

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary  
3 Spring Roads at 7:00 p.m., on July 13, 2000, Display Notice having been published in the  
4 Richmond Times-Dispatch on Thursday, June 22, 2000, and Thursday, June 29, 2000.

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

12  
13 Members Absent: Elizabeth G. Dwyer, C.P.C., Tuckahoe

14  
15 Others Present: Randall R. Silber, Assistant Director of Planning  
16 Mark Bittner, County Planner  
17 Lee Householder, County Planner  
18 Jo Ann Hunter, County Planner, AICP  
19 Eric Lawrence, County Planner, AICP  
20 Ann B. Cleary, Recording Secretary

21  
22 Mr. Vanarsdall - We're going to start early tonight. It's 5:59 p.m. Good evening,  
23 everyone. The Planning Commission will now come to order. I'm glad to see everybody here.  
24 And, as you know, this is a public hearing. I want to turn the meeting over to Mr. Marlles, who is  
25 our secretary. But, first, I want to recognize Tom Lappas, from the Henrico Leader and Jeremy  
26 Redmon from the Times-Dispatch, and Greg Butterworth from WRVA, and Channel 6 and 8 and  
27 12, if they are here, and 35, and anyone else from the news media you're welcome. Mr. Marlles.

28  
29 Mr. Marlles - Mr. Chairman, before I get into announcing the public hearing, I am  
30 going to have to make a brief announcement at the request of the Fire Marshall. For those citizens  
31 that are standing in the back of the room, you need to kind of try to stay against the wall and leave  
32 an aisle for access, as much as possible. If it gets too crowded, we will have to ask some citizens to  
33 leave, so please try to keep an aisle open.

34  
35 Good evening, ladies and gentlemen. The first item on the agenda is a public hearing to consider an  
36 amendment.

37  
38 **AMENDMENT TO CHAPTER 24 (ZONING) OF THE CODE OF THE COUNTY OF**  
39 **HENRICO:**

40 An Ordinance to amend and reordain (Section 24-52(g) of the Code of the County of Henrico to  
41 delete fairgrounds as a conditional use permitted by special exception in the A-1 Agricultural  
42 District.

43  
44 Before beginning the public hearing, there are a few ground rules that I would like to cover. First,  
45 the purpose of the public hearing is to consider an amendment to the A-1 District to eliminate  
46 "fairgrounds." This is not a public hearing to debate the pros and cons of the State Fair or the  
47 interpretation of the Director of Planning. We would like everyone who speaks to try to focus their  
48 remarks on the purpose of the public hearing, which is the proposed ordinance amendment.

**July 13, 2000**

49  
50 One hour has been set aside for the public comment portion of the meeting. Each side starting with  
51 the supporters of the proposed ordinance amendment will be given 30 minutes to make their  
52 comments. Following, in terms of the order of the process, first, staff will give a brief presentation  
53 explaining the proposed amendment. Following the staff presentation, Commission members may  
54 ask staff questions. After the Commission has completed the questioning of staff, the public hearing  
55 will be open for public comment.

56  
57 Again, as I previously said, each side will be given 30 minutes to make comments. Supporters of  
58 the amendment will speak first. They will be followed by speakers opposed to the proposed  
59 ordinance amendment.

60  
61 If you wish to speak, you should raise your hand, and you will be recognized by the Chairman.  
62 Before speaking at the podium, please tell us your name and address. Although there is no time limit  
63 on individual speakers, we would ask that you try to be as brief as possible in order to allow as  
64 many people to speak as possible. We would also ask the speakers to try not to repeat points made  
65 by other speakers. The Commission has found that designating a spokesperson provides for the  
66 most efficient use of available time. Following the public comment portion, the Commission will  
67 discuss the Amendment, and decide what action to take. Mr. Chairman, unless there are any  
68 questions by the Commission, I believe we are ready to proceed with the staff report.

69  
70 Mrs. Quesinberry - Mr. Secretary, I do have one request I'd like to make of the  
71 Commission, if they would consider it along with the rules that you just mentioned. I am a little  
72 concerned that we have Henrico citizens here that may not get an opportunity to speak on either  
73 side. And I would like to ask that, given the time constraints that we give preference to Henrico  
74 citizens during the comment period. And, if there is additional time left over within their 30-minute  
75 allotment, then others who live outside Henrico could have an opportunity to speak. But to please  
76 try to get Henrico residents on first, so that we don't miss any who may be there on either side.

77  
78 Mr. Vanarsdall - Before you start applauding, I respectfully do not want to do that.  
79 This is a State Fair, and I understand what you are saying, and what we are going to do is see that  
80 everyone gets a chance to talk, and we hope to do this in one hour. We really do, but, if somebody  
81 else wants to talk, they can. I do not want to, it doesn't make any difference tonight whether it is  
82 Henrico or Hanover or Chesterfield, or what it is, because this thing has snowballed and this is what  
83 it actually is. I understand where you are coming from, but, again, I do not want to do that.

84  
85 Mrs. Quesinberry - I just made my request in light of the fact that we, obviously, can't  
86 be here all night and time is limited. I just wanted to make sure that Henricoans, on whichever side  
87 they are on, get an opportunity.

88  
89 Mr. Marles - Mr. Chairman, perhaps, as a suggestion from staff, at the end of the  
90 one hour period, if there are still Henrico residents who have not had a chance to speak, the  
91 Commission could consider extending the time period at that time.

92  
93 Mr. Vanarsdall - That's good. Okay. Anyone else who wants to speak? Okay. Go  
94 ahead.

95

96 Ms. Via - Thank you, Mr. Secretary, and Mr. Chairman, and members of the  
97 Planning Commission. Good evening. On June 27<sup>th</sup>, the Board of Supervisors did approve a  
98 resolution directing the Planning Commission to hold a public hearing on a possible amendment to  
99 Section 24-52 of the Zoning Ordinance to eliminate the term “fairgrounds” as a conditional use in  
100 the A-1 Agricultural Zoning District. That amendment has been placed at your seat, and it is shown  
101 here on the screen for the benefit of the audience.

102  
103 Approval of this amendment by the Board of Supervisors would prevent development of a  
104 fairgrounds in the A-1 zoning district after the effective date of the ordinance, unless the ordinance  
105 contained language which grandfathered a pending application. The term, fairgrounds, is not  
106 currently defined in the Henrico County Zoning Ordinance, but it was the subject of a zoning  
107 conformance letter dated July 6, 2000 related to the proposed State Park at the interchange of I-295  
108 and I-64 in the Varina Magisterial District. Under that interpretation, the State Fair of Virginia, and  
109 many of the activities that currently occur at Strawberry Hill, would be permitted. At this time, the  
110 Planning Director will comment on the zoning conformance letter.

111  
112 Mr. Marlles - Mr. Chairman and members of the Commission, as was pointed out  
113 earlier by myself, the purpose of this hearing is not to discuss the interpretation of the Planning  
114 Director. However, it may be useful to provide a brief explanation of that interpretation so the  
115 Commission can evaluate the merits of the proposed amendment.

116  
117 As the Commission is aware, and as Mrs. Via just pointed out, there is no definition of fairgrounds  
118 in the County Zoning Ordinance. In making my interpretation, I considered a number of sources of  
119 information, including Webster’s Dictionary, information I received from the American Planning  
120 Association, descriptions of activities that have taken place at the existing fairground over many  
121 years, a description of uses proposed at the proposed at the new State Fair Park, and information  
122 describes activities taking place at other State Fairs around the country.

123  
124 Based on this information, I concluded that the term “fairgrounds” has an extremely broad meaning.  
125 The zoning conformance letter specifically addresses only uses proposed for the State Fair Park.  
126 The uses proposed for the State Fair Park do not include such things as office buildings unrelated to  
127 the State Fair, motor cycle races, coliseums, outdoor storage of boats, and recreational vehicles,  
128 hotels, restaurants, or other uses not associated with the State Fair of Virginia. Such uses have not  
129 been deemed to be permitted as fairground uses.

130  
131 It is also crucial to understand that the zoning conformance letter did not state that the uses proposed  
132 for the State Fair would be permitted on other property zoned A-1 in the County if they were not  
133 associated with the State Fair of Virginia. Any stand-alone uses proposed for the A-1 zoned  
134 property would still have to be specifically permitted in the A-1 provisions of the zoning ordinance.

135  
136 An example of this might be the sale or auction of goods or concerts. These might be allowed as a  
137 part of a fairgrounds, but would not be allowed as a stand-alone use in the A-1 District. That is a  
138 very brief explanation of that interpretation. It leaves out many details. I think there were three or  
139 four pages, and about eight or nine exhibits that went along to explain the full interpretation, but that  
140 is the interpretation that stands today. Of course, this amendment could impact on that  
141 interpretation as it stands today, or an appeal of my interpretation could impact on that  
142 interpretation. So, with that, the staff, either Mrs. Via or myself, would be glad to answer any  
143 questions.

144  
145 Mr. Vanarsdall - Any questions for Mr. Marlles or Mrs. Via by Commission  
146 members?  
147  
148 Mrs. Quesinberry - Mr. Marlles, I have some questions. I just want to know. Do you  
149 want to stay down there or come up here?  
150  
151 Mr. Marlles - I will stay down here for now.  
152  
153 Mrs. Quesinberry - Given the broad scope of the term, fairgrounds, it just, you know,  
154 looking at the definition and how our zoning ordinance is worded today, it just occurs to me that,  
155 you talk about fairgrounds that a fair is inherently allowed in a fairgrounds. And, I am just  
156 wondering, is a fair required for a fairground? In other words, could you not file a POD for a  
157 fairgrounds to do some other non-fair activities that are activities associated with fairs and with non-  
158 fair activities for fairgrounds, as you defined it, and we are talking about it here tonight? Is it  
159 necessary if you have a fairgrounds to actually do a fair?  
160  
161 Mr. Marlles - Mrs. Quesinberry, I think there are a couple of questions in there.  
162 But, I think, first of all, I'd have to state, that we would have to look at any other application for a  
163 fairground on a case-by-case basis. What we look at, as staff, is what are those activities? We have  
164 to get a written description of the activities, and then make an interpretation as staff as to whether it  
165 would fit under a fairground. In the case of the State Fair,  
166  
167 Mrs. Quesinberry - I don't want to interrupt you, Mr. Marlles, but I am really trying to  
168 understand it, and I know if it is difficult for me, it has got to be difficult for others.  
169  
170 Mr. Marlles - Sure.  
171  
172 Mrs. Quesinberry - But, if you define fairground, and I know that you are saying your  
173 determination letter is specific to a particular applicant that asked you to define it. But, once you've  
174 defined it, even though you may allow other uses when another applicant comes in and asks for you  
175 to define it again for their project, you really couldn't then back up where you are. You are at least,  
176 in other words, isn't this a threshold at a minimum level? You are saying "At least you can do these  
177 things as I have defined them today in an A-1 Agricultural District." Now, if another applicant  
178 comes in and files a POD for a fairgrounds in an A-1 District, I may consider some other things, or  
179 not, but it is like this." I am not trying to make this difficult, but this definition is really the  
180 threshold definition, is it not?  
181  
182 Mr. Marlles - Well, for instance, if somebody else wanted to operate a fairground,  
183 they would have to submit a list of uses. Now, I think, we would have to look at those uses in total,  
184 and determine whether, in fact, that is a fair and would be appropriately located in a fairground, if  
185 we are talking about the A-1 District.  
186  
187 Now, some of those uses, there may be additional uses that would be proposed in that second  
188 application that could, in fact, be determined to be consistent with a definition of fair and permitted  
189 in a fairground. But, again, the thing that I want to stress is, each application has to be looked on a  
190 case-by-case basis, and you have to look at the sum of those uses to make a determination as to  
191 whether, in fact, it is a fair and appropriate for a fairground.

192  
193 Mr. Vanarsdall - Mr. Marlles, I think you have answered enough questions of Mrs.  
194 Quesinberry. This is a public hearing and we should be hearing from the public.  
195  
196 Mrs. Quesinberry - I am not finished. I have a few more questions I want to ask.  
197  
198 Mr. Vanarsdall - I don't think he needs to have be drilled in front of everybody about  
199 his interpretation. This is a public hearing. We said we were going to start at 6:00 o'clock. It is 12  
200 minutes after.  
201  
202 Mrs. Quesinberry - Mr. Chairman.  
203  
204 Mr. Vanarsdall - How many more questions do you have?  
205  
206 Mrs. Quesinberry - I have probably about three more questions. I am not grilling the  
207 Director of Planning. He stood down there and explained his determination, and I am trying to  
208 understand what it means in light of this ordinance.  
209  
210 Mr. Vanarsdall - All right. Go ahead with three more questions.  
211  
212 Mrs. Quesinberry - I really don't understand how we can remove something from our  
213 ordinance, if we don't understand what it means to remove it.  
214  
215 Mr. Vanarsdall - These people are here, tonight, to ask whether they want it. This is a  
216 public hearing. Go ahead and ask your other three questions and let's get it over with and get on  
217 with it.  
218  
219 Mrs. Quesinberry - Thank you.  
220  
221 Mr. Vanarsdall - We finally came to the public hearing that you wanted. Here it is,  
222 and, now there are people here are waiting to talk.  
223  
224 Mrs. Quesinberry - Mr. Marlles.  
225 Mr. Marlles - Yes, ma'am.  
226  
227 Mrs. Quesinberry - In our zoning ordinance, just, in general, in our zoning ordinance,  
228 isn't our A-1 District our least intensive zoning district as compared to our other zoning districts? In  
229 other words, I don't know if that is a planning word or not. But, it is typically less dense, less  
230 developed, than say when you get into your "B" Districts or the "M" Districts. It's our least  
231 developed district, in general.  
232  
233 Mr. Marlles - Well, let me say it this way. I think our residential districts are  
234 probably our least intensive districts in terms of uses. There are probably a lot of uses in the A-1  
235 District that are, perhaps, permitted outright or by conditional use that are, by themselves, very  
236 intensive uses. Hog and cattle operations, saw mills; those types of things which I think are  
237 intensive. But, it is a district right now that is very broad in the terms of the types of uses. If you  
238 want to consider low intense agricultural rural uses up to somewhat intensive uses.  
239

240 Mr. Vanarsdall - I have a question for you? Are you saying that we should study the  
241 whole A-1 District?  
242

243 Mr. Marlles - I am not saying that, Mr. Vanarsdall. But, I will say that there are  
244 certainly other communities that have different types of agricultural districts. In Henrico,  
245 historically, we have only had one. We have put kind of everything into the existing A-1 District.  
246

247 Mr. Vanarsdall - I am sorry. Go ahead.  
248

249 Mrs. Quesinberry - Is our B-3 District the most intense business district?  
250

251 Mr. Marlles - I would agree that it is. Yes ma'am.  
252

253 Mrs. Quesinberry - The only example that we actually have in our community, in  
254 Henrico County, of a fairground, is actually in the B-3 District. So, we don't have one in A-1,  
255 currently, and have not had one in A-1 to your knowledge?  
256

257 Mr. Marlles - The current – let me answer it this way – the current State Fair is  
258 located in a B-3 District, which a fairground is a permitted use by provisional use permit.  
259

260 Mrs. Quesinberry - Right.  
261

262 Mr. Marlles - But, fairground is also listed as a conditional use in the A-1 District.  
263 And, I believe the M-1 District permits a fair.  
264

265 Mrs. Quesinberry - Right. And I understand that. I am just trying to understand the  
266 differences between an A-1 and a B-3, because fairground is so broad. And, you agree to that, and I  
267 do, too. I am just wondering about the wisdom of having such a broad term in a low developed, low  
268 density, low impacted zoning district, as compared to having that kind of a broad term in a more  
269 developed zoning district like a B-3, where you have all kinds of broad business and commercial  
270 uses. Much more intense and much broader in a "B" or a "M", for example, than in the A-1. And,  
271 so, you know, if we don't have an example, I know you've gone outside of the county and outside  
272 of the state for various examples to try to define what a fairground actually is. And, it is a difficult  
273 thing to define, and actually it is a moving target.  
274

275 If you think about, in 1959, when fairgrounds was put into the ordinance, we didn't have the kinds  
276 of fairgrounds we have today. When you look all over the nation, it is quite different. So, is there  
277 any down side, or is there any reason that, if you removed fairground from the ordinance, that you  
278 would expect that there would be a past user that would be denied in any way from A-1. That is  
279 what I am talking about?  
280

281 Mr. Marlles - I am not sure I follow you on that point.  
282

283 Mrs. Quesinberry - What I am looking at is...  
284

285 Ms. O'Bannon - Are you talking about neighborhood fairs or small fairs?  
286

287 Mrs. Quesinberry - Yes. That is what I am talking about. Because we wouldn't want to  
288 remove something from the ordinance if we impacted some past user, like a church or Boy Scouts,  
289 or somebody that does some local thing where there are a lot of groups in communities that do their  
290 annual fall festival or whatever. But, have any of those folks ever applied for a POD under  
291 fairground in A-1?  
292

293 Mr. Marlles - Not that I am aware of. It is possible that they have applied, but I am  
294 just not aware of any applications for a fair.  
295

296 Mrs. Quesinberry - They wouldn't need to do that sort of thing, would they?  
297

298 Mr. Marlles - Excuse me.  
299

300 Mrs. Quesinberry - They wouldn't need to do that sort of thing, would they?  
301

302 Mr. Marlles - Staff would look at the zoning ordinance to determine whether or not  
303 that use is a permitted use. Now, sometimes there are other zoning classifications; other uses, where  
304 we can make an interpretation that a fair, or that type of use would be permitted, if it is not  
305 specifically provided for. I hope to go back, if I can, just comment on some of your earlier points.  
306

307 Mrs. Quesinberry - Oh, you can take as much time as you wish to, Mr. Marlles.  
308

309 Mr. Marlles - I'm trying to be brief. But, currently, I think the issue is, or the  
310 problem originated, because we don't have a definition of fairground. Fairground is listed as a  
311 permitted use in the B-3 District. I think that it is listed as a permitted use in the A-1 District. It is  
312 certainly possible, through developing a definition, that we can differentiate between different types  
313 of fairs.  
314

315 The problem for staff is, that direction was not there and we had to make the interpretation based on  
316 the information that we were provided with and the examples that we had. So, that's what led us to  
317 this point. There are certainly processes that exist under the State Code, and under the zoning  
318 ordinance, such as amending the ordinance, if there is a feeling that current interpretation which  
319 exists is wrong. Then, certainly through amending the ordinance, we can fix it. Taking fairgrounds  
320 out is an option of the A-1 District; adding a definition for fairgrounds is an option. Staff has to  
321 make those interpretations based on the information that we are provided with.  
322

323 Mrs. Quesinberry - I understand.  
324

325 Mr. Vanarsdall - Thank you.  
326

327 Mrs. Quesinberry - And, so, we have been asked to consider taking fairgrounds out of  
328 the A-1 zoning ordinance tonight. And my question is, again, in that that is such a broad definition,  
329 and it is in B-3 and it is also in M-1, if we took it out of A-1, then like so what? What are the  
330 consequences of that?  
331

332 Mr. Marlles - Well, if we took fairgrounds out of the A-1 District, it certainly  
333 would not permit the State Fair to go into an A-1 District. It may affect some fairs of a lesser type.

334 I say, may. I haven't gone through the ordinance and, specifically looked to see if there is a use  
335 category for some of those lesser fairs and carnivals that you referred earlier.

336  
337 Mrs. Quesinberry - There is something I'll get back to. Even having said that, the State  
338 Fair is not in A-1 District right now, and we don't have any users that are in an A-1 District with a  
339 POD under fairground operating?

340  
341 Mr. Marlles - Not that I am aware of.

342  
343 Mrs. Quesinberry - So, to take it out really would not and has not impacted anybody.

344  
345 Mr. Marlles - Any existing fairgrounds? Not that I am aware of.

346  
347 Mrs. Quesinberry - In the A-1, yes. Okay.

348  
349 Mr. Vanarsdall - Thank you, Mr. Marlles. All right, Mr. Silber.

350  
351 Mr. Randall R. Silber, Assistant Director of Planning - I think, Mr. Chairman, at this point, it may  
352 be best to let Mr. Marlles take his chair back. But, I think it may be best to go ahead and open it up  
353 as he set forth earlier, and hear the testimony.

354  
355 Mr. Vanarsdall - Like we said, this is a public hearing and you are welcome to speak,  
356 and whoever wants to be first, I believe, Mr. Marlles, you said you'd take the proponents of the  
357 amendment.

358  
359 Mr. Marlles - The supporters or proponents of the amendment.

360 Mr. Vanarsdall - All right, and we are starting at 6:21 p.m., so we are starting 21  
361 minutes late, so we will end 21 minutes late.

362  
363 Mr. John Montgomery - Mr. Chairman, members of the Commission, Mr. Director, my name  
364 is John Montgomery. I live at 45610 Williamsburg Road, which is here in the County. And, I am  
365 speaking on behalf of myself. as well as a group that is formed called the Citizens Coalition for  
366 Responsible Development.

367  
368 I want to first start by thanking you for having the public hearing. We have run at this thing two or  
369 three times and we are finally here, and I think that is wonderful. And, I am sure that the Fair would  
370 join me in agreeing that the best place for this to be decided is by the people that were elected to  
371 make decisions like this in highly contested issues. So, I am glad to see that they are here to be  
372 heard from tonight, as well.

373  
374 As I said, I am representing a group of over 600 citizens who have come together to promote  
375 managed growth and sound land use throughout the County, and have grown out of a focus in the  
376 eastern Henrico area. The issue has been well defined. And, I think, in correspondence that each of  
377 you have, I think we'd all agree, the Director and I would agree that, that is the issue.

378  
379 None the less, he has taken a moment to explain his definition. And, so I must take a moment and  
380 say when he said that there were a lot of things left out and indeed there were. There were quite a  
381 few details left out. But one thing that we have got to make sure is clear, he said he has not



382 determined; he has not deemed some of these other uses that were bantered about as being A-1 uses.  
383 But, just as importantly, he has not determined that they are not A-1 uses.

384  
385 And so, in just a moment, we are going to look at what we have determined, and how we reached  
386 that determination, and we will see that, in fact, we're going down a slippery slope that we all  
387 should be very cautious of. And that we created, and we discovered a gaping loophole in our  
388 zoning ordinance that must be addressed. Not just for any particular applicant that may or may not  
389 be on the horizon, but, indeed for all the citizens. Because at any moment any applicant, and instead  
390 of being one with which we may have, or feel comfortable about with their proposal, it may not be  
391 that way. And each of you has such A-1 parcels in your districts.

392  
393 So this is not a referendum on the State Fair Park. In fact, you've had your opportunity on that, and  
394 when you voted 5-0 not to be placed there, and not to be placed under B-3, in that location. So, if  
395 that were the case, we ought to leave very quickly.

396  
397 Instead, what it is, is a question of whether the year-around commercial uses, which have been  
398 defined and have been identified, in the highest business district. You heard Mr. Marlles tell you  
399 the highest business district that we have, are those appropriate, should they be allowed, and our  
400 lowest impact, outside of residential, we can put that aside. Let's find as much as we can agree  
401 about. Outside of residential, the lowest impact use, agricultural. Are they appropriate? We would  
402 suggest to you the good planning and common sense dictate, in fact, that is not appropriate.

403  
404 Now to decide the issue, we've got to do two questions. We've got to ask ourselves what is  
405 allowed, and then we've got to ask ourselves, what else is in A-1? Because you know, as planners,  
406 that you've got to have consistent uses. And you've got to make sure that the health and welfare,  
407 and general safety and general welfare of the public is dealt with whenever you have in a zoning  
408 code, especially when you identify an incompatible use.

409  
410 So the question becomes again.: What is allowed in the fairgrounds as is now defined? Let me stop  
411 one more moment and let me tell you that we may disagree Mr. Marlles' interpretation. We are  
412 reviewing that now. And, so as I go forward, I am going to assume that it is correct. And I think all  
413 of you must assume that it is correct in its broadest sense in order to understand and make a  
414 reasoned determination.

415  
416 Now, fortunately, the answers that we've got to find are close at hand. One, we can find in the  
417 Director's reasoning and in his letters and the materials that he provided. And, secondly, we can  
418 rely on our common sense and we can twist the ordinance and see the answer to that second  
419 question, i.e., is it compatible with A-1?

420  
421 Now, what can be done under the Director's interpretation in A-1? I am going to divide it into two  
422 groups. The Director has told you the things that he said. He, basically, told you, if I can  
423 paraphrase, there are 38 of the 41 uses that he presented, which he concurred could be allowed in  
424 there. Those things are such things as, and I am just going to run down a short list, but such things  
425 as the permanent banquet facilities. Not my words, his words. Permanent banquet facilities, and I'll  
426 point to the Hall of Fame Building on the application that was before you at one point. Permanent  
427 facilities for entertainment performances. I will point to the Show Boat Building. Campgrounds  
428 that do not even meet the general requirements of campgrounds in A-1. These are some kind of  
429 carved out special camp grounds.

430  
431 And, then, finally, the other, if you look down the list of uses of shows, I think it was referred to, in  
432 the application. There were things such as, flea markets, circuses, carnivals, trade shows, gun and  
433 weapon shows, etc., etc. So, the Director and I agree that he has interpreted it to include those  
434 things. And, interestingly enough, many of these uses, which he said can occur in a fairgrounds in  
435 A-1 or B-3. for that matter, are treated differently; separately in B-3. An interesting point. I don't  
436 think you should walk away from it.

437  
438 In B-3 it refers to carnivals, circuses and fairgrounds. Now, all of a sudden we go over in A-1, and  
439 let's assume his interpretation is correct and true, now, all of a sudden what you have all decided,  
440 what the elected officials have decided should be treated differently, he's lumped into an umbrella  
441 use. Okay? So, we must assume that is correct. And that can happen today or tomorrow under any  
442 application under his interpretation. But, here is where we are going to differ a little bit, And, that  
443 is, let's talk about what else, under his rationale, can be included.

444  
445 The first thing that we've got to look to is the glossary, which he included in his letter. Understand,  
446 I'm not here to challenge his interpretation. And please, at the end of it, I would never ask you to  
447 overturn his interpretation because that is not what is before you. What is before you is whether you  
448 can go home tonight and allow that interpretation, in its full meaning, to rest on the books without  
449 some of it being addressed and removed tonight.

450  
451 Those things include, and I could read it, but I'll just highlight some of them: meeting and  
452 recreational buildings, office buildings, concerts, rodeos, sales and auctions, stores and theaters;  
453 right there in black and white.

454  
455 The next thing that he relies on is he goes and looks at the other state fairs from other areas. And,  
456 again, we only do this to demonstrate to you that, not only what we agree can be done, but there is  
457 other uses. And we've got to quickly go through them. Florida, for example, they have a  
458 professional hockey team right there on the fairgrounds; not adjacent to it or anywhere else. Right  
459 on the fairgrounds--professional hockey team. And using his interpretation and using his rationale,  
460 that's what's next. It's coming.

461  
462 The next thing is coliseums, concerts, outdoor banquet halls, Michigan; North Carolina: dance halls,  
463 banquets, auctions, a restaurant. Iowa: tractor pulls, motorcycle races, auto races, swap meets, flea  
464 markets. And in Minnesota even has a college campus with their fairgrounds.

465  
466 So, two things you've got to remember. One, the high impact uses we all agree are there. If you  
467 only use his own logic, if you only use the Director's logic, and the logic of the definition that's  
468 before you right now, you've got to, at least, acknowledge that the danger is there. And I say  
469 danger, because it is in fact a danger, if you are going to take these uses.

470  
471 So, the question becomes so what? And the answer to so what is these are very high intensive non-  
472 fair uses. Non-fair. I know before there has been a lot of conversation about, "Well, is it a fair or  
473 non-fair or anything else?" There should be no doubt in anyone's mind because everyone has  
474 already said, these are non-fair events. Non-fair. It's their word, not mine.

475  
476 So, what are the characteristics? Well, B-3, if you would let me just refer to B-3 for just a moment,  
477 because that is where these uses are already existing, B-3 tells us that that district is provided for

478 commercial, automotive, recreational, service activities, serving a wide area of the County, and  
479 located along the thoroughfares where a general mixture of commercial and service activities may  
480 exist.

481  
482 Now, let's go back to what we agreed on; what is under the definition right now. If you look at it,  
483 our own Code tells us that it goes on, that those kinds of things are designed and we have zoning  
484 that is designed to allow them to go on where there is service and commercial activities occurring.

485  
486 Now, I would suggest to you that the Director will agree with me that there is very little service and  
487 commercial activities, especially like in a B-3 going on in an A-1. So, I would suggest to you, that,  
488 therefore, that it is inappropriate there. It is inappropriate.

489  
490 So, what is going on in A-1? Look at the ordinance. I am going to differ again with the Director.  
491 He says there are some high impact uses. Yes, I guess it goes down to your definition of what's  
492 high impact, but let's take a golf course for example. Do the math. You've got 18 holes. You've  
493 got four people on each hole. Multiply it out. What have you got, 72 people? Multiply it by 10, 720  
494 people.

495  
496 Go to a forestry operation. How many folks do you think you've got working there? A hundred?  
497 Temporary sawmills are allowed; not sawmills. Temporary sawmills are allowed. How many folks  
498 are there? How much traffic is involved for a very limited period of time? We're not talking about  
499 that. We are talking about a year around commercial uses, right next to single-family homes,  
500 churches, farming, agricultural, forestry, cabins, camps and golf courses.

501  
502 And then one of the interesting things is where they talk about something that could otherwise be a  
503 campground. I beg your pardon. Otherwise be a shooting range, it actually talks about a non-  
504 commercial shooting range. So, one of the things that you think is, "Well, that is high impact." The  
505 Code specifically limits to that fact.

506  
507 So, we've got these high intensity uses, either as Mr. Marles limits it, or it could be expanded, and  
508 is expanded under their definition, right along side these very low impact home and single-family  
509 types of uses. That, in and of itself, is a very incompatible use and that should cause everyone here,  
510 as planning professionals, to be concerned.

511  
512 So where is the harm? Where is the danger to the safety and health of the citizens? First, I don't  
513 think anyone will stand here and argue that the police and fire and medical systems that generally,  
514 and, let's don't talk, don't limit your mind, please, to the I-64-I-295 Interchange. We are talking  
515 about anywhere in this County where it is A-1. Where there are winding, narrow roads.

516  
517 I challenge you, I challenge you to ask anyone that comes here tonight if they believe, honestly, that  
518 the police and medical facilities and systems can support the type of high impact use we're talking  
519 about. I think it defies common sense if they were to do so.

520  
521 The traffic systems again, I said the two-lane narrow roads, all of those things; the incompatible  
522 uses. Not only they can occur where we are talking about, and where we have been talking about,  
523 but indeed, in each one of your districts where there is A-1 existing.

524

525 And, then finally, I want to point something out to you in the Code, and the zoning ordinance itself.  
526 If you look at B-3, and compare it with M-1, B-3 it's interesting. B-3 has a whole series of  
527 development standards involved in it that will govern anything that goes on in B-3, including the  
528 creation of a fairground. Interestingly, A-1 does not. So, right now, the standards are lacking to  
529 prevent and to impose the same standards that are minimum standard of what goes on in B-3, our  
530 highest use and the lowest use, A-1.

531  
532 So, let's go back to the question. Are these year around commercial uses, whether there they are as  
533 limited, or as expansive as Mr. Marlls and I would agree to, or if they go beyond that, as his logic  
534 dictates should be allowed, subject only to the POD process in what is, in fact, the A-1 District.

535  
536 I've said it before, common sense, the Code, and good planning practice dictate otherwise. The  
537 health, the safety and general welfare of the County dictate otherwise, and the citizens of the  
538 County. And I will close now on the point that Mr. Marlls closed on, that the Planning Director  
539 closed on. He was asked, name one applicant, name one use that would have been denied had the  
540 fairgrounds never existed in A-1, and he was unable to do so.

541 Now, we do know, however, beyond a shadow of a doubt, that high impact uses that he has defined,  
542 and as I would tell you are on the table, can occur under the POD process. So, we have no one who  
543 has been denied in the past, yet we have high impact uses that he is saying are now allowed.

544  
545 I would suggest to you that you are facing a huge risk in the County. You are exposing us to a huge  
546 risk to allow those to go forward. This is a very controversial issue. We all acknowledge that. We  
547 think you and the Board of Supervisors for deciding that the place for it to be decided and  
548 responded to is by the elected officials, and we encourage you to move this agenda item along and  
549 let's have it decided once and for all. And I would ask, I can't imagine that the fairgrounds is not  
550 going to join me in asking that the political process work. As a matter of fact, it would be  
551 disappointing if they wish to do something else. Thank you. And I'd be glad to answer any  
552 questions.

553  
554 Mr. Vanarsdall - Please, we don't need any applause. When you pay him, tell him  
555 that's how he gets his applause. I didn't want to get into any kind of contest with you tonight, Mr.  
556 Montgomery, but I want to ask you a couple of questions. In the A-1 District, do you consider a  
557 commercial hog farm? What do you consider that? Low intensity?

558  
559 Mr. Montgomery - Sir, I can...

560  
561 Mr. Vanarsdall - How about the landfill and how about group care facilities?

562  
563 Mrs. Quesinberry - Mr. Chairman, why don't you allow the gentleman to answer the  
564 question?

565  
566 Mr. Vanarsdall - And how about sand and gravel and how about hospitals and  
567 sanitariums?

568  
569 Mr. Montgomery - Sir, I appreciate your question. I understand your question. Like I  
570 said, and Mr. Marlls would agree with me, I think, that is, you've got to decide what is the impact.  
571 Let's take a sand and gravel operation. For example, it is limited, in one location, has traffic in and  
572 out of there. Don't even count the trucks. It is not something as you and I recall, when the Traffic

573 Safety gentleman was here and he said this is as though you took the Virginia Center Commons on  
574 its busiest day and tried to put them through one entrance. That is not what you've got with the  
575 landfill. That is not what you've got with the other examples that you used. I would suggest to you,  
576 sir, that those are valid uses that go along there. If you look exactly at what is high impact, and  
577 what is low density use, and the fact that the uses that we are talking about here are not similar.  
578 They are not, as a matter of fact, they are very different, and, at least distinguishably different. And  
579 I would now ask you, as you consider it, that you look at it in that fashion. It is very difficult for me  
580 to imagine the comparison of what is, in essence, a wide open undefined, in many regards, use that  
581 incorporates well beyond what is going on elsewhere in A-1. Was there another question, sir? Did  
582 I answer your question?

583  
584 Mr. Vanarsdall - Yes, sir. Thank you very much.

585  
586 Mr. Marlles - Mr. Chairman, we have 16 minutes and 7 seconds left on our timer.  
587 I should explain, for the benefit of the citizens, that time spent asking questions by the Commission  
588 does not count towards the 30 minute total. I should have mentioned that in the beginning.

589  
590 Ms. Betty Dale Martin - Good evening Mr. Chairman and members of the Commission, my  
591 name is Betty Dale Martin. I live at 2801 Melody Lane in Sandston.

592  
593 Mr. Vanarsdall - Good evening, Ms. Martin.

594  
595 Ms. Martin - I'd like to start by saying that I don't know very much about zoning,  
596 but after reading Mr. Marlles' letter to Mr. Brown, I decided to contact some of the localities that he  
597 refers to, and find out how their fairgrounds are zoned. This is what I discovered. The Michigan  
598 State Fair is held in Detroit, in the city, of course. The fairgrounds is zoned B-4, General Business  
599 District.

600  
601 The definition of B-4 is, the B-4 General District provides for business and commercial uses of a  
602 full fair oriented nature. In addition to these uses, other businesses, which may benefit by drawing  
603 part of their clientele from passing traffic, are permitted. Additional uses, which may be  
604 successfully blended with those uses permitted, as a matter of right, are permitted with approval.  
605 This information was faxed to me from the Planning and Development Department of Detroit.

606  
607 Our sister state, North Carolina, has their fair in Raleigh. The Planning Director said the  
608 fairgrounds is zoned Industrial 2, which is very broad and can include heavy manufacturing. Since  
609 these localities have been used to help develop the definition of what fairgrounds should look like in  
610 Henrico County, shouldn't we also look at their zoning? Again, remember the zoning. Detroit, B-  
611 4, General Business District, not Agricultural. Raleigh, Industrial 2, not Agricultural.

612  
613 Finally, with Henrico County's reputation as being one of the most well managed counties in the  
614 nation, why should we look to Detroit or North Carolina or anywhere else to define fairgrounds for  
615 us? The last thing we should want is to have our agricultural land look like downtown Detroit.  
616 Therefore, I think you should remove fairgrounds from the A-1 zoning ordinance and keep  
617 agricultural what it is meant to be; low impact uses such as farming, churches, not indoor and  
618 outdoor concerts, auctions, circuses and carnivals or campgrounds for carnival workers. Thank you.

619  
620 Mr. Vanarsdall - Thank you, Ms. Martin.

621  
622 Mrs. Quesinberry - Thank you, Ms. Martin.  
623  
624 Mr. Everett A. Felts - Excuse me. Mr. Chairman, members of the Commission, I am  
625 Everett A. Felts. I am an attorney. And I have been living in the East End of Richmond since 1950.  
626 I have been practicing law there since 1970, so it is the area where I live and work and play. I live  
627 about a mile from this proposed site. And, without belaboring the point, I concur with what John  
628 Montgomery has told you and his position. But, moreover, to briefly support my concurrence in  
629 this proposed change, that you would put a commercial, a quasi-commercial use in A-1 zoning is  
630 that you do not make the change in what would result, in my opinion, as a high impact commercial-  
631 type use of A-1 country type zoned property. And, thus, we would then be in my opinion, going  
632 backwards, instead of moving forward. Thank you, sir.  
633  
634 Mr. Vanarsdall - Thank you. Next person. Good evening.  
635  
636 Mr. Andy Washington - Good evening, and thank you for the opportunity of speaking. My  
637 name is Andy Washington. I live at 4462 Old Williamsburg Road. And, I think in terms of my  
638 concerns, and certainly for most of the residents of that area, we really do not have the infrastructure  
639 in terms of County services to support non-fair events.  
640  
641 Now, I must remind you, we are talking about events that occur 354 days a year, or percentage wise  
642 97 percent of the time. So, what we are saying is that 97 percent of the time, the County; the  
643 infrastructure, the police, fire and medical, has to support those events. And you are talking about  
644 thousands of people coming into the area. And they can only take away from the residents and the  
645 citizens of Henrico that live in that area.  
646  
647 For example, when the roads get jammed up at some of these proposed events, as I am sure they  
648 will, my 92-year old grandmother, if suddenly she should need the services, which she has in the  
649 past by the rescue squad, it may not even be able to get there. Again, there are a lot of narrow roads,  
650 and again this goes back to the infrastructure. We are putting something more intense in an area  
651 that was not designed and does not have the zoning to carry it. Such events should be in a properly  
652 zoned area, not in a low intensity area where they surely will be a detriment to the citizens, not to  
653 mention taking away the quiet enjoyment of our homes.  
654  
655 Any commercial uses or non-fair events can best be served in a properly zoned area. They cannot  
656 be served in an A-1. What we would have is a constant cavalcade of people in and out of the  
657 county, which we'd have to service. If somebody gets hurt at one of those events, we've got to  
658 respond. If they need the police protection, we have got to respond. If we're responding to 10,000  
659 or 30,000 people at a time, how can we take care of our own? And some common sense must  
660 prevail.  
661  
662 I was looking through at the zoning and some of the things that were permitted. And again, I am  
663 not an expert on zoning, but I feel like most people here we have some degree of common sense.  
664  
665 And, when you were in school, do you remember those little things you did where you took a test  
666 and you had to match them up, and you had multiple choice, and then you had the little matching  
667 thing. Well, if you kind of drew it over there and got the right one, then you know, you got the  
668 correct answer.

669  
670 So, I was thinking, if I made a little test up and looked at some of the things that are allowed now in  
671 agricultural, and Mr. Montgomery alluded to some of them. We've got like single-family homes,  
672 churches, small bed and breakfast, tree farms and forests. Now that sounds like A-1. It really does,  
673 and I think most people agree with me. And I looked at some of the other things.

674  
675 Weapon, knife and gun show. Let's see, I can't really match that up with churches or family homes.  
676 Let's see, what else? Oh, yeah, the campgrounds. Now I can't match that to anything. What about  
677 permanent year-around exhibition? Well, I can't match that to anything. I guess the whole point I  
678 am trying to make is when you put a list on the left and you put one on the right, I mean I can't  
679 match any of them up. It just don't make sense. You know. The things that could happen in A-1,  
680 they just don't match up anything that has been happening or really should happen. I mean you  
681 could try to match them up, you probably are going to get a zero. I'd get every one of them wrong.  
682 See, what it boils down to is "trying to put the old square peg in a round hole" here, you know. T-  
683 Rex, you can't put him in a petting zoo. That is what we are trying to do. And you can't invite  
684 30,000 of your closest friends to a barbecue in your backyard. And you can't put commercial uses  
685 in A-1. That just won't work. Thank you very much.

686  
687 Mr. Vanarsdall - Thank you very much. You know, I would appreciate it, I'd like to  
688 ask you just as a matter of courtesy not to clap after each speech. We know they are good speeches  
689 and why clap about it. It just takes up time and I just ask you not to do that. It does not make any  
690 sense. Do you all want to be quiet and hear the speakers, or do you want to end it now? What do  
691 you want to do? All right, good ahead, sir.

692  
693 Mr. Robert Royster - Good evening, Mr. Chairman, members of the Commission, my  
694 name is Robert Royster.

695  
696 Mr. Royster - Good evening. My name is Robert Royster. I live at 6956 Charles  
697 City Road in eastern Henrico. I have been in the residential building business in eastern Henrico  
698 County for approximately 20 years, maybe a little more.

699  
700 In seeing the letter that was sent, it disturbed me that a zoning conformance letter pertaining to  
701 permitted uses in A-1 zoning, if you use the word "fairgrounds", would allow such things as we  
702 have heard tonight, that could be allowed in there. My perception of uses in the agricultural zoning  
703 property has always been one of low density-type things being single-family dwellings, farms,  
704 churches; general low impact uses as we already heard tonight.

705  
706 For a government to tell us now, that if you call something in A-1 a fairground that we've got this  
707 whole book of uses we can have now that we are used to seeing them in business districts. That is  
708 really disturbing for several reasons. And one would give, if you had A-1 properties, would have  
709 little to no protection from non-conforming uses, as we see it today, and that would be protections  
710 that we would be giving the citizens of the County that if they choose to buy or build a home in a  
711 rural area, be it an A-1, for them later to learn that a fairground could go next door and be built, and  
712 all of these commercial uses could, obviously, be used with that. That, to me, just does not sound  
713 like it has the health, safety and welfare of our citizens in mind, if we were to do that.

714  
715 It has generally been understood by at least my company, if not most builders and developers in  
716 Henrico County and probably other counties, that if we want an office building or a coliseum or a

717 convention center, or any one of the other high impact uses described in the Planning Director's  
718 letter, we would first be required to rezone that property to a proper zoning for that type of use.

719  
720 Under what we are talking about now, we don't have to rezone that. We can put businesses in there  
721 that a lot of people are not going to like. I really believe that the past leaders of our great county  
722 never intended for our farms and rural areas to be turned into commercial uses without rezoning  
723 them. I think they set these standards. They made A-1 for the purpose that its intended and that is  
724 low impact, residential, farms, some of the other things we have talked about tonight.

725  
726 I really feel like you being our appointed Planning Commissioner's have been entrusted to uphold  
727 not only the health, welfare and safety of the citizens of our County, but you are also to protect the  
728 land within our County from becoming just a hodgepodge of mis-used zoning.

729  
730 With this being said, I, respectfully, ask that all of the members of the Planning Commission vote to  
731 delete any such wording in agricultural zoning, or even any business zoning that would cause that  
732 zoning to let things occur in that zoning that are just not permitted to be there. Thank you for that.

733  
734 Mr. Vanarsdall - Thank you, Mr. Royster. Yes, ma'am. Good evening.

735  
736 Mrs. Phyllis Ladd Blackwell - Good evening, ladies and gentlemen. I am Phyllis Ladd Blackwell.  
737 I am President of the North Airport Drive Civic Association.

738  
739 The purpose of our association is to protect and preserve our community. Removal of the word,  
740 "fairgrounds" from A-1 zoning will aid us in fulfilling our mission, and we work very hard to  
741 upgrade our area.

742  
743 Many of our members live near the proposed location area, and most of our members will be  
744 affected by it one way or the other. Logic tells us that the activities, which are allowed under the  
745 fairground definition, do not belong in a quiet, residential area.

746  
747 It is easy for me to imagine living in that area, and having gone to the fair, and I like the fair, but not  
748 there. It is easy to imagine the residents of the area would have to watch the newspaper to  
749 determine what events would be happening at the fairgrounds in order for them to plan their own  
750 daily activities, even to the point of "Maybe I can go to work earlier, come home later, to avoid the  
751 traffic" that we know will be there.

752  
753 Clearly, this proposed relocation would not improve the general welfare, health and safety of the  
754 people in that area. Common sense also tells us that when the fairgrounds or fair were written into  
755 the A-1 zoning some 50 years ago, things were quite different. The average person at that time was  
756 earning approximately \$2,000 a year. The population was approximately one-half of what it is now.  
757 There were dramatically fewer cars because of the salaries, I suppose, people and crime in Virginia.  
758 The people at that time, I don't think, could have envisioned that fairgrounds would be ever defined  
759 to include year round commercial enterprises, such as these that are now allowed if this definition; if  
760 this interpretation holds.

761  
762 Things have certainly changed since then, since those words were written in. And, what may have  
763 been appropriate in agricultural zoning at that time, is not appropriate now. I ask that you



764 recommend removal of the word “fairgrounds” from the A-1 zoning in Henrico County. I thank  
765 you.  
766  
767 Mrs. Quesinberry - Thank you, Mrs. Blackwell.  
768  
769 Mr. Vanarsdall - Thank you, Mrs. Blackwell.  
770  
771 Mr. Marlles - Mr. Chairman, we have three minutes.  
772  
773 Mr. Vanarsdall - Three minutes. That unbelievable. All right.  
774  
775 Mr. Marlles - Are there any other speakers?  
776  
777 Mrs. Quesinberry - Is there anybody standing outside?  
778  
779 Mr. Vanarsdall - Any one else want to speak?  
780  
781 Mr. Marlles - Is there anyone standing in the lobby that want to speak in support of  
782 the proposed amendment to delete fairgrounds from the zoning ordinance from the A-1 District?  
783  
784 Mr. Vanarsdall – Mr. Secretary says we have three minutes left, so we’d welcome  
785 anybody who wants to speak.  
786  
787 Mrs. Quesinberry - Am I anybody? Could I ask a question? We have one. Okay.  
788  
789 Mr. Vanarsdall - Good evening.  
790  
791 Mr. Daniel McBride - Since there’s extra time, first off, I would like to first say, I’d like  
792 to...  
793  
794 Mrs. O'Bannon - What’s your name, please?  
795  
796 Mr. McBride - Actually, that’s a good thing. My name is Daniel McBride. I live at  
797 2802 Melanie Lane, which is very close to the proposed fairgrounds. To start off with, I would like  
798 people to entertain a question. The question is, “In general, whose opinion do you think should  
799 matter most? The people who are closest to an action, or the ones far removed?”  
800  
801 You can even think about it. Is it better for somebody in Florida or somebody in D.C. to make  
802 decisions regarding our County, regarding us, or is it better for local people to make that decision?  
803  
804 My position is the people closest to the action; the closest people that are going to be affected  
805 should be the ones whose opinion weighs the most. To that end, since there are probably about two  
806 minutes left, if you could give me a little latitude and take a quick test. I caution you this may cause  
807 you to stand up. If you live within one and one-half miles of the proposed site, please stand up  
808 where you are, and this includes the ladies and gentlemen, even the grumpy ones on the podium.  
809 Okay.  
810  
811 Mrs. Quesinberry - I am not grumpy. I just want to make that clear.

812  
813 Mr. McBride - Oh yeah, I am sorry. You are not. I would like people to look  
814 around and see, do the people have more "No-Fair tags" or do they have more "Let's go with the  
815 fair?"

816  
817 I would submit to you that the overwhelming majority of people who are standing that have No-  
818 Fair. And these are the people who are impacted the most. And, I would think that, the one person  
819 who is close to the action, to the fair, should have (thank you for standing) should have the most  
820 input on this fair, and I don't know your opinion.

821  
822 But, I submit to you that you should have the most weight of the panel and the people on the panel  
823 should listen to the person who is closest – not to mention the citizens – but that opinion should  
824 matter the most. It is a fairly simple concept. The people closest to the action, closest to what is  
825 happening should have the most weight, should really make the decisions.

826  
827 Now, I don't know where you live, but if I had to guess, I would guess it is probably West End, that  
828 it's somewhere not really close to where this fair is proposed. I am speaking to the gentleman who  
829 was somewhat antagonistic to the people who want to remove fairgrounds from A-1 zoning.

830  
831 Mr. Vanarsdall - Are you speaking to me?

832  
833 Mr. McBride - Yes. I don't have my glasses on, so I can't read your name. Ernest  
834 Vander...

835  
836 Mr. Vanarsdall - Vanarsdall.

837  
838 Mr. McBride - Do you live on the east end?

839  
840 Mr. Vanarsdall - I do live in the West End.

841  
842 Mr. McBride - West end. Okay, well, thank you. Boy, what a surprise!

843  
844 Mr. Vanarsdall - Let me finish. I represent the Brookland District. And we have a  
845 representative, who represents another section, and we have a representative who represents  
846 another, and we have Mrs. Quesinberry who represents yours. So, you are represented throughout  
847 the County. And in the end,...

848  
849 Mr. McBride - You understand my point.

850  
851 Mr. Vanarsdall - Yes sir. In the end, the local people will make a decision. We will  
852 make a decision and the Board of Supervisors will make a decision. There is no one on this  
853 Commission or Board of Supervisors from Florida or Washington, D.C. or Detroit, Michigan.

854  
855 Mr. McBride - Well, I understand that, And, if I had more than three minutes, I  
856 would have gone within five miles, within 10 miles.

857  
858 Mr. Vanarsdall - You made a good point and you had a good presentation, and we  
859 appreciate it.

860  
861 Mr. Bride - I expect the people closest to the fair are going to be opposed to it.  
862 And, I will close with, "Please remove the fairgrounds from the A-1 zoning and listen to the  
863 constituents who will be affected." Any questions?

864  
865 Mrs. Quesinberry - Thank you.

866  
867 Mr. Vanarsdall - All right, thank you, very much.

868  
869 Mr. Marlles - Mr. Chairman, the time for the proponents of the proposed  
870 amendment has elapsed—the 30 minutes. We will now take 30 minutes to hear from those  
871 individuals who are opposed to the proposed amendment.

872  
873 Mr. Vanarsdall - Whoever wants to be first. Come on down and welcome.

874  
875 Mr. James C. Roberts - Mr. Chairman and members of the Commission, my name is James  
876 C. Roberts. I live at 9601 Linden Way Drive in Henrico County. I am speaking here tonight,  
877 probably wearing three hats. I serve as General Counsel for Atlantic Rural Exposition, which I will  
878 refer to as ARE. I have been on its Board of Directors for a good number of years, and I have been  
879 a resident of Henrico County for 46 years.

880  
881 Before commenting on the proposed ordinance amendment, I would like to spend, briefly, a few  
882 minutes giving you the update status of ARE's plans and address the impact of the proposed  
883 ordinance amendment that it will have on them.

884  
885 Mrs. Quesinberry - Is this going to be related to the A-1 zoning district in the County?

886  
887 Mr. Roberts - Yes. It does, just as the last few speakers stated what impact it would  
888 have on them. I know this Commission considers the impact that it has.

889  
890 Ms. O'Bannon - If I could just ask a question. Are you getting at the point that if the  
891 fairgrounds is removed from A-1, then the State Fair would have to go through a rezoning process  
892 of some type? Is that the point you are going to make?

893  
894 Mr. Roberts - I'd like, Ms. O'Bannon, to let you know what we have done; what  
895 we have expended, the effort that has gone into this; and the circumstances under which we have  
896 acted up to this point, and I think the Commission wants to hear that. It ought to want to hear it.  
897 The facility is to be known as State Fair Park, and it gives us an opportunity for this area to provide  
898 a new highly improved and updated replacement for the fairgrounds at Strawberry Hill, which ARE  
899 has occupied for over 50 years.

900  
901 In March of this year, ARE obtained confirmation from the County's Director of Planning, Mr.  
902 Marlles, that the fairgrounds use, as provided in the A-1 zoning district, would allow all of the  
903 essential activities which ARE plans for the new fairgrounds.

904  
905 Since that time, ARE has been working diligently on its plans and reliance on that confirmation, and  
906 has earlier, today, filed a complete application for approval of a Plan of Development for the new  
907 fairgrounds.

908  
909 This plan, which is the largest individual plan of development ever filed in the County, was  
910 developed at a cost of over \$1,000,000, and a total ARE investment up to this point in the relocation  
911 project presently exceeds \$2,000,000 exclusive of land costs.

912  
913 Based on extensive land searches that were conducted by ARE with professional help, we have  
914 determined that the I-295/I-64 location is not only the best location for the new fairgrounds, but also  
915 the only site in the Richmond area that is worthy of the investment required for State Fair Park.

916  
917 If the zoning ordinance is amended, as proposed, prior to approval of the POD, ARE will likely be  
918 unable to develop State Fair Park as planned. And, if that occurs, the State Fair of Virginia, ARE,  
919 and the other events and programs hosted by ARE will have no home and will be forced to leave the  
920 Richmond area. It is our belief that the majority; the vast majority of citizens in Henrico County, as  
921 well as the entire Richmond Metropolitan Area, will be sorely disappointed if that occurs.

922  
923 As a father, who took his children to the fair many times, as a grandfather, who still takes his  
924 grandchildren there, as a Board member who has served on the Fair's Commonwealth Day  
925 Committee, its State Fair Host Committee, and the fair's Entertainment Council, with other  
926 volunteers, many of them from Henrico County, who give their time and their devotion to making  
927 the State Fair a fine place here in Henrico County, I know how much I will miss it.

928  
929 In a letter submitted to the members of this Commission by my friend, John Montgomery, who  
930 stated that ARE's attempt to build its new complex should have no bearing on your consideration  
931 under the proposed ordinance amendment.

932  
933 I might suggest to John, that he and his, the outfit that he represents speak out of both sides of their  
934 mouths. He would have you view us, abstractly, and in a vacuum, and say, "I am not really talking  
935 about the new State Fair proposed down there." And yet he says that "I am here to speak for the  
936 group that says the following: "Try to be at the auditorium early. With the unyielding tenacity of  
937 many people, we finally have a chance to end the ARE threat once and for all. This would bar the  
938 approval of the ordinance change would bar ARE's construction plans." We are here to talk about  
939 the impact of this proposal of one of the finest institutions that this part of our state has had for over  
940 50 years in the State Fair of Virginia.

941 In this case, ARE has relied on the current ordinance, as interpreted by Mr. Marlles, in furtherance  
942 of his responsibilities. And, in my opinion, it would be both bad business and bad government for a  
943 change to be made at this point that would, virtually, destroy ARE's plans.

944  
945 I can't believe that is the way a good corporate citizen in Henrico County for more than 50 years  
946 should be treated. I can't believe it is appropriate to spot down zone, through an ordinance  
947 amendment, every time objections are raised to a particular project.

948  
949 When developers and their lenders discover that they cannot rely on existing ordinances, then I  
950 think we would need to be concerned about whether they will find Henrico the place they want to  
951 come.

952  
953 It is also important to consider the context in which this amendment was proposed. There has been  
954 only one fairgrounds in the County. Only one new one is proposed, or expected to be proposed.

955 The ordinance will affect only ARE, and its only purpose is to stop development which is permitted  
956 under the existing ordinance.

957  
958 This ordinance to change clearly represents an effort to manipulate the governmental process. And,  
959 if adopted, would represent a statement that the State Fair of Virginia is not welcome in our County.

960  
961 Turning to the specifics of the proposed amendment, I submit to you. that the A-1 zoning district is,  
962 in fact, an appropriate zoning designation for a fairgrounds, and that no change in the ordinance is  
963 needed.

964  
965 I ask you to look, if you would, with me at these facts: First of all, fairgrounds have a large amount  
966 of open space, which is consistent with the type of uses typically found in an agricultural district.  
967 Most of the land area within State Fair Park will be open space with less than 3-1/2 percent being  
968 occupied by buildings.

969  
970 Second, fairgrounds include a significant focus on agriculture and livestock, which are the core  
971 agricultural district uses. A fairgrounds is a showcase and a marketing center for agriculture.

972  
973 In 1999 alone, there were nearly 12,000 equine live stock and companion animals exhibited at the  
974 fairgrounds at Strawberry Hill.

975  
976 Third, a material part of the fairgrounds is located at Strawberry Hill and, as proposed, at the site in  
977 Varina, consists of a Steeple Chase track, and related facilities for the showing and raising of horses.

978  
979 Fourth, fairground activities, involve a number of separate temporary events with an overall level of  
980 intensity lower than many other uses which are now permitted in the A-1 Zoning District, such as  
981 sand and gravel operations, quarries, mines, mental institutions, hospitals, airports. There are over  
982 24 separate categories. And among those categories there are many of them with much higher  
983 usage intensity.

984  
985 I am proud that ARE's bylaws define its mission "to promote agriculture and commerce of Virginia,  
986 while fostering the wise and prudent use of natural resources and to educate the consuming public,  
987 the agricultural producer, and the youth of Virginia."

988  
989 As evidence of the relationship between ARE and agricultural activities, and between a fairgrounds  
990 and agricultural activities, you should know that we have a number of educational guides describing  
991 some of these activities, which are a part of the fairgrounds and which demonstrate the strong link  
992 among ARE, fairgrounds and agricultural activities, and I hope you will permit my partner, Mr.  
993 Kidd, to give those up to you now.

994  
995 This Commission, Mr. Chairman, has a duty to the citizens of Henrico County to thoroughly  
996 research and analyze the issues that come before the Commission. At the end of this hearing, each  
997 Commission member must determine whether that duty has been satisfied, and whether he or she is  
998 in a position to make a recommendation.

999  
1000 On that point I easily note that no evaluation has been taken by the County's professional, and very  
1001 capable Planning staff, as to whether the proposed ordinance should be adopted. I also note that no  
1002 evaluation has been undertaken by the staff regarding these other areas of uses now permitted in A-

1003 1 Zoning District. A thorough and comprehensive study of the issues by staff would certainly seem  
1004 to be a logical and necessary step that should be taken before changes are made and the uses  
1005 permitted in the A-1 Zoning District.

1006  
1007 ARE opposes this ordinance because of the severe and the direct impact it will have on ARE and the  
1008 State Fair of Virginia, and because there is no planning justification for its adoption. On behalf of  
1009 ARE, I ask that the Commission consider carefully all of the information presented to you tonight.  
1010 Your decision is of great significance to ARE and all of the citizens who have an interest in the  
1011 continued presence of the State Fair of Virginia in the Richmond area. Thank you very much, Mr.  
1012 Chairman.

1013

1014 Mr. Vanarsdall - Thank you. All right. Good evening.

1015

1016 Ms. Gwendolyn Anderson - My name is Gwendolyn Anderson. I live at 101 Taraby Drive,  
1017 Sandston. I thank you for the opportunity to speak before this distinguished group. On July 7<sup>th</sup>, I  
1018 wrote a letter concerning the State Fair. I sent copies to the District Supervisors, County Planning  
1019 Commissioners, and ARE. I would like to read that letter at this time and ask that it be added to the  
1020 minutes of tonight's proceedings. The letter is dated July 7, 2000. "My name is Gwendolyn  
1021 Anderson. I work for Calvary United Methodist Church on Williamsburg Road. I was born in  
1022 Short Pump, and have spent the majority of my life in Henrico County. I now reside in Seven  
1023 Pines, approximately one mile west of the proposed State Fair site.

1024

1025 I stand in favor of the State Fair of Virginia's move to eastern Henrico County. I have been  
1026 attending the State Fair of Virginia continuously since 1954. I volunteer for the youth activities and  
1027 programs offered by the State Fair.

1028

1029 Over the years I have seen a dramatic increase in the number of entries and youth-related events and  
1030 activities at the State Fair. And it is with pride that I support and applaud the State Fair's efforts on  
1031 behalf of the youth of Virginia.

1032

1033 It saddens me to think that a few of my neighbors continue to argue that dollars mean more than our  
1034 youth. As a church elder and local church secretary, I find it disconcerting that those in our position  
1035 ignore the charitable acts of the State Fair, such as food to the homeless, and youth scholarships.

1036

1037 Instead, they base their arguments on ARE's non-profit status. Because we have many local  
1038 churches in the area, it concerns me that the lack of County revenue issue will be used to keep other  
1039 non-profit organizations out of the area as well. How much silver does the County want to exact?

1040

1041 As citizens of Henrico County, we need to see the forest and not just the trees. We have the  
1042 opportunity to support the State of Virginia Fair. This is not just a money issue, but one of pride,  
1043 children's opportunities, and cultural values.

1044

1045 I find it incredible that the County has allowed such selfish and self-centered people to exert this  
1046 kind of influence over some of our leaders. We should not be driven by monetary concerns, but by  
1047 concerns of a higher and more Christian consciousness toward the future of our youth, and the  
1048 preservation of the area. The rural park atmosphere will provide our youth with a facility that will  
1049 educate, preserve and promote Virginia agriculture and heritage.

1050

1051 The State Fair provides excellent opportunities for adults, youths, farmers, historians and  
1052 businesses. I often wonder if, and when, any of those opposing the State Fair in eastern Henrico  
1053 have ever visited the Fair. I find it astounding that if they have visited within the last few years that  
1054 they can only find something negative to say.

1055  
1056 One visit to the Better Living Building, Heritage Village or Old MacDonald's Farm should tell them  
1057 that the State Fair is more than just a few carnival rides and cotton candy. I urge you, our leaders, to  
1058 consider the negative impact of voting to stop the State Fair from moving to the eastern Henrico  
1059 site. And I urge you, our leaders, to vote yes to the State Fair of Virginia's move to eastern Henrico  
1060 County for our youth. A "yes" vote for the State Fair will be the right decision because it will  
1061 benefit the many rather than submit to the selfishness of a few. Thank you.

1062  
1063 Mrs. Katherine Fisher - Hello. My name is Katherine Fisher and I live at 9 Masonic Lane.  
1064 And I have heard a lot of stuff tonight, but there is a lot of confusion going on. It seems like this  
1065 needs to go back for more study, because if you cannot define fairground, then why take it out?  
1066 Don't take it out until you can give us a Henrico County definition of fairgrounds.

1067  
1068 Don't let North Carolina or Detroit define what Henrico County wants to be in its fairgrounds.  
1069 Even the gentleman that spoke before, there is a lot of stuff in this A-1 District that a lot of people  
1070 think shouldn't be here other than the State Fairground.

1071  
1072 He said that "he couldn't match stuff up. He said, "that doesn't seem agricultural to me. This  
1073 doesn't seem agricultural to me, but it is in the A-1 zoning." And also, from looking at it, if you  
1074 dropped fairgrounds, there is still a lot of stuff that ARE does that still fits under here. They could  
1075 do something other; they could still have their steeple chase. They could still do agricultural events.  
1076 They just wouldn't have the carnival rides. I mean there's still a lot of open ground in there if you  
1077 strike the word "fairgrounds", especially if you do not have a definition for the word fairgrounds.  
1078 And, I really think this needs to go back for more study. The whole zoning A-1 needs to be looked  
1079 at as a whole. To decide it tonight, I don't, you might have to go back and revisit it later, because  
1080 you'd find out by striking fairgrounds, that you really struck something that you really wanted to  
1081 keep in agricultural zoning, and let's see.

1082  
1083 Actually, I think that is all I had to say. This really needs more study. If you cannot give me a  
1084 definition of what Henrico County considers a fairground right now, other than saying what they  
1085 looked at for other states, what you have that you want to put in record, what is the definition of a  
1086 fairground? And they couldn't do it for me today when they called, then I don't think that you  
1087 should strike that one word.

1088  
1089 Mrs. Quesinberry - Well, Mr. Marlles, I believe we have a definition of fairgrounds, do  
1090 we not? Isn't that?

1091  
1092 Mr. Marlles - Mrs. Quesinberry, there is not a definition of fairgrounds in the  
1093 zoning ordinance.

1094  
1095 Mrs. Quesinberry - There is an interpretation of what fairgrounds means in our zoning  
1096 ordinance, which is, essentially, the same thing.

1097

1098 Mr. Marlles - I am not sure that it is the same thing. I have looked at the uses that  
1099 were proposed for the State Fair Park. And, based on the information that I discussed in my  
1100 presentation, I made a determination that they are consistent with fairground in the A-1 District.  
1101 This is not a definition of fairground, which is actually something I think very different. It doesn't  
1102 constitute a definition of fairgrounds.  
1103

1104 Mrs. Fisher - Because he was saying that would be looked at on a case-by-case  
1105 basis as other people apply that might be using fairground in A-1, as well. I believe he said  
1106 something about it would be a case-by-case, as far as like the carnivals at Dorey Park and stuff like  
1107 Innsbrook that kind of fits into the fair definition in the dictionary. Stuff like the Innsbrook After  
1108 Hours is kind of considered a fair event. and it might impact some of that stuff. So, thank you.  
1109

1110 Mr. Vanarsdall - Thank you. Next. Good evening.  
1111

1112 Mrs. Sandra Yancey - Hello. My name is Sandra Yancey, and I have been a resident of  
1113 Henrico County for 48 years; most of my life. Fourteen years of it was in Varina.  
1114

1115 I just have a little question. If the State Fair doesn't go there, New York is looking for a place to  
1116 dump their trash, and the way I understand it is that, we can't stop New York from dumping their  
1117 trash in Virginia. They are trying to get petitions up for this, but I am concerned. If you don't like  
1118 the State Fair, then the dump from New York might be your answer.  
1119

1120 Mrs. Quesinberry - I'm afraid I don't like that either.  
1121

1122 Mr. Vanarsdall - Thank you. Yes ma'am.  
1123

1124 Ms. Joyce Goff - My name is Joyce Goff. I live at 1928 North Parham Road. I am a  
1125 volunteer instructor at Ride On.  
1126

1127 Mrs. O'Bannon - Can say your name again.  
1128

1129 Ms. Goff - Joyce Goff.  
1130

1131 Mrs. O'Bannon - Goff. Thank you.  
1132

1133 Ms. Goff - I'm a volunteer instructor at Ride on. It is a non-profit, therapeutic  
1134 riding organization for children and adults with disabilities. I represent the volunteers, participants,  
1135 and parents of Ride On.  
1136

1137 And tonight we have heard many definitions of fairgrounds, and the dangers of high impact use.  
1138 But, I want to tell you about a low density use of the fairgrounds. Our riding program has used the  
1139 equine facilities at the fairgrounds at the current location for our benefit horse show. This show is  
1140 our major annual fund raiser for our program, and the loss of the equine facility will cost us  
1141 participants and monies that support the program. We depend on a fairground location to include  
1142 children in our riding program. So, the way this relates to tonight's topic is the fairgrounds to us  
1143 supports the health and welfare of our children and our families. And the horse shows are an  
1144 appropriate use in the A-1 zoning area. I feel that if you strike the fairgrounds from the A-1 zoning



1145 that you are restricting the opportunities that we can offer our youth in our County and, therefore, I  
1146 urge you to keep fairgrounds in the description for A-1 zoning. Thank you.

1147  
1148 Mr. Vanarsdall - Thank you. Good evening, Mr. LaVecchia.

1149  
1150 Mr. W. F. LaVecchia - Good evening, Mr. Chairman, ladies and gentlemen. I am William  
1151 F. LaVecchia. I live at 303 Burnwick Road in Henrico County. I joined the County of Henrico in  
1152 1959 as your Planning Administrator, then your Director of Planning, then your Deputy County  
1153 Manager for Inspections and Planning, and I ultimately became your County Manager.

1154  
1155 I tell you that only to tell you who I happen to be. I served also for 20 years as a voting member of  
1156 this Planning Commission. One of my first jobs was to redraft the zoning ordinance. And from that  
1157 time until 1992, I redrafted it and drafted many other zoning ordinances, many other sections of the  
1158 zoning ordinance.

1159  
1160 But I am here, tonight, as a private citizen of Henrico County. Ladies and gentlemen, the A-1  
1161 Agricultural District was designed, and it was intended to be for uses such as you find listed in your  
1162 zoning ordinance. It is not a catch-all district, as has been suggested by some, and is as found in  
1163 many other zoning ordinances across the country. The very nature of fairgrounds is typical of the  
1164 open space of the agricultural district.

1165  
1166 Now, Mr. Roberts has put it very well in his remarks and I will try not to repeat any of his remarks.  
1167 Ladies and gentlemen, this County has had a Comprehensive Zoning Ordinance even before I came  
1168 on board in 1959. We had zoning ordinances in places like New York City and San Francisco were  
1169 only thinking about it.

1170  
1171 To my knowledge, we have never zeroed in on one use, such as is proposed here. This County has  
1172 a reputation and planning that is second to none in the country. And, I had nothing to do with that,  
1173 but a lot of very good, fine professional planners that I was fortunate enough to bring on staff had a  
1174 lot to do with it. Please don't jeopardize that reputation with the action that you are being requested  
1175 to do here.

1176  
1177 Should you believe that a review of the A-1 Agricultural District is necessary, then do just that, but  
1178 ladies and gentleman, do it comprehensively. Review the entire district. It has been suggested to  
1179 you that a fairgrounds, in this County, can go on a narrow two-lane winding road. That is  
1180 absolutely wrong.

1181  
1182 Under your plan of development, there are regulations where this Commission and the Board of  
1183 Supervisors can say, "No," if those roads aren't adequate.

1184  
1185 It has also been suggested that it can be put up against my home. That is absolutely wrong, too,  
1186 because there are requirements in the ordinance of setback distances from residential zoned and  
1187 from residences.

1188  
1189 It is totally wrong to change a single classification, which has been in existence, and enjoyed by this  
1190 community for 41 years. Never forget, whatever you do, that it should be done, ladies and  
1191 gentlemen, comprehensively. And, I thank you, sincerely, for all you do, because I have been there,  
1192 and I have done that, and I know what it takes to do it. Thank you.

1193  
1194 Mr. Vanarsdall - Thank you. The same thing applies to this group that applied to the  
1195 last group. No clapping. It is no different.

1196  
1197 Mr. Gryce McMullen - Mr. Chairman, ladies and gentlemen of the Commission, I am  
1198 Gryce McMullen. I am a Richmond resident, although I am proud to say that I once lived in  
1199 Henrico County and have switched back and forth from time to time.

1200  
1201 I'm a lawyer with Thompson, McMullen. It's a Richmond law firm, and we have, over the years,  
1202 represented the Harmon family, which is here tonight, and I have them with me. The Harmons, if  
1203 there has to be a change in A-1, the Harmons would oppose the change as now proposed, but would  
1204 certainly agree if the change were made and a sensitive review was comprehensive. If it were a  
1205 comprehensive review of the entire zoning ordinance's A-1 classifications, then, I think they would  
1206 certainly be comfortable with that. And there are certain reasons for that.

1207  
1208 The Harmons have been living in the County since 1946, and they have been paying taxes all of that  
1209 time. I noticed that, in agriculture, there's been fairgrounds since 1959. That is a long time. And, I  
1210 think there is enough time there for a citizen of the County to rely on the fact that, if they read, or  
1211 their lawyer's read what the zoning ordinance says is A-1, if it says fairgrounds, they can rely on the  
1212 fact that it says fairgrounds. That certainly creates some certainty. And in this case, what the  
1213 Harmons did, after a great deal of thought and trouble, is agree to sell their land for the use as a  
1214 fairgrounds. They did that in reliance on the zoning ordinance. It makes perfect sense to me.

1215  
1216 The result has been for the last year, and this is the first time that I have ever stood up and talked  
1217 about this on behalf of the Harmons, it has been nothing but continuous (end of tape) the proponents  
1218 of what's going on with ARE. And, I know we're not talking about ARE, but, in my own mind,  
1219 that's where we all are, and why we are here.

1220  
1221 Because of that, what the Harmons would ask you to do, as a Commission, is try to establish  
1222 certainty with regard to the Zoning Ordinances. Rather than have the contingent and the expense in  
1223 the future, what they ask is you really look at A-1 and the way its written now. And, if you want to  
1224 deal with Fairgrounds, and take them out, you need to look at some of the other uses that are  
1225 conditioned in A-1.

1226  
1227 For example, there are other uses that I can foresee that would come up that would be very, very  
1228 contentious. Gun clubs, kennels, sanatoriums. Are the people that want to do that in A-1 going to  
1229 be faced with the same prospect of a year or a year and a half of enormous expense and contention?  
1230 I would certainly hope not.

1231  
1232 So, what they would ask is that those uses also be confronted and addressed carefully. In other  
1233 words, as a comprehensive review of everything that should be taken out of A-1, or left in A-1.

1234  
1235 I might add to draft off of what Mr. Montgomery has said, we talk about "high impact uses." There  
1236 are other high impact uses in A-1 right now; hospitals, campgrounds, and so on. These things need  
1237 to all be addressed in a comprehensive approach. A careful approach should be made as to A-1. As  
1238 a matter of fact, it ought to be done in almost every zoning classification, because if you don't,  
1239 there's going to be enormous uncertainty. And my problem with it is, you talk about anybody in

1240 this room that lives in Henrico County. A seller, a buyer, real estate developer, a lender of a real  
1241 estate project, all of these people are going to be chilled by this prospect.

1242  
1243 We heard tonight how much money was spent in one attempt, which is only going right now with  
1244 ARE. I would certainly hope that you can determine and get some certainty with your Zoning  
1245 Ordinance. And that is the message that the Harmons would really like to give you.

1246  
1247 If you have that result, for example, if you take you're A-1 and you analyze it, at least, those persons  
1248 that have any prospect of doing something in the County; buying something, financing, developing,  
1249 will have had a recent determination as to how A-1 is treated. As we go on further, through the  
1250 years, I suppose you've got to have a comprehensive and a continuing review of it. But, certainly,  
1251 for the near term, looking at everything in A-1 now, all these conditional uses, you'll have achieved  
1252 a far better result than you will if you just look at "Fairgrounds." Thank you very much. If you  
1253 have any questions, I'd be glad to answer them.

1254  
1255 Mr. Vanarsdall - Thank you.

1256  
1257 Mr. Marlles - Mr. Chairman, there's about 2 minutes, 8 seconds left.

1258  
1259 Mr. Vanarsdall - We have 2 minutes, 8 seconds left.

1260  
1261 Ms. Elizabeth Conner Flippen - Good evening, ladies and gentlemen. My name is Elizabeth  
1262 Conner Flippen. My address is 1202 Calno Road in King William County. I am speaking in  
1263 support of the State Fair Park, tonight, as a employee of this County of Henrico for 30 years, as a  
1264 farm and livestock owner. In the past cattle and sheep, and more recently, race horse and show  
1265 horses.

1266  
1267 Traditionally, fairgrounds have been show cases. Agricultural expositions with a little bit of  
1268 education and a little bit of entertainment. Marketing centers for livestock. Competitions, shows,  
1269 and sales arenas. All of this has been compatible with A-1 and zoning, and all of this is going on at  
1270 ARE, at Strawberry Hill in the past.

1271  
1272 Henrico County's heritage has been distinguished in this region and in this nation – the  
1273 Commonwealth and the State. In this nation by the strong public lay citizen and elected officials  
1274 and their leadership. And it has put this County on the map with strong triple A bond rating,  
1275 physical autonomy, high standards in the school system, a superb quality of life that has brought  
1276 economic development and great business environment to this community. And all of these years,  
1277 Strawberry Hill of ARE has been a part of this heritage. So, I ask you, tonight, that I hope you will  
1278 help preserve this way of life for all of us that work or live in the County, and all of us who benefit  
1279 and enrich our personal lives through the activities of ARE. And I hope that you will vote to  
1280 preserve this way of life at this site, which has been an asset in our County. Thank you.

1281  
1282 Mr. Vanarsdall - Thank you. How much time, Mr. Secretary?

1283  
1284 Mr. Marlles - Mr. Chairman, that concludes the 30 minutes for the opponents.

1285  
1286 Mr. Vanarsdall - All right.

1287

1288 (Unknown Person) - I gave you the list of people who have signed here, tonight.  
1289  
1290 Mr. Vanarsdall - Yes sir. Give them to the Secretary. That concludes the public  
1291 hearing. Yes sir.  
1292  
1293 Mr. Taylor - Mr. Chairman, I'd like to speak, if I might. Certainly, after listening  
1294 to everybody this issue of agricultural zoning is very complex. I think it was summed up well by  
1295 Mr. LaVecchia and the amount of effort that he spent working over the years for the County.  
1296  
1297 Looking at the County Zoning Ordinance which is this book here, under Article 24-52 of the Code,  
1298 there's a number of uses in the A-1 District that raise concerns among the community, and that was  
1299 discussed by a number of people.  
1300  
1301 These include such things as: shooting ranges, gun clubs, mines and quarries, sawmills, landfills;  
1302 you can consider that to be trash, fairgrounds and racetracks, kennels, campgrounds, airports, and  
1303 institutions for "drug, liquor, or mental patients." So, Mr. Washington was certainly right when he  
1304 said, "A lot of things can happen in an A-1 zone." And, I think the one thing that we should do after  
1305 hearing the comments, tonight, I am more convinced that what we need to do is to look more  
1306 comprehensively at what activities can be accomplished in the A-1 zone. And, as a result, I want to  
1307 make a motion, and I move we defer action on the proposed amendment to give the staff the  
1308 opportunity to study the uses that are now permitted, and come back to the Commission to report a  
1309 recommendation on the uses permitted in A-1, a point which was spoke to by at least three people,  
1310 tonight.  
1311  
1312 Mrs. Quesinberry - Mr. Taylor, our direction from the Board of Supervisors was to  
1313 consider this particular action. You might want to think about another motion might be more  
1314 appropriate, if you want to do some more extensive looking at the A-1 conditional uses, which I do  
1315 agree with you, needs to be looked at, that we might consider that at another public hearing where  
1316 we can do a more comprehensive use. But, tonight, our task has been, I think, pretty clear and pretty  
1317 narrow, that we consider this one particular use in the A-1 and decide if its appropriate to remove it.  
1318 Now, at a future time, if you want to do some discussion, and you want to consider adding uses  
1319 back into A-1, or taking uses away, as may be appropriate, that certainly could be part of a future  
1320 larger discussion. But, tonight, we need to look at what we've been asked to do by the Board of  
1321 Supervisors, directly, and take action on that particular motion before deciding if there is any other  
1322 need, and there looks like there may be. But, to do something in a more broad sense. There's  
1323 nothing that would prevent us from taking care of the business and the action that the Board of  
1324 Supervisors were very clear in directing us to do tonight.  
1325  
1326 Mr. Vanarsdall - Mr. Taylor.  
1327  
1328 Mr. Taylor - Yes sir.  
1329  
1330 Mr. Vanarsdall - I mean, Mrs. Quesinberry, I have a letter here that was written to the  
1331 Board on the 29<sup>th</sup> of June, the day after this resolution was introduced and it says in the second  
1332 paragraph, "...assuming the Planning Commission is able to make a recommendation."  
1333 "Assuming." It does not direct us to what we have to do. It's up to this body to make the decision.  
1334  
1335 Mrs. Quesinberry - That letter is from Mr. Hazelett, Mr. Chairman.

1336  
1337 Mr. Vanarsdall - We have a motion by Mr. Taylor, I believe you're saying look into  
1338 the thing...  
1339  
1340 Mrs. Quesinberry - We're still discussing, Mr. Chairman. We haven't had a second and  
1341 we haven't closed discussion. And, I still have a question of Mr. Marlles who was at the Board of  
1342 Supervisors meeting. I believe the direction, regardless of what Mr. Hazelett may have written, the  
1343 direction from the Board of Supervisors, themselves, and you were there, I believe, Mr. Marlles,  
1344 was that we take action on this as soon as we can. I don't remember what the words were, but it  
1345 was as soon as possible time and take action and get back to them. I paraphrased, but that's what I  
1346 believe I heard.  
1347  
1348 Mr. Marlles - Mr. Chairman, and I'm reading directly from the resolution that was  
1349 approved by the Board on June 27<sup>th</sup>. "Now, therefore, be it resolved by the Board of Supervisors of  
1350 Henrico County, that the Planning Commission is directed to hold a public hearing at its earliest  
1351 opportunity, allowing for proper legal advertisement, on a possible amendment to Section 24-52 of  
1352 the Code of the County of Henrico to eliminate fairgrounds as a conditional use in an Agricultural  
1353 Zoning District." The resolution, at least based on that reading, directs the Planning Commission to  
1354 hold the public hearing. I don't believe it says it directs the Commission to take action on just the  
1355 wording of the resolution.  
1356  
1357 Mrs. Quesinberry - But, I'm asking you, what was the discussion at the meeting around  
1358 that? The expectation of the Supervisors was that we would take action.  
1359  
1360 Mr. Marlles - Mrs. Quesinberry, I can't confirm or deny that. I don't remember  
1361 that being the subject of conversation.  
1362  
1363 Mrs. O'Bannon - I was at the Board meeting. As a member of the Board, I believe the  
1364 resolution speaks for itself. It says that there would be a public hearing on this particular issue; this  
1365 section, 24-52, and that's where we...  
1366  
1367 Mr. Vanarsdall - That's very true. And it doesn't say what we have to do at the end of  
1368 it. And that was that. So, Mr. Archer, do you have anything to say about it? The rest of us have  
1369 said something.  
1370  
1371 Mr. Archer - I don't know what I could add, Mr. Chairman.  
1372  
1373 Mr. Vanarsdall - I don't know either.  
1374  
1375 Mr. Taylor - Mr. Chairman, going back, we heard at least three people say we  
1376 really should look at this very carefully. And looking at those uses in there, I really think some of  
1377 those areas that I've talked about; shooting ranges, gun clubs, airports, etc., etc., I really think they  
1378 need a comprehensive look. We've heard it three times, and I think we need to heed that advice.  
1379 So, I remain firm with my motion.  
1380  
1381 Mr. Vanarsdall - Motion is made by Mr. Taylor. Is there a second? I'll second it.  
1382 Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All those in favor say aye—all those  
1383 opposed by saying nay. The vote is 2-2 Messrs. Taylor and Vanarsdall voted aye, Mr. Archer and

1384 Mrs. Quesinberry voted no. The vote is 2 to 2. We have a tie vote. Mrs. O'Bannon, would you like  
1385 to vote? You don't usually vote, but would you like to vote, tonight?  
1386

1387 Mrs. O'Bannon - As a member of the Board, it is traditional that a member of the  
1388 Board abstains, and there is a majority here, so, 2 to 2. This has been a very interesting evening. I  
1389 will say I have learned a tremendous amount from the public. This was, I think, the intent, from the  
1390 Board of Supervisors, was to hear all sides and I know they'll be very interested. Because I know  
1391 minutes from this meeting are verbatim.  
1392

1393 Mr. Vanarsdall - This is a tie vote so that means that the motion is denied. So, now  
1394 we need a motion – we cannot move this with a motion of this type. We cannot move it forward to  
1395 the Board, and we can't let it die here. So, we now need a motion to do whatever we want to do  
1396 with the Resolution.  
1397

1398 Mr. Archer - Mr. Chairman, before we vote, you did ask if I had something to say,  
1399 did you not?  
1400

1401 Mr. Vanarsdall - Yes sir. You said you had nothing to add.  
1402

1403 Mr. Archer - I was waiting for the appropriate time, I suppose. Now's the  
1404 moment. It's obvious from previous discussions, we all have different ways that we feel about how  
1405 we should move on this agenda item. And, I guess, all of us over the last few days have asked  
1406 ourselves, "How should we determine the proper way to vote?" You know, has all this been for  
1407 naught? Have we really gotten something out of this, or have we just sat around here and  
1408 rearranged ignorance for about three or four weeks? So, I have tried to figure out the way that I  
1409 should vote when it came time to vote on amending the ordinance. And, it seems to me that the  
1410 proper thing for me to do, and I can't speak for the rest of the Commission members, would be to  
1411 try and express those feelings that have been conveyed to me by the members of my district that I  
1412 represent. And, of course, I guess all of you, over the past few days, received many letters,  
1413 telephone calls, faxes, hand delivered pieces of mail, people running up and grabbing you by the  
1414 coat tail and so forth. I have also. To be honest with you, if I was to take a tally of that, it really  
1415 wouldn't matter which district I represented. My vote would still come out the same.  
1416

1417 But, I have to say, in deference to the citizens of Fairfield that have talked to me and there have  
1418 been a lot. I thought I would have to ask some of them for their opinion, but, I haven't. They've  
1419 been giving it freely. One hundred percent of the people who have spoken to me from the Fairfield  
1420 District have asked that we not change this Ordinance, and leave it alone.  
1421

1422 Tonight, I didn't vote on whether or not we should defer this, but we do need to look at this on a  
1423 comprehensive basis, if we are going to make changes, instead of just piecemeal, whipping pieces  
1424 out the Zoning Ordinance. So, I said all that to say, when the vote is taken, however any of us vote,  
1425 some of you will be happy. Some of you will be unhappy. Just keep that aisle open back there, as  
1426 the Chairman advised, when the meeting was started. I guess that's all I have to say, Mr. Chairman.  
1427

1428 Mr. Vanarsdall - Thank you, Mr. Archer.  
1429

1430 Mr. Archer - We're not really going to run out of here.  
1431

1432 Mr. Vanarsdall - All right, we need a motion on the resolution.  
1433  
1434 Mrs. Quesinberry - Are you talking about the resolution from the Board of Supervisors?  
1435  
1436 Mr. Vanarsdall - Right. What we just went through with for the last two hours.  
1437  
1438 Mrs. Quesinberry - Okay. I'd be glad to make a motion on the Resolution from the  
1439 Board of Supervisors on Section 24-52 "Conditional uses permitted by special exception." I'd just  
1440 like to say first, in making my recommendation on this motion, that, once, again, this is not a  
1441 referendum on ARE Fair business. It's a consideration of the appropriateness of intense business  
1442 and commercial uses in our A-1 zoning districts. And, we do not do designer zoning or land use.  
1443 What one applicant can do in A-1, any applicant can do in A-1. And, if an applicant can do  
1444 commercial and business in A-1 with a POD, then, any applicant can do that. That's the danger that  
1445 lies herein.  
1446  
1447 Some of you brought up ARE, and what they're doing and what they're not doing. The fact of the  
1448 matter is, regardless, of what goes on in this A-1 Ordinance, they do have other options. And, if  
1449 they have a good plan, and if its meant for Henrico, they can go through the zoning process like any  
1450 other applicant would have to do in order to do business in commercial zoning in this County.  
1451  
1452 The problem with the fairgrounds being in Paragraph (g) as it is today, and the subject of this  
1453 meeting, is that fairgrounds is extremely broad, as we discussed tonight. And, as Mr. Marlles has  
1454 pointed out to us on several occasions, tonight, that, in and of itself, is reason enough to remove  
1455 fairgrounds from our A-1 Zoning Ordinance. A-1 is not a zoning district that supports a broad  
1456 range of business and commercial uses.  
1457  
1458 Since the term, "fairgrounds" has existed in the A-1 Zoning District, which has been since about  
1459 1959, as much as we can figure, we have not had a POD application and a development of a  
1460 fairgrounds under the A-1 zoning district. And to remove it is not going to change anything for us.  
1461 What it will do, it will protect citizens from, again, intense business and commercial uses in an A-1  
1462 District where its not appropriate.  
1463  
1464 Any future developers of fairgrounds more appropriately can apply with a POD in a B-3 zoning  
1465 district or M-1 or they can apply to rezone if they're not in one of those zoning classifications and  
1466 develop a fairground. And that's the most appropriate way to handle that.  
1467  
1468 So, given that, and given how broad this meaning of fairgrounds is in our Ordinance, today, and  
1469 what it's come to mean over the 50 years or so since its been there, I think its very appropriate that  
1470 we do, which the Supervisors asked us to do, and that is remove Fairgrounds from our zoning  
1471 ordinance in Section 24-52, Paragraph G. And my motion is to do that.  
1472  
1473 Mr. Vanarsdall - All right, motion is made by Mrs. Quesinberry. We need a second if  
1474 we're going to go forward with this. All right, there's no second to the motion, so that motion dies  
1475 also. So, now, we'll need a motion to do something else.  
1476 Mrs. Quesinberry - I think we go home.  
1477  
1478 Mr. Vanarsdall - Do we need a motion, Mr. Marlles?  
1479

1480 Mr. Marlles - Yes sir.  
1481  
1482 Mrs. O'Bannon - It is not necessary to have a second to a motion if you do not wish to  
1483 vote on it.  
1484  
1485 Mrs. Quesinberry - I did wish to vote on it.  
1486  
1487 Mrs. O'Bannon - And, according to our rules of order, it sometimes can die for the  
1488 lack of a second, but you do not necessarily have to vote on it. A second simply means someone is  
1489 seconding the first of a motion.  
1490  
1491 Mrs. Quesinberry - Can I move we vote on my motion without a second?  
1492  
1493 Mrs. O'Bannon - You can vote without a second.  
1494  
1495 Mr. Vanarsdall - We always have a second before we vote. We do not have a second.  
1496  
1497 Mrs. O'Bannon - If those are the rules of the Planning Commission.  
1498  
1499 Mrs. Quesinberry - I don't believe we have that in our rules.  
1500  
1501 Mrs. O'Bannon - You have to see, what are the rules of the Planning Commission?  
1502  
1503 Mr. Vanarsdall - You're saying vote without a second? Is that right? Right, Mr.  
1504 Marlles?  
1505  
1506 Mrs. Quesinberry - He's checking our rules.  
1507  
1508 Mr. Vanarsdall - You all bear with us. We'll figure it out in a minute.  
1509  
1510 Mr. Archer - Mr. Chairman, I will second Mrs. Quesinberry motion.  
1511  
1512 Mrs. Quesinberry - Thank you.  
1513  
1514 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr. Archer. All  
1515 those in favor say aye—all those opposed by saying nay. The vote is 1-3 (Mrs. Quesinberry voted  
1516 aye, Messrs. Vanarsdall, Mr. Archer, and Taylor (Mrs. O'Bannon abstained). The motion does not  
1517 carry. It goes forward to the Board with a denial. Right.  
1518  
1519 Mr. Marlles - Mr. Chairman, Mrs. Quesinberry's motion was to delete Fairgrounds  
1520 from the A-1 District.  
1521 Mr. Vanarsdall - Right.  
1522  
1523 Mr. Marlles - It was seconded by Mr. Archer. That particular motion did fail.  
1524 Okay. You may wish to ask for another motion. How many does this make, four?  
1525  
1526 Mrs. O'Bannon - You need a motion stated in the positive.  
1527



1528 Mr. Marlles - Mr. Chairman, another motion is required.  
1529  
1530 Mr. Vanarsdall - All right, let's have another motion. What would the motion be?  
1531  
1532 Mr. Marlles - This is confusing. The first motion, ladies and gentlemen, let me  
1533 please explain this.  
1534  
1535 Mr. Vanarsdall - Please go down the line.  
1536  
1537 Mr. Marlles - Okay. The only motion that has not been made, tonight, is to,  
1538 basically, defeat the proposed amendment which would keep the definition of Fairgrounds as it is in  
1539 the Ordinance.  
1540  
1541 Mr. Vanarsdall - So, that's the motion we need now. We need a motion to keep the  
1542 word, "Fairgrounds" in the A-1 District.  
1543  
1544 Mr. Marlles - Which, basically, is to deny the amendment.  
1545  
1546 Mr. Taylor - Mr. Chairman, I will move that we keep fairgrounds in the A-1  
1547 District.  
1548  
1549 Mr. Archer seconded the motion.  
1550  
1551 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer All those in  
1552 favor say aye—all those opposed by saying nay. The vote is 3-1, Messrs. Archer, Taylor, and Mr.  
1553 Vanarsdall, voted for the motion, Mrs. Quesinberry voted against the motion. (Mrs. O'Bannon  
1554 abstained).  
1555  
1556 Mr. Taylor - No. I mean, yes.  
1557  
1558 Mr. Marlles - Mr. Chairman, just to clarify again for members of the Commission,  
1559 a "yes" vote is to keep the term, "fairgrounds" a permitted use in the A-1 District, which is to defeat  
1560 the proposed amendment.  
1561  
1562 Mr. Vanarsdall - That's yes.  
1563  
1564 Mr. Marlles - Yes sir.  
1565  
1566 Mr. Archer - Yes.  
1567 Mrs. Quesinberry - No.  
1568  
1569 Mr. Vanarsdall - Yes.  
1570  
1571 Mr. Marlles - Mr. Chairman the motion to keep "Fairgrounds" as it currently exists  
1572 in the A-1 District passes. The proposed amendment is defeated. I would add, for the benefit of the  
1573 citizens that are here, that the Planning Commission makes recommendations. This is not the final  
1574 decision. This recommendation will be forwarded to the Board of Supervisors. Right now, I would  
1575 expect that this particular item would appear on the August 8<sup>th</sup> Board agenda, but you should call

1576 the Planning Office to confirm that. Mr. Chairman, I don't know if you have any additional  
1577 comments you'd like to make.

1578  
1579 Mr. Vanarsdall - No additional comments, except, thank everyone for coming. Thank  
1580 you for speaking for, and thank you for speaking against. We'll see you again. Good night. Thank  
1581 you, John. Mr. Secretary, we'll take the first case. We'll take the requests for deferrals and  
1582 withdrawals from Mrs. Via. Good evening, Mrs. Via.

1583  
1584 Mrs. Via - Thank you, Mr. Chairman. We have several cases that have request  
1585 a deferral. I'm going to start at the top of your agenda on Page 1 in the Fairfield District, Case C-  
1586 29C-00.

1587  
1588 **Deferred from the May 11, 2000 Meeting:**  
1589 **C-29C-00 Roy B. Amason for Virginia Center, L. L. C.:** Request to amend  
1590 proffered conditions accepted with Rezoning Case C-38C-97, on Parcel 44-A-1, containing 8.416  
1591 acres, located on the north line of Virginia Center Parkway, approximately 570 feet east of its  
1592 intersection with Carriage Homes Way and 360 feet west of its intersection with Carriage Point  
1593 Lane. The amendment would allow the development of 60 townhouse units instead of a 160 unit  
1594 assisted care facility. The Land Use Plan recommends Office.

1595  
1596 The applicant has requested a deferral to August 10, 2000.

1597  
1598 Mr. Vanarsdall - Any one in the audience in opposition to deferring this case; C-29C-  
1599 00? No opposition. Mr. Archer.

1600  
1601 Mr. Archer - Mr. Chairman, I move deferral of C-29C-00 Virginia Center, LLC to  
1602 the August 10<sup>th</sup> meeting at the request of the applicant.

1603  
1604 Mr. Taylor seconded the motion.

1605  
1606 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mr. Taylor All those in  
1607 favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1608 O'Bannon abstained). Next case.

1609  
1610 Mrs. Via - Thank you, sir. Moving to the Three Chopt District on Page 2 of  
1611 your agenda, the first case for deferral in Three Chopt is Case C-42C-00 Glen All Community  
1612 Church.

1613 **Deferred from June 15, 2000 Meeting:**  
1614 **C-41C-00 Rev. Rick McDaniels for Glen Allen Community Church:**  
1615 Request to conditionally rezone from R-2C One Family Residence District (Conditional) to O-2C  
1616 Office District (Conditional), Part of Parcel 9-A-20, containing approximately 1.571 acres, located  
1617 on the south line of Nuckols Road at its intersection with Wyndham Park Drive. A bank branch is  
1618 proposed. The use will be controlled by proffered conditions and zoning ordinance regulations.  
1619 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and  
1620 Environmental Protection Area.

1621  
1622 The applicant has requested a deferral to October 12, 2000.

1623

1624 Mr. Taylor - Mr. Chairman, I move that Case C-41C-00 be deferred to October  
1625 12, 2000 at the request of the applicant.  
1626  
1627 Mr. Vanarsdall - Until when?  
1628  
1629 Mrs. Via - October 12<sup>th</sup>.  
1630  
1631 Mr. Vanarsdall - October 12. Any one in the audience in opposition to this  
1632 deferment? This is C-41C-00 Rev. Rick McDaniels for Glen Allen Community Church.  
1633  
1634 Mrs. Quesinberry seconded the motion.  
1635  
1636 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All  
1637 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1638 O'Bannon abstained). Next case.  
1639  
1640 Mrs. Via - Thank you, sir. The next case also in the Three Chopt District in the  
1641 middle of Page 3 of your agenda is Case C-49C-00.  
1642  
1643 **C-49C-00 James W. Theobald for Tascon Group, Inc.:** Request to amend  
1644 proffered conditions accepted with rezoning case C-45C-99, on Parcels 58-A-3, 6 and 6A and part  
1645 of Parcels 58-A-4 and 5, containing approximately 38.3 acres, located on the north line of Three  
1646 Chopt Road at its intersection with Pell Street. The amendment would allow a condominium  
1647 development in place of a detached single family development and assisted living facility. The  
1648 Land Use Plan recommends Urban Residential, 3.4 to 6.8 units per acre, and Environmental  
1649 Protection Area.  
1650  
1651 The applicant has requested a deferral to September 14, 2000.  
1652  
1653 Mr. Vanarsdall - Any one in the audience in opposition to deferring this case? This is  
1654 C-49C-00 James Theobald for Tascon Group?  
1655  
1656 Mr. Taylor - What was the date until?  
1657  
1658 Mrs. Via - This will be September 14<sup>th</sup>.  
1659 Mr. Taylor - Mr. Chairman, then I would move that Case C-49C-00 be deferred  
1660 until September 14<sup>th</sup> at the request of the applicant.  
1661  
1662 Mrs. Quesinberry seconded the motion.  
1663  
1664 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All  
1665 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1666 O'Bannon abstained). Next case.  
1667  
1668 Mrs. Via - Thank you, sir. The next two cases also on Page 3 of your agenda  
1669 are companion cases. It is Case C-50C-00 Mr. & Mrs. Keflas.  
1670

1671 **C-50C-00** **Ralph L. Axselle for Mr. & Mrs. Theodore Keflas:** Request to  
1672 amend proffered conditions accepted with rezoning case C-54C-84, on Parcel 59-3-A-2A,  
1673 containing 1.75 acres, located at the southwest intersection of West Broad Street (U. S. Route 250)  
1674 and Tanelron Drive. The amendment is to permit outdoor dining at the Red, Hot & Blue  
1675 Restaurant. The Land Use Plan recommends Commercial Concentration.

1676

1677 All testimony heard under Case P-6-00.

1678

1679 **P-6-00** **Ralph L. Axselle for Virginia Crescent One, L.P.:** Request for a  
1680 provisional use permit in accordance with Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the  
1681 County Code in order to permit outdoor dining at the Red, Hot & Blue Restaurant, on Parcel 59-3-  
1682 A-2A, containing 1.75 acres, located at the southwest intersection of West Broad Street (U. S. Route  
1683 250) and Tanelron Drive. The Land Use Plan recommends Commercial Concentration. The site is  
1684 zoned B-2C Business District (Conditional).

1685

1686 The applicant has requested deferral to August 10, 2000.

1687

1688 Mr. Vanarsdall - This is C-51?

1689

1690 Mrs. Via - C-50C-00.

1691

1692 Mr. Vanarsdall - Okay. Any one in the audience in opposition to deferment of this  
1693 case? No opposition. Mr. Taylor, again.

1694

1695 Mr. Taylor - Mr. Chairman, seeing no opposition, I move that Case C-50C-00 and  
1696 P-6-00 be deferred to August 10<sup>th</sup> at the request of the applicant.

1697

1698 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in  
1699 favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1700 O'Bannon abstained). Next case.

1701

1702 Mrs. Via - Actually, Mr. Taylor's motion did include action on P-6-00.

1703

1704 Mr. Marlles - We do need a separate motion on that.

1705 Mr. Taylor - We do. I will make it. Mr. Chairman, I move that P-6-00 be  
1706 deferred until August 10, 2000 at the request of the applicant.

1707

1708 Mrs. Quesinberry seconded the motion.

1709

1710 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All  
1711 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1712 O'Bannon abstained). Next case.

1713

1714 **Deferred from the May 11, 2000 Meeting:**

1715 **C-36C-00** **Gloria L. Freye for McDonald's Corp.:** Request to conditionally  
1716 rezone from R-3 One Family Residence District to O-2C Office District (Conditional) and B-2C  
1717 Business District (Conditional), Parcels 61-A-2 and 31, containing 2.046 acres, located on the west  
1718 line of Staples Mill Road approximately 160 feet north of Parham Road and on the north line of

1719 Parham Road approximately 170 feet west of Staples Mill Road (U. S. Route 33). A fast food  
1720 restaurant with drive through is proposed. The use will be controlled by proffered conditions and  
1721 zoning ordinance regulations. The Land Use Plan recommends Office.  
1722

1723 Mrs. Via - Thank you, sir. Moving to the Brookland District, on Page 4 of your  
1724 agenda, this is under the 8:00 p.m. agenda. We have three cases that are requesting a deferral this  
1725 evening. The first in the Brookland District is C-36C-00 Gloria L. Freye for McDonald's Corp.  
1726 The applicant has requested a deferral to August 10, 2000.  
1727

1728 Mr. Vanarsdall - Any one in the audience in opposition to C-36C-00 McDonalds? I  
1729 move that C-36C-00 be deferred to August 10<sup>th</sup> at the applicant's request.  
1730

1731 Mrs. Quesinberry seconded the motion.  
1732

1733 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All  
1734 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1735 O'Bannon abstained). Next case.  
1736

1737  
1738 **C-52C-00 Gloria L. Freye for Doswell Properties, Inc.:** Request to  
1739 conditionally rezone from O-2 Office District to B-2C Business District (Conditional) and O-2C  
1740 Office District (Conditional), Parcel 103-A-104, containing 1.721 acres, located at the southwest  
1741 intersection of Staples Mill and Massie Roads. A fueling facility is proposed. The use will be  
1742 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
1743 recommends Commercial Concentration.  
1744

1745 Mrs. Via - Thank you, sir. The next case also in the Brookland District on Page  
1746 4 of your agenda is Case C-52C-00. The applicant has requested a deferral to September 14, 2000.  
1747

1748 Mr. Vanarsdall - Any one in the audience in opposition to this case being deferred? I  
1749 will defer this case to August 10<sup>th</sup>. I've already talked to Mrs. Freye about it. I move that C-52C-00  
1750 be deferred to August 10<sup>th</sup> at the applicant's request.  
1751

1752 Mr. Taylor seconded the motion.  
1753

1754 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mr. Taylor All those  
1755 in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1756 O'Bannon abstained). Last case.  
1757

1758 Mrs. Via - The last case, sir, is P-8-00.  
1759

1760 **P-8-00 Heidi H. Parker for RCTC Wholesale Corp.:** Request for a  
1761 provisional use permit in accordance with Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the  
1762 County Code in order to construct a 199 foot telecommunications tower and related equipment, on  
1763 part of Parcel 116-A-13, containing 4,200 square feet of leased area, located on the east line of  
1764 Westmoreland Street approximately 400 feet south of its intersection with Jacques Street (2001  
1765 Westmoreland Street). The site is zoned M-1 Light Industrial District. The Land Use Plan  
1766 recommends Heavy Industry.

1767  
1768 The applicant has requested a deferral to August 10, 2000.  
1769

1770 Mr. Vanarsdall - Any one in the audience in opposition to deferring this tower – P-8-  
1771 00? No opposition. I recommend P-8-00 be deferred to August 10<sup>th</sup> at the applicant’s request.  
1772

1773 Mrs. Quesinberry seconded the motion.  
1774

1775 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry. All  
1776 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1777 O’Bannon abstained). That ends the deferments. Now, we’ll go to the expedited.  
1778

1779 Mrs. Via - Thank you, sir. Going back, we have two expedited items this  
1780 evening from the 7:00 p.m. agenda. The first is Case C-38C-00.  
1781

1782 **Deferred from June 15, 2000 Meeting:**

1783 **C-38C-00 Conway C. Miller:** Request to amend proffered conditions accepted  
1784 with rezoning cases C-79C-87, C-44C-82, C-26C-82, (zoned B-3C), on Parcel 59-A-28, containing  
1785 12.71 acres, described as follows:  
1786

1787 Mr. Vanarsdall - Any one in the audience in opposition to this case in the Three Chopt  
1788 District. This is Case C-38C-00 Conway Miller. No opposition.  
1789

1790 Mr. Taylor - Mr. Chairman, seeing no opposition to Case C-38C-00, I recommend  
1791 approval.  
1792

1793 Mrs. Quesinberry seconded the motion.

1794 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All  
1795 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1796 O’Bannon abstained). Next case.  
1797

1798 REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the Planning  
1799 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors  
1800 **grant** the request because the changes do not greatly reduce the original intended purpose of the  
1801 proffers; and it is not expected to adversely impact surrounding land uses in the area.  
1802

1803  
1804 **C-48C-00 Jordan Consulting Engineers for RAS, L.L.C.:** Request to  
1805 conditionally rezone from O-2C Office District (Conditional) to B-3C Business District  
1806 (Conditional), part of Parcel 48-A-23B, described as follows:  
1807

1808 Beginning at a point on the western boundary of the right of way line of Springfield Road, said  
1809 point being approximately 861.78 feet northeast of the intersection of the northern boundary of the  
1810 right of way line of W. Broad Street Road and the western boundary of the right of way of  
1811 Springfield Road. Thence leaving the western boundary of the right of way line of Springfield  
1812 Road in a westerly direction with three (3) courses and distances: (1) N 76°31'53” W 28.31 feet to a  
1813 point; (2) Thence N 76°31'53" W 150.00 feet to a point; (3) Thence S 89°34'43” W 175.82 feet to a  
1814 point, said point being the Actual Point and Place of Beginning for the 0.146 acres. Thence

1815 continuing in a westerly direction with four (4) courses and distances: (1) S 89°34'43" W 35.44 feet  
1816 to a point; (2) Thence N 63°34'52" W 382.00 feet to a point; (3) Thence N 26°25'08." E 16.00 feet to  
1817 a point; (4) Thence S 63°34'52" E 413.62 feet to a point, said point being the Point and Place of  
1818 Beginning and containing 0.146 acres.

1819  
1820 Mrs. Via - The last case this evening on your expedited agenda is Case C-48C-  
1821 00.

1822  
1823 Mr. Vanarsdall - Any one in the audience in opposition of C-48C-00 Jordan  
1824 Consulting Engineers? No opposition.

1825  
1826 Mr. Taylor - Mr. Chairman, I move that Case C-48C-00 be approved on the  
1827 expedited agenda.

1828  
1829 Mrs. Quesinberry seconded the motion.

1830  
1831 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All  
1832 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
1833 O'Bannon abstained). Next case.

1834  
1835 REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the Planning  
1836 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors  
1837 **grant** the request because it would assist in achieving the appropriate development of adjoining  
1838 property; and it would not be expected to adversely affect the pattern of zoning and land use in the  
1839 area.

1840 Mrs. Via - Thank you, sir. That concludes the expedited agenda this evening.

1841  
1842 Mr. Vanarsdall - Mrs. Quesinberry, don't you have a Varina one to defer?

1843  
1844 Mrs. Quesinberry - I only have one case, I think.

1845  
1846 Mr. Vanarsdall - Where are we, Mr. Secretary?

1847  
1848 Mr. Marlles - Mr. Chairman, the first case is on Page 1 of your agenda. It was  
1849 deferred from the March 9, 2000 Meeting. It's Case C-65C-99.

1850  
1851 **Deferred from the March 9, 2000 Meeting:**

1852 **C-65C-99 Donald L. Strange-Boston for Steven and Dody Tribble and**  
1853 **Charles W. Sanders, Jr. and J. Sanders:** Request to conditionally rezone from B-3C Business  
1854 District (Conditional) and R-4 One Family Residence District to B-3C Business District  
1855 (Conditional), Parcels 52-A-55 and 56 and part of Parcels 52-A-53 and 54A, described as follows:

1856  
1857 Beginning at a point on the W. line of Mountain Road which point is the northwest corner of the  
1858 Horace T. & Fannie James tract, tax parcel 52-A-57 as described in Deed Book 928, Page 256 in the  
1859 land records of Henrico County, Virginia; thence leaving said road S. 67° 00' 00" W., 253.12' to a  
1860 point; thence S. 02° 12' 21" W., 101.63' to a point; thence S. 75° 34' 05" W., 33.00' to a point;  
1861 thence N. 16° 35' 24" W., 326.27' to a point; thence N. 73° 42' 18" E., 296.16' to the W. line of

1862 Mountain Road; thence along said road S. 22° 34' 07" 202.62' to the point and place of beginning,  
1863 containing 1.65 acres more or less.

1864  
1865 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.

1866  
1867 Mr. Vanarsdall - Mrs. Via, I didn't get a chance to thank you for that. All right, Mr.  
1868 Bittner.

1869  
1870 Mr. Mark Bittner, County Planner - Thank you, Mr. Vanarsdall. I'd like to point out that the  
1871 graphic up here, the overhead photograph is a little bit wrong. The adult day care and the respite  
1872 care are no longer a part of this application. They are now proposing only office/warehouses or  
1873 office uses along with some B-1 uses that could be used on this property. In the staff report in your  
1874 hands, there is only one issue outstanding between staff and the applicant. And, that was provision  
1875 of a buffer along this rear or western property line. Staff is recommending a 35-foot buffer. The  
1876 applicant wanted 25. However, staff and the applicant have been in discussion on this, and we think  
1877 we have worked out a compromise that we can fix between now and the Board of Supervisors.

1878  
1879 Basically, what it would involve is having a 35 foot or a wider buffer on the southern part, because,  
1880 as you can see, there's a house close to the property here (referring to slide). This little wedge area  
1881 (referring to slide) wouldn't even be used by the applicant. He's not intending to develop it at all.  
1882 And, then, perhaps, thinning out the buffer down to 25 feet as it goes further north. That's because,  
1883 in this area, (referring to slide), is where his proposed building would sit, and he would like a little  
1884 bit extra space for the building and his parking area as well.

1885  
1886 Again, I think this could be a simple matter. The language could be worked out between now and  
1887 the Board of Supervisors, and, the applicant is in agreement with staff on this. With that, staff is  
1888 prepared to recommend approval of this application. And, I'd be happy to answer any questions you  
1889 may have.

1890  
1891 Mr. Vanarsdall - Any questions by Commission members of Mr. Bittner? No  
1892 questions. Do you want to hear from the applicant?

1893  
1894 Mr. Archer - I don't think I need to, Mr. Chairman, except just; is he here? Are  
1895 you in agreement with what staff has said?

1896  
1897 Mr. Steve Tribble - I think we have worked out a very...

1898  
1899 Mr. Vanarsdall - Excuse me, why don't you come down and identify yourself and get  
1900 it on the mike if you're in agreement, because this might come back to haunt us some day?

1901  
1902 Mr. Tribble - I'm very much in agreement with it. It works right into my project.  
1903 They give me the exact room that I need. I'm all for it.

1904  
1905 Mr. Archer - Okay. That's all I need to hear, Mr. Chairman.

1906  
1907 Mr. Marlles - Sir, what was your name and address?

1908



1909 Mr. Tribble - My name is Steve Tribble. My address is 9057 Goddin Road,  
1910 Ashland, Virginia.

1911  
1912 Mr. Vanarsdall - All right, thank you. Entertain a motion.

1913  
1914 Mr. Archer - All right, Mr. Chairman. With that, I move we recommend approval  
1915 of C-65C-99 Steven and Dody Tribble to the Board of Supervisors.

1916  
1917 Mrs. Quesinberry seconded the motion.

1918  
1919 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs. Quesinberry. All  
1920 those in favor say aye—all those opposed by saying nay. The vote is 54-0 (Ms. Dwyer absent, Mrs.  
1921 O'Bannon abstained).

1922  
1923 REASON: Acting on a motion by Mr. Archer, seconded by Mrs. Quesinberry, the Planning  
1924 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors  
1925 **grant** the request because it generally reflects the Land Use Plan and future use and zoning of the  
1926 area; and it would not adversely affect the adjoining area if properly developed as proposed.

1927  
1928

1929 **Deferred from June 15, 2000 Meeting:**

1930 **C-39C-00 Henry L. Wilton for Dickens Place LLC:** Request to conditionally  
1931 rezone from A-1 Agricultural District, R-2C and R-2AC One Family Residence Districts  
1932 (Conditional) to R-2C and R-2AC One Family Residence Districts (Conditional), and R-5AC  
1933 General Residence District (Conditional), Parcels 10-A-12, 13, 14, 14A, 14B, 16, 17A, 17B and  
1934 17C, described as follows:

1935  
1936 Beginning at a point on the Western right-of-way line of Shady Grove Road, said point being  
1937 located approximately 150 feet Northeast of the intersection of said Shady Grove Road and Old  
1938 Nuckols Road and is the Southwest corner of the herein described parcel. Thence, leaving the right-  
1939 of-way of said Shady Grove Road along the land now or formerly of Noel D. Lloyd, North  
1940 73°40'43" West 1493.91 Feet to a point. Thence, along the land now or formerly of Gregory A.  
1941 Windsor, North 47°15'40" West 326.70 Feet to a point. Thence, North 41°15'40" West 211.08 Feet  
1942 to a point. Thence, North 27°16'10" West 151.80 Feet to a point. Thence, North 21°49'55" West  
1943 203.05 Feet to a point. Thence, North 46°12'-50" East 124.09 Feet to a point. Thence North  
1944 17°47'10" West 298.57 Feet to a point. Thence, continuing North 17°.47'10" West 291.18 Feet to a  
1945 point; Thence, along the land now or formerly of Loch Levan Land LTD Partnership, North  
1946 84°44'38" East 94 Feet to a point at the approximate location of the 100 year flood plain. Thence  
1947 along the meandering of the said 100 year flood plain in a Northerly direction 739 Feet to a point on  
1948 the Southern right-of-way of Nuckols Road. Thence, along the southern right-of-way of said  
1949 Nuckols Road, South 68°42'43" East 1850 Feet to a point; Thence departing the said right-of-way  
1950 of Nuckols Road along the land now or formerly of Child Care Development Center @ Wyndham,  
1951 South 21°17'17" West 175.68 Feet to a point; Thence South 53° 46'12" East 593.39 Feet to a point  
1952 on the Western right-of-way of Shady Grove Road. Thence, along the right-of-way of said Shady  
1953 Grove Road South 09°45'58" West, 508.20 Feet to a point. Thence, continuing South 09°45'58"  
1954 West 95.73 Feet to a point; Thence, South 09°20'16" West 166.00 Feet to a point. Thence, South

1955 08°41'11" West 427.28 Feet to a point. Thence, South 09°13' 42" West 123.75 Feet to the point of  
1956 beginning and containing approximately 82 acres.

1957  
1958 Less and except the land standing in the name now or formerly of W. L. Jones Jr. designated as  
1959 Henrico County tax parcel 10-A-15 and described as follows: Beginning at a point located North  
1960 77°11'19" West 608.21 Feet from the Northeast comer of the land now or formerly of Gordon W. &  
1961 B. L. Smith, said comer being located on the Western right-of-way of Shady Grove Road  
1962 approximately 700 feet Northeast of the intersection of said Shady Grove Road and Old Nuckols  
1963 Road. Thence, along the land of said Smith, South 11°22'17" West 199.70 Feet to a point. Thence,  
1964 North 71°41'43" West 158.00 Feet to a point. Thence North 69°15'27" West 504.76 Feet to a point.  
1965 Thence, North 54°05'06" West 393.00 Feet to a point. Thence, along the land now or formerly of  
1966 said Smith and Richard C. Brown North 24°27'54" East 696.74 Feet to a point in the line now or  
1967 formerly of Willie Alvin Bell Jr. Thence along the line of said Bell and the land now or formerly of  
1968 Ernest J. Wingo South 34°49'56" East 999.46 Feet to a point. Thence South 47°23'56" East 61.27  
1969 Feet to a point. Thence South 64°44'56" East 83.14 Feet to the point of beginning and containing  
1970 approximately 10 acres.

1971  
1972 The parcel herein described is located in the Three Chopt District of Henrico County Virginia and is  
1973 shown as tax parcels 10-A-12 (in part), 10-A-13, 10-A-14, 10-A-14A, 10-A-14B, 10-A-16, 10-A-  
1974 17A, 10-A- 17B and 10-A-17C and contains approximately 72 acres.

1975  
1976 Mr. Marlles - The staff report again will be given by Mr. Bittner.  
1977  
1978 Mr. Vanarsdall - Any one in the audience in opposition to this case? Any opposition  
1979 to C-39C-00? No opposition. Mr. Bittner.

1980  
1981 Mr. Bittner - Thank you, Mr. Vanarsdall. In addition to the new proffers, we are  
1982 passing out now, the applicant has handed me two additional proffers, which I'll go over quickly  
1983 here. One is, he's proffered in the R-5A, which is the zero lot line section, that it would be in  
1984 similar architectural style to the Bel Arbor Community located in Chesterfield County. And we  
1985 have some pictures and brochures from Bel Arbor if you want to take a look at those in a bit.

1986  
1987 He has also proffered in the R-5A section that any refuse containers for use by the community; and  
1988 that would be sort of a community dumpster, but not any individual garbage area on a single lot;  
1989 would be screened with materials consistent with the principle building on the site.

1990  
1991 Even with these two new proffers and the proffers, that I'm handing out to you now, staff still has  
1992 some outstanding issues with this application, which I will cover right now. The first one being, the  
1993 proposed density.

1994  
1995 The applicant has proffered no more than 2.4 units an acre, which is at the upper end of the  
1996 recommended density range of Suburban Residential 1. Staff feels that density should, perhaps, be  
1997 lower in the 1.6 to 1.8 range, because, and let me go over here to the zoning map (referring to slide).  
1998 Right along in here, this Concept Road 10-2 on the Major Thoroughfare Plan, the applicant is  
1999 proposing that this site not incorporate 10-2.

2000

2001 Public Works has said that is okay, that is does not have to be there. However, 10-2 is designated to  
2002 be a minor collector road and to carry a decent amount of traffic. Without 10-2, they would have  
2003 less traffic capacity in the area. Therefore, staff feels they should have less traffic generators or less  
2004 lots. And, again, 1.6 to 1.8 is what we suggest.

2005  
2006 Some of the other issues include the lot width in the R-2A section. I'll come back to the site plan  
2007 (referring to slide). The R-2A is in this area. I might point out, this is adjacent to the next case we  
2008 are to hear, which is C-40C-00, just to the south.

2009  
2010 The minimum lot width required by the Ordinance is 80 feet. Staff recommends a 90-foot lot width  
2011 to try and achieve some more visual consistency with the R-2 zoned property. Ninety (90) foot lots  
2012 were proffered on a previous subdivision on this site, which was Cole Creek. Cole Creek would not  
2013 become a part of this any more, but we still think the 90-foot width would be preferable. And,  
2014 again, the applicant has proffered 85.

2015  
2016 In the R-5A section, the applicant has stated they want to market it towards retirees; elderly couples,  
2017 people without children, but there's nothing in the proffers that would mandate that. Staff thinks the  
2018 applicant could, perhaps, consider an age restriction on the R-5 section, or at least restrict the  
2019 percentage of it to people, perhaps, over the age of 55, or something of that nature.

2020  
2021 You will also notice Parcel 10-A-15 in the middle here (referring to slide), which is not a part of the  
2022 case. We called that the "donut hole." I think it would be best if this could be brought in. My  
2023 understanding is that the owner does not want to sell and does not want to be involved. However,  
2024 again, we think it would be better if it was part of the case.

2025  
2026 And the final issue that's outstanding is, the Bel Arbor Community, and a lot of communities like  
2027 this, have front-loaded garages on every house in the neighborhood, which sometimes can create  
2028 some sort of visual monotony, and sometimes is unattractive. And, we recommend that the  
2029 applicant consider proffering a certain amount of the homes to have rear or side loaded garages.  
2030 And with his proposed plan we think it could be achieved. Because, if you notice, this area here,  
2031 here, here, here, (referring to slide), these are alleyways that go behind homes, which, could,  
2032 perhaps, contain driveway entrances into the rear of the lot into the garage instead of in the front.

2033  
2034 So, if the applicant could address these issues, staff could, potentially, recommend approval. But,  
2035 until that time, staff recommends denial of this case. I'd be happy to answer any questions you may  
2036 have.

2037  
2038 Mr. Taylor - I have one question, Mr. Bittner. With regard to the width of the lots,  
2039 and you may have misstated this. You said that the applicant had proffered 80-foot wide lots. You  
2040 had hoped to get 90-foot lots, but, then later you said 85 feet. Is it 80 or 85.

2041  
2042 Mr. Bittner - He has proffered 85. If I said 80, I misspoke.

2043  
2044 Mr. Taylor - He has proffered 85?

2045  
2046 Mr. Bittner - The Ordinance requires 80 for R-2A.

2047  
2048 Mr. Taylor - Requires 80. So, he's five above the Ordinance at the moment.

2049  
2050 Mr. Bittner - Yes. He is.  
2051  
2052 Mr. Taylor - And the concept road to be deleted, which was your first point, am I  
2053 led to believe that the Three Chopt Supervisor is planning to remove that road from the Plan,  
2054 because it doesn't show on the C-40C-00 Plan?  
2055  
2056 Mr. Randall R. Silber, Assistant Director of Planning – The Board of Supervisors representative for  
2057 Three Chopt has suggested, and, in fact, we're preparing a Resolution to take to the Board of  
2058 Supervisors later this month, that would study the possibility of removing the concept road through  
2059 this property. If that is removed, then it would not be necessary to provide that road as shown on  
2060 this plan. The layout, that has been provided by the applicant, does not incorporate that concept  
2061 road.  
2062  
2063 Mr. Taylor - I realize that this is another case, but would you consider that the  
2064 probability, as you prepare this, that the Board of Supervisors will pass that and remove that road  
2065 from the Plan?  
2066  
2067 Mr. Silber - I think, at this point, this is a request for rezoning. It doesn't have to,  
2068 specifically, deal with that concept road. If there's going to be a conceptual layout submitted that's  
2069 been proffered, yes, that should be addressed.  
2070  
2071 Mr. Taylor - Maybe Mr. Wilton can talk to that when its his turn. Let's go on. I  
2072 also have visited Bel Arbor. I do notice that there were a lot of retirees over there. But, my  
2073 question him is, can we, in the days of discrimination, just market to retirees?  
2074  
2075 Mr. Bittner - I think you can market to anybody you want to.  
2076  
2077 Mr. Taylor - But, not exclusively to retirees? There's no intention to do that, is  
2078 there? We can? Consideration of age is legal? Okay. Thank you.  
2079  
2080 Mr. Silber - Mr. Taylor, the applicants in the past, have offered those as a  
2081 proffered condition.  
2082  
2083 Mr. Taylor - They are appropriate?  
2084  
2085 Mr. Silber - Yes. It's been accepted by the Board.  
2086  
2087 Mr. Taylor - Just learning my way along here. Now, I did go over to Bel Arbor,  
2088 as you did. I was impressed, very favorably, by the quality of that product with regard to the front  
2089 loading garages. I do agree that there is a certain monotony over there. Although, I have spoken  
2090 about that to Mr. Wilton. And, perhaps, the way around that, as we said, if we don't get relief from  
2091 the monotony after a couple of units, I would think, there; the obvious way around that is do  
2092 something either with the cul-de-sac, whatever, to reduce the rowism look that is over there. So,  
2093 that's all the questions I have.  
2094  
2095 Mr. Vanarsdall - Good evening, Mr. Wilton.  
2096

2097 Mr. Henry Wilton - Good evening. For the record, my name is Henry Wilton. And, I  
2098 think, during my presentation, I'll get to most of the points that Mr. Bittner and I have been  
2099 discussing for some time.

2100  
2101 We have put together nine parcels; three parcels with Mr. Johnson. Instead of a piecemeal  
2102 approach, we went out, and it's taken us 11 months to actually put all of this together. We've  
2103 worked with the staff, the Planning Commissioner, Mr. Taylor, Mr. Kaechele, the Supervisor, and I  
2104 think we've come to what is a good case during the transition. Obviously, the staff still has some  
2105 concerns, which we can discuss right now.

2106  
2107 The case, basically, has assembled three distinct communities. Can you read what's on the screen  
2108 (referring to slide). Can you darken it up a little bit? For the purposes of discussion, these are three  
2109 distinct communities; the R-2C with the 100 foot minimum parcel width as far as the lot frontage.  
2110 That piece of property was zoned back in May of 1999 by H. H. Hunt. The lot size there was only  
2111 90 feet. So, I increased it to a minimum of 100 feet by taking it to another zoning classification.

2112  
2113 The area outlined in yellow, the R-2AC, the minimum lot size there is 80. Where I got 85, I don't  
2114 know where Mr. Bittner got 90, but I know where I got 85. I discussed it with the builders. What  
2115 the builders want is a minimum of 55 to 65-foot building envelope, with a 25-foot side yard under  
2116 R-2AC. This gives the builder what they want; would sell in the area. So it is market driven. I  
2117 don't just come up, you know 85 feet would be the best size lot. This is market driven and by some  
2118 of the better builders in the area.

2119  
2120 For discussion, I'm calling the subdivision Sedgewick right now, although nobody likes the name  
2121 Sedgewick. So, it will probably be changing. The estates lots which are 100 feet, which we just  
2122 discussed, these will accommodate homes in the \$350,000 to \$500,000 area, just to give you guys a  
2123 parameter that what we're dealing with. These are \$90,000 lots and 100 foot lots. Sedgewick Glen,  
2124 which would be the R-2AC with the 85-foot lots, these are \$72,000 to \$74,000 lots. These would,  
2125 basically, accommodate a home of a \$275,000 to \$375,000 market range.

2126  
2127 And, then, finally, the gated community, which we're calling "The Villas of Belle Arbor West," at  
2128 this point. This is an actual community. I took Mr. Taylor out there, Mr. Bittner out there too, and I  
2129 think they liked what they saw. It's a high quality development. It was voted the top community,  
2130 under \$300,000 under 100 homes in the Richmond area. And, if anybody would like to go out  
2131 there, I'd be happy to go ahead and take them out.

2132  
2133 These will range from \$220,000 to \$300,000. The price list that you have in there is on a \$33,000  
2134 lot. These lots actually retail for \$60,000. So, there's a differential when you come to this side of  
2135 the river. Where they're paying \$33,000 for a lot over there, we charge \$60,000 for that lot because  
2136 of the cost of the property and so on. The price list that you have, basically, you have to notch it up  
2137 by \$40,000 to get to our price point.

2138  
2139 We are planning to do this product. It's the last proffer that we deal with that issue. Let me go one  
2140 step further. This is an "empty-nester" project. They have sold 24 of the 48 units in south side. Of  
2141 those, only one of the houses, and they go up to \$300,000 over there too. Only one of the houses of  
2142 the 24 have school-age children. And, of that, they're in high school. So, they'll be moving on  
2143 soon. So, only one of the 24 actually have school-age children, and they're in high school.

2144

2145 So, people who move into a \$220,000-\$300,000 villa, on whatever you'd like to call them, this,  
2146 basically, what you see before you, is what you're going to get. They do not have a lot of children.  
2147 If they do have children, they might be high school, but very few.

2148  
2149 We have purposely kept the density down to 2.4 units per acre. Originally, I had zoned the piece of  
2150 property on the other side of Shady Grove. There was discussion. When I zoned that residential  
2151 townhouses, that there would be a push to get a density greater than 2.4 on this side of the road.  
2152 Certainly, I tried to do that, but, you know, I agree with the staff, that the density shouldn't be any  
2153 greater than 2.4, even though I have a R-5A project. The density, again, we've taken a lot of time to  
2154 make sure the density does not exceed 2.4.

2155  
2156 In addition, as we just discussed, I have increased the size of the lots on the parcel that was already  
2157 zoned from 90 to 100-foot frontage lots. The R-2A, again, is not the minimum 80, but a minimum  
2158 85-foot lot. And, obviously, some are going to have to be larger than that. And, then the villas,  
2159 which could be 50-foot lots, they asked me to try to come up with a proffer.

2160  
2161 I went ahead and actually proffered that 40 percent would be greater than 60 feet. We're going to  
2162 need 60, probably, in most cases. And, I think, that, when we finally do that project, and that POD  
2163 will come back before this Commission, I think that we'll probably have 75 percent of them over 60  
2164 feet, but we have not finished the design on the R-5A project. Therefore, I really can't go ahead and  
2165 proffer. But, I can tell you, I believe its going to be approximately 75 percent are going to be 60  
2166 feet or greater in the Villa area. Again, that will come back before this Commission. And, that's  
2167 my commitment to you to make the lots as large as I can. But, it also has to make economic sense.

2168  
2169 Therefore, the density is conforming to the Land Use Plan 2010. The lot sizes are greater than the  
2170 minimums in every case. And, in one case, I've even jumped a zoning classification in itself.

2171  
2172 In addition, we've used the R-5A, the Villa concept, as a transitional single family buffer against the  
2173 existing commercial application of the child care center. There are a number of acres that its being  
2174 used as a child care center, and we abut that.

2175  
2176 The Villa product carries a density of 3.6 units per acre. Single-family is 1.6 and 1.8. I believe that  
2177 the 3.6 units per acre is acceptable, given we have the adjacent R-5 use of the child care center. But,  
2178 even with this higher density, we still are conforming, and only have 2.4 over the entire project.

2179  
2180 We further proffered a 30-foot green belt, setback restrictions, sidewalks on Nuckols and Shady  
2181 Grove, passive recreation area in the Villas, even though, we're not required under the Ordinance.  
2182 The proffers ensure a quality development, as I've already noted.

2183  
2184 I maintain architectural control over the project, on all my projects in all my subdivisions. Some of  
2185 them in the immediate area, across the street, you have the Townes at Shady Grove. Further down  
2186 Nuckols, you have Hampton Forest, and Cambridge. These are all high quality developments.

2187  
2188 In regard to the proffers I just passed out; the landscaped greenbelt, this was requested by the  
2189 County. This is in addition to the required setback, okay, so the lot has to be even larger, because it  
2190 has to accommodate the 30 foot.

2191

2192 Underground utilities, driveways, no access. Foundations will be brick, stone, the EIFS which is  
2193 like a stucco-type of material. That's actually the material you see in the picture in the back that  
2194 front on some of these units. The product is referred to as that EIFS.

2195  
2196 The protective covenants, in regard to the R-2 and R-2AC, we have tried to proffer quality  
2197 development. In doing so, we have come up with these minimum standards. As far as landscaping  
2198 budget, mailbox, lamp posts, aggregate sidewalks, two-car garages, side and the front yard  
2199 irrigation, and it goes on and on. I think that, you know, again, the proffer is to instill to the County  
2200 that this is a product that's going to be a quality development.

2201  
2202 The R-5AC portion, again, as far as a minimum of 50 percent of the dwellings, shall be brick, stone,  
2203 or EFIS. Sprinkler systems, sided yards; again, that R-5A is going to be the \$220,000 to \$300,000  
2204 product. And, if you go over there and see that product, I think you'll find that you'll be very happy  
2205 with it. One of the comments of Mr. Taylor was, "This is a very quality product." when he went out  
2206 and saw it.

2207  
2208 Square footages are 2,500 square feet minimum in the R-2; 2,300 in the R-2AC; 1,500 in the R-  
2209 5AC. Now, these are just minimums. The price points that we are going to hit, they're going to be  
2210 much larger than that. But, again, these are just minimums to deal with.

2211  
2212 The R-5A unit, you can see in your packet, is from 1,500 all the way to about the 2,200 square feet,  
2213 depending on what you want. They have seven actual types of units in that packet.

2214  
2215 The chimneys is standard language. The density, again; the density of the project is not to exceed  
2216 2.4 units per acre. In regard to the concept road, I might as well cover that now. We met with Mr.  
2217 Kaechele, Mr. Priestas, and one of the Deputy County Managers. We asked, did they want that  
2218 concept road to go through? We agreed, we would go ahead and build it through to the point where  
2219 it would stop. It would stop at the floodplain. It has to go through one more property owner, and  
2220 then, quite frankly, nobody can take it over, as far as the cost involved to take that over the creek.

2221  
2222 So, if we did put the concept road in, the concept road would just stop right there. It would be a  
2223 concept road that would never be built. And the logic, there's no reason to do that. And we would  
2224 go ahead and suggest that the County look at the possibility of taking that off of the Thoroughfare  
2225 Plan. That's what came up as far as why the concept road is not there.

2226  
2227 Mr. Priestas did comment that he would like to have access from the people down Shady Grove  
2228 coming up through our community to be able to get to Nuckols Road. We are doing that. Now, Mr.  
2229 Johnson's piece is lower than ours. I think there are 34 lots. We access into him, There are three  
2230 points of access for both these communities on Shady Grove. And you can filter your way through  
2231 to Nuckols, if, for any reason, you'd want to do that.

2232  
2233 That's why the concept road was taken off because it didn't make sense, because nobody was going  
2234 to build it across the creek; nor, according to Mr. Kaechele, do we think we need it.

2235  
2236 But, again, the density issue here; we can put the concept road in. But, the point is, it's not going  
2237 anywhere. To say, that I shouldn't have the 2.4 units as far as the density, it should be less because I  
2238 don't have the concept road, I'll put the concept road in.

2239

2240 The conceptual plan that we're dealing with here is, obviously, part of the zoning case.  
2241 Proffer No. 11 was in regard to the R-2A lots. And then 40 percent of the R-5A lots shall be a  
2242 minimum of 60. Again, that percent is probably going to be around 75 percent.

2243  
2244 Fencing, we're going to do a decorative fencing, and probably some stone accents. If you go over  
2245 there, you'll see that they have stone accents. We're going to try to use that for a continuous  
2246 fencing to draw the three communities. The same fence will appear on Shady Grove and also on  
2247 Nuckols Road.

2248  
2249 We've agreed to sidewalks on Shady Grove. I also agreed to sidewalks on the other side of the  
2250 street over at Nuckols, too, with the last development.

2251  
2252 Recreational area; a minimum of .5 of an acre, just for some gazebos, benches, walkways, and so  
2253 on. The R-5A, the Villas, are a gated community. There will be a gatehouse there. The  
2254 Association will decide exactly how much security they want.

2255  
2256 In regard to the "donut" effect, Mr. Bittner pointed out, in the staff report, it says, he thinks this is  
2257 premature because there's one piece lacking. I'm working with Mr. Jones on this piece of property;  
2258 the one in the middle that dotted in (referring to slide). He has not decided to sell yet. I hope that he  
2259 will sell in the next couple of months, but I will be working on that.

2260  
2261 But, I would suggest that the other nine landowners, they would probably disagree the zoning is  
2262 premature.

2263  
2264 Just a couple of closing comments, because I've gone on long enough. We are in compliance with  
2265 the density, according to the 2010 Plan, at not more than 2.4 units, even though I think I should get  
2266 more density adjacent to the R-5.

2267  
2268 The total area is marked, "Expansion," on the land development grid. I further submit that we also  
2269 meet some of the Goals, Objectives, and Policies of the County. We're allowing for another house  
2270 type here.

2271  
2272 In regard to the Major Thoroughfare Plan, the traffic generated by these neighborhoods can be  
2273 adequately handled by the current road system.

2274  
2275 The only last comment, I think I've covered everything except for the suggestion that we go ahead  
2276 and make this an "age restriction" community. We don't want to go ahead and restrict the age. Out  
2277 of the 24 units sold at Belle Arbor, again, only one couple has children living at home. The  
2278 remainder are older people, or what they call "Dinks." These are double income and no kids.

2279  
2280 So, a large part of the people who live in these \$300,000 condos are professionals; single  
2281 professionals that want to live at this location. So, it doesn't seem wise to go ahead and restrict this  
2282 to an age-restricted community. The other part is, older people don't want to be categorized as old  
2283 in age in a restricted community. They don't like that idea. So.

2284  
2285 For all these reasons, I respectfully request approval of Case C-39C.

2286  
2287 Mr. Vanarsdall - I believe that's the longest presentation I've ever heard.



2288  
2289 Mr. Wilton - I think this is a good case. I'm usually not this long. But, I really do  
2290 feel this is a good case. So, I think that we've done everything that we can to make it a good case.  
2291  
2292 Mr. Silber - Mr. Wilton, the Belle Arbor information that you passed out  
2293 referenced the old fashioned street lights, and it mentioned the luxury private pool, tennis club and  
2294 walking trails.  
2295  
2296 Mr. Wilton - That's within their planned unit development. They do not have that  
2297 there. Certainly, we have the same type of opportunity by just going to the Dominion Club or any  
2298 other clubs in the area, or the YMCA.  
2299  
2300 Mr. Silber - That's a part of their larger plan?  
2301  
2302 Mr. Wilton - Yes. It's a larger planned unit. They'll show you the layout. There  
2303 aren't any amenities within the actual framework of the community. I did forget, if I could go back  
2304 a minute. Proffers 16 and 17 are the ones that I added. One was the architectural style to be similar  
2305 to Belle Arbor.  
2306  
2307 I can't say its going to be exact, because things change. But, it will be similar. Obviously, we've  
2308 already proffered the quality into it.  
2309  
2310 Refuse containers, we don't plan to have any. That was just kind of a holdover from where we were  
2311 proposing more multi-family type of development on this area. But, if we do use any, certainly, we  
2312 would go ahead and use the same materials within the community.  
2313  
2314 Mr. Silber - I have one other question, if I could. When we met with you last  
2315 week, I guess it was, you had talked about the possibility of restricting the number of front loaded  
2316 garages. Maybe I missed...  
2317  
2318 Mr. Wilton - No. But, I will say something about it. We've been over there. And  
2319 all of them are front loaded garages. And, there's a reason for that is, because the people like it.  
2320 About a month ago I came back from Desert Mountain. It's an 8,000 acre development that's  
2321 owned by Mobile Oil. And they're doing condos, villas like this around 2,800 square feet for \$2.1  
2322 million. And, every one of them have front loaded garages.  
2323  
2324 So, that leaves me to believe, the people that did the research on this product; the Bel Arbor, they  
2325 went through four states; California, Georgia, Florida, and they took the best of all these  
2326 communities that they visited. And, again, the people want these front loaded garages.  
2327  
2328 I do agree it looks monotonous if you don't change the house type as you go along and develop. If  
2329 you had the same unit beside each other, it would look monotonous. But, what we have here are  
2330 seven distinct, you know, facades. Each are units. Each of these have four changes of a façade. So,  
2331 you actually have 28 selections when you go in here and you pick your unit. And, that's one of the  
2332 things, architectural control.  
2333  
2334 When I come back here before the Planning Commission for this POD, if it does look monotonous,  
2335 I will try to work into the Plan, where we do have some side loads. Quite frankly, I don't think,

2336 even though we show some alleyways here, we may keep the alleyways, but the people that buy  
2337 these units don't want a detached garage. They want it attached.

2338  
2339 So, we might be able to do some side loads, and I'll agree to go ahead. Certainly, I'll work towards  
2340 that. But, quite frankly, if you go over and see this project, I think that you'd be very happy.  
2341 Because we do mix it up by giving – They have available 28 different house types to put in the  
2342 front. Again, if you see the project, I think you'll see it isn't monotonous.

2343  
2344 Mr. Silber - Off the alleyways, you could have garages that were attached to the  
2345 units.

2346  
2347 Mr. Wilton - You could, but I think you'd be giving the people something that  
2348 they don't want. This is a proven project. And, again, when I go around, obviously, I look at all of  
2349 these.

2350  
2351 If the guy buying the \$2 million unit doesn't want the front load garage, these are going to be  
2352 \$300,000. Certainly, price point is something. I visit a number of these, and I don't see where, you  
2353 know, the side load is going to give them – It may break it up a little bit. But, I don't know if it's a  
2354 necessity. And, I don't know if we should be telling the people that they've got to have a garage in  
2355 the back, or they have to have a side load garage.

2356  
2357 I think the people have already said, because they're buying these things that they like to be able to  
2358 pull up, open up the garage door and pull in.

2359  
2360 Mr. Vanarsdall - Hank, in the places that you visited, that was the most popular garage,  
2361 wasn't it? Or was it? People prefer.

2362  
2363 Mr. Wilton - Well, they didn't have a selection of any. Where I visited, and  
2364 actually, I was staying in one of these units, and they were like 75 of them, you know. And they  
2365 were all side by side and so on. Now, you can move them up and back a little to give them a little  
2366 bit more relief. But, obviously, that's what the people wanted.

2367  
2368 We will look; and again, I will work closely with the builder on this. I don't mind trying to go  
2369 ahead and put some side, you know, units in. But, quite frankly, we might want to test that concept.  
2370 If the people don't want to buy it, my builder is not going to want to build it. Quite frankly, nobody  
2371 has said to us, it isn't proof that they want the side load garages.

2372  
2373 I had a side load garage when I lived in south side at one time. Don't tell anybody I lived in south  
2374 side. It was so tight that I backed into the brick retaining wall several times. I mean, there are  
2375 certain constraints you have to deal with. When there was a retaining wall behind me, when you  
2376 came in and you backed out, you ran into the wall.

2377 Mr. Vanarsdall - Was it dark of something?

2378  
2379 Mr. Wilton - It was white most of the time.

2380  
2381 Mr. Marles - Mr. Wilton, I think, if that's all the developer is going to provide, I  
2382 think, certainly, people will have no other choice but to buy front ended garages. But, I think its fair  
2383 to say that, at least, the staff's opinion is that, it is valuable to, at least, mix them up. There may be a

2384 preference not to have front-ended residential structures in terms of garages. But, I just want to  
2385 point out, I think, if the developer is only providing front ended garages, that's the only thing people  
2386 have them.

2387  
2388 Mr. Wilton - Again, I'll be back before this Commission, and we'll have that  
2389 discussion. I, quite frankly, don't mind every four units or so, trying to break it up. I have to go out  
2390 and rework that plan and be back before you, before I can say, "I can do it here or there." Maybe I  
2391 can go ahead and create cul-de-sacs. So, I think the final design, you know, I'll make a  
2392 commitment to you, that, certainly, you know, if its possible, and the market is there, I will have  
2393 side loaded garages. Again, I'll come back and speak to that point during the POD process.

2394  
2395 But, again, you know, this Commission will hear that. I think at that time is the appropriate time to  
2396 talk about it. I really can't give any percentages, but I will work towards doing side load garages.

2397  
2398 Mr. Taylor - I think, just, if I might, Mr. Chairman, I have seen the Belle Arbor  
2399 project. I have seen the front loaded garages. Mr. Wilton is right. It really is a very fine looking  
2400 development, because what they have accomplished with some of the front loading garages is more  
2401 economy on the site that they can devote to the landscaping, if that's what the people want. The  
2402 market can say that.

2403  
2404 I have discussed with Mr. Wilton, in the final plat at the POD stage, if we can mix up the inter-  
2405 subdivisions with a few cul-de-sacs, we might be able to very nicely fit those in. I would think,  
2406 though, that the product and the market of having a relatively short driveway going right into the  
2407 garage fits in with the life style for these people if they are senior citizens and they do have to  
2408 shovel snow or something.

2409  
2410 Mrs. O'Bannon - May I ask a question?

2411  
2412 Mr. Taylor - Please.

2413  
2414 Mrs. O'Bannon - Where are the Virginia Power boxes in this development? Would  
2415 they be in the...

2416  
2417 Mr. Wilton - We don't know yet. Obviously, we requested that they put them in  
2418 the back. What they want to do is, they want to put them in the front, because they don't want to  
2419 have to go traipsing through the yard.

2420  
2421 Mrs. O'Bannon - But, if you have alleys, and everything, would they be able to put  
2422 them in the back?

2423  
2424 Mr. Wilton - You know, we'd like to put them in the back if that's the final design,  
2425 and we would put them in the alleys. I think we could probably convince them to do that. But,  
2426 again, not knowing what the final design is and how many alleys we've got, if they were going to  
2427 make us put those boxes in the front, we would have to go ahead and landscape them severely.  
2428 Quite frankly, our suggestion would be to run them on the back on those alleyways. Some of them  
2429 don't have alleys. So, some of them would have to be in the front as you can see. But, the final  
2430 design, that certainly should be one of our concerns to try to go ahead and have alleys almost every

2431 where so that we could go ahead and put it in the back, because I don't like those sitting in the front  
2432 of the subdivisions either.

2433

2434 Mr. Silber - Mr. Wilton, I think what the staff is saying, we like the layout that  
2435 you have here. We like the concept of the alleys. We think that's desirable. So, we're trying to  
2436 make that work, and you've shown that type of exhibit. The Belle Arbor does show the green  
2437 boxes, from what the staff brought back. The pictures they showed me, they do have the green  
2438 boxes in the front of the unit. So, the alleys probably would bring about a better opportunity for the  
2439 utilities to be back in the alleys. But, I think this concept is desirable. We're just trying to see if we  
2440 can't bring that about. And, I don't hear you saying that you're going to commit to it. You like the  
2441 flexibility to be able to do that later?

2442

2443 Mr. Wilton - Right. And, again, I think we've got to wait for the final design. I  
2444 think that's at POD or subdivision stage. I don't think we have enough to go on right now. We  
2445 could maybe add some more cul-de-sacs. I've already told the Planner we want to use the alleys.  
2446 And a different configuration is going to give us a better plan all together. And, again, I think the  
2447 time for that is to come back before the Commission here and discuss those. I will go ahead and  
2448 strive to, basically, you know, submit with the Plan, to try to satisfy your concerns by doing the  
2449 things we talked about. Obviously, it will be back before the Planning Commission, and we'll  
2450 discuss it at that point. But, I don't think we can answer those questions now, because we don't  
2451 have a full design, nor should we, for the zoning case. We don't have all that information yet, but  
2452 we will when we come back at the POD stage. You have a commitment to do that.

2453

2454 Mr. Silber - We're not asking you to design it right now. We're just asking you  
2455 to commit to a certain percentage of side and rear entry garages.

2456

2457 Mr. Wilton - You cannot do that. You cannot do that with designing the entire  
2458 thing. If you have an extra \$50,000 to design it, again, I think that's fine. But, quite frankly, I need  
2459 the zoning first in order to go design it. It's that question of "the cart before the horse." I think  
2460 you've heard that before.

2461

2462 Mr. Taylor - Well, to a certain extent, as you're redesigning, and you've got the  
2463 opportunity to put in cul-de-sacs, or even as you're platting this, you do have the opportunity to  
2464 twist and turn, or modify them even if there is a run. We can only ask you to maybe percentage-  
2465 wise have it break. I think, what the staff is trying to do, is eliminate a long street with a lot of  
2466 garages quite in prominence, so it looks like a row of dominos, and quite sterile area.

2467 Mr. Wilton - And, I agree with you. And we do have that flexibility, because this  
2468 is a private road system. We can twist and turn pretty much the way we want, as long as they'll  
2469 agree with this. And I will strive to go ahead and bring into effect these things we discussed  
2470 tonight. But, I think we've got to go ahead and get to the zoning. And, I will be back before this  
2471 Commission with all your concerns, hopefully answered, with the final plan.

2472

2473 Mr. Taylor - I have a couple more. I noted 10-A-15 is not in the case, and I know  
2474 you're working on it. Can you give us some feel about what the prospects are for your certainty of  
2475 accessing that site?

2476

2477 Mr. Wilton - I think Mr. Jones; he wants about two years before he; that's the time  
2478 he says he needs to find a place to live.

2479  
2480 Mr. Taylor - It's, the place is right here up the street.  
2481  
2482 Mr. Wilton - Well, I think, actually, he wants to go to Goochland. He wants some  
2483 more acreage, and, I think he's looking at other parcels. And, I think his neighbors have talked to  
2484 him. I think, within a year and a half or so, we won't get to him for a year and a half or two years  
2485 anyway. Within that time constraint, I think Mr. Jones will probably go ahead and we'll find some  
2486 kind of workable solution on that piece of property. We have been in contract with him twice. We  
2487 haven't agreed on the numbers.  
2488  
2489 Mr. Vanarsdall - Any more questions for Mr. Wilton?  
2490  
2491 Mr. Archer - Mr. Wilton, I have one question I'd like to ask. I think we covered  
2492 this earlier, having to do with the removal of the concept road. What was staff's comments again  
2493 concerning the removal of that road? It just seems to me like, lately, we've been riding ourselves of  
2494 a lot of concept roads. Are we at a point we can accommodate the traffic through there; future  
2495 traffic, I guess, we should be addressing?  
2496  
2497 Mr. Silber - I guess we haven't completed the study that will be undertaken on  
2498 the removal of this concept road. But, I think, when we do study it, and it will be coming to you  
2499 probably in a about a month for the consideration of the removal of that concept road.  
2500  
2501 If the Planning Commission and the Board decide to take that Concept Road off, then I think its that  
2502 much more important that this community be designed to allow for good circulation and access in  
2503 and out of the subdivision. I think, at this point, there is serious consideration being given to  
2504 remove that concept road from the Plan.  
2505  
2506 Mr. Wilton - Mr. Archer, that concept road was put into place before they moved  
2507 or relocated Nuckols Road, and, you see how close it is to Nuckols Road? So, both of those roads  
2508 carrying all that traffic together there, I think part of the logic here is that you really don't need both  
2509 of those after you realigned Nuckols. I thought that came out of our meeting with Lee Priestas and  
2510 the group. That was one of the points, you know, Number 1, we shouldn't build it because its not  
2511 going anywhere. Number 2, do we really need it now because Nuckols has, basically, taken its  
2512 place by carrying all the traffic. That's what I came out of the meeting with.  
2513 Mrs. Quesinberry - I just have a quick question on the R-5.  
2514  
2515 Mr. Wilton - Yes ma'am.  
2516  
2517 Mrs. Quesinberry - This has been such a long presentation. You might have said this,  
2518 and it left me already, too. But, did you proffer the R-5 were going to be the villa types like Belle  
2519 Arbor?  
2520  
2521 Mr. Wilton - Yes ma'am. The last proffer, which I added tonight, which you'll  
2522 have to excuse the lateness. It's Proffer No. 16; the Architectural Style: "The R-5A section of the  
2523 property shall be similar to the architectural style of the homes featured in Belle Arbor located in  
2524 Chesterfield County."  
2525  
2526 Mrs. Quesinberry - I don't have 16.

2527  
2528 Mr. Taylor - Actually, its written in.  
2529  
2530 Mrs. Quesinberry - I just wanted to make sure, in case you got hit by a bus, that  
2531 somebody couldn't come back and build townhouses.  
2532  
2533 Mr. Wilton - Mark asked me to do that, and I have some reservations about it, but  
2534 I did agree to that, too.  
2535  
2536 Mrs. Quesinberry - Okay.  
2537  
2538 Mr. Archer - Thank you, Mark.  
2539  
2540 Mrs. Quesinberry - I thought I heard that. I just wasn't sure.  
2541  
2542 Mr. Wilton - I'm sorry about the long presentation, but I feel strongly about this. I  
2543 think we've done a good job on it, and just wanted to answer all the questions.  
2544  
2545 Mr. Vanarsdall - Is that it?  
2546  
2547 Mr. Wilton - Yes sir.  
2548  
2549 Mr. Vanarsdall - Thank you.  
2550  
2551 Mr. Taylor - Thank you, Mr. Wilton.  
2552  
2553 Mr. Vanarsdall - Mr. Taylor.  
2554  
2555 Mr. Taylor - Mr. Chairman, looking at what we've done here, recognizing that  
2556 this is at the zoning stage, and recognizing the situation, trying to design this really now at zoning  
2557 when there's still some things that have to fall into place, I think, looking at the assurances that Mr.  
2558 Wilton has given us, and his past record, and the fact that he'll be working with us in the years to  
2559 come, I expect everything he offers to be reality. I am going to move for approval of C-39C-00 as  
2560 its written here.  
2561  
2562 Mr. Vanarsdall - Mr. Taylor, we have to waive the time limit on the proffers, because  
2563 its dated today.  
2564  
2565 Mr. Taylor - Okay. I move that we waive the time limit for the proffers on parcels  
2566 and that's Proffers 1 through 18, I guess. Is that the new number?  
2567  
2568 Mr. Archer - Seventeen, I believe, dated July 13<sup>th</sup>.  
2569  
2570 Mr. Taylor - The new proffers dated July 13<sup>th</sup> 1-17.  
2571  
2572 Mr. Archer seconded the motion.  
2573

2574 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in  
2575 favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
2576 O'Bannon abstained). Thank you. Now, we'll get to the case. Did you already finish the case?  
2577  
2578 Mr. Marlles - Mr. Taylor, you need to make a motion on the case now. You just  
2579 made a motion to waive the time limit on the proffers.  
2580  
2581 Mr. Taylor - Oh, excuse me.  
2582  
2583 Mr. Vanarsdall - That's all right.  
2584  
2585 Mr. Taylor - Then I will go back, sir, and I will address the case. I move that Case  
2586 C-39C-00 be approved as we see it here.  
2587  
2588 Mr. Vanarsdall - Recommend it for approval to the Board.  
2589  
2590 Mrs. Quesinberry seconded the motion.  
2591  
2592 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in  
2593 favor say aye—all those opposed by saying nay. The vote is 3-0 (Mrs. Quesinberry voted no, Ms.  
2594 Dwyer absent, Mrs. O'Bannon abstained).  
2595  
2596 REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the Planning  
2597 Commission voted 3-1 (one nay, one absent, one abstention) to recommend that the Board of  
2598 Supervisors **grant** the request because it reflects the Land Use Plan and future use and zoning of  
2599 the area; and it would permit development of the land for residential use in an appropriate manner.  
2600

2601

2602 **Deferred from June 15, 2000 Meeting:**

2603 **C-40C-00 William W. Johnson:** Request to conditionally rezone from A-1  
2604 Agricultural District to R-2AC One Family Residence District (Conditional), on Parcels 18-A-8, 9  
2605 and 10-A-17D, containing 15.25 acres, located on the west line of Shady Grove Road at its  
2606 intersection with Old Nuckols Road. A residential subdivision is proposed. The R-2A District  
2607 requires a minimum lot size of 13,500 square feet. The Land Use Plan recommends Suburban  
2608 Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

2609

2610 Mr. Marlles - The staff report will be given by Mr. Bittner.

2611

2612 Mr. Vanarsdall - Any one in the audience in opposition to this case – C-40C-00  
2613 William W. Johnson? No opposition. None. Mr. Bittner.

2614

2615 Mr. Bittner - Thank you, Mr. Vanarsdall. This is a case that is adjacent to the  
2616 previous case’s southern border. Right here is the property we were just speaking about (referring  
2617 to slide), and this is the case we’re hearing now—C-40C-00.

2618

2619 We need to pass out proffers, if somebody can do that. We’ve got some new proffers in on this  
2620 case. The applicant has addressed a good number of the issues in the staff report, but there are still  
2621 some outstanding matters, which I’ll cover now.

2622

2623 One, being the density. Just like the previous case, they have proffered 2.4. This would all be R-  
2624 2A, and we would recommend 1.6 to 1.8 for the same reasons, as in the previous site.

2625

2626 Also, the previous case had a conceptual plan you were looking at earlier that has been proffered  
2627 that shows a connection to this property. And, all along, its been planned that these two properties  
2628 would be connected, which staff is in favor of. However, no commitment to that has been made for  
2629 this case. There is no commitment that there would be a physical connection to the adjacent  
2630 property. Staff recommends that provision be included somewhere in this application.

2631

2632 Another item is a landscaped greenbelt. The applicant has proffered a 30-foot greenbelt on the  
2633 Shady Grove Road frontage. However, he’s proffered that only 20 feet of that would be outside of  
2634 normal required setbacks. The previous case, directly to the north, has proffered a full 30-foot  
2635 greenbelt along Shady Grove that would be completely outside of setbacks. We’d recommend the  
2636 same for this case to maintain consistency along the frontage of Shady Grove Road.

2637

2638 Also, lot sizes, the same issue as in the previous case. We would recommend a 90-foot lot width.  
2639 The applicant has proffered 85. And the R-2A minimum is 80 feet. So, if the applicant could  
2640 address these issues outlined, tonight, staff could, potentially, support this. But, since he hasn’t, we  
2641 are recommending denial of this case at this time. I’d be happy to answer any questions that you  
2642 may have.

2643

2644 Mr. Vanarsdall - Any questions for Mr. Bittner?

2645

2646 Mr. Taylor - Is the applicant here, tonight?

2647 Mr. Bittner - Yes. He is.

2648



2649 Mr. Taylor - There, again, we have this same issue of the concept road, and need  
2650 to get some resolution of that, if we could, from the applicant.

2651  
2652 Mr. Vanarsdall - Good evening, Mr. Johnson.

2653  
2654 Mr. Bill Johnson - Mr. Chairman, members of the Commission, I'm Bill Johnson, the  
2655 applicant on this property. I'm going to ride Mr. Wilton's coat tail on this, unless you want me to  
2656 go into the same speech he did.

2657  
2658 But, as far as the concept road, I think we're in the same position where we were there. We do have  
2659 a layout. The reason we did not proffer a layout is not knowing what the situation was on the  
2660 concept road. You can see the road that goes through the property. The extension of Old Nuckols  
2661 Road can be extended to continue as a concept road, or cul-de-sac. We do show access from our  
2662 property into Mr. Wilton's property. I think that gives us three points of access on Shady Grove  
2663 Road, and one on new Nuckols Road without putting the concept road in.

2664  
2665 The concern on the 85-foot wide lots, we are proffering that the lots would be 85 feet, which is five  
2666 feet over what the minimum requires. A third of these lots will be 90 feet or over, although I'm  
2667 only proffering 85. The layout shows that a third of them would be 90 feet or over.

2668  
2669 The greenbelt, the ideal location for which I plan on doing here because the property is open, and its  
2670 pretty much flat with the road, I'd come in and put a berm, with trees and a fence along that berm.  
2671 And the ideal location for that fence would be approximately 20 feet off of the right of way, which  
2672 means I would like for the property owner to be able to use the rear yard up to that fence, rather than  
2673 having to put another fence in at the edge of the greenbelt.

2674  
2675 So, those are my concerns on this, and if I can answer any questions, I'd be glad to.

2676  
2677 Mr. Taylor - On that last point, the 20 feet would be characterized from the rear  
2678 lot lines of those lots along the road. Can you characterized what will be in that 20 feet?

2679  
2680 Mr. Johnson - I've got a layout.

2681  
2682 Mr. Taylor - Can you put that on the screen?

2683  
2684 Mr. Johnson - If you look at that (referring to slide), the curb and gutter on Shady  
2685 Grove Road would have 7 feet from the curb and gutter to the right-of-way line where the sidewalk  
2686 would be going. Then you would continue approximately five-foot flat area. I'd put a three foot  
2687 high berm, with a 3 to 1 slope that could be mowed with a lawnmower. And then about a six foot at  
2688 the top of it for trees and the fence, which that would put that fence area 20 feet off of the right of  
2689 way or 27 feet off of the curb line. That would be the location where I would want my rear yard to  
2690 start at.

2691  
2692 Mr. Taylor - And it would be a sidewalk right in there?

2693 Mr. Johnson - A sidewalk along the face of the curb of Shady Grove, just like it is  
2694 on Mr. Wilton's case. It would be a continuation of that sidewalk.

2695  
2696 Mr. Taylor - So, from the fence to the road it would be 27 feet?

2697  
2698 Mr. Johnson - Twenty-seven (27) feet.  
2699  
2700 Mr. Taylor - I guess, perhaps, the same question I had, Mr. Johnson on the last  
2701 case that applies to this case. This depends on the concept road in the same context as the last case  
2702 our hope that it is eliminated from the tract. And, it also requires you to build contiguous roads with  
2703 your neighbor, Mr. Wilton. And, then my question is, are you going to look at the POD. Are we  
2704 going to see this type of building or will this just be...  
2705  
2706 Mr. Johnson - This is straight single family R-2A. This would be compatible to the  
2707 R-2A development that is contiguous.  
2708  
2709 Mr. Taylor - Okay, now in the back far corner, there's a triangle. What is that  
2710 triangle? That is park land or dedicated?  
2711  
2712 Mr. Johnson - That would be a piece of land that could be added onto Mr. Wilton's  
2713 piece, if you see the cul-de-sac up there that's dashed through there. You know, I could make my  
2714 lots bigger, but it would work better tying into him, which we would work out something with Mr.  
2715 Wilton, you know, that he would be able to utilize that piece of property.  
2716  
2717 Mr. Taylor - As a lot, or would that be dedicated to green space?  
2718  
2719 Mr. Johnson - As a lot.  
2720  
2721 Mr. Taylor - Okay. I look at that dashed line. Does that indicate wetlands? Can  
2722 they be built on?  
2723  
2724 Mr. Wilton - You don't know if that's suggested where they are, but they're not  
2725 actually defined yet on the ground.  
2726  
2727 Mr. Johnson - We've gone out there and did preliminary study, and have not found  
2728 any wetlands. Now, we haven't done the engineering to prove.  
2729  
2730 Mr. Wilton - There's wetlands on my property.  
2731  
2732 Mr. Taylor - Yes. I know that. But they would impact your ability on those two  
2733 lots?  
2734  
2735 Mr. Wilton - Yes sir.  
2736  
2737 Mr. Johnson - And if, for some reason, there is wetlands where you couldn't  
2738 develop on them, that triangular area would just be added to those two lots that I back up to that area  
2739 on my property.  
2740  
2741 Mr. Taylor - And not develop them for building?  
2742  
2743 Mr. Johnson - Right.  
2744

2745 Mr. Vanarsdall - Any more questions for Mr. Johnson?  
2746  
2747 Mr. Silber - I have one question of Mr. Johnson. You said, you may not want to  
2748 connect your subdivision to Mr. Wilton's depending on what happens with the concept road?  
2749  
2750 Mr. Johnson - No. I said, depending on what happens with the concept road,  
2751 whether the concept road; right now, the concept road that's shown on the County's plan would be  
2752 an extension of this road. The concept road, when we talked to Public Works, I think about this. If  
2753 the concept road is to go in, instead of going straight through the property, would curve up to the  
2754 road there. So, if that curved into there, that would be the access, and not the access that's shown on  
2755 this plan. So, it would tie in. It just depends on whether it would tie in as a concept road, or tie in as  
2756 a connection like is shown on the plan.  
2757  
2758 Mr. Silber - So, you don't have any difficulty in proffering that there will be a  
2759 connection between the two subdivisions?  
2760  
2761 Mr. Johnson - No. That's not a problem. There will be a connection. It's just  
2762 whether the extension of this road, as a concept road, or whether it would be the road as shown on  
2763 both of our plans.  
2764  
2765 Mr. Silber - I thought the staff had said that you didn't want to proffer the  
2766 connection between the two. But, you're willing to do that?  
2767  
2768 Mr. Johnson - Yes. I think they said I didn't want to proffer the layout. And, the  
2769 reason is because, not knowing what's going to happen with the concept road, I have no problem  
2770 proffering that there will be a connection.  
2771  
2772 Mr. Taylor - Now, at that point of connection, you've got it drawn and it may be a  
2773 little difference in scale. There's probably a two or three foot difference in width there.  
2774  
2775 Mr. Johnson - I think that's just a drafting error.  
2776  
2777 Mr. Vanarsdall - When you talk about proffering, do you mean between now and the  
2778 Board time, or are you going to...?  
2779  
2780 Mr. Johnson - Well, I can proffer it now that there will be a connection between this  
2781 property and Mr. Wilton's property.  
2782  
2783 Mr. Vanarsdall - Do you want to add that to it, Mr. Taylor?  
2784  
2785 Mr. Johnson - Add to it or?  
2786  
2787 Mr. Taylor - Yes. I would. And that would be Proffer No. 13? We'll let the staff  
2788 draw that proffer with you, but we'll just call it Proffer 13.  
2789  
2790 Mr. Johnson - There will be a connection...  
2791

2792 Mr. Taylor - ...and the connection will be contiguous from Mr. Wilton's parcel to  
2793 your parcel in the same character of road and the same width of road.

2794  
2795 Mr. Vanarsdall - Is that it?

2796  
2797 Mr. Taylor - I think so. Yes sir.

2798  
2799 Mr. Archer - Mr. Chairman, I would like to ask one question. I guess staff would  
2800 have to answer this. Mr. Bittner's presentation indicated that there were several things that caused  
2801 the staff to recommend denial. And, I just would like to know, in general, how the addition of these  
2802 new proffers have affected your opinion on this case?

2803  
2804 Mr. Bittner - Well, the only new proffer I believe is the connection to the adjacent  
2805 site. That would take care of one of the issues we did have tonight. Although, we still have the  
2806 outstanding matter of density. This is the first I've seen of that landscape greenbelt along Shady  
2807 Grove Road. I don't know if Mr. Wilton is planning the same kind of design or not. If he isn't, I  
2808 think you could have some potential visual dichotomy going on there that we might not want to see.  
2809 So, that hasn't been addressed.

2810  
2811 And, the lot sizes have not been specifically addressed, although he did show us a conceptual plan  
2812 that would have a fair amount of 90-foot wide lots or greater. But, I don't believe staff's issues have  
2813 been completely addressed, and I don't believe it would change our recommendation for denial.

2814  
2815 Mr. Archer - You still recommend denial, based on that?

2816  
2817 Mr. Bittner - Yes.

2818  
2819 Mr. Archer - Okay. Thank you.

2820  
2821 Mr. Taylor - Actually, this one isn't quite as advanced as Mr. Wilton's. In view of  
2822 that, and in view of the staff, Mr. Chairman, I'm going to move that we defer Case C-40C-00 for 30  
2823 days, and we'll pick it up at the next zoning meeting.

2824  
2825 Mr. Vanarsdall - Is there a second?

2826  
2827 Mr. Archer - At your request, or the applicant?

2828 Mr. Taylor - At my request.

2829  
2830 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer All those in  
2831 favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
2832 O'Bannon abstained). Deferred to August 10<sup>th</sup>?

2833  
2834 Mr. Taylor - Yes sir.

2835  
2836 Mr. Vanarsdall - Thank you.

2837  
2838 **C-51C-00 Patrick J. Sanderson or Andrew M. Condlin for Lucor, Inc.:**  
2839 Request to amend proffered conditions accepted with rezoning case C- 2C-88, on part of Parcel

2840 140-A-51B, containing approximately 0.97 acre, located on the west line of Laburnum Avenue  
2841 approximately 240 feet south of its intersection with Creighton Road. The amendment is to permit  
2842 an auto service station. The Land Use Plan recommends Commercial Concentration. The site is in  
2843 the Airport Safety Overlay District.

2844  
2845 (All testimony heard under Case P-7-00.)  
2846

2847 **P-7-00 Patrick J. Sanderson or Andrew M. Condlin for Lucor, Inc.:**  
2848 Request for a provisional use permit in accordance with Sections 24-58.2(c) and 24.122.1 of  
2849 Chapter 24 of the County Code in order to allow an auto service station on part of Parcel 140-A-  
2850 51B, containing approximately 0.97 acre, located approximately 240 feet south of the intersection of  
2851 Laburnum Avenue and Creighton Road. The site is zoned B-2C Business District (Conditional).  
2852 The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety  
2853 Overlay District.

2854  
2855 Mr. Marlles - The staff report will be given by Mr. Lawrence.  
2856

2857 Mr. Vanarsdall - Any one in the audience in opposition to this case in the Varina  
2858 District? This is C-51C-00.  
2859

2860 Mrs. Quesinberry - We do have opposition.  
2861

2862 Mr. Vanarsdall - Okay. Thank you. We'll take you in just a minute. Thank you. Mr.  
2863 Lawrence.  
2864

2865 Mr. Lawrence - Thank you, Mr. Chairman. If the Commission so desires, both this  
2866 case C-51C-00 and the next case, P-7-00, they are both for the same site, so I'd like to present the  
2867 cases at the same time.  
2868

2869 Mrs. Quesinberry - Sounds like a good idea.  
2870

2871 Mr. Lawrence - Staff just distributed the latest proffer revisions to you. So, we'll  
2872 refer to those this evening. We did receive those in time, so there's no need to waive any time limits  
2873 on them.

2874 Mrs. Quesinberry - Okay.  
2875

2876 Mr. Lawrence - These two requests are sought to enable the construction of a three-  
2877 bay Jiffy Lube automobile service station on an existing B-2C site. Just looking at the graphic here,  
2878 (referring to slide), you can see, actually, this image is relatively accurate with this intersection.  
2879 There's not much there right now. Cate-corners at the intersection, you've got gas stations, and  
2880 that's about all that's in the area.

2881 Looking at the zoning map, you've got a large B-2 parcel, which is the parent site we're looking at  
2882 today, and you've also got some vacant B-3 around it and also some office. So, it's a mix of non-  
2883 residential zoning in that area.  
2884

2885 This case is presented to you this evening because, with the original B-2 case about ten years ago,  
2886 they proffered there would be no automobile service stations on the site. So, they've requested,  
2887 through this amendment this evening, to allow automobile service stations on the site.

2888  
2889 And, through that process, they've also restated all the proffers. And, they have provided additional  
2890 quality features, if you will. Landscaping; a landscaped buffer along Laburnum Avenue. And also  
2891 additional landscaping to the west of the site and to the south of the site. This additional  
2892 landscaping would all be irrigated. They've proffered a brick building, gabled roof, and reduced  
2893 signage. So, they have provided some development standards which will, hopefully, set the trend  
2894 for this area for future developments.

2895  
2896 The Provisional Use Permit is required, because in the B-2 District, you're limited to a two-bay  
2897 garage. They requested three bays, so that's what the Provisional Use Permit portion of the  
2898 application is for.

2899  
2900 This request is in conformance with the 2010 Land Use Plan. And lying within the development  
2901 area of the Land Development Guide characteristics, which have been proffered would certainly set  
2902 the trend for future developments in the area.

2903  
2904 The proffers that were distributed to you this evening addressed all of staff's concerns. At that, staff  
2905 recommends approval of this application. Again, I have presented two applications to you. If you  
2906 so desire, you'd have to take a separate motion on each one of those applications. Mr. Andy  
2907 Condlin is here this evening to represent the applicant, and I know there's some opposition. I'd be  
2908 happy to answer any questions.

2909  
2910 Mrs. Quesinberry - I don't have any.

2911  
2912 Mr. Lawrence - Okay. Thank you.

2913  
2914 Mr. Andrew Condlin - My name is Andrew Condlin. I usually start with Mr. Chairman, and  
2915 members of the Commission, but our Chair is missing, so I'll just go with members of the  
2916 Commission this evening. I'm sorry we don't have a more exciting case this evening, but I guess  
2917 this one will have to do.

2918  
2919 Mrs. Quesinberry - Haven't you had enough excitement tonight?

2920 Mr. Condlin - I really have. This, as described to you, this is a one-acre site on  
2921 Laburnum Avenue, asking for amendment of proffers, as well as the Provisional Use Permit to  
2922 permit the third bay.

2923  
2924 If I may, I did want to point out, I think it is helpful. I can give you this, Eric (referring to slide). The  
2925 original zoning case provided for a shopping center that was zoned B-2C with a number of  
2926 outparcels. Our property, that we're discussing, tonight, is, actually, I don't know if, since there's  
2927 no metes and bounds, is the outparcel 3.

2928  
2929 (Referring to slide) The existing Citgo sits right here at the corner, and this entrance is currently  
2930 existing. And, as you can see, we will conform to this original plan by having one entrance off of  
2931 Laburnum Avenue to share with the Citgo which we would have an easement for in order to use.

2932  
2933 Lucor is the franchisee of Jiffy Lube. It's a publicly traded company, and it's a large franchisee of  
2934 Jiffy Lube. They have bought nine existing franchises in Richmond, and are going to be

2935 constructing 9 more. They are currently constructing one in Chesterfield County. And, this will be  
2936 their second one in the Richmond area.

2937  
2938 Their building, generally, consists of a 2,500 square foot building. They try to keep it very upscale.  
2939 We showed elevations at the meeting with the neighbors, and we're going to try to remain  
2940 consistent with this. As you can see, its with a brick building, with a gabled roof.

2941  
2942 Part of their business is to be near residential areas in the residential patterns as people go to and  
2943 from work and to and from their homes. They spend a lot of money to try and avoid the garage  
2944 look, both inside and out. As most of their customers are within a two-mile radius, they want to  
2945 make sure that the buildings look nice as well as operate efficiently.

2946  
2947 Their operations are probably just exactly what you would expect with very little automobile repair,  
2948 more with the fluid changes, lights, battery, and fan belt replacements at the most. They, actually,  
2949 have a basement. This is a two-story facility with a basement underneath so the cars don't have to  
2950 be raised up and down. They drive over top. I learned, tonight, you call that a grease pit, where  
2951 people actually get underneath in the basement area.

2952  
2953 It is also somewhat unique in that there is no underground storage tanks, other than the fact the  
2954 tanks are within the basement, which is underground, but its all within the building, all contained.  
2955 They have a delivery system, so they have contracts every two weeks where they pick up the used  
2956 oil and deliver the new oil, and its all within the facility itself, never through underground storage  
2957 tanks.

2958  
2959 This entire intersection, I'm not sure how we show it on the zoning map. Eric, if you could put that  
2960 up. This entire intersection consists of a commercial area. You can see the M-1 and B-2 to the  
2961 north of the site across Creighton Road, with O-2, and B-3 properties. There are already two gas  
2962 stations in the immediate intersection. And, while, I know that is a concern of the neighbors, it does  
2963 not become a "motor mile" or a gas station uses, that's one of the reasons we have proffered out that  
2964 there will be no automobile fuel service station services at this facility.

2965  
2966 We consider ourselves as part of Lucor as a service or more of a retail or service facility, than just,  
2967 what you might call, an actual gas station. I know its often the case, as we're asking for a change of  
2968 the proffers. And, as conditions have changed since 1988, I feel like we're offering much more in  
2969 return, than what the other cases have. I've just got a quick list, if I may, of additions to the proffers  
2970 than what were otherwise required. I'm not even going to go over the proffers, that, otherwise, are  
2971 from the other case.

2972  
2973 We've proffered the concept plan as to the general location of the building, parking, and access  
2974 drives. We've updated the uses. We've provided a 25-foot buffer with the equivalent of a 35-foot  
2975 transitional buffer landscaping in the front, and the equivalent of a 10-foot landscaping buffer in the  
2976 rear to protect from Dabbs House Road.

2977  
2978 The building is to be primarily unpainted brick because the Citgo was proffered to be brick, but it  
2979 was painted white. So, we want to retain, and the neighbors, I think, wanted us to retain the red  
2980 look.

2981

2982 We have limited the hours, the trash pick up, no outside public address system, detached signage,  
2983 monolithic, 10-feet in height. I think these all sound very familiar, as to probably the highest quality  
2984 of standards you expect in Henrico County and you get throughout the County at the very highest  
2985 level. Trash dumpsters are to be screened by a brick wall. I know every time I do that, I think of  
2986 Ms. Dwyer, because she always describes them; how they always tear down the fences and backing  
2987 up and missing them. Again, brick, as you know, is maintained very well. HVAC systems to be  
2988 screened. No underground storage tanks other than what I have described. No inoperable vehicles  
2989 and no exterior storage of automotive parts.

2990  
2991 I do believe these proffers set the precedent for this area. As this area becomes more developed,  
2992 pursuant to this B-2 property, and along with the other business areas in this intersection, I believe  
2993 this will set the precedent for this entire area.

2994  
2995 The one thing that I would object to, as far as the staff goes, although I appreciated the report, was  
2996 the condition that asked for adequate screening be provided. That was done before we actually  
2997 provided the proffer regarding the landscaping being the equivalent of 35 feet in the front and 10  
2998 feet in back. Not that I don't trust you all, but when we come back for the POD, I think we defined  
2999 what's adequate, and its been approved, or, at least, recommended by staff. It's the only condition  
3000 that I would object to. That is the landscaping. Of course, I also know from my experience, if you  
3001 want landscaping, you usually get it anyway.

3002  
3003 I'll leave that to your discretion. That's the only comment I have. Otherwise, I believe we've met  
3004 all the jurisdictional prerequisites, in the precedents and in the Land Use Plan, and, of course, by the  
3005 Staff recommendation. I would ask that you follow that recommendation and recommend to the  
3006 Board of Supervisors that they approve this case. I'd be happy to answer any questions that you  
3007 have at this time.

3008  
3009 Mr. Vanarsdall - Any questions for Mr. Condlin? You have some opposition, as you  
3010 know, behind you. You want to come down, sir, and come to the mike and give your name, please.

3011 Mr. Carl Overton - Good evening, I'm Carl Overton.

3012  
3013 Mr. Vanarsdall - Good evening, Mr. Overton.

3014  
3015 Mr. Overton - I reside at Mitchelltree, just across the lot there from this proposed  
3016 establishment. We have a problem, which, actually, is part of a large problem here. We have, in  
3017 this general area, many, many residences. The business concept has not been developed here, as  
3018 yet. We see no reason for it to be the beginning of another, say, business strip, along this area when  
3019 Nine Mile Road and the Mechanicsville Turnpike are so close, and the two opposite major roads  
3020 from this area, south and north of this particular area.

3021  
3022 Now, most of that stretch of Laburnum is residential. Now, down from, at least, from the  
3023 Mechanicsville Turnpike on down to the railroad tracks from the south, with the exception of the  
3024 Fairfield Commons, it is, basically, residential. We do not want to see this stretch of Laburnum  
3025 turned into another Nine Mile Road, or Mechanicsville Turnpike with these continuous automotive  
3026 and associated types of businesses.

3027  
3028 The proffers for landscaping and so on, as I feel that most of us realize, look very, very nice when  
3029 they are new, but they deteriorate to the point where, given five years, they may as well not be there.



3030 I have referred to them in many cases that you see where ever you go, and this does not just pertain  
3031 to this area or even to the Richmond area. But, they end up, in many cases, being about as  
3032 protective of what they're supposed to hide, as a bikini. They just do not do the job for the long run.  
3033

3034 Secondly, this type of business, the building is of a specialized type. It's referred to in the literature  
3035 that we got as a "basement." No one in their right mind would call a grease pit a basement. It's a  
3036 grease pit. This type of building can only be used for what its intention.  
3037

3038 Should this company decide to, for whatever reason, whether it becomes too small for them, or the  
3039 business is not good enough, for whatever reason they decide to leave the premise, that type of  
3040 building can only be used by a like type of business. We do not want this type of business. We do  
3041 not want these businesses that are put into these neighborhoods to end up as many of them have on  
3042 Nine Mile Road, for the best example, which the County is supposedly working on to redevelop.  
3043 The Fairfield Commons has a huge, in terms of what he's proposing there, facility; a Sears affiliate  
3044 has moved out of, which is already set up for the type of business that they are doing.  
3045

3046 What these types of businesses put in place in these specialized buildings stays there when they go.  
3047 You can't remove, or they don't remove these car hoists. You can't remove a grease pit. So, it  
3048 becomes useless to anyone else, except someone else that decides to go into that particular business.  
3049

3050 Now, Nine Mile Road, and the turnpike have their share, unfortunately, of these types of businesses,  
3051 which have been abandoned over the years. And, there's a reluctance for new developers to move  
3052 in. There's got to be a reason. We see no reason for this area; this stretch of Laburnum, which is,  
3053 basically, now residential to be turned into another mine strip of these types of businesses.  
3054

3055 The Library, the Fire Department, yes, the fire department, and a few business offices, medical  
3056 center are the only types of businesses so far, as I said, between Mechanicsville Turnpike and the  
3057 railroad tracks to the south. If its physically residential now, why cannot it stay, basically,  
3058 residential?  
3059

3060 We have business thoroughfares. There are established business thoroughfares. Why start another  
3061 one which could very easily become another Nine Mile Road? This, we do not want to see.  
3062 There's many other types of businesses which we would have no objection to.  
3063

3064 At our meeting, with this gentleman, he read a list of the possibilities of businesses that could go on  
3065 that property. There is any number of them, which we'd have no objection to. Any number of  
3066 them. But, this is one of the times we would rather see on the Nine Mile Road where businesses are  
3067 established; those that are still left or the Mechanicsville Turnpike. Thank you very much for your  
3068 time. Any questions?  
3069

3070 Mr. Vanarsdall - Any questions of Mr. Overton?

3071  
3072 Mr. Archer - Mr. Overton, of the businesses that were enumerated when you had  
3073 the meeting, what types of business did the community indicate they would rather...?

3074  
3075 Mr. Overton - Well, its been so long, I can't name them all.  
3076

3077 Mr. Archer - Just one or two.

3078  
3079 Mr. Overton - If I had the list, I could go down the list there and name any number  
3080 of those which we would be glad to have. But, basically, let's put it this way, they would be the  
3081 9:00 to 5:00 type of businesses; business office, the human care type of businesses, medical centers,  
3082 nursing homes; things on that order.

3083  
3084 There's being developed, in this general area, in Mitchelltree, the community I live in is of the lower  
3085 level in the area. These houses are up in the \$150,000 range now. They're building more in that  
3086 area. Why do we have to have these types of businesses, which detract from the value of residential  
3087 property in the immediate area? This has gone on in every town that you can think of. It happened  
3088 in downtown Richmond. You see the renovation that they've had to go through down there. A lot  
3089 of the homes that are in the downtown general area, at one time, were fine homes, which, over the  
3090 years, have deteriorated because business could not grow in those kind of areas; cannot grow in the  
3091 small area of Laburnum Avenue. As they grow, they have to move out and they are moving out to  
3092 your larger shopping centers, your business centers, plazas, or whatever they want to call them.  
3093 You have your industrial parks and so on. This stripping of the main drags with these businesses is  
3094 coming as passe' as high button shoes.

3095  
3096 Mr. Vanarsdall - Mr. Overton, you remember when this property was rezoned in  
3097 1988?

3098 Mr. Overton - We came in '89, sir.

3099  
3100 Mr. Vanarsdall - '89?

3101  
3102 Mr. Overton - Yes sir.

3103  
3104 Mr. Vanarsdall - The following year. This was rezoned in 1988. And, one of the uses  
3105 that they said was not permitted on the property would be automobile repair and gasoline service  
3106 station. The reason I asked you that, I thought maybe somebody in those days objected to it, like  
3107 you are now. I didn't know.

3108  
3109 Mr. Overton - I doubt it very much, sir. Number 1, the area is not that populated.  
3110 When we came here, except for what it is called, Kingspoint up the road and its changed names on  
3111 Laburnum, the two multi-units. And, in between, was practically; well, it was all A-1 with the  
3112 exception of the few people on Creighton Road, and that was it.

3113  
3114 Mr. Vanarsdall - Thank you.

3115  
3116 Mr. Overton - So, who voted for this change? Not change. I'm sorry. The  
3117 rezoning for that type of business in the area; because the people, for the most part, have come in  
3118 since?

3119  
3120 Mrs. Quesinberry - I don't think we know the answer to that for you, Mr. Overton. But,  
3121 we're really looking at, you've got B-2 property there, and B-3 property across the street, and all of  
3122 it around it.

3123  
3124 Mr. Overton - Yes. We do. Don't the people of the area, I won't say, "final word,"  
3125 should have a very large influence on what goes on. I'm sure the gist of what was the general

3126 feeling. We had a very good meeting about this type of business coming here, not business in  
3127 general. We're not against business, even though we feel that eastern Fairfield has, percentage  
3128 wise, much more businesses than the rest of the County in general. We have a higher concentration  
3129 of businesses in eastern Fairfield than we would have anywhere else in the County. And this  
3130 concept of equal mix of industry and residential is something that is only considered in this area.  
3131 We do not have no equal mix of industry and residential any other part of the County.

3132  
3133 Now, we're inclined to believe that there is more to that. It goes deeper than that. Because of the  
3134 sudden influence or construction of what has turned out to be entirely black neighborhoods;  
3135 subdivisions. And we have been inclined to believe that, many of these subdivisions have been  
3136 placed where they were placed for a very good reason business wise to influence that they would  
3137 cause the impact upon the people in the area. The developers could get land because people like on  
3138 Creighton Road were willing to move out when developers came in and offered what they  
3139 considered the proper price. They were ready to pack up and leave.

3140  
3141 Now, that's wrong. Whether we chose it, or developers chose the site, this is where we live. The  
3142 people who want to move out should not have the say as to the development of this neighborhood.  
3143 Mrs. Quesinberry - Well, unfortunately, this property was zoned business before either  
3144 you moved in or your development was built. So, we can't change that. I'm not disagreeing with  
3145 you. I just want you to understand that, that business zoning is there and that an applicant could  
3146 come; not this one, then another one and develop there.

3147  
3148 Mr. Overton - Yes. I agree. But, I mean you saying it can't be changed? The big  
3149 meeting tonight is about changing zoning.

3150  
3151 Mrs. Quesinberry - It's about changing a proffer on this zoning.

3152  
3153 Mr. Overton - Yes. Yes.

3154  
3155 Mrs. Quesinberry - We can't change the zoning. It's still business.

3156  
3157 Mrs. O'Bannon - If I can be clearer on that. We can't change a zoning just because of  
3158 a request. It has to come from the person who owns the property, basically. I mean, a person who  
3159 owns property usually comes to us and says, "I've got a plan, and my property is zoned  
3160 Agricultural, but I need to put a business on it. So, they follow these steps and get it zoned  
3161 business." This piece of property and the properties around it, the person who owned it, obviously,  
3162 had some type of idea that it ought to be business in that area, and, there were meetings held with  
3163 the community. We have Comprehensive Plans for the County and Transportation Plans and all of  
3164 that that the community gets a lot of input in.

3165  
3166 And, first, they do a general review, an overall review of what they'd like to see in an area, you  
3167 know, to see more types of business or less and that sort of thing, and, that gets redone every five  
3168 years you know by law.

3169  
3170 Mr. Overton - Right.

3171

3172 Mrs. O'Bannon - By law, we have to do that. And, when this was zoned, I guess in  
3173 1988, that was just pointed out, apparently, they had some idea of something they wanted to do with  
3174 it, some kind of business whoever owned it.  
3175  
3176 Mr. Overton - Right.  
3177  
3178 Mrs. O'Bannon - But, just a member of the Board of Supervisors, or the Planning  
3179 Commissioner, somebody who was next door to a piece of property can't come in and try to get it  
3180 changed. We have to look at the entire County.  
3181  
3182 Mr. Overton - Fine. Then, as I was saying, we are not against business.  
3183  
3184 Mrs. O'Bannon - Yes.  
3185  
3186 Mr. Overton - But, we are against certain types of business that cause deterioration  
3187 of property.  
3188  
3189 Mrs. O'Bannon - Right. When this was originally zoned, that was something that Mr.  
3190 Vanarsdall was mentioning that the original proffers, or voluntary offers by the person who came  
3191 forward who owned the property, wanted to make it business. Listed a bunch a of things. "He said  
3192 I won't do this and I won't do that." This was back in 1988. One of them was, they said, "We  
3193 won't do that. We want a business that isn't in this list." And, so, what the gentleman who now  
3194 owns it is coming forward and saying, "You know, I've got a new idea and concept. I want to  
3195 change this offer that we did back in 1988," and, that's what the hearing's about. This is changing  
3196 that. So, you're saying you agree that business is not bad here, but you just don't want to see that  
3197 kind of business?  
3198  
3199 Mr. Overton - No more than we wanted the warehouses across from us.  
3200  
3201 Mrs. O'Bannon - Right.  
3202  
3203 Mr. Overton - It's business, in general, we're against. It seems like we get offers of  
3204 nothing; well, the types of business that bring down the residential values. That is our argument, not  
3205 business in general.  
3206  
3207 Mrs. O'Bannon - Okay. If someone can address that issue just right now on a B-2C  
3208 piece of property. I know you can't have it open 24 hours, but, what are some of the things with the  
3209 proffers they had on this in 1988? What are some of the businesses that could go there? We could  
3210 get sort of an idea of what could go there. What type of business doesn't?  
3211  
3212 Mrs. Quesinberry - Well, Mr. Condlin, on that original case, that you showed us, this is  
3213 an outparcel of an old plan.  
3214  
3215 Mr. Condlin - Yes ma'am, if I could show that if I may.  
3216  
3217 Mrs. Quesinberry - Okay.  
3218

3219 Mr. Condlin - The Citgo is, actually, on the corner. That was a part of the original  
3220 case, as well. And proffers were amended for that in 1990, as was the Amoco that catty-corner from  
3221 this was after this case in 1988, as was the M-1 zoning, as was the B-3 zoning across Creighton  
3222 Road. Some of the types of uses, and I went through, and I think we took three or four minutes. I  
3223 just went down the list of every single use wasn't proffered out. I mean, some of the uses could  
3224 include all your B-1 and B-2 uses. You know, your antique shops, your banks, savings and loans,  
3225 offices, obviously, clinics and laboratories; things of that nature. It also could include convenience  
3226 stores and fast food restaurants. And, while I don't dispute anything Mr. Overton said, it was  
3227 mentioned at that same meeting, this is a lot cleaner use and a lot less traffic than, let's say, a fast  
3228 food, McDonalds, or a convenience store, for example. Of course, I thought that was a good point.  
3229

3230 I would like to point out, since 1988, there has been a change from the original proffers, because  
3231 this area has changed. And, it has changed, not only because of the businesses that are locating  
3232 here, but the type of businesses that are appropriate within residential.  
3233

3234 I would point out, and I'm not going to try and solve the east end, versus west end, and industrial  
3235 versus non-industrial mix of the different areas. But, I know, in the west end, it's not unusual at all  
3236 to have the exact same look with a food store and a shopping center look with outparcels. Right  
3237 there on Ridgefield Parkway and Eastridge Shopping Center in the Tuckahoe District, we have one.  
3238 One on Lauderdale where the Food Lion is, where the Exxon is going, we have another one in  
3239 another district.  
3240

3241 It's there among the residential because it's convenient for these types of businesses that they draw  
3242 from. People go to and from work, and to and from their home, because it's a convenience. It's not  
3243 a point of destination, like a mall. It's where they go.  
3244

3245 Mr. Condlin - I think this use does fit well with the area in the Plan because of the  
3246 existing B-2 in the shopping center that is planned for this property. And, while the business  
3247 concept has not been developed yet for this area, we believe this case will, with the proffers we have  
3248 provided and offered, set a precedent for all development in this area, including that in the Nine  
3249 Mile Road and the Laburnum Avenue intersections.  
3250

3251 And, I realize this is a change that we are asking for. We're coming and saying, "Well, gee, the  
3252 original case in 1988 said it, and there are other automotive uses, and we're asking for this use  
3253 itself." But, I think we've provided a number of protections to the neighbors of a quality that are  
3254 expected of the most protected areas in the County to avoid the deterioration Mr. Overton's  
3255 concerned about.  
3256

3257 I believe this case is appropriate, given the surrounding uses and the surrounding zonings of this  
3258 particular property. I would ask that you provide the recommendation that we ask to the Board of  
3259 Supervisors for approval.  
3260

3261 Mrs. O'Bannon - May I ask another questions?

3263 Mr. Condlin - Absolutely.

3265 Mrs. O'Bannon - There is something that concerns me. Under No. 6, for hours of  
3266 operation.

3267  
3268 Mr. Condlin - Yes ma'am.  
3269  
3270 Mrs. O'Bannon - It says, "Hours of operation on the property shall be limited to a  
3271 period between 7:00 a.m. and 9:00 p.m., Monday through Saturday. But trash removal and parking  
3272 lot cleaning shall take place only during business hours, or 11:00 a.m. to 5:00 p.m. on Sundays."  
3273  
3274 Mr. Condlin - Yes ma'am.  
3275  
3276 Mrs. O'Bannon - It kind of bothers me.  
3277  
3278 Mr. Condlin - Of the Sunday?  
3279 Mrs. O'Bannon - Well, trash removal is usually pretty loud. I worry about that kind of  
3280 thing.  
3281  
3282 Mr. Condlin - Are you worried about the Sunday time, or the early hour time? The  
3283 Sunday time? One of the reasons we changed that, it was originally 9:00 a.m. to 7:00 p.m. That was  
3284 express. We changed it between 11:00 a.m. and 5:00 p.m. to avoid an early hour on Sunday. I'll be  
3285 happy to...  
3286  
3287 Mrs. O'Bannon - Well, I'm just expressing a concern for whoever wants to take that  
3288 up.  
3289  
3290 Mr. Taylor - Mr. Condlin, in the staff report, there's a sentence under the  
3291 Summary of the Staff Report that says, "...Therefore, the staff would encourage the applicant to  
3292 provide additional measures to improve the quality of the development to minimize any adverse  
3293 impacts a service station may have on the surrounding community..." Then, basically, this is what  
3294 Mr. Overton seeks. And, I think that the community pride that he expresses, just by being here at  
3295 10:00 o'clock at night...  
3296  
3297 Mr. Condlin - Sure.  
3298  
3299 Mr. Taylor - ...And speaking on behalf of his neighborhood, speaks volumes for  
3300 his civil attitude. I would ask you to describe what you might do to provide additional measures, in  
3301 addition to what you've already done? You've proffered a nice landscaping plan. Looking at what  
3302 he's trying to do, he's trying to preserve his neighborhood, and that's laudable.  
3303  
3304 The question is, "What can you do in here within the scope of this development to assist him, and  
3305 what efforts would you make in trying to deal with, let's say, a few community representatives to  
3306 provide landscaping, green space, whatever we might do?" I think his point is valid in these urban  
3307 areas. And, I think we all should take part or take a lesson from some of the words that he has, that  
3308 we all need to try and dress up these even after we zone them and we built them. We still have a  
3309 certain ethical responsibility to the community to do what we can if we're trying - we're impacting  
3310 that neighborhood. And, there is, perhaps, the opportunity to remove blight or to improve  
3311 conditions. I really think we should strive to do that, and, that's what he's saying. So, I'd be  
3312 interested to see what you think you could suggest along those lines, or have you talked to your  
3313 client about that?  
3314

3315 Mr. Condlin - I will say that, after the neighborhood meeting, and after the staff  
3316 report, a couple points. One, is that the staff report does make those comments. And the only  
3317 recommendation they made, at this time, was landscape screening, which, I think, we did address to  
3318 be able to say that, from the Planning standpoint, after the neighborhood meeting, we came back.  
3319 And one of the ways we tried to avoid, beyond what we have already proffered at that point, was to,  
3320 actually, proffer out the automotive filling station with the fuel pump. To actually define the  
3321 specific landscaping would be provided in specific areas. If you look at the plan in front of you,  
3322 (referring to slide), this is on Laburnum Avenue, away from the area that's going to be for the  
3323 shopping center that separates the neighborhoods from this particular site.

3324  
3325 There's also, as part of the original proffered case, a 30-foot buffer with berms to run along Dabbs  
3326 House Road. Which, of course, we're not amending that proffer, because we're not touching Dabbs  
3327 House Road, and that will still remain as a requirement when the shopping center gets developed.

3328  
3329 But, because the shopping center is not there, and the shopping center may be a year, two, three, ten  
3330 years down the road, that's why we've proffered along the rear of our property to place the  
3331 necessary screening to be able to provide the protection along Dabbs House Road to protect those  
3332 neighbors.

3333  
3334 As to the specifics of the automotive use, I think this is a little bit different. We have proffered the  
3335 hours of operation. We don't go until Midnight, as is allowed and all the other uses that was not  
3336 proffered out in the other cases. We have limited it until 9:00 p.m. Monday through Saturday with  
3337 no Sunday operation, other than the potential trash pick up, and parking lot cleaning, if necessary.

3338  
3339 Parking lot cleaning usually takes place when cars aren't there. That's why we put in the Sunday  
3340 for that small window of time when people are away and the business is not operating. Those are  
3341 the kind of things I don't think other automotive uses would not otherwise provide for.

3342  
3343 I have a list that I went through. I actually got a chart of what we proffered versus that which the  
3344 other cases did not in the area, including the original B-2, including the Amoco across the street,  
3345 including the Citgo right next door. That was part of the original case that was approved that they  
3346 did not proffer.

3347  
3348 I believe all of these things add to, including having no inoperable vehicles, no underground storage  
3349 tanks, no outside storage of automotive parts, all these things are something different than all the  
3350 other automotive; the two immediately next door have not provided. I think those do provide the  
3351 necessary protection.

3352  
3353 As to the ongoing maintenance, the only thing I can provide is landscaping that's to be put in there.  
3354 That's landscaping that's to be irrigated, which, you know makes a difference. And, I put in the  
3355 proffer, "shall be maintained." I didn't say, "shall be maintained at our discretion." It shall be put  
3356 in and maintained. We put a 35-foot equivalent transitional buffer landscaping in the 25-foot area.  
3357 The bottom line is, we don't have enough room to put a 35-foot buffer. We put a 25-foot buffer in  
3358 along Laburnum Avenue, which is completely different. I think its ten to fifteen feet more than  
3359 what the Citgo has. The original case only had a 15-foot buffer, with no landscaping provision. We  
3360 have put in a 35-foot equivalent in landscaping.

3361

3362 The final thing I would point out is signage. I think it makes a big difference. The new improved  
3363 version of signage is the monument or the monolithic sign no more than 10-feet in height to get  
3364 away from the pole sign. Right next door, I believe it is a pole sign, if I remember correctly, at the  
3365 Citgo. That is your usual automotive use.

3366  
3367 I think the big thing for this client is, they tried to get away from the look. They don't like to be, as  
3368 far their business, look like a gas station, look like an automotive use, because they are a service.  
3369 And, they consider themselves more of a residential service for the immediate residents in the area.  
3370 And they tried very hard to get away from that by providing the proffers, which they put in here,  
3371 which I think are very substantial. There's nothing that has been asked for that has not been  
3372 provided.

3373  
3374 Mrs. O'Bannon - I do want to mention one thing for Mr. Overton. You mentioned  
3375 about when landscaping dies, and it starts looking derelict and so on. But, if in the community,  
3376 there's a piece of property that has landscaping, because this Commission, by the way, approves  
3377 landscaping plans and lighting plans also. If this company does not maintain that landscaping, and  
3378 it begins to die off, you can call a Zoning Enforcement Officer, who will tell them they've got to  
3379 replace landscaping. It must be maintained, because of the zoning and the code. So, any property  
3380 that you see that's a business property, for instance, that you see lots of dead trees and everything,  
3381 and I've had people call me on office properties before. You know where there's some nice green  
3382 shrubs screening between their house and an office. I tell them call the Zoning Enforcement  
3383 Officer, and that business or office has to replace that shrubbery. That's part of the Code and the  
3384 zoning enforcement of that so that you don't, hopefully, get the derelict properties. I know you  
3385 mentioned that; things that die and so on.

3386  
3387 I just wanted to mention that, too, because they are, at least, proffering better than what was required  
3388 on the original case.

3389  
3390 Mrs. Quesinberry - Actually, its pretty significant to do that five-foot equivalent in a 25-  
3391 foot buffer. And we had our expert landscape planner take a look at that for us, because we wanted  
3392 to be extra careful and make sure that we got a real high quality look in this corridor. And it looks  
3393 like we got everything we asked for to try to set a standard, because, you know, as we talked about  
3394 earlier, this property is zoned, and applicants will come in. That is for sure. So, we wanted to make  
3395 sure, before that happened, we could set a standard in that area higher than what's there now, and  
3396 something that would produce a better quality than the current plan. So, that pretty much did that.

3397  
3398 Mr. Condlin - Thank you.

3399  
3400 Mr. Taylor - And, with that comment, if the client pays special attention to  
3401 architectural style at the POD stage, and we can look at the elevations and the planned view and the  
3402 lighting plans, and sprinkler systems, I think what we need to do to ensure that is to make sure that  
3403 those features are built into the final design stage. And, if along Dabbs Road, the architectural style  
3404 is colonial, or whatever they're trying to achieve there. And I know there is a corridor study along  
3405 there. I think it would be important that we go upscale for the architecture; upscale for the  
3406 construction, as well as, just the accoutrements. Because, I think the architectural style has a lot to  
3407 say for the quality of the project in adding a little special accent to that area.

3408



3409 And, in fact, in that sentence where the staff would encourage the applicant to provide additional  
3410 methods, I think it would be all of the things we discussed. Architecture that was in fitting with that  
3411 neighborhood and that concept, and carries whatever theme we're trying to instill in that area a little  
3412 bit further. I mean, we can make it an example. And, I think that, perhaps, this is one of the things  
3413 that Mr. Overton is trying to say. Let us not go downscale on this architecture. Let's try to do the  
3414 best we can to bring the neighborhood up and make it a wonderful piece of architecture.

3415  
3416 Mr. Condlin - I will say we originally had a flat roof. We had originally filed a  
3417 POD on this case. You know, then they said, "Hey, we've got this property zoned for this use, and  
3418 they find out, actually its not." They had a flat roof on it, and that's one of the reasons we put the  
3419 gabled roof on it.

3420  
3421 Mr. Taylor - And for very incremental costs at the design stage, you can put a  
3422 really classy standing ribbed metal roof and, you know, do whatever architectural theme we're  
3423 trying to project here. As I say, very little incremental cost of the project when you're carrying the  
3424 project out this far.

3425  
3426 My thought would be, this is an excellent time for your client and yourself to show the  
3427 neighborhood your good intentions carried out.

3428  
3429 Mr. Condlin - Sure.

3430  
3431 Mrs. Quesinberry - I would just like to add that, one of my concerns, because this is  
3432 property that was previously zoned, was that we would, in fact, end up with an applicant doing  
3433 something like a convenience store or a fast food store that we wouldn't have as much input and we  
3434 wouldn't be able to get these kinds of quality conditions that we're able to get from this particular  
3435 applicant. So, its one of those things where you have to kind of weigh, and, hopefully, come out  
3436 with what would be better than the previous case. I think we made it in this one.

3437  
3438 Mr. Taylor - My thought there is, at the POD stage, we can review it carefully and  
3439 make sure that it does go a step beyond, maybe, and it does send a message.

3440  
3441 Mr. Condlin - This is a little unusual that we will be pretty soon - We already filed  
3442 the POD. So, it will be in front of you in a few months. I will pass that along, and we'll provide  
3443 that information to them.

3444  
3445 Mr. Archer - Mr. Condlin, I have one question before you sit down. You can  
3446 answer it yes or no. Mr. Taylor mentioned the staff recommendation near the bottom of Page 2.  
3447 There were three conditions and I think you've covered them in your proffers. I hope you have.  
3448 "Service bay doors, heating and air-conditioning, no exterior storage of batteries, tires, and oil." Is  
3449 that covered in your proffers?

3450  
3451 Mr. Condlin - Yes.

3452  
3453 Mr. Archer - Okay. All right. Thank you. I said, "yes or no," and you said yes.

3454  
3455 Mrs. Quesinberry - Thank you, Mr. Archer.

3456

3457 Mr. Vanarsdall - All right, Mrs. Quesinberry. Ready for a motion if there aren't any  
3458 more questions.

3459  
3460 Mr. Vanarsdall - We're ready to go.

3461  
3462 Mrs. Quesinberry - I do not need to waive time limits, so, therefore, we won't. And I'll  
3463 make a motion we move for recommending approval of C-51C-00 to the Board of Supervisors.

3464  
3465 Mr. Taylor seconded the motion.

3466  
3467 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded Mr. Taylor. All those  
3468 in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
3469 O'Bannon abstained). Now, we'll take the Provisional Use Permit.

3470  
3471 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Taylor, the Planning  
3472 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors  
3473 **grant** the request because the proffers continue to assure a quality form of development with  
3474 maximum protection afforded the adjacent properties; it is not expected to adversely impact  
3475 surrounding land uses in the area; and the change in use is compatible with surrounding  
3476 development.

3477  
3478  
3479 Mrs. Quesinberry - And I'll also make a recommendation that we recommend approval  
3480 of P-7-00 to the Board of Supervisors.

3481  
3482 Mr. Taylor seconded the motion.

3483  
3484 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded Mr. Taylor. All those  
3485 in favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
3486 O'Bannon abstained).

3487  
3488 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Taylor, the Planning  
3489 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors  
3490 **grant the requested revocable provisional use permit**, subject to the following conditions:

3491  
3492 1. Service bay doors (garage doors) shall be adequately screened from view from adjacent  
3493 properties and roads.

3494  
3495 2. Heating and air conditioning equipment shall not be visible from adjoining properties.

3496  
3497 3. There shall be no exterior storage of batteries, tires, or other automotive parts and supplies.

3498  
3499 The Planning Commission's recommendation was based on the fact that it is reasonable in light of  
3500 the surrounding uses and existing zoning on the property.

3501  
3502 Mr. Vanarsdall - Mr. Secretary, will you tell Mr. Overton, Mr. Overton, this will come  
3503 before the Board of Supervisors on August 8<sup>th</sup>.

3504

3505 Mr. Overton - August 8<sup>th</sup>?  
3506  
3507 Mr. Vanarsdall - Yes sir. It's a Tuesday night. Thank you for coming.  
3508  
3509 Mrs. O'Bannon - And you're certainly welcome to call your supervisor about it, too.  
3510  
3511 Mr. Overton - Thank you.  
3512  
3513 **DISCUSSION:** Resolution to initiate ordinance amendments on 10-day appeal period and 100-day  
3514 action by Planning Commission.  
3515  
3516 Mr. Vanarsdall - Mr. Secretary, do you want to take up this procedure ordinance  
3517 amendment tonight?  
3518  
3519 Mr. Marlles - Yes sir. Mr. Chairman, on July 7<sup>th</sup>, I sent the Commissioners a letter  
3520 that explained that several State laws have gone into effect that we would like to take advantage of.  
3521  
3522 The first has to do with reducing the time of an appeal for a zoning violation from 30 days to 10  
3523 days. That's actually a request that Henrico County submitted, and was approved by the General  
3524 Assembly. This will allow us to respond much faster to zoning violations.  
3525  
3526 Just for the Commission's information, it came about because we had Christmas tree operations  
3527 going on in residential neighborhoods. And, essentially, with the current 30-day time period that  
3528 stays our enforcement action, we really weren't able to be very effective in trying to get rid of those  
3529 commercial operations.  
3530  
3531 Mrs. Quesinberry - Gosh, Mr. Marlles, that sounds kind of Bah Hum Bug.  
3532  
3533 Mr. Marlles - Except for the neighbors who had to put up with the bon fire and the  
3534 traffic, and everything else that came along with it.  
3535  
3536 Mrs. Quesinberry - I guess that was a little bit rough.  
3537  
3538 Mr. Marlles - That was in Mrs. O'Bannon district.  
3539  
3540 Mrs. O'Bannon - That was in my district, if you want to hear about it.  
3541  
3542 Mrs. Quesinberry - Save me the details. I think I've got the picture.  
3543  
3544 Mr. Vanarsdall - I didn't know those Tuckahoe people carried on like that.  
3545  
3546 Mrs. O'Bannon - Well, the house, as a matter of fact, backed up to Patterson Avenue.  
3547 But, you can't park on Patterson Avenue, so the cars parked all up and down the street, you know,  
3548 blocking driveways. And the key is, the gentleman started the sales on something like December  
3549 2<sup>nd</sup>, you know. With 30 days, he was told he had 30 days to remove it. Well, obviously, he sold his  
3550 entire stock. And he could just continue to do this every year, you know. And this could have been  
3551 anywhere. But, because it showed on Patterson, he had a huge number of people who would drive  
3552 by, you know. So, he had a good audience, I guess; a good customer base. And, unfortunately,

3553 though it is a residentially zoned neighborhood, it is a business in a residential zone. I mean the  
3554 complication came in that 30 days.

3555  
3556 Mr. Marlles - Well, that will give us a greater ability to deal with these types of  
3557 short-term seasonal type operations.

3558  
3559 The second request has to deal with lengthening the amount of time that the Planning Commission  
3560 has to act on rezoning amendments from 90 to 100 days. That certainly would be helpful to have a  
3561 little bit more additional time.

3562  
3563 In order to take advantage of these provisions in the State Code, it is necessary for the Commission  
3564 to approve a resolution initiating the amendment process to the County Zoning Ordinance. We  
3565 have attached a copy of the resolution that would initiate that amendment process and staff is  
3566 recommending the Commission approve that resolution.

3567  
3568 Mr. Vanarsdall - Does this have anything to do with how we could vote to defer a  
3569 case? Right now, we have one vote to defer a case.

3570  
3571 Mr. Silber - Mr. Vanarsdall, that could make a big difference. This may give you  
3572 an extra vote, or an extra month.

3573  
3574 Mr. Marlles - Yes.

3575  
3576 Mr. Silber - Because its 90 days. It takes it up to 100. So, it gives you extra time.

3577  
3578 Mr. Vanarsdall - That's what I thought. So, we need a motion and a second to...

3579  
3580 Mrs. Quesinberry - Can I just ask one more question?

3581  
3582 Mr. Vanarsdall - Sure.

3583  
3584 Mrs. Quesinberry - ...with the issue of only giving someone 10 days to appeal a zoning  
3585 violation to the Board of Zoning Appeals. Is that ever going to be a issue? Would a citizen need  
3586 like minutes from a meeting, or something, that we didn't have available? Is that going to cause  
3587 something in the citizen community? Does anybody foresee anything?

3588  
3589 Mr. Silber - Mrs. Quesinberry, I didn't mean to interrupt, John. That's not what  
3590 this is intending to do.

3591 Mrs. Quesinberry - Okay.

3592  
3593 Mr. Silber - When someone has been found to be in violation of a zoning  
3594 ordinance, now we have to give them 30 days to comply. And, this is saying, they've got to comply  
3595 within 10 days.

3596 Mrs. Quesinberry - Only for a zoning violation?

3597  
3598 Mr. Silber - Yes. So, it gives us the opportunity to come back quicker and bring  
3599 them into compliance.

3600

3601 Mrs. Quesinberry - Okay.  
3602  
3603 Mr. Vanarsdall - I think they've had trouble with the 30 days.  
3604  
3605 Mrs. O'Bannon - The other problem was also in my district had to do with the sale of  
3606 plants. The gentleman who owned the hardware store placed them out in the parking lot, you know,  
3607 and was selling them on the sidewalk, and it was a springtime thing. By giving him 30 days, it was  
3608 the type thing he could sell all his stock. And the problem is, when it's a clear zoning violation, I  
3609 think that's the key. The problem, when its seasonal, and it only takes them 30 days to complete the  
3610 task, they will continue to do it year, to year, to year.  
3611  
3612 Mrs. Quesinberry - In a situation like that, can someone whose in violation get back into  
3613 compliance for a period of time, like a day, or 24 hours, and then, violate the zoning again? Can  
3614 they turn around and do it?  
3615  
3616 Mr. Marlles - They can do that. In fact they do, do that.  
3617  
3618 Mrs. O'Bannon - They do that, yes. That's the other thing. But, again, with 30 days, it  
3619 could go on, and on, and on. And, absolutely, yes, that has happened. Isn't there a gentleman who  
3620 does the minimum to try to get into compliance and starts...  
3621  
3622 Mr. Marlles - Often, what will happen is the day of court, they will suddenly come  
3623 into compliance. It will get thrown out of court, because they're in compliance, and then they will  
3624 go back and go back out of compliance and be in violation again. And, they play this game.  
3625 There's different ways of playing this. But, smarter operators know how to use the system.  
3626  
3627 Mr. Taylor - Do you think 10 days is too long?  
3628  
3629 Mr. Marlles - It's interesting. I think if staff had its preference, it would be one  
3630 day. But, in fact, one of the problems that we did cite when we proposed this legislation to the  
3631 Board is, outside of the Fairgrounds and RIR, many of you are aware that there are a number of "fly  
3632 by night", I'm showing my bias here. A lot of these vendors that set up along the highways often,  
3633 regardless of what the zoning is, and, literally, by the time we take any type of enforcement action,  
3634 they're gone. They can be gone in one weekend. One event at the race or at the fairgrounds, you  
3635 know. Usually, its races at RIR. They set up. We really cannot do anything about that, because of  
3636 this 30 day limit. And, even the 10-day limit does not help us. It helps situations like Mrs.  
3637 O'Bannon was referring to. But, the real short term kind of operations, we still don't have a remedy  
3638 to deal with that.  
3639  
3640 Mr. Vanarsdall - Then, why is this set for 10 days?  
3641  
3642 Mr. Marlles - Well, that's what the General Assembly...  
3643  
3644 Mr. Vanarsdall - Oh. The General Assembly is 10 days?  
3645  
3646 Mr. Marlles - They agreed to go from 30 to 10 days. That was a real  
3647 accomplishment, to get them to come down to 10 days.  
3648

3649 Mr. Taylor - We were thinking of going to 7 from Sunday to Sunday.  
3650  
3651 Mr. Silber - Both of these Ordinance Amendments simply reflect what the State  
3652 Code now...  
3653  
3654 Mr. Taylor - Got it. Say no more.  
3655  
3656 Mr. Vanarsdall - John, I have a question about the public hearing, your suggestion on  
3657 August 10<sup>th</sup>. We didn't know we were going to have all these deferrals. We really didn't have that  
3658 many, did we? Yeah, we did, too.  
3659  
3660 Mr. Archer - We could do it at the beginning of the meeting.  
3661  
3662 Mr. Vanarsdall - Are we going to be able to handle it on the 10<sup>th</sup>?  
3663  
3664 Mr. Archer - Do we expect a lot of opposition from vendors?  
3665  
3666 Mr. Marlles - I mean, unless some Association picks up on this, I don't think  
3667 there's going to be any one that turns up.  
3668  
3669 Mrs. Via - This is a housekeeping amendment. I don't expect any citizen  
3670 interest. We'll advertise it and we'll know in the next week or so, but I don't expect any citizen  
3671 interest in this.  
3672  
3673 Mrs. Quesinberry - But, even with the State Code, it doesn't give us any latitude to  
3674 change it anyway.  
3675  
3676 Mrs. Via - This is strictly a housekeeping amendment to bring us in compliance  
3677 with State Code.  
3678  
3679 Mrs. Quesinberry - So, if we do get opposition, we can just acknowledge it, and kind of  
3680 move on.  
3681  
3682 Mr. Marlles - Especially, since we requested it, I think we're somewhat obligated  
3683 to...  
3684  
3685 Mrs. Via - ...to move fairly quickly.  
3686  
3687 Mr. Taylor - And if we bring it up at this time of night, we're hardly going to have  
3688 anyone.  
3689  
3690 Mr. Vanarsdall - What time of evening do you want to handle it?  
3691  
3692 Mr. Archer - Let's do it at 7:00 o'clock, and finish it up and move on.  
3693  
3694 Mr. Vanarsdall - All right, we'll do it at 7:00 o'clock on the 10<sup>th</sup>, then?  
3695  
3696 Mrs. Via - 7:00 o'clock on the 10<sup>th</sup>.

3697  
3698 Mrs. Quesinberry - Because it shouldn't take any longer than just one more case.  
3699  
3700 Mr. Vanarsdall - All right, we need a motion and a second to do this.  
3701  
3702 Mr. Archer - So move, Mr. Chairman.  
3703  
3704 Mr. Taylor seconded the motion.  
3705  
3706 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mr. Taylor. All those in  
3707 favor say aye—all those opposed by saying nay. The vote is 4-0 (Ms. Dwyer absent, Mrs.  
3708 O'Bannon abstained). Thank you, Mr. Secretary.  
3709  
3710 Mr. Marlles - Mr. Chairman, Mrs. O'Bannon has a comment.  
3711  
3712 Mrs. O'Bannon - I had a comment real quick. The Chesapeake Bay Act 2000 was  
3713 signed on June 28<sup>th</sup> by the governors of Maryland, Virginia, and Pennsylvania, and Mayor of  
3714 Washington, D.C. and the head of the EPA. But, interestingly enough, there is a provision in there  
3715 in the Code that says, if there is, basically, a request to slow down development, and I believe  
3716 probably Mrs. Via could talk about how that's worded.  
3717  
3718 I have been asked by, for a meeting to represent local governments, to meet with John Paul  
3719 Woodley, whose Director of Natural Resources, I think, in the State of Virginia about the impacts  
3720 on local government. And, one of the conclusions in some meetings that I've had with different  
3721 people and developers is that, because of the Chesapeake Bay Act, and the fact that we're going to  
3722 have, at some point, sign on slowing down development may mean one way to do that would be to  
3723 limit the number of cases heard by the Planning Commission and the Board of Supervisors.  
3724  
3725 Mrs. Quesinberry - I like that one. We should discuss that one.  
3726  
3727 Mrs. O'Bannon - You want to add a little bit to that? What is the exact wording?  
3728 Mrs. Via - Yes. A number of the goals in that agreement are fairly vague and  
3729 have to do with sound land use principles. But, there were a few goals in there that are very hard  
3730 and fast and driven percentages. And this is one of the ones that's driven by a percentage. It says  
3731 that the jurisdictions that have signed this agreement will reduce the rate of development in  
3732 Agricultural and forest areas by 30 percent. And it gives a time; a period, I forget what the year is.  
3733  
3734 Mrs. O'Bannon - I think its 2010 or something.  
3735  
3736 Mrs. Via - 2010 that that will be accomplished. So, that will mean, I'm not sure  
3737 how this will be accomplished, but the State's and, therefore, the localities will have to determine a  
3738 base line and then slow the rate development within agricultural and forest lands by 30 percent of  
3739 that baseline. So, there's some work that needs to be done. But, it could have some impacts.  
3740  
3741 Mr. Marlles - Liz, weren't there some compromises on that? Originally, that 30  
3742 percent reduction was by state. And then I think it was changed to (end of tape).  
3743  
3744

3745 There being no further business, acting on a motion by Mr. Taylor, seconded by Mr. Archer, the  
3746 Planning Commission adjourned its meeting at 10:26 p.m. on July 13, 2000.

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

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John R. Marlles, AICP, Secretary

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3760 **Last revised August 16, 2000.**