

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building of the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. on
4 Thursday, February 14, 2008. Display Notice having been published in the
5 Richmond Times-Dispatch on January 24, 2008 and January 31, 2008.

6
Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
Mrs. Bonnie-Leigh Jones, Vice Chairperson (Tuckahoe)
Mr. Tommy Branin, (Three Chopt)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. Richard W. Glover (Brookland)
Board of Supervisors Representative
Mr. R. Joseph Emerson, Jr., Acting Director of Planning,
Secretary

Also Present: Ms. Jean Moore, Principal Planner
Ms. Rosemary Deemer, County Planner
Mr. Seth Humphreys, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Livingston Lewis, County Planner
Ms. Nathalie Croft, County Planner
Mr. Roy Props, County Planner
Ms. Sylvia Ray, Recording Secretary

7
8 **Mr. Richard W. Glover, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

10
11 **THE PLANNING COMMISSION RECONVENED AT 7:00 P.M.**

12
13 Mr. Jernigan - It's 7:05, I'd like to reconvene our meeting. On behalf
14 of the Planning Commission and Planning staff, I'd like to welcome you tonight.
15 With that, I'll turn the meeting over to our secretary, Mr. Emerson.

16
17 Mr. Emerson - Thank you, Mr. Chairman. The first item on your
18 agenda tonight are the requests for withdrawals and deferrals. Those will be
19 presented by Ms. Jean Moore.

20
21 Ms. Moore - Thank you, Mr. Secretary. The first is in the Fairfield
22 District on page 1 of your agenda. It is C-44C-07, Parham Road Properties and
23 Majestic Properties. This site is located along the north line of East Parham Road
24 at the south line of Hungary Road to the intersection with Cleveland Street. This
25 is a request to conditionally rezone from R-4 to O-1C where office uses are
26 proposed. The deferral is requested to the March 13, 2008 meeting.

29 **Deferred from the December 6, 2007 Meeting.**

30 **C-44C-07 Andy Condlin for Parham Road Properties and**
31 **Majestic Properties, LLC:** Request to conditionally rezone from R-4 One Family
32 Residence District and O-1C Office District (Conditional) to O-2C Office District
33 (Conditional), Parcels 782-757-4814, -5414, -3717, 782-756-9598, -9285, -7785
34 and 783-756-0592, containing approximately 2.93 acres, located along the north
35 line of E. Parham Road and the south line of Hungary Road to their intersections
36 with Cleveland Street. The applicants propose office uses. The use will be
37 controlled by zoning ordinance regulations and proffered conditions. The Land
38 Use Plan recommends Office and Commercial Concentration.

39
40 Mr. Jernigan - Is there any opposition to the deferral of C-44C-07,
41 Andy Condlin for Parham Road Properties and Majestic Properties, LLC? There
42 is no opposition.

43
44 Mr. Archer - All right, Mr. Chairman. Hearing none, I move for
45 deferral of C-44C-07, Andy Condlin for Parham Road Properties and Majestic
46 Properties, LLC, to the March 13, 2008 meeting at the applicant's request.

47
48 Mr. Vanarsdall - Second.

49
50 Mr. Jernigan - Motion made by Mr. Archer, seconded by Mr.
51 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the motion
52 passes.

53
54 At the request of the applicant, the Planning Commission deferred C-44C-07,
55 Andy Condlin for Parham Road Properties and Majestic Properties, LLC, to its
56 meeting on March 13, 2008.

57
58 Ms. Moore - In the Three Chopt District on page 2 of your agenda
59 is C-7C-07. The applicant is Farmer Properties, Incorporated. The site is located
60 at the southeast line of Twin Hickory Road, approximately 800 feet northeast of
61 Nuckols Road. This is a request to conditionally rezone from A-1 to RTHC where
62 a residential townhome development is proposed. This deferral is requested to
63 the April 10, 2008 meeting.

64
65 **Deferred from the December 6, 2007 Meeting.**

66 **C-7C-07 Andrew M. Condlin for Farmer Properties, Inc.:**
67 Request to conditionally rezone from A-1 Agricultural District to RTHC
68 Residential Townhouse District (Conditional), Parcel 747-773-6860, containing
69 5.204 acres, located on the southeast line of Twin Hickory Road, approximately
70 800 feet northeast of Nuckols Road. The applicant proposes a residential
71 townhouse development with a maximum of 28 units. The RTH District allows a
72 maximum density of 9 units per acre. The use will be controlled by zoning
73 ordinance regulations and proffered conditions. The Land Use Plan recommends
74 Urban Residential, 3.4 to 6.8 net units per acre.

75 Mr. Jernigan - Is there any opposition to the deferral of C-7C-07,
76 Andrew M. Condlin for Farmer Properties, Inc.? There is no opposition, Mr.
77 Branin.

78
79 Mr. Branin - Thank you, Mr. Chairman. I'd like to take one second
80 and wish everybody a happy Valentine's Day.

81
82 Mr. Vanarsdall - You're so kind, sir, thank you.

83
84 Mr. Branin - I'm glad you all are sharing your Valentine's evening
85 with me.

86
87 Mr. Jernigan - We're so happy.

88
89 Mr. Branin - With that, I'd like to move for deferral of C-7C-07,
90 Andrew M. Condlin for Farmer Properties, Inc., to the April 10, 2008 meeting, per
91 the applicant's request.

92
93 Mr. Vanarsdall - Second.

94
95 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
96 in favor say aye. All opposed say no. The ayes have it; the motion passes.

97
98 At the request of the applicant, the Planning Commission deferred C-7C-07,
99 Andrew M. Condlin for Farmer Properties, Inc. to its meeting on April 10, 2008.

100
101 Ms. Moore - Also on page 2 of your agenda is case C-3C-08. The
102 applicant is Georgi Georgiev and Aleksandar Aleksandrov. The site is located at
103 the northwest line of North Parham Road approximately 126 feet west of its
104 intersection with Skipwith Road. This is a request to rezone from R-3 to O-2C
105 where the conversion of two dwellings for office uses are proposed. The deferral
106 is requested to the March 13, 2008 meeting.

107
108 **C-3C-08 Mike Morgan for Georgi Georgiev and Aleksandar**
109 **Aleksandrov:** Request to rezone from R-3 One-Family Residence District to O-
110 2C Office District (Conditional), on Parcels 760-754-8425 and 760-754-9225,
111 containing approximately 0.786 acres, located on the northwest line of N.
112 Parham Road approximately 126 feet west of its intersection with Skipwith Road.
113 The applicant proposes to convert two residential dwellings to office uses. The
114 office uses will be controlled by zoning ordinance regulations and proffered
115 conditions. The Land Use Plan recommends Office.

116
117 Mr. Jernigan - Is there any opposition to the deferral of C-3C-08,
118 Mike Morgan for Georgi Georgiev and Aleksandar Aleksandrov? No opposition.

119

120 Mr. Branin - Mr. Chairman, I'd like to move for deferral of C-3C-08,
121 Mike Morgan for Georgi Georgiev and Aleksandar Aleksandrov, to the March 13,
122 2008 meeting, per the applicant's request.

123
124 Mrs. Jones - Second.

125
126 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in
127 favor say aye. All opposed say no. The ayes have it; the motion passes.

128
129 At the request of the applicant, the Planning Commission deferred C-3C-08, Mike
130 Morgan for Georgi Georgiev and Aleksandar Aleksandrov to its meeting on
131 March 13, 2008.

132
133 Ms. Moore - Next is case C-4C-08. The applicant is RER/New
134 Boston West Broad Street, LLC. The site is located at the WestMark Office Park
135 at the southeast intersection of West Broad Street and Interstate 64. This is a
136 request to conditionally rezone from O-3, O-3C, and B-3C to B-3C Business
137 District, where a hotel and restaurant uses are proposed. The deferral is
138 requested to the March 13, 2008 meeting.

139
140 **C-4C-08 Gloria L. Freye for RER/New Boston West Broad**
141 **Street, LLC:** Request to conditionally rezone from O-3 Office District, O-3C
142 Office District (Conditional) and B-3C Business District (Conditional) to B-3C
143 Business District (Conditional), part of Parcel 746-760-8608, containing
144 approximately 6.35 acres, located in the WestMark Office Park at the southeast
145 intersection of W. Broad Street (U. S. Route 250) and I-64. The applicant
146 proposes hotel and restaurant uses. The uses will be controlled by zoning
147 ordinance regulations and proffered conditions. The Land Use Plan
148 recommends Office.

149
150 Mr. Jernigan - Is there any opposition to the deferral of C-4C-08,
151 Gloria L. Freye for RER/New Boston West Broad Street, LLC? No opposition.

152
153 Mr. Branin - Mr. Chairman, I'd like to move that C-4C-08, Gloria L.
154 Freye for RER/New Boston West Broad Street, LLC, be deferred to the March
155 13, 2008 meeting, per the applicant's request.

156
157 Mr. Vanarsdall - Second.

158
159 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
160 in favor say aye. All opposed say no. The ayes have it; the motion passes.

161
162 At the request of the applicant, the Planning Commission deferred C-4C-08,
163 Gloria L. Freye for RER/New Boston West Broad Street, LLC, to its meeting on
164 March 13, 2008.

165

166 Ms. Moore - Next is a provisional use permit request, P-2-08. This
167 is a companion case to the case just deferred. This is a request from RER,
168 located in the WestMark Office Building. It's a provisional use permit to permit a
169 building height up to 150 feet. The deferral is also requested to the March 13,
170 2008 meeting.

171
172 **P-2-08 Gloria L. Freye for RER/New Boston West Broad**
173 **Street, LLC:** Request for a Provisional Use Permit under Sections 24-62.2(m),
174 24-120 and 24-122.1 of Chapter 24 of the County Code to permit a building
175 height (hotel) up to 150 feet, on part of Parcel 746-760-8608, located in the
176 WestMark Office Park at the southeast intersection of W. Broad Street (U. S.
177 Route 250) and I-64. The existing zoning is O-3, Office District, O-3C Office
178 District (Conditional) and B-3C Business District (Conditional) and subject to
179 pending case C-4C-08.

180
181 Mr. Jernigan - Is there any opposition to the deferral of P-2-08,
182 Gloria L. Freye for RER/New Boston West Broad Street, LLC? No opposition.

183
184 Mr. Branin - Then I would like to move that P-2-08, Gloria L. Freye
185 for RER/New Boston West Broad Street, LLC, be deferred to the March 13, 2008
186 meeting, per the applicant's request.

187
188 Mr. Archer - Second.

189
190 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Archer. All in
191 favor say aye. All opposed say no. The ayes have it; the motion passes.

192
193 At the request of the applicant, the Planning Commission deferred P-2-08, Gloria
194 L. Freye for RER/New Boston West Broad Street, LLC, to its meeting on March
195 13, 2008.

196
197 Ms. Moore - On page 3 of your agenda in the Varina District is
198 case C-63C-07, JSN Development, LLC. The site is located at the southeast
199 intersection of Strath and New Market Roads. It's a request to conditionally
200 rezone from A-1 to B-2C Business District where a pharmacy and office are
201 proposed. The deferral is requested to the March 13, 2008 meeting.

202
203 **Deferred from the January 10, 2008 Meeting.**

204 **C-63C-07 Andrew M. Conclin for JSN Development, LLC:**
205 Request to conditionally rezone from A-1 Agricultural District to B-2C Business
206 District (Conditional), Parcel 816-687-5307, containing 3.820 acres, located at
207 the southeast intersection of Strath Road and New Market Road (State Route 5).
208 The applicant proposes a pharmacy and office. The uses will be controlled by
209 zoning ordinance regulations and proffered conditions. The Land Use Plan
210 recommends Rural Residential, not exceeding 1.0 unit net density per acre. The
211 site is in the Airport Safety Overlay District

212 Mr. Jernigan - Is there any opposition to the deferral of case C-63C-
213 07, Andrew M. Condlin for JSN Development, LLC? There is none. With that, I
214 will move for deferral of case C-63C-07, Andrew M. Condlin for JSN
215 Development, LLC, to March 13, 2008, by request of the applicant.

216

217 Mrs. Jones - Second.

218

219 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mrs. Jones. All
220 in favor say aye. All opposed say no. The ayes have it; the motion passes.

221

222 At the request of the applicant, the Planning Commission deferred C-63C-07,
223 Andrew M. Condlin for JSN Development, LLC, to its meeting on March 13,
224 2008.

225

226 Ms. Moore - Mr. Chairman, that concludes the requests for
227 deferrals.

228

229 Mr. Jernigan - Thank you, Ms. Moore.

230

231 Mr. Emerson - Mr. Chairman, the next item on your agenda is the
232 requests for expedited items. In order to be placed on the expedited agenda,
233 staff must be recommending approval of the case, the applicant must submit a
234 letter stating agreement with staff recommendations and conditions, and there
235 must be no known opposition to the case. If there is opposition, the item will be
236 removed from the expedited agenda and heard in the order as it appears on the
237 regular agenda. Of course, any member of the Commission can also request the
238 item be removed from the expedited agenda. Tonight, you do have one item on
239 the expedited agenda and that will be presented by Ms. Moore.

240

241 Ms. Moore - Thank you. It is on page 3 of your agenda in the
242 Varina District. It is case C-6C-08. The applicant is—

243

244 Mr. Jernigan - Ms. Moore?

245

246 Ms. Moore - Yes?

247

248 Mr. Jernigan - It's Brookland.

249

250 Ms. Moore - I'm sorry. I stand corrected, thank you. In the
251 Brookland District. The site is located on the south line of East Parham Road
252 approximately 442 feet east of its intersection with West Broad Street. This is a
253 request to amend Proffer 2 accepted with case C-34C-86 to delete the restriction
254 of the property's use for and tied to the operation of Royal Oldsmobile, which is
255 now vacant. Staff has received no opposition or known opposition about this
256 request.

257

258 **C-6C-08** **Robert C. Schrum, Jr.:** Request to amend proffered
259 conditions accepted with C-34C-86, on part of Parcel 762-754-7326, located on
260 the south line of E. Parham Road, approximately 442 feet east of its intersection
261 with W. Broad Street (U. S. Route 250). The applicant proposes to delete Proffer
262 2 which restricts the property's use for additional acreage for operation of Royal
263 Oldsmobile (now vacant) in keeping with its approved plan of development. The
264 existing zoning is B-3C Business District (Conditional). The Land Use Plan
265 recommends Commercial Arterial.

266
267 Mr. Jernigan - Okay. Is there any opposition to case C-6C-08,
268 Robert C. Schrum, Jr.? There is no opposition.

269
270 Mr. Vanarsdall - Mr. Chairman, Mr. Schrum is in the audience tonight. I
271 spoke with him at break time and thanked him for the nice place he built behind
272 Wawa off Staples Mill Road. He intends to put as nice a place behind this one.
273 With that, I move that C-6C-08, Robert C. Schrum, Jr., be recommended to the
274 Board of Supervisors for approval.

275
276 Mrs. Jones - Second.

277
278 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mrs. Jones.
279 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

280
281 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
282 Mrs. Jones, the Planning Commission voted 5-0 (one abstention) to recommend
283 the Board of Supervisors **grant** the request because the amendments do not
284 reduce the original intended purpose of the proffers, and the changes are not
285 anticipated to adversely affect adjacent properties.

286
287 Ms. Moore - Thank you.

288
289 Mr. Emerson - Mr. Chairman, that takes us to the first item now on
290 your agenda tonight. This is subject to a companion case, which will also be
291 presented at this time, P-3-08. The cases will be presented by Ms. Nathalie
292 Croft. Before Ms. Croft begins, I will note to you, if you're not aware, this will be
293 her last presentation to this group. She has decided to go home and be a full-
294 time mother. She'll be leaving us at the end of the month. I'd just like to state my
295 appreciation for all her hard work and professionalism during her time with our
296 department.

297
298 **C-5C-08** **Glenn R. Moore for Beth Sholom Life Care**
299 **Community:** Request to conditionally rezone from R-5 General Residence
300 District, [R-6C] and R-6C General Residence Districts (Conditional) to R-6C
301 General Residence District (Conditional), Parcels 733-747-9677, -7221, and part
302 of Parcel 733-747-4863, containing approximately 13.734 acres, located along
303 the west line of John Rolfe Parkway between Gayton Road and Lauderdale

304 Drive. The applicant proposes an addition to the existing assisted living facility
305 and nursing home and to operate as a life care facility subject to companion case
306 P-3-08. The use will be controlled by zoning ordinance regulations and proffered
307 conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units
308 net density per acre, Semi Public, and Environmental Protection Area.

309
310 **P-3-08 Glenn R. Moore for Beth Sholom Life Care**
311 **Community:** Request for a Provisional Use Permit under Sections 24-36.1(a),
312 24-120 and 24-122.1 of Chapter 24 of the County Code to permit the operation of
313 a life care facility on Parcels 733-747-9677, -7221, and part of Parcel 733-747-
314 4863, containing approximately 13.734 acres, located along the west line of John
315 Rolfe Parkway between Gayton Road and Lauderdale Drive. The existing zoning
316 is R-5 General Residence District, [R-6C] and R-6C General Residence Districts
317 (Conditional). The request is subject to companion case C-5C-08.

318
319 Mr. Jernigan - Is there any opposition to case C-5C-08, Glenn R.
320 Moore for Beth Sholom Life Care Community? There is none. Is there opposition
321 to P-3-08, Glenn R. Moore for Beth Sholom Life Care Community? There is no
322 opposition.

323
324 Mr. Archer - I'm opposed to Ms. Croft leaving.

325
326 Mr. Jernigan - Yes, I am, too. All right, Ms. Croft, good evening.

327
328 Ms. Croft - Good evening, thank you.

329
330 The subject property is currently zoned R-5 and R-6C and developed with 111
331 independent living units in "The Woods," 60 assisted living units in "The
332 Gardens," and 116 nursing home beds in "The Home," each developed on
333 separate parcels. The applicant is requesting R-6C zoning and the companion
334 Provisional Use Permit to add units and to operate as a life care facility. The
335 applicant intends to construct 71 assisted living units, 42 of which would be
336 located in a new building called "Parkside," and 29 units in an addition to "The
337 Home." Six nursing home beds would be removed and a cultural arts center
338 would be constructed.

339
340 The applicant has submitted a proffered conceptual site plan and elevation
341 drawings showing the additions. The plan indicates two new access points would
342 be constructed, one on Gayton Road and one on John Rolfe Parkway. The
343 applicant has also proffered an entry feature—shown here—at the new access
344 onto John Rolfe Parkway in order to identify it as the main entrance.

345
346 The elevation drawings indicate the Parkside building, as well as the additions to
347 The Home, would be of a similar architectural style to the existing Gardens
348 building, and are shown here.

349

350 A campus cultural arts center is also proposed. This facility would have a
351 pedestrian bridge over the main vehicular entrance to "The Gardens" building.
352 Other major proffers relate to enhanced buffering; limited hours of construction;
353 refuse collection and deliveries; and masonry dumpster enclosures.
354

355 The 2010 Land Use Plan recommends Urban Residential, 3.4 to 6.8 units per
356 acre, Semi-Public and Environmental Protection Area. The current facility has all
357 the components of a life care facility, and this request would permit the
358 expansion of the existing facilities under the life care umbrella. It is not foreseen
359 the requested R-6C zoning would have a significant precedent-setting effect on
360 future rezonings in the area since the surrounding properties are already
361 developed. Staff further believes this request would not have a detrimental
362 impact on the health, safety, and general welfare of persons. Staff supports the
363 request to rezone, as well as the request for the Provisional Use Permit subject
364 to the three recommended conditions in the staff report: All proffered conditions
365 accepted with Case C-5C-08 are hereby made a part of this Provisional Use
366 Permit; the applicant shall submit a letter of agreement to the Director of
367 Planning stating the separate parcels would operate as one entity and the Beth
368 Sholom campus would function as a whole; and a National Fire Protection
369 Association (NFPA) 13 fire sprinkler system shall be installed in the proposed
370 "Parkside" building.
371

372 This concludes my presentation. I'd be happy to answer any questions you might
373 have.
374

375 Mr. Jernigan - Okay. Are there any questions for Ms. Croft from the
376 Commission?
377

378 Mrs. Jones - Ms. Croft, I think all of your concerns have been met
379 and you're happy to pass along staff's blessing for this project, correct?
380

381 Ms. Croft - Yes ma'am.
382

383 Mrs. Jones - Okay.
384

385 Mr. Jernigan - Would you like to hear from the applicant?
386

387 Mrs. Jones - I actually don't need to hear from the applicant, I don't
388 believe. This has been a project that has moved along very nicely. Ms. Croft, I
389 did not know this was your last case, so I will doubly thank you for all the time
390 and effort that you've put into this. And thank you for being so willing to answer
391 all my questions. I want to wish Beth Sholom well. I can see that Mark Finkle's
392 with us tonight, and I thank you for having the community meeting and for taking
393 great care to make this a wonderful addition to your facility. The need is there
394 and I wish you well with the project. I have no more questions.
395

396 Mr. Jernigan - Okay. Would you like to entertain a motion?
397
398 Mrs. Jones - I think we're ready. I'm going to have two motions
399 here tonight. The first is I move approval of C-5C-08, Glenn R. Moore for Beth
400 Sholom Life Care Community, to the Board of Supervisors with a
401 recommendation for approval.
402
403 Mr. Vanarsdall - Second.
404
405 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall.
406 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
407
408 **REASON:** Acting on a motion by Mrs. Jones, seconded by Mr.
409 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
410 the Board of Supervisors **grant** the request because it is not expected to have a
411 precedent setting effect on the zoning in the area, the proffered conditions will
412 provide appropriate quality assurances not otherwise available, and it would not
413 adversely affect the adjoining area if properly developed as proposed.
414
415 Mrs. Jones - The second is the provisional use permit, P-3-08,
416 Glenn R. Moore for Beth Sholom Life Care Community. I move that this be
417 forwarded to the Board of Supervisors as well, with a recommendation for
418 approval.
419
420 Mr. Vanarsdall - Second.
421
422 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall.
423 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
424
425 **REASON:** Acting on a motion by Mrs. Jones, seconded by Mr.
426 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
427 the Board of Supervisors **grant** the request because it would not be expected to
428 adversely affect public safety, health or general welfare, it is reasonable in light of
429 the surrounding uses and existing zoning on the property, and it would provide
430 added services to the community.
431
432 Mr. Jernigan - Nathalie, I'd like to say I think I speak for the whole
433 Commission. I didn't know you were leaving either, but we've really enjoyed
434 working with you. You're great and we're going to miss you. We wish you luck.
435
436 Mr. Vanarsdall - Good luck.
437
438 Mr. Branin - Mr. Chairman, I'd like to move for denial of her
439 leaving.
440
441 Mr. Archer - I second that.

442 Mr. Emerson - I already tried that, it didn't work.

443

444 **P-4-08 Ralph L. Axselle, Jr. for Laburnum Investments,**
445 **LLC:** Request for a Provisional Use Permit required under proffered condition
446 #28 accepted with C-29C-06 to allow twenty-four (24) hour operation of a
447 convenience store (7Eleven), on part of Parcel 815-718-5710, (Outparcel #9)
448 within The Shops at White Oak Village located on the east line of S. Laburnum
449 Avenue approximately 460 feet north of its intersection with Audubon Drive. The
450 existing zoning is B-3C Business District (Conditional). The site is located within
451 the Enterprise Zone.

452

453 Mr. Jernigan - Is there any opposition to provisional use permit P-4-
454 08, Ralph L. Axselle, Jr. for Laburnum Investments, LLC? There is no opposition.
455 Mr. Props, how are you this evening?

456

457 Mr. Props - Fine sir, how are you?

458

459 Mr. Vanarsdall - This is your first one, isn't it?

460

461 Mr. Props - Yes sir, in a long time.

462

463 Mr. Chairman, members of the Commission, this request would permit 24-hour
464 operation of a convenience store with fuel pumps on out-parcel #9 within The
465 Shops at White Oak Village. The convenience store will front on S. Laburnum
466 Avenue, along with eleven (11) other out-parcels associated with the shopping
467 center.

468

469 The site was zoned B-3C (conditional) as part of case C-29C-06 and also is part
470 of an Enterprise Zone. Although the B-3 District permits 24-hour operation of
471 businesses, Proffer #28 accepted with the approval of the White Oak shopping
472 center specifically prohibits 24-hour operation unless otherwise approved by a
473 Provisional Use Permit.

474

475 Considering the number of out parcels within The Shops at White Oak Village,
476 this case could set a precedent for other applicants to request similar hours of
477 operation. Staff believes 24-hour operation of this use would be consistent with
478 other convenience stores and facilities with fuel pumps in the area.

479

480 The site is also in close proximity to the Interstate and airport, and the extended
481 hours would provide benefits to local and transient users. Staff supports this
482 request with the recommended conditions submitted in the staff report.

483

484 That concludes my presentation and I'll be happy to try and answer any
485 questions.

486

487 Mr. Jernigan - Okay. Are there any questions from the Commission
488 for Mr. Props? There are none. Thank you, sir. I'll tell you, Jim, I was going to
489 get you to come up and give a little presentation. Bill wanted me to get you. He
490 just said he's the associate. He was ribbing you a little bit. I'm fine with this. I
491 feel it's appropriate and the 7-Eleven has done a nice building. They're the only
492 one that's in there (24-hour operation). So, you don't have to come up tonight.

493

494 With that, I will move for approval of provisional use permit P-4-08, Ralph L.
495 Axselle, Jr. for Laburnum Investments, LLC.

496

497 Mrs. Jones - Second.

498

499 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mrs. Jones. All
500 in favor say aye. All opposed say no. The ayes have it; the motion passes.

501

502 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mrs.
503 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
504 Board of Supervisors grant the request because it would not be expected to
505 adversely affect public safety, health or general welfare, it is reasonable in light of
506 surrounding uses and existing zoning on the property, and it would provide added
507 services to the community.

508

509 Mr. Emerson - Mr. Chairman, the next item on your agenda is
510 approval of the minutes from your January 10, 2008 Planning Commission
511 meeting.

512

513 Mr. Jernigan - Are there any corrections to the minutes? There are
514 no corrections. I'll entertain a motion.

515

516 Mr. Vanarsdall - I move that we approve the minutes of Thursday,
517 January 10, 2008.

518

519 Mr. Archer - Second.

520

521 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All
522 in favor say aye. All opposed say no. The ayes have it; the motion passes.

523

524 Mr. Emerson - Mr. Chairman, that concludes our agenda for tonight. I
525 have no further items for you.

526

527 Mr. Jernigan - Okay. If there is no further business, I'll entertain a
528 motion to adjourn.

529

530 Mr. Archer - Mr. Chairman, there being none, I move for
531 immediate adjournment.

532

533 Mr. Vanarsdall - Second.

534

535 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All
536 in favor say aye. All opposed say no. The ayes have it; the motion passes.

537

538 The meeting was adjourned at 7:24 p.m.

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R. Joseph Emerson, Jr., Acting Secretary

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E. Ray Jernigan, Chairman