

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., January 12, 2006, Display Notice having been published in the
4 Richmond Times-Dispatch on December 22, 2005 and December 29, 2005.

5
6 Members Present: Mr. C. W. Archer, C.P.C., Chairman, Fairfield
7 Mr. Tommy Branin, Vice Chairman, Three Chopt
8 Mr. Ernest B. Vanarsdall, C.P.C., Chairperson, Brookland
9 Mrs. Bonnie-Leigh Jones, Tuckahoe
10 Mr. E. Ray Jernigan, C.P.C., Varina
11 Ms. Patricia S. O'Bannon, Board of Supervisors, Tuckahoe
12 Mr. Randall R. Silber, Director of Planning, Secretary
13

14 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
15 Mr. Michael Jennings, Assistant Traffic Engineer
16 Ms. Jean Moore, Principal Planner
17 Mr. Ted McGarry, County Planner
18 Mr. Lee Tyson, County Planner
19 Ms. Rosemary Deemer, County Planner
20 Mr. Thomas Coleman, County Planner
21 Ms. Nathalie Neaves, County Planner
22 Ms. Jennifer Dean, Recording Secretary
23 Ms. Ann B. Cleary, Recording Secretary
24

25 **Ms. O'Bannon abstains from all votes unless it is necessary to break a tie.**

26
27 Mr. Vanarsdall - Good evening everyone. Happy New Year to you. This is the first
28 meeting of 2006. Hope everyone enjoyed the time off and festivities and so forth. I first want to
29 welcome Ms. O'Bannon to the Planning Commission for this year. Each year we have a member
30 of the Board of Supervisors sit with us and keep us straight, and this year it is Ms. O'Bannon's
31 turn. I want to welcome everybody back, the staff over there and all of my colleagues, and Mr.
32 Silber and Mr. Emerson. With that, I will turn the meeting over to our Secretary and Director of
33 Planning, Mr. Silber.
34

35 Mr. Silber - Thank you, Mr. Chairman. I appreciate that, and I, too, would like to
36 welcome Ms. O'Bannon to the Planning Commission. It is a pleasure to have you on here. I
37 know you have served before, and it is nice to have you back serving in this capacity again. For
38 those that are here tonight, the Planning Commission does have one representative from each of
39 the five magisterial districts, and one Board representative, and Ms. O'Bannon is the Board
40 representative for this year. So, that is basically how we are structured. With that, we do have
41 a quorum. We are able to conduct business. We do have, this evening, one zoning case that
42 has been withdrawn, and we have several deferrals. I think we will take those up first. We will
43 be electing a chairman and vice-chairman in a few minutes, but I think we will go ahead and
44 take up the withdrawals and deferrals first. Ms. Moore.
45

46 Ms. Moore - Good evening. We do have one request for withdrawal and it is on page
47 4 of your agenda in the Varina District.
48

49 ***Deferred from the September 15, 2005 Meeting***

50 **C-33C-05 Prospect Homes of Richmond, Inc:** Request to conditionally rezone from A-1,
51 Agricultural District to R-2AC One Family Residence District (Conditional), R-6C, General
52 Residence District (Conditional) and B-2C, Business District (Conditional), Parcels 819-684-6961,
53 820-683-2686, 819-683-2452, 819-683-5565, 818-684-8174, 819-685-1803, containing 62.9

54 acres, located between the east line of Buffin Road, south line of New Market Road (State Route
55 5), west line of Fordson Farm Lane and northwest line of Interstate 295 at the New Market Road
56 Interchange. The applicant proposes 40 single family residential lots, 82 townhouse units for sale
57 and community business uses. The R-2A District allows a minimum lot size of 13,500 square feet
58 with a maximum gross density of 3.23 lots per acre. The R-6 District allows twelve (12)
59 townhouse units per acre. The business uses will be controlled by zoning ordinance regulations
60 and proffered conditions. The Land Use Plan recommends Office and Office/Service. The site is in
61 the Airport Safety Overlay District.

62
63 Ms. Moore - The applicant wishes to withdraw this, so there is no action required for
64 this item.

65
66 Mr. Silber - Yes, that is correct. On a rezoning request, there is no action by the
67 Planning Commission, so that case has been withdrawn more or less just for your information.

68
69 On the deferrals?

70
71 Ms. Moore - Yes, sir. We just received one request for deferral and that is POD-64-
72 05.

73 **PLAN OF DEVELOPMENT & MASTER PLAN (Deferred from the December 14, 2005**
74 **Meeting)**

75 **POD-64-05**

76 Antioch Baptist Church
77 1384 New Market Road
78 (POD-39-96 Revised)

79 **Engineering Design Associates for Antioch Baptist Church:** Request for approval of a
80 revised plan of development and master plan, as required by Chapter 24, Section 24-106 of the
81 Henrico County Code, to construct a Phase 1, two-story, 546-seat sanctuary and a one-story,
82 8475 square foot education building, a Phase 2 parking lot and a Phase 3, 2400 square foot
83 education building expansion. The 4.62-acre site is located at 1384 New Market Road along the
84 east line of New Market Road (State Route 5) between Chatsworth Road and Freeless Street on
85 parcels 804-700-1773, 3054 and 3543. The zoning is A-1, Agricultural District. County water and
86 sewer. **(Varina)**

87 Ms. Moore - Deferral is requested to the January 25, 2006 meeting.

88 Mr. Vanarsdall - Is there anyone in the audience in opposition to the deferral of this
89 case? No opposition. Mr. Jernigan.

90 Mr. Jernigan - Mr. Chairman, with that I will move for deferral of POD-64-05, Antioch
91 Baptist Church, to January 25, 2006, by request of the applicant.

92 Mr. Archer - Second.

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

95 At the request of the applicant, POD-64-05, Antioch Baptist Church, was deferred to the January
96 25, 2006 meeting.

97 Ms. O'Bannon - And please let the record reflect that as a member of the Board I will
98 abstain from all votes unless necessary to break a tie.

99 Mr. Vanarsdall - So noted, Ms. O'Bannon. Thank you.

100
101 Ms. Moore - The next case is on page 3 of your agenda in the Fairfield District.
102
103 **C-3C-06 Eric Walker for Attack-Walker Construction, LLC:** Request to conditionally rezone
104 from A-1, Agricultural District to R-3C, One Family Residence District (Conditional), Parcel 777-
105 764-7772, containing 0.96 acre, located on the west line of Mountain Road approximately 335
106 feet south of Francis Road. The applicant proposes a single-family residence. The R-3 District
107 allows a minimum lot size of 11,000 square feet with a maximum gross density of 3.96 units per
108 acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The
109 Land Use Plan recommends Open Space/Recreation.
110
111 Ms. Moore - The deferral is requested to the February 9, 2006 meeting.
112
113 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of this case, C-
114 3C-06, Eric Walker for Attack-Walker Construction, LLC? No opposition.
115
116 Mr. Archer - Mr. Chairman, I move deferral of Case C-3C-06, Eric Walker for Attack-
117 Walker Construction, LLC. to the February 9, 2006 meeting at the request of the applicant.
118
119 Mr. Jernigan - Second.
120
121 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor
122 say aye. All opposed say no. The motion passes.
123
124 At the request of the applicant, the Planning Commission deferred Case C-3C-06, Eric Walker for
125 Attack-Walker Construction, LLC, to its meeting on February 9, 2006.
126
127 ***Deferred from the December 8, 2005 Meeting***
128 **C-76C-05 Robert Attack for George M. Urban:** Request to conditionally rezone from A-1,
129 Agricultural District to R-5C, General Residence District (Conditional), Parcels 747-770-3395 and
130 746-770-9777, containing 11.18 acres, located on the west line of Nuckols Road approximately
131 350 feet north of New Wade Lane and between the south line of Hickory Park Drive and the
132 north line of New Wade Lane. The applicant proposes a residential development of no more than
133 150 condominium units for sale. The R-5 District allows a density of 14.52 units per acre. The
134 use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use
135 Plan recommends Rural Residential, Suburban Residential 2, (2.4 to 3.4 units net density per
136 acre), and Environmental Protection Area.
137
138 Ms. Moore - The deferral is requested to the March 9, 2006 meeting, which is a
139 change on the chart, but we just learned the applicant wants to defer it to March 9, 2006.
140
141 Mr. Vanarsdall - Is anyone in the audience in opposition to Case C-76C-05, Robert Attack
142 for George M. Urban, in the Three Chopt District? This is a request for a deferral. Any
143 opposition? No opposition. Mr. Branin.
144
145 Mr. Branin - Mr. Chairman, I move for deferral of Case C-76C-05, Robert Attack for
146 George M. Urban, to the March 9, 2006 Planning Commission meeting, as requested by the
147 applicant.
148
149 Mr. Jernigan - Second.
150
151 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in favor
152 say aye. All opposed say no. The motion passes.

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At the applicant's request, the Planning Commission deferred Case C-76C-05, Robert Attack for George M. Urban, to the March 9, 2006 Planning Commission meeting.

C-6C-06 James W. Theobald, Esq. for Bon Secours-St. Mary's Hospital of Richmond, Inc.: Request to conditionally rezone from O-3, Office District and R-3, One Family Residence District to O-3C, Office District (Conditional), Parcels 768-738-2447, -1142, -0646 and part of Parcel 768-738-1260, containing approximately 1.762 acres, located at the southwest intersection of Monument and Maple Avenues. The applicant proposes additional surface parking for St. Mary's Hospital. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 2, 2.4 - 3.4 units net density per acre, and Semi-Public uses.

Ms. Moore - Next is on page 4 of your agenda. It is C-6C-06, James W. Theobald, Esq. for Bon-Secours-St. Mary's Hospital of Richmond, Inc. The deferral is requested to the February 9, 2006 meeting.

Mr. Vanarsdall - Is anyone in the audience in opposition to the deferral of C-6C-06, James W. Theobald, Esq. for Bon Secours-St. Mary's Hospital of Richmond, Inc? No opposition.
Mr. Branin.

Mr. Branin - Mr. Chairman, I move for deferral of Case C-6C-06, James W. Theobald, Esq. for Bon-Secours-St. Mary's Hospital of Richmond, Inc. to the February 9, 2006 Planning Commission meeting at the request of the applicant.

Mr. Archer - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-6C-06, James W. Theobald, Esq. for Bon Secours-St. Mary's Hospital of Richmond, Inc. to its meeting on February 9, 2006.

Ms. Moore - The next is in the Varina District.

Deferred from the November 10, 2005 Meeting

C-62C-05 Russell Jones for Mary Street Associates: Request to conditionally rezone from R-4, One Family Residence District and M-1C, Light Industrial District (Conditional) to R-5AC General Residence District (Conditional), Part of parcels 832-719-2212 and 832-718-1235, containing approximately 16.49 acres, located on the east line of Broad Water Creek and the south line of Meadow Road. The applicant proposes an age-restricted single family residential subdivision. The R-5A District allows a minimum lot size of 5,625 square feet and a density of 6 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District.

Ms. Moore - The deferral is requested to the March 9, 2006 Planning Commission meeting.

Mr. Vanarsdall - In the Varina District, is anyone in opposition to Case C-62C-05, Russell Jones for Mary Street Associates?

206 Mr. Jernigan - Mr. Chairman, with that I will move for a deferral of Case C-62C-05,
207 Russell Jones for Mary Street Associates, to the March 9, 2006 meeting, by request of the
208 applicant.

209
210 Mr. Archer - Second.

211
212 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
213 say aye. All opposed say no. The motion passes.

214
215 At the request of the applicant, the Planning Commission deferred Case C-62C-05, Russell Jones
216 for Mary Street Associates to its meeting on March 9, 2006.

217
218 ***Deferred from the December 8, 2005 Meeting***

219 **C-78C-05 John Shurm for Shurm Construction, Inc.:** Request to conditionally rezone from
220 A-1, Agricultural District to R-3C, One Family Residence District (Conditional), Parcel 803-696-
221 9576, containing 3.558 acres, located on the south line of Harmony Avenue approximately 90
222 feet west of Woodside Street. The applicant proposes a single-family residential subdivision with
223 no more than eight (8) lots. The R-3 District allows a minimum lot size of 11,000 square feet with
224 a maximum gross density of 3.96 units per acre. The use will be controlled by zoning ordinance
225 regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2,
226 2.4 to 3.4 units net density per acre.

227
228 Ms. Moore - The deferral is requested to the February 9, 2006 meeting.

229
230 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferral of Case C-78C-05
231 John Shurm for Shurm Construction, Inc, in the Varina District? No opposition.

232
233 Mr. Jernigan - Mr. Chairman, I move for deferral of Case C-78C-05, John Shurm, for
234 Shurm Construction, to the February 9, 2006 meeting, by request of the applicant.

235
236 Mr. Archer - Second.

237
238 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor
239 say aye. All opposed say no. The motion passes.

240
241 At the request of the applicant, the Planning Commission deferred Case C-78C-05, John Shurm
242 for Shurm Construction to its meeting on February 9, 2006.

243
244 Ms. Moore - Mr. Chairman, that concludes what we received for requests for deferrals
245 unless there are any from the Planning Commission.

246
247 Mr. Archer - Mr. Chairman, I think I have one on page 3.

248
249 **C-2-06 Hay Lam for Bay Pham and Mai Nguyen:** Request to rezone from B-2, Business
250 District to B-3, Business District, Parcel 802-735-5020, containing 0.805 acre, located on the west
251 line of Mechanicsville Turnpike at Rescue Ave. The applicant proposes an on-site dry cleaning
252 business. The Land Use Plan proposes Commercial Arterial. The site is in the Airport Safety
253 Overlay District.

254
255 Mr. Archer - This is C-2-06, Hay Lam for Bay Pham and Mai Nguyen. I would like to
256 defer this to the February 9, 2006 meeting at the Commission's request.

257
258 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of Case C-2-06,

259 Hay Lam for Bay Pham and Mai Nguyen to February 9, 2006? No opposition. May I have a
260 second?

261
262 Mr. Branin - Second.

263
264 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Branin. All in favor say
265 aye. All opposed say no. The motion passes.

266
267 The Planning Commission deferred Case C-2-06, Hay Lam for Bay Pham and Mai Nguyen, to its
268 meeting on February 9, 2006.

269
270 Mr. Silber - Are there any other deferrals at this point? Next on the agenda would
271 be those items that we have placed on the Expedited Agenda and these are requests for
272 rezoning that are somewhat minor and small in nature. The applicant has requested Expedited
273 Agenda. It doesn't require any hearing to be held on these cases. There are no outstanding
274 issues. Staff is recommending approval of these requests and the Commission member from
275 that district has no issues with that request. If there is any opposition to those cases found on
276 the Expedited Agenda, we would remove them from the Expedited Agenda and hear them in the
277 order that they are found on the full agenda. We have two items that have been requested on
278 the Expedited Agenda.

279
280 Ms. Moore - Yes, Mr. Secretary. The first is on page 3 of your agenda.

281
282 **C-4C-06 Gloria L. Freye, Esq. for Dalton Park LLC:** Request to amend proffered conditions
283 accepted with Rezoning Case C-11C-04, on Parcels 743-764-6363 and -4622, containing 20.95
284 acres, located on the east line of Interstate 295 approximately 300 feet south of Allenbend Road.
285 The applicant proposes to delete Proffer 20 related to cash proffers. The existing zoning is R-3C,
286 One Family Residence District (Conditional) and C-1, Conservation District. The Land Use Plan
287 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental
288 Protection Area.

289
290 Mr. Vanarsdall - Is anyone in the audience in opposition to this case, C-4C-06, Gloria L.
291 Freye, Esq. for Dalton Park, LLC? No opposition. Mr. Branin.

292
293 Mr. Branin - Mr. Chairman, I move the Planning Commission forward Case C-4C-06,
294 Gloria L. Freye, Esq. for Dalton Park, LLC, to the Board of Supervisors with a recommendation for
295 approval.

296
297 Mr. Jernigan - Second.

298
299 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in favor
300 say aye. All opposed say no. The ayes have it. The motion passes.

301
302 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the
303 Board of Supervisors **grant** the request because it is reasonable and it is not expected to
304 adversely impact surrounding land uses in the area.

305
306 **C-5C-06 Gloria L. Freye, Esq. for Dalton Park LLC:** Request to amend proffered conditions
307 accepted with Rezoning Case C-9C-04, on Parcels 744-764-5770, -5157, -4443, -3831, -3317, -
308 2703, and 744-763-2190, -1576, -3572 and part of Parcels 744-763-0961 and -0148, containing
309 30.31 acres, located along the west line of Belfast Road beginning approximately 180 feet south
310 of Dublin Road to the east line of the Interstate 295 east exit ramp. The applicant proposes to
311 delete Proffer 20 related to cash proffers. The existing zoning is R-3C, One Family Residence

312 District (Conditional) and C-1, Conservation District. The Land Use Plan recommends Suburban
313 Residential 1, 1.0 to 2.4 units net density per acre.
314
315 Mr. Vanarsdall - Is there any opposition to C-5C-06, Gloria Freye for Dalton Park, LLC? No
316 opposition. Mr. Branin.
317
318 Mr. Branin - Mr. Chairman, I move that the Planning Commission forward this case as
319 well, C-5C-06, Gloria Freye for Dalton Park, LLC, to the Board of Supervisors with a
320 recommendation for approval.
321
322 Ms. Jones - Second.
323
324 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Ms. Jones. All in favor say
325 aye. All opposed say no. The motion passes.
326
327 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the
328 Board of Supervisors **grant** the request because it is reasonable and it is not expected to
329 adversely impact surrounding land uses in the area.
330
331 Mr. Silber - Next on the agenda would be to consider the election of chairman and
332 vice-chairman of the Planning Commission. It is my duty and honor each year to preside over
333 the election of the chairman and vice-chairman of the Planning Commission in the Commission's
334 first meeting each year. At this point I would like to start by opening the floor for nominations
335 for chairman of the Planning Commission.
336
337 Mr. Vanarsdall - I move that Chris Archer be the Chairman for 2006.
338
339 Mr. Jernigan - Second.
340
341 Mr. Silber - There is a motion by Mr. Vanarsdall and a second by Mr. Jernigan. Are
342 there any other nominations? Do we have a motion to close the nominations?
343
344 Mr. Vanarsdall - I move that we close the nominations.
345
346 Ms. Jones - Second.
347
348 Mr. Silber - We have a motion by Mr. Vanarsdall, second by Ms. Jones. There being
349 no further nominations, we need to vote on Mr. Archer as the chairman of the Planning
350 Commission. All of those in favor indicate by saying aye. All opposed say no. The motion
351 passes.
352
353 Mr. Archer - Abstained.
354
355 Mr. Silber - I don't think you have any choice, Mr. Archer, but we can note that if
356 you so wish. Mr. Archer, congratulations. You are the chairman of the Planning Commission.
357
358 Mr. Archer - Thank you, sir.
359
360 Mr. Silber - Next, we need to open the floor for nominations for vice-chairman of the
361 Planning Commission. Do we have a motion?
362
363 Mr. Vanarsdall - Tommy Branin for vice-chairman for 2006.
364

365 Mr. Jernigan - Second.
366
367 Mr. Silber - Motion by Mr. Vanarsdall and a second by Mr. Jernigan. Are there any
368 other nominations? Do we have a motion to close nominations?
369
370 Mr. Archer - So moved.
371
372 Ms. Jones - Second.
373
374 Mr. Silber - Motion by Mr. Archer and second by Ms. Jones to close nominations.
375 Seeing there are no further nominations, we need to vote on Mr. Branin as being the vice-
376 chairman of the Planning Commission. All in favor say aye. All opposed say no. The motion
377 passes.
378
379 Mr. Branin - I abstained.
380
381 Mr. Silber - Mr. Branin is vice-chairman.
382
383 Mr. Vanarsdall - I make a motion that we change chairs.
384
385 Mr. Silber - I think that would be appropriate.
386
387 Mr. Archer - Let me start by re-welcoming Ms. O'Bannon from the Board of
388 Supervisors and acknowledging the presence of some members of the press. I see Mr. Tom
389 Lappis. Is there someone else? Nice to meet you, ma'am.
390
391 Before we proceed with the evening's business, there is one task that I have to attend to and I
392 would like to ask Mr. Vanarsdall to join me at the podium.
393
394 Mr. Vanarsdall has served on the Planning Commission for, I believe, 17 years and this is the
395 beginning of year 18, and I hate to say that I never thought this would happen, but I am second
396 behind him. In any event, we always enjoy your leadership. You are the wise old sage for us up
397 here, and we appreciate your being here, even when you occasionally burst into song. I am not
398 going to make a long speech, because it will make the meeting long, but we do have something
399 for you, and you do have to open it. Try not to tear the paper if you can, so we can use that
400 again.
401
402 Mr. Vanarsdall - Save the paper? I will say one thing. I never lost a job so fast in all my
403 life, when we finished and I had to get up and move. Didn't get fired that quick.
404
405 Mr. Archer - Congratulations on your many years of service and being such an
406 especially good citizen.
407
408 Mr. Vanarsdall - Thank you, Mr. Archer and Mr. Chairman.
409
410 Mr. Archer - Thank you.
411
412 Mr. Vanarsdall - Let's see now. Barnes and Noble, \$200 gift card. Good. Great day.
413 That is beautiful. It keeps time, too. Thank you all very much, and I am going to be short on
414 my remarks. I want to say that it is a pleasure to have been the chairman, and I appreciate all
415 of the cooperation I got from my fellow Commissioners and all of the cooperation on behalf of
416 the staff, and on the other side of the aisle staff. Ted is the only one here tonight. It is always a
417 pleasure for me to be chairman. I feel like it is an honor and I take it very seriously, and when I

418 go to these conventions and conferences that we have, and I am going to one in San Antonio in
419 April, and I find that we have something in Henrico that the others don't have. It always makes
420 me feel proud. Thank you very much.

421

422 Mr. Silber - Mr. Chairman, before we move into the regular agenda, I want to make
423 a couple of staff announcements, if I may. The Board of Supervisors was kind enough to
424 approve two new positions in the Planning Office this past year, so we do have two new planning
425 positions in our Comprehensive Planning Division and we have made a promotion, and we have
426 filled one of those positions. I wanted to inform of that this evening. Although Seth Humphreys,
427 I don't think is here tonight, Seth Humphreys has been promoted into our County Planner III
428 position, which is a new position. You all know Seth Humphreys, so I wanted to pass that on.
429 You will see him in a slightly different capacity now as a County Planner III. He is working very
430 hard on our Comprehensive Plan Update. That is one reason he is not here tonight. He is not
431 directly involved in zoning cases as much as he is working on this 2026 Comprehensive Plan, but
432 I wanted to share that with you. So, congratulations to Seth.

433

434 Mr. Archer - Thank you, Mr. Secretary.

435

436 Mr. Silber - I also wanted to inform you that we have a new staff person who just
437 joined the staff. In fact, he is here tonight. He is new. He has only been with us two days.
438 That is Livingston Lewis. Livingston, if you could stand, perhaps. Livingston comes to us from
439 the Richmond Regional Planning District Commission. He was a planner with the Commission.
440 He has a B.S. in Political Science from William and Mary and he has his Masters in Urban and
441 Regional Planning from VCU. So, Livingston has joined the Comprehensive Planning Division as
442 well, and you will see him at these meetings assisting with zoning cases and the Comprehensive
443 Plan Update. Livingston is lucky enough that he started yesterday and now we go into a four-
444 day weekend. His timing was perfect.

445

446 Mr. Archer - We welcome Mr. Lewis. We are glad to have you.

447

448 Mr. Vanarsdall - We are glad to have you and the only problem we are going to have is
449 his first name is Livingston and his last name is Lewis. I imagine a lot of people call you Lewis
450 Livingston.

451

452 Mr. Archer - Thank you, Mr. Secretary.

453

454 Mr. Silber - I do have another announcement, too. I know you are trying to keep
455 this meeting short, but there are a lot of staff changes. Sitting in the booth in the back we have
456 a person by the name of Jennifer Dean, who has replaced Debbie Ripley. You may recall Debbie
457 Ripley moved on to the Permit Center and the position has been vacant for a while. I don't know
458 if you can see her, but she has now stood up. This is Jennifer Dean. She is waving to you.

459

460 Mr. Archer - She is in the booth in the back in the dark.

461

462 Mr. Silber - She has worked as an administrative assistant in various capacities for
463 10 years and, in fact, worked five years for the State Bar Association, so we are lucky to have
464 her. She has been with us for several weeks keeping things straight, and Ann Cleary is joining
465 her in the booth, also. So, we are well tended to from that direction. And last I also wanted to
466 inform you and perhaps, you have met her, but we do have a new receptionist in the Planning
467 Department. If you have stopped by the department or called our office, you may have heard a
468 new voice now. Angela Edmondson is our new receptionist in the Planning Department and she
469 started mid-December. She has been with us a couple of weeks. So, I wanted to share those
470 staff changes with you all, because I know you interact with our department frequently and I

471 wanted you to be aware of the changes.
472
473 Mr. Archer - Thank you so much, Mr. Secretary, and congratulations to Mr.
474 Humphreys and Mr. Lewis.
475
476 Mr. Vanarsdall - And Jennifer.
477
478 Mr. Archer - Ms. Dean and Ms. Cleary.
479
480 Mr. Vanarsdall - Does that mean Ann is retiring, Mr. Silber?
481
482 Mr. Silber - No. She is not retiring. We hope she never does. She was just filling in
483 when Debbie Ripley was gone, so she is helping Jennifer catch on.
484
485 Mr. Vanarsdall - That is good.
486
487 Mr. Silber - We can move into the agenda now. The first case is in the Fairfield
488 District.
489

490 **Deferred from the December 8, 2005 Meeting**

491 **C-70C-05 Duke Management Services:** Request to conditionally rezone from R-
492 4, One-Family Residence District and B-3, Business District to M-2C, General Industrial District
493 (Conditional), Parcel 783-759-6898 and part of Parcel 783-760-6649, containing approximately
494 4.86 acres, located on the west line of Brook Road (U.S. Route 1) approximately 920 feet south
495 of Georgia Avenue. A parking area for portable mini storage units, boats, recreational vehicles
496 and other vehicles are proposed. The use will be controlled by zoning ordinance regulations and
497 proffered conditions. The Land Use Plan recommends Commercial Concentration. The site is in
498 the Enterprise Zone.
499

500 Mr. Archer - Thank you, Mr. Secretary. Is there anyone present who is opposed to C-
501 70C-05, Duke Management Services on Brook Road? No opposition. Mr. Coleman. Good
502 evening.
503

504 Mr. Coleman - Good evening, Mr. Chairman, and Members of the Commission, this
505 request would rezone approximately five acres from B-3 and R-4 to M-2C. The applicant intends
506 to develop a parking area to store portable mini-storage units and to park boats, RVs, and other
507 vehicles.
508

509 The site is designated Commercial Concentration (CC) on the Land Use Plan Map. The site is
510 also identified as Redevelopment Corridor 5 and is located within the Brook Road portion of the
511 County's Enterprise Zone.
512

513 The applicant submitted proffers that include several positive features, and major aspects include
514 permitted uses would be strictly limited to the proposed storage of portable self-storage units
515 and automobile, truck, recreational vehicle, and boat and boat trailer storage. A conceptual site
516 plan, and Entranceway Rendering have been proffered. A masonry wall in the Transitional Buffer
517 50 is adjacent to the residential district.
518

519 Fencing materials would include aluminum fencing with aluminum pickets and aluminum
520 columns, black vinyl-clad chain link fencing and no barbed wire fencing.
521

522 Signage shall be limited to one freestanding, ground-mounted, monument-style sign not to
523 exceed 72 square feet in area or six feet in height. Loudspeakers, public announcement systems,

524 boom boxes, and external alarm bells would be prohibited.
525
526 The property would be monitored by a security system that includes 24- hour video surveillance.
527 Although the applicant has indicated no buildings are contemplated at this time, any future
528 buildings would be required to be masonry with earth tones; and no building would exceed two
529 stories or 30 feet in height.
530
531 Additional proffers would regulate transitional buffers, lighting, underground utilities, HVAC
532 equipment, and other items.
533
534 Staff originally expressed concern about increasing the amount of M-2 zoning in the area and
535 setting a precedent for similar zoning requests. However, recognizing the challenges in
536 developing the parcel given its odd shape, the mixture of surrounding land uses, and the small
537 amount of road frontage, this request offers an opportunity to develop this difficult site,
538 introduces higher quality design standards, and supports efforts to encourage development and
539 investment in this area. Staff recommends approval of this application.
540
541 That concludes my presentation, I would be happy to answer any questions.
542
543 The time limits would need to be waived.
544
545 Mr. Archer - OK. Thank you, Mr. Coleman. You and I discussed this pretty
546 extensively yesterday, so I am pretty much up to speed on the changes that were made so
547 recently, but some of my colleagues on the Commission might have questions, and if so, now is
548 the time. What is the height of that fence, by the way? I think it shows on the plan. It is small
549 and I can't read it.
550
551 Mr. Coleman - The height would be limited to seven feet.
552
553 Mr. Archer - OK.
554
555 Mr. Jernigan - Mr. Coleman, it shows that all of the boxes are lined in there nice and
556 neat. Are these going to be double stacked?
557
558 Mr. Coleman - No. The applicant has indicated that these boxes would be available to
559 the clients. So, they would need to be arranged and presented in a manner and organized in a
560 manner that would allow them to access and find their box.
561
562 Mr. Jernigan - But there is no proffer that they won't be double stacked?
563
564 Mr. Coleman - Correct.
565
566 Mr. Vanarsdall - Let me ask you a question. Is this the only one we have that is not
567 under cover?
568
569 Mr. Coleman - Mr. Vanarsdall, I am not aware that this use exists in the County. I am
570 not aware that similar type uses exist in the County.
571
572 Ms. O'Bannon - When you say under cover, are they going to be allowed to park their
573 boat like out in the open in this area? Is that one of the issues?
574
575 Mr. Coleman - Part of what they'd like to use the site for, sometimes mini-warehouse
576 developments will allow people to park their boat and RVs and things like that on the site. They

577 would have to be operable, but they wanted to allow that use at the site, also.
578
579 Ms. O'Bannon - But the boat wouldn't be in one of those boxes. Is that it?
580
581 Mr. Coleman - No, ma'am. It would take up one of the parking stalls.
582
583 Ms. O'Bannon - Is that correct? We don't have anything like this, similar to this in the
584 County? I do not recall seeing this before.
585
586 Mr. Coleman - We do have some of the mini-warehouse facilities that would allow, but
587 staff and I discussed it and we were not aware of another - like a parking area or storage area -
588 that was open. There are some that are under cover in a building. We are not aware of any
589 that require outside storage, and that is part of the reason that they need the M-2 zoning, which
590 is a heavier zoning district.
591
592 Mr. Archer - I think, Mr. Secretary and I think there is one not far from here, a mini-
593 storage that has outside boats for housing on Route 1.
594
595 Mr. Coleman - On Route 1.
596
597 Mr. Silber - It is a mini-storage complex. It is not just as indicated on the screen,
598 but at the mini-storage, I believe, they have a place allocated for parking of boats and maybe
599 some recreational vehicles.
600
601 Mr. Archer - It is on the other side, yes.
602
603 Mr. Coleman - Yes, across the street there is a mini-storage facility, much more
604 traditional sort of garage door style.
605
606 Mrs. Jones - Mr. Coleman, may I ask, the transitional buffers, do you anticipate that
607 they will truly block the views or just kind of diffuse the views of this area from adjacent
608 property?
609
610 Mr. Coleman - Our focus with this project, because it is adjacent to some B-3s and
611 some M-2s and some M-1s, was the property line is adjacent to the R District. That does require
612 a transitional buffer 50 by Code, and the picture of the wood Crete fence here that is shown on
613 the rendering is what the applicant is going to use to provide a more opaque screen towards this
614 project. That would be in addition to the plantings and other things that would be required in
615 the transitional buffer 50.
616
617 Mrs. Jones - So that fence will be all along the residential border?
618
619 Mr. Coleman - Along this property line right here (referring to rendering). Not along the
620 property line, excuse me, within the transitional buffer.
621
622 Mrs. Jones - Right.
623
624 Mr. Archer - Any further questions? Well, Mr. Coleman, as I indicated, some of my
625 colleagues on the Commission had indicated they had some questions about this and I know that
626 you all worked pretty long and hard yesterday trying to come up with a set of proffers that would
627 allow this to be recommended by the staff. So, I guess I need to caution the applicant, that
628 between now and the time the Board meets on this; there may be some other questions that
629 might arise. We haven't had opposition from any adjacent property owners, but the questions

630 that were raised here tonight might be something that the Board might want to entertain, also.
631 Due to the fact that the applicant had been so ready to assist us in the things that were
632 suggested, I think I will move to recommend approval to the Board of Supervisors of Case C-
633 70C-05, with that caution.

634
635 Mr. Branin - Second.

636
637 Mr. Archer - Motion by Archer and second by Mr. Branin. All in favor say aye. All
638 opposed say no. The motion passes.

639
640 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the
641 Board of Supervisors **grant** the request because it is reasonable in light of the Industrial zoning
642 in the area and the proffers limit the General Industrial use to an outdoor storage facility and
643 provide appropriate quality assurances not otherwise available.

644
645 Mr. Archer - I think I was supposed to waive the time limits on the proffers of this
646 case. I believe I missed that.

647
648 Mr. Silber - Yes, you do need to waive the time limits.

649
650 Mr. Archer - I move to waive the time limits on Case C-70C-05.

651
652 Mr. Vanarsdall - Second.

653
654 Mr. Archer - Motion by Archer and second by Mr. Vanarsdall. All in favor say aye. All
655 opposed say no. The motion passes.

656
657 **C-1C-06 Peter Francisco for Lakeside Town Center, LLC:** Request to
658 conditionally rezone from B-1, Business District to B-2C, Business District (Conditional), Parcels
659 780-749-9410 and -9828, containing 3.5 acres, located on the west line of Lakeside Avenue at
660 Timberlake Avenue. The applicant proposes a retail shopping area. The use will be controlled by
661 proffered conditions and zoning ordinance regulations. The Land Use Plan proposes Commercial
662 Concentration. The site is in the Enterprise Zone.

663
664 Mr. Archer - Is anyone here in opposition to C-1C-06, Lakeside Town Center, LLC? I
665 note no opposition. Ms. Neaves. How are you?

666
667 Ms. Neaves - Thank you Mr. Chairman, members of the Commission, Ms. O'Bannon,
668 Mr. Secretary. This request is to rezone three and a half acres from B-1, Business District, to B-
669 2C, Business District (Conditional), to permit a retail shopping area. The subject site is located
670 on the western side of Lakeside Avenue at Timberlake Drive. Two buildings constructed in
671 approximately 1956 occupy the site. The Lakeside Town Center is vacant and contains
672 approximately 21,140 square feet of floor area. The retail store, Remember When, contains
673 approximately 1,740 square feet of floor area. A parking area is located to the south and west
674 of the Lakeside Town Center. The applicant is requesting B-2C zoning to allow more flexibility in
675 permitted uses, but has proffered the prohibition of several more intense uses normally
676 permitted in the B-2 District. Revised proffers dated January 12, 2006 prohibit automotive filling
677 and service stations, gun shops, motels and various other more intense uses normally permitted
678 in the B-2 District. The applicant has received design assistance through the Department of
679 Community Revitalization and is in the process of completing these façade improvements. In
680 order to ensure the quality redevelopment of this site will continue in the future, the applicant
681 has proffered these façade improvements, including a unified signage concept, and additional
682 landscaping along Lakeside Avenue. The 2010 Land Use Plan designates the property as

683 Commercial Concentration. The retail and commercial uses permitted in the B-2 District are
684 generally in keeping with this designation and are appropriate for a community of this size. The
685 property is also located within the Enterprise Zone, in the Lakeside Avenue and Brook Road
686 (South) sub-zone, and in the area covered in the Lakeside Enhancement Plan. Goals and
687 strategies for the area are to enhance the appearance along this corridor to potential customers,
688 businesses, and residents, and to provide unified elements such as signage, colors, and
689 awnings/canopies. The request would re-occupy and rehabilitate an existing vacant structure,
690 and would ensure the quality redevelopment of this site will continue in the future.

691
692 For these reasons, staff supports this request. The time limits do need to be waived on the
693 revised proffers.

694
695 This concludes my presentation. I would be happy to try to answer any questions that you may
696 have. The applicant is also here tonight.

697
698 Mr. Archer - Thank you, Ms. Neaves. Are there questions for Ms. Neaves from the
699 Commission?

700
701 Mr. Silber - Ms. Neaves, I have a question. Proffer 3 relates to brick planters and
702 they would be provided after the improvements are made along Lakeside. Are the brick planters
703 what is shown in the exhibit on that partial north elevation? It is hard to see.

704
705 Ms. Neaves - Yes, Mr. Secretary. Right here where my little cursor is (referring to
706 rendering), is the brick planter and the reason they cannot do them currently is that the
707 Department of Public Works is improving Lakeside Avenue. It is an ongoing project. If the
708 applicant were to do that now, it would ultimately be ripped out and he'd have to rebuild later.

709
710 Mr. Silber - Do you know if they will be in the right of way or are they in an area
711 that will be impacted by that construction?

712
713 Ms. Neaves - I believe it is an area impacted by the construction, but most likely not in
714 the right of way.

715
716 Mr. Silber - OK. Thank you.

717
718 Ms. Neaves - You are welcome.

719
720 Mr. Archer - Any more questions? Mr. Francisco, could you come up for just a
721 moment, please. I ask you for two reasons. I got your email rather late yesterday and I
722 responded to you and after I hit the send button, I noticed I made a typographical error.

723
724 Mr. Francisco - I didn't notice it, sir.

725
726 Mr. Archer - It wasn't anything awful. Could you shed a little light on what Mr.
727 Secretary just said having to do with that?

728
729 Mr. Francisco - Right. I talked to Mr. Anchor Madison in Public Works. He came out
730 and looked at the area we wanted to put the planters in and he asked that we not actually put
731 the planters in right now and he wanted me to move them right to the property line. That is also
732 part of a drainage area, too, and he said if it wasn't at the property line that the existing
733 condition already creates a trip hazard and by bringing it to the property line it would avoid the
734 trip hazard. If we had built them while we were doing the project, they would have already been
735 ripped out, because at the time we were scheduled to build them, Public Works came in and ran

736 new sewer lines and tore up the entire area that these planters were scheduled to go into, so he
737 has recommended that we wait until the new sidewalks are in place, and then put the planters in
738 at that point.
739
740 Mr. Archer - Makes sense to me. OK. Any further questions from the Commission for
741 Mr. Francisco?
742
743 Mr. Silber - Do you know how many planters are proposed?
744
745 Mr. Francisco - That one long planter there is approximately close to 20 feet long, and
746 then there are areas of landscaping that we are going to be doing, too, that are right next to the
747 sidewalk. Part of it is under a plan of development that we have right now on the property that
748 is right next to it that is part of this whole complex. We also have some other areas that we can
749 landscape on the southern end of the property right next to the sidewalk, too. But all of that
750 area is part of the area that has been given up for easements for this project, so we didn't want
751 to put things in and create this problem. We are doing it as soon as the new sidewalks are put
752 in.
753
754 Mr. Archer - All right. Anything else?
755
756 Mr. Vanarsdall - I have a question for Mr. Francisco. How far along are they on redoing
757 Lakeside all the way from the Botanical Gardens to the park?
758
759 Mr. Francisco - I am not sure. They started in 1993 discussing the project and they
760 started funding it then. I believe they are supposed to start the sidewalk improvements possibly
761 in the spring and I would imagine it is going to take another year to complete it after that. I am
762 basing that on what it took to do the first phase, once they actually started the drainage and
763 sidewalk improvements.
764
765 Mr. Vanarsdall - That is good. But the funding is all going all right, isn't it?
766
767 Mr. Francisco - Yes, sir. That is done as far as we know.
768
769 Mr. Vanarsdall - Thank you.
770
771 Mr. Archer - All right. Thank you, sir. We appreciate it. OK, if there are no further
772 questions, I will first move to waive the time limits on the restated proffers.
773
774 Mr. Jernigan - Second.
775
776 Mr. Archer - Motion by Archer and second by Mr. Jernigan. All in favor say aye. All
777 opposed say no. The ayes have it. The motion is carried.
778
779 With that, I move to recommend approval of Case C-1C-06, Peter Francisco for Lakeside Town
780 Center, LLC, to the Board of Supervisors.
781
782 Mr. Vanarsdall - Second.
783
784 Mr. Archer - Motion by Archer and second by Mr. Vanarsdall. All in favor say aye. All
785 opposed say no. The motion passes.
786
787 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the
788 Board of Supervisors **grant** the request because it conforms with the objectives and intent of the

789 County's Comprehensive Plan, it would permit the reuse of an commercial building, and the
790 proposed use is consistent with the Land Use Plan's designation for Commercial Concentration.
791

792 **Deferred from the December 8, 2005 Meeting**

793 **C-80C-05 Roy Rogers Industries, Inc.:** Request to conditionally rezone from A-1,
794 Agricultural District to RTHC, Residential Townhouse District (Conditional), Parcels- 812-718-
795 1638, 812-718-1655 and 812-718-6325, containing approximately 13.2 acres, located on the
796 south line of Interstate 64 at Millers Lane. The applicant proposes a residential townhouse
797 development of no more than 80 units. The maximum density in the RTH District is nine (9) units
798 per acre. The use will be controlled by zoning ordinance regulations and proffered conditions.
799 The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre,
800 and Environmental Protection Area. The site is in the Airport Safety Overlay District.
801

802 Mr. Archer - All right. Thank you, sir. Is there anyone here opposed to C-80C-05,
803 Roger Rogers Industries, Inc.? No opposition. Ms. Deemer.
804

805 Ms. Deemer - Good evening members of the Commission and Ms. O'Bannon. The
806 applicant proposes to rezone approximately 13.2 acres from Agricultural District to RTHC,
807 Residential Townhouse District (Conditional) to develop no more than 80 townhouses for sale.
808 The property is located at the northern terminus of Millers Lane adjacent to Interstate 64 and is
809 comprised of three parcels, two of which are bordered to the west and south by the Honeybrook
810 Apartment Complex. The third and larger parcel on the eastern line of Millers Lane has
811 development challenges, including the topography, floodplain areas and a 285 foot Dominion
812 Virginia Power easement. The request for zoning is consistent with the recommendations of the
813 2010 Land Use Plan and would be compatible with the surrounding area. The applicant deferred
814 the request at the December 8, 2005 Planning Commission meeting in order to address several
815 outstanding staff concerns.
816

817 The applicant has submitted proffers dated December 12, 2005 that include a conceptual that
818 you see before you of the development and major aspects of the proffers include a minimum
819 finished floor area of 1,400 square feet per unit, at least 50% of the front building elevations
820 would have a minimum of 50% brick. All units would have a one-car garage. There will be no
821 more than six units per building and the design, character and architectural features will be
822 substantially in conformance with the submitted elevations. As previously mentioned, the site
823 does have several development challenges, but is recommended for multifamily residential in the
824 2010 Land Use Plan. Since deferring the case at the December Planning Commission meeting,
825 the applicant has worked to address staff's concerns. The one unresolved issue remains to be
826 the cumulative impact on the single point of access to Millers Lane. While the applicant will be
827 making improvements to Millers Lane, the Department of Public Works in their staff comments
828 have raised concerns about the number of units using Millers Lane, both from the Honeybrook
829 Apartment Complex and this project. They have suggested that alternative access be obtained
830 to provide a second point of access, possibly on to Gay Avenue. The applicant has been unable
831 to achieve such a solution at this time. The applicant has indicated that he would be willing to
832 provide access to the property to the south if and when it is developed, so that alternative access
833 and relief can be sought to relieve traffic on Millers Lane. If the applicant could address the
834 issue concerning access, staff could support this request.
835

836 This concludes my presentation and I would be happy to address any questions that you may
837 have. The applicant is here as well as a member of the Department of Public Works.
838

839 Mr. Archer - Thank you, Ms. Deemer. Are there questions from the Commission for
840 Ms. Deemer?
841

842 Mr. Jernigan - Mr. Chairman, I don't have any. Ms. Deemer and I spoke quite a few
843 times on this and the one unresolved issue is the second point of access, so probably Mr.
844 Jennings would like to speak on that.
845
846 Mr. Archer - OK. Do you need to hear from the applicant, Mr. Jernigan?
847
848 Mr. Jernigan - No, sir.
849
850 Mr. Archer - OK. All right. Mr. Jennings.
851
852 Mr. Jennings - Good evening, Planning Commission members. I am Michael Jennings,
853 Assistant Traffic Engineer with the County. Yes, as Ms. Deemer mentioned, it does exceed Public
854 Works' policy of 82 units on one point of access. That is cumulative of all of the units that would
855 be on Millers Lane at the intersection of Millers Lane and Gay Avenue, so we recommended that
856 they work toward a second point of access.
857
858 Mr. Jernigan - Mike, how many units, do you know, are in Honeybrook?
859
860 Mr. Jennings - I was told 120.
861
862 Mr. Jennings - Did this issue come up when Honeybrook was put in?
863
864 Mr. Jennings - Yes, sir, it did. I talked to Mr. Priestas today. He was the Traffic
865 Engineer at that time and he said that he did bring up that issue then in Planning Commission,
866 and it was approved.
867
868 Mr. Jernigan - And that has been some time ago.
869
870 Mr. Jennings - Yes, sir.
871
872 Mr. Jernigan - I understand your position on it, and you all are always going to ask for
873 a second point of access for an excessive number, but I don't see how, I know the applicant has
874 worked to try to get a second point, but at this point we don't have it, and if I were to deny this
875 case, it is kind of like condemning that property, because if you can't get that second point of
876 access you wouldn't be able to do anything with it. So, as you and I have often talked, I am OK
877 with it, so I just wanted to see what you had to say. I thank you, sir.
878
879 Mr. Silber - Mr. Jernigan, if I could point out that one thing that we might want to
880 consider is, could someone put the layout up on the screen? You might want to consider when
881 the plan of development comes in, maybe even with this layout, and I believe they are proffering
882 this, that they provide for a better stub connection to the property to the south, so that as
883 additional property develops to the south, we can begin to get a connection that would take you
884 down to Gay Avenue.
885
886 Mr. Jernigan - Did you want to extend that stub road to the property line?
887
888 Mr. Silber - Yes, and it may need to be reconfigured slightly, but certainly that stub
889 road has possibilities of extending to the south, and eventually working its way down to Gay.
890 Ms. Deemer, if you can go back to the other view then maybe you can see how that might be
891 able to tie back in to Gay Avenue.
892
893 Ms. O'Bannon - Mr. Silber, weren't you thinking of something a little further east?
894

895 Mr. Silber - Yes, ma'am. It might come a little bit more to the east and move in that
896 direction, as she has indicated.
897

898 Ms. O'Bannon - Well, there are a couple of options. Do they have sprinkler systems in
899 these or anything like that that would help mitigate some of the problems, which I would think
900 would be fire safety?
901

902 Mr. Silber - We can ask the applicant that question. I think that is one issue. The
903 other issue is if there is an accident at Gay and Miller and it shuts down the ability for people to
904 get in and out of this development, then you are going to have probably in the neighborhood of
905 200 units up here that would be safely trapped and would not be able to get in and out.
906

907 Ms. O'Bannon -by the number of units.
908

909 Mr. Jernigan - Well, it is already in excess now. Honeybrook was 120, so even if this
910 went away, it is still over the number.
911

912 Ms. O'Bannon - All I know is, I know Gay and South Laburnum Avenue is like one of the
913 top 10 worst intersections in the County.
914

915 Mr. Jernigan - Yes. It is busy there.
916

917 Ms. O'Bannon - And Gay has lots of traffic on it. I know that, so if you are adding that
918 100 vehicles a day, but I know that intersection is pretty well known to be a very bad
919 intersection. Somehow, I know you can add another street on to Gay, but this area is getting
920 pretty crowded.
921

922 Mr. Silber - Yes, ma'am. I think that may be a separate issue. I think Gay is
923 carrying more traffic and the intersection of Gay and Laburnum has its own issues. I think the
924 point here is trying to get a second point of access for the number of units they are developing
925 up here, and I think if Mr. Jernigan feels as though he may want to pass this on to the Board
926 with a favorable recommendation, I am just suggesting you might be able to work with the
927 applicant with this layout to have him better design the stub road to the south, and eventually
928 achieve a second point of access.
929

930 Mr. Jernigan - Ms. Deemer, would you flip back to plat, please? So, you are saying
931 you'd rather have the stub road further to the east?
932

933 Mr. Silber - It may need to turn. That building that has six units right there, it may
934 need to be reduced to four or something, and turn that so that that driveway begins to move to
935 the east sort of in that direction, to provide a better stub alignment that could eventually tie into
936 Gay. Mr. Jernigan, we can work with the applicant between now and the Board meeting to see if
937 we can't...
938

939 Mr. Jernigan - Mr. Silber, I am going to tell you that where Honeybrook is, and one
940 reason that has the homes there, and they don't have a cut-through is because that property
941 down below that is a pumpkin patch, which Mr. Gallmeyer owns, and I know that he is not going
942 to put anything through there but pumpkins. On this side of the road, he owns that property,
943 also. He is a farmer and has been a farmer for a long time, and the chances of getting that
944 property is pretty much slim and none. So, we can work on diverting that stub street off on an
945 angle. I personally would rather run it straight like it is, and then at that point, if that property is
946 accessed, put the turn in there. Put the angle in there.
947

948 Mr. Silber - I hear your point. I think if you run it straight down and the way it is
949 angling to the west, it may be harder to turn in the other direction, but we can see what we can
950 do.
951
952 Mr. Jernigan - Well, Roy, would you come up to the podium, please?
953
954 Mr. Archer - Good evening, Mr. Rogers. How are you, sir?
955
956 Mr. Rogers - Good evening, ladies and gentlemen
957
958 Mr. Jernigan - Just state your name for the record.
959
960 Mr. Rogers - Roy Rogers. What Mr. Silber is asking to do as far as turning it to the
961 east a little bit, there is a power line right there, Mr. Silber, so if you turn too far to the east, Mr.
962 Gallmeyer's property is undeveloped. You would have a road running right along side the power
963 line. That is not a lot of room to move it to the east, and I had no problem bringing that road all
964 the way to the southern edge of the property, and stubbing it there.
965
966 Mr. Silber - Roads are permitted to cross power lines. It happens all the time. Gay
967 Avenue goes under a power line. So, eventually it needs to cross under the power line and tie
968 into Gay Avenue. How we can best achieve that on your piece we may have to look at or work
969 with you on. Your proposal is to bring it straight down, the alignment you have, and then at
970 what point in time would it begin to make a connection to Gay?
971
972 Mr. Rogers - Whenever that property between or proposed by (unintelligible) is
973 developed. I don't have any control over that.
974
975 Mr. Silber - Right. Maybe Bay Design Group can show us a layout of how that
976 property to the south can be configured with access being achieved to Gay in the manner that
977 you are suggesting.
978
979 Mr. Rogers - But no one seems to know when that property would ever be developed
980 as. I mean, it could be developed as multifamily, single family detached, zero lot line. I mean,
981 how do you do a conceptual plan on something that you have no clue of what or when it is ever
982 going to be developed.
983
984 Mr. Silber - The County's adopted Land Use Plan recommends that for urban
985 residential, so more than likely it is not going to be single-family. It is probably going to be
986 townhouses or condominiums if we continue to zone the property in accordance with the plans, I
987 see it being some form of multifamily.
988
989 Mr. Jernigan - Well, Mr. Silber, what I'd like to do is get the applicant to go ahead and
990 proffer before this goes to the Board that he would extend the stub street to the southern
991 boundary line and at that point work with the engineers to show where a conceptual would come
992 through if that other portion was developed. OK. I don't have anymore questions.
993
994 Mr. Archer - Does anybody else have more questions for Mr. Rogers? Thank you, sir.
995
996 Mr. Rogers - Thank you.
997
998 Mr. Jernigan - With that, Mr. Chairman, I will move for approval of Zoning Case C-80C-
999 05, Roy Rogers Industries be sent to the Board with a recommendation for approval.
1000

1001 Mr. Branin - Second.
1002
1003 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Branin. All in favor of the
1004 motion say aye. All opposed say no. The motion passes.
1005
1006 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the
1007 Board of Supervisors **grant** the request because the proposed development conforms with the
1008 recommendation of the Land Use Plan and the proffered conditions will assure a level of
1009 development otherwise not possible.
1010
1011 Mr. Vanarsdall - Mr. Chairman and members of the Commission, we are going to have a
1012 couple more, if not more of these, and it has been a concern of the Manager, I know, for a long
1013 time, and I don't know how we are going to overcome that. Each subdivision is not over the
1014 legal limit of what it is supposed to be, in numbers, but yet they all, no matter where they come
1015 from, they end up in the same place. So, Mr. Secretary, is that true?
1016
1017 Mr. Silber - Yes, sir, Mr. Vanarsdall. I think that is a concern of the County Manager
1018 and the County Administration. When you look at it on a cumulative basis, then often we are
1019 exceeding the County's policy on the number of units or number of lots on a single point of
1020 access, and while there may be circumstances to make exceptions to that policy, I think we need
1021 to be careful about doing that too frequently. We may be setting ourselves up for some
1022 situations that we could create some unsafe situations, some situations that later end up in some
1023 real safety issues. So, yes, sir. I think it is something we need to continue to look at on a case
1024 by case basis, and do the best we can to avoid those.
1025
1026 Mr. Vanarsdall - I remember one of the community meetings we had that one of the
1027 spokespersons that was a very intelligent, nice man said, "Well, I have the answer to it. Just
1028 don't rezone the land until you know where everything is going." But that went over like a lead
1029 balloon with the developer.
1030
1031 Mr. Jernigan - Mr. Silber, one thing, if this was on a major thoroughfare that wasn't a
1032 dead end, we could have two points of access out of there, but since this is a dead end with the
1033 interstate sitting there, it gives us some challenges.
1034
1035 Mr. Silber - It does, Mr. Jernigan. I understand the situation you are in and I think
1036 there is development that took place out here that there were opportunities for interconnectivity
1037 between apartment complexes and each time we let someone off the hook, if I may use that
1038 term, and then you will be boxing yourself in, and I think development of the apartment complex
1039 to the west of this, there was no ability to tie into Lakefield Mews because we didn't provide for
1040 the stub connection, their opportunity to tie into that. That could have been a connection
1041 moving westward and down, even if you are going through a private road. So, I think with each
1042 and every case you need to be thinking a little bit more broadly as to what ultimately could
1043 happen out there in trying to be able to deal with this issue. It is not an easy issue. When you
1044 are trying to anticipate what might come along, and you are fully aware of situations where we
1045 have gotten stub streets and then later they have had to come back and not tie into them, and
1046 they have issues too, that you are aware of. So, it is not an easy situation, but I think it is one
1047 and Mr. Vanarsdall has a good point on, that we shouldn't overlook it.
1048
1049 Mr. Archer - Well, Mr. Secretary, I guess one of the important things is that when we
1050 create stub streets, at least we create an opportunity. Without the stub street, they don't even
1051 have an opportunity, because who knows what that pumpkin patch may be 20 to 25 years from
1052 now. So, stub streets are opportunities, but that is about all they are. At least you have that.
1053

1054 Mr. Silber - That is correct.
1055
1056 Ms. O'Bannon - That is only other issue that has come up with residential units, and
1057 these are townhouses for sale, that are near the interstate particularly. I see that they have the
1058 co-efficient rating for sound at 55, but that is one where you can actually hear muffled
1059 conversation between the walls. I have been involved in lots of those sound studies, and it
1060 always has concerned me. I know that is what is acceptable and it is building code and all of
1061 that, but a lot of folks that buy the condos or houses that are close up to the interstate that say
1062 that is not enough. I see they have done some.
1063
1064 Mr. Jernigan - I don't know that we've ever had a case where we had more than 55
1065 sound suppression. I mean, normally 50 to 54, and then when we bump it up we go to 55, but I
1066 don't know. Have we ever had a 56?
1067
1068 Mr. Archer - Not to my knowledge.
1069
1070 Ms. O'Bannon - That is what I am saying, is that as much as possible when you get
1071 these units near the interstate, (unintelligible).
1072
1073 Mr. Vanarsdall - We used to and they would have it 50 to 54.
1074
1075 Mr. Jernigan - Right, and that is what the standard is.
1076
1077 Mr. Vanarsdall - And usually you'd end up with a 50 and so we started getting tighter
1078 saying 55. I think Jim Theobald could shed some light on that.
1079
1080 Mr. Jernigan - Well, up to 54 is normally what we get, but when we have the
1081 interstate, we go to 55 because you have a cross section.
1082
1083 Mr. Silber - I think the minimum building code in most circumstances is around 45
1084 and I think we were trying to get, sometime ago we were in the range, as Mr. Jernigan said, we
1085 had proffers of 50 to 54. They are in groupings, so when you go above 54, you are in another
1086 grouping classification that is considerably more expensive and does supposedly transmit less
1087 sound. Ms. O'Bannon, you are right and 55 has a level and whether that is acceptable or not, I
1088 am not here to debate, but 55 is typically the highest we've gotten in the proffered conditions.
1089
1090 Ms. O'Bannon - I think the people who buy these, that is what they call and complain
1091 about.
1092
1093 Mr. Jernigan - Well, one thing, when you go to 55 it does include the windows, too.
1094
1095 Ms. O'Bannon - And actually they included that, that the insulated dual pane extra is
1096 always in place.
1097
1098 Mr. Vanarsdall - The window has to be double then.
1099
1100 Mr. Archer - OK. Mr. Secretary, let's move right along.
1101
1102 Mr. Silber - Yes, sir. I believe it would be better to handle these together, if I could
1103 call both of these next cases, I am on page 5 of your agenda.
1104
1105 **C-7C-06 James W. Theobald, Esq. for Ramona Max Brown LLC: Request to**
1106 **conditionally rezone from A-1, Agricultural District to M-1C, Light Industrial District (Conditional),**

1107 Parcel 815-700-4617, containing 2.0 acres, located on the southwest line of Darbytown Road
1108 approximately 252 feet northwest of Miller Road. The applicant proposes industrial uses subject
1109 to proffers accepted with rezoning case C-47C-97. The use will also be controlled by zoning
1110 ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units
1111 net density per acre. The site is in the Airport Safety Overlay District.

1112

1113 **C-8C-06 James W. Theobald, Esq. for Ramona Max Brown LLC:** Request to
1114 conditionally rezone from A-1, Agricultural District to M-1C, Light Industrial District (Conditional),
1115 Parcels 813-698-4960 and 813-698-6173, containing 4.965 acres, located on the northwest line
1116 of Miller Road approximately 570 feet northeast of Yarnell Road. The applicant proposes
1117 industrial uses subject to proffers accepted with rezoning case C-47C-97. The use will also be
1118 controlled by zoning ordinance regulations. The Land Use Plan recommends Suburban Residential
1119 1, 1.0 to 2.4 units net density per acre. The site is in the Airport Safety Overlay District.

1120

1121 Mr. Archer - Is there anyone opposed to either of these cases, C-7C-06 or C-8C-06?
1122 We do have opposition. OK, we will have a time for you to speak then.

1123

1124 Mr. Vanarsdall - Good evening, Mr. Tyson. Happy New Year.

1125

1126 Mr. Tyson - Happy New Year. Mr. Chairman, Ms. O'Bannon, members of the
1127 Commission, Mr. Secretary. This is a request to rezone approximately two acres fronting on
1128 Darbytown Road and approximately five acres fronting on Miller Road. No construction or
1129 development activity is currently proposed for either of these sites. They are proposing to add
1130 the acreage to the existing Highwoods Distribution Facility, which is located at the corner of
1131 Laburnum and Darbytown Roads.

1132

1133 The Land Use Plan recommends SR-1, Single Family Residential use for the parcels. The
1134 proposed rezoning is not consistent with the Land Use Plan recommendation; however, it is in
1135 generally consistent with the adjacent industrial use and the development patterns that are
1136 becoming prevalent in the area.

1137

1138 The subject properties are by and large wooded and vacant. The properties are immediately
1139 adjacent to the Highwoods distribution facility located at the corner of Darbytown Road and
1140 Laburnum Avenue. This facility was developed under the proffers accepted with rezoning case
1141 C-47C-97. The Highwood site is well maintained and significant landscaping is already present
1142 on the site. The subject properties would merely be incorporated into this existing facility, and,
1143 again as I stated, no development activity is currently proposed. On Darbytown Road, there are
1144 a few adjacent single-family residential dwellings, as on Miller Road, there are adjacent single-
1145 family residential dwellings across Miller Road. The site does back up to a wooded field, but is
1146 immediately adjacent to the Highwoods facility.

1147

1148 -
1149 The applicant has submitted a proffer statement that commits them to the same proffers that
1150 were approved with Case C-47C-97. The applicant has also proffered an additional proffer with
1151 C-7C-06 that there would be no direct access to Darbytown Road.

1152

1153 The proposed zoning, while not in keeping with the recommendations of the adopted Land Use
1154 Plan, is in keeping with the general land uses surrounding it and the applicant has proffered that
1155 this property would be developed according to the proffers accepted with the Highwoods case.

1156

1157 Staff recommends approval of these applications and forwarding them to the Board of
1158 Supervisors. I'd be happy to answer any questions that you might have.

1159

1159 Mr. Archer - Thank you, Mr. Tyson. Are there questions from the Commission?

1160
1161 Mr. Jernigan - I just want to make a statement. In the 2026 Land Use Plan, it does
1162 show all of this industrial. We reviewed that the other day and I knew that was coming. We had
1163 discussed that with staff before.
1164
1165 Mr. Tyson - The facility at this date is sort of forming this block, Laburnum to
1166 Darbytown, down to Millers Lane.
1167
1168 Mr. Jernigan - Right. The residences along Darbytown Road also are shown as
1169 industrial in the future. OK. I don't have any questions. Mr. Chairman, we have opposition. I
1170 think I'd like to hear from the opposition before I hear from Mr. Theobald and he could maybe
1171 answer questions as they occur, so whichever you gentlemen or ladies would like to come up,
1172 you can come on up now and please state your name for the record.
1173
1174 Mr. Grimes - Good evening. I am Mr. Grimes with Blue Ridge Custom Homes. I am
1175 the current property owner at 6984 Miller Road, which is the case over here on Miller and where
1176 you are now, and this particular view does not show this property here that I am outlining right
1177 next to the subject property, which was purchased by my company this past year in March, and
1178 we have since built a single-family residential on which we have a contract. The house is under
1179 construction. It is near completion with a contract on this particular house for about \$350,000,
1180 and I would be opposed. Until the house closes, of course, I am the current owner. People that
1181 are buying that particular house live out of town and are relocating to the area, and as you know
1182 with real estate contracts, nothing is ever final until the house closes, so that is what my stake in
1183 this matter is. I guess I will be opposed to this being rezoned. This area up here and behind the
1184 former Highlands is not being used currently. I would question why this area here that is
1185 residential on the other side of Miller and now there is residential here by this area, why this area
1186 would need to be rezoned for light industrial.
1187
1188 Mr. Archer - Thank you, Mr. Grimes. Any questions for Mr. Grimes from the
1189 Commission?
1190
1191 Mr. Jernigan - I just want to say when I spoke to Mr. Theobald the first time about this
1192 last year and rode past it and looked at this property, the house Mr. Grimes is speaking of was
1193 not there. And if he had purchased that property after I probably spoke to Mr. Theobald in
1194 maybe June or sometime around there, and didn't know until he contacted me the other day that
1195 there was a house on it, so at that time I had already instructed Mr. Theobald, and we had
1196 discussed Suburban Residential or Industrial at that point, and I told him the future of this was
1197 industrial, so I told him to go for industrial zoning.
1198
1199 Mr. Branin - Mr. Grimes, can you show me where that house is located on that piece
1200 of property?
1201
1202 Mr. Grimes - This yellow outline of the subject property is really two-acre parcels.
1203 The lot that I own and built a house on is on a 2-1/4 acre parcel that is kind of outlined in that
1204 area, so the house itself sits just about 200 feet back from Miller Road. The lot is deeper than it
1205 is wide, so it is probably sits 35 feet from the property line.
1206
1207 Mr. Branin - Can you place the house?
1208
1209 Mr. Grimes - Yes, the house, I would estimate that the house probably sits in the
1210 vicinity of where my cursor is (referring to rendering).
1211
1212 Mr. Branin - And what would be the difference of the distance between the house

1213 and the proposed property line?
1214
1215 Mr. Grimes - I would have to look at my plot plan, for certain, but I would estimate
1216 about 30 feet.
1217
1218 Mr. Branin - Thirty feet, well vegetated.
1219
1220 Mr. Grimes - Yes. We cleared an area for the house and there is probably a little bit of
1221 treed area between.
1222
1223 Mr. Branin - And the second question I have for you is when will you complete the
1224 house and the new homeowners move in?
1225
1226 Mr. Grimes - We are targeting for a January 31 closing.
1227
1228 Mr. Branin - January 31st? OK. Thank you.
1229
1230 Mr. Jernigan - Yes, that portion of the property slopes off a little bit there, doesn't it?
1231
1232 Mr. Grimes - In which direction?
1233
1234 Mr. Jernigan - To the left, if you are standing in front, it would be headed to the south.
1235
1236 Mr. Grimes - The property kind of slopes from the street, I believe it kind of slopes
1237 front to back.
1238
1239 Mr. Silber - Mr. Jernigan, I understood you wanted to hear from the opposition first,
1240 but I understood that some of the hands that went up actually wanted to hear from the applicant
1241 in the case and then may or may not have questions. I am wondering if we shouldn't hear from
1242 Mr. Theobald.
1243
1244 Mr. Jernigan - That would be fine. The only reason I was doing that was maybe they
1245 had some questions that he could answer.
1246
1247 Mr. Silber - I think he could address that in his rebuttal.
1248
1249 Mr. Archer - You want to reserve some time, Mr. Theobald?
1250
1251 Mr. Theobald - Three minutes, please.
1252
1253 Mr. Archer - All right. So the opposition will know, we normally allow 10 minutes for
1254 each side to speak. Mr. Theobald is obviously going to use about seven minutes and have about
1255 three minutes left for rebuttal. So, your side has 10 minutes, too, all told. I just wanted to
1256 remind you of that.
1257
1258 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen. Happy New Year.
1259 My name is Jim Theobald and I am here this evening on behalf of the applicant. This is two
1260 cases, actually. Two acres on Darbytown Road in this area and a five-acre parcel on Miller Road.
1261 We are adding these two properties as they were For Sale and they are adjacent to the
1262 Highwoods Distribution Center, which has been a very successful light industrial facility for the
1263 County. Those of you who may have been here in 1997 will remember that this case received a
1264 lot of work and attention by staff and the applicant to make sure that we had mitigated the
1265 impacts on surrounding areas. What has changed since 1997 is the Pocahontas Parkway now

1266 exists and a few other things that are happening in the East End which really caused the owners
1267 to be very bullish about the opportunities in this area. The airport is substantially expanding,
1268 seeing more rider ship, more freight coming in and out, Pocahontas Parkway providing additional
1269 transportation network, as well as some of the mixed use communities that have been approved
1270 in the Varina area, and so this represents an investment in this part of the County. Mr. Tyson is
1271 correct. There are no current plans for constructing anything, but it is important to just take a
1272 moment to let you know that we literally just picked up the old proffers and have spread them
1273 into these two parcels. For instance, any building that is within 200 feet of Darbytown Road
1274 would have to be brick or glass exterior in accordance with an elevation that had been submitted
1275 in the prior case. There is literally a 50-foot landscape buffer that surrounds every property line
1276 at a minimum, so this little piece you are really going to ring it with a 50-foot buffer. The same
1277 with this piece. This backs up to the recreational field for this church (referring to rendering) that
1278 sits back in here. Along Miller Road there is a 10-foot tall berm along Miller Road with plantings
1279 on top of the 10 feet. I will show you a significant feature that has been, for the protection of the
1280 residents along Miller Road. That will continue on down this piece as it is developed. It will stay
1281 treed unless and until it is developed. No building can be constructed within 100 feet of
1282 Darbytown Road in this area, so not only do you have a 50-foot of buffer, but also you have a
1283 100-foot building setback. No building can be constructed within 75 feet of Miller Road, so
1284 again, a 10-foot high berm and a 75-foot high setback and again a 75-foot setback along the
1285 southern property line, which is part of this case. This will now be the southern property line.
1286 So, in essence you have a 50-foot buffer, you have a 75-foot building setback, and this home is
1287 setback an additional 35 feet from its property line. I should say that I have talked to Mr.
1288 Grimes, the builder, and I have also talked to his purchaser, Ms. Adams who called me, and I
1289 sent her a copy of the original proffers as well as a summary, summarizing them and explained
1290 to her the buffers and I have not heard back from Ms. Adams. I don't know that it is fair to say
1291 that she is satisfied, but I think that she might have expressed an objection after having
1292 contacted me and seeking the information. So, I honestly believe Mr. Grimes is going to be OK
1293 with his contract. He has built a really attractive house in that area, and as you were discussing,
1294 the slope, it does slope down to the south, and so this home really is depressed even further
1295 below the grade of what will occur on this side of the line.

1296
1297 We addressed loading and parking between Miller Road and any buildings. There can be no
1298 parking or loading areas between Miller Road and the rear of any building, if that building is
1299 within 300 feet of Miller Road, so everything was set back and activity kept away from Miller
1300 Road. There is no direct vehicular access to Miller Road, so there is no traffic coming out or
1301 using Miller Road whatsoever, and as Mr. Tyson indicated, we have also agreed no direct access
1302 out to Darbytown from this little piece.

1303
1304 I have a couple of pictures to show you. This is Laburnum Avenue looking south, and you can
1305 see the quality job that Highwoods has done in developing this property. The property was sold
1306 about a year ago and you can see the landscaping and the berming in this area, so it is a very
1307 nice addition to the County. This is actually looking east standing behind the buildings, so we
1308 are looking at Miller Road, except you can't see Miller Road or any home behind it because there
1309 is a 10-foot berm there, a very significant structure, as you can see, in these pictures. This is
1310 behind (referring to pictures) the Graybar Building and they have a little bit of outside storage,
1311 and I just wanted to show you how the outside storage has been treated in terms of materials.
1312 This is the property that is under consideration this evening along Darbytown Road. There is a
1313 home on this side that has just gone on the market. I talked to Mr. Salyer who may be here this
1314 evening and again explained to him the buffers. It does not look like that home is presently
1315 occupied, but has been put on the market, and I have put our agent in touch with Mr. Salyer's
1316 agent in the event there is a desire to add to the property.

1317
1318 This is standing on Miller Road. You will recognize Penny Koch standing there, and as you know,

1319 she is 6 foot, 5 inches, so that is a heck of a berm. That is looking essentially to the north and
1320 back to the east, but that is a 10-foot berm with the plantings on top. This again is looking on
1321 Miller Road, looking sort of south, and into the east again, going down towards the property in
1322 question showing the berm structure.
1323
1324 With that, I'd be happy to answer any questions. I would appreciate your recommendation of
1325 approval to the Board of Supervisors.
1326
1327 Mr. Archer - Thank you, Mr. Theobald. Are there questions for Mr. Theobald from
1328 the Commission?
1329
1330 Ms. O'Bannon - Can you just show real quickly the other properties that were for sale?
1331 Is it adjacent to the one on...
1332
1333 Mr. Theobald - Yes, ma'am. It would be this property right here. There is a home here.
1334 I'm sorry, this is Miller Road. There is a home here, there is a gas station here, and I am not
1335 sure you can see it very well, but there is one house between Miller Road that is right at the
1336 corner and the one that is for sale. Three are actually two homes in here, I think, between the
1337 corner and the subject.
1338
1339 Ms. O'Bannon - And on the other side of that there is also property?
1340
1341 Mr. Theobald - Correct.
1342
1343 Mr. Silber - Mr. Theobald, why the need for zoning at this time when the existing
1344 zoned property is not developed out?
1345
1346 Mr. Theobald - Well, if you are going to pay for it and finance it, you'd like to know you
1347 might have the ability to use it in the future. You would be able to, at a minimum, while you
1348 couldn't put a building on here, you could park on here and utilize the space over here for
1349 footprints. That seems to be a prudent thing to do.
1350
1351 Mr. Branin - Mr. Theobald, Mr. Grimes had some concerns about his property, the
1352 house he is building. In your opinion, is there a chance that anything would occur on the
1353 property before January 31?
1354
1355 Mr. Theobald - Oh, no. We won't even be through zoning by then, much less have a
1356 POD, plus we have vacant land behind here. So, we won't even be clearing that land unless and
1357 until there is a user for it.
1358
1359 Mr. Archer - Mr. Theobald, can you point out again where Mr. Grimes' is, about
1360 where it is?
1361
1362 Mr. Theobald - Right here, about where the arrow is.
1363
1364 Mr. Archer - OK, I see. Thank you.
1365
1366 Mr. Jernigan - Mr. Theobald, you said the lady's name is Adams.
1367
1368 Mr. Theobald - Carla Adams.
1369
1370 Mr. Jernigan - Would you contact her again before this goes to the Board and just let
1371 her express, I know she didn't call back, but I would like to know how she is feeling about it.

1372
1373 Mr. Theobald - I would be happy to.
1374
1375 Mr. Archer - Mr. Theobald, there were some people who did have opposition, or at
1376 least expressed questions that they would like to ask. So, if you folks would come forward now
1377 and we will try to answer them for you. State your name and address for the record, if you
1378 would sir.
1379
1380 Mr. McBrayer - Good evening. I am Christopher McBrayer and I own the property at
1381 6971 Miller Road.
1382
1383 Mr. Jernigan - I'm sorry, sir. What was your last name?
1384
1385 Mr. McBrayer- McBrayer. I don't know if I know how to work the cursor here, but I am
1386 right here, so I am directly across from the residence that Mr. Grimes built. So, I guess I am
1387 nervous about the development of this site for light industrial, and I will say this. The berm is
1388 significant and its significance is that it is significantly treeless, significant unnatural, and
1389 significantly unpleasant if your home was facing it. So, I can't see where Ms. Adams would find
1390 that an attractive option right next door to her brand new \$350,000 home. They also showed a
1391 rather barren shot facing this direction of Miller Road. Well, that was this area right here, and
1392 there are residences all along on either side of the barren shot that was shown who have to face
1393 this berm everyday. It might not bother everybody. It bothers me and I'd hate to see it
1394 extended down practically in front of my home, which my wife and I just bought last year, and
1395 we have been in the process of fixing it up and hoping to stay a while, and that is all I have to
1396 say at this time.
1397
1398 Mr. Jernigan - Hold on a second. Mr. Theobald, is the berm a proffered condition? Mr.
1399 Brayer, the reason they put that in there was so people didn't have to look into the industrial
1400 site, so in most cases, I mean it is supposed to keep a good separation.
1401
1402 Mr. McBrayer - I understand that. I just don't agree with their aesthetic and I prefer
1403 Mr. Grimes' aesthetic, where he has built an attractive single residence home, and left the lot
1404 wooded and in a more natural state, as opposed to a bulldozer piling 10 feet of dirt in the area
1405 and planting a couple of Cyprus trees across the street from my house.
1406
1407 Mr. Jernigan - But you are directly across from her?
1408
1409 Mr. McBrayer - I am directly across from the new residence. That is right. You are
1410 going to see whatever they do right out on my front porch that I just painted and enjoy sitting
1411 out on.
1412
1413 Mr. Jernigan - OK. Thank you, sir.
1414
1415 Mr. Archer - Come on down, sir.
1416
1417 Mr. Allen Tate - Hello. I am Allen Tate and I live at 6947 Miller Road, which is directly
1418 across the street from the proposed property.
1419
1420 Mr. Archer - Excuse me. What was your last name, again?
1421
1422 Mr. Tate - Tate. T A T E. I have the same concerns as the other two gentlemen.
1423 First of all, the mound up in this area right here (referring to rendering), unfortunately, vandals
1424 have destroyed it by driving their trucks through it. The pictures you all saw was a sunny day

1425 with that lady standing out there, there was water by her feet on a sunny day. There is no ditch
1426 on that curb. It would basically run down that hill to our property. You know that is not good.
1427 Miller Road has approximately eight or nine homes on it. Out of those eight or nine homes I
1428 would say that six of these families have school children that go to elementary school, including
1429 myself. I have an eight-year-old son. There are some problems with this property. As this was
1430 being built, the guy started about 3:00 in the morning, loud banging, excessive noise. I recently
1431 spent \$10,000 on the house for double pane windows, new siding, and again, I personally don't
1432 want it there. Miller Road is also a gravel road. I don't know exactly how to say it. It is a land
1433 and tar road. Since this building has been here, and of course, 895, we have a significant
1434 amount of traffic going through our street. It used to be a 45-mph zone. It is not obeyed. The
1435 slope in question here. There is a slope right here that comes out here (referring to rendering),
1436 and my house is here. I am actually scared to pull out of my driveway right now and this might
1437 be a special case, but with more buildings going up, more business, there is going to be more
1438 traffic on that street. We don't need it. Is there any way I could look at those other pictures?

1439
1440 Mr. Jernigan - Well, now, you realize there is no vehicular traffic that can ingress or
1441 egress?

1442
1443 Mr. Tate - What the people are doing, actually, they are cheating. They are coming
1444 off Wilton Road and coming around this way, or they are coming this way. I have dump trucks
1445 going by our house every day. It is a crossover from Wilson to Darbytown and they are basically
1446 going to this gas station. They are cheating. This area has picked up a lot. How would I go
1447 through this (referring to renderings)? OK. That picture right there, you can see some homes,
1448 and that is not a bad point there. I would like to go to my property. What I am saying is there
1449 is no ditch there. Unfortunately, we have water standing, as you can see right there, and we,
1450 unfortunately, have vandals that actually drive their trucks up through there. I have reported it
1451 several times to the police.

1452
1453 Mr. Jernigan - With all due respect, it rained, too, because the road is wet.

1454
1455 Mr. Tate - Well, the thing is, the road is always wet because there is no ditch there
1456 and water, snow, sleet, it stays on our roads. Our roads, it is a paved and traveled road, and I
1457 don't know, I've just got concerns. The zoning sign is actually right 10 feet from our house. He
1458 proposed 75 feet and 75 feet is not a long ways for me and my son to have peace and quiet or
1459 anybody else on the street, as well. Basically, I am just showing my concerns.

1460
1461 Mr. Jernigan - Well, when you are speaking of the cut-through traffic, that is going to
1462 be there whether Highwoods is there or not.

1463
1464 Mr. Tate - I understand that.

1465
1466 Mr. Jernigan - People just do that. We can't control it.

1467
1468 Ms. O'Bannon - We do have traffic calming methods that could be used.

1469
1470 Mr. Silber - The Traffic Engineer could look at this area and see if it is a candidate
1471 for a traffic calming study.

1472
1473 Ms. O'Bannon - I was going to say if what you are saying is true and this road is not
1474 intended to carry very heavy vehicles, that might be another reason to go ahead with traffic
1475 calming, because if you have single-family houses here and you have a lot of heavy traffic,
1476 instead of going up to Laburnum, as you said, they are cutting it short and coming through
1477 there. I think it would probably be very few people that would actually have to sign those. You

1478 have to get 80% or 75% of the people that live in the area affected to sign it, so you wouldn't
1479 have too many people in the area that would have to do it. You could have a traffic calming
1480 method put in there. That would probably keep the trucks from driving through on top of the
1481 fact that there is no entrance and exit to this facility on either Darbytown or...
1482
1483 Mr. Tate - The other question I had was we all have well water on our street.
1484 Would this impact our water for any reason?
1485
1486 Mr. Silber - It shouldn't impact your water, but that is very difficult for us to say.
1487
1488 Mr. Tate - How about the taxes and land value. Would that change?
1489
1490 Mr. Silber - We don't assess property here. This Commission really wouldn't have a
1491 feel for that. I wouldn't think it would have a great impact on your assessment.
1492
1493 Mr. Tate - I am thinking now, there is a wooded area across the street from me. If
1494 I were to sell, it is more pleasurable to sell when there are nice, natural woods across the street
1495 rather a big old mound with a building behind it.
1496
1497 Mr. Silber - The truck traffic that you are talking about using this road, is this truck
1498 traffic that you believe is coming from the site, or is it just truck traffic?
1499
1500 Mr. Tate - I believe some of it is. You have BFI trucks, dump trucks, new
1501 construction trucks. It is just an increased amount of traffic. I am saying it is for 895, the gas
1502 station and that area over there.
1503
1504 Mr. Jernigan - Correct me if I am wrong, but there is no construction in there now, is
1505 it?
1506
1507 Mr. Tate - Well, the construction in the community. Right up the road there is.
1508
1509 Mr. Jernigan - There is no construction in the Highwoods site. The last building to go
1510 up was the electrical building that went in behind there, so there is no heavy traffic coming out
1511 of there, unless possibly it is Allied Waste.
1512
1513 Mr. Tate - Exactly. And not just them, but big dump trucks that come down our
1514 street.
1515
1516 Mr. Archer - Well, Mr. Tate, there is no permitted truck use or traffic that is supposed
1517 to come out of your site on to Miller? Is that correct? Because Mr. Tate used the word cheating.
1518 Are there prohibitive signs down there that people aren't obeying or just no sign at all.
1519
1520 Mr. Tate - There is no sign at all.
1521
1522 Mr. Archer - Could we arrange that, Mr. Secretary? I see that as being a problem
1523 now even before anything else occurs.
1524
1525 Mr. Silber - Are you talking about, Mr. Archer, traffic from the industrial site to
1526 Miller? I don't think there is any traffic going in that direction.
1527
1528 Mr. Jernigan - Traffic is not coming out of the complex as it is now. It is other traffic
1529 that is taking a short cut.
1530

1531 Mr. Archer - Well, Ms. O'Bannon mentioned traffic calming, and I think that is
1532 probably one of the aspects of traffic calming is having signage, if it can be done legally, that
1533 says what can or cannot travel on that road.
1534
1535 Ms. O'Bannon - Weight limits.
1536
1537 Mr. Silber - That could be looked at, too, by the traffic engineers.
1538
1539 Mr. Archer - That is obviously something that needs to be done now before anything
1540 else is done.
1541
1542 Mr. Jernigan - Well, we did that on Hanover Road. We restricted the weight of trucks
1543 in there.
1544
1545 Ms. O'Bannon - They do a sounding and they ping it to see how much weight it can
1546 handle, and if these are huge gravel trucks or trash trucks or something like that, they probably
1547 would exceed that weight limit, the general weight limit for that type of road, but again Public
1548 Works would look into it and they could contact you about possibly getting the traffic calming,
1549 depending on how they rated the road.
1550
1551 Mr. Tate - The other question I have is, if you all do go ahead with it, is there a set
1552 limit of hours they would work. Would they work 24 hours? You know, you've got tractor-
1553 trailers backing up, trash trucks, any kind of excessive noise, it is just a question I am asking. I'd
1554 like to know.
1555
1556 Mr. Jernigan - In M-1 zoning, you can go 24 hours. In this facility, I don't know that
1557 there is anybody in there after 5 or 6 in the evening. When this case came through, I wasn't
1558 here, but I watched when it was built, because I am not too far away myself, but the proffers,
1559 and the proffers are a list of promises that goes along with the land. It was right stringent on
1560 this and the quality of the buildings that you have there now will be the quality that is all over
1561 this complex, so it is not going to be run of the mill. It is not going to be anything dumpy in
1562 there, but it is an M-1 site and it could have 24 hours.
1563
1564 Mr. Tate - Attractive nor not, it is still going to be across the street from my house,
1565 and there are unresolved problems there.
1566
1567 Mr. Jernigan - Well, the problem, and I understand what you are saying, because you
1568 are across the street, but also the law states that people have a right to develop their property,
1569 and what we do, if there is a mixture between M and R, we try to make sure it is the best quality
1570 that it can be, and per the instructions I gave Mr. Theobald, we discussed this the middle of last
1571 year. He asked me about residential and I told him this site was destined to be industrial, and I
1572 instructed him to go along the industrial way, so he followed my words. And this is what I had
1573 discussed with Mr. Donati, also, that this whole area through here, this area through here
1574 (referring to rendering) on the 2026 Land Use Plan does show all industrial.
1575
1576 Mr. Tate - My last question is, has this land been purchased by the company that is
1577 looking to pursue it?
1578
1579 Mr. Jernigan - It is under contract.
1580
1581 Mr. Tate - I have no further questions.
1582
1583 Mr. Archer - Any questions of Mr. Tate before he takes a seat? Thank you, sir. We

1584 appreciate it. There was someone else, I believe.
1585
1586 Mr. Richardson - I am James Richardson and I am afraid I will use this as a pointer,
1587 because this is some property that has a dog leg in front of it going into Darbytown Road, so I
1588 am wedged in right next to the property. I use the property as a rental home, and I am not
1589 quite sure, and I plead ignorance, that I do not know what light industrial is, and all of the
1590 particulars about that. I did hear the gentleman say possible parking facility there, I believe, and
1591 I understand there is a 50-foot buffer and a 100-foot buffer, and I don't understand what no
1592 entrance into Darbytown Road means. So, I guess I am posing the question for you. I don't
1593 understand these things. I am certainly not opposed to it or for it, or anything of that nature, I
1594 just don't understand it all. I just found out about it today, so I apologize for not having all of
1595 my facts together.
1596
1597 Mr. Jernigan - Mr. Richardson, what I meant was no access. They can't put a road
1598 through to Darbytown Road for entrance or exit.
1599
1600 Mr. Richardson - You mean for the complex behind it?
1601
1602 Mr. Jernigan - Yes, sir, for the industrial, and the reason that I requested that proffer
1603 from Mr. Theobald was because when I rode through there, there are residential homes there,
1604 and you may have M-1 in your backyard, but you don't particularly want it driving down your side
1605 yard. I expressed that to him and he went ahead and proffered that they would not be any
1606 ingress or egress on to Darbytown there. So, when you take the 50 feet off of each side, and
1607 then 100-foot setback, there is not much that you can do with that property other than parking,
1608 but it won't be a road.
1609
1610 Mr. Richardson - For ingress and egress and to the complex behind it? What is parking?
1611 For employees or maybe some spin off from the airport or whatever.
1612
1613 Mr. Jernigan - Mr. Theobald, you might want to come up to the mike if you want to.
1614
1615 Mr. Richardson - Those are really the only questions that I had. As I said, I am not in
1616 opposition to any of it. I just had some particulars that I wanted to clear up and I thank you for
1617 your time.
1618
1619 Mr. Jernigan - Thank you for coming up, sir. Could you come up, sir? The reason you
1620 have to do that is that all of these hearings are taped, and you have to be up here for us to hear
1621 you.
1622
1623 Mr. McBrayer - I think Mr. Tate brought up an interesting point that I hadn't
1624 thought of, and didn't express it. If it is berms that they build, obviously we can't decide
1625 whether that is an attractive thing or not. That is a matter of taste. But what I will say about it,
1626 he said some vandals were using the property, and what he is referring to is they have created a
1627 big ramp there. You've got a guy in a four-wheel drive truck and that looks like a lot of fun to
1628 him. As it is right now, we don't have any of that in front of my house because we've got trees,
1629 and that doesn't look as much fun. So, I think it is an issue there. There is not a drainage ditch.
1630 There is nothing to prohibit people for using that as a recreational vehicle ramp, if you will.
1631
1632 Ms. O'Bannon - What is your name, sir?
1633
1634 Mr. McBrayer - Christopher McBrayer.
1635
1636 Ms. O'Bannon - And the other gentleman was Mr. Tate. I would like to recommend that

1637 you leave your name with someone here. There is no one here from Public Works, but
1638 somebody from Planning could take it. We can have someone from Public Works come out and
1639 take a look at those specific things. That is pretty much unrelated to the zoning case, but I also
1640 would like to recommend that you talk to the Traffic Engineer, the Chief Traffic Engineer, about
1641 traffic calming methods. I think between the two items you have been bringing up, you can talk
1642 to someone in Public Works about it and they can come out and do an assessment of it.

1643
1644 Mr. McBrayer - Yes, ma'am, with all due respect, I believe it does relate to the zoning
1645 case in that if they extend that berm, they extend that problem, the recreational vehicle use
1646 there and I would rather not see that done.

1647
1648 Mr. Silber - I think she is referring to trying to address the existing situation to
1649 address the drainage and the traffic calming issues and perhaps the use of the berm for off-road
1650 vehicles.

1651
1652 Ms. O'Bannon - Because whether or not this case were passed or not, you have brought
1653 up conditions that ought to be addressed anyway, and that is my point. You could talk to Public
1654 Works representatives and the Traffic Engineer and talk about improvements that could be made
1655 right now, whether or not this case was passed. You have some concerns that could be
1656 addressed and should be addressed. If you can leave your name and number with...

1657
1658 Mr. Jernigan - Mr. McBrayer, leave it with one of our staff personnel over there, and I
1659 tell you what I will do, I will check with Public Works and get with you on this. I am not sure
1660 what they can do. I don't think we want a guardrail there.

1661
1662 Ms. O'Bannon - No, but they will come out and do an assessment on it. If the road is
1663 not graded properly, they could look into that. The traffic calming process is pretty
1664 straightforward, and you need so many people from the neighborhood to sign a petition. They
1665 prepare the petition and they tell you what you need to do, and it seems to me in this particular
1666 location that would be relatively easy and they could do something. If it is what you are saying,
1667 they will do an assessment of the road and find out about the traffic, do traffic counts and all
1668 that, and give you a lot of information that I think would help you anyway no matter what.

1669
1670 Mr. Silber - I think the challenge might be keeping the vehicles on the road...

1671
1672 Mr. Jernigan - Four-wheel drives.

1673
1674 Ms. O'Bannon - Four-wheel drives, I am not sure of that, but if you had signs up that
1675 said "Extra \$200 fine for speeding" maybe it would discourage them and keep them away a little
1676 bit. I don't know, but it might.

1677
1678 Mr. McBrayer - And I'd just like to say I am not having that big of a problem with that
1679 facility as it exists now, but these are problems with the way it exists now and to extend these
1680 problems, I think, is a good plan for the future.

1681
1682 Mr. Jernigan - I will explain one thing to you. A proffered condition means that when
1683 they take possession of this property at a certain time, they do have to put that berm in there.
1684 The only way we can change that is a proffer amendment, which would come through just like it
1685 is tonight. That was put in there for you all's benefit and I know it may be ugly to you, but that
1686 berm was put in so that you had a grassy area with trees across from you so wouldn't have to
1687 look at the back of those buildings. Unfortunately, you all don't like, which in most cases, that
1688 doesn't happen. People a lot of times want berms, but I will discuss with Mr. Theobald on the
1689 proffered conditions on that and there may be a point where we can make a change.

1690
1691 Mr. McBrayer - Yes, sir. Thank you. I didn't buy a house in front of a berm, so I don't
1692 want a house in front of a berm.
1693
1694 Mr. Jernigan - I understand your position and I thank you for coming down.
1695
1696 Mr. Archer - Thank you, Mr. McBrayer. I think there are two seconds left.
1697
1698 Mr. Grimes - I am Darren Grimes. On other thing I'd like to say about this, it was
1699 mentioned that residential was originally brought up by Mr. Theobald and he was told to proceed
1700 with industrial. I would like to make the statement that there was significant interest, residential
1701 interest in my particular property. We were contacted by and we had three contracts on this
1702 particular property with requests to build on the adjacent property here. I attempted to contact
1703 the owners of this property and got no response from them, I guess because they had already
1704 talked to Mr. Theobald and Mr. Jernigan about rezoning, but I do think the rezoning here to light
1705 industrial, when there is plenty of room to expand the existing complex, I don't see why they
1706 need to buy this area. They haven't used the area they already have, and I think it would be a
1707 misuse of County land and residential would be more appealing to the owners.
1708
1709 Mr. Archer - Mr. Grimes, do you own any additional property other than the one that
1710 you are building on? Do you own more property other than the one that you are building on?
1711
1712 Mr. Grimes - Yes. I am currently building like 10 homes in the area.
1713
1714 Mr. Archer - In that same, not contiguous property?
1715
1716 Mr. Grimes - No, sir.
1717
1718 Mr. Archer - Thank you.
1719
1720 Mr. Grimes - I would like to.
1721
1722 Mr. Archer - I would like to. Any more questions.
1723
1724 Mr. Silber - We are out of time.
1725
1726 Mr. Archer - Mr. Theobald, I think you have some rebuttal time.
1727
1728 Mr. Theobald - Do you have questions, sir?
1729
1730 Mr. Archer - Anyone have questions of Mr. Theobald? All right. Mr. Jernigan.
1731
1732 Mr. Jernigan - OK, Mr. Chairman. Thank you. As I said before, I had discussed this
1733 when Mr. Theobald came to me, so he did follow my instructions to the order, and I had
1734 discussed with Mr. Donati before I got back with Mr. Theobald about the future of this property,
1735 and he had determined at the time that we felt it would be industrial. So, I told Mr. Theobald to
1736 proceed as he did. Now, the proffers in this case are very good, and that is one reason that we
1737 have a staff recommendation on both pieces, because what has been done there so far is quality
1738 development, and the remaining area will be the same way. So I am going to try to work
1739 through the issues that Mr. McBrayer has and talk to Mr. Theobald and see if we can get
1740 something lined up on that. But, at this point I am satisfied with the case as it stands, so I will
1741 recommend approval of C-7C-06, James Theobald Esq. for Ramona Max Brown LLC, to be passed
1742 on to the Board of Supervisors for their approval.

1743
1744 Mr. Vanarsdall - Second.
1745
1746 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor of
1747 the motion say aye. Those opposed say no. The ayes have it. The motion is carried.
1748
1749 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the
1750 Board of Supervisors **grant** the request because it is reasonable in light of the existing Industrial
1751 use and zoning in the area and the proffered conditions would provide for a higher quality of
1752 development than would otherwise be possible and should minimize the potential impacts on
1753 surrounding land uses.
1754
1755 Mr. Jernigan - And on Case C-8C-06, James Theobald, Esq. for Ramona Max Brown,
1756 LLC, I will move for approval for that to be sent to the Board of Supervisors for their approval.
1757
1758 Mr. Vanarsdall - Second.
1759
1760 Mr. Archer - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor of the
1761 motion say aye. All opposed say no. The ayes have it. The motion is approved.
1762
1763 REASON: The Planning Commission voted 5-0 (one abstention) to recommend the
1764 Board of Supervisors **grant** the request because it is reasonable in light of the existing industrial
1765 use and zoning in the area and the proffered conditions would provide for a higher quality of
1766 development than would otherwise be possible and should minimize the potential impacts on
1767 surrounding land uses.
1768
1769 Mr. Jernigan - I thank you folks for coming out.
1770
1771 Mr. Silber - That concludes the rezoning requests for this evening. We do have a
1772 Discussion Item and I have one additional item I want to discuss with the Commission.
1773
1774 DISCUSSION ITEM to set a Public Hearing on the Capital Improvements Program: CIP for 2006-
1775 2007 through 2010-0011 Capital Improvements Program. This public hearing would be set for
1776 February 9, your next zoning hearing.
1777
1778 We have suggested this be set at 5:45. It is a little earlier than you may be accustomed to and
1779 that is because the County Manager has another obligation that he has to get to and he has
1780 asked if we could please set this public hearing at 5:45 so he can make his other commitment.
1781 That would be Thursday, February 9. In addition, because we are starting a little earlier, we
1782 thought we might want to feed you dinner, not steak, but we thought we might take the
1783 opportunity to tell you where we are with the 2026 Comprehensive Plan Update. We are hoping
1784 to schedule some work session meetings with the Board and the Planning Commission later this
1785 year and we will be sending you, by way of a separate letter, when we hope to have those. We
1786 may have one in February, but probably not. We are now looking at April, June and August as
1787 joint work sessions to the Planning Commission and the Board to talk about the 2026
1788 Comprehensive Plan. So, just make note that we will be sending out something later on
1789 regarding those work sessions.
1790
1791 Mr. Archer - Mr. Secretary, what time would you suggest that we start our dinner
1792 meeting?
1793
1794 Mr. Silber - I think we need to be down here by 5:45, I think we might want to start
1795 maybe at 4:45 p.m.

1796
1797 Mr. Archer - We need time to get down here, also.
1798
1799 Mr. Silber - I don't think we have too much to tell you about the Comprehensive
1800 Plan but a few minutes update. I would think we could start at 4:45 and be down here by 5:45
1801 p.m.
1802
1803 Mr. Archer - OK, is that in the Manager's Conference Room?
1804
1805 Mr. Silber - Yes, sir, if we can schedule that, we will have it at that location.
1806
1807 Mrs. Jones - Mr. Silber, are there dates associated with the possible April, June and
1808 August meetings?
1809
1810 Mr. Silber - We have some tentative dates, Mrs. Jones, but at this point we don't
1811 know for sure. The tentative dates we have - again the February date we probably won't do.
1812 We can probably handle that with you all on the 9th and then maybe send something to the
1813 Board of Supervisors in the form of a letter. Therefore, the dates you might want to note would
1814 be April 19 or 20, June 21, probably August 15 or 16.
1815
1816 Mrs. Jones - I realize they could all change, but it would be very helpful to just have
1817 those.
1818
1819 Mr. Silber - You have those, and again, we will be sending them out to you in a
1820 separate letter. The time, a good point. April 19 or 20, we are looking at 12 noon to 4:30, June
1821 21, 12 noon to 5:00 p.m. or possibly longer if needed, and the August dates would be the 15 or
1822 16, 10 a.m. to 4:00 p.m. That is pretty much all day.
1823
1824 We would need a motion to set a public hearing, a CIP Hearing, on February 9, at 5:45 p.m.
1825
1826 Mr. Vanarsdall - I make a motion.
1827
1828 Mr. Branin - Second.
1829
1830 Motion by Mr. Vanarsdall and seconded by Mr. Branin. All in favor of the motion say aye. Those
1831 opposed say no. The ayes have it. The motion is passed.
1832
1833 Mr. Silber - OK. Thank you.
1834
1835 **APPROVAL OF MINUTES:** Planning Commission December 8, 2005
1836
1837 Mr. Silber - The next would be the Planning Commission minutes from December 8.
1838
1839 Mr. Archer - All right. Are there improvements to the minutes? Any corrections?
1840
1841 Mrs. Jones - No, sir. I move the approval of the minutes from December 8, 2005.
1842
1843 Mr. Jernigan - Second.
1844
1845 Mr. Archer - All right. The minutes are approved as stated. Anything else, Mr.
1846 Secretary.
1847
1848 Mr. Silber - Nothing else.

1849
1850 Mr. Archer - Is there a motion for adjournment?
1851
1852 Mrs. Jones - I so move.
1853
1854 Mr. Branin - Second.
1855
1856 Mr. Archer - Motion made by Mrs. Jones and seconded by Mr. Branin. We are
1857 adjourned.
1858

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1874

C. W. Archer, C.P.C., Chairman

Randall R. Silber, Secretary