

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 February 15, 2007. Display Notice having been published in the Richmond
5 Times-Dispatch on January 25, 2007 and February 1, 2007.

6
Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. Frank J. Thornton (Fairfield) Board of Supervisors
Mr. Randall R. Silber, Director of Planning, Secretary

Also Present: Mr. Ralph J. Emerson, Jr., Assistant Director of Planning
Ms. Jean M. Moore, Principal Planner
Mr. Lee Tyson, County Planner
Mr. Thomas Coleman, County Planner
Ms. Nathalie Croft, County Planner
Mr. Livingston Lewis, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Kevin Wilhite, County Planner
Ms. Sylvia Ray, Recording Secretary

7 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**
8 **on all cases unless otherwise noted.**

9
10 **THE COMMISSION RECONVENES**

11
12 Mr. Branin: Ladies and gentlemen, welcome to the February 15,
13 2007 Planning Commission Meeting. We're coming back into session. Earlier this
14 evening, we had the Capital Improvements Program presented to us by the
15 County Manager and his staff. We are coming back into session. I'd like to
16 recognize a representative from the Board of Supervisors, Frank Thornton. We
17 also have Will Jones from the Richmond Times-Dispatch. I don't know if we
18 have anyone else from the press tonight. Do we?

19
20 Mr. Silber: I don't see any others.

21
22 Mr. Branin: Okay. With that, Mr. Secretary.

23
24 Mr. Silber: Thank you, Mr. Chairman. We do have all members
25 of the Commission present this evening. The first item on the agenda would be
26 consideration of deferrals. I do not believe we have any withdrawals. I will speak
27 to the one tabled item, but we have several deferrals, if you can walk us through
28 those please, Ms. Moore.

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Ms. Moore: What you just received is a revised chart. The first is in the Varina District on page 2 of your agenda. It is C-4C-06, Twin Oaks Business Park, LLC.

Deferred from the January 11, 2007 Meeting.

C-4C-07 Todd M. Lynn for Twin Oaks Business Park, LLC: Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District (Conditional), Parcel 814-710-0782, containing 2.505 acres, located at the northwest intersection of Glen Alden Drive and Charles City Road (Garden City subdivision). The applicant proposes a warehouse with limited office. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District.

Ms. Moore: The applicant wishes to defer this to the April 12, 2007 meeting.

Mr. Branin: Is anyone in opposition of this deferral? No one?

Mr. Jernigan: Mr. Chairman, with that, I'll move for deferral of Zoning case C-4C-07, Todd M. Lynn for Twin Oaks Business Park to April 12, 2007, by request of the applicant.

Mrs. Jones: Second.

Mr. Branin: Motion made by Mr. Jernigan and seconded by Mrs. Jones. All in favor say aye. All opposed say no. The motion carries.

Ms. Moore: Next in the Brookland District on page 3 of your agenda is C-64C-06, Wistar Creek, LLC.

Deferred from the January 11, 2007 Meeting.

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

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

76
77 Mr. Branin: Is anyone in opposition of the deferral of C-64C-06?
78 No one.

79
80 Mr. Vanarsdall: I move C-64C-06 be deferred to March 15, 2007 at
81 the applicant's request.

82
83 Mrs. Jones: Second.

84
85 Mr. Branin: Motion made by Ms. Vanarsdall and seconded by
86 Mrs. Jones. All in favor say aye. All opposed say no. The motion carries.

87
88 Ms. Moore: Next is in the Three Chopt District on page 4 of your
89 agenda. It is C-59C-06.

90
91 **Deferred from the January 11, 2007 Meeting.**

92 **C-59C-06 Andrew Conclin for Towne Center West, LLC:**
93 Request to conditionally rezone from B-2C Business District (Conditional) to R-
94 6C General Residence District (Conditional), part of Parcels 734-764-9340 and
95 736-764-1136, containing 13.56 acres (Parcel B - approximately 9.38 acres and
96 Parcel I approximately - 4.18 acres), located on the north line of W. Broad Street
97 (U. S. Route 250) approximately 540 feet east of N. Gayton Road (Parcel B) and
98 approximately 700 feet north of W. Broad Street (U. S. Route 250) (Parcel I). The
99 applicant proposes retail and office uses with no more than 165 multi-family
100 dwelling units on Parcel B, and retail and office uses with no more than 75 multi-
101 family dwelling units on Parcel I. The R-6 District allows a minimum lot size of
102 2,200 square feet per family for multi-family dwellings and a maximum gross
103 density of 19.80 units per acre. The uses will be controlled by zoning ordinance
104 regulations and proffered conditions. The Land Use Plan recommends Mixed
105 Use. The site is in the West Broad Street Overlay District.

106
107 Ms. Moore: The deferral is requested to the March 15, 2007
108 meeting.

109
110 Mr. Branin: Is anyone in opposition to deferral of C-59C-06,
111 Towne Center West, LLC? No one. Then with that, I'd like to move for deferral of
112 C-59C-06, Town Center West, LLC, to the March 15, 2007 meeting, per the
113 applicant's request.

114
115 Mr. Archer: Second.

116
117 Mr. Branin: Motion made by Mr. Branin and seconded by Mr.
118 Archer. All in favor say aye. All opposed say no. The motion carries.

119

120 Ms. Moore: The next items in page 5 of your agenda. It is P-19-
121 06, also Towne Center West. This is the companion case to a previous item
122 discussed.

123

124 **Deferred from the January 11, 2007 Meeting.**

125 **P-19-06 Andrew Condlin for Towne Center West, LLC:**
126 Request for a Provisional Use Permit under Sections 24-36.1(b), 24-120 and 24-
127 122.1 of the County Code to permit retail and office uses within the proposed
128 multi-family development on parts of Parcel 734-764-9340, and 736-764-1136,
129 located on the north line of W. Broad Street (U. S. Route 250) approximately 540
130 feet east of N. Gayton Road (Parcel B) and approximately 700 feet north of W.
131 Broad Street (U.S. Route 250) (Parcel I). The existing zoning is B-2C Business
132 District (Conditional). The property is the subject of rezoning case C-59C-06,
133 which proposes to rezone the property to R-6C General Residence District
134 (Conditional). The Land Use Plan recommends Mixed Use. The site is in the
135 West Broad Street Overlay District.

136

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

139

140 Mr. Branin: Is anyone in opposition to the deferral of P-19-06?
141 No one. With that, I'd like to move that P-19-06 be deferred to the March 15,
142 2007 meeting, per the applicant's request.

143

144 Mrs. Jones: Second.

145

146 Mr. Branin: Motion made by Mr. Branin and seconded by Mrs.
147 Jones. All in favor say aye. All opposed say no. The motion carries.

148

149 Ms. Moore: Also on page 5 is rezoning case C-7C-07, Farmer
150 Properties.

151

152 **C-7C-07 Andrew Condlin for Farmer Properties, Inc.:**
153 Request to conditionally rezone from A-1 Agricultural District to RTHC
154 Residential Townhouse District (Conditional), Parcel 747-773-6860, containing
155 5.204 acres, located on the southeast line of Twin Hickory Road approximately
156 800 feet northeast of Nuckols Road. The applicant proposes a residential
157 townhouse development with a maximum of 28 units, an equivalent density of
158 5.38 units per acre. The RTH District allows a maximum density of 9 units per
159 acre. The use will be controlled by zoning ordinance regulations and proffered
160 conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 net
161 units per acre.

162

163 Ms. Moore: The deferral is requested to the May 10, 2007
164 meeting.

165

166 Mr. Branin: Is anyone in opposition to the deferral of C-7C-07?
167 No one. With that, I'd like to move that C-7C-07 be deferred to the May 10, 2007
168 Planning Commission's meeting, per the applicant's request.

169
170 Mr. Jernigan: Second.

171
172 Mr. Branin: Motion made by Mr. Branin and seconded by Mr.
173 Jernigan. All in favor say aye. All opposed say no. The motion carries.

174
175 Ms. Moore: On page 6 of your agenda is C-15C-07, West Broad
176 Village, LLC and West Village II, LLC.

177
178 **C-15C-07 Andrew Condlin for West Broad Village, LLC and**
179 **West Broad Village II, LLC:** Request to amend proffered conditions accepted
180 with Rezoning Case C-12C-06, on Parcel 742-760-7866, located on the south
181 line of W. Broad Street (U.S. Route 250), north of Three Chopt Road, at the I-64
182 Interchange. The applicant proposes to amend Proffer 16 to increase the number
183 of apartments for lease from 250 to 350 units. The total number of all residential
184 unit types (884) would remain unchanged. The existing zoning is UMUC, Urban
185 Mixed Use (Conditional). The Land Use Plan recommends UMU. The site is in
186 the West Broad Street Overlay District.

187
188 Ms. Moore: The deferral is requested the April 12, 2007 meeting.

189
190 Mr. Branin: Is anyone in opposition to the deferral of C-15C-07?
191 No one. I would like to move that C-15C-07 be deferred to the April 12, 2007
192 meeting, per the applicant's request.

193
194 Mrs. Jones: Second.

195
196 Mr. Branin: Motion made by Mr. Branin and seconded by Mrs.
197 Jones. All in favor say aye. All opposed say no. The motion carries.

198
199 Ms. Moore: The last request we received is also on page 6 of your
200 agenda, C-16C-07, Bryant Gammon for Circuit City Corporation.

201
202 **C-16C-07 D. Bryant Gammon for Circuit Virginia**
203 **Corporation:** Request to amend proffered conditions accepted with Rezoning
204 Case C-6C-93, on Parcel 745-761-7339, located at the northwest intersection of
205 W. Broad Street (U. S. Route 250) and Old Sadler Road. The applicant proposes
206 to amend Proffer 12 to permit ingress for inventory vehicles from Old Sadler
207 Road. The existing zoning is B-3C Business District (Conditional). The Land Use
208 Plan recommends Commercial Concentration.

209
210 Ms. Moore: The deferral is requested to the February 28, 2007
211 meeting, which is a daytime Planning Commission meeting.

212
213 Mr. Branin: Is anyone in opposition to the deferral of C-16C-07?
214 No one. I'd like to move that C-16C-07 be deferred to the February 28, 2007
215 POD meeting, per the applicant's request.

216
217 Mr. Vanarsdall: Second.

218
219 Mr. Branin: Motion made by Mr. Branin and seconded by Mr.
220 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

221
222 Mr. Vanarsdall: Mr. Chairman, I have one to defer.

223
224 Mr. Silber: Okay.

225
226 Mr. Vanarsdall: It's on page 3, second item, C-10C-07, if there is no
227 opposition.

228
229 **C-10C-07 David Johannas for Pied Venture LLC:** Request to
230 conditionally rezone from B-2 Business District to R-6C General Residence
231 District (Conditional), Parcel 772-737-7160, containing 2.874 acres, located
232 between the north line of Fitzhugh Avenue and the south line of Markel Street,
233 approximately 236 feet southeast of Byrd Avenue. The applicant proposes
234 residential condominiums. The R-6 District allows a maximum gross density of
235 19.80 units per acre. The use will be controlled by zoning ordinance regulations
236 and proffered conditions. The Land Use Plan recommends Office and
237 Environmental Protection Area. The site is located within the Enterprise Zone

238
239 Mr. Branin: Is there any opposition to the deferral of C-10C-07?
240 None.

241
242 Mr. Vanarsdall: I move C-10C-07 be deferred until the March 15,
243 2007 meeting at the request of the Commission.

244
245 Mr. Archer: Second.

246
247 Mr. Branin: Motion made by Mr. Vanarsdall and seconded by Mr.
248 Archer. All in favor say aye. All opposed say no. The motion carries.

249
250 Mr. Silber: Any other deferrals by Commission members? Okay.
251 Next would be consideration of expedited items. These are cases that are on the
252 agenda tonight, but because of the smaller scale of the request and because the
253 applicant is not aware of any outstanding staff issues, staff is comfortable with
254 the request, the Commission member from that District is comfortable with the
255 request, and there's no known opposition, we place these on an expedited or
256 consent agenda so they can be heard without full presentation of the request. If
257 there is opposition to any of these cases, they will be pulled off the expedited

258 agenda and heard in the order in which they're found on the full agenda. I
259 believe we have two items that are up for consideration on the expedited agenda.

260
261 Ms. Moore: That is correct. The first is in the Tuckahoe District on
262 page 1 of your agenda. It is Provisional Use Permit P-2-07.

263
264 **P-2-07 T-Mobile Northeast, LLC:** Request for a Provisional
265 Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of the County Code
266 in order to allow a 5 foot extension of an existing 106-foot monopole
267 telecommunications tower to a total maximum height of 111 feet, on part of
268 Parcel 746-744-4470, located at the northeast intersection of Gayton and
269 Gaskins Roads. The existing zoning is R-3 One-Family Residence District. The
270 Land Use Plan recommends Semi-Public.

271
272 Mr. Branin: Is anyone in opposition to P-2-07? None. Mrs.
273 Jones.

274
275 Mrs. Jones: I move that Provisional Use Permit P-2-07, T-Mobile
276 Northeast, LLC, be sent to the Board of Supervisors on the expedited agenda
277 with a recommendation for approval.

278
279 Mr. Vanarsdall: Second.

280
281 Mr. Branin: Motion made by Mrs. Jones and seconded by Mr.
282 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

283
284 **REASON:** Acting on a motion by Mrs. Jones, seconded by Mr.
285 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
286 the Board of Supervisors grant the request because it would provide added
287 services to the community and when properly regulated by the special conditions,
288 it would not be detrimental to the public health, safety, welfare and values in the
289 area.

290
291 Ms. Moore: Next is on page 3 of your agenda in the Brookland
292 District. It is Provisional Use Permit P-3-07, Hillorie Morrison for Clearwire US,
293 LLC.

294
295 **P-3-07 Hillorie Morrison for Clearwire US, LLC:** Request
296 for a provisional use permit under Sections 24-95(a)(3) 24-120 and 24-122.1 of
297 the County Code to permit the installation of a microwave dish, and antennas
298 and related equipment 107 feet above the base of an existing 113 foot high
299 telecommunications tower, on part of Parcel 764-766-7863, containing 1.0 acre,
300 located on the northwest line of Courtney Road approximately 535 feet northeast
301 of Staples Mill Road (U. S. Route 33). The existing zoning is A-1 Agricultural
302 District. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
303 units net density per acre.

304
305 Mr. Branin: Is anyone in opposition to P-3-07? No one in
306 opposition to that.
307
308 Mr. Silber: Is there an additional condition on this that's being
309 recommended?
310
311 Ms. Moore: There is; I apologize. If they haven't been handed out
312 already, we have those. We had no issues with this. This is actually just an extra
313 condition that the applicant is aware of. Just in case the related equipment emits
314 noise, we added a condition that it would not emit any noise beyond the property
315 lines.
316
317 Mr. Vanarsdall: He filled me in on that and I wanted to mention that.
318
319 Ms. Moore: Thank you for bringing that to my attention. We'll hand
320 those out and if this is approved, that would be with the amended conditions.
321
322 Mr. Vanarsdall: That's very important.
323
324 Mr. Branin: Would you review that condition?
325
326 Mr. Silber: I think it's one additional condition. I think it's
327 Condition 10.
328
329 Ms. Moore: It's the last one, underlined. All the other conditions
330 are the same as submitted.
331
332 Mr. Vanarsdall: Number 11 is the only thing changed.
333
334 Mr. Silber: Condition 11 reads, "Communication equipment shall
335 not produce noise audible at the property lines."
336
337 Mr. Vanarsdall: Thank you.
338
339 Mr. Branin: With that condition added, is anyone in opposition?
340
341 Mr. Vanarsdall: I move P-3-07, Hillorie Morrison for Clearwire US,
342 LLC, be recommended to the Board of Supervisors for approval.
343
344 Mr. Jernigan: Second.
345
346 Mr. Branin: Motion made by Mr. Vanarsdall and seconded by Mr.
347 Jernigan.
348
349 Mr. Vanarsdall: I'd like to waive the time limit on the proffer #11.

350
351 Mr. Silber: I'm not sure if we need to do that. That is a condition
352 that staff has recommended, so it's not a proffer.
353
354 Mr. Vanarsdall: No, probably. Go ahead
355
356 Ms. Moore: We'll have it on the record for those dated conditions.
357
358 Mr. Vanarsdall: Thank you.
359
360 Ms. Moore: That concludes my report, Mr. Secretary.
361
362 Mr. Silber: Okay, thank you very much.
363
364 Mr. Branin: Did we finish that?
365
366 Mr. Silber: There are no votes.
367
368 Mr. Branin: We never voted on that one. I'd like to finish that first.
369 Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor say
370 aye. All opposed say no. That motion carries.
371
372 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
373 Mr. Jernigan, the Planning Commission voted 5-0 (one abstention) to
374 recommend the Board of Supervisors grant the request because it would provide
375 added services to the community and when properly regulated by the special
376 conditions, it would not be detrimental to the public health, safety, welfare and
377 values in the area.
378
379 Mr. Silber: Thank you, Mr. Chairman. Before we call the first
380 case, I would like to bring your attention to page 2 of your agenda. There is a
381 rezoning request at the bottom of page 2, which is **C-9C-07, P. D. Sweet**. This is
382 a request to rezone property from A-1 to R-2C. This application has not been
383 properly signed or executed, so we will not be able to hear that case tonight. I
384 would recommend that it simply be tabled since it has not properly been
385 executed. So, if you can make note of that. We needed to have it on the agenda
386 because it had been advertised, but there's no need to take any action on it. We
387 will pull it off the agenda until the application is properly signed.
388
389 Mr. Branin: Which one was that, sir?
390
391 Mr. Silber: C-9C-07, P. D. Sweet.
392
393 Mr. Vanarsdall: Page 2 at the bottom.
394
395 Mr. Branin: Okay. So, do we take any action on that?

396
397 Mr. Silber: No action necessary.
398
399 Mr. Jernigan: I discussed with him about tabling it. Did you have to
400 do it?
401
402 Mr. Silber: No. We just need for him to properly sign the
403 application and that hasn't been done yet. Mr. Jernigan, we will just hold that
404 application until he properly executes the signature and then we will put it back
405 onto the appropriate agenda.
406
407 Mrs. Jones: Will a new staff report be generated at that time?
408
409 Mr. Silber: Yes, there would be a new staff report.
410
411 Mr. Jernigan: For information for the rest of the Commission, after
412 he filed the case, he found out there were more owners than what was listed. It
413 ended up being three owners rather than one. The original owner was trying to
414 sell the property, but then they found out there was two other people that owned
415 the property with the original person.
416
417 Mr. Silber: Moving on to the bottom on page 1 is our first request
418 tonight.
419
420 **Deferred from the January 11, 2007 Meeting.**
421 **C-67C-06** **Ahmad Jafari:** Request to conditionally rezone from
422 R-3 One-Family Residence District and B-3 Business District to B-2C Business
423 District (Conditional), Parcel 818-726-8240, containing 1.859 acres, located on
424 the north line of Nine Mile Road between Barker and Forest Avenues. The
425 applicant proposes a retail shopping center. The use will be controlled by zoning
426 ordinance regulations and proffered conditions. The Land Use Plan recommends
427 Commercial Arterial. The site is in the Airport Safety Overlay District. The site is
428 in the Enterprise Zone. (Varina)
429
430 Mr. Branin: Is anyone in opposition to C-67C-06?
431
432 Ms. Corporal: Yes sir, I am.
433
434 Mr. Branin: Okay. Mr. Secretary, will you explain the rules of
435 engagement.
436
437 Mr. Silber: The staff will make a presentation on this case. Once
438 the staff has completed their presentation, the applicant will be requested to
439 present the case. They have 10 minutes to present their case. Some of that time
440 can be saved for rebuttal. Anyone in opposition to the request will also have 10

441 minutes to present opposition. That's collectively all who oppose the case. Then
442 the case would be heard in some fashion by the Planning Commission.

443
444 Mr. Branin: Good evening, Mr. Sehl.

445
446 Mr. Sehl: Good evening. Thank you Mr. Chairman, members of
447 the Commission. The site in question is located on Nine Mile Road across from
448 the New Bridge Square Shopping Center and is currently vacant. The applicant
449 is proposing to rezone the property to B-2C, Business District (Conditional), to
450 permit the construction of a retail shopping center.

451
452 The front portion of the site is zoned B-3, Business District, with the rear portion
453 of the site adjacent to the Robin Park neighborhood, zoned R-3, One-Family
454 Residences District. The property is bounded by B-3 zoned property to the east
455 and west, with R-3 zoned property also located to the east, as well as to the
456 North.

457
458 The 2010 Land Use Plan recommends Commercial Arterial uses for the site,
459 which is located in the Enterprise Zone. The site is also part of the Nine Mile
460 Road Special Strategy Area. The proposed use is consistent with the
461 Commercial Arterial designation in the Land Use Plan and the guidelines of the
462 Nine Mile Road SSA.

463
464 The site is located in the Newbridge Sub-Area of the Nine Mile Road Special
465 Strategy Area, which is intended to serve as a transition between the commercial
466 areas of Fairfield Commons Mall and Highland Springs. The Newbridge Sub Area
467 outlines several strategies and design guidelines in an attempt to achieve the
468 vision of the Nine Mile Road Special Strategy Area. These guidelines and
469 strategies recommend that retail uses be limited to small-scale convenience retail
470 and service industries, preferably in areas already zoned for such use; providing
471 sidewalk along roads that connect to Highland Springs; and protecting residential
472 areas from commercial areas through the use of landscaping, increased
473 setbacks, fencing, careful site design, and other means.

474
475 The proposed request is not entirely consistent with these recommendations, as
476 it expands retail uses outside of the shopping center area on Nine Mile Road, as
477 described in the Newbridge Sub-Area guidelines. Therefore, careful
478 consideration must be given to the design of the site to minimize the disturbance
479 to the adjoining residences.

480
481 The applicant has submitted proffers including limiting the uses permitted on the
482 site to those allowed in the B-1 Business District, except for restaurants, which
483 will be regulated as they are in the B-2 District. Additionally, the applicant is
484 prohibiting 11 uses otherwise permitted in the B-2 and B-3 districts, limiting
485 building materials to glass, stucco, and brick in earth tone colors, and proffering
486 this site plan. The applicant is also restricting outdoor speaker systems, the

487 hours of refuse removal, parking lot cleaning, and construction. A 7-foot high
488 vinyl fence is proffered to be constructed along the adjacent residential
489 properties.

490
491 The proffered conceptual plan shows a parking area located along Nine Mile
492 Road with a building located to the rear of the site. As shown on the concept
493 plan, the storm water management system for the site will be provided
494 underground. The conceptual plan shows a 25-foot transitional buffer to the
495 adjacent residential areas and indicates that the existing billboard on the site will
496 be removed.

497
498 The applicant has proffered these pictures as an example of the architectural
499 style of the proposed building, as well as detailing the materials to be used on the
500 building, which include brick and stucco.

501
502 The applicant held a community meeting on January 4th. At that meeting,
503 residents voiced concerns regarding uses, fencing and buffering, hours of
504 operation, and the general traffic situation in the area. The applicant has since
505 amended the proffers to address these and staff's concerns.

506
507 These revised proffers show a commitment to quality and provide protection to
508 the adjacent residential area. This request conforms to the Commercial Arterial
509 designation on the 2010 Land Use Plan and meets the guidelines of the Nine
510 Mile Road Special Strategy Area. Staff supports this request. This concludes my
511 presentation. I'd be happy to answer any questions you might have.

512
513 Mr. Branin: Do any Commissioners have any questions for Mr.
514 Sehl?

515
516 Mr. Jernigan: Mr. Sehl did a very thorough job on this. I don't have
517 any.

518
519 Mr. Branin: Thank you, Mr. Sehl. Would you like to hear from the
520 applicant?

521
522 Mr. Jernigan: Yes I would, please.

523
524 Mr. Branin: Will the applicant come forward?

525
526 Ms. Thurber: Good evening. My name is Elizabeth Thurber. I'm the
527 engineer for the applicant. The obvious part about this property is that it was
528 zoned in two different zones and the zones weren't consistent with one another.
529 Because of transitional uses, it would be very hard to develop the property in
530 terms of the current zoning. Therefore, he has requested it all be put under one
531 zone.

532

533 Mr. Branin: May I ask one question? Do you request any time to
534 be held for rebuttal?

535
536 Ms. Thurber: Yes. We'll want to rebut. I guess three minutes, four
537 minutes.

538
539 Mr. Branin: Three minutes?

540
541 Ms. Thurber: Yes. The proposal is for approximately 11,375-
542 square-foot small retail shopping center with perhaps six bays. In particular, he
543 was interested in putting in some restaurants and some uses that would serve
544 the surrounding community. At our community meeting, the major concern
545 appeared to be preventing unwanted people from getting behind the building and
546 crossing over into the residential areas, so my client proffered a 7-foot vinyl fence
547 attached to the building so that no one could cross over from his property into the
548 other property. Also, that he would sweep up all the trash that might result, and
549 that he would put some landscaping in to make it more amenable to the
550 residential areas. All the lighting is directed away from the residential areas and
551 no loud speakers. Basically, he met with almost every request that the citizens
552 had of him at the public meeting that we held. I don't know if I have anything else
553 to say. We feel like we've met all the possible concerns that the citizens can
554 possibly have on this site. Anybody have any questions for me?

555
556 Mr. Branin: Do any Commissioners have any questions?

557
558 Mr. Jernigan: I just want to add one thing. Staff had originally
559 wanted this building moved closer to the road, but we felt for safety reasons that
560 it would be better to keep the building set back as far as it was, therefore cutting
561 down traffic to the rear of the building. Elizabeth, I think also that they're
562 supposed to have a fence on the side where the truck comes around.

563
564 Ms. Thurber: Right. The whole back property adjacent to the
565 residential areas will have a 7-foot fence.

566
567 Mr. Jernigan: I'm speaking of where they drive through. Is that in
568 there or not, where the trucks drive through?

569
570 Ms. Thurber: No, no. The police department didn't want any of
571 that.

572
573 Mr. Jernigan: Okay. The police. Right. Okay. That's all the
574 questions I have.

575
576 Mr. Branin: Do you want to hear from the opposition then? As
577 you get to the microphone, if you would state your name for the record.

578

579 Ms. Corporal: Good evening, my name is Tameera Corporal. I am
580 the resident of 4 Forest Avenue. I am the property that is actually going to be
581 bordering this proposal. The reason why I'm here in front of you all this evening
582 is to state a few concerns that I have. Yes, they did address the majority of the
583 concerns that were in the previous meeting. I was at the previous meeting and
584 the majority of the concerns came from me. They were addressed; however,
585 there are a few things that I wanted to just get on record before you all made
586 your decision here this evening. The main thing was, I did a little research about
587 the Nine Mile Road Special Strategy Area program that you all have going on.
588 This property is in the Newbridge area and from what I read, the Newbridge area
589 was supposed to be maintaining residential properties, not necessarily so much
590 for commercial. That was supposed to be strictly there to maintain residential
591 property. With that being said, I do not understand why we are going to have a
592 strip mall, something of that magnitude directly bordering my property. That's
593 what this is going to do. I just purchased my home May 31st and I do have
594 concerns with the fence being there. Yes, it will protect people that are actually
595 at the strip mall from coming into my property, but it won't protect people from
596 coming onto my property to try to gain access to this strip mall. Not to mention,
597 the back of this building will be exactly what's bordering my property. That
598 means all delivery trucks and so on and so forth will be going back where my
599 property is located. Another thing, too. I noticed in this Nine Mile Road Special
600 Strategy Area thing, it was it specified that retail uses should be limited to "small-
601 scale convenience retail and service businesses, preferably in areas already
602 zoned for such uses." I understand that part of this area is already zoned for this
603 type of use. Right now, my neighbors are a Family Dollar Store and a car
604 dealership. I have no problems with either because they are small-scale
605 businesses and they do not bring a lot of problems and issues and loitering and
606 so on and so forth to my property. It is still a very respectable property, even with
607 that bordering my property. I feel as though this will cause problems in my
608 neighborhood, not just with my property bordering that, but also all the properties
609 adjacent to me with all the additional foot traffic, and with all the additional traffic
610 from other areas coming in to be in this area. Not to mention it's already
611 congested over there because we have a strip mall directly on the other side of
612 Nine Mile that consists of a major grocery store—Food Lion—and also some
613 other restaurants and so on and so forth. So, we already have a lot of traffic in
614 and out of that area. I think this would make it even more congested. This would
615 not comply with criteria you have here because it will make so it's no longer a
616 good place to live. It will be too much traffic and too much of everything. I think
617 we need to have a smaller business there. I agree a business does need to be
618 there; it does not need to be a vacant lot. I do agree with that. However, I just
619 don't believe it should be quite on this scale. I think this may be a little bit too
620 large for that area. Like I said, there's already a shopping center directly across
621 the street. I just wanted to have that on record.

622
623 Mr. Branin: Ben, could you come up and change the picture so
624 we can see the properties as well? Thank you. Ma'am, which house is yours?

625
626 Ms. Corporal: My house is 4 Forest Avenue.
627
628 Mr. Jernigan: Number 4.
629
630 Ms. Corporal: It's #4 here. I also own 2.
631
632 Mr. Branin: You own 2 and 4.
633
634 Ms. Corporal: Yes sir. Yes sir, I do.
635
636 Mr. Branin: Is a fence there currently?
637
638 Ms. Corporal: No sir, there is no fence. Right now, the only property
639 that borders my lot is that car dealership that's right here on Nine Mile, right in
640 the front of B-3, I'm assuming this is. No, not B-3. Right here next to B-3. That's
641 the only thing that actually borders my property right now. I can see Family Dollar
642 from my deck. Like I said, neither one of these businesses gives any problems,
643 any issues, or anything like that. Not even the strip mall across the street at
644 Food Lion. That does not bring any problems into our neighborhood. I do believe
645 that if we have a strip mall that is actually bordering these properties, like what
646 they are proposing this evening, I think there will be problems. Not necessarily
647 initially, but eventually there will be problems and it will cause deterioration of our
648 neighborhood. I'm really concerned for that. Like I said, I'm new to the
649 neighborhood. I think it's an excellent neighborhood. I think I made a great
650 purchase. I'm very happy there. I don't want to feel as though I have to leave
651 because things are getting out of hand at the strip mall. That is all I wanted to
652 have on record this evening before you all make your decision. Thank you for
653 hearing me. Good night.
654
655 Mr. Jernigan: You don't have to leave yet, Ms. Corporal. You know
656 that B-1 with the conditions that they're proffering, with the exception of the
657 restaurants, it's the least intense that we have in the County, which is your
658 smallest businesses. That's what they proffered to do.
659
660 Ms. Corporal: I understand that, sir, but at the same time, it's not
661 one business. You're building a strip mall, which can consist of what? I think
662 they were saying they were going to have like four or five spaces, six or seven
663 spaces or something like that? That's a lot of stores going in one location. Not to
664 mention this is going to be a pretty big area. This is not just going to be like a
665 restaurant or a Family Dollar or something like that. It's going to be the equivalent
666 of that Food Lion and all those others across the street.
667
668 Mr. Jernigan: I don't think you're going to have as much traffic as
669 you have at the Food Lion. Would you agree that the building that they're
670 proposing is an asset to the area?

671
672 Ms. Corporal: Not that area, no sir.
673
674 Mr. Jernigan: First of all, talking about the Special Strategy Area
675 and in there talking about residential. On Nine Mile Road, they're not going to
676 build any more houses fronting Nine Mile Road. That area was already zoned B-
677 3. The R-3 property behind it, if they just use that front portion, that rear portion
678 would be landlocked. At the neighborhood meeting, they had proffered a 6-foot
679 fence and you requested a taller fence, so they can give you a 7-foot fence.
680
681 Ms. Corporal: Yes sir, but actually at the meeting, I requested an 8-
682 foot fence.
683
684 Mr. Jernigan: Well, we talked seven or eight and you said you'd like
685 to have eight. I actually feel that 8 is a little too tall. Seven feet is a pretty good
686 fence. Most cases we have, six foot is about what we do, but the developer did
687 satisfy your wishes, give you a—
688
689 Ms. Corporal: Yes sir, I did agree that he did address the majority of
690 the concerns I have, but no, not all of them.
691
692 Mr. Vanarsdall: What kind of fence did you want there?
693
694 Ms. Corporal: I wanted an 8-foot fence, but I wanted one with no
695 holes or anything in it so no one could feel as though they could scale it.
696
697 Mr. Vanarsdall: Solid fence.
698
699 Ms. Corporal: Yes sir, yes sir. Nothing that they could even look at
700 and attempt to want to scale. I am very concerned with possible discrepancies
701 going on in the strip mall, based on the type of business they want to bring in. I
702 just don't want there to be any problems on my property. I don't want anybody to
703 do something over there, scale the fence, and kick in my back door. That is my
704 primary concern here, sir. I live alone. I am a single young lady and I just bought
705 my first home and I do not want to feel afraid in my home. I'm sure you all can
706 understand that.
707
708 Mr. Jernigan: I think that fence will keep any problems in there, but I
709 also did keep the building back to keep the traffic down from behind it so people
710 wouldn't be walking around and having parking behind the building.
711
712 Ms. Corporal: In a vehicle. A lot of people walk up and down Nine
713 Mile Road, sir. Every day and every evening when I come home, when I'm going
714 to work, I see people walking up and down Nine Mile Road. I don't know if
715 they're going to bus stop. I don't know what they're doing, but I don't want there
716 to be another opportunity for something to happen. I'm not saying that there

717 shouldn't be anything there at all. I'm just saying this scale of business I think
718 may be a little bit too much for that area. That's all I'm saying. I'm not here to
719 argue or any of that.

720

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

722

723 Mr. Archer: Mr. Jernigan, do you know if any proposed
724 businesses have surfaced yet as to what would go here?

725

726 Mr. Jernigan: The reason they wanted to keep B-2 for the
727 restaurant is in case it is a Papa John's or some pizza establishment that may
728 have delivery. That's the reason they kept B-2 for the restaurants and B-1 for the
729 rest of the slots.

730

731 Mr. Archer: I ask that because maybe at some point in time, Plan
732 of Development time or whatever, if we knew what uses where going to be there,
733 we could find a way to take the less intense uses and move them to where the B-
734 3 piece is now so that the more satisfactory ones would be next to where the
735 residential portion is. I don't know if that's possible to do, but it's something to
736 consider, I think.

737

738 Mr. Jernigan: Ben, would you show the architectural again, please?

739

740 Mr. Sehl: The zoning line goes through right about in this area,
741 with the B-3 along the frontage of Nine Mile Road. The building is located back
742 here. It's a little difficult to see. This is the actual building. Ms. Corporal's
743 property is here. I think that is where the concern is. The actual existing B-3
744 zoning is along Nine Mile Road in this area.

745

746 Mr. Jernigan: Mr. Archer, like I had said earlier, staff wanted us to
747 move the building closer to the front, but I held it in the back to keep all the
748 parking in the front so we wouldn't have people around the back of the building. I
749 felt that was safer.

750

751 Mr. Archer: That's a good point.

752

753 Mr. Jernigan: Okay. I don't have any more questions. I thank you
754 for coming.

755

756 Ms. Corporal: Yes sir. Thank you.

757

758 Mr. Branin: Yes ma'am. Do you want to come down and make
759 some comments?

760

761 Ms. Thurber: One of the things that was very evident during the
762 meeting with the other citizens was staff had asked us to move the buildings

763 forward. They had a great deal of concern about people being in the back of the
764 building closer to the residents. If we move the building forward, the parking
765 would have to go towards the back. Also, the applicant, my client, proffered that
766 he would restrict the hours of deliveries, trash removal, street sweeping. All of
767 those would be restricted so really, there's not going to be traffic in the back in
768 the evenings. Again, the front of the property is zoned B-3, which permits 24-
769 hour operation of businesses, permits almost any use that you all have. He has
770 proffered away all of that. If you look at the architectural plan and the materials
771 of the building he's proffered, it's far superior to what's out there now. The
772 Family Dollar, if you've been by there, is not the most beautiful site you're ever
773 going to see, and neither is the car sales place that's right next to him. My client
774 believes that this is a far superior application and is an asset to the community.
775 As far as the uses, my client is attempting to find people who have small
776 restaurants. A coffee/donut shop was another issue that came up, and that's not
777 permitted under the other zoning. That's why we asked for the restaurant uses to
778 be the same as the B-2 zone. Also, things like a laundrymat, services that would
779 be useful. A hair salon. The types of things that would be useful to the people
780 that live behind there. We did try to meet with all those requirements. Again, the
781 biggest problem everybody seemed to have was keeping people on the site and
782 not allowing them to get to the back of the residential areas. The fence should
783 stop that. We even talked about gating it off, but again, the police department
784 didn't think that was secure. They don't like to mess with the gates and that kind
785 of thing. It's not very large, as 11,000 square feet for a commercial space is not
786 an exceptionally large retail use by any stretch of the imagination. The suites
787 that would be involved in this are small. These are going to be very small
788 businesses. They're not going to be large businesses.

789
790 Mr. Vanarsdall: How would you address the fence that she'd like to
791 have?

792
793 Ms. Thurber: That she wants an 8-foot fence? Well, the main thing
794 that I would say is there's not fencing between some of the other uses that are
795 eight feet high now.

796
797 Mr. Vanarsdall: She made very good sense as to why she needed it.
798 Why wouldn't you be willing to—Or maybe you are willing to put a fence there.

799
800 Mr. Jernigan: The fence is going there, Ernie.

801
802 Ms. Thurber: We are putting a 7-foot high fence.

803
804 Mr. Vanarsdall: Oh, you are? I thought she said—

805
806 Ms. Thurber: It's a vinyl, solid fence.

807

808 Mr. Jernigan: They were going to put a 6-foot fence and she wanted
809 a 7- or 8-foot fence. I thought the seven was enough.
810
811 Mr. Vanarsdall: I misunderstood what she said.
812
813 Ms. Thurber: The fence also attaches to the building so the people
814 aren't going to be able to get around the fence.
815
816 Mr. Vanarsdall: Is it a solid fence?
817
818 Ms. Thurber: It's a sold, vinyl fence. It's vinyl because an issue
819 came up at the community meeting about potential graffiti and vinyl, in talking to
820 the manufacturer, is easy—
821
822 Mr. Vanarsdall: Looks better and lasts longer.
823
824 Ms. Thurber: It's easier to keep graffiti off it.
825
826 Mr. Jernigan: Elizabeth, before we had the neighborhood meeting,
827 how many letters did you send out to the neighborhood?
828
829 Ms. Thurber: 160 letters went out.
830
831 Mr. Jernigan: Okay. I had her saturate everybody.
832
833 Ms. Thurber: We sent letters to everybody.
834
835 Mr. Jernigan: I think we had around 10 people at the meeting.
836
837 Mr. Branin: Anyone have any other questions for the applicant?
838
839 Mrs. Jones: I just wanted to say that it looks to me on what we
840 have before us now that you are also planning to do a significant amount of
841 landscaping. Is that correct?
842
843 Ms. Thurber: Yes. I guess if we put in fences and certain walls, we
844 could reduce the buffer width and we chose not to do that. We kept it. I think it's
845 shown here at 25 feet all the way around with the fence and then with the trees
846 also.
847
848 Mrs. Jones: That'll go a long way to giving Ms. Corporal, I think,
849 some visual relief.
850
851 Mr. Silber: This plan is somewhat hard to read. You said the
852 fence would be tied into the side of the building?
853

854 Ms. Thurber: There's a proposed vinyl fence. The actual location of
855 the fence, we were debating back and forth, should it be on her side or our side
856 where the trees go. In other words, do the trees go next to her? We said we'd
857 decide that at the time final site plan, but it said we would attach it to the building.
858 The fence is going to here and we're going run it to the building and attach it to
859 these building corners so that somebody can't run back here and then just kind of
860 go around the fence.

861

862 Mr. Silber: Access to the rear of the building would be achieved
863 on the other side?

864

865 Ms. Thurber: Right. The dumpsters and everything have been
866 located as far away from Ms. Corporal's property as we could. Again, the hours
867 of the deliveries are restricted so there should not be people out here in the
868 evenings. That's in the proffers that we restricted street cleaning, trash removal,
869 and construction is even restricted to certain hours during the construction of the
870 building. Deliveries are all restricted. We don't see that people are going to be
871 back here because of the building. The hours of operation of the businesses
872 themselves are restricted, of course, under this zone. Whereas the current zone
873 in the front is 24-hour operations, these have to be closed at midnight, I believe.

874

875 Mr. Branin: Okay, thank you.

876

877 Mr. Jernigan: Mr. Chairman, with that, I don't have any more
878 questions from anybody. We worked on this case and Mr. Sehl's done a fine job
879 on it. This is B-3 unrestricted. We reminded Ms. Corporal of that, as she is new
880 to the area, that B-3 unrestricted, you have something move up on the front of
881 that property that would be 24 hour, and they could do that by right. The
882 applicant has proffered what I think is a good looking building. We have B-1
883 conditions, B-2 in the restaurant. I'm satisfied with it at this point, so I am going
884 to move for approval of case C-67C-06, Ahmad Jafari, to send to the Board of
885 Supervisors for their approval.

886

887 Mrs. Jones: Second.

888

889 Mr. Branin: Motion made by Mr. Jernigan and seconded by Mrs.
890 Jones. All in favor say aye. All opposed say no. The motion carries.

891

892 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mrs.
893 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
894 Board of Supervisors **grant** the request because it removes unconditional
895 business zoning from the property, the proffered conditions would assure a level
896 of development not otherwise possible, and it is not expected to adversely impact
897 surrounding land uses in the area.

898

899 **Deferred from the January 11, 2007 Meeting.**

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

908
909 Mr. Branin: Good evening, Mr. Lewis. Is anyone in opposition to
910 C-51C-06? No one. Okay, Mr. Lewis.

911
912 Mr. Lewis: Thank you. This is a request to rezone 10.19 acres
913 from A-1 to B-2C to allow construction of a community shopping center. The site
914 is located across Laburnum Avenue from the proposed Shops at White Oak
915 Village and across Gay Avenue from Laburnum Park Shopping Center. The
916 Lawndale Farms subdivision borders the property's southern boundary.

917
918 The 2010 Land Use Plan recommends Office for the subject property. This
919 designation is not consistent with the request; however, because of the evolving
920 development character of the area, staff believes commercial use could be a
921 reasonable alternative at this site if potential impacts on surrounding properties
922 are properly mitigated.

923
924 The applicant has submitted this unproffered conceptual plan showing
925 approximately 69,000 square feet of retail and restaurant space. In an effort to
926 provide compatibility with surrounding properties, the applicant has submitted
927 revised proffers dated February 13, 2007. You should have those right now.
928 Major aspects of these proffers include the following: commitment to a list of
929 quality building materials on all sides of all buildings; no pole signs, changeable
930 message signs, or inflatable or other attention-getting devices; a site coverage
931 limit of 75%; 25-foot irrigated landscape buffer along Gay and Laburnum
932 Avenues (The Gay Avenue buffer could be reduced to 15 feet to accommodate
933 future right-of-way dedication for road improvements); a 35-foot transitional buffer
934 and 6-foot vinyl fence along the southern property line adjacent to residential
935 properties; a number of B-2 uses have been prohibited because of
936 incompatibility with the surrounding area; because of the orientation of Retail
937 Building A, the applicant has committed to provide supplemental landscaping or
938 another screening method to de-emphasize any potential bay doors facing
939 Laburnum Avenue (any doors would also be painted to blend with the building).
940 Although not included in the revised proffers, the applicant has indicated
941 willingness to provide sidewalks along both Gay and Laburnum Avenues.

942
943 Public Works requested a revised traffic study from the applicant, which has not
944 yet been completed. The applicant has provided a letter indicating the revised

945 study will be submitted in adequate time for review prior to the Board hearing.
946 The applicant's stated expectation is that Gay and Laburnum Avenue
947 improvements associated with the development of White Oak Village would
948 accommodate any potential increase in traffic volume associated with this
949 request.

950

951 The proffers ensure many elements of quality development and could help
952 mitigate potential impacts on the adjacent neighborhood. This request could be
953 further strengthened by shifting the rear of the buildings and service access
954 farther from the neighborhood. Staff believes this request may be reasonably
955 compatible with the surrounding properties, and if this additional commitment
956 were made by the applicant, staff could fully support this request. This concludes
957 my presentation. I'll be happy to take any questions.

958

959 Mr. Branin: Commissioners, do you have any questions for Mr.
960 Lewis?

961

962 Mr. Jernigan: Mr. Lewis, thank you for the job you did on this. I
963 don't have any questions.

964

965 Mr. Branin: Would you like to hear from the applicant? Can we
966 have the applicant?

967

968 Ms. Nadal: Good evening Mr. Chairman, members of the
969 Commission. My name is Caroline Nadal and I am here on behalf of the
970 applicant, Collins/Goodman Development.

971

972 I am happy to answer any of your questions. I do have a prepared presentation,
973 but a lot of it was covered by Mr. Lewis. I'll just quickly show you some additional
974 photographs of the development.

975

976 As Mr. Lewis covered, this is going to be a 10-acre commercial retail site
977 consisting of approximately 70,000 square feet of retail space. As you can see,
978 there'll be a couple medium-box stores with retail shops here and restaurant out-
979 pads. Staff's concern is primarily with this buffer that is along Lawndale Farms,
980 which is the residential community to the rear. We have provided an enhanced
981 buffer of 35 feet. As well, as have proffered to plant it to a Transitional Buffer 35,
982 and we've provided a 6-foot vinyl fence along the residential portion. Staff has
983 requested that we go to 50 feet. However, given the relatively small dimensions
984 of the site and the configuration of it, in an effort to meet our parking
985 requirements, we've had to design the site in a way that largely along this buffer
986 area, we're able to provide a 50-foot buffer. But there are a couple pinch points,
987 one being right here and right here where we're going to have to drop to a 35-
988 foot buffer.

989

990 We did have a neighborhood meeting on this on January 17th and had several
991 members of the community come from Lawndale Farms, none of whom
992 expressed any concern about the buffer and seemed pleased that we were going
993 to have it heavily planted. At that time, we hadn't even discussed a vinyl fence.
994 That has just been a recent addition. We haven't faced any opposition from any
995 surrounding neighbors. In addition, specifically the people who are impacted
996 have expressed favor as opposed to being concerned about this buffer.

997
998 I have a few examples of sites that Collins/Goodman has done to give you an
999 idea of the architectural elements and the building materials. You can see they
1000 use very high-quality building materials and have some interesting roofline
1001 features. The stores that will go here will be something similar to what you see
1002 here.

1003
1004 This is also to show you the rear of the store. This is an example of a store at
1005 another one of their retail shops. Obviously, it wouldn't be quite like this, but you
1006 can see that there's a high-quality material used on the rear, no cement block,
1007 and that we would have a much larger buffer, a lot more vegetation, and then a
1008 fence.

1009
1010 Mr. Lewis went through a number of these proffers; I don't need to reiterate them.
1011 I do want to tell you that we have worked very closely with staff on this and
1012 Collins/Goodman is committed to providing an exceptionally high-quality
1013 development. It's going to enhance this area. It will compliment White Oak
1014 Shopping Center across the street. With that, if you have any questions, I'm
1015 happy to answer them.

1016
1017 Mr. Branin: Any questions for Ms. Nadal?

1018
1019 Mr. Jernigan: Thank you, Caroline.

1020
1021 Mr. Vanarsdall: I have a question for you. "No speakers that can be
1022 heard beyond the boundaries of the shopping center." How do you know you
1023 won't be able to hear them? Who tests that kind of decibel?

1024
1025 Ms. Nadal: I'm not sure. I could ask the engineer how that's
1026 tested. If you happen to know that, Stacy.

1027
1028 Mr. Vanarsdall: That's always been a question that's never been
1029 answered. We had one at one time that you couldn't hear the music at the edge
1030 of the Huguenot Bridge. The band had never started playing, so how do you
1031 know you couldn't hear it?

1032
1033 Mr. Lewis: I think the intent of this proffer was that we weren't
1034 really looking to derive a specific performance, how it is measured, but simply
1035 that if it is audible at the property line it becomes an enforcement issue that can

1036 be enforced and then corrective measures can be taken to make sure that it's no
1037 longer audible at the property line. We didn't want to get into a specific decibel
1038 level because you get into ambient background noises and issues you and I have
1039 dealt with in the past.

1040
1041 Mr. Vanarsdall: Okay. Thank you.

1042
1043 Ms. Nadal: Do you all have any further questions?

1044
1045 Mrs. Jones: Where are the dumpsters on this site plan?

1046
1047 Ms. Nadal: I don't believe they're shown on the site plan. No. We
1048 proffered to screen them with complimentary materials.

1049
1050 Mr. Branin: The bump-outs.

1051
1052 Ms. Nadal: The bump-outs. These would be bay areas back here
1053 and there would be screened trash receptacles, recycling containers, stuff like
1054 that. We've proffered not only to screen them all, but to also use complimentary
1055 materials on that screening so it'll remain as attractive as it can.

1056
1057 Mrs. Jones: Trash trucks will be able to make that?

1058
1059 Ms. Nadal: Yes, Mrs. Jones.

1060
1061 Mrs. Jones: There's noise and, obviously, you have tried to
1062 address that with the proffers and the hours.

1063
1064 Mr. Jernigan: When we had the neighborhood meeting on this, we
1065 only had a few people show up and those that showed up were supportive of it.
1066 Originally, they were going to do a 50-foot planting in a 35-foot buffer. Everybody
1067 was okay with that. I'm actually the one that told them that they needed to put
1068 the fence up because I didn't want to have people later in date walking through
1069 people's yards to get in there. Actually, the two pinch points, this 35 is where
1070 they showed earlier. Most of this has 40 to 50 feet of clear buffer through there.
1071 Livingston spoke of positioning of the building. The tenant that they're talking to
1072 right now, which is looking pretty good, is sensitive to keep as much parking
1073 space as they can. If we adjust these buildings more than what it is right now,
1074 we may lose that restaurant pad that's up on Gay Avenue. Like I said, they are
1075 sensitive for the parking. The only issue that we had was that we do not normally
1076 have a bay door facing a major thoroughfare. With that, they have proffered that
1077 the two small overhead doors that would be on the Laburnum side of the building
1078 would be screened and the doors will be painted to match the façade of the
1079 building. Where it comes up to the brick line, it'll be the color of brick, and above
1080 that, it'll be the color of the EIFS. I don't have any more questions. Thank you.

1081

1082 Mr. Branin: Does anyone else have any other questions for the
1083 applicant? None.

1084
1085 Mr. Jernigan: Mr. Chairman, with that, I would like to move for
1086 approval of case C-51C-06, Collins/Goodman Development, LLC, to be sent to
1087 the Board of Supervisor for their approval.

1088
1089 Mr. Vanarsdall: Second.

1090
1091 Mr. Branin: Motion made by Mr. Jernigan and seconded by Mr.
1092 Vanarsdall. All in favor say aye. All opposed.

1093
1094 Mr. Jernigan: I have one question. Livingston, we don't have to
1095 waive the time limits.

1096
1097 Mr. Branin: None? Okay. That motion carries.

1098
1099 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
1100 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
1101 the Board of Supervisors grant the request because it is reasonable in light of
1102 the Business zoning in the area and the proffered conditions will provide
1103 appropriate quality assurances not otherwise available.

1104
1105 **Deferred from the January 11, 2007 Meeting.**

1106 **C-2-07 Eugene Fitz:** Request to rezone from A-1 Agricultural
1107 District to R-3 One-Family Residence District, Parcel 828-722-6529, containing
1108 1.009 acres, located on the southwest line of Midage Lane approximately 900
1109 feet northwest of Hanover Road. The applicant proposes to construct an
1110 additional single-family dwelling. The R-3 District allows a minimum lot size of
1111 11,000 square feet and a maximum gross density of 3.96 units per acre. The use
1112 will be controlled by zoning ordinance regulations. The Land Use Plan
1113 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. The
1114 site is in the Airport Safety Overlay District.

1115
1116 Mr. Branin: Is anyone in opposition to C-2-07? One, two, three.
1117 Okay. Do you all need a review of—No, you guys have it. Mr. Lewis, hello
1118 again.

1119
1120 Mr. Lewis: Good evening Mr. Chairman. This is a request to
1121 rezone a one-acre parcel at 1411 Midage Lane from A-1 to R-3 to allow a two-lot
1122 subdivision and construction of one new single-family residence. The property is
1123 bordered by R-4 zoning to the west and A-1 zoning to the east.

1124
1125 The request and its proposed two units per acre is consistent with the 2010 Land
1126 Use Plan, Suburban Residential 1 designation, which recommends 1 to 2.4 units
1127 per acre.

1128

1129 This case was deferred at the Commission's request last month to allow the
1130 applicant time to speak further with surrounding residents and address their
1131 petition of opposition. The applicant has recently provided staff with signatures of
1132 six surrounding residents, including the next-door neighbor at 1417 Midage
1133 Lane, stating they are not opposed to this request. One of these residents has
1134 since notified staff, asking to be removed from this list. Because the proposed
1135 project, as described, is consistent with the 2010 Land Use Plan, and the scale
1136 and style of the development would be compatible with the area, staff supports
1137 the request. This concludes my presentation. I'll be happy to take any questions.

1138

1139 Mr. Branin: Any questions for Mr. Lewis?

1140

1141 Mr. Jernigan: I don't have any, Mr. Chairman.

1142

1143 Mr. Branin: None? Okay.

1144

1145 Mr. Jernigan: I'd like to hear from the applicant.

1146

1147 Mr. Branin: Can we hear from the applicant? Please state your
1148 name for the record?

1149

1150 Mr. Fitz: My name is Gene Fitz. I would like to request time for
1151 rebuttal.

1152

1153 Mr. Branin: How many minutes, Mr. Fitz?

1154

1155 Mr. Fitz: Three or four, five minutes. As Mr. Lewis stated, I
1156 purchased this land back in August of '06. It has an existing house on it. The
1157 placement of the house, as you can see in the drawing—if you're looking at the
1158 property from the road, it's to the right. So, if you cut the property in half, it sits
1159 directly in the middle of that one half. I refurbished that house. It took me about
1160 five months to do it. I think if you ask any of the neighbors, it looks far better than
1161 it did before and it definitely improves the value of the neighborhood. What I
1162 intend to do on the vacant lot, if I'm allowed, is to build one house, probably a
1163 rancher, 1600 square feet, which approximates the size of the surrounding
1164 houses as well. The architecture and everything will conform with the other
1165 houses in the neighborhood. Before the process started, I went to all the
1166 neighbors, to—Well, not all the neighbors. I went to most of the neighbors who
1167 either bordered the land or would be in sight of that land from their house. None
1168 of them were opposed. I had no opposition at all, so I started the process. In
1169 fact, when we had the meeting on the 11th of January, going into the meeting, no
1170 one knew of any opposition until the time of the meeting. Since that time, as Mr.
1171 Lewis stated, I discussed the issues that the neighbors had. I was able to talk
1172 with them and address their issues. In fact, once I finished talking to them, they
1173 felt very comfortable with what I wanted to do. They are not opposed to it. I

1174 wasn't aware of anyone taking their name off of it, but I got six of the neighbors to
1175 sign it, so even with one removed, just about all of the neighbors do not oppose
1176 it.

1177

1178 I think what triggered the opposition at first was some misinformation that they
1179 were told and maybe the lack of the ability to be able to research it themselves.
1180 Like I said, after discussing it with them, they felt very comfortable with it and do
1181 not oppose it.

1182

1183 Mr. Vanarsdall: Are you going to live in the house yourself?

1184

1185 Mr. Fitz: No sir, I am not. I plan to sell the house.

1186

1187 Mr. Jernigan: The question was, do you live in the other house
1188 now?

1189

1190 Mr. Fitz: No. Currently, I rent that to a family. It's a small two-
1191 bedroom house. It's a little over a thousand square feet with a detached two-car
1192 garage.

1193

1194 Mr. Vanarsdall: You say you're going to live in the other house?

1195

1196 Mr. Fitz: I am not, sir.

1197

1198 Mr. Branin: Anybody else have any questions for Mr. Fitz? None?
1199 Okay. Thank you, Mr. Fitz. May we hear from the opposition?

1200

1201 Mr. Krumwiede: Mr. Chairman, committee members. I spoke before
1202 you last month requesting denial of this request.

1203

1204 Mr. Jernigan: Sir, would you state your name?

1205

1206 Mr. Krumwiede: Oh, I'm Robert Krumwiede. I'm at 1422 Midage. I
1207 spoke last month requesting denial of this request. My reasons stand. I'm still
1208 opposed to it. I moved into the neighborhood because it has one-acre lots. My
1209 life savings are invested in this property. The other properties being built around
1210 the area are also going on one-acre lots. I don't think this change would benefit
1211 our neighborhood at all. I also have a letter from the property owner who resides
1212 behind this property and she is adamantly opposed to any rezoning of this
1213 property. I can give you her letter. She would have been here herself tonight,
1214 except she's tending to a family emergency.

1215

1216 Mr. Branin: Sir, would you pass the letter up?

1217

1218 Mr. Krumwiede: Her property would be the one directly behind it right
1219 here. She is opposed, and like I said, she would have been here herself except

1220 she's tending to a family emergency. I also talked to the owner of this property
1221 and he said yes, he did sign the request to have it approved because he believed
1222 that everybody in the neighborhood had signed it requesting approval and he
1223 didn't want to go against what the neighbors wanted. Well, obviously, this is not
1224 true because we are not all for this request.

1225

1226 Mr. Branin: Sir, in looking at this house, looking at the slide that's
1227 up, will you show me where your house is?

1228

1229 Mr. Krumwiede: My house is right here. I also talked to one of the
1230 other homeowners. She said Mr. Fitz visited her twice on Saturday. She's
1231 recovering from foot surgery. She had family over. She was a little confused, but
1232 yeah, she signed it for basically the same reasons; she didn't want to go against
1233 what she thought all the other neighbors wanted to do. She also would have
1234 been here tonight, but she's recovering from foot surgery.

1235

1236 Mr. Silber: I didn't catch your last name, I'm sorry.

1237

1238 Mr. Krumwiede: Krumwiede. K-R-U-M-W-I-E-D-E.

1239

1240 Mr. Branin: Anybody have any questions for Mr. Krumwiede?
1241 Okay. Is there anyone else in opposition?

1242

1243 Mr. Leake: If I can get Fred to put up a slide. I'm not sure you
1244 have it up there. Yes, thank you. Good evening, Mr. Chairman, Commission
1245 members. My name is Bill Leake. I live at 1620 Kimbrook Lane, which is across
1246 Hanover Road from Midage Lane. I do oppose rezoning case C-2-07. I would
1247 not object to the rezoning as much if it was a hardship case, but since it boils
1248 down to if someone purchased this property a few months ago to rent it out, then
1249 let him do exactly that. They have already rented the house that is on the lot
1250 now, regardless of what he states, he will rent this other one, too. It's an
1251 investment and an investment only. Now this person wants to split it up and
1252 make it two lots. No consideration to these property owners in the area that have
1253 lived there for many years and most likely will be there for many years to come.
1254 If the County let's its builders, contractors, investors come out and chop up the
1255 land and lots that the County has set up a long time ago, then the property
1256 owners with large lots, large homes, as you see on these slides, will most likely
1257 move away, too. Then more and more property will split up and we'll get more
1258 and more rental property. That would just run off the established neighbors and
1259 concerned residents.

1260

1261 Rezoning this property will only set a precedent for more investors. Rezoning
1262 this property will do nothing for the established A-1 zoning or neighbors, nor
1263 would it benefit the County in any way. Yes, I know sometimes property owners
1264 need flexibility to change their property for reasonable conditions. This is not a
1265 reasonable condition; it's just an investment. All I'm asking is to take everyone

1266 into consideration when you make this decision. The residents on Midage Lane
1267 and Hanover and east are accustomed to large lots, large homes, acreage, and
1268 have a unique country setting, a rural lifestyle. These neighbors were told that
1269 the rezoning is like a transition from R-4 to A-1 by allowing R-3 zoning that is
1270 somewhat in the middle. In 1960, Midage Lane was a dead-end street. In 1972,
1271 when planning this new subdivision, it would have been a good time to make this
1272 transition period. This was the time for the transition, as this slide shows. Not
1273 this, but this. Don't do after-the fact and take the little space away that these
1274 people already have.

1275
1276 Here's a quote from the Henrico website on Community Revitalization: "To
1277 stabilize and enhance older neighborhoods and to focus on the needs of older
1278 residential and commercial communities." This zoning does neither for the
1279 residents. Just say no. Thank you for your time.

1280
1281 Mr. Jernigan: Thank you. Ma'am, you were opposition, too. Did
1282 you want to speak?

1283
1284 Mr. Branin: Ma'am, if you're going to speak, I have to get you to
1285 stand up and state your name.

1286
1287 Mrs. Krumwiede: I'm Mrs. Krumwiede. I'm the wife of Robert
1288 Krumwiede. We moved into the neighborhood a year ago. We moved here from
1289 Arizona where we lived in areas where we had small, small lots. We took our life
1290 savings and purchased our home on Midage Lane so that we would have some
1291 room to spread out and enjoy the country setting. I just feel that the change in
1292 this property doesn't benefit any of the neighbors here. It's simply an investment.
1293 It would be a different situation if the applicant was actually going to live on the
1294 property and this was for him, but it's not. He just bought the property as an
1295 investment and is going to turn around and sell it. It doesn't have anything to do
1296 with an advantage to any of the neighbors there.

1297
1298 Mr. Branin: Thank you, ma'am. Mr. Fitz, you have some time
1299 remaining.

1300
1301 Mr. Fitz: Thank you. Yes, it's true, I do not have intentions to
1302 live at this property and it's purely for an investment purpose. I have taken into
1303 consideration the issues that were presented to me by the neighbors. I am not
1304 there to wreck their neighborhood. These are one-acre lots. They're not big
1305 farmlands. They do have some space. The neighbors that are here tonight are
1306 not immediate neighbors of this property. Their privacy will not be infringed by
1307 any house that goes in here on this lot. By them saying that they enjoy their
1308 privacy or whatever, this house will have no affect on their privacy that they enjoy
1309 now. The comment was made that I'll be renting it out. No, I have no intention of
1310 renting it out. I will be selling the house. That is my intention. I also offered the
1311 neighbors to review the plans, if they want to. Some have taken me up on it.

1312 They would like to view the plans, so I'm more than happy to share the plans with
1313 them, make them comfortable with it. I have not gotten that far yet, as far as
1314 developing the plans, but once I get to that level, I'll be more than happy to share
1315 the plans with them. The neighbor that is right next door to it was mentioned.
1316 When I spoke to him on Sunday, he had no issues with it. In fact, he had talked
1317 with a real estate broker friend of his and he was getting the advice to go ahead
1318 and approve it. He merely wants to basically go along with the majority of the
1319 neighborhood, and the majority of the neighborhood does not object to it. The
1320 houses that were shown are the very same houses that I went to, to get these
1321 signatures of the people that did not object to it. With that, I conclude my
1322 presentation.

1323
1324 Mr. Branin: Mr. Fitz, is this the first time you've done this?

1325
1326 Mr. Fitz: Yes it is.

1327
1328 Mr. Branin: You brought the property with the full intent to
1329 subdivide.

1330
1331 Mr. Fitz: No, not to subdivide. I bought it to refurbish the
1332 house that was on it. While I was refurbishing it, I got to thinking that this could
1333 be a good opportunity to do that.

1334
1335 Mr. Branin: Okay. All right. You know the historical value and the
1336 feeling in this area of one-acre lots.

1337
1338 Mr. Fitz: Absolutely. I want to keep that value as well.

1339
1340 Mr. Branin: You want to keep the one-acre feeling out there, but
1341 subdivide.

1342
1343 Mr. Fitz: Well, I want to respect the area that's out there, so
1344 that's why I intended to build something consistent with the property that's out
1345 there now.

1346
1347 Mr. Branin: Okay. Thank you.

1348
1349 Mr. Archer: Excuse me, Mr. Fitz. Did you say you had already
1350 refurbished the existing house?

1351
1352 Mr. Fitz: Yes I have.

1353
1354 Mr. Archer: Okay.

1355
1356 Mr. Jernigan: That's leased.

1357

1358 Mr. Fitz: Correct. They signed a one-year lease.
1359
1360 Mr. Jernigan: All right, thank you.
1361
1362 Mr. Branin: Does anyone else have any other questions? Okay.
1363
1364 Mr. Jernigan: Mr. Fitz called me some time during the middle of last
1365 year and asked me to come down and look at this property. So, I went down and
1366 looked at it and I told him at that point—What he wanted to do is, basically, a lot
1367 split. The property is A-1. He did have enough room to rezone it and put another
1368 house on it. I also told him at that time that he had to have the blessings of his
1369 neighbors and also that whatever house was built there would need to be of the
1370 same quality or better than what was in the neighborhood to keep up the quality
1371 of the neighborhood. He does have some people that do side with him, but there
1372 is still opposition. At this point, I don't feel that I can support the rezoning of this
1373 property. With that, I am going to move to send case C-2-07 to the Board with
1374 recommendation of for denial.
1375
1376 Mr. Vanarsdall: Second.
1377
1378 Mr. Branin: Motion made by Mr. Jernigan and seconded by Mr.
1379 Vanarsdall. All in favor of the denial say aye. All opposed. The motion carries
1380 with the denial.
1381
1382 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
1383 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
1384 the Board of Supervisors **deny** the request because it represents an increase in
1385 density compared to the adjacent one-acre lots, would likely set an adverse
1386 zoning and land use precedent for the area, and the applicant failed to meet his
1387 burden to shown that the requested changes are in the best interests of the
1388 welfare and future of the community.
1389
1390 **C-11C-07 Gloria L. Freye for Innkeepers USA:** Request to
1391 conditionally rezone from O-2C Office District (Conditional) to B-2C Business
1392 District (Conditional), part of Parcels 767-747-9244 and 768-747-2750,
1393 containing 3.018 acres, located approximately 175 feet north from the north line
1394 of Glenside Drive and 290 feet west from the south line of Bethlehem Road. The
1395 applicant proposes a hotel. The use will be controlled by zoning ordinance
1396 regulations and proffered conditions. The Land Use Plan recommends Office.
1397 (Brookland).
1398
1399 Mr. Branin: Is anyone in opposition of C-11C-07? No? Okay.
1400 Mr. Sehl.
1401
1402 Ms. Sehl: Thank you, Mr. Chairman, members of the
1403 Commission. The applicant is proposing to rezone approximately 3.02 acres to

1404 permit the development of a hotel. The property is currently zoned O-2C, Office
1405 District (Conditional), and is located behind the Skilligalee Restaurant. An office
1406 condominium development, also zoned O-2C, is located between the subject site
1407 and Bethlehem Road.

1408
1409 The site is designated for Office uses on the 2010 Land Use Plan. The proposed
1410 zoning and use are not entirely consistent with this recommendation, but could
1411 be appropriate with proper site design and regulation, and could serve as a
1412 transition from the commercial zoning along West Broad Street to the office
1413 zoning along Bethlehem Road.

1414
1415 The site was part of a large 6-1/2 acre site rezoned to O-2C in May 1985 by
1416 zoning case C-28C-85. As part of that rezoning, the Glenside Commons office
1417 condominium complex has been developed. The proposed hotel would use
1418 access points constructed with the office condominium development to access
1419 Glenside Drive and Bethlehem Road. Staff does note that the adjacent owners in
1420 the Glenside Commons office condominiums have expressed some concern over
1421 those access points. The applicant is proposing to upgrade the entrance from
1422 Glenside Drive with street trees, sidewalk and street lighting as part of the
1423 proposed proffered conditions.

1424
1425 The applicant is proffering that the use will be limited to a hotel or other O-2 uses,
1426 that all mechanical and trash receptacles will be screened, and that any wet BMP
1427 on the site would be aerated. The applicant is also proffering this architectural
1428 rendering and that any hotel constructed on the site will be constructed of brick
1429 and masonry materials.

1430
1431 This conceptual plan is also being proffered by the applicant. The plan shows
1432 the previously mentioned access through the office condominium development
1433 with the proposed upgrades to the access from Glenside Drive. The landscaping
1434 shown on this plan has been proffered by the applicant and a proffered fence is
1435 to be constructed by the applicant along the northeastern border of the property
1436 in response to an adjacent property owner's request.

1437
1438 The proffers distributed to you this evening show this amendment, and time limits
1439 would need to be waived to accept those proffers this evening.

1440
1441 The proposed hotel use would be a logical extension of the commercial zoning
1442 located along West Broad Street, in addition to serving as a transition from the
1443 more intense zoning along West Broad Street to the Office Zoning located along
1444 Bethlehem Drive. The proffered conditions would ensure a form and quality of
1445 development not otherwise possible, and should mitigate potential impacts to
1446 adjacent properties. Staff supports this requests and I would be happy to try to
1447 answer any questions you might have.

1448
1449 Mr. Branin: Does anyone have any questions for Mr. Sehl?

1450

1451 Mr. Vanarsdall: Ben and I have talked about this several times, but for
1452 fellow Commissioners and Mr. Secretary and Mr. Thornton, the only real change
1453 on the proffers just handed out is #15, which changes the original fence from a
1454 fence to wall, a permanent brickcrete fence wall of eight feet. I went over there
1455 this morning and talked to one of the gentleman and this building that this goes
1456 behind is a clinical building and they do a lot of interviewing. They wanted
1457 something behind it to block the noise of the construction. So, the wall will be put
1458 up first. Then they wanted something to stay there because of the noise and the
1459 swimming pool near there. That's really the only change. Now, when the
1460 applicant comes forward, we'll talk about some conditions to put on this case for
1461 POD. Ben, thank you for your help on this.

1462

1463 Mr. Branin: With that, would you like to hear from the applicant?

1464

1465 Mr. Vanarsdall: I certainly would. She's been waiting since 6:30. It
1466 would be shame to say no.

1467

1468 Ms. Freye It would. Good evening, Mr. Chairman, member of the
1469 Commission. My name is Gloria Freye. I'm an attorney for McGuire Woods here
1470 on behalf of Innkeepers USA. I would like to take this opportunity to thank Mr.
1471 Sehl, Nathalie Croft and other on the staff that have helped us work on the issues
1472 with this case. We have also had three meetings with the adjacent owners. We
1473 met with them even before we filed so that we could get the issues identified and
1474 try to get those addressed. As Mr. Vanarsdall explained, we do have a new one
1475 submitted today, which is the 8-foot fence to address the concerns of those four
1476 condominium owners, as the rear of their offices would back up to the side of the
1477 hotel.

1478

1479 We have made a commitment to those condominium owners to also submit our
1480 Plan of Development to them for review and to consider their input before we file
1481 the POD as well. So, at that time, we'll be talking to them about construction
1482 access. We'll talk with them about construction hours, cleaning the drive aisles,
1483 and issues like that that they have raised. The commitment that we've made to
1484 Mr. Vanarsdall is that when that POD comes before the Commission, that the
1485 commitments that we make with the neighbors, we will have as conditions and
1486 notes on the POD.

1487

1488 Mr. Vanarsdall: We do have to waive the time limit on it.

1489

1490 Ms. Freye: Yes sir, we do need to ask that you waive the time
1491 limits, accept the revised proffers. We would ask that you recommend approval.
1492 We'll be glad to answer any questions.

1493

1494 Mr. Branin: Anybody have any questions for Ms. Freye? None?

1495

1496 Mr. Vanarsdall: I don't have any. We talked about it today.
1497
1498 Mr. Branin: Mr. Vanarsdall, if you want to do your time limits.
1499
1500 Mr. Vanarsdall: I would like to have Mr. Jennings come up, if he's
1501 here. Excuse me, before you start, Mike. We did not have a lot of opposition to
1502 this. This is an office condo. If you don't know where it is, it's behind the
1503 Skilligalee. There's an entrance from Bethlehem and one from Glenside. These
1504 people were just a little surprised it was going to be anything over there other
1505 than some more office condos. The one good thing they told me this morning,
1506 this got everybody in those condos talking to each other and now they know who
1507 their neighbor is and everything. They're very satisfied with it. What I did, I
1508 called Mike earlier this week and asked him to take a look at some other way
1509 traffic could come in and go out, and maybe re-route it. He did that and he'll
1510 report it now.
1511
1512 Mr. Jennings: Good evening. I'm Mike Jennings, Traffic Engineer
1513 for Henrico County. Mr. Vanarsdall did call me, I think Monday or Tuesday of this
1514 week. I looked into this case to see if there were alternatives for access to this
1515 site. We looked at it. The only alternatives would be a deal with Skilligalee or a
1516 deal with K-Mart. I don't see that being any better access to this facility. It may
1517 even encourage some cut-through traffic over to Broad Street, stuff like that. The
1518 only other option would be to purchase the property to the northwest, which
1519 would be tough to put on this property owner. So, looking at access to this
1520 parcel, the plan when the office condos came in was for them to provide access
1521 to this parcel. That was the original intent and it is the best access to this site.
1522
1523 Mr. Vanarsdall: This morning, one of the gentlemen said he thought it
1524 would be an excellent idea to come from K-Mart in there. I told him Mr. Jennings,
1525 the Traffic Engineer, said that would be a shortcut, that everybody would use that
1526 as a shortcut to either Bethlehem or to Glenside, and that wouldn't work. So, he
1527 said, "Why couldn't you close off the other end?" I said we have to have two
1528 ingress/egress. So, he was satisfied with that. I appreciate you coming tonight. I
1529 want to get that on the record, Ben. There's no opposition here to the case.
1530
1531 Mrs. Jones: Are there cross-access agreements in place?
1532
1533 Ms. Freye: Mrs. Jones, there are.
1534
1535 Mr. Branin: I have a question for Mr. Vanarsdall. On proffer #8 in
1536 regards to signs, I understand them being ground-mounted, but is 15 feet going
1537 to be necessary on Bethlehem Road? I think it's a great use of the piece of
1538 property. I think it's a great building, but the signage is a little excessive, in my
1539 opinion.
1540

1541 Ms. Freye: Mr. Branin, I hear you. That is simply repeating the
1542 proffer that's already on the current zoning. It was just carried over from the
1543 former zoning. So, to the extent that the company comes back with a signage
1544 plan, we can revisit that. This would not exceed, and I feel certain that we work
1545 with the company for a smaller sign. This is just carried over from the existing
1546 zoning.
1547

1548 Mr. Branin: Like I said, I think it's a great use of the land.
1549

1550 Mr. Vanarsdall: Thank you.
1551

1552 Mr. Branin: I would hope to see it lower. Anybody have any other
1553 questions for the applicant? None. Mr. Vanarsdall, you have a time limit.
1554

1555 Mr. Vanarsdall: At POD time, we're going to have a condition that the
1556 contractor will be asked to have a truck wash on the site to wash the trucks and
1557 keep the mud off the street. I talked to Jeff Perry, who is our environmentalist,
1558 head of that department. He said that Public Works does that now, but they can't
1559 do a very good job of it because they can't be around everywhere there's mud on
1560 a street. They will say get the mud off the streets and they do get off the streets.
1561 By the time they get back over here, there's more mud on there. There are a lot
1562 of contractors now putting these truck washes on their property. We'll have that a
1563 condition at POD time. Also, it will do well to put a condition that the
1564 ingress/egress can only be on Bethlehem Road. That will keep them from coming
1565 out on Glenside past the Skilligalee. Ms. Freye, in addition to construction traffic,
1566 but "development and construction traffic." That's about all I have. With that, I
1567 will recommend approval to the Board of Supervisors C-11C-07, Innkeepers
1568 USA.
1569

1570 Mr. Branin: Motion made by Mr. Vanarsdall and seconded by—
1571

1572 Mr. Vanarsdall: I knew that because brought it up myself. I move to
1573 waive the time limits on the proffers.
1574

1575 Mr. Jernigan: Second.
1576

1577 Mr. Branin: Back up. Motion made by Mr. Vanarsdall to waive the
1578 time limits. Seconded by Mr. Jernigan. All in favor say aye. All opposed say no.
1579

1580 Mr. Vanarsdall: I move that C-11C-07, Gloria Freye for Innkeepers
1581 USA be recommended to the Board of Supervisors for approval.
1582

1583 Mr. Archer: Second.
1584

1585 Mr. Branin: Motion made by Mr. Vanarsdall and seconded by Mr.
1586 Archer. All in favor say aye. All opposed say no. That motion carries.

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REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is a logical extension of the zoning pattern in the area and the proffered conditions would provide a level of development not otherwise possible.

Deferred from January 11, 2007 Meeting.

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

Mr. Branin: Is anyone in opposition to C-55C-06? No opposition.

Ms. Croft: Good evening. Thank you. Approximately 3.9 acres of the property are zoned C-1 Conservation District, which corresponds to the 100-year floodplain, and the remaining 4.8 acres are zoned O-1 Office District. The site is improved with a one-story office building proposed to be demolished.

To the west is A-1 zoning, the Little Five Azalea Farm. To the east is O-2 and C-1 zoning, the Magnolia Manor Professional Offices. The Chickahominy River and Hanover County are to the north, and O-1 zoned undeveloped land is to the south.

The 2010 Land Use Plan recommends Office and Environmental Protection Area for the site. The request is not consistent with this designation; however, an age-restricted development could be acceptable due to the proximity to Brook Road and service facilities in the area.

The applicant is requesting to develop age-restricted multi-family dwellings with an attached clubhouse under R-6C General Residence District (Conditional) zoning. A conceptual plan showing two access points from Brook Road has been proffered. The plan includes amenities such as areas for outdoor recreation, a fountain, a clubhouse, and enhanced landscaping. Staff does note the conceptual plan is dependent upon the Board of Supervisors vacating the existing Presbytery Court right-of-way since a portion of this right-of-way is shown as open space on the proffered plan. To date, no application for such vacation has been received; however, the applicant has submitted a letter of intent regarding this issue.

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Revised proffers were received tonight and are being distributed.
Proffers related to the overall site design include:

- A 5'-wide sidewalk constructed throughout the interior of the site and connected to the existing sidewalk on Brook Road;
- Any above-ground wet BMP would be integrated into the site design as a water feature amenity;
- A clubhouse with at least 4,000 square feet including a fitness center; and
- Rezoning of floodplain areas on the property to C-1 Conservation District.

A proffered elevation has been submitted and provides several quality features including balconies and a heavily-articulated roofline. Other proffers pertaining to the buildings include:

- Exterior materials in conformance with the proffered elevations;
- A maximum height of 60 feet for any residential building, which would require a special exception, and a maximum height of 45 feet for any clubhouse; and
- A sound coefficient rating of no less than 54 on the interior separation walls and floor/ceiling assemblies of residential units.

The applicant has also proffered monument-style entry signage shown here.

Overall, the proposed age-restricted multi-family development could be appropriate for the site, and the request is not expected to adversely affect the pattern of zoning and land use in the area. The applicant has proffered a conceptual plan and building and signage elevations that provide for a higher quality of development than would otherwise be possible. For these reasons, staff supports this request. Time limits would need to be waived on the 5th revised proffers received today.

I would be happy to answer any questions you may have.

Mr. Branin: Any questions for Ms. Croft?

Mr. Archer: Ms. Croft, the Letter of Intent does have to be supplanted by an actual condition before the Board can pass this? Is that what I understand?

Ms. Croft: I don't believe so. I think the unresolved piece is that the proffered plan is dependent upon Presbytery Court being vacated. Where Presbytery Court is today is shown as open space on the plan. To accept this proffered plan, the Board would have to vacate the right-of-way.

Mr. Archer: I guess what I'm saying is without that, this can't be done. Is that correct?

1679 Mr. Silber: I think what we're saying is—
1680
1681 Mr. Archer: I don't mean tonight, but I mean ultimately.
1682
1683 Mr. Silber: Yes sir. They're committing to the vacation of this right-
1684 of-way. If the right-of-way is not vacated, they will not be able to develop this
1685 property as proposed. They have committed to requesting the vacation of this right-
1686 of-way. I think staff is bringing it to your attention that this has not been vacated yet,
1687 but it's intended by the applicant to do so.
1688
1689 Mr. Archer: Okay. What happens if the Board says no?
1690
1691 Mr. Silber: The Board says no to the vacation? Does this require
1692 Board action on this vacation?
1693
1694 Ms. Croft: Yes it does. I believe Mike Jennings can maybe
1695 answer questions a little more thoroughly on that than I could.
1696
1697 Mr. Silber: I was just reading this letter that you have handed us. I
1698 thought it indicated that the process would be a ministerial one.
1699
1700 Mr. Archer: I don't have any reason to believe that they won't.
1701
1702 Mr. Silber: Most vacations are done depending on how the right-of-
1703 way was dedicated.
1704
1705 Ms. Croft: I did bring that to Ms. Nadal's attention, and she is
1706 aware of the fact that it would require Board action.
1707
1708 Mr. Silber: Okay.
1709
1710 Mr. Archer: Okay. I just want to make sure we understand that.
1711
1712 Mr. Jernigan: Ms. Croft, these are market-based rates? This isn't a
1713 Section 42?
1714
1715 Ms. Croft: No sir. They are proposed as market-rate housing, but
1716 there is no proffer that would require that.
1717
1718 Mr. Branin: Any other questions for Ms. Croft? None? Would you
1719 like to hear from the applicant?
1720
1721 Mr. Archer: Just for a second.
1722
1723 Mr. Branin: Mr. Theobald, Mr. Archer says you have one second.
1724

1725 Mr. Theobald: I'll reserve a half a second for rebuttal. Mr. Chairman,
1726 ladies and gentlemen, I'm Jim Theobald, here this evening on behalf of First
1727 Centrum. I'm happy to make a presentation or answer your question, Mr. Archer.
1728

1729 Mr. Archer: Mr. Theobald, I just want to make certain that we have
1730 an understanding about what has to happen with this waiver, so you won't get
1731 stymied, I guess is what I'm saying, at this point. I don't know of any reason why it
1732 wouldn't be granted, but it's something we need to think about.
1733

1734 Mr. Theobald: This cul-de-sac only serves this property. It serves no
1735 adjacent properties whatsoever. We're buying this property from the Presbytery.
1736 Certainly, you wouldn't want to vacate the road before you knew if you were going
1737 to get your rezoning. I think if the Board of Supervisors approves the zoning, that's
1738 a pretty big clue that they're going to vacate the road.
1739

1740 Mr. Archer: I sort of suspect that. I just want to make sure if I
1741 understand that.
1742

1743 Mr. Theobald: Yes, and we have contacted Mr. Jennings just to make
1744 sure we were teed up to follow through on this.
1745

1746 Mr. Archer: That's all the questions I have.
1747

1748 Mr. Branin: You've contacted Mr. Jennings?
1749

1750 Mr. Theobald: Yes.
1751

1752 Mrs. Jones: May I ask a quick question? Sorry, Mr. Theobald. I'd
1753 like you just to address, for a moment, the 60-foot height. I realize that the
1754 challenges of this site make a lot of it un-buildable, but can you talk about why that
1755 is a good fit for this part of the County? Is there anything else in that area that
1756 makes you think this would blend well with what's going on?
1757

1758 Mr. Theobald: That's a four-story building. As you can see from the
1759 concept plan, a substantial portion of the site is impacted by a floodplain. Certainly,
1760 if you're going to provide amenities in senior living, you need a certain number of
1761 those to make a project viable. This is about 118 units, we calculate, after we take
1762 into account the redesigned FEMA floodplain. This was a highly-amenitized
1763 project, so the four stories, it's all served by elevators, they're all at-grade units with
1764 wide doors, wide hallways, and call alarm systems, etc. It's really a very self-
1765 contained site. With the Chickahominy River and Hanover County to the north, it
1766 seems appropriate to concentrate senior living with these types of amenities. In this
1767 location, it's terrific for goods and services near Virginia Center Commons and the
1768 medical office buildings that serve the area. You couldn't achieve enough density to
1769 merit an investment on this unless you went up in the air. I think it's consistent with
1770 what you're seeing along Brook Road with all the existing commercial and office.

1771
1772 Mrs. Jones: The number of units. You said 118; I've seen 113. Is
1773 that spelled out?
1774
1775 Mr. Theobald: It's not capped. It's dependent upon the final floodplain
1776 determination. The allowable density in R-6 will be calculated net the floodplain
1777 through your ordinance. We've done a pretty definitive study of that floodplain, as
1778 has the County, having just gone through that. We believe when that's applied, the
1779 maximum potential density permitted by your ordinance would be about 118 units.
1780 Certainly no more, and possibly less.
1781
1782 Mrs. Jones: Okay. Thank you.
1783
1784 Mr. Theobald: You're welcome.
1785
1786 Mr. Branin: Any other questions of Mr. Theobald? Mr. Archer.
1787
1788 Mr. Archer: Okay. Well, before I move on this, I'd like to thank Ms.
1789 Croft for a lot of hard work she put into this, and also Ms. Nadal. You generated a
1790 lot of paper. I think burned up my printer. This came a long way. We met on this
1791 several times when it begun, and I really didn't think we could do it, to be honest
1792 with you. There's been a lot of cooperation and they've really given us the things
1793 we asked for. If you have not visited the site, it's sort of an out-of-the-way place.
1794 It's not much else that you can do next to it on either side. What I think makes this
1795 one appropriate for age-restriction, is all the amenities that are close to it. There are
1796 shopping centers, Ukrop's, and Virginia Center on the other side. Of course, as you
1797 go to the north, there's not much else that can be done up there. Even though
1798 you've heard me say many times that it is hard with multi-family, I think in this
1799 particular instance and with the quality of what it seems like we're going to build, it
1800 just seems to be a very good project that was well worth it. So, with that, I first
1801 move to waive the time limits on C-55C-06.
1802
1803 Mr. Jernigan: Second.
1804
1805 Mr. Branin: Motion made by Mr. Archer and seconded by Mr.
1806 Jernigan. All in favor say aye. All opposed say no. The motion carries.
1807
1808 Mr. Archer: All right. With that, I will move that C-55C-06, First
1809 Centrum of Virginia, Inc., be sent to the Board of Supervisors with a
1810 recommendation for approval.
1811
1812 Mr. Vanarsdall: Second.
1813
1814 Mr. Branin: Motion made by Mr. Archer and seconded by Mr.
1815 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.
1816

1817 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
1818 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend the
1819 Board of Supervisors **grant** the request because it would not be expected to
1820 adversely affect the pattern of zoning and land use in the area, it is appropriate
1821 residential zoning at this location, and the proffered conditions would provide for a
1822 higher quality of development than would otherwise be possible.

1823
1824 **C-12C-07** **Young You:** Request to conditionally rezone from B-3C
1825 Business District (Conditional) to B-3C Business District (Conditional), Parcels 801-
1826 732-1911 and 801-732-2625, containing .988 acre, located on the east line of
1827 Mechanicsville Turnpike (U. S. Route 360) approximately 501 feet south of Harvie
1828 Road (out parcel within Oak Hill Plaza shopping center). The applicant proposes a
1829 car wash. The use will be controlled by proffered conditions and zoning ordinance
1830 regulations. The Land Use Plan recommends Commercial Concentration. The site
1831 is in the Enterprise Zone.

1832
1833 Mr. Branin: Is anyone in opposition to C-12C-07? No one. Mr.
1834 Coleman.

1835
1836 Mr. Coleman: Mr. Chairman, member of the Commission. This
1837 request would rezone a pad site in the Oak Hill Plaza Shopping Center to B-3C to
1838 operate a car wash.

1839
1840 The existing zoning does not permit a freestanding car wash. The applicant
1841 proposes to build and operate an express car wash that would include a canopy-
1842 covered vacuum area and a 3,000 square foot building containing a single
1843 wash/dry tunnel, an office, and a customer waiting area. The applicant indicated
1844 two (2) employees would typically be working on a shift. The applicant submitted
1845 several proffers to regulate the operation, architecture, and site design of the car
1846 wash, and major aspects include:

- 1847
1848 • The only B-3 use permitted would be the car wash. Several objectionable
1849 uses are prohibited;
- 1850 • Operating hours would be limited to between 6:00 a.m. and 11:00 p.m.;
 - 1851 • A proffered site plan and elevations;
 - 1852 • The building would be constructed primarily of earth tone colored split-face
1853 block, glass, and a standing seam roof;
 - 1854 • Outside storage and vending would be prohibited.

1855
1856 Additional proffers would regulate signage, access to Mechanicsville Turnpike,
1857 lighting, and other items.

1858
1859 The applicant addressed most of the items outlined in the staff report; however,
1860 staff continues to recommend the applicant address the following items:

1861

- 1862 • The conceptual plan shows a canopy over a large vacuum area. The
1863 applicant should provide an elevation and other details on the canopy.
1864 • Staff also encourages installing additional windows or other architectural
1865 features facing Mechanicsville Turnpike to break up the visual mass of the
1866 building.
1867

1868 The site is designated Commercial Concentration in the 2010 Plan. Properly
1869 designed to remain an integral part of the shopping center, this proposal could be
1870 consistent with this designation. The property fronts Mechanicsville Turnpike and
1871 is within the County’s Enterprise Zone and is also designated as Redevelopment
1872 Corridor 6. By promoting quality site design and building materials, this proposal
1873 could accomplish the objectives of these designations.
1874

1875 In summary, the applicant submitted proffers offering several assurances of a
1876 quality development. If the applicant could address the remaining items concerning
1877 the architecture, staff could recommend approval of this request.
1878

1879 That concludes my presentation. I would be happy to answer any questions.
1880

1881 If necessary, the time limits would need to be waived.
1882

1883 Mr. Branin: Any questions for Mr. Coleman from the Commission?
1884

1885 Mr. Archer: Mr. Coleman, you and I discussed this today. Perhaps it
1886 would be good if you would explain to the rest of the Commissioners what is meant
1887 by, “an express carwash.” I know you have it down here in your notes. Or maybe I
1888 can. This is a manned carwash, but they won’t be touching the car. It’s a drive-
1889 thru. It has the dryer and everything enclosed in the facility, sort of like you see at
1890 an Amoco station. The employees that will be on site would be there for whatever
1891 services they might need to render. I guess as car washes go, this is kind of a step
1892 between Car Pool and the automatic washes. Did I leave out anything, Tom?
1893

1894 Mr. Coleman: In the revised proffers, the applicant addresses an issue
1895 raised in the staff report to try to define what is an express car wash. You’ll note in
1896 revised proffer #1, it does have, “an express car wash shall be herein defined to
1897 include the following.” It lists those items.
1898

1899 Mr. Archer: That’s all the questions I have, but I would like to speak
1900 to the applicant.
1901

1902 Mr. Branin: May we hear from the applicant. Thank you, Mr.
1903 Coleman.
1904

1905 Mr. Cook: Good evening, my name is Tom Cook. I’m with Potts,
1906 Minter, and Associates, representing Young You. If there are any questions that
1907 you have about—

1908
1909 Mr. Archer: Good evening, Mr. Cook. I called you down, in given
1910 the staff report, Mr. Coleman indicated a couple of things that we think we need to
1911 have in order to be able to give this final approval. None of them seem to be too far
1912 out of the ordinary. Do you think you can get that done between now and the time
1913 that, if we approve this, it goes to the Board of Supervisors, which will be in about a
1914 month?
1915
1916 Mr. Cook: Absolutely.
1917
1918 Mr. Archer: Okay. So, you're willing to go along with the
1919 suggestions that he's made.
1920
1921 Mr. Cook: That Tom made?
1922
1923 Mr. Archer: That Tom made.
1924
1925 Mr. Cook: Yes.
1926
1927 Mr. Archer: Having to do with the canopy and the additional
1928 windows and features that would make it look attractive.
1929
1930 Mr. Cook: The client has agreed to that.
1931
1932 Mr. Archer: Just want to be sure. I don't have any more questions
1933 about this. For those of you who know this area pretty well, over in front of the
1934 shopping center, there's a lot of space that's not parking spaces. It exists between
1935 the buildings that are there and the road. Right now, they don't do too much of
1936 anything except catch excess trash and paper and stuff that people put there. That
1937 shopping center, the buildings are built quite a distance off 360. Due to that and
1938 also we don't have a lot of car washes in that area, I feel like this could be an
1939 enhancement to the Oak Hill Shopping Center. Mr. Coleman told me later he had
1940 also heard from some of the adjacent businesses and they would be delighted to
1941 have this facility, as it might increase their business; and I can see how it would. So,
1942 if no one else has any questions, then to have on record for Mr. Cook the
1943 recommendations that you're willing to agree with. I would move to send this along
1944 to the Board of Supervisors with recommendation of approval.
1945
1946 Mr. Branin: Okay, Mr. Archer. Do you want to do your time limits
1947 first?
1948
1949 Mr. Archer: I'm sorry. We do have to waive the time limits. Motion
1950 to waive the time limits.
1951
1952 Mr. Vanarsdall: Second.
1953

1954 Mr. Branin: Motion made by Mr. Archer and seconded by Mr.
1955 Vanarsdall. All in favor say aye. All opposed say no. Time limits are waived.

1956
1957 Mr. Archer: Move to send this to the Board of Supervisors with a
1958 recommendation of approval.

1959
1960 Mr. Vanarsdall: Second.

1961
1962 Mr. Branin: Motion made by Mr. Archer and seconded by Mr.
1963 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

1964
1965 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
1966 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend the
1967 Board of Supervisors **grant** the request because it conforms to the
1968 recommendations of the Land Use Plan and zoning of the area, it would permit infill
1969 development with the proper connection for roads and other public facilities, and the
1970 proffered conditions will provide quality assurances not otherwise possible.

1971
1972 **Deferred from the January 11, 2007 Meeting.**

1973 **C-49C-06 Caroline L. Nadal for Rockwood, Inc:** Request to
1974 conditionally rezone from A-1 Agricultural District to R-5AC General Residence
1975 District (Conditional), Parcels 738-771-6301, -4105, and -2400, containing
1976 approximately 7.081 acres, located on the east line of Pouncey Tract Road
1977 approximately 1,412 feet north of its intersection with Shady Grove Road. The
1978 applicant proposes a single-family zero-lot line residential subdivision. The R-5A
1979 District allows a minimum lot size of 5,625 square feet and a maximum gross
1980 density of 6 units per acre. The use will be controlled by zoning ordinance
1981 regulations and proffered conditions. The Land Use Plan recommends Suburban
1982 Residential 1, 1.0 to 2.4 units net density per acre.

1983
1984 Mr. Branin: Is anyone in opposition of C-49C-06? None? Good
1985 evening, Mr. Tyson.

1986
1987 Mr. Tyson: Mr. Thornton and Mr. Secretary. This request is to
1988 rezone 7.081 acres from A-1 Agricultural District to R-5AC, General Residence
1989 District (Conditional) to permit the construction of a zero lot-line single-family
1990 subdivision. This case has been amended from the original submission, which
1991 was to rezone the property to R-2AC, One Family Residence (Conditional).

1992
1993 The site is located on the east line of Pouncey Tract Road, 1,400' north of Shady
1994 Grove Road.

1995
1996 The 2010 Land Use Plan recommends Suburban Residential 1 (SR1) land uses
1997 for the parcel, which has a recommended density of 1.0 to 2.4 units per acre. The
1998 applicant has not proffered a maximum density, and the R-5A district regulations
1999 permit a maximum of 6 units per acre. An un-proffered conceptual plan
2000 submitted by the applicant shows 19 possible lots; however, a number have

2001 wetland impacts. Based on the un-proffered 19-lot configuration, the applicant is
2002 proposing a gross density of 2.6 units per acre, which exceeds the recommended
2003 density for the SR1 Land Use designation.

2004
2005 The subject property is currently undeveloped. To the north and south of the site
2006 are Grey Oaks Sections E and C, which was rezoned by case C-16C-03 to
2007 RTHC and R-2AC. To the west of the site is property zoned A-1, Agriculture.
2008 Across Pouncey Tract Road to the west is the Bentley subdivision, developed by
2009 Wilton Companies, which was rezoned to R-2AC by case C-3C-05. Grey Oaks
2010 and Bentley are proffered at no more than 2.0 units per acre.

2011
2012 In an effort to mitigate potential impacts to the adjacent uses, the applicant has
2013 proffered the following:

- 2014
- 2015 • A 25' buffer and landscaped strip would be provided along Pouncey Tract
2016 Road. This landscaped strip would be planted to a transitional buffer 25
2017 standard and the applicant has indicated that they would like that to count
2018 as the 25' enhanced setback required along the street. This area, the
2019 applicant has indicated, would be in common area and not part of
2020 individual lots. The Wilton project has a proffered landscaped buffer of
2021 35'. The Grey Oaks project has a proffered landscaped buffer along
2022 Pouncey Tract Road 25' in width; however, no residential lots in Grey
2023 Oaks front on this street.
 - 2024 • At least 90% of the lots would have a minimum width of 60'.
 - 2025 • All new utility lines to be placed underground.
 - 2026 • 6" curb and gutter would be provided.
 - 2027 • Street trees would be staggered and provided every 50' on-center.
 - 2028 • Yards would be sodded and irrigated.
 - 2029 • Any wet BMPs would be aerated.
- 2030

2031 The elevations have not been proffered; however, certain design details have
2032 been committed to:

- 2033
- 2034 • Each home would contain a minimum finished floor area of 2,200 square
2035 feet.
 - 2036 • Exposed foundations of brick, stone, or a minimum of 24" of finished brick
2037 below the first floor level.
 - 2038 • A one-car garage will be provided for all units. Fifty percent of these would
2039 be side or rear loaded. All front loaded or detached garages are proffered
2040 to be recessed from the front line of the home a minimum of 15'. The
2041 applicant is encouraged to note that detached garages may not be located
2042 in a side yard, but must be behind the rear line of the house under the
2043 Zoning Ordinance.
 - 2044 • All dwellings would have brick, stone, or hardiplank front exteriors. Any
2045 side or rear elevations that front Pouncey Tract Road would also be of
2046 brick, stone, or hardiplank and would also have a minimum of 2 windows.

- 2047 • The applicant has proffered no cantilevered features on the first floor of
2048 the homes. The applicant is encouraged to prohibit cantilevered features
2049 in their entirety.

2050

2051 Other proffers relate to driveways, protective covenants, and hours of
2052 construction.

2053

2054 Staff continues to have concerns regarding the piecemeal nature of this
2055 development, and believes the vacant parcel to the west should be addressed for
2056 a more cohesive design. If the applicant is unable to acquire this parcel,
2057 provision should at least be made in the conceptual plan to provide possible
2058 future access should it become available at some future date.

2059

2060 While the proposed single-family residential use is consistent with the
2061 recommendation in the 2010 Land Use Plan, the possible density is not consistent.
2062 In addition, the site design is incongruous with recently approved development on
2063 Pouncey Tract Road. If the applicant were to address the outstanding concerns,
2064 staff could be more supportive of this request.

2065

2066 I'd be happy to answer any questions you might have.

2067

2068 Mr. Branin: Yes sir. We're going to have lots of questions, probably,
2069 on this one. They have not proffered the layout?

2070

2071 Mr. Tyson: No sir. Neither the plan or the elevations.

2072

2073 Mr. Branin: They have not proffered architectural.

2074

2075 Mr. Tyson: They've proffered design elements, but not a rendering
2076 of the elevations themselves.

2077

2078 Mr. Branin: Would you repeat the elements for their architectural?
2079 Did you say just the fronts or front, sides, and rear will be—

2080

2081 Mr. Tyson: Each home would have a minimum of 2200 square feet
2082 of finished floor area. All dwellings would have brick, stone, or hardiplank front
2083 exteriors. Any side or rear elevations that front on Pouncey Tract Road also be of
2084 those same materials.

2085

2086 Mr. Branin: Right. For instance, there are sides and rears that don't
2087 face Pouncey Tract and they could be some other material besides those.

2088

2089 Mr. Tyson: Yes. This is, again, the un-proffered conceptual plan.
2090 Under this, the houses facing this cul-de-sac are going to have backs or sides that
2091 are along the Pouncey Tract Road frontage. This house would have a side frontage
2092 along Pouncey Tract. The applicant has proffered that anything along this frontage
2093 would be the same material as the front.

2094

2095 Mr. Branin: If you move down four lots, the way the proffer is
2096 written, the proffer only applies to the front.

2097

2098 Mr. Tyson: Yes.

2099

2100 Mr. Branin: Okay. That answers my question. Does anybody have
2101 any other questions for Mr. Tyson? None? I would like to hear from the applicant.

2102

2103 Ms. Nadal: Good evening, again, Mr. Chairman, members of the
2104 Commission. I am Caroline Nadal, here on behalf of Rockwood, Inc. Once again, I
2105 will not take you through all of Mr. Tyson's presentation, but I'm happy to answer
2106 your questions and give you just an overview of the site and explain our strategy a
2107 bit in ensuring this is going to be a high quality development, one that works within
2108 the area.

2109

2110 Currently, the un-proffered site plan is showing 19 units. We had originally filed this
2111 as an R2-A. What happened is that we realized that this is an oddly-shaped,
2112 relatively small tract of land. We were not able to acquire the site owned by a Mr.
2113 and Mrs. Davis, an approximately 2-acre site. We made many, many attempts to
2114 offer to purchase this and we were flatly rejected and told that their property was not
2115 for sale. Therefore, we were left with the 7-acre site and we were squeezed
2116 between an area that has a good bit of wetland in the rear, and then we have a 35-
2117 foot right-of-way off Pouncey Tract. In addition, a 25-foot enhanced buffer that's
2118 required along Pouncey Tract. I would like to say a couple things about that.

2119

2120 Initially, staff had requested that we actually face those homes towards Pouncey
2121 Tract because I understand that the Wilton Development across the way does that.
2122 From the building line of the homes, there's actually anywhere between 80 to 85
2123 feet. So, there is a significant setback from Pouncey Tract Road. There's a 35-foot
2124 buffer, a 25-foot setback, the enhanced setback required along Pouncey Tract, and
2125 then along the rear homes, there's a 25-foot setback that's required, and then 20
2126 along the side. There's a significant setback from Pouncey Tract. We also agreed
2127 to ensure that the materials that were used that were facing Pouncey Tract were a
2128 very high quality material. We proffered to plant the enhanced Pouncey Tract buffer
2129 to a transitional buffer 25, so it'll be landscaped and heavily planted, and it will be
2130 attractive. In fact, this is an elevation that we just provided and we are willing to
2131 proffer this just to show the entryway into the development.

2132

2133 I thought we had given Mr. Tyson updated elevations in the last meeting we had,
2134 but these are the most recent elevations of the homes. There are of extremely high-
2135 quality material on the front. I would like to note that in reference to the materials on
2136 the front and the sides and the rear, the Grey Oaks subdivision surrounding it has
2137 provided that only 50% of their front facades will be the hardiplank, brick, or stone.
2138 We've actually provided that 100% of our front facades will be the brick, hardiplank,

2139 or stone. Our front facades are going to completely use higher-quality material than
2140 what has currently been proffered in Grey Oaks.

2141
2142 Also, I'd like to bring your attention to the fact that we've tried to make these very
2143 architecturally interesting. One of the reasons that we didn't agree to prohibiting
2144 cantilever features is that we wanted to ensure that we could have porches on the
2145 second story. I understand, though, that porches aren't necessarily considered
2146 cantilever features in Henrico County. If that's the case, we will proffer no
2147 cantilevering features.

2148
2149 Just to show you the configuration. These are for garages. We have proffered that
2150 50% will be side- or rear-loading. None of them will be detached. This is just an
2151 example of a floor plan showing a side-loading garage with a courtyard. This is the
2152 front-loading, which will be set back at least 15 feet from the front façade of the
2153 residence.

2154
2155 I'd like to make a couple points about the fact that we are requesting a density that
2156 is above the Land Use Plan. It is simply not viable. We originally filed this as R2-A
2157 and the applicant determined that it was just not viable, given the site and the
2158 configuration, if you develop the site with less than 19 lots. Originally, we had
2159 provided 11 lots. They determined that they needed the additional 7 to make the site
2160 developable and worthwhile for them. That is when we decided to amend the
2161 application. I also do want to point out that even though this is inconsistency with
2162 the Land Use Plan, there is an RTH development, a significant one, in Grey Oaks to
2163 the north. Therefore, it is not entirely out of line with the area. I would like to make
2164 one other point. We did make efforts with Mr. Pruitt to route the whole development
2165 through Grey Oaks, but he's years into the process of developing his site and he
2166 was not able to accommodate us. That said, I've spoken with him on several
2167 occasions and he is supportive of the increased density on this site. He doesn't
2168 have any issue with you.

2169
2170 With that, I'm happy to answer any of your questions.

2171
2172 Mr. Branin: Okay. You heard my concerns with staff when he did
2173 his presentation on no proffer on your layouts. Can you address that first?

2174
2175 Ms. Nadal: We haven't proffered it because there's a good bit of
2176 wetland and we're trying to work with the Corp to get a permit to mitigate all that.
2177 That's one reason. Another one is I just don't think the applicant at this point feels
2178 comfortably enough with the site layout to proffer it. It may be something that we
2179 could work on in order to proffer it. There is significant concern about the wetlands
2180 and just being locked in at this point to a site plan.

2181
2182 Mr. Branin: Okay. Proffering the architectural features all the way
2183 around?

2184

2185 Ms. Nadal: We will proffer the elevations. Are you saying proffer
2186 higher—
2187
2188 Mr. Branin: The way your proffer reads now, you're only applying—
2189
2190 Ms. Nadal: The stone and the brick and the hardiplank to—
2191
2192 Mr. Branin: To the front and side only on Pouncey Tract.
2193
2194 Ms. Nadal: As I said, the only reason we didn't do it, is because to
2195 be consistent with Grey Oaks, they haven't done it. I do believe the applicant would
2196 proffer that, though. Yes, they will.
2197
2198 Mr. Branin: Okay. I've asked you to go to Mr. Davis and try to
2199 acquire that land. I know your client has. I would also ask, again, if you are indeed
2200 approved to go forward, will you make another plea beforehand?
2201
2202 Ms. Nadal: Absolutely.
2203
2204 Mr. Branin: So we can incorporate that in, which would be a design
2205 change. Of course, you get two or three extra lots of it, I'm sure.
2206
2207 Ms. Nadal: Right.
2208
2209 Mr. Branin: I have no further questions for the applicant.
2210
2211 Mr. Archer: Ms. Nadal, what's the minimum of mitigation that would
2212 be required in order for you to have enough buildable area to make this project
2213 feasible?
2214
2215 Ms. Nadal: I'm going to ask my applicant on that. I know he's been
2216 working with some wetland studies.
2217
2218 Mr. Yates: John Yates with Rockwood. We are working right now
2219 with the Army Corp of Engineers. There appears to be a little bit more wetland than
2220 originally anticipated. What we're trying to do is make sure that that is indeed what
2221 we're dealing with right now. We're going with the person that mitigated the
2222 wetlands for Mr. Pruitt, and also our own environmental engineer at this time to
2223 really know what we are truly dealing with. That's why we have not actually
2224 proffered the layout of the subdivision at this time. It may very well change just a
2225 little bit.
2226
2227 Mr. Archer: Even so, the mitigation would have to be somewhere off
2228 site, then, is that correct?
2229

2230 Mr. Yates: That's correct. We're looking probably about a half-acre
2231 of mitigation.
2232
2233 Mr. Archer: Okay.
2234
2235 Mr. Branin: Mr. Yates, while we've got you up there. Again, with the
2236 elevations not proffered, I understand with the sensitivity of the wetlands and also
2237 the possibility of getting Mr. Davis' property, hopefully, you're not proffering that.
2238 Your elevations are not proffered.
2239
2240 Mr. Yates: That's correct. What we're doing right now is we're
2241 working with the Lessard Group. We are in the process of designing the elevations.
2242 What we're trying to do is design an elevation not just for the front of the home, but
2243 for all four sides of the units. We're leaning more towards an arts and crafts style
2244 architecture, which is a little bit different from the traditional transitional elevations
2245 that you see around currently. We're trying to encompass all four sides of the actual
2246 unit itself, not just the front elevations.
2247
2248 Mr. Branin: When do you determine that will be completed?
2249
2250 Mr. Yates: I would like to say that we'd have that probably in the
2251 next 60 to 90 days.
2252
2253 Mr. Branin: In the next 60 or 90. If we are going to move forward
2254 with this, I would want that proffered out by the time it gets to the Board of
2255 Supervisors.
2256
2257 Mr. Yates: I think we can make that happened.
2258
2259 Mr. Branin: Ms. Nadal, if that is not ready to be proffered by the
2260 time it gets to Mr. Kaechele and the rest of the Board of Supervisors, I'm going to
2261 request here now that you defer it until it is ready.
2262
2263 Ms. Nadal: Yes, yes Mr. Branin, that's what we'll do.
2264
2265 Mr. Branin: That is one thing that Mr. Kaechele was concerned
2266 about.
2267
2268 Ms. Nadal: Okay.
2269
2270 Mr. Silber: You can't see it on this slide, but the property to south is
2271 zoned R-2A. Are homes built in that subdivision?
2272
2273 Ms. Nadal: I don't believe they're built yet. Are you talking about
2274 this here?
2275

2276 Mr. Silber: Yes.
2277
2278 Ms. Nadal: Yes, that's part of the Grey Oaks subdivision. I know
2279 that site is under construction; I don't believe they're built yet.
2280
2281 Mr. Silber: Are the lots along there owned by builders?
2282
2283 Ms. Nadal: They're owned by Mr. Pruitt's company right now. I
2284 don't know if he sold the lots, though. I'm not sure.
2285
2286 Mr. Silber: If they have been sold, I don't know we have contacted
2287 the owners of those lots or not. I don't know if staff can look that up.
2288
2289 Ms. Nadal: I'm being told that they have not been sold; they're still
2290 in the Pruitt company.
2291
2292 Mr. Branin: I have one further question. Because this is such a
2293 small subdivision, have you guys spoken to Mr. Pruitt about possibly joining the
2294 Grey Oaks Homeowners Association?
2295
2296 Ms. Nadal: They met with Mr. Pruitt, Mr. Yates and Mr. Slotnik did,
2297 and that was discussed. Mr. Pruitt, I believe he's just too far in and wasn't
2298 interested in having our small development join in their homeowners association.
2299 We have proffered a homeowners association, even though—
2300
2301 Mr. Branin: I know you have, but I think it would be to everyone's
2302 benefit to be with the other. Okay.
2303
2304 Mr. Jernigan: Have the Davis' indicated what they intend to do with
2305 the property long-term.
2306
2307 Ms. Nadal: They actually had it on the market. They took it off the
2308 market and Mr. Slotnik and Mr. Yates went to them and approached them on
2309 numerous occasions and they flatly turned us down at every attempt. I don't know
2310 what they intend to do with it. Not quite sure why they're not willing to sell it.
2311
2312 Mr. Branin: Does anyone have any other questions? None? Okay.
2313 Are there time limits that need to be waived? None? Okay. With that, I would like
2314 to move for approval of C-49C-06.
2315
2316 Mr. Jernigan: Second.
2317
2318 Mr. Branin: Motion made by Mr. Branin and seconded by Mr.
2319 Jernigan. All in favor say aye. All opposed say no. The motion carries.
2320

2321 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
2322 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend the
2323 Board of Supervisors grant the request because it is reasonable, the proffered
2324 conditions will assure a level of development not otherwise possible, and the
2325 proffered conditions will provide quality assurances not otherwise possible.
2326

2327 **C-13C-07 James W. Theobald for Reynolds Holdings, LLC:**
2328 Request to amend proffered conditions accepted with Rezoning Case C-22C-04,
2329 on Parcels 767-744-9052, 765-744-6557, -6325, -6557, 766-745-8230, 767-745-
2330 5402, located on the south line of Interstate 64 between Glenside Drive and W.
2331 Broad Street (U.S. Route 250). The applicant proposes to amend Proffers 10, 18,
2332 33, 34, and 36 related to conceptual master plan, hours of construction, use
2333 restrictions for freestanding restaurants, and maximum floor area for office
2334 buildings, and restate all proffered conditions accepted with the previous case.
2335 The existing zoning is B-2C and B-3C Business Districts (Conditional) and O-3C
2336 Office District (Conditional). The Land Use Plan recommends Planned Industry.
2337 The site is located in the Enterprise Zone.
2338

2339 Mr. Branin: Is anyone in opposition to C-13C-07? No opposition.
2340 Mr. Lewis.

2341
2342 Mr. Lewis: I seem to have lost the presentation, briefly.
2343

2344 Mr. Branin: Well then, I guess we don't need one.
2345

2346 Mr. Lewis: Okay, it's coming up now, very slowly. Here we go.
2347 The entire graphic is not showing, unfortunately, but I'm confident it will get there.
2348

2349 This is a request to amend proffers accepted with Rezoning Case C-22C-04.
2350 The 71-acre site is located along both sides of Forest Avenue between Glenside
2351 Drive and W. Broad Street.
2352

2353 The site is recommended for Planned Industrial in the 2010 Land Use Plan, and
2354 the entire property is located in the County's Enterprise Zone. The computer is
2355 catching up, maybe.
2356

2357 In 2005, the property was rezoned to B-2C, B-3C, and O-3C in preparation for
2358 the development of hotel, office, and retail uses. Three POD's have been filed
2359 for the site, but only the hotel has been approved for construction.
2360

2361 Some of the proffers in this case apply to the entire property, while others apply
2362 only to specific sections which are identified on this diagram. The most recently
2363 revised proffers, dated February 14th, propose the following amendments:
2364

2365 Proffer 10: The applicant proposes adding language to allow conceptual plan
2366 changes during the plan of development process. This would apply to the entire
2367 property. Final Plans would require Planning Commission approval.
2368

2369 Proffer 18: The applicant proposes extending the hours of exterior construction
2370 for the specific internal portion of B-2C Parcel 1 related to POD-13-07 for a new
2371 office building. All exterior construction on the entire subject property is currently
2372 limited to 7am to 7pm, Monday through Saturday. The proposed change would
2373 allow exterior construction activities within the designated area 24 hours a day,
2374 approximately in this location here, which is where the office building is proposed
2375 on the POD. Construction activities within the designated area could take place
2376 24 hours a day, except that specific activities producing noise potentially
2377 impacting adjacent residents would be limited to the hours of 6am to 8pm.
2378 Construction hours for the remainder of the site would remain unchanged.
2379

2380 Proffer 24: This new proffer would commit to notifying the Charles Glen
2381 Homeowners Association at least 30 days prior to final action on any plans of
2382 development filed with the County for any portion of the subject site.
2383

2384 Renumbered Proffer 34(v)(1): The existing proffer allows a maximum of one
2385 freestanding, sit-down, full-service restaurant on B-2C Parcel 1 (which again is
2386 this parcel from this line here stretching down to Forest Avenue) and prohibits the
2387 restaurant from locating at the immediate corner of W. Broad Street and Forest
2388 Avenue in this location. The proposed change would permit two such
2389 restaurants and allow them to locate anywhere on B-2C Parcel 1.
2390

2391 Renumbered Proffer 35: The existing proffer regulates B-2C Parcel 2. (This
2392 parcel from this line here, extending westward. This parcel, this location)...
2393 regulates B-2C, Parcel 2 and includes a 90,000 square foot maximum size
2394 limitation for any one user. Proposed changes would remove the requirement
2395 that any retail uses be developed on this parcel at all. To the extent that retail
2396 uses are developed, the amended proffer would permit them to locate anywhere
2397 on the parcel, and would not require a 5,000 square foot minimum size. The
2398 90,000 square foot limit would remain for any single retail user, but the applicant
2399 proposes exempting office buildings from this maximum size requirement.
2400

2401 Renumbered Proffer 37: The existing proffer places a 215,000 square foot
2402 maximum on aggregate development on all of the B-zoned parcels. (This would
2403 include these two square parcels in this location, and the entire interior of the
2404 property.)... a 215,000 square-foot maximum on all the B-zoned parcels. The
2405 applicant proposes exempting office space from this development cap.
2406

2407 Three other proposed amendments involve minor technical or grammatical
2408 corrections to Proffers 1(c), 32, and 34(f).
2409

2410 In addition to the proposed proffer amendments, the applicant is in the process of
2411 evaluating potential changes to the site's conceptual plan. One early draft was
2412 provided to staff and neighborhood representatives at a recent community
2413 meeting. Based on the potential changes shown on that draft, Traffic
2414 Engineering believes the existing traffic study and proffered road improvements
2415 remain adequate at this time.

2416
2417 The proposed amendments would provide a greater mix of office uses on the
2418 site, which supports the County's efforts to encourage high-quality economic
2419 development of the property. In addition, the site's 70% site coverage maximum
2420 would continue to moderate overall development of the site. Adjacent
2421 neighborhoods would be provided additional review time for development
2422 proposals, and the proposed construction hours remain reasonably compatible
2423 with surrounding properties. For these reasons, staff supports this request.

2424
2425 This concludes my presentation. I will be happy to take any questions. Time
2426 limits would need to be waived for the proffers.

2427
2428 Mr. Branin: Does anybody have any questions for Mr. Lewis?

2429
2430 Mr. Jernigan: I was just reading over Proffer 18. "An hour before
2431 sunrise, and an hour after sunset."

2432
2433 Mr. Lewis: Yes sir. That's the original proposed. That has since
2434 been revised.

2435
2436 Mr. Jernigan: That's the blackline now.

2437
2438 Mrs. Jones: No.

2439
2440 Mr. Lewis: That applicant has amended that.

2441
2442 Mr. Jernigan: Okay. I'm on the wrong proffers.

2443
2444 Mrs. Jones: That's okay. It is still more generous construction
2445 hours than we normally have on these kinds of things. It's 6 to 8, Monday
2446 through Saturday. Correct?

2447
2448 Mr. Lewis: That is somewhat expanded.

2449
2450 Mr. Branin: Mrs. Jones, this building that they're putting up,
2451 they're trying to get it done in a very fast fashion. There was a meeting with the
2452 neighborhood, which I was waiting to see if there opposition or not. The times
2453 were discussed with the neighborhood association. This is what they agreed to.
2454 We've put in language for sound for protection of the neighborhood that if there is
2455 a problem with sound, we have excluded some construction processes. I wasn't

2456 quite satisfied with those processes only, so we have put it upon the
2457 neighborhood and the developer if there is some unforeseen process that's going
2458 to create a lot of sound and they do call, the County has the right to stop that
2459 particular noise-producing process.

2460

2461 Mrs. Jones: I understand that and we've had other developments,
2462 one even in my District, that has had issues with neighbors and construction
2463 noise. My only point in bringing that up is because there are a lot of proffers that
2464 we're trying to absorb here, and changes. I think 6 to 8 is obviously certainly
2465 better than what we had before. That was, in my view, unacceptable. You can't
2466 do that to a residential setting. If you feel this is what the neighbors would be
2467 content with. I just hate to put a big enforcement issue on the County.

2468

2469 Mr. Branin: That was the County's position as well. They didn't
2470 want to get put into that position, but also this building that they're amending
2471 these proffers for is not right on top of the neighborhood; it's further away. I'm
2472 sure when we go into a POD section for other buildings, we will be amending
2473 some of these.

2474

2475 Mrs. Jones: Okay.

2476

2477 Mr. Branin: It's kind of building-specific. Does anybody have any
2478 other questions for Mr. Lewis? There are no comments from my favorite gang.
2479 Not in opposition, but you do have comments. Okay. We welcome you to the
2480 floor, then. Thank you, Mr. Lewis.

2481

2482 Mr. Lewis: Thank you, Mr. Chairman.

2483

2484 Mr. Branin: Do you want to hear from the applicant? We're going
2485 to hear a couple of comments from you and then we'll hear from the applicant.

2486

2487 Mr. Mizell: Thank you, Mr. Chairman, members of the
2488 Commission. For the record, my name is John Mizell from Spinella Owings and
2489 Shaia law firm. I represent Charles Glen Homeowners Association. I had the
2490 opportunity to work with the homeowners' association back in 2004 and so we
2491 went through about six or seven months of negotiations with Mr. Theobald and
2492 the Reynolds folks. In general, our position is that we can support moving the
2493 case forward in response to the applicant's request to put things on a fast track.
2494 We did have some significant concerns that were expressed at a recent
2495 neighborhood meeting on February 5th. Most of those have been addressed to
2496 the homeowners' association's satisfaction. The only things that we would ask at
2497 this point is to say that the area of common agreement is that I think the
2498 homeowners' association joins with the County staff, as well as the applicant in
2499 supporting the idea of shifting to more office development on site and less retail.
2500 That much we're all in agreement with. Mainly, there are two proffers with the
2501 new number 35 and 37, we reserve the right to work with staff and the applicant

2502 over the next 30 days, assuming you recommend approval and push the case
2503 forward tonight. To try to refine those a little bit, the main point would be working
2504 on #37 to try to address the impact of additional traffic that might be generated
2505 from a shift to much greater amount of office use. The effect of the new proffer
2506 37 is that we had a cap 215,000 square feet for retail, but now we say office
2507 space is excluded from that, and don't really say what kind of cap there is in that
2508 area. We'd like to try to work on some kind of a ratio, a sliding scale that if we
2509 have more office, that there would be less retail. I think, perhaps, with some help
2510 from the Planning Office and maybe a traffic engineer, we can work on some
2511 language to try to achieve that. We raised that issue at the meeting that we had
2512 with the applicant and representatives; Mr. Branin was there. We talked further
2513 this week with staff. We thought it was something that took a little more time than
2514 just a few days to work on this week. We're content to let the matter go forward
2515 and try to refine that over the next 30 days.

2516
2517 The other one on proffer 35 is maybe a little bit less of an impact where you take
2518 away completely what was a 5,000-square-foot minimum of any uses. We may
2519 reduce it somewhat and have something a little bit less of an impact than just
2520 wiping that out altogether. That was put there I think by the previous planning
2521 commissioner from Three Chopt as the case developed back in 2004. It really
2522 wasn't Charles Glen's request, but it's something we thought was helpful and
2523 we'd like to minimize the impact of that change.

2524
2525 There are three folks here, Jennifer Atkinson, the president of Charles Glen;
2526 Courtney Kuester, the head of the steering committee; and Melanie Spahr,
2527 another member of the steering committee. They worked through things back in
2528 '04 and since then. If there are any questions about specific impacts on their
2529 properties or their discussions with neighbors, they would be glad to try to
2530 respond to those in more detail.

2531
2532 Mr. Vanarsdall: Well John, I do have a question about what you just
2533 said about the previous commissioner. How you doing, anyway? I haven't seen
2534 you in a long time.

2535
2536 Mr. Mizell: Just fine.

2537
2538 Mr. Vanarsdall: What came about in the beginning was a big box.

2539
2540 Mr. Mizell: Right.

2541
2542 Mr. Vanarsdall: There was absolutely no place for it up there. That's
2543 why it was worded the way it was in 35 to keep that out of there.

2544
2545 Mr. Mizell: Right.

2546

2547 Mr. Vanarsdall: None of the people, including them, wanted any up
2548 there either.
2549
2550 Mr. Mizell: That's certainly correct.
2551
2552 Mr. Vanarsdall: I had many calls from it. So did John Marshall who
2553 was the commissioner.
2554
2555 Mr. Branin: Okay. Mr. Mizell, the reason I went actually
2556 backwards for this case was so I could get your comments so we can take your
2557 comments instead of volleying back and forth. Now I'm going to call the
2558 applicant up so we can address them. Thank you, sir.
2559
2560 Mr. Mizell: Thank you.
2561
2562 Mr. Jernigan: I have a question for Randy. Randy, I'm still hung up
2563 on 18 here. If somebody feels there's too much noise, who is going to make the
2564 phone call? Is there going to be a designated person, one of these three ladies?
2565 The neighbors have to go to them?
2566
2567 Mr. Branin: I will say this, in two years of being on the
2568 Commission, this is the first homeowners association that is absolutely well
2569 organized, well run, willing to sit down with an applicant and discuss stuff within
2570 reason. With that in mind, and their board saying, "Well take responsibility so the
2571 County doesn't get 57,000 calls," it actually made sense in this case.
2572
2573 Mr. Jernigan: Okay.
2574
2575 Mr. Vanarsdall: What was your concern?
2576
2577 Mr. Jernigan: Where is says that, "Unless otherwise requested,
2578 there shall be no limits on the hours of exterior construction." That's 24 hours.
2579
2580 Mr. Vanarsdall: Yes, that's right. Seven days. 24/7, like the news.
2581
2582 Mr. Jernigan: If they don't have a problem with it, I don't have a
2583 problem with it other than the fact that we normally limit, in other cases.
2584
2585 Mr. Vanarsdall: We sure do.
2586
2587 Mr. Jernigan: I just don't want to set a bad precedent here.
2588
2589 Mr. Vanarsdall: A free ticket.
2590
2591 Mr. Silber: I think there's a balancing act, Mr. Jernigan, that we're
2592 attempting to achieve here. There are some concerns with this proffer and there

2593 are some enforcement aspects that concern me, but I think we're trying to
2594 balance a reasonable opportunity to construct this site in a timely manner. There
2595 are limitations with this proffer as far as when they can construct with certain
2596 equipment. I think Mr. Theobald may want to address where they're going with
2597 this language. I think it's an attempt to balance what the neighborhood's looking
2598 for and what the developer is trying to achieve.

2599
2600 Mr. Archer: In other words, we want to get them out of there as
2601 fast as we can. Is that the point?

2602
2603 Mr. Silber: Mmm-hmm.

2604
2605 Mr. Archer: Okay.

2606
2607 Mr. Theobald: Mr. Chairman, ladies and gentlemen, my name is Jim
2608 Theobald. I'm here on behalf of the Reynolds'. What you don't know and
2609 haven't heard, I guess I'm just going to have to titillate you just a little bit here in
2610 that we have a significant economic development prospect that is driving the
2611 need for this building. Those plans have been disclosed to County administration
2612 and we are under very serious pressure to deliver this building at the earliest
2613 possible convenience. The changes that are being accommodated by this
2614 request, as well as the prior change to the POD in this area will ultimately result
2615 in over a thousand new jobs, very high-paying jobs coming into this area.

2616
2617 A little historical perspective. If you remember, this is an Enterprise Zone. When
2618 we first started with this, it was the County's desire that this be more office than
2619 retail. In fact, when we rezoned it the last time, we gave up half of our density
2620 that we were entitled to as a matter of right to accomplish the retail.

2621
2622 Mr. Vanarsdall: You're right; I remember that.

2623
2624 Mr. Theobald: What's happened to us along the way, and the reason
2625 we're here tonight, is not just to accommodate this economic development
2626 prospect, but we found that some of the restrictions on the original zoning were
2627 just a little bit too tight in terms of being able to accommodate the kinds of things
2628 that your Enterprise Zone in the County desires. To give you the best example,
2629 it's no secret that this was one of the two final sites for Mead Westvaco.
2630 Unfortunately for the Reynolds' site and Henrico County, it went to the City of
2631 Richmond. The Mead Westvaco building did not fit on this site without amending
2632 the rezoning. So, we were in consultation with County administration and staff to
2633 literally re-file, expedite a rezoning in order to grab probably one of the largest
2634 economic development prospects in the metropolitan area at the time. What
2635 we're attempting to do here by loosening up, admittedly, some of this is to be
2636 able to accommodate that kind of economic development prospect, but strike a
2637 balance with the neighbors in order to protect their neighborhood and to mitigate
2638 potential impacts. The hours of construction only relates to the buildings that are

2639 subject to the POD that's been approved. Keep in mind, you're looking at
2640 Interstate 64 up here. This site is adjacent to Interstate 64, so it is significantly
2641 distant from the neighborhood.

2642

2643 So, that's driving a lot of these requests. The only reason, what Randy doesn't
2644 like is I stuck him in as the enforcement officer. We set it up as the Director of
2645 Planning because I think ultimately, the enforcement aspects of this come under,
2646 perhaps, his auspices. Not him personally, obviously. We wanted to assure the
2647 neighbors that there was a County official whose position was referenced in the
2648 proffer rather than saying, "Call Mr. Branin or call me." They call us anyhow,
2649 but we wanted to make sure that there was a clear path.

2650

2651 Mr. Vanarsdall: Would you just tell us what you said?

2652

2653 Mr. Theobald: Yes. I said, "Call Randy."

2654

2655 Mr. Jernigan: Are we going to list his home phone number on the
2656 County website?

2657

2658 Mr. Theobald: Cell phone, perhaps. The other change is in terms of
2659 numbers of users and the minimum square footage, etc. There was a concern,
2660 as you're remembering, Mr. Vanarsdall, that they didn't want to end up with a big
2661 box. We've limited it to no more than 90,000 square feet for one single user and
2662 only one user can be that big. We had a Starbucks or Caribou Coffee over in this
2663 area. Those are only like 1600 square feet. That's now going to move over here.
2664 It's being rearranged. This whole area now is totally office; there's no retail,
2665 freestanding retail in this area. It's going to be a medical office building. All of
2666 these needs, basically, get shifted a little bit.

2667

2668 We have added the office square footage smack on top of the other densities.
2669 Traffic has confirmed that under the scenarios we've been discussing, that the
2670 traffic report is still accurate. I guess what we discussed with the neighbors was
2671 the guarantees ultimately on how it functions between additional office and
2672 reduction of retail is guided by our site coverage limitations, as well as the ability
2673 to park the site. Always happy to talk and meet with Mr. Mizell. I'm not
2674 encouraged about coming up with a formula that says one square foot of office
2675 gets rid of one square foot of retail because there's so many permutations both in
2676 the types of office and the types of retail. We have agreed to at least discuss
2677 that further.

2678

2679 That's really the genesis of where we're trying to head. I just want to say,
2680 because Ms. Levins has left, that some issues with landscaping and taking some
2681 measures to try to assure her that when the first phase of our replanting team,
2682 evergreens, only probably a third have been planted, as required, until the freeze
2683 occurred. Deciduous trees have yet to go in at all. We have two or three phases
2684 of landscaping and have agreed to fill in those gaps. I'm trying to provide her

2685 with a very detailed landscape plan next to her home so she doesn't have to
2686 guess about the timing.

2687
2688 Like many other projects that Mrs. Jones is familiar with, we're in that awkward
2689 phase where it's been cleared, but buildings haven't really started to go up yet,
2690 and the plantings, due to the time of year, haven't gone back in. They're very
2691 patient, they're very good people to work with. I'm sure we'll get there.

2692
2693 Mr. Branin: Mr. Theobald, construction traffic. Where is it going to
2694 come in from?

2695
2696 Mr. Theobald: We've tried to dictate to people to come in off Broad
2697 Street. There was no proffer in the underlying case.

2698
2699 Mr. Branin: With the construction on—Where is that, east side
2700 where this construction is going to be? Can we move for that?

2701
2702 Mr. Silber: Actually, I think most of the construction with the POD
2703 that's been mentioned in this proffer would be sort of on the west side or the
2704 north side.

2705
2706 Mr. Theobald: Southwest corner back here.

2707
2708 Mr. Silber: Can you point roughly where the POD that's
2709 referenced, POD-13-07, Mr. Theobald, where that is on site?

2710
2711 Mr. Theobald: It's about right there.

2712
2713 Mr. Silber: I think either if you come in from Broad Street or
2714 Glenside, there's about equal distance. Are you suggesting that most of the
2715 traffic come in—

2716
2717 Mr. Branin: Yes. One of the things that the association has
2718 mentioned that they would like to see is the traffic for especially this building be
2719 coming off Broad Street so their neighborhood entrance and exit traffic for the
2720 residents wouldn't be affected by construction traffic. I wanted to pass that by
2721 Mr. Theobald.

2722
2723 Mr. Theobald: We can certainly talk to our contractors about, utilizing
2724 this query. Do you want all your construction traffic on Broad Street? It's a little
2725 bit of a Hobson's Choice I think. As you know, we can put those provisions in
2726 contracts and try our best to enforce it. We have tried in other locations.

2727
2728 Mr. Branin: Will you?

2729

2730 Mr. Theobald: Are you alright trying to get them to come in off of
2731 Broad Street?
2732
2733 [Off mike.] [Unintelligible.]
2734
2735 Mr. Theobald: No you don't.
2736
2737 Mr. Branin: A nod will do, Mr. Reynolds.
2738
2739 Mr. Theobald: You like that client management?
2740
2741 Mr. Branin: Come on, Mr. Reynolds.
2742
2743 Mr. Silber: He's going to say more than yes or no, I'm afraid.
2744
2745 Mr. Theobald: I tried.
2746
2747 Mr. Branin: We tried to keep him down.
2748
2749 Mr. Reynolds: Good evening. My name is Sarge Reynolds and I am
2750 the developer. With regard to the traffic and the construction traffic, right now we
2751 have a road that we have build that serves the Westin Hotel, the construction for
2752 the Westin Hotel that comes in probably right about there and it comes around
2753 and we have built a road. There's a lot of daytime traffic. We're worried about
2754 safety and construction traffic coming in and off Broad, because that's the busiest
2755 part. Right now, the traffic has been coming through this way. If we did want to
2756 move the construction traffic to come in off Broad, we still have to build this road,
2757 which we have not built yet. There is no access to this pad at this time. Right
2758 now, all of our traffic is designed to come in through here. I don't know if that's
2759 been a problem so far or not. We're certainly happy to visit with that. Right now,
2760 we have a road that had been built. Has it been a problem?
2761
2762 [Off Mike]: [Unintelligible.]
2763
2764 Mr. Reynolds: Right. That was clearing over here. I agree with you
2765 there, but I think that's a different issue. We would be happy to work with the
2766 neighbors and once we get this road built, perhaps we could bring construction
2767 traffic in here when it's off-hours. When the daytime office folks are gone and we
2768 are working at night, perhaps once we build this road, we can access at
2769 nighttime. During the daytime hours when I have concerns about all this office
2770 traffic coming and going, I'd like to be able to use this route over here, or perhaps
2771 even both and break it up a little bit. I do have a lot of folks coming in and out of
2772 here. I've got elderly folks that are coming to seek medical attention and I've
2773 been trying to keep the construction traffic away from those folks and just getting
2774 them off the road as quickly as possible and getting them back off Forest
2775 Avenue. I'd be willing to talk about it, but that's just my view at this time.

2776
2777 Mr. Silber: If the neighborhood is willing, I think I would prefer
2778 this not be in a proffered condition, but maybe be a separate letter from Mr.
2779 Theobald after you all have looked at this a while to see how you can address
2780 that concern. I would be concerned to put that into a proffered condition.
2781
2782 Mr. Reynolds: We're happy to work with the neighbors. We feel like
2783 we have a good relationship with the neighbors and we're happy to work with you
2784 all and come up with a good compromise, something that works for everybody.
2785
2786 Mr. Branin: Mr. Reynolds, since you're up—noise, sound, very big
2787 concern. We've put the Secretary into a position he's not happy with; we've put
2788 the County into a position we're not happy with to accommodate the construction,
2789 to accommodate the neighborhood. If you get that call, it has to be done
2790 immediately.
2791
2792 Mr. Reynolds: I will do it. I hope the neighbors will call me first and
2793 give me a chance to respond and then if that doesn't work, then I'll give them
2794 Randy's cell phone number to call.
2795
2796 Mr. Silber: I like yours being given out first.
2797
2798 Mr. Reynolds: We will work with the neighbors and hopefully they'll
2799 call us. Hopefully, they won't need to call us, but if they do, we will respond
2800 quickly. If we don't, then they have a vehicle in which to get relief.
2801
2802 Mrs. Jones: May I ask a quick question?
2803
2804 Mr. Branin: You can ask 50.
2805
2806 Mrs. Jones: No, just 1. Mr. Reynolds, hello. Just give me a
2807 general idea. If you receive your approvals here and at the Board level, on this
2808 fast-track construction for this wonderful economic development prospect that
2809 you're talking about, how long a timeframe are we discussing here for the
2810 construction phase?
2811
2812 Mr. Reynolds: I need to deliver this building no later than April 30,
2813 2008.
2814
2815 Mrs. Jones: Okay. Along with noise—we've been talking about
2816 that; obviously construction is a noisy process—24 hours would need big lighting,
2817 would it not?
2818
2819 Mr. Reynolds: I would think it would need some lighting. I don't
2820 know about big lighting. I don't know how much lighting, but obviously if you
2821 work at night, you need some lighting.

2822
2823 Mrs. Jones: You're confident that that won't be a problem with the
2824 neighbors.
2825
2826 Mr. Reynolds: If it is a problem, they'll let me know and we'll work
2827 with them on it. I just don't know. It shouldn't be a problem. I feel like it's far
2828 enough away from the neighborhood, but it's something where we will certainly
2829 work with the neighbors and keep an open line of communication with them.
2830
2831 Mr. Silber: Mrs. Jones, I think you also have to keep in mind the
2832 location of where this is going to be. It's some distance from the neighborhood
2833 and there are actually some buildings between, existing buildings between where
2834 this is going to be constructed and the neighborhood.
2835
2836 Mr. Branin: Also, is the pad finished for this?
2837
2838 Mr. Reynolds: It's not finished yet. We're just getting ready to disturb
2839 the land now. The pad has come along. There's not a whole lot to do with the
2840 pad, but there is some site work that needs to be done.
2841
2842 Mr. Branin: Mrs. Jones, the actual excavation is restricted. You
2843 can't run any diesel engines.
2844
2845 Mrs. Jones: Okay.
2846
2847 Mr. Branin: Any other questions? You have a comment. You
2848 have to come down this time. No more freestyle from the back of the room.
2849 State your name for the record, please.
2850
2851 Ms. Atkinson: Good evening. My name is Jennifer Atkinson. I'm the
2852 president of the homeowners' association. I live at 2008 Colgate, which is right
2853 there. Melanie Spahr is my neighbor and she's on the corner. The lighting.
2854 I'm glad you brought that up. My only comment would be that our back
2855 bedrooms are very well lit at night with the existing office, so if there was an issue
2856 with lighting, as well as noise, it would be immediately brought to attention. That's
2857 not an issue.
2858
2859 Mr. Branin: Thank you, ma'am. All right. Anything else? With
2860 that, I would like to move to waive the time limits of C-13C-07.
2861
2862 Mr. Jernigan: Second.
2863
2864 Mr. Branin: Motion made by Mr. Branin and seconded by Mr.
2865 Jernigan. All in favor say aye. All opposed say no. The motion carries.
2866 Therefore, I'd like to move for approval of C-13C-07 with the changed proffer
2867 conditions of the C-22-04 for approval.

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Mr. Archer: Second.

Mr. Branin: Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say aye. All opposed say no. The motion carries.

REASON: Acting on a motion by Mr. Branin, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because the amendments do not greatly reduce the original intended purpose of the proffers and the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties.

C-14C-07 Ralph L. Axelle, Jr. for Short Pump Town Center, LLC: Mercantile Operations, Inc., Federal Retail Holdings, Inc., Nordstrom, Inc., and Gibraltar Property Management, Inc.: Request to amend proffered conditions accepted with Rezoning Case C-29C-98, on Parcels 736-763-0263, -3247, -5234, -7718, 736-764-3817, -7528, 737-762-8670, 737-763-0900, -2226, -3450, -1093, 737-764-0069, 738-762-1495, -5667, -7348, -9480, 738-764-0203, 739-762-0039, -1061, 738-763-7335, -7712, -0822, and 739-763-1874, located between the south line of Interstate-64 and the north line of W. Broad Street (U.S. Route 250) approximately 1,000 feet west of Pouncey Tract Road. The applicant proposes to delete Proffer 31 related to minimum floor area devoted to office use. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Mixed Use. The site is in the West Broad Street Overlay District.

Mr. Branin: Good evening, Mr. Sehl.

Mr. Sehl: Good evening Mr. Chairman, members of the Commission. The applicant is proposing to amend proffered conditions accepted with rezoning case C-29C-98, which rezoned the property to allow for the development of Short Pump Town Center. The applicant is proposing to remove Proffer 31, which requires an area on the property be reserved for office uses, in its entirety. All other proffers accepted with case C-29C-98 would remain in full effect. The property is currently zoned B-3C, Business District (Conditional) and the 2010 Land Use Plan recommends Mixed Use.

Proffer 31 requires that the final development of the property contain an area suitable for 100,000 gross square feet of office uses. The removal of this proffer would not preclude redevelopment of the site in the future for office uses, and suitable sites would still be available for the construction of office buildings should they be warranted.

This request is not anticipated to have any negative effects on the surrounding properties, and would not preclude the development of office uses in the future.

2914 Given the surrounding uses and the unified retail development of Short Pump
2915 Town Center, staff has no objections to the requested amendment.

2916
2917 I would be happy to try and answer any questions, and I believe the applicant's
2918 available.

2919
2920 Mr. Branin: Anybody have any questions for Mr. Sehl? None? I
2921 don't find it necessary to ask the applicant any questions. Does anybody have
2922 any questions for the applicant?

2923
2924 Mrs. Jones: Why do you always look at me?

2925
2926 Mr. Branin: How about this? Does anybody have any questions
2927 for the applicant?

2928
2929 Mr. Archer: His attorney is smiling very heavily.

2930
2931 Mr. Branin: Yes, I bet he is. It's not his case. All right. Well then,
2932 with that, I'd like to move for approval of C-14C-07, Short Pump Town Center,
2933 LLC.

2934
2935 Mr. Vanarsdall: Second.

2936
2937 Mr. Branin: Motion made by Mr. Branin and seconded by Mr.
2938 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

2939
2940 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
2941 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
2942 the Board of Supervisors **grant** the request because it was determined to be
2943 reasonable and is not expected to adversely impact surrounding land uses in the
2944 area.

2945
2946 Mr. Silber: Finally this evening we have consideration of the
2947 minutes. These would be the Planning Commission's January 11, 2007 minutes.

2948
2949 Mr. Archer: January 11th. Yes, I have just a couple. Page 14, line
2950 614. I think it was Mr. Vanarsdall that said, "Save the paper, will you."

2951
2952 Mr. Silber: So, it was Mr. Vanarsdall instead of—

2953
2954 Mr. Archer: Instead of me.

2955
2956 Mr. Silber: Instead of you.

2957
2958 Mr. Archer: Yes. Then on page 15, line 638. "That was the time
2959 when we were having a snow storm."

2960
2961 Mr. Silber: "That" instead of "there." Okay.
2962
2963 Mrs. Jones: I submitted an e-mail, the list to Sylvia and a copy to
2964 everyone else.
2965
2966 Mr. Silber: Thank you very much. Any others?
2967
2968 Mr. Archer: That's it.
2969
2970 Mr. Branin: Anyone else?
2971
2972 Mrs. Jones: I move we accept the minutes as corrected.
2973
2974 Mr. Branin: Motion made by Mrs. Jones and seconded by Mr.
2975 Archer. All in favor say aye. All opposed say no. The motion carries. Mr. Silber,
2976 do you have anything else for us this evening?
2977
2978 Mr. Silber: Nothing this evening.
2979
2980 Mr. Branin: Then we are adjourned.
2981
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Randall R. Silber, Secretary
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Tommy Branin, Chairman
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