

1 Minutes of the work session of the Planning Commission of the County of
2 Henrico held in the County Administration Building in the County Manager's
3 Conference Room at Parham and Hungary Spring Roads, beginning at 5:30 p.m.
4 Thursday, February 10, 2011.

5
Members Present: Mr. C. W. Archer, Chairman, C.P.C., (Fairfield)
Mr. Tommy Brarin, Vice Chairman, (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mrs. Bonnie-Leigh Jones, C.P.C., (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C., (Brookland)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mrs. Patricia O'Bannon, Board of Supervisors' Representative

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Jon Steele, IT Manager
Ms. Sylvia Ray, Recording Secretary

6
7 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
8 **on all cases unless otherwise noted.**

9
10 Chairman Archer called the work session to order at 5:35 p.m. and welcomed all
11 attendees. Secretary Emerson stated the purpose of the meeting was to discuss
12 and receive feedback on the Commissioner's use of the Portal. He introduced
13 Jon Steele, who went through a brief agenda and slide presentation.

14
15 Mr. Steele inquired whether there were any questions or concerns about the
16 Portal and discussed the status of Phase 2. He provided a refresher on where
17 items are located and demonstrated several new items recently added. The
18 addition of County and Magisterial District 2010 demographic reports and maps
19 is planned for the future.

20
21 In response, the Commissioners expressed a desire to be able to use it for
22 tracking purposes. The pros and cons of going paperless were discussed.
23 Secretary Emerson stated the Commissioners may become more dependent on
24 the Portal as the Department's workload increases.

25
26 **[Meeting recesses and reconvenes in the Board Room for the public**
27 **hearing.]**

28
29 Minutes of the regular monthly meeting of the Planning Commission of the
30 County of Henrico held in the County Administration Building in the Government
31 Center at Parham and Hungary Spring Roads, beginning at 6:00 p.m. Thursday,
32 February 10, 2011. Display Notices having been published in the Richmond
33 Times-Dispatch on January 24, 2011 and January 31, 2011.
34

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

Also Present: Mr. Virgil Hazelett, County Manager
Mr. John Vithoukias, Director of Finance
Mr. Gene Walters, Budget Director
Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Ben Sehl, County Planner
Mr. Livingston Lewis, County Planner
Mr. Roy Props, County Planner
Ms. Lisa Taylor, County Planner
Mr. Mike Jennings, Traffic Engineer, Public Works
Ms. Kim Vann, Henrico Police
Other Department Heads and Key Officials
Ms. Sylvia Ray, Recording Secretary

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36

Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains on all cases unless otherwise noted.

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39

AT 6:04 P.M. THE MEETING RECONVENED IN THE BOARD ROOM FOLLOWING A DINNER MEETING.

40

41

42

PUBLIC HEARING ON CAPITAL IMPROVEMENT PROGRAM:

43

44

Mr. Archer: The meeting will come to order. Good evening everyone.

45

46

47

Mr. Branin: Good evening Mr. Chairman.

48

49

Mr. Vanarsdall: Good evening Mr. Chairman.

50

51

Mr. Archer: We are here to have a public hearing on the Capital Improvement Program. At this point I will turn the program over to our Secretary, Mr. Emerson, and he will guide us through that point and he will tell us who is going to present and so forth. Thank you for being here.

52

53

54

55

56

Mr. Emerson: Thank you Mr. Chairman. As you noted, tonight is the public hearing on the County's Capital Improvement Program and it is to consider the FY2011-2012 through 2015-2016 Capital Improvement Program. It was duly advertised in the newspaper before tonight. And we do have the County

57

58

59

60 Department staff as well as the Finance staff, and Mr. Manager, Mr. Virgil
61 Hazelett is here to present the document to you for your consideration tonight.

62

63 Mr. Archer: Thank you Mr. Emerson.

64

65 Mr. Vanarsdall: Mr. Chairman I've been saying this for so many years,
66 and I want to say it one more year because I might get caught in the shuffle of
67 redistricting next year. It always reminds me of Who's Who in Henrico County
68 and with all y'all coming. We do appreciate y'all coming once a year to see how
69 we perform.

70

71 Mr. Archer: And we'll look forward to you saying that again next
72 year.

73

74 Mr. Branin: And if anyone wants to grade Mr. Vanarsdall, there's
75 a sheet in the back where you can put in a grade on how he's performing.

76

77 Mr. Archer: Mr. Hazelett, good evening sir.

78

79 Mr. Hazelett: Good evening Mr. Chairman, members of the
80 Planning Commission, Mrs. O'Bannon.

81

82 Tonight, I once again get the privilege of presenting to you the County's five-year
83 Capital Improvement Program and of course highlight the proposed Capital
84 Budget for the coming year.

85

86 As you are aware, the Capital Budget represents those projects that are
87 recommended for funding in the first year of the five-year CIP. In this uncertain
88 economic environment, reaching a balance between the County's many, many
89 infrastructure needs, and the careful stewardship of its fiscal resources continues
90 to be extremely difficult. Due to the economic reality, the majority of projects
91 submitted do not have a funding source and obviously are listed in red on the
92 summary sheets.

93

94 The General Obligation (G.O.) Bond projects are included in the proposed
95 Capital Budget for FY2011-12 and of course include projects in Education, Fire,
96 Public Library, and Recreation.

97

98 Again, this year, the Public Works projects that receive funding from State
99 Transportation funds that are known as Gas Tax are not included in the proposed
100 Capital Budget due to State budget shortfalls. The County's allocation of these
101 funds is unknown at this time. So once again, the prudent decision is to not
102 propose funding for road projects that are normally funded through our State Gas
103 Tax allocations.

104

105 The same holds true for State Lottery and State Construction funds for School
106 capital projects. In the event that the County does receive either Gas Tax
107 funding for road infrastructure or State Lottery or Construction funding for
108 Schools, the County will appropriate those funds through the budget amendment
109 process.

110
111 I would like to provide you with a very brief review of the County's economic
112 picture. Of course, there are several economic indicators that we are concerned
113 with and want to pay very close attention to, as they have had a significant
114 impact on our local revenues.

115
116 Jobs remain the most important economic indicator. While it may take several
117 years to attract the number of jobs that were lost over the past few years, there
118 have been some positive economic development announcements in the past few
119 months and that will generate new jobs in the County. Our sustained economic
120 recovery efforts are directly tied to these job creations.

121
122 Other indicators that we pay close attention to, of course, are local residential
123 foreclosures, which remain at elevated levels and directly impact the value of
124 residential and commercial real estate, which has declined significantly in the last
125 two years.

126
127 And, of course, we are extremely concerned about the status of the State Budget
128 – the decisions that are ultimately made by the General Assembly continue to be,
129 in essence, the "wild card" for us and every other locality. We cannot finish our
130 budget process until we know these numbers. At this point, the budgets of the
131 House and Senate are very different, and if recent history provides any guidance,
132 the final budget will not be approved until the final day of the General Assembly
133 session, which of course is scheduled this year for February 26th.

134
135 While I share with you our primary economic concerns, it gives me great
136 pleasure to share with you some of the positives that we're seeing in the local
137 economy. The past few years have been among the most difficult the County
138 has ever witnessed. Believe it or not, our Budget Director, Mr. Gene Walter,
139 sitting next to me here on my right, used to have a full head of hair when he took
140 the job. Not so now...we love to tease Gene because a lot of us are stressed as
141 we go through this budget process – but he's probably stressed the most
142 because he has to keep up with virtually every nickel, penny, and dime that he's
143 asked about.

144
145 The unemployment rate has decreased from 7.5% in February 2010 to the
146 current rate of 6.5% in December 2010 – a 1% decrease in the same year.
147 While this is good news, an unemployment rate at this level is still much higher
148 than the figure of 2.4%, which was seen April 2007. Again, all sustainable
149 recovery efforts are tied to job creation.

150

151 Sales tax collections have begun to rebound in fiscal year 2011 after three
152 consecutive fiscal years of reductions. I advised the Board of this on Tuesday
153 night. Indications are that we have had an increase of 6.0% through sales tax
154 collections in December—that is December 2010. As a matter of fact, December
155 collections were the largest single month of sales tax collections in the County's
156 history. I am very proud to say that Henrico continues to lead the region in sales
157 tax collections.

158
159 Another positive note is the growth in hotel/motel tax revenues, which are up
160 7.0% in the fiscal year through December.

161
162 Once again, that some of these elastic revenues are moving—there is activity in
163 the economy. These are all very good signs that the recovery is underway.

164
165 Despite the increases in the number of foreclosures in calendar year 2010, the
166 real estate market also seems to be stabilizing. I've had that conversation twice
167 today—just leaving one with the newspaper upstairs. While residential
168 reassessments declined again during the calendar year 2010, which of course
169 was January 1, of this year, the decline was just 1.5%, much less of a decrease
170 from the decline a year ago of 6.4%. I've reflected on the aspect of a reduction;
171 1.5% is still considered a positive though the aspect is not as much as the
172 previous year.

173
174 Also, on the bright, bright spot for many, we are beginning to see commercial real
175 estate transactions which had been virtually non-existent for several years.

176
177 Now that I have given you a quick review, and it was quick, of the continued
178 economic challenges that we face, I will move on to the topic of tonight's public
179 hearing which is the review of the five-year CIP (FY12 – FY16) Capital
180 Improvement Plan and of course the FY2011-12 Proposed Capital Budget.

181
182 As we look at the five-year CIP requests on these next few slides, we will
183 address some of them—most of them in some fashion...

184
185 \$6.2 million is for Customer Relationship Management projects which would
186 create a new combined work order management system and a Customer
187 Relationship Management call center for the County. Something that we
188 reviewed for a number of years—something that we just were not able to do in
189 reference to the economy in which were in.

190
191 You will also see \$361. million in Education projects. That's the total 5-year
192 request. It includes construction of a new high school, the East Area High
193 School, a new high school technical center as well as renovations, and
194 improvements and additions to other elementary and middle schools, athletic
195 facilities, parking lots, sidewalks, and even curb improvements. This is all along
196 with \$2.5 million dollars per year that is normally provided for roof replacements

197 and mechanical improvements to the ever-growing number of buildings within the
198 school system.

199
200 Fire's five-year request of \$73.8 million includes funding for new fire stations,
201 rebuilding/relocating fire stations, land purchases associated with, believe it or
202 not, 11 fire stations in the future. And of course continuation of
203 renovation/expansion of some of our fire stations.

204
205 Information Technology—something we must always be mindful of—that is very
206 critical to the day-to-day services of this County. The request is \$9.3 million over
207 five years. It includes a project, which addresses the on-going replacement of
208 the County-wide computer hardware and software systems. In addition, at this
209 point, IT has requested funding for a Network/Voice Over Internet Protocol
210 project to upgrade not only our data network but replace the County's telephone
211 system.

212
213 You will see the Juvenile Detention Home is requesting one project, \$5.5 million
214 to convert the current multi-purpose area into classrooms to accommodate
215 educational services to be offered at that facility.

216
217 Mental Health has requested \$913,000 over a two-year period for feasibility
218 studies associated with the possible expansion of the east facility and the west
219 facility.

220
221 Division of Police is requesting one project, a little over \$477,000, for the
222 renovation of an existing locker room space into a new Emergency Operations
223 Center (EOC) Training Room for Communications Officers. We've been very
224 fortunate in reference to our training aspects but we must not fall down in
225 reference to preparation for disasters in the future of this County.

226
227 The Library's request—\$85.8 million over five years— is funding for 2 new libraries,
228 replacement, renovations, and expansion, land purchases, and even funding for
229 library security cameras and equipment throughout the system.

230
231 You'll notice the Landfill request for \$1.4 million for one project at the Charles
232 City Road Landfill and two projects associated with the Springfield Road Landfill.

233
234 In this five year program, as always, you will note there is \$72.8 million requested
235 for 80 Drainage projects throughout Henrico County.

236
237 The Geographical Information System request of \$1.5 million over five years is to
238 fly the County on a routine basis—something that we must continue to do simply
239 because of the development processes in the County.

240

241 Road Projects, of course—always here, \$16.6 million include improvements to
242 alleviate traffic congestion and safety problems, even though, of course, there is
243 an issue with funding sources.

244
245 Recreation and Parks is requesting \$253.8 million for projects including
246 improvements to existing parks as well as development of new parks and
247 facilities to continue to improve the quality of life for all of the citizens of this
248 County.

249
250 Believe it or not, the Sheriff's Office has requested funding of \$42.8 million for
251 consideration of expansion of jail facilities in both our east and west locations.

252
253 The Registrar has submitted one project, half a million dollars, for electronic
254 polling books, which would replace the current paper polling books, something
255 that's going on across the state —something that quite frankly localities are being
256 forced into but it is a positive aspect for the citizens of the County.

257
258 The next slide will review the requests for the County's two Enterprise Funds. Of
259 course, you know them, the first, Public Utilities which is the Water and Sewer
260 Enterprise Fund and the Belmont Golf Course Enterprise Fund

261
262 Public Utilities requests total \$559.4 million and includes projects that
263 rehabilitate, expand, and modernize the County's water and sewer systems.
264 These requests, of course, are funded with revenues generated by the County's
265 Water & Sewer Fund.

266
267 The Belmont Golf Course request for \$2.5 million would provide funding for
268 improvement of the golf course itself.

269
270 In total, as you can see at the bottom of this slide, the requests amount to \$1.9
271 billion over a five-year period. And of course, of the total amount requested, due
272 to our funding constraints and economic conditions remaining, only the most
273 pressing needs are recommended for funding in the proposed Capital Budget.

274
275 And, as I noted earlier, projects that do not have an identified funding source are
276 listed as "no funding source".

277
278 Now let's turn to the proposed Capital Budget for the coming year:

279
280 In this budget of course, the numbers are of course, dramatically reduced—\$25.4
281 in Education which includes construction funding of \$5.1 million for the
282 renovation of Pinchbeck Elementary School (General Obligation Bond project)
283 and \$2.5 million dollars for roof and mechanical improvements for various
284 schools throughout the County. It is also important to note that funding of \$17.8
285 million has been designated for an Education Bond Project Reserve. This
286 funding was originally requested for projects that included partial efforts—that is

287 land, planning, partial renovation costs and so forth included in the \$220,000,000
288 Bond Referendum of 2005. Because these projects do not have full funding, the
289 prudent decision again is to proposed, putting these funds into a reserve fund for
290 future allocation when additional funding can be found.

291
292 Fire's funding of \$1,350,000 will allow for renovation and expansion of Fire
293 Station #13 due to the special activities that we are providing at that location.

294
295 General Services total allocation of \$539,000 funding for building maintenance
296 area safety improvements. The ongoing pavement rehabilitation projects and
297 card access system, which needs to be upgraded in this facility.

298
299 Information Technology's funding of \$1,500,000 will continue various information
300 technology hardware and software upgrades and of course as I mentioned, allow
301 for improvements to the County's data network as well as begin the replacement
302 of the County's telephone system.

303
304 Public Library's funding of \$6,000,000 through GO Bond efforts will allow for land
305 and planning costs associated with replacement of the Dumbarton Area Library.

306
307 Landfill revenues of \$1,450,000 will support three projects. As I mentioned, two
308 of which, of course are associated with the Springfield Road Landfill and involve
309 the design of site improvements at the public use drop off area and the
310 construction of a transfer station in the future. The third project involves design of
311 site improvements of similar aspects off of the Charles City Road Landfill. That is
312 the public use drop off area.

313
314 \$150,000 is recommended for continued enhancements of our GIS System—
315 Geographical Information System, which we must do on a routine basis.

316
317 There is also \$850,000 in funding going to Public Works, proposed, which will
318 allow for various improvements to the County road system.

319
320 Recreation's funding of \$3,311,000 million includes the development of Twin
321 Hickory Park a \$3 million General Obligation Bond project and various facility
322 rehab efforts around \$311,000.

323
324 \$100.8 million is proposed to be allocated for Public Utilities that is for the
325 expansion and the rehabilitation of the County's water and sewer system. This
326 will do various water and sewer projects, such as sewer line rehabilitation—
327 something that we don't often see—but is absolutely necessary to continue on a
328 routine basis. It will also provide assistance with connections, extensions,
329 preventative maintenance programs and so forth within the entire effort.

330
331 In addition, the remaining projects in this program area planned for the coming
332 year include—and the Board of Supervisors saw a portion of this at its Tuesday

333 meeting in the work session—the Cobbs Creek Reservoir in Cumberland County,
334 some improvements to the Lakeside to Strawberry Hill Sewer Pump Station,
335 Beverly Hills Area Water Rehabilitation, and the Ridge Water Pressure Zone. We
336 constantly look at our entire system and prioritize the necessary improvements
337 that we must make both in water and sewer. These particular types of efforts
338 come around because of our aging water and sewer system infrastructure. It is
339 not catastrophic in any way but we must stay ahead of it, which is the reason for
340 the proposed capital improvements as well as consideration of the rate increase.

341
342 For the 2nd year in a row the proposed capital budget again excludes: State
343 Lottery, State Construction, and State Transportation funds.

344
345 The slide that you see depicts the total proposed funding—the total proposed
346 funding of \$141.4 million and denotes the funding sources that are utilized for
347 these projects.

348
349 For Education \$22.9 million in General Obligation Bonds. For General
350 Government \$10.3 million in General Obligation Bonds.

351
352 From the General Fund—\$5 million and that includes capital projects
353 encompassing both General Government (\$2.5 million) and Education (\$2.5
354 million). That is for the ongoing roof, HVAC replacement, pavement rehabilitation
355 and so forth.

356
357 There is also \$850,000, which is provided from the motor vehicle license fees
358 collected in the General Fund and to go to Public Works, in reference to the
359 efforts that will be undertaken in road improvements.

360
361 And you see the Landfill revenue generated by the landfill of \$1.45 million dollars.
362 Obviously, the largest amount, the Enterprise Fund-Water and Sewer, which
363 represents \$100.8 million, which of course will be generated by the customers of
364 the water and sewer system.

365
366 In summary, the Proposed Capital Budget includes, of course:

367
368 Those GO Bond funded projects
369 Maintenance projects for both Schools and General Government
370 Projects to improve the County Landfill
371 Water and Sewer projects

372 And of course, while I say it time and time again, I need to make absolutely sure
373 that, It is understood, no Road projects are included because of no State
374 Gasoline Tax at this point and time.

375
376 There are still a number of unknowns in regard to the economy. We are very
377 positive in reference to what we see occurring, but we are not out of the woods at
378 this point and time.

379

380 Uncertainty with the State Budget and the final impacts on localities is very
381 difficult at this point and time.

382

383 And of course there is a question we continue to ask. At what pace will the local
384 economy recover? How strong will that recovery be? I post that on a continuing
385 basis it will not be like it was four and five years ago. The increases in revenue
386 will not occur like we have seen in the past unless in essence, we change the
387 way in which we do business to provide services to this community.

388

389 Mr. Chairman, members of the Planning Commission, that is the presentation
390 this evening. We would be more than happy to answer questions. I would also
391 note to you, that if you wish, I have selected slides and some discussion that I
392 can provide you in reference to the completed Capital Projects, which came
393 about with our Bond Referendum up until this point and time.

394

395 Mr. Hazelett - Any questions you have we would be happy to
396 answer or I can continue to show you slides in reference to completed projects.

397

398 Mr. Archer - Mr. Manager, thank you so much. I did have a couple
399 of questions—one of them I think you answered. I was looking through your plan
400 that we've gotten and I noticed that several times you mentioned things such as
401 the Strawberry Hill Basin sewer rehab. I was going to ask is that in response to
402 some occurrence or is that something we just have to contend with in the future
403 for now. I think it was mentioned last year.

404

405 Mr. Hazelett - It will continue to be listed and mentioned until the
406 project gets actively underway. Mr. Petrini is always dying to answer a question.
407 I'll be more than happy to bring him forward to explain that in a brief aspect—Mr.
408 Petrini.

409

410 Mr. Hazelett - Okay—almost. Bill Mawyer is here this evening.

411

412 Mr. Archer - Good evening, Mr. Mawyer.

413

414 Mr. Mawyer - Good evening. Thank you. Bill Mawyer, Mr. Petrini is
415 out of town.

416

417 Mr. Mawyer - But the Strawberry Hill Area sewer rehab projects that
418 we work on are in the Monument Avenue area and they are in response to
419 basically our ongoing sewer rehab program where we monitor the system, the
420 age, and any issues that we have with the pipes. We put a camera in routinely
421 and take a look at the inside of the pipes. We have a smoke testing program
422 where we fill the pipes with smoke and that helps us see any leaks that might
423 occur in the pipes. As well, we can put monitors in the sewer manholes when it

424 rains and see how much infiltration we have. So, basically, these are ongoing
425 projects that we have in our sewer rehabilitation program.

426

427 Mr. Archer - Okay. But we have not had any occurrence that
428 caused you to be shocked or alarmed.

429

430 Mr. Mawyer - Not in several years. A few years ago we had some
431 overflows down at the Morningside Drive Area. And we completed a pipe
432 replacement project and enlarged the pipes in that area. That's a major
433 transmission area that comes from our Gambles Mill Sewer Pump Station on its
434 way to Strawberry Hill Pump Station at Vawter Avenue Road and that passes
435 through that neighborhood. And we completed a pipe replacement project
436 several years ago, and enlarged that pipe, and we monitored and we have not
437 had any overflows in that area for quite awhile.

438

439 Mr. Archer - Thank you so much sir.

440

441 Mr. Vanarsdall - Bill, I got your notice about the new meter. I think
442 that's going to be an improvement.

443

444 Mr. Mawyer - The new automated meter reader. Yes. You have
445 one at your house now?

446

447 Mr. Vanarsdall - What?

448

449 Mr. Mawyer - Do you have one at your house now?

450

451 Mr. Vanarsdall - No, I got the notice that it's coming.

452

453 Mr. Mawyer - Oh, okay you got your notice. Okay, right, right.
454 Good, that's it's coming. It's a radio system, and we can drive by and pick up the
455 radio reception and it gives us the readings.

456

457 Mr. Vanarsdall - Whoever made up that notice really explained it so
458 that you could easily understand it.

459

460 Mr. Mawyer - Oh—good, good. Yes. Thank you very much.
461 We really hope to have that fully operational probably by Fall. We're finishing up
462 the last 20,000 meters, 90,000 total meters. All the meters in the County we will
463 have replaced over the last three years.

464

465 Mr. Mawyer - Thank you.

466

467 Mr. Archer - Thank you sir.

468

469 Mr. Archer - Does anybody else have questions for the Manager?

470
471 Mr. Vanarsdall - I have a question. First of all I'm glad to see that
472 you're getting closer to the library for Dumbarton because it's needed. I've had
473 people from time to time ask what are you going to do with the existing building.
474 I'm sure you don't have an answer for that but—
475
476 Mr. Hazelett - We actually don't, Mr. Vanarsdall. At this point, we
477 are working on a different location, which means the building would be surplus.
478 We are trying to negotiate for a potential use for the future. I'm not sure that's
479 going to happen.
480
481 Mr. Vanarsdall - Because I guess you would have to take bids on the
482 building, if someone does want to buy it from the County?
483
484 Mr. Hazelett - Yes. Right now we are looking for negotiations in
485 reference to the new site and some efforts. But yes, that's what we would do
486 because the building would be surplus.
487
488 Mr. Vanarsdall - I have a question and this may be being done now
489 because we may be doing this right now. Before we went to the computers we
490 talked about when they'd go out and appraise at appraisal time. The appraiser
491 would find a building or a deck or something. There was a time before we went
492 on computers that we would be able to search and see if the person got a permit.
493 Then we could send them a bill. That hasn't come about since we got them?
494
495 Mr. Hazelett - No it has not Mr. Vanarsdall. And I don't know that it
496 would. It's a possibility. The point being I don't think that most of our citizens are
497 trying to avoid a building permit. There may be reasons, of course, depending
498 upon what is done, we would consider that on a case by case basis.
499
500 Mr. Vanarsdall - I was thinking that it would bring more income.
501
502 Mr. Hazelett - It could sir, but again it would be taken on a case by
503 case basis. You may find that the building permit wasn't issued for a particular
504 expansion of the house, and the house has then been sold and someone else
505 has bought it. And the natural question says you can be charged.
506
507 Mr. Vanarsdall - The building is not big enough to warrant it. Just
508 scrambling for some income.
509
510 Mr. Hazelett - You and I both, sir.
511
512 Mr. Archer - Mr. Hazelett I know that this will probably be
513 proportionally small, but have you been able to quantify the difference in our
514 revenue since we became Henrico instead of Richmond.
515

516 Mr. Hazelett - Yes sir. We can quantify that to be about \$8.0 million
517 dollars on an annual basis at this point and time.
518
519 Mr. Archer - Even with the economic downturn, which it would
520 probably be better if the economy wasn't down.
521
522 Mr. Hazelett - We document that and we are very, very careful to
523 ensure that we are proper in reference to that figure—and I'm comfortable with
524 that figure.
525
526 Mr. Vanarsdall - That puts a hurting on Richmond didn't it?
527
528 Mr. Hazelett - Yes, sir. In reference to—to show you, sales tax was
529 down 7% in the City of Richmond during December when ours was up.
530
531 Mr. Vanarsdall - Chesterfield wants to start it.
532
533 Mr. Hazelett - Chesterfield does. There are some issues in
534 reference to Chesterfield and how they're going to handle that. I'm not sure what
535 they will do in the end. But yes, they are proposing that.
536
537 Mr. Archer - We've not had any problems, to your knowledge, that
538 you are aware of? Have we?
539
540 Mr. Hazelett - None that I'm aware of. Mr. Fergus, have we had any
541 problems?
542
543 Mr. Fergus - No.
544
545 Mr. Hazelett - It's a choice in reference to address. The Post Office
546 has worked with us tremendously since it's been implemented. And I think it's
547 been very, very positive.
548
549 Mr. Archer - I've started leaning that way until I pretty much did it.
550 But except for all free address labels that we get which still have Richmond on it.
551
552 Mr. Hazelett - And we will get those and the income there too.
553
554 Mr. Archer - All right, any further questions?
555
556 Mr. Vanarsdall - One more question on the E-polls is that going to
557 reduce the number of people?
558
559 Mr. Hazelett - Yes sir, it has the potential for reducing the number of
560 poll workers when we go to the electronic poll books. Yes sir.
561

562 Mr. Vanarsdall - It's going to be used for absentee vote too?
563

564 Mr. Hazelett - We're trying to address a request to look in the
565 operating budget. This will simply be a tally of the voting at the precincts. And
566 the way in which of course, people are registered and how fast we can move
567 them through the lines.
568

569 Mr. Branin - Mr. Manager, in the past I usually come in with a
570 bunch of questions and concerns about the Three Chopt District countywide.
571 This year though, and it happened to me again today. I would like to take the
572 time to complement yourself, and all the men and women in the room tonight that
573 make the County what it is. I have had an opportunity over the past year to
574 spend time with a county official from Prince William County. Every time we get
575 together he has a list of questions on how Henrico operates versus Prince
576 William County and every time we discuss it, he shakes his head and goes back
577 and raises cane in Prince William County, and says "I can't believe you guys are
578 that well run." Today, I had someone in my office that had participated in a
579 project in Henrico County and said "you guys are amazing. And I said what do
580 you mean? He said "I deal with Stafford County, I've dealt with Culpepper
581 County" and he was naming Caroline County, all the Counties north of us. "This
582 has been my first experience in dealing with Henrico and in every aspect in what
583 we were involved in you guys were on top of things. Anything we needed we got
584 information we got back decisions we got back quickly. You guys are the most
585 efficient machine that we've ever worked with." So, instead of questioning a lot
586 of stuff this evening, I'm just going to compliment everyone in the room for
587 making Henrico what it is.
588

589 Mr. Hazelett - Mr. Branin I will simply say on behalf of all these
590 individuals behind me, we sincerely appreciate that comment. It's the
591 environment we work in. It is the dedication of all these men and women back
592 here to do it the right way, in the most efficient way. And quite frankly over the
593 years this has worked. I'm very, very proud of them and this county.
594

595 Mr. Vanarsdall - Well they say a good scout troop has a good scout
596 master.
597

598 Mr. Hazelett - Thank you, Mr. Vanarsdall.
599

600 Mr. Archer - All right any further questions? Ms. Jones, you look
601 like you had some.
602

603 Mrs. Jones - I'm looking forward to the other slides.
604

605 Mr. Archer - Mr. Manager, thanks for coming and giving us your
606 usual brilliant performance, and I'd like to also echo what Mr. Branin said—
607

608 Mrs. Jones - He has a few more slides.
609
610 Mr. Archer - Oh, you do have some more slides?
611
612 Mr. Hazelett - I do have some on completed projects, if you would
613 like to see them.
614
615 Mr. Archer - Go right ahead sir.
616
617 Mr. Hazelett - These are some of the completed projects in
618 reference to the 2005 Bond Referendum remember we are doing this over a total
619 seven year period. And, of course these are completed projects.
620
621 You will of course see RF&P Park Stadium, which has received national
622 recognition. This is \$3.0 million of General Obligation funding. It actually opened
623 in 2007, and has put the County of Henrico on the map in reference to the youth
624 across the nation and of course, serves as a location for a number of
625 tournaments.
626
627 This particular project, the Henrico Theatre, I think most of you, if not all of you
628 have been in. It was a Bond Referendum project, \$3.0 million. But, I have to tell
629 you it was a lot more than \$3.0 million dollars when it was over with. The Bond
630 Referendum commitment by the citizens was \$3.0 million. You will recall this was
631 originally opened in 1938. You will see on the slides here, the old and the new.
632 It was completed in 2007. A lot of it is original as far as the pieces in there. And
633 of course we made it as accurate as possible in reference to what was there in
634 1938. Again, a jewel for Henrico County.
635
636 The Glen Allen Branch Library project, a \$9.7 million dollar project. This project
637 came in under estimate and under bid. It was a fantastic project for the
638 renovation. It has a courtyard, 40 additional public computers, new meeting
639 rooms and study rooms. Completed in October 2010, the reception by the
640 community was phenomenal on the evening that it opened.
641 Some of the school projects:
642
643 Of course, you see Elko Middle School, \$19.0 million was provided for this
644 project. The total cost of the project, this was being constructed when most costs
645 were actually going up, \$22.8 million. \$3.8 million had to be provided. This
646 project was completed in 2007.
647
648 And of course, beside that the Harvie Elementary School project, \$15 million
649 dollars in General Obligation bonds committed to in 2005. The overall cost was
650 \$18.1 million. We opened that in August.
651
652 In addition, of course we have provided renovations to the **Henrico** High School
653 Cafeteria and Classroom Additions, \$3.5 million, completed in 2007.

654

655 The Varina High School Cafeteria and Classroom Additions, \$3.0 million,
656 completed just last year, 2010.

657

658 Fairfield Middle School - a very tough project because it was a renovation of an
659 existing facility. It started out at \$3.6 million in General Obligation Bonds, total
660 project cost \$22.1 million. And again, we had to find the revenue. Completed in
661 2010.

662

663 Moving to the West End part of the County:

664

665 Holman Middle School off of Nuckols Road - \$22.2 million in General Obligation
666 Bonds. Total cost of this project \$32.0 million dollars. Again, we had to find the
667 revenue sources for this. This was also completed in 2010.

668

669 Glen Allen High School of course, which is on Staples Mill Road - \$59.0 million in
670 General Obligation Bonds. Total cost \$73.4 million. Again, completed in 2010.

671

672 The Eastern Henrico Recreation Center project, which is currently underway. A
673 lot of people in Eastern Henrico County are very excited about this project. \$9.0
674 million in General Obligation Bond funding. The projected total cost, \$14.4
675 million. The 25,000 square feet facility we anticipate opening in September of this
676 year. The project is going very, very well. A lot of excitement about this one.

677

678 Johnson Elementary School Renovations - \$5.6 million in GO Bonds. Estimated
679 total cost is \$5.9 million. Anticipated completion is 2011, this year.

680

681 Adjacent to that, Mehfoud Elementary School 12 Classroom Addition \$4.7 million
682 provided in General Obligation Bond funding. Total cost of the project, \$8.3
683 million. The Board of Supervisors provided additional funding through the Virginia
684 Public School Authority bonds in order to complete a number of these projects
685 and this is also one of them. This is in the design phase so we don't have a
686 completion date for this particular project.

687

688 Moving back to the Western portion:

689

690 Pinchbeck Elementary - You've heard me mention that as part of the project
691 presentation in the Capital Budget. \$5.8 million, in the design phase.

692

693 Varina High School - \$21.2 million of GO bonds again. Total cost projected at
694 \$28.0 million. We will use some of the bond reserve that we have been watching
695 and some of the land reserve that we have been watching. This is actually under
696 construction and anticipated to be completed in 2012.

697

698 Varina Elementary School 12 Classroom Addition - \$4.7 million in GO Bonds.
699 Total project cost, \$7.8 million. Again, this is one of the projects that will be
700 directly allocated through VPSA, \$3.1 million. That will be finished this year.
701

702 Brookland Middle School Renovation \$12.8 million in GO funding. The projected
703 total cost = \$27 million. We are looking at various aspects on how to fund this
704 and I am comfortable that we will come up with these funds with residuals from
705 other projects that have been completed and some of reserves that are available.
706

707 The West Area Elementary School #9 - you can see here in both pictures, you
708 can see how it sits on the property on one side and of course, the schematic
709 which is adjacent to it. \$15.9 million provided with GO Bond funding. Total
710 project cost projected at this point and time is \$24.7 million. Again, because of
711 the construction costs that we are seeing and anticipated costs, funding is
712 provided through the Virginia Public Schools Authority (VPSA issue) that has
713 been approved by the Board. We do anticipate that this project will be completed
714 in 2013.
715

716 A lot of activity over the last few years even in this economic downturn. Yes, we
717 did hesitate one year, yes we did hold tight one year because of the debt
718 services and obligations. But Henrico County continues to move forward within
719 the Bond Referendum that the voters of this County approved. And I think that
720 you can see from those in the presentation, we continue to do very, very well in
721 reference to providing the services that the citizens of this county expect.
722

723 With that Mr. Chairman, we thank you very, very much.
724

725 Mr. Archer - Thank you again Mr. Manager and my compliments to
726 you and your fine staff.
727

728 Mr. Archer - I am reminded that this is a public hearing and
729 therefore open to questions. We open the hearing to those of you from the public
730 that may have a question.
731

732 Mr. Archer - Looks like everybody works here.
733

734 Mr. Branin - Well, I have one that I can ask you real quick, and you
735 may not be able to answer. The Twin Hickory Park started engineering design in
736 July I believe of this year—the money has been funded for. Is there a target
737 completion date?
738

739 Mr. Hazelett - Twin Hickory Park, let's see that would be...Louise, I
740 was looking for you...I knew Karen wasn't here.
741

742 Ms. Evans - That has been estimated as a 12-month project at this
743 time. Because we know we will have a lot of citizen input for the project so...

744
745 Mr. Branin - So July 2011 you're looking at sometime--
746
747 Ms. Evans - It will begin July 2011 and they'll complete it before
748 July 30, 2012.
749
750 Mr. Branin - Thank you.
751
752 Mr. Archer - Other questions? Okay.
753
754 Mr. Archer - Commission members you have in front of you a
755 Resolution which I'm assuming we have to pass along.
756
757 Mr. Emerson - Yes, Mr. Chairman I would request the Commission
758 consider the resolution that you have in front of you, which is:
759

760 **RESOLUTION**
761 **PCR -1-11**
762 **HENRICO COUNTY PLANNING COMMISSION**
763 **CAPITAL IMPROVEMENTS PROGRAM, FY 2011-12 THROUGH FY 2015-16**
764

765 And it reads as follows:
766

767 **WHEREAS**, in accordance with §15.2-2239 of the Code of Virginia, the County
768 Manager requested the Planning Commission to review and make
769 recommendations concerning the Capital Budget for fiscal year 2011-12 and the
770 Capital Improvements Program for fiscal years 2011-12 through 2015-16 to the
771 Board of Supervisors; and
772

773 **WHEREAS**, the Planning Commission has completed its review of the Capital
774 Budget and the five year Capital Improvements Program.
775

776 **NOW, THEREFORE, BE IT RESOLVED**, that the Henrico County Planning
777 Commission finds that the Capital Budget for fiscal years 2011-12 and the
778 Capital Improvements Program for fiscal years 2011-12 through 2015-16 are
779 generally consistent with the County's Comprehensive Plan and recommends
780 their approval.
781

782 Mr. Vanarsdall - I move that we recommend approval.
783

784 Mr. Jernigan - Second.
785

786 Mr. Archer - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan.
787 All in favor of the motion say aye. All opposed say no. The ayes have it. The
788 motion carries.
789

789 Mrs. O'Bannon - And I abstain. That's all. Thank you.
790

791 Mr. Archer - Thank you.

792

793 Mr. Archer - With that done, I guess this concludes the CIP
794 Program for this evening. Mr. Manager, once again, thank you and your fine staff
795 for coming.

796

797 Mr. Archer - We'll adjourn until 7:00 o'clock.

798

799 **[Meeting recesses and reconvenes in the Board Room for the public**
800 **hearing.]**

801

802 Minutes of the regular monthly meeting of the Planning Commission of the
803 County of Henrico held in the County Administration Building in the Government
804 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
805 February 10, 2011. Display Notice having been published in the Richmond
806 Times-Dispatch on January 24, 2011 and January 31, 2011.

807

Members Present: Mr. C. W. Archer, Chairman C.P.C., (Fairfield)
Mr. Tommy Branin, Vice Chairman, (Three Chopt)
Mr. E. Ray Jemigan, C.P.C., (Varina)
Mrs. Bonnie-Leigh Jones, (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C., Chairman (Brookland)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mrs. Patricia O'Bannon, Board of Supervisors' Representative

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Benjamin Sehl, County Planner
Ms. Lisa Taylor, County Planner
Mr. Livingston Lewis, County Planner
Mr. Roy Props, County Planner
Mr. Mike Jennings, Traffic Engineer, Public Works
Ms. Kim Vann, Henrico Police
Ms. Sylvia Ray, Recording Secretary

808 **Mrs. Patricia O'Bannon, the Board of Supervisors' representative, abstains**
809 **on all cases unless otherwise noted.**

810

811 **THE PLANNING COMMISSION RECONVENED AT 7:03 P.M.**

812

813 Mr. Archer - The meeting will come to order. Good evening
814 everyone. Welcome to the February 10, 2011 Planning Commission Meeting. We
815 will begin by standing and pledging Allegiance to the Flag.

816

817 Is there anyone present from the news media? I don't believe so.

818

819 With that I will turn the meeting over to our Secretary, Mr. Joe Emerson.
820
821 Mr. Emerson - Thank you, Mr. Chairman. I will note that the
822 Commission did meet at 5:30 for a work session to be updated on the Planning
823 Commission internal website or portal. And also you did hold a public hearing
824 tonight that began at 6 p.m. on the County's CIP Program. With that, Mr.
825 Chairman, the first item on your agenda are the Requests for Withdrawals and
826 Deferrals. Those will be presented by Mr. Jim Strauss.
827
828 Mr. Archer - Good evening, Mr. Strauss.
829
830 Mr. Strauss - Good evening, members of the Commission. Staff is
831 aware of four deferrals this evening. The first one is in the Brookland District on
832 page two of the agenda. This is a request to amend proffered conditions
833 accepted with rezoning case C-30C-96. The applicant is requesting a deferral to
834 the February 9, 2012 meeting.
835
836 *(Deferred from the December 9, 2010 Meeting)*
837 **C-20C-10** **Revarado C. Pretlow for Thelma W. Pretlow:**
838 Request to amend proffered conditions accepted with Rezoning Case C-30C-96,
839 on Parcel 758-770-0117, -0207, 758-769-0297, -0186, 757-769-9875, -9665,
840 -9453, -8161, -7468, -7275, -7998, -5690, -3698 located at the intersection of
841 Springfield Road (State Route 157) and Echo Lake Drive. The applicant
842 proposes to amend Proffer 4 related to the number of single-family homes
843 developed on the property in order to allow one additional dwelling unit. The
844 existing zoning is R-3C One-Family Residence (Conditional). The Land Use Plan
845 recommends Suburban Residential 2, density should not exceed 3.4 units per
846 acre.
847
848 Mr. Archer - Is there anyone here who is opposed to this deferral?
849
850 Ms. O'Bannon - C-20C? I think you said C-30C.
851
852 Mr. Strauss - C-20C; I'm sorry for that error.
853
854 Mr. Archer - I don't see any opposition, Mr. Vanarsdall.
855
856 Mr. Vanarsdall - I move that C-20C-10, Revarado C. Pretlow for Thelma
857 W. Pretlow, be deferred until February 9, 2012, at the applicant's request.
858
859 Mr. Jemigan - Second.
860
861 Mr. Archer - Motion by Mr. Vanarsdall, second by Mr. Jernigan. All
862 in favor say aye. All opposed say no. The ayes have it; the motion passes.
863

864 At the request of the applicant, the Planning Commission deferred C-20C-10,
865 Revardo C. Pretlow for Thelma W. Pretlow to its meeting on February 12, 2012.

866

867 Mr. Strauss - The next deferral request is on page two of the
868 agenda and is also in the Brookland District. This is C-21C-10, Old Glen Allen
869 Properties. Staff is aware of a change in the request. The applicant is requesting
870 a deferral to the March 10, 2011 meeting.

871

872 **(Deferred from the January 13, 2011 Meeting)**

873 **C-21C-10**

Fred S. Kirby for Old Glen Allen Properties, LLC:

874 Request to conditionally rezone from R-2A One-Family Residence District to B-
875 1C Business District (Conditional), Parcel 770-767-3587 containing
876 approximately 1.83 acres located along the north line of Mountain Road
877 approximately 150' west of its intersection with John Cussons Drive. The
878 applicant proposes retail and office uses. The uses will be controlled by zoning
879 ordinance regulations and proffered conditions. The Land Use Plan recommends
880 Suburban Residential 1, density should not exceed 2.4 units per acre.

881

882 Mr. Archer - Anyone here who is opposed to the deferment of C-
883 21C-10, Fred S. Kirby for Old Glen Allen Properties, LLC?

884

885 Mr. Vanarsdall - I move that C-21C-10, Fred S. Kirby for Old Glen
886 Allen Properties, LLC, be deferred to March 10, 2011, at the applicant's request.

887

888 Mr. Jernigan - Second.

889

890 Mrs. O'Bannon - It says April 12th on our sheet.

891

892 Mr. Emerson - We do have a correction on that. The applicant has
893 changed that as noted by Mr. Strauss to March 10th.

894

895 Mrs. O'Bannon - Okay.

896

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

899

900 At the request of the applicant, the Planning Commission deferred C-21C-10,
901 Fred S. Kirby for Old Glen Allen Properties, LLC, to its meeting on March 10,
902 2011.

903

904 Mr. Strauss - Continuing with the deferrals, the next deferral is in
905 the Varina District on page three of the agenda. That's case C-1C-11, Godsey
906 Properties. This is a request to conditionally rezone from M-1 Light Industrial
907 District to RTHC Residential Townhouse District. The applicant is requesting a
908 deferral to the April 14, 2011 meeting.

909

910 **C-1C-11 Bay Design Group for Godsey Properties, Inc.:**
911 Request to conditionally rezone from M-1 Light Industrial District to RTHC
912 Residential Townhouse District (Conditional) part of Parcel 817-721-5981
913 containing approximately 60.7 acres, located on the north line of Oakleys Lane
914 approximately 300' west of its intersection with S. Holly Avenue. The applicant
915 proposes a residential townhouse development of no more than 135 homes. The
916 use will be controlled by zoning ordinance regulations and proffered conditions.
917 The Land Use Plan recommends Planned Industry, Environmental Protection
918 Area, and Suburban Residential 2, density should not exceed 3.4 units per acre.
919 The site is in the Airport Safety Overlay District.

920
921 Mr. Archer - Is there any opposition to the deferment of C-1C-11,
922 Bay Design Group for Godsey Properties, Incorporated?

923
924 Mr. Jernigan - Mr. Chairman, with that I move for deferral of case C-
925 1C-11, Bay Design Group for Godsey Properties, Incorporated, to April 14, 2011,
926 by request of the applicant.

927
928 Mr. Vanarsdall - Second.

929
930 Mr. Archer - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
931 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

932
933 At the request of the applicant, the Planning Commission deferred C-1C-11, Bay
934 Design Group for Godsey Properties, Incorporated, to it's meeting on April 14,
935 2011.

936
937 Mr. Strauss - The last request for deferral that staff is aware of is on
938 page three of the agenda, C-3C-11, Mr. Jernigan. The request to conditionally
939 rezone from R-4 One-Family Residence District to B-3C Business District. The
940 applicant is requesting a deferral to the March 10, 2011 meeting.

941
942 **C-3C-11 Alvin S. Mistr, Jr. for Eugene Ray Jernigan:** Request to
943 conditionally rezone from R-4 One-Family Residence District to B-3C Business
944 District (Conditional) Parcels 815-714-1027, -0737, and -1837 containing .8
945 acres, located at the northeast corner of Williamsburg Road (US Route 60) and
946 Leonard Avenue. The applicant proposes retail or office uses. The uses will be
947 controlled by zoning ordinance regulations and proffered conditions. The Land
948 Use Plan recommends Commercial Concentration and Suburban Residential 2,
949 density should not exceed 3.4 units per acre. The site is in the Airport Safety
950 Overlay District.

951
952 Mr. Archer - Is there anyone present who is opposed to this
953 deferral?

954

955 Mr. Vanarsdall - I move that C-3C-11, Alvin S. Mistr, Jr. for Eugene Ray
956 Jernigan, be deferred to March 10, 2011, at the applicant's request.

957

958 Mrs. Jones - Second.

959

960 Mr. Archer - Motion by Mr. Vanarsdall, seconded by Mrs. Jones.
961 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

962

963 Mr. Jernigan - Mr. Chairman, I abstain.

964

965 Mr. Archer - Let the record note that Mr. Jernigan abstained from
966 the vote.

967

968 At the request of the applicant, the Planning Commission deferred C-3C-11, Alvin
969 S. Mistr, Jr. for Eugene Ray Jernigan, to its meeting on March 10, 2011.

970

971 Mr. Strauss - That completes the deferrals staff is aware of.

972

973 Mr. Archer - Thank you, Mr. Strauss.

974

975 Mr. Emerson - Mr. Chairman, if there are no requests for further
976 deferrals from the Commission, the next item would be requests for expedited
977 items, which there are none this evening. That takes us to cases to be heard.

978

979 **P-4-11 Gloria L. Freye for Richmond MHz, LLC: Request**
980 **for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of**
981 **Chapter 24 of the County Code in order to construct a 158' telecommunications**
982 **tower and related equipment on part of Parcel 799-733-1982, located**
983 **approximately 390' south of the intersection of Dill Road and Vawter Avenue.**
984 **The existing zoning is M-2 General Industrial District. The Land Use Plan**
985 **recommends Suburban Residential 2, density should not exceed 3.4 units per**
986 **acre, and Environmental Protection Area.**

987

988 Mr. Archer - Good evening, Mr. Props.

989

990 Mr. Props - Good evening.

991

992 Mr. Archer - Before we start, is there anyone here who is opposed
993 to P-4-11, Gloria L. Freye for Richmond MHz, LLC? We do have opposition.

994

995 Mr. Props - Mr. Chairman, members of the Commission,
996 Richmond MHz, LLC is requesting approval of a Provisional Use Permit to
997 construct a 158-foot-high flush-mounted telecommunications tower and install
998 related ground equipment on property zoned M-2. The site is located at the
999 corner of Barrington and Dill Roads on property used by the Trinity Baptist
1000 Church Community Center. The area is surrounded by a mixture of residential,

1001 semi-public, and conservation uses. The City of Richmond corporate boundary
1002 and the C & O Railroad forms the western boundary.

1003
1004 The 2026 Comprehensive Plan recommends the site for Suburban Residential 2
1005 and Environmental Protection Area. Goals and policies of the Plan are supported
1006 through the use of flush-mounted antennas and the screening of visible ground
1007 equipment from public view.

1008
1009 A balloon test was conducted and a community meeting was held. Several
1010 residents expressed concern with the tower's location and visibility. Conditions
1011 #8, #11, and #13 have been included to address these concerns and mitigate the
1012 visual appearance of the antennas, and the ground equipment area.

1013
1014 In accordance with Federal Communication Commission guidelines, the site
1015 would broadcast at a very low frequency and generate little vehicular traffic. At a
1016 proposed height of 158 feet, obstruction marking and lighting is not anticipated;
1017 however, Condition #3 has been included should the Federal Aviation
1018 Administration require these additions. The tower would meet all setback and
1019 height distance percentage requirements. The closest county residential dwelling
1020 is over 490 feet away.

1021
1022 In summary, the proposed tower would expand and improve area network
1023 coverage. The tower's location and height would assist in mitigating visual
1024 impacts and the conditioned flush-mounted antennas, fencing and landscaping
1025 would increase consistency with the 2026 Comprehensive Plan and improve the
1026 overall visual appearance on the surrounding area. For these reasons, staff could
1027 support this request contingent upon revised plan sheets and conditions, dated
1028 February 9, 2011, and distributed this evening.

1029
1030 This concludes my presentation and I would be happy to answer any questions.

1031
1032 Mr. Archer - Thank you so much. Are there questions from the
1033 Commission for Mr. Props?

1034
1035 Mr. Jernigan - Mr. Props, if you didn't have a PUP, what size tower
1036 could you put up by right?

1037
1038 Mr. Props - M-2 zoning would permit a 100-foot-high tower by
1039 right.

1040
1041 Mr. Archer - Anything further? Thank you, sir. I'll need to hear
1042 from the applicant.

1043
1044 Ms. Freye - Good evening Mr. Chairman, members of the
1045 Commission. My name is Gloria Freye. I'm an attorney from McGuire Woods
1046 here representing nTelos. Also here for nTelos is Mark Cornell. And we also

1047 have a representative from the Trinity Baptist Community Center is here as well
1048 this evening.

1049
1050 nTelos has applied for the Provisional Use Permit to provide better wireless
1051 coverage to the neighborhoods around Dill Road. Here are propagation maps
1052 that show that we have very poor coverage in the yellow area, which is this area
1053 right here. This is Dill Road. This area right here is yellow, which means that you
1054 get basically in-car coverage and outside coverage.

1055
1056 Mr. Archer - Pardon me. Ms. Freye. I'm sorry I didn't ask this. We
1057 do have opposition. Would you like to reserve some time for rebuttal?

1058
1059 Ms. Freye - I don't think so. I think I can address the comments—
1060 well, I'll reserve one minute.

1061
1062 Mr. Archer - So noted. Thank you.

1063
1064 Ms. Freye - The next coverage map shows that the area here that
1065 was yellow before now turns to green. That actually gives you the in-building
1066 coverage, in-home coverage, and reliable service.

1067
1068 Getting better wireless service into people's houses is difficult because you have
1069 to get the antennas close to where people live. It's difficult to come up with a
1070 design and height that will have the least impact but still accomplish the service.
1071 Trinity Baptist Community Center is a very good site for solving these problems
1072 and it was selected for several reasons. One, the property is over twelve acres.
1073 It's the only large parcel in this residential area that would allow the pole to be
1074 placed as far away as possible from the homes. And it has a stand of trees on
1075 about two or three sides that will help screen the pole depending on where you're
1076 viewing it from.

1077
1078 The property is zoned M-2, which permits a 100-foot lattice tower by right without
1079 conditions. That could potentially look like that. nTelos, however, needs a 150-
1080 foot height to cover the gap in service and to get the signals into homes. So they
1081 do need a Provisional Use Permit. And that additional 50 feet would allow them
1082 to have co-location for three other carriers, which would help avoid another pole
1083 in the area. Having a Provisional Use Permit also allows conditions to be placed
1084 on the facility that provide better protections for the neighborhood, such as
1085 screening, landscaping, low-profile design of a monopole, and flush-mounted
1086 antennas. The picture you see before you is what nTelos is actually proposing at
1087 this site.

1088
1089 On January 25th, nTelos did float a large red balloon so that people could see a
1090 perspective of the height visibility from their homes. Photos were taken and
1091 computer-generated photograph simulations were done. This plat shows the five
1092 different areas where the views were taken; the star shows the site. The most

1093 visible views are across the parking lot. This is from Dill Road looking across the
1094 parking lot to the site. This is the most visible view that you have from the road.
1095 The views from the homes, however, are more obstructed views. This is from
1096 Pemberton Avenue and Glenthorne Road. The pole is right there above the tree.
1097 The next one is from Vawter Avenue and Waverly Boulevard. Again, it's partially
1098 obstructed. You have trees here. This view is no more obtrusive than the
1099 telephone poles and the wires that you see in the foreground. The last view is
1100 from Dill Road and Austin Avenue where the pole is here. It is visible through the
1101 trees during the wintertime when the leaves are off. But during the summer, that
1102 will be pretty much obstructed.

1103
1104 You've already seen the site plan to see the access in and the distance from the
1105 property lines. The next slide is the low profile with the flush-mounted antennas
1106 that is being proposed. We did have the community meeting. Thirty-one notices
1107 were sent and we did have three people attend. Out of the three residents that
1108 attended, from the photo simulations that we did, it appears that one would see
1109 the pole above the tree canopy and the other two gentlemen would see it through
1110 the trees in the wintertime. One gentleman did ask about health effects. Cellular
1111 antennas do send and receive signals and they do have radio frequency
1112 emissions. The wireless providers are licensed by the Federal government,
1113 which requires the carriers to operate their facilities at a safe level. Actually, for
1114 extra caution the carriers operate below the maximum permissible exposure
1115 level. To compare the RF emissions to everyday home appliances or items that
1116 we find in our homes, a baby monitor—18 inches from the unit—is a higher
1117 emission than these antennas. A microwave oven measured at 12 inches from
1118 the oven is almost 4,000 times more than what these antennas would be at 150
1119 feet.

1120
1121 Another question asked at the citizen meeting was the effect on property value.
1122 The assessor in Henrico County and the surrounding jurisdictions have told me
1123 that a cell tower is not a factor in their assessment one way or the other.

1124
1125 nTelos customers in these neighborhoods are suffering from an abnormally high
1126 rate of dropped calls and the inability to receive service in their homes. Many
1127 would like to give up the expense of their landlines, but they can't do that without
1128 reliable wireless service. Permitting the 150-foot pole would greatly improve
1129 nTelos' service and the co-location opportunities would promote even greater
1130 competitive pricing for the people in this neighborhood who deserve reliable
1131 wireless service like people in other neighborhoods. The neighborhood would
1132 also have the protections of the conditions in the Provisional Use Permit as
1133 opposed to what could be installed by right on this property.

1134
1135 nTelos has reviewed and is in agreement with the conditions. We ask that you
1136 follow staff's recommendation and recommend approval of this case. We'll be
1137 glad to respond to questions.

1138

1139 Mr. Archer - Thank you, Ms. Freye. Are there questions from any
1140 member of the Commission?

1141
1142 Mrs. Jones - What did you decide would be the fencing
1143 surrounding the base?

1144
1145 Ms. Freye - We've decided to do the masonry columns and the
1146 vinyl fencing to match what is along the property line.

1147
1148 Mrs. Jones - White vinyl fencing?

1149
1150 Ms. Freye - (Visual indication of yes.)

1151
1152 Mr. Archer - Anything further? Thank you, Ms. Freye. There are
1153 people here who are opposed. The rules for opposition are each side has ten
1154 minutes to present their case and that's inclusive of all of the members. Ms.
1155 Freye had ten minutes and she did reserve one minute for rebuttal to the
1156 opposition. So whoever would like to come and speak first, please come to the
1157 podium, and state your name and address for the record.

1158
1159 Mr. Cephas - Good evening, Chairman, members of the Board. My
1160 name is Joseph Cephas. I reside at 3500 Dill Road. My residence is directly
1161 across the street from the location of the proposed cell tower.

1162
1163 The aesthetics are awful. The tower is higher than the treeline. Clearing for
1164 fencing would clear away more trees and thin the treeline even more. I would ask
1165 if you would please consider that for the aesthetics of the neighborhood.

1166
1167 My other question is, as these cell companies go to satellites, will you address a
1168 bond being in place to remove it if it is approved instead of just having it standing
1169 useless in the future? That's one consideration of mine personally. And co-
1170 existence. If it could co-exist on the Trinity Family Life Center it would be a lot
1171 less intrusive in our community. I was told by one of the employees of Trinity Life
1172 that they already have a structure with an antenna existing on it now on Fendall
1173 Avenue. I ask that they consider doing the same in this community to preserve
1174 the integrity of the community. Thank you very much.

1175
1176 Mr. Archer - Thank you, Mr. Cephas. Any questions for Mr.
1177 Cephas before he takes a seat? Ms. Freye, would you like to respond to two of
1178 his questions? One had to do with whether or not co-location is possible within
1179 the church itself. The other, I think, has been addressed in the proffers having to
1180 do with removal if it becomes unused.

1181
1182 Ms. Freye - That's correct. There is an antenna in the steeple of
1183 the church on Fendall Avenue. There is no building on this property, in this

1184 location that would be tall enough to support an antenna, which is why we need a
1185 new structure.

1186

1187 Mr. Archer - Thank you, Ms. Freye. Is there someone else who
1188 was in opposition who would like to speak?

1189

1190 Mr. Jernigan - Let her address the tower coming down.

1191

1192 Mr. Archer - Oh, I'm sorry. If it's not used I think it's, what, within
1193 180 days?

1194

1195 Mr. Jernigan - It's 90 days, I believe.

1196

1197 Ms. Freye - Oh, yes. And that's Condition #1.

1198

1199 Mr. Emerson - Correct. That's in Condition #1, Mr. Chairman. That
1200 reads, "If use of the tower for communication purposes is discontinued for 180
1201 days, the antennas and all related structures shall be removed from the site
1202 within 90 days. Within 10 business days after written request by the County, the
1203 owner of the antennas and equipment shall provide the County with written
1204 confirmation of the status of the facility, the number and identity of the users,
1205 available co-location space, and such additional information as may reasonably
1206 be required." That first condition does address several items, but the first
1207 sentence says if it's discontinued for 180 days it has to come down.

1208

1209 Mr. Archer - Does that answer your question about the removal?
1210 You don't have to come back up. Thank you, sir.

1211

1212 All right, there was somebody else who was in opposition? Did you want to
1213 speak, sir?

1214

1215 Mr. Hudnall - Good evening. My name is Elvin Hudnall. I reside
1216 directly across the street from the Life Center. I oppose it because of the
1217 radiation that the tower gives off. I was wondering if it could be placed
1218 somewhere else?

1219

1220 Mr. Archer - What was your address, sir?

1221

1222 Mr. Hudnall - 3203 Barrington Road.

1223

1224 Mr. Branin - Mr. Hudnall, what radiation are you referring to?

1225

1226 Mr. Hudnall - I'm speaking to the tower that gives off radiation of
1227 some kind and the health reasons.

1228

1229 Mr. Branin - We as a Commission have had in the last three years
1230 I don't know how many—have any idea Mr. Secretary, how many of these have
1231 come through?
1232
1233 Mr. Emerson - Off the top of my head, no sir, but it's numerous.
1234
1235 Mr. Branin - In the Three Chopt District we've had quite a few that
1236 have gone straight into the middle of the neighborhoods and that question has
1237 come up repeatedly. I can ask the attorney to get back up and cite the studies
1238 that we've been given and that we've read. Currently, there is no study that has
1239 shown that there is enough radiation generated from the tower to cause any
1240 health problems. Crazy as it sounds, it's more dangerous for you to have your
1241 cell phone to your ear than be around a tower because of the height and the
1242 distance—and the phone close to your ear for an extended period. Until we have
1243 more information or studies that tell us that has changed, I'll tell you what I tell
1244 every other district when cases that come up. We have no information that
1245 proves to us that is the case. If you have some new information, I hope to get it.
1246
1247 Mr. Jernigan - That's a microwave signal that comes out of that
1248 tower. As Ms. Freye was relating to some of the things such as a baby monitor
1249 and a microwave that you use in your house emits more.
1250
1251 Mr. Vanarsdall - We've heard this since we first started with the towers
1252 about ten years ago.
1253
1254 Mr. Hudnall - You've put towers in residential areas before?
1255
1256 Mr. Jernigan - Oh, yeah.
1257
1258 Mr. Branin - Yes sir.
1259
1260 Mr. Jernigan - I passed probably six in my district.
1261
1262 Mr. Branin - In the Three Chopt District last year alone—I'll ask for
1263 some help on this. In the Twin Hickory area we had two. In Wyndham we had
1264 one. We had another one out closer to Church Road. They're all right on top of
1265 neighborhoods, sir. That's just my district. That's just the Three Chopt/Short
1266 Pump area.
1267
1268 Mrs. Jones - And, our last discussion was about a school location.
1269
1270 Mr. Branin - That's not on top of a neighborhood. Are you familiar
1271 with Deep Run High School?
1272
1273 Mr. Hudnall - Yes.
1274

1275 Mr. Branin - They're putting cell towers onto the light towers there,
1276 which are adjacent to a neighborhood but there's more of a distance than to
1277 yours.
1278

1279 Mr. Hudnall - That's what I suggest, if they could find another
1280 location that's not so close to the neighborhood.
1281

1282 Mr. Branin - This isn't my district, but I thought I'd let you know that
1283 we probably have more coming in the Three Chopt District than most because
1284 the population is denser in the Three Chopt District. Your question does come up
1285 repeatedly of worrying about radiation coming off the towers. In the six years that
1286 I've been on the Commission, we've yet to find a study that says that it is
1287 dangerous to the health.
1288

1289 Mr. Jernigan - Another thing, Mr. Hudnall, the School Board just
1290 recently agreed that they felt that cell towers were safe enough to put on school
1291 grounds. So now they passed that ordinance where you can actually have them
1292 on school grounds.
1293

1294 Mr. Emerson - Also, gentleman, I don't believe that the federal law
1295 allows you to consider the health risks because it has not been deemed a health
1296 risk. I believe the FCC rulings do not allow you to consider that a health risk in
1297 regard to your decision on this.
1298

1299 Mr. Hudnall - Okay. I just wanted them to consider that it is a
1300 residential area.
1301

1302 Mr. Jernigan - Thank you.
1303

1304 Mr. Vanarsdall - Thank you for your concern.
1305

1306 Mr. Archer - Is there anyone else who would like to speak in
1307 opposition? Ms. Freye, you have some rebuttal time if you'd like to speak again.
1308

1309 Ms. Freye - No sir, I think that we've responded to the issues that
1310 were raised and I think that the conditions that go with the case mitigate the
1311 concerns that were raised as well.
1312

1313 Mr. Archer - We may need you to put up a couple slides. Are you
1314 able to find the slide of the lattice tower that you showed earlier? We saw it
1315 earlier in your presentation.
1316

1317 Ms. Freye - There you go.
1318

1319 Mr. Archer - Okay, thank you. I asked you to put that up because I
1320 want to make sure that everybody understands that this type of tower is one that

1321 can be built by right. *By right* simply means that it is included within the
1322 jurisdiction of the zoning and it would not have to come before the Commission to
1323 get permission to build. Now can you put up the picture of the clean tower that
1324 you propose? The reason I asked Ms. Freye to do this is because I wanted to be
1325 able to show a comparison between the styles of these two poles. These cases
1326 are always tough because people come out from the community and have a
1327 genuine concern about the effect that these towers might have on the community
1328 and I appreciate that. It means that you're good stewards of your neighborhood.
1329 But we have to look at the fact that wireless technology is the future and I don't
1330 think we're going to go back. I dare say there are some people in here tonight
1331 who probably don't have landlines anymore and probably everybody in here has
1332 a cell phone. We're also approaching that time—we may already be there—
1333 where those people who do not have a landline depend on their cell phone for 9-
1334 1-1 service. In putting all these factors together and in looking at the fact that that
1335 lattice tower would be there instead of what you see depicted in this picture, the
1336 fact that we have no empirical data that shows that there is any harm or radiation
1337 that comes from a phone, I believe that this would be a use that is worthy of
1338 sending to the Board for approval.

1339
1340 With that, my motion is that P-4-11, Gloria L. Freye for Richmond MHz, LLC, be
1341 sent to the Board of Supervisors with a recommendation for approval.

1342
1343 Mr. Jernigan - Second.

1344
1345 Mr. Archer - Motion by Mr. Archer, seconded by Mr. Jemigan. All
1346 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1347
1348 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
1349 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend
1350 the Board of Supervisors **grant** the request because the conditions should
1351 minimize the potential impacts on surrounding land uses, it would not be
1352 expected to adversely affect public safety, health or general welfare, and it would
1353 provide added services to the community.

1354
1355 Mr. Archer - To those of you who want to express further concern
1356 about this, the Board will meet on this on March the 8th where the same
1357 presentation will have to be given again by the applicant and you will have an
1358 opportunity again to come and speak. Thank you all for coming; we appreciate it.

1359
1360 **P-3-11 James W. Theobald for Southland Corporation:**
1361 Request for a Provisional Use Permit under Section 24-58.2(a), 24-120 and 24-
1362 122.1 of Chapter 24 of the County Code in order to allow 24 hour operation of an
1363 existing gas station and convenience store on Parcel 748-760-7489, located at
1364 the southeast intersection of Cox Road and Innslake Drive. The existing zoning is
1365 B-2C Business District (Conditional). The Land Use Plan recommends Urban
1366 Mixed-Use.

1367
1368 Mr. Archer - Hello Ms. Taylor.
1369
1370 Ms. Taylor - Hello.
1371
1372 Mr. Archer - Is there anyone here who is opposed to P-3-11,
1373 James W. Theobald for Southland Corporation? I don't see anyone. Go right
1374 ahead, ma'am.
1375
1376 Ms. Taylor - Thank you, Mr. Chairman.
1377
1378 This request is for a Provisional Use Permit to allow 24-hour operation of an
1379 existing 7-Eleven convenience store with gas sales located at the southeast
1380 intersection of Cox Road and Innslake Drive in Innsbrook. The site is zoned B-
1381 2C and governed by proffers accepted with rezoning case C-2C-93. There are
1382 two other convenience stores with gas sales in the near vicinity that have 24-hour
1383 operation with Provisional Use Permits.
1384
1385 This request is consistent with the UMU designation in the 2026 Comprehensive
1386 Plan which recognizes that increased hours of service may be appropriate.
1387 Additionally, the Planning Department has received two letters of support for this
1388 request, including one from the Innsbrook Owners' Association.
1389
1390 For these reasons, staff supports this request subject to the recommended
1391 conditions listed in Section IV of the staff report.
1392
1393 This concludes my presentation. I will be happy to take any questions.
1394
1395 Mr. Archer - Thank you, Ms. Taylor. Does anyone from the
1396 Commission have a question for Ms. Taylor?
1397
1398 Mr. Vanarsdall - How many years have they been open?
1399
1400 Ms. Taylor - Approximately ten.
1401
1402 Mr. Branin - I don't have any questions for Ms. Taylor. I'd like to
1403 speak to Ms. Vann.
1404
1405 Ms. Vann - Good evening, Kim Vann with Henrico Police.
1406
1407 Mr. Archer - Good evening, Ms. Vann.
1408
1409 Mr. Branin - Good evening, Ms. Vann. We're looking to put a PUP
1410 to extend hours for 24 hours for a business that's been operation for ten years,
1411 24 hours. I had requested that you review over the past ten years emergency
1412 calls or problem calls to that 7-Eleven. Have there been any concerns by the

1413 Police Department with 24-hour operation and is there anything that we should
1414 be aware of?

1415

1416 Ms. Vann - No sir. We did look at the calls for service from at
1417 least 2006 to-date. There was an average of ten calls per service, per year at this
1418 business. The types of calls are indicative of keeping a store open 24 hours, but
1419 nothing that would be a red flag. 7-Eleven itself, the corporate 7-Eleven, they
1420 have standards, which this one follows their standards as well. Typically in crime
1421 prevention presentations that I do across the country, 7-Eleven is used as the
1422 model for crime prevention, the way the convenience store should be laid out.
1423 This one fits the bill.

1424

1425 Mr. Branin - Okay. Thank you, ma'am.

1426

1427 Ms. Vann - You're welcome.

1428

1429 Mr. Branin - I don't know if the other Commissioners received the
1430 letters from both Innsbrook and from the Wilton Properties, which are fronting
1431 Broad Street where the Silver Diner is. Both Innsbrook as an office community
1432 and the Wilton Properties sent letters stating that they had no issues and
1433 complimented the cleanliness and the tidiness that 7-Eleven keeps their property.
1434 They had no opposition whatsoever.

1435

1436 Mr. Archer - Do you need to hear from the applicant?

1437

1438 Mr. Branin - No, no.

1439

1440 Mr. Archer - Ready for a motion.

1441

1442 Mr. Branin - Thank you. Mr. Chairman, I'd like to move that P-3-
1443 11, James W. Theobald for Southland Corporation, move forward with a
1444 recommendation for approval to the Board of Supervisors.

1445

1446 Mr. Vanarsdall - Second.

1447

1448 Mr. Archer - Motion by Mr. Branin, second by Mr. Vanarsdall. All
1449 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1450

1451 **REASON:** Acting on a motion by Mr. Branin seconded by Mr.
1452 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
1453 the Board of Supervisors grant the request because it is reasonable in light of
1454 the surrounding uses and existing zoning on the property and it would not be
1455 expected to adversely affect public safety, health or general welfare.

1456

1457 *(Deferred from the January 13, 2011 Meeting)*

1458 **C-25C-10 Robert Atack for Atack Properties, Inc.:** Request
1459 to conditionally rezone from O/SC Office Service District (Conditional) to RTHC
1460 Residential Townhouse District (Conditional), part of Parcel 761-775-6361
1461 containing 3.3 acres, located along the north line of Hunton Park Boulevard
1462 approximately 200' west of its intersection with Hunton Ridge Lane. The
1463 applicant proposes a residential townhouse development of no more than
1464 thirteen (13) homes. The use will be controlled by zoning ordinance regulations
1465 and proffered conditions. The Land Use Plan recommends Suburban Residential
1466 1, density should not exceed 2.4 units per acre, and Environmental Protection
1467 Area.

1468
1469 Mr. Archer - Good evening, Mr. Lewis. How are you sir?

1470
1471 Mr. Lewis - Doing well, Mr. Chairman; thank you.

1472
1473 Mr. Archer - Is there anyone here who is in opposition to this case,
1474 C-25C-10, Robert Atack for Atack Properties, Incorporated? Yes, we do. I'm
1475 sorry, and more, it's growing. Go ahead, Mr. Lewis.

1476
1477 Mr. Lewis - This request for RTHC zoning to build up to 13
1478 townhomes was discussed in detail during the December 9th Planning
1479 Commission meeting. The Commission deferred the case at the applicant's
1480 request to provide time to hold a community meeting and discuss various issues
1481 raised by Hunton Park residents. On February 1st, the applicant met with
1482 approximately 25 citizens who shared various concerns, but primarily focused on
1483 surface water drainage and traffic.

1484
1485 Since the community meeting, the Department of Public Works has been
1486 involved in evaluating both topics. The Engineering and Environmental Services
1487 Divisions met on-site with representatives of The Townes to evaluate potential
1488 causes for drainage problems. The Traffic Engineering Division has collected
1489 data along Hunton Park Boulevard and initiated a VDOT signal warrant study for
1490 the intersection of Hunton Park Boulevard and Staples Mill Road.
1491 Representatives of each division are here this evening to provide further details
1492 and updates.

1493
1494 Copies of the revised proffers dated February 9, 2011, have been handed out to
1495 reflect one change. To separate zoning matters from technical private covenant
1496 issues, Proffer 19 no longer requires the homeowners' association for this
1497 development to be annexed into an existing Hunton Park association.

1498
1499 In summary, staff maintains that this development would be a logical extension of
1500 the existing Townes neighborhood and compatible with the surrounding
1501 residential development pattern in Hunton Park. For these reasons, staff
1502 supports this request.

1503
1504 Time limits would need to be waived for the revised proffers.
1505
1506 This concludes my presentation. I will be happy to take any questions.
1507
1508 Mr. Archer - Thank you, Mr. Lewis. Are there any questions for Mr.
1509 Lewis?
1510
1511 Mr. Vanarsdall - Waive the time limit on it.
1512
1513 Mr. Lewis - The time limits would need to be waived for the
1514 proffers, yes sir.
1515
1516 Mrs. Jones - Mr. Lewis, I have a question about 19. The wording
1517 was taken out to require that they become part of another association?
1518
1519 Mr. Lewis - Yes, that is correct.
1520
1521 Mrs. Jones - I know we had a lot of discussion about this, but my
1522 understanding was that this very small group of what I perceive as 12
1523 homeowners is not going to be left as a single association.
1524
1525 Mr. Lewis - That is certainly the hope because with 12 units, they
1526 would be hard-pressed to maintain all of the things they would need to maintain
1527 on their own.
1528
1529 Mrs. Jones - I had not seen this proffer before. I thought it was
1530 going to be reworded, not completely struck. We can talk about this perhaps with
1531 the applicant. Okay.
1532
1533 Mr. Archer - Any further questions? We need to hear from the
1534 applicant. Can the applicant come forward please?
1535
1536 Mr. Theobald - Good evening, Mr. Chairman, members of the
1537 Commission. My name is Jim Theobald and I'm here this evening on behalf of
1538 Atack Properties.
1539
1540 This is a request to rezone about 3.3 acres of land from a classification that has
1541 existed on this piece for some 20 years, that being an Office/Service
1542 classification with the request being to change it to a Townhouse classification in
1543 order to build up to 13 townhomes. Based on the Board of Supervisors' actions
1544 earlier in the week, this is literally the last piece of property to be developed in the
1545 Hunton community. As you can see on the map, this small piece exists between
1546 the R-5 apartment community on this side and some 245 townhomes—being The
1547 Townes—on this side.
1548

1549 The map shows a well-developed and highly desirable community of Hunton
1550 being a very mixed-use community. The R-5A zoning for single-family detached
1551 being approved earlier in the week; the condominiums here; single-family
1552 detached in this location; age-restricted units down here; and again, the
1553 townhomes and the apartment community with more townhomes behind. So this
1554 is a very, very logical extension and transition of the current zoning and I would
1555 suggest to you the current zoning, the Office/Service zoning is just totally
1556 inappropriate and really a holdover from the earliest vision of what Hunton might
1557 have been but never became.

1558
1559 The case is very well proffered with some 22 different proffered conditions.
1560 We've proffered everything from the minimum size of the units; a requirement for
1561 garages; sound suppression between each unit; 25-foot buffer along Hunton
1562 Park Boulevard, as well as a tree save area that buffer is consistent with
1563 plantings that exist in other parts of Hunton; and a provision of streetlights within
1564 the community.

1565
1566 We did meet with residents on the first of February, as Mr. Livingston indicated.
1567 The issues that seemed to present themselves at that hearing were traffic,
1568 drainage, and the association. Mr. Jennings spoke of a study that had been
1569 nearly completed and approved by VDOT indicating that signal warrants were
1570 likely present at Staples Mill and Hunton Park Boulevard, which I think was good
1571 news for the neighbors. Pretty much end of the discussion about traffic at the
1572 intersection other than perhaps speeding on Hunton Park Boulevard, which did
1573 get a little more discussion.

1574
1575 Drainage is related to drainage off-site. Not directly related to this request, but
1576 clearly a concern of the residents some of whom along this edge experience
1577 some drainage problems in their backyards. While not the responsibility of Attack
1578 Properties, Mr. Attack and other representatives met on-site Tuesday afternoon
1579 and did commit to use their best efforts to try to alleviate those drainage
1580 problems with the implementation of some under-drains and yard drains that will
1581 hopefully pull the water out of these yards and put it in the public storm water
1582 system. This will obviously require the permission of an individual lot owner to
1583 accomplish, but nonetheless he has made the commitment to do that. We're very
1584 hopeful that this will alleviate a problem that they have experienced.

1585
1586 The last issue was the association. The proffer that was amended didn't
1587 eliminate the requirement for there to be an association; that still exists. There
1588 has to be an association to be responsible for maintenance. What we did do is
1589 take out the phrase that it had to be annexed to this property, although I do think
1590 that's the logical solution. I think there was some expression of concern by this
1591 group that through a zoning case that we not dictate through a proffered
1592 condition that a particular association had to pick up more units. The original
1593 declarations for this property did allow for any property within 3500 feet of it in
1594 fact, to be annexed. I think that was just good governance to provide some

1595 consistent quality of maintenance. And in fact, these units would be paying both
1596 a capital contribution on their way in, as well as monthly assessments. So again,
1597 not directly related to the land use question before you tonight, but still one that
1598 was raised. So at that meeting, traffic, drainage, and association issues have
1599 been addressed as indicated.

1600
1601 This request is consistent with the Land Use Plan, as Mr. Lewis indicated. It's
1602 also consistent with the density and character of the adjacent parcels, and
1603 certainly a logical extension of townhouse development. This is classic infill
1604 development. Although a very small piece of land, totally appropriate while the
1605 existing zoning is not. Clearly representing the highest and best use for the
1606 property.

1607
1608 Staff supports the request. And as your staff report indicates, literally every
1609 department has indicated that there are no negative impacts anticipated as a
1610 result of this request. I will be very happy to answer any questions that you might
1611 have. Hopefully I have a little time left for rebuttal.

1612
1613 Mr. Emerson - Yes, Mr. Theobald, you have about 4-1/2 minutes.

1614
1615 Mr. Theobald - Thank you.

1616
1617 Mr. Archer - Thank you, sir. Are there questions?

1618
1619 Mr. Vanarsdall - I don't have a question, but you did mention, and I'd
1620 like to mention again, that Mr. Jennings is here from Traffic and Ms. Smidler is
1621 here from Public Works.

1622
1623 Mrs. Jones - I'd like to confirm, Mr. Theobald, how many
1624 townhomes are being considered with this request?

1625
1626 Mr. Theobald - The proffer is a maximum of thirteen. Our current plan
1627 that was proffered shows twelve.

1628
1629 Mrs. Jones - And this is a proffered plan?

1630
1631 Mr. Theobald - Yes ma'am. In all fairness, it gives you the room to
1632 put a thirteenth unit on there. I'm just not sure that that works. I think the proffer
1633 reads in substantial conformance or general conformance with the proffer.

1634
1635 Mrs. Jones - I understand. My only concern, which I voiced before,
1636 is that while the concept may be acceptable as far as the use and the density
1637 and this kind of thing, a string of eight townhomes is not a usual configuration for
1638 our developments. That's quite a long string. I had not been able to identify any
1639 other place in Hunton Park that had that many townhomes all in one building.

1640 Have you thought of any since the topic came up or do you feel this is probably
1641 the only one with eight units?

1642
1643 Mr. Theobald - Well, I didn't look, to be honest with you. But what I
1644 did look at after our conversation was—I think this is a six-unit building over here
1645 on the end and some of these are five-unit buildings; the majority are probably
1646 four-unit buildings. They may have four feet in between a set of buildings. When
1647 you look at this drawing, this looks a whole lot like a row of fifty-four units. When
1648 you drive through there, it certainly looks like that. So a row of twelve over here I
1649 don't think should really cause any particular issues. I don't know what the
1650 singular issue would be.

1651
1652 Mrs. Jones - For the sake of the aesthetics, I think for instance
1653 going to nine would probably not be good. However, the eight and four seem to
1654 be consistent with at least the grouping of the four and four behind them. It's a
1655 difficult site; it's a challenging site. I wanted to thank Mr. Atack for taking some
1656 action on the drainage issue. That's clearly very important to everyone out there.
1657 A fix of any kind will be most appreciated.

1658
1659 Mr. Theobald - We hope it works.

1660
1661 Mrs. Jones - Thank you.

1662
1663 Mr. Theobald - You're welcome.

1664
1665 Mr. Archer - Anything further?

1666
1667 Mr. Theobald - Thank you.

1668
1669 Mr. Archer - Thank you, Mr. Theobald. There was opposition. I'll
1670 repeat the rules again. Ten minutes is allotted to each side inclusive for
1671 opposition. Those of you who would like to speak, if you would come down, and
1672 state your name and address for the record please. Mr. Theobald has some time
1673 left for rebuttal.

1674
1675 Good evening, ma'am.

1676
1677 Ms. McClellan - Good evening. Thank you for hearing me. My name is
1678 Ann McClellan; I think I've been here before. I live at 11356 Abbots Cross Lane
1679 in The Townes at Hunton Park.

1680
1681 I'm here as a homeowner with concerns I would have as a homeowner, but I'm
1682 also here as the president of the association. I believe you all are aware that
1683 associations were created for one purpose basically in mind and that is to keep
1684 the values of the property at a certain level so that homeowners do not lose
1685 value.

1686
1687 Before I begin, I do want to thank Mr. Attack. He and I have had several
1688 conversations and even though we disagree, we have agreed to not be
1689 disagreeable so we do appreciate that. We do thank him for addressing the issue
1690 that you identified that was a concern of ours, not necessarily related to this but
1691 certainly has come about because of this.

1692
1693 I wanted to go over the map first. I just wanted to kind of reiterate something the
1694 attorney spoke of—and I'm sorry; I forget your name—regarding the whole
1695 Hunton Park development which will be kind of a basis before I show what I
1696 have.

1697
1698 As he indicated in Hunton Park, there are what I would consider different little
1699 modules of communities within the large community. Beginning at the front
1700 entrance now, we will have some single-family homes. And congratulations; I
1701 understand that was passed at the Supervisor meeting. They are basically all
1702 within one area. Moving up Hunton Park Boulevard on the right you have The
1703 Villas, which is a condominium association. Past that you have what I would
1704 consider a more expensive demographic single-family home area. At the apex of
1705 the road you have the age-restricted communities, which are basically two units
1706 in one building. And then coming down Hunton Park Boulevard on the right you
1707 have what is The Townes. We have this little space we're talking about now.
1708 Then you have also The Townes again and the apartments.

1709
1710 So everything is kind of contained within what type of building that you have,
1711 what type of structure. With this new change in the zoning, you're asking to take
1712 this one piece of property, which is within The Townes, so to speak, and have it
1713 rezoned as townhouse. I do agree it makes sense to do that. But the concerns I
1714 have, have to do with property values and the aesthetic value of putting in
1715 townhomes that don't look like the other townhomes. I went today to a model of
1716 the Odessa that exists in Hanover County. I do know that Mr. Attack has not
1717 signed any agreement with Ryan Homes, but I do believe that if the Odessa is a
1718 Ryan Homes model that that would be the builder who would build it. I don't think
1719 they do plans for other builders, if I'm not mistaken. I took some photographs
1720 because I thought perhaps if you could see where the concern is derived from,
1721 that you would understand and that maybe Mr. Attack would also understand our
1722 concern from an association point of view and the value of our property.

1723
1724 This is the Odessa, the three stories that are in Hanover County. I do have a
1725 picture of one of the one-story units. First, this is our townhouse look. I took a
1726 picture of our largest building, which has six units in it. I'm not an architect, but I
1727 think it has kind of a Georgian Colonial look to it, as I would say. These are two
1728 stories, so I tried to do apples to apples, even though we have a lot of three
1729 stories.

1730

1731 This is the back of our townhouses and the type of fencing we use in the back of
1732 our townhouses. This is the back of the Odessa townhouses. This back would
1733 then be parallel to the back of our townhouses. I know there hasn't been anything
1734 signed for building yet, but I venture a guess to say it would kind of be the same
1735 style. This is also the back of our townhouses, one of the three-story units. You
1736 can see it is more the architectural style that is totally different than the ones that
1737 are being proposed.

1738
1739 This is a row of the Odessa and you can see on the far right is a two-story, which
1740 I venture to guess to say is basically like the two-story that is in this proposal.
1741 One of the questions that might come up is about garages; that's a good thing. I
1742 know people want garages. So I went and thought are there any townhouses that
1743 would maybe look more like ours that have garages. I think this is called Meredith
1744 Woods on the corner of Hungary Spring Road and Springfield. I would think that
1745 a townhouse this style, even with garages, would fit in to our community in a
1746 better way.

1747
1748 This is the Odessa model home in Hanover County. I don't think that architecture
1749 is complementary to ours and it would be in the middle of our townhouses.
1750 They're just a different style. This is another photograph of our townhouses so
1751 you can see the difference in both the fronts, the yards, and the areas. This is
1752 ours. This is at The Villas. I think if you took off the second garage part of The
1753 Villas, which is in Hunton Park, I really think the Odessa townhouses are more
1754 compatible to that look than they are to ours. I just did that to kind of see that that
1755 has that kind of same style. I guess we're back at the beginning.

1756
1757 I did want to make one correction. I do believe there are at least thirty feet
1758 between each of our buildings; it's not four feet. I know between mine there is at
1759 least thirty. I own ten on the side; the other building owns ten; and there's at least
1760 ten in between that.

1761
1762 Anyway, I know we stood up here and we said our concerns about the property
1763 values and things like that. I thought, well, if you can't see what we're really
1764 talking about—and honestly, I needed to see tangibly what I thought it was going
1765 to be, but I really wanted to have something to say. I really just don't think that
1766 style of townhouse is a good fit there. To me it would be like going into The Ridge
1767 and having five lots in there put in the single-family homes, which they're still
1768 single-family homes, from the entrance area into that style of single-family
1769 homes.

1770
1771 In Hanover County, the listing price, the selling price for this particular style was
1772 \$199,590. I also got one of the plans they give you with the drawings inside.
1773 Then I got my plans out from when I bought my townhouse. The width of their
1774 townhouses, even with that garage, is two feet less than the width of each one of
1775 ours. I guess that's how they're trying to get eight on there. I also can tell you I
1776 did not see any eight-unit buildings in Rutland where the Odessa exists today.

1777
1778 Mr. Archer - Pardon me, Ms. McClellan, I just wanted to remind
1779 you you've used over nine minutes.
1780
1781 Ms. McClellan - Oh, okay, sorry. Anyway, at the last meeting I know
1782 that you said the developer has a right to develop and I certainly agree with that.
1783 You take your risk, you invest your money. But I think also that we as
1784 homeowners deserve a right to protect our property too. I hope that you'd
1785 reconsider.
1786
1787 Mrs. Jones - May I ask her one question please?
1788
1789 Mr. Archer - Sure, yes.
1790
1791 Mrs. Jones - Okay. Can you put up the first picture that you have?
1792 And while you're doing that, I'm impressed with your research, Ms. McClellan;
1793 you had a very busy day. I appreciate you going to this effort. Is this an example
1794 of the Hanover development that you visited?
1795
1796 Ms. McClellan - The ones in the middle are three stories and as I
1797 understand from Mr. Atack the proffers are two stories here. So the two end units
1798 on that strip there are the two-story units.
1799
1800 Mrs. Jones - My display here is extremely dark, but isn't that a
1801 cantilevered window I'm looking at there coming out?
1802
1803 Ms. McClellan - I can't answer that.
1804
1805 Mr. Emerson - The box window.
1806
1807 Mrs. Jones - The box window. I just wanted you to know that—
1808
1809 Ms. McClellan - I don't think that would be on—
1810
1811 Mrs. Jones - That is not allowed in the proffers. In number six you'll
1812 notice that those are prohibited.
1813
1814 Ms. McClellan - I'm not looking at the three-story units; I was trying to
1815 get a good depiction of two-story construction.
1816
1817 Mrs. Jones - In case that was something that was bothering you, I
1818 thought I would point that out.
1819
1820 Ms. McClellan - Those are beautiful up there where they all look alike.
1821 I'm not questioning that. It's just they don't look like ours. Could you not put
1822 townhouses in if they're going to be ours, that look like ours?

1823
1824 Mrs. Jones - Thank you.
1825
1826 Mr. Archer - Anybody else have a question? Thank you, ma'am.
1827
1828 Mr. Vanarsdall - Thank you Ms. McClellan.
1829
1830 Mr. Archer - Thank you ma'am.
1831
1832 Mr. Emerson - Mr. Chairman, Ms. McClellan did use 9-1/2 minutes of
1833 the allotted ten minutes.
1834
1835 Mr. Branin - Mr. Secretary, I was going to ask if Mr. Chairman
1836 would like to extend their time by a couple of minutes.
1837
1838 Mr. Vanarsdall - I'll agree with that.
1839
1840 Mr. Archer - Okay. You don't have to talk so fast, sir.
1841
1842 Mr. Falbee - I've been accused of being a fast-talking Yankee, so
1843 we'll work on it. Good evening. My name is Paul Falbee; I live in Friars Court
1844 Lane, 3229. I've been a resident for over eight years. I was on the first non-voted
1845 volunteer Board of Directors, and I spent approximately four and a half years on
1846 the Board of Directors, and I'm a past-president of the Board itself.
1847
1848 Ann covered this very well. I've worked with Ann for about four years on the
1849 Board of Directors, so we know each other very well. I didn't realize she had
1850 done so much research.
1851
1852 First of all I'd like to thank the County for stirring up VDOT relative to getting that.
1853 What I heard at the meeting on Tuesday night, though, there seems to be a little
1854 problem with the left-hand turn coming on westbound into the quarry off Staples
1855 Mill Road where you come off 295 and trucks have to get in there. I'd like to
1856 remind the County that there are two intersections like this in Henrico County.
1857 One is at 64 and Staples Mill Road where they come off 64 heading westbound
1858 onto Staples Mill and you cannot make a left-hand turn at that first traffic light.
1859 The other one is on West Broad Street where a left-hand turn is not allowed
1860 coming off of 64 onto West Broad; you cannot make that left-hand turn. So we
1861 would appreciate if the County could remind VDOT that this situation does exist
1862 in the County and that it can be corrected.
1863
1864 What I'd like to talk about beyond what Ann has said is an issue about the
1865 density of the housing going in here. I realize the staff report has said this can
1866 accommodate twelve to thirteen units based on the value of 3.3 acres. After the
1867 community meeting we had, I had a chance to speak with members of the staff.
1868 We discussed density. An issue was brought up where if a person had 100 acres

1869 and they were zoned for one acre per unit and ninety percent or ninety acres
1870 could not be developed, they would not be allowed to put in 100 units. You could
1871 take any proportion you want, but that is a basic fact. Here we're looking at
1872 approximately 3.3 acres. If you were to look at that land, less than 3.3 acres is
1873 allowed to be developed because it has, if I get this straight, the RPA area and
1874 there's a hundred-foot buffer. You're probably down in the vicinity of somewhere
1875 from 1 to 1.5 acres. At the maximum density that is proposed by the 2026 Land
1876 Use, it comes out to approximately 9.6 units. The twelve units will exceed that
1877 usage.

1878

1879 The second thing I'd like to bring up is going to be a left-hand turn into that
1880 property. The reason I bring this up is that every other development in there has
1881 a direct access off Hunton Park Boulevard directly into the property itself. This
1882 property will not have a left-hand turn on inbound coming into Hunton Park into
1883 the property. They will have to go up, they will have to make a U-turn on the
1884 entrance to Abbots Cross, come back, and then go into that. It'll be the only one.
1885 Another thing that will make it different.

1886

1887 I'm going to get into the issue now of the proffer, #19 to be specific. I realize it
1888 has been changed. However, there was an issue about the 3500 feet. When I
1889 first heard about this when we were at the meeting on February 1st, the
1890 community meeting, I started thinking about it. Based on that document and the
1891 declarant, it seems like they can develop on anybody's land within 3500 feet of
1892 The Townes. That's the way it reads. That's the way this document is sitting. My
1893 question is when does a term end for a declarant on property that has been
1894 developed. Most knowledge would turn around and say when all the property
1895 has been sold, fully developed, and you lose the Class B voting privileges on it
1896 you should terminate the declarants' needs to be able to add something on here.
1897 I'm not concerned that we will be forced to accept an annexation into it. What I
1898 am concerned about is that we will be forced to annex the property, so instead of
1899 an inbound, we will be forced through legal documents to annex this property and
1900 bring it into The Townes.

1901

1902 Mr. Emerson - Mr. Falbee, the Commission can't really address that.
1903 That's a private matter between the association and the developer.

1904

1905 Mr. Falbee - I agree wholeheartedly with you, sir; however, I want
1906 this on the record and that is why I'm bringing it up since these minutes are
1907 public knowledge.

1908

1909 Mr. Emerson - Just as long as you understand this Commission
1910 cannot involve itself in that.

1911

1912 Mr. Falbee - We realize that, sir. These are concerns that we have
1913 about this. Beyond that, I do agree with one thing: this definitely needs to be

1914 rezoned from O/SC, I believe it is, but I do not agree with the RTH. I believe it
1915 should go to a C-1. That is the end. I tried to talk as fast as I could. Thank you.
1916
1917 Mr. Archer - Thank you, sir.
1918
1919 Mr. Vanarsdall - Thank you Mr. Falbee.
1920
1921 Mr. Archer - Any questions for Mr. Falbee? No questions. Thank
1922 you, sir. We have one more gentleman who wants to speak. How far did we go
1923 over?
1924
1925 Mr. Emerson - Mr. Chairman, you are now at 15-1/2 minutes, so
1926 you're 5-1/2 minutes over the allotted 10.
1927
1928 Mr. Archer - Come on down sir.
1929
1930 Mr. Vanarsdall - Come on down. Identify yourself. I'd like to hear from
1931 you.
1932
1933 Mr. Duffy - My name is Thomas Duffy. I like at 11491 Abbots
1934 Cross Lane. You had mentioned earlier in the presentation the time limits for
1935 proffers. Can you just clarify what that means?
1936
1937 Mr. Emerson - In the Planning Commission Rules and Regulations
1938 they have a specific time that proffers have to be submitted prior to the meeting.
1939 They have the ability to waive that time limit if it comes in after, if the Commission
1940 agrees to do so. In this case, these proffers should have been in by 4:30 p.m. on
1941 Tuesday; they came in after that time period. The Commission does waive that
1942 on a regular basis for minor changes in order to administratively process cases
1943 quicker.
1944
1945 Mr. Vanarsdall - They had one change on it and all the rest of it was
1946 done yesterday. This one was done today.
1947
1948 Mr. Duffy - Understood. Thank you.
1949
1950 Mr. Archer - Thank you, sir. I guess we're at the point, Mr.
1951 Theobald, where you may offer rebuttal, sir.
1952
1953 Mr. Theobald - Fred, can I have the PowerPoint, please?
1954
1955 Mr. Archer - Pardon me, Mr. Theobald. We've actually gone about
1956 six minutes over the time limit. Mr. Vanarsdall, do you want to hear from anyone
1957 else?
1958

1959 Mr. Vanarsdall - I'll make an exception. Come on down. Since you're
1960 here I want to hear from you.

1961
1962 Ms. Ochoa - Good evening. My name is Claire Ochoa and I live at
1963 401 Kingscote Lane. I'll make it brief. My question is for the map, the black and
1964 white map. I had a question that perhaps Mr. Theobald can address. The area
1965 here where the water element is the back of the property line of the proposed
1966 townhomes. I'm interested in that distance and if that distance, from what I
1967 understand, meets the RFP [sic...RPA] requirement and if there is any additional
1968 buffer added to that. The reason why I'm asking is because across the street—
1969 and I walked the property today. But across the street the townhome section
1970 here, the attached townhome section here seems to have a greater distance
1971 between the water element and the back of their property line, as do the homes
1972 that are in what we had described as the single-family homes, the higher-end
1973 ones. The back of their property lines to the water element also seemed to be a
1974 greater distance. Because there has been so much development in that area, my
1975 concern is the impact of heavy rain runoff. We don't really know because we've
1976 changed so much of the natural runoff. We don't really know the impact that that
1977 would have across the street, underneath the road. Is the distance between the
1978 back of the property line of the proposed areas to the water element in line with
1979 what's happening on the other side of the street and does that have an
1980 environmental impact or is there anything that we need to study or be aware of,
1981 meaning that it's possible there is too much development for that small parcel of
1982 land with that in mind? That was all. That was just what I had wanted to be
1983 addressed.

1984
1985 Mr. Vanarsdall - Thank you.

1986
1987 Ms. Ochoa - Thank you.

1988
1989 Mr. Vanarsdall - Mr. Theobald, you want to take that?

1990
1991 Mr. Theobald - I'm sure somebody will stop me if I misspeak here. In
1992 answer to Ms. Ochoa's question, this is the branch and you can see an area in
1993 here which is either a floodplain or wetlands. But this is a stream and this line
1994 here is the Resource Protection Area line, which is dictated by the Chesapeake
1995 Bay Preservation Act. So it is neither in the floodplain nor is it wet, but it is
1996 nonetheless a buffer to protect either a perennial or intermittent stream pursuant
1997 to the Chesapeake Bay Preservation Act. So it in and of itself is a buffer and I
1998 believe that's 150 feet. If I'm misspeaking, I hope somebody will stop me back
1999 here.

2000
2001 In any event, it is a buffer so these homes are entirely outside of the area of the
2002 Resource Protection Area, as required by the Chesapeake Bay Preservation Act,
2003 and not within any floodplain and not within any wetland.

2004

2005 Mr. Archer - Ma'am, you'll have to come down if you have a
2006 question.

2007
2008 Mr. Vanarsdall - Identify yourself again.

2009
2010 Ms. Ochoa - Thank you. Claire Ochoa at 401 Kingscote Lane. I
2011 knew the proposal would never impact that designated area. My question was is
2012 it consistent with the other distances between the back of other property lines to
2013 that boundary? Is it consistent with what happens in the other developments that
2014 also back up to this boundary? For instance, if you look over here to The
2015 Townes, apparently the back of their property line to this dashed line appears to
2016 be much greater than what it is here where that RPA line actually butts up
2017 against a property line. My thought was if that's the case, perhaps it is not the
2018 best use of that land because it also is not consistent with what we see in the
2019 neighborhood. It wasn't to imply that you were intruding on the RPA line. So my
2020 question is, is it consistent with the rest of the development?

2021
2022 Mr. Theobald - Apparently based on what you're looking at here is
2023 not consistent, but I'm not sure that that's relevant. I have no idea what the
2024 topography is here or what it is across the street and it meets all requirements. It
2025 may or may not be consistent.

2026
2027 Mr. Vanarsdall - You don't think that can be answered?

2028
2029 Mr. Theobald - It doesn't have to be consistent, I guess is the point.

2030
2031 Mr. Archer - I'm assuming that you have to meet a minimum
2032 standard, but that's it?

2033
2034 Mr. Theobald - Yes. Right. And that standard didn't exist before the
2035 Chesapeake Bay Preservation Act. You could build up to the edge of a wetland
2036 or a floodplain. And of course the Chesapeake Bay Preservation Act added
2037 additional area in which to remove nutrients and facilitate additional runoff. But
2038 once you hit that line, you can build a parking lot, a shopping center, or whatever
2039 is permitted by zoning. It may not be the same and obviously this map would
2040 suggest that it's not the same as some of the other development. It may be
2041 consistent with others in Hunton; I just wouldn't know.

2042
2043 Can we go back to the PowerPoint, Fred, please? It's very confusing when you're
2044 looking at other developments, particularly when it comes to Ryan who has
2045 innumerable types of product and standards. I do appreciate the amount of effort
2046 Ms. McClellan went to in order to try to sort this out, but I think I can help shortcut
2047 this significantly in that some of the pictures that you saw were a little bit apples
2048 and oranges. There is an Odessa model that Ryan does that's three stories. We
2049 obviously have proffered a picture of an Odessa model that is but two stories.
2050 That is all that we can build. I'd like to show you—there was a lot of talk about the

2051 aesthetics and that our proposed units just aren't like their units. As you know,
2052 aesthetics are really not part of a land use decision, but nonetheless in this case I
2053 suppose appropriate in terms of this discussion.

2054
2055 This is the Monte Carlo model, which is what The Townes at Hunton is premised
2056 upon. Very nice, upscale unit. Lots of architectural design. Here is the Odessa
2057 unit. Essentially the Odessa unit, the two-story Odessa unit is a Monte Carlo with
2058 a garage. We've not cheapened the product; we've added a garage. It's up to
2059 you to decide whether one is more desirable than the other. I guess the market
2060 will sort that out. But let's look at them side by side. Do they fit? Even if that were
2061 relevant?

2062
2063 Please keep in mind that this little piece of property is zoned Office/Service,
2064 basically one of the more intense classifications in the County. Admittedly a
2065 remnant, a leftover piece of property. But it's next to 245 townhomes and so one
2066 would think that the possibility of thirteen more that looked like what's before you
2067 would certainly be appropriate from a land use perspective and desirable.

2068
2069 I'd be happy to answer any more questions that you might have.

2070
2071 Mr. Archer - Okay. Questions for Mr. Theobald?

2072
2073 Mr. Theobald - Thank you.

2074
2075 Mr. Archer - Mr. Theobald, there was one thing having to do with
2076 the traffic pattern, turning left?

2077
2078 Mr. Theobald - Right. There's a median in Hunton Park Boulevard, so
2079 if you're coming home and trying to turn left, you are going to have to go up and
2080 turn around to get in. That was discussed at the community meeting with Mr.
2081 Jennings. With a four-lane section, Mr. Jennings indicated there was plenty of
2082 room not only for a turning movement, but for fire and emergency vehicles as
2083 well.

2084
2085 Mr. Archer - I just didn't want to leave that un-responded to. Thank
2086 you. Any further questions for anyone? Okay, Mr. Vanarsdall.

2087
2088 Mr. Vanarsdall - Mr. Jennings, do you want to come up and tell us the
2089 good news about the traffic lights?

2090
2091 Mr. Jennings - Good evening, Mr. Vanarsdall. Mike Jennings, Traffic
2092 Engineer for Henrico County. What I actually said on Tuesday night, which is
2093 appropriate for right now, I talked to VDOT's regional traffic engineer on Tuesday
2094 afternoon. What he told me about the intersection of Hunton Park Boulevard and
2095 Staples Mill Road is that they have not gotten the final answer yet, but looking at
2096 the traffic volumes, it definitely looks like a signal is warranted at that intersection.

2097 But what they need to do is an operational study to make sure that it will function
2098 properly since it is so close to the 295 interchange. That's where they are right
2099 now. They're putting together an operational study to make sure it could work.
2100 And they could go to options like he stated. That's the latest on the signal at the
2101 intersection.

2102
2103 Mr. Vanarsdall - The Commission doesn't know this because this
2104 came up in the community meetings that we had. That's one of the problems,
2105 traffic. Someone said they sat there twenty minutes to get out in the morning. I
2106 hope that doesn't happen often.

2107
2108 Mr. Branin - Mr. Jennings, if they do indeed deem it necessary,
2109 which it sounds like they're saying it is, and it can go in without any problems with
2110 295 traffic coming off. After that, what is the process? Does the County request a
2111 light be done and then do we have to wait for that to be budgeted by VDOT or?
2112 Do you understand where I'm going with this?

2113
2114 Mr. Jennings - Yes sir. Basically the request is already in. If it's
2115 warranted and if they can prove that it will work in that situation they will do the
2116 design for the signal and then look for the funding. I talked to them and it looks
2117 like there are some funding options out there. If a signal is warranted, for safety
2118 reasons they will put one in if they can find some highway safety improvement
2119 funds or some other funds to put it in. Probably realistically from now, I mean,
2120 you're probably looking one to two years before you get the signal installed and
2121 in operation. But it's already been set in motion.

2122
2123 Mr. Branin - How will we know when they deem that it is
2124 workable?

2125
2126 Mr. Jennings - I will follow up with them regularly and their regional
2127 traffic engineer is supposed to let me know once they get the results.

2128
2129 Mr. Branin - When that does occur, would you inform me as well?

2130
2131 Mr. Jennings - Yes sir.

2132
2133 Mr. Archer - Thank you, Mr. Jennings.

2134
2135 Mr. Vanarsdall - Thank you, Mr. Jennings. I don't know how long this
2136 light would take, we have no idea and I don't think anyone knows, but this is
2137 scheduled not to even begin before 2012 or 2013. I'm sure that can be moved
2138 up, but-

2139
2140 I want to start by thanking each one of you that came, like I did before, for voicing
2141 your opinion. This is the democratic way to do it. I don't want to sound like a
2142 broken record from last time, I don't want to give you Planning Commission 101

2143 like I did before, but I would like to tell you that we do go by certain rules and
2144 regulations. As Ms. McClellan said, if a person has the property they do have the
2145 right to develop it. I agree with you, Ms. McClellan that you'd like to know what's
2146 going over there and I don't blame you. You know you can't put a price on these
2147 because they won't be built for two years. I don't think the value of these will
2148 have any bearing on the others, but I do not know. I don't imagine it would. You'll
2149 have the same quality you have on Hunton Parkway. You're going to have the
2150 large garages, streetlights, sidewalks, and co-efficiency of the sound rating of 55,
2151 which is the highest you can get. I don't know how it could disturb what's already
2152 there. I know that Paul said that it's not consistent with the Land Use Plan, but it
2153 is supposed to cover it because it's an extension of what's already there. So that
2154 does cover that. The goals and policies of the 2026 Land Use Plan, it very much
2155 fits in with that. As we talked about last time, O/S, why you wouldn't want that
2156 and this is certainly much better than that. And then it's not going to crowd the
2157 schools, it won't affect the schools. Glen Allen and Twin Hickory libraries can
2158 handle what comes out of it. I believe of the three schools, they predict one
2159 student per school. I think I already covered the time limit.

2160

2161 Something good comes out of everything. When we first started and we had the
2162 community meetings for the 49 units that were approved Tuesday night, and
2163 these, you had a drainage problem that you couldn't get any attention. I think
2164 now that issue has attention. Mr. Attack has offered for someone to bring their
2165 own engineer. We've done everything possible to try to make it better. And the
2166 good news about the traffic light.

2167

2168 I'm going to recommend approval to the Board of Supervisors. I'm going to waive
2169 the time limit on it first. Waive the time limit on C-25C-10, Robert Attack for Attack
2170 Properties, Incorporated.

2171

2172 Mr. Jernigan - Second.

2173

2174 Mr. Archer - Motion by Mr. Vanarsdall, second by Mr. Jernigan to
2175 waive the time limits. All in favor say aye. All opposed say no. The ayes have it;
2176 the motion passes.

2177

2178 Mr. Vanarsdall - Now I'm going to forward C-25C-10, Robert Attack for
2179 Attack Properties, Incorporated to the Board of Supervisors for approval.

2180

2181 Mr. Branin - Second.

2182

2183 Mr. Archer - Motion by Mr. Vanarsdall, second by Mr. Branin. All
2184 in favor say aye. All opposed say no. The ayes have it; the motion passes.

2185

2186 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
2187 Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend
2188 the Board of Supervisors grant the request because it continues a form of zoning

2189 consistent with the area and the proffered conditions will provide quality
2190 assurances not otherwise available.

2191
2192 Mr. Vanarsdall - Mr. Secretary, do you want to tell them when it will
2193 come up before the Board?

2194
2195 Mr. Emerson - Yes sir. This should come in front of the Board on
2196 March 8, 2011.

2197
2198 **C-4C-11** **John P. Olenic:** Request to conditionally rezone from
2199 C-1 Conservation District to A-1C Agricultural District (Conditional) part of Parcel
2200 852-717-9330 containing approximately 7.23 acres, located on the north line of
2201 the Southern Railway right-of-way approximately 660' north of the terminus of
2202 Perth Lane. The applicant proposes a residential addition to an existing home.
2203 The use will be controlled by zoning ordinance regulations and proffered
2204 conditions. The Land Use Plan recommends Rural Residential, density should
2205 not exceed 1 unit per acre.

2206
2207 Mr. Archer - Thank you, Mr. Secretary. Good evening, Mr. Sehl. Is
2208 there anyone here in opposition to C-4C-11, John P. Olenic?

2209
2210 Mr. Jernigan - Is there anyone here?

2211
2212 Mr. Archer - Staff is here. Carry on, Mr. Sehl.

2213
2214 Mr. Sehl - Thank you, Mr. Chairman.

2215
2216 The applicant's proposal to rezone the property as described in the staff report is
2217 not anticipated to adversely impact adjacent properties and would be consistent
2218 with the property's designation on the 2026 Comprehensive Plan. For these
2219 reasons, staff supports this request.

2220
2221 I would be happy to answer any questions you might have at this time.

2222
2223 Mr. Archer - Any questions for Mr. Sehl?

2224
2225 Mr. Jernigan - Mr. Sehl, were you ever able to get in touch with Mr.
2226 Olenic?

2227
2228 Mr. Sehl - I have not spoken to Mr. Olenic, no sir. I have spoken
2229 to him, but not since—

2230
2231 Mr. Jernigan - Not in the last day or two since you've been trying to
2232 reach him. All right, thank you.

2233

2234 Mr. Archer - Would you like to hear from the applicant, Mr.
2235 Jernigan?

2236
2237 Mr. Jernigan - Well, I don't think that's going to be possible. Thank
2238 goodness this was an easy case. Thank you, Mr. Sehl. Well Mr. Chairman, with
2239 there being as we don't have any opposition, I move for approval of zoning case
2240 C-4C-11, John P. Olenic, and move it to the Board of Supervisors for their
2241 approval.

2242
2243 Mr. Vanarsdall - Second.

2244
2245 Mr. Archer - Motion by Mr. Jernigan, second by Mr. Vanarsdall. All
2246 in favor say aye. All opposed say no. The ayes have it; the motion passes.

2247
2248 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
2249 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
2250 the Board of Supervisors **grant** the request because it conforms with the
2251 objectives and intent of the County's Comprehensive Plan and would not
2252 adversely affect the adjoining area if properly developed as proposed.

2253
2254 Mr. Emerson - Mr. Chairman, that takes us to the next item on our
2255 agenda, which is to discuss a consideration to set a public hearing date possibly
2256 on March the 10th for an amendment to the County Code regarding public street
2257 frontage requirements for family subdivisions. As you know, we have discussed
2258 this on several different occasions. I do have some additional information to pass
2259 out to you that was requested after our last meeting and its several localities and
2260 we can expand upon this; this was just some quick research that was done. This
2261 is regarding the private drive standards for family subdivisions for the
2262 communities that are listed. There's one that may confuse you; the rest of them I
2263 think are fairly straightforward and that is Chesterfield County. Chesterfield
2264 County still handles non-road-frontage parcels the same as we do. They do it
2265 through the BZA. I'm not sure if they've done anything regarding a special
2266 exception if they're locked up over the Cochran and Cherrystone cases as well.
2267 They still handle the non-road-frontage lots through their Board of Zoning
2268 Appeals. Otherwise you'll note for the most part there seems to be a graduated
2269 scale in regards to the number of dwellings that are allowed before you begin to
2270 pave or require pavement of the roadways. Again, the widths vary as well. So
2271 this I present to you for your consideration.

2272
2273 What I really would like for you to consider tonight is to set for public hearing on
2274 the 10th the original proposal from staff as we have discussed. I know we've
2275 talked about a lot of options, but this will be the October 22nd presentation that we
2276 made to you. The date I have on the draft ordinance was October 22nd. That
2277 includes the paving, the 20 feet of paving and the other requirements that are
2278 somewhat controversial and that have been subject to discussion. Take your
2279 public input based upon that and then after that schedule another work session

2280 to continue your discussion on where you might want to head with this based on
2281 the information that's been presented. That way you would at least have an
2282 additional perspective from those who may actually be trying to use an ordinance
2283 such as this to weigh in to your conversations.

2284
2285 Mr. Archer - I agree with you, Mr. Secretary. It's time to bring this
2286 to a public hearing.

2287
2288 Mr. Jernigan - Mr. Chairman, another thing, too, if those of you who
2289 didn't look in your portal, the question that I had at the last meeting on the CBR
2290 rating, the answer was in the portal. They did explain about that. I wasn't familiar
2291 with it, but it does tell you CBR-10.

2292
2293 Mr. Emerson - It's California Bearing Ratio. Without the information
2294 in front of me, I can't explain it to you. It's essentially the load-bearing capacity of
2295 the road.

2296
2297 Mr. Vanarsdall - Mr. Chairman, what time do you want to have this on
2298 the 10th?

2299
2300 Mr. Archer - What time, Mr. Secretary?

2301
2302 Mr. Emerson - I am open to suggestion. If you would like to do it prior
2303 to your normal meeting, I am fine with that. And if you want to do it during your
2304 normal meeting, I'm fine with that as well. It's up to the pleasure of the
2305 Commission.

2306
2307 Mr. Archer - What's the pleasure of the majority? Before, after, or
2308 during?

2309
2310 Mr. Emerson - We'll try 6:00?

2311
2312 Mrs. Jones - Before.

2313
2314 Mr. Emerson - It puts it before your normal zoning cases, so people
2315 that know that this is going to be heard, it probably is a little more convenient as
2316 long as they can get here.

2317
2318 Mr. Archer - We have to advertise it, too, right?

2319
2320 Mr. Emerson - Yes sir, we do.

2321
2322 Mr. Archer - I would suggest 6:30. With people getting off at 5:00,
2323 that's a stretch.

2324
2325 Mr. Vanarsdall - All right, 6:30.

2326
 2327 Mrs. Jones - Is that okay?
 2328
 2329 Mr. Jernigan - I think that would be okay.
 2330
 2331 Mrs. Jones - It actually is probably going to be more of interest to
 2332 folks who are out in your neck of the woods. So is that enough time?
 2333
 2334 Mr. Jernigan - Yes. I actually believe 30 minutes will be enough.
 2335
 2336 Mrs. Jones - I mean is it enough time for them to get off work and
 2337 get here.
 2338
 2339 Mr. Jerrigan - Oh yes.
 2340
 2341 Mrs. Jones - Okay.
 2342
 2343 Mr. Archer - I can't imagine that there are a preponderance of
 2344 people who have this problem to deal with. Mr. Secretary, thank you for the
 2345 handout, too.
 2346
 2347 Mrs. Jones - That's a lot of work.
 2348
 2349 Mr. Emerson - We'll be happy to do a little more research on that
 2350 prior to your next work session after the public hearing and we find out what folks
 2351 are thinking about, where we're headed.
 2352
 2353 Mr. Archer - Do we need a motion to set that?
 2354
 2355 Mr. Emerson - Yes sir, you do.
 2356
 2357 Mr. Archer - Then will somebody move to set the hearing?
 2358
 2359 Mrs. Jones - I so move for a pubic hearing at 6:30 on March 10th to
 2360 discuss the ordinance proposals.
 2361
 2362 Mr. Jernigan - Second.
 2363
 2364 Mr. Archer - Motion by Mrs. Jones, seconded by Mr. Jernigan. All
 2365 in favor say aye. All opposed say no. The ayes have it; the motion passes. The
 2366 hearing is set.
 2367
 2368 Mr. Emerson - Mr. Chairman, the next item on your agenda would be
 2369 the consideration of the approval of your minutes from the January 13, 2011
 2370 meeting.
 2371

2372 Mr. Archer - Are there any additions or corrections? Well, you can't
2373 add to the minutes. Any corrections to the minutes?
2374

2375 Mrs. Jones - I have just a couple little things that jump out at me;
2376 I'm sorry. Page 2, line 32. The last part of that is, "and is on page one," not "and
2377 on is page one." Page 5, line 190. I was nominating Tommy Branin from the
2378 Three Chopt District not Chop District. I was nominating him as Vice Chairman
2379 for the Planning Commission not blank.
2380

2381 Mr. Archer - Any more, Mrs. Jones? I actually had a correction
2382 myself.
2383

2384 Mrs. Jones - Page 7, line 261. Power's, apostrophe "s." I'm in
2385 English teacher mode here. Page 10, 411. The last sentence is, "Now there are
2386 these parcels." I remember that discussion. Page 11, 442. The last word should
2387 be "of." What else did I have?
2388

2389 Mr. Archer - Anything else?
2390

2391 Mrs. Jones - One more, then I'm done. Page 24, line 1041.
2392 "Comprehensive plans recommended future land use." I'm finished.
2393

2394 Mr. Archer - Okay. I have one on page 6, line 215. "Chairman,
2395 many times when we always enjoy your chairmanship," I think is what I said. And
2396 on page 10, line 394. "There was someone who had additional opposition." I
2397 don't think I said, "conditional," but I don't know what I did say.
2398

2399 Mrs. Jones - I have one I forgot. Can I add one more?
2400

2401 Mr. Archer - Yes ma'am, you may.
2402

2403 Mrs. Jones - I just forgot. Page 6, 213. "It's been 16 years," as
2404 opposed to, "it's be." I thought I should sound intelligent.
2405

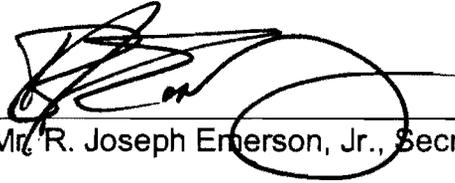
2406 Mr. Archer - Okay, can I have a motion for approval?
2407

2408 Mr. Vanarsdall - So move.
2409

2410 Mr. Branin - Second.
2411

2412 Mr. Archer - Motion by Mr. Vanarsdall, second by Mr. Branin. All
2413 in favor say aye. All opposed say no. The ayes have it; the motion passes.
2414

2415 I have one thing I need to mention. When Ms. Freye presented her case, she did
2416 bring some conditions that were brought in on the 9th, which was yesterday. I
2417 don't recall whether I extended the time limits.

2418
2419 Mr. Emerson - On the conditions for provisional use that's not
2420 necessary.
2421
2422 Mr. Archer - Oh, okay.
2423
2424 Mr. Emerson - I'll check and make sure, but I believe that's correct.
2425
2426 Mr. Archer - Thank you, Mr. Emerson.
2427
2428 Mr. Archer - Anything else to bring before this meeting?
2429
2430 Mr. Emerson - No sir, I have no more for the Commission tonight.
2431
2432 Mr. Archer - May I have a motion for adjournment?
2433
2434 Mrs. Jones - So move.
2435
2436 Mr. Vanarsdall - Second.
2437
2438 Mr. Archer - Motion by Mrs. Jones, second by Mr. Vanarsdall. All
2439 in favor say aye. All opposed say no. The ayes have it; the motion passes. The
2440 meeting is adjourned.
2441
2442 The meeting adjourned at 8:43 p.m.
2443
2444
2445
2446
2447
2448
2449
2450 
2451 Mr. R. Joseph Emerson, Jr., Secretary
2452
2453
2454
2455
2456 
2457 Mr. C. W. Archer, Chairperson
2458
2459
2460
2461
2462
2463