received from the owner of the apartment complex relating to the noise issue?

Mr. Moore - Mr. Alex Alexander owns the Gateway Apartments which are just north of the subject site. And I've met with him and he, frankly, is very pleased with what is going in here. We had an earlier case where we had proffered, I think, it was a dry cleaning and a restaurant or something like that, which was approved. But, he's very excited about this, and likes this. And unsolicited from me, he actually called Ms. Dwyer and indicated that he was not concerned about the noise.

And, just following up on the noise issue, Merchants Tire had a sound study done when they were looking at a site in Chesapeake. And I gave Ms. Dwyer and went over that with her, that particular sound study. And also the sound consultant actually updated that study.

And, basically, it all boils down to the fact that, with the Gateway Apartments being about 250 feet or 240 feet away, the ambient noise you're going to have from the street more than compensates for any possible noise it might be from the lug wrenches. Plus, and I have Mr. Paul Bodie, whose the local engineer, available, along with the regional manager for Merchants Tire, Mr. Charlie Yetter from the contract purchaser, in case there are any other questions that might be proposed. Does that answer your question?

Ms. Dwyer - Thank you. Yes.

Mr. Vanarsdall - All right, any questions for Mr. Moore? Thank you, Mr. Moore. All right, Ms. Dwyer.

Ms. Dwyer - Mr. Moore and I have talked many times over the phone in recent days. He's been good about getting information on the noise question, which was of concern to me. And I might mention, Mr. Secretary, it would be most helpful to me, and probably to other Planning Commissioners, if we had someone on staff who would be able to read and evaluate some of these noise reports that we get from audio engineers.

I mean I can look at it and say, “Well, I don’t think its comparable”, or make a lay person’s judgement on that. Because this is an issue that’s coming up more and more frequently, as we become more urbanized. And it would be very helpful, whether its in the Planning staff, or somewhere, if we already have an engineer on staff who could be trained. I would like to make that suggestion incidental to this case.

I’d like to thank Mr. Moore for working with me on that, and for making the additional amendments to the proffers that he and I had discussed. So, we were engaged in a good faith discussion on the proffers, so I have no problem in asking the Commission’s indulgence in waiving the time limit for Case C-14C-00.

Mrs. Quesinberry - Does that need a second?

Ms. Dwyer - Yes. It does.

Mrs. Quesinberry seconded the motion.

Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mrs. Quesinberry. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O’Bannon abstained). The motion carries.

Ms. Dwyer - As far as a motion on the case, this is a B-3C zoned parcel of land. We have proffered out a number of uses that are fairly undesirable. We have limited hours of operation. The proffers include an attractive building for the area. We have additional space for some nice landscaping along Starling Drive, as well as along the northern border of the property. I think, all things considered, it’s a good case, and I recommend the Commission recommend for approval C-14C-00 Trammell Crow BTS, Inc.

Mr. Archer seconded the motion.

Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mr. Archer. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O’Bannon abstained). The motion carries.

Mr. Taylor - I think, Mr. Chairman, that was seconded by Mr. Archer.

Mr. Vanarsdall - (Comments unintelligible.) Mr. Archer.

Mr. Taylor - I just wanted Mr. Archer to get the credit.

Mr. Archer - Thank you, Mr. Taylor.

Ms. Dwyer - I might just suggest for those who are here for the case that this will come before the Board next month. Thank you very much for being patient, listening to the State Fair, if you happened to catch any of that.

along the property's western boundary. This is a continuation of an existing proffer, which goes along the western boundary to protect the homes that are currently, and will remain along Hermitage Road.

Maximum building heights of one story. They've offered a conceptual layout. I believe it's in your packets. This is the conceptual layout that's been proffered (referring to slide). You can see the existing facility, and just to the left on the image is the alzheimer facility that's being proposed. And they've offered limitations on the parking lot lighting to lessen any impacts on surrounding properties.

The staff identified a number of issues in the staff report that necessitated additional consideration. The applicant has addressed these staff concerns in the revised proffer that was handed out to you this evening.

Those revisions were just received today, so a waiver of the time limit will be necessary, if those revisions are appropriate. Within the revisions, they addressed a fencing issue. Essentially, it would go along the three sides right around the new facility. It's actually shows up in the site plan. It's hard to see. You can see it on the corners, a little straight line with a hatch in it. They've proffered masonry dumpster enclosures and landscaping along the entrance along Hermitage Road.

Staff feels this is an appropriate use and the application is appropriate and we would support this application.

Mr. Vanarsdall - Any questions for Mr. Lawrence by Commission members?

Mr. Taylor - Mr. Chairman, I had one on the fence. That was Item 13 on the second amendment. I think on this one, I had talked to Mr. Theobald. That's an attractive fence, in keeping with the residential care standard.

Mr. Vanarsdall - Let's ask Mr. Theobald to come on down. (Comments unintelligible).

Mr. Taylor - I had talked to Mr. Theobald about it, but I didn't see the fence.

Mr. James W. Theobald - Mr. Chairman, ladies and gentlemen, I'm Jim Theobald, here on behalf of Manorcare Health Services. You're correct, Mr. Taylor. These are actual photos in the top here such as you see at the bottom, (referring to slide). This is a six-foot high board-on-board fence with a one foot lattice treatment at the top, very residential, as you can see, with the facility in scale. This is a stick-built fence, built onsite. This is not a prefab that you buy at the hardware store-type of deal. It is very heavy duty and sort of retains a bit of residential flare, if you will, providing maximum security for the residents. It enables them to circulate in a courtyard area. There are gardens, etc., which is very important to an alzheimers resident, while remaining in a safe and secure environment. I'd be happy to answer any other questions.

Mr. Taylor - I certainly agree its very nice. Thank you very much.

Mr. Theobald - You're quite welcome.

Ms. Dwyer - Mr. Theobald, is the fence going to be in what's considered the front yard?

Mr. Theobald - No ma'am. I can show, let's see the best thing – back of this way. This is the front of the building. This fence goes from this front corner of the building all the way, these three sides – I'm sorry. Up this way. This is a buffer over in here, up to this corner. And you see the walkways and the courtyards they've created that provide circular access within a confined area for the residents.

Ms. Dwyer - I couldn't tell on my plan.

Mr. Theobald - The little "x's" on here and that's why we clarified in text that we would provide a fence along those three sides to these front corners.

Ms. Dwyer - As long as you're there (referring to slide), I'm looking at your buffer ordinance; your buffer proffer. It's not an ordinance yet. You talk about the buffers shall remain in their natural state, and there are exceptions to that, you can add trees. You can add fencing. You could put easements in for utilities and remove dead and fallen growth.

You have a fair number exceptions to that natural state. You know, I know I've said this before. But the phrase, "natural state," has caused us so much trouble in the past, that I would like to recommend between now and the Board that term not be used for your benefit as well as ours.

Mr. Theobald - Fair enough.

Mrs. O'Bannon - You realize when it says, "naturally," you can't put a bird bath in, you can't cut down a tree if it's dead and it falls.

Mr. Theobald - That's why we reserved...

Ms. Dwyer - But there may be something that you may want to do that be prohibited because of that language.

Mr. Theobald - I appreciate that.

Ms. Dwyer - And, so what will the exterior of the building be, then?

Mr. Theobald - It will be brick on these ends and the front. And as you see the remaining three sides, as shown on the site plan, are substantially—This is a one-story structure, are hidden by the fence. And they're a hardiplank type of material or siding. They're not vinyl, I don't believe. They're not vinyl. This is the only façade that you really see. If you look at this elevation, you start to see that fence from off this front corner here on the rendering as well.

Mr. Vanarsdall - Any more questions by Commission members? Thank you.

Mr. Theobald - You're quite welcome.

Mr. Vanarsdall - First of all, we need to waive the time limit on today's proffers. I move that we waive the time limit on the proffers dated today, February 10, 2000.

Mrs. Quesinberry seconded the motion.

Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). The motion carries.

This is going to be a nice addition to Manorcare Health Services. It is a much needed Alzheimer's center. I recommend to the Board of Supervisors to approve C-15C-00.

Mr. Archer seconded the motion.

Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). The motion carries.

Mr. Marlles - Mr. Chairman, I would add, when I was in Roanoke, we had a Manorcare facility built very similar to this, and it was a real addition to the surrounding neighborhood. So, I can personally vouch for this.

Mr. Vanarsdall - Good. Thank you.

REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **accept the proffered conditions and grant** the request because it continues a form of zoning consistent with the area; and the proffered conditions will provide appropriate quality assurances not otherwise available.

Mr. Marlles - Mr. Chairman, it is that time of year when the County Manager makes his presentation on the Capital Improvements Program. Staff is recommending that we schedule the public hearing for the 2000-2001 Capital Improvements Program, actually, that Capital Improvement Program runs from 2000-2001 to 2004-2005, for March 9, 2000 at 6:15 p.m.

Mr. Vanarsdall - All right. Thank you. Do you have any problem with that? Mr. Archer, Mrs. Quesinberry?

Ms. Dwyer - No.

Mr. Archer - No.

Mrs. Quesinberry - No.

Mr. Taylor - No.

Mr. Vanarsdall - Do we need a motion for that?

Mr. Marlles - Yes. We do to schedule a public hearing.

Mr. Archer - Mr. Chairman, I move we set the public hearing for the CIP on March 9, 2000 at 6:15 p.m.

Mr. Taylor seconded the motion.

Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mr. Taylor. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). The motion carries. March 9, 2000 at 6:15 p.m. I think most of us have been through this, except Mr. Taylor. So, I'll just bring you up to date very briefly. Everybody comes, all the department heads, Mr. Hazelett is more than likely the MC. If you have a question, say, on schools,...they ask the Director of Schools to come down...

Mr. Vanarsdall - The book is this thick – indicating about 12 inches. You go through it and line things to ask...Now, we need to approve the minutes if anybody's read them.

Acting on a motion by Ms. Dwyer, seconded by Mrs. Quesinberry, the Zoning Minutes of January 13, 2000 were approved as corrected.

Acting on a motion by Mr. Archer, seconded by Mr. Taylor, the Planning Commission adjourned its meeting at 10:07 p.m. on February 10, 2000.

Ernest B. Vanarsdall, C.P.C., Chairman

John R. Marlles, AICP, Secretary