

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 January 11, 2007. Display Notice having been published in the Richmond
5 Times-Dispatch on December 21, 2006 and December 28, 2006.
6
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Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. Frank Thornton (Fairfield)
Board of Supervisors Representative
Mr. Randall R. Silber, Director of Planning, Secretary

Also Present: Ralph J. Emerson, Jr. AICP, Assistant Director of Planning
Ms. Jean M. Moore - Principal Planner
Mr. Lee Tyson, County Planner
Ms. Rosemary Deemer, County Planner
Mr. Thomas Coleman, County Planner
Ms. Nathalie Croft, County Planner
Mr. Livingston Lewis, County Planner
Mr. Benjamin Sehl, County Planner

8 **Mr. Thornton abstains from voting on all cases unless it is necessary to**
9 **break a tie.**

10
11 Mr. Archer: Good evening everyone, ladies and gentlemen, and
12 all the rest of you. Welcome to the January 11th edition of Rezoning, the first
13 Planning Commission meeting of the year 2007. We have quite a lengthy agenda
14 today. It was more lengthy than it is now, but we've had a lot of deferrals and I
15 believe one withdrawal. In order that we may proceed as quickly as possible, I
16 will turn things over to Mr. Randall Silber, our Secretary and Director of Planning.
17 Good evening, Mr. Silber, and Happy New Year.
18

19 Mr. Silber: Happy New Year and thank you, Mr. Chairman. We
20 do have all members of the Planning Commission present this evening. In fact,
21 we have a new member to the Planning Commission, Mr. Frank Thornton, who
22 we welcome to the Planning Commission. For those present this evening, you
23 may need to be aware that the Board of Supervisors appoints on an annual basis
24 one member from the Board of Supervisors to serve on the Planning
25 Commission. So, Mr. Thornton is the representative from the Fairfield Magisterial
26 District who is serving on the Planning Commission for 2007. Mr. Thornton has
27 served on the Planning Commission before and he's with us for this year. We
28 welcome you, Mr. Thornton.

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Mr. Archer: Mr. Silber, you'll have to forgive me for overlooking Mr. Thornton. Is there anyone here from the press tonight? I don't see anyone. If you are here and you didn't choose to be recognized, welcome anyway. Okay, sir, I'll hand it back to you.

Mr. Silber: Sure. With that, I think we can move on in the agenda to the consideration of withdrawals and deferrals.

Ms. Moore: Yes, Mr. Secretary. We actually have 14 requests for deferrals. The first is on page 3 of your agenda. It is P-13-06.

Deferred from the October 10, 2006 Meeting.

P-13-06 Burke Lewis for New Cingular Wireless PCS, LLC (Lessee): Request for a provisional use permit under Sections 24-95(a), 24-120 and 24-122.1 of the County Code in order to construct a 199' high telecommunications tower, on parts of Parcel 855-689-5504 and 855-688-7082, located approximately 1,450 feet south of Charles City Road and 400 feet west of Upper Western Run Lane. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Prime Agriculture.

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

Mr. Archer: Thank you Ms. Moore. Is there anyone present who is opposed to the deferment of P-13-06, New Cingular Wireless PCS, LLC? I see no opposition. Mr. Jernigan.

Mr. Jernigan: Mr. Chairman, I move for deferral of case P-13-06, Burke Lewis for New Cingular Wireless to April 12, 2007, by request of the applicant.

Mr. Vanarsdall: Second.

Mr. Archer: Motion by Mr. Jernigan, second by Mr. Vanarsdall. All in favor of the motion say aye. Those opposed say no. The ayes have it and the motion carries.

Ms. Moore: Next is case C-67C-06.

Deferred from the December 7, 2006 Meeting.

C-67C-06 Ahmad Jafari: Request to conditionally rezone from R-3 One-Family Residence District and B-3 Business District to B-2C Business District (Conditional), Parcel 818-726-8240, containing 1.859 acres, located on the north line of Nine Mile Road between Barker and Forest Avenues. The applicant proposes a retail strip shopping center. The use will be controlled by

75 zoning ordinance regulations and proffered conditions. The Land Use Plan
76 recommends Commercial Arterial. The site is in the Airport Safety Overlay
77 District. The site is in the Enterprise Zone.

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79 Ms. Moore: The deferral is requested to the February 15, 2007
80 meeting.

81

82 Mr. Archer: Thank you. Is there anyone present who is opposed
83 to this deferment, C-67C-06, Ahmad Jafari in the Varina District? No opposition.
84 Mr. Jernigan.

85

86 Mr. Jernigan: Mr. Chairman, I move for deferral of case C-67C-06,
87 Ahmad Jafari, to February 15, 2007, by request of the applicant.

88

89 Mr. Vanarsdall: Second.

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91 Mr. Archer: Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
92 All in favor of the motion say aye. Those opposed say no. The ayes have it; the
93 motion carries.

94

95 Ms. Moore: The next is C-36C-06.

96

97 ***Deferred from the November 9, 2006 Meeting.***

98 **C-36C-06**

Gloria Freye for Waypoint Development, LLC.:

99 Request to conditionally rezone from R-4 One Family Residence District, B-1
100 Business District and M-1 Light Industrial District to R-5AC General Residence
101 District (Conditional), part of Parcel 805-710-1834, containing 13.15 acres,
102 located on the southwest line of Darbytown Road at its intersection with Oregon
103 Avenue. The applicant proposes a single-family residential subdivision with a
104 maximum of 40 lots. The R-5A District allows a minimum lot size of 5,625 square
105 feet and a maximum gross density of six (6) units per acre. The use will be
106 controlled by zoning ordinance regulations and proffered conditions. The Land
107 Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net density per
108 acre, Commercial Concentration, and Environmental Protection Area.

109

110 Ms. Moore: The deferral is requested to the May 15, 2007
111 meeting.

112

113 Mr. Archer: Okay. Is anyone present who is opposed to this
114 deferment, C-36C-06, Gloria Freye for Waypoint Development?

115

116 Mr. Jernigan: Now you said May 15th.

117

118 Ms. Moore: Yes sir.

119

120 Mr. Jernigan: Okay.

121
122 Ms. Moore: I'm sorry, March 15th.
123
124 Mr. Jernigan: All right, there we go. Okay.
125
126 Mr. Archer: Mr. Jernigan.
127
128 Mr. Jernigan: All right. With that, Mr. Chairman, I move for deferral
129 of case C-36C-06, Gloria Freye for Waypoint Development to March 15, 2007, by
130 request of the applicant.
131
132 Mrs. Jones: Second.
133
134 Mr. Archer: Motion by Mr. Jernigan and seconded by Mrs. Jones.
135 All in favor of the motion say aye. Those opposed say no. The ayes have it; that
136 motion is granted.
137
138 Ms. Moore: Next case is C-51C-06.
139
140 ***Deferred from the December 7, 2006 Meeting.***
141 **C-51C-06 Caroline L. Nadal for Collins/Goodman**
142 **Development, LLC:** Request to conditionally rezone from A-1 Agricultural
143 District to B-2C Business District (Conditional), Parcel 814-717-0480 and Part of
144 Parcel 813-717-7951, containing approximately 10.19 acres, located at the south
145 intersection of S. Laburnum and Gay Avenues. The applicant proposes retail
146 uses. The uses will be controlled by proffered conditions and zoning ordinance
147 regulations. The Land Use Plan recommends Office. The site is in the Airport
148 Safety Overlay District.
149
150 Ms. Moore: The deferral is requested to the February 15, 2007
151 meeting.
152
153 Mr. Archer: All right. Is there anyone present who is opposed to
154 this deferment, C-51C-06, Collins/Goodman Development, LLC? No opposition.
155
156 Mr. Jernigan: Mr. Chairman, I move for deferral of case C-51C-06,
157 Caroline Nadal for Collins/Goodman Development to February 15, 2007, by
158 request of the applicant.
159
160 Mr. Vanarsdall: Second.
161
162 Mr. Archer: Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
163 All in favor of the motion say aye. Those opposed say no. The ayes have it; the
164 motion carries.
165

166 Ms. Moore: On page 4 of your agenda in the Varina District is C-
167 1C-07, Florence Cooper and Ernest Bernstein. This has been withdrawn by
168 request of the applicant, therefore—I'm sorry, I skipped one. Page 4 of your
169 agenda. I apologize. C-3C-07.

170

171 **C-3C-07 The Tetra Group One, LLC:** Request to conditionally
172 rezone from A-1 Agricultural District, R-3 One-Family Residence District, R-5
173 General Residence District and B-3 Business District to R-3C One-Family
174 Residence District (Conditional), R-5C General Residence District (Conditional),
175 B-3C Business District (Conditional) and M-1C Light Industrial District
176 (Conditional), Parcels 836-714-2353, 835-714-7916, 836-712-7784, 835-713-
177 1662 and 836-713-7564, containing 78.709 acres (R-3C - 9.654 ac; R-5C - 8.976
178 ac; B-3C – 48.742 ac; and M-1C – 11.337 ac.), located between the north line of
179 E. Williamsburg Road, the south line of Old Williamsburg Road, the east line of
180 Dry Bridge Road and the west line of Old Memorial Drive. The applicant
181 proposes a mixture of uses including a single-family development, age-restricted
182 multi-family dwelling units, general business, and light industry. The R-3 District
183 allows a minimum lot size of 11,000 square feet and a maximum gross density of
184 3.96 units per acre. The R-5 District allows a maximum gross density of 14.52
185 units per acre. The uses will be controlled by zoning ordinance regulations and
186 proffered conditions. The Land Use Plan recommends Suburban Residential 2,
187 2.4 to 3.4 units net density per acre, Office and Environmental Protection Area.
188 The site is in the Airport Safety Overlay District.

189

190 Ms. Moore: The deferral is requested to the March 15, 2007
191 meeting.

192

193 Mr. Archer: Okay. Is there anyone present who is opposed to C-
194 3C-07, J. Thomas O'Brien for the Tetra Group? No opposition.

195

196 Mr. Jernigan: Mr. Chairman, I move for deferral of case C-3C-07, J.
197 Thomas O'Brien for Tetra Group to March 15, 2007, by request of the applicant.

198

199 Mr. Branin: Second.

200

201 Mr. Archer: Motion by Mr. Jernigan and second by Mr. Branin. All
202 in favor of the motion say aye. Those opposed say no. The ayes have it; that
203 motion carries.

204

205 Ms. Moore: The next is case C-4C-07.

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207 **C-4C-07 Twin Oaks Business Park, LLC:** Request to
208 conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District
209 (Conditional), Parcel 814-710-0782, containing 2.505 acres, located at the
210 northwest intersection of Glen Alden Drive and Charles City Road (Garden City
211 subdivision). The applicant proposes a warehouse with limited office. The use will

212 be controlled by zoning ordinance regulations and proffered conditions. The Land
213 Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay
214 District.

215

216 Ms. Moore: The deferral is requested to the February 15, 2007
217 meeting.

218

219 Mr. Archer: Is there anyone present who is opposed to this
220 deferral, C-4C-07, Twin Oaks Business Park?

221

222 Mr. Jernigan: Is there anyone here on this case? I guess not.
223 Okay. Mr. Chairman, with that, I will move for deferral of C-4C-07 to February
224 15, 2007, by request of the applicant.

225

226 Mr. Vanarsdall: Second.

227

228 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr.
229 Vanarsdall. All in favor of the motion say aye. Those opposed say no. The ayes
230 have it; that motion carries.

231

232 Mr. Vanarsdall: Mr. Chairman, is it all right if Mr. Jernigan goes
233 home?

234

235 Ms. Moore: Next on page 5 of your agenda in the Brookland
236 District is case C-64C-06.

237

238 ***Deferred from the December 7, 2006 Meeting.***

239 **C-64C-06**

239 **Wistar Creek, LLC:** Request to conditionally rezone
240 from R-3 One Family Residence District to RTHC Residential Townhouse District
241 (Conditional), Parcels 767-750-8298, 767-751-8651, 768-750-0490, 768-751-
242 0638, -2435, -4119, and -1362 containing 24.46 acres, located on the south line
243 of Wistar Road approximately 142 feet west of Walkenhut Drive. The applicant
244 proposes a residential townhouse development with a maximum of 130 dwelling
245 units, an equivalent density of 5.31 units per acre. The maximum density allowed
246 in the RTH District is 9 units per acre. The use will be controlled by zoning
247 ordinance regulations and proffered conditions. The Land Use Plan recommends
248 Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Office.

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250 Ms. Moore: The deferral is requested to February 15, 2007.

251

252 Mr. Archer: All right. Is there anyone present who is opposed to
253 the deferment of the Wistar Creek, LLC in the Brookland District? I see no
254 opposition. Mr. Vanarsdall.

255

256 Mr. Vanarsdall: I move that C-64C-06 be deferred to February the
257 15th, at the applicant's request.

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Mr. Branin: Second.

Mr. Archer: Motion by Mr. Vanarsdall and seconded by Mr. Branin. All in favor of the motion say aye. Those opposed say no. The ayes have it; that motion carries.

Ms. Moore: On page 6 of your agenda in the Fairfield District, case C-55C-06.

Deferred from December 7, 2006 Meeting.

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

Ms. Moore: The deferral is requested to the February 15, 2007 meeting.

Mr. Archer: Thank you. Is there anyone present who is opposed to this deferment, First Centrum of Virginia, Inc., C-55C-06 in the Fairfield District? No opposition. Then I move for deferral of C-55C-06, First Centrum, to the February 15th meeting, at the request of the applicant.

Mr. Vanarsdall: Second.

Mr. Archer: Motion by Archer and seconded by Mr. Vanarsdall. All in favor of the motion say aye. Those opposed say no. The ayes have it; that motion is granted.

Ms. Moore: On page 7 of your agenda in the Three Chopt District, case C-19C-06.

Deferred from the April 13, 2006 Meeting.

C-19C-06 **G. Edmond Massie, IV for Fidelity Properties, Ltd.:** Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcels 746-763-2482, -2896, -1769, 746-764-3818, and 746-763-7257 containing 12.54 acres, located between the east line of Glasgow Road and the west line of Sadler Road, approximately 600 feet north of Ireland Lane. The applicant proposes a residential townhouse

304 development not to exceed 6 dwelling units per acre. The RTH Residential
305 Townhouse District allows a maximum gross density of 9 units per acre. The
306 proposed use will be controlled by Zoning Ordinance regulations and proffered
307 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
308 units net density per acre.

309

310 Ms. Moore: The deferral is requested to the March 15, 2007
311 meeting.

312

313 Mr. Archer: All right. Is there anyone present who is opposed to
314 deferring C-19C-06, Fidelity Properties, Limited? No opposition. Mr. Branin.

315

316 Mr. Branin: Mr. Chairman, I'd like to move that C-19C-06 be
317 deferred until the March 15, 2007 meeting, per the applicant's request.

318

319 Mrs. Jones: Second.

320

321 Mr. Archer: Motion by Mr. Branin, seconded by Mrs. Jones. All in
322 favor of the motion say aye. All opposed say no. The ayes have it; that motion's
323 granted.

324

325 Ms. Moore: Next case is C-8C-05.

326

327 ***Deferred from the April 13, 2006 Meeting.***

328 **C-8C-05 G. Edmond Massie, IV for Fidelity Properties, Ltd.:**

329 Request to conditionally rezone from A-1 Agricultural District to RTHC
330 Residential Townhouse District (Conditional), Parcel 746-764-5580, containing
331 approximately 4.54 acres, located on the west line of Sadler Road approximately
332 290 feet south of Wonder Lane. The applicant proposes a townhouse
333 development not to exceed six (6) units per acre. The maximum density allowed
334 in the RTH District is nine (9) units per acre. The uses will be controlled by
335 proffered conditions and zoning ordinance regulations. The Land Use Plan
336 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

337

338 Ms. Moore: Deferral is requested to the March 15, 2007 meeting.

339

340 Mr. Archer: All right. Is there opposition to the deferment of C-8C-
341 05, Fidelity Properties, Limited, in the Three Chopt District? No opposition. Mr.
342 Branin?

343

344 Mr. Branin: Mr. Chairman, I'd like to move for deferral of C-8C-05
345 to the March 15, 2007 meeting, per the applicant's request.

346

347 Mr. Vanarsdall: Second.

348

349 Mr. Archer: Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
350 in favor of the motion say aye. Those opposed say no. The ayes have it; the
351 motion carries.

352

353 Ms. Moore: Next is P-4-06.

354

355 ***Deferred from the November 9, 2006 Meeting.***

356 **P-4-06 Gloria Freye for Bechtel Corp.:** Request for a
357 Provisional Use Permit under Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of
358 the County Code in order to construct a 149' high telecommunication tower on
359 Parcel 744-771-3182, located on the east line of Shady Grove Road north of
360 Hames Lane. The existing zoning is A-1 Agricultural District. The Land Use Plan
361 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

362

363 Ms. Moore: The deferral is requested to the March 15, 2007
364 meeting.

365

366 Mr. Archer: Is there anyone present who is opposed to the
367 deferment of P-4-06, Bechtel Corporation for Cingular in the Three Chopt
368 District? No opposition. Mr. Branin.

369

370 Mr. Branin: Mr. Chairman, I'd like to move for deferral for P-4-06
371 to the March 15th meeting, per the applicant's request.

372

373 Mrs. Jones: Second.

374

375 Mr. Archer: Motion by Mr. Branin, seconded by Mrs. Jones. All in
376 favor of the motion say aye. Those opposed say no. The ayes have; that motion
377 is carried.

378

379 Ms. Moore: Next is case C-49C-06.

380

381 ***Deferred from the December 7, 2006 Meeting***

382 **C-49C-06 Caroline L. Nadal for Rockwood, Inc:** Request to
383 conditionally rezone from A-1 Agricultural District to R-2AC One Family
384 Residence District (Conditional), Parcels 738-771-6301, -4105, and -2400,
385 containing approximately 7.081 acres, located on the east line of Pouncey Tract
386 Road approximately 1,412 feet north of its intersection with Shady Grove Road.
387 The applicant proposes a single-family residential subdivision with a maximum
388 density not to exceed 2.0 units per acre. The R-2A District allows a minimum lot
389 size of 13,500 square feet and a maximum gross density of 3.23 units per acre.
390 The use will be controlled by zoning ordinance regulations and proffered
391 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
392 units net density per acre.

393

394 Ms. Moore: The deferral is requested to the February 15, 2007
395 meeting.

396
397 Mr. Archer: Thank you. Is there anyone present who is opposed
398 to the deferment of C-49C-06, Rockwood, Incorporated, in the Three Chopt
399 District? No opposition. Mr. Branin.

400
401 Mr. Branin: Mr. Chairman, I'd like to move that C-49C-06 be
402 deferred to the February 15th meeting, by the applicant's request.

403
404 Mr. Jernigan: Second.

405
406 Mr. Archer: Motion by Mr. Branin, seconded by Mr. Jernigan. All
407 in favor of the motion say aye. Those opposed say no. The ayes have it; that
408 motion is carried.

409
410 Ms. Moore: On page 8 of your agenda is case C-59C-06.

411
412 ***Deferred from the December 7, 2006 Meeting.***
413 **C-59C-06 Andrew Condlin for Towne Center West, LLC:**
414 Request to conditionally rezone from B-2C Business District (Conditional) to R-
415 6C General Residence District (Conditional), part of Parcels 734-764-9340 and
416 736-764-1136, containing 13.56 acres (Parcel B - approximately 9.38 acres and
417 Parcel I approximately - 4.18 acres), located on the north line of West Broad
418 Street (U. S. Route 250) approximately 540 feet east of N. Gayton Road (Parcel
419 B) and approximately 650 feet north of W. Broad Street (U. S. Route 250) (Parcel
420 I). The applicant proposes retail and office uses with no more than 165 multi-
421 family dwelling units on Parcel B, and retail and office uses with no more than 75
422 multi-family dwelling units on Parcel I. The R-6 District allows a minimum lot size
423 of 2,200 square feet per family for multi-family dwellings and a maximum gross
424 density of 19.80 units per acre. The uses will be controlled by zoning ordinance
425 regulations and proffered conditions. The Land Use Plan recommends Mixed
426 Use. The site is in the West Broad Street Overlay District.

427
428 Ms. Moore: The deferral is requested to the February 15, 2007
429 meeting.

430
431 Mr. Archer: All right. Is there anyone present opposed to the
432 deferring of C-59C-06, Towne Center West, LLC, Three Chopt District? No
433 opposition. Mr. Branin?

434
435 Mr. Branin: Mr. Chairman, I'd like to move that C-59C-06 be
436 deferred until the February 15, 2007 meeting, per the applicant's request.

437
438 Mr. Vanarsdall: Second.

439

440 Mr. Archer: Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
441 in favor say aye. Those opposed say no. The ayes have it; the motion carried.

442
443 Ms. Moore: Mr. Chairman, the last request we received is also on
444 page 8. It's P-19-06.

445
446 ***Deferred from the December 7, 2006 Meeting.***

447 **P-19-06 Andrew Condlin for Towne Center West, LLC:**
448 Request for a Provisional Use Permit under Sections 24-36.1(b), 24-120 and 24-
449 122.1 of the County Code to permit retail and office uses within the proposed
450 multi-family development on parts of Parcel 734-764-9340, and 736-764-1136,
451 located on the north line of W. Broad Street (U. S. Route 250) approximately 540
452 feet east of N. Gayton Road (Parcel B) and approximately 650 feet north of West
453 Broad Street (U.S. Route 250) (Parcel I). The existing zoning is B-2C Business
454 District (Conditional). The property is the subject of rezoning case C-59C-06,
455 which proposes to rezone the property to R-6C General Residence District
456 (Conditional). The Land Use Plan recommends Mixed Use. The site is in the
457 West Broad Street Overlay District.

458
459 Ms. Moore: The deferral is requested to the February 15, 2007
460 meeting.

461
462 Mr. Archer: Okay. Is there anyone present who is opposed to this
463 deferment, P-19-06, Towne Center West in the Three Chopt District? No
464 opposition. Mr. Branin.

465
466 Mr. Branin: Mr. Chairman, I'd like to make a motion to defer P-19-
467 06 to the February 15, 2007 meeting, per the applicant's request.

468
469 Mrs. Jones: Second.

470
471 Mr. Archer: Motion by Mr. Branin and seconded by Mrs. Jones.
472 All in favor of the motion say aye. Those opposed say no. The ayes have it. Is
473 that it, Ms. Moore?

474
475 Ms. Moore: Yes it is. Now I can go back to the one case I
476 mentioned for withdrawal. That is case C-1C-07.

477
478 **C-1C-07 Florence Cooper and Ernest Bernstein:** Request to
479 conditionally rezone from B-3 Business District to R-6C General Residence
480 District (Conditional), Parcel 826-719-6572, containing 6.986 acres, located at
481 the northeast intersection of E. Nine Mile Road (State Route 33) and Hart Street.
482 The applicant proposes a senior housing complex with a maximum of 120
483 residential units. The R-6 District allows a maximum gross density of 19.80 units
484 per acre. The use will be controlled by zoning ordinance regulations and

485 proffered conditions. The Land Use Plan recommends Commercial Arterial. The
486 site is in the Airport Safety Overlay District and the Enterprise Zone.

487
488 Ms. Moore: The applicant has requested to withdraw this
489 application; therefore, no action is required by the Commission.

490
491 Mr. Archer: All right. Thank you.

492
493 Mr. Silber: That is C-1C-07?

494
495 Mr. Archer: C-1C-07. That's correct.

496
497 Mr. Archer: Were there any others from the Commission? Any
498 other deferrals?

499
500 Mr. Vanarsdall: Any opposition to the withdrawal.

501
502 Mr. Archer: Don't think so. Don't think so, Mr. Vanarsdall.

503
504 Mr. Silber: Next on the agenda would be consideration of
505 expedited cases. These are cases that are on the agenda that have no
506 outstanding issues. There is no known opposition. Staff is recommending in favor
507 of these requests. In light of the nature of the request, these are placed on a
508 different agenda that can be heard without testimony. If there is opposition to
509 these cases, they would be pulled off of the expedited agenda and heard in the
510 order in which they're found on the full agenda. I believe we only have one
511 expedited item this evening?

512
513 Ms. Moore: That's correct. It's on page 8 of your agenda in the
514 Three Chopt District. It's case C-6C-07.

515
516 **C-6C-07 Imperial Real Estate Holdings, LLC:** Request to
517 conditionally rezone from R-3 One-Family Residence District to O-2C Office
518 District (Conditional), Parcel 758-753-8008, containing 1.053 acres, located on
519 the southeast line of N. Parham Road approximately 500 feet north of Mayland
520 Drive. The applicant proposes a parking lot for an adjacent office building. The
521 use will be controlled by zoning ordinance regulations and proffered conditions.
522 The Land Use Plan recommends Office.

523
524 Mr. Archer: All right. Is there anyone present who is opposed to
525 C-6C-07, Imperial Real Estate Holdings, LLC? I see no opposition. We're ready
526 for a motion.

527
528 Mr. Branin: Mr. Chairman, I'd like to move that C-6C-07 be placed
529 on the expedited agenda and move forward with approval to the Board of
530 Supervisors.

531
532 Mr. Jernigan: Second.
533
534 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Jernigan.
535 All in favor of the motion say aye. Those opposed say no. The ayes have it; the
536 case is approved.
537
538 **REASON:** The Planning Commission voted 5-0 (one abstention)
539 to recommend the Board of Supervisors grant the request because it continues
540 the zoning pattern in the area, conforms to the recommendations of the Land
541 Use Plan, and would not adversely affect the adjoining area if properly developed
542 as proposed.
543
544 Ms. Moore: Thank you, Mr. Chairman.
545
546 Mr. Archer: Thank you, ma'am.
547
548 Mr. Vanarsdall: Thank you, Ms. Moore.
549
550 Mr. Silber: Next on the agenda is the election of the Chairman
551 and Vice Chairman. This is done annually. It's my duty and honor each year to
552 preside over the election of the Chairman and Vice Chairman. This is always
553 done at the first meeting of January of each year. I'd like to start by opening the
554 floor for nominations for Chairman of the Planning Commission for 2007.
555
556 Mr. Vanarsdall: All right. Mr. Secretary, I place the name of Tommy
557 Branin for Chairman and Ray Jernigan for Vice Chairman.
558
559 Mr. Silber: Can we maybe do one at a time, Mr. Vanarsdall?
560
561 Mr. Vanarsdall: Tommy Branin first.
562
563 Mr. Silber: Mr. Vanarsdall's made a motion to nominate Tommy
564 Branin for the Chairman for 2007. Is there a second to that motion?
565
566 Mr. Archer: I'll second that motion.
567
568 Mr. Silber: Seconded by Mr. Archer. Are there any other
569 nominations?
570
571 Mr. Archer: I move the nominations be closed.
572
573 Mr. Silber: Motion to close the nominations by Mr. Archer.
574
575 Mr. Jernigan: Second.
576

577 Mr. Silber: Seconded by Mr. Jernigan. Being no further
578 nominations, we need a vote on Mr. Branin serving as the Chairman of the
579 Planning Commission. Those in favor say aye. Those opposed?
580 Congratulations, Mr. Branin.
581
582 Mr. Silber: If we can do that again for the Vice Chairman, I would
583 appreciate it. I'll open the floor for nominations for Vice Chairman of 2007.
584
585 Mr. Vanarsdall: Mr. Ray Jernigan.
586
587 Mr. Silber: Motion by Mr. Vanarsdall for Mr. Jernigan as Vice
588 Chairman for 2007. Is there a second?
589
590 Mr. Branin: Second.
591
592 Mr. Silber: Mr. Branin seconded the motion. Are there any other
593 nominations? Do we have a motion to close the nominations?
594
595 Mr. Archer: I move we close the nominations.
596
597 Mr. Vanarsdall: I second.
598
599 Mr. Silber: Motion by Mr. Archer, seconded by Mr. Vanarsdall to
600 close the nominations. Being there's no further nominations, we need a vote on
601 Mr. Jernigan serving as the Vice Chairman of the Planning Commission. Those
602 in favor say aye. Opposed? Congratulations, Mr. Jernigan.
603
604 Mr. Jernigan: Thank you.
605
606 Mr. Silber: With that, you might want to switch chairs.
607
608 Mr. Branin: Mr. Archer, if you could come down. Ladies and
609 gentlemen, Mr. Archer has provided unbelievable leadership and everyone that
610 works with him knows the diligence he puts into his job and leadership that he's
611 shown us in the past year. We'd like to present him with a gift of thanks for his
612 leadership, for his friendship, and his good nature.
613
614 Mr. Vanarsdall: Save the paper, will you?
615
616 Mr. Branin: I knew you'd say that.
617
618 Mr. Archer: I know it's not a pony. Well, it's not a necktie. Well,
619 thank you. Great—
620
621 Mr. Jernigan: That's the second person to do that this week.
622

623 Mr. Vanarsdall: I can fold that and make a handkerchief out of it.
624
625 Mr. Archer: Oh, how nice. I don't think I'm going to show you all
626 what it is. Oh, boy. Nice.
627
628 Mr. Archer: Thank you so much; it's nice. I'm not going to make a
629 long speech. I was just telling someone it was exactly 11 years ago tonight,
630 January 11, 1996, that I attended my first Planning Commission meeting. It was
631 one of those nights where we had standing room only in here. It was a case out
632 of Varina. I remember it had something to do with a marina. The tension in the
633 air was so thick you could almost cut it. I was sitting up there scared to death
634 thinking all these people were in here to pick on me. It turned out to be
635 somebody else and I'm very grateful for that.
636
637 Mr. Archer: At that particular moment, I was thinking to myself,
638 "What in the world have I gotten myself into." That was the time that we were
639 having a snowstorm. There was about eight inches of snow on the ground. I think
640 it was the first time the County had been open in a couple days. It's been a great
641 11 years. I've had the privilege of chairing three times now and I've had the
642 opportunity to work with some of the premier planners and planning
643 commissioners I think in the land, as well as some of you that we have to work
644 with on a daily basis. I can only hope that I deserve this. Thank you so much.
645
646 Mr. Vanarsdall: It's a far cry from the way it happened at Powhatan
647 last night, isn't it.
648
649 Mr. Silber: Okay. Anyone else have any more gifts they want to
650 give each other? No? Okay. We'll move on to the agenda. The first would be a
651 plan of development and transitional buffer deviation.
652
653 ***Deferred from December 13, 2006 Planning Commission Meeting.***
654 **POD-71-06 Glen Allen Service Center:** Request for a Plan of
655 Development and Transitional Buffer Deviation to construct a one-story, 3900-
656 square-foot auto service repair shop. The 6/10ths of an acre site is located on the
657 south line of Mountain Road in the Brookland District.
658
659 Mr. Branin: Is anyone in opposition of POD-71-06? Mr.
660 Kennedy?
661
662 Mr. Kennedy: Good evening members of the Commission. Glen
663 Allen Service Center has proposed to construct on a vacant parcel to the west of
664 the existing Glen Allen Service Center located at the southwest corner of
665 Mountain Road and Hamilton Road. Eighteen spaces are required and 20
666 parking spaces are going to be provided. The applicant's requested the Condition
667 #36 regarding cross access be deleted. As the plans have annotated to prohibit
668 cross access at this time, we have no objection to this request. A transitional

669 buffer deviation has been requested to reduce the required buffer on the western
670 property line in order to allow additional onsite parking. Since the fence is
671 proffered to be along this property line, the transitional buffer matrix requires a
672 21-foot-wide buffer at the location. Transitional buffers are intended to buffer
673 less intense uses from more intense uses based on the zoning classification. The
674 adjoining property to the west is zoned A-1 and is a less intense use by zoning
675 classification; however, by use it is occupied by a Post Office, which arguably is
676 as equally an intense use. Comparable use, public use for this government use
677 would be the UPS service center, which would be a B-3 use. Therefore, staff has
678 no objection to reducing the landscape buffer to the minimum 6 foot required by
679 Code. We feel it's a reasonable request. The strip will be planted with a
680 hedgerow of arborvitae plants 10 foot on center. The additional parking would
681 also be screened from the south by a proffered fence and existing 15-foot wide
682 tree line. Additional parking would be screened from Mountain Road by
683 minimum 25-foot landscape buffer, which would contain a continuous row of
684 evergreen shrubs and a combination of trees consisting of [unintelligible], crab
685 apples, and Chinese cherry trees with additional materials to be determined at
686 the time of landscape approval. The plan satisfies applicable zoning
687 requirements and design standards; therefore, staff recommends approval of the
688 plan and the transitional buffer deviation subject to the annotations of the plans,
689 the standard conditions for plans of this type, and additional conditions 24
690 through 38 on the agenda, with condition #36 deleted and conditions 9 and 11
691 amended. I am available to answer your questions if you have any and the
692 engineer is present here to answer questions as well.

693

694 Mr. Branin: Do any Commissioners have any questions?

695

696 Mrs. Jones: Did you say #36 deleted?

697

698 Mr. Kennedy: Number 36 deleted. It has to do with cross access.
699 The plan has been annotated to create a cross access with the existing center

700

701 Mr. Vanarsdall: Mike and I have talked several times, several days.

702

703 Mr. Branin: Mr. Vanarsdall, do you need to hear from the
704 applicant?

705

706 Mr. Vanarsdall: Not unless somebody else does.

707

708 Mr. Vanarsdall: Thank you for your help, Mike.

709

710 Mr. Branin: Mr. Vanarsdall?

711

712 Mr. Vanarsdall: Let's see, I recommend approval of POD-71-06 with
713 #9 amended, #11 amended, and conditions 24 through 35, delete 36, and then
714 we have 37 and 38. Then I will make a motion for the buffer deviation.

715
716 Mr. Jernigan: Second.
717
718 Mr. Branin: Motion made by Mr. Vanarsdall, seconded by Mr.
719 Jernigan. All in favor? All opposed? The motion passes.
720
721 Mr. Vanarsdall: I recommend approval of the buffer deviation on case
722 POD-71-06.
723
724 Mr. Jernigan: Second.
725
726 Mr. Branin: Motion made by Mr. Vanarsdall, seconded by Mr.
727 Jernigan. All in favor? All opposed?
728
729 Mr. Vanarsdall: Mr. and Mrs. McMillan, Ellen and Jimmy are in the
730 audience and I wish you all the luck with the new place. Thank you for coming a
731 second time. Thank you, Spud.
732
733 Mr. Branin: The motion's approved.
734
735 Mr. Archer: Mr. Chairman, before we go further, I would remiss if I
736 didn't tell everybody that deep down in my bag there's a gift certificate for Dick's
737 Sporting Goods.
738
739 Mr. Vanarsdall: Or Victoria's Secret.
740
741 Mr. Branin: Dick's Sporting Goods.
742
743 Mr. Vanarsdall: Oh, I thought it was Victoria's Secret.
744
745 Mr. Archer: Well, we'll know what to get you next time around.
746
747 Mr. Silber: Perhaps before we move on to the next case, I
748 wanted to also point out that it's typical that the Board member serving on the
749 Planning Commission typically abstains from voting on rezoning cases while
750 sitting on the Planning Commission. It's not necessarily or absolutely necessary,
751 but that's typically the practice. So, Mr. Thornton, if you want to continue that
752 practice, you may. We will note you as abstaining unless you do note that you
753 want to vote on a case. Mr. Thornton will have an opportunity to vote on all these
754 cases as they move out of the Planning Commission and on to the Board of
755 Supervisors. So, moving to the first rezoning request that would be on page 4.
756
757 **C-2-07 Eugene Fitz:** Request to rezone from A-1 Agricultural
758 District to R-3 One-Family Residence District, Parcel 828-722-6529, containing
759 1.009 acre, located on the southwest line of Midage Lane approximately 900 feet
760 northwest of Hanover Road. The applicant proposes to construct an additional

761 single-family dwelling. The R-3 District allows a minimum lot size of 11,000
762 square feet and a maximum gross density of 3.96 units per acre. The use will be
763 controlled by zoning ordinance regulations. The Land Use Plan recommends
764 Suburban Residential 1, 1.0 to 2.4 units net density per acre. The site is in the
765 Airport Safety Overlay District.

766

767 Mr. Branin: Is there anyone in opposition of C-2-07, Eugene Fitz?
768 We have opposition? Mr. Secretary, would you please review the rules.

769

770 Mr. Silber: I'd be happy to. The Planning Commission's policy on
771 hearing rezoning requests is the applicant is given 10 minutes to present their
772 case after staff presents the request. The applicant has 10 minutes to present
773 their case. Some of that time may be reserved for rebuttal. The opposition also
774 have 10 minutes collectively to present their case and argument of the recent
775 request. The Planning Commission can extend those time periods, but that is
776 the general policy of the Planning Commission.

777

778 Mr. Lewis: All right. C-2-07. Thank you, Mr. Secretary.

779

780 Mr. Branin: Good evening, Mr. Lewis.

781

782 Mr. Lewis: Good evening, Mr. Chairman and members of the
783 Commission. This is a request to rezone a one-acre parcel at 1411 Midage Lane
784 from A-1 to R-3 to allow a two-lot subdivision and construction of one new single-
785 family residence. This property is bordered by R-4 zoning to the west and A-1
786 zoning to the east, as seen on this map. The request and its proposed two units
787 per acre is consistent with the 2010 Lane Use Plan Suburban Residential One
788 Designation, which recommends 1 to 2.4 units per acre.

789

790 As stated in a letter from the applicant and shown on this un-proffered conceptual
791 plan, the applicant intends to construct an approximately 1600-square-foot, one-
792 story frame house with brick external foundation walls, a two-car attached
793 garage, and vinyl siding. Given the proximity of county water and sewer in
794 Midage Lane, the applicant would be required to connect the new residence to
795 these utilities. Because the proposed project, as described, is consistent with the
796 2010 Land Use Plan, and the scale and size of development would be
797 compatible with the area, staff supports the request.

798

799 This concludes my presentation. I'll be happy to take any questions.

800

801 Mr. Jernigan: I don't have any questions, Mr. Chairman. I'd like to
802 hear from the applicant.

803

804 Mr. Branin: Okay.

805

806 Mr. Fitz: Good evening. I'll briefly explain—

807

808 Mr. Jernigan: State your name for the record, please.

809

810 Mr. Fitz: I'm sorry. Eugene Fitz. I'll briefly explain my
811 intentions. I bought this property in August of '06. I've been working on
812 refinishing the house and fixing it up, the house that's already existed. There's
813 another vacant lot adjacent to that, which is part of the one-acre property that I
814 bought. I hope to just to be able to rezone it, and like Mr. Lewis said, to build a
815 single-family frame house consistent with the neighboring houses that are in the
816 area. This is what I consider a transitional zone request. If you look at the house,
817 to the right of the house is zoned R-4, which is part of the subdivision, a separate
818 subdivision. To the left of the house and directly in front of the house are zoned
819 A-1. What I'm requesting is a zone R-3, which would be a transition from the R-4
820 to the A-1. I don't know exactly what else to explain, but I just found out tonight
821 that there was some opposition. I spoke to the immediate neighbors before I put
822 this request in. No one had any opposition to it, so I'm kind of surprised by the
823 opposition, but I respect their opposition and I'm willing to work with them as
824 much as I can.

825

826 Mr. Jernigan: Mr. Fitz, what's the square footage of the surrounding
827 houses?

828

829 Mr. Fitz: I believe they range from 1200 to 1400-1500 square
830 foot.

831

832 Mr. Jernigan: Okay.

833

834 Mr. Branin: Does anybody else have any questions for Mr. Fitz?
835 Thank you, sir.

836

837 Mr. Jernigan: Thank you.

838

839 Mr. Branin: The opposition?

840

841 Mr. Krumwiede: Mr. Chairman, members. My name's Robert
842 Krumwiede. I'm a resident of Midage Lane. I brought with me today a petition.
843 Well, first of all, there are seven other one-acre lots on Midage. I have a petition
844 signed by six of the owners requesting that this be denied. The seventh owner
845 was unavailable to sign, but has stated that he's against it also. We have several
846 reasons for opposing this. Basically, we're opposed to any action that's going to
847 increase the noise level or congestion on our street. If you look at the map, you
848 can see the one-acre lots are here. There's a lot of room. We are afraid that this
849 will set a precedence and soon our street will look like the connecting street here,
850 Carlstone. When two cars pass each other on this street, you have to pull to the
851 side because it's so congested. We're also afraid that it might decrease our
852 housing values. All the houses in this area are valued at \$40,000 less than any

853 houses on Midage. The residents here take great pride in their street and their
854 house. They will cut their grass and trim it as often as once a week. There's
855 been a rental sign put in front of the existing house and we're afraid that the
856 investor's going to turn the second house into a rental. People that rent typically
857 don't have the same pride in their yard as people who own their houses, so we're
858 afraid of that. We can see many advantages of the request to the requesting
859 person, but we don't see any advantages to the other residents who live there.
860 Personally, I bought in this neighborhood because it was on a one-acre lot. It
861 gives you a little bit of privacy while still being a neighbor and I'd like to keep it
862 that way. Thank you.

863

864 Mr. Silber: Sir, can you tell us your last name again, please?

865

866 Mr. Krumwiede: Krumwiede. Should I spell it?

867

868 Mr. Silber: Sure.

869

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

871

872 Mr. Silber: Thank you very much.

873

874 Mr. Jernigan: Mr. Krumwiede? I'm sorry, go ahead. I will say that,
875 first of all, I was not aware—When this case came to me and I looked it over, it
876 had staff support, there was no opposition, and I still had never heard of any
877 opposition until I walked in this room tonight. Mr. Lewis told me that we had
878 opposition. I wish you all had called me prior to this meeting.

879

880 Mr. Krumwiede: When the zoning sign went up saying that it was
881 going to be rezoned, I called the County and said, "What do we do?" They said,
882 "Show up at the meeting." So, several of the residents and I are here.

883

884 Mr. Jernigan: They didn't tell you to call me?

885

886 Mr. Krumwiede: No sir.

887

888 Mr. Jernigan: All right. Well, I'll tell you, I didn't spend a whole lot of
889 time on this case because it was kind of a straight-up case. I'm not going to
890 approve a case that we have opposition. I think what I'm going to do is just take
891 a Commission deferral on this and sit back and talk to you folks. I want you to
892 realize there's only one other lot on here that you can split. The rest of these lots,
893 by the position of the house, you can't split the lots up. So, there's one additional
894 lot that you could do this to and that's it. Where do you live on here, sir?

895

896 Mr. Krumwiede: I'm at 1422. I live across the street and two houses
897 down from the applicant.

898

899 Mr. Jernigan: Are any of the next-door neighbors here?
900
901 Mr. Krumwiede: Yeah, we have one who lives right next to the
902 property with us tonight.
903
904 Mr. Jernigan: Okay. All right. Mr. Chairman, I'm going to move for
905 Commission deferral on this to February 15, 2007.
906
907 Mr. Branin: Okay. That's your motion?
908
909 Mr. Vanarsdall: If that's a motion, I'll second it.
910
911 Mr. Branin: Okay. Motion made by Mr. Jernigan and seconded
912 by Mrs. Jones. All in favor?
913
914 Mr. Jernigan: Would you give your name and phone number to one
915 my staff personnel and they'll give it to me? I'll be in contact.
916
917 Mr. Krumwiede: I certainly will.
918
919 Mr. Jernigan: Thank you so much.
920
921 Mr. Branin: All opposed?
922
923 Mr. Silber: Who made the second?
924
925 Mr. Branin: Second by Mrs. Jones.
926
927 Mr. Silber: Mr. Jernigan, I don't know if you saw this, but we did
928 receive a petition.
929
930 Mr. Jernigan: Yes sir. I'd given up to you for the records.
931
932 Mr. Silber: Okay, thank you very much. We will maintain it in the
933 files.
934
935 Mr. Branin: Mr. Jernigan, are you going to have a neighborhood
936 meeting?
937
938 Mr. Jernigan: I'm going to just call him on the phone. I'll set up
939 something local.
940
941 Mr. Branin: All right. Mr. Secretary?
942
943 Mr. Silber: Yes sir. Moving to the next request on page 5 of your
944 agenda.

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AMENDMENT TO THE HENRICO 2010 LAND USE PLAN MAP: The Planning Commission will consider an amendment to the Henrico County 2010 Land Use Plan Map to designate Staples Mill Centre Site—comprised of approximately 79.5 acres and generally bordered by the Libbie Avenue, Spencer Road, Bethlehem Road, Staples Mill Road, and north of Mayfield subdivision—as an Urban Mixed Use Development Area (UMU).

Mr. Silber: There are three items on your agenda this evening that deal with this request. The first is an amendment to the Land Use Plan, the second is a rezoning request, and the third is a provisional use permit. They all relate to a request for an Urban Mixed Use Development. The first would be a requirement to amend the County’s Land Use Plan Map. Secondly, is the rezoning request, C-5C-07.

C-5C-07 Gumenick Properties: Request to conditionally rezone from R-3 One Family Residence District, R-5 General Residence District, R-6C General Residence District (Conditional), O-2 Office District, B-1 Business District, B-2C Business District (Conditional) and M-1 Light Industrial District to UMUC Urban Mixed Use Development (Conditional), Parcels 773-741-3132, -2637, -4222, -3726, -6011, -7505, -5414, -6808, -8102, 773-739-8155, 773-740-5043, -9498, -8899, 774-739-3999, -4569, -5043, 774-740-0096, -3584, -2888, -2190, -4182, -0894, -1592, 772-740-1743, -1137, -0431, -2836, -4023, -2229 and 771-740-9118, containing approximately 79.5 acres, located on the east line of Libbie Avenue, approximately 310 feet north of West Broad Street (U. S. Route 250) to its intersection with N. Crestwood Avenue, then between the south line of N. Crestwood Avenue to the south line of Bethlehem Road, and the east line of Spencer Road and the west line of Staples Mill Road (U. S. Route 33). The applicant proposes an urban mixed-use development (Staples Mill Centre) including offices, commercial and a maximum of 2,090 residential units (including single-family, townhouse, condominiums, and multi-family). The uses will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Office, Office/Service, Commercial Concentration, Semi-Public and Environmental Protection Area. A small area of the site is in the Enterprise Zone.

Mr. Silber: The third component of this would be a request by the same applicant for a provisional use permit relating to a master plan for the proposed Staples Mill Center, Urban Use Development, and to permit certain uses and exceptions to height, setbacks, and square footage of uses. Again, the same 79.5 acres of property.

P-1-07 Gumenick Properties: Request for a Provisional Use Permit under Sections 24-32.1(a), 24-32.1(e), 24-32.1(l), 24-32.1(m), 24-32.1(t), 24.32.1(u), 24-34.1(c), and 24-122.1 of Chapter 24 of the County Code, related to a Master Plan for the proposed Staples Mill Center Urban Mixed Use

991 development and to permit certain uses and exceptions to height, setbacks, and
992 square footage of uses on Parcels 773-741-3132, -2637, -4222, -3726, -6011, -
993 7505, -5414, -6808, -8102, 773-739-8155, 773-740-5043, -9498, -8899, 774-739-
994 3999, -4569, -5043, 774-740-0096, -3584, -2888, -2190, -4182, -0894, -1592,
995 772-740-1743, -1137, -0431, -2836, -4023, -2229 and 771-740-9118, containing
996 approximately 79.5 acres, located on the east line of Libbie Avenue,
997 approximately 310 feet north of West Broad Street (U. S. Route 250) to its
998 intersection with N. Crestwood Avenue, then between the south line of N.
999 Crestwood Avenue to the south line of Bethlehem Road, and the east line of
1000 Spencer Road and the west line of Staples Mill Road (U. S. Route 33). The
1001 existing zoning is R-3 One-Family Residence District, R-5 General Residence
1002 District, R-6C General Residence District (Conditional), O-2 Office District, B-1
1003 Business District, B-2C Business District (Conditional) and M-1 Light Industrial
1004 District. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4
1005 units net density per acre, Office, Office/Service, Commercial Concentration,
1006 Semi-Public and Environmental Protection Area. A small area of the site is in the
1007 Enterprise Zone
1008

1009 Mr. Branin: Mr. Secretary, we're going to listen to all three of
1010 these together, correct?
1011

1012 Mr. Silber: I think staff is prepared to present all three. It will
1013 require separate actions by the Planning Commission for the Land Use Plan
1014 amendment, the zoning case, and the use permit.
1015

1016 Mr. Branin: Is anyone in opposition of C-5C-07, Staples Mill
1017 Center Land Use Plan? We've got one. Sir, you heard the rules earlier on the
1018 last case? We'll review them for you real quick.
1019

1020 Mr. Silber: The Planning Commission policies stipulate the
1021 applicant has 10 minutes to present his case. The opposition has 10 minutes to
1022 present their opposition. The Planning Commission can extend those 10 minutes,
1023 but it is their policy to allow 10 minutes on each side. The applicant can save
1024 some of their time for rebuttal after hearing from the opposition.
1025

1026 Mr. Branin: You're welcome to come down front and sit, sir, but
1027 you're going to have to wait until we hear the case. I'll call for you. Mr. Tyson.
1028

1029 Mr. Tyson: Mr. Chairman, Mr. Thornton, members of the
1030 Commission, Mr. Secretary. As the Secretary suggested, this does consist of
1031 three applications or requests to amend the 2010 Land Use Plan to designate the
1032 Staples Mill Center for Urban Mixed Use, a request to zone the property Urban
1033 Mixed Use, and an application for Master Plan approval for the project. The
1034 applicant is also requesting approval for certain uses under the PUP that are not
1035 otherwise permitted within the zoning classification.
1036

1037 The subject property is currently designated for SR-2 Suburban Residential,
1038 Office / Service, Commercial Concentration, Semi-Public, and Environmental
1039 Uses. In order to be considered for the UMU designation, the applicant must
1040 demonstrate that the project meets the following criteria: it meets the design
1041 standards set forth in the Urban Mixed Use Zoning Ordinance Regulations; it's
1042 compatible with existing land uses; it has adequate infrastructure and cannot
1043 contain uses that will stress the County's ability to provide services; it has
1044 sufficient public facilities and public services; is served by necessary
1045 transportation facilities; provides sufficient design criteria demonstrating a high
1046 level of quality; and, demonstrates a desirable mix and balance of various land
1047 uses.

1048
1049 The staff report that was forwarded to you identified impacts on fire services,
1050 schools, and the potential fiscal impact on the County as outstanding issues;
1051 however, Schools' Administration has re-examined the potential student yield of
1052 the development and believes that the student populations can be
1053 accommodated through planned school improvements. Additionally, the Finance
1054 Department was provided with additional information concerning the fiscal impact
1055 of the project and has re-examined that aspect of the development. The Finance
1056 Department now believes that the project will have a net positive financial impact.

1057
1058 The Fire Department's concerns have been addressed through the requirement
1059 that all buildings, except single-family detached dwellings, will be sprinkled. It is
1060 felt that the additional infrastructure that may be needed as a result of this project
1061 can best be addressed through the annual CIP process.

1062
1063 The applicant has provided a project summary as follows. There are 79.5 acres
1064 under consideration. Approximately 165,000 square feet of commercial space,
1065 including a mixture of retail and office uses, with the potential for 65,000 square
1066 feet of grocery store space under an alternative conceptual plan, has been
1067 proposed. No more than 2,096 dwelling units, broken down as follows: 1,096
1068 apartments, 571 condominiums for sale, and 423 townhouses and single-family
1069 units for sale, would be proposed. A community clubhouse of approximately
1070 6,000 square feet is proposed and 1,767 parking spaces including structured
1071 parking are proposed.

1072
1073 The applicant is proposing to develop this site in six phases. Phase 1 would
1074 consist of the retail core and some apartment uses. Phase 2 would consist of the
1075 residential uses on the northern edge of the property, including a portion of the
1076 single-family detached dwellings along Bethlehem Road and the Community
1077 Center. Phase 3 would contain townhouse development, as well as additional
1078 single-family detached dwellings. Phase 4 would consist of mixed townhouse
1079 and apartment uses, as well as the potential for a 20,000-square-foot office
1080 building on Libbie Avenue. Phase 5 would consist of additional multi-family
1081 homes, a portion of which could be developed in an alternative scenario as
1082 65,000 square feet of grocery store space. Phase 6 would consist of two high-

1083 rise multi-family buildings with a maximum height of 175 feet. The build-out of
1084 the project is set at approximately 2014.

1085
1086 Multi-family units would be contained in buildings 1, 2, 4, and 5. Units would
1087 range in size from 450 square feet for studio space to 1,200 square feet for
1088 three-bedroom units. Building heights are proffered not to exceed 75 feet. That
1089 is also a condition of the provisional use permit. Parking would be provided on
1090 the ground floor, as well as on surface lots. The buildings would be five stories
1091 tall, four residential above parking, and a potential retail space on the ground
1092 floor. No more than 625 Certificants of Occupancy for rental units would be
1093 issued prior to 100 Certificates of Occupancy being issued for owner-occupied
1094 dwellings. Two hundred and seventy-five CO's for rental units could be permitted
1095 for each additional 50 owner-occupied dwellings. It's anticipated that these
1096 buildings would be constructed in phases 1, 2, 4, and 5.

1097
1098 Multi-family for-sale units would be contained in building 2. Units would range in
1099 size from 700 to 1,000 square feet. Building height limit is set at 75 feet. Ground
1100 floor parking would be provided with four residential floors above. It's anticipated
1101 that this would be constructed in Phase 4 of the development.

1102
1103 Multi-family units for sale would be contained in two high-rise buildings. The units
1104 would range from 700 to 1,000 square feet in floor area. The height of these
1105 buildings could not exceed 175 feet. Four floors of parking with retail space
1106 permitted on the first floor would give way to 11 floors of residential use above
1107 and a rooftop plaza which would provide a unique space for these residents. It's
1108 anticipated that this would be constructed as Phase 6 of the development.

1109
1110 Multi-family for-sale units would also be contained in Buildings 8, 9, and 10.
1111 Individual units would be between 700 and 1,000 square feet in size and the
1112 buildings could not exceed 60 feet in height. Parking for these would be provided
1113 via surface lots.

1114
1115 In order to achieve the urban feel appropriate for an Urban Mixed Use site, the
1116 applicant is proposing five varieties of townhouse types. Units would range in
1117 size from 1400 to 3300 square feet in size. All would have off-street garage
1118 parking and would be up to a maximum of 50 feet in height. The Type E
1119 townhouses are a different design in that there are actually two 2-story buildings
1120 constructed on top of each other within the same building.

1121
1122 Single-family dwellings, which are not ordinarily permitted in UMU's, would be
1123 permitted in Staples Mill Center through the provisional use permit process.
1124 Single-family dwellings are proffered to be between 2600 and 3,000 square feet
1125 in size and no more than 35 feet in height.

1126

1127 A 6,000-square-foot community building would provide a focal point and civic
1128 space for the project. A swimming pool, locker rooms, and meeting space would
1129 be provided.

1130

1131 In order to provide employment, shopping, and entertainment opportunities,
1132 Staples Mill Center will contain approximately 165,000 square feet of commercial
1133 space. The main retail center will be centrally located with additional retail space
1134 on the ground floors of some of the residential buildings. Additionally, a 20,000-
1135 square-foot office building is proposed for the extreme western end of the center
1136 on Libbie Avenue. The applicant has submitted an alternative Master Plan that
1137 would substitute, a 65,000-square-foot grocery store for one of the multi-family
1138 residential buildings.

1139

1140 The streetscape along the main boulevard of the project would meet these
1141 design specifications. Two 24-foot travel aisles would be separated by a
1142 landscape median approximately 10 feet in width. On-street parking would be
1143 provided via two 8-foot parking lanes. Total width of the section from face-of-curb
1144 to face-of-curb is approximately 74 feet. The streetscape in the lower intensity
1145 residential areas would contain approximately 40 feet of pavement width,
1146 including a 24-foot drive aisle and two 8-foot parking aisles. Alleys are also
1147 provided in the development and would be approximately 20 feet in width. An
1148 additional travel lane would be added to Bethlehem Road to help maintain the
1149 existing capacity. Street trees, sidewalks, and ground covers would help to soften
1150 the edge of the development.

1151

1152 Urban Mixed Used Districts are intended to be urban in character, containing a
1153 mixture of uses and a well-defined sense of place that is designed around
1154 pedestrian movement, walkability, and interaction among residents and visitors.
1155 The goals can be accomplished by having well-identified and carefully placed
1156 public spaces, buildings that are close to the street and which encourage foot
1157 traffic, and buildings that are vertical in orientation. Staff believes the applicants
1158 meet the criteria of the Urban Mixed Use District designation for the 2010 Land
1159 Use Plan and the intent of the District regulations. Staff can recommend approval
1160 of these applications, subject to the proffered conditions that have been
1161 distributed to you, and recommended conditions presented for case P-1-07.

1162

1163 Some revised conditions have been provided to you as well. The revised
1164 conditions are as follows: Condition 1 would be amended to include the words,
1165 "as amended," after the words, "Staples Mill Center pattern book," dated
1166 November 16, 2007. Additional pages have been distributed to you and that
1167 needs to be noted in the Provisional Use Permit condition. Condition 3, drive-thru
1168 spaces. "Banks and drugstores," would be added to the list of uses that are
1169 permitted to have drive-thru aisles. The prohibition on no more than 3 such uses
1170 would be struck. Additionally, a new condition, Condition 10, would be added.
1171 "Separation between townhouse buildings; Any two rows of townhouse buildings,
1172 may be separated by a distance not to be less than five feet."

1173

1174 I'd be happy to answer any questions that you have. The applicant is here, as
1175 are representatives from the Fire Department, Department of Finance, and Public
1176 Works.

1177

1178 Mr. Branin: Thank you. Do you have any questions?

1179

1180 Mr. Jernigan: Mr. Tyson, I think when you were discussing on the
1181 town homes, I think the E Class you said up to 3300 square feet? I believe in the
1182 book is says 3800 square feet.

1183

1184 Mr. Tyson: The applicant is still revising certain pages within the
1185 proffers and the pages within the book to make sure they match. There are going
1186 to be some cleanup between now and that time. The square footages are only
1187 off a couple hundred square feet each.

1188

1189 Mr. Jernigan: Okay.

1190

1191 Mr. Archer: Mr. Tyson, they've already replaced a lot of those
1192 pages.

1193

1194 Mr. Tyson: Yes.

1195

1196 Mr. Archer: They're going to have that between now and Board
1197 time.

1198

1199 Mr. Tyson: Yes. The revisions that I've distributed to you
1200 covered a lot of the issues that were originally raised in the staff report dealing
1201 with interior courtyard elevations and those sorts of items.

1202

1203 Mr. Branin: Mr. Tyson, do you know if any of the infrastructure
1204 that's out there, being the roads that are currently out on this piece of property, is
1205 any of that going to be used or is all going to be removed?

1206

1207 Mr. Tyson: They're certainly going to be using Bethlehem and
1208 Staples Mill. I think the interior streets, they're going to use some portions of
1209 those. There's much more infrastructure streetwise on the new development
1210 that currently exists.

1211

1212 Mr. Branin: Thank you.

1213

1214 Mr. Vanarsdall: Mr. Branin, they're going to come down Libbie
1215 Avenue and turn at Libbie Avenue at Crestwood and go down. It was going to be
1216 a boulevard exit that would come out on Staples Mill Road below where the
1217 stoplight is now. They're still going to do that, but it won't be a straight shot.
1218 They are going to utilize a couple of those streets, but not most of them.

1219
1220 Mr. Branin: Thank you, Mr. Vanarsdall.
1221
1222 Mr. Vanarsdall: They're going to also put another lane on Bethlehem.
1223
1224 Mr. Branin: Anybody else have any other questions for Mr.
1225 Tyson?
1226
1227 Mr. Archer: Mr. Tyson, the additional land on Bethlehem would be
1228 on the south side, then, is that correct?
1229
1230 Mr. Tyson: Yes. This would be an additional lane along the
1231 boundary of the parcel. There would be no improvements under this proposal on
1232 the north side, which are existing single-family dwellings.
1233
1234 Mr. Archer: Okay.
1235
1236 Mr. Tyson: There are existing single-family dwellings on the south
1237 side of Bethlehem Road, but the applicant has obtained those and those will be
1238 sort of absorbed into the development.
1239
1240 Mr. Archer: Will they be torn down or?
1241
1242 Mr. Tyson: They'll be demolished and new construction there.
1243
1244 Mr. Archer: Okay.
1245
1246 Mr. Branin: Would any Commissioners like to hear from the
1247 applicant?
1248
1249 Mr. Vanarsdall: I think we should, yes.
1250
1251 Mr. Silber: Yes.
1252
1253 Mr. Vanarsdall: I'd like to for the benefit of me and for the rest of the
1254 Commissioners.
1255
1256 Mr. Branin: Good evening, Mr. Theobald.
1257
1258 Mr. Theobald: Good evening, Mr. Chairman. Congratulations to you
1259 and Mr. Jernigan.
1260
1261 Mr. Branin: Thank you, sir. Would you like to reserve any time,
1262 sir?
1263

1264 Mr. Theobald: I think I'd like to reserve perhaps two minutes. Since
1265 we have both a zoning and a PUP, I may go a little over the 10. I don't need 20. I
1266 may be under 10.

1267
1268 Mr. Branin: I think you can do it under 10.

1269
1270 Mr. Theobald: I think I can try.

1271
1272 Mr. Vanarsdall: Has anybody authorized you being over 10, Mr.
1273 Theobald?

1274
1275 Mr. Theobald: No, I don't believe so.

1276
1277 Mr. Vanarsdall: All right. Well, I'll endorse that.

1278
1279 Mr. Theobald: Okay. Mr. Chairman, ladies and gentlemen, my name
1280 is Jim Theobald and I'm very pleased to be here this evening on behalf of
1281 Gumenick Properties and our assembled development team, which is occupying
1282 the left side of the room over there.

1283
1284 In about 2001, we rezoned approximately 70 acres that consist of the old
1285 Suburban Apartment site from unrestricted R-5 to R-6C, 16 acres of which were
1286 zoned to B-2C for retail. We later added the Mennonite Church parcel to the B-2
1287 portion of the land, resulting in approximately 1,041 rental units being permitted
1288 and the equivalent of about 175,000 square feet of retail. While that eliminated
1289 the old apartment and the old zoning, it really didn't capture the potential of this
1290 site for the Gumenick's nor for Henrico County. A new UMU ordinance, which
1291 was not available to us at the time, allows us to better realize that potential at
1292 what is really a very significant gateway to the County.

1293
1294 Accordingly, we're very pleased this evening to introduce you to Staples Mill
1295 Center. The Gumenick's inspiration was really born out of their enthusiastic
1296 acceptance of their developments at Grayson Hill and Monument Square, which
1297 is just coming to life near Willow Lawn. They've utilized traditional architecture in
1298 a very modern setting. They've created a very distinct urban village, as you have
1299 seen in the elevations presented, which I believe complement your UMU
1300 ordinance. Staples Mill Center includes walkable blocks within a traditional street
1301 grid, very carefully designed architecture meaningfully interacting with open
1302 space, the streets being activated with ground floor retail, many pedestrian,
1303 plazas, green spaces, view corridors creating a community environment and a
1304 very real sense of place.

1305
1306 The concept plan, I think that illustrates some of the planning principles that have
1307 gone into this request. Our front door is at Staples Mill Road with a connector
1308 out to Libbie to allow the easy flow of traffic. We've created a Main Street
1309 entrance with pavers, landscaping. The Gumenick's acquired all the homes

1310 along Bethlehem adjacent to their site on this side of Bethlehem, as well as along
1311 Spencer in the back. They've also acquired some of the commercial properties
1312 on the other side of Staples Mill in order to protect their investment. We tried to
1313 work in a transitional sense from the edges of the property with some of the lower
1314 density, owned-occupied product at the edges, with the taller buildings occurring
1315 at the center.

1316
1317 This, perhaps, better illustrates the types of buildings. If you look at the legend,
1318 coming in from Staples Mill Road, retail spaces on the first floor with office on the
1319 second floor. This is designed to be the future headquarters of Gumenick
1320 Properties in the second floor of this building. As you come down the main
1321 street, you have street-level retail opportunities on both sides, owner-occupied
1322 structures on this side of the street with for-rent product here coming to a large
1323 water feature. Traffic calming. The traffic is routed around this lake feature and
1324 then continues on down. The townhomes you see depicted in purple, other
1325 owner-occupied product in yellow in the middle, with some of the rental facilities
1326 along these edges, with the two-over-two stacked townhomes, that Mr. Tyson
1327 explained to you, being located in this area.

1328
1329 The architectural concepts are many and I think they are, obviously, visible in the
1330 many elevations. They've been developed with a huge amount of sensitivity and
1331 skill by the development team. The buildings have really been shaped to
1332 transition from large to small in scale. You'll see an organization of the facades.
1333 If you look at these buildings, to introduce architectural elements having a distinct
1334 base on the ground floor areas, a distinct middle, and a distinct roof cap. You can
1335 see many different rooflines in these and the other elevations. There's a strong
1336 use of different shapes to sort of demarcate the hierarchy of streets and open
1337 space.

1338
1339 I had intended to walk you through the various elevations. I think Mr. Tyson has
1340 done that and so I won't take you back through those. If you have any questions,
1341 we can certainly go to any specific element.

1342
1343 I would say that this request is very well conditioned not only by the UMU
1344 ordinance, which is replete with development standards, but also some 50
1345 proffered conditions. This request represents a half a billion dollars worth of
1346 improvement in a designated redevelopment corridor, which is undergoing a real
1347 renaissance with Trigon, Willow Lane, and now Monument Square
1348 Condominiums. We believe this will generate approximately a thousand jobs
1349 during construction and over 900 jobs when the project is complete. It's
1350 consistent with the intent of both your Land Use Plan and the UMU criteria. It's
1351 clearly infill development on a very interesting site, which I believe contributes to
1352 a reduction in sprawl, and clearly promotes homeownership opportunities at
1353 different price points. I think that this is an opportunity to pay homage to
1354 workforce housing. The range of these units are, in today's dollars, anywhere

1355 from \$200,000 up to 6 and \$700,000. So, a great variety both in ownership
1356 opportunity as well as rental.

1357

1358 My summary really doesn't do justice to the amount of time and skill that the
1359 development team has put into this and I don't mean to skip over it. I also don't
1360 want to repeat Mr. Tyson's presentation. I would like to just take a moment to
1361 recognize Jeff Gumenick and Wayne Chasen from Gumenick Properties, as well
1362 as Steve Northcott and David Sharp. We have Ed Cruise from Cruise
1363 Communication, Joe Plumpy and Dan Dove from Studio 39, and Jack McClaran
1364 and John Penny with us from the Masard Group, who did all of our design
1365 elements. Monty Lewis, our engineer. I don't think I've forgotten anybody other
1366 than Penny Koch, our paralegal who served as the ringmaster and kept this
1367 entire team going down the road in the same direction almost every day. I'd also
1368 like to thank staff, Mr. Tyson and others. I think Natalie and others sort of divided
1369 up some of this task. We spent a lot of time with Mr. Silber running through the
1370 UMU ordinance, understanding what it really was designed to accomplish.
1371 They've been extremely helpful and we appreciate their efforts. Last but not
1372 least, Mr. Vanarsdall and Mr. Glover have been very active in helping shape this.

1373

1374 I am pleased to tell you we are in agreement with the PUP conditions as
1375 presented to you this evening. With that, I would respectfully request that you
1376 recommend approval of this request to the Board of Supervisors. I'll be happy to
1377 answer any questions.

1378

1379 Mr. Vanarsdall: Before you get a question, I want to thank you for all
1380 the time you put on it. So many times, you would have thought we were going
1381 steady.

1382

1383 Mr. Vanarsdall: I want to thank Lee Tyson for getting all that together.
1384 You really did put some time on it.

1385

1386 Mr. Silber: Mr Theobald, you have one minute and 57 seconds
1387 left.

1388

1389 Mr. Theobald: Ah, thank you so much.

1390

1391 Mr. Branin: With that, I'd like to hear from the opposition.

1392

1393 Mr. Shea: Good evening. My name is Tom Shea. I live in the
1394 residential neighborhood just on the other side of Bethlehem Road. Actually, I
1395 think it's a really—I'm serious—a really great plan they've got. I only have two
1396 concerns about it, though. One is that it will allow buildings up to 175 feet tall
1397 possibly. That seems a little high from the rest of that part of the county. I'm not
1398 saying I'm absolutely opposed to it, but I just hope you think about that a little bit
1399 before you outright give that approval. The other thing I'm more concerned about
1400 is the traffic. We're talking about two thousand and ninety residential units. Even

1401 right now with no other people there, Bethlehem Road at rush hour, like in the
1402 morning and from 4 to 6, is really, really backed up. Even widening it to four
1403 lanes by itself I'm not sure is going to be able to alleviate or solve the problem.
1404 I'm not opposed to this necessarily, but I just want to make sure that somebody's
1405 looked at the impact on the traffic and how the traffic will flow if this is approved.
1406 If the traffic works fine and people can't see me in my backyard from the 12th
1407 floor, I think it's great. Seriously, I think they've done a marvelous job of thinking
1408 this through.

1409
1410 Mr. Vanarsdall: What's your last name, Tom?

1411
1412 Mr. Shea: Tom Shea. S-H-E-A.

1413
1414 Mr. Vanarsdall: Thank you. Thank you for coming out.

1415
1416 Mr. Branin: Thank you, Mr. Shea. Ma'am? Is there anyone else?

1417
1418 Mr. Vanarsdall: Mr. Theobald, you want to—

1419
1420 Mr. Branin: She had her hand up earlier.

1421
1422 Mr. Vanarsdall: Oh, you want to speak? Come on.

1423
1424 Mr. Branin: Could you come up and state your name, ma'am?

1425
1426 Mr. Vanarsdall: You have to have the microphone. We have to get
1427 you on the recorder.

1428
1429 Ms. Boughner: I'm sorry. I'm Laura Boughner. I was just wondering
1430 what was going to happen to the low-income housing that was there. There are
1431 apartments over there that are low income. Is that going to be destroyed or
1432 removed?

1433
1434 Mr. Vanarsdall: You want to answer that. Mr. Theobald, or do you
1435 want me to answer it?

1436
1437 Mr. Theobald: I'll be happy to answer. From the old Suburban
1438 Apartment site, there are two apartment complexes still in existence, Yorkshire
1439 and Crestwood. Those will be coming down, but not for a while. When we first
1440 filed this case, we communicated to every resident over there, apprising them of
1441 our schedule, letting them know what would be forthcoming, and they will have
1442 the ability to be there until like June of '08. In the past, you may remember from
1443 the last time, the Gumenick's spent a lot of time and provided a lot of assistance
1444 with people, both in helping them relocate, finding a place, etc. Those same
1445 programs will be in effect this time as well.

1446

1447 With regard to the traffic question, we have been working with Tim Foster. We
1448 provided a full traffic impact study. The conclusions reached by the
1449 Transportation Department, I believe—and I believe there's representatives here
1450 today—is that with the improvements that we've committed to do, which are
1451 contained in the materials, in terms of turn lanes, road widening, street
1452 connections, and the alternate flow of traffic through the site, that the area can
1453 accommodate the traffic, keeping in mind this is a minimum of a 10-year build-
1454 out, if not longer, so it doesn't appear all at once. In fact, we'll be adding some
1455 traffic lights and fixing a few places that currently have some limitations.

1456
1457 Mr. Vanarsdall: One of the things in the beginning was a cul-de-sac,
1458 Bethlehem Road before it gets to Staples Mill. I think that was put on a back
1459 burner. Don't you think by having the boulevard entrance, that'll take some of the
1460 traffic off Bethlehem?

1461
1462 Mr. Theobald: It should. We're also having to deal with the turning
1463 movements as well along Bethlehem and move the signalization and line up our
1464 entrance coming off of Staples Mill Road. The intent at one point was to,
1465 basically, take Libbie Road and just bend it through the site and make that the
1466 dominant movement, but I think in working with the folks in Traffic, they've come
1467 up with an intersection here that allows traffic to move through here, but will also
1468 allow traffic to continue down Libbie over to Bethlehem and then back through.
1469 So, the cul-de-sac notions I don't believe were supported by Public Works,
1470 ultimately.

1471
1472 Mr. Vanarsdall: Well, for the benefit of the Commissioners, Tim Foster
1473 in Traffic would like to put a lane going west on Staples Mill Road for the traffic
1474 turning east on Bethlehem. They were having trouble finding room to do that, but
1475 once that would be done, it wouldn't be such a backup on Bethlehem Road.

1476
1477 Mr. Theobald: That's correct. We think we can accomplish the
1478 improvements there. Obviously, we need to be sensitive to the existing amount of
1479 right-of-way. We cannot touch other people's homes or properties. Certainly
1480 want to make that clear. We're adding improvements to our side. There is no
1481 curb presently on the other side. We would add curb to our side. We won't be
1482 putting curb on the other side because it would potentially encroach into other
1483 people's property, which we don't have the right to do and wouldn't have any
1484 intention to do absent their agreement to it.

1485
1486 Mr. Vanarsdall: Thank you.

1487
1488 Mr. Archer: Mr. Theobald, what did you say the estimated build-
1489 out time was?

1490
1491 Mr. Theobald: This is at least a 10-year project.

1492

1493 Mr. Branin: Mr. Shea and Ms. Boughner, did that address your—
1494
1495 Mr. Shea: Yes, thank you.
1496
1497 Mr. Jernigan: Jim—Mr. Shea, I'm sure he hasn't seen a staff report,
1498 but if he could be furnished with Section 6 of the staff report, the listing of all
1499 the—
1500
1501 Mr. Theobald: Traffic improvements? Sure.
1502
1503 Mr. Jernigan: I think he may be a little more comfortable with that.
1504
1505 Mr. Theobald: Okay. We'll make sure to get him that.
1506
1507 Mr. Jernigan: Okay.
1508
1509 Mr. Theobald: And a copy of our commitment letter to do that.
1510
1511 Mr. Vanarsdall: Thank you, Jim.
1512
1513 Mr. Theobald: Thank you.
1514
1515 Mr. Branin: Any other questions? Mr. Vanarsdall?
1516
1517 Mr. Vanarsdall: All right. I'll start with the Land Use amendment. I
1518 recommend to the Board of Supervisors to amend the Henrico County 2010 Land
1519 Use Plan Map to designate Staples Mill Center site, comprised of approximately
1520 79.5 acres and generally bordered by Libbie Avenue, Spencer Road, Bethlehem
1521 Road, Staples Mill Road, and north of Mayfield subdivision as an Urban Mixed
1522 Use Development, UMU.
1523
1524 Mr. Jernigan: Second.
1525
1526 Mr. Branin: Motion made by Mr. Vanarsdall, seconded by Mr.
1527 Jernigan. All in favor? All opposed? The Land Use amendment is approved.
1528
1529 Mr. Vanarsdall: All right. Now I'll get to the core of it. Before I do that,
1530 I've jotted down a few notes. We've come so far, I wanted everybody to know
1531 about it. About 60 years ago after World War II, people came home and were
1532 looking for apartments and places to live. Mr. Mason Gumenick, who would be
1533 Jeff Gumenick's grandfather—I guess you call him grandpa—came to their
1534 rescue and built apartments in three different sections of town. They built the
1535 Lewis Road Apartments on Williamsburg Road in the East End. They built
1536 Crestview Apartments on Horsepen Road, Suburban Apartments on Staples Mill
1537 Road. The Lewis Road Apartments have been gone for years and the Crestview
1538 Apartments were replaced by townhouses and single-family homes and became

1539 a very upscale place to live, again, by the new generation of the Gumenick
1540 family, guided by Wayne Chasen and Jeff.

1541

1542 So, tonight the Suburban Apartments' time have come, and again by the
1543 Gumenick Properties. This is the largest revitalization proposal in the history of
1544 Henrico County. I believe it was said that this is recycling the site. So, it will be
1545 another upscale, high-quality project and you don't have to worry about it being
1546 high quality. We'll get the same high quality you can expect from Gumenick. A
1547 good example is the Grayson Hill I believe Jim mentioned. There's Monument
1548 Square and many other places. This will be like a small town. One of things that
1549 I believe he did mention is we'll have different square footages of condos and
1550 townhomes and so forth. So, it will be like a small town where some people live
1551 in a big house, and some people live in a little house, and some people on the
1552 edge of town. I'm very delighted and most pleased to be a part of it. I thank
1553 them for going forward.

1554

1555 So, with that, I move that C-5C-07, Staples Mill Center, be recommended to the
1556 Board of Supervisors for approval.

1557

1558 Mrs. Jones: Second.

1559

1560 Mr. Branin: Motion made by Mr. Vanarsdall, seconded by Mrs.
1561 Jones. All in favor? All opposed? All right.

1562

1563 **REASON:** The Planning Commission voted 5-0 (one abstention)
1564 to recommend the Board of Supervisors **grant** the request because it would
1565 provide for unified large tract development, it would not adversely affect the
1566 adjoining area if properly developed as proposed, and the proffered conditions
1567 will assure a level of development and quality not otherwise possible.

1568

1569 Mr. Vanarsdall: Last, we have the Provisional Use Permit. I would
1570 move to recommend to the Board of Supervisors to approve P-1-07, Staples Mill
1571 Center Provisional Use Permit with all the conditions. That's 1 through—

1572

1573 Mr. Silber: It'll be 1 through 10, Mr. Vanarsdall. Number 10 has
1574 been added also.

1575

1576 Mr. Vanarsdall: Yes, 10. Ten added. I want to amend #1 and then
1577 drive-thru service #3, and add #10.

1578

1579 Mr. Archer: Second.

1580

1581 Mr. Branin: Motion by Mr. Vanarsdall, second by Mr. Archer. All
1582 in favor? All opposed. P-1-07 is approved.

1583

1584 **REASON:** The Planning Commission voted 5-0 (one abstention)
1585 to recommend the Board of Supervisors **grant** the request because it would
1586 provide for a unified high quality development and when properly developed and
1587 regulated by the recommended conditions, it would not be detrimental to the
1588 public health, safety, welfare and values in the area.

1589
1590 Mr. Vanarsdall: Mr. Theobald, I don't know who to call tomorrow.

1591
1592 Mr. Vanarsdall: Will you be in? I'll call you. Thank you, too, Penny.
1593 I'll call you.

1594
1595 Mr. Thornton: Can I make a comment?

1596
1597 Mr. Branin: Absolutely.

1598
1599 Mr. Thornton: Okay. This case will obviously be coming to the
1600 Board of Supervisors not too long from now. I want to just say that I remember
1601 when the case came up some time ago, one of my concerns was what was going
1602 to happen to the residents at that point in time. I want to convey to Mr. Chasen
1603 and Mr. Gumenick, especially, the sensitivity that you used and how you brought
1604 about this visionary concept. I think that they ought to be complimented for that.
1605 I think if we add any type of realtor company that fits the flagship, I think the
1606 Gumenick's have really done very well at that. I just want to say, personally, I
1607 really appreciate the sensitivity that you promoted, the visionary process that you
1608 have initiated here. I want to say kudos to you and the history of what you've
1609 done. You've continued to do that. You've raised the bar and also I think that
1610 reflects what Henrico County personifies. So, you, then, are I'll call avant-garde
1611 in this initiative, and compliments from the Board of Supervisors.

1612
1613 [Off Mike]: Thank you very much. [Unintelligible.]

1614
1615 Mr. Branin: Thank you, Mr. Thornton.

1616
1617 Mr. Silber: Thank you, Mr. Thornton. Moving on to rezoning
1618 case C-65C-06.

1619
1620 ***Deferred from the December 7, 2006 Meeting.***
1621 **C-65C-06 Dan Caskie for Barrington Investors, LTD:** Request
1622 to conditionally rezone from R-4 One-Family Residence District and M-2 General
1623 Industrial District to R-5AC General Residence District (Conditional), part of
1624 Parcel 799-732-4991, containing approximately 19.98 acres, located between the
1625 west line of Barrington Road at its intersection with Glenthorne Road and the
1626 east line of the Chesapeake and Ohio Railway right-of-way. The applicant
1627 proposes a maximum of 54 zero lot line one-family dwellings. The R-5A District
1628 allows a minimum lot size of 5,625 square feet and a maximum density of 6 units
1629 per acre. The use will be controlled by zoning ordinance regulations and

1630 proffered conditions. The Land Use Plan recommends Suburban Residential 2,
1631 2.4 to 3.4 units net density per acre and Environmental Protection Area.

1632

1633 Mr. Branin: Is anyone in opposition of C-65C-06? One. Thank
1634 you, ma'am.

1635

1636 Ms. Croft: Thank you. Good evening, Mr. Chairman. The 20-
1637 acre site is located on the west line of Barrington Road and is developed with a
1638 dwelling and several outbuildings, which are proposed to be demolished. Severe
1639 topography, floodplain, and intermittent streams traverse the southern and
1640 western edges of the property.

1641

1642 The property's frontage along Barrington Road is zoned R-4 One-Family
1643 Residence District, with the remaining acreage zoned M-2 General Industrial
1644 District. The site is bordered to the north and east by the proposed Trinity Baptist
1645 Church site and a residential neighborhood, undeveloped R-4 and M-2 zoned
1646 land located to the south, and the railway right-of-way is located to the west.

1647

1648 The applicant is requesting R-5AC zoning to permit the construction of a single-
1649 family subdivision with no more than 54 zero lot line homes. The proffered
1650 conceptual plan shows a grid-like development pattern with one entrance from
1651 Barrington Road aligning with Glenthorne Road. Common areas are on the site's
1652 periphery and are connected by a walking trail accessed from various points on
1653 the site. Because a large portion of the site is undevelopable, the requested
1654 zoning designation would provide flexibility in site design. Proffered lot widths of
1655 at least 70 feet along Barrington Road would provide a more gradual transition
1656 into the adjacent residential subdivisions. Proffers addressing quality dwelling
1657 and site design have been submitted and include a percentage of brick or stone
1658 construction; a minimum of a one-car garage for at least 60% of the homes; a
1659 minimum finished floor area of 1,300 square feet; and a commitment to rezone
1660 the 100-year floodplain to C-1. Staff notes the project could be enhanced by
1661 prohibiting all cantilevered features rather than just those on the front and rear
1662 elevations as proffered.

1663

1664 The 2010 Land Use Plan recommends Suburban Residential 2, and
1665 Environmental Protection Area for the site. The proposed density of 3.2 units per
1666 acre and the commitment to rezone any floodplain to the C-1 District are
1667 consistent with these designations. Overall, the proposed use would be more
1668 appropriate than the currently permitted industrial uses. The request would allow
1669 development of the land for residential use in an appropriate manner, and the
1670 submitted proffered conditions would provide quality assurances. For these
1671 reasons, staff supports this request. That concludes my presentation.

1672

1673 Mr. Branin: Does anybody have any questions for Ms. Croft?
1674 Okay.

1675

1676 Mr. Archer: I do need to hear from the applicant, Mr. Chairman.

1677

1678 Mr. Branin: All right.

1679

1680 Mr. Caskie: Good evening. I'm Dan Caskie with Bay Design
1681 Group. After that last case, I'm kind of a Plain Jane, but I'll try to make it exciting.
1682 We have about a 20-acre site that is somewhat of an infill site that's behind some
1683 existing neighborhoods. It has an unconditioned M-2 and an unconditioned R-4
1684 zoning on it. We have been working with staff for probably the last three or four
1685 months, nipping and tucking trying to get this to fit in with the existing
1686 neighborhood. We have fronted houses on Barrington Road, which is really in
1687 keeping with the adjacent neighborhoods. The other option would have been to
1688 rear them up to Barrington, which we didn't feel was really appropriate. We've
1689 also gone for the traditional block style development in an additional effort to
1690 blend in with the neighborhood so when you drive into our portion of it, it doesn't
1691 just stand out as an obvious new development.

1692

1693 We are a less intense use than the M-2, we believe. That is a manufacturing and
1694 warehouse type use. From a traffic standpoint, from a usability standpoint, we
1695 believe we're a less intense use. We're providing what we believe, I guess, is
1696 workforce type housing, whatever that is anymore. The entry-level housing is
1697 what I think probably most of us couldn't even have afforded when we were
1698 coming into it. We believe it also provides a good transition between the railroad
1699 and city and these existing houses. We think it's a good opportunity for the
1700 County. We have the developers here. If anybody has any questions, I'd be
1701 happy to answer them.

1702

1703 Mr. Archer: Thank you, Mr. Caskie. I also want to thank Ms. Croft
1704 for all the hard work she put into this. We've come a long way with this one. You
1705 probably remember when we started, there were a lot of questions that we had.
1706 Some of them had to do with the quality of the development and I think you all
1707 have answered that pretty well. It is always of benefit to us when we can get rid
1708 of a piece of unconditional M-2 property, particularly when it's next to residences.
1709 Of course you know, Trinity Baptist Church is getting ready to construct a new
1710 facility over there. It's been in the works for about six or seven years now.
1711 There's also First Union, I believe, on the other side. We do have some
1712 opposition, or at least somebody who needs some clarification. We'll try to get all
1713 that for you, ma'am. The only piece of this that seems to be questionable at this
1714 time is staff is somewhat opposed to the cantilevered side on the back. Can you
1715 tell me what advantage that is and who is it an advantage to? Is it the
1716 homeowner? Does the homeowner get a bigger house out of this? What is the
1717 advantage to having the cantilevered design?

1718

1719 Mr. Caskie: Number one, it keeps the price of the house down a
1720 bit because you don't have to build that additional foundation, and it does, in turn,

1721 give the homeowner some additional square footage. Really, the cantilevering in
1722 the rear is very common these days. It's not unusual.

1723

1724 Mr. Archer: I've seen quite a bit of it. We sort of have an aversion
1725 to that up here, particularly cantilevered chimneys. I don't think we do any of
1726 those anymore, do we, Mr. Secretary?

1727

1728 Mr. Silber: No.

1729

1730 Mr. Caskie: We've proffered those out, actually. We would like to
1731 try to keep the rear cantilevers, if we could, or at least that option. I think when
1732 we started, we had some cantilevered options that we were looking at for the
1733 sides, but have agreed to not do those.

1734

1735 Mr. Archer: To be honest with you, I don't have any huge
1736 particular problem with the cantilevered design because I've seen a lot of it.
1737 When you ride through this community, the housing styles are very diverse,
1738 starting all the way up Mechanicsville Pike and working your way up to where we
1739 are now. The next industrial piece closest to it is, of course, the Pepsi Cola plant
1740 up there. Then next to that is the Showplace. I feel like this probably makes a
1741 decent fit in that it does allow us to not have to worry about that industrial piece
1742 being there, open to somebody, particularly, again, with the church coming. I
1743 don't have any more questions, unless somebody else on the Commission does.

1744

1745 Mr. Jernigan: I do, Mr. Chairman. Dan, in the center of the
1746 subdivision, that's a rear-loaded alley.

1747

1748 Mr. Caskie: We would like to keep that option, or we would like to
1749 offer up that option of some rear-loaded alleys. Actually in the center and then
1750 behind the lots that are on Barrington Road we're going to try to reserve an
1751 access easement across the rears of those lots.

1752

1753 Mr. Jernigan: The only thing I noticed was at the end of the alley-
1754 way you have a common area.

1755

1756 Mr. Caskie: Yes.

1757

1758 Mr. Jernigan: The only thing I was questioning, I would think you'd
1759 be better to leave that open so you could have one-way traffic through there
1760 rather than having that.

1761

1762 Mr. Caskie: That's true, and we probably should. We probably
1763 should connect that across. I think that's a good idea.

1764

1765 Mr. Jernigan: That's all I have.

1766

1767 Mr. Archer: Thank you, Mr. Jernigan.
1768
1769 Mr. Thornton: Price-wise, what are you talking about one of these
1770 homes might cost?
1771
1772 Mr. Caskie: We're expecting these things to be in the 200, the low
1773 200s, I believe. At least in the low 200s. Probably 200s to 250s maybe. Okay.
1774 Probably 2 to 2 and a quarter.
1775
1776 Mr. Branin: Mr. Archer, would you like to hear from Mr. Hanky?
1777 Do you have anything else?
1778
1779 Mr. Archer: I didn't have any more questions. Ma'am, did you
1780 hear what you needed to hear? Yes ma'am, come up.
1781
1782 Mr. Branin: Yes ma'am, come on up.
1783
1784 Ms. White: Good evening. My name is Shelia White. First of all,
1785 I didn't know a whole lot about this. I moved in this area in 2004. Within the
1786 block that I'm in, it's right there at the intersection of Barrington and Glenthorne,
1787 actually, I'm like one of the second houses from the corner. Actually, I was
1788 asked to come here tonight just to find out a little bit more. The neighborhood is
1789 not necessarily in opposition, but just wanted to clearly have a better
1790 understanding of what the intent is for the development. We really would be fully
1791 in support of anything that's going to enhance the area. Grant you that the area
1792 right now, it's just trees and what have you. The neighborhood, the neighbors
1793 within my immediate block, the folks that live on the corners of Barrington and
1794 Glenthorne and a few others, they're elderly, they can't get out. Actually, I'm
1795 here to carry further information back to them just so that, you know, they will not
1796 have any concerns or anything of that nature. So, that's pretty much why I'm
1797 here. One of my questions has been answered with regards to the value of the
1798 homes, etc. The other thing that I'd like to have a better understanding about
1799 would be the traffic. In referencing Glenthorne and Barrington, I'd like to have a
1800 better understanding. First of all, it's good to hear that the church is still going to
1801 come forth there. I just wanted to have a better understanding about the flow of
1802 traffic.
1803
1804 Mr. Branin: Mr. Caskie, would you like to address that?
1805
1806 Mr. Caskie: Sure.
1807
1808 Ms. White: Thank you.
1809
1810 Mr. Caskie: We are at the end of it looks like four intersecting
1811 streets that extend directly out to 360. So, from a traffic standpoint, from the
1812 traffic that's coming out of this neighborhood, they certainly have the option of

1813 four different exits. In our opinion, considering the alternative of the M-2, the
1814 traffic that it could produce, this is certainly far less than that.

1815

1816 Mr. Branin: Members of the Commission, we do have the traffic
1817 engineer here, Mr. Jennings, if you want more information than what's just been
1818 provided. Mr. Jennings, would you come up please?

1819

1820 Mr. Jennings: Good evening. I am Mike Jennings, traffic engineer
1821 for Henrico County. Traffic has reviewed this and Mr. Caskie is correct. The
1822 adjacent road network can handle this additional traffic and there is good
1823 interconnectivity to get over to Mechanicsville Turnpike. Dill Road and
1824 Mechanicsville Turnpike can accommodate this additional traffic. We don't
1825 foresee any problems. They are doing improvements along their frontage, too.

1826

1827 Mr. Branin: Okay. The impact that it would have on Barrington
1828 Road?

1829

1830 Mr. Caskie: It should have minimal impact. It shouldn't have any
1831 problems. They should have adequate roadway coming out of there. You're
1832 looking at generating a few hundred trips per day, but that's over a 24-hour
1833 period so it shouldn't be a problem.

1834

1835 Mr. Branin: Ms. White? Mr. Archer?

1836

1837 Mrs. Jones: May I ask a quick question.

1838

1839 Mr. Branin: Certainly.

1840

1841 Mrs. Jones: This, actually, Mr. Jennings, is for the applicant.
1842 Were any elevations part of your application?

1843

1844 Mr. Caskie: No, they were not. At this point, we've specified
1845 certain building materials and we're trying to keep as many options open as we
1846 can as far the architecture goes.

1847

1848 Mr. Jernigan: These will be single-story?

1849

1850 Mr. Caskie: I don't know that they will necessarily be single-story.

1851

1852 Mr. Hanky: My name is Jay Hanky. I'm with Barrington Investors.
1853 These lots are not sold and we are not intending to be the builders ourselves.
1854 That's a process that's still in the works. I think we spent a lot of time with
1855 Nathalie trying to come up with proffers that would assure the quality of it. At the
1856 same time, along with the cantilevers, there's a number of things that we've tried
1857 to work together on to have an eye towards affordability and at the same time,
1858 keep proffers in that will address the quality of it. We want it to be affordable, but

1859 not necessarily be cheap. Trying to preserve some flexibility on that was what
1860 we were trying to do.

1861
1862 Mrs. Jones: Okay.

1863
1864 Mr. Hanky: I don't know if that helped, but that answers—

1865
1866 Mrs. Jones: Well, I didn't—

1867
1868 Mr. Hanky: We don't have a specific architectural rendering of
1869 exactly what it will be now, but I do think the proffers—

1870
1871 Mrs. Jones: I was just trying to figure out what you were—

1872
1873 Mr. Vanarsdall: What, will that be left up to the Planning Commission
1874 and the subdivision—

1875
1876 Mr. Silber: It certainly is going to have to be dealt with prior to
1877 any Plan of Development, I would think.

1878
1879 Mr. Branin: Thank you, Mr. Hanky.

1880
1881 Mr. Thornton: Mr. Caskie, it's been brought to my attention that
1882 perhaps at the inception of this case that maybe there was not a lot of turnout of
1883 residents who are affected by this. I always think it's always good to have good
1884 communication, to make sure that the residents who are already there know what
1885 is going to be approaching them. If you're fortunate enough to have this case
1886 pass to your advantage, it's my expectation that somehow there be some
1887 additional initiative to let those persons know what type of buildings are coming
1888 out there. That's an expectation I'm going to look very carefully at. Let's make
1889 certain to have that become a reality. That's just fairness, to me. I wish that you
1890 would give that some high priority.

1891
1892 Mr. Caskie: We sure will. I'll get Mrs. White's contact info and we'll
1893 make sure that they're in the loop on what goes on from here.

1894
1895 Mr. Branin: Mr. Archer?

1896
1897 Mr. Archer: Anybody else? All right. Well, again, I know since the
1898 first day that we started on this, which has been some time ago, we've come
1899 quite a ways in trying to get this to be a presentable proposal. I think the
1900 applicant has worked pretty diligently to do that. I think there's an advantage, a
1901 distinct advantage in being able to rid ourselves of this M-2 property and I think
1902 for this neighborhood, it would also be an advantage to the church when it finally
1903 does get an opportunity to relocate. They've been having a hard time, but I
1904 assume they will. Mr. Caskie, as Mr. Thornton said, it would be a good idea—

1905 You have to come up again before the Board in a month from now. Ms. White,
1906 this will be another public hearing that you'll get an opportunity to attend. If you
1907 would get her address and find out if there are neighbors who have other
1908 questions other than what you've addressed tonight, she can have an opportunity
1909 to have those answered before the Board meeting. Then, of course, they have
1910 the option to defer it again, if they choose to. With those things in mind, my
1911 motion would be to recommend this for approval to the Board of Supervisors.
1912

1913 Mr. Jernigan: Second.

1914
1915 Mr. Branin: Motion is made by Mr. Archer, seconded by Mr.
1916 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion
1917 carries.
1918

1919 **REASON:** The Planning Commission voted 5-0 (one abstention)
1920 to recommend the Board of Supervisors **grant** the request because it would
1921 permit development of the land for residential use in an appropriate manner, and
1922 the submitted proffered conditions would provide quality assurances not
1923 otherwise available.
1924

1925 Mr. Silber: This would come up before the Board of Supervisors
1926 on February the 13th, 7 p.m. Next request is on page 8 of your agenda.
1927

1928 ***Deferred from the November 9, 2006 Meeting.***

1929 **C-27C-06 James Theobald for The Rebkee Company:**
1930 Request to conditionally rezone from A-1 Agricultural District and B-3 Business
1931 District to RTHC Residential Townhouse District (Conditional), B-2C Business
1932 District (Conditional) and C-1C Conservation District (Conditional), Parcel 739-
1933 754-7156, containing 21.493 acres (RTHC – 12.252 acres; B-2C – 8.502 acres;
1934 C-1C – 0.739 acre), located at the southwest intersection of Church and Pump
1935 Roads. The applicant proposes retail uses and residential townhouses with a
1936 density of no more than seventy (70) units. The uses will be controlled by zoning
1937 ordinance regulations and proffered conditions. The RTH District allows a
1938 maximum of nine (9) units per acre. The Land Use Plan recommends Urban
1939 Residential, 3.4 to 6.8 units net density per acre, Commercial Concentration, and
1940 Open Space / Recreation.
1941

1942 Mr. Branin: Is anyone in opposition to C-27C-06? No opposition?
1943

1944 Ms. Croft: Thank you, Mr. Chairman. The undeveloped wooded
1945 site is located on the southwestern corner of the intersection of Church and
1946 Pump Roads. The proposed John Rolfe Parkway runs southwest to northeast
1947 through the site. The site is within the Church Road/Pump Road Future Land
1948 Use Study and Special Strategy Area. The vision for this area is one of a unified
1949 village concept with neighborhood-oriented retail and urban residential uses. Key
1950 development strategies include: establishing strong gateways to the

1951 Church/Pump area; incorporating pedestrian-scaled lighting fixtures, street
1952 furniture, and special paving materials; encouraging forward placement of
1953 buildings in close proximity to the road; and providing architectural detailing on all
1954 sides of the building to avoid blank walls.

1955

1956 This request would rezone 8.5 acres to B-2C Business District (Conditional), 12.2
1957 acres to RTHC Residential Townhouse District (Conditional), and .74 acre to C-
1958 1C Conservation District (Conditional).

1959

1960 A pattern book, landscape plan, conceptual site furnishings package, and
1961 proposed retail design criteria package have all been submitted and proffered.
1962 Several revised pages are being distributed. The conceptual plan and elevations
1963 are generally consistent with the Special Strategy Area guidelines and the Land
1964 Use Plan. While 6.4 acres are designated Commercial Concentration,
1965 approximately 8.5 acres are proposed for these uses. The proposed bank
1966 parcel, located to the west of the main boulevard, would provide a more gradual
1967 transition from the retail development to the proposed townhomes. A service
1968 road is shown along the Church and Pump intersection. In order to reduce the
1969 impact of this road on the overall development, the applicant has proffered
1970 entrance treatments, landscaping, and signage limiting access to service
1971 vehicles only.

1972

1973 The southwest corner of the Church/Pump intersection is highlighted with a
1974 portico-type structure, fountain, low stone wall, and landscaping. Open spaces
1975 and pedestrian areas would be located throughout the site and connected by
1976 viewsheds and special paving features. The revised conceptual plan includes a
1977 pedestrian path connecting the center of the site with the portico. The proposed
1978 buildings would incorporate covered entries, porches, and gables, and would
1979 wrap the street. Additional proffers for the commercial portion include a
1980 prohibition on more intense uses; a maximum of two drive-thru uses, which
1981 would be permitted with drugstores or banks; and a prohibition on loading docks.

1982

1983 A maximum of 70 townhomes would be constructed on the southern and western
1984 areas of the property, resulting in a density of 5.7 units per acre. This portion of
1985 the proposal incorporates open space by locating units along centralized pockets
1986 of green space. The proffered elevations include balconies, articulated rooflines,
1987 and decorative garage doors. Additional proffers for the residential portion
1988 include: rear loading garages for at least 50% of townhomes south of John Rolfe
1989 Parkway; a 15-foot buffer to the south; and a decorative wrought iron style fence
1990 along the eastern, southern, and western sides of the townhome community
1991 south of John Rolfe Parkway; and a minimum finished floor area of 2,000 square
1992 feet.

1993

1994 Revised proffers dated today have been distributed to you. The changes
1995 address concerns outlined in the staff report including landscaping, additional
1996 prohibited uses, multiple users, signage, and the proposed service road.

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The proposed retail and residential uses could be appropriate for the site if designed properly and at an appropriate scale as envisioned by the Special Strategy Area and Land Use Study. The density, proffers, elevations, and conceptual plans are generally in conformance with the Land Use Plan and the specific elements of the proposal would be in keeping with the overall vision for this area. Therefore, staff supports this request. The time limits would need to be waived to accept the proffered conditions received today. This concludes my presentation.

Mr. Branin: Anybody have any other questions for Ms. Croft? None? Would you like to hear from—

Mrs. Jones: I would.

Mr. Theobald: Mr. Chairman, ladies and gentlemen, my name is Jim Theobald and I'm pleased to be here this evening on behalf of the Rebkee Company. Good evening, Mrs. Jones. Did you think we'd ever get here?

Mrs. Jones: I'm so pleased to be here

Mr. Theobald: We've been working on this case so long, Nathalie has had a chance to get married and almost become a mother.

Mr. Vanarsdall: That's exactly right. But you know, that was one of the hardest cases I ever had to read. There were so many lines. I couldn't read between the lines, because the line was covering up what it was there before.

Mr. Theobald: We have been at this for a while. This is a request to rezone approximately 22 acres, partially for townhomes, partially for neighborhood-oriented retail, and some for conservation. Back in 2003—We can't open up the little Land Use Plan area (referring to screen). Oh, well. That's quite all right. Let's just keep going here. You all worked very hard in adopting a Land Use Plan in July of '03 and it did provide for elements of a strong gateway, high end design with very special architectural features, and pedestrian-friendly environments. You may remember that a couple months ago, you rezoned some townhomes on the other side of Pump Road for Tascon, Mr. Steve Settlege. Substantially, this request will cause the rezoning and development of nearly all of the Special Study area. The interesting thing is, it looks like it may all get done at once—the road improvements getting started and finished, the townhomes or condominiums on the other side of the road, and then the Rebkee development.

As Nathalie indicated, we've spent a lot of time and attention to creating this focus at this location: the element of being able to see through this entrance to the significant spire in the center of the project connected with pedestrian walkways. There's another dome element on top of a proposed drugstore over

2043 here. Again, very interesting articulation of roofs. You can see the different
2044 materials and the rooflines throughout. The plan shows some of the pedestrian
2045 access ways. Perhaps a little bit better you can see that the townhomes act as
2046 transitional uses to both the undeveloped property over here and the single-
2047 family homes back here. We do not yet have a townhome developer. We've tried
2048 our best to proffer this case to provide a level of assurance to neighbors that this
2049 will be a quality development.

2050

2051 You've seen some of the elevations previously. This is the central feature with
2052 the spire, the archway pass-through. These are elevations from the inside of the
2053 center, the top one looking north, the bottom one looking east across Pump
2054 Road. There's the different architectural treatments, the rooflines, dormers.
2055 Again, looking from within the center, looking south across proposed John Rolfe
2056 Parkway. Then looking north from John Rolfe Parkway. These are done without
2057 any of the plantings as are anticipated. These are from the exterior looking south
2058 from Church Road and west from Pump Road. Again, looking north from John
2059 Rolfe Parkway. Now, here we've laid in some prospective landscaping just to
2060 give you a sense of the softening of the outside. We've tried to make these look
2061 like double fronts, if you will, with the architectural relief facing the exterior of the
2062 site. We've changed our sign detail. All of this has been proffered. You all have
2063 gotten pattern books. We've spent a lot of time developing design criteria for our
2064 streetscapes. All of this has been proffered to the extent of preparing awning
2065 and canopies, design criteria, signage design criteria for all manner of signage on
2066 the property, lighting schemes, street furniture, even down to bike racks.

2067

2068 Townhomes, again, we've tried to provide an interesting element of design that
2069 would accommodate most high-end developers with this product. Our proffers
2070 do include everything you've seen in terms of elevations and site plan. We've
2071 proffered out the traditional types of B-2 uses. The southwest corner of the site,
2072 there's a transition that may only be used for a bank or an office, not for other
2073 retail. Only two drive-thrus. Basically, one for a drugstore, one for a bank. There
2074 are no loading docks in this facility; they're all at grade. These are designed to be
2075 smaller types of retailers. We have limited hours of construction, parking lot
2076 cleaning, etc., the height of street lighting. We've provided for materials on the
2077 townhomes and capped the residential units at 70, which is below the Land Use
2078 Plan recommendation for this area. We've worked hard on the buffer between
2079 the single-family on the southern side of the townhomes, using some of the
2080 experience gained from some of the other developments that we've worked with
2081 Mrs. Jones and Ms. O'Bannon on in this area. The townhomes are a minimum of
2082 2,000 square feet. We've provided a conceptual level landscape plan, leaving the
2083 details to landscape plan review.

2084

2085 We have worked very long and hard on this plan. We've been through a number
2086 of alterations and have tried very hard on this infill site, a very important site, a
2087 very challenging site in terms of what has occurred historically in this area. I'm
2088 just extremely proud to bring this to you tonight and have Nathalie tell you that it

2089 complies with the Plan and recommend approval. We've worked with Mrs.
2090 O'Bannon and Mrs. Jones. We did notify some 38 different neighbors. We held a
2091 meeting and only one individual came to the meeting. With that, I am very
2092 pleased and would ask for your favorable recommendation to the Board of
2093 Supervisors. I would ask that you waive the time limits on filing the proffers. I'm
2094 happy to answer any questions.

2095

2096 Mrs. Jones: Any questions?

2097

2098 Mr. Silber: I have, I guess, one question or maybe a reminder. I
2099 believe that Ms. Croft may have gotten with you or your staff, Mr. Theobald,
2100 regarding the signage. I think there's some indication in the information you've
2101 provided about the location of signage and the quantity of signage. We just need
2102 to make sure that it complies with the requirements.

2103

2104 Mr. Theobald: After that was brought to our attention today, we did
2105 advise Mr. McFadden that this was merely a representation of potential locations,
2106 not the amount of signage to which he is entitled.

2107

2108 Mr. Silber: Okay.

2109

2110 Mr. Branin: Mrs. Jones, are you ready?

2111

2112 Mrs. Jones: I am ready. I appreciate your making the
2113 presentation because I think it's important for the Commission to see this next
2114 piece of the Special Strategy Area at Pump and Church. This is an exciting
2115 development. I think coupled with the other developments that we've seen in
2116 recent months, this will be a signature area for the Tuckahoe District. I
2117 appreciate Mr. Theobald's patience. I appreciate Mr. McFadden and the Rebkee
2118 Company's dedication to making a case that was good, really, really good. I
2119 appreciate the flexibility they've shown and the tolerance for thinking of new ways
2120 to make it better. I also appreciate Nathalie Croft's work on this. As Mr.
2121 Theobald said, we've been at this forever and a day, but we've come, I think, to a
2122 point where this case meets the Strategy Area requirements. The design criteria
2123 is good, the quality is good, and the community, I feel, will be quite successful.

2124

2125 I would like to at this point, then, move that we—

2126

2127 Ms. Garnett: [unintelligible.]

2128

2129 Mrs. Jones: Excuse me.

2130

2131 Ms. Garnett: [unintelligible.]

2132

2133 Mrs. Jones: Oh, certainly. I'm sorry. I didn't realize you were here
2134 to—

2135
2136 Ms. Garnett: Well, I have no opposition to this, but—
2137
2138 Mrs. Jones: Well, please—
2139
2140 Ms. Garnett: I do have a question.
2141
2142 Mrs. Jones: Certainly.
2143
2144 Ms. Garnett: Shirley Garnett is my name.
2145
2146 Mrs. Jones: Yes ma'am.
2147
2148 Ms. Garnett: I travel that area up at Church and Pump quite a bit. I
2149 don't know whether you do or not, but the traffic is horrendous there. Are there
2150 any plans for widening Pump Road in that area? You go from four to two, to two
2151 to four, and so on out there.
2152
2153 Mr. Branin: Mrs. Jones, can you take that?
2154
2155 Mrs. Jones: Oh sure.
2156
2157 Ms. Garnett: That should be of great concern, I do believe.
2158
2159 Mrs. Jones: One of my favorite things is to be able to call up an
2160 expert and I have an expert right here—
2161
2162 Ms. Garnett: Good.
2163
2164 Mrs. Jones: —who will be happy to answer those questions.
2165
2166 Ms. Garnett: We have an? Where are you?
2167
2168 Mrs. Jones: I'd like to have Mike Jennings from Traffic come up
2169 and tell you what the plans are. I hope after that—
2170
2171 Ms. Garnett: Every time I go out that way I say to my husband,
2172 "When are they going to widen this road? What are they going to do?" You go
2173 from two lanes to four lanes, and then you go to two lanes, then you go to four
2174 lanes. It's ridiculous.
2175
2176 Mr. Branin: Ms. Garnett, we'll have Mr. Jennings here to explain
2177 about John Rolfe that's about to be built and also the widening of Pump.
2178
2179 Ms. Garnett: Excellent.
2180

2181 Mr. Branin: Thank you.
2182
2183 Mr. Jennings: Good evening. I thought you were building all that
2184 with this project.
2185
2186 Mr. Jennings: Yes, there are plans to do some improvements along
2187 Pump Road through this area with the John Rolfe project. This is probably the
2188 second or third phase of John Rolfe, so you're probably talking five years down
2189 the road, unfortunately. We can get the first phase going right now, the one
2190 coming up Broad Street. With that project, we are going to do some
2191 improvements in this area of Pump Road and hopefully in the near future or a
2192 little bit further down the road, we'll improve the rest of Pump Road all the way
2193 through to a four-lane section.
2194
2195 Mr. Branin: Mr. Jennings, when you say improvement and when
2196 John Rolfe—if I'm not mistaken, John Rolfe will be the first section built before
2197 Pump is widened, correct?
2198
2199 Mr. Jennings: Yes sir.
2200
2201 Mr. Branin: To relieve Pump?
2202
2203 Mr. Jennings: Yes sir.
2204
2205 Mr. Branin: John Rolfe will be how many lanes, sir?
2206
2207 Mr. Jennings: John Rolfe will be a four-lane divided road.
2208
2209 Mr. Branin: Four-lane divided, minimum access.
2210
2211 Mr. Jennings: Correct.
2212
2213 Mr. Branin: To get the traffic from Broad Street and so forth
2214 moving further toward Lauderdale and so forth.
2215
2216 Mr. Jennings: Yes sir.
2217
2218 Mr. Branin: Okay. Then once John Rolfe is completed, we're
2219 going to do what with Pump?
2220
2221 Mr. Jennings: Ms. Croft just handed me something. Ancher Madison
2222 is actually our Capital Improvement Projects coordinator and he is more the
2223 expert of the actual timelines of these projects. It says here the area that you're
2224 asking about is Phase 2 construction for John Rolfe Parkway. It's expected to go
2225 to construction after Phase 1 is almost completed. Phase 1 is expected to be
2226 advertised this fall.

2227
2228 Mr. Branin: If I'm not mistaken, Ms. Garnett, Phase 1 will go from
2229 Broad Street to the Pump/Church intersection.
2230
2231 Mr. Jennings: Yes sir.
2232
2233 Mr. Branin: That's what's going to be kicking off this fall by bid.
2234
2235 Ms. Garnett: [unintelligible.]
2236
2237 Mr. Jennings: Phase 1 is before this project. Phase 2 of John Rolfe
2238 Parkway will be in the vicinity of this project and there will be some improvements
2239 at Pump Road intersection.
2240
2241 Mr. Branin: Once they're finished Phase 1, we're going to try to
2242 get Phase 2, get Pump Road widening as well. So, when it's all completed, which
2243 hopefully will be, as Mr. Theobald said—
2244
2245 Ms. Garnett: [unintelligible.]
2246
2247 Mr. Branin: Yes ma'am.
2248
2249 Mr. Jennings: There wasn't the funding—
2250
2251 Mr. Jennings: It would have been nice, but there wasn't the funding
2252 to do all that at that time.
2253
2254 Mrs. Jones: Yes.
2255
2256 Ms. Garnett: What's the timing on the Shire?
2257
2258 Mr. Jennings: Shire? I think the build-out is 2026? Is that what you
2259 said, Mr. Theobald, the build-out for Shire? That was what the traffic was
2260 projected to. What's the build-out?
2261
2262 Mr. Vanarsdall: Mike, wasn't there something in the paper recently
2263 about John Rolfe and what section would be finished? I thought it was this past
2264 week.
2265
2266 Mrs. Jones: I didn't see it.
2267
2268 Mr. Vanarsdall: Something about it.
2269
2270 Mr. Jennings: Mr. Theobald can answer the build-out question.
2271
2272 Mrs. Jones: Thank you, Mr. Jennings.

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Mr. Theobald: My understanding is we hope to get underway as soon as we can get POD approval. This is obviously going to have to be phased in some measure to be able to match up with road improvements with the townhomes coming later. I think the retail, depending upon the roads and your ability to get access, could be up and finished in a year or two. The townhomes will likely lag behind that. Again, it's obviously just a question of being able to match ability to access and circulate with where you are on the roads and the right-of-way acquisitions and all that sort of thing. It's going to fit right in there, but it's going to come over time. It's not a long project.

Mrs. Jones: Ms. Garnett, did that help?

Ms. Garnett: Yes it does.

Mr. Vanarsdall: That's a good attitude.

Mr. Branin: Thank you, Ms. Garnett.

Mr. Vanarsdall: Good attitude.

Mrs. Jones: Okay. I was just about to thank Nathalie before we started talking about traffic and I don't want to go forth with the motion until I do publicly thank you for all the hard work you've put in on this case. I'd like to first of all waive the time limits for case C-27C-06.

Mr. Vanarsdall: Second.

Mr. Branin: Motion made by Mrs. Jones, seconded by Mr. Vanarsdall. All in favor? All opposed?

Mrs. Jones: I'll then move that case C-27C-06 be sent to the Board of Supervisors with a recommendation for approval.

Mr. Vanarsdall: Second.

Mr. Branin: Motion made by Mrs. Jones, seconded by Mr. Vanarsdall. All in favor say aye. All opposed? The ayes have it, the motion carries.

REASON: The Planning Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request because it conforms to the recommendations of the Land Use Plan, it would not adversely affect the adjoining area if properly developed as proposed, and the proffered conditions would provide for a higher quality of development than would otherwise be possible.

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Mr. Vanarsdall: See you again, Jim.

Mr. Silber: The next rezoning request is C-8C-07.

C-8C-07 Gumenick Properties: Request to conditionally rezone from R-2 One Family Residence District to RTHC Residential Townhouse District (Conditional), Parcels 745-740-3611, -4804, 745-739-5887, -7086, -7474, and -8598, containing approximately 6.02 acres, located on the northeast line of Derbyshire Road at its intersection with Branway Drive. The applicant proposes a residential townhouse development with a maximum of 16 units, an equivalent density of 2.66 units per acre. The RTH District allows a maximum density of 9 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mr. Branin: Is anyone in opposition of C-8C-07? Okay. Mr. Tyson?

Mr. Tyson: Thank you Mr. Chairman, members of the Commission, Mr. Thornton and Mr. Secretary. The applicant is proposing to rezone 6.02 acres from R-2, One Family Residence to RTHC, Residential Townhouse Conditional to permit development of 16 townhouses as an expansion of the existing Grayson Hill Development.

The 2010 Land Use Plan recommends SR-1, Suburban Residential land uses for the parcel and while the proposed use is not supported by the Plan, it is a logical extension of the Grayson Hill project and is consistent with the emerging land use trend in that area.

Subject properties are currently the site of five single-family homes that would be demolished. The Grayson Hill neighborhood is to the north and west of the site, the Brandon West subdivision is to the south, and the Sleepy Hollow Forest is to the east of the site.

In an effort to mitigate potential impacts to the adjacent uses, the applicant is proffering the following. The site would be developed substantially in accordance with this conceptual plan. The maximum number of units permitted is 16 and the minimum finished floor area permitted is 3,100 square feet. Access to the units would be provided via an existing internal road network within Grayson Hill. The applicant has specifically proffered that no access to the site would be provided via Derbyshire Road.

A buffer 75 feet in width has been proffered along the eastern and southern edge of the subject properties. Any grading or clearing needed for the demolition of the existing homes or for the installation of utilities should occur within the

2365 western most 25 feet of this buffer provided that supplemental landscaping,
2366 approved at the time of landscape plan review, is installed to replace materials
2367 removed by the grading. The buffer would be in common area and would not be
2368 part of any individual lot.

2369

2370 A buffer 50 feet in width would be provided adjacent to the right-of-way of
2371 Derbyshire Road. Grading would be permitted within this buffer provided it is
2372 followed by supplemental landscaping approved at landscape review. The buffer
2373 will be common area, not part of any individual lot. This buffer is in addition to
2374 any required building setbacks required by the zoning ordinance. No fencing
2375 would be permitted within 20 feet of the right-of-way line. All plantings for the
2376 proffered buffers would be maintained by the homeowners association and
2377 installed no later than the first growing season after the Plan of Development
2378 approval and should be of the following size. Deciduous shade trees would be 5
2379 to 6 inches caliper at breast height. Flowering under story trees would be 12 to
2380 14 feet in height at installation and evergreen trees would be 12 to 16 feet in
2381 height.

2382

2383 All homes would be estate homes similar to the architecture in this rendering. All
2384 homes would have a minimum two-car garage and would be constructed of brick,
2385 stone, cultured stone or cementitious siding. End units would be brick on all
2386 three exposed sides. All chimneys would be brick. A 55 STC rating will be
2387 provided and all units would have a minimum of two steps for entry. Sidewalks
2388 for the entirety of the project would be provided. A paved pedestrian path would
2389 be provided within the County's right-of-way along the north side of Derbyshire
2390 Road.

2391

2392 All construction access to the property would be from Patterson Avenue or
2393 Gaskins Road. No access to Derbyshire would be permitted. Exterior
2394 construction would be permitted from 7 to 7, Monday through Friday, and 8 to 5
2395 on Saturday. No exterior construction would take place on Sundays. Other
2396 proffers relating to burning on site, parking lot and street lighting, and other
2397 proffers that are directly carried over from case C-35C-05 have also been
2398 brought forward for this case.

2399

2400 Inclusion of the subject properties in the Grayson Hill neighborhood is a logical
2401 extension of the townhouse use. The applicant has submitted proffers that mirror
2402 those accepted with the original zone for that project and staff believe impacts on
2403 adjacent properties would be mitigated to the extent possible. Staff recommends
2404 the Planning Commission forward this application to the Board of Supervisors
2405 with a recommendation for approval. I'd be happy to answer any questions I can.
2406 The applicant's attorney is also here as well.

2407

2408 Mr. Branin: Thank you, Mr. Tyson. Do the Commissioners have
2409 any questions for Mr. Tyson? None? Okay. Would like to hear from the

2410 opposition. We've stated the rules of speaking. Do you guys need a refresher
2411 course since it's so late in the evening?

2412
2413 Mr. Silber: Do you want to hear from the applicant first?

2414
2415 Mrs. Jones: Should we have the applicant first?

2416
2417 Mr. Branin: Do you want to hear from the applicant?

2418
2419 Mrs. Jones: Yes.

2420
2421 Mr. Branin: Okay. Can we hear from the applicant? Mr.
2422 Theobald is working very hard this evening.

2423
2424 Mr. Vanarsdall: You should have sat on this side of the room tonight.

2425
2426 Mr. Theobald: There we go. Good evening Mr. Chairman, ladies
2427 and gentlemen. My name is Jim Theobald. I'm here once again on behalf of
2428 Gumenick Properties. You may recall that when we rezoned the larger portion of
2429 this site a few years ago, we were strongly encouraged by staff and others to
2430 acquire these homes along Derbyshire, the five brick ranchers that were really a
2431 little notch out from our site. At the time, we were endeavoring to contract to
2432 acquire those, but just had not completed that at the time of the original rezoning.
2433 They have now been acquired or are under contract and the plan is to
2434 incorporate them into Grayson Hill. Importantly, as emphasized, there is no
2435 access to Derbyshire Road. This is but 16 units in 4 buildings on 6 acres and we
2436 have utilized substantially the same proffers, where applicable, that were the
2437 subject of many long negotiations with the original case.

2438
2439 I've shown you the original master plan so that I can show you the area of the
2440 new request. Basically, this is the western most line cutting through here and it
2441 includes, basically, this land and this corner. The proffered conditions, as
2442 indicated, include a prohibition against access—access is only from Gaskins or
2443 Patterson; 75-foot buffer along the east; 50-foot buffer along Derbyshire. It's
2444 limited to about 16 units that are proffered to be a minimum of 3100 square feet
2445 in size. We've proffered the elevations, as well as our plan. Materials are as
2446 stated. There are also proffers that were highly negotiated regarding construction
2447 access, hours of construction, tree retentions, etc.

2448
2449 You might be interested to know that Grayson Hill has been very much of a
2450 success and a high quality development. They have sold some 72+ with
2451 additional units being reserved. That's as of a couple months ago. I'm sure those
2452 numbers are now outdated. The prices have been ranging between 750 and
2453 \$800,000. Of the units sold, 90 to 95 percent of those are occupied by people 55
2454 years or older, and, to our knowledge, there are no children in residence at

2455 Grayson Hill. So, it has exceeded, I guess, the vision that we painted for you
2456 initially with the case as being high scale, upscale, empty-nester type community.

2457

2458 We have continued the same kind of landscaping montage. We've taken
2459 photographs at the top of the existing condition out there—this is on Derbyshire
2460 and we're going from west to east; the section in the middle showing the
2461 landscape plan; and then we have Photoshopped in the units behind the
2462 proffered landscaping. You'll note that the units sit below the grade of
2463 Derbyshire Road. This is, again, just moving on down Derbyshire to the east.
2464 Then finally, the first home on Lakewater, owned by the Adams'. This is in the
2465 Adams' backyard, looking at the back of their yard. They have a wooden
2466 stockade fence with vegetation on the other side. We have discussed with them
2467 both the types of landscaping, as well as I think maybe some landscaping we'd
2468 like to see removed in that area. The middle home, they probably have the most
2469 open view currently so we've put a lot of evergreens in there. The [unintelligible]
2470 probably have the most natural screening and they have a couple of holes that
2471 need to be filled in here due to some storm damage. This is the area that you
2472 saw on the map with the existing ravine that goes down and the existing trees
2473 that will be preserved.

2474

2475 We think this request is in keeping with the challenges presented to us by staff
2476 initially. It is a very modest addition. In fact, we're taking five driveway cuts off of
2477 Derbyshire Road and internalizing the traffic. The traffic engineer suggested that
2478 this will actually generate in isolation less traffic than the homes do presently.
2479 Overall, the traffic generated by Grayson Hill is actually less than anticipated
2480 given the results of the opening of that 288 and people moving further out to the
2481 west with their traffic patterns rather than utilizing that intersection. Those of you
2482 who utilize that intersection will recognize the improvements that have been
2483 made in terms of turn movements. There are more coming in terms of traffic
2484 lights on Gaskins. I hope that you will agree that Henrico can be very proud of
2485 what has occurred at Grayson Hill and the quality of development. I'd be happy
2486 to answer any questions.

2487

2488 Mrs. Jones: I have one question. Mr. Theobald, the site plan that
2489 you showed in your presentation just now that showed the townhomes—

2490

2491 Mr. Theobald: This one?

2492

2493 Mrs. Jones: Did I understand you to say this was part of the
2494 original case?

2495

2496 Mr. Theobald: No. In other words, what I've done is I've added in
2497 the area we're considering this evening, which is basically that in this corner, just
2498 to show you the relationship of the new units, basically, to the community and
2499 how is accesses back out only to Gaskins and to Patterson. The BMP areas are

2500 all combined. So, this is really just this little tail down here, if you will. I just
2501 wanted to give you that orientation.

2502
2503 Mrs. Jones: All right. The additional acreage was always part of
2504 the discussion at the original one?

2505
2506 Mr. Theobald: We didn't own it. It was not part of the original
2507 rezoning request. We were encouraged by staff to get control of that property
2508 because it left the six homes that were largely rental property kind of just in there
2509 between the homes along Lakewater, and Sleepy Hollow Forest, and the homes
2510 on the other side of Derbyshire. It was sort of in the plan. You'll see it in the old
2511 staff report referenced. You'll see it in the old proffers for the existing case and
2512 that we caused the primitive buffers to self-destruct as and when we were able to
2513 get a hold of this property. It was discussed at a couple of community meetings
2514 as to the desire to acquire this.

2515
2516 Mrs. Jones: Thank you.

2517
2518 Mr. Silber: Can we hear from the opposition?

2519
2520 Mr. Branin: Absolutely. Would the opposition like to come down?

2521
2522 Mr. Adams: Good morning, ladies and gentleman. I'm Rod
2523 Adams. You saw my backyard.

2524
2525 Mr. Adams: I appreciate Jim meeting with us on a couple of
2526 occasions and we actually did make some good progress in those discussions. I
2527 also appreciate the Gumenick's cleaning up a mess that was created in the
2528 Epon Downs development. I believe Mr. Shield was that developer who left an
2529 open drainage area that created quite a swamp in that area. I appreciate the
2530 Gumenick's came in and helped fill that in and create a good drainage situation.
2531 From that respect, that part of it is very, very good.

2532
2533 There are a couple of things that in the totality of the development that need to
2534 be addressed. One of them is that at this junction, Derbyshire, which is the main
2535 side street of this development, there are no shoulders on that road. I
2536 understand that there is right-of-way there, but there's no way to get off of that
2537 road without falling into the ditch at this juncture. The proffers do appear to
2538 address any of that particular condition. As part of that development, which I
2539 understand there's right-of-way there for both the power lines and the County to
2540 have that right-of-way. There is a footpath that was installed in the portion that
2541 was previously owned. We have talked with Jim and agreed to extend that. It is
2542 unclear to me, and I'm sure there's a very important distinction as to why that is
2543 an asphalt footpath and not a sidewalk. The sidewalk is there on the Gaskins
2544 Road side. The sidewalk starts down Derbyshire, but then it's turned into an
2545 asphalt. Unfortunately, that asphalt path now has standing water on it when

2546 there is a rainstorm. If that was improved or a proffered sidewalk as part of that
2547 development of the shoulder and the whole area going in, it would be a
2548 tremendous improvement to that area. Derbyshire, if any of you drive it, you
2549 know that it is a quite a tricky road to navigate. Because there are no shoulders,
2550 it's a fairly narrow road and there is the opportunity to take care of that issue as
2551 part of this development right now.

2552

2553 On the Lakewater side, we talked at the community meeting organized by Jim
2554 about the problem of increasing cut-throughs from Derbyshire to Patterson on
2555 Lakewater Drive. Part of that is viewed as part of this development of people
2556 trying to avoid congestion at the Gaskins/Patterson intersection when they come
2557 out of the other neighborhoods. I know that there have been efforts to try to
2558 study that process. I've seen the measurement devices on the road and I know
2559 that we've had a few police officers sitting quietly on the side street, but that
2560 problem continues. We have a lot of small children in that neighborhood. I think
2561 there's somewhere around 30, 40, 50 children of grade school age in that
2562 neighborhood between the Epsom Downs and Sleepy Hollow Forest. They,
2563 naturally, tend to dart out on that street and someone's going to get hurt if we
2564 don't calm that traffic. This would be ideal time to get into that process to do that.

2565

2566 The other issues we've had is, unfortunately, this development has not been a
2567 terribly good neighbor. When proffers have been made as far as the work times,
2568 the adjoining neighbors during the main development have complained to me
2569 frequently—I assume they had conveyed those on to the appropriate folks—of
2570 working outside of the proffered work hours, of there being a tremendous dust
2571 problem blowing off of that field. This entire area, unlike the aerial photo that you
2572 saw, has been entirely stripped. So, there's a tremendous dust problem that
2573 should be addressed as far as any further development. I don't want that dust
2574 problem coming in as part of adding these 16 units.

2575

2576 In addition, the proffered landscaping includes photographs that have been
2577 Photoshopped in as far as elevations, as far as the density of the screening
2578 processes. Unfortunately, that is not what we're seeing on the street. If you
2579 look, in fact, at the offered photographs that have been Photoshopped, the areas
2580 that are not now under study, if you look to the edges, where the screening is,
2581 the buffers that have been developed as far as the main development, they are
2582 not nearly as dense as they were originally represented, nor as dense as the
2583 representation as to what they are on these photographs. I would ask that Jim
2584 tell us that, in fact, they're going to live up to what these photographs show, that
2585 that density is going to be that dense when they develop this. We were under
2586 the impression that that screening would be as represented. If one drives down
2587 Lakewater Drive today, or down Derbyshire, or down Gaskins, that screening is
2588 nowhere near as dense as it was represented. I ask that they uphold that.

2589

2590 I appreciate your understanding and I'll be happy to answer any questions you
2591 may have.

2592
2593 Mrs. Jones: Mr. Adams, I think your points certainly need to have
2594 some answers. I could go ahead and answer these because they've all come up
2595 in conversation; however, I am going to, at the proper time, ask for Mr. Theobald
2596 to address them one by one. So, thank you very much for your comments.
2597
2598 Mr. Adams: Thank you.
2599
2600 Mrs. Jones: Do we have more?
2601
2602 Mr. Branin: Is there anyone else?
2603
2604 Ms. Garnett: Traffic, traffic, traffic. I'm Shirley Garnett and I live on
2605 Derbyshire. I'm here to tell you I would invite each and every one of you to come
2606 and try to get out of my driveway at 8:00 in the morning. I never, ever schedule
2607 an appointment earlier than 9:00 in the morning. That is my main concern, the
2608 traffic. I was also wondering, I know some people that I know of that have lived
2609 behind Grayson Hills and also on another property that was developed further
2610 on, and up on Timken, which is a block up from there. They're having drainage
2611 problems. I was wondering what type of drainage situations that they have taken
2612 into consideration when they were building. That's a very big problem, as you
2613 know. It's all over.
2614
2615 Mrs. Jones: Especially in the Tuckahoe District. I agree with you.
2616 We do have a lot of those challenges.
2617
2618 Ms. Garnett: I did get an answer to one of my questions that I
2619 came here to find out, whether or not they were going to encroach on Derbyshire
2620 Road and make an entranceway there. I know that's what they started out
2621 wanting to do and the Civic Association fought this, and we finally came to an
2622 agreement as no entry on Derbyshire. That really makes me feel better about
2623 that.
2624
2625 Mrs. Jones: Thank you very much, Ms. Garnett.
2626
2627 Mr. Branin: Is there anyone else?
2628
2629 Mrs. Jones: Don't be shy; come on.
2630
2631 Mr. Barns: Good evening Mr. Chairman and member of the
2632 Board. My name is Tom Barns and I live on Branway Drive just behind. To echo
2633 Ms. Garnett's comments, the traffic is of dire concern to me as there is a greater
2634 influx of it. I've been in that property now for 23 months. I moved there in
2635 February 2005, so I've basically been able to track the progress of the
2636 development since my wife and I and my two children have moved there. I feel
2637 the traffic is of dire concern because of the amount of time it does take to leave in

2638 the morning to get off of Branway West onto Derbyshire. Also during the rush
2639 hour in the afternoon. I really can't add anymore to that, but I do feel that despite
2640 the fact that there have been promises that there won't be any further entrances
2641 as far as into the Grayson property, I still would register a concern about the
2642 amount of traffic that's on that road. Thank you.

2643

2644 Mr. Branin: Thank you, Mr. Barns. There is about two minutes. Is
2645 there anyone else? None? Mr. Theobald, you have four minutes.

2646

2647 Mr. Theobald: To address Mr. Adams' issues. The topic of widening
2648 Derbyshire, be it shoulders or additional lanes, is probably one of the more
2649 controversial issues in any district in Henrico County. The reason that we've not
2650 been required to do any shoulder work or improvements in there is that we've
2651 been denied access to it. Had we been allowed access to Derbyshire, which
2652 we've never sought, then we would have likely been required to both widen,
2653 improve shoulder sections, etc. Certainly every time there's a community
2654 meeting and someone suggests doing widening or improvements, there are
2655 many others who think that's not a great idea. We will have to dedicate land to
2656 accomplish ultimate widening, but this also ties in with the asphalt path aspect.
2657 We've transitioned from a concrete standard sidewalk to an asphalt in the event
2658 that Derbyshire were to be widened, we wouldn't have to go back and rip out that
2659 concrete sidewalk. So that was set up and discussed at the community meeting
2660 and that's essentially the reason it's in there. As far as having some ponding
2661 issues, it's certainly things that we can correct. We have proffered to extend that
2662 down across Sleepy Hollow Forest association property, which is essentially off-
2663 site to us, at the request of those neighbors.

2664

2665 Cut-through traffic, again, we're not allowed any access over there to Lakewater,
2666 so if people are cutting to get around that intersection, I don't think it's Grayson
2667 Hill residents. In fact, in terms of just general traffic issues, while we've sold 72
2668 or so units, not that many people have moved in yet. The community is still in its
2669 infancy and so I would be surprised if any increase in traffic is, at this point,
2670 related to the residents of Grayson Hill.

2671

2672 We have lived through a construction period that has seen some of the driest
2673 weather ever seen in Henrico County. We know there's been dust. We've had
2674 water trucks on site. We have many helpful neighbors watching every inch of our
2675 progress on a daily basis. When a construction worker picks up a hammer before
2676 7, a call is made to the County or to Mr. Toller at Gumenick. To my knowledge, in
2677 every instance, we have followed-up, tried to remedy it to the absolute best of our
2678 ability. This has probably been the most responsive developer that I've ever seen
2679 in trying to deal with both the conditions on site. I know there have been some
2680 issues. When a construction vehicle is required to have a backup bell, they're
2681 allowed to come on site. If they have to put it in reverse and the beeper goes off,
2682 then I know we've had a call or two. We've tried to sensitize the construction
2683 workers to be mindful of our neighbors. I'm not here to tell you that's been a

2730 Mrs. Jones: I think it's important for us to understand that we are
2731 dealing with this particular rezoning for this particular six-acre parcel. That's how
2732 we need to base our decision, but we need to also have the big picture in mind
2733 here and address problems that are expressed by the citizens in the area. Thank
2734 you very much.

2735

2736 Mr. Branin: Any other questions? I have a comment or two when
2737 you're done.

2738

2739 Mrs. Jones: Go right ahead.

2740

2741 Mr. Branin: Okay, thank you. Mr. Adams, your comment about
2742 cut-through traffic through the neighborhoods, Mr. Theobald said there aren't
2743 many residents in there yet which would lead us to believe that the cut-through
2744 traffic is coming from this neighborhood, but it is indeed a problem. Mr.
2745 Jennings, do you by chance—and I'm sure you don't, but I'm going to as anyway.
2746 Do you by chance have any of the brochures for the County?

2747

2748 Mr. Jennings: Actually, that's not necessary because I've already
2749 talked to several of his residents. Lakewater Drive is currently in our Traffic
2750 Calming Program. I think about a week ago we just completed a study, as Mr.
2751 Adams said, [unintelligible] around the road. The Traffic Calming Program is
2752 warranted on that street. So, what I'm going to do is I'll put maps and signature
2753 blocks together, send them out to the person that requested the study to begin
2754 with so he can get the signatures to implement Phase 1 of the Traffic Calming
2755 Program.

2756

2757 Mr. Branin: So actually, County's two steps ahead of me, Mr.
2758 Adams. You've already been put into the Traffic Calming Program. As I'm sure
2759 they will explain to you, they do an analysis of the area with different tests. They
2760 come up with the best means, which could be speed humps, traffic zone signs
2761 with heavy fines, and some other methods. If you're already in the program, I
2762 would think that that problem is being addressed by the County and you should
2763 see some positive outcome. Thank you, Mr. Jennings. That's all I have.

2764

2765 Mrs. Jones: I think one very important comment that I would like to
2766 make as we discuss this further, this is, obviously, the hearing where the rezoning
2767 is being considered. This is a time and a place for us to make a decision about
2768 the case in front of us. Before this time, there's a lot of time and energy that
2769 goes into the discussion with staff members, with the developer, with the
2770 Planning Commissioner, and with the neighbors. Many of you may have been at
2771 the neighborhood meetings that were held. I'm afraid I haven't had a chance to
2772 meet all of you individually, so I can't say whether you all were there. However,
2773 the opportunity was there to gain information and factual information. One of the
2774 things that has bothered me a bit today is that I have heard from various staff
2775 members that the rumors have been flying that an entrance or access through

2776 Derbyshire was going to be part of this plan. That was totally rumor, absolutely
2777 no basis to it. Never was that part of the discussion, which brings me to the next
2778 point. I'm saying this simply because, personally, I feel it's important. I have a
2779 chance to sit here and I have the honor and privilege of being involved on the
2780 Tuckahoe District's behalf with development in the County of Henrico. That's my
2781 job. A big part of my job is knowing what you think. With the exception of one e-
2782 mail from Bruce Wright, I hadn't heard from any of you. I didn't know that anyone
2783 was going to be here tonight. I would have welcomed the opportunity to talk with
2784 you ahead of time so that rumors can be kept to a minimum and factual
2785 information can be exchanged. I think we really need to understand and
2786 communicate with each other really in good faith to make sure that what we're
2787 discussing is, first of all, factual. I know that it's been very upsetting, this rumor,
2788 however it got started, about access to Derbyshire. It is not true and never has
2789 been. I just want to make sure we're very clear about that. I want to encourage
2790 you to keep lines of communication open. We are here for you to talk to about
2791 the issues. When I don't hear from you, I don't know that these are of concern to
2792 you.

2793
2794 [Off mike]: [Unintelligible.]

2795
2796 Mrs. Jones: Okay. She sent me that e-mail, so I'm glad.

2797
2798 [Off mike]: [Unintelligible.]

2799
2800 Mrs. Jones: Absolutely she does.

2801
2802 [Off mike]: [Unintelligible.]

2803
2804 Mrs. Jones: My point simply is that in this case, as in cases to
2805 come, please take a moment to contact your planning commissioner on planning
2806 cases that will be coming forth here. So, I'd appreciate that.

2807
2808 I'm glad that we had a chance to hear your concerns because I think they're
2809 valid. I think they have some next steps that need to be taken. Traffic calming is
2810 going to, hopefully, be a big help to you. I think that you're going to find that the
2811 landscaping—Mr Theobald can certainly correct me if I'm wrong, but the
2812 landscaping as it is installed is, obviously, not mature height.

2813
2814 [Off mike]: [Unintelligible.]

2815
2816 Mrs. Jones: I'll address that in a moment as well. I believe it's a
2817 three-year or a three- to five-year build-out—maturity for the landscaping. Is that
2818 correct? Approximately? We have had conditions that have led to some
2819 replacement plantings needing to go in. This was a very specific point that was
2820 treated last fall. The evergreens are in. All of the flowering shrubs will be put in,
2821 in the spring, after we see what is dead and what has survived. There are plans

2822 in place to adhere to the letter of the proffers that were offered with the original
2823 case. There is no flexibility there. What was proffered will happen. There are
2824 procedures in place to make sure that happens. I don't want you to think that this
2825 is not being handled by the County and it doesn't have oversight, because it
2826 does. It simply can't happen in an instant and with plantings, you need to be
2827 mindful of conditions and timing. I want you to know your concerns have been
2828 heard.

2829

2830 I think it's important to realize we are dealing with this rezoning of this one final
2831 portion of the Grayson Hill development. It is a logical extension, was always
2832 part of the discussion. It forms a very logical boundary line for this community,
2833 as well as the adjacent community. I hope that you can see that in the grand
2834 scheme of things, It makes much more sense to incorporate it than to leave it
2835 piecemeal.

2836

2837 [Off mike]: [Unintelligible.]

2838

2839 Mr. Branin: Ma'am, can you come down?

2840

2841 Mrs. Jones: You'll have to come forward because this is being
2842 recorded verbatim and they can't hear you unless you're at the podium. Thank
2843 you.

2844

2845 Ms. Turner: I just wondered if you—

2846

2847 Mrs. Jones: Could you state your name? I'm sorry, you have to
2848 do that.

2849

2850 Ms. Turner: If you had gotten a report of the other meetings we've
2851 had with Mrs. O'Bannon, we've had a quite a number of them on traffic problems,
2852 all the problems that we have been discussing right now. I don't know whether
2853 you're aware of them. The widening of the road was discussed and we were
2854 assured that that was not going to happen. Cars have no place to park except in
2855 our driveway. There's no way to get in and out of our property unless we back
2856 out or pull out onto Derbyshire Road.

2857

2858 Mrs. Jones: Excuse me, could you state your name and tell me
2859 where you live?

2860

2861 Ms. Turner: Turner.

2862

2863 Mrs. Jones: Mrs. Turner? Where is your home?

2864

2865 Ms. Turner: 9202 Derbyshire Road.

2866

2867 Mrs. Jones: You're on Derbyshire.

2868
2869 Ms. Turner: There has been quite a few meetings that we've had
2870 on this problem and on the traffic and how we can get around. We are bumper-
2871 to-bumper in traffic. I-95 is competition early in the morning. There's a lull in
2872 midday and then in the evening, it's bumper-to-bumper. We can't take anymore.
2873 There's no way. I don't see how they can safely say that we live now. I had a
2874 problem the other day that I thought, I [unintelligible] would die. I went out to get
2875 my paper on the edge of the road in a paper box. It was slippery and I fell. The
2876 traffic was swishing pass. It isn't 35 miles; they go faster than that. I couldn't get
2877 up. I was worried and scared.
2878
2879 Mrs. Jones: I can see, sure.
2880
2881 Ms. Turner: I don't know how you can stop adding more problems
2882 to it by opening that up to more cars.
2883
2884 Mrs. Jones: Well, I think the no access to Derbyshire will go a long
2885 way to making sure that the traffic, as a result of Grayson Hill, is routed
2886 elsewhere. It will come out either on Gaskins or it will come out on Patterson.
2887
2888 Ms. Turner: That hasn't helped too much.
2889
2890 Mrs. Jones: Maybe the situation is a—
2891
2892 Ms. Turner: They think that when they put the lights up, it'll help.
2893
2894 Mrs. Jones: That could well be because it will save the traffic flow.
2895
2896 Ms. Turner: That's what they say.
2897
2898 Mrs. Jones: Mmm-hmm.
2899
2900 Ms. Turner: We don't need to add more to it.
2901
2902 Mrs. Jones: Thank you. Okay.
2903
2904 Ms. Harris - Do you have any other questions?
2905
2906 Mrs. Jones: I do not. I don't in relation to this case, but I think
2907 Derbyshire is clearly identified as an issue that continues to be of concern to
2908 people. I think we need to keep our eyes on the traffic counts, we need to make
2909 sure that we track what kind of improvements that are coming on, what affect
2910 they're having. There will be a light coming soon that will be just a little bit up
2911 Moreland and Derbyshire, and you will find that's probably going to be a help to
2912 you. I can't assure you it will solve all the problems, but I think there's certainly
2913 some hope that it will alleviate some of the traffic.

2914
2915 Mr. Branin: Thank you, Mrs. Jones. I'd love to hear a motion.
2916
2917 Mrs. Jones: Okay. Anyone else?
2918
2919 Mr. Branin: Nope. I'll entertain a motion.
2920
2921 Mrs. Jones: I would like to, with that, thank Mr. Theobald and
2922 thank Mr. Tyson. I would like to move that case C-8C-07, Grayson Hill, be
2923 forwarded to the Board of Supervisors with a recommendation for approval.
2924
2925 Mr. Vanarsdall: Second.
2926
2927 Mr. Branin: Motion made by Mrs. Jones, seconded by Mr.
2928 Vanarsdall. All in favor say aye. Those opposed say no. The motion carries.
2929
2930 **REASON:** The Planning Commission voted 5-0 (one abstention)
2931 to recommend the Board of Supervisors **grant** the request because it would
2932 assist in achieving the appropriate development of adjoining property and subject
2933 property, and the proffered conditions will assure a level of development and
2934 quality not otherwise possible.
2935
2936 Mr. Silber: This will come up before the Board of Supervisors on
2937 the 13th of February at 7 p.m.
2938
2939 Mr. Branin: Mr. Secretary, I think the rest we have is
2940 housekeeping, correct?
2941
2942 Mr. Silber: Well, they are Substantially in Accords and setting a
2943 CIP hearing.
2944
2945 Mr. Branin: Mr. Archer, you'd like to take a five-minute break?
2946
2947 Mr. Archer: Five minutes.
2948
2949 Mr. Branin: Five minute break. Take a five-minute break.
2950
2951 **BREAK**
2952
2953 Mr. Silber: Okay. The next request, the next item on the agenda
2954 is a resolution for a Substantially in Accords. This is SIA-1-07. This is the for
2955 Nuckols Farm Historic Park Site. This is located in the Three Chopt District off of
2956 Gayton Hills Lane.
2957
2958 Mr. Tyson: At the request of the Division of Parks and
2959 Recreation, the Planning Commission has conducted a Substantial in Accord

2960 Study to determine whether use of the Nuckols Farm property for a proposed
2961 historic park is substantially in conformance with the County's adopted comp
2962 plan. The 3.15 acre parcel's located west of North Gayton Road within one-half
2963 mile of the Goochland/Henrico County line, is boarded to the north by Graham
2964 Meadows Subdivision, on the south and west by Gayton Station Subdivision, and
2965 on the east by Gayton Hills Lane and Nuckols Farm Elementary School. It's the
2966 remnants of an original 245-acre site that was originally obtained in 1849 by
2967 Israel Nuckols. The property was the subject of a rezoning request in 2004 to
2968 develop residential townhouses; however, that application was subsequently
2969 revised to request a single-family residential development. That application was
2970 eventually withdrawn. The applicant originally proposed to raise the Nuckols
2971 farmhouse and [unintelligible] the detached kitchen to incorporate it into an
2972 entrance feature. The current proposal is to develop this property as an historic
2973 park site. It would preserve the historically significant structures and remove the
2974 existing non-contributing garage. Staff recommends that the Planning
2975 Commission find the proposed Nuckols Farm park site substantially in accord
2976 with the Comprehensive Plan, as it furthers the Comprehensive Plan's goals
2977 related to historic structures in the County.

2978
2979 Mr. Branin: Does anybody have any questions for Mr. Tyson?
2980 None?

2981
2982 Mr. Silber: It was such a fine presentation.

2983
2984 Mr. Branin: It was an excellent presentation. I'm sitting here just
2985 in awe.

2986
2987
2988 Mr. Silber: It would require the Commission to act on the
2989 resolution that we have provided you. This resolution would be forward to the
2990 Board of Supervisors and the Board will be hearing this in February, if you so
2991 choose to send it on favorably.

2992
2993 Mrs. Jones: I think we should.

2994
2995 Mr. Branin: May I have a motion for approval of this resolution?

2996
2997 Mrs. Jones: I move the resolution for the SIA-1-07, Nuckols Farm
2998 Historic Park Site Substantially in Accord.

2999
3000 Mr. Jernigan: Second.

3001
3002 Mr. Branin: Motion made by Mrs. Jones, second by Mr. Jernigan.
3003 All in favor say aye. All opposed say no. Resolution carries.

3004

3005 Mr. Silber: Thank you. The next resolution is for SIA-2-07. This
3006 is for a high school site #1. This is in the Brookland District along the Staples Mill
3007 Road corridor.

3008
3009 Ms. Deemer: Thank you Mr. Secretary. Good evening Mr.
3010 Chairman, members of the Commission, Mr. Thornton.

3011
3012 Mr. Archer: Good evening, ma'am.

3013
3014 Mr. Silber: Good evening, Ms. Deemer.

3015
3016 Mr. Vanarsdall: Good evening.

3017
3018 Ms. Deemer: Planning staff conducted this SIA at the request of
3019 Henrico County Schools. The proposed high school site is located on the west
3020 side of Staples Mill Road approximately 1500 feet south of its intersection with
3021 Springfield Road in the Brookland District. The site consists of four parcels
3022 totaling approximately 96 acres. The proposed high school will relieve
3023 membership at Deep Run and Hermitage High Schools. The anticipated capacity
3024 for the proposed school is 1,850 students. The opening date for the high school
3025 is planned for fall 2010. The subject site was zoned R-2C, One-Family
3026 Residence Conditional by rezoning cases C-19C-05 and C-50C-05. The
3027 proposed school is a permitted use in the R-2 District. The site is the subject of a
3028 proposed subdivision plan for 129 lots called the Wickham Subdivision. The
3029 property is bounded by single-family subdivision development to the south and
3030 west. The Hindu Center of Virginia is located to the north and other parcels to
3031 the north and east are vacant or contain single-family development. The 2010
3032 Land Use Plan recommends Suburban Residential, SR-1 for the proposed school
3033 site and the surrounding areas. Public schools are generally compatible with the
3034 uses recommended for this designation.

3035
3036 Staff believes the proposed high school development would be consistent with
3037 the goals, objectives, and policies of the Plan that stress the importance of
3038 providing adequate public facilities and services located in a manner for
3039 maximizing service delivery efficiency, while minimizing negative impacts on
3040 surrounding uses. The proposed use for this site would support the intent of the
3041 Comprehensive Plan in that the proposed use of the subject site for construction
3042 of the proposed school facilities will maximize opportunities for service to the
3043 County's residents. The proposed high school will contribute to orderly growth
3044 and development of County facilities and services based on the needs of the
3045 County's growing population. The subject site can be designed to be compatible
3046 with adjacent existing and proposed land uses in accordance with the
3047 Comprehensive Plan and the proposed improvements to this site would not
3048 adversely affect the health, safety, and general welfare of the adjoining
3049 residential community. The need for providing necessary public facilities and
3050 services has become more challenging while options for viable high school sites

3051 with few development constraints become increasingly less available. The
3052 proposed high school would be compatible with goals, objectives, and policies of
3053 the 2010 Land Use Plan in terms of providing such service to a predominantly
3054 residential area. The site appears to have some physical constraints; however,
3055 with proper site design, an adequate developable area would be available.
3056

3057 After reviewing the proposed location in the context of the existing and
3058 recommended land uses, the transportation system and the parks, recreation,
3059 and open space goals for this area of the County, staff concludes the proposed
3060 use of this site presents no apparent conflict with the intent of the Land Use Plan,
3061 and recommends the Planning Commission deem the site to be substantially in
3062 accord with the Comprehensive Plan of Henrico County. Thank you. I'll answer
3063 any questions that you may have.
3064

3065 Mr. Branin: Anybody have any questions for Ms. Deemer?
3066

3067 Mr. Vanarsdall: None.
3068

3069 Mr. Branin: It's great that we're putting in a new high school out
3070 there.
3071

3072 Mr. Vanarsdall: Pardon?
3073

3074 Mr. Branin: I think it's great we're putting in a new high school out
3075 there. Okay. I'll entertain a motion.
3076

3077 Mr. Vanarsdall: In keeping with the planning staff's recommendation
3078 be it resolved the Planning Commission finds the proposed high school #1 site
3079 substantially in accord with the County's Comprehensive Plan. Period.
3080

3081 Mr. Branin: Is that your motion? Is that your motion, Ray?
3082

3083 Mr. Jernigan: Second.
3084

3085 Mr. Branin: Got it. Motion made by Mr. Vanarsdall, seconded by
3086 Mr. Jernigan. All in favor? Opposed? Motion for the resolution carries.
3087

3088 Mr. Silber: Next on the agenda would be consideration of setting
3089 a public hearing for the Capital Improvements Program. This would be the CIP
3090 for 2008 through 2012. You may recall that once a year the County Manager
3091 and the staff presents the CIP to the Planning Commission. The public hearing is
3092 held and the Planning Commission acts after that public hearing on that CIP. We
3093 are recommending that the Planning Commission set February 15, 2007 at 6
3094 p.m. for that public hearing and presentation by the County Manager.
3095

3096 Mr. Vanarsdall: Well, I don't have any problem with it. I'll move that
3097 we set the 15th of February at 6 p.m.
3098
3099 Mr. Archer: Second.
3100
3101 Mr. Vanarsdall: To entertain the CIP.
3102
3103 Mr. Branin: Okay. Motion made by Mr. Vanarsdall, seconded by
3104 Mr. Archer. All in favor? All opposed? The motion carries.
3105
3106 Mr. Silber: Finally on the agenda is consideration of your minutes
3107 from December 7th, 2006.
3108
3109 Mr. Vanarsdall: Second.
3110
3111 Mrs. Jones: I've e-mailed some corrections to all the
3112 Commissioners and to—I guess I'll send it to Ann.
3113
3114 Mr. Silber: Okay.
3115
3116 Mrs. Jones: Who is going to give it to Sylvia.
3117
3118 Mr. Silber: Okay. That's right.
3119
3120 Mr. Vanarsdall: I found out from Bonnie-Leigh's e-mail that that's
3121 being farmed out now.
3122
3123 Mrs. Jones: Yeah. I didn't know.
3124
3125 Mr. Silber: We have—
3126
3127 Mr. Vanarsdall: It's being farmed out.
3128
3129 Mr. Silber: We have, within some of our divisions, outsourced the
3130 typing of the minutes. We may be doing that within all of our divisions very
3131 shortly.
3132
3133 Mr. Branin: For what reason?
3134
3135 Mr. Silber: Well, we had some staff shortages and it's very
3136 difficult to keep up with the minutes given other workloads.
3137
3138 Mr. Branin: Okay.
3139
3140 Mr. Vanarsdall: You know, the Board doesn't have minutes. Maybe
3141 we shouldn't continue minutes.

3142
3143 Mrs. Jones: What would I do?
3144
3145 Mr. Silber: The Board keeps minutes, but they don't keep
3146 verbatim minutes. The Planning Commission's minutes and the Board of Zoning
3147 Appeals' minutes are all verbatim.
3148
3149 Mr. Archer: That way they can't be blamed for anything.
3150
3151 Mr. Branin: Can I get a motion for approval of the minutes or is
3152 there—
3153
3154 Mrs. Jones: So move.
3155
3156 Mr. Archer: Second move.
3157
3158 Mr. Branin: Okay. Motion made by Mrs. Jones, seconded by Mr.
3159 Vanarsdall. All in favor say aye. All opposed say no. That motion carries.
3160
3161 Mr. Vanarsdall: I move that we adjourn.
3162
3163 Mr. Archer: I second Mr. Vanarsdall's motion for adjournment.
3164
3165 Mr. Branin: We are officially adjourned at 10:07.
3166
~~3168~~
3169

Randall R. Silber, Secretary
3170
3171
3172
~~3174~~
3175

C. W. Archer, CPC, Chairman