

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia, held in  
2 the Board Room of the County Administration Building, Parham and Hungary Spring Roads at  
3 7:00 p.m. on February 14, 2002, Display Notice having been published in the Richmond Times-  
4 Dispatch on January 24, 2002 and January 31, 2002.

5  
6 Members Present: Allen J. Taylor, C.P.C., Chairperson, Three Chopt  
7 Eugene Jernigan, Vice Chairperson, Varina  
8 Ernest B. Vanarsdall, C.P.C., Brookland  
9 C. W. Archer, C.P.C., Fairfield  
10 Lisa Ware, Tuckahoe  
11 Frank J. Thornton, Board of Supervisors, Fairfield  
12 John R. Marlles, AICP, Secretary, Director of Planning  
13

14 Others Present: Randall R. Silber, Assistant Director of Planning  
15 David D. O'Kelly, Principal Planner  
16 Lee Householder, County Planner  
17 Mark Bittner, County Planner  
18 Thomas M. W. Coleman, County Planner  
19 Debra Ripley, Recording Secretary  
20

21 Mr. Taylor - The February Planning Commission will come to order and I  
22 want to start out by wishing everybody a Happy Valentine's Day, and I will return the meeting  
23 over to our Director.  
24

25 Mr. Marlles - Thank you, Mr. Chairman. Good evening, ladies and gentlemen.  
26 Mr. Chairman, we have a full Commission here tonight so we can conduct business. The first  
27 item on the agenda is request for withdrawals and deferrals. We do have quite a few  
28 withdrawals to cover this evening and a few deferrals. Mr. Bittner will revise those. Mr. Bittner.  
29

30 Mr. Bittner - Thank you, Mr. Marlles. The first case for deferral request is P-  
31 21-01, at the bottom on Page 1 on the Agenda.  
32

33 **Deferred from the January 10, 2002 Meeting:**

34 **P-21-01 Sprint PCS:** Request for a provisional use permit under Sections 24-95(a) and  
35 24-122.1 of Chapter 24 of the County Code in order to construct and operate a 135'  
36 communication tower and related equipment on part of Parcel 100-A-65 (753-740-8228) (8611  
37 Henrico Avenue), containing 851 square feet, located at the southeast intersection of Henrico  
38 Avenue and Ridge Road. The existing zoning is R-3 One Family Residence District. The Land Use  
39 Plan recommends Government.  
40

41 Mr. Bittner - The deferral request is for one month to March 14, 2002.  
42

43 Ms. Ware - I move for the deferral of P-21-01 until March 14, 2002 at the  
44 applicant's request.  
45

46 Mr. Jernigan - Second.  
47

48 Mr. Taylor - We have a motion made by Ms. Ware and seconded by Mr.  
49 Jernigan. All in favor say aye. All opposed say no. The motion carries.  
50

51 At the applicant's request, the Planning Commission deferred P-21-01, Spring PCS, to its meeting  
52 on March 14, 2002. Mr. Thornton abstained.  
53

54 **Deferred from the January 10, 2002 Meeting:**  
55 **P-1-02 Wes Blatter for VoiceStream Wireless:** Request for a provisional use permit  
56 under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct  
57 and operate a 175 foot telecommunications tower and related equipment on part of Parcel 88-A-  
58 28 (736-743-5917), containing 2,500 square feet, located approximately 150 feet to the rear of  
59 (west of) the Merchant Square Shopping Center along Westbriar Drive. The existing zoning is C-1  
60 Conservation District. The Land Use Plan recommends Open Space/Recreation.

61  
62 Mr. Bittner - This case has been withdrawn and no action is required of the  
63 Commission.

64  
65 Actually, that will be my spiel for the next three cases as well.

66  
67 **Deferred from the October 11, 2001 Meeting:**  
68 **P-14-01 VoiceStream Wireless:** Request for a provisional use permit under Sections  
69 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and operate a 195'  
70 telecommunications tower and related equipment on part of Parcel 165-A-74A (838-717-3044),  
71 containing 10,000 square feet (0.223 acre) located on the east side of Drybridge Court, west side  
72 of I-295, and north side of the Southern Railroad right-of-way. The existing zoning is A-1  
73 Agricultural District. The Land Use Plan recommends Planned Industry. The site is also in the  
74 Airport Safety Overlay District.

75  
76 Mr. Bittner - Again, this case has been withdrawn and no action is required.

77  
78 **Deferred from the October 11, 2001 Meeting:**  
79 **P-15-01 VoiceStream Wireless:** Request for a provisional use permit under Sections  
80 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and operate a 138'  
81 telecommunications tower and related equipment on part of Parcel 206-A-43 (830-699-2850),  
82 containing 2,500 square feet (0.057 acre), located at the southeast intersection of I-295 and  
83 Charles City Place (4029 Charles City Place). The existing zoning is A-1 Agricultural District. The  
84 Land Use Plan recommends Rural Residential, up to 1.0 units net density per acre. The site is  
85 also in the Airport Safety Overlay District.

86  
87 Mr. Bittner - Again, this is a withdrawal and no action is required.

88  
89 **Deferred from the October 11, 2001 Meeting:**  
90 **P-16-01 VoiceStream Wireless:** Request for a provisional use permit under Sections  
91 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and operate a 195'  
92 telecommunications tower and related equipment on part of Parcel 277-A-7 (820-671-3920),  
93 containing 10,000 square feet (0.223 acre), located on the south side of Old Varina Road near  
94 the southeast intersection of I-295 and Varina Road. The existing zoning is A-1 Agricultural  
95 District. The Land Use Plan recommends Prime Agriculture. The site is also in the Airport Safety  
96 Overlay District.

97  
98 Mr. Bittner - Again, VoiceStream Wireless, and this is a withdrawal and no  
99 action is required by the Commission.

100  
101  
102 **Deferred from the January 10, 2002 Meeting:**  
103 **P-19-01 Wes Blatter for VoiceStream Wireless:** Request for a provisional use permit  
104 under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct  
105 and operate a 165' telecommunications tower and related equipment on part of Parcel 191-A-17  
106 (799-702-8496), containing 10,000 square feet (0.223 acre) located at 6535 Barksdale Road

107 approximately 1,200 feet north of Kukymuth Road. The existing zoning is A-1 Agricultural  
108 District. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per  
109 acre.

110  
111 Mr. Bittner - This is a deferral request to March 14, 2002.

112  
113 Mr. Taylor - A motion would be in order by Mr. Jernigan.

114  
115 Mr. Jernigan - Mr. Chairman, I make a motion to defer Provisional Use Permit  
116 Case P-19-01 to March 14, 2002, at the request of the applicant.

117  
118 Mr. Vanarsdall - Second.

119  
120 Mr. Taylor - We have a motion by Mr. Jernigan and second by Mr.  
121 Vanarsdall. All in favor say aye. All opposed say no. The motion carries. Mr. Thornton  
122 abstained.

123  
124 At the applicant's request, the Planning Commission deferred Case P-19-01, Wes Blatter for  
125 VoiceStream Wireless, to its meeting on March 14, 2002.

126  
127 **C-58C-01 Andrew M. Condlin for Martin J. Bannister/Luke O. Bannister, Sr.:**  
128 Request to amend proffered conditions accepted with rezoning case C-74C-98, on part of Parcel  
129 140-A-45 (805-725-9880), containing approximately 7.77 acres, located on the east line of  
130 Creighton Road approximately 1,600 feet northeast of Caddie Lane. The amendment is related  
131 to Proffer 9, home frontage on Creighton Road and landscape buffers. The Land Use Plan  
132 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental  
133 Protection Area. Part of the site is also in the Airport Safety Overlay District.

134  
135 Mr. Bittner - This deferral request is for two months to April 11, 2002.

136  
137 Mr. Taylor - A motion, Mr. Jernigan?

138  
139 Mr. Jernigan - Mr. Chairman, I make a motion to defer Case C-58C-01 to April  
140 11, 2002 at the request of the applicant.

141  
142 Mr. Vanarsdall - Second.

143  
144 Mr. Taylor - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in  
145 favor say aye. All opposed say no. The ayes have it. The motion carries. Mr. Thornton  
146 abstained.

147  
148 **Deferred from the December 13, 2001 Meeting:**

149 **C-65C-01 Robert L. Stout for Roberta J. Holt:** Request to conditionally rezone from A-1  
150 Agricultural District to R-3C One Family Residence District, part of Parcel 192-A-5 (805-705-  
151 6565), containing approximately 3.9 acres, located on the south line of Old Oakland Road  
152 approximately 190 feet west of Oakvale Street. A single-family residential subdivision is  
153 proposed. The applicant proffers no more than four (4) residential lots will be developed on the  
154 property. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4, units net density  
155 per acre.

156  
157 Mr. Bittner - This case has been withdrawn. No action is required.

158  
159

160 Deferred from the January 10, 2002 Meeting:  
161 **C-3-02 E. Montgomery Thomson:** Request to rezone from A-1 Agricultural District to  
162 M-1 Light Industrial District, Parcel 172-2-1-4B (812-712-0438) (1.0 acre) and part of Parcel 172-  
163 A-5 (811-712-7547) (7.9 acres), containing 8.9 acres, located approximately 75 feet west of  
164 Brighton Road, 500 feet north of Charles City Road, and approximately 655 feet west of the  
165 intersection of Klockner and Sarellen Roads. A Light Industrial facility is proposed. The use will  
166 be controlled by zoning ordinance regulations. The Land Use Plan recommends Planned  
167 Industrial. The site is also in the Airport Safety Overlay District.  
168  
169 Mr. Bittner - This case has been withdrawn and no action is required by the  
170 Commission.  
171  
172 **C-10C-02 Robert M. Attack:** Request to conditionally rezone from R-2AC One Family  
173 Residence District (Conditional) to R-5AC General Residence District (Conditional), Parcel 50-A-  
174 20A (763-761-9181) and part of Parcel 40-A-24A (766-762-1042), containing 55.755 acres,  
175 located between the Brittany and Courtney subdivisions at the intersection of Staples Mill Road  
176 (State Route 33) and Attems Way and on the north line of Hungary Road approximately 900 feet  
177 east of its intersection with Walton Farms Drive. A single-family residential subdivision is  
178 proposed. The applicant proffers a minimum lot size of 6,000 square feet. The use will be  
179 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
180 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.  
181  
182 Mr. Bittner - This deferral request is for one month to March 14, 2002.  
183  
184 Mr. Taylor - Motion by Mr. Vanarsdall.  
185  
186 Mr. Vanarsdall - I move that Case C-10C-02, Robert M. Attack, be deferred at the  
187 applicant's request to March 14, 2002.  
188  
189 Mr. Archer - Second.  
190  
191 Mr. Vanarsdall - Mr. Chairman, may I say something?  
192  
193 Mr. Taylor - Please do.  
194  
195 Mr. Vanarsdall - There are some residents here tonight about this case. I want  
196 to let you all know that Mr. Attack deferred this case and he is going to have a meeting of  
197 everyone, Brittany and Dove Hollow together, and anyone else over there that is involved in this  
198 case, and he will announce when that will be and let you all, and call and ask you when you want  
199 to have it. I will be out of town until the 26<sup>th</sup>. He called me today and I asked him to not wait  
200 until I got back, to go ahead and schedule it, or the night of the 26<sup>th</sup> if he wanted to. So, I just  
201 wanted you to know that. Mr. Householder talked to him yesterday and thought it would be a  
202 better idea to have it, because a lot of proffers have been changed for the better of the case,  
203 and it would have been unfair to you all to have had to absorb it tonight, look at it and so forth.  
204 So, everything came together and we are very glad to defer it.  
205  
206 Mr. Taylor - Thank you very much, Mr. Vanarsdall. Are there any questions  
207 or comments?  
208  
209 Is there any opposition to the deferral of this request? Motion made by Mr. Vanarsdall and  
210 seconded by Mr. Archer. All in favor say aye. All opposed say no. The motion carries. Mr.  
211 Thornton abstained.  
212

213 At the request of the applicant, the Planning Commission deferred Case C-10C-02, Robert M.  
214 Atack to its meeting on March 14, 2002.

215  
216 Mr. Marlles - Mr. Chairman, the next item on the agenda is request for  
217 expedited items. Those will also be handled by Mr. Bittner.

218  
219 Mr. Taylor - Mr. Bittner, thank you very much.

220

221 **Deferred from the January 10, 2002 Meeting:**

222 **C-1C-02 Henry A. Shield:** Request to amend proffered conditions accepted with  
223 rezoning case C-72C-89, on Parcels 99-14-A-2 (745-739-0596), 9 (744-739-8744), 29 (744-739-  
224 0693), 38 (744-740-7611), and 22 (744-739-1642), containing 2.9 acres, located south of  
225 Derbyshire Road in the Gaslight Subdivision at 9504 Gaslight Court; 9600 Gaslight Place; 9632  
226 Gaslight Place; 516 Gaslight Drive; and 412 Gaslight Terrace. The amendment is related to the  
227 types of roofing materials allowed. The property is zoned R-2C One Family Residence District  
228 (Conditional). The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net  
229 density per acre.

230

231 Mr. Bittner - The request is to allow a change in the permitted roofing material.

232

233 Ms. Ware - We have with this case an excellent opportunity to get the rest of  
234 this neighborhood on this proffer amendment and, hopefully, put this matter to rest on the roofing  
235 material. Mr. Shield, the applicant, agrees with this, so I move that Case C-1C-02 be deferred to  
236 the March 14, 2002 meeting, at the Commission's request.

237

238 Mr. Vanarsdall - Second.

239

240 Mr. Taylor - We have a motion by Ms. Ware and second by Mr. Vanarsdall. Is  
241 there any opposition to this being on the expedited agenda?

242

243 Mr. Bittner - The motion was for deferral.

244

245 Mr. Taylor - I am sorry, being deferred. All in favor of deferral of C-1C-02  
246 say aye. All opposed say no. The motion carries. Mr. Thornton abstained.

247

248 The Planning Commission deferred Case C-1C-02, Henry A. Shield, to its meeting on March 14,  
249 2002.

250

251 **Deferred from the January 10, 2002 Meeting:**

252 **C-2C-02 Charles W. Tiller for LLC Capitol City Properties:** Request to conditionally  
253 rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel  
254 57-A-3 (741-756-4435), containing 5.236 acres, located on the south line of Church Road at its  
255 intersection with Oak Point Lane. A single-family residential subdivision is proposed. The R-2A  
256 District allows a minimum lot size of 13,500 square feet. The use will be controlled by proffered  
257 conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban  
258 Residential 1, 1.0 to 2.4 units net density per acre.

259

260 Mr. Bittner - A single-family residential subdivision is requested.

261

262 Ms. Ware - The applicant in this case has addressed the staff's concerns of  
263 the dedication of the widening of Church Road and the buffer, as well as foundation and material  
264 concerns. I just want to say it has been a pleasure to work with Carolyn Browder and Rusty

265 Ziegler and I look forward to working with you again in the near future, and with that, I move  
266 that we approve C-2C-02 on the expedited agenda.

267

268 Mr. Vanarsdall - Second.

269

270 Mr. Taylor - Thank you, Ms. Ware. Motion is made and seconded. Before the  
271 vote, is there anybody opposed to approving this on the expedited agenda? All in favor of  
272 approving C-2C-02 on the expedited agenda say aye. All opposed say no. The motion carries.

273

274 REASON: Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning  
275 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
276 request because it continues a similar level of single-family residential zoning as currently exists  
277 in the area.

278

279 Mr. Taylor - I believe that is it for the expedited agenda.

280

281 Mr. Marlles - Yes, sir.

282

283 **C-8C-02 Foster & Miller for Virginia Classic Homes:** Request to conditionally rezone  
284 from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 58-A-  
285 25 (753-756-8642), containing approximately 8.4 acres, located on the east line of Pemberton  
286 Road approximately 300 feet south of its intersection with Mayland Drive. Residential  
287 townhouses are proposed. The applicant proffers to develop no more than 62 units on the  
288 property. The use will be controlled by proffered conditions and zoning ordinance regulations.  
289 The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

290

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

292

293 Mr. Bittner - Thank you, Mr. Marlles. This proposal would rezone 8.4 acres  
294 from A-1 to RTHC for the development of residential townhouses. The site is on the east line of  
295 Pemberton Road approximately 300' south of its intersection with Mayland Drive.

296

297 The proffers limit the total number of units to 62, which results in a density of 7.4 units per acre.  
298 This is above the recommended SR2 density range for the property and close to the 7.5 density  
299 approved for the future Bartley Pond townhouses to the north (referring to rendering).

300

301 Staff feels that townhouse development could be acceptable on this property. However, a  
302 density somewhat significantly lower than Bartley Pond should be established to create a  
303 transition between it and single-family development to the south. Staff recommends a density  
304 close to 6.8 units per acre.

305

306 The applicant has submitted, but not proffered, a conceptual layout plan for the site that is  
307 arranged in a dense linear fashion. There it is (referring to rendering). Staff suggests the  
308 applicant consider laying out the site in a more curved manner. Long rows of similar buildings  
309 can create an unattractive visual monotony.

310

311 Residential units should also not be located directly in front of any adjacent stub road, such as  
312 Ceres Road or roads in the new Andover Hills subdivision. Staff is not encouraging connection  
313 with these stub roads because of the different natures of these developments.

314

315 Staff also suggests that residential units not be located so close to the Pemberton Road entrance.  
316 The applicant should also consider enhanced landscaping at this entrance to improve the

317 aesthetic character of the development. Privacy fencing for units backing up to Pemberton Road  
318 should also be considered.  
319  
320 A proffered building elevation shows a design with Colonial-style elements. While not  
321 unattractive, this design is a common one seen on other townhouse developments in Henrico  
322 County.  
323  
324 Staff is encouraging the applicant to provide a higher-quality and more original design for these  
325 townhouses. The applicant could consider some design elements, such as more brick, full  
326 dormer windows, and varying doorway and window designs.  
327  
328 In summary, the proposed zoning is not consistent with the SR2 designation of this property, but  
329 townhouses could be an appropriate use for this property. The current proffers provide several  
330 positive items. However, there are some outstanding issues that should be addressed. If the  
331 applicant were to address these issues, staff could recommend approval of this application. I'd  
332 be happy to answer any questions you may have.  
333  
334 Mr. Taylor - Thank you very much, Mr. Bittner. Are there any questions from  
335 the Commission?  
336  
337 Mr. Jernigan - Mr. Bittner, what did they proffer as the density?  
338  
339 Mr. Bittner - 7.4 is currently proffered, 62 units. The applicant has also  
340 approached us with the possibility of doing seven units an acre, but staff's recommendation, as I  
341 outlined is around 6.8, somewhat lower than that.  
342  
343 Mr. Jernigan - How many units difference would it be between 6.8 and 7.4?  
344  
345 Mr. Bittner - Two or three.  
346  
347 Mr. Taylor - Any other questions for the Commission?  
348  
349 Mr. Archer - Mr. Bittner, you did say that this concept plan was not proffered.  
350 Is that correct?  
351  
352 Mr. Bittner - Correct.  
353  
354 Mr. Taylor - Any other questions from the Commission?  
355  
356 Ms. Ware - Have any of the other issues been addressed that were in the  
357 staff report?  
358  
359 Mr. Bittner - No new proffers have been submitted to us, so technically, no.  
360 Those issues in the staff report have not been addressed, although the applicant has expressed a  
361 willingness to do and consider several of the items in the staff report, but no new proffers have  
362 come in.  
363  
364 Ms. Ware - You have no proffers on all of these concerns?  
365  
366 Mr. Bittner - Correct.  
367  
368 Mr. Taylor - I guess at this time, would the applicant like to provide some  
369 comments? Thank you very much, Mr. Bittner.

370

371 Mr. Mistr - I am Spud Mistr with Foster and Miller, representing the  
372 developer. We have reviewed the staff comments and we are in agreement with most of them.  
373 Some of the proffer changes they requested are cosmetic and it is the wording in the proffers,  
374 and I would point out that the proffers that they requested changing are the verbatim identical  
375 proffers for those used in Bartley Pond, and we assumed would still be acceptable, and were  
376 accepted by the Commission and the Board. The architecture we have proffered is Colonial style.  
377 I understand from Ryan Homes that this is a new unit to the Richmond area, and this particular  
378 design has never been built in Richmond or Henrico County. There may be things, units that are  
379 similar, but they are not identical. We don't intend to be identical to Bartley Pond, which I  
380 believe is all brick buildings, which give a more institutional look than we would like to present  
381 here. We will be willing to work with staff on the design of the buildings. Some of things about  
382 the stub road and the layout they suggested, they suggested a curvy layout; we just haven't had  
383 time to do a different layout and see the number of units we can get. The problem with the  
384 density is the contact with the seller requires 7 units per acre or the contract does not have to go  
385 forward. The different in 6.8 and 7 is one unit. At 6.8 we would get 57.1 units, and at 7 units  
386 per acre we'd get 58. The applicants are willing to accept 58 if we could put not a density but 58  
387 units as opposed to the 62. Otherwise, they will have to go back and decide whether they can  
388 go forward with the contract and whether concessions can be made by other people, and we  
389 haven't had time to do that since the staff report came out. We would certainly be willing to do  
390 that between now and the Board meeting, whatever your pleasure is.

391

392 Mr. Marlles - Mr. Mistr, I just want to emphasize the concern that staff does  
393 have with the current density on the site. We recognize the sellers are looking for a certain  
394 price. I do think that is something that you do need to bring back to the sellers, that there is  
395 significant concern with the current density.

396

397 Mr. Mistr - I think we can do that, but I don't think it is a substantial  
398 difference as to 57 or 58 units on the property, but it does make a difference in the viability of  
399 the project.

400

401 Mr. Taylor - Are there any comments from the members of the Commission?

402

403 Mr. Jernigan - How about the curving changes that staff recommends that this  
404 not be laid out in a straight line.

405

406 Mr. Mistr - Well, it is the Planning staff recommended a curvy layout. The  
407 Police Department more or less recommended straight lines to get more visibility for safety, so I  
408 don't know where we draw the line between what the police want and what Planning staff wants,  
409 but we are certainly willing to sit down with them and look at alternative layouts, too, to try to  
410 accomplish this.

411

412 Ms. Ware - What about the location close to Pemberton Road entrance?

413

414 Mr. Mistr - I believe we can move those units. We did proffer a 25-foot  
415 buffer and that the setbacks would be in addition to the buffer. I am not sure how many feet it  
416 would be shifting, but I don't see where that is going to be a problem to accomplish that.

417

418 Mr. Marlles - Mr. Chairman, I would just remind the Commission that, I am  
419 sure they do recall that over the past couple of years we've gone through a process of  
420 developing multifamily design guidelines and emphasizing the importance of good design with  
421 multifamily developments, and I am sure that Mr. Mistr is aware of those guidelines and will be  
422 looking at those as he goes back and redesigns this project.



423  
424 Mr. Mistr - We are certainly trying to meet them to the fullest extent  
425 possible.  
426  
427 Mr. Archer - Mr. Mistr, I was going to ask, you indicated that this is a new  
428 prototype for Ryan. Can you tell us briefly what some of the unique features are?  
429  
430 Mr. Mistr - Yes. Kenny Monacher will Ryan is here. He could probably  
431 address that better than I could.  
432  
433 Mr. Jernigan - What is your name?  
434  
435 Mr. Kenny Monacher- My name is Kenny Monacher and I am with Ryan Homes. We,  
436 the first time that you all will see this product in Richmond is actually, it hasn't happened yet, but  
437 Hunton Park Townhouses is where we are first building this product. It is a 22 foot-wide product  
438 off of Staples Mill Road. We think it is going to be a dynamite project, so this would only be the  
439 second time this particular elevation has been seen. The reason we like it is because it doesn't,  
440 as I think Spud mentioned, it doesn't look institutional with just brick and looks like a school or  
441 office building or something like that, but it does have some unique things in the full-covered  
442 porches and some other design elements that I think are much different from what you have  
443 seen in the past that we have done. We are really proud of this product and we think it is going  
444 to do very well in this location. I think it actually fits better there than in a lot of places in  
445 Richmond. Hunton is going to be, I guess, the test case, and if Hunton is any indicator of how  
446 the public is taking to the product, it is very strong. The sales there are very brisk. We haven't  
447 even built the first unit yet and I want to say that we have sold almost 20, and I think that is an  
448 indicator that the customer certainly appreciates the style and the look.  
449  
450 Mr. Archer - So you would say then that the styling is the most unique  
451 feature or the internal features?  
452  
453 Mr. Monacher - It is actually, I am sure you've familiar with Lakeland Townes,  
454 Pemberton Oaks, things like that. It is a product that we did very well for a long time over the  
455 years and what we do is we went back and tweaked it, quite a bit actually, and gave it some  
456 additional things on the interior, but really on the exteriors where it is most noticeable you really  
457 can't put this product up against the Lakeland Townes product and see that it is the same  
458 product. It is two feet wider and it is a bigger product, but it is does look different, and I think  
459 what really adds to it is that we can throw as much brick on there as people want, but  
460 unfortunately they don't really want it, and that is what we are finding, and I don't want to get  
461 into a cost thing, but it is a higher cost to the customer and that is certainly going to drive sales a  
462 little bit, but the nice thing about it is that it does have, I think, a very good mix of Colonial with  
463 the porches and things like that, but also with an appropriate amount of brick, and I don't  
464 remember if we were saying we could proffer a certain amount of brick, but certainly I want to  
465 say that what is – and we could certainly do the gable ends and things like that to jazz it up a  
466 little bit as far as up against roads and things like that, where people see it. But, I think if you  
467 take that product and put all brick on it, it is just going to detract from it, and that is taste, I am  
468 sure, but it is doing very well the way it is right now, and we think that location is ideal for this  
469 product, especially going against, going next to I think a very attractive looking product in Bartley  
470 Pond.  
471  
472 Ms. Ware - Where did you say it was doing well right now?  
473  
474 Mr. Monacher - Hunton Park. It is off of Staples Mill Road over near I-295.  
475

476 Mr. Taylor - Are there any other questions from the Commission?  
477  
478 Mr. Jernigan - Mr. Monacher, what is the sound suppression factor on this?  
479  
480 Mr. Monacher Well, I understand we have had to bump that now to 55. That  
481 is not what our preference would have been. Need me for anything else?  
482  
483 Mr. Vanarsdall - Mr. Chairman, is there any opposition to this case?  
484  
485 Mr. Taylor - I haven't yet asked, Mr. Vanarsdall, but one hand just went up,  
486 so we will finish with Mr. Minzer and then we will see if there is opposition. Do you have any  
487 further comments?  
488  
489 Mr. Vanarsdall - I would like to ask Mr. Bittner a question. Mr. Bittner, I must  
490 have missed this, but did you recommend this tonight?  
491  
492 Mr. Bittner - No. We had some outstanding issues which I laid out.  
493  
494 Mr. Vanarsdall - The same issues they had when this came out.  
495  
496 Mr. Bittner - Right. No new information.  
497  
498 Mr. Vanarsdall - Did the applicant read this?  
499  
500 Mr. Bittner - As far as I know he did.  
501  
502 Mr. Vanarsdall - Did he get back with you and try to make it right.  
503  
504 Mr. Bittner - We have had some discussions this week, but no new proffers  
505 have come in.  
506  
507 Mr. Vanarsdall - Thank you. I don't have any more questions, Mr. Chairman.  
508  
509 Mr. Taylor - All right. Thank you, Mr. Vanarsdall. We will go back to the  
510 opposition. Is there any opposition to this project? Would you please come to the podium, sir,  
511 and give your name for the record, and we'd be happy to hear you, and Mr. Director will describe  
512 the rules.  
513  
514 Mr. Marlles - Sir, when there is opposition to the case, it is the policy of the  
515 Commission to grant 10 minutes to the applicant to present his case and 10 minutes to the  
516 opponent, so I will let you know when you get down to your time limit.  
517  
518 Mr. Horace L. Herndon - Thank you sir. I don't believe I will need the whole 10 minutes.  
519  
520 Mr. Jernigan - What is your name again, sir?  
521  
522 Mr. Herndon - My name is Horace L. Herndon. I am resident of Andover Hills  
523 Subdivision. I have lived in that subdivision for the past 38 years. I am here tonight as a  
524 representative of Andover Hills Subdivision. The residents of the Andover Hills Subdivision are  
525 very concerned about the density of this new development. First, we do not feel that we need  
526 any more apartments, any more condominiums, any more townhouses, in the west end of  
527 Henrico County. The area cannot take the traffic. I moved to that area 45 years ago.  
528 Pemberton Road has had little to no improvements in that past 45 years. The only

529 improvements that I have seen are improvements that have been made by developers as they  
530 built more and more apartment complexes and townhouses and condominiums. However, I am  
531 here tonight to ask for a deferral. We, the residents of Andover Hills, have not had an  
532 opportunity to meet with the developers to get any information whatsoever as to what their plans  
533 were, the number of units that they were going to put there. We only learned of this rezoning  
534 case this past week, middle of the week. I noticed the sign there and called Henrico County and  
535 found that the hearing was tonight. The members (sic), residents of Andover Hills have a lot of  
536 questions. If we could have a deferral on this case and meet with the developers, perhaps we  
537 could come up with a solution that would be satisfactory to both sides. I will be happy to answer  
538 any questions that members of the Commission might have.

539  
540 Mr. Taylor - Are there any questions of the Commission for Mr. Herndon?

541  
542 Mr. Vanarsdall - I have one. Are you saying you have not had a community  
543 meeting yet?

544  
545 Mr. Herndon - No, sir. We only found out about the rezoning case mid-week.

546  
547 Mr. Vanarsdall - Oh, you haven't known about but for that length of time?

548  
549 Mr. Herndon - That is correct.

550  
551 Mr. Vanarsdall - Wasn't it one of those white and blue signs on it that the County  
552 requires?

553  
554 Mr. Herndon - Yes, sir. I leave home before daybreak and get back after dark,  
555 and I don't come that way, and it was brought to me by the attention of Mr. Anderson, who is  
556 here tonight.

557  
558 Mr. Vanarsdall - Have you met with Mr. Taylor, the Commissioner, on it?

559  
560 Mr. Herndon - No, sir. I have not. I have not had the opportunity.

561  
562 Mr. Vanarsdall - Thank you.

563  
564 Mr. Herndon - We are more than willing to try to work with the developers. We  
565 have some real concerns. Andover Hills is a single-family housing development. We would like to  
566 see the land go in that direction, but we are willing to work with the developers and with the  
567 Commission.

568  
569 Mr. Vanarsdall - Thank you. I don't have any more questions, Mr. Chairman.

570  
571 Mr. Taylor - Thank you, Mr. Vanarsdall. Any more questions of Mr. Herndon?  
572 Mr. Herndon, Three Chopt District is my district, and this development is in that, and I recognize  
573 that you haven't had the opportunity to talk with the developer and we have known about this  
574 now for several months, a couple of months. This has been on the potential docket, and I  
575 recognize that there hasn't been a meeting and there should be, and there will be. I, too, from  
576 the beginning, have been concerned about just the position of this type of development close to  
577 and around Andover Hills, because for the most part that is larger houses, and that is something  
578 we need to interface, and see if we can work in. I am also concerned about the density and  
579 actually the layout of the townhouses, because as Mr. Bittner indicated, these are kind of straight  
580 in there and they look like great rows of well-dressed soldiers, but as Mr. Bittner said, sometimes  
581 it is a little bit more humane if we break it up into a few curves of nature. So, I think we can

582 look at that. I also think that in looking at the elevations and Mr. Mistr discussed this, and  
583 actually I think Richmond is brick and I have no objection against brick. I recognize that it is  
584 more expensive, but if the demand for this product is really as high as it is, and it is in a very  
585 prime location, I would think that location, location, location being everything in real estate, they  
586 will be a very sought after product. And I think we can also afford to vary the façade designs  
587 and I think we need to address the proximity to the current areas, and I think those, sir, are all  
588 the points that you made.  
589  
590 Mr. Herndon - Yes, sir.  
591  
592 Mr. Taylor - And what I would like to do is look forward to the opportunity to  
593 meet with you at some future date and we will set that up through the Planning Office and we  
594 will work that out, and we will invite the developer, too. And then we will go from there. So, I  
595 want to thank you very much for your comments.  
596  
597 Mr. Herndon - Thank you, sir  
598  
599 Mr. Taylor - Very well done. Are there any other comments in opposition to  
600 this case? Would the applicant like to address the comments?  
601  
602 Mr. Mistr - We were not aware of Mr. Herndon's concerns, but we would  
603 certainly like the opportunity to meet with him and the other residents at a suitable location,  
604 either here or somewhere near to Andover Hills.  
605  
606 Mr. Taylor - Thank you very much, Mr. Mistr. I think that will help everybody  
607 discuss the project, refine the project, and what I would do, I would probably encourage Mr.  
608 Bittner to go and we will have a meeting, and it can be either at some joint location or we can do  
609 it at the County, but I think that is in the best interests of everybody to just hold off until we do  
610 that.  
611  
612 Mr. Mistr - That will be fine with us.  
613  
614 Mr. Marlles - Mr. Mistr, are you asking for a deferral?  
615  
616 Mr. Taylor - No. I think I am going to. I think. Is that all you have?  
617  
618 Mr. Marlles - Yes.  
619  
620 Mr. Jernigan - Why don't you see if he would like to make a deferral? Would  
621 you like to defer this case?  
622  
623 Mr. Mistr - I will agree to a deferral.  
624  
625 Mr. Taylor - I have actually talked to Mr. Mistr and we have discussed this  
626 and he told me that you would agree to me making it, because I thought we would catch up, so I  
627 would plan to do that. Are there any other comments in opposition? Mr. Director, is a motion in  
628 order?  
629  
630 Mr. Marlles - Yes, sir.  
631  
632 Mr. Taylor - Then I would move for a 30-day deferral at the request of the  
633 Commission of Project C-8C-02.  
634

635 Mr. Jernigan - Second.  
636  
637 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in  
638 favor say aye. All opposed say no. The motion carries.  
639  
640 The Planning Commission deferred Case C-8C-02, Foster & Miller for Virginia Classic Homes to its  
641 meeting on March 14, 2002.  
642  
643 Mr. Taylor - Thank you for all of your time, Mr. Mistr.  
644  
645 **C-9C-02 Ronald R. Green for Stephen N. Thomas:** Request to conditionally rezone  
646 from A-1 Agricultural District and R-3C One Family Residence District (Conditional) to R-5AC  
647 General Residence District (Conditional), Parcel 18-A-15B (744-772-8254; 2.718 acres) and part  
648 of Parcel 18-A-16 (744-772-1191; 0.764 acre), containing 3.482 acres, located at the southern  
649 terminus of Pinedale Drive approximately 100 feet south of its intersection with Avery Green  
650 Drive (Avery Green at Twin Hickory). A single-family subdivision is proposed. The R-5A District  
651 allows a minimum lot size of 5,625 square feet. The use will be controlled by proffered  
652 conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban  
653 Residential 2, 2.4 to 3.4 units net density per acre and Environmental Protection Area.  
654  
655 Mr. Marlles - The staff report will be given by Mr. Tom Coleman. You can  
656 proceed, Mr. Coleman.  
657  
658 Mr. Coleman - The new proffers do not require waiving the time limit.  
659  
660 This application would conditionally rezone an approximately 3.5 acre parcel from A-1 to R-5AC to  
661 develop a "zero lot line," single-family subdivision. The proffers were revised to address staff  
662 concerns and concerns from the nearby Twin Hickory residents, and include: The developer will  
663 save selected existing trees adjacent to Scotsglen; minimum lot widths will be 60'; the minimum  
664 floor area will be 1400 sq. ft. for one-story homes, and 1600 for two-story homes. All homes will  
665 have two-car garages, and the front elevation of at least one-third of the homes will be primarily  
666 brick.  
667  
668 Residential development for this site is appropriate and with the proffers, the "zero lot line  
669 development" should be compatible with the adjacent Avery Green and Scotsglen at Twin Hickory  
670 neighborhoods.  
671  
672 Staff recommends approval of this request. I would be happy to answer any questions.  
673  
674 Mr. Taylor - Thank you very much, Mr. Coleman. Are there any questions of  
675 the Commission? No questions from the Commissioners. Is there any opposition to this case?  
676 Please come down and identify yourself and we will welcome your comments.  
677  
678 Ms. Lucy Zuercher - Good evening, Mr. Chairman, and members of the Planning  
679 Commission. I am Lucy Zuercher, representing a group of Twin Hickory residents, with a strong  
680 interest in the way our community is developing. On behalf of these residents, I would like to  
681 commend the applicant's proffers for this newest single-family subdivision. The applicant has  
682 met twice with our group, first to seek our input and then to review the final proffers with us.  
683 We have been impressed with Steve Thomas and Ron Green's responsiveness to our requests  
684 and we feel the result is a win-win solution for everyone concerned. The 60-foot lot width, larger  
685 homes, and use of some brick front planned around a new cul-de-sac will make this  
686 neighborhood a seamless transition between Avery Green and Scotsglen at Twin Hickory. The  
687 attached two-car garages on all homes and the proffer of wooded lots are also commitments to

688 quality that will make this new neighborhood of 12 homes an enhancement to our community.  
689 Thank you, Steve Thomas, for leaving Twin Hickory residents some trees. Because this is the  
690 first neighborhood to be developed in Twin Hickory by a builder not affiliated with HHHunt,  
691 residents had one remaining concern that I would like to mention, though it is, perhaps, outside  
692 the control of this commission.

693  
694 Currently, Twin Hickory has one community pool and two tennis courts designated to serve  
695 approximately 1500 homes. Residents hope to see HHHunt proffer a second community pool in  
696 the March 14 rezoning of the 112 acres behind the Shady Grove YMCA. With an adequate  
697 second pool, we would like to see an agreement reached so membership in the Twin Hickory  
698 Homeowners Association can be extended to residents of the new Steve Thomas neighborhood.  
699 Twin Hickory is rapidly growing, but residents enjoy great unity and wish to remain inclusive as  
700 long as adequate amenities are provided for everyone. We greatly appreciate the efforts of Mr.  
701 Taylor and County staff in ensuring that residents' wishes are respected as development in Twin  
702 Hickory continues. We are counting on this responsiveness to residents' concerns continuing  
703 through upcoming rezoning and planning cases in our community.

704  
705 Our small group has looked closely at the applicant's case, fully support him, and feel his new  
706 neighborhood will be a great success. On behalf of this group of Twin Hickory residents, I just  
707 want to thank Steve Thomas, Ron Green, County staff and especially Mr. Taylor.

708  
709 Mr. Jernigan - Thank you, ma'am.

710  
711 Mr. Taylor - Thank you very much, Ms. Zuercher, for addressing the group  
712 tonight and thank you for those comments. Is there anybody else who would like to speak in  
713 opposition or just generally? There being no one, we will ask the applicant if he would enjoy  
714 describing this project.

715  
716 Mr. Ron Green - Chairman and members of the Commission, my name is Ron  
717 Green. I, too, want to commend the Twin Hickory residents for sometimes, at short notice,  
718 allowing us to, fit us into their schedules, and have these meetings, so we can try to come up  
719 with and have discussions as to how we can be compatible with the two subdivisions. And I  
720 think after the meeting with those guys and staff, we come up with some proffers that are going  
721 to ensure the quality development and some densities that everyone can be proud of. Again, I  
722 think that the concern had come up with regard to this particular development not being part of  
723 the Hunt's Twin Hickory project and I just want to say that we will pursue or get in touch with  
724 Hunt, and if there is a way that we can somehow become a part of the development of the  
725 Association so that this is somehow included, we would just like to go on record to say we will  
726 attempt to do that.

727  
728 I will be glad to answer any questions that you guys may have.

729  
730 Mr. Taylor - Thank you very much for those comments, Mr. Green. Are there  
731 any questions on behalf of the Commission?

732  
733 Mr. Marlles - Mr. Chairman, I would like to address a question to Mr.  
734 Coleman. Mr. Coleman, in the staff report you indicate that the staff was concerned that there  
735 weren't appropriate assurances of quality development. Have those concerns been addressed?

736  
737 Mr. Coleman - I think that the developer with saving the trees, increasing to the  
738 60-foot lot width, committing to more brick across the front elevations made, to a large extent  
739 they have made this, and attempted to make this almost a seamless transition, something  
740 consistent with Avery Green in particular, Avery Green and Scots Glen Subdivisions.

741  
742 Mr. Marlles - Again, did you indicate in your remarks that it will be necessary  
743 to waive the time limits on the proffers?  
744  
745 Mr. Coleman - It is not necessary to waive the time limits.  
746  
747 Mr. Marlles - It is not necessary. OK.  
748  
749 Mr. Taylor - OK. Thank you. We were going to waive them anyway, but now  
750 that we don't have to, it is even better. Any other comments? If there are not other comments,  
751 before we get started, I want to again thank Ms. Zuercher. I also see we have two very young  
752 people here tonight, and I want to thank them for coming out. If they would stand up and  
753 identify themselves, we would like that. Would you like to do that for your Mom and Dad?  
754  
755 Ms. Zuercher - Alice and Alex Zuercher watching their government at work.  
756  
757 Mr. Taylor - Our future in order. We want to thank you very much for  
758 coming out and we want to wish you a very Happy Valentine's Day. And we want to compliment  
759 your Mom who does a lot on behalf of Twin Hickory. And we thank her.  
760  
761 Now, let's see. For comments, Mr. Director, on this particular project I just want to make a few  
762 comments because I think they are in order both to Mr. Thomas and Mr. Green, and I want to  
763 thank them publicly for working with the community and really going to extraordinary ends to  
764 make sure that this project fits adjacent to Twin Hickory. It is not easy to do that, but the  
765 geography of these two lots, as you can see from the map, is such that it is almost a block  
766 addition to Twin Hickory and, I think, it fits very well, and I believe that the infrastructure can be  
767 matched up really as if it was always a part of Twin Hickory, and while it isn't, we have  
768 encouraged the applicants to work with HHHunt and we will try to have a close relationship, as  
769 close as we possibly can, and I am not sure just what the possibilities are. But, HHHunt and its  
770 leadership has been very amenable in making the changes so far in working with us, and I hope  
771 that it will continue, because I think the width of the lots are in keeping with the Avery Green  
772 Subdivision. The wooded lots are in keeping with the overall theme of Twin Hickory, the brick  
773 and the other amenities will fit very well. And my hope is that when this is done, it is as much a  
774 part of Twin Hickory as the architectural match can provide and the managerial association that  
775 goes with it. Accordingly, with that, I would move to approve Case C-9C-02.  
776  
777 Mr. Jernigan - I will second that.  
778  
779 Mr. Taylor - Motion by Mr. Taylor and seconded by Mr. Jernigan. All in favor  
780 say aye. All opposed say no. The motion passes.  
781  
782 The Planning Commission approved Case C-9C-02, Ronald R. Green for Stephen N. Thomas.  
783  
784 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning Commission  
785 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request  
786 because it continues a form of zoning consistent with the area.  
787  
788 **Deferred from the December 13, 2001 Meeting:**  
789 **C-71C-01 Jeffrey W. Soden:** Request to conditionally rezone from A-1 Agricultural District  
790 to R-2C One Family Residence District (Conditional), Parcels 30-A-56 (765-767-3218) and 58  
791 (764-767-8114) and part of Parcel 30-A-57 (765-767-0848), containing 14.34 acres, located on  
792 the northwest line of Courtney Road approximately 500 feet southwest of Lakewood Road. A  
793 single-family residential subdivision is proposed. The R-2 District allows a minimum lot size of

794 18,000 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net  
795 density per acre.

796

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

798

799 Mr. Taylor - Thank you. Mr. Bittner.

800

801 Mr. Bittner - Thank you, Mr. Chairman. The applicant has submitted two  
802 potential layouts for this site, although neither have been proffered. This layout (referring to  
803 rendering) shows that there would be no access to Courtney Road. The second layout is basically  
804 the same with the exception that he shows an additional cul-de-sac going to this property to the  
805 southwest. The applicant has prohibited access to Courtney Road and he has also proffered that  
806 access will come from Farm Meadow Drive within the Meadow Farms Subdivision.

807

808 Revised proffers have been submitted, which we just passed out to you, and the new items in  
809 those include:

810

811 - An increase in the amount of finished floor area; 2-story dwellings will now have a  
812 minimum of 2,800 square feet of finished living space; one-story dwellings must have at  
813 least 2,000 square feet.

814

815 Also, as I alluded to a moment ago, stub road connections to adjacent undeveloped property to  
816 the north in this area (referring to rendering) and southwest have also been added. This  
817 northernmost cul-de-sac is on property which is actually not part of this rezoning, but is already  
818 zoned R-2C and in the control of the developer. Therefore, the proffer for the stub to the north  
819 basically affects this area right in here (referring to rendering), and that proffer would achieve  
820 this layout that you see in front of you (referring to rendering). The time limit would need to be  
821 waived to accept these new proffers. They were submitted yesterday.

822

823 In summary, the proposed zoning is consistent with the Suburban Residential 1 designation of  
824 this property. The revised proffers provide some new positive items. Staff recommends approval  
825 of this application. I'd be happy to answer any questions you may have.

826

827 Mr. Taylor - Are there any questions from the Commission?

828

829 Mr. Vanarsdall - Mr. Bittner, what happened to what we talked about before the  
830 meeting? Where is Don Jones? Come down and tell us what, I saw you talking to Mr.  
831 Youngblood. Bring me up to date on what you want to do.

832

833 Mr. Donald Jones - My name is Donald Jones and I live at 10400 Brennen Robert  
834 Court. That is in the Meadow Farms Subdivision. I am representing the homeowners of the  
835 Meadow Farms Subdivision. We are not opposed to this layout the way it is now. The big  
836 concerns from the homeowners of the subdivision were #1, that the through street, that the  
837 street not be a through street to Courtney and also that there were no stub streets in the  
838 development. So, we are not opposed to this.

839

840 Mr. Vanarsdall - All right. I want to ask you what – it is four more acres. What  
841 do you say about that?

842

843 Mr. Jones - I don't know. You'd have to ask. I am not sure.

844

845 Mr. Vanarsdall - Thank you. Any of you all have any questions? Mr. Youngblood,  
846 before the meeting began, Mr. Bittner said you had four more acres there.



847  
848 Mr. Youngblood - Well, he has got a contract now on the piece that the stub road  
849 comes up behind the library.  
850  
851 Mr. Vanarsdall - The question is, do you want to incorporate that tonight and  
852 defer this?  
853  
854 Mr. Youngblood - No, sir. We are just going to go on with this case and we will  
855 file another case by the end of the month.  
856  
857 Mr. Vanarsdall - Do you feel safe enough for us to rule on this case tonight?  
858  
859 Mr. Youngblood - Yes, sir.  
860  
861 Mr. Vanarsdall - OK. Thank you.  
862  
863 Mr. Taylor - Thank you, Mr. Youngblood. Is there any other comment? Is  
864 there any opposition to this project?  
865  
866 Mr. Marlles - We do have to waive the time limits on the proffers.  
867  
868 Mr. Vanarsdall - I move that we waive the time limits on C-71C-01.  
869  
870 Mr. Archer - Second.  
871  
872 Mr. Taylor - Motion made by Mr. Vanarsdall to waive the time limits on C-  
873 71C-01 and seconded by Mr. Archer. All in favor say aye. All opposed say no. The motion  
874 carries.  
875  
876 Mr. Vanarsdall - I move that C-71C-01, Jeffrey W. Soden, be recommended to  
877 the Board of Supervisors for approval.  
878  
879 Mr. Archer - Second.  
880  
881 Mr. Taylor - Motion made by Mr. Vanarsdall to approve the project, seconded  
882 by Mr. Archer. All in favor say aye. All opposed say no. The motion carries.  
883  
884 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning  
885 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
886 request because it represents a logical continuation of the one-family residential development  
887 which exists in the area.  
888  
889 **C-61C-01 Robert M. Atack:** Request to conditionally rezone from A-1 Agricultural District  
890 to RTHC Residential Townhouse District (Conditional), Parcel 32-A-8N (776-766-2494) and 9  
891 (776-765-5797), containing 7.9 acres, located at the southeast intersection of Woodman Road  
892 and Mountain Road. Residential townhouses for sale are proposed. The densities in the RTH  
893 District cannot exceed nine (9) units per acre. The Land Use Plan recommends Office.  
894  
895 Mr. Marlles - The staff report will be given by Mr. Lee Householder.  
896  
897 Mr. Taylor - Good evening, Mr. Householder.  
898

899 Mr. Householder - Good evening, Mr. Chairman. One note on this case, because of  
900 the size of the agenda, part of the applicant's team has not arrived at the meeting. I think they  
901 have looked at the amount of cases, thinking they could be here a little later, and the applicant  
902 has requested that if there is anyway we can either bump another case up in its place or if we  
903 could maybe take a break and see if he shows up.

904  
905 Mr. Taylor - What would be the sense of the Commission? Would we like to  
906 take a break? Or would we like to pick up the other cases and come back to this one?

907  
908 Mr. Vanarsdall - Let's take a break and give him a few minutes.

909  
910 **THE COMMISSION RECESSED FOR TEN MINUTES.**

911  
912 **THE COMMISSION RECONVENED.**

913  
914 Mr. Taylor - The Planning Commission will now resume hearing the case. The  
915 case before us is Case C-61C-01. You can proceed.

916  
917 Mr. Householder - OK. Thank you, Mr. Chairman, and members of the  
918 Commission. As you may remember, this rezoning request was deferred for 60 days from the  
919 December Planning Commission meeting to allow time for the applicant to address the concerns  
920 of the adjacent property owners and members of the Mountain Laurel Townhouse development.  
921 The applicant has met with staff and citizens that were concerned with this development  
922 proposal on several occasion since the December 13 Planning Commission that this was deferred  
923 from.

924  
925 The applicant has submitted proffers today that were handed out to you and they attempt  
926 address the concerns of the property owners on these two parcels (referring to rendering), in  
927 particular. These three parcels were in question (referring to rendering) and this one (referring to  
928 rendering) where the main adjacent property owners were in opposition to the request at the last  
929 meeting. The most significant change was the addition of Proffer #15. Proffer #15 was added to  
930 provide for a 55' setback from parcel 32-A-7 (referring to rendering) and a 80' setback from  
931 parcel 41-A-27, this parcel here (referring to rendering). I would also like to add that because  
932 these proffers were received today, the time limit would need to be waived.

933  
934 The applicant has also has a revised layout from what was included in the staff report and they  
935 will be presenting to you some of the elements, but most significantly this area here (referring to  
936 rendering) is what was changed and created more of a buffer between the residents along  
937 Mountain Road.

938  
939 Staff feels that a proposal for additional townhouses at this location is a reasonable variation from  
940 the 2010 Land Use Plan and we feel that the applicant has addressed our concerns regarding the  
941 quality and the density of this proposal. Therefore, staff does recommend approval of this request.  
942 I will answer any questions that you may have.

943  
944 Mr. Taylor - Are there any questions for Mr. Householder on the part of the  
945 Commission?

946  
947 Mr. Archer - Did we have opposition, Mr. Chairman?

948  
949 Mr. Taylor - No, sir. I don't believe we have yet. We have not asked for it  
950 either. Oh, there is. I will then ask. Is there any opposition or would all people in opposition  
951 please indicate such by raising their hands.

952  
953 Mr. Archer - We do have opposition.  
954  
955 Mr. Taylor - OK. Thank you very much. There is opposition.  
956  
957 Mr. Archer - Mr. Householder, I was just going to ask because of a question  
958 that has come up tonight, one of the proffers, Proffer #13 prohibits vehicular access to and from  
959 Woodman Road. Is that a necessary proffer or is there anyway to work around it if we should  
960 come up on a traffic obstacle that is favorable, is there a possibility that that proffer could be  
961 deleted?  
962  
963 Mr. Householder - Let me address that by showing this exhibit. This is the main  
964 reason for prohibiting access to Woodman Road; the access would have to come in this area where  
965 the hand is moving around (referring to rendering). That would be, from Public Works' standpoint  
966 and the Planning Office's standpoint, that would be far too close to the intersection of Mountain  
967 and Woodman to create a safe situation for that amount of vehicles to be entering and exiting.  
968  
969 Mr. Archer - Well, looking at it like that, that proffer is necessary.  
970  
971 Mr. Householder - Yes.  
972  
973 Mr. Archer - But we have not proffered any other ingress and egress for the  
974 case, have we?  
975  
976 Mr. Householder - No, sir.  
977  
978 Mr. Archer - OK. All right.  
979  
980 Mr. Taylor - Are there any other questions to Mr. Householder on the part of  
981 the Commission? Thank you very much, Mr. Householder. I guess, Mr. Secretary, now we will  
982 hear from the applicant. Would the applicant like to describe the case?  
983  
984 Mr. Atack - Yes, sir, Mr. Chairman, and members of the Planning Commission.  
985 My name is Bob Atack and I am the applicant before you this evening. I'd like to reserve about five  
986 minutes for rebuttal. I appreciate the fact that this case has been heard before. We did defer it  
987 voluntarily so that we could meet with the residents, particularly as Mr. Householder alluded to, the  
988 three adjoining property owners, who spoke opposing about this case originally, and with the  
989 townhouse, which is 143 residents on the other corner. We had a very good meeting with the  
990 group in total in that the townhouse residents were very receptive to a suggestion by Mr. Miles with  
991 regard to rezoning this property to townhouses, if he would receive no opposition from ourselves as  
992 the property owner of the townhouses to rezone his for business use, as well as his adjoining  
993 property owner, Mr. Bratt, and the Ramsey property as well. The townhouse owners across the  
994 street felt that this was, in their exact words, a win-win opportunity. They were very much in favor  
995 of the townhouses that we propose. They also felt that the Miles, Bratt and Ramsey, those three  
996 adjoining property owners, with appropriate commercial or office development, would be  
997 compatible as far as they were concerned, and I think it is important to read that into the record.  
998 It is unusual for us to present a zoning case where there are potential adjoining properties that  
999 may very well be on the docket in the next few months, but it worked out surprisingly well. Now,  
1000 in all due respect, we did not satisfy all of the adjoining property owners, but what you have on the  
1001 screen before you now is an important exhibit for this reason. Right here we have proffered an 80-  
1002 foot buffer for the Miles property, and we also took a building out that was originally located here.  
1003 The Bratt property, which is located right here (referring to rendering), we have proffered a 55-foot  
1004 buffer, and we have relocated a building away from that. This is, in addition, we have not

1005 formalized, but the Parks Department is agreeable to make a trade with us or compensation for this  
1006 piece (referring to rendering), which now allows us to take this road instead of having a direct rifle  
1007 shot, give us some curvature to it, and give us a nice look. In front of you (referring to rendering),  
1008 this is important because our company tries to pride itself in doing monument sign entrances and  
1009 point of destinations for residential developments, and I apologize that this is somewhat blurred,  
1010 but we have a divided median that will be landscaped, irrigated, sodded and I think will add to the  
1011 aesthetic effect of the community in general. We have met with the adjoining residents. Ms.  
1012 Archibeck, whose home fronts on Mountain Road fundamentally preferred to have the subject  
1013 property here left undeveloped. We are willing to try and fence, along her property line, and give  
1014 some landscape screening for her, but other than that, it is, I think, a best attempt and very much  
1015 of a consensus when you look at 143 townhouse owners across the street and the adjoining  
1016 property owners, who we have met with. If you have any questions, I will be glad to try and  
1017 answer them.  
1018  
1019 Mr. Taylor - Are there any questions on the part of the Commission of Mr.  
1020 Atack?  
1021  
1022 Mr. Archer - Mr. Atack, you did indicate that you, did you meet with Ms.  
1023 Archibeck and try and resolve her difference over what her objections were?  
1024  
1025 Mr. Atack - Ms. Archibeck attended two public meetings that we had. I  
1026 apologize that I was not at the last meeting. I have been wrestling with a cold. I had spoken to  
1027 Ms. Archibeck just prior to that second meeting.  
1028  
1029 Mr. Archer - OK.  
1030  
1031 Mr. Taylor - Are there any other questions on behalf of the Commission?  
1032  
1033 Mr. Jernigan - Are these going to be brick?  
1034  
1035 Mr. Atack - No, sir. I apologize. I missed your last zoning case, but I  
1036 caught the tail end of that. No, sir. These will not be brick homes. These will be homes, sir,  
1037 comparable to the townhouses across the street, with one exception. These homes, the current  
1038 townhouses which are across the street, 143 townhouses have an assessed value of  
1039 approximately \$90,000 to \$100,000. I think the retail value is higher than that. These  
1040 townhouses will be between \$140,000 and \$150,000.  
1041  
1042 Mr. Taylor - I note on page 3 that they do have brick foundations. Is that  
1043 correct?  
1044  
1045 Mr. Atack - Yes, sir. That is correct. They are brick foundations.  
1046  
1047 Mr. Taylor - Foundations are brick, but there is no brick in the façade?  
1048  
1049 Mr. Atack - There will be. There is no percentage proffered, Mr. Taylor.  
1050  
1051 Mr. Taylor - No percentage proffered. Are there any other questions of Mr.  
1052 Atack on behalf of the Commission. OK. Thank you very much, Mr. Atack.  
1053  
1054 Mr. Atack - Thank you.  
1055

1056 Mr. Taylor - Is there any other speaker who would like to talk in support of  
1057 the project? Please, if you would, come up to the podium. One at a time is fine. If you would,  
1058 please, state your name for the record and we'd be happy to hear your comments.  
1059

1060 Ms. Faison- My name is Michelle Faison. I am a resident of the Mountain  
1061 Laurel Townhouses, a member of the Board of the Mountain Laurel Townhouses, and we very  
1062 much support this idea for developing the townhouses on Mountain Road, and also the idea that  
1063 was proposed at one of the community meetings for eventually having the office use in the  
1064 adjacent properties to this development, because that does seem a best use for this land. If  
1065 offers the possibility of continuing the residential features of this part of Glen Allen because  
1066 farther down Mountain Road towards Brook Road there is heavy commercial office space type  
1067 development, but as you come further towards the old community of Glen Allen, you start to  
1068 have a more residential character, and it would be such a shame to break that residential  
1069 character with the types of development that you can have with office space, which include  
1070 warehouses with loading docks, mini-storage, that kind of development that really doesn't  
1071 contribute to a residential area. There is such a good potential for a residential community in  
1072 Glen Allen. The community is looking good. I think it behooves Glen Allen and our neighborhood,  
1073 our community, to have attractive townhouses in that area and continue our neighborhood, and  
1074 as a community we support the like development across the street, across Mountain Road from  
1075 us, and we think that Mr. Attack has proposed a very good plan and we are very happy that he  
1076 included our community in these neighborhood meetings, in asking for our opinion, and in trying  
1077 to ask for our ideas, soliciting our advice, and incorporating some of our ideas. Thank you.  
1078

1079 Mr. Taylor - Thank you, Ms. Faison. Is there anybody else in support? There  
1080 was one other person. Please come down to the microphone, if you would, and state your name,  
1081 and please provide us with your views.  
1082

1083 Ms. Elaine Ramsey - Good evening. My name is Elaine Ramsey and I live at 4381  
1084 Manfield Road, Aylett, Virginia. My husband and I own the property on Woodman Road at the  
1085 corner of Mountain and Woodman Road. At the last meeting that we attended here we had  
1086 some concerns and was probably leaning to oppose this project, but afterwards we had the  
1087 opportunity to meet with Mr. Attack, Mr. Archer and Mr. Lee Householder on two different  
1088 occasions discussing this. We feel like our questions were answered. I think that the other  
1089 property owners that lived around the condo people that came over, we were all in agreement  
1090 that if we would approve this, not approve but not oppose this project that later down the road  
1091 we may want to apply for our property as rezoning. I thought everyone was in compliance when  
1092 we left. We felt good about it and we left and we thought everything would be favorable for this  
1093 project tonight.  
1094

1095 Mr. Taylor - Thank you very much, Ms. Ramsey. Are there any questions of  
1096 Ms. Ramsey? Thank you very much. That being all of the people in support, is there anybody  
1097 else that wants to speak for this project? Then we will talk to the opposition. Mr. Secretary, is  
1098 the timing effective here?  
1099

1100 Mr. Marlls - Yes. We have been using the ten-minute rule. The opponents  
1101 also have ten minutes to present their case. That doesn't include time answering questions from  
1102 the Commission. Mr. Attack, you have five minutes and three seconds for rebuttal. Would you  
1103 care to come down and approach the Commission, the opponents to the case? One at a time,  
1104 please. Just state your name and address.  
1105

1106 Mr. George Miles - My name is George Miles and I live at 10517 Woodman Road.  
1107 My property connects to this particular property. I don't know if I oppose it as much as it is my  
1108 concern. I appreciate Mr. Attack calling two meetings that we had. It was pretty productive on

1109 the second one, I thought. I guess my main concern is Mr. Atack wasn't at the second meeting.  
1110 His representative was, and we thought we could maybe shift around and gave to him our  
1111 concerns. He told us that he would be sure to get back with us. I spoke with the representative  
1112 on Tuesday. We talked about my concerns and I asked about Ms. Archibeck's concerns, which  
1113 she had, and he assured me that Mr. Atack was going to handle that and to see her and talk to  
1114 her before this meeting. His representative told me he would talk to each and every one of us  
1115 before we came to this meeting, and that is my concern.  
1116  
1117 Mr. Jernigan - So you are OK with this?  
1118  
1119 Mr. Miles - I am OK for what Mr. Atack has changed for me. My concern is  
1120 for Ms. Archibeck.  
1121  
1122 Mr. Jernigan - Seems to me, and I am trying to remember. This has been a  
1123 couple of months ago. You had a very large house on the end piece of property. But you are  
1124 satisfied on your portion.  
1125  
1126 Mr. Miles - Well, I am satisfied. We are trying to work this thing out where  
1127 we could build some townhouses behind us, and our concern, too, was not to oppose the people  
1128 across the street, as well. But we had a concern with Ms. Archibeck about these houses are lined  
1129 up against her, her property line. She has been there forever. She has had a business in this  
1130 community and retired and she just feels like she has squatter's rights, in a way, and we all kind  
1131 of feel that way sometimes, but that was our concern. Perhaps she wasn't spoken to before this  
1132 meeting.  
1133  
1134 Mr. Jernigan - Thank you, sir.  
1135  
1136 Mr. Taylor - Thank you, Mr. Miles. I believe there were some other people in  
1137 opposition. If you would, ma'am, please come down and provide us with your name and we will  
1138 enjoy hearing from you.  
1139  
1140 Ms. Molly Archibeck - My name is Molly Archibeck, 2207 Mountain Road. I feel that  
1141 these houses are going to be right on the rear, and a 6 foot fence is not going to keep me from  
1142 seeing these houses or the people in the houses seeing. I am not interested in having neighbors  
1143 or I wouldn't be complaining. I really prefer, like he said, not to have those houses there, but he  
1144 also said he wasn't changing it anymore, so I have no option. So, if it has to be that way, OK. It  
1145 has to be. But it is not going to be that I am going to be pleased about it. And I would like  
1146 whole lots rather have the mini-warehouses like on Parham Road. I know that there is not much  
1147 traffic that goes in and out of those places. People take things there and they leave them for  
1148 quite a while, most of the time. It would be less traffic for me, and I believe this spot was also  
1149 registered kind of with the County that it would be for a service-type business. And I would  
1150 prefer it much more so to have the mini-warehouses, if that is what it would have to be. As far  
1151 as mini-warehouses, I am saying business if it has to be.  
1152  
1153 Also, I am concerned about the drainage. The place that I have now, there is water standing  
1154 and it is only at my place. They say there is no water over there. I don't know that. But it is a  
1155 lot of water in that area and behind my house the water stands, too, on the County property.  
1156 But right now most places are dry, so I can't say it is standing behind there now, but ordinarily it  
1157 is if we have any rain much.  
1158  
1159 I don't know anything else to say. I am just not for it.  
1160

1161 Mr. Taylor - Ms. Archibeck, I would like to if I might, ask two questions.  
1162 With regard to the drainage and the low areas, would that be possible, in your view, perhaps to  
1163 fill those areas. Would it be possible for Mr. Attack to assist you in resolving that by filling it or  
1164 putting in a drain or attaching it to some drainage feature so you didn't have water in your yard.  
1165 Has anybody looked at that for you?  
1166  
1167 Ms. Archibeck - It is a very low place, and, you know, all of that land is low, and  
1168 when they widen that road they had a lot of that, I call it "blue mud" but I don't know what you  
1169 call it, and they had to go way down deep to get a good footing for that road. I mean way  
1170 down.  
1171  
1172 Mr. Taylor - Are the low spots, ma'am, are those adjacent to the road?  
1173  
1174 Ms. Archibeck - The low spots are at the back where I have a garden.  
1175  
1176 Mr. Taylor - I see.  
1177  
1178 Ms. Archibeck - And on the side where the County has.  
1179  
1180 Mr. Taylor - Perhaps that would be something that Mr. Attack could look at  
1181 with his engineers and see if there was anyway that we could help them on that issue. The other  
1182 issue that I have is with regard, your statement that you are so used to view, virtually anything  
1183 that Mr. Attack can do will change your view and I wondered there, if there is anything that Mr.  
1184 Attack could do by way of screening or providing some trees between you...  
1185  
1186 Mr. Archibeck - I guess you will have to ask Mr. Attack that question. I don't  
1187 know what he can do. He said a 6-foot fence. Am I right?  
1188  
1189 Mr. Taylor - There may be things that working with the developer that he  
1190 can do to both improve your property and allow him to proceed with the development, and we  
1191 would much rather see a win-win situation than a lose-win situation, and I think this may be  
1192 something that we can look at and see if we can ameliorate the present conditions and improve  
1193 them, and I don't speak for Mr. Attack, but I know him to be a fair and honest person, and I know  
1194 he would be willing to do that.  
1195  
1196 Ms. Archibeck - Oh, I know he is. I don't have my doubts about him. I kind of  
1197 like him.  
1198  
1199 Mr. Archer - Ms. Archibeck, I do want to ask you. I did ask Mr. Attack if he  
1200 would speak with you personally concerning what your concern was that you voiced the last time  
1201 we met, which basically at that time had to do with people being able to see into your property,  
1202 and you being able to see into theirs. And perhaps there could be some way, other than just the  
1203 6-foot fence that we could alleviate that condition somewhat with some site planning that might  
1204 take of that. Also, I just want to allay your fears a little bit about the drainage concerns. We  
1205 can't make Mr. Attack responsible for any problems that exist now. But at the plan of  
1206 development process, that is one of the things that we do is try to engineer the site so that  
1207 nobody will be adversely affected by any drainage from this site, so we don't want you to be  
1208 concerned that this should cause drainage. If that should happen, then it is incumbent upon us  
1209 to make that part right.  
1210  
1211 Ms. Archibeck - Who would make it right?  
1212

1213 Mr. Archer - Well, it is the developer's responsibility at the behest of the  
1214 County to make sure that drainage is not created that will have an adverse affect on your  
1215 property.  
1216  
1217 Ms. Archibeck - Well, the water runs that way towards there, but if it is built to  
1218 where it will back it up, it is going to be worse than it is.  
1219  
1220 Mr. Archer - I am pretty sure we can do something so that does not happen.  
1221 In fact, it might even be, as Mr. Taylor said, able to create some positive drainage away from you  
1222 to take care of your problem. We can't hold Mr. Atack to that because he is not responsible, but  
1223 as you say, he is a nice fellow.  
1224  
1225 Ms. Archibeck - Yes, he is.  
1226  
1227 Mr. Taylor - Are there any other questions from the members of the  
1228 Commission? Thank you very much, Ms. Archibeck, and Happy Valentine's Day.  
1229  
1230 Ms. Archibeck - OK. Will we speak to anyone else before this project gets  
1231 started?  
1232  
1233 Mr. Archer - Well, Ms. Archibeck, we have not finished the approval process  
1234 yet, but even if we make a recommendation in favor of it tonight, it will still come before the  
1235 Board of Supervisors for final approval.  
1236  
1237 Ms. Archibeck - And we will be notified?  
1238  
1239 Mr. Archer - Yes, ma'am.  
1240  
1241 Ms. Archibeck - OK. Thank you.  
1242  
1243 Mr. Taylor - And as Mr. Archer said, we have yet another phase for the  
1244 Planning Commission at the plan of development stage that we can look at these details and we  
1245 have the comments recorded, and we can talk to Mr. Atack to see if we have done all that we  
1246 can to help you with your dilemma.  
1247  
1248 Ms. Archibeck - Well, it would be a lot of help, because I am by myself over  
1249 there. I don't have anybody to pull for me. George is doing all he can and I appreciate it, but  
1250 you know, he can't do but so much.  
1251  
1252 Mr. Taylor - I know Mr. Parker and Mr. Atack will do their best, ma'am.  
1253  
1254 Mr. Jernigan - Thank you, ma'am.  
1255  
1256 Ms. Archibeck - Thank you.  
1257  
1258 Mr. Taylor - I believe there were several other persons who were in  
1259 opposition to this project. If you would please come to the podium and identify yourself. We'd  
1260 be happy to hear you.  
1261  
1262 Mr. St. John - Excuse me, Arthur St. John and I live at 2221 Highbush Circle.  
1263 That is directly across from where the proposed entrance to this development will be. As I stated,  
1264 I am not in opposition. I would just like to express a concern. Ten to 11 years ago we had a  
1265 similar concern about the, let me go further back, not 10 to 12 years ago, but at the



1266 development of the second phase of Mountain Laurel. I raised the concern about proliferation of  
1267 traffic, congestion, feeding into a major artery, which is Woodman and Mountain Road, and how  
1268 we might approach that in terms of alleviation. It seems as though nothing could be done, an  
1269 additional 82 units were constructed giving us a total of 139 townhouses, not 143, all entering  
1270 and leaving via the same entrance and exit. It appears that this will be an identical situation with  
1271 this proposed development, and it is directly across from the entrance and exit to Mountain  
1272 Laurel, and I can just, I am no fortune teller, but I can just see potential traffic problems with  
1273 people egressing the proposed development in the a.m. trying to get to Woodman Road, people  
1274 egressing Mountain Laurel trying to get to Woodman Road, 139 here in Mountain and I don't  
1275 know what is proposed for the new development, but any addition is going to create additional  
1276 congestion. Just an observation, and I am hopeful the traffic engineer and public safety will be  
1277 in any further planning or development in respect to this new proposed development. Thank  
1278 you.

1279  
1280 Mr. Taylor - Thank you, Mr. St. John. Is there anybody else? I believe there  
1281 was another hand back there. No. Is there anybody else in opposition to this project that would  
1282 like to speak? Would anybody like to speak?

1283  
1284 Mr. Vanarsdall - How many minutes do we have left, Mr. Secretary?

1285  
1286 Mr. Marlles - Four minutes, Mr. Vanarsdall.

1287  
1288 Mr. Taylor - Please if you would, ma'am, provide us with your name.

1289  
1290 Ms. Arlene Archibeck Sullivan - I live with Ms. Archibeck, my mother. What if we could take one  
1291 of those units out, away from where we live, next to us? If not, why couldn't we take one of the  
1292 units out that is next to our house? Would that be possible?

1293  
1294 Mr. Archer - Ms. Sullivan, I will ask Mr. Atack. Have you looked at that, Mr. Atack?  
1295 He is going to respond to that in a minute when he does his rebuttal, so I will make sure that  
1296 question is asked.

1297  
1298 Ms. Sullivan - OK. That was the question. That is all I have.

1299  
1300 Mr. Taylor - OK. Thank you very much. Mr. Atack, do you want a moment  
1301 to think about that, or would you like to answer that question of Ms. Sullivan?

1302  
1303 Mr. Atack - Thank you, Mr. Chairman. This is an interesting case and I  
1304 appreciate very much Ms. Sullivan's comments. As you folks know, rezoning is a change, and we  
1305 as people typically don't like change. I will speak for myself. I am quite satisfied the way my life  
1306 is, and no matter how well somebody may tell me what is going to happen in my backyard, I  
1307 would just as soon it stay just the way it is. And Ms. Sullivan has been very nice about this and  
1308 this does affect her tremendously. It is adjoining property, as well as George Miles, whose  
1309 personal residence is adjoining this property. It is his home. His family is raised there and I do  
1310 appreciate the attitude and integrity which all of these people have shown in an area, which does  
1311 impact them. This is their home. This is a development that we think is very proper, but the fact  
1312 of the matter is it is going to affect their life style, and it will not affect mine. So, it is very  
1313 important for us to be cognizant of the concerns of these people, and I do appreciate very much  
1314 the way and manner in which they presented their opposition. Specifically, with regard to Ms.  
1315 Sullivan's question. This also may address a little bit of the gentleman who spoke. Phillip, does  
1316 this entrance wind up right across from that? Based on the way this entrance is lined here,  
1317 directly from Mountain Laurel, because of the way this property line is, we also have wetlands in  
1318 here. We really don't have much room to work for us to do something with these buildings, in

1319 other words, to push these buildings in this direction causes quite a bit of problems with this  
1320 entrance and this alignment and what would happen is we would actually have almost a turn in  
1321 here that would be sort of contrary to our typical engineering requirements for ingress and  
1322 egress or access into the property. I think that really the best thing that we would be able to  
1323 provide, Ms. Sullivan, is some type of screening here (referring to rendering), and even though  
1324 the second floor of these houses will be able to look onto her property, we would be glad to put  
1325 a nice line of Leland Cyprus here which will grow to this level very quickly. That is really the only  
1326 solution that I know. We have tried to take a look at it with our engineers. Mr. Parker, who is  
1327 Vice President of our company, is an engineer by profession and he has really tried to work this  
1328 area. As I say, it is compounded by the entrance here, by the wetlands here, by the access to  
1329 Woodman Road (referring to rendering) and Mountain Road, as well. So, we have a number of  
1330 constraints that makes this pretty prohibitive. If there are any other questions, I will be glad to  
1331 try and answer them.

1332  
1333 Mr. Taylor - Thank you very much, sir. I think that from personal experience  
1334 I have found that Leland Cyprus do cover a multitude of problems for the developer, and I know  
1335 you've got Mr. Parker here, and I am optimistic that we can do something. I would, if I might,  
1336 Mr. Atack, just ask about Mr. St. John's comments with regard to the traffic.

1337  
1338 Mr. Atack - Yes, sir.

1339  
1340 Mr. Taylor - Is that something that you've looked at and is there any way that you  
1341 feel you can ameliorate that impact?

1342  
1343 Mr. Atack - I think, if I am not mistaken, this is the first time I've heard Mr.  
1344 St. John speak, but Mr. St. John, you may want to correct me if I am wrong. I interpreted your  
1345 concern was the fact that these entrances were lining up right across from each other, and that  
1346 was your concern, that you have traffic going in, in both communities simultaneously, and the  
1347 amount of traffic that would be accumulated at that entrance. I assume that was your concern.  
1348 Was that correct, sir?

1349  
1350 Mr. St. John - The last meeting that you did not attend, your representative  
1351 indicated it would be directly across from the entrance at Mountain Laurel.

1352  
1353 Mr. Atack - Yes, sir. That is correct.

1354  
1355 Mr. St. John - But in addition to that, my major concern is that the egress  
1356 traffic in the a.m. and ingress traffic in the p.m. from Woodman Road mainly, on to Mountain  
1357 Road that is my major concern because that is a potential for a real bad situation.

1358  
1359 Mr. Atack - Yes, sir. I see. With these entrances across from each other, you  
1360 see the traffic would be backing up as they ingress and egress from these two communities. To  
1361 answer your question, Mr. Taylor, we haven't studied beyond just the normal traffic engineering  
1362 from the County. We will take another look at it, and evaluate it. Of course, this would have to  
1363 be approved by you when we do our plan of development, as well.

1364  
1365 Mr. Taylor - I was going to say this is normally, again for Mr. St. John's  
1366 benefit, this is normally the type of thing that we look at very carefully at the next stage, the  
1367 POD stage, and the traffic people look very carefully at it, and if it is deemed to be a problem,  
1368 usually there is some type of a remedial design that we can institute, so I think at this particular  
1369 time if we were to take Mr. Atack's word for it, and we do the normal staff, this would really be  
1370 called out when we get to the next stage, but it would be an issue that we would want to look at

1371 carefully and see what our traffic staff could help us work around, as well as the drainage  
1372 problems.  
1373  
1374 Mr. Atack - Yes, sir.  
1375  
1376 Mr. Taylor - Those are all of the questions I had. Mr. Archer?  
1377  
1378 Mr. Archer - I don't have anything else, Mr. Chairman.  
1379  
1380 Mr. Taylor - Do any of the other Commissioners have any questions on this  
1381 one? OK, then, thank you very much for the comments.  
1382  
1383 Mr. Archer - All right, Mr. Chairman, are we ready?  
1384  
1385 Mr. Taylor - Yes, sir.  
1386  
1387 Mr. Marlles - Mr. Archer, we will have to move to waive the time limits, too.  
1388  
1389 Mr. Archer - Yes. Well, before I do that, just let me say, in terms of the  
1390 meetings that we have had with Mr. Atack and Mr. Parker and the neighborhood, Mr.  
1391 Householder and myself, and we have had several meetings. We have tried to tweak this to the  
1392 point that we could get it satisfactory to the majority of the people, and I think by and large we  
1393 have done that. This case was a little bit unusual in that the original opposition that was there  
1394 was all different – there were hardly any two people who had the same type of opposition, and I  
1395 think Mr. Atack has tried to do the best he could to resolve those issues, including the proffers  
1396 that were submitted today. Mr. St. John's concern is one that we heard tonight, or at least I  
1397 heard tonight for the first time, and I think it is one that we need to pay attention to. And we  
1398 can amplify that as we go forward in this process, but we have not proffered, we have not  
1399 proffered a concept plan, so it is not cast in concrete, but I would think we would want to study  
1400 this very carefully, Mr. St. John, and make sure that whatever traffic situation that would come  
1401 out is the safest one that we can deal with. So, we have not done that at this point.  
1402  
1403 One thing I would like to stress is that at the first meeting I did ask Mr. Atack if he would be  
1404 doing this development himself, and he assured us that he would. Mr. Atack is known to do  
1405 quality development, and I think that is a plus for everybody. The townhouse residents, which  
1406 represent the major part of this case in that there are a hundred and forty some townhouses that  
1407 exist there now are in favor, and the fact that Mr. Atack values will be somewhat above what  
1408 they are I think will serve to enhance the community and enhance the townhouse community  
1409 and make those property values go up. I wish there was something that we could do to solve  
1410 everybody's problem, but as in most zoning cases, we can't, but between now and the time we  
1411 bring this back for plan of development, and also, it has to be heard again by the Board of  
1412 Supervisors, if there are other things that can be done, I am sure we will do whatever we can to  
1413 promote the health, safety and welfare the best that we can. So, with that I will first move for  
1414 waiving the time limits on the proffers that were submitted today.  
1415  
1416 Mr. Vanarsdall - Second.  
1417  
1418 Mr. Taylor - Motion made by Mr. Archer to waive the time limits and  
1419 seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion carries.  
1420  
1421 Mr. Archer - And as for the case itself, C-61C-01, I move to recommend  
1422 approval to the Board.  
1423

1424 Mr. Vanarsdall - Second.  
1425  
1426 Mr. Taylor - Motion by Mr. Archer to approve Case C-61C-01, seconded by  
1427 Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion is carried.  
1428  
1429 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
1430 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
1431 request because it reflects a type of residential growth in the area.  
1432  
1433 Mr. Jernigan- I would like to say one thing.  
1434  
1435 Mr. Archer - If I may, too, Mr. Atack, if you can will you please work with Ms.  
1436 Archibeck as best you can to see what you can do about this problem, some Cyprus trees or  
1437 whatever it is that will help her. She likes you.  
1438  
1439 Mr. Jernigan - In regards to the traffic, the same question came up on  
1440 Newbridge Church that is in our district, and I was informed by Traffic that normally they do put  
1441 intersections directly – they put them directly across from each other. They say there are too many  
1442 accidents if they don't.  
1443  
1444 Mr. Vanarsdall - That is known as dog-legging and the County does not do dog-  
1445 legging to intersections. Thank you.  
1446  
1447 Mr. Archer - I want to thank all of the neighbors for coming tonight and on  
1448 behalf of the Commission, Happy Valentine's Day.  
1449  
1450 Mr. Marlles - The new two cases are companion cases, so staff is  
1451 recommending that they be heard together.  
1452  
1453 **C-5C-02 Jack R. Wilson, III for Westminster-Canterbury:** Request to rezone from  
1454 O-3 Office District and B-2 Business District to R-6 General Residence District (Conditional),  
1455 Parcels 95-A-6 (784-743-1124) and 7 (784-743-6204), containing 20.34 acres, located on the  
1456 southeast line of Interstate 95 and the north line of Westbrook Avenue approximately 1,100 feet  
1457 east of the intersection of the Interstate 95 ramp and Westbrook Avenue and approximately  
1458 1,119 feet west of Brook Road (U. S. Route 1). A nursing home/life care facility is proposed.  
1459 The R-6 District allows a density up to 19.8 units per acre. The use will be controlled by  
1460 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Semi-  
1461 Public.  
1462  
1463 **P-3-02 Jack R. Wilson, III for Westminster-Canterbury:** Request for a provisional  
1464 use permit under Sections 24-36.1(a) and 24-122.1 of Chapter 24 of the County Code in order to  
1465 develop a life care facility, on Parcels 95-1-5 (783-742-4699), 6 (784-743-1124), 7 (784-743-  
1466 6204) and 94-A-38 (782-742-9080), containing 40.41 acres, located at the northeast intersection  
1467 of the Interstate 95 ramp and Westbrook Avenue (1500-1510 Westbrook Avenue). The existing  
1468 zoning is R-6 General Residence District, O-3 Office District and B-2 Business District. The Land  
1469 Use Plan recommends Semi-Public.  
1470  
1471 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.  
1472  
1473 Mr. Taylor - Is there anybody in the audience that is opposed to this project?  
1474 We will get to you after the presentation of the case if we might. Mr. Bittner, please proceed.  
1475

1476 Mr. Bittner - Thank you, Mr. Taylor. This proposal would establish a master  
1477 plan for the future development and expansion of the Westminster-Canterbury life care facility on  
1478 the north line of Westbrook Avenue approximately 1,120' west of Brook Road. This is that new  
1479 master plan (referring to rendering), and to orient you, the bottom of the page is Westbrook  
1480 Avenue and the top of the site is Interstate 95, and the interchange is to the left of this picture  
1481 (referring to rendering).

1482  
1483 The existing Westminster-Canterbury facility includes senior apartments, assisted living units, and  
1484 a nursing home. The southern portion of the site fronting Westbrook Avenue is within the City of  
1485 Richmond. The Henrico County line is approximately 220' north of Westbrook Avenue. You can  
1486 see it on this plan right here (referring to rendering). That is the City-County line.

1487  
1488 The proposed master plan shows that most of the existing facility would be retained. The  
1489 southeast wing would be demolished to allow new development on the eastern portion of the  
1490 site.

1491  
1492 The applicant has proposed an increase in the total number of permitted units. The purpose is to  
1493 allow for potential future expansion. Westminster-Canterbury currently has 592 units and the  
1494 applicant originally proposed a permitted total of 912 units. He has since increased this request  
1495 to 975 units. Staff feels the property could accommodate these additional units and has  
1496 reworded the recommended provisional use permit conditions to reflect this. And that is what we  
1497 are handing out to you right now.

1498  
1499 The master plan also includes a child day care and development center, outdoor recreation  
1500 facilities, pedestrian pathways, and open and landscaped areas. In addition, a multi-purpose  
1501 indoor area is proposed that would include classrooms, work areas, and a 350-seat performing  
1502 arts center and movie theatre.

1503  
1504 Staff has worked closely with the applicant to compose conditions regulating the use of this site.  
1505 Along with a maximum number of units, these conditions would require development to  
1506 substantially conform to the master plan and require architectural design similar to the submitted  
1507 building elevations. This application would enhance the quality of an existing life care facility and  
1508 its future expansion. Staff recommends approval of these applications subject to the conditions  
1509 handed to you tonight. I'd be happy to answer any questions.

1510  
1511 Mr. Taylor - Thank you, Mr. Bittner. Are there any questions from the  
1512 Commission to Mr. Bittner?

1513  
1514 Mr. Archer - Mr. Bittner, I know you and I have been over this, but would you  
1515 explain the cap of 975 to the rest of the Commission so they will understand exactly what you  
1516 mean.

1517  
1518 Mr. Bittner - Yes, again, that is the ultimate total number of units that the  
1519 applicant is requesting and he can speak further to this most likely. I don't believe they have any  
1520 plans to develop to that number, but they would like some maneuvering space for future  
1521 expansion. We have within that 975 unit total created a couple of sub-category caps or limits.  
1522 One would be on the number of cottage units or single-family detached. You will notice that  
1523 would only be permitted to have nine units. However, the master plan shows 29 total, I believe.  
1524 The reason for that is because most of them would be within the City of Richmond and not  
1525 subject to this Provisional Use Permit. The other cap number is on the total number of  
1526 independent living units, which would be apartments, and we have kept that at 615. What that  
1527 number did was maintain the same ratio they came to us with earlier, which was 575 independent  
1528 units versus 912 total. The reason we wanted to cap these two uses is that we felt these would

1529 be the traffic generators for this site. These people are independent. They still drive places on  
1530 their own, whereas the other uses including health care beds, assisted living and memory  
1531 support, for the most part do not generate a lot of traffic. So, we want to have some control  
1532 over those traffic generating-uses. Therefore we are proposing a new condition #3 that you  
1533 have in front of you right now.

1534  
1535 Mr. Archer - Thank you, sir.

1536  
1537 Mr. Taylor - Thank you, Mr. Bittner. Are there any questions on the part of  
1538 the Commission to address to Mr. Bittner? Thank you, sir. I guess, Mr. Archer, at this point we  
1539 will hear from the applicant and then we will hear from the gentleman who would like to make  
1540 comments.

1541  
1542 Mr. Archer - I thought Mr. Yolton was going to do a staff report there for a  
1543 minute.

1544  
1545 Jack R. Wilson, III - He was trying, Mr. Archer, but I wouldn't let him. Good evening  
1546 Mr. Chairman and members of the Commission and Mr. Thornton. My name is Jack Wilson and it  
1547 is my pleasure to be here this evening representing Westminster-Canterbury on this exciting new  
1548 project. Given that the staff, as usual, has done an excellent job giving an overview of the case  
1549 and exactly what is being proposed, I thought I would keep my comments very brief and then  
1550 perhaps answer any questions that anybody here may have. What this slide does is show  
1551 essentially what Mr. Bittner showed, although in a color format, so it is somewhat easier to see  
1552 exactly what this project is going to do. The gray area on the left (referring to slide) is  
1553 essentially the existing facility, and the colored units to the right (referring to slide) are what are  
1554 going to be proposed as additions. And, as you know, this property used to be split between  
1555 Westminster-Canterbury and Charter Westbrook, and when Westminster-Canterbury had the  
1556 opportunity to acquire the property a couple of years ago, it did, and then immediately looked  
1557 into ways to expands its very successful operation at this location, and so that is what you see  
1558 here before you (referring to slide) is the culmination of all that work based on what they expect  
1559 the market to show and what the demands to be. As Mr. Bittner mentioned, we did ask for a  
1560 little bit of extra flexibility in terms of the ultimate number of units that could be permitted on  
1561 this site, but just to be clear, if there were any additional units, they would be within the  
1562 footprint that has already been presented. As the final plans get developed and final marketing  
1563 studies and so forth are done, there may need to be a shift in the number of units from assisted  
1564 living to nursing, or whatever, and all we asked for was just that flexibility, that we wouldn't  
1565 bump up against that cap, but as it stands now, what had been presented before is still the  
1566 current plan and we are looking forward to this exciting project being developed.

1567  
1568 As Mr. Bittner alluded to, this project, because it straddles both Henrico County and the City of  
1569 Richmond, we need to seek approvals from both jurisdictions, so that is why we have started the  
1570 process here in Henrico County, which contains the bulk of the project. We will also need to get  
1571 a special use permit from the City of Richmond for the cottage units that are in the City of  
1572 Richmond, and because the City of Richmond also has the road, they have been, Westbrook has  
1573 been primarily focused on the traffic issues, drainage issues and so forth, so we've had close  
1574 consultation with the City Planning staff on that, as well and will be filing that application  
1575 tomorrow and hope to move it quickly through the City Council process there.

1576  
1577 Just to mention traffic very briefly, because I understand that may be one of the questions  
1578 before is, Westminster-Canterbury did commission a traffic study to take a look at the traffic  
1579 impacts of this expansion, and they are negligible. Trip counts now that were done in 2001, for  
1580 example, show 206 trips in the morning and fully developed in 2005 we are looking at 295 trips  
1581 on Westbrook. The afternoon currently 200 trips; fully developed in 2005 – 287 trips, and that is

1582 well within the level of service requirements for Westbrook. So, we are not looking at any traffic  
1583 impact at all. In fact, those numbers don't even reflect, if Charter Westbrook was still there, they  
1584 may be more than these numbers. So, traffic is not a significant issue, but is one that the City is  
1585 focusing on, because that clearly falls within their area of responsibility. But, I'd be happy to  
1586 answer any questions, and, of course, then to the extent I can answer any questions from  
1587 anybody here, I'll be happy to do it.  
1588

1589 Mr. Archer - Mr. Wilson, I was going to ask you about how we reached that  
1590 expansion number of 975, but you already did it in your remarks, so I don't need to ask the  
1591 question. But, I would like to ask Mr. Bittner, did you have a chance to look at the traffic study,  
1592 and is it acceptable?  
1593

1594 Mr. Bittner - I have looked at it. We only got it yesterday. I read through it  
1595 quickly and then I handed it off to our Traffic Engineers. They have not had an opportunity to go  
1596 through it in detail, but they are looking at it. They also are in contact with the City of  
1597 Richmond's Traffic Engineers, and we are confident that traffic concerns, if there are any, will be  
1598 addressed.  
1599

1600 Mr. Archer - OK. Thank you, sir.  
1601

1602 Mr. Taylor - Are there any other questions on behalf of the Commission for  
1603 Mr. Wilson?  
1604

1605 Mr. Archer - I don't have anything, Mr. Chairman, but I think there is  
1606 somebody who wants to speak.  
1607

1608 Mr. Taylor - Yes, I think so. There is one gentleman, you're not speaking in  
1609 opposition, I believe you said, but you...  
1610

1611 Mr. Tom Miller - My name is Tom Miller. I live directly across the street, across  
1612 Westbrook Avenue from the proposed Westminster-Canterbury expansion. Several of my  
1613 neighbors are elderly, and like myself, do not directly oppose this expansion, but they do share  
1614 my concerns about it. The current proposal will allow up to 975 units in total, with close to twice  
1615 the number of apartments and cottages that currently exist. This will generate a significant  
1616 increase in traffic, as opposed to what I think we have heard on two-lane Westbrook Avenue,  
1617 which is already well traveled due the Interstate 95 interchange which is located just west of  
1618 Westminster Canterbury. It was brought to my attention that the assisted living, memory  
1619 support and health care beds are not considered to be great traffic generators, but the extra  
1620 employees, staff, delivery, service vehicles and supply vehicles will add to the traffic in support of  
1621 these other units. Also, a child development center and performing arts theater will add even  
1622 more.  
1623

1624 I had initially three areas of concern. The first was limiting the number of units, the number  
1625 having increased over initial plans and exceeding the current need as we have also heard, along  
1626 with the potential of further Westminster-Canterbury expansion to the adjacent Azalea Mall  
1627 property, bringing more units in the future.  
1628

1629 The second was traffic volume, and its potential to lead to a need to expand Westbrook Avenue,  
1630 which I think should be planned for now. We would like to keep our front yards. That is my  
1631 main concern.  
1632

1633 But, most important to us, than either of these is a safety issue. I have lived on Westbrook  
1634 Avenue for 15 years, my neighbors significantly longer. We have witnessed many near misses

1635 related to current vehicular traffic, particularly left-turns from Westbrook into Westminster-  
1636 Canterbury, and vehicles turning into oncoming traffic from Westminster-Canterbury. I refer you  
1637 to Exhibit, well he had Exhibit A up there, this is really quite similar, at the bottom right-hand  
1638 corner (referring to slide) where you see the easternmost, what would be the entrance to the  
1639 facility as it is proposed. That access on Exhibit A is marked "service entry" and it is directly  
1640 across from us, but nothing appears to limit it only to a service entry use. This particular access  
1641 will turn what used to be a low traffic ambulance entrance for the psychiatric hospital, Charter  
1642 Westbrook, into a much higher traffic access for a retirement, assisted living, health-care, child-  
1643 care and theater community and with an intersection about 100 feet from the service entry,  
1644 which you can see, just on down. That happens to be Stratford Avenue. The traffic problems  
1645 currently experienced at Crestwood Avenue, which is the other road that you see coming into  
1646 Westbrook Avenue, sort of in the middle of that picture, they've had some significant problems  
1647 with entrances, which are now removed, as you can see. There are several other entrances  
1648 currently to the Westminster-Canterbury property that have been removed with that, but they  
1649 have had significantly problems with traffic coming in and out of those particular accesses and  
1650 with a road almost adjacent to that, but not directly across from that.

1651  
1652 One other thing I would like to mention, at another nearby retirement community, Imperial  
1653 Plaza, they have a central controlled access point, and it seems to make a lot of sense for  
1654 something like this, as well. So, I guess my main concern is the access to the right, which is  
1655 directly across from us, and the fact that I have seen what happens with some of the left turns  
1656 and just the traffic. You can come by there at 5:00 p.m. on any afternoon and you can see the  
1657 amount of traffic that goes up and down Westbrook Avenue to and from that interstate. In  
1658 short, a community of this size, on an already busy road, I think should be required to have some  
1659 kind of a unified scheme of access control, preferably at an intersection with turn lanes, just to  
1660 ensure everybody's safety and security. I know Westminster-Canterbury is concerned about, as  
1661 we are, about having a safe and secure environment for everybody to share, so, hopefully, we  
1662 could work something out on that particular issue. Thank you very much.

1663  
1664 Mr. Archer - Mr. Miller, you indicated you live across from the service  
1665 entrance?

1666  
1667 Mr. Miller - What is marked on Exhibit A as "service entry." Yes, as do my  
1668 neighbors.

1669  
1670 Mr. Archer - And your concern is that that entrance could be used for more  
1671 than just service entry? Is that it?

1672  
1673 Mr. Miller - Well, it doesn't look like there is anything to prevent that. And  
1674 currently there are about six or seven entrances along that span, and I think two of them are the  
1675 old Westminster-Canterbury, old Charter Westbrook Hospital, but there are like four or five  
1676 entrances along Westminster-Canterbury, and I have been a witness to a lot of what is  
1677 happening, trying to make left turns, trying to get out into traffic. It is just a nightmare at  
1678 Crestwood Road, and actually I think there is a letter in the file from the Bellevue Civic  
1679 Association mentioning about helping to fix that. It looks like what is being proposed is actually  
1680 going to fix the problem at Crestwood Road, because it looks like the entrance is directly across  
1681 at an intersection and I think there are plans for a left-turn lane at that point, but what you've  
1682 done is you've essentially created the same problem further down at Stratford if that entrance is  
1683 not controlled in some way.

1684  
1685 Mr. Archer - OK, well, I am not the traffic expert at all, but I was just, in light  
1686 of what you said, and looking at the way the traffic would disperse once it turns into the three  
1687 intersections that I note here, would it not be somewhat of a help if that road were not just



1688 limited to service vehicles, but would take some of the strain off of the other two entrances. I  
1689 am just asking. Does that have any...

1690  
1691 Mr. Miller - I think what you need is what is proposed at Crestwood, which  
1692 is a direct access at an intersection with a left-turn lane. You fixed Crestwood Road, but you  
1693 created the same problem that has been going on down at the other end, except now it is at  
1694 Stratford. They don't line up. If you had another, if you could potentially line those two up, have  
1695 a turn lane, make it safe, that would be great. But they don't line up at this point, and if there is  
1696 not something to control that access, I think that is probably the biggest, the most major point  
1697 that I and my neighbors have been discussing here recently. We just don't want to create more  
1698 problems. And we have seen what has happened at the other ones, so that is more a safety  
1699 issue than anything else, not just traffic.

1700  
1701 Mr. Taylor - Thank you, Mr. Miller, for your comments. Mr. Wilson.

1702  
1703 Mr. Wilson - Just to comfort the Commission, a couple of things again. No. 1,  
1704 these are issues that have been fully developed with the City traffic people. That service  
1705 entrance will be controlled. It will have a gate. The main entrance will have a gate. And so  
1706 there will not be a whole lot of traffic coming in and out of that service entrance. It will actually  
1707 have a gate that will be electronically controlled. There is going to be a turn lane into that  
1708 entrance. There will be a turn lane as alluded to, coming across, into the main gatehouse, which  
1709 will also be controlled. So, all those traffic issues that have been raised have been addressed at  
1710 the City level, and they are fully aware of them, and we are re-striping, adding turn lanes,  
1711 controlling access to deal with all of those traffic issues. I just wanted the Commission to know  
1712 that that is being taken care of at the City level.

1713  
1714 Mr. Taylor - I believe that your figures were that the current traffic along  
1715 Westbrook in front of it is now about 200 cars a day that we generate. Your predictions indicate  
1716 it will go up to approximately 300.

1717  
1718 Mr. Wilson - It is 289, I think.

1719  
1720 Mr. Taylor - And perhaps this is something we need to look when we get to  
1721 the POD stage to make sure that our traffic people take a look at it, and work with the City to do  
1722 what they can. I had a question along that same long, though, and that is the road to the north  
1723 that makes the 90-degree turn to come to the second entrance. I believe it was Mr. Miller's  
1724 thought that perhaps some way that road or piece of the road could intersect with the small  
1725 street right across from there. I don't have a pointer, but I think it...

1726  
1727 Mr. Wilson - Are you talking about the far right on this plan (referring to  
1728 slide)?

1729  
1730 Mr. Taylor - I think so. Yes.

1731  
1732 Mr. Wilson - That is what I was referring to. That is the service entrance that  
1733 will be controlled as Mr. Miller was hoping it would be. It is going to be controlled. It can't be  
1734 lined up because Westminster-Canterbury doesn't own that property to the right. That is sort of  
1735 the property line right there.

1736  
1737 Mr. Taylor - That is your property line?

1738  
1739 Mr. Wilson - So there couldn't be anything to do, but as Mr. Miller was  
1740 concerned about, that will be controlled. It will only be a service entrance, and it will be gated.

1741  
1742 Mr. Taylor - And I think we want to assure Mr. Miller that at the proper time  
1743 at the POD stage, our traffic group will look at that and transportation, and if there are any  
1744 changes that can be made and that need to be made in the design, I am sure we will be able to  
1745 incorporate them in the design at that time.  
1746  
1747 Mr. Wilson - In fact, through the City's Special Use Permit Process, that is  
1748 exactly what will be going on with the City as they look at and consider the Special Use Permit  
1749 for the project in the City.  
1750  
1751 Mr. Thornton - Mr. Wilson, have you, during all these proceedings, have you  
1752 had members of the very close neighborhood, have you shared information with them so they  
1753 have some idea of the plans and layout and all of that, and also have been privy to their input.  
1754  
1755 Mr. Wilson - Yes, Mr. Thornton, I failed to mention that with me this evening  
1756 from Westminster-Canterbury are Don Leckie and Bill King, and those meetings have occurred  
1757 with the Bellevue Civic Association, which is primarily a group of neighbors across Westbrook.  
1758 Again, those are in the City, and in fact the Bellevue Civic Association has written a letter of  
1759 support for the project, given the information that we provided to them. They were excited  
1760 about the project, and actually have voiced their support. A copy of that letter was originally  
1761 sent to the City and we have provided Mr. Bittner with a copy of that letter, as well. So, that has  
1762 happened. Yes, sir.  
1763  
1764 Mr. Taylor - Thank you, Mr. Wilson. Are there any other questions from the  
1765 Commission? Thank you, sir.  
1766  
1767 Mr. Archer - Are we ready?  
1768  
1769 Mr. Taylor - Yes, sir.  
1770  
1771 Mr. Archer - I guess we have to do these one at a time. Which was first?  
1772  
1773 Mr. Vanarsdall - It was C-05-02.  
1774  
1775 Mr. Archer - I will just do them in the order they were on the agenda,  
1776 whichever that is, and I want to keep in mind Mr. Miller's concern, and realizing that Westbrook is  
1777 in the City, we don't have too much of a control of how they do their traffic patterns, but I am sure  
1778 we have been in the spirit of regional cooperation, and working with the City of Richmond, and the  
1779 plan ultimately is a good one, and the only question I wanted Mr. Wilson to share with the rest of  
1780 the Commission members had to do with the expansion of the cap, and I think you have explained  
1781 that satisfactorily. So, with that, Mr. Chairman, I will recommend approval of C-5C-02, Jack R.  
1782 Wilson, III for Westminster-Canterbury, to the Board.  
1783  
1784 Mr. Vanarsdall - Second.  
1785  
1786 Mr. Taylor - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in  
1787 favor say aye. All opposed say nay. The motion carries.  
1788  
1789 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
1790 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
1791 request because it represents a logical continuation of the life care facility development which  
1792 exists in the area.  
1793

1794 Mr. Archer - All right, and as a companion to that, I will move approval of P-  
1795 03-02 to the Board.  
1796  
1797 Mr. Vanarsdall - Motion is made by Mr. Archer and seconded by Mr. Vanarsdall.  
1798 All in favor say aye. All opposed say no. The ayes have it. The motion carries.  
1799  
1800 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
1801 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
1802 request because it represents a logical continuation of the life care facility development which  
1803 exists in the area.  
1804  
1805  
1806 Mr. Vanarsdall - Before we close tonight, while we still have a group, I was  
1807 remiss in my duties to recognize our distinguished colleague from the press, Mr. Lapis, who has  
1808 been very quiet over there. It was a remarkably short meeting and we would like to wish him,  
1809 too, a Happy Valentine's Day, and my apologies for not recognizing you before, Tom.  
1810  
1811 Mr. Archer - We will give him a box of candy next year.  
1812  
1813 Mr. Taylor - Oh, we have the approval of the minutes for January 10. Do we  
1814 have a motion on the approval of the minutes for January 10?  
1815  
1816 Ms. Ware - So moved.  
1817  
1818 Mr. Vanarsdall - Second.  
1819  
1820 Mr. Taylor - Motion made by Ms. Ware and seconded by Mr. Vanarsdall. All  
1821 in favor say aye. All opposed say no. The minutes are approved.  
1822  
1823 Do we have a motion for adjournment?  
1824  
1825 Mr. Taylor - Motion made by Mr. Vanarsdall to adjourn, seconded by Mr.  
1826 Jernigan. All in favor say aye. All opposed say no. The motion passes. The meeting is  
1827 adjourned.  
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 Allen J. Taylor, C.P.C., Chairman  
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 John R. Marlles, AICP, Secretary  
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1842  
1843