

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., February 10, 2005, Display Notice having been published in the
4 Richmond Times-Dispatch on January 20, 2005 and January 27, 2005.

5
6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson, Brookland
7 Mr. C. W. Archer, C.P.C., Vice Chairman, Fairfield
8 Mr. John Marshall, Three Chopt
9 Mr. E. Ray Jernigan, C.P.C., Varina
10 Mr. David A. Kaechele, Board of Supervisors, Three Chopt
11 Mr. Randall R. Silber, Director of Planning, Secretary
12

13 Members Absent: Mrs. Lisa D. Ware, C.P.C., Tuckahoe
14

15 Others Present: Mr. Virgil R. Hazelett, County Manager
16 Mr. Ralph J. Emerson, Assistant Director of Planning
17 Ms. Jean Moore, Principal Planner
18 Mr. Lee Tyson, County Planner
19 Ms. Rosemary Deemer, County Planner
20 Mr. Thomas Coleman, County Planner
21 Mr. Seth Humphreys, County Planner
22 Mr. Michael Cooper, County Planner
23 Ms. Debra Ripley, Recording Secretary
24

25 **Unless otherwise indicated, Mr. Kaechele abstained from voting on all zoning cases.**
26

27 Mr. Vanarsdall - Good evening, everybody. We are not going to open the meeting. We
28 are going to reconvene. We already had a meeting upstairs, but I know that you have heard me
29 say this before. This night always seems to me like the Oscars. This is the Who's Who in the
30 County, so we know that this meeting may be mandatory for you all, but we really appreciate
31 your being here anyway. It is an honor to have Virgil come and present it, so I will turn it over
32 to our secretary, Mr. Silber.
33

34 **PUBLIC HEARING ON PROPOSED CAPITAL IMPROVEMENT PROGRAM:**

35 Henrico County's proposed five-year Capital improvement Program (CIP) for FY 2005-06 through
36 FY 2009-10.
37

38 Mr. Silber - Thank you, Mr. Chairman. Good evening members of the Commission,
39 ladies and gentlemen, colleagues and co-workers. The first item on the agenda this evening is a
40 public hearing on the Capital Improvements Program for Fiscal Years 2006 through 2010. The
41 State law requires that the Planning Commission hold the public hearing and recommend to the
42 governing body a recommendation on the Capital Improvement Program. We do have for the
43 Commission's consideration a resolution that would be hopefully read by Commission members
44 and which would endorse the Capital Improvement Program. We again have the County
45 Manager here this evening to present the CIP. As you can see, there are other staff here that
46 may be available to answer questions in the event they may be needed. With that, unless there
47 are any other comments by Commission members, I think it may be appropriate to turn it over to
48 the County Manager.
49

50 Mr. Hazelett - Good evening, Mr. Chairman and members of the Planning Commission.
51 I would first begin by telling you the bus is still running outside in case we have to leave early
52 because we can't answer your questions, but I would also tell you as I begin this presentation
53 that there are some very large numbers, therefore, very large needs in Henrico County that will

54 address some of those, even into the future here a little bit this evening. But, as always, I would
55 like to present to you the five-year Capital Improvement Program and to highlight the proposed
56 capital budget, that which we will take to the Board of Supervisors for 2005-2006. As you are
57 aware, the capital budget represents the projects that I will recommend for funding in the first
58 year of the five-year CIP. The highest priority in this plan is something I think a lot of people
59 begin to take for granted right now, and that is those projects, which were approved by the
60 voters by the 2000 Bond Referendum. They are the highest priority and we are committed to
61 those and we will continue on with those with our capital budget. 2005-2006 will mark the sixth
62 year of seven anticipated issuance of General Obligation Bonds in order to meet the commitment
63 that was made to the citizens when they approved the 2000 Bond Referendum, and this year will
64 contain 41.3 million dollars in education projects and 7.1 million dollars in actually general
65 government projects, in accordance with the Bond Referendum of 2000. In addition, as part of
66 the overall planning effort that goes into the CIP Projects are included for the March 8
67 Referendum. We don't know whether the citizens are going to approve all of those projects or
68 not, but they are included at this point in time, until that Referendum is held. Once the
69 Referendum is held, we will make our decisions concerning what was approved by the voters and
70 will submit that to the Board of Supervisors for their consideration, which will be on March 14. I
71 dare say between March 8 and March 14, we will have a very busy period in reference to the
72 Capital Budget.

73

74 In looking at the five-year CIP requests, those are the projects that all of the departments have
75 gotten together, looked at their needs for the short-term future, five years, and the next three
76 slides will show you what that amounts to. I won't review all of these. I will review some,
77 simply to give you a flavor of them. CATC, a 2.7 million dollar project is to replace an existing
78 building that quite frankly is in very, very bad condition on Williamsburg Road. This request has
79 been made for a number of years. It is time to do something. We almost have to from a
80 physical standpoint of the building itself, and, therefore, we are recommending this, and it is
81 included in the five-year plan. You will notice that in this plan is \$315,000,000 of school projects
82 over the next five years. That includes four new elementary schools, three new middle schools
83 and two new high schools along with renovations and improvements in many other locations.
84 Fire's five-year request includes 37.3 million dollars for a new fire station, relocation and
85 renovation of several others. You see again, a very, very large figure of 210.2 million dollars for
86 General Services over five years. This includes our normal and necessary funding for roof repair,
87 mechanical improvements and payment rehabilitation throughout Henrico County's General
88 Government Building, plus the continued renovation and upgrading of all of our facilities, but it
89 also includes \$80,000,000 for a new courts building that we do know we will have to undertake.
90 In addition, there is still 39.5 million dollars for a new multipurpose assembly facility in Henrico
91 County again at the end of the five-year period.

92

93 Human Resources, a very mundane project, to many, many people, is requesting in the five-year
94 program 7.8 million dollars in order to fund a new software system in order to keep up with all of
95 the necessary records for our almost 10,000 employees, including paychecks, personnel records
96 and so forth. This is getting to be very, very difficult and that request has been made over
97 several years.

98

99 Juvenile Detention, of course, is requesting funding for expansion of existing services. Mental
100 Health is requesting money for improvement of the Lakeside House facility that I will also
101 address in just a little bit. The library request, 52.2 million dollars, over five years, for the
102 construction of two new libraries, renovations and expansions of others. Public Relations and
103 Media Services continues with the overall plan that the Board has seen in order to enhance our
104 overall video services that are available and will be available to our citizens. And, of course, we
105 continue with our landfill operations, a very unglamorous but necessary part of our overall
106 County operations.

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In the area of Public Works, the never ending request, 39.3 million dollars for drainage projects, a necessary 1.5 million dollars for our continuation of the GIS Systems, Geographic Information Systems, is so very, very important to all of the operating departments, and roadway improvements are 49.2 million dollars.

Over a five year period, recreation, I actually thought it was a typo, but it wasn't, is requesting \$132,000,000 for projects which include improvement to existing facilities as well as development of new parks. All of that totals 850.9 million dollars, but we are not through yet. In addition to that, in your enterprise fund area, Public Utilities is proposing to expend over five years 173.1 million dollars for projects that include the rehabilitation and expansion and the modernization of our water and sewer systems, something that goes on continuously.

Belmont Golf Course is requesting a little over \$3,000,000, to increase the number of parking spaces available at that facility and make necessary repairs to the golf course. That is where two of you gentlemen, Mr. Archer and Mr. Kaechele, constantly dig holes. In total, Mr. Chairman, and members of the Planning Commission, the total request is 1.03 billion (with a b) dollars for five-year requests by all of the departments.

Projects continue to expand, as well as all of the costs of these projects expand, and this is what we are facing. However, as I indicated when I started, we only take this one-year at a time. We only do that which we can fund, and which we are provided efforts from our citizens. Of course, addressing the March 8 Referendum Question, these are the proposed projects to be included in the Capital Budget that we will ask you to pass a resolution on this evening that will go to the Board of Supervisors. That is subject to change, dependent upon the March 8 question, which will be put before our citizens.

The first project, the one that I addressed earlier, the Capital Area Training Consortium Building, again, which is under a lot of physical duress, it does need to be done, and we are finally going to undertake this, hopefully, dependent upon the Board of Supervisors' review. In addition to that, there is 87.3 million dollars in education projects for our school system, planning and design of the new middle school, one new elementary school and one new middle school, renovations and additions to three high schools and four elementary schools, along with purchase of land that is critically needed for other improvements in our school system in the future.

Funding for fire in the vicinity of 1.9 million dollars for the rebuilding of Fire Station #8, which was committed to in the November 2000 Bond Referendum. This is one of the last projects of that bond referendum in the area of fire. General Services, 1.9 million, for the purchase of additional generators. We all know how we were hit during the storms and we continue with our purchasing of generators to ensure that we can operate our facilities throughout Henrico County in case of other emergencies. There is also exterior lighting and environmental projects, which are included there. There is 1.6 million dollars for the Mental Health Facility to expand the Lakeside House effort, which is in the Lakeside area, something that has been requested, and we do believe is necessary and we will be proposing to fund that.

The Public Library's funding of \$22,000,000 is for the construction of a replacement for the Dumbarton area library, renovation to the Gayton library, and addition to the Glen Allen library, and a land purchase for the new Varina area library. Again, as I mentioned earlier, there is \$130,000. It sounds like a small amount of money, but it is a capital expenditure for our continuation of public relations and media services for additional studio equipment to complete our efforts of expanding public information efforts.

159 Landfill, as I indicated, will always be with us. This provides us with additional efforts for the
160 design and construction site improvements at Springfield Road, \$550,000.

161
162 A continuing effort for the GIS, Geographical Information System, that is so very important to us.
163 9.2 million dollars for roadway improvements in Henrico County. This would include additional
164 funds for John Rolfe Parkway, which was approved by the voters in 2000, Charles City Road,
165 North Gayton Road that is a 2005 Bond Referendum project, and White Oak Road. Recreation
166 funding of 9.8 million dollars includes a new eastern area recreation center included again on the
167 2005 Bond Referendum, and improvements to Meadowview Park, RF&P Park and improvements
168 to Dabbs House, which we are going to have to make. It is a historical structure and we have
169 undertaken efforts to move Police out of this facility, but, of course, this is not a structure that
170 we can turn our backs on, and we will need to include it. 39.1 million dollars is included for Public
171 Utilities for the expansion and the continued rehabilitation of overall services. So, that amounts
172 to an anticipated total expenditure during the year of the Capital Budget of \$176,214,109. You
173 can show that in different ways. This next slide shows you proposed projects by type, new
174 buildings, additions to buildings, building improvements, acquisition of land, that is \$11,000,000
175 for school acquisition. Again, land so desperately needed for schools and, of course, the landfill
176 and the park.

177
178 Mr. Kaechele - Excuse me. The land funding, they already have some of that for
179 schools, don't they?

180
181 Mr. Hazelett - They have \$11,000,000 this year, Mr. Kaechele. This is the \$11,000,000
182 that would come next year.

183
184 Mr. Kaechele - So it would be a total of \$22,000,000. That would get us two or three
185 sites, at least. All right. Thank you.

186
187 Mr. Hazelett - In addition, of course, roadway improvements I mentioned of 1.9 million
188 and again these are the different types of projects, improvement, technology, soil and water, all
189 totaling the 176.2 million dollars, which is the proposed capital budget that we are
190 recommending that you give consideration for passage of a resolution. We would be
191 recommending to the Board of Supervisors, assuming that all items are successful on the
192 question which goes before the citizens on March 8. It is possible for any number of those to
193 pass or fail, including the consideration of the meals tax. Between March 8 and March 14 myself
194 and staff will have to give some very, very serious considerations to what the people indicate
195 during that special election and make appropriate and necessary changes or alternatives that the
196 Board may wish to consider. Obviously, as you gentlemen know, and as the Board well knows,
197 this can be considered as a moral obligation put upon this County by the citizens, and we have to
198 be able to attack it in various ways, so our work is not done here, but we are recommending
199 consideration of a \$176,000,000 capital budget to you, with a brief glimpse at the overall five-
200 year effort being a tad over \$1,000,000,000. Mr. Chairman, I will be glad to answer any
201 questions.

202
203 Mr. Vanarsdall - Mr. Hazelett, we spoke briefly before this. You don't have a feel yet of
204 what you think which way the Bond will go on the 8th, do you?

205
206 Mr. Hazelett - We have many groups who have gone out and made presentations. The
207 feedback from the presentations I have made, I think indicate, for the most part at this point, our
208 feedback says the citizens will approve each of the referendum questions. The only question that
209 is debatable at this point in time is this meals tax. And that we simply don't have a feel for. I
210 am trying not to be pessimistic and trying not to be optimistic, but most people we talk to
211 understand the information we present to them. We just have to see what they say.

212
213 Mr. Vanarsdall - Well, I think when you compare it to maybe the real estate tax and you
214 don't have to eat out, and you were telling me a story before that a gentlemen said he wouldn't
215 go anywhere, that he had already been eating and paying the sales tax and didn't know it.
216
217 Mr. Hazelett - Many people, the ones I spoke to, did not actually understand that the
218 City of Richmond already has a sales tax. I asked him where he'd been eating in the last week or
219 so and he listed three or four restaurants, and I told him that he'd already paid meals tax to two
220 or three of those, and he didn't believe that and said no. I said that is because they are in the
221 City of Richmond and his comment was "Well, they don't have a meals tax." I said, "Well, yes
222 sir, they do. The only one restaurant you ate at in the County you were not charged the meals
223 tax." So, there is a misperception and misinformation. It is discretionary spending. It is one
224 reason we recommended it for consideration to the citizens and the Board of Supervisors and it is
225 discretionary. Forty percent of that would be paid by people outside of Henrico County, a very
226 unique situation in local governments and it appears to be a very viable alternative to increases
227 in real estate tax.
228
229 Mr. Vanarsdall - Sure, and I think maybe the Restaurant Association is not in favor of us
230 and the hotels, but they haven't come out in anyway against it yet.
231
232 Mr. Hazelett - No indications of formal opposition at this point, although if there is
233 formal opposition I would be very honest and say I would expect it in the next two weeks.
234
235 Mr. Vanarsdall - I think it will pass on and be forgotten. Any questions by Commission
236 members?
237
238 Mr. Marshall - What is the time frame for the John Rolfe Parkway?
239
240 Mr. Hazelett - John Rolfe Parkway should actually go to construction sometime the
241 latter part of this year, Mr. Marshall, or early Spring. We are acquiring right of way at this point
242 in time.
243
244 Mr. Archer - Mr. Hazelett, I have two questions. One is, I think I asked this last year,
245 did we require a site yet for CATC?
246
247 Mr. Hazelett - We have not.
248
249 Mr. Archer - OK, and the other one is, there is an appropriation in here for Cedar Fork
250 Road Bridge? Would that be when Harvie and Cedar Fork come together?
251
252 Mr. Hazelett - Yes, sir.
253
254 Mr. Vanarsdall - I have one on the Dumbarton Library. Do you know where the School
255 Board is looking for that?
256
257 Mr. Hazelett - The Dumbarton Library is, of course, a General Services project, Mr.
258 Vanarsdall. We would site that location, and we have not done that yet.
259
260 Mr. Vanarsdall - It is under General Services. Well, do you have any idea?
261
262 Mr. Hazelett - I have a few sites in mind, Mr. Vanarsdall, but nothing that we have
263 publicly indicated at this point.
264

265 Mr. Vanarsdall - Thank you. And the parking for Belmont is across the street. Isn't there
266 a house across the street there?
267
268 Mr. Hazelett - Yes, sir, there is. At this point, of course, it is an option. I would tell
269 you we are open to a number of options of locations and things that occur with Belmont. If you
270 remember the storm, I think created some additional alternatives for us as we move to the
271 future. Land that wasn't available to us may very well be available to us for parking and other
272 aspects, and relocation of some of our facilities at the golf course. It may help us as far as
273 locating parking, so I would tell you that while that is there, it may not be the final location.
274
275 Mr. Vanarsdall - Does anyone else have any questions?
276
277 Mr. Kaechele - Yes, Mr. Hazelett. Do you plan to cover funding for these projects,
278 particularly the enterprise projects? Is any funding for that coming out of general funds?
279
280 Mr. Hazelett - No, sir. The enterprise, well, of course, the golf course would come
281 from the general fund or would come from their revenues. It is a possibility we may have to
282 make a loan to them, but as far as water and sewer, that is paid directly out of the enterprise
283 fund.
284
285 Mr. Kaechele - And I suppose all of the school projects are Bond Referendum funding?
286
287 Mr. Hazelett - Yes, sir, all except approximately 2.5 million dollars, which is a routine
288 effort that we put to the schools for roof renovation, HVAC improvements and the rest of that
289 would be bond funding, yes, sir, 2000 and 2005.
290
291 Mr. Kaechele - And the land funding is – is that general fund money?
292
293 Mr. Hazelett - Actually it comes directly from the State, Mr. Kaechele. If you recall, the
294 Board of Supervisors did a special amendment and we would do so again when that money came
295 forward, but we do anticipate...
296
297 Mr. Marshall - Does Public Utilities numbers, have they contemplated the results of the
298 work session about the County now undertaking the running of the sewer versus the
299 development community or is that going to have to come later?
300
301 Mr. Hazelett - It will actually come later, Mr. Marshall. It will take us a period of time
302 to develop that along with a policy. I would anticipate that we may see it in next year's budget,
303 but it is not included in the CIP nor the Capital Budget for the coming year.
304
305 Mr. Vanarsdall - OK. If there are no more questions, I appreciate you coming, Mr.
306 Manager.
307
308 Mr. Hazelett - Thank you, Mr. Chairman, members of the Planning Commission, Mr.
309 Kaechele. They are all here to answer questions if you want to ask some hard ones.
310
311 Mr. Kaechele - Mr. Manager, let me ask one more. The CATC Building, is that going to
312 be on the same site or are they looking for another location?
313
314 Mr. Hazelett - CATC we would anticipate looking for another location, Mr. Kaechele.
315
316 Mr. Kaechele - And that building would be disposed of?
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318 Mr. Hazelett - We would dispose of it, yes sir.
319
320 Mr. Kaechele - So we haven't zeroed in on any other sites.
321
322 Mr. Hazelett - We have not.
323
324 Mr. Kaechele - Does that include land and the building?
325
326 Mr. Hazelett - It does.
327
328 Mr. Vanarsdall - This is a public hearing. Would anyone in the audience like to speak or
329 do you have any questions? Thank you very much. See you next year.
330
331 Mr. Silber - The resolution needs to be adopted by the Planning Commission.
332
333 Mr. Marshall - Mr. Chairman, I will read the resolution.
334
335 WHEREAS, the County Manager has requested the Planning Commission to review the Capital
336 Budget for Fiscal 2005-2006 according to Section 15.2-2239 in the Capital Improvements
337 Program for Fiscal Years 2005-2006 through 2009-2010, and to make appropriate comments and
338 recommendations to the Board of Supervisors.
339
340 AND WHEREAS the Planning Commission has completed its review, the Capital Budget, together
341 with the five-year capital improvements program.
342
343 NOW, THEREFORE, BE IT RESOLVED, that Henrico County Planning Commission finds that the
344 Capital Budget for Fiscal Years 2005-2006 is generally consistent with the County's
345 Comprehensive Plan and recommends its approval.
346
347 Mr. Jernigan - Second.
348
349 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in favor
350 say aye. All opposed say no. The ayes have it. The motion is passed.
351
352 **Mr. Kaechele abstained.**
353
354 Mr. Silber - Thank you, Mr. Manager. We appreciate your time.
355
356 Mr. Archer - Mr. Manager, by way of suggestion, you could just dig up No. 5 at
357 Belmont and turn it into a parking lot and go play from four to six?
358
359 Mr. Hazelett - Well, we thought about that. Mr. Kaechele may want a different one to
360 be dug up.
361
362 Mr. Vanarsdall - I will ask our minutes' reader, Mr. Archer, if he has any changes.
363
364 Mr. Archer - Well, I will scan them right quick and I will tell you. I find no errors.
365
366 Mr. Vanarsdall - I will entertain a motion on that then.
367
368 Mr. Marshall - I move we approve the minutes.
369
370 Mr. Archer - Second.

371
372 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Archer. All in favor
373 say aye. All opposed say no. The motion passes. The minutes are approved.
374

375 **AT THIS TIME THE COMMISSION TOOK A BREAK AND RECONVENED AT 7:00 P.M.**
376

377 Mr. Vanarsdall - Good evening everyone. The Commission will now reconvene. We have
378 already had two meetings, so we don't have to start over. We are glad to have everybody and
379 we will turn the meeting over to our Secretary and Director, Mr. Silber.
380

381 Mr. Silber - Yes, sir. Thank you, Mr. Chairman, members of the Commission. We
382 are missing one Commissioner tonight. Lisa Ware is not here tonight, but we do have other
383 members of the Commission here, so we can conduct business. On the agenda tonight, as the
384 Chairman alluded to, we have had a work session to discuss the status of the County's
385 Comprehensive Plan Update and we have had a public hearing at 6:00 on the proposed Capital
386 Improvements Program. This portion of the Planning Commission agenda pertains to zoning
387 requests and we do have two items that involve plans of development. With that being said,
388 there are a number of items on the agenda tonight that deal with cases that have been
389 withdrawn. We have a good number of items or rezoning requests that have been requested for
390 deferral, so with that I will turn it over to Ms. Moore.
391

392 Mr. Vanarsdall - Good evening, Jean.
393

394 Ms. Moore - Good evening. Thank you, Mr. Secretary. We have three items for
395 requests for withdrawal. All are in the Three Chopt District. The applicant is requesting the
396 withdrawal for each, so no action is required by the Commission.
397

398 **Deferred from the January 13, 2005 Meeting:**

399 **C-44C-04 Andrew Condlin for David E. Cottrell:** Request to amend proffered
400 conditions accepted with Rezoning Case C-39C-95, on part of Parcel 740-765-2150, containing
401 1.4019 acres, located on the east line of Pouncey Tract Road, approximately 350 feet south of
402 Twin Hickory Lake Drive. The amendment is related to use restrictions and hours of operation
403 and would permit a car wash. The existing zoning is B-3C Business District (Conditional). The
404 Land Use Plan recommends Commercial Concentration, Office and Environmental Protection
405 Area.
406

407 **Deferred from the January 13, 2005 Meeting:**

408 **C-2C-05 Ralph Axselle, Jr. for LCL Company:** Request to amend proffered
409 conditions accepted with Rezoning Case C-36C-89, on Parcel 754-744-1970, containing
410 approximately 8.8 acres, located on the east line of N. Parham Road, approximately 650 feet
411 north of its intersection with Eastridge and Quioccasin Roads (Ridge Shopping Center). The
412 amendment deletes Proffer 1, relating to hours of service. The existing zoning is B-2C Business
413 District (Conditional). The Land Use Plan recommends Commercial Concentration and Suburban
414 Residential 2, 2.4 to 3.4 units net density per acre.
415

416 **Deferred from the January 13, 2005 Meeting:**

417 **P-19-04 Ralph Axselle, Jr. for LCL Company:** Request for a Provisional Use
418 Permit under Sections 24-58.2(a) and 24-122.1 of Chapter 24 of the County Code in order to
419 allow 24 hour service to the general public for a retail business (Fed Ex/Kinko's Store in the Ridge
420 Shopping Center), on part of Parcel 754-744-1970, containing approximately 6,000 square feet,
421 located on the east line of N. Parham Road approximately 600 feet north of Eastridge Road. The
422 existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends
423 Commercial Concentration.

424
425 Mr. Silber - On each of those three, none of those require a motion. They will be
426 withdrawn at this point and will not move on to the Board of Supervisors. So, we bring those to
427 your attention, but it does not require any action by the Commission. Can you help us with those
428 requests for deferrals?

429
430 **P-2-05 Andrew Condlin for Kent Little:** Request for a Provisional Use Permit under
431 Sections 24-58.2(a) and 24-122.1 of Chapter 24 of the County Code in order to allow extended
432 hours of operation until 2:00 a.m. for a restaurant on Parcel 735-763-5299, containing 1.922
433 acres, located on the north line of W. Broad Street (U.S. Route 250), approximately 1,550 feet
434 east of its intersection with N. Gayton Road. The existing zoning is A-1 Agricultural District. The
435 Land Use Plan recommends Mixed Use Development. The site is in the West Broad Street
436 Overlay District.

437
438 Ms. Moore - This deferral is requested to the June 9, 2005 meeting.

439
440 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of P-2-05? No
441 opposition.

442
443 Mr. Marshall - Mr. Chairman, I move that Case P-2-05 be deferred to the June 9, 2005
444 meeting at the request of the applicant.

445
446 Mr. Jernigan - Second.

447
448 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in favor
449 say aye. All opposed say no. The ayes have it. The motion passes.

450
451 At the request of the applicant, the Planning Commission deferred Case P-2-05, Andrew Condlin
452 for Kent Little, to its meeting on June 9, 2005.

453
454 **Deferred from the November 10, 2004 Meeting:**

455 **C-27C-02 RFA Management, LLC:** Request to amend proffered conditions
456 accepted with rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located at
457 the northeast intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest intersection
458 of Ridgefield Parkway and Eagles View Drive, and the southeast intersection of Eagles View Drive
459 and Glen Eagles Drive. The amendment would change the maximum density allowed from 7,850
460 square feet per acre to 8,975 square feet per acre. The existing zoning is B-2C, Business District
461 (Conditional). The Land Use Plan recommends Commercial Concentration.

462
463 Ms. Moore - The applicant is requesting to defer this to the April 14, 2005 meeting.

464
465 Mr. Vanarsdall - In the Tuckahoe District. Is anyone in opposition to the deferral of Case
466 C-27C-02, RFA Management, LLC? No opposition. I will entertain a motion, Mr. Archer.

467
468 Mr. Archer - Mr. Chairman, I move deferral of Case C-27C-02 to the April 14, 2005
469 meeting at the request of the applicant.

470
471 Mr. Jernigan - Second.

472
473 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor say
474 aye. All opposed say no. The motion passes.

475

476 At the request of the applicant, the Planning Commission deferred Case C-27C-02, RFA
477 Management, LLC, to its meeting on April 14, 2005.

478

479 **Deferred from the January 13, 2005 Meeting:**

480 **C-61C-04 Dominion Land & Development Partnership:** Request to
481 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
482 (Conditional), Parcels 759-767-5161, 759-767-2638, 759-767-6934, 759-767-6516 and 758-767-
483 8413, containing approximately 14.2 acres, located on the west line of Francistown Road at
484 Castle Point Road. The applicant proffers to develop no more than thirty (30) single-family units.
485 The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan
486 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental
487 Protection Area.

488

489 Ms. Moore - The applicant is requesting a deferral to the April 14, 2005 meeting.

490

491 Mr. Vanarsdall - Is anyone in the audience in opposition to Case C-61C-04 deferment in
492 the Brookland District. No opposition. I move that Case C-61C-04, Dominion Land &
493 Development Partnership be deferred to April 14, 2005, at the applicant's request.

494

495 Mr. Marshall - Second.

496

497 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Marshall. All in favor
498 say aye. All opposed say no. The motion passes.

499

500 At the request of the applicant, the Planning Commission deferred Case C-61C-04, Dominion
501 Land and Development Partnership, to its meeting on April 14, 2005.

502

503 Ms. Moore - That concludes the staff's report on withdrawals and deferrals, sir.

504

505 Mr. Marshall - Mr. Chairman, I have a deferral. It is Case C-42C-04.

506

507 **Deferred from the January 13, 2005 Meeting:**

508 **C-42C-04 Skip Gelletly:** Request to conditionally rezone from A-1 Agricultural
509 District to R-5AC General Residence District (Conditional), Parcel 731-763-1648, containing
510 approximately 3.1 acres, located on the west line of Gayton Hills Lane approximately 200 feet
511 south of Graham Meadows Drive. A residential subdivision is proposed. The maximum density in
512 the R-5AC District is 7.7 units per acre. The use will be controlled by zoning ordinance
513 regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2,
514 2.4 to 3.4 units net density per acre.

515

516 Mr. Marshall - Mr. Chairman, I move that Case C-42C-04, Skip Gelletly be deferred to
517 the March 10, 2005 meeting at the request of the Commission.

518

519 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferral of Case C-42C-04,
520 in the Three Chopt District? No opposition.

521

522 Mr. Jernigan - Second.

523

524 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in favor
525 say aye. All opposed say no. The ayes have it. The motion passes.

526

527 The Planning Commission deferred Case C-42C-04, Skip Gelletly, to its meeting on March 10,
528 2005.

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Mr. Archer - Mr. Chairman, I have a deferment, also. I know there are some people here tonight who have come to hear this case, C-6C-05. It is on page 6.

C-6C-05 Robert Atack for Atack Properties, Inc.: Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 781-773-3186, 780-773-3673, 780-773-2718 and 780-772-9071, containing approximately 88.11 acres, located between the Chickahominy River and the north line of the proposed Woodman Road extension, approximately 2,500 feet west of Brook Road (U.S. Route 1). The applicant proposes a single-family residential subdivision with a maximum density not to exceed 2.4 lots per acre. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre and Environmental Protection Area.

Mr. Archer - There are several outstanding issues with this case that have not been resolved and for that reason we are reaching an agreement to defer it until the March 10, 2005 meeting at the applicant's request.

Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of this case?

Mr. Theobald - It was my understanding that would be at the Planning Commission's request.

Mr. Archer - We will do it at the Commission's request, sir. Thank you, Mr. Theobald. I move deferral of Case C-6C-05, Robert Atack for Atack Properties, Inc. at the request of the Commission.

Mr. Marshall - Second.

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

The Planning Commission deferred Case C-6C-05, Robert Atack for Atack Properties, Inc. to its meeting on March 10, 2005.

Mr. Vanarsdall - Don't we have an Expedited Agenda?

Ms. Moore - Yes, we do. We do have one request for expedited.

RECONSIDERATION OF PLAN OF DEVELOPMENT TO DELETE REQUIREMENT FOR DEDICATION OF RIGHT-OF-WAY

POD-60-04
Lee Conner Realty Office
Building-245 E. Williamsburg
Road

Engineering Design Associates for Lee Conner Realty Associates: A plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 5,280 square foot office building and associated parking. The 0.94-acre site is located at 245 E. Williamsburg Road (U.S. Route 60), approximately 500 feet east of the intersection of Williamsburg Road (U.S. Route 60) and Raines Avenue on parcel 828-715-6950. The zoning is B-1, Business District. **(Varina)**

571

572 Mr. Silber - This is a reconsideration of a plan of development to delete the
573 requirement for dedication of right of way to Williamsburg Road. The Commission may be aware
574 of this being approved approximately two months ago by the Commission, and this is a
575 reconsideration of that dedication requirement.

576
577 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, in the Varina
578 District, POD-60-04.

579
580 Mr. Silber - We also have provided for the Commission's information the Condition
581 No. 23 that provided that wording and we have provided that letter for you.

582
583 Mr. Jernigan - Mr. Chairman, with that I will move approval of POD-60-04, Lee Conner
584 Realty Office Building, subject to the standard conditions for developments of this type, the
585 annotations on the plans, and the additional conditions, deleting No. 23, and additional
586 conditions 24 through 32.

587
588 Mr. Archer - Second.

589
590 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
591 say aye. All opposed say no. The motion passes.

592
593 The Planning Commission approved POD-60-04, Lee Conner Realty Office Building, 245 E.
594 Williamsburg Road, subject to the standard conditions for developments of this type, the deletion
595 of condition No. 23 and annotations on the plan pertaining to right-of-way dedication from the
596 Planning Commission's approval of the POD on October 27, 2004 and the additional conditions
597 Nos. 24 through 32 shown in approval letter of October 27, 2004.

598
599 **PLAN OF DEVELOPMENT (Deferred from the January 26, 2005, Meeting)**

600

POD-4-05
Best Buy @ Brook Road – Brook
Road and Technology Park
Drive

**VHB, Inc. for Best Buy Stores, L.P., Bank of Essex,
Riner Realty LLC, and RS Brook Road:** Request for
approval of a plan of development, as required by Chapter
24, Section 24-106 of the Henrico County Code, to construct
a one-story, 45,000 square foot building, to include a 30,000
square foot retail use and four additional tenant spaces. The
5.59-acre site is located at the northeast corner of the
intersection of Brook Road (U.S. Route 1) and Technology
Park Drive on parcels 783-768-9476, 783-768-8493 and 783-
769-9024. The zoning is B-3C, Business District (Conditional)
and M-1, Light Industrial District and C-1C, Conservation
District (Conditional). County water and sewer. **(Fairfield)**

601

602 Mr. Vanarsdall - Is anyone in opposition to this case, POD-4-05? We will get to you all in
603 just a minute. Mr. Cooper.

604

605 Mr. Cooper - Good evening, Mr. Chairman, and members of the Commission. As you
606 will recall, this project was deferred from your January 26, 2005 meeting in order to allow for the
607 applicant to look at some of the traffic circulation issues within the limits of the property. The
608 applicant's engineer has submitted a layout with a slight revision to the northeast corner of the
609 property. I am pointing to it now on your map. This revision will allow for delivery trucks related
610 to this property to turn around and exit the property to Technology Park Drive. In addition to
611 this revised layout, the applicant is also required to provide a joint access and maintenance
612 agreement between the parties involved in this project. This layout has also been approved by

613 the County Traffic Engineer. The condition requiring the joint access maintenance agreement is
614 in Condition No. 34, which should have been handed out to you this evening.

615

616 As well, staff has also been made aware of some additional concerns from the neighboring Holly
617 Glen subdivision and those concerns would include several items, the hours of delivery, when
618 trash is picked up, fencing along the property line between Best Buy and the neighborhood,
619 security at the rear of the building, and speakers mounted to the exterior of the building. The
620 applicant has agreed to limit the hours of delivery and trash pickup to the hours between 6:00
621 a.m. and 6:00 p.m. This is addressed in Condition No. 35 handed out to you this evening. The
622 applicant has also agreed to work with staff on possible locations for a 6-foot high privacy fence
623 to be constructed along the property line between this property and Holly Glen Subdivision. The
624 exact location will be handled at the time of construction plan approval, as there are some C-1
625 zoning district areas back there that we need to work around carefully. This has been annotated
626 on the staff plan.

627

628 In regard to security at the rear of the property, the applicant has agreed to work closely with
629 the Planning Department and the Police Department during the lighting plan review to assure
630 adequate light levels are provided in that area. Finally, with respect to the exterior speakers, the
631 applicant has indicated that it is not in their general business practice to mount exterior speakers
632 on the building.

633

634 In general, the applicant and their engineer have worked diligently with staff over the past few
635 weeks to address these outstanding concerns. Staff can recommend approval of the plan at this
636 time along with additional conditions Nos. 23 through 35. The applicant and their
637 representatives are here tonight to speak to you if you have any questions, and I will be happy to
638 answer any questions as well.

639

640 Mr. Vanarsdall - Any question for Mr. Cooper?

641

642 Mr. Archer - Mr. Cooper, I don't have any now, but after I hear from the opposition,
643 perhaps there will be some questions.

644

645 Mr. Vanarsdall - Do you need to hear from the applicant?

646

647 Mr. Archer - I don't think we need to. I think he has just about outlined everything
648 that he can in here, unless Mr. Moore has something he wants to say.

649

650 Mr. Vanarsdall - We will hear from the opposition then. Would you all come down one at
651 a time. Mr. Secretary, would you like to explain the rules.

652

653 Mr. Silber - Sure. I will be happy to. On rezoning requests and plans of development
654 before the Planning Commission, the Planning Commission's policy is that the applicant has 10
655 minutes to present their case. Some of that 10 minute period can be reserved for a rebuttal.
656 The opposition has a total of 10 minutes collectively, a total of 10 minutes, unless the Planning
657 Commission wishes to extend that period of time. Any time the Planning Commission is asking
658 any questions of the opposition or the applicant, the 10-minute allocation is not impacted by
659 questions from the Planning Commission.

660

661 Mr. Jeff Praden - My name is Jeff Praden and a property owner in the Holly Glen
662 Subdivision. It seems like they have addressed most of our concerns. The only other concern
663 that I have is not what is the Best Buy property, but I think they are thinking about putting a
664 FedEx/Kinko's in the other commercial space that they have there, and from what I understand,
665 that is going to be having commercial vehicles loading and unloading all hours of the night, and I

666 understand they are trying to limit that from 6:00 a.m. to 6:00 p.m., but if it is going to be a
667 FedEx/Kinko's, I don't know if they have any limits on their delivery trucks throughout the hours
668 of the night, and also the fumes of the diesel trucks, if they would be able to turn them off,
669 would be my only other concern besides the times that they'd be operating there.

670

671 Mr. Archer - Mr. Cooper, can you speak to that concern with Kinko's?

672

673 Mr. Cooper - Yes, sir. At this time, staff is not aware of any possible tenants in any
674 additional retail space beyond the Best Buy and A&N Store. However, regardless of who that
675 tenant might be, with the condition provided to you this evening, limiting the hours of delivery
676 and trash pick up from 6:00 a.m. to 6:00 p.m., any deliveries or pick-ups outside of those hours
677 would be a violation of these conditions and they would be served notice accordingly.

678

679 Mr. Archer - OK, so the condition applies to the entire site?

680

681 Mr. Cooper - Yes, sir, that is correct.

682

683 Mr. Silber - Mr. Cooper, is the portion of the property zoned M-1? Is that correct?

684

685 Mr. Cooper - The portion that I am pointing at here, the larger triangular-shaped
686 piece, would be the portion that is currently zoned M-1.

687

688 Mr. Silber - And a portion of the property is B-3C. Do you know of any proffered
689 conditions on that B-3 that might limit the hours of operation?

690

691 Mr. Cooper - Actually, to my knowledge, there are not. There are only hour limitations
692 associated with that rezoning case for trash pickup, and that was 6:00 a.m. to 6:00 p.m., and
693 subsequently the applicant has agreed for Best Buy to agree to the same condition for theirs.

694

695 Mr. Archer - Did that do it, Mr. Praden? Thank you.

696

697 Mr. Barry Hodge - Barry Hodge on behalf of Harry Pardhan and Superstar, Inc.,
698 which owns a parcel farther down the way. Just real quickly, that is one concern that has
699 already been expressed that we would agree with the issue of the hours of operation in
700 conjunction with the hours being restricted as loading and unloading and dumpster loading and
701 unloading deliveries. The other concern was I didn't hear a mention, and it may already be in
702 there, and that is the issue about the signage. Obviously, you've got a situation where the trucks
703 are now displayed to be actually turned around, that is the trucks that would deliver and load and
704 unload, both for trash pickup or for deliveries for Best Buy or A&N or any tenant in that building
705 there, so I guess the question of concern is appropriate signage to be posted there as a
706 condition, indicating that truck traffic is to make those maneuvers. Mr. Pardhan's engineer is
707 here to maybe address that in more detail, but at least signage to indicate that it is not a
708 thoroughfare through on to the Super Star, Inc. property, and to indicate that that would be a
709 condition of that, we would recommend or at least request that. Obviously, the issues you have
710 already spoken of as to the hours of operation and the deliveries, but we would recommend that
711 would be put in there as a condition, because obviously truckers will probably pick the path of
712 least resistance, but if there is appropriate signage then they may perhaps at least think twice
713 and be aware of the issue and have notice of it that they need to maneuver as indicated on the
714 most current POD planned to actually turn around on that property.

715

716 Mr. Vanarsdall - Thank you, Mr. Hodge.

717

718 Mr. Archer - Mr. Cooper, before Mr. Pardhan comes up, what kind of signage are we
719 allowed to do? Can we put up a "No through trucks" or something like that?
720
721 Mr. Cooper - We can work with the Traffic Engineer to determine what type of
722 signage we can place back there, but I certainly believe that we do have the option or
723 opportunity to do similar signage in regards to that, and we will certainly handle that with the
724 construction plan. The applicant can speak more to it, but I believe that in our previous
725 discussions with them that they have agreed that signage of that type would be OK.
726
727 Mr. Archer - OK, thank you, sir. Mr. Pardhan, how are you, sir?
728
729 Mr. Pardhan - Good evening. Harry Pardhan. I own the property at the north end of
730 the lot, and my concern is there night time or anytime, there are 70-foot trucks that prefer to go
731 straight down through my property, and if they break the law, I would like to have a sign there
732 that is a \$500 fine for breaking the law. That should be given to the County.
733
734 Mr. Archer - I don't know if we can create the fine, Mr. Pardhan, but we were just
735 talking about getting some signage.
736
737 Mr. Pardhan - And what happens if they break the law?
738
739 Mr. Archer - I don't know what the enforcement is, but I am sure there is something.
740 Mr. Secretary, do you know what it is?
741
742 Mr. Silber - I am not aware that we get into any fine on the sign. I think we would
743 be agreeable to signage, but I think any sign restrictions that needs to be consulted with our
744 legal people and perhaps the Traffic Engineer.
745
746 Mr. Pardhan - OK, in that case, I would like to put a 10-foot high barrier on my
747 property site so no trucks could go by there, on my property.
748
749 Mr. Archer - On your property? I don't know that that would be a part of this case,
750 but I don't know how that would be handled.
751
752 Mr. Silber - There is a joint access agreement between the three property owners
753 and that diagonal line to JEB Stuart Parkway, so there is an access agreement through there.
754 What you are saying, sir, is you'd like to put some bar that would limit trucks from being able...
755
756 Mr. Pardhan - Ten foot height, anything lower than 10 feet, automobiles, SUVs, they
757 could go through, but 10-foot trucks would not be able to go through. That is the commercial
758 trucks that are going in there.
759
760 Mr. Archer - Could he construct that on his property?
761
762 Mr. Marshall - I don't see why he couldn't, unless the County said there was some
763 prohibition about it. He has to go in and seek a building permit.
764
765 Mr. Silber - He would have to have some type of approval from the County...
766
767 Mr. Jernigan - I would say you should check with the Fire Department before you
768 construct it.
769

770 Mr. Archer - Not only that, but I think that there is a list of covenants that the Virginia
771 Center Community has, but those are the steps that you'd have to take, Mr. Pardhan. I don't
772 think that is a part of this case, to be honest with you, but if that is something you'd like to seek
773 for your own property, you are certainly welcome to do that.

774
775 Mr. Pardhan - I want to make sure that this truck don't tear up my driveway and
776 entrance, because I have seen on Technology Park the business community people, who own
777 that area, they have the same problem, and they have torn up all of their entrances, sidewalks
778 and everything with the trucks.

779
780 Mr. Archer - We are trying to make every effort within the confines of this case to
781 keep trucks off your property, and we will do our best to do that.

782
783 Mr. Pardhan - There should be some kind of fine or some kind of recourse for these
784 people that drive through there. We would like to have that.

785
786 Mr. Archer - All right. Thank you, sir. I believe I saw Ms. Erskine.

787
788 Ms. Jane Erskine - Jane Erskine, Holly Farm Estates Neighborhood Association. I
789 wasn't here at the first, I guess it was January 26, but I did talk with a planner on staff and the
790 concerns that we had were pretty much addressed. I would like them to be put in writing on the
791 POD as far as the whole site. We prefer the M-1C zoning actually over the B-3C, because the M-
792 1C gave us more protection for our neighborhood. The times of operation, the times of
793 dumpster unloading, that sort of thing, and one thing that hasn't been nailed down right now is
794 egress and ingress by foot traffic from their lot onto our lot. Currently, I think the (unintelligible)
795 had a chain link fence that was easily snapped. You have a problem with people coming from
796 the Super Star, Texaco, buying stuff and coming on to our property to drink beer, and I think
797 also the bank had a problem. They found some drugs there and the empty part of the lot that is
798 not going to be developed. We want to make sure that there is going to be a reason for people
799 to be at the Best Buy and the other locations, and we don't want other people to use that reason
800 to traffic into the neighborhood, so that was why I made the suggestion that there be a fence. I
801 know they can't do the masonry wall. It would probably prohibitive and I don't think we would
802 mind - with a masonry wall in - I don't know what it would take to give them some ability to
803 work within that conservation easement, but if they had to, we wouldn't have any difficulty with
804 it if putting a fence up was to result from that. But we would just like something to, there is a
805 corner in there where there are woods on our side and it will be a paved lot on their side, and we
806 already have some traffic through there and we'd like to not increase that or cut it off completely,
807 because now when people are trespassing, we know they are trespassing and there is no reason
808 for them to be there. If there is a business up there and they are open until 10:00 p.m., it is
809 going to be harder to designate who is supposed to be on the Best Buy or the retail property and
810 who is just wandering around up to no good. We'd like to take care of that if Planning staff
811 would continue working with the company to accomplish that.

812
813 Mr. Archer - Ms. Erskine, that was a part of this presentation, a 6-foot high fence to
814 be constructed. I don't think at this point we can tell you exactly how it is going to go. It is going
815 to have to be a part of the site plan, but it is a part of what we plan to do.

816
817 Ms. Erskine - All right. I guess that is it. Also, I would like to encourage them to work
818 with the lighting plan that will come here to put closed circuit cameras in the parking area that
819 did work with the expansion of Regal Cinemas. I got some positive feedback on that, on Regal
820 Cinemas, reconstructed and had a back parking lot, and I requested that they put cameras in
821 that back parking lot and I got positive feedback from the police officers who work security.
822 They were able to do a lot from inside the store to actually catch a lot of stuff going on that they

823 weren't able to do, because you can't walk outside in the parking lot. You have to stay in the
824 store that they are working off-duty security.
825
826 Mr. Archer - I do recall, that was Regal Theaters?
827
828 Ms. Erskine - Regal Cinema, when they came up for their second building expansion.
829
830 Mr. Archer - I remember that. I don't think that, as it stands, that having cameras in
831 the parking lot is a part of this case. Of course, the hours of operation wouldn't be the same as
832 they are in the theater, which is for a vast amount of time.
833
834 Ms. Erskine - During the retail season and from Thanksgiving to December, I am sure
835 they are going to expand their hours to accommodate the Best Buy and the other stores will
836 probably do the 6 to 12 thing that a lot of other retailers do.
837
838 Mr. Archer - Well, if the applicant would like to address that suggestion, he can.
839
840 Mr. Vanarsdall - Thank you. Anyone else?
841
842 Mr. Weber - Craig Weber from Best Buy. As far as the cameras go in the parking lot,
843 I think part of the reason is trouble in the neighborhood is abandoned buildings and when we
844 open our store we determine whether this will be a problem, and I think that is the approach I
845 would like to take. If there is a problem in the future, then we will deal with installing cameras
846 at that time, but as we open the store and there is trouble that is in the neighborhood now
847 diminishes, I don't see that the cameras will help.
848
849 Mr. Archer - So on the record then we can quote you then as saying if it becomes a
850 problem it is something that you will entertain looking at? Because I think initially when Regal
851 Cinema, we didn't have cameras to begin with, but a problem did occur after a time, and after
852 that period of time they were agreeable to putting the cameras in to solve the issues. I think this
853 is a little bit different situation because of the way you are faced and the amount of traffic that
854 you have to go through your space.
855
856 Mr. Weber - Correct.
857
858 Mr. Archer - But we appreciate you putting it on the record, anyway.
859
860 Mr. Weber - Yes. As far as cameras, that wouldn't be a hardship, because we do have
861 cameras in our store but at the time we don't normally have a point of business to install
862 cameras on the exterior of our stores.
863
864 Mr. Archer - We will see how it goes. Mr. Moore did you want to say something?
865
866 Mr. Moore - I will address some of the comments. Are there other people that want
867 to speak?
868
869 Mr. Vanarsdall - I don't think there is anybody else against it, but it may be somebody for
870 it. Are you in opposition, sir?
871
872 Mr. Keith - I am Jeffrey Keith with Keith Engineering, representing Super Star
873 Texaco. We were hoping to have more time to review this plan to be able to comment on it. We
874 just received it this afternoon. I'd just like to state that. From looking the plan over, I can't really

875 say whether or not this turnaround will actually work or not, and I can't really comment on that.
876 We were just hoping to have more time.
877
878 Mr. Archer - Well, you know, we deferred this last time so that we could hear it
879 tonight, and it has been determined by the Traffic Department that the turnaround will work.
880
881 Mr. Keith - We are really representing Super Star and we were just hoping to have
882 time to review the plans, just to have confidence on this. We just received the plan as we
883 walked in the door here.
884
885 Mr. Archer - Do you think if you met with Mr. Moore and somebody from staff before
886 we conclude tonight that you could get a better look at it?
887
888 Mr. Keith - If we could have something to scale, it is kind of hard to review
889 something like this.
890
891 Mr. Archer - I'd really like to rule on this tonight, so we won't have to keep filing a
892 deferment. Is there somebody that can help him with this, Mr. Cooper? Do you have another
893 one with this one?
894
895 Mr. Cooper - No, sir, I don't. Unless the applicant's engineer has drawn a plan to
896 scale, the only copy we do have provided to us this evening is what Mr. Keith has been handed,
897 but, again, the Traffic Engineer has reviewed it and it is OK.
898
899 Mr. Vanarsdall - Mr. Moore, could you get together with him tomorrow or at your earliest
900 convenience, that is convenient with him?
901
902 Mr. Moore - I think it would be more appropriate for the engineer, but as Mr. Archer
903 has said, the Traffic Department has reviewed it, and certainly we have reviewed this with both
904 the Traffic Department. I am Glen Moore, speaking for the applicant here. Both the Traffic
905 Engineer and the Engineering Department and the Planning Department have approved the
906 concept that our engineers have designed. They are professional people and we are happy to
907 talk to Mr. Keith about this, but it is a technical matter that was reviewed by the staff and
908 reviewed by the County.
909
910 Mr. Silber - Mr. Chairman, I would have to agree with Mr. Moore. This has been
911 looked into by our Traffic Engineer. We feel comfortable that it can work on this site, and I don't
912 see a need necessarily to defer this. I think if they can consult and show them how this will
913 work, that will be fine.
914
915 Mr. Archer - I really didn't want to defer it, Mr. Secretary, but I thought maybe
916 perhaps we could table it for a few moments and let them go out in the hall and look at it and
917 maybe they can take aside the gentleman and see what we are doing is correct. We will table
918 this and come back.
919
920 Mr. Vanarsdall - Anymore questions by Commission members? If not, it is up to you, Mr.
921 Archer.
922
923 Mr. Archer - We will pass that by and come back to it.
924
925 Mr. Marshall - Mr. Chairman, it is 7:30 p.m.
926

927 **C-49C-04** **Andrew Condlin for Kent Little:** Request to conditionally rezone from
928 A-1 Agricultural District to B-2C Business District (Conditional) and R-6C General Residence
929 District (Conditional), Parcels 734-764-6330, 734-764-8352, 735-764-1287, 736-764-1973, 735-
930 764-6278, 735-764-4320 and 735-763-5299, containing 43.8 acres, located between the south
931 line of I-64 and the north line of W. Broad Street (U.S. Route 250) beginning approximately 600
932 feet east of N. Gayton Road. A retail shopping center and apartments are proposed. The use will
933 be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
934 recommends Mixed Use Development. The site is in the West Broad Street Overlay District.

935
936 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, C-49C-04? No
937 opposition. Mr. Humphreys.

938
939 Mr. Humphreys - Thank you Mr. Secretary. Good evening members of the Commission.

940
941 This request would combine seven parcels with a total of 43.8 acres to develop a retail shopping
942 center, full service hotel, and apartments. The property is located just west of the Short Pump
943 Town Center. The property is slightly irregular in shape, partly due to a five-acre parcel fronting
944 Broad Street, which is not part of this application.

945
946 The 2010 Land Use Plan recommends this property for Mixed Use Development, which provides for
947 an integrated mixture of uses in a unified manner.

948
949 The applicant has submitted revised proffers dated February 8, 2005, which have just been
950 handed out to you. These proffers offer assurances of quality development including a Master
951 Plan for the property.

952
953 The Master Plan, as shown on the screen, breaks the property into 10 potential development
954 areas and an additional parcel to the East.

- 955
- 956 • Areas 1, 3, 4, and 5 would consist of restaurants and other potential retail uses,
 - 957 • Area 2 is slated for a high-end hotel,
 - 958 • Areas 6, 7, 8, & 9 would consist of single story structures for retail and office uses.
 - 959 • Area 10 is proposed for apartments similar to those in the adjacent development.

960
961 The applicant has also proffered a series of elevations for the retail/office structures. The
962 elevations show an attractive design enhanced by quality materials, ornamental coping, and store
963 fronts at a pedestrian scale.

964
965 An elevation for the proposed apartments has also been proffered. This elevation is similar to
966 the product the applicant has built at the adjacent apartment complex.

967
968 Other major aspects of the proffers include:

- 969
- 970 • A 35' buffer along the West Broad Street Corridor with landscaping to be completed at
971 the level of a transitional buffer 50.
 - 972 • Screening of loading docks and trash receptacles.
 - 973 • Parking lot and exterior lighting has been limited to a height of 25'.
 - 974 • An extensive list of uses otherwise allowed in the B-2 district has been prohibited.
 - 975 • A site coverage ration of 70%, with the exception of a portion of the property shown on
976 the plat as Parcel B. The site coverage ratio on parcel B would be 80%.
 - 977 • There would be limitations on signage for the property,
 - 978 • A 25' natural and landscaped buffer along the boundary adjoining Interstate 64, and

- 979 • The applicant has offered a proffer to help mitigate the impacts on future County
980 services by the apartment units.

981
982 The proposed development would also include an interior road network system. It would
983 connect Short Pump Town Center to the east with the future extension of North Gayton Road to
984 the west. There would be a single boulevard style primary access from West Broad Street. The
985 Master Plan also shows a second potential right in/right out access just east of the property.

986
987 The revised proffers do address many of the concerns as stated in the staff report; however,
988 there are some issues that remain unresolved. Specifically these include:

- 989
990 • The screening of loading docks from public view which has been proffered; however, the
991 method or materials to be used for this screening has not been specified.
992 • The revised proffers have increased the level of impervious cover on parcel B from 70%
993 to 80%. With the extensive buffer along West Broad Street, a site coverage ratio of 80%
994 would not present any additional quality. Staff recommends lowering this to the previously
995 proffered 70%.
996 • A desire to construct a high-end hotel has been expressed by the applicant; however,
997 there is no language in the proffers to address this.
998 • Other than the proffered buffers along West Broad Street and Interstate 64, the applicant
999 has not addressed any landscaping for the interior of the property.

1000
1001 The applicant has submitted a traffic analysis for this proposal. The Department of Public Works
1002 and VDOT have requested additional information from the applicant in order to properly complete
1003 the review.

1004
1005 While the uses themselves are appropriate for the area, staff believes they should be more
1006 integrated as recommended by the goals of the Mixed Use designation in the 2010 Land Use
1007 Plan. Additionally, several issues including screening materials, assurances of a high-end hotel,
1008 site coverage, landscaping, and the traffic study have not been resolved. Based on these issues
1009 staff recommends deferral of the request at this time.

1010
1011 This concludes my presentation. I would be happy to try to answer any questions you may have.

1012
1013 Mr. Vanarsdall - Are there any questions for Mr. Humphreys by Commission members?
1014 Thank you. Would you like to hear from the applicant, Mr. Marshall.

1015
1016 Mr. Marshall - Yes, Mr. Condlin, he has his boss watching.

1017
1018 Mr. Condlin - That would be bosses. Members of the Commission, I am Andy Condlin
1019 from Williams Mullin. Good evening. I am here with many folks. I would like to quickly introduce
1020 them, but there are a number of parties that are involved in this case. From the Breeden
1021 Company we have Ray and Toy Breeden, Kent Little, Terry Marshall, Bryan Revere and also from
1022 TIMMONS Junie West and Roger Rodregious and Jason Newsom from the architect. Mr. Yim,
1023 Mrs. Yim are sitting over there, along with Bruce Smith and Al Donovan. I believe Mr. Moudilos
1024 and Gus with (unintelligible) Gregory as well are here on behalf of the Moudilos' property.

1025
1026 As was pointed out by staff, this 43.8 acres consisting of, I incorrectly counted eight parcels. I
1027 think he is corrected. It is seven parcels of land that have been put together, six of those on
1028 behalf of the Breeden Company and Mr. Yim already having purchased land about a year ago,
1029 going through this process. Some of this property has been under contract for almost a year and
1030 a half since July of 2003 and it has been very difficult to assemble the property and hold it for
1031 this period of time for developing and continue to bring in more property. As I stated, there are

1032 really two parties this evening: the Breeden Company and Mr. Yim have agreed to work together
1033 in a single case to have a unified development with two different property owners as best they
1034 can. As Mr. Humphreys has pointed out, this does not include the Moudilos property, which is
1035 right here, although, and he is available to speak, Mr. Gregory is available to speak if necessary,
1036 but there is an agreement and concept that will be finalized before the Board of Supervisors
1037 Meeting to allow for full access of all parties to this access road. By all parties, I mean Moudilos,
1038 Yim and the Breeden property, and also over across the Breeden property by all parties, will be
1039 finalized before the Board of Supervisors. This is important to be able to bring in all of the
1040 property together, even though they are not part of the same case, the Moudilos property can be
1041 developed and there was also a place that was in the proffers that will provide that as well, so
1042 that is additional assurance. That will be finalized from a timing standpoint and has not been
1043 signed up, but will be signed up and contractually obligated prior to the Board of Supervisors.
1044 Also, not part of this case is the Dominion Sub Station that sits next to the mall and I-64.

1045
1046 This property is really what I consider a donut that has been created by the Short Pump Town
1047 Center and zoned B-3C. The Dominion Chevrolet is B-3C as well and R-5, R-6 apartments in the
1048 back of I-64 and in the rear and Broad Street over here, and, of course, North Gayton Road is
1049 running along this area with the potential, hopefully with an interchange, with North Gayton
1050 Road and I-64. These are significant uses and this plan is really an attempt at a transition
1051 complement to those heavy retail uses existing both to the east and west, but also the residential
1052 that sits behind it, and the major traffic corridors created by I-64 and West Broad Street. In
1053 addition to the quality of the proffers, I think you will see that are consistent with both Short
1054 Pump Town Center, a recent case with the LGW and the Cancer Research Foundation and other
1055 cases within the West Broad Street Overlay District. Other benefits include what I alluded to as
1056 the land assemblage. It is costly and time consuming to put this many parcels together in such a
1057 high profile area with land owners that rightfully believe a certain price should be achieved.
1058 There is a constant request on behalf of the County to not do piecemeal development, but to
1059 bring as much property together as possible. With the easement agreements with Mr. Moudilos
1060 and the agreements with Mr. Yim and the Breeden Company should bring all of this property
1061 together. We are making an actual effort to put all of this together. I have done it with seven
1062 parcels over a year and a half to put those together and bring those to you tonight. Another
1063 significant contribution is the East/West Connector Road. One thing that we will have to change
1064 if this does go forward to the Board of Supervisors is this road will be committed on this property
1065 to be a 40 foot road right of way, so that is consistent with what you see here. This will make
1066 the entire connection from Pouncey Tract Road to Short Pump Town Center and over and across
1067 all the way to North Gayton Road a significant corridor that is parallel to Broad Street to release
1068 the traffic that is in the area. This will be a private road, privately constructed, and privately
1069 maintained, which is the other benefit that comes from a land assemblage, because this is not
1070 four or five property owners with different maintenance levels, and trying to get them to
1071 maintain it as one property owner with this significance ought to be able to put together through
1072 an owner's association the maintenance. Hopefully, this will address a problem that could
1073 become significant later with the traffic that may come either from 64 with the interchange or a
1074 flyover off of North Gayton Road.

1075
1076 The other benefit, I believe, is the master plan or the tentative concept plan that we proffered
1077 that includes the surrounding property and the knowledge of the connections that you can see.
1078 In this master plan, you will note that it is pretty small and it is hard to see, the two sidewalks
1079 that would exist from Broad Street leading to this traffic circle, that is a connector on the
1080 East/West Connector Road, as well as sidewalks all along the northern side of this East/West
1081 Connector Road. We tried to provide an innovative road network with the traffic circle, and
1082 again, Mr. Moudilos' property is available for development. The multifamily in the rear is already
1083 a proven successful product with the already existing multifamily product that exists over here.
1084 These are one and two bedroom units mostly for professionals that are renting out in the \$1,000

1085 to \$1,200 range, and that is what these will be consistent with that per month of \$1,000 to
1086 \$1,200. We have already agreed to pay the cash proffers. Part of the proffer is to offset the
1087 impact of these units.

1088
1089 The other thing that staff had mentioned about screening and loading of docks, if I may address
1090 that, that is my mistake in not including that in the proffers after we submitted it within the time
1091 frame, so you don't have to waive the time period, but we have committed, as well, and we can
1092 do this immediately after that. I had originally placed in there that loading docks will be
1093 screened as deemed appropriate at the time of POD, but we can add in there that we can use a
1094 wall or other architectural feature similar to the architecture of the buildings on which it is
1095 located, or landscaping, or such other methods as approved. So, we can address that issue. I
1096 think that is a minor point and it can be addressed.

1097
1098 With respect to the land coverage, I know that on Mr. Ian's property, that is located right here
1099 (referring to rendering), he's got his building located and the parking. There was a concern that
1100 he fell somewhere between the 70 and 80%. We do have the buffer along, a significant buffer
1101 along Broad Street required by the Broad Street Overlay District, with the additional plantings for
1102 the 50 feet. There will also be, and we can work with staff prior to the Board of Supervisors to
1103 deal with the interior with landscape islands and making the commitment as to the extent of
1104 those and the screening and buffering that will be provided around the building, to be able to
1105 bump off some of that interior landscaping. The same would be true of Breeden. That is
1106 something, that quite frankly, was heard late in the process and we really didn't have an
1107 opportunity to get most of the details of providing that. That is easy enough to do. Finally, with
1108 respect to the traffic report, we have already discussed the time frame with Mr. Foster, in which
1109 he received the information in order to make his analysis prior to the Board of Supervisors. We
1110 certainly make a commitment that that will occur and that everything will be ready to go from
1111 the traffic impact analysis with Mr. Foster's complete review prior to the Board of Supervisor's
1112 coming forward. It is very doable. We just have to get the information in by next week and that
1113 can be done according to our traffic engineers.

1114
1115 Ultimately, with the proffers, with the master plan, and the land assemblage and East/West
1116 Connector Road, this is a very significant case that is appropriate, given the surrounding uses
1117 and locations and zoning. It is sandwiched between the Short Pump Town Center, both
1118 Dominion Power and Chevrolet and I-64 and Broad Street. We have met what we think is a
1119 mixed-use development requirement by the County and the Land Use Plan. Putting land
1120 together and where we couldn't joining the property owners together has provided a significant
1121 benefit to all properties involved and for this very important corridor. So, I think we are
1122 significant with the goals and objectives of the Land Use Plan and we ask that you recommend
1123 this for approval to the Board of Supervisors. I will be happy to answer any questions. I have a
1124 slew of folks back there, as well, that are available.

1125
1126 Mr. Little - My name is Kent Little and I am the owner of the Breeden Company and
1127 we are from Virginia Beach, Virginia. Just a few comments about our company and what we do.
1128 We are a large developer and have about 100 projects around the State but we invest our own
1129 capital and we retain ownership in all of the projects for our own account. We are not a
1130 merchant developer and we don't sell projects. It would be our intention to come here and
1131 develop this project in a high quality manner in which Andy's outlined, and we are going to be
1132 here and be in Henrico County. We developed the 290 units behind the project and we fulfilled
1133 every obligation and request that the County made of us, and we have had a very successful
1134 project there, so we stand on our record with regard to what we do. But I do want to emphasize
1135 that we invest our own capital and we construct, lease and manage the project, and we intend to
1136 run the commercial association that will maintain these roads as an important gateway into the
1137 mall, and we are going to be here and we are going to live by what we say we do.

1138
1139 Mr. Vanarsdall - Any questions for Mr. Condlin by Commission members?
1140
1141 Mr. Kaechele - Now, Mr. Condlin, would you amplify a little bit more of why this process
1142 stands with the Moudilos property?
1143
1144 Mr. Condlin - I know Rick is never shy about coming up and letting me know if I say
1145 something wrong. Right now the agreements have been agreed to certainly with the parties
1146 having signed it, but the agreement being – there is an easement agreement for two purposes.
1147 One is for all parties, which I mean the Breeden property, which you see in the master plan, Mr.
1148 Yim's property and Mr. Moudilos' property, to use two points of access, right in and right out.
1149 That has been tentatively reviewed by the traffic saying it would work at this point for all parties
1150 to use that, which would serve primarily Mr. Yim's property. And, of course, the rest of the road
1151 network that you see on the Breeden property, that folks could come from Short Pump Town
1152 Center and Gayton Road, use these and go directly into, and you can see, per the proffers, they
1153 provided a direct access from the interior of the site to the Yim's property and Mr. Moudilos.
1154 That is the agreement and the benefit for that is that it provides for a development of the
1155 medullas property, even though at this point the purchase could not or has not been worked out
1156 at this point, because of the timing, and trying to go forward with the zoning case, given the land
1157 assemblage that we have. It does make them a part of the development to the extent that they
1158 can use our roads and we can use theirs and it creates a developable property for them, Mr. Yim
1159 and the Breeden property.
1160
1161 Mr. Kaechele - But you also are projecting that a legally binding agreement would be
1162 executed...
1163
1164 Mr. Condlin - Yes, I think we are ready to go. It is just a matter of getting all of the
1165 parties together to sign and notarize it. It has got to be done before the Board of Supervisors.
1166 That works for both parties. Neither party would want us to go forward without being finalized
1167 and contractually obligated by all parties.
1168
1169 Mr. Vanarsdall - Thank you. Any more questions by Commission members? Mr.
1170 Marshall, the ball is in your court.
1171
1172 Mr. Marshall - Mr. Chairman, this is a case that was filed about a year ago and as Mr.
1173 Condlin stated, a lot of parcels have been under contract for a long time, and as Mr. Silber
1174 always likes to talk about, we also prefer to have a developer come in and assemble these
1175 parcels. In this case, we were fortunate enough to have The Breeden Company undertake the
1176 task of assembling these various parcels and as Mr. Condlin pointed out, the significance to the
1177 County was and still is the fact that there is going to be a connection between the mall and North
1178 Gayton Road, and we heard it earlier tonight in the CIP Presentation about the funds being put in
1179 for this year for the Planning of that North Gayton overpass road, which would then create a lot
1180 of traffic, and a place for it to go would be this road and connect to the mall without people
1181 having to get out onto Broad Street, so that is the significant advantage for the County. I do see
1182 this as a site that is challenged from the standpoint of Virginia Power Substation, the car
1183 dealership and the mall, and 64 and six-lane Broad Street sandwiched all around this. The
1184 apartment part of it was not something that I favored, however, I must defer to what Mr. Little
1185 said about the fact that these have been very successful apartments and basically commanding
1186 mortgage payment type rents, \$1,000 to \$1,200 a month, and it will complement what they have
1187 and actually I don't know what other kind of living units you can run up and about to a Virginia
1188 Power Substation and 64 in the back, so the advantages I see to this far outweigh the planning
1189 things that may be preferred, and the fact that we have, I think it is important that we don't lose
1190 this assemblage and they have contract sensitivities as Mr. Jernigan had in his Wilton Farms

1191 case. I spoke to Mr. Kaechele about this. I am comfortable enough, based on my conversation
1192 with him, to recommend this for approval to the Board of Supervisors with the caveat, as Mr.
1193 Condlin said, that all these other issues will be worked out before the Board, and I will point out
1194 that the traffic issue – they had done their traffic study but due to the length of time that had
1195 passed, 288 was opened all the way through, and at the time the traffic study was done, it had
1196 not been all the way through, so they want to go back and make sure that the opening of 288 all
1197 the way through doesn't eschew anything as far as traffic goes, so that is not a major issue.
1198 They did do a traffic study, but just that component got eschewed when that road reopened. So,
1199 with that, I am going to recommend it for approval to the Board of Supervisors.

1200

1201 Mr. Jernigan - Second.

1202

1203 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in favor
1204 say aye. All opposed say no. The ayes have it. The motion is passed.

1205

1206 Mr. Kaechele - Mr. Chairman, I would also just like to tack on to Mr. Marshall's
1207 comments. There are open concerns within the staff and I think when we got all of these reports
1208 together and all of the documents before us that Mr. Silber, we can meet and go over those
1209 before the 22nd Board Meeting.

1210

1211 Mr. Condlin - Thank you for the vote and the support that you gave us.

1212

1213 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Jernigan, the Planning
1214 Commission voted 4-0 (one absence and one abstention) to recommend that the Board of
1215 Supervisors **grant** the request because it would provide for appropriate development compatible
1216 with the business uses in the surrounding area and the proffered conditions will provide
1217 appropriate quality assurances not otherwise available.

1218

1219 Mr. Vanarsdall - With that, Mr. Secretary, I think we will go back to the POD.

1220

1221 Mr. Silber - If we can go back to POD-4-05.

1222

1223 Mr. Cooper - Good evening again, members of the Commission. Staff and the
1224 applicant have had an opportunity to meet with Mr. Pardhan and his engineer out in the hallway,
1225 and it seems their concerns for the ability and functionality of the turnaround for the delivery
1226 trucks, they felt there was some concern for whether or not that would work and again, as we
1227 indicated to them, the traffic engineer has reviewed the plan. Again, just to reiterate, the
1228 concerns were for the ability for the truck, as shown on the revised plan, to turn around safely
1229 and exit back through Technology Park Drive. As we indicated to Mr. Pardhan, the plan has been
1230 designed by an engineer and, again, has been reviewed by the County's traffic engineer, and it is
1231 acceptable to them at this time. So, in regards to that, we feel that with additional signage
1232 indicating to delivery truck drivers that they must turn around and exit Technology Park Drive
1233 that satisfies that concern with what we can do within the realm of this plan of development.
1234 Additionally, staff is aware of Mr. Pardhan's concern, as he has indicated regarding traffic
1235 entering through his property, and staff has indicated that we are willing to work with Mr.
1236 Pardhan with his particular property, to look at options for what we might be able to do within
1237 the property lines of his property, and in accordance with the existing joint access agreement, to
1238 hopefully work out something that satisfies him in regards to limiting any access from delivery
1239 trucks onto his property. So, again, with that, staff is still in a position to recommend approval of
1240 the revised plan and the additional conditions, including the two that were handed out to you this
1241 evening.

1242

1243 Mr. Vanarsdall - Any questions for Mr. Cooper, Mr. Archer? Anybody else?

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Mr. Moore - I know Mr. Weber has already addressed the issue of safety and the cameras and what not, and I would remind everybody on the Commission, and you probably don't need to be reminded, that A&N and Best Buy are very responsible corporate citizens. They are going to be very concerned about security and we certainly will work with the staff on the fencing and any kind of security issues, and I want to state that for the record.

I also wanted to address an issue that Barry Hodge raised on behalf of Mr. Pardhan concerning controlling traffic through the site and across his client's property, and I will also commit for the record and I have spoken to Mr. Weber with Best Buy about this, but at the northeast corner of the Best Buy Building, where this access drive passes by there, we would be willing to put up a sign that would say "No through traffic to JEB Stuart Parkway" and, of course, instructing the delivery drivers they need to use Technology Park Drive to leave the site, but we will be willing to put that kind of signage up.

Mr. Vanarsdall - Thank you, Mr. Archer.

Mr. Archer - Thank you, Mr. Chairman. It seems to me that everybody seems to be relatively satisfied at this point and I will move for approval of POD-4-05, Best Buy at Brook Road, subject to the plan annotations and conditions Nos. 23 through 35.

Mr. Marshall - Second.

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

The Planning Commission approved POD-4-05, Best Buy @ Brook Road – Brook Road and Technology Park Drive, subject to the annotations on the plans, the standard conditions for developments of this type and the following additional conditions:

23. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued. The easement plats and any other required information shall be submitted to the County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
24. The entrances and drainage facilities on Brook Road (U.S. Route 1) shall be approved by the Virginia Department of Transportation and the County.
25. A notice of completion form, certifying that the requirements of the Virginia Department of Transportation entrances permit have been completed, shall be submitted to the Department of Planning prior to any occupancy permits being issued.
26. The developer shall provide fire hydrants as required by the Department of Public Utilities and Division of Fire.
27. The proffers approved as a part of zoning cases C-113C-88 and C-116C-88 shall be incorporated in this approval.
28. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans.
29. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.
30. Insurance Services Office (ISO) calculations must be included with the plans and contracts and must be approved by the Department of Public Utilities prior to the issuance of a building permit.

- 1297 31. Approval of the construction plans by the Department of Public Works does not establish
 1298 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 1299 elevations will be set by Henrico County. Approval of the construction plans by the
 1300 Department of Public Works does not establish the curb and gutter elevations along the
 1301 Virginia Department of Transportation maintained right-of-way. The elevations will be
 1302 set by the contractor and approved by the Virginia Department of Transportation.
- 1303 32. The conceptual master plan, as submitted with this application, is for planning and
 1304 information purposes only. All subsequent detailed plans of development and
 1305 construction plans needed to implement this conceptual plan may be administratively
 1306 reviewed and approved and shall be subject to all regulations in effect at the time such
 1307 subsequent plans are submitted for review/approval.
- 1308 33. The location of all existing and proposed utility and mechanical equipment (including
 1309 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 1310 shall be identified on the landscape plans. All equipment shall be screened by such
 1311 measures as determined appropriate by the Director of Planning or the Planning
 1312 Commission at the time of plan approval.
- 1313 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
 1314 Planning Department and approved prior to issuance of any building permits for this
 1315 development.
- 1316 35. Trash pick up and deliveries shall be limited to the hours between 6:00 a.m. and 6:00
 1317 p.m., Sunday through Saturday.

1318
 1319 **C-4C-05 Ralph Axelle for The Shady Grove Company, Inc.:** Request to
 1320 conditionally rezone from R-2AC One Family Residence District (Conditional) to RTHC Residential
 1321 Townhouse District (Conditional), part of Parcel 738-772-9227, containing 13.966 acres, located
 1322 on the northeast side of Pouncey Tract Road southeast of the southern terminus of Hillshire Way.
 1323 The applicant proposes residential condominiums for sale. The maximum density allowed in the
 1324 RTH District is nine (9) units per acre. The Land Use Plan recommends Suburban Residential 1,
 1325 1.0 to 2.4 units net density per acre.

1326
 1327 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? No opposition. All
 1328 right, Lee.

1329
 1330 Mr. Tyson - Mr. Chairman, Mr. Kaechele, members of the Commission, Mr. Secretary, if
 1331 I could start out with a minor housekeeping matter. The staff report contains a typographical
 1332 error – the 2010 Land Use Plan recommends Single Family 1 densities for this site – the body of
 1333 the staff report references Single Family 2 densities. That is a typographical error that I will
 1334 correct before the case proceeds further.

1335
 1336 As the secretary pointed out, this is a request to rezone approximately 13.966 acres and is an
 1337 amendment to Case C-16C-03; wherein the site was to be developed with 25 single family
 1338 detached building lots. The applicant now proposes to construct 43 detached condominium
 1339 units. The total number of condominium units will be 84.

1340
 1341 The Land Use Plan recommends S-R 1, Suburban Residential use for this parcel. The proposed
 1342 project is consistent with the use and densities recommended in the 2010 Land Use Plan. The
 1343 density for the entire Grey Oaks project has been proffered not to exceed 2.0 units per acre.
 1344 The applicant has submitted a revised proffer statement dated February 1, 2005 that has been
 1345 handed out to you that addressed staff's initial concerns with the application.

1346
 1347 The applicant is proffering the following:

1348

1349 All dwellings shall be single-family detached condominium units constructed in an architectural
1350 style generally consistent with this elevation you have before you. All units will be a minimum of
1351 1700 square feet in size, will be on crawl-spaces, and will have a minimum of a single-car
1352 garage. At least 75% of all exterior front walls shall be brick, stone, or EIFS.

1353

1354 In keeping with the original proffers that were approved with case C-16C-03, the applicant has
1355 proffered that no driveways shall exit onto Concept Road 17-1 (Grey Oaks Park Drive).
1356 Additionally, this concept road must be constructed through to the end of the property before
1357 125 Certificates of Occupancy are approved for the neighborhood in total.

1358

1359 Staff expressed concern about the treatment of the edge of Concept Road 17-1, and in response
1360 the applicant has proffered an irrigated planting strip 10 ft. in width along this roadway, to be
1361 developed substantially in accordance with this exhibit.

1362

1363 The width of the planting strip is in addition to the dwelling setbacks required by the Zoning
1364 Ordinance.

1365

1366 The applicant has also submitted proffers concerning the construction materials for chimneys and
1367 flues, the installation of underground utilities, the installation of a sidewalk along concept road
1368 17-1, and a cash proffer to mitigate potential infrastructure and service costs.

1369

1370 Staff believes that the applicant has made a good effort at addressing its initial concerns. Based
1371 on the application materials and revised proffer statement, staff believes that the proposed
1372 rezoning is consistent with the 2010 Land Use Plan and will be developed in a quality manner.
1373 Staff recommends that the Planning Commission forward this Case C-4C-05 to the Board of
1374 Supervisors with a recommendation for approval.

1375

1376 This concludes my presentation, I would be happy to try to answer any questions you may have.

1377

1378 Mr. Vanarsdall - Are there any questions for Mr. Tyson by Commission members?

1379

1380 Mr. Kaechele - Is that sidewalk on the south side of the concept road all the way
1381 through the development? There was a sidewalk, continuous I guess.

1382

1383 Mr. Tyson - The concept road is slated to be on the south side of this portion, which
1384 is immediately adjacent to the amenity package, a pool, tennis court area, on that side.

1385

1386 Mr. Kaechele - I think his original plan was a continuous sidewalk along that road on
1387 one side.

1388

1389 Mr. Tyson - Yes. It is my understanding it will continue on up there. There are
1390 additional portions of this development that aren't shown on this concept plan.

1391

1392 Mr. Vanarsdall - Any more questions by Commission members?

1393

1394 Mr. Silber - Mr. Tyson, the elevation that is shown, I don't know if this is just
1395 illustrative or not, but it appears it is going to be garages that project forward. Was there any
1396 discussion about recessing the garages or did that come up before?

1397

1398 Mr. Tyson - We didn't discuss it with this case. We did discuss having some variation
1399 and setbacks of the building. We didn't want them to be soldier like up and down the street.
1400 This elevation doesn't show it, but it has been proffered that there will be variations in the
1401 building setbacks themselves.

1402
1403 Mr. Silber - I thought when we had our original meeting and discussion about
1404 recessing the garage, I thought there was something to that and it didn't look like it was shown
1405 on this elevation. Perhaps that can be discussed at a later date.
1406
1407 Mr. Marshall - I think Mr. Silber wants to ask Mr. Axselle about the recessed garages.
1408
1409 Mr. Vanarsdall - You'd think between Mr. Axselle and Mr. Pruitt, we'd get the answer.
1410
1411 Mr. Axselle - Mr. Chairman, Bill Axselle on behalf of Shady Grove Company, and with
1412 me tonight is Tommy Pruitt, who is the owner of the company, and the developer Rob Loftis,
1413 who is his consultant. We have not yet concluded the design of these units. This elevation is
1414 proffered, but I do not think we know at this point in time the exact depth, if you will, between
1415 the front stoop, if you will, and the porch, but this is the elevation that was approved in the
1416 previous case, which we have continued a commitment to here. Mr. Chairman, in light of the
1417 favorable staff report and no opposition, and the fact that you committed that we'd all be out of
1418 here by 8:30, I will be glad to respond to any questions. It is basically the staff had said 20 acres
1419 are zoned, and the only part that is being changed is 14 acres to the RTH, and all of the other
1420 conditions of the previous case remain the same. Nothing else has been changed.
1421
1422 Mr. Vanarsdall - Thank you. That was mighty considerate.
1423
1424 Mr. Marshall - Mr. Chairman, I move that Case C-4C-05, Ralph Axselle for The Shady
1425 Grove Company, Inc., be recommended to the Board of Supervisors for approval.
1426
1427 Mr. Jernigan - Second.
1428
1429 Mr. Vanarsdall - Motion made by Mr. Marshall and seconded by Mr. Jernigan. All in favor
1430 say aye. All opposed say no. The motion passes.
1431
1432 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Jernigan, the Planning
1433 Commission voted 4-0 (one absence and one abstention) to recommend that the Board of
1434 Supervisors **grant** the request because it continues a similar level of townhouse zoning as
1435 currently exists in the area and the proffers assure a high quality development in keeping with
1436 the surrounding developments.
1437
1438 **C-5C-05 Robert Atack for RMA/Hunton, LLC:** Request to conditionally rezone
1439 from B-3 Business District to R-5AC General Residence District (Conditional), Parcel 783-764-
1440 5602, containing approximately 2.9 acres, located on the north line of Cole Boulevard at the
1441 southwest intersection of the I-295 exit ramp and Brook Road (U. S. Route 1). The applicant
1442 proposes a zero lot line, single-family residential subdivision with no more than twenty (20)
1443 homes. The R-5A District allows a minimum lot size of 5,625 square feet. The Land Use Plan
1444 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.
1445
1446 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? All right. Thank
1447 you. Mr. Coleman.
1448
1449 Mr. Coleman - Good evening, Mr. Chairman, members of the Commission. This request
1450 would rezone 2.9 acres from B-3 to R-5AC to develop a zero lot line single-family subdivision.
1451 The site is designated SR2 on the Land Use Plan. The proposed use is consistent with this
1452 designation and staff firmly believes a residential use is preferable to the unproffered B-3 zoning.
1453 However, the proposed density is 4.8 per acre, higher than SR2 recommendation of 2.4 to 3.4
1454 units net density per acre.

1455
1456 The applicant submitted an unproffered conceptual lot layout for 14 lots and submitted proffers
1457 offering some assurance of quality. Major aspects of the proffers include a maximum of 14
1458 homes, a minimum house size of 1800 square feet, an irrigated and sodded front yard, paved
1459 driveways, street trees, a standard six inch curb and gutter along Cole Boulevard, provisions for
1460 extra sound suppression for homes abutting the 295 ramp and landscape entrance. Additional
1461 proffers address the foundation, underground utilities and other items.
1462
1463 The applicant held a community meeting with area residents on February 3 at Longdale
1464 Elementary. Residents were generally supportive of this request but focused on two concerns.
1465 First, residents preferred dwelling to be owner-occupied, but secondly they requested the
1466 developer and the County's assistance in removing a BMP in Berrymeade Subdivision. I am sort
1467 of highlighting where that is (referring to rendering), which was described as an eye sore, health
1468 hazard and a nuisance among other things. The applicant submitted a letter indicating his intent
1469 to remove the BMP subject to the approval of this application, the copy of which was included in
1470 the revised proffers, which were passed out to you. Considering each of the following: that
1471 Berrymeade has a comparable density of approximately 4.6 units per acre, a single family use is
1472 preferable to the unproffered B-3 zoning, and the developer has committed to remedying the off-
1473 site nuisance at his expense, a density higher than the Land Use recommendation may be
1474 acceptable. If the applicant were able to satisfactorily address the following issues, staff could
1475 recommend approval of this request:
1476
1477 First, staff supports a commitment to constructing single-family dwellings on foundations with a
1478 crawl space, and this request will have cumulative impacts on the County services and
1479 infrastructure needs. For example, school administration noted that the increase in residential
1480 development would necessitate additional schools in this area, and the applicant has not
1481 addressed this issue.
1482
1483 That concludes my presentation and I will be happy to answer any questions.
1484
1485 Mr. Vanarsdall - Any questions of Mr. Coleman by Commission members?
1486
1487 Mr. Coleman - I would like to note, I am sorry, that the time limits would need to be
1488 waived to accept the proffers.
1489
1490 Mr. Jernigan - There are no elevations. Are these going to be single level or two-story
1491 homes?
1492
1493 Mr. Coleman - Sixteen hundred square feet would need to be two level.
1494
1495 Mr. Vanarsdall - Mr. Archer, would you like to hear from the applicant?
1496
1497 Mr. Archer - Yes, we need to hear from the applicant.
1498
1499 Mr. Vanarsdall - Good evening, Mr. Theobald.
1500
1501 Mr. Theobald - Good evening, Mr. Chairman, gentlemen. My name is Jim Theobald and
1502 I am here this evening on behalf of RMA Hunton, LLC, and as you have heard from Mr. Coleman,
1503 this is a request to rezone but three acres of land. It was zoned unrestricted B-3 in 1965. We do
1504 have some elevations of the product types that are envisioned for this site. They are two-story
1505 structures. This is an R-5A single-family detached product. As you know, this was a site that
1506 was a larger B-3 site, if you recall, from the Land Use Plan, the majority of which is now
1507 contained within the I-295 and Route 1 interchange, and as such, you have this orphaned piece

1508 of unrestricted B-3, and it is surrounded by R-4 development as you know, clear to the Police
1509 Headquarters. Mr. Coleman indicated this density and square footage proffered is consistent
1510 with the Berrymeade Subdivision. We have agreed subject to receipt of all approvals to remedy
1511 a BMP issue that has plagued the neighborhood.

1512

1513 For your information, the starting prices of homes in this area, these 14 homes, will be \$200,000
1514 and above, without any extras. We have submitted some substantial proffered conditions, with
1515 regard to the number of homes, the square footage of street trees, mail boxes, curb and gutter,
1516 etc., as well as some sound suppression measures on the walls closest to the I-295 right-of-way.
1517 For your information, that right-of-way is basically 16 feet. The ramp is below the grade of the
1518 site where these homes would be built. If we could go back to the, take that off please. We do
1519 want to explain a little bit about this slab or crawl space issue. These are technically slab
1520 construction, but they are a little different from what you might normally be considering slab
1521 construction, so we tried to provide you with some pictures (referring to rendering). Basically,
1522 what this is is a foundation with a block and faced with brick and then the concrete is poured
1523 behind it, so what you end up with is basically an elevated first-floor elevation above the ground
1524 level. So, this is what it looks like at the corner (referring to rendering). So there is no air space
1525 below the slab and the first floor, there is, in fact, the visual appearance of a foundation. Some
1526 of these pictures are a little darker than others, but you can see from the grade here the exposed
1527 area that looks like a foundation. The beauty of this type of construction is a couple-fold. It is a
1528 small site, three acres, and so in order to get positive drainage and have a crawl space, and as
1529 you know, a crawl space would have an under drain system as well as external drainage, it is
1530 very hard to manipulate those grades with a small site with 14 homes. What this does is
1531 basically provide a barrier for moisture and mold from the soil and any moisture up into the living
1532 area, and as such, the drainage basically is not as much of an issue in designing around these
1533 structures. So, I think you accomplish the aesthetic purposes that I know are important to you.
1534 Here is another picture, and again, that first floor elevation, as you can see, is not the same as
1535 the ground level, so we would ask your consideration of that issue.

1536

1537 With regard to impacts on public services what was mentioned with school, the report indicates
1538 that currently we are expected go generate five high school students. That is the only school
1539 that is having a capacity problem, and it is my understanding that even that problem will be
1540 solved with the redistricting. I am not sure if that is part of the redistricting that was just
1541 approved or the one that is coming up, so we believe there are no impacts, in fact, in the
1542 jurisdictions in the area that do have a cash proffer system in place. Infill developments like
1543 these are generally exempted from the imposition of cash proffers.

1544

1545 Mr. Marshall - Says who?

1546

1547 Mr. Theobald - In Chesterfield County.

1548

1549 Mr. Marshall - You are not in Chesterfield.

1550

1551 Mr. Theobald - I understand, but since you don't have a policy in place nor do you have
1552 the exemptions in place, and the idea behind that is to encourage infill development in areas just
1553 like this where there are leftover pieces of land with existing infrastructure, and with that, I will
1554 be happy to answer any questions. We do have some folks here who would like to speak in
1555 support of this case and we have met with neighbors to discuss our plans, and I believe Mrs.
1556 Devine would like to address you.

1557

1558 Mr. Vanarsdall - Any questions for Mr. Theobald?

1559

1560 Mr. Archer - It is a laudable goal and we can do away with pieces of unconditioned B-
1561 3, but I do have a couple of things I would like to ask you about. One is #13, what type of
1562 sound suppression measures would this take?
1563

1564 Mr. Theobald - In order to hit a 54 sound co-efficient rating, you have to either use a
1565 different, stop me if I say this wrong, but a different grade of wallboard or additional backing, or
1566 both, to meet that co-efficient rating. I believe a normal without any special application is being
1567 around 48, 47, down in the 40s.
1568

1569 Mr. Archer - So this would be done on the homes that are adjacent to the sound?
1570

1571 Mr. Theobald - The walls that are closest to the right of way there, and just remember
1572 that that right of way is 16 feet below the grade of these homes, as well.
1573

1574 Mr. Archer - The other thing I wanted to ask you about. There is a proffer that
1575 indicates curb and gutters shall be standard rolled face type. I understand from talking to staff
1576 that standard roll face had changed a little bit in the last year. Do you have anything that can
1577 demonstrate what they look like, because the roll face that I have come in contact with, to be
1578 honest with you, is terrible in a lot of places.
1579

1580 Mr. Theobald - I think I will let Mr. Parker answer that before I get it wrong. What we
1581 did do is add the 6 inch curb and gutter along Cole Boulevard so that it is there today, but once
1582 we start turning in, I think the idea was to use the roll face, but those are the types that had at
1583 least a 3 ft. apron so that it keeps cars from bumping on that, and I have had experiences with
1584 that. This is the standard used on any number of subdivisions, because it gives you the wider
1585 apron, if you will, so that you don't have this big bump and angle.
1586

1587 Mr. Vanarsdall - Well, the problem we had before was the 2-1/2 foot.
1588

1589 Mr. Theobald - This standard has been accepted by the County in any number of...it is in
1590 their design manual.
1591

1592 Mr. Silber - Yes. Roll face standard has been changed by Public Works and it is a
1593 three foot section now that is required. I think staff's comment here probably is that they prefer
1594 to see the entire subdivision have the six inch standard curb and gutter instead of a three-foot
1595 section of roll face.
1596

1597 Mr. Archer - The problem that I have had with that. We have had a lot of complaints
1598 about this, to be honest with you, and particularly in cases where the driveways tend to run up
1599 hill a little. Most of the modern automobiles are built close to the ground and when you bump
1600 across the ground you can actually scrape the front of your car. I've done mine two times, but
1601 we have also gone through subdivisions and see where people have actually built ramps of one
1602 kind or another to alleviate the problem, and Mr. Parker, can you speak to that. You seem to be
1603 a little bit more knowledgeable about what it is, what makes it different.
1604

1605 Mr. Parker - I am Philip Parker, Attack Properties, for the record. The situation you
1606 are referring to is the old 2-1/2 foot County roll face that was allowed up to about three years
1607 ago. That transition from asphalt to the back edge of the curb, which would be the driveway,
1608 was done within a 2-1/2 foot area. Literally, it was done within a 6 inch area because you had
1609 six inches of level at the curb, six inch rise within six inches horizontal and 18 inches of gutter
1610 pan. What the County Engineer, Mr. Thompson has done, is he's taken the VDOT Standard
1611 which is 3 foot in width that flattens that abruptness out of "face of curb" which prevents that
1612 problem of bottoming out or bumping into the bottom of a vehicle in the driveway. The roll face

1613 curb that we are referring to in the property is exactly what is in the County design manual.
1614 We've done it 85 to 90% of our subdivisions over the last 3-1/2 years and we've never had a call-
1615 back on that.
1616
1617 Mr. Archer - OK. I haven't seen any recently. The ones I have seen are on
1618 subdivisions that are about that old, and...
1619
1620 Mr. Parker - I'd be happy to meet with you and look at a few of them sometimes to
1621 describe their differences. It is a physical difference. It is not a design difference, a physical
1622 difference.
1623
1624 Mr. Archer - Well, I have to admit that I hadn't been aware that the standards had
1625 changed, to be honest with you. I thought they were still the same.
1626
1627 Mr. Parker - I believe the 2-1/2 foot section has been taken out of the design
1628 manual.
1629
1630 Mr. Archer - OK. The other question I had, and it doesn't really matter who answers
1631 this one, how do you describe this with pseudo slab? What do you call it?
1632
1633 Mr. Parker - We haven't had to call it anything if you want to know the truth. It is a
1634 slab construction, if you want to refer to it that way, but it is a finished foundation next to the
1635 area, and the way the proffer reads "The exposed portion below the finished floor elevation of
1636 the home shall be of brick" meaning the foundation, the literal foundation of the house would be
1637 a brick finish.
1638
1639 Mr. Archer - I was wondering who wrote that proffer. I know now that you just
1640 recited it.
1641
1642 Mr. Parker - Did I enunciate a little bit better than...
1643
1644 Mr. Archer - No, just about the way that it is written. Can you, you and I discussed
1645 this a little bit before the meeting, can you tell, for the benefit of some of the other Commission
1646 members, where this has been used?
1647
1648 Mr. Parker - We have used it the entire construction period of Crossridge over on
1649 Staples Mill Road and it has been met with a great deal of positive response.
1650
1651 Mr. Archer - Now, what were you saying were the benefits of this over the traditional
1652 slab, other than aesthetic, because that doesn't really bother me.
1653
1654 Mr. Parker - Aesthetics is one thing, and that is one thing to consider. It is a big
1655 deal.
1656
1657 Mr. Archer - It may have been an issue, but I don't know if that is the most important
1658 issue to be honest with you.
1659
1660 Mr. Parker - Drainage in a development of this type, with the topography of the
1661 existing site, when you build houses into long slopes, etc., the natural ground water tends to find
1662 the first most relief point. When you cut a foundation and you leave that crawl space open, that
1663 is a relief point. In other words, you have cut a foot and a half to three feet of earth away,
1664 pressure away from the ground water. It is going to try to perk itself out in that general area.
1665 That is where you have the problems with mold, mildew, with moisture problems, regardless of

1666 how much under drain is put in on the crawl space, stone underneath, etc., you have still got
1667 moisture in there that is coming to the surface and then being carried via the other drain system
1668 that is installed by the builder, and then carried out to the storm system or to just a sheet flow.
1669 With construction of this type, what you are able to do is control all of that drainage. That
1670 drainage never has a relief point. The relief point is the swales, the storm sewer system. The
1671 relief point is not underneath the residence.

1672
1673 Mr. Archer - What is the general thickness of the pads?

1674
1675 Mr. Parker - They are minimum four inch pads. That is all controlled by the Building
1676 Inspections Department. The minimum four inch pads on four to six inches of stone, minimum.
1677 That is for construction. I don't handle the building permits, so I couldn't exactly tell you.

1678
1679 Mr. Archer - How many courses of brick, generally, do you have showing?

1680
1681 Mr. Parker - Showing? A minimum of three. Sometimes it is upward to five or six. It
1682 is on the actual grading that has to occur, and we haven't gotten to that stage with this
1683 subdivision yet.

1684
1685 Mr. Archer - So that generally depends on the grade of the land, also, whether it is
1686 flat or whatever?

1687
1688 Mr. Parker - Yes, sir.

1689
1690 Mr. Archer - OK. There were some other people that wanted to speak.

1691
1692 Mr. Vanarsdall - We have one lady who wants to speak. Thank you, Phil. Come on
1693 down, please. State your name.

1694
1695 Ms. Devine - Hello. My name is Bridget Devine and I live at 1400 Berrymeade Hills
1696 Court and I am here tonight on behalf of my neighbors and myself. On February 3, 2005, we
1697 attended a meeting that was held by Mr. Attack. The meeting was about a piece of property on
1698 Cole Boulevard that is currently zoned commercial. The residents at the meeting were presented
1699 with the idea of getting the property zoning changed from commercial to residential. At the
1700 meeting we expressed our concerns about the property being zoned for commercial use. Our
1701 concerns are #1, The property is located at the end of Cole Boulevard, which is a dead end road
1702 with no access to Route 1. Depending on the type of commercial business that gets built on this
1703 property, it brings the issue of extra traffic and noise. There could be deliveries by tractor
1704 trailers, and this raises concerns about the safety of the children living in the subdivision and the
1705 children that attend the elementary school. #2, We also feel that if a commercial business gets
1706 built on this property, it would lower our property values. We would like for you to know that we
1707 are in support of the idea of the property being changed from commercial zone to residential
1708 zone. It was proposed to us if the property gets approved, that a new subdivision would start in
1709 the year 2006. A drawing was presented to show us where each lot would be located on this
1710 piece of property. We understand that the new subdivision off of Cole Boulevard will consist of
1711 14 single-family homes with a homeowners association and a starting price would be around
1712 \$200,000. We asked questions about such issues as curbing, fencing and drainage, and about a
1713 BMP. Every question that we asked was answered and we are satisfied. At this time, the
1714 property has been cleared of timber and the people are using it as a dumping ground. As I
1715 mentioned earlier, Cole Boulevard is a dead end road, so a few of the neighbors along that road
1716 are having to deal with people parking there late at night and partying. We feel a subdivision will
1717 eliminate this issue and the concerns we have for the safety of the children and would raise our
1718 property values. Thank you.

1719
1720 Mr. Archer - Thank you, ma'am.
1721
1722 Mr. Vanarsdall - Any questions? Thank you. Anybody else? Mr. Archer.
1723
1724 Mr. Archer - I need to make two or three comments. One with regard to the new
1725 type of slab, there may be some questions by the time you get to the Board about this slab. I
1726 think one of the things you might be able to do to alleviate it to some degree is increase the
1727 minimum number of courses of brick that you have. I think it would make the property at least
1728 look a little bit better, although again, there are a lot of people who have different reasons why
1729 they are concerned with slab. As I was telling somebody, I have been in an area where that is
1730 all you see, and some are the other way around. I am also aware – I am in the insurance
1731 business – we are increasingly aware of things that are being caused by mold and mildew. It is a
1732 huge issue now with the insurance industry, and if there is a way to alleviate that, I guess I am
1733 all for it. It is not to say that I am all for slabs because I am still not, and I guess that is
1734 something that I will always have ingrained in me. No. 3, I don't think we can ignore, regardless
1735 of the size of the subdivision, the impact on facilities that is created. Regardless of the size of
1736 the subdivision and there is always an impact on facilities and I think that also that is something
1737 that you may want to hold in abeyance between now and the time you bring this case before the
1738 Board of Supervisors.
1739
1740 It is probably very laudable that you have removed this piece of unconditioned B-3 property, as
1741 indicated in the young lady's comments.
1742
1743 So, with that and with those cautions in mind, I think this case is worthy of moving to the Board,
1744 so I will waive the time limits on the proffers we received tonight.
1745
1746 Mr. Jernigan - Second.
1747
1748 Mr. Vanarsdall - Motion by Mr. Archer and seconded by Mr. Jernigan. All in favor say
1749 aye. All opposed say no. The motion is passed.
1750
1751 The Planning Commission voted to waive the time limits on Case C-5C-05, Robert Attack for
1752 RMA/Hunton, Inc.
1753
1754 Mr. Archer - And with that I will move a recommendation of approval for C-5C-05,
1755 Robert Attack for RMA/Hunton, LLC, to the Board of Supervisors.
1756
1757 Mr. Jernigan - Second.
1758
1759 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
1760 say aye. All opposed say no. The motion passes.
1761
1762 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the Planning Commission
1763 voted 4-0 (one absence and one abstention) to recommend that the Board of Supervisors **grant**
1764 the request because it conforms with the recommendation of the 2010 Land Use Plan and it
1765 would remove the existing commercial zoning which is incompatible with the adjacent residential
1766 developments.
1767
1768 Mr. Marshall - Mr. Theobald, you may want to take Mr. Archer's words to heart about
1769 this not being Chesterfield regardless of the size of the development.
1770
1771 Mr. Theobald - I will sleep on it.

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Mr. Marshall - Because you had another one that wasn't infill tonight on the agenda, too. It was deferred, too.

Mr. Vanarsdall - Is there any other business before we close. Do any of the Commissioners have anymore business? If not, we will close out this meeting.

Mr. Archer - I move for adjournment.

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

Randall R. Silber, Secretary