

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., on January 13, 2000, Display Notice having been published in the
4 Richmond Times-Dispatch on Thursday, December 23, 1999, and Thursday, December 30,
5 1999.

6
7 Members Present: Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe
8 Ernest B. Vanarsdall, C.P.C., Vice-Chairman Brookland
9 C. W. Archer, C.P.C., Fairfield
10 Debra Quesinberry, Varina
11 Allen J. Taylor, Three Chopt
12 Patricia S. O'Bannon., Board of Supervisors, Tuckahoe
13 John R. Marlles, AICP, Secretary, Director of Planning
14

15 Others Present: Randall R. Silber, Assistant Director of Planning
16 Elizabeth S. Via, Principal Planner
17 Mark Bittner, County Planner
18 Lee Householder, County Planner
19 Jo Ann Hunter, County Planner, AICP
20 Eric Lawrence, County Planner, AICP
21 Judy Thomas, Recording Secretary
22

23 Mr. Marlles - Good evening, Madam Chairman, and members of the
24 Commission. This is our first meeting of the New Year, not the New Millennium, but the New
25 Year. We actually do have two new members of the Planning Commission serving with us
26 tonight. Mrs. Patricia O'Bannon, who is seated on my left, is the Board representative who was
27 appointed to serve on the Planning Commission for the next year on Tuesday evening. She does
28 represent the Tuckahoe District on the Board of Supervisors. On my far right, Mr. Allen Taylor,
29 has been appointed to fill the position vacated by Mrs. Mary Wade. Mr. Taylor does represent
30 the Three Chopt District. We do have a full Planning Commission here tonight, so we can
31 conduct business, Madam Chairman.

32
33 Ms. Dwyer - I would like to welcome Mrs. O'Bannon and Mr. Allen Taylor.

34
35 Mr. Taylor - Thank you very much.

36
37 Ms. Dwyer - (Comments unintelligible-microphone not working).

38
39 Mr. Marlles - The next item of business is the request for deferrals and
40 withdrawals. Mrs. Via.

41
42 Mrs. Dwyer - Good evening.

43
44 Mrs. Via - Good evening, and thank you very much.

45 Mrs. O'Bannon - If I could make one mention, one thing I noticed on this (referring
46 to agenda). It says, "Planning Commissioner." Beside each name, it says, "C.P.C". I am also a
47 Certified Planning Commissioner,...and that means that we have taken the course.

48
49 Mr. Vanarsdall - Mrs. O'Bannon, I will tell you, you will have to remind them
50 several times before you get that.

51
52 Mr. Silber - No, she won't.

53
54 Mr. Archer - (Comments unintelligible).

55
56 Mr. Vanarsdall - I had to write a letter.

57
58 Ms. Dwyer - Okay, Mrs. Via.

59
60 **Deferred from the December 9, 1999 Meeting:**
61 **C-72C-99 James W. Theobald for Dalriada, L.L.C.:** Request to
62 conditionally rezone from RTHC Residential Townhouse District (Conditional) to M-1C Light
63 Industrial District (Conditional), Parcel 58-A-48C, containing approximately 3.588 acres, located
64 on the northwest line of Gaskins Road approximately 300' south of its southwest intersection with
65 Three Chopt Road. A mini-storage warehouse facility is proposed. The use will be controlled by
66 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban
67 Residential, 3.4 to 6.8 units net density per acre.

68
69 Mrs. Via - Thank you, Madam Chairman. Our first case this evening to be
70 deferred on the 7:00 p.m. agenda is case C-72C-99. The applicant has requested a deferral to
71 March 9, 2000.

72
73 Ms. Dwyer - Is there any one in the audience in opposition to the deferral of
74 Case C-72C-99 Dalriada, L.L.C? Any opposition to the deferral? No opposition. It is in the
75 Tuckahoe District, so I move that case C-72C-99 be deferred to March 9, 2000 at the applicant's
76 request.

77
78 Mr. Vanarsdall seconded the motion.

79
80 Ms. Dwyer - Motion by Ms. Dwyer and second by Mr. Vanarsdall. All in favor
81 of the motion say aye--all opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained).
82 The motion carries.

83
84 Mrs. Via - Thank you. Madam Chairman, we have three cases that will be
85 deferred on the 8:30 p.m. agenda. Would you like for me to mention them now, but you won't
86 be able to make a motion until 8:30 p.m.?

87
88 Mrs. O'Bannon - Can we mention them?

89 Ms. Dwyer - March 9th. I'm sorry. That would be March 9th, correct? Duly
90 noted. Do you just want to mention the cases on the 8:30 agenda? We will not take action on
91 them now. It is not 8:30 yet.

92

93 Mrs. Via - That's right. The cases will be deferred at 8:30 p.m., in case
94 anyone is here a little bit early :

95

96 In the Three Chopt District, C-3C-00 James W. Theobald for H. H. Hunt Corp: Request to
97 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District.

98

99 That deferral will be to February 10.

100

101 The second case on the 8:30 agenda is in the Varina District. This is Case C-10C-00 Jay M.
102 Weinberg for Attack Properties. This is a request to conditionally rezone from A-1 Agricultural
103 District, RTHC Residential Townhouse District (Conditional) and O/SC Office/Service District
104 (Conditional) to RTHC Residential Townhouse District (Conditional), R-5C General Residence
105 District (Conditional) and O/SC Office Service District. That deferral has been requested to
106 March 9th.

107

108 And then the last case that we will need to take up before we start our 8:30 agenda is in the
109 Fairfield District. That is Case C-65C-99 Donald L. Strange-Boston for Steven and Dody
110 Tribble and Charles W. Sanders, Jr. and J. Sanders.

111

112 This is, if you remember, a request to conditionally rezone from B-3C Business District
113 (Conditional) and R-4 One Family Residence District to B-3C Business District. That case also
114 is being requested deferral to March 9th.

115

116 Mr. Vanarsdall - Madam Chairman, we have another one that should be picked up.
117 That is C-10C-00 under 8:30. Do you have any record of that?

118

119 Ms. Dwyer - I think we already mentioned that one.

120

121 Mrs. Via - In the Brookland District, that is C-10C-00 Jay M. Weinberg for
122 Attack Properties.

123

124 Ms. Dwyer - She mentioned that.

125

126 Mr. Vanarsdall - I'm sorry, I didn't hear it.

127

128 Ms. Dwyer - All right. Is that it? Thank you, Mrs. Via.

129

130 Mr. Marlles - The next item on the agenda is the election of Chairman. It gives
131 me great pleasure to be able to handle this portion of the agenda. At the first meeting of each year,
132 the Planning Commission elects its Chairman and Vice Chairman for the coming year. So, at this
133 time, we will conduct this portion of the business. I would like to open the floor, at this time, for
134 nominations for Chairman of the Planning Commission for 2000.

135
136 Mrs. Quesinberry - Mr. Secretary, I would like to nominate Mr. Ernest B. Vanarsdall for
137 Chairman of the Planning Commission for the Year 2000.
138
139 Mr. Marlles - We have a motion by Mrs. Quesinberry for Mr. Vanarsdall to serve
140 as Chairman for the Year 2000. Do we have a second?
141
142 Mr. Archer - Mr. Secretary, I will second that motion.
143
144 Mr. Marlles - We have moved and seconded that Mr. Vanarsdall serve as
145 Chairman for the Year 2000. Are there any other nominations? Do we have a motion to close
146 nominations?
147
148 Mrs. Quesinberry - I move that we close nominations.
149
150 Mr. Archer seconded the motion.
151
152 Mr. Marlles - We have a motion and a second to close nominations for Chairman
153 of the Planning Commission. All those in favor of Mr. Vanarsdall for Chairman of the Planning
154 Commission for the Year 2000, signify by saying aye. All those opposed, say nay. Mr. Vanarsdall
155 is elected Chairman of the Planning Commission for the Year 2000. Congratulations.
156
157 We will now vote for the position of Vice-Chairman of the Planning Commission for the Year
158 2000. Are there any nominations for the position of Vice-Chairman?
159
160 Mr. Archer - Mr. Secretary, I would like to place in the nomination the name of
161 Debra Quesinberry.
162
163 Mr. Marlles - Do we have a second on the floor for Mrs. Quesinberry as Vice-
164 Chairman for the coming year?
165
166 Ms. Dwyer - Second.
167
168 Mr. Marlles - We have a motion that has been seconded that Mrs. Quesinberry
169 serve as Vice-Chairman of the Planning Commission for the Year 2000. Are there any other
170 nominations from the floor?
171
172 Mr. Archer - Mr. Secretary, I move that we close the nominations.
173
174 Mr. Vanarsdall - Second.
175
176 Mr. Marlles - Nominations are closed. All those in favor signify by saying aye. I
177 believe that is unanimous. Mrs. Quesinberry, congratulations, you are Vice-Chairman of the
178 Planning Commission for 2000.
179

180 Mr. Vanarsdall - Mr. Secretary, I thank you for that, and I thank my colleagues for
181 the election of Chairman. I may not go down to the be the best Chairman, but I will go down to be
182 the first one of this century.

183
184 With that, Mr. Secretary, we have a very pleasant duty now to do, and Mrs. Dwyer, the former
185 Chairman, of about two minutes, will you come down to the microphone?
186

187 Mrs. Dwyer, it is my pleasure to present you with a gift for being a good chairman for the other
188 century of the year 1999. And you ought to be very glad that you didn't get another plaque. You
189 did do a good job, and we disagreed sometimes, but that is what it is all about, and we're glad that
190 you served. We thank you.

191
192 Ms. Dwyer - It is not a plaque.

193
194 Mrs. Quesinberry - Is it something to eat?

195
196 Ms. Dwyer - Oh, Landscape Plants of the Southeast. I will have to show this to
197 Mary Wade.

198
199 I am not going to prolong the meeting with a speech, but I would like to thank everyone for being
200 such good colleagues during the last year. I have certainly enjoyed the experience of being
201 Chairman, and I have learned a lot. I have learned a whole lot. I have enjoyed the process, and it
202 has been my privilege to serve, so, thank you very much.

203
204 Mr. Vanarsdall - Mrs. Quesinberry, would you like to say something?

205
206 Mrs. Quesinberry - Oh, that's a dangerous question. I thought we just talked about
207 having shorter meetings.

208
209 Mr. Vanarsdall - ...That is going to be one of your jobs this year, to shorten the
210 meetings.

211
212 Mrs. Quesinberry - I will assist you in that endeavor.

213
214 Mr. Vanarsdall - Mr. Secretary.

215
216 **C-1-00** **Jordan Consulting Engineers for H. H. Hunt Corp.:** Request to
217 rezone from R-3C One Family Residence District (Conditional) to C-1 Conservation District, part
218 of Parcel 10-A-7B, described as follows:

264 N 40°02'10" E 99.79 feet to a point in the centerline of the creek.

265
266 Thence leaving the creek in a southeasterly direction with a line common to Wyndham Forest
267 Subdivision, Section 4; (1) S 12°36'40" E +/-105.0 feet to a point. Thence leaving the common
268 line with Wyndham Forest, Section 4, in a southwesterly along the approximate limits of the 100
269 Year FEMA Flood Plain 623 feet as it meanders to a point. Thence with the lands of Loch Levan
270 Land Limited Partnership in northwesterly direction; N 79°47'16" W +/-540.0 feet to a point in
271 the centerline of a creek, said point being the Point and Place of Beginning for the Proposed C-1
272 area and containing approximately 0.91 acres.

273
274 Mr. Marlles - Mr. Eric Lawrence will be presenting the staff report?

275
276 Mr. Vanarsdall - Is there anyone in the audience in opposition to C-1-00? Does
277 anyone wish to speak on the case? All right, Mr. Lawrence.

278
279 Mr. Eric Lawrence, County Planner - Thank you, Mr. Chairman. Not to speed up the meeting, but
280 the first two cases are actually pretty much identical. They are the same development; one is
281 Section 7 and the other is Section 8, respectively. They are both zoned C-1 cases. If you like, I
282 can present them together, and then you can just take action separately at the end?

283
284 Mr. Vanarsdall - We have no objections.

285
286 Mr. Lawrence - Okay, thank you. These two applications C-1-00 and C-2-00 are
287 requests to rezone land located within the Wyndham Forest Subdivision, Sections 7 and 8
288 respectively to the C-1 District. Acceptance of this application will fulfill the sites Proffered
289 Condition No. 4, and will fulfill the 2010 Land Use Plan's intent of preserving the environmentally
290 sensitive areas.

291
292 The two sites; the first a 7-acre site, and the second, a 1-acre site, are predominantly floodplain
293 areas, occasionally saturated and may be of limited active recreational use. Although, as weather
294 permits, the area may be useful for passive recreation, such as hiking. In any event, staff would
295 encourage that the area be promoted as an environmental preservation area rather than a recreation
296 open space amenity for the neighborhood.

297
298 I'd like to point out, also, that a little later in this evening's agenda, staff will talk about open space
299 and C-1 Conservation areas, and particularly, home ownership of them, so we can go into detail
300 into that later on. But, I would like to point out that, in this particular case, staff has evaluated the
301 cases as to who should hold ownership to a conservation area.

302
303 In reviewing the case, it was felt that Wyndham Forest is a large development, ultimately a couple
304 of hundred homes, and they would have a homeowner's association that would be capable of
305 maintaining common open space. And from that aspect, the association would be appropriate to
306 maintain this area. Also, there is an advantage to having it within the homeowners in this
307 particular situation because of the environmental sensitivity of the area. You place it in common
308 open space and common areas, it prohibits people from disturbing the environment, removing the

309 trees, from placing sheds and things of that nature. So, for this particular case, it is appropriate that
310 the homeowner's association would maintain this area.

311
312 With that said, there are no significant comments from any of the review agencies, and staff
313 supports both of these applications. I'd be happy to answer any questions if there are any.

314
315 Mr. Vanarsdall - Are there any questions by Commission members of Mr. Lawrence?

316
317 Mrs. O'Bannon - Who would accept ownership of the property?

318
319 Mr. Lawrence - It is my understanding, currently, they are going to deed it over to
320 the homeowner's association.

321
322 Mrs. O'Bannon - Do they understand the liability issues?

323
324 Mr. Lawrence - That is my understanding. Correct.

325
326 Mrs. O'Bannon - Okay.

327
328 Mr. Lawrence - The developer is also the same developer whose developed
329 Wyndham, so he is familiar with the homeowner's association and the creation thereof.

330
331 Mrs. O'Bannon - Because they are pretty much required to have an insurance policy
332 on those areas of liability.

333
334 Mr. Lawrence - That's correct.

335
336 Mrs. O'Bannon - Okay.

337
338 Ms. Dwyer - Mr. Lawrence, I don't know if this is an issue for this particular
339 case, but one of the things we might want to talk about in our discussion item for C-1 we are
340 accustomed to assuming it is going to be a preservation area, when, in fact, as you know, there are
341 a lot of different uses that are allowed in the C-1 District. So, maybe one of the discussion items
342 for that could be, when we accept proffers for C-1, do we expect that it will be a preservation area
343 that we proffer out some of the other uses, such as A-1 uses, or sawmills or other passive
344 recreation?

345
346 Mr. Lawrence - Okay. I'll make a note of that.

347
348 Ms. Dwyer - Thank you.

349
350 Mr. Vanarsdall - Any more questions? Mr. Taylor, do you want to hear from the
351 applicant?

352
353 Mr. Taylor - No.

354

355 Mr. Vanarsdall - All right, entertain a motion.
356
357 Mr. Taylor - I move to recommend approval of Cases C-1-00 and C-2-00.
358
359 Mr. Vanarsdall - Do we have a second?
360
361 Mr. Archer - I second, Mr. Chairman.
362
363 Mrs. O'Bannon - Should we take these separately?
364
365 Mr. Archer - I think you do need to take them separately.
366
367 Mr. Marlles - I would recommend that we do a separate motion for each case.
368
369 Mr. Taylor - I recommend approval of Case C-1-00.
370
371 Mr. Archer - I second that.
372
373 Mr. Vanarsdall - Motion was made by Mr. Taylor, and seconded by Mr. Archer. All
374 in favor say aye--all opposed saying no. The vote is 5-0 (Mrs. O'Bannon abstained). The motion
375 carries.
376
377 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission
378 voted 5-0 (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors **grant** the
379 request because it conforms with the objectives and intent of the County's Comprehensive Plan.
380
381 Mr. Vanarsdall - Next case, Mr. Taylor.
382
383 Mr. Taylor - I move to recommend approval of Case C-2-00.
384
385 Ms. Dwyer - Second.
386
387 Mr. Vanarsdall - A motion was made by Mr. Taylor and seconded by Ms. Dwyer.
388 All in favor say aye--all opposed say nay. The vote is 5-0 (Mrs. O'Bannon abstained). The motion
389 carries.
390
391 REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Dwyer, the Planning Commission
392 voted 5-0 (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors **grant** the
393 request because it conforms with the objectives and intent of the County's Comprehensive Plan.
394
395 **Deferred from the December 9, 1999 Meeting:**
396 **C-73C-99 Dean E. Hawkins, ASLA, for Shamin RIC Hospitality, L. C.:**
397 Request to conditionally rezone from M-1C Light Industrial District (Conditional) and B-3
398 Business District to M-1C Light Industrial District (Conditional) and B-3C Business District
399 (Conditional) part of Parcel 163-A-19D, described as follows:
400

401 Beginning at a point on the north line of Audubon Drive, approximately 500' from the eastern
402 line of Airport Drive extended, thence on a line bearing N 28 degrees, 40 minutes, 25 seconds W
403 for a distance of 178.93 feet to a point, thence on a line bearing S 61 degrees, 19 minutes, 35
404 seconds W for a distance of 13.97 feet to a point, thence on a line bearing N 73 degrees, 45
405 minutes, 19 seconds W for a distance of 218.22 feet to a point, thence on a line along Airport
406 Drive (State Route 156) bearing N 17 degrees, 33 minutes, 35, seconds E for a distance of
407 504.79 feet to a point, thence on a line bearing S 74 degrees, 55 minutes, 10 seconds E for a
408 distance of 451.83 feet to a point, thence along a line bearing S 17 degrees, 33 minutes, 35
409 seconds W for a distance of 294.63 feet to a point, thence a long a line b~earing S 61 degrees, 19
410 minutes, 35 seconds W for a distance of 184.17 feet to a point, thence along a line bearing S 16
411 degrees, 19 minutes, 35 seconds W for a distance of 106.73 feet to a point, thence along a line
412 bearing S 28 degrees, 40 minutes, 25 seconds E for a distance of 90.45 feet to a point on the
413 north line of Audubon Drive, thence along the north line of Audubon Drive bearing S 61
414 degrees, 19 minutes, 35 seconds W for a distance of 50.00 feet, to the point of Beginning,
415 containing 5.00 acres.

416

417 Mr. Marlles - The staff presentation will be by Mr. Mark Bittner.

418

419 Mr. Vanarsdall - Is there any one in the audience in opposition to Case C-73-99? If
420 there is no opposition, does anybody want to speak to this case? No opposition. Mr. Bittner, good
421 evening.

422

423 Mr. Mark Bittner, County Planner - Thank you, Mr. Vanarsdall. As Mr. Marlles said, this is an
424 application for a hotel. The applicant has stated that it would not be an extended stay hotel. The
425 applicant is seeking to construct a 70-foot tall structure, but the existing proffers on the site would
426 allow no more than 40 feet in height.

427

428 The proffered conceptual plan and building elevations show a six-story, 121-room hotel. Let me
429 pull it up here now (referring to slide). The applicant has amended the site plan, and we are
430 showing you the amended site plan right now, by shifting the location of the building on the site.
431 You can see the building is rotated a bit.

432

433 The Capital Region Airport Commission has reviewed this new location and has no objection to it.
434 With this change, the Airport Commission no longer has any concerns with this application.

435

436 The surrounding property is characterized by other hotels and assorted business and industrial
437 establishments. There are two other hotels in the immediate area on Parcel 21 directly to the south,
438 and Parcel 1A on the western side of Airport Drive.

439

440 The applicant has also submitted revised proffers that address the comments in the staff report.
441 Revised Proffer 11 provides a 25-foot buffer with landscaping and berming along the Airport
442 Drive frontage of the property. Staff feels that this is acceptable.

443

444 Revised Proffer #13 defines open space to include landscaping, lawns, screening areas, buffer
445 areas, bodies of water, works of art and outdoor recreational areas. Staff feels that this is also
446 acceptable.

447
448 There is one outstanding item that staff wants to bring to the Planning Commission's attention.
449 There is an existing chain-link fence along the Airport Drive frontage of the property. Both staff
450 and the applicant feel that the aesthetics of the site would be improved if this fence were removed.
451 Airport Drive is a limited access VDOT roadway. We have not had an opportunity to discuss
452 possible removal of this fence with VDOT. Staff encourages the applicant to explore this issue
453 with VDOT when he prepares the plan of development for this site.

454
455 In summary, staff feels that this is an appropriate area for a hotel. Neither staff nor the Airport
456 Commission object to the increased 70-foot height. The revised proffers also address the issues
457 associated with this request. Staff recommends approval of this application. I'd be happy to
458 answer any questions you may have.

459
460 Mr. Vanarsdall - Are there any questions of Mr. Bittner by Commission members?

461
462 Mrs. Quesinberry - Mark, we have just one question and maybe it is an applicant
463 question, or maybe it is an M-1 question, of why M-1 for this hotel use; the issue of the two
464 previous cases, and how this one is carved out? Could you explain that?

465
466 Mr. Bittner - Okay. Back in 1998, you see two parcels outlined with the thick
467 dark black line here (referring to slide); Cases C-34-98 and C-35-98, were two separate zoning
468 requests for two separate hotels. The applicant has since come in with this rezoning, which
469 involves the property outlined with the dashed line. As you can see, he has taken a little bit of the
470 property on the right, and also included the property from the Case C-35-98. So there would still
471 be, where you see this arrowhead pointing here (referring to slide), that 1.054 acres left over for
472 potential development, and we've had no application or indication as to what may be developed on
473 the property. With only one acre, it would be difficult, in my opinion, to put a typical hotel or any
474 typical industrial use on there, but it is still available for potential development.

475
476 Ms. Quesinberry - Thank you.

477
478 Ms. Dwyer - If I may follow up on that, why are we requesting M-1 with a hotel
479 which only needs to be B-2?

480 Mr. Bittner - This was all zoned M-1 in 1989, I believe, for an industrial park, and
481 nothing was ever developed on this site. The proffers on that case included prohibition of hotels.
482 In 1998, Cases C-34-98 and C-35-98, they asked for removal of that proffer. They did not ask for
483 a change in the zoning, and it's, basically, the same situation here tonight.

484
485 Ms. Dwyer - Because there is also a proffer that relates to industrial use that we're
486 being asked to look at tonight.

487
488 Mr. Bittner - I'm not sure.

489
490 Ms. Dwyer - Will we have to approve a proffer tonight that relates to industrial
491 uses and not hotel uses? Is that correct?

492

493 Mr. Bittner - I don't believe so.
494
495 Ms. Dwyer - In the staff report, Proffers 1 and 2 relate to industrial uses?
496
497 Mr. Bittner - What is the proffer? I don't have the proffers in front of me.
498
499 Ms. Dwyer - Proffer 1 states "All industrial uses shall be conducted within a
500 completely enclosed building, etc." Proffer 2 states "All uses shall be conducted so as not to
501 endanger health, safety and welfare of those industrial type uses." Those are proffers we're being
502 asked to (unintelligible).
503
504 Mr. Bittner - Would you repeat the question again, please?
505
506 Ms. Dwyer - The general question is, "Why we are considering M-1 zoning for a
507 B-2 use?" I guess is my question.
508
509 Mr. Bittner - Why the industrial proffer?
510
511 Ms. Dwyer - Why the industrial proffer, and why the industrial zoning when it's a
512 B-2 use?
513
514 Mr. Bittner - I don't know. I can't answer that. Maybe the applicant can.
515
516 Mrs. Quesinberry - Can we hear from the applicant, Mr. Chairman?
517
518 Mr. Vanarsdall - You want to hear from the applicant?
519
520 Mrs. Quesinberry - Maybe he can answer that question.
521
522 Mr. Vanarsdall - Will the applicant come forward, please?
523
524 Mr. Dean Hawkins - Mr. Chairman and members of the Commission, I am Dean
525 Hawkins, representing the applicant. To answer your question about the proffers, what we have
526 tried to do was to take the verbiage and the conditions of the previous two cases and essentially
527 leave them in place and only tailor our requests to the additional height of the building. So I have
528 tried to match all of the conditions that have been handed down throughout time to safeguard the
529 site's development with the previous conditions. And, those first two proffers are simply left there
530 from the previous cases. They really don't mean that much to me, because I don't think it would
531 ever develop that way. We have a hotel, and more than likely, a restaurant site there, and that's
532 what we would be looking at.
533
534 Ms. Dwyer - I guess my point is, it is good policy to, if you want a B-2 use or a
535 B-3 use, to ask for that zoning and to have your proffers relate to that rather than carry over zoning
536 uses and zoning classifications and proffers that are no longer applicable?
537

538 Mr. Hawkins - Sure. Right. It does give some leeway to the owner of what may
539 happen in front of that site where the restaurant is, but I generally think that is what is planned
540 there. So, I am willing to discuss the two proffers, if you think they are valid points of contention.
541

542 Mrs. Quesinberry - But, you've proffered your conceptual plan here for a hotel?
543

544 Mr. Hawkins - Yes. It is a pretty well nailed down with a hotel.
545

546 Mr. Vanarsdall - Are there any other questions of Mr. Hawkins?
547

548 Mrs. Quesinberry - No. I don't have any other questions.
549

550 Mr. Vanarsdall - You don't have any other questions?
551

552 Mrs. Quesinberry - No.
553

554 Mr. Vanarsdall - I will entertain a motion.
555

556 Mrs. Quesinberry - This is kind of an odd little piece of property tucked away in an
557 industrial area, but it is very appropriate for a hotel on the site, and especially a hotel of this
558 quality. It is a much better plan than we saw in the past where we had two hotels on the same
559 piece of property. So, I am pleased with what the applicant has done with this on the buffers, and I
560 did want to make a comment about that chain-link fence, and ask that you consider what is staff's
561 recommendations. We don't know what the VDOT situation is with that fence, but it is not
562 attractive to your property and it won't be when you have your design up.
563

564 Mr. Vanarsdall - Identify yourself, again, for the record.
565

566 Mr. Hawkins - Once again, Dean Hawkins for the applicant. The fence is on the
567 state right of way, and I think it was constructed as a barrier to limited access highways. If we are
568 able to remove it, we will, because behind that, we have a 25-foot wide landscaped bermed buffer,
569 and it will do better for us to have the fence removed.
570

571 Mrs. Quesinberry - Absolutely. I would like to make a motion to recommend approval
572 of Case C-73C-99, Shamin RIC Hospitality.
573

574 Mr. Vanarsdall - Is there a second?
575

576 Mr. Taylor seconded the motion.
577

578 Mr. Vanarsdall - We have a motion by Mrs. Quesinberry, and a second by Mr.
579 Taylor. All in favor say aye--all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
580 abstained). The motion carries.
581

582 REASON: Acting on a motion by Mrs. Mrs. Quesinberry, seconded by Mr. Taylor, the Planning
583 Commission voted 5-0 (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors

584 **accept the proffered conditions and grant** the request because the business use is compatible
585 with surrounding development; and the proffered conditions would provide for a higher quality of
586 development than would otherwise be possible.

587
588

589 Mr. Vanarsdall - Mr. Secretary, I believe that is the last one we can take right now.

590
591 Mr. Marlles - Yes sir, Mr. Vanarsdall. We do have quite a bit of time before the
592 8:30 agenda. Staff would suggest that we take those items, first of all, that are at the end of the
593 agenda, and then, in addition, we have a number of announcements; updates for the Planning
594 Commission that we'd like to present to you.

595
596 Mr. Vanarsdall - Ladies and gentlemen, let me explain. These cases are advertised in
597 the paper, and the time was in the advertisement and we cannot bring a case forward, even if we
598 wanted to, until that time, so we can't do anything else on the next case until 8:30 p.m.

599
600 **DISCUSSION: Set work session on Nine Mile Road Comprehensive Plan Amendment 11:00**
601 **a.m., February 21, 2000.**

602
603 Mr. Marlles - The first item on the agenda is the discussion to set a work session
604 on the Nine Mile Road Comprehensive Plan Amendment. Just in the way of background for
605 members of the Commission, the Nine Mile Road Plan was prepared by staff and completed, I'm
606 not sure exactly when, but I know it was several years ago.

607
608 That Plan recommended a number of implementation measures, including an amendment to the
609 Comprehensive Plan to designate the Special Project Area or Special Strategy Area. Staff has
610 prepared a draft amendment and would like to present it to the Planning Commission at a work
611 session. Staff is recommending that that work session be held on February 21, 2000, at 11:00 a.m.
612 That is our normal POD meeting and we have a light caseload that day, so we feel that is our
613 recommendation.

614
615 Mr. Vanarsdall - Is there anybody on the Planning Commission that could not be
616 there on that date at that particular time? I thought the POD was on the 23rd.

617
618 Mrs. Quesinberry - It is the 23rd.

619
620 Mr. Archer - I believe Mr. Secretary said the 21st, but it should be the 23rd. Is that
621 correct?

622
623 Mrs. Quesinberry - Yes sir.

624
625 Mr. Marlles - Mr. Chairman, I have been corrected. That would be a special work
626 meeting of the Planning Commission on the 21st.

627
628 Mr. Archer - Oh, it is the 21st, on a Monday?

629
630 Mr. Marlles - Yes, sir.

631
632 Mr. Taylor - I thought you all were closed that day.
633
634 Mr. Marlles - I don't believe so.
635
636 Mr. Silber - We close on the 17th.
637
638 Mr. Vanarsdall - Let me ask, does this suit everyone on the Commission this date and
639 time?
640
641 Ms. Dwyer - What is the time again?
642
643 Mr. Vanarsdall - It is at 11:00 a.m. on Monday, the 21st of February, Washington's
644 Birthday.
645
646 Ms. Dwyer - And at 10:00 o'clock on the 21st we already have a work session on
647 multi-family?
648
649 Mr. Vanarsdall - Anyone can't do it then as far as you know tonight? All right, do we
650 need a motion, Mr. Secretary?
651
652 Mr. Archer - Where will that be held, Mr. Secretary, by the way?
653
654 Mr. Vanarsdall - Where will that be held?
655
656 Mr. Marlles - Most likely, sir, in the Manager's Conference Room on the third
657 floor.
658
659 Mr. Vanarsdall - All right, I will entertain a motion for that.
660
661 Ms. Dwyer - I move that the work session on the Nine Mile Road Corridor Study
662 be held on Monday, the 21st of February, at 11:00 a.m.
663
664 Mrs. Quesinberry seconded the motion.
665
666 Mr. Vanarsdall - A motion was made by Ms. Dwyer, seconded by Mrs. Quesinberry.
667 All in favor say aye--all opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). The
668 motion passes. Thank you.
669
670
671 Mr. Marlles - The next item is the approval of minutes of December 9, 1999?
672
673 Mr. Vanarsdall - Are you ready to approve those or have some of you not read them?
674 Does anybody have any corrections? If not, let's proceed with a motion to approve the minutes of
675 December 9, 1999.
676

677 Mrs. Quesinberry - I move the approval of the minutes of the December 9, 1999
678 Planning Commission meeting, with any corrections called in.

679
680 Mr. Archer - Second.

681
682 Mr. Vanarsdall - We have a motion made by Mrs. Quesinberry and a second by Mr.
683 Archer. All in favor say aye--all opposed saying nay. The vote is 5-0 (Mrs. O'Bannon abstained).
684 The motion passes.

685
686 Mr. Marlles - The next item that staff has to present is a presentation by Mr. Eric
687 Lawrence on the Open Space and C-1 Conservation Areas.

688
689 Mr. Vanarsdall - Thank you. Mr. Lawrence.

690
691 Mr. Lawrence - Lee is handing out a little information I put together for you this
692 evening. This is a follow up on the first two cases we talked about this evening. Based on
693 direction the Planning Commission gave staff back in December, there was concern over land
694 ownership of C-1 Conservation District lands. So the staff was directed to look at the situation and
695 possibly create an evaluation criteria that we could use to help provide guidance as to who should
696 hold the ownership to land, and what conditions might we expect to be placed on land to help
697 preserve the environmental integrity of the sites.

698
699 As the handout says, this is a discussion item, so, certainly, staff isn't fixed in any thoughts. It is
700 more of putting thoughts out there and get your guidance. Henrico County continues to promote
701 the preservation of environmentally sensitive areas through the placement in the C-1 Conservation
702 District. Such areas may include floodplains, wetlands and steep slopes and woodlands. Areas
703 prompting C-1 consideration have been generally identified in the County's 2010 Land Use Plan as
704 EPA Environmental Protection Areas.

705
706 I will point out that, also, that, in conformance with the 2010 Land Use Plan, that, typically, is why
707 we see C-1 cases come before us to, essentially, rezone the land from whether its industrial or
708 residential to the conservation area.

709
710 A concern has been raised that, while the placement of such environmentally sensitive areas in the
711 C-1 District is important, ownership and maintenance of these areas should also be considered.
712 The maintenance of the area, to keep the debris, if garbage builds up who removes it? Because a
713 lot of times you see one district area as flood area; floodplains, so you need to keep it clean and
714 clear so the waters can continue to flow through, and not be blocked by debris, downed trees or
715 anything of that nature. So, maintenance of these areas is important to consider.

716
717 It should be noted that, in staff's evaluation and brief research that we have conducted so far, that
718 we found that the Division of Recreation and Parks also has a criteria for acceptance of land into
719 the County's park system. I have included that in this packet. It is about the third page of the
720 packet, and you actually have a nice list of 12 items that they evaluate a parcel of land to determine
721 whether or not the County should consider a piece of land for inclusion in the park system.

722

723 With all of that under consideration, what staff has thrown together is a very brief discussion item,
724 which essentially utilizes the park system's criteria and takes it one step further. Consideration
725 should be taken whether lands should be included in the public ownership, or should maintain
726 private ownership.

727
728 Obviously, if it is going to be public ownership. It's envisioned that it would be a part of the park
729 system, so you would follow park system criteria for considering whether land should be accepted
730 by the County. If it goes private, you've got two options that staff is aware of. This land could
731 belong in the individual property owner's lots, or it could be part of a common area and be
732 maintained and held ownership by the property owner's association.

733
734 So, that's the thought pattern staff has had up to this point, and that is what the information that has
735 been presented to you is based on that thought pattern. If I could get you to look at the second
736 page of the handout. I've put some criteria down there to provoke some discussion, hopefully.

737
738 The first one, County ownership. In using the same system that the Parks has, what staff would
739 envision is, as C-1 discussion came forward, you could sit down with the property owner and
740 discuss these criteria and figure out where it would be best to place such lands. A lot of times the
741 developer comes in and, obviously, he is rezoning the property. He is going to sell the land, so we
742 need to get his input if he is doing a residential development. What does he envision? He
743 envisions the homeowners association. What would their responsibilities would be? How large is
744 the association?

745
746 As was commented earlier, the association, if it is going to hold land, will be obligated to get a
747 liability insurance policy. So, there is a lot of responsibility that goes along with common area
748 ownership. And our goal here is to help simplify that and, essentially, help the community help the
749 citizens make sure people don't buy into residential developments that have a lot of responsibilities
750 that are really not appropriate and that they are not prepared to handle. That is where we are.

751
752 The first item; County ownership talks about the criteria that could be used to consider whether
753 land should be accepted by the County if that was made available. I just pulled a couple of things
754 off of Park's Department's criteria, which I felt would be significant to our consideration.

755
756 If the site contains special significance, if it has historical value, if it has archaeological value, that
757 is something we should consider and that's something the Park's Department should consider. Is
758 the site adjacent to an existing and proposed park? That is something that the Parks System looks
759 at, and that is something we could look at.

760
761 Similar to a case with that in the past, common area floodplain actually was located adjacent to a
762 County park system. That is something the County might want to look into. If it satisfies your
763 criteria, then they would be willing to act and to work with the applicant. Essentially, if there was
764 a dedication, make it a part of the Parks system. These are just things that should be considered.

765
766 When you look at the private sector, whether it is held by the property owner, or held by the
767 property owner's association, some key elements that staff has found, that while these numbers are

768 not set in stone, the larger a homeowner's association is, the more appropriate, the more capable,
769 the more prepared it might be to maintain common open space.

770
771 Getting back to the responsibilities of a liability insurance plan of collecting membership dues.
772 While, I don't know where the break line is, a development with 20 lots might have difficulty
773 maintaining the insurance policy and collecting dues. The larger the organization, they may be
774 able to contract it out and have a property owner's management group maintain it.

775
776 Ms. O'Bannon - May I add something? One of the problems that has come up in the
777 past has to do with, when property is held by all of the property owners, joint owners, some of
778 whom may be remotely located, a block or two away from the property. And when the sale comes
779 up, the real estate agent is not required to indicate to them their liability unless the membership
780 dues are more than, I believe it is \$150 a year.

781
782 Mr. Lawrence - Okay.

783
784 Mrs. O'Bannon - So, at the time of the sale when they go to closing, they are not told
785 that they have a liability for this jointly held property, or the commons area or the conservation
786 area. And so the individuals will purchase the house will not really even know too much about
787 their ownership in the property that's a couple of blocks away from their house. And then the civic
788 association president or resident's association president comes and mentions to them they owe \$50
789 a year to help pay for a liability policy, and they deny any responsibility. And, therefore, then a
790 lien gets placed against their house so when they go to sell their house five or ten years later, they
791 have liens against their house and it causes neighborhood friction.

792
793 And, that is a problem that has just come up on several occasions...

794
795 Mr. Lawrence - Okay.

796
797 Mrs. O'Bannon - ...in various discussions. And, the State set the limit at \$150,
798 because of the real estate agents indicating they didn't want to have to continue their total
799 disclosure laws. And that limit was set at a fairly high limit, so that, you know, they wouldn't have
800 to tell them that you are going to have to pay \$25 a year; \$50 a year. So, that is a problem that has
801 come up in the past on this type of arrangement.

802
803 Mr. Lawrence - Okay. That is something I will make note of. Any other thoughts?

804
805 Mr. Vanarsdall - Any other questions by Commission members of Mr. Lawrence?

806
807 Mr. Archer - Mr. Lawrence, I would just like to expand a little bit on what Mrs.
808 O'Bannon just said. I have also known of civic associations where members are very hesitant to
809 have to pay dues for property that they can't see and don't individually own. By the same token, I
810 have seen instances where there have been lots sold, individually, that were very irregular in shape
811 and entirely useless to the homeowner that it belong to. And, yet, they are saddled with the
812 responsibility, in a lot of cases, of having to pay an extra fee for having a larger useless lot.

813

814 I think that is unfair. But, at the same time, in terms of liability insurance, that persons' individual
815 homeowner's insurance would cover his own individual lot and he wouldn't be subjected to
816 whatever liability might accrue to him from somebody else not paying.

817
818 And the other problems with homeowner's associations, sometimes they become defunct.
819 Meetings come up, and they can't elect a new president and new secretary and what not, and the
820 thing just kind of falls by the wayside. People move in and out of neighborhoods.

821
822 So, I don't know that there is any quick and dirty answer to this, but some of these have merit.
823 And we might have to come to a point where we pull them all together and come out with the best
824 thing that is suitable for everybody.

825
826 Mr. Lawrence - I will make note of that.

827
828 Mr. Vanarsdall - Thank you. Any more questions.

829
830 Ms. Dwyer - Mr. Lawrence, I will go back to a comment I made earlier, I think,
831 on our C-1 case. And I think we could make more use of conditional zoning for C-1 cases.

832
833 In most instances, we expect the C-1 areas to be preserves; wild life preserves, natural vegetation
834 preserves, and we expect them not to be developed or used in active ways. So, I think that,
835 whether it goes to the property owner's association or to individuals, we could still suggest that the
836 applicant look at conditioning their C-1 cases to proffer out all other active uses, and that would
837 take care of that issue.

838
839 I think the other issue that's been raised that probably needs to be addressed, and I am not sure to
840 what extent government can get involved in this. But, is the question of notice to homeowners,
841 whether it's part of their property, or whether it's part of the homeowner's association; notice to
842 them to know what the C-1 zoning means and what their obligation is to the homeowner's
843 association.

844
845 In the instance that Mr. Archer was talking about, a person has, in fact, you showed me a lot one
846 time. I think it is representative of what you are talking about. A person had a regular lot in a
847 subdivision and had all this swamp land behind the house that was also their property.

848
849 Mr. Archer - Property going in the whole subdivision if you remember.

850
851 Ms. Dwyer - Right, in that cul-de-sac. If that were zoned C-1, then the
852 homeowner would need to have notice of what that means to them, especially if other uses are
853 proffered out, they would have some sort of notice. And, often developers will agree to include
854 some kind of notice, either on the plat or the deed or something. So, that might be another policy
855 suggestion that we could make.

856
857 And, the other, I think we should look into the liability question for defunct homeowner's
858 associations, and look into the question of whether dues are required and whether those dues are

859 assessed as liens against the land, and, if so, what kind of notice would a new homeowner would
860 receive.

861
862 Mr. Archer - Ms. Dwyer, you might recall, too, part of those lots were in a RPA
863 Resource Protection Area. They couldn't even break a twig off of a tree without getting approval
864 from the Corps of Engineers to do it.

865
866 Ms. Dwyer - And, perhaps, if that had been done through C-1, that might have
867 triggered something on the part of the attorney who did the title search. Those notice issues, I
868 think, are important.

869
870 Mr. Lawrence - Okay.

871
872 Mr. Marlles - Mr. Lawrence, I think, to respond to several of these questions, it
873 will be necessary to contact the County Attorney's Office. I know he is fairly well versed on this
874 issue. But, also, I think it might be helpful to contact some of our neighboring jurisdictions to see
875 how they handle this issue, because I don't think some of these issues or problems are limited to
876 Henrico County. If we could look at what some of our neighboring jurisdictions are doing, as well,
877 it would be helpful.

878
879 Mr. Vanarsdall - All right, any other questions?

880
881 Mr. Lawrence - Is there a question?

882
883 Mrs. Quesinberry - Somebody out in the audience has a question.

884
885 Mr. Vanarsdall - Come on down to the mike.

886
887 Someone in the audience - I was just wondering, are your mikes on?

888
889 Mr. Vanarsdall - Yes ma'am.

890
891 Someone in the audience - We hear one word but we don't hear the next word.

892
893 Mr. Vanarsdall - Thank you for telling us.

894
895 Mr. Marlles - Thank you, Mr. Lawrence.

896
897 Mr. Lawrence - Thank you.

898
899 Mr. Marlles - The next item we have is, Ms. Jo Ann Hunter would like to just
900 comment or address comments to the Planning Commission on Multi-family Design Strategies that
901 the staff has presented to the Commission over the past several months.

902
903 Mr. Vanarsdall - Ms. Hunter.

904

905 Ms. Hunter - Thank you, Mr. Vanarsdall. Just to update our two new members of
906 the Planning Commission, over the last several months has been working on two proposed
907 ordinance amendments, one dealing with increased standards for our multi-family development,
908 and the other being residential setbacks along major roads as identified on our Major Thoroughfare
909 Plan.

910
911 We have had two work sessions on this item already. At the last meeting we had considerable
912 input from both the development community as well as interested citizen groups. At that time we
913 had asked that all groups supply us written comments by the 15th of January. We picked that date
914 as an arbitrary date out of the air. That date ended up being a Saturday, and Monday is a holiday,
915 so I have let everybody know who has called and asked me that we will accept comments until the
916 end of the day on Tuesday, the 18th.

917
918 I am also interested in getting Commission comments by that time, also, if that is possible. I have
919 gotten comments from one Commissioner at this time and appreciate those, and look forward to
920 getting others.

921
922 And just again, to remind you, that we will be having another work session on this item on
923 February 21st. We had hoped, by getting the comments by the 15th, that we would be able to have
924 a revised ordinance drafted, and try to get it included in the agenda at the Board Work Session on
925 the 27th and 28th. That agenda is already pretty full, and it doesn't appear that this item can be
926 included on that agenda. So, we will not be hearing it or talking about this at the Work Session.

927
928 Mr. Vanarsdall - Mr. Hunter, what time are we going to have that
929 Work Session?

930
931 Ms. Hunter - On the 21st of February, it is at 10:00 a.m. and it will be in this
932 room.

933
934 Mr. Vanarsdall - Okay.

935
936 Ms. Hunter And the Work Session on the Nine Mile Road was set tonight at
937 11:00 o'clock. But, if any of the Commissioner's have any comments that they would like to give
938 me at this point, I'd be happy to take them.

939
940 Mrs. O'Bannon - Is this on the Multi-family Design Strategies? I have received some
941 comments and praises about the way it has been handled. I just want to say that it's been handled
942 very well in accepting the comments from one developer and one developer's attorney.

943
944 Ms. Hunter Great.

945
946 Mrs. O'Bannon - Of course, that will make me look at it very closely.

947
948 Ms. Hunter - And there is, actually, two amendments. One sometimes gets lost.
949 The multi-family ordinance increased standard is probably the bigger one. The second, but no less

950 important ordinance amendment, is to increase the setbacks and provide for some landscaping
951 along major thoroughfares for residential subdivisions.

952

953 Mrs. O'Bannon - Thank you.

954

955 Mrs. Quesinberry - Ms. Hunter, we've had previous work sessions on the multi-family
956 issues, and you have alluded to that. Are we, at a point for the Work Session on the 21st, where the
957 Commission will make a recommendation and then you will draft ordinance language; amendment
958 language?

959

960 Ms. Hunter - What we are proposing to do is we have an ordinance draft at this
961 time. What I hope to do on the 19th, when we get everybody's comments, is to look at all of the
962 comments that I've received from the Commission, the development community and the citizen,
963 and see which recommendations that we can work into the ordinance and try to get it as agreeable
964 to all parties as possible.

965

966 We will present that ordinance. We'll have it to the Commission before our meeting on the work
967 session on the 21st. At that time we will then present the revised ordinance on the 21st and allow
968 the community to comment on that as well as the Commission. And, hopefully, at that point, we
969 will feel that we will maybe be in a position to advertise it for a public hearing, or we may, you
970 know, decide that it needs a little more work and do another work session. But, I am sure it is
971 going to be in such good shape that we will probably be ready for a public hearing.

972

973 Mrs. Quesinberry - Okay. I was just trying to get our time line straight. With all the
974 public hearings and work sessions, it takes us a while to get to the end product here.

975

976 Ms. Hunter - It should be late March that we could have our first public hearing,
977 if all goes well.

978

979 Mrs. Quesinberry - And that public hearing would be on the final amendment language
980 that we have already voted on the 21st?

981

982 Ms. Hunter - Correct. So, it is really important to get comments from everybody
983 as soon as possible.

984

985 Mr. Vanarsdall - Are there anymore questions of Ms. Hunter?

986

987 Mr. Taylor - I have one.

988

989 Mr. Vanarsdall - Go ahead, Al.

990

991 Mr. Taylor - Ms. Hunter, the setback standards you are working on, that is only
992 going to be for residential structures?

993

994 Ms. Hunter - Correct.

995

996 Mr. Taylor - Has there been any thought given to commercial areas like Broad
997 Street, because when we were planning, we had the planning sessions on the Short Pump area and
998 Broad Street, we had talked about the different sites, and I think that was the Liesfeld site it is
999 commonly referred to. And it was brought up that, whatever we do, we should not look to
1000 Brookhollow as a model. That the setbacks there, I think, were a little too narrow. I think it was
1001 the staff's consensus, if we could do that again, we would make those wider.
1002

1003 So, my question really is, "Can we, perhaps, put commercial in there along with residential? Is
1004 that a possibility at this time?"
1005

1006 Ms. Hunter - Currently, along the W. Broad Street Corridor, we do have an
1007 Overlay District that has some landscaping language in there. These two ordinance amendments
1008 came out of a project that we have been calling the "Residential Strategy Project" and that the
1009 Board and Commission has been working on for the last two years.
1010

1011 The focus, at this point, has really been on residential development. At this point, as part of these
1012 ordinances, we are not proposing to address any commercial or industrial projects.
1013

1014 Mr. Marles - Mr. Taylor, also, I will be talking a little bit later about the Retreat
1015 with the Board of Supervisors that is scheduled on January 27th and 28th. And that certainly will
1016 provide an opportunity for both Planning Commission and Board to identify some areas that they
1017 would like staff to look at in the future. So there will be an opportunity to talk about that issue.
1018

1019 Mr. Taylor - Wonderful, John.
1020

1021 Mr. Vanarsdall - I would like to get a feel from the Board at that time. All right, if
1022 there are no more questions, thank you, Ms. Hunter.
1023

1024 Ms. Hunter Thank you.
1025

1026 Mr. Archer - Ms. Hunter, you did say that the 10:00 meeting is here, right in this
1027 room?
1028

1029 Ms. Hunter - The 10:00 o'clock meeting will be here in the Board Room. Yes. It
1030 is easier for the recording.
1031

1032 Mr. Archer - Okay. Thank you.
1033

1034 Mr. Marles - Mr. Chairman, normally, on our first meeting of the year, we have a
1035 discussion of policies and procedures.
1036

1037 Mr. Vanarsdall - I wondered where it was.
1038

1039 Mr. Marles - Staff is working on at least one possible amendment to the
1040 Commission's policy and procedures and this has been discussed in the past. And that has to do
1041 with the expedited agenda for rezoning cases. I was going to take advantage of this opportunity to

1042 just ask the Commission if they had other areas of the Rules and Regulations that they would like
1043 to take up; that they would like staff to look at. And we will bring these back to you on a future
1044 agenda.

1045
1046 Mr. Vanarsdall - Does anybody have anything to add to the Rules and Regulations?
1047 Mr. Taylor, you may want to get a copy of those and read it over, and see if there is anything you
1048 want to add. All right, thank you, Mr. Secretary. What else?

1049
1050 Mr. Marlles - Staff just has two quick announcements. First of all, on April 15th
1051 through the 19th, the American Planning Association is going to have its National Conference. This
1052 year it will be in New York City. The last time it was in New York City was 1987.

1053
1054 We do have copies of the preliminary program, if members of the Planning Commission have not
1055 received one, we certainly can provide you with one. We would ask you, if you are interested in
1056 attending, to let us know as soon as possible, simply because, you know, the programs fill up very
1057 quickly. So, if you would like to attend that conference, or if you would like to get a copy of the
1058 program, just either let Mr. Silber or myself know or any one member of staff and we make sure
1059 you get that information.

1060
1061 Mr. Vanarsdall - Mr. Secretary, I have already had Melba do all of mine and send it
1062 in. I already have reservations on the plane, and I am telling you all so you will know who is
1063 going. I am going and I'm going to take my wife.

1064
1065 Mr. Marlles - Okay.

1066
1067 Mr. Vanarsdall - And I understand New York is not like it was in 1987.

1068
1069 Mr. Marlles - I understand.

1070
1071 Mr. Vanarsdall - It is cleaner and people speak to you.

1072
1073 Mr. Marlles - A more civil place.

1074
1075 Mrs. Quesinberry - And the cab drivers are nicer, too.

1076
1077 Mr. Marlles - The next announcement has to do with the Retreat that is scheduled
1078 for January 27th and 28th. This is a Retreat for the Board of Supervisors and the Planning
1079 Commission.

1080
1081 The theme for the retreat is "Planning for Henrico's Future." This is a Work Session of the
1082 Planning Commission and the Board. It will be advertised. The public will certainly be able to
1083 attend. But, again, it is a work session with the Board and Planning Commission.

1084
1085 I guess staff sees this as a kick-off for the Update to the Land Use Element of the Comprehensive
1086 Plan. It will also be an opportunity for both the Board and the Planning Commission members,
1087 along with staff, to talk about issues that will affect future growth and development of the County.

1088
1089 I should mention, also, that the Retreat, itself, will be held at the Cultural Arts Center in Glen
1090 Allen. The actual retreat will start at 9:00 a.m. in the morning on both days. That is Thursday,
1091 January 27, 2000 and Friday, January 28, 2000. I can tell you that the Planning Commission is
1092 going to be an active participant in this discussion, along with, as I say, the Board of Supervisors
1093 and staff.
1094 I will be glad to answer any questions, and we will be sending out an agenda early next week to
1095 both the Board and Planning Commission. But, as I've said, at a previous meetings, please mark
1096 this down on your calendar and plan on attending.
1097
1098 Mr. Vanarsdall - Very good, Mr. Marlles. I am looking forward to that. Any
1099 questions on that by Commission members? What else, Mr. Marlles?
1100
1101 Mr. Marlles - Mr. Chairman, that ends announcements and updates from staff. If
1102 there are any questions that the Planning Commission has of staff, we would be glad to take those
1103 at this time.
1104
1105 Mr. Vanarsdall - Do Planning Commissioners have anything to bring to the table? I
1106 had one announcement. The next case is at 8:30 p.m., and our normal time is 10 minutes for the
1107 applicant and 10 minutes for the opposition. And then the applicant has the rebuttal time.
1108
1109 I have spoken with both Mr. Theobald and Mr. John Higgins. And Mr. Theobald is going to use
1110 up all of his time, I think, including the rebuttal, and then he has someone with him that is valuable
1111 to the case and that will take more time.
1112
1113 Mr. Deal has a lady and gentleman with him and they are going to need more time. And, if we
1114 have as many people as we think, they will probably take up time. So, what I am saying is that we
1115 are going to make an exception tonight, as this is a most important case and its probably the
1116 biggest we've had in Varina. It's the biggest since I've been on the Planning Commission, and it is
1117 not going to be able to be wrapped up in just a few minutes.
1118
1119 So, that is all of the announcements that I have. And, if there are no more announcements and
1120 nothing else, the Commission will adjourn until the time to start again.
1121
1122 **The Commission adjourned until 8:30 p.m. at this time.**
1123
1124 Mr. Vanarsdall - Thank you for waiting. It is 8:30 p.m. and we can proceed. I want
1125 to recognize the press, Jeremy?. Is anybody else here from the press? All right, Mr. Secretary.
1126
1127 Mr. Marlles - Okay. The first case on the 8:30 p.m. agenda is in the Varina
1128 District. It's C-8C-00.
1129
1130 Mrs. Via - Excuse me, Mr. Secretary. We have to do the deferrals for 8:30
1131 p.m. I'm sorry to interrupt you.
1132
1133 Mr. Marlles - Thank you for reminding me.

1134
1135 Mr. Vanarsdall - It's my vault. Thank you, Mrs. Via.
1136
1137 Mrs. Via - Thank you, Mr. Chairman. We have three deferrals on the 8:30
1138 agenda that are shown on the screen for the folks in the audience. The first is in the Three Chopt
1139 District:
1140
1141 **C-3C-00 James W. Theobald for H. H. Hunt Corp:** Request to
1142 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District
1143 (Conditional), part of Parcel 27-A-2, containing approximately 5.926 acres, located on the south
1144 side of Shady Grove Road approximately 400' south of its intersection with Sampson Lane and
1145 approximately .5 mile east of its intersection with Pouncey Tract Road. A single family residential
1146 subdivision is proposed. The R-2A District requires a minimum lot size of 13,500 square feet. The
1147 Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre and
1148 Environmental Protection Area.
1149
1150
1151 Mrs. Via - The applicant has requested deferral to February 10, 2000.
1152
1153 Mr. Vanarsdall - Is there any one in the audience in opposition to the deferral of C-
1154 3C-00? Entertain a motion.
1155
1156 Mr. Taylor - I move that Case C-3C-00 be deferred until February 10, 2000.
1157
1158 Mr. Archer seconded the motion.
1159
1160 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All in favor
1161 say aye--all opposed saying nay. The vote is 5-0, (Mrs. O'Bannon abstained).
1162
1163 Mrs. O'Bannon - I need to point out, as a member of the Board, that I would like to
1164 have my vote listed as abstaining on all votes unless I otherwise indicate. Thank you.
1165
1166 Mrs. Via - Yes ma'am.
1167
1168 Mr. Vanarsdall - Thank you, Mrs. O'Bannon. Next case, Mrs. Via.
1169
1170 Mrs. Via - We have three, Yes. We have two more. In the Brookland District,
1171 Mr. Chairman, this is C-10C-00.
1172
1173 **C-10C-00 Jay M. Weinberg for Attack Properties, Inc.:** Request to
1174 conditionally rezone from A-1 Agricultural District, RTHC Residential Townhouse District
1175 (Conditional) and O/SC Office/Service District (Conditional) to RTHC Residential Townhouse
1176 District (Conditional), R-5C General Residence District (Conditional) and O/SC Office Service
1177 District (Conditional), Parcels 12-A-2, 4B, 5, 6 and 7; 13-A-24, 21-A-2, 4,5 and 18A, containing
1178 approximately 258.184 acres located at the northeast intersection of I-295 and Staples Mill Road.
1179 A mixed use office/service, townhomes for sale and apartments development is proposed. The

1180 applicant has proffered no more than 110 townhouse units and no more than 300 apartment units
1181 on the property. The Office/Service use will be controlled by zoning ordinance regulations and
1182 proffered conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net
1183 density per acre, Office/Service and Environmental Protection Area.

1184
1185 Mrs. Via - The applicant is requesting deferral to the March 9, 2000 agenda.

1186
1187 Mr. Vanarsdall - Is there any one in the audience in opposition to the deferment of C-
1188 10C-00 to March 9, 2000? No opposition. I move that Case C-10C-00 be deferred to March 9,
1189 2000, at the applicant's request.

1190
1191 Mr. Taylor seconded the motion.

1192
1193 Mr. Vanarsdall - We have a motion by Mr. Vanarsdall. and a second by Mr. Taylor.
1194 All in favor say aye--all opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). Mrs.
1195 Via.

1196
1197

1198 **Deferred from the December 9, 1999 Meeting:**

1199 **C-65C-99 Donald L. Strange-Boston for Steven and Dody Tribble and**
1200 **Charles W. Sanders, Jr. and J. Sanders:** Request to conditionally rezone from B-3C Business
1201 District (Conditional) and R-4 One Family Residence District to B-3C Business District
1202 (Conditional), Parcels 52-A-55 and 56 and part of Parcels 52-A-53 and 54A, containing 1.5706
1203 acres, located on the west line of Mountain Road approximately 275 feet north of its intersection
1204 with North Run Road. Any permitted B-1 use, B-3 Office/Warehouse and Overnight Respite
1205 Care for Adults are proposed. The use will be controlled by zoning ordinance regulations and
1206 proffered conditions. The Land Use Plan recommends Commercial Arterial and Suburban
1207 Residential 2, 2.4 to 3.4 units net density per acre.

1208
1209 Mrs. Via - Thank you, Mr. Chairman. And your last case to be deferred this
1210 evening is in the Fairfield District is Case C-65C-99. The applicant has requested a deferral to
1211 March 9, 2000.

1212
1213 Mr. Vanarsdall - Is any one in the audience in opposition to Case C-65C-99? Any
1214 opposition to the deferral? No opposition. Entertain a motion.

1215
1216 Mr. Archer - I move deferral of C-65C-99 to the March 9, 2000 meeting, at the
1217 applicant's request.

1218
1219 Mrs. Quesinberry seconded the motion.

1220
1221 Mr. Vanarsdall - We have a motion by Mr. Archer, seconded by Mrs. Quesinberry.
1222 All in those in favor say aye--all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
1223 abstained).

1224

1225 **C-8C-00** **James W. Theobald for Roy B. Amason (Sotherlyn):** Request to
1226 conditionally rezone from A-1 Agricultural District to A-1C Agricultural District (Conditional); R-
1227 1AC, R-2AC and R-3C One Family Residence Districts (Conditional); RTHC Residential
1228 Townhouse Districts (Conditional); R-6C General Residence District (Conditional); B-2C
1229 Business District (Conditional); O-2C Office District (Conditional); and C-1C Conservation
1230 District (Conditional), Parcels 240-A-17, 250-A-48, 49 and 51A, and part of Parcel 260-A-28,
1231 containing 633.61 acres, described as follows:
1232

1233 PARCEL A: BEGINNING at a point at the northeast corner of Turner and New Market Roads,
1234 said point being the True Point of Beginning; thence along the eastern right-of-way line of
1235 Turner Road N 28°45'13" E 1364.68' to a point; thence along a curve to the right having a radius
1236 of 385.00' for a length of 149.67' to a point; thence N 51°01'36" E 1099.41' to a point; thence N
1237 51°12'13" E 398.03' to a point; thence N 50°57'00" E 456.98' to a point; thence along a curve to
1238 the left having a radius of 215.06' for a length of 95.18' to a point; thence leaving the eastern
1239 right-of-way line of Turner Road S 34°06'26" E 414.39' to a point; thence S 55°53'34" W
1240 85.74' to a point; thence N 61°21'49" W 144.27' to a point; thence S 58°14'14" W 146.92' to a
1241 point; thence S 19°34'25" W 95.08' to a point; thence S 57°38'23" W 437.29' to a point; thence
1242 S 46°53'57" W 815.37' to a point; thence S 35°13'02" W 486.54' to a point; thence S 87°54'05"
1243 W 193.70' to a point; thence S 27°09'38" W 828.82' to a point; thence S 08°22'23" E 264.51' to
1244 a point; thence S 31°05'07" W 263.11' to a point on the northern right-of-way line of New
1245 Market Road; thence along the northern right-of-way line of New Market Road N 62°34'20" W
1246 399.78' to the Point of Beginning, containing 23.99 acres.
1247

1248 PARCEL B: BEGINNING at a point at the northeast corner of Turner and New Market Roads,
1249 thence along the northern right-of-way line of New Market Road S 62°34'20" E 880.85' to a
1250 point, which point is the True Point of Beginning; thence leaving the northern right-of-way line
1251 of New Market Road N 33°34'04" E 571.89' to a point; thence N 21°45'06 E 460.64' to a point;
1252 thence N 47°31'22" E 481.82' to a point; thence N 60°59'03" E 573.93' to a point; thence S
1253 78°33'05" E 282.20' to a point; thence S 28°06'33" E 111.29' to a point; thence along a curve to
1254 the left having a radius of 660.00' for a length of 169.07' to a point; thence S 59°01'27 W
1255 698.76' to a point; thence S 35°52'37" E 78.31' to a point; thence S 40°20'50" W 275.12' to a
1256 point; thence S 40°20'50" W 199.41' to a point; thence S. 40°20'50" W 767.88' to a point on the
1257 northern right-of-way line of New Market Road; thence along the northern right-of-way line of
1258 New Market Road N 62°34'20" W 181.57' to the True Point of Beginning, containing 13.99
1259 acres.
1260

1261 PARCEL C: BEGINNING at a point at the northeast corner of Turner and New Market Roads,
1262 thence along the northern right-of-way line of New Market Road S 62°34'20" E ' 1062.42';
1263 thence leaving the northern right-of-way line of New Market Road N 40°20'50" E 767.88' to a
1264 point; thence N 40°20'50" E 199.41' to a point; thence N 40°20'50" E 275.12' to a point, which
1265 point is the True Point of Beginning; thence N 35°52'37 W 78.31' to a point; thence N 59°01'27
1266 E 476.08' to a point; thence S 49°51'44" E 894.95' to a point; thence S 20°49'06" E 1525.99' to
1267 a point on the northern right-of-way line of New Market Road; thence along the northern right-
1268 of-way line of New Market Road N 88°52'05" W 244.92' to a point; thence N 74°06'31" W
1269 456.33' to a point; thence S 23°56'24" W 10.65' to a point; thence N 75°47'15" W 479.11' to a
1270 point; thence leaving the northern right-of-way line of New Market Road N 14°11'40" E 334.61'

1271 to a point; thence N 30°47'15" W 297.50' to a point; thence N 48°10'54" E 442.17' to a point;
1272 thence N 50°03'49" W 907.19' to the True Point of Beginning, containing 32.24 acres.

1273
1274 PARCEL D: BEGINNING at the southwest corner of Parcel D, thence N 31°48'07" W 254.97'
1275 to a point; thence N 56°36'31" W 401.86' to a point; thence N 64°45'38" W 782.13' to a point;
1276 thence along a curve to the right having a radius of 660.00' for a length of 169.07' to a point;
1277 thence N 32°30'15" E 241.92' to a point; thence N 36°49'16" W 180.22' to a point; thence N
1278 87°45'38" W 646.09' to a point; thence N 31°59'06" E 285.84' to a point; thence N 16°21'27" E
1279 161.70' to a point; thence N 19°27'56" E 177.58' to a point; thence N 60°37'29" E 272.74' to a
1280 point; thence S 08°39'18" E 200.35' to a point; thence S 33°02'18" E 780.68' to a point; thence
1281 S 09°21'57" W 204.83' to a point; thence along a curve to the right having a radius of 660.00 for
1282 a length of 653.39' to a point; thence S 23°54'44" E 409.25' to a point; thence S 63°24'52" W
1283 97.35' to the Point of Beginning, containing 18.11 acres.

1284
1285 PARCEL E: BEGINNING at the westernmost corner of Parcel E thence N 09°21'57" E 204.83'
1286 to a point; thence N 16°12'28" E 163.04' to a point; thence N 15°10'28" W 1045.72' to a point;
1287 thence N 55°53'34" E 85.74' to a point; thence S 34°06'26" E 1399.86' to a point; thence S
1288 57°37'52" E 493.75' to a point; thence S 78°25'35" W 542.09' to a point; thence S 41°43'19" W
1289 167.45' to a point; thence S 22°24'48" W 154.70' to a point; thence along a curve to the left
1290 having a radius of 660.00 for a length of 150.3' to the Point of Beginning, containing 10.65
1291 acres.

1292
1293 PARCEL F: Beginning at the southwest corner of Parcel F; thence N 07°29'58" W 824.61' to a
1294 point; thence along a curve to the left having a radius of 800.00' for a length of 3174.72' to a
1295 point; thence N 07°29'58" W 828.62' to a point; thence N 54°22'42" E 414.50' to a point; thence
1296 N 01°37'18" W 394.99' to a point; thence N 88°22'42" E 126.29' to a point; thence S 08°17'28"
1297 E 105.08' to a point; thence S 84°33'13" E 187.54' to a point; thence S 41°01'42" E 286.55' to
1298 a point; thence S 32°43'15" E 241.11' to a point; thence S 05°06'38" E 145.72' to a point;
1299 thence S 88°34'52" W 223.95' to a point; thence S 15°11'24" W 179.24' to a point; thence S
1300 24°48'45" E 559.14' to a point; thence S 49°22'12" E 719.80' to a point; thence S 75°05'37" E
1301 241.73' to a point; thence along a curve to the right having a radius of 400.00' for a length of
1302 106.14' to a point; thence S 30°06'37" W 844.75' to a point; thence along a curve to the left
1303 having a radius of 530.00' for a length of 340.24' to a point; thence S 06°40'18" E 77.78' to a
1304 point; thence S 79°34'27" W 250.75' to a point; thence along a curve to the right having a radius
1305 of 355.00' for a length of 182.92' to a point; thence N 70°45'12" W 237.97' to a point; thence
1306 along a curve to the left having a radius of 210.00' for a length of 234.81' to a point; thence S
1307 45°01'57" W 472.49' to a point; thence along a curve to the left having a radius of 345' with a
1308 length of 283.29' to a point; thence S 02°00'53" E 38.50' to a point; thence N 57°37'52" W
1309 190.15' to the Point of Beginning, containing 52.25 acres.

1310
1311 PARCEL G: Beginning at the eastern point of Parcel G; thence S 02°00'53" E 132.94' to a
1312 point; thence along a curve to the right having a radius of 550.00' for a length of 600.35' to a
1313 point; thence S 60°31'33" W 211.31' to a point; thence along a curve to the left having a radius
1314 of 660.00' for a length of 357.53' to a point; thence N 64°51'38" E 811.59' to the Point of
1315 Beginning, containing 6.28 acres.

1316

1317 PARCEL H: BEGINNING at the northern point of Parcel H; thence S 02°00'53" E 132.94' to a
1318 point; thence along a curve to the right having a radius of 550.00' for a length of 600.35' to a
1319 point; thence S 32°27'56" E 211.51' to a point; thence S 53°50'46" E 496.39' to a point; thence
1320 N 89°36'48" E 658.29' to a point; thence N 36°58'00" E 152.29' to a point; thence N 40°33'28"
1321 W 579.43' to a point; thence N 29°49'12" W 359.29' to a point; thence N 62°41'43" W 488.87'
1322 to the Point of Beginning, containing 17.11 acres.

1323
1324 PARCEL I: BEGINNING at the southwest corner of Parcel I; thence N 69°10'54" E 612.35' to
1325 a point; thence N 23°54'44" W 310.83' to a point; thence S 63°24'52" W 325.12' to a point;
1326 thence N 57°06'01" W 448.97' to a point; thence S 20°49'06" E 706.31' to the True Point of
1327 Beginning, containing 5.97 acres.

1328
1329 PARCEL J: BEGINNING at the northwestern corner of Parcel J; thence N 69°10'54" E 612.35'
1330 to a point; thence along a curve to the left having a radius of 800.00' for a length of 87.83' to a
1331 point; thence S 35°00'06" E 330.64' to a point; thence along a curve to the right having a radius
1332 of 800.00' for a length of 211.58' to a point; thence S 19°50'54" E 286.52' to a point on the
1333 northern right-of-way line of Long Bridge Road; thence along the northern right-of-way line of
1334 Long Bridge Road S 70°09'06" W 480.30' to a point; thence along a curve to the right having a
1335 radius of 470.49' for a length of 188.59' to a point; thence N 83°20'11" W 74.88' to a point;
1336 thence leaving the northern right-of-way line of Long Bridge Road N 20°49'06" W 819.68' to
1337 the Point of Beginning, containing 14.24 acres.

1338
1339 PARCEL K: BEGINNING at the southeast corner of Parcel K on the northern right-of-way line
1340 of New Market Road; thence leaving the northern right-of-way line of New Market Road N
1341 19°50'54" W 150.78' to a point; thence N 35°24'13" W 557.63' to a point; thence N 49°12'59"
1342 W 460.72' to a point; thence S 66°05'16" W 224.15' to a point; thence S 23°54'44" E 106.66' to
1343 a point; thence along a curve to the left having a radius of 800.00 for a length of 154.84' to a
1344 point; thence S 35°00'06" E 330.64' to a point; thence along a curve to the right having a radius
1345 of 800.00' for a length of 211.58' to a point; thence S 19°50'54" E 286.52' to a point on the
1346 northern right-of-way line of Long Bridge Road; thence along the northern right-of-way line of
1347 Long Bridge Road N 70°09'06" E 451.46' to the Point of Beginning, containing 9.33 acres.

1348
1349 PARCEL L: BEGINNING at the northwest corner of Parcel L; thence N 82°30'02" E 675.29' to
1350 a point; thence S 14°53'28" E 332.15' to a point; thence S 22°26'28" E 114.38' to a point;
1351 thence S 23°27'12" E 150.58' to a point; thence N 19°12'43" E 814.85' to a point; thence N
1352 09°57'42" W 296.16' to a point; thence N 68°18'31" W 362.30' to a point; thence S 78°11'57"
1353 W 179.16' to a point; thence N 07°29'58" W 345.84' to a point; thence along a curve to the right
1354 having a radius of 800.00 for a length of 3174.72 to the Point of Beginning, containing 21.18
1355 acres.

1356
1357 PARCEL M: BEGINNING at a point at the northeast corner of Turner and New Market Roads,
1358 thence along the northern right-of-way line of New Market Road S 62°34'20" E ' 880.85' to a
1359 point; which point is the True Point of Beginning; thence leaving the northern right-of-way line
1360 of New Market Road N 33°34'04" E 571.89' to a point; thence N 21°45'06" E 460.64' to a
1361 point; thence N 47°31'22" E 481.82' to a point; thence N 60°59'03" E 573.93' to a point; thence
1362 S 78°33'05" E 282.20' to a point; thence S 28°06'33" E 111.29' to a point; thence N 32°30'15"

1363 E 241.92 to a point; thence N 36°49'16" W 180.22' to a point; thence N 87°45'38" W 646.09' to
1364 a point; thence N 31°59'06" E 285.84' to a point; thence N 16°21'27" E 161.70' to a point;
1365 thence N 19°27'56" E 177.58' to a point; thence N 60°37'29" E 272.74' to a point; thence S
1366 08°39'18" E 200.35' to a point; thence S 33°02'18" E 780.68' to a point; thence N 16°12'28" E
1367 163.04' to a point; thence N 15°10'28" W 1045.72' to a point; thence N 61°21'49" W 144.27' to
1368 a point; thence S 58°14'14" W 146.92' to a point; thence S 19°34'25" W 95.08' to a point;
1369 thence S 57°38'23" W 437.29' to a point; thence S 46°53'57" W 815.37' to a point; thence S
1370 35°13'02" W 486.54' to a point; thence S 87°54'05" W 193.70' to a point; thence S 27°09'38"
1371 W 828.82' to a point; thence S 08°22'23" E 264.51' to a point; thence S 31°05'07" W 263.11' to
1372 a point on the northern right-of-way line of New Market Road; thence along the northern right-
1373 of-way line of New Market Road S 62°34'20" E 481.07' to the True Point of Beginning,
1374 containing 47.17 acres.
1375

1376 PARCEL N: BEGINNING at the northwestern corner of Parcel N; thence S 62°41'43" E 181'±
1377 to a point along the 100 Year Floodplain; thence meandering in a southeasterly direction along
1378 the 100 Year Floodplain 1441'± to a point; thence N 06°40'18" W 321'± to a point; thence S
1379 79°34'27" W 250.75' to a point; thence along a curve to the right having a radius of 355.00' for
1380 a length of 182.92' to a point; thence N 70°45'12" W 237.97' to a point; thence along a curve to
1381 the left having a radius of 210.00' for a length of 234.81' to a point; thence S 45°01'57" W
1382 472.49' to a point; thence along a curve to the left having a radius of 345' for a length of 283.29'
1383 to a point; thence S 02°00'53" E 38.50' to the Point of Beginning, containing 9.38 acres.
1384

1385 PARCEL O: BEGINNING at the southwest corner of Parcel O; thence N 26°02'50" W 618.79'
1386 to a point in the 100 Year Floodplain; thence meandering in a northeasterly direction along the
1387 100 Year Floodplain 543'± to a point; thence S 11°36'33" W 222.35' to a point; thence along a
1388 curve to the left having a radius of 310.00' for a length of 215.67' to a point; thence S 64°06'04"
1389 W 254.60' to the Point of Beginning, containing 4.41 acres.
1390

1391 PARCEL P: BEGINNING at the northwestern most corner of Parcel P; thence N 64°06'04" E
1392 254.60' to a point; thence along a curve to the left having a radius of 310.00' for a length of
1393 143.04' to a point; thence S 54°41'19" E 131.64' to a point; thence along a curve to the right
1394 having a radius of 585.00' for a length of 237.66' to a point; thence S 31°24'44" E 131.47' to a
1395 point; thence along a curve to the right having a radius of 585.00' for a length of 311.16' to a
1396 point; thence S 01°45'46" W 461.60' to a point on the northern right-of-way line of Long Bridge
1397 Road; thence along a curve to the right along the northern right-of-way line of Long Bridge Road
1398 having a radius of 2253.03 for a length of 159.16' to a point; thence leaving the northern right-
1399 of-way line of Long Bridge Road N 12°47'14" W 331.19' to a point; thence N 70°22'56" W
1400 493.79' to a point; thence N 26°35'42" W 336.54' to a point; thence N 61°57'17" E 253.11' to a
1401 point; thence N 26°02'50 W 255.65' to the Point of Beginning, containing 12.83 acres.
1402

1403 PARCEL Q: BEGINNING at the southeast corner of Parcel Q on the northern right-of-way line
1404 of Long Bridge Road; thence N 01°45'46" E 476.00' to a point; thence N 87°05'41" W 291.29'
1405 to a point; thence S 01°45'46" W 461.60' to a point on the northern right-of-way line of Long
1406 Bridge Road; thence along a curve to the left along the northern right-of-way line of Long Bridge
1407 Road a radius of 2253.03 for a length of 180.63' to a point; thence along a curve to the left

1408 having a radius of 3603.35' for a length of 110.07' to the Point of Beginning, containing 3.27
1409 acres.

1410
1411 PARCEL R: BEGINNING at the southeast corner of Parcel R on the northern right-of-way line
1412 of Long Bridge Road; thence along a curve to the right along the northern right-of-way line of
1413 Long Bridge Road having a radius of 1262.97' for a length of 297.51' to a point; thence along a
1414 curve to the right having a radius of 3603.35' for a length of 284'± to a point at a creek; thence
1415 leaving the northern right-of-way line of Long Bridge Road and meandering in a northeasterly
1416 direction along the center line of a creek 1127'± to a point; thence S 16°12'44" E 485'± to a
1417 point; thence N 81°18'34" W 141.92' to a point; thence S 24°34'15" E 217.80' to a point; thence
1418 N 68°25'45" E 22.57' to a point; thence S 21°34'15" E 102.96' to the Point of Beginning,
1419 containing 5.5 acres.

1420
1421 PARCEL S: Beginning at a point at the northwest intersection of Yahley Mill and Long Bridge
1422 Roads, said point being the True Point of Beginning; thence along the northern right-of-way of
1423 Long Bridge Road S 69°06'49" W 149.08' to a point; thence along a curve to the left having a
1424 radius of 1358.66' for a length of 466.22' to a point; thence N 00°25'45" E 913'± to a point at a
1425 creek; thence meandering in an easterly direction along the center line of a creek 529± to a point;
1426 thence S 07°22'24" E 420'± to the Point of Beginning, containing 8.27 acres.

1427
1428 PARCEL T: BEGINNING at the southeast corner of Parcel T; thence N 06°19'56" W 245.90'
1429 to a point; thence N 87°43'36" W 118.50' to a Point; thence N 01°25'30" E 729.44' to a point;
1430 thence N 06°19'03" W 803'± to a point in the 100 Year Floodplain; thence meandering in a
1431 westerly then southerly direction along the 100 Year Floodplain 1254'± to a point; thence S
1432 85°19'01" E 97.00' to a point; thence S 27°09'51" E 128.00' to a point; thence S 43°14'56" W
1433 729.20' to a point in the 100 Year Floodplain; thence meandering in a southerly then easterly
1434 direction along the 100 Year Floodplain 1771'± to the Point of Beginning, containing 27.37
1435 acres.

1436
1437 PARCEL U: BEGINNING at the southeastern point of Parcel U; thence N 26°13'58" W
1438 688.50' to a point; thence S 30°06'37" W 503.12' to a point; thence along a curve to the left
1439 having a radius of 530.00' for a length of 340.24' to a point; thence S 06°40'18" E 398.78'± to a
1440 point in a the 100 Year Floodplain; thence meandering in a southeasterly direction along the 100
1441 Year Floodplain 261'± to a point; thence N 32°31'37" E 644'± to the Point of Beginning,
1442 containing 10.21 acres.

1443
1444 PARCEL V: BEGINNING at the northwestern corner of Parcel V; thence S 39°05'56" E 870'±
1445 to a point in the 100 Year Floodplain; thence meandering in an easterly direction along the 100
1446 Year Floodplain 716'± to a point; thence N 56°00'30" W 823'± to a point; thence along a curve
1447 to the right having a radius of 400.00 for a length of 106.14' to a point; thence S 30°06'37" W
1448 240' to the Point of Beginning, containing 9.86 acres.

1449
1450 PARCEL W: BEGINNING at the northwest corner of Parcel W; thence N 49°18'02" E 732.84'
1451 to a point; thence S 77°22'53" E 1109.89' to a point; thence S 31°15'42" E 396.00' to a point;
1452 thence N 77°18'32" E 545.00' to a point; thence N 18°28'42" E 639.50' to a point; thence S
1453 21°58'58" E 57.57' to a point; thence S 28°16'08" E 10.00' to a point; thence S 17°05'22" W

1454 267.82' to a point; thence S 16°51'22" W 112.65' to a point; thence S 10°37'22" W 216.80' to a
1455 point; thence S 66°51'38" E 49.86' to a point; thence N 89°24'12" E 302.50' to a point; thence S
1456 78°49'08" E 114.84' to a point; thence S 11°59'38" E 859.56' to a point; thence S 78°04'08" E
1457 459.20' to a point; thence S 03°47'28" E 120.17' to a point; thence along a curve to the right
1458 having a radius of 567.94' for a length of 46.98' to a point; thence N 85°48'32" W 204.49' to a
1459 point; thence S 03°51'28" W 345.00' to a point in the centerline of a creek; thence meandering
1460 in a westerly direction along the centerline of a creek 925'± to a point; thence N 57°20'28" W
1461 871.00' to a point; thence N 30°04'48" W 211.12' to a point; thence S 62°04'52" W 480'± to a
1462 point in a creek; thence meandering in a northerly direction along the centerline of a creek 224'±
1463 to a point; thence N 60°48'52" E 737.68' to a point; thence N 28°40'22" E 117.11' to a point;
1464 thence N 85°16'33" W 199.93' to a point; thence S 74°57'01" W 499.83' to a point; thence N
1465 29°27'45" W 805.91' to a point; thence N 79°35'22" E 593.31' to a point; thence S 46°14'22" E
1466 657.38' to a point; thence N 71°11'02" E 148.02' to a point; thence N 13°51'33" E 164.40' to a
1467 point; thence N 56°29'41" W 601.89 to a point; thence N 35°20'27" W 293.35' to a point;
1468 thence S 83°03'17" W 558.02' to a point; thence S 68°02'14" W 708.66' to a point; thence S
1469 88°22'42" W 126.29' to a point; thence N 01°37'18" W 306.53' to the Point of Beginning,
1470 containing 79.90 acres.

1471
1472 PARCEL X: BEGINNING at the northwest corner of Parcel X; thence N 53°16'50" E 158'± to
1473 a point in the 100 Year Floodplain; thence meandering in a southerly then a westerly direction
1474 along the 100 Year Floodplain 1205'± to a point; thence N 01°45'46" E 240'± to a point; thence
1475 N 87°05'41" W 291.29' to a point; thence along a curve to the left having a radius of 585.00' for
1476 a length of 311.16' to a point; thence N 31°24'44" W 131.47' to the Point of Beginning,
1477 containing 4.54 acres.

1478
1479 PARCEL Y: BEGINNING at a the northeastern point of Parcel Y on the western right-of-way
1480 line of Yahley Mill Road; thence along the western right-of-way line of Yahley Mill Road S
1481 07°22'24" E 557'± to a point in the 100 Year Floodplain; thence leaving the western right-of-
1482 way line of Yahley Mill Road and meandering along the 100 Year Floodplain in a westerly
1483 direction 405'± to a point; thence N 06°19'56" W 245.90' to a point; thence N 25°27'48" E
1484 364.53' to a point; thence N 78°53'46" E 122.52' to the Point of Beginning, containing 3.74
1485 acres.

1486
1487 PARCEL Z: BEGINNING at the southwestern corner of Parcel Z; thence N 57°06'01" W
1488 448.97' to a point; thence S 49°51'44" E 894.95' to a point; thence N 59°01'27" E 102.04' to a
1489 point; thence S 64°45'38" E 782.13' to a point; thence S 56°36'31" E 401.86' to a point; thence
1490 S 31°48'07" E 254.97' to a point; thence S 63°24'52" W 227.77' to the Point of Beginning,
1491 containing 7.48 acres.

1492
1493 PARCEL AA: BEGINNING at the southeastern point of Parcel AA; thence N 57°37'52" W
1494 190.15' to a point; thence S 78°25'35" W 542.09' to a point; thence S 41°43'19" W 167.45' to a
1495 point; thence S 22°24'48" W 154.70' to a point; thence along a curve to the right having a radius
1496 of 660.00' for a length of 145.56 to a point; thence N 64°51'38" E 811.59' to the Point of
1497 Beginning, containing 4.12 acres.

1498

1499 PARCEL BB: BEGINNING at the southwestern point of Parcel BB on the northern right-of-
1500 way line of Long Bridge Road; thence leaving the northern right-of-way line of Long Bridge
1501 Road N 19°50'54" W 150.78' to a point; thence N 35°24'13" W 557.63' to a point; thence N
1502 49°12'59" W 460.72' to a point; thence S 66°05'16" W 224.15' to a point; thence N 23°54'44"
1503 W 613.42' to a point; thence N 60°31'33" E 211.31' to a point; thence S 32°27'56" E 211.51' to
1504 a point; thence S 53°50'46" E 496.39' to a point; thence N 89°36'48" E 658.29' to a point;
1505 thence S 26°35'42" E 336.54' to a point; thence S 70°22'56" E 493.79' to a point; thence S
1506 12°47'14" E 331.19' to a point on the western right-of-way line of Long Bridge Road; thence
1507 along a curve to the left on Long Bridge Road having a radius of 845.09 for a length of 323.37'
1508 to a point; thence S 75°22'54" W 127.86' to a point; thence S 70°09'06" W 452.05' to the Point
1509 of Beginning, containing 23.72 acres.

1510
1511 PARCEL CC: BEGINNING at the northeast corner of Parcel CC; thence S 25°54'45" E 679.52'
1512 to a point; thence S 04°01'06" E 261.73' to a point; thence S 47°26'09" W 460.56' to a point;
1513 thence N 88°34'06" W 178.07' to a point; thence N 22°20'21" E 261.76' to a point; thence N
1514 35°39'25" E 318.16' to a point; thence N 15°25'07" W 654.03' to a point; thence N 62°01'36" E
1515 102.89' to the Point of Beginning, containing 5.98 acres.

1516
1517 PARCEL DD: BEGINNING at the southern point of Parcel DD on the western right-of-way line
1518 of Yahley Mill Road and adjacent to the northeastern corner of Parcel Y; thence S 78°53'46" W
1519 122.52' to a point; thence S 25°27'48" W 364.53' to a point; thence N 87°43'36" W 118.50' to a
1520 point; thence N 01°25'30" E 729.44' to a point; thence N 06°19'03" W 803'± to a point in the
1521 100 Year Floodplain; thence meandering in the 100 Year Floodplain in a westerly then southerly
1522 direction 1254'± to a point; thence S 85°19'01" E 97.00' to a point; thence S 27°09'51" E
1523 128.00' to a point; thence S 43°14'56" W 729.20' to a point in the 100 Year Floodplain; thence
1524 meandering in the 100 Year Floodplain in a southerly then an easterly direction 1771'± to a
1525 point on the western right-of-way line of Yahley Mill Road; thence along the western right-of-
1526 way line of Yahley Mill Road S 07°22'24" E 156'± to a point; thence leaving the western right-
1527 of-way line of Yahley Mill Road and meandering in the centerline of a creek in a westerly
1528 direction 529'± to the northwest corner of Parcel S; thence meandering in the centerline of a
1529 creek in a southwesterly direction 1127'± to a point on the northern right-of-way line of Long
1530 Bridge Road; thence along a curve to the right along the northern right-of-way line of Long
1531 Bridge Road having a radius of 3603.35 for a length of 423.63' to a point; thence leaving the
1532 northern right-of-way line of Long Bridge Road N 01°45'46" E 236'± to a point in the 100 Year
1533 Floodplain; thence meandering along the 100 Year Floodplain in a northerly direction 1205'± to
1534 a point; thence S 53°16'50" W 158'± to a point; thence along a curve to the left having a radius
1535 of 585.00' for a length of 183.47' to a point; thence N 54°41'19" W 131.64' to a point; thence
1536 along a curve to the right having a radius of 310.00' for a length of 143.04' to a point; thence
1537 along a curve to the right having a radius of 310.00' for a length of 215.67' to a point; thence N
1538 11°36'33" E 222.35' to a point in the 100 Year Floodplain; thence meandering along the 100
1539 Year Floodplain in a westerly direction 543'± to a point; thence S 26°02'50" E 618.79' to a
1540 point; thence S 26°02'50" E 255.65' to a point; thence N 61°57'17" E 253.11 to a point; thence
1541 N 36°58'00" E 152.29' to a point; thence N 40°33'28" W 579.43' to a point; thence N 29°49'12"
1542 W 359.29' to a point; thence N 62°41'43" W 307.87'± to a point in the 100 Year Floodplain;
1543 thence meandering along the 100 Year Floodplain in a northeasterly then easterly direction
1544 1702'± to a point; thence N 32°31'37" E 644'± to a point; thence N 26°13'58" W 688.50' to a

1545 point; thence N 30°06'37" E 101.63' to a point; thence S 39°05'56" E 870'± to a point in the 100
1546 Year Floodplain; thence meandering in an easterly direction along the 100 Year Floodplain
1547 716'± to a point; thence N 56°00'30" W 823'± to a point; thence N 75°05'37" W 241.73' to a
1548 point; thence N 49°22'12" W 719.80' to a point; thence N 24°48'45" W 559.14' to a point;
1549 thence N 15°11'24" E 179.24' to a point; thence N 88°34'52" E 223.95' to a point; thence N
1550 05°06'38" W 145.72' to a point; thence N 32°43'15" W 241.11' to a point; thence N 41°01'42"
1551 W 286.55' to a point; thence N 84°33'13" W 187.54' to a point; thence N 08°17'28" W 105.08'
1552 to a point; thence N 68°02'14" E 708.66' to a point; thence N 83°03'17" E 558.02' to a point;
1553 thence S 35°20'27" E 293.35' to a point; thence S 56°29'41" E 601.89' to a point; thence S
1554 13°51'33" W 164.40' to a point; thence S 71°11'02" W 148.02' to a point; thence N 46°14'22"
1555 W 657.38' to a point; thence S 79°35'22" W 593.31' to a point; thence S 29°27'45" E 805.91' to
1556 a point; thence N 74°57'01" E 499.83' to a point; thence S 85°16'33" E 199.93' to a point;
1557 thence S 28°40'22" W 117.11' to a point; thence S 60°48'52" W 737.68' to a point in the
1558 centerline of a creek; thence meandering in a southeasterly direction in the centerline of a creek
1559 1699'± to a point; thence S 82°48'09" E 584.75' to a point on the western right-of-way line of
1560 Yahley Mill Road; thence along a curve to the left along the western right-of-way line of Yahley
1561 Mill Road having a radius of 366.72' for a length of 130.25' to a point; thence S 07°22'24" E
1562 1247.33' to the Point of Beginning, containing 140.52 acres.

1563
1564 Mr. Marlles - The staff presentation will be by Mr. Mark Bittner.

1565
1566 Mr. Vanarsdall - Is any one in the audience in opposition to this case, C-8C-00?
1567 There is opposition.

1568
1569 Mr. John Deal, Attorney - I represent Camp Holly Springs in opposition.

1570 Mr. Vanarsdall - Thank you. Any one here in favor of this case? Thank you. All
1571 right, Mr. Bittner.

1572
1573 Mr. Bittner - Thank you, Mr. Vanarsdall. The area of this proposal is
1574 recommended for Prime Agricultural and Environmental Protection Area in the 2010 Plan.
1575 However, the 2010 Plan also states that large-scaled planned communities could, perhaps, be
1576 appropriate for this area of the County.

1577
1578 The intersection of Route 5 and Longbridge Road would be the main entrance to Sotherlyn, and is
1579 located in this area here (referring to slide). There will be a shopping center at this location on this
1580 parcel here (referring to slide) and an 18-hole golf course would run throughout the community.
1581 Several types of residential uses would be developed, including single-family homes, town homes,
1582 condominiums, and an assisted living facility.

1583
1584 The proffers limit the total number of residential units to 987. This equals an approximate net
1585 density of 1.6 units per acre. This is below the previous request for 1998, which contained 1,341
1586 units for a net density of 2.1 units an acre.

1587
1588 New information has been submitted which addresses some of the issues outlined in the staff
1589 report. And, I believe you all have a copy of those new proffers and the new plan. If you don't,
1590 we have some extra copies here tonight that we could hand to you.

1591
1592 The uses that have been addressed include the following: Parcel T along the west side of Yahley
1593 Mill Road, this location here (referring to slide) was labeled for townhouse and condominium
1594 development. The applicant has stated that this was a mislabeling and has relabeled this area for
1595 single-family R-3C development, which is what he had originally planned for the site.
1596

1597 The trail system has also been amended to provide a direct trail access to the main shopping center.
1598 This is a positive addition. There are several other positive aspects to this plan. They include
1599 some open space along the Route 5 and the Yahley Mill Road frontages, Some tree-lined roadway
1600 medians, preservation of a historic site, and open space and buffer areas throughout the
1601 community. Staff still has several concerns with this proposal, however. Some of these concerns
1602 include the following: No. 1 Lack of access to Route 5.
1603

1604 The only access would be at the main entrance via Longbridge Road. There is no access shown to
1605 Route 5 near Turner Road. Most traffic to Sotherlyn would likely come from Interstate 295 via
1606 Route 5. The connection here would most likely be needed to better spread traffic throughout the
1607 development instead of concentrating it at the main entrance. The traffic engineer has stated that
1608 Public Works would support a connection to Route 5 near Turner Road as this community
1609 develops.
1610

1611 Issue 2 is the location of the dedicated school site and it is this purple parcel here (referring to
1612 slide). The applicant has proffered to dedicate a 20-acre school site along Route 5. This is not an
1613 ideal location for a school. It fronts on a major roadway, and it is also adjacent to the proposed
1614 shopping center. A site in the interior of Sotherlyn would be preferable. This would be consistent
1615 with locations of other schools in Henrico, including Shady Grove Elementary School, which is
1616 located in the interior of the Wyndham planned community. Staff cannot support the location of a
1617 new elementary school on a major roadway. The School Board has further stated, that locating
1618 schools next to shopping centers, is not an ideal situation.
1619

1620 Issue 3 is the density of proposed zoning. This proposal contains a larger amount of higher
1621 density; R-3C single-family zoning, than lower density R-1AC and R-2AC zoning. In this area of
1622 the County, which is open and rural, lower density single-family development should be the
1623 prominent component. The applicant should consider providing more lower density single-family
1624 housing.
1625

1626 Issue 4 is recreational amenities. A golf course and related facilities have been committed to.
1627 However, other recreational facilities have not been specifically provided. Desirable amenities
1628 could include: multi-use fields, basketball courts, playgrounds, picnic areas, gazebos and bicycle
1629 racks.
1630

1631 In summary, the concept of a large-scaled planned community in the eastern part of the County is
1632 attractive and supported by the 2010 Plan. Any such community could become the model for
1633 future development in the surrounding areas. Care must be taken to ensure the desired qualities are
1634 established.
1635

1636 There are some items that staff would prefer to be included with this application. However,
1637 omission of these items does not negate the positive qualities in this proposal. This development is
1638 considered high-quality model development for the eastern part of Henrico. If the outstanding
1639 issues were to be addressed by the applicant, staff could recommend approval. At this time,
1640 however, staff recommends deferral of this case. I will be happy to answer any questions you may
1641 have.

1642
1643 Mr. Vanarsdall - Any questions of Mr. Bittner by Commission members? I believe
1644 we can hear from the applicant now. You do want to hear from the applicant, don't you?

1645
1646 Mrs. Quesinberry - Absolutely. Wouldn't miss it.

1647
1648 Mr. Jim Theobald - Good evening ladies and gentlemen. Mr. Chairman, ladies and
1649 gentlemen, my name is Jim Theobald, and I am here this evening on behalf of Mr. Roy Amason.

1650
1651 This is a request to rezone approximately 633 acres of land near the intersection of Interstate 295
1652 and Route 5 for the development of Sotherlyn; Varina's premier large-tract planned mixed-use
1653 community.

1654
1655 This request provides a unique opportunity to create in Varina a sensible growth community
1656 consistent with one of the most important goals of the County's Land Use Plan, rather than a
1657 continuation of ad-hoc piece-meal development.

1658
1659 Sotherlyn will be a place where people will live, work and play, within a mix of single-family
1660 detached homes at an average price of \$225,000. Empty-nesters maintenance-free homes around
1661 the golf course at an average price of \$160,000; an assisted living facility, daycare opportunities,
1662 office and retail opportunities.

1663
1664 Sotherlyn enhances and promotes the values of community in Varina by providing a place for
1665 residents to live and retire who really want to stay in Varina near their family and their friends and
1666 their doctors and their familiar shopping patterns, and in a community designed around an
1667 environmentally-sensitive golf course with recreational areas.

1668
1669 We will also provide homes for those newly employed in the expanding high technology field,
1670 who will contribute to the social fabric and economy of eastern Henrico. But, the creation of this
1671 new community cannot be at the expense of the old one. So we have crafted some 50 proffered
1672 conditions; 10 pages of binding written conditions, designed to guarantee that Sotherlyn will
1673 respect the historical, environmental and aesthetic integrity of Varina.

1674
1675 This case has been substantially amended from its initial filing, as Mr. Bitter related, which really
1676 reflects the input from many Varina residents and the professional planning staff of the County.

1677
1678 Our overall density has been reduced to 1.56 dwellings per acre, and all apartments have been
1679 eliminated. The amount of retail zoning has been decreased by 50 percent from the prior request,
1680 and our open space consisting of greenbelts, buffers, undisturbed forest area, wetlands, floodplains
1681 and golf course equal nearly 297 acres for 46 percent of our entire development.

1682
1683 We have engaged geotechnical experts to do additional studies of the geology of the area to assure
1684 that Sotherlyn will not interfere with Mr. Dowdy and his Diamond Springs Water Bottling and
1685 Distribution business conducted on adjacent agriculturally-zoned property.

1686
1687 Our golf course proffer requires an integrated pest-management program designed to minimize the
1688 use of pesticides, and provide for protection of riparian areas, with buffers of dense veracious
1689 vegetation, as further evidence of our commitment to be a good neighbor.

1690
1691 An additional proffer provides that any stormwater which might drain towards the Camp Holly
1692 Springs area will be controlled by drop inlets and concrete culverts, discharging to an adequate
1693 outfall at points downgrading of the spring.

1694
1695 I should add, that our experts do not believe that these measures are needed, but rather constitute
1696 an additional safety net to assure the integrity of the spring. Our desire is to protect the springs,
1697 and not hurt the springs.

1698
1699 Our proffers include an 800-foot no-build area around the southern-most spring, and wherever that
1700 800-foot radius intersects, property that we have and its in the area in here (referring to slide), we
1701 have proffered a no-build zone around the spring, which is essentially located in this area (referring
1702 to slide). But, more on Diamond Springs later.

1703 Our proffered conditions are the most detailed of any case brought before you for a similar
1704 community. It's a commitment by Mr. Amason by what you see is what you will get. We have
1705 proffered that the development will be in substantial conformance with the conceptual master plan.
1706 We have proffered greenbelts along roadways and buffers against some of our closest neighbors.
1707 We have committed to provide public water and sewer, rather than utilize well and septic. We
1708 have promised to provide a championship 18-hole golf course and to construct it with the initial
1709 phase of development. We have proffered elevations of our empty-nester homes around the golf
1710 course as well as our townhomes. And all other buildings must be Colonial, New England
1711 Colonial, or Georgian style in appearance.

1712
1713 Importantly, we have agreed to phase our development consistent with roadway and intersection
1714 improvements approved by the Department of Public Works. Given our reduction in density from
1715 our prior case, our revised traffic studies, there is a 30 percent reduction in overall traffic from our
1716 prior request.

1717
1718 Significantly, we have also agreed not to request more than 125 Certificates of Occupancy per year
1719 beginning January of 2001, in an effort to guarantee that the impacts of Sotherlyn will, in fact,
1720 occur over time. Sotherlyn is not coming out of the ground with every house all at once. These
1721 impacts are spread out over a large period of time.

1722
1723 With prior input from Dr. Mannerin and Chuck Peple with the Department of Parks and
1724 Recreation, we have made a commitment to that department to cooperate with them in evaluating
1725 and interpreting any historical findings discovered during development.

1726

1727 We have also set aside approximately two acres for the preservation of the ruins of the old breast
1728 works fort known as Fort Southard, which will include public access, a parking lot, and a
1729 commemorative plaque.

1730
1731 We have agreed to donate a school site for a minimum of 20 acres at no cost to the County. We
1732 are flexible about the location of that school site, and are happy to meet with the school system to
1733 find the best location. We do have the ability to move that off of Route 5 if there is a better
1734 location.

1735
1736 We have regulated signage, lighting, screening, and mechanical equipment. We have provided for
1737 median landscaping within our roadways. And, importantly, we have reduced and capped our
1738 residential density to 987 dwelling units, a 26 percent overall reduction in density from our prior
1739 request.

1740
1741 We have provided for significant restrictive covenants that will require numerous architectural
1742 review board approvals in order to guarantee quality.

1743
1744 We have significantly increased the minimum square footage for our homes; our townhomes. We
1745 had 25 percent of our townhomes could be at a minimum of 950 feet. We have raised that to 1,000
1746 square feet. The other three-fourths of all empty-nester projects has to be a minimum of 1,280
1747 square feet.

1748 Wyndham, the RTH product is proffered to be a minimum of 1,000 square feet overall. Our R-3
1749 areas, we have increased our proffer from 1,600 square feet minimum to 1,750. Wyndham R-3
1750 proffered at 1,700. Again, we exceed the standards set in Wyndham.

1751
1752 R-2A, we have increased from 1,800 square feet to 1,900 square feet, which is the same standard
1753 Wyndham has established for its R-2A product. Our R-1A product has been increased from a
1754 minimum of 1,900 minimum square feet to 2,000 square feet. Wyndham does not have any R-1A
1755 District. Our A-1 zoned land we have increased our minimum square footage from 2,000 square
1756 feet to 2,200 square feet. Of course, there is not any A-1 comparable land in Wyndham. We have
1757 proffered the elevation and the mix of the unit types so as to reduce the potential of school-aged
1758 children.

1759
1760 Our retail parcels, again, which have been decreased over 50 percent; this being the main retail
1761 parcel, and has been restricted to only 6,700 square feet per acre, when normally you might expect
1762 to see 10,000 square feet per acre for retail development.

1763
1764 The significant use restrictions that are consistent with the Route 5 Proposed Design Guidelines.
1765 Those buildings must also be of Colonial design, and we have additionally limited the height and
1766 type of lighting, prohibited outside display, storage or sales along Route 5, and Longbridge Road.
1767 And this is just a highlight of the 50 proffered conditions that are legally binding on this request.

1768
1769 We believe that Sotherlyn is consistent with the goals, objectives and policies of the County's land
1770 use plan. We have demonstrated the ability to provide necessary community amenities and
1771 infrastructure. Your plan specifically promotes large-tract planned communities as a strategy
1772 development in eastern Henrico.

1773
1774 Additional road-strip development on well and septic is, and should be viewed, as a serious
1775 concern. Large tract development better facilitates the preservation of sensitive areas and does
1776 traditional development. There is a potential to provide development on a scale in Sotherlyn that is
1777 needed to fund the necessary investment and the public utilities and the roads.

1778
1779 As enumerated, we have substantially met the guidelines set forth in the plan to justify
1780 development in an outlying area.

1781
1782 ...The general guidelines allowed large tract planned developments to function, in essence, as a
1783 floating zone. That section of the plan concludes by stating, and I quote, :"...encouraging large
1784 tract planned development allows the County to plan for its future, while preserving those existing
1785 qualities which have made Henrico County such an attractive place to live..."

1786
1787 We've continued our dialogue with the area residents and attended additional meetings with the
1788 Varina Beautification Committee. And, I'm pleased to inform you of the support of our request by
1789 the Varina Beautification Committee, which is the result of those meetings, and you'll hear from a
1790 representative a little bit later.

1791
1792 Our conditions reflect that constructive dialogue with that group and I sincerely appreciate all of
1793 the time and effort that they have put into this case. But our dialogue with citizens doesn't end
1794 here. It really begins here. And as we develop, we commit to keep the community informed as
1795 plans are finalized.

1796
1797 Sotherlyn represents a "win-win" opportunity for citizens of Varina and the County at large.
1798 Closing the door to development in Varina is not the answer. Sotherlyn incorporates the best of the
1799 past, while planning, and I stress "planning," for the future. If not this planned community at this
1800 location with all of its guarantees, then what kind of community for Varina and what area?

1801
1802 And at this time, ladies and gentlemen, what I would like to do with your permission is introduce
1803 Dr. Jerry Johnson, who is a professor of Geology at the College of William and Mary, to discuss
1804 various aspects relating to the Diamond Springs, Camp Holly Springs operation.

1805
1806 Doctor Johnson has worked extensively in this area since 1965 doing mapping for the Virginia
1807 Division of Mineral Resources and the U.S. Geological Survey. He's also the Director of the
1808 Colonial Soil & Water Conservation District for over 20 years, which includes parts of New Kent
1809 County, Charles City, James City, York and the City of Williamsburg; is well respected on a
1810 national level, and has made significant contributions to the field of geology. With your
1811 permission, I'd like to introduce Doctor Johnson to walk you through the brief.

1812
1813 Mr. Vanarsdall - Come on down, Doctor Johnson...

1814
1815 Dr. Jerry Johnson, Professor of Geology, College of William & Mary - Mr. Chairman, and
1816 members of the Commission, I'm here tonight to address some of the concerns about the Camp
1817 Holly Springs area.

1818

1819 The purpose of my appearance here is to present some of the background, or the geology of the
1820 area so we can better understand where the water is coming from that goes into the spring and how
1821 that might, in some way, be affected by development by Sotherlyn.

1822
1823 Springs and seeps are very common in this area. They form where ground water reaches the land
1824 surface. A spring is a concentrated flow, whereas as seeps are more defuse. Our streams that we
1825 see in this area are fed by groundwater. And the system that we have around Camp Holly Springs
1826 is important to understand.

1827
1828 The sequence of sediments in this area are as follows: the Bacon's Castle is the official aquifer in
1829 this region. It's upper part is clay. As you go down through the Bacon's Castle, it becomes
1830 sandier and more gravelly. And its that gravel and sand contains the groundwater that flows to
1831 make the seeps and springs.

1832
1833 Underlying the Bacon's Castle is an impervious layer called the "Eastover". The Eastover is a clay
1834 unit formed in a marine environment about 8 million years ago. This unit prevents downward
1835 movement of ground water and forces ground water to move laterally to either a stream or through
1836 a single orifice such as spring or as seeps.

1837 The surface between the Bacon's Castle and the Eastover is an unglatory surface, so that the lows
1838 tend to concentrate water and direct that water's flow. That surface, from studies that have been
1839 made over the last 50 years, possibly 75 years, generally slopes to the south. Locally, it may slope
1840 to the east. But the general overall slope of that impervious unit is to the south and southeast. That
1841 means that water in that ground water system is going to flow in that direction unless there is
1842 something that alters its course.

1843
1844 Now, what are the components, then, in this aquifer system that feeds Camp Holly Springs? Well,
1845 it is the Bacon's Castle at the top; the Eastover at the bottom. Of concern to us, tonight, is where
1846 is the recharge area that feeds Camp Holly Springs? Where does the water come from that goes
1847 into Camp Holly Springs, and does the Sotherlyn tract impact that in some way, or does it overlap
1848 it?

1849
1850 If we look at the land surface, and here's where modern conveniences don't show up too well, but
1851 the land surface is a rolling terrain with valleys carved into it. To the south of the uplands is a
1852 major escarpment that is 50 to 60 feet high. Out of that escarpment that the seeps and the springs
1853 come, where valleys have been cut back into it, such as the blind dolly in which Camp Holly
1854 Springs is found, the water comes out at the head of the valley and then flows down to the valley
1855 system to lower elevations.

1856
1857 Now, if we take the topography, it is commonly thought that ground water surface mimics the land
1858 surface. That is generally true, but not always true. And, in this case, it is not. What we have
1859 done is taken the boring records, outcrops, taken boring records from Virginia Power, from the
1860 Highway Department, from engineering firms, and argers that I have put in, and others have put in.
1861 The outcrops we find along the road and we dig out, these are the body of evidence that goes into
1862 this study.

1863

1864 What it shows is that the surface of the Eastover is ungluatory. It's up and down. And, if we start
1865 to analyze which direction it would require water to flow on the top of the Eastover; that is the
1866 impervious layer, we discover that, in this illustration here, the flow into the Camp Holly Springs is
1867 from--the water flows eastward into the green dot (referring to slide), ladies and gentlemen, into
1868 the Camp Holly Springs. But, just south of that line it flows to the south, and that's critical.
1869

1870 What it boils down to is that the groundwater flow from the Sotherlyn area flows into the Sotherlyn
1871 area and not into Camp Holly Springs with the exception of the possible small area, the Virginia
1872 Geotechnical Services delineated last time, earlier. It's critical. Yes ma'am.
1873

1874 Ms. Dwyer - Do you know that because of the borings that you've taken, the lay
1875 of the Eastover?
1876

1877 Doctor Johnson - In the next illustration, we have taken borings, and the information
1878 from Joyce Engineering. We've taken and plotted the elevation of the groundwater table, provided
1879 by Joyce Engineering in their March study, and we have contoured that data. And that data clearly
1880 shows that the flow is to the east into Camp Holly Springs, and from a peak or a high part in the
1881 ground water system is to the south into the Sotherlyn area.
1882

1883 Now, if we look at the red line (referring to slide) which encompasses the Sotherlyn tract, we
1884 discovered immediately that the groundwater flows not into the recharge area; the area where
1885 Camp Holly Springs gets its water, but flows to the south, and not into the Camp Holly Springs
1886 area. Now, this is using data, not gathered by us, but by Joyce Engineering and plotting that
1887 information.
1888

1889 Also, Mr. Deal, in a previous statement, mentioned that the groundwater flows to the east. The
1890 conclusion here is that, if we take the available data on groundwater flow, water will not flow from
1891 the Sotherlyn development into the Camp Holly Springs recharge area. Groundwater flows away
1892 from it so that the Sotherlyn development is not within the recharge area for the Camp Holly
1893 Springs. Thank you.
1894

1895 Mr. Taylor - Doctor? Are there questions in order? Do you have any indication
1896 of quantities of flow? For instance, how much water is flowing southward? How much water is
1897 the spring producing? How much is now pumped out of there?
1898

1899 Doctor Johnson - The data on the discharge from Camp Holly Springs is available.
1900 It's calculated on a March flow, which is the high flow, by the way. It's the wettest time of the
1901 year. And, I don't recall the exact number, but the point is, the area that we're talking about,
1902 owned or projected for development, is outside that area. We're separate from it. The divide
1903 between water flowing into the Camp Holly Springs area, and the Sotherlyn area are opposite to
1904 each other. Water flows down hill.
1905

1906 Mrs. Quesinberry - Doctor Johnson, I just want to make sure that I understand that; and
1907 thank you for your presentation. It was very clear to non-geologists and water hydrologists. I
1908 appreciate that. You, yourself, have not done any field work at Camp Holly Springs? Have you

1909 made all your conclusions from the Joyce Study and from the information you've been able to
1910 gather in previous studies?

1911
1912 Doctor Johnson - No ma'am. Over the last 30 years as part of an archeological study;
1913 as part of mapping the Virginia Coastal Plain, and numerous field trips and so forth, I have
1914 traversed this area many times. And, so if you look at the list, there are a lot of Johnson's listed in
1915 the literature about the geology of the coastal plain.

1916
1917 Mrs. Quesinberry - What does, "traversing the area," mean?

1918
1919 Doctor Johnson - That means, I probably have gone up the roads and dug in most of
1920 the road banks. I've put a lot of argers into the ground by hand. And, as most attest, arguing
1921 through gravels is not very much fun and very difficult.

1922
1923 I am examined a tremendous number of borings made by whoever I can get a hold of, including
1924 engineering firms. And, so, its based on 30 years of experience. Mapping, by the way, too. I've
1925 worked with soils people in the region, and, specifically, in this area. And I have been to Camp
1926 Holly Springs and I looked at the stratify or the sequence of sediments there.

1927
1928 Mrs. Quesinberry - And, how certain can you be with this undulating topography and
1929 impervious surfaces, how do you predict and how certain can you be if you don't do certain tests?
1930 Don't you make a lot of general conclusions about the way aquifers usually run, or commonly how
1931 they run similar to the topography?

1932
1933 Doctor Johnson - Okay. To the northwest is the Holland tract, and there are 48
1934 borings there, I believe, which went down and defined the clay; the marine, the impervious unit.
1935 And so that's data we pulled on. We've gone to West Sand and Gravel pit. I've looked at
1936 probably conservatively 50 pits in this region to see, and over the years, its inadvertent, but you
1937 discover, after awhile, what the configuration of that layer is, because you see it exposed for its
1938 flat. You see it exposed where its got channels in it and so for or irregularities where its got
1939 fractures in it. And, so after awhile, you start building a backlog. And, this is, basically, what I'm
1940 drawing from are these years of experience, and, of course, the onsite inspections of these
1941 grounds—these materials.

1942
1943 Mrs. Quesinberry - Is it safe to assume, if you see fractures, or changes that it alters the
1944 usual course, or could alter the usual course of the groundwater? In other words, it may not flow
1945 the way it typically would?

1946
1947 Doctor Johnson - Well, when we're talking about the Eastover, its so thick. It's 70,
1948 80, 90 hundred feet thick. So, that means the surface cracks that you see in it are not going to
1949 extend any great depth, typically. They are stained by iron oxides. When you get a cut, they
1950 extend a few feet into the impervious unit. So, they will not change in any way significantly the
1951 flow of water. The water is still perched or force the flow across that surface out to the edge. And
1952 the edge is where the valleys are cut deeply. Does that answer your question?

1953
1954 Mr. Archer - Doctor Johnson.

1955
1956 Doctor Johnson - Yes sir.
1957
1958 Mr. Archer - Based on your research, or anybody's research, at what rate, if any,
1959 do the properties of these layers like Bacon's Castle change, and what occurrence or condition has
1960 to occur in order for that change to take place?
1961
1962 Doctor Johnson - There is a change vertically from very permeable lower beds to
1963 tighter beds at the very top. This unit is about 50-feet thick, approximately. In many places its
1964 been eroded. In fact, on this tract, the high ground, 150 feet or so of sea level still is fairly clay.
1965 But as you go down into the low areas, 120 or 130 feet, it's gotten down into the sandy layers. So
1966 there's an awful lot of infiltration of rainwater. Well, whenever we have it, snow that melts into it.
1967 And so we have variations into the permeability of the transmissibility of these units. Laterally,
1968 they vary too. You'll find them in clay lenses in them and you'll find places where there's coarse
1969 gravels with very little matrix around them. And, so, there is variation. So, this is why we have to
1970 look at it in bulk fashion and not the square foot. We have to look at it over the extent that we can
1971 see a sand and gravel pit.
1972
1973 And in the gravel pit, we find out that those lower units are quite permeable. We, simply, dig a
1974 hole, cut it deep enough, and the water goes out and the people go and mine it as they have at West
1975 Sand and Gravel.
1976
1977 Mr. Archer - To be a little bit more specific, in any one given area, what
1978 timeframe would occur before there were changes in that specific area, or what condition would
1979 have to occur to cause it to change? Not as it goes from one place to another, but in any one given
1980 area?
1981
1982 Doctor Johnson - If I were looking at a unit here, a piece of the Bacon's Castle, don't
1983 hold your breathe, because its going to be ages, geologic ages before there's any change. The
1984 Bacon's Castle is about 2.5 million years old more or less. And, it, basically, has remained the
1985 same since its deposition, except for the accumulation of some iron oxide here, or a little
1986 sedimentation there. But, overall, its very static.
1987
1988 Mr. Archer - So, we're talking about a long period time before that would occur?
1989
1990 Doctor Johnson - Yes sir.
1991
1992 Mr. Archer - Now, what condition; could an earthquake, for example, cause it to
1993 change, or something more common other than an earthquake?
1994
1995 Doctor Johnson - We can change the configuration of the clay layer relative to gravels
1996 by breaking and displacing it. Yes.
1997
1998 Mr. Archer - So, you're talking about manually, somebody actually moves dirt...
1999

2000 Doctor Johnson - No. I'm talking about mother nature doing it with faulting. Faults
2001 can produce irregularities on this surface. And, so, you do have those irregularities produced by
2002 faulting in this region. Okay. But, we haven't put our finger on one, in many places, but we have
2003 other places.

2004

2005 Ms. Dwyer - Doctor Johnson.

2006

2007 Doctor Johnson - Yes ma'am.

2008

2009 Ms. Dwyer - If I could just tell you what my understanding is, and you tell me
2010 how far off on base I am on this. It sounds like you have mapped the Eastover, which is the
2011 impervious layer, and the aquifer is above that.

2012

2013 Doctor Johnson - Yes ma'am.

2014 Ms. Dwyer - And you cannot go below the Eastover layer? Is that right?

2015

2016 Doctor Johnson - It, basically, does not go.

2017

2018 Ms. Dwyer - Okay.

2019

2020 Doctor Johnson - Yes. The surficial aquifer system.

2021

2022 Ms. Dwyer - The "superficial" did you say?

2023

2024 Doctor Johnson - "Surficial."

2025

2026 Ms. Dwyer - Surficial aquifer system? Okay. But, it, basically, lies on top of the
2027 impervious Eastover layer, and that Eastover layer, basically, the elevation of that has been
2028 mapped. You're confident of that through your borings. So, that causes the water, then, to flow in
2029 a southerly, or sometimes easterly direction?

2030

2031 Doctor Johnson - Keller Graham did his PHD thesis on this, and finished that in 1988.
2032 And he shows the surface of the Eastover sloping southward from the vicinity of Interstate 64,
2033 where its much higher, sloping southward to this area.

2034

2035 Ms. Dwyer - Does it slope towards the river?

2036

2037 Doctor Johnson - It slopes to the south. And he shows on that surface an impress
2038 drainage.

2039

2040 Ms. Dwyer - And, therefore, the water would flow, essentially, from the Camp
2041 Holly Springs area towards Sotherlyn?

2042

2043 Doctor Johnson - No. As the illustration here shows...

2044

2045 Ms. Dwyer - Okay.

2046
2047 Doctor Johnson - In this local situation you've got an up variation in the surface that
2048 you've got a high to the west...
2049
2050 Ms. Dwyer - Okay.
2051
2052 Doctor Johnson - And that, that water flows off of that high into Camp Holly Springs.
2053 South of that high, it flows to the south. That's a divide between the drainage going into Camp
2054 Holly Springs, and that going into the Sotherlyn tract.
2055
2056 Ms. Dwyer - Can you show me where the divide is on this map?
2057
2058 Doctor Johnson - The approximate divide is...
2059 Ms. Dwyer - This is the divide from the Eastover layer? Is that right?
2060
2061 Doctor Johnson - Okay. Here's the high point. The water that's here flows to the east
2062 to Camp Holly Springs. The divide lies somewhere along this crest (referring to slide) and here.
2063 So, this area here to the south flows to the south in that manner.
2064
2065 Ms. Dwyer - Is north at the top of this map?
2066
2067 Doctor Johnson - North is to the top. Yes ma'am. So, the divide between them is
2068 roughly my middle pink line (referring to slide). So, the divide for the groundwater is to the south
2069 and to the north. And this is based on the water levels by Joyce, some by Virginia Geotechnical
2070 and then also seeps along the margin.
2071
2072 Ms. Dwyer - So, it does seem to flow towards Sotherlyn, then, from the way you
2073 said?
2074
2075 Doctor Johnson - South of that divide, yes.
2076
2077 Ms. Dwyer - Okay.
2078
2079 Doctor Johnson - And that divide lies north of the Sotherlyn tract.
2080
2081 Ms. Dwyer - And the top line, you're showing an eastward flow?
2082
2083 Doctor Johnson - Yes ma'am.
2084
2085 Ms. Dwyer - And that's still flowing from...
2086
2087 Doctor Johnson - That's flowing from the high point; this water flows down from the
2088 high on the Eastover to the low, where it issues from the spring itself.
2089
2090 Ms. Dwyer - So, that's still flowing into the Sotherlyn tract here?
2091

2092 Doctor Johnson - No. That is flowing to Camp Holly Springs. I may have overshot
2093 my line (referring to slide).
2094
2095 Ms. Dwyer - Okay. And then it comes out of the spring?
2096
2097 Doctor Johnson - I'm not too good at this (referring to slide). That pink line should go
2098 to Camp Holly Springs. Okay. And then if you go northward further, that water will wrap around,
2099 if I may do so, it tends to wrap around and goes down towards the spring, itself, because water
2100 flows perpendicular to those contours, i.e. downhill.
2101
2102 Ms. Dwyer - Thank you.
2103
2104 Mr. Vanarsdall - Any more questions by Commission members? Doctor Johnson,
2105 would you, for the record, would you state your full name and your title?
2106
2107 Doctor Johnson - Mr. Gerald H. as in "Homer" Johnson, Professor of Geology,
2108 Collage of William & Mary.
2109
2110 Mr. Vanarsdall - Thank you, sir.
2111
2112 Mr. Theobald - Mr. Chairman, I think we just have one or two more speakers, and I
2113 appreciate your indulgence.
2114
2115 Mr. Vanarsdall - All right.
2116
2117 Mr. Henry Nelson, Varina Beautification Committee - Good evening. I'm Henry Nelson. I
2118 represent the Varina Beautification Committee. We live at 3600 New Market Road, which is
2119 approximately one-quarter mile west of this proposed subdivision.
2120
2121 Varina has a very interesting history. I guess the soils that we're looking at right here have been
2122 fought over for so many years as to what the future would bring. And, in many instances, the state,
2123 the nation, and even the community have been at stake at various times in our history. And,
2124 tonight, here we are gathered, again, to try and decide the future of Varina.
2125
2126 A lot of times, we have found the citizens of Varina, that the decisions don't always go according
2127 to citizen wishes. There have been people who have objected to such things as the sewage
2128 treatment plant, which we now enjoy. We have objected to I-295 and its interchange to Route 5,
2129 and we have it. We have objected to making I-295 interchange a commercial area, and we got that.
2130 We objected to I-895, and that's on the way. So, after all the debates, the Varina Beautification
2131 Committee decided to try to see what might happen if we worked with development to try to get
2132 the best deal that he could for the quality of life in the community. So, we sought out people, or at
2133 least they sought us out. We decided to try to see what quality elements we could infuse in this
2134 process that was inevitable.
2135

2136 We have been disappointed with the overall quality of housing that has been developed in Varina
2137 thus far. We do not want Varina to become home to all the heavy industry and cheap housing
2138 that's available.

2139
2140 We're convinced, that if quality housing is built in Varina, they would be welcomed with a ready
2141 market. We want no density without amenities. Unlike other projects that have come to Varina,
2142 we feel that the Sotherlyn project, with its low density; 1.6 houses per acre; 10 pages of proffers;
2143 preservation of open space of 46 percent; 200 plus acres, with park land and preservation of history
2144 areas; and the average homes priced at \$225,000, ranging up to \$500,000 is a much needed balance
2145 to our developing community.

2146
2147 We feel strongly, that if we turn this opportunity down, we may lose the ability to sort of turn the
2148 tide of Varina towards a quality balance needed to remain a viable community, not only for our
2149 own sake, but for that of the County. We would urge that you approve this project. Thank you for
2150 your time.

2151
2152 Mr. Vanarsdall - Are there any questions for Mr. Nelson by Commission members?
2153 Thank you, Mr. Nelson.

2154
2155 Mr. Theobald - I'm not sure if there was any one else who was intending to speak.
2156 Yes. There is. We have one more. Thank you.

2157
2158 Person from Audience - I'd like to say something, too, if I might. I didn't sign up if I was
2159 supposed to? But, if permitted, I would be happy to.

2160
2161 Mrs. Alberta Stoneman - I'm Alberta Stoneman from the Varina District. I'm here as a senior
2162 citizen. We've had many maps and everything when I come to these things, and we've never had
2163 anything for seniors. Well, this assisted living is the first I've seen where we can stay in Varina
2164 and still vote in Henrico County.

2165
2166 Mr. Vanarsdall - Thank you, ma'am. We can't hear you back there. You'll have to
2167 come down to the mike.

2168
2169 Man from Audience - Yeah. I thought, perhaps, I would...very much opposed that were
2170 notable to this objection to the community. Mr. Deal, did you choose not to find an objection with
2171 this?

2172
2173 Mr. Theobald - His turn's next.

2174
2175 Man from Audience - Please, Mr. Deal, you first.

2176
2177 Mr. Theobald - I think that's it, Mr. Chairman.

2178
2179 Ms. Dwyer - So, we hear the applicant, and after that we will get to you.

2180

2181 Mr. Vanarsdall - Okay. Thank you. All right, any one else? All right, Mr. Deal. Mr.
2182 Deal, it will be your turn now.

2183
2184 Mr. John Deal - Ladies and gentlemen, my name is John Deal with the law firm of
2185 Deal & Lashney. I represent Camp Holly Springs. It's owned by Mr. & Mrs. Roland Dowdy.

2186
2187 Camp Holly Springs is located at 4100 Diamond Springs Drive. If you would look on your screens
2188 (referring to computer screens), you'll see that right up here is the bottling facilities and the
2189 diamond spring is located. And then, if you'll look down here, right there, (referring to slide), is
2190 the Camp Holly Springs.

2191
2192 Now, notice this red line around here. This map was in the notebooks that I delivered to each of
2193 you people. The red line is the arbitrary outline of the aquifer. And, when I say, arbitrary, it's
2194 arbitrary because there are no core drillings in that area, not even on the map you're shown, show
2195 exactly where the limits of that aquifer are.

2196
2197 It was very interesting to note on the map that Mr. Johnson was just talking about a few minutes
2198 ago that there were no bore holes on the land of Sotherlyn that overlies the aquifer, even according
2199 to his own map. The bore drillings he had were from other areas. And Mr. Jim Richard and Terry
2200 Phillips; Jim is a hydrogeologist from Tennessee and Mr. Phillips is from Joyce Engineering that
2201 was referred to a bit ago.

2202
2203 The facility that Diamond Spring operates this place is a state of the art bottle water facility. The
2204 International Bottle Water Association has routinely given Camp Holly their excellence in
2205 manufacturing award. The National Sanitation Foundation is a very rigorous sanitation inspection
2206 coming unannounced has awarded the certification to Camp Holly on an annual basis.

2207
2208 The Camp Holly spring, which, again, of course, is the one down here, by itself, flows in excess of
2209 half million gallons of water a day. The Diamond spring up here and the other springs that are on
2210 the Diamond Springs property, including the Camp Holly spring, together, flow about a million
2211 gallons of natural spring water a day.

2212
2213 The customers for this spring are in Virginia, Delaware, Maryland, North Carolina, South
2214 Carolina, and West Virginia, Pennsylvania and Europe. Richfood, Millers Dairy, etc., take this
2215 water, some in bottle, some in bulk and distribute it to these customers.

2216
2217 The springs, according to archeological evidence that has been found at the springs, had been in
2218 use since early 7800 B.C. So, what we're talking about tonight is a natural resource in this County
2219 that has been providing water since 7800 years before the birth of Christ. Also, the documentation
2220 in Henrico County shows that the Camp Holly Spring was used during the American Revolution,
2221 the War of 1812, and by the north and south in the Civil War.

2222
2223 The Camp Holly Spring is on the Henrico County Historical Register. Camp Holly Spring was a
2224 proprietorship owned by the Park family and operated by them, and they began selling water in
2225 Richmond commercially in 1923.

2226

2227 In times of actual and threatened hurricanes, flooding of the James River, algae and drought, Camp
2228 Holly has had to work around the clock to meet the demand of water distributors, food stores,
2229 manufacturing facilities because they need a safe, pure, source of drinking water in times of natural
2230 disaster.

2231
2232 The aquifer serving the spring, I am not a geologist. I'm a lawyer with a business degree. Jim and
2233 Terry can go and give you our version of what you've heard about where the water flows, what an
2234 aquifer means, how it operates, etc. I will say this, I don't think as a geologist wearing a pair of
2235 shoes that won't say that Number 1, this is a shallow aquifer. Number shallow aquifers are very
2236 much impacted by what happens on the surface. Fertilizers and pesticides are death to a natural
2237 spring, especially with a shallow aquifer. But, as to how the water initially gets into the aquifer,
2238 how it flows in the aquifer, comes out to the spring, I'll defer it to Jim and to Terry on that.

2239
2240 Now, if you would, please, turn to Tab 4 in the notebook that I had distributed to you folks prior to
2241 this meeting. And you'll notice at Tab 4 selected portion of the Henrico 2010 Comprehensive
2242 Plan, Environmental Element of it. And that's Tab 4.

2243
2244 If you would, you'll notice on the second page of the enclosure, I began highlighting certain
2245 sections. Notice, then, in the County's own 2010 Land Use Plan approved by this Planning
2246 Commission and approved by the Board of Supervisors, there's a section entitled, "Protection of
2247 Portable Water." The first highlight two-thirds of the way down the page says, "The groundwater
2248 table aquifer is a common term used to describe the level of water trapped within the soil beneath
2249 the surface. The water table aquifer should be replaced by water which infiltrates into the ground
2250 surface." In other words, the sole source of water supplying this aquifer is rain. And when the rain
2251 comes down and hits the ground, it carries down into the ground what's on top of the ground. If
2252 there's fertilizer and pesticides, they get carried right along with the water. That's the problem.
2253 And if this aquifer is polluted, it does not only adversely affect Camp Holly, it also affects the
2254 shallow wells along Turner Road, because nobody knows the habits of this aquifer. And I'm going
2255 to get into it in a few minutes the extent to which we've gone to show the habits of this aquifer, and
2256 the total lack of cooperation that we've got from Mr. Amason in that regard over a period now of
2257 nine months.

2258
2259 The second highlight on that same page, "Because of the interdependence of the hydrologic cycle,
2260 anything that affects one part of the system, including pollutants, has the potential to affect other
2261 parts of the system." This is not Camp Holly's writing. This is your 2010 Land Use Plan writing.

2262
2263 The third highlighting on that page. "Proper planning can ensure the adequate supply of drinking
2264 water by protection quantity and quality of drinking water."

2265
2266 Please turn the page over to the next one. It's Page 61 in the upper right hand corner outlined in
2267 red. This Land Use Plan says marked in red, "...In addition to the public supply wells, two fresh
2268 water springs located off of Turner Road in the east end of the County provide commercial bottled
2269 water." Then that paragraph just says what I have said before. Let's go to the last paragraph.
2270 "...Camp Holly Springs and Diamond Springs appear to originate in separate shallow aquifers and
2271 distinct horizons within a single aquifer."

2272

2273 In other words, there is different horizons and one aquifer serving both springs it feeds now, one
2274 million gallons of water a day that you or I can go down to either one of those springs and with no
2275 reverse osmosis, no chlorine, no nothing, drink that water, and its fresh and its pure and its been
2276 that way since God made those springs. And the recharge for the springs is basically from surface
2277 water infiltration.

2278
2279 Next page, the second paragraph that's highlighted. "...Surface aquifers not deep enough to be
2280 protected by layers of clay and that's us, are particularly vulnerable to contamination from any
2281 pollutants introduced at the land's surface. To protect this type of aquifer, the recharge area around
2282 the wells needs to be protected..." Notice, it didn't say, "the down water side." Notice it didn't
2283 say, "...you go by the water flow." It said in your own Land Use Plan, "...the aquifer around these
2284 sources needs to be protected..."

2285
2286 The next page, please, 66, in the upper right hand corner, there's three lines that I will have to go
2287 into. "...Virginia's Groundwater Steering Committee in 1987 identified 32 potential sources of
2288 ground water contamination. The top five potential threats state wide are, and one of the five
2289 you'll see underlined is pesticides and fertilizer. And golf courses, and high density development
2290 have high concentrations of fertilizer and pesticides.

2291
2292 Now, please turn to Page 82. Now, remember, we're in the County's own Land Use Plan, "Goals,
2293 Objectives and Policies. The Goals, Objectives and Policies of the environmental element of the
2294 Comprehensive Plan are designed to balance resource conservation with strong and sustained
2295 economic growth..." To this end, No. 5,..."We need to protect the care and management of
2296 ground water resources, including aquifer recharge areas..." Nobody has disputed this is an
2297 aquifer recharge area that Sotherlyn overlays. It's part of it.

2298
2299 Number 8, "...The protection of State water quality. Goals: Number 1: "...to protect the natural
2300 and cultural resources provided for necessary development. 2. Promote environmental
2301 management. 3. Minimize environmental degradation."

2302
2303 You know that's ironic, when you look at their subdivision plan, and you look at all that green area
2304 that's on it, you know what that green area is protecting, swamps, ditches, streams on top of land.
2305 All of them on Sotherlyn are protected by law, and are not being built on as a result. That's ditch
2306 water that dogs and animals drink. We're talking about the water that we drink being protected.

2307
2308 Look under Goals and Objectives, No. 5, "...The care and management of ground water
2309 resources, includes aquifers."

2310
2311 Number 8, the protection of State water quality.

2312
2313 Let's go over, if you would, to Number 83. "Objectives: Paragraph B, Protect unique or critically
2314 endangered resources by controlling the effects of development." Governor's Land, and I've said
2315 this before, and I'll say it again, had a problem.

2316
2317 The concentration of fertilizers and pesticides used on their golf course was collected by rainwater
2318 into ponds, just as the ponds shown on this plan are. They were pumped back up on the greens and

2319 fairways, and killed the grass. An environmentalist came in and said the problem, :”It’s too much
2320 concentrations of fertilizers and pesticides, and it’s killing your grass.”

2321
2322 And, remember, what we are talking about, if you’re standing on a green, you look down 25 or 35
2323 feet, and there’s that marine clay and that aquifer sitting between your feet and that clay. And
2324 that’s what people are depending on for drinking water.

2325 Where does the State go? You’ll see it as part of the exhibit here. The State of Virginia called
2326 Camp Holly in the 1988 drought and asked, “Can we depend on you for drinking water if there’s
2327 another drought like the one we’re experiencing now?” And I’ll turn the tab in a few minutes, and
2328 you’ll see that. If this place is polluted, the State cannot depend on that million gallons a day. And
2329 once you pollute it, you don’t reverse it. What’s done is done.

2330
2331 The Policies, Number 4, at the bottom of Page 83. “Delineate through on-site assessment aquifer
2332 recharge areas.” You see that highlighted? Number 4, at the bottom of the page of Page 83 on the
2333 Policies, “...delineate through onsite assessment...” Now, what does that mean? Drill holes.

2334
2335 Nobody knows what’s beneath the floor. People can guess what’s beneath the floor of this
2336 auditorium all they want. They can go in the parking lot and test. They can go across the street
2337 and test. They can go across Parham Road and test. But, nobody really knows what’s beneath this
2338 floor of this auditorium unless you drill it. That’s the nature of geology, and both of these people
2339 will testify to that, which I’m sure Mr. Johnson would.

2340
2341 Look at Page 84, Number 7 at the top, “...Encourage developers to protect ecologically sensitive
2342 areas...”No one with a pair of shoes on would dare say that the water table serving this aquifer is
2343 not in an ecologically sensitive area...For the County to participate in environmental resource
2344 studies affecting the County...” Then we’ll go on and on.

2345
2346 And, then, look at Number 10, at the bottom of Page 84. What does it say? “...Protect the quality
2347 of Camp Holly Springs and Diamond Springs recharge area to the extent reasonably practicable...”
2348 We’re not talking about two bubbles out in the woods somewhere that coming up to the top and
2349 there’s 5,000 more. The Land Use Plan says to protect these two sources by name.

2350
2351 Go to Page 90 at the bottom. “Well head protection program. The goal was to investigate the
2352 potential for contamination of water supply wells in the County...” The next one; “...A sizeable
2353 amount of acreage designated as well head and aquifer protection areas coincide with Chesapeake
2354 Bay preservation areas...” That’s the swamps and the ditches I just referred to.

2355
2356 Now, if you would, when we were last before this Commission, Mr. Zehler asked this, and this
2357 begs everything that was just said. Mr. Zehler asked this and this was almost one o’clock in the
2358 morning on December 10th. Mr. Zehler said this and this was to Mr. Sanford, a geologist for Mr.
2359 Amason. “Do you think it would be possible to sit down with them and hash over this report, find
2360 out where there’s discrepancies, and where the differences are, and come to a better solution than
2361 we have tonight?” Mr. Sanford, “I’m certainly willing to try.” Mr. Zehler, “Basically, there’s a lot
2362 of discrepancies...” In a few minutes, folks, you’re going to hear a lot of discrepancies, and I’m
2363 making a point here. “...and it’s a problem not only I’m having, but the rest of the Commission is
2364 having is that two engineers say one thing and another engineer says another. We rely on

2365 professional people to make our decisions. It's difficult for us to make decisions, tonight with
2366 discrepancies. I would love to see you guys go behind closed doors and hash out your differences;
2367 come up with a report that everybody can agree upon, and a resolution as to what you can do in
2368 order to protect that aquifer properly, And I know Mr. Dowdy has been studying that aquifer for
2369 many, many years. You've got many, many dollars in it and I'd love to see you share that
2370 information with them."

2371
2372 Mr. Zehler, "...I think it could be done in order to accomplish what we want to accomplish. Mr.
2373 Dowdy admitted he is not afraid of this project. He'd like to see it, because it may be a plus. But
2374 we do have concerns. And we have had other situations with that aquifer where we have denied
2375 cases. It is our job to protect that," (meaning the aquifer) "It is a very viable water supply that
2376 needs to take an awful strong look at." I'm almost finished. "...Instead of the engineers not
2377 working together, we need to get a pattern where we can get together, go behind closed doors, hash
2378 it out, call each other fibbers, liars, whatever, you want to do, and come out with a report that
2379 everybody can agree upon. It's going to make our job up here a lot easier, as well as Mr. Donati,
2380 when it gets to the Board and we can make a reasonable decision..." Now, that was on December
2381 10th.

2382
2383 After December 10th, and into about March, we did have some meetings with Mr. Amason in an
2384 effort to work this out, and proposals were made back and forth.

2385

2386 Mrs. Quesinberry - I just want to make a point. That was December 10, 1998?

2387

2388 Mr. Deal - Yes ma'am.

2389

2390 Mrs. Quesinberry - Thank you.

2391

2392 Mr. Deal - Yes ma'am. Now, we got together. We talked about different
2393 objectives, etc., and I believe it was in May, I got a call from Jim Theobald, and he said, "We are
2394 withdrawing the case." or words to that effect. And I said, "fine." Now, remember, we were
2395 instructed to work together.

2396

2397 What Mr. Dowdy started to do, you heard Mr. Johnson talk about the Carter Sand and Gravel and
2398 about the Holland Tract. The Holland people across Turner Road were going to dig a big pit to
2399 mine gravel in. It was denied by the Board of Zoning Appeals because of the effects on the
2400 aquifer.

2401

2402 When we got into that case at Camp Holly, Mr. Dowdy told these two engineers right here, "I want
2403 you to map me out a drilling program for this entire aquifer, running from Darbytown Road, down
2404 Turner Road on both sides all the way down to Route 5. I want that done." He spent \$33,000
2405 coming up with the drilling inspection program that's in Tab 8. I will let Mr. Richard get into that.

2406

2407 The last I heard from Mr. Theobald was when he said he was withdrawing the case. I didn't hear
2408 from him in May or June. We thought he had forgotten about this. Mr. Amason had left and gone
2409 to somewhere else for all we knew.

2410

2411 Now, if you would, please turn over to Tab 9. The report is dated, if you'll notice in February, but
2412 the final revisions, if you'll look at it, were done in late April or early May. So, we've got a
2413 drilling program.

2414
2415 On May 24, 1999 you see a letter there to Blackwell and Shelly, Esquire. Mr. Shelly represents the
2416 Harrelson Trust that owns the majority of the land that Sotherlyn is proposed to go on. "Dear Mr.
2417 Shelly: Attached is a work plan, prepared by Joyce in the above matter. As part of the plan, there
2418 is enclosed a large map depicting the entire area to be drilled and monitored by Joyce for Camp
2419 Holly. The two drill sites on the Harrelson tract are circled in yellow in the lower right hand corner
2420 of the map. When you've had the opportunity to review it, give me a call. Camp Holly will be
2421 glad to share the results of the work Plan with Harrelson when those results are available. You
2422 mentioned the concern about a drill rigging appearing, and we assured him that won't happen."
2423 That was May 24th. Okay. And remember, we were ordered by your Commission to work
2424 together.

2425
2426 Turn the page. July 1, 1999, "Mr. Shelley, I've made several attempts in the last month to reach
2427 you by phone in an effort to secure the permission requested in my letter to you of May 24th.
2428 Camp Holly's request to you is beneficial to both Camp Holly and Mr. Harrelson.

2429
2430 Certainly, Mr. Harrelson wants to make some use of his property. Camp Holly cannot just
2431 arbitrarily consent to such use. It is a known fact that the aquifer serving the Camp Holly springs
2432 lies under a portion of the Harrelson tract. In order to protect the aquifer, and, thereby protect the
2433 spring, Camp Holly needs to determine the aquifer's habits under the Harrelson tract. Your prompt
2434 response is appreciated..."

2435
2436 Please turn the page. July 15th. "I've moved my law office" is the only reply I got. That was Mr.
2437 Shelley writing me, saying, "I've got your letter of July 1. My current address. Your request of
2438 your client remains under consideration." Please turn the page. August 19th - "Mr. Shelley, I've
2439 got your July 15th letter. The program will take in excess of a year to complete and Camp Holly
2440 would like to move forward as soon as possible. I'll wait your response..." Because, remember,
2441 what we want to do is go on Sotherlyn and drill holes so nobody comes up
2442 here and guesses. And when you try to tell what's going on underground, you haven't drilled a
2443 hole, you are guessing, I don't care where you work or what your education is, it's a guess.

2444
2445 Please turn the page. November 2nd, "Dear Mr. Shelley: My letters to you of May 24, and July 1
2446 are attached, and I have your letter to me of July 15th. Also, we have spoken by phone once since
2447 that time. Even so, I have yet to hear from you concerning the granting of permission..."
2448 Remember, this is in November. "...I have yet to hear from you concerning the granting of Camp
2449 Holly permission to enter upon your property to drill the three test wells in question. In that
2450 regard, please find a revised map.

2451
2452 In any event, Camp Holly is anxious to proceed with its drilling program..." and encourages to
2453 respond at his earliest convenience. As related to you earlier,..." Please listen to this. "As related
2454 to you earlier, this drilling program is absolutely necessary if we are to determine to a reasonable
2455 degree of accuracy the potential effects of the development of all or a portion of the Camp Hill
2456 Farm property on the Camp Holly spring..." You can't ask somebody any better than that. "...As

2457 related to you in the work plan, this drilling program is going to take many months to complete,
2458 and involves not only Harrelson, but other properties in the area....” Next page, “...otherwise, if
2459 Harrelson should determine to develop the Camp Holly property prior to completion of the drilling
2460 program, Camp Holly will have to put forth its concerns and objections to such development based
2461 on the information that’s now at hand.” Please turn the page. “December 3rd.”

2462
2463 Mr. Vanarsdall - Mr. Deal.

2464
2465 Mr. Deal - Yes.

2466
2467 Mr. Vanarsdall - I’m going to have to ask you to try to wrap it up.

2468
2469 Mr. Deal - Yes sir.

2470
2471 Mr. Vanarsdall - ...because you’ve gone way over what the applicant has done.

2472
2473 Mr. Deal - I’ll do that.

2474
2475 Mr. Vanarsdall - We want to hear this. I don’t mean to cut you off, because you do
2476 have someone else who wants to speak, don’t you?

2477
2478 Mr. Deal - Yes sir. Can I go over this one last letter.

2479
2480 Mr. Vanarsdall - Go ahead.

2481
2482 Mr. Deal - All right. December 3rd, Mr. Shelley writes me. “...With regard to
2483 the referenced matter, I have spoken with my client. He has decided with the following course of
2484 action: The Gregson Trust has entered into a contract with Noble, Mr. Amason’s company. The
2485 Trust, therefore, wishes to defer considering your request...” It took them six months to tell me
2486 that, and I’m sure they were giving these letters to Mr. Amason’s people along. “...Accordingly,
2487 the trust asks you to direct the request to Mr. Theobald.” The next page, December 14th, I write,
2488 “Jim,” I tell him its regretful that Amason didn’t first contact Camp Holly prior to the filing,
2489 because, you see, we weren’t even contacted that the zoning case was filed. The only way I knew
2490 this zoning case was filed, he knew all of our concerns, was when Mr. Bittner, at the Planning
2491 Office, gave me a call and said, “...The case has been filed again.” I said, “Gee, thanks, I’m glad
2492 to know. We had no idea about that at all.” And then I sent him all of the correspondence that I
2493 sent, and to look at my last paragraph. “...If you gentlemen would like to meet to discuss Camp
2494 Holly concerns prior to the meeting, please give me a call...” That’s on December 14th. The first I
2495 heard from Mr. Amason was one week ago, today. That’s the last I heard. That is not exactly
2496 cooperation in the face of the problems here. And, I’d like for Mr. Richard to come, if you would,
2497 please.

2498
2499 Mr. Vanarsdall - Are there questions by Commission members for Mr. Deal?

2500 Mr. Deal - Thank you, sir.
2501

2502 Mrs. O'Bannon - I had a question, actually. You have several letters in here. One is
2503 from Joyce. And they say there are changes to the Sotherlyn development plan that are relevant to
2504 the springs and they summarize it?
2505

2506 Mr. Deal - Yes ma'am. Terry Phillips – Are you talking about...Which tab are
2507 you on there, ma'am?
2508

2509 Mrs. O'Bannon - Seven.
2510

2511 Mr. Deal - Tab 7?
2512

2513 Mrs. O'Bannon - Yes sir.
2514

2515 Mr. Deal - Your question was what, ma'am?
2516

2517 Mrs. O'Bannon - I was just wondering, there was some listings here of what would
2518 help, and you hadn't addressed any of that. You've gone into concern about not having any
2519 correspondence.
2520

2521 Mr. Deal - Could you tell me what she said? I have a little bit of a hearing
2522 problem.
2523

2524 Mrs. O'Bannon - Okay. It's just there have been some conclusions that were reached,
2525 and I was interested in hearing...
2526

2527 Mr. Deal - The conclusions that Joyce Engineering reached, which is the first
2528 report, the conclusion of Resource International, which represented us for a good while and still
2529 does, in some respects, which is the second letter, and James K. Richard, Inc., was that Sotherlyn is
2530 now planned, will, and its only a question of time pollute the aquifer. Bottom line. And that's the
2531 conclusion of all three reports.
2532

2533 Jim, are you ready? Thank you.
2534

2535 Mr. Jim Richard - I have a loud voice, so if I overdue it, just let me know. Ladies and
2536 gentlemen, thank you. My name is Jim Richard. I'm a hydro-geologist by training and
2537 experience; 23 years of it.
2538

2539 And, I'd like to thank, John. He's one of the few people that pronounces my last name the way it
2540 was originally intended to be pronounced. It actually is French. So, Richard is correct, but
2541 Richard is what most people use.
2542

2543 I have spent the past 23 years working with ground water, with springs, with water supplies. And,
2544 in those 23 years, I've spent approximately 16 of them working for bottled water companies;
2545 companies that utilize spring water as a source for their product. It is their raw material.
2546

2547 And in the process of doing this work, I have investigated or looked at in one form or another,
2548 perhaps, 250 individual springs in the programs or companies that they support. And, it is that
2549 perspective I bring to this analysis. I'd like to think that, in addition to what I've done as a
2550 geologist, I did run a bottling operation for a little over a year, to gain some practical experience
2551 into what it takes to put water in a bottle. I think that has been helpful, as well.
2552

2553 So, with that experience and background, I would like to bring to bear some of the concerns that
2554 we have; bring them before you. And, also, I'll respond to some of the points that Doctor Johnson
2555 brought up. By the way, tonight, was the first time that we were aware that Doctor Johnson had
2556 been requested to do any of the work or analyses that he has done. So, we're kind of floating off
2557 the top, if you will, with that brand new information and interpretations that he presented.
2558

2559 But, basically, I have been working with Dave for probably 5 years. Joyce Engineering has been
2560 working with him equally as long. My role in this is primarily review, a benefit of my experience.
2561 Joyce Engineering has done most of the actual field work. I have been involved with the policies
2562 and the interpretations. Also, the review of existing information that's been submitted.
2563

2564 I guess the only way to say this, is to say this. But, the new proposal that was submitted by the
2565 Sotherlyn Corporation really carries with it very little that's new regarding the central issue, as far
2566 as we're concerned, and that's pertaining to the aquifer. It does not appear that Doctor Johnson
2567 really had an opportunity to do any site specific investigation of his own. I'm sure that he would
2568 have liked to have been given the opportunity.
2569

2570 It appears as though they have thrown a couple of herrics, if you will, our way; the 800 foot radius,
2571 buffer zone, most of which is not even on the Sotherlyn property, as well as, some discussion about
2572 property that could be conveyed to Mr. Dowdy and Camp Holly Springs.
2573

2574 But, we have, basically, come up with a conclusion that we really aren't looking at a lot of new
2575 stuff here. We have some reduced density and some stormwater issues that have been addressed.
2576 I'd like to take some of these technical points one at a time. Terry, can you put this up, please
2577 (referring to slide)? Unfortunately, we have to put this sideways, because it's a large diagram. But
2578 this represents the work Plan that we had put together that Mr. Deal referenced in his discussion.
2579

2580 Mr. Deal - This is north (referring to slide).
2581

2582 Mr. Richard - I am not familiar with how to use this (referring to map pen). That's
2583 not going to work, John. Let's turn it sideways and we will state that north extends in this direction
2584 (referring to slide).
2585

2586 I think, probably, the best place to start is to talk about Doctor Johnson's interpretations of the data.
2587 And, I'm going to put up another map, in a moment here, that is using the same data as the data
2588 that we put together showing the water table configuration.
2589

2590 And, essentially, given the data that we have, I don't think it's really either appropriate or possible
2591 to draw the level of detail that's been drawn on the contour map that was presented by Doctor
2592 Johnson.

2593
2594 In fact, if we were to, let's just go ahead and put that right on up, John (referring to slide). If we
2595 were to draw a contour map, based on the data as it is, you see we actually have quite a smaller
2596 area. If we only go from data point to data point, and remaining within the limit of the data, we
2597 find that the contour map is really quite a bit less definitive than what you say from Doctor
2598 Johnson's presentation.
2599
2600 That's not to say that Doctor Johnson's interpretation is incorrect at all. I don't mean to say that at
2601 all. What I do mean to point out is that we just don't know. Unfortunately, we just don't know.
2602 The level of data that has been completed to date; collected to date, does not allow the opportunity,
2603 as a result of having detailed water table map, be able to draw a detailed ground water flow
2604 directions. And it is those ground water flow directions that are going to define the recharge area
2605 for Camp Holly spring.
2606
2607 Doctor Johnson did mention that it is an undulating surface underlying the Bacon's Castle
2608 formation, and that is correct. Underlying clay will, in fact, govern the direction of ground water
2609 flow. In many cases we may find that, while we have water flowing easterly for a period of time,
2610 given an undulating surface of the proper configuration, actually alter that flow and move it
2611 southward. So, the point being then...
2612
2613 Mrs. Quesinberry - Mr. Richard.
2614
2615 Mr. Richard - Yes ma'am.
2616
2617 Mrs. Quesinberry - To know if that is happening, you would have to drill, to bore holes?
2618
2619 Mr. Richard - As John said, yes ma'am.
2620
2621 Mrs. Quesinberry - ...at that particular place, would you not?
2622
2623 Mr. Richard - That's right. Of course, you can't drill holes everywhere.
2624
2625 Mrs. Quesinberry - Right. I understand.
2626
2627 Mr. Richard - But, the ideal situation would be to put in as many as is practical and
2628 as equally dispersed throughout a study area as practical to get some sense of major directions, and
2629 then to modify that with additional holes as the data may suggest. When you get into taking the
2630 data and putting it – drawing a map or what not, you may find that you have some questions
2631 regarding a certain area indicating that more data is probably appropriate in that area, and that's
2632 how any project like this would proceed in the creation of such map.
2633
2634 So, the point I'm trying to make here, really, is that, without the benefit of the full boring program
2635 that was originally developed back in May, it's only been partially implemented at this point. We
2636 really didn't know we were staring at a resubmission. And we just don't have the data to be able to
2637 say or to make some of the assertions that are currently being made with regard to ground water
2638 flowing away from Camp Holly spring.

2639
2640 I believe it was Mr. Archer had a question for Doctor Johnson regarding the changing of the
2641 aquifer. And, while the geology of the aquifer, per se, changes in the geology of the aquifer are in
2642 periods of geologic time; thousands or even millions of years, there are things that we can do that
2643 will change the hydrology of the aquifer, the way in which that aquifer transmits water from one
2644 place to another. Some of these things are naturally occurring; such as, faulting, as he mentioned,
2645 which is the breaking of the overburden, sliding or movement within that material.

2646
2647 Other things are man induced, such as the building of buildings; the scraping off of topsoil; the
2648 placement of parking lots; all of those things that change recharge patterns; the direction of
2649 stormwater away from the top of the aquifer and down passed or beyond what might be normally
2650 considered the recharge area. I'll get back to that in a moment because it's a double sword.

2651
2652 But anytime you develop anything, you change the ability for the land to accept recharge water.
2653 So, in fact, we're dealing with more than simply a question of groundwater quality, as it might be
2654 affected by pesticides or besides stormwater runoff and so forth. We're also dealing with an issue
2655 of groundwater quantity.

2656
2657 Now, to go back to Doctor Johnson's groundwater flow map, just briefly, which he shows,
2658 basically, flow patterns that show water not going to Camp Holly Springs. I would point out that
2659 the observed flow rate of Camp Holly Springs at 370,000 odd gallons per minute cannot be
2660 explained by the small recharge area, suggested by that map. The recharge area suggested by
2661 Doctor Johnson's map is entirely too small to support the observed flow rate of Camp Holly
2662 Springs. Therefore, the water, we know the water has to come from a larger area, but, at this point,
2663 we don't know what that large of an area is. I can tell you what it isn't. Okay. And, it isn't what
2664 has been presented.

2665
2666 Again, back to the coin of the issue, the stormwater plan, the development, and the runoff that's
2667 associated with it are all going to serve to reduce the amount of water available for infiltration to
2668 the aquifer, meaning, the recharge to the aquifer, the long term sustained yield of the aquifer will
2669 be diminished. The reason I said that's a double edged sword earlier is that, one of the reasons for
2670 diverting the surface water is to take away the contaminants in which it carries.

2671
2672 So, on one hand, by diverting the surface water, you, perhaps, remove some of the excess
2673 pesticides and herbicides, but on the other hand, you reduce the infiltration, therefore, reduce the
2674 recharge and reduce the total volume and the equilibrium in the aquifer. These are the kinds of
2675 changes, Mr. Archer, that can occur to the hydrologic system that's a result of development.

2676
2677 Mrs. Quesinberry - Mr. Richard, can you wrap up?

2678
2679 Mr. Richard - I sure can. There is really only one other point that I would like to
2680 make. Terry might have a couple of points that she would like to make. And, that is, that no
2681 mention has been made of geologic structures that were presented by Virginia Geotechnical
2682 Services in its initial submission.

2683

2684 And, if, in fact, they still hold to the validity of that; by the way, we did not. We disagreed with it.
2685 Then, that would also have an effect on Doctor Johnson's map. And, in fact, that map would be
2686 rendered inaccurate by virtue of those structures if, in fact, they did exist.

2687
2688 And, one final point. Were those structures to exist, the recharge area that would be required under
2689 that scenario would have to be some three miles long, extending to the north. We know that,
2690 simply, can't be the case, because of topography and the geology of the area.

2691
2692 So, that's pretty much the geologic arguments in opposition to the development. I think we just,
2693 simply, don't have enough data to really make a prudent determination as to whether or not Camp
2694 Holly Springs is as risk or not, quite frankly. I'd be happy to entertain any questions.

2695
2696 Mrs. O'Bannon - You disagreed with Virginia Geotechnical Services, sir?

2697
2698 Mr. Richard - Yes ma'am.

2699
2700 Mrs. O'Bannon - And what was it you disagreed with?

2701
2702 Mr. Richard - The Virginia Geotechnical Services conducted a geo-physical
2703 survey; ground penetrating radar, I believe, in which they, basically, put a radar signal into the
2704 ground. In the process of interpreting that data, it gives you, not a direct, but a somewhat indirect
2705 method of determining stratify and geology in any given area.

2706
2707 And the way in which that information is interpreted, or the way in which Virginia Geotechnical
2708 Services interpreted that data was to say, there were anomalies in two places and they explained
2709 them as being geologic structures which would function as dams preventing ground water flow
2710 from ever reaching the spring from either of the two sides of the spring.

2711
2712 Mrs. O'Bannon - But, what you're saying is soundings are not sufficient; borings are
2713 what is necessary?

2714
2715 Mr. Richard - Well, generally, geophysical work is a common technique and its
2716 very helpful. But, generally, its done in combination with borings; borings being used to confirm
2717 and verify what the geophysics area are showing you. So, you really shouldn't use them alone.
2718 You need to have some confirmation, using borings.

2719 Mrs. O'Bannon - So, your conclusion is, their soundings were not sufficient; not that
2720 you didn't disagree with it, but it wasn't sufficient information?

2721
2722 Mr. Richard - I said we did disagree with the interpretation.

2723
2724 Mrs. O'Bannon - You disagree, then? It's not that its insufficient, it is that you
2725 disagree?

2726
2727 Mr. Richard - That's correct.

2728
2729 Mr. Vanarsdall - Thank you, Mr. Richard.

2730
2731 Mr. Taylor - Could I just ask a question?
2732
2733 Mr. Vanarsdall - Yes sir.
2734
2735 Mr. Taylor - Mr. Richard, knowing that this is ambiguous, at best, what would it
2736 take to accurately, between you and Doctor Johnson, or whoever the experts are, how long would it
2737 take, and what would it cost to get conclusive answers to bring back to this Board (sic)? Let me
2738 just add another sentence. I'm sorry, I have to interrupt, actually.
2739
2740 The staff has recommended deferral. This is my first night here. And my background is
2741 engineering, and I have dabbled in geology. But, I probably slept through a couple of lectures of
2742 Geology 101, and I missed some of that ground water. And the state of the art has continued.
2743 But, being new, I was quite distraught by the Sotherlyn project because I think it offers something
2744 to people in Varina that is well needed. And, as I look at it, I sense there's goodness there. And, as
2745 I hear about Camp Holly Springs, there is great goodness there. And, we have good on one hand,
2746 and good on the other hand. Yet, it seems to me, that until we know some real answers on
2747 Diamond springs, it is hard for us to make a wise judgement as to whether or not it is really
2748 conclusively a situation that science and technology might be able to resolve for us. And, then,
2749 perhaps, we could look at, what I think, has some merit for Varina. And, I admit, I'm new, but, I'd
2750 like to have your view on both things; the cost and how you feel about the project if you were able
2751 to study it?
2752
2753 For instance, if we were to be able to absolutely, positively, without a shadow of a doubt, assure
2754 that Diamond Springs would not be contaminated by anything that Sotherlyn would do, would you
2755 be in favor of the project? That's an unfair question. Let me rephrase that.
2756
2757 Mr. Richard - I'm a technical person, and I try to limit my work to that arena.
2758
2759 Mrs. Quesinberry - Well, let me just ask you, from what Mr. Deal was talking about
2760 earlier, that you all have tried to move forward with your work plan and your bore holes. It sounds
2761 to me like you're continuing to try to do that. But, really, for the last year, you haven't had as
2762 much cooperation to get additional information to some of those educated conclusions that we're
2763 asking you for?
2764 Mr. Richard - If I had a wish list, if someone said, "How would you do it? What
2765 would you do so that you were comfortable with it?," which I think is what you're asking, sir.
2766
2767 Mr. Taylor - I want it to be absolutely conclusive.
2768
2769 Mr. Richard - I would go back to probably our original drilling plan, which had a
2770 more equally spaced boring pattern for groundwater monitoring wells, not only to be placed on the
2771 Sotherlyn property, but also on other properties in the area. Any time you try to do a project like
2772 this, there are always folks that don't want you on their property for whatever reasons. We are
2773 always forced to compromise, and put borings, perhaps, in areas that are not as useful or in areas
2774 where it is really not a lot of point in putting them there, and, what you end up with, are then gaps.
2775

2776 So, I guess, if it was a perfect world, I would say, first, I would say, the County needs to support
2777 us. And by "us," I mean both parties. The County needs to support us by some how asking folks,
2778 or compelling folks to let us put borings where they need to be put in order to identify the data that
2779 needs to be provided. Then we would have to take that information and prepare groundwater flow
2780 maps and water table maps that have a sufficient number of data points so that we can rely on it.
2781 And, I would institute some additional detailed precipitation monitoring. I would have flow
2782 monitoring of the springs. And the whole thing would take over a year, because ground water is a
2783 very seasonal animal.

2784
2785 It flows in response to its recharge rates. And recharge rates change with the course of the year, as
2786 I'm sure you can expect. As well as, in an area like this with an undulating surface, that is
2787 essentially, a confining layer, not a confining layer; but it's the restrictive layer that perches the
2788 water on top of it.

2789
2790 With an undulating surface like that, ground water flow directions may very well be much different
2791 in a spring when the water levels are high than in October, when the water levels are low. So, you
2792 may have things that show absolute flow in one direction in the month of March. However, in
2793 October, the flow may be 20, 30, 40, even 60 degrees or 90 degrees oblique to that flow direction,
2794 based upon the lowering of the water table and the influence that's now being imposed upon that
2795 water table with the undulating clay surface.

2796
2797 So, I would say, we're talking a year, year and a half, and probably \$96,000 is the proposal we had
2798 put in; something in that neighborhood.

2799
2800 Mr. Deal - Camp Holly has already contracted, and prepared to spend that.
2801 That is an addition to the \$33,000 they're already spent, and we're not asking the County to
2802 contribute a dime. And we're willing to put that; that's why we want to get on that property and
2803 drill.

2804
2805 Mr. Vanarsdall - I'm going to have to ask y'all to wrap it up now. Camp Holly
2806 Springs is a very important issue in this case. It is not the only; and I think we've heard a very
2807 good presentation from both sides. We know there are other issues, and we'd like to hear from the
2808 other people. Just for the record, the applicant took 27 minutes; and the opposition took 36
2809 minutes. So, I think we should go ahead now, and go on with the opposition. Is there anyone in
2810 the audience in opposition to this? Would you come down to the podium and please state your
2811 name very distinctly, and spell if it's difficult.

2812
2813 Mr. George Taylor - I'm George Taylor. I live at 855 Camp Hill Road, which is located
2814 approximately right there (referring to slide). This whole subdivision horse shoes around it. I have
2815 several issues and concerns; mainly being, that the density sounds much better than it was the first
2816 time. But, to the overall public, 1.6 houses per acre is misleading, when he's only building on
2817 approximately half of that acreage. Its actually equals out to buildable land that he's putting
2818 residential units on; 3 units per acre.

2819
2820 Mr. Vanarsdall - We don't need anything from the audience. It's his turn to speak.

2821

2822 Mr. Taylor - She was telling me she couldn't hear.
2823
2824 Mr. Marlles - Mr. Bittner, could you help direct the microphone down, please?
2825
2826 Mr. Taylor - Also, I think its great that houses average \$220,00 and up. Some of
2827 them as much as \$500,000, but there's only 28 lots of one-acre sizes. Everything east of I-295
2828 where I'm at, everybody in that area has one acre minimum lots which is standard for that area.
2829 And to change that to two and three, and some cases, townhouses and apartments; well, no
2830 apartments. Townhouses at six or eight per acre really brings the density completely different than
2831 what the area is at. It's all agricultural now. It's just such a drastic change.
2832
2833 With that, comes the traffic situation in the area. At our last meeting, it was told that Route 5 could
2834 handle 1,700 cars in rush hour traffic. That's one car every 2.2 seconds. Most of us that live on
2835 Route 5 that have to exit onto Route 5, or off of Route 5 to go to I-295 or either way, take a chance
2836 every time we pull out now with roughly 400 and some cars in that hour.
2837
2838 The staff's proposal is saying, if it went up 1,700 cars, they would need to widen the road. My
2839 suggestion would be to widen the road, where it's only 400 cars an hour, instead of waiting until its
2840 1,700 cars and then try to widen a two-lane road.
2841
2842 Also, I think it's a great commitment to the developers to donate the land; the 20 acres of land. It
2843 may not be in the exact spot it should be the site for the elementary school. I think that's a big
2844 thing in his favor. But we still have the issue to address for the middle school and the high school.
2845 Neither one of those are in the development for eastern Henrico County right now. Once it hits the
2846 Board, it takes approximately five years to build each one of those schools at an average cost of
2847 \$25 million to \$35 million like the high school that's coming out in the west end.
2848
2849 Average real estate taxes for the 1,000 units there, figure the taxes at \$2,500, a 1,000 units, it's
2850 only \$2 million revenue for Henrico County. It costs over \$5,000 per child at 1,717 from this
2851 subdivision at a cost of \$3,500,000 that would cost the taxpayers additional money, not counting
2852 the cost of the schools.
2853 Mrs. O'Bannon - Actually, some of that comes from the State also.
2854
2855 Mr. Taylor - It does.
2856
2857 Mrs. O'Bannon - There are other sources for schools...
2858
2859 Mr. Taylor - Where does the State get that money from? From the tax base?
2860
2861 Mrs. O'Bannon - Well, that amount is made up of business taxes, and others...It's
2862 different.
2863
2864 Mr. Taylor - I also feel, in reviewing the staff report, they've been under scrutiny
2865 about how long it takes to approve or disapprove of a program. You take about a 25 page report,
2866 and you put a recommendation of things that needs to be done, that have to be done, or should be
2867 done, and only some are addressed. As Mark Bittner stated earlier, it takes a lot of their time to

2868 review this case each time, whether its days, weeks or months. For them to be under scrutiny for
2869 this, and then, someone to ask, where Mr. Taylor just addressed Mr. Richard, and ask him how
2870 long it would take for the experts to figure these things out, when they were asked to do this by the
2871 Commission back in April, all the experts to work together, work this out, it should have been
2872 done. It could be six months through at this point. It just takes everybody's time, mine, everybody
2873 out here, yours, experts, everybodys, where it could have been done and they could have been
2874 working on some other cases at this point. That's it. Thank you.

2875
2876 Mrs. O'Bannon - Thank you, Mr. Taylor.

2877
2878 Mrs. Marilyn Paschke - My name is Marilyn Paschke, and I represent the Varina
2879 Environmental Protection Group. We'd heard the name Wyndham used here quite a bit tonight.
2880 I've had someone prepare something about Wyndham that hasn't been addressed to use as an
2881 illustration.

2882
2883 Wyndham contains approximately 1,300 acres. It's built around a golf course and a club house. It
2884 resembles a small town. But its built in the headwaters of the Chickahominy River, and it ends up
2885 being an environmental disaster.

2886
2887 The original Corps of Engineers permit was issued in 1990. It was Nationwide 26 for 1.29 acres of
2888 impact. Even then, unconscious abuse of the nation wide permit program for projects of minor
2889 impact. Wyndham, though, was never considered a minor project. The actual impacts to the
2890 wetlands in the construction of Wyndham are calculated. Indirect and secondary impacts have
2891 taken place over the entire 1,300 acres. Roads, culverts, utility lines, fill, changes in service water
2892 flow by contouring of land, rain or blocked water from wetland eco-system, they killed those
2893 systems as surely if we filled it from side to side. Loss of springs, seeps, and creeks to give rise to
2894 the Chickahominy River due to Wyndham's development amounts to an ecological and
2895 environmental disaster.

2896
2897 From the beginning, Wyndham has been in violation of several permits and forced to supply
2898 mitigation for violations discovered by the Corps of Engineers. Unfortunately, for some residents,
2899 parts of the subdivision are built on soggy wetlands within a few feet of the edge of the
2900 Chickahominy River. Residents could not, and still cannot get their lawns to dry out. Swing sets
2901 sink repeatedly into watery soils. The status of foundations and driveways was at risk from the day
2902 they were built. Residents have made numerous complaints.

2903
2904 Water has been relocated from natural areas over large portions of the subdivision to feed the lakes
2905 in front of the clubhouse. The result is an arid network of sterile roads, small lots, patch-size
2906 lawns. The center water guzzling golf course requires 375,000 gallons per acre of water in a year
2907 of regular rainfall, and 787,000 gallons per acre of water in a drought's year. That does not include
2908 the hundreds of acres of lawns, flower beds, free islands that contain so little surface area that a
2909 regular rain year cannot even provide sufficient water to support. That water comes from the
2910 James River and we use it in the form of irrigation.

2911
2912 Economics: For the project of a few, the people of Henrico County are robbed of an important
2913 resource; an important source of clean water. The Chickahominy River has been rised of the

2914 cleansing, purifying headwaters wetlands that once rose to create a beautiful ravine system from
2915 Richmond to the Tidewater shores of the Virginia coast. There is no way to mitigate for the
2916 damage that has been done to the quality of Virginia waters.

2917
2918 There are not enough taxes created in Wyndham to support and maintain the infrastructure.
2919 Wyndham has to be subsidized by either rural agricultural tracts or business, or commercial
2920 property. We must reiterate that Wyndham and caused incalculable environmental problems. This
2921 was prepared by the scientists of our group.

2922
2923 I just use this as an illustration. Large developments do change the groundwater. And there's been
2924 a lot of talk about an aquifer, tonight, that is prominent and important, but I can guarantee its going
2925 to affect somebody's aquifer and somebody's drinking water. So, we must keep that in mind.

2926
2927 It's going to affect the traffic. It's going to change a way of life for rural residents. And we do
2928 realize change is coming. This is too drastic a change. It's premature. We are at the point in the
2929 County where we are looking at the growth patterns, trying to better the growth patterns. We can
2930 always better our system. And I think that's something humans should strive for and governments
2931 particularly.

2932
2933 So, therefore, I ask that you deny Sotherlyn and the Land Use. We found it the hard way that this
2934 is covered under a floating zone. I'm not sure what that denotes. I guess that means that planned
2935 communities could really be built anywhere they chose, because the County has not defined it very
2936 well. But, it also doesn't say that it has to be built in one area. It says it could be only. So, again,
2937 because of all the effects on the neighborhood, the effects on the environment, a golf course can be
2938 environmentally friendly or an environmental disaster, depending on the design. And we have not
2939 had perimeters. That has not been described adequately for the County for the residents. I do not
2940 think we have enough information to make a proper decision at this time, so I ask for denial.
2941 Thank you.

2942
2943 Mr. Vanarsdall - Any questions of Mrs. Paschke? Thank you, Mrs. Paschke. Are
2944 there any more speakers, other than the lady coming down?

2945
2946 Mr. Edward Clark - I would like to say a few words before this objection if so permitted.

2947
2948 Mr. Vanarsdall - Go ahead.

2949
2950 Mrs. Anne Morrow Donley - My name is Ann Morrow Donley. I am a resident of the Varina area
2951 and my property is on Longbridge Road which is one of the boundaries of this project. I am a part
2952 of the Environmental Protection Group, along with Marilyn Paschke. And, as she said, we ask that
2953 you deny this project.

2954
2955 In deference to Mr. Taylor and your scientific and technical background, I think its admirable that
2956 you want more information, and I think we always need more information. But I don't think any of
2957 us will live long enough to get enough information on this to determine whether to everyone's
2958 satisfaction what's going to happen.

2959

2960 I think many of us were concerned many years ago when we first read and heard on the news that
2961 they were finding pollutants in the Antarctica, that it was being carried down there. I think this
2962 gives us pause to think about not only what's going to come some the pollutants on the golf course
2963 into the water that we drink, but all the lawns, the pesticides the people will use on that to the
2964 changes in the contours which we still, Mr. Theobald when we met with him, they have no idea of
2965 what kind of landscaping they would do or anything on it. We don't know how the hydrologies
2966 will be changed and so on. All the stormwater runoff and so on.

2967
2968 I think that what has been presented to you has been quite misleading from the standpoint of the
2969 developer and Mr. Theobald. And I have to comment that there is a real, I think, lack of faith of
2970 someone who wants to be a good neighbor to the people who are out there, because we were under
2971 the impression last summer, when this was withdrawn, that it was withdrawn for a year. We were
2972 also, at the last time that I was in this room, Mrs. Dwyer, and the rest of the Commission very
2973 kindly pressed to ask the Planning Staff to please find ways to let civic and environmental groups
2974 know what is happening. And you, sir, on the Planning Staff assured us that, at least, at the very
2975 minimum, anything that was controversial, we would be notified, and we were not notified. Not a
2976 single person or group was notified that this had come about.

2977
2978 We found out about it by accident. There was no signs from the County on Longbridge Road, or
2979 Route 5 or anything saying, "Rezoning coming up", and so forth, until right before Christmas.
2980 That's when we found out about it. This does not seem to me a good way to go about things.

2981
2982 From the standpoint of the density, I think Mr. Taylor is quite correct. That is, again, misleading.
2983 And in talking with Mr. Theobald, we have learned that there would be an area which Camp Holly
2984 Springs considers to be the recharge area. There would be nine, ten, and maybe even more
2985 dwellings per acre over that. I don't think this is the kind of housing; row houses. I'm a native
2986 Virginian, a native Varianian. And I lived for a time in Baltimore, Maryland. They have lots of
2987 row houses. And I don't call them townhouses down here. I call them row houses. That's what
2988 they are. And they are fine for some people. And if you want one on Park Avenue, in the City of
2989 Richmond, then that's great. But, if you come out and visit us, I'd be glad to have you come out
2990 and visit and we'll show you around the area. You will see it is a rural area; a rural way of life.

2991
2992 We need to go back, and if you want to have some kind of development out there, then we need to
2993 be talking about this at your retreat and other places about what we need. But, we don't want
2994 something that's an environmental disaster. Mr. Taylor also pointed out about the economic
2995 disaster to the taxpayer. I think that's very important to see here.

2996
2997 We don't have figured into this what its going to cost for more than 987 units. When you multiply
2998 that by the number of people who are living there, the number of children who are going to be in
2999 school; the amount of cars; delivery trucks, etc., it is going to be a real problem for all of us. It's
3000 going to increase not only the water pollution, but the air pollution with all of those fumes; the light
3001 pollution at night is going to disturb those of us who enjoy going out and looking at the night sky
3002 and so on.

3003
3004 It will also bring with it many other developments down there once water and sewer is out there.
3005 So, I think you have to think about this very carefully. Deny it. And if anyone wants to go back to

3006 the drawing board and look at it, that's fine. I don't know that we really need another golf course
3007 out there. An assisted living place might be a possibility, but Mr. Theobald told us at the meeting
3008 that they weren't even positive that they would really put the assisted living in there. And if they
3009 did, it would be 95 units.

3010
3011 So, I think that it all needs to be looked at more carefully. And I think also to re-emphasize, when
3012 they say 46 percent is open space, green space, we need more natural vegetation areas. In the
3013 newest proffers that they have offered, they still want to cut down all the vegetation. The
3014 blueberry bushes and things like that, get rid of them. If a tree is under 6 inches, get rid of it.
3015 Sometimes, when there are large trees, get rid of them. They don't really have any forested areas,
3016 open space or green space, except that which is required by State law or that which they have said
3017 they would have a buffer around the wetlands and so on, which, as I understand it, is also required
3018 by law. So, they're not really giving us anything in Varina.

3019
3020 The remarks that our scientists prepared, we have a copy of it to give to you so each one of you can
3021 have that on Wyndham.

3022
3023 Mr. Taylor - Thank you very much.

3024
3025 Mr. Vanarsdall - Thank you, Mrs. Donley. I will respond to part of what you said by
3026 saying that the reason the case was brought back in less than a year is because it was changed so
3027 much that staff made the decision that it was legal and proper to bring it back. That's what
3028 happened on that.

3029
3030 As far as the rezoning, I'm at a loss why the sign wasn't there. We'll look into that, and we
3031 apologize for that. As far as keeping you informed, we are working on that also, keeping the
3032 County more informed. Our staff does do a good job in sending out the letters over and above the
3033 property owners.

3034
3035 The blue and white sign that you see on Rezoning does not have to be there. That is a rule that
3036 Henrico County has always gone by. So, I appreciate your comments and thank you very much.

3037
3038 Mrs. Donley - If I could just answer, thank you so much for that. It did seem that
3039 within less than two months after we were told that if anything controversial came up, we would be
3040 notified, and we were not.

3041
3042 Mr. Vanarsdall - I know.

3043
3044 Mrs. Donley - This developer did not notify anyone in the community.

3045
3046 Mr. Vanarsdall - All right, thank you for your comments. Does any one else have
3047 anything different to say? We're going to have to wrap this up. We have seven more cases and the
3048 people have waited here patiently. I agreed to open it up and give you a longer time, having no
3049 idea that it was going to take this long, so go ahead, sir.

3050

3051 Mr. Roy Props - My name is Roy Props. I reside at 3883 New Market Road, which
3052 is at the southwest corner of the intersection of New Market Road and Kingsland Road, which is
3053 directly across from the proposed development.

3054
3055 I support the recommendations and guidelines of the adopted Land Use Plan. This plan has had a
3056 lot of work put into it by the Planning Commission, by the Planning Staff in their diligent efforts in
3057 developing it, but more importantly, by the citizens who attended the public meetings and put their
3058 input into this Plan. I am concerned however, that the use of the term “planned community” is
3059 being used to circumvent the sound land use and planning principles in a rural area that is unserved
3060 by public utilities and inadequate roads.

3061
3062 I don’t know how many of you are familiar. We talked about the roads in this area, but what
3063 Longbridge Road, Turner Road and Yahley Mill Road consist of. They are unmarked roadways,
3064 open ditches, and no shoulders. Route 5, which is a two-lane road, is the only major roadway
3065 that’s going to be serving this area.

3066
3067 The development levels that are proposed would have a devastating impact to the surrounding area
3068 by impacting traffic, which has been addressed previously, but I would like to note that my son
3069 catches the school bus on New Market Road. The County schools, which I have not heard a
3070 response this evening of what their opinion is, already does not like to have buses stopping on New
3071 Market Road.

3072
3073 Also, the public facilities in the area, we’ve talked about schools. And George brought up, that
3074 they’re giving land, but that’s going to be \$25 million, \$35 million of somebody’s money that’s
3075 going to have to go to go to build these schools. What about a fire station? What about Police
3076 protection? The libraries? We already know, I think, that residential development does not pay for
3077 itself. We have no community impact analysis that even addresses what the deficit is going to be.

3078
3079 Also, the future land use impacts in this area are going to be greatly influenced. We’re extending
3080 water and sewer to an area which really is, in all cases, leap frog development. And development
3081 expectations that this is development are going to increase.

3082
3083 People are going to look at this. They’re going to make plans and say, “Well, this is support. You
3084 need more commercial. You’re going to need this. You’re going to need that.” And its going to
3085 be a domino effect. And that domino is going to be falling up and down Route 5.

3086
3087 I urge you to deny this case, and it can be developed and used in a manner that is consistent with
3088 the Land Use Plan. Thank you.

3089
3090 Mr. Vanarsdall - Thank you. Yes sir.

3091
3092 Mr. Clark - Good evening. My name is Ed Clark. I live at 4181 Camp Holly
3093 Drive. I’m very much in the respects. Excuse me. As you would say with Mr. Amason and Mr.
3094 Dowdy and his attorney.

3095

3096 If you'll note the area there and the middle of the change that has been made since, I believe, this
3097 came before the Planning Commission the last time, there's a park. That green area, as I
3098 understand to be associated with those areas of ditches and wastewater, etc., etc., as it has been
3099 brought up before.

3100
3101 That area there to the right, which is to the east of the spring, is a matter that I have had contention
3102 with Mr. Deal and Mr. Dowdy about in the past. Without going into a lot of detail about that, I
3103 will tell you that I am very much concerned about that. I'm also concerned, too, about the
3104 consensus that Mr. Johnson gave us about ground water flowing in an easterly direction. Now, if I
3105 understood him correctly, that's what he said. Mr. Johnson, is that what you said?

3106
3107 Mr. Johnson - (Comments unintelligible – not at microphone).

3108
3109 Mr. Clark - Excuse me. Thank you, Mr. Johnson. That being the case, the
3110 property, in question, then, is also involving; and the property, in question, I'm speaking of right
3111 now, is that green area referred to here as a "park zone." That area is also attenuated to a spring on
3112 the property of those people who are very close to me.

3113 Now, as it is a matter of consideration for Mr. Johnson in that respect, outside of those concerns of
3114 Mr. Amason, I find this property to be probably suspect of some very serious considerations before
3115 it should be approved by this Planning Commission. And I hope you do so. Thank you.

3116
3117 Mr. Vanarsdall - Thank you, very much. All right, that wraps it up. If there are any
3118 questions by Commission members, I'd like to hear them now, and if not, we'll entertain a motion
3119 on the case from the Varina District Commissioner, Mrs. Quesinberry.

3120
3121 Ms. Dwyer - How about rebuttal? Is there any time allotted for rebuttal?

3122
3123 Mr. Vanarsdall - I didn't know you wanted any rebuttal.

3124
3125 Ms. Dwyer - Five minutes.

3126
3127 Mr. Vanarsdall - ...and make it short as possible.

3128
3129 Mr. Theobald - Mr. Chairman, I do appreciate your indulgence this evening. And I
3130 appreciate the attention that all the Commissioners have paid to the presentations given this
3131 evening.

3132
3133 I'm going to take a moment or two and Doctor Johnson just a moment or two.

3134
3135 Mr. Clark - (Comments unintelligible – not at microphone).

3136
3137 Mr. Theobald - Excuse me, sir. I'm going to give it to you real quick. You know
3138 what, it takes two to tango. It takes two to cooperate. And I've heard a lot about how we haven't
3139 cooperated for years and I'm not even just going to distinguish that discussion, because that's a
3140 whole another side in terms of cooperating, in terms of testing, drilling, proffers to give and buy

3141 land, and you just don't need to hear all that. But, I've got to tell you, you're not getting the whole
3142 story on that one.

3143
3144 I've heard a lot about the 2010 Plan. Mr. Dowdy has been very, very good at getting his Camp
3145 Holly Springs included in the 2010 Plan. You know what, we want to preserve Camp Holly
3146 Springs. Nobody wants to hurt Camp Holly Springs. But he's in the Plan, but he's continually
3147 expecting the County from them to protect his bottling operation to the detriment of every
3148 development opportunity that's been introduced in that entire area.

3149
3150 And I really think this case needs to be more than just about Mr. Dowdy. I think one of you said
3151 that this evening. I don't remember who said that. But this really needs to be about opportunities
3152 for Varina; opportunities to provide for quality development and opportunities to improve the
3153 quality of schools.

3154
3155 And, if not this vision for Varina, then what vision for Varina? That's all I have to say. I would
3156 appreciate your consideration of recommendation of approval of this case to the Board of
3157 Supervisors and Doctor Johnson just has a moment or two. Thank you.

3158 Doctor Johnson - I may have failed to mention that I have done field work in this
3159 specific area. I want to make that clear. So, it's not something done from afar.

3160
3161 It's interesting to note, if you take the map that they've put up, they had it upside down. But the
3162 drainage-the ground water flow is to the east to Camp Holly Springs and to the south into the
3163 Sotherlyn tract. That was on their map. We can stand around all day bringing up hypothetical
3164 long distance questions. When you come down to the ground, the context I located in the field for
3165 the Eastover, that clay layer, I can take you out and document it again. That tells me that I know
3166 the geology and, therefore, the drainage in those aquifers can be partially predicted from that, and
3167 then from the data provided by Joyce. I can go on. I've got about 20 discrepancies between what
3168 they say. I have eight articles of geologic journals indicating geologic structures in this area, and
3169 so forth. And I can go on down the list.

3170
3171 The problem is, what you've got to make a decision on from a scientific standpoint is, "Where
3172 does the water go into the Camp Holly recharge area?" And the answer is, that area that we've
3173 been talking about, it does not go from Sotherlyn into it.

3174
3175 All the stormwater drainage basins are below the base of the eastover, which means the water
3176 would have to up gradient to get into any recharge area, or they are outside the drainage basin; the
3177 recharge area for Camp Holly Springs. Thank you for your patience.

3178
3179 Mr. Vanarsdall - Thank you, Doctor Johnson. I will now entertain a motion, Mrs.
3180 Quesinberry.

3181
3182 Mrs. Quesinberry - Thank you. We've heard a lot about this case tonight. I'd like to
3183 point out, the Commission has been hearing a lot of this case over the last year, and even in 1998
3184 before I had the pleasure of sitting on this Commission. The case has come a long way. It's
3185 evolved very differently over the last year and months. But we still have some fundamental issues
3186 with this case. Certainly, some of them are planning philosophy and some of them are other more

3187 tangible, direct issues with schools, and traffic, and impact on the community and density, and
3188 what defines quality, and how do you improve quality in a certain area. So, we've been through a
3189 lot of those discussions, and we've heard a lot tonight. So, I don't want to belabor this any longer.
3190 I just want to point out that, when looking at a development, when moving into an expansion area,
3191 when planning into the future and looking at the consequences after moving into an expansion
3192 area, I think the community has to be prepared and ready for the consequences of opening up a
3193 door where one does not exist right at the moment.

3194
3195 I don't believe my approving this plan or denying this plan, we set some path from which we can't
3196 vary, that determines that we'll have the same old development, or we'll have better improved
3197 development. I don't think we're going to make those kinds of changes by simply approving or
3198 denying this plan.

3199
3200 I think we're going to make changes in Varina, and we're going to see changes in Varina on a
3201 case-by-case basis, and by proper planning, and doing our due diligence in our service to the
3202 community.

3203 I'd like to also say that before making this motion, there's been a lot of work on both sides. I think
3204 we just have to acknowledge that Mr. Theobald and Mr. Amason have worked very, very hard, and
3205 this plan came from quite a mediocre plan to very substantial changes and some real commitment
3206 to make some changes in the community.

3207
3208 On the other side, we still have issues of just how impact would those changes be and if it's the
3209 appropriate time and the appropriate place to do this. There will be development in Varina and
3210 there will be planned communities, and there will be multi-use, but it won't be in this particular site
3211 at this particular time.

3212
3213 This plan is not consistent with the Land Use Plan as it stands today. There are issues with Camp
3214 Holly Springs. We are obligated to provide some reasonable protection. Reasonable protection
3215 does not mean that the land will not develop. But reasonable protection also does not mean that
3216 nearly 1,000 units developed right upon the spring is proper protection either. And there will be
3217 some give and take on that. I think Mr. Dowdy understands that the onus is really on him to very
3218 definitively provide information, gather information, and he's responsible for; information that
3219 helps us make those decisions in the future because he understands very clearly that development
3220 will occur. We also have the responsibility to make sure that its reasonably protected in that area.

3221
3222 For the Plan, itself, although, it is a good plan. It's come along, and its better. It really should be a
3223 lower density in that area to comply with the Land Use Plan. I would like to see, and I think it
3224 would be more appropriate for more single family development, rather than more units towards the
3225 RTH and multi-family. And I'm concerned about the traffic and the vehicle trips. This
3226 development could develop to its maximum full potential, including the commercial, before it
3227 would hit or cap at the 1,700 trips per day on that two-lane road. I think that speaks to the health,
3228 safety, and welfare of the community, as much as the ground water, spring quality issue does.

3229
3230 So, in having said that, and knowing that you all have heard enough, and you've learned a lot of
3231 geology, tonight, and water hydrology, I'd like to make a motion to recommend denial of Case C-
3232 8C-00.

3233
3234 Mr. Vanarsdall - Is there a second?
3235
3236 Mr. Taylor seconded the motion.
3237
3238 Mr. Vanarsdall - Before we vote, I wanted to thank everyone who came and everyone
3239 who spoke and everyone who listened and the other people in the other cases who have been
3240 patient with us. I'd like to thank John Deal for having his expert, Mr. Jim Richards, and I'd like to
3241 thank Mr. Theobald for having Doctor Johnson. So, we have a motion on the floor and a second.
3242 All in favor say aye—all those opposed say nay. The vote is 5-0 (Mrs. O'Bannon abstained). The
3243 ayes have it. The case will go forward to the Board of Supervisors with a denial from the Planning
3244 Commission, and the case will be heard in approximately 30 days from today at night.
3245 Mrs. O'Bannon - I'd like the record to reflect that I abstained, as I mentioned earlier.
3246 I will abstain on all votes, unless indicated otherwise.
3247
3248 Mr. Vanarsdall - Mrs. O'Bannon abstains because she's on the Board of Supervisors.
3249
3250 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Taylor, the Planning
3251 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors
3252 **deny** the request because it represents an increase in intensity which could influence future
3253 zoning and development of adjacent properties; and it does not conform to the recommendation of
3254 the Land Use Plan nor the Plan's goals, objectives and policies.
3255
3256
3257 **C-6C-00 Joe Williford for Ivystone Properties, Inc.:** Request to
3258 conditionally rezone from R-2A One Family Residence District to R-5AC General Residence
3259 District (Conditional), Parcel 67-A-19, containing 3.232 acres, located on the south line of
3260 Ridgefield Parkway at the eastern terminus of Dawndeer Lane. Zero lot line residential
3261 development is proposed. The R-5A District restricts the maximum density to 6 units per acre.
3262 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
3263
3264 Mr. Marlles - The staff presentation will be made by Jo Ann Hunter.
3265
3266 Mr. Vanarsdall - Any one in the audience in opposition to this case?
3267
3268 Person from Audience - Yes.
3269
3270 Mr. Vanarsdall - Oh, my goodness, okay. All right, thank you. Good evening, Ms.
3271 Hunter.
3272
3273 Ms. Hunter Good evening. Thank you, Mr. Chairman. This application would
3274 rezone 3.2 acres from R-2A One Family Residence District to R-5A General Residence District for
3275 the development of a zero lot line residential development. The applicant has indicated that there
3276 would be groupings of two attached residential units. If the proposal were to have more than two
3277 units attached, then RTH zoning would be required.
3278

3279 The property is located across the street from Deep Run Park which is here (referring to slide), and
3280 there's a vacant B-1 parcel to the west, and is surrounded on two sides by the Raintree Subdivision.

3281
3282 In 1988, a conditional subdivision was granted for this property for six single-family residential
3283 lots. Access to the single family residential lots was from Dawndeer, and it cul-de-saced down
3284 here (referring to slide) with lots backing up to Ridgefield Parkway. That conditional subdivision
3285 expired in 1990.

3286
3287 The zero lot line development allows two units to share a common wall. The zoning ordinance
3288 requires a minimum lot area of 5,625 square feet, and an overall density of six units per acre. The
3289 applicant has proffered brick, stone or stucco foundations, limitation to one point of access at the
3290 median break from Deep Run Park, and landscaped buffers. Staff does believe that the language
3291 on the buffers should be improved.

3292
3293 Staff is concerned that not enough information has been provided to determine the impacts of the
3294 proposed rezoning. Staff encourages the applicant to provide additional information such as, but
3295 not limited to, the proposed density, location of access drives and building design and elevation.
3296 With this information the review can determine the impact on the adjoining neighborhood.

3297
3298 The site is small and awkwardly shaped. From the information provided, it is difficult to determine
3299 how the site could or would be developed.

3300
3301 The existing zoning is consistent with the 2010 Land Use Plan. Staff does not support this
3302 proposal as submitted and would recommend that additional information be provided. I'd be
3303 happy to answer any questions.

3304
3305 Mr. Vanarsdall - Any questions for Ms. Hunter by Commission members?

3306
3307 Ms. Dwyer - Ms. Hunter, your staff report is very clear about what information
3308 you think is necessary in order to adequately consider this case. Have you contacted the applicant
3309 to seek additional information?

3310
3311 Ms. Hunter The applicant was contacted twice; once before the staff report was
3312 written to see if there was any information that he could provide for a better staff report, and then
3313 once again after the staff report was written. We contacted the applicant so that when he saw my
3314 concerns, and at that time, he indicated there was no additional information.

3315
3316 Ms. Dwyer - Thank you. I have no more questions.

3317
3318 Mr. Vanarsdall - Any other questions by Commission members? All right, we'll now
3319 hear from the applicant. Do you want to hear from the applicant?

3320
3321 Ms. Dwyer - Yes. I do.

3322
3323 Mr. Joe Williford - Mr. Chairman, Board, my name is Joe Williford. I represent
3324 Ivystone Properties. I do not take any argument with the staff's opposition to this zoning. But

3325 there are some other extenuating factors that I think need to be pointed out. This little piece of
3326 property has been a “thorn in the side” for Planning Staff, the Planning Commission since 1979.

3327
3328 Ivystone Properties was approached by a seller in 1979, asking us to trade property for this tract of
3329 land. The piece that was to be offered in trade was a 17-acre site on the northern boundary of what
3330 was then Deep Run Park. This piece of land was purchased to be included in Deep Run Park, but
3331 with the alignment of Ridgefield Parkway, it was excluded. Before that trade could take place, we
3332 were requested to have a plan developed for both sites, at our expense, to determine whether it was
3333 “apples and apples” or “apples and oranges.”

3334
3335 The owner affected the rezoning of that property, and the first conditional subdivision approval for
3336 21 lots. Fourteen of those lots were in Section A of a tract known as “Raintree East.” There was a
3337 condition put on these 7 lots that they could not be developed until such time as Ridgefield
3338 Parkway was in effect.

3339
3340 Ms. Dwyer - Excuse me, Mr. Williford, which 7 lots are you referring to now?

3341
3342 Mr. Williford - The 7 lots that were in this tract, in this 3-acre tract.

3343
3344 Ms. Dwyer - That were already approved?

3345
3346 Mr. Williford - Right. After the subdivision was rezoned, conditional approval was
3347 made, we took title to the property. The subject of not being able to do something with the 7 lots
3348 on Ridgefield was of no concern at that time. The other 14 lots were developed and built on.

3349
3350 After completion of Ridgefield Parkway, we made application; well, before that happened, during
3351 the public hearing for Deep Run Park, there was opposition raised to the extending of Dawndeer
3352 into Ridgefield. The residents of the Raintree area felt that that was creating a traffic pattern for
3353 access to the park.

3354
3355 We received a call and a request from the Deputy Director of Public Works asking if we had any
3356 objection to closing of Dawndeer. Now, two of those 7 lots faced on that Dawndeer extension.
3357 We raised the question. “If you close Dawndeer, do we still get the 7 lot yield?” And the answer
3358 was, “Yes.”

3359
3360 When time came to get subdivision approval for these 7 lots is when things began to go in another
3361 direction. They were approved for six lots with access made off of Dawndeer, and access made to
3362 the lots by an alley to be maintained by the residents.

3363
3364 This was not acceptable. Your addresses are 1, 2, 3, 4, Ridgefield Parkway, but to get there,
3365 you’ve got to turn on Falconbridge Drive and take the second road to the right and go to the dead
3366 end and take a right and then turn down the alley.

3367
3368 Our proposal is to go back to the original intent; one access off of Ridgefield Parkway, as opposed
3369 to seven driveways. If we’ve got to put in an alley, or subdivision maintained street, then let’s do it
3370 in the right fashion in a area that has restrictions and covenants and an association to maintain it.

3371 Well, let's go back to 7 lots fronting on Ridgefield Parkway with seven driveways. I'd be glad to
3372 entertain any questions that might be...

3373
3374 Ms. Dwyer - Mr. Williford, I appreciate your explanation of the history of this
3375 case, and I understand that we are all presented with a very unique parcel of land here. It presents
3376 some very difficult, I think, development challenges as you alluded to in your presentation. I think
3377 that's all the more reason to address all of those issues up front so that the Commission knows, and
3378 certainly neighbors who live around this parcel know what the concept is for the development of
3379 this site.

3380
3381 I, personally, am not necessarily opposed to the increase in density of this parcel because I
3382 understand the unique difficulties that it presents. It may be that's the only way to actually
3383 adequately have any development. So, I'm not suggesting that the R-5A and the increase in
3384 density is inappropriate, but I do agree with staff that because a triangular piece of property
3385 surrounded on two sides with existing development. The third side is Ridgefield Parkway which is
3386 a major collector. Seven driveways certainly would not be appropriate. I think you would agree
3387 with that from your point of view. Certainly, the County would not want to see that.

3388
3389 But, because of the shape and location, the topography, the access, issues, buffering, the staff
3390 report mentions some downstream flooding issues, possibly BMP. I'm not sure we need to look at
3391 those to see if that's an issue here. We, simply need to get some more information into the County
3392 and the Commission before we can make a decision to increase the density on such a difficult site
3393 to develop.

3394
3395 If I may ask a question, first. You know, you have a couple of options. One would be to request a
3396 deferral for 30 days, and I'd be happy to sit down with you and the staff and look at some of your
3397 ideas and look at flushing out the proffers so that we have a better understanding of what can be
3398 done. We can resolve these issues up front at zoning.

3399
3400 Mr. Williford - The reason that there aren't some pretty pictures and all this, in the
3401 course of all of this, we have affected upneenth pictures. And I could not see the point in going
3402 and hiring an architect and a land planner at \$3,500 to \$5,000 to come up with another plan on a
3403 questionable thing. That's the reason there are no pretty pictures. We have had, and the staff is
3404 privileged to a sketch; a preliminary sketch that I think shows 14 units, a water retention basin, and
3405 a scheme of the roadway.

3406
3407 In regard to the proffers offered, and the wording on the proffers, the wording on the proffers is the
3408 exact duplicate, because I copied it from it, the last zero lot line project done in Raintree on
3409 Raintree Drive.

3410
3411 Deferrals; we've been deferred since 1979. And, incidentally, it was the County of Henrico who
3412 sold us this property and platted it and subdivision planned it before we took title to it.

3413
3414 Ms. Dwyer - Mr. Williford, be that as it may, I think, as the person who needs to
3415 make a motion on this case, what I'm saying is, I'm happy to work with you to work out some of

3416 these issues. What I'm saying, before I can make a motion in favor of this case, I need more
3417 information. So, I'm asking you, what you would like to do, knowing that.

3418
3419 Mr. Williford - If you want to defer it, I will work with you on that.

3420
3421 Ms. Dwyer - Okay. Would you like to defer the case?

3422
3423 Mr. Williford - Me? I'm not. No. I wouldn't, but that's up to you.

3424
3425 Ms. Dwyer - Would you be interested in sitting down with staff and me and
3426 involving the neighbors also informing them, certainly before the next meeting, about what kinds
3427 of concept plans might be possible for this site?

3428
3429 Mr. Williford - Well, certainly.

3430
3431 Ms. Dwyer - Set up a meeting then. Did you have anything else you wanted to
3432 say, Mr. Williford?

3433
3434 Mr. Williford - No.

3435
3436 Ms. Dwyer - I'm going to make a motion to defer Ivystone Properties Case C-6C-
3437 00 on my own motion to our February meeting and that's February 9th? No. February 10th, to our
3438 February 10th meeting. And Mr. Williford, if you would contact staff and give staff available dates
3439 within the next couple of weeks, a date that would work for you for us to sit down and talk about
3440 the case, I'd appreciate it. Thank you.

3441
3442 Mr. Williford - Thank you.

3443
3444 Mr. Vanarsdall - Motion made by Mrs. Dwyer. Did I hear a second?

3445
3446 Mrs. Quesinberry seconded the motion.

3447
3448 Mr. Vanarsdall - Seconded by Mrs. Quesinberry. All those in favor say aye—all
3449 those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). We thank all of you
3450 who came lined up to speak.

3451
3452 Ms. Dwyer - Before everyone leaves, I would like to say, Mr. Secretary, we had a
3453 number of concerns expressed here tonight about the fact that neighbors had not gotten notice and
3454 that the sign was not up on the site. If we could make certain that next month the blue sign is on
3455 Ridgefield Parkway and also make sure that we get letters out.

3456
3457 Sometimes our records are not as up to date. Sometimes people move around faster than we can
3458 keep our records. So, if you all would; those of you who are here tonight, if you would like to
3459 leave your names and addresses, just write it on a notebook piece of paper. We want to make sure
3460 you get a notice if you didn't get one. Then, please do that, and bring it up here and I'll make sure

3461 staff gets that so that, you do get notice in a timely fashion for the next meeting. Thank you very
3462 much for waiting and being so patient.

3463
3464 Mr. Vanarsdall - May I suggest when you get a chance, each one of the
3465 Commissioners go by the property and check the sign. I've done that in the past and found the
3466 signs were not up, but, as soon as I brought it to the attention of the staff, they were up before the
3467 day was over.

3468
3469 **C-7C-00 Henry L. Wilton:** Request to conditionally rezone from A-1
3470 Agricultural District to O-1C Office District (Conditional), part of Parcel 177-A-40, described as
3471 follows:

3472
3473 Beginning at a point on the south right-of-way line of Ruritan Lane (formerly Old Williamsburg
3474 Road) and the east right-of-way line of Old Elko Road; Thence along the south line of Ruritan
3475 Lane N 86°23' 16" E 198.28' to a point; Thence along a curve to left having a Radius of 806.38', a
3476 Delta of 15°17'04" and a Length of 215.11' to a point at the intersection of the south right-of-way
3477 line of Ruritan Lane and the west right-of-way line of Elko Road; Thence along the west right-of-
3478 way line of Elko Road S 12°01'04" E 234.85' to a point; Thence S 05°47'04" E 400.00' to a point;
3479 Thence leaving said right-of-way line S 45°42'24" W 71.84' to a point; Thence S 83°31 '52" W
3480 66.99' to a point on the west right-of-way line of Old Elko Road; Thence along said right-of-way
3481 line along a non-tangent curve to the right having a Radius of 1026.74', a Delta of 14°31'52" and a
3482 Length of 260.40' to a point; Thence N 20°35'03" W 16.49' to a point; Thence along a curve to the
3483 left having a Radius of 658.77', a Delta of 16°05'30" and a Length of 185.02' to a point; Thence N
3484 36°40'33" W 202.96' to a point; Thence along a curve to the right having a Radius of 1195.47', a
3485 Delta of 03°35'01" and a Length of 74.77' to the point and place of beginning and containing 3.968
3486 acres of land.

3487
3488 Mr. Marlles - The staff presentation will be by Lee Householder.

3489
3490 Mr. Vanarsdall - Before we get started, what's the date of this?

3491
3492 Mr. Lee Householder, County Planner - Those proffers were received on Tuesday before the
3493 deadline.

3494
3495 Mr. Vanarsdall - So, what's the date?

3496
3497 Mr. Householder - It was the 11th.

3498
3499 Mr. Vanarsdall - Okay. Thank you.

3500
3501 Mr. Householder - We stamped the originals; the blackline should have been on there.
3502 I apologize for that.

3503
3504 Mr. Vanarsdall - Go ahead.

3505
3506 Mr. Householder - Okay. Thank you, Mr. Chairman.

3507

3508 Mr. Vanarsdall - Lee, how are you doing, tonight?

3509

3510 Mr. Householder - Excellent.

3511

3512 Mr. Vanarsdall - Good.

3513

3514 Mr. Householder - The applicant seeks O-1C zoning on 3.9 acres located at Ruritan
3515 Lane's southwest intersection with Elko Road. A 4,000 square foot office building is proposed. To
3516 the north of the subject property there is a Ruritan Club located on land zoned A-1. Further to the
3517 north closer to Williamsburg Road is vacant parcel zoned B-3, and to the east, there is a 58.57 acre
3518 parcel zoned A-1. Recently, this property was purchased by a religious organization that hopes to
3519 build a church on this site which would be pictured right here (referring to slide). To the south past
3520 the intersection of Old Elko Road and Elko Road are A-1 properties that include the Old Cannon
3521 Estates Subdivision.

3522

3523 The 2010 Land Use Plan recommends Rural Residential for this property, and the surrounding
3524 properties are designated also Rural Residential with the exception of the existing Ruritan Club,
3525 which was there at the time the Land Use Plan, so it is designated Open Space or Recreation.

3526

3527 This site is probably no longer desirable for residential development because of its location at the
3528 intersection of two roads. Therefore, an office use may be a more appropriate transition between
3529 the commercial zoning and uses on Williamsburg Road and the surrounding rural residential
3530 properties. Although O-1C is not consistent with the Rural Residential, we do still feel this is a
3531 logical use of the property.

3532

3533 This property also has significant topographic and wetland constraints that limit the development
3534 potential. There is a creek that traverses the north portion of the property and there are wetlands
3535 issues that leave only a small area toward the southern tip. This map is not oriented to the north.
3536 But, to the north of the property, there is potential for development.

3537

3538 The applicant has proffered this conceptual layout and staff has discussed the need for landscape
3539 buffering in the staff report, which they have addressed in the new proffers, where they proffered a
3540 20 foot landscape buffer along Elko Road and the front portion of the property that would face south
3541 on Elko Road.

3542

3543 Staff is also concerned that Old Elko Road would have increased traffic. Old Elko, being this road
3544 right here, (referring to slide). This is where the Old Cannon Estates, and some rural residential
3545 properties would be impacted by this development.

3546

3547 Staff was concerned about access being provided to the site through this Old Elko Road. The
3548 applicant has proffered that they will not have access from Old Elko Road until such time a median
3549 would be constructed on Elko Road which is in the long range plans for Elko Road that there would
3550 be a median. There are no immediate plans for this to happen. So, until such time as a median is
3551 constructed, there will be no access from Old Elko Road. When a median is constructed, it would
3552 be to their benefit to have this access. Staff feels that this is legitimate.

3553
3554 The applicant has submitted proffers that limit the floor area of the building to 4,000 square feet. A
3555 maximum of 20-foot parking lot lighting, limited hours of operations, and they have ensured
3556 screening of trash receptacles. To better clarify the architectural style of this office building, staff
3557 mentioned in its report that they would like to see some sort of rendering and rewording. And this is
3558 what they have proffered that the building constructed will match the colonial style that will match
3559 the style of this rendering.

3560
3561 The applicant has also addressed the concerns of a child care center as a use being this is surrounded
3562 by three roads. They have proffered there shall be no child care centers on the property.

3563
3564 While this site has an awkward shape and limited buildable area, staff feels an office use is more
3565 appropriate than a residential use. Overall, we feel the proffers that have been submitted with this
3566 case have been significantly improved since the staff report and that it will not detract from the
3567 overall rural residential character of this area. Based on these considerations, staff recommends
3568 approval of this zoning request. I'd be happy to take any questions that you may have.

3569
3570 Mr. Vanarsdall - Is any one in the audience in opposition to this Case C-7C-00? Any
3571 questions by Commission members of Mr. Householder?

3572
3573 Mrs. Quesinberry - I don't see any indications about anything about where a BMP would
3574 be. And, I know we look at that at POD, but it's such a tiny little piece of property. They've got
3575 most of it covered with the building and the parking lot. Would there is an issue with something...

3576
3577 Mr. Householder - I may refer that to the applicant, if he's willing to address that, so he
3578 can address that.

3579
3580 Mr. Vanarsdall - All right, Mr. Wilton.

3581
3582 Mr. Henry L. Wilton - Yes sir.

3583
3584 Mrs. Quesinberry - Where's it going to be, Mr. Wilton?

3585
3586 Mr. Wilton - I don't know exactly where its going to be. We will have to have a
3587 BMP on this site.

3588
3589 Mrs. Quesinberry - It's not going to be on Elko Road and ugly, is it?

3590
3591 Mr. Wilton - No ma'am. If we have to go with an above ground BMP, we will go
3592 ahead and make sure you cannot see it from Elko Road or we can put it underground like we've
3593 done with commercial facilities I just completed off of Dickens Place.

3594
3595 I understand nobody likes to see a BMP. We will screen it appropriately. We'll be back here to
3596 make sure we go with that promise.

3597

3598 Mrs. Quesinberry - Actually, the issues here, where your building is about all that is
3599 buildable on this site, is it not? I mean, you don't have...

3600
3601 Mr. Wilton - Actually, we can move a little bit further down. Basically, the septic
3602 field is right below that. We have commissioned our engineers to go ahead and go forward with
3603 the POD right after zoning, along with the POD on the site that I own on the front of Elko Road
3604 and Route 60. I own 3.5 acres on the front of the property right next to the Ruritan community.
3605 And we're doing a POD with that site and this site together, so that we can, hopefully, lessen the
3606 impacts of the BMPs and so on. We may use one for the two sites. So, we'll go forward with the
3607 POD as soon as we go ahead and get the zoning.

3608
3609 Mrs. O'Bannon - Don't we have issues because there's no sewer in this area?

3610
3611 Mr. Wilton - Do I have issues?

3612
3613 Mrs. O'Bannon - Are there going to be issues?

3614
3615 Mr. Wilton - No. Our septic man, Mr. Harold Matthews, has gone out there and
3616 he's looked at the site. And that's the reason why its only 4,000 square feet is because of
3617 limitations of the septic field. And, again, we can do one septic field for both developments. So,
3618 hopefully, we can do one BMP for both developments, depending on what you do as far as redoing
3619 the drainage study now as far as BMPs maybe not being used in the future.

3620
3621 I didn't really have anything to add. I think he made a nice presentation, and, basically, had all my
3622 points in it.

3623
3624 Mr. Vanarsdall - Any other questions of Mr. Wilton?

3625
3626 Ms. Dwyer - I have a question.

3627
3628 Mr. Wilton - Yes ma'am.

3629
3630 Ms. Dwyer - I'm not sure if you answered the BMP question. But the remainder
3631 of this property which is heavily wooded, would you be clearing the whole remainder or any of it
3632 or leaving it?

3633
3634 Mr. Wilton - No ma'am. It's wetlands. We're not going to clear it. It will stay
3635 pristine like this as much as possible. We're going to bring any type of utilities up the side of the
3636 road and we wouldn't come into the middle of the property, nor would you want to try.

3637
3638 Ms. Dwyer - So, everything that is outside this drive area will remain exactly as
3639 you...

3640
3641 Mr. Wilton - Well, you're going to have to clear the septic field which is below
3642 the site coming this way (referring to slide). The septic field is below the site. Going away from
3643 the tip points towards Route 60.

3644
3645 Mrs. Quesinberry - Does that mean it goes towards the Ruritan's building?
3646
3647 Mr. Wilton - Yes. If that way is below the site right there. We don't have enough
3648 space on the other side. And we're working with the Ruritan on putting an access, both of us
3649 having a joint access for that other piece of property which would help access coming into their
3650 property off of Rt. 60 also.
3651
3652 Ms. Dwyer - Do you know how much clearing you'll have to do on the site?
3653
3654 Mr. Wilton - Well, we'll have to clear for the septic field and wherever we
3655 eventually put the BMP. Certainly, we have to go ahead and clear for that, and then the parking.
3656 Other than that, its going to be limited because we don't want to impact any of the wetlands. And,
3657 again, most of the site is wetlands and floodplain.
3658
3659 Ms. Dwyer - I guess the point of my questions is maybe there is a way to make a
3660 commitment about tree preservation and that kind of thing on the site.
3661
3662 Mr. Wilton - I really can't tell you until I go with the POD. I will come back
3663 here, and when I go with the POD, I will outline areas where we will have tree preservation areas.
3664 I promise that I'll do that at the time of POD.
3665
3666 Ms. Dwyer - It's always better to do that at zoning.
3667
3668 Mr. Wilton - Yes ma'am, but I don't have that information right now.
3669
3670 Mr. Vanarsdall - All right, thank you, Mr. Wilton. Entertain a motion, Mrs.
3671 Quesinberry.
3672
3673 Mrs. Quesinberry - Mr. Wilton, I notice this is four miles from my house. It's my main
3674 drag home every night. So, a point well taken, okay.
3675
3676 Mr. Wilton - Yes ma'am.
3677
3678 Mr. Archer - Watch where you put that BMP.
3679
3680 Mrs. Quesinberry - Let's watch where we put that BMP. How many trees we take out.
3681 I'd like to make a motion to recommend approval for Case No. C-7C-00 Henry L. Wilton, with the
3682 additional proffers that were presented tonight, delivered on Tuesday.
3683
3684 Mr. Archer seconded the motion.
3685
3686 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr. Archer. All
3687 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
3688 abstained).
3689

3690 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Archer, the Planning
3691 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors
3692 accept the proffered conditions and grant the request because it is appropriate commercial
3693 zoning in this area; and the proffered conditions would provide for a higher quality of development
3694 than would otherwise be possible.
3695

3696 **C-75C-99 Henry L. Wilton:** Request to conditionally rezone from O-2 Office District to M-1C
3697 Light Industrial District (Conditional), part of Parcel 61-A-75, described as follows:
3698

3699 Beginning at a point on the northern right-of-way line of Parham Road, said point being the
3700 southeast corner of Henrico County tax parcel number 61-A-76. Thence, leaving said Parham
3701 Road along the eastern property line of said tax parcel 61-A-76, N. 41°-20'-21" W., 1406' +- to a
3702 point in the southern line of Hollins Glen Subdivision; thence along the southern line of said
3703 Hollins Glen Subdivision, N. 72° 01' 10" E., 198' +- to a point; thence leaving said line of
3704 Hollins Glen Subdivision, S. 52° 06' 20" E., 1365' +- to a point on the northern right-of-way line
3705 of Parham Road; thence along the northern right-of-way line of said Parham Road, S. 48° 58'
3706 50" W., 167' +- to a point; thence continuing along the right-of-way of said Parham Road on a
3707 curve to the right with a radius of 2794.79', a central angle of 5° 31' 49" and a length of 270' +-
3708 to the point of beginning and contains approximately 9.6 acres.
3709

3710 Mr. Marlles - The staff presentation will be made by Eric Lawrence.
3711

3712 Mr. Vanarsdall - Any one in the audience in opposition to C-75C-99? No opposition.
3713 Mr. Lawrence.
3714

3715 Mr. Lawrence - Thank you, Mr. Chairman. This request is to rezone approximately
3716 10 acres from O-2 to M-1C Light Industrial. The applicant has indicated that there are no users at
3717 this time.
3718

3719 Revised proffers were just handed out to you. They were received yesterday. So, if you feel
3720 they're appropriate, you may have to waive the time limit on them.
3721

3722 The subject site is actually 24 acres total; the parcel is, but we're only looked at the 10-acre O-2 in
3723 the middle. The property is split into three zonings; M-1, O-2, and R-3. The site is located at the
3724 terminus of Ackley Avenue, which you can see right there (referring to slide). The entire O-2 site
3725 currently has road frontage on Parham, but the applicant has discussed, and will be extending
3726 Ackley Avenue to provide service to it also, and, you've noticed the residents to the east and to the
3727 north. You've got R-4C to the north, and R-3 to the east.
3728

3729 Also, I'll point out that this R-3 portion right here that I'm indicating on the map is actually owned
3730 by the applicant and is a part of the 24-acre parcel. It's currently undeveloped, and, as indicated on
3731 the Land Use Plan, the R-3 and a portion of the site being considered tonight are impacted by
3732 environmental protection areas on the Land Use Plan.
3733

3734 The existence of these environmental features; floodplain and stream divides this site into a few
3735 sections. This division actually separates the R-3 section from what is being considered for the M-
3736 1C. It creates a natural division.

3737
3738 The applicant intends to apply to rezone the R-3 section to C-1, essentially, creating a buffer
3739 between the light industrial development from the existing residential.

3740
3741 In the staff report, staff identified a number of issues regarding development along Parham Road.
3742 Such issues include the establishment of setbacks, building materials, signage similar to other
3743 projects in the vicinity.

3744
3745 The applicant has addressed these issues through a revised proffer statement that was distributed
3746 tonight. The applicant has proffered a 25-foot greenbelt along Parham. He's proffered buildings
3747 that front on Parham shall be constructed of reddish brown brick which, again, complements the
3748 structures around it, and that a monument-style sign would be permitted.

3749
3750 While staff feels the site should not have direct access on Parham Road, the applicant has proffered
3751 the front of the parcel would have access to Parham Road, and serve a parcel no larger than 4.5
3752 acres. Essentially, it's hard to see, but it would just be in the front corner there (referring to slide).

3753
3754 Staff, again, does not support that. Staff's feeling is because it's a limited "right in-right out"
3755 opportunity, there's a median blocking crossovers, so its really not a good place to have entrances.
3756 In discussions with the applicant this evening, consensus was brought that, if he was willing to
3757 proffer out heavy users, heavy traffic generators, then an entrance on Parham may be a little more
3758 acceptable. But, it's staff's belief, without the uses being proffered out, that no entrance should be
3759 permitted along Parham Road, and that the entire site should be accessed through the existing
3760 Ackley Avenue.

3761
3762 Based on the existing surrounding uses, the location of the environmental areas, and the submitted
3763 proffers, the request appears reasonable. The potential for the applicant to rezone the R-3 to C-1
3764 creates a natural buffer to the adjoining existing residents, and, essentially, creates a nice transition
3765 to the existing light industry to the existing residents. And, again, staff could support this
3766 application if the application is revised so that no direct access to Parham Road is sought or that if
3767 the heavy users and heavy traffic generators are proffered out, then access to Parham Road would
3768 be appropriate. I'd be happy to answer any questions and the applicant is here this evening.

3769
3770 Mr. Vanarsdall - Any questions of Mr. Lawrence by Commission members?

3771
3772 Ms. Dwyer - Mr. Lawrence, I noticed that there's a commitment to rezone
3773 property that's not subject to this case. I would assume that's a significant proffer as far as this
3774 case is concerned. In other words, does a commitment to zone property that's now R-3 that's
3775 outside the boundary of the case that's before us tonight, are we running into legal problems like
3776 we had in Tanfield with that kind of a proffer?

3777
3778 Mr. Lawrence - Right. That was actually raised before the meeting tonight. I need
3779 to confer again with the County Attorney. The proffers were submitted, and whether it was not

3780 caught, I'm not sure. I do want to confirm that a legal proffer and can be enforced. The intent is to
3781 rezone this R-3 to C-1.

3782
3783 Ms. Dwyer - I understand that. But, if the proffer doesn't work, then...

3784
3785 Mr. Lawrence - I understand. I need to look into that.

3786
3787 Ms. Dwyer - Okay. Thank you.

3788
3789 Mr. Vanarsdall - Any other questions? Mr. Wilton. Thank you, Ms. Dwyer.

3790
3791 Mr. Henry L. Wilton - Mr. Chairman, members of the Commission, for the record, my
3792 name is Henry Wilton. I represent Wilton Development. We own this property. We own all 25
3793 acres. We are rezoning 9.6 acres to M-1 Conditional.

3794
3795 The three acres plus of R-3, we're going to go ahead and rezone that to Conservation or C-1
3796 designation after the rezoning. We did this at Dickens Place, when we developed that site, which
3797 was over five acres, we only developed 2.5 acres. And after we finished the POD, we came back;
3798 we just did that two months ago. If it's illegal, I just did it two months ago.

3799
3800 Mr. Vanarsdall - Ms. Dwyer's question was, "Would we need that proffer in there?"

3801
3802 Mr. Wilton - Well, I mean, I certainly could make it a letter of agreement, but I
3803 did that before. It was a condition of the case at Dickens Place.

3804
3805 Ms. Dwyer - Well, in that case, was the parcel you were committing to rezone,
3806 was that a part of the case?

3807
3808 Mr. Wilton - Yes, it was, because I was rezoning the entire piece.

3809
3810 Ms. Dwyer - Okay. So, that's different.

3811
3812 Mr. Wilton - You're right. We would have to increase, I guess, the size of the
3813 case to take in the R-3, which, again, is a separate case to have to rezone it according to my
3814 proffers. But, however, you want to work it, as far as, obviously, legally, I'd like to do it that way.

3815 Mr. Vanarsdall - Now, you understand on a "right in, right out," there will be no
3816 crossover there? We've already checked that out.

3817
3818 Mr. Wilton - Yes sir. We checked with that again, and that's why we think its
3819 going to have limited retail usage. And, I'm willing to go ahead and sit down with the staff and,
3820 basically, proffer out the more intense types of uses. I'll do that between now, if it's okay, between
3821 the Planning Commission hearing and the Board of Supervisors.

3822
3823 The O-2 originally was thought to be a buffer between the M-1 and the residential zoning. In fact,
3824 the R-3, the residential zoning is forested wetlands and floodplain and could never be developed.
3825 So, when we go ahead and put the C-1 designation on it, that will ensure the development of that

3826 R-3 will work as a buffer and it will never be cleared or developed. We've also proffered
3827 additional landscaping and buffering to protect adjoining residential properties at the northern tip
3828 of the property.

3829
3830 In regard to the traffic per the staff's suggestion, we do have limited access off of Parham. As you
3831 can see on the plat we have here, this is a POD that's been submitted to the County of Henrico
3832 already. And, you can see, with the placement of our BMPs and the wetlands, actually, excludes
3833 this site from being accessed from Ackley. The useable acreage on that site is probably about one
3834 and a half acres. And that's why we've accessed that particular parcel off of Parham. That would
3835 be the only piece of this 24-acre parcel would have access to Parham Road, because, again, the
3836 topo, the wetlands and the floodplain pretty much prevent access coming from the interior Ackley
3837 Road access.

3838
3839 We have revised the proffers. And we were late on getting out proffers, because my next door
3840 neighbor, Mr. Cantor, called with a few changes that he needed. And those changes were in regard
3841 to the building that would be placed with the access to Parham Road. He wanted that to be, instead
3842 of a reddish brown brick, or similar material, that we would commit to it would just be a reddish
3843 brick, and we've done that.

3844 Mr. Vanarsdall - Was it Roy Cantor or his daddy?

3845
3846
3847 Mr. Wilton - It was Stuart Cantor, who has always been our contact person over
3848 there. He's one of the owners of the building, along, I think, with Mr. Eric Cantor and some of the
3849 others.

3850
3851 Mr. Vanarsdall - I know, at one time, they weren't satisfied with something that was
3852 going there, but I understand they are satisfied with this?

3853
3854 Mr. Wilton - Yes sir.

3855
3856 Mr. Vanarsdall - They're sitting on a piece of "B" property, and they built an office
3857 building.

3858
3859 Mr. Wilton - Yes sir. They have B-3 property in there. They have a red brick in
3860 there. They also have dryvit, I think, in that building.

3861
3862 Mr. Vanarsdall - They own "B" on Parham Road.

3863
3864 Mr. Wilton - They're my closest neighbor, but, again, I wouldn't be able to see
3865 them because of the wetlands separating; and, again, we're not going to clear the wetlands.

3866
3867 I guess that was the only point he wanted us to change in regard to the proffers.

3868
3869 Looking at the proffers, they're standard proffers, again, that I used in Dickens Place M-1
3870 development that I moved my office over there at the end of this month. That was the format we
3871 used here again. The screening, the underground utility lines, the ratio of office use, conservation

3872 district. I guess I'll have to work with the staff. Can you accept Proffer No. 7 in regard to
3873 rezoning of the R-3 portion.

3874
3875 Mr. Marles - Mr. Wilton, the staff's concern with Proffer No. 7 is enforceability.
3876 It sounds like its your intent to rezone that property, regardless of whether it's a proffer or not. If
3877 it's determined by the County Attorney's Office that it is not enforceable, would you be willing to
3878 give the Commission a letter, basically, that you do intend on rezoning it?

3879
3880 Mr. Wilton - Yes sir.

3881
3882 Mr. Marles - We don't want to hold you up or have the case remanded back to the
3883 Planning Commission.

3884
3885 Mr. Wilton - Yes sir. I have no problem with doing that. I own the property, so I
3886 can make that commitment.

3887
3888 Mr. Vanarsdall - That's a good suggestion, Mr. Marles. Would it be any harm just to
3889 delete it, tonight?

3890
3891 Mr. Wilton - No sir. I would be fine with that change. And I'll issue a letter to
3892 that effect.

3893
3894 Mr. Vanarsdall - We put that under the category of a promise, and not a proffer.

3895
3896 Mr. Wilton - Sir?

3897
3898 Mr. Vanarsdall - We put that under the category of a promise, and not a proffer.

3899
3900 Mr. Wilton - Yes sir.

3901
3902 Mr. Vanarsdall - Would that be better, Mr. Marles?

3903
3904 Mr. Marles - That would be fine, sir.

3905
3906 Mr. Vanarsdall - Any more questions for Mr. Wilton? Thank you, Mr. Wilton. I
3907 move that Case C-75C-99 be recommended to the Board of Supervisors for approval, and I would
3908 like to delete Proffer No. 7.

3909
3910 Mr. Taylor seconded the motion.

3911
3912 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Taylor. All those
3913 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained).

3914
3915 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning
3916 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors
3917 **accept the proffered conditions and grant** the request because it is appropriate industrial zoning

3918 in this area; and the proffered conditions would provide for a higher quality of development than
3919 would otherwise be possible.

3920
3921 **C-11C-00** **Thomas & Associates for Kenny Wilbourne:** Request to
3922 conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District
3923 (Conditional), Parcel 147-A-77, containing 1.00 acre, described as follows:

3924
3925 Beginning at a set rod on the east line of Oakley's Lane 158.97' south of the intersection of the
3926 east line of Oakley's Lane and the south line of Yates Lane; thence N7° 40' 29"W a distance of
3927 158.97' along the east line of Oakley's Lane to a set road at set intersection, thence N80° 33'
3928 59"E a distance of 267,27' along the south line of Yates Lane to a found rod at the intersection of
3929 the south line of Yates Lane and the west line of Bowitch Court, thence along the west line of
3930 Bowitch Court S7° 40' 29"E a distance of 167.14' to a found rod on the west line of Bowitch
3931 Court, thence S82° 19' 31 "W a distance of 267.16' to the place and point of beginning and
3932 containing 1.00 Acre.

3933 Mr. Marllles - The staff presentation will be made by Lee Householder.

3934
3935 Mr. Vanarsdall - Mr. Householder.

3936
3937 Mr. Householder - Thank you. As was stated, this request would rezone 1.0 acre from
3938 A-1 District to R-3AC. The property lies at the southeast intersection of Oakley's and Yates Lanes.
3939 It is surrounded by other single-family residential uses. This infill project would have lot sizes and
3940 house sizes that would be compatible with the surrounding neighborhood.

3941
3942 The minimum lot size in the R-3A District is 9,500 square feet. The applicant has limited the 1.0-
3943 acre property to four lots; therefore, the average lot size would be greater (approximately 10,800
3944 square feet); greater meaning than what is required by the R-3A standards. The lot sizes in the
3945 general vicinity of this request range from 7,000 square feet to 14,000 square feet. Immediately
3946 adjacent to this project is the Wynfield Subdivision. It is zoned R-5. It has an average lot size of
3947 7,000 square feet. Because this request would be slightly larger than the directly adjacent
3948 subdivision, we feel that this is a reasonable request.

3949
3950 The applicant has submitted proffers which have been slightly changed since the staff report and
3951 handed out to you, tonight, and these were accepted by the Board of Supervisors for similar infill
3952 projects in this area.

3953
3954 The applicant proffered that all homes will be constructed on crawl space foundations and that the
3955 exposed portions of the foundations of the homes shall be brick. Staff feels this case could be
3956 improved if they proffered that all chimneys shall be constructed of brick or similar to the exterior
3957 of the home, and no cantilevered chimneys will be allowed. They have addressed this concern in the
3958 new proffers in Proffer #4 where they have stated such.

3959
3960 Overall, the proposed infill development is compatible with the surrounding neighborhood, and the
3961 use is consistent with the 2010 Land Use Plan Suburban Residential 2 designation. Staff
3962 recommends approval of this request, and I'd be glad to answer any questions that you may have.

3963

3964 Mrs. Quesinberry - Just one question, the four lots from Yates Lane? Where are they
3965 going to front?
3966
3967 Mr. Householder - Let me see if I can zoom in on it (referring to slide). They're going
3968 to front two on Oakley. This would be a line down the center. It would be something like this
3969 (referring to slide). It bisects the property. So, you have two fronting on Bowitch Court and two
3970 fronting on Oakleys Lane.
3971
3972 Mrs. Quesinberry - Oh. So, nobody's going to front on Yates?
3973
3974 Mr. Householder - There was a request made earlier in 1999 for this property. And they
3975 were proposing to front on Yates, but they withdrew that case, because they couldn't get ownership
3976 of the property at that time. So, we wrote a staff report and it never went any further than that.
3977
3978 Mr. Vanarsdall - There wasn't any opposition to this case, was it? Any opposition to
3979 Case C-11C-99? No opposition. Thank you.
3980
3981 Mrs. Quesinberry - Do we need to waive the proffers?
3982
3983 Mr. Householder - No. They were here on Tuesday in time.
3984
3985 Mrs. Quesinberry - I'm ready for a motion.
3986
3987 Mr. Vanarsdall - Entertain one.
3988
3989 Mrs. Quesinberry - Question?
3990
3991 Mr. Archer - This case is in Fairfield. I know the staff report says Varina.
3992
3993 Mrs. Quesinberry - Are you ready for a motion?
3994
3995 Mr. Archer - I'm ready for a motion. Yeah. We did have one outstanding issue
3996 on this. That had to do with chimneys, and that has been resolved. The proffers have been received
3997 in time. And, actually, the plan does, in some ways, exceed some of the surrounding residences. It
3998 fits with the Land Use Plan. The applicant did give me permission to defer if there was opposition
3999 to defer. There was none. I recommend approval of C-11C-00 Kenny Wilbourne.
4000
4001 Mrs. Quesinberry - And I'd be glad to second that.
4002
4003 Mr. Archer - Thank you.
4004
4005 Mrs. Quesinberry - We have a motion and a second.
4006
4007 Mr. Vanarsdall - Motion made by Mrs. Quesinberry.
4008
4009 Mrs. Quesinberry - No. Motion was made by Mr. Archer.

4010
4011 Mr. Archer - It was the other way around.
4012
4013 Mrs. Quesinberry - It's in Fairfield.
4014
4015 Mr. Vanarsdall - Mr. Archer?
4016
4017 Mrs. Quesinberry - And seconded by Quesinberry. It was a team effort, truly.
4018
4019 Mr. Vanarsdall - All those in favor say aye—all those opposed by saying nay. The
4020 vote is 5-0 (Mrs. O'Bannon abstained). Next case.
4021
4022 *REASON:* Acting on a motion by Mr. Archer, seconded by Mrs. Quesinberry, the Planning
4023 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors
4024 **accept the proffered conditions and grant** the request because it conforms to the
4025 recommendations of the Land Use Plan; it would permit development of the land for residential
4026 use in an appropriate manner; and it reflects the type of residential growth in the area.
4027
4028
4029 **Deferred from the December 9, 1999 Meeting:**
4030 **C-66C-99** **Ralph L. Axselle or Andrew M. Condlin for Windsor**
4031 **Enterprises:** Request to conditionally rezone from A-1 Agricultural District to R-2C One
4032 Family Residence District (Conditional), Parcels 64-A-24 and 26, described as follows:

4033

4034 **Parcel 1 (Existing A-1 Zoning)**

4035 Beginning at a point in North Wilkinson Road. 155.00 feet east of the intersection of Diane Lane
 4036 and North Wilkinson Road, being the place and point of beginning. Thence a bearing of N
 4037 02°43'45" E. a distance of 41.78 feet along the east line of North Wilkinson Road to a point
 4038 along the rear property, line of Chamberlayne Hills, Block E. Section D and the north line of
 4039 North Wilkinson Road. Thence leaving said point at the north line of North Wilkinson Road and
 4040 the rear property line of Chamberlayne Hills, Block E. Section D, a bearing of N 02°43'45" E, a
 4041 distance of 744.32 feet to a point. Thence leaving said rear property line of Chamberlayne Hills,
 4042 Block E, Section D a bearing of N 84°43'45" E, a distance of 484.00 feet to a point. Thence a
 4043 bearing of N 02°43'45" E, a distance of 363.53 feet to a point. Thence a bearing of N 84°43'45"
 4044 E, a distance of 1184± feet to a point on the flood plain as shown on Henrico County. Zoning
 4045 Map sheet number 64 Thence meandering along said flood plain in a southerly direction 802±
 4046 feet to a point on said flood plain. Thence a bearing of S 88°41'30" W, a distance of 519+- feet to
 4047 a point. Thence a bearing of S 70°26' 30" W, a distance of 513.86 feet to a point. Thence a
 4048 bearing of S 55 °41' 30" W, a distance of 207.09 feet to a point. Thence a bearing of S 42°02'45"
 4049 W, a distance of 290.52 feet to a point. Thence a bearing of S 80° 11' 15" W, a distance of
 4050 234.04 feet to a point. Thence a bearing of S 61°13'22" W. a distance of 670.77 feet to the place
 4051 and point of beginning, Said parcel containing 27.6+- acres of land.

4052

4053 **Parcel 1 (Existing C-1 Zoning)**

4054 Commencing at a point in North Wilkinson Road. 155.00 feet east of the intersection of Diane
 4055 Lane and North Wilkinson Road, being the place and point of beginning. Thence a bearing of N
 4056 02°43'45" E, a distance of 41.78 feet along the east line of North Wilkinson Road to a point
 4057 along the rear property line of Chamberlayne Hills, Block E, Section D and the north line of
 4058 North Wilkinson Road. Thence leaving said point at the north line of North Wilkinson Road and
 4059 the rear property line of Chamberlayne Hills, Block E, Section D, a bearing of N 02°43'45" E, a
 4060 distance of 744.32 feet to a point. Thence leaving said rear property line of Chamberlayne Hills,
 4061 Block E, Section D a bearing of N 84°43'45" E, a distance of 484.00' feet to a point. Thence a
 4062 bearing of N 02°43'45" E, a distance of 363.53 feet to a point. Thence a bearing of N 84°43'45"
 4063 E, a distance of 1184+- feet to the true point and place of beginning Thence a bearing of N
 4064 84°43'45" E., a distance of 193+- feet to a point. Thence a bearing of S 45°01 '30" E, a distance
 4065 of 151.25 feet to a point. Thence a bearing of S 71°56'40' E, a distance of 86.08 feet to a point.
 4066 Thence a bearing S 48°30'00" E, a distance of 300+- feet to a point along the east line of the
 4067 Chickahominy River. Thence along said east line of Chickahominy River, a distance of 115 +-
 4068 feet to a point. Thence leaving said east line of the Chickahominy River, a bearing of S
 4069 88°41'30" W, a distance of 143+- feet to a point on the flood plain as shown on Henrico County
 4070 Zoning Map, sheet number 64. Thence meandering along said flood plain in a northerly direction
 4071 802+- feet to the true point and place of beginning on said flood plain. Said parcel containing
 4072 2.8+ acres of land.

4073

4074 **Parcel 2**

4075 Commencing at a point in North Wilkinson Road, 155.00 feet east of the intersection of Diane
 4076 Lane and North Wilkinson Road. Thence a bearing of N 02°43'45" E, a distance of 41.78 feet
 4077 along the east line of North Wilkinson Road to a point along the rear property line of
 4078 Chamberlayne Hills, Block E, Section D and the north line of North Wilkinson Road. Thence

4079 leaving said point at the north line of North Wilkinson Road and the rear property line of
4080 Chamberlayne Hills, Block E, Section D, a bearing of N 02°43'45" E, a distance of 744.32 feet to
4081 the tree point and place of beginning. Thence along the rear property line of Chamberlayne Hills,
4082 Block E, Section D a bearing of N 02°43'45" E, a distance of 363.53 feet to a point. Thence a
4083 bearing of N 84°43'45" E, a distance of 484.00 feet to a point. Thence a bearing of S 02°43'45"
4084 W, a distance 363.53 feet to a point. Thence a bearing of S 84°43'45" W, a distance of 484.00
4085 feet to the true point and place of beginning. Said parcel containing 4.00 acres of land.

4086
4087 Mr. Marlles - The staff presentation will be made by Elizabeth Via.

4088
4089 Mr. Vanarsdall - Any one in the audience in opposition to C-66C-99?

4090
4091 Person from Audience - I'd like to speak to it, but I'm not in opposition.

4092
4093 Mr. Vanarsdall - All right. Thank you, sir. Mrs. Via.

4094
4095 Mrs. Elizabeth Via, County Planner - Thank you, Mr. Chairman. As the Secretary read, this is a
4096 case where the applicant is proposing to rezone approximately 32 acres from A-1 Agricultural to
4097 R-2C One Family Residential with conditions for a single-family subdivision.

4098 The case is located here, as shown outlined in the slide. It backs up to the Chickahominy River
4099 in this area here (referring to slide). And it is located at the terminus of Pilgrim Lane in this
4100 location here (referring to slide). It is surrounded by existing residential neighborhoods. Several
4101 of these that you'll remember from a case we had last month.

4102
4103 This is the Shrader Woods neighborhood right here (referring to slide). It's a small subdivision.
4104 Chamberlayne Hills-right here (referring to slide), and Chickahominy Bluffs is right in this
4105 location here (referring to slide). And this, of course, is the Faith Landmark Ministries Church
4106 property in this location up here (referring to slide).

4107
4108 The applicant is proposing a single-family residential neighborhood with a maximum of 45 lots.
4109 The Land Use Plan recommends SR-1 Suburban Residential which is 1.0 to 2.4 units an acre.
4110 And the applicant is proposing a development that equates to 1.4 units per acre, which is
4111 consistent with the Land Use Plan...a road access plan shown here, which has an access off of
4112 Pilgrim Lane. They are providing a stub street in this location here (referring to slide) to a three
4113 to five acre parcel in this location that could yield an additional two or three lots. There are a lot
4114 of constraints on this parcel, so, that the entire subdivision could be maybe 48 lots.

4115
4116 The applicant does not have control of this vacant parcel here (referring to slide) so they are just
4117 stubbing if the owner of that property would like to develop that into a couple of lots.

4118
4119 This plan here that is shown on the screen is a little bit different. It is one of the proffer changes
4120 that got handed out to you tonight. The only difference is the length of this cul-de-sac, which
4121 goes up to the property line in this general area here (referring to slide). There is actually a little
4122 bit of land between that cul-de-sac and this property here.

4123

4124 This is a large single-family home lot (referring to slide). This is not an undeveloped parcel.
4125 There is a single-family home on this property which is a member of the Chickahominy Bluffs
4126 Subdivision.

4127
4128 The proffers that you have in front of you that have been handed out tonight and did make the
4129 deadline on January 11th dated at the top have a couple of minor changes. The roads and the
4130 access, Proffer No. 4, dated January 3, 2000 is a change. And Proffer No. 2, I would point out,
4131 that the lots in the subdivision shall have an average lot area of 23,000 square feet now, instead
4132 of 20,000 which is what is referred to in the staff report.

4133
4134 These new proffers also speak about finished floor area in Proffer No. 1. I am not going to
4135 attempt to explain Proffer No. 1, but I am going to ask Mr. Condlin to explain that to the
4136 Commission. But it deals with the finished floor area, and mandates the construction of some
4137 speculative homes. And, I'll let Mr. Condlin speak to that.

4138
4139 When this case was first submitted, the staff did have some concerns. We no longer have any
4140 concerns. The applicant has proffered and resolved all of the staff's issues. The proffers seem
4141 consistent with the Land Use Plan, and the development seems consistent with surrounding
4142 areas, particularly if we go back to the zoning map; the density, and the lot sizes that are being
4143 proposed, in what will be Rolling Hills, is consistent that is what's around it in the Chamberlayne
4144 Hills area; Chickahominy Bluffs, and, of course, Shrader Woods. I'd be happy to answer any
4145 questions at this time.

4146
4147 Mr. Taylor - I had one question, Mrs. Via.

4148
4149 Mrs. Via - Yes sir.

4150
4151 Mr. Taylor - Where road A-2 goes through and they have extended the cul-de-
4152 sac, on my drawing, there are two lots; 37 and 38. Are they going to be replatted so they face
4153 road A-2, and then the cul-de-sac ends at another piece of property, as I understand it?

4154
4155 Mrs. Via - I believe so. What's the date on the drawing that you have in front
4156 of you, Mr. Taylor at the bottom left corner?

4157
4158 Mr. Taylor - The date that I have is 12/13/99.

4159
4160 Mr. Archer - ...the one in the staff report. But I think there has been a different
4161 drawing since that time.

4162
4163 Mrs. Via - Okay. Yes. There's a different layout drawing, that I apologize, I
4164 thought was included in our presentation and is not. The orientation, let me actually leave the
4165 podium for a moment and pass this down to the Commission for you to take a look at, Mr.
4166 Taylor. This is the revised drawing.

4167
4168 Mr. Taylor - Okay so those two lots...Would anybody else like to see it?

4169

4170 Mrs. Via - We'll try and show it on the document camera in just a moment.
4171 There we go. This drawing is the revised drawing that shows the road access plan that has been
4172 proffered. This lot layout is not proffered, but again, the road access plan is proffered.

4173
4174 It shows, Mr. Taylor, I just pointed it out at your seat is that these lots here have been realigned
4175 slightly, but they still face the end of that cul-de-sac of Road A-2.

4176
4177 Mr. Taylor - Thank you, Mrs. Via.

4178
4179 Mr. Vanarsdall - Any more questions for Mrs. Via? Mr. Archer, do you want to
4180 hear from the applicant?

4181
4182 Mr. Archer - I'm sure he'll insist on it.

4183
4184 Mr. Andrew Condlin - I don't insist.

4185
4186 Mr. Vanarsdall - He's already at the microphone. He's ready.

4187
4188 Mr. Condlin - I just want to get out of here like you do. Mr. Chairman, members
4189 of the Commission, my name is Andrew Condlin. I have with me Greg Windsor from Windsor
4190 Enterprises. Given the late hour, I'll try to keep my presentation very short, but I have to toot my
4191 own horn. It's not very often I come before you with a case that is not only not opposed by
4192 neighbors, but actually meets the Land Use Plan, and I have full and right access to the property.
4193 I see in the Year 2000, I'm quite impressed with myself already.

4194
4195 I will say, we also, of course, are consistent with the surrounding zoning, as well as consistent
4196 with the Land Use Plan. I believe we meet or exceed at least, in my opinion, a precedent set by
4197 the recent case for the Lawrence tract.

4198
4199 We proffer a minimum house size of 2,200 square feet, while proffering an average of 2,400
4200 square feet. And with a number of amenities, some of which you have seen in some of Mr.
4201 Windsor's cases, including a tot lot, paved drives and walks, a homeowners association with an
4202 architectural review committee. We have a tree preservation plan, with the zoning of unused
4203 land to C-1, given the fact that we're on the Chickahominy River at the rear of this property.

4204
4205 I will say there are two unique and unusual proffers that I was somewhat hesitant to give. Given
4206 the ability for the County to have to enforce them, but, of course, you have to accept them as part
4207 of that or the Board of Supervisors will. One of those is what Mrs. Via has referred to.

4208
4209 We have proffered an average house size, which I said, is consistent with the large tract case of
4210 2,400 square feet. Unlike that case, we have a minimum of 2,200 square feet, as opposed to
4211 1,800 square feet. But, the average has to be 2,400 square at the conclusion of construction.

4212
4213 The neighbors have asked us to add in that there be a report every six months to indicate the
4214 square footage and how this property is going along. This was brought to us after we had
4215 submitted for the Tuesday deadline. And I cannot, obviously, be in a position to offer that unless

4216 you so agree. I'm going to leave that to the neighbors more to address as well. But, we are
4217 prepared, and I brought a draft of that, consistent with the Wilton case, if we need to look at that
4218 issue.

4219
4220 There's also a proffer that's a little bit complicated. Actually, it's a lot complicated in the way
4221 we had to look at the many variables with respect to the model home size. I think, primarily,
4222 again, I don't want to put words in the neighbors' mouths, but I think they wanted to set the tone
4223 for the development to say, and I can summarize it pretty quickly by saying, you must have at
4224 least four model homes built on the property; model home or speculative homes, and the first
4225 two must be built immediately.

4226
4227 The first of these four homes must be 2,600 square feet; the second 2,400; the third 2,600, and
4228 the fourth 2,400. The idea being, again, to set the higher standard for the spec homes or model
4229 homes. And, finally, no more than two model homes or spec homes may be built next to the
4230 existing subdivisions, or what I refer to as Doctor Jones's property, which is right here (referring
4231 to slide), a large individual parcel. That is really all I wanted to say about the case other than
4232 being quite impressed with myself, and, of course, Mr. Windsor, being that we're consistent with
4233 the surrounding area; consistent with the Land Use Plan; and that we meet or exceed all the
4234 previous precedents set by the recent case. I'll be happy to answer any questions at this time.

4235
4236 Mr. Vanarsdall - Any questions of Mr. Condlin?

4237
4238 Mrs. Quesinberry - You just covered it so well.

4239
4240 Mr. Condlin - I earned my dollar tonight.

4241
4242 Mr. Vanarsdall - It was shorter, too.

4243
4244 Mrs. Quesinberry - You're on a roll here. You did really well with Ken's Cycle
4245 Center and now you've got this.

4246
4247 Mr. Condlin - That's right.

4248
4249 Mr. Marles - Mr. Condlin, I'm assuming it would be the developer or the
4250 applicant who would be providing that report every six months?

4251
4252 Mr. Condlin - Yes sir. That would be the intent, obviously. I think that's what
4253 the neighbors would like to see.

4254
4255 Mr. Vanarsdall - All right. A gentleman in the back has a question.

4256
4257 Mr. William Timberlake - Thank you, Mr. Chairman. I'm William Timberlake, member of
4258 North Chamberlayne Civic Association. I'm the Chairman of a committee of citizens in the area,
4259 which Mr. Condlin referred to. We've met with him on numerous occasions. I would like to say
4260 our meetings have been very productive. We support these proffers and this project. But, I
4261 would like ask you to please waive the requirements for the 48-hours relating to the proffer

4262 change of annual and bi-annual notification. We feel like that's necessary. And, Mr. Windsor
4263 has agreed to do that. If you would do that we'd appreciate it very much. Other than that, we do
4264 support the project, and urge you to approve it.

4265
4266 Mr. Archer - I'm sorry, your request; you wanted to waive what now?

4267
4268 Mr. Timberlake - As a proffer we have asked to be put in that did not meet the 48-
4269 hour deadline relative to annual and bi-annual notification of the house sizes. Mr. Condlin
4270 referred to that in his remarks. I believe that you can waive that yourself, can you not?

4271
4272 Mr. Archer - Did we not cover that in Proffer No. 1?

4273
4274 Mr. Timberlake - No sir.

4275
4276 Mr. Archer - That's not covered? I'll make a remark about that, and then we'll
4277 talk about how we might be able to handle it.

4278
4279 Mr. Timberlake - Thank you, Mr. Chairman.

4280
4281 Mr. Vanarsdall - Thank you very much. Mr. Archer, do you want to hear from Mr.
4282 Windsor? He's in the back there...Do you need to hear from him?

4283
4284 Mr. Archer - Not unless he's dying to say something. I don't think he is. What
4285 I need to refer to, and want to be clear on this proffer we may have to waive. But, staff is
4286 concerned about something, and I am also. And it speaks mostly to Proffer No. 1. There's a
4287 concern that has been raised that, when we try to dictate the size of houses that are located in any
4288 particular area of a project, they could be considered exclusionary, and, as such, might be illegal.
4289 And I realize we did that on the last project, and I'm not sure it would stand the test if it was
4290 challenged. And, because of that, I'm probably going to vote to recommend approval of this
4291 case. But, there may be some other way we might want to address that proffer going to the
4292 Board. And, I'm going to ask Mrs. Via if she would look into how we might be able to express
4293 in that in another manner. Not necessarily now, but at some point in time before it gets to the
4294 Board.

4295
4296 Mrs. Via - Yes. Staff has a couple concerns about Proffer No.1 related a little
4297 bit to exclusionary nature, but also related to the enforceability and the administration of
4298 enforcing Proffer No. 1. As you can see, its fairly detailed. When I think of the counter
4299 personnel that are going to have to enforce this as the building permits come in. We don't think
4300 this should hold up the case for action tonight. And this is may be something that can be
4301 addressed with the County Attorney between now and the Board. It may be something that the
4302 applicant can address in their covenants, as opposed to a proffer. But we would like to, with Mr.
4303 Archer's consent, maybe talk to the County Attorney a little bit between now and the Board
4304 about this particular proffer and how we might administer it.

4305
4306 Mr. Archer - I would like that, yes. While you there, Mrs. Via, would you
4307 explain the proffer that we need to waive the time limit on, tonight?

4308
4309 Mrs. Via - The neighborhood has asked that additional language be attached
4310 to Proffer No. 1. That would actually have the applicant, Mr. Windsor, providing bi-annual
4311 tabulations of the average floor area, if I've got that generally correct. And that request was
4312 made, Mr. Windsor, after he had submitted his proffers in time for the deadline. So, with the
4313 additional language to Number 1, you would have to waive the time limit to allow Mr. Condlin
4314 to submit a new Proffer No. 1.
4315
4316 Mr. Archer - I don't have any problem with waiving the time limit to do that,
4317 except that it all would come under the scrutiny of the County Attorney before we can pass any
4318 of it. So, I don't guess it hurts to attach this language to it.
4319
4320 Mrs. Via - Just add the additional language and do it all at one time.
4321
4322 Mr. Archer - Do it all at once. Mr. Condlin, do you understand what we're
4323 saying here with regard to that language?
4324
4325 Mr. Condlin - It's so late, I don't understand anything at this point. Yes. I do.
4326
4327 Mr. Archer - You've been here later than this, I know.
4328
4329 Mrs. Quesinberry - That's right. We're going to let you go home early tonight.
4330
4331 Mr. Condlin - My wife's not going to like that.
4332
4333 Mrs. Via - Let me, just for the record, read the additional language that's been
4334 proposed by the neighborhood, and the Commission would be expected accepting this evening, if
4335 you wanted to. "On January 1st and July 1st of each year, following the recordation for the first
4336 plat of the subdivision, and continuing thereafter, until a building permit is issued for the last
4337 dwelling on the subdivision, the applicant will provide to the County Planning Office a written
4338 report of the square feet of finished floor area of each dwelling, based on the finished floor area
4339 approved for such dwelling by the appropriate County department for which a building permit
4340 has been issued."
4341
4342 Mr. Archer - Mr. Windsor, did you write that?
4343
4344 Mr. Vanarsdall - You said the neighborhood wrote that?
4345
4346 Mrs. Via - Mr. Condlin wrote that.
4347
4348 Mr. Condlin - Bill Axelle.
4349
4350 Mr. Vanarsdall - Mr. Condlin, can you incorporate that?
4351
4352 Mr. Archer - I beg your pardon, Mr. Chairman?
4353

4354 Mr. Vanarsdall - I was asking Mr. Condlin, can he incorporate all of that?
4355
4356 Mr. Archer - Well, he's asking us to do that now. Well, Mr. Chairman, so we
4357 won't have to prolong this, I have the language here. It's rather lengthy. We'll need you to
4358 initial and date this. Mr. Condlin, are you done?
4359
4360 Mr. Condlin - Yes sir.
4361
4362 Mr. Archer - We'll have to waive the time limits on that portion of that proffer.
4363
4364 Mrs. Via - We'll have to waive the time limit.
4365
4366 Mr. Archer - Well, Mr. Chairman, just so everybody will understand exactly
4367 where we're going with this, this will become a part of Proffer No. 1, correct? And when I make
4368 my motion, I move to waive the time limit on that portion. But, I would ask staff to please
4369 follow up on the request to make sure that the County Attorney approves of the language in the
4370 proffer period so that we'll know exactly where we're going with this so that we won't pass
4371 something that's not legally enforceable.
4372
4373 With that, I move to waive the time limits on the additional language on Proffer No. 1.
4374
4375 Mrs. Quesinberry seconded the motion.
4376
4377 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs. Quesinberry. All
4378 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
4379 abstained).
4380
4381 Mr. Archer - I also move approval of C-66C-99 Windsor Enterprises, as
4382 presented and proffered.
4383 Mrs. Quesinberry seconded the motion.
4384
4385 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs. Quesinberry. All
4386 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
4387 abstained).
4388
4389 REASON: Acting on a motion by Mr. Archer, seconded by Mrs. Quesinberry, the Planning
4390 Commission voted 5-0, (Mrs. O'Bannon abstained) to recommend that the Board of Supervisors
4391 **accept the proffered conditions and grant** the request because it would permit development of
4392 the land for residential use in an appropriate manner; it reflects the type of residential growth in the
4393 area; and it continues a similar level of single family residential zoning as currently exists in the
4394 area.
4395
4396 Mr. Vanarsdall - Mr. Marlles, do we have any more cases, if not, we'll adjourn.
4397
4398 Mr. Marlles - Mr. Chairman, that concludes the business of the Commission.
4399

4400
4401 There being no further business, acting on a motion by Mr. Archer, seconded by Mrs.
4402 Quesinberry, the Planning Commission adjourned its meeting at 12:10 a.m. on January 14, 2000.

4403

4404

4405

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

4407

4408

4409

4410

4411

John R. Marlles, AICP, Secretary

4412