

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia, held in  
2 the Board Room of the County Administration Building, Parham and Hungary Spring Roads at  
3 7:00 p.m. on July 11, 2002, Display Notice having been published in the Richmond Times-  
4 Dispatch on June 20, 2002 and June 27, 2002.

5  
6 Members Present: Allen J. Taylor, C.P.C., Chairperson, Three Chopt  
7 Eugene Jernigan, C.P.C., Vice-Chairperson, Varina  
8 C.W. Archer, C.P.C., Fairfield  
9 Lisa Ware, Tuckahoe  
10 Ernest B. Vanarsdall, C.P.C., Brookland  
11 Frank J. Thornton, Board of Supervisors, Fairfield  
12 John R. Marlles, AICP, Secretary, Director of Planning  
13

14 Others Present: Randall R. Silber, Assistant Director of Planning  
15 Joe Emerson, Principal Planner  
16 Mark Bittner, County Planner  
17 Thomas M. W. Coleman, County Planner  
18 Lee Householder, County Planner  
19 Paul Gidley, County Planner  
20 Seth Humphreys, County Planner  
21 Jean Moore, County Planner  
22 Debra Ripley, Recording Secretary  
23  
24

25 Mr. Taylor - Good evening, ladies and gentlemen, and welcome to the July  
26 rezoning meeting. We have a relatively light Agenda tonight, but we will go ahead and get  
27 started. We will turn the meeting over to our Secretary, Mr. Marlles.  
28

29 Mr. Marlles - Thank you, Mr. Chairman. Good evening, Members of the  
30 Planning Commission. As the Chairman indicated we do have quite a few Request for Deferrals  
31 this evening and with that I'm going to turn it over to Mr. Emerson to run through our list.  
32

33 Mr. Emerson - Yes sir, Mr. Secretary. The first deferral on your Agenda tonight  
34 is C-11C-02, it's on page 1 of your Agenda.  
35

36 **Deferred from May 9, 2002:**

37 **C-11C-02 Webb L. Tyler for Parham Road Self-Storage, LLC:**  
38 Request to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District  
39 (Conditional), Parcel 748-770-8794 (19-A-27); 11140 Ford's Country Lane, containing 6.668  
40 acres, located on the east line of Ford's Country Lane approximately 440 feet east of its  
41 intersection with Nuckols Road and New Wade Lane. A mini-storage facility is proposed. The  
42 use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use  
43 Plan recommends Office/Service.  
44

45 The deferral is requested to the August 15, 2002 Meeting.  
46

47 Mr. Vanarsdall - What page?  
48

49 Mr. Emerson - It's on page 1 of your Agenda.  
50

51 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral  
52 of case C-11C-02? No opposition, so I will move deferral of case C-11C-02 to August 15<sup>th</sup> at the  
53 request of the applicant.

54  
55 Mr. Vanarsdall - Second.  
56  
57 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All in  
58 favor – aye. Any opposed? The ayes have it, case C-11C-02 is deferred till August 15<sup>th</sup>. The  
59 vote is 5-0 (Mr. Thornton abstained).

60  
61 At the applicant's request, the Planning Commission deferred C-11C-02; Webb L. Tyler for  
62 Parham Road Self-Storage, LLC, to it's meeting on August 15, 2002. Mr. Thornton abstained.

63  
64 Mr. Emerson - Mr. Chairman, the next item for deferral is on page 1 of the  
65 Agenda. It is C-13C-02.

66  
67 **Deferred from May 9, 2002**

68 **C-13C-02 James W. Theobald for HHHunt Corporation:** Request to  
69 conditionally rezone from A-1 Agricultural District and RTHC Residential Townhouse District  
70 (Conditional) to O-3C Office District (Conditional), RTHC Residential Townhouse District  
71 (Conditional), R-5AC General Residence District (Conditional) and R-6C General Residence  
72 (Conditional) Parcels 747-771-2430 (18-A-35), 747-771-4048 (36), 747-771-3965 (37), 746-770-  
73 1492 (38), 745-770-0962 (39A), 746-770-0619 (56), 745-769-6789 (56A), 746-770-4038 (57),  
74 746-769-3486 (57A), and Parcels 745-768-7374 (27-A-14B), 745-769-5071 (15), 745-769-6845  
75 (15A), 745-769-0926 (15B) and 746-769-3767 (49), containing approximately 120 acres, located  
76 along the north and west lines of New Wade Lane and Nuckols Road. A residential and office  
77 development is proposed. The use will be controlled by proffered conditions and zoning  
78 ordinance regulations. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit  
79 net density per acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, Open  
80 Space/Recreation, and Environmental Protection Area.

81  
82 The deferral is requested to the August 15, 2002 Meeting.

83  
84 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral  
85 of case C-13C-02, James Theobald for HHHunt Corporation? No opposition, so I will move that  
86 case C-13C-02 be deferred to the August 15<sup>th</sup> Meeting at the request of the applicant.

87  
88 Mr. Jernigan - Second.

89  
90 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Jernigan. All in  
91 favor – aye. Any opposed? There being no opposition, case C-13C-02 is deferred to August 15<sup>th</sup>.  
92 The vote is 5-0 (Mr. Thornton abstained).

93  
94 At the applicant's request, the Planning Commission deferred C-13C-02, James W. Theobald for  
95 HHHunt Corporation, to it's meeting on August 15, 2002. Mr. Thornton abstained.

96  
97 Mr. Emerson - Mr. Chairman, the next item for Deferral is C-36C-02, it's located  
98 on page 1 of your Agenda.

99  
100 **C-36C-02 Jim McVey:** Request to conditionally rezone from R-2 One  
101 Family Residence District to O-1C Office District (Conditional), Parcel 754-747-3878 (79-A-70),  
102 containing approximately 0.32 acre, located at the southeast intersection of Michael and Parham  
103 Roads (8481 Michael Road). An office building is proposed. The use will be controlled by  
104 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office.

105  
106 The deferral is requested to the August 15, 2002 Meeting.

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Mr. Taylor - Is there anybody in the audience who is opposed to the deferral of case C-36C-02? There being no opposition to the Deferral, I will move deferral of case C-36C-02 to August 15<sup>th</sup> at the request of the applicant.

Mr. Vanarsdall - Second.

Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All in favor – aye. Any opposed? The ayes have it. There being no opposition Case C-36C-02 is deferred to August 15<sup>th</sup>. The vote is 5-0 (Mr. Thornton abstained).

At the applicant's request, the Planning Commission deferred C-36C-02, Jim McVey, to its meeting on August 15, 2002. Mr. Thornton abstained.

Mr. Emerson - Mr. Chairman, the next item is C-30C-02.

**Deferred from June 13, 2002 Meeting:**

**C-30C-02 James W. Theobald for HHHunt of North Carolina:** Request to conditionally rezone from B-1C Business District (Conditional) to R-6C General Residence District (Conditional), Parcel 745-751-3992 (67-A-14B), containing 5.48 acres, located at the southeast intersection of Ridgefield Parkway and Flintwood Drive. An 80 unit age-restricted assisted living facility is proposed. The R-6 District allows a maximum density of 19.8 units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration.

The deferral is requested to the August 15, 2002 Meeting.

Mr. Taylor - Is there anybody in the audience who is opposed to the deferral of case C-30C-02 to August 15<sup>th</sup>? There being no opposition.

Ms. Ware - Then I move that case C-30C-02 be deferred to the August 15<sup>th</sup> meeting at the applicants request.

Mr. Vanarsdall - Second.

Mr. Taylor - Motion made by Ms. Ware, seconded by Mr. Vanarsdall to defer case C-30C-02. All in favor – aye. All opposed. There being no opposition case C-30C-02 is deferred to August 15<sup>th</sup> at the applicants request. The vote is 5-0 (Mr. Thornton abstained).

At the applicant's request, the Planning Commission deferred C-30C-02, James W. Theobald for HHHunt of North Carolina, to its meeting on August 15, 2002.

Mr. Emerson - Mr. Chairman, the next item is P-7-02. It is located on page 2 of your Agenda.

**Deferred from June 13, 2002 Meeting:**

**P-7-02 Jared Ledet for VoiceStream Wireless:** Request for a provisional use permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and operate a telecommunications tower extendable to 199 feet and related equipment and also to install a temporary tower for 90 days, on part of Parcel 798-696-8886 (213-A-2), containing 10,000 square feet, located on the east side of Osborne Turnpike approximately 1,700 feet north of Sholey Road (7000 Osborne Turnpike). The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Office.

160  
161 The deferral is requested to the August 15, 2002 Meeting.  
162  
163 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral  
164 of case P-7-02 to August 15<sup>th</sup>? No opposition.  
165  
166 Mr. Jernigan - Mr. Chairman, I make a motion to defer zoning case P-7-02,  
167 Varina District, to August 15<sup>th</sup> by request of the applicant.  
168  
169 Mr. Vanarsdall - Second.  
170  
171 Mr. Taylor - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall to  
172 defer case P-7-02 to August 15<sup>th</sup> at the applicants request. All in favor – aye. Any opposed?  
173 There being no opposition, case P-7-02 is deferred to August 15<sup>th</sup>. The vote is 5-0 (Mr. Thornton  
174 abstained).  
175  
176 At the applicant’s request, the Planning Commission deferred P-7-02, Jared Ledet for  
177 VoiceStream Wireless, to its meeting on August 15, 2002. Mr. Thornton abstained.  
178  
179 Mr. Emerson - Mr. Chairman, the next case is C-28C-02, it’s located on page 2  
180 of your Agenda.  
181  
182 **Deferred from June 13, 2002 Meeting:**  
183 **C-28C-02 Laraine Isaac for William D. Godsey:** Request to  
184 conditionally rezone from M-1 Light Industrial District to M-2C General Industrial District  
185 (Conditional) and C-1 Conservation District, part of Parcel 817-721-5981 (154-A-30C), containing  
186 60.696 acres, located on the north line of Oakley’s Lane approximately 94 feet east of Oakley’s  
187 Place and 217 feet west of S. Holly Avenue. The use will be controlled by proffered conditions  
188 and zoning ordinance regulations. An industrial park including a contractor’s equipment storage  
189 yard is proposed. The Land Use Plan recommends Planned Industry and Environmental  
190 Protection Area. The site is also in the Airport Safety Overlay District.  
191  
192 The deferral is requested to the August 15, 2002 Meeting.  
193  
194 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral  
195 of case C-28C-02 to August 15<sup>th</sup>? No opposition.  
196  
197 Mr. Jernigan - Mr. Chairman, I make a motion to defer zoning case C-28C-02,  
198 to the August 15<sup>th</sup> meeting by request of the applicant.  
199  
200 Mr. Vanarsdall - Second.  
201  
202 Mr. Taylor - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall to  
203 defer case C-28C-02 to August 15<sup>th</sup> at the applicants request. All in favor – aye. Any opposed?  
204 There being no opposition, case C-28C-02 is deferred to August 15<sup>th</sup>. The vote is 5-0 (Mr.  
205 Thornton abstained).  
206  
207 At the applicant’s request, the Planning Commission deferred C-28C-02, Laraine Isaac for William  
208 D. Godsey, to its meeting on August 15, 2002. Mr. Thornton abstained.  
209  
210 Mr. Emerson - Mr. Chairman, the next item is C-42C-02, it’s located on page 3  
211 of your Agenda.  
212

213 **C-42C-02 Malachi M. Mills for Marchetti Property I, LLC:** Request to  
214 conditionally rezone from R-2 One Family Residence District to O-2C Office District (Conditional),  
215 Parcel 765-764-5100 (40-A-23; 10120 Staples Mill Road), containing 0.672 acre, located on the  
216 west side of Staples Mill Road (U. S. Route 33) approximately 300 feet north of Warren Road. An  
217 office development is proposed. The use will be controlled by proffered conditions and zoning  
218 ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4, units  
219 net density per acre.

220  
221 The deferral is requested to the August 15, 2002 Meeting.

222  
223 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral  
224 of case C-42C-02 to August 15<sup>th</sup>? No opposition.

225  
226 Mr. Jernigan - Well, Mr. Chairman, I guess I will make a motion on that.

227  
228 Mr. Archer - Go ahead, sir.

229  
230 Mr. Jernigan - I make a motion to defer zoning case C-42C-02, to the August  
231 15<sup>th</sup> meeting by request of the applicant.

232  
233 Mr. Archer - Second.

234  
235 Mr. Taylor - Motion made by Mr. Jernigan, seconded by Mr. Archer to defer  
236 case C-42C-02 to August 15<sup>th</sup> at the applicants request. All in favor – aye. Any opposed? There  
237 being no opposition, case C-42C-02 is deferred to August 15<sup>th</sup>. The vote is 4-0 (Mr. Thornton  
238 abstained, Mr. Vanarsdall stepped away).

239  
240 At the applicant's request, the Planning Commission deferred C-42C-02, Malachi M. Mills for  
241 Marchetti Property LLC, to its meeting on August 15, 2002. Mr. Thornton abstained.

242  
243 Mr. Emerson - Mr. Chairman, the next item is C-33C-02, it's located on page 3  
244 of your Agenda.

245  
246 **Deferred from June 13, 2002 Meeting:**

247 **C-33C-02 Henry L. Wilton for WILHOOK, LLC:** Request to rezone from  
248 B-3C Business District (Conditional) to R-3C One Family Residence District (Conditional) and B-3C  
249 Business District (Conditional), Parcel 804-736-0481 (119-1-A-1D), containing 10.415 acres  
250 (approximately 6.7 acres in R-3C; approximately 3.7 acres in B-3C), located at the northeast  
251 intersection of Mechanicsville Turnpike and Neale Street (Maplewood Farm). Commercial and  
252 single family residential developments are proposed. The uses will be controlled by proffered  
253 conditions and zoning ordinance regulations. The R-3 District allows a minimum lot size of  
254 11,000 square feet. The Land Use Plan recommends Commercial Concentration. The site is also  
255 in the Airport Safety Overlay District.

256  
257 The deferral is requested to the January 9, 2003 Meeting.

258  
259 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral  
260 of case C-33C-02 to January 9<sup>th</sup>? No opposition.

261  
262 Mr. Archer - Mr. Chairman, I make a motion to defer zoning case C-33C-02,  
263 WILHOOK, LLC to the January 9, 2003 meeting by request of the applicant.

264  
265 Mr. Vanarsdall - Second.

266  
267 Mr. Taylor - Motion made by Mr. Archer, seconded by Mr. Vanarsdall to defer  
268 case C-33C-02 to the January 9, 2003 meeting at the applicants request. All in favor – aye. Any  
269 opposed?  
270  
271 Mr. Vanarsdall - I thought it said on the Agenda that it was the 16<sup>th</sup>.  
272  
273 Mr. Emerson - January 9<sup>th</sup>, it is a 6 month deferral. The Preliminary Agenda  
274 had a mistake on it, Mr. Vanarsdall. The date of the January meeting is actually the 9<sup>th</sup>.  
275  
276 Mr. Vanarsdall - So it is the 9<sup>th</sup>.  
277  
278 Mr. Emerson - Yes sir, it is the 9<sup>th</sup>.  
279  
280 Mr. Vanarsdall - That is the longest one we've had, I believe.  
281  
282 Mr. Taylor - Well, it's the first one to 2003.  
283  
284 Mr. Emerson - Yes sir.  
285  
286 Mr. Taylor - Okay. Motion made by Mr. Archer, seconded by Mr. Vanarsdall  
287 to defer case C-33C-02 to the January 9<sup>th</sup> meeting at the request of the applicant. All in favor –  
288 aye. Any opposed? There being no opposition, case C-33C-02 is deferred to January 9, 2003.  
289 The vote is 5-0 (Mr. Thornton abstained)  
290  
291 At the applicant's request, the Planning Commission deferred C-33C-02, Henry L. Wilton for  
292 WILHOOK, LLC, to its meeting on January 9, 2003. Mr. Thornton abstained.  
293  
294 Mr. Emerson - Mr. Chairman, the next item is C-43C-02, it's located on page 4  
295 of your Agenda.  
296  
297 **C-43C-02 Andrew M. Condlin for Richmond International Raceway:**  
298 Request to conditionally rezone from A-1 Agricultural District, C-1 Conservation District and M-1  
299 Light Industrial District to O-2C Office District (Conditional), C-1 Conservation District, and M-1  
300 Light Industrial District, part of Parcel 796-747-9944 (86-A-2; 5900 Richmond-Henrico Turnpike),  
301 containing approximately 57.084 acres, located along Upham Brook on the west line of the CSX  
302 Railway and the Richmond-Henrico Turnpike approximately 900 feet south of the Hanover-  
303 Henrico County Line and approximately 1,700 feet northeast of the Turnpike's intersection with  
304 Azalea Avenue. Addition of property to the existing Richmond International Raceway facility for  
305 various uses including parking is proposed. The O-2C uses will be controlled by proffered  
306 conditions and zoning ordinance regulations. The M-1 uses will be controlled by zoning  
307 ordinance regulations. The Land Use Plan recommends Planned Industry and Environmental  
308 Protection Area.  
309  
310 The deferral is requested to the August 15, 2002 Meeting.  
311  
312 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral  
313 of case C-43C-02 to August 15<sup>th</sup>? No opposition.  
314  
315 Mr. Archer - Okay, Mr. Chairman. I move deferral of C-43C-02, Richmond  
316 International Raceway, to the August 15<sup>th</sup> meeting at the applicants request.  
317  
318 Mr. Vanarsdall - Second.

319  
320 Mr. Taylor - Motion made by Mr. Archer, seconded by Mr. Vanarsdall to defer  
321 case C-43C-02, Richmond International Raceway, to August 15<sup>th</sup> at the applicants request. All in  
322 favor – aye. Any opposed? Being no opposition, case C-43C-02 is deferred to August 15<sup>th</sup>. The  
323 vote is 5-0 (Mr. Thornton abstained).  
324  
325 Mr. Vanarsdall - I was wondering why Mr. Condlin was in such a good mood  
326 tonight. He doesn't have any cases tonight.  
327  
328 At the applicant's request, the Planning Commission deferred C-43C-02, Andrew M. Condlin for  
329 Richmond International Raceway, to its meeting on August 15, 2002. Mr. Thornton abstained.  
330  
331 Mr. Emerson - Mr. Chairman, the next item is P-12-02, it's located on page 4 of  
332 your Agenda. It is the sister application to the one you just acted upon.  
333  
334 **P-12-02 Andrew M. Condlin for Richmond International Raceway:**  
335 Request for a provisional use permit under Sections 24-62.2(k) and 24-122.1 of Chapter 24 of  
336 the County Code in order to allow for additional acreage to be added to the Richmond  
337 International Raceway facility and to update the existing provisional use permit, on Parcels 797-  
338 748-0583 (86-A-1), 796-747-9944 (86-A-2; 5900 Richmond-Henrico Turnpike), 799-745-7579  
339 (86-A-4), 795-743-1283 (96-A-29A), 796-745-8505 (96-A-29B), 794-743-0840 (96-A-30A), 796-  
340 740-2482 (96-A-42A) and 798-740-1078 (107-A-1A) containing approximately 783.03 acres. The  
341 additional acreage is located along Upham Brook on the west line of the CSX Railway and the  
342 Richmond-Henrico Turnpike approximately 900 feet south of the Hanover-Henrico County Line  
343 and approximately 1,700 feet northeast of the Turnpike's intersection with Azalea Avenue. The  
344 existing zoning is B-3, B-2, B-1, R-6, R-3, M-2, M-1, M-1C, A-1 and C-1. The Land Use Plan  
345 recommends Commercial Concentration, Office, Office/Service, Light Industry, Planned Industry  
346 and Environmental Protection Area.  
347  
348 The deferral is requested to the August 15, 2002 Meeting.  
349  
350 Mr. Taylor - Is there anybody in the audience who is opposed to the deferral  
351 of case P-12-02 to August 15<sup>th</sup>? No opposition.  
352  
353 Mr. Archer - Okay, Mr. Chairman. I move deferral of P-12-02, Richmond  
354 International Raceway to the August 15<sup>th</sup> meeting at the applicants request.  
355  
356 Mr. Vanarsdall - Second.  
357  
358 Mr. Taylor - Motion made by Mr. Archer, seconded by Mr. Vanarsdall to defer  
359 case P-12-02, Richmond International Raceway, to August 15<sup>th</sup> at the applicants request. All in  
360 favor – aye. Any opposed? There being no opposition, case P-12-02 is deferred to August 15<sup>th</sup>.  
361 The vote is 5-0 (Mr. Thornton abstained).  
362  
363 At the applicant's request, the Planning Commission deferred P-12-02, Andrew M. Condlin for  
364 Richmond International Raceway, to its meeting on August 15, 2002. Mr. Thornton abstained.  
365  
366 Mr. Taylor - Mr. Secretary, I believe that completes the deferrals.  
367  
368 Mr. Marlles - Mr. Chairman, the next item on the Agenda is Request for  
369 Expedited Items. Just for the benefit of the citizens in the audience, items on the Expedited  
370 Agenda are items for which staff is recommending approval. The Planning Commission Member  
371 for the District has no outstanding issues and there is no known opposition. Mr. Emerson.

372  
373 Mr. Emerson - Yes sir, Mr. Secretary. We have one item on the Expedited  
374 Agenda tonight. It is case C-37C-02. It is on page 2 of your Agenda.  
375  
376 **C-37C-02 Henry L. Wilton for Wilton Development Corp.:** Request to  
377 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District  
378 (Conditional), part of Parcels 741-775-7309 (10-1-2-10) and 740-774-1407 (17-A-9), containing  
379 approximately 0.92 acre, located approximately 925 feet north of the northern terminus of  
380 Hames Lane (Bridlewood Subdivision). A single family subdivision is proposed. The applicant  
381 proffers the maximum density not to exceed 2.1 units per acre when added to the parcels in  
382 Case C-39C-00. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net  
383 density per acre, and Environmental Protection Area.  
384  
385 Mr. Taylor - Is there anybody in the audience who is opposed to hearing  
386 case C-37C-02 on the Expedited Agenda? There being no opposition I'll move approval of case  
387 C-37C-02, Henry L. Wilton for Wilton Development Corporation.  
388  
389 Mr. Vanarsdall - Second.  
390  
391 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All in  
392 favor – aye. Any opposed? Being no opposition, case C-37C-02 is approved on the Expedited  
393 Agenda. The vote is 5-0 (Mr. Thornton abstained).  
394  
395 The Planning Commission approved recommendation of approval of Case C-37C-02, Henry L.  
396 Wilton for Wilton Development Corp., to the Board of Supervisors.  
397  
398 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning  
399 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the  
400 request because it represents a logical continuation of the one-family residential development  
401 which exists in the area and because the property was no longer necessary as right-of-way for  
402 Nuckols Road.  
403  
404 Mr. Vanarsdall - Mr. Chairman, this would have been a good meeting for you to  
405 be absent. You deferred all of yours.  
406  
407 Laughter.  
408  
409 Mr. Vanarsdall - You could have given Mr. ...  
410  
411 Mr. Jernigan - Giving me a shot to work at it.  
412  
413 Mr. Vanarsdall - Give him a chance at playing Chairman for next year.  
414  
415 Mr. Taylor - Well, Mr. Vanarsdall, just think of what the August 15<sup>th</sup> meeting  
416 is going to be.  
417  
418 Laughter.  
419  
420 Mr. Jernigan - We'd better bring a sleeping bag for that one.  
421  
422 Mr. Vanarsdall - We'd better bring a lantern that night, get home late.  
423  
424 Mr. Taylor - Mr. Secretary.



425  
426 Mr. Marles - Thank you, Mr. Chairman.  
427  
428 Mr. Taylor - You set us up for August.  
429  
430 Mr. Marles - For August 15<sup>th</sup>. The first case to be heard this evening is in the  
431 Varina District. It is on page 3 of your Agenda.  
432  
433 **C-31C-02 John W. Montgomery, Jr. for MTM Seven Pines, LLC:**  
434 Request to amend proffered conditions accepted with Rezoning Case C-45C-00, on Parcel 833-  
435 716-9203 (165-A-12B; 5701 Whiteside Road), containing 48 acres, located on the north line of  
436 Old Williamsburg Road at its intersection with Whiteside Road. The amendment would change  
437 the time limit for inventory to remain on the premises from 60 days to 150 days. The existing  
438 zoning is M-1C Light Industrial District (Conditional). The Land Use Plan recommends Planned  
439 Industry. The site is also in the Airport Safety Overlay District.  
440  
441 The staff report will be given by Mr. Seth Humphreys.  
442  
443 Mr. Taylor - Is there anybody opposed to case C-31C-02 in the audience? No  
444 opposition.  
445  
446 Mr. Humphreys - Thank you, Mr. Chairman. It is my understanding that the  
447 applicant would like to defer two weeks, to the July 24<sup>th</sup> meeting.  
448  
449 Mr. Vanarsdall - Okay. Mr. Jernigan.  
450  
451 Mr. Taylor - July 24<sup>th</sup>.  
452  
453 Mr. Humphries - Yes sir.  
454  
455 Mr. Jernigan - Yes, that is the POD meeting. John do you want to defer it or  
456 do you want me to do it?  
457  
458 Mr. John Montgomery - If you would do it, we would prefer.  
459  
460 Mr. Jernigan - Okay.  
461  
462 Laughter.  
463  
464 Mr. Vanarsdall - We ought to have an attorney now. He is thinking about the  
465 \$100.00 he can get out of.  
466  
467 Mr. Jernigan - Well, you remember I only get one.  
468  
469 Mr. Montgomery - I understand.  
470  
471 Mr. Jernigan - Okay. Mr. Chairman, I make a motion to defer zoning case C-  
472 31C-02 to the July 24<sup>th</sup> Agenda by request of the Commission.  
473  
474 Mr. Vanarsdall - Second.  
475  
476 Mr. Taylor - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall to  
477 defer case C-31C-02, two weeks, to the July 24<sup>th</sup> meeting. All in favor – aye. Any opposed.

478 There being no opposition case C-31C-02 is deferred to July 24<sup>th</sup> at the request of the  
479 Commission. The vote is 5-0 (Mr. Thornton abstained).

480

481 The Planning Commission deferred Case C-31C-02, John W. Montgomery, Jr. for MTM Seven  
482 Pines, LLC, to its meeting on July 24, 2002.

483

484 Mr. Jernigan - John, I made a mistake and let you off light, so get  
485 (unintelligible)

486

487 Mr. Vanarsdall - You owe him one, John.

488

489 Mr. Montgomery - I always voted for him.

490

491 Mr. Marles - Mr. Chairman, the next case on the Agenda is C-39C-02.

492

493 **C-39C-02 Laraine Isaac for Pinecreek, LLC:** Request to conditionally  
494 rezone from M-1C Light Industrial District (Conditional) to R-3C One Family Residence District  
495 (Conditional), Parcels 832-715-6872 (164-A-51), 833-716-0432 (165-A-12E), and part of Parcel  
496 832-717-6312 (165-A-12A), containing approximately 20.82 acres, located on the north line of  
497 Old Williamsburg Road approximately 200 feet west of its intersection with Whiteside Court. A  
498 single family residential subdivision is proposed. The R-3 District allows a minimum lot size of  
499 11,000 square feet. The Land Use Plan recommends Planned Industry. The site is also in the  
500 Airport Safety Overlay District.

501

502 The staff report will be given by Mr. Tom Coleman.

503

504 Mr. Taylor - Is there anybody opposed to case C-39C-02? No opposition, Mr.  
505 Coleman.

506

507 Mr. Coleman - Thank you. The subject property is part of a larger tract  
508 rezoned in 1990 for the proposed Seven Pines Industrial Park. The industrial park was never  
509 developed and in 1997, the western portion of the tract was rezoned for the Pinecreek Village  
510 subdivision, which is under construction. In 2000, an amendment of proffers was approved on  
511 the eastern portion of the tract for the existing Motley's Auction facility. This request includes the  
512 remaining, approximately 20 acres.

513

514 The Land Use Plan recommends Planned Industry, and the recent Williamsburg Road/Technology  
515 Boulevard Corridor Study continues to recommend Planned Industry.

516

517 However, there are good reasons to support quality residential development at this location. The  
518 subject property is between the single-family zoning to the north and the dwellings along Old  
519 Williamsburg Road to the south. The only point of access will be Old Williamsburg Road.  
520 Neighborhood traffic would travel east along Old Williamsburg Road to Whiteside Road. The  
521 proposed residential development is preferable to introducing industrial traffic, including the  
522 potential for heavy trucks, onto this otherwise residential roadway.

523

524 The R-3 district allows an 11,000 square foot lot, and based on a net density of approximately 3.0  
525 units/acre, this parcel could accommodate up to 61 lots. However, County policy requires an  
526 additional point of access when the number of lots exceeds 50, therefore the net density of this  
527 project would be about 2.5 units/acre.

528

529 Staff does recommend several changes to the case and the proposed proffers to ensure their  
530 enforceability and their compatibility with existing nearby neighborhoods.

531  
532 There is undeveloped A-1 property along the northwest edge of the subject property. Much of this  
533 property may be flood plain or wetlands and may have limited development potential. However, the  
534 road design for the subject property should allow future access to the adjacent property, should  
535 development prove feasible. To this end, the developer should provide a stub from the south that  
536 aligns with the existing Pine Glen Court stub to the north in Pinecreek Village.  
537  
538 Proffer #1 requires minimum house sizes consistent with the proffers approved for Pinecreek  
539 Village. However, the dwellings along Old Williamsburg Road, which would abut the future  
540 subdivision, are slightly larger and range from 1200 to 2100 square feet. Therefore, staff  
541 recommends increasing the minimum house size to 1200 sq. ft. for one-story, 1300 sq. ft. for a  
542 one-and-one-half-story, and 1500 sq. ft. for two-story dwellings.  
543  
544 Proffer #3 requires crawl spaces "except as required by A.D.A." The reference to ADA is  
545 unnecessary and confusing. Staff supports the requirement for crawl spaces and recommends  
546 removing the reference to A.D.A.  
547  
548 Proffer #5 should add the term "stem lots".  
549  
550 Proffer#7 is unnecessary. County staff will require appropriate right-of-way widths and other  
551 development standards as conditions of subdivision approval.  
552  
553 Finally, staff is concerned that current and future activities on the adjacent Motley Auction site  
554 could impact future homeowners. While the auto auction is required to provide a buffer, additional  
555 buffering and screening would benefit future homeowners. The applicant could either create a  
556 natural buffer area, which would preserve existing trees, could provide additional rear yard depth,  
557 or could provide some combination.  
558  
559 This request is not consistent with the Land Use Plan recommendation. However, with  
560 modifications, this application could be compatible with current and proposed nearby development.  
561 If the applicant were to satisfactorily address the issues presented in this report, staff could  
562 recommend approval of this request.  
563  
564 I would be happy to answer any questions.  
565  
566 Mr. Taylor - Are there any questions for Mr. Coleman?  
567  
568 Mr. Jernigan - I wanted to tell you, Mr. Nelson and I, have discovered and I discussed  
569 with him yesterday, the 20.82 acres that we are rezoning, there will not be 50 homes on there.  
570 There will only be 34. The additional 16 are up on the R-4C. And on No. 3, do you want to delete  
571 that?  
572  
573 Mr. Coleman - Yes. There are no A.D.A. requirements that apply to single-family  
574 dwellings, so to include language is confusing and not necessary.  
575  
576 Mr. Jernigan - And No. 7. We need to keep that in. OK. I don't have any other  
577 questions.  
578  
579 Mr. Taylor - Are there any other questions from the Commission?  
580  
581 Mr. Jernigan - That's all, Tom, and thank you. We would like to hear from Mr. Nelson.  
582

583 Mr. Nelson - Mr. Chairman and members of the Planning Commission, my name is Bob  
584 Nelson and I am a substitute tonight for Laraine Isaac who is vacationing in Indianapolis, and I  
585 represent this matter that is before you. I will be very brief. I had two points I would like to make.  
586 The first point is that when this property was zoned in 1990, it was anticipated that this whole area  
587 would ultimately be developed as an industrial site, and at that time there were actually provisions  
588 for roads to come from what is now the Motley Auction site into this site. However, since 1990, the  
589 wetlands regulations have changed rather dramatically and this particular parcel was separated  
590 from the Motley Auction site by a wetland area that is generally 100 feet or so wide, so it is  
591 impractical to bring a road to this site. Secondly, without bringing a road from the Motley site, that  
592 would then put the access where we are proposing the access, and we feel it would bring industrial  
593 traffic down Old Williamsburg Road. The next item about this site is this site is somewhat hilly and  
594 has ravines, has some flood plains, and the area that is flat on this site or conducive to  
595 development of larger structures is very limited. So, it is a much better site to develop as a  
596 residential site. The second point I would like to make is what Mr. Jernigan just mentioned.  
597 Actually, this request is for 20.82 acres, although we are planning 50 houses, there are only 34  
598 houses on this particular parcel, which works to about 1.63 units per acre, or an average lot size of  
599 about 26,000. This, again, is partly due to the topography, the regular shape of the site, and some  
600 wetlands on the site. That concludes my comments, and I just would respectfully ask that you  
601 favorably act on this request. Thank you.  
602

603 Mr. Taylor - Thank you, Mr. Nelson. Are there any other questions for Mr. Nelson?  
604

605 Mr. Jernigan - Bob, on No. 3, I am going to take staff on that and we do want to delete  
606 that.  
607

608 Mr. Nelson - OK.  
609

610 Mr. Jernigan - And No. 5, staff's recommendation is to include the stem lots in addition to  
611 stem-shaped lots.  
612

613 Mr. Nelson - OK.  
614

615 Mr. Jernigan - On No. 1, I know staff does want a little bigger house in there, but the  
616 houses that you are going to build now are going to be a little bigger than what is in the Pinecreek  
617 section now. Am I correct?  
618

619 Mr. Nelson - I think they will be equal or larger than Pinecreek, the section now. That  
620 is the intent.  
621

622 Mr. Jernigan - Well, we will leave that like it is. We won't change Proffer No. 1, and  
623 when I was in your office yesterday, the way we had on your subdivision plan, the way that you  
624 have that cul-de-sac road now, is that pretty much going to be the way that it is? You are not  
625 going to join those two roads between...  
626

627 Mr. Nelson - We are not going to join this section of Pinecreek with the original section  
628 of Pinecreek.  
629

630 Mr. Jernigan - OK. All right. I think that is it.  
631

632 Mr. Vanarsdall - He is going to have to sign something to make these changes.  
633

634 Mr. Nelson - I will be happy to sign. I have power of attorney.  
635

636 Mr. Jernigan - OK. You would like to make those changes?  
637  
638 Mr. Nelson - Yes. I would like to make those changes.  
639  
640 Mr. Jernigan - OK.  
641  
642 Mr. Taylor - Ma'am if you would, would you come up to the podium and identify  
643 yourself so we can get the question on the record.  
644  
645 Ms. Stickel - My name is Stickel and I live at 1018 Old Williamsburg Road, and I am  
646 interested in seeing, and I am interested in seeing what is going on here, as I was in this room  
647 when they changed it and convinced us that light industry was better than residential before. So, I  
648 am just trying to get a picture of what they have in mind.  
649  
650 Mr. Jernigan - Mr. Nelson, did you happen to bring that subdivision plan with you?  
651  
652 Mr. Nelson - Yes, I did. OK. Actually, this is cut off a little bit. The entrance comes in  
653 right there (referring to map), right at the very end of Old Williamsburg Road. The way this plan is  
654 drawn, it has got a match line and a little piece over here, right before you get to the church.  
655  
656 Ms. Stickel - Is that the -  
657  
658 Mr. Jernigan - Yes, ma'am. Could you come to the podium, please, Ms. Stickel.  
659  
660 Ms. Stickel - Is this what has been a drive-way to a house that is beside the church?  
661  
662 Mr. Nelson - No, ma'am. It is before, if you look down here (referring to rendering),  
663 the church is right there. There is the church. This is the section of woods before you get to the  
664 church where you come in.  
665  
666 Ms. Stickel - Between the church and Nathan's property.  
667  
668 Mr. Nelson - The first house...  
669  
670 Ms. Stickel - His first name is Nathan Brown, I think.  
671  
672 Ms. Stickel - I am concerned about the traffic that is going to be on there, because  
673 since Motley has developed down there, I mean you can hear traffic on I-64 like it is just right  
674 behind the house, and when all of the other trees are gone, it is going to be a big difference.  
675  
676 Mr. Jernigan - Ms. Stickel, one reason, and I went back there, too, and that property, of  
677 course, you know it well because it is right behind your house, the topo back there is a little bit  
678 rough, but I think that you have an option of having light industrial back there, which means tractor  
679 trailers would be running up and down Old Williamsburg Road.  
680  
681 Ms. Stickel - But not all day long. Light industry they explained to us before was like  
682 storage buildings with maybe a little small showroom in the front, and so forth.  
683  
684 Mr. Jernigan - Light industry can still be a manufacturing plant. It can't make  
685 automobiles, but it can make smaller things like, let's take for example, duct work. You could have  
686 a company back there doing that and transporting. I just felt and I thought about this a lot, I think  
687 that in the long run you'd be better off with housing back there than you would be with the  
688 industrial. Plus, too, that piece of R-5 property where that retirement home is now, the one that

689 can't be used. That is still R-5 and from what my understanding is, that is going to be torn down  
690 and rebuilt again as a senior living home that meets Code. And I think that would be better  
691 acceptable, having residential next to that rather than light industrial.  
692  
693 Ms. Stickel - Well, I know that the person that built the nursing home was given an  
694 awfully hard time about being landlocked and he had no way to get in or out, and so forth, and  
695 they started excavating a road on the other side of the church and stopped that.  
696  
697 Mr. Jernigan - And I will tell you something else, too, and, of course, that case was  
698 deferred tonight with Mr. Motley, but when I spoke to them the other day, I know you've had a  
699 problem down there with traffic coming out of the car lot and a lot of people running that stop sign.  
700  
701 Ms. Stickel - They park all along the road, too.  
702  
703 Mr. Jernigan - Well, they are trying to -- that is another case -- but they are hoping that  
704 will eliminate down the road. What I did when I spoke to Mr. Montgomery, who represented the  
705 Motley's, they also said they would be willing to put a larger stop sign there, and they are also  
706 going to paint it across the road to stop, because I know that your next door neighbor, Mr. Trimyer,  
707 said he has almost had four accidents there, but they did tell me they would do that the other day,  
708 so maybe that will help your traffic problem. But the road itself, through our traffic reports, even  
709 with the housing back there, the road will take the traffic. That comes from the Henrico staff.  
710  
711 Mr. Taylor - Thank you, Ms. Stickel.  
712  
713 Mr. Vanarsdall - How many lots will it be?  
714  
715 Mr. Jernigan - There is only 34 lots going to be on the piece that is up for zoning. The  
716 other 16 will be up in this area (referring to rendering) right here.  
717  
718 Mr. Vanarsdall - That is the first case that he deferred?  
719  
720 Mr. Jernigan - No. This is already zoned, and it was kind of a mistake. The only area we  
721 are zoning is for 34 and this balance up here has 16, which is already zoned.  
722  
723 Mr. Nelson - R-4 or R-5?  
724  
725 Mr. Jernigan - It is zoned R-4C.  
726  
727 Mr. Vanarsdall - It seems like that industrial got in the wrong place, doesn't it?  
728  
729 Mr. Jernigan - Yes. That is a long story. I apologize for not letting you make those  
730 proffer changes, so I want you to realize that you did make them, and not me.  
731  
732 Mr. Nelson - I realize that I voluntarily made them.  
733  
734 Mr. Jernigan - Thank you, sir. Mr. Coleman, do we have to waive the time limits?  
735  
736 Mr. Coleman - Yes, sir.  
737  
738 Mr. Jernigan - OK. If there is nothing else. Any other questions from the Commission? I  
739 would like to make a motion to waive the time limits on Case C-39C-02.  
740  
741 Mr. Vanarsdall - Second.

742  
743 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to waive the  
744 time limits. Any opposition? No opposition? The time limits are waived.  
745  
746 The Planning Commission voted to waive the time limits on the proffers for Case C-39C-02.  
747  
748 Mr. Jernigan - Mr. Chairman, with that I'd like to make a motion to approve zoning case  
749 C-39C-02, sent to the Board of Directors.  
750  
751 Mr. Vanarsdall - Second.  
752  
753 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to approve  
754 Case C-39C-02. All in favor say aye. All opposed say no. The motion passes.  
755  
756 The Planning Commission approved recommendation of approval of Case C-39C-02, Laraine Isaac  
757 for Pinecreek, LLC, to the Board of Supervisors.  
758  
759 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning  
760 Commission voted 5-0 (one abstention) to recommend the Board of Supervisors grant the request  
761 because it is appropriate residential zoning at this location and the proffered conditions will provide  
762 for a higher quality of development than would otherwise be possible.  
763  
764 **C-41C-02 James W. Theobald for Cugini, LLC:** Request to conditionally rezone from O-  
765 2C Office District (Conditional) to B-2C Business District (Conditional), Parcel 771-752-0193 (71-  
766 A-11), containing 3.181 acres, located at the southwest intersection of Staples Mill (U. S. Route  
767 33) and Hermitage Roads. A retail center, including sit down restaurant, is proposed. The use  
768 will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
769 recommends Office.  
770  
771 The staff report will be given by Mr. Lee Householder.  
772  
773 Mr. Taylor - Good evening, Mr. Householder.  
774  
775 Mr. Householder - Good evening, Mr. Chairman, and members of the Commission. Do you  
776 want to call for opposition?  
777  
778 Mr. Taylor - Is there any opposition to Case C-41C-02? You are not in opposition, but  
779 you want additional information.  
780  
781 Mr. Jernigan - Sir, could you come to the podium, please, and state your name.  
782  
783 Mr. Tim Yuhas - My name is Tim Yuhas and I live at 6901 Cornelia Road and excuse my  
784 ignorance, but I don't know how all of these things work. I just want clarification on how this  
785 works.  
786  
787 Mr. Vanarsdall - We don't know either.  
788  
789 Mr. Tim Yuhas - Apparently I need to hear this gentleman's text first.  
790  
791 Mr. Taylor - What I would suggest, Mr. Yuhas, is we let Mr. Householder present the  
792 case and then we will call on you for your comments. Thank you. Mr. Householder.  
793

794 Mr. Householder - The applicant has submitted revised proffers that were just handed out to  
795 you. The time limit would need to be waived for these proffers, because they were received today.  
796

797 The subject property was zoned O-2C in January 1986 for the purposes of permitting up to  
798 38,000 square feet of office space and that was proffered.  
799

800 The primary component of this rezoning request is the relocation of the existing Roma's  
801 Restaurant, which is located in the nearby Wistar Center. The applicant in this case is proposing  
802 B-2C zoning to allow a restaurant with carryout, catering and other undetermined retail and  
803 office uses that would be built on the property. The applicant is proposing a two-story, 37,500  
804 square foot structure, with a combination of uses on the first floor and second floor of the  
805 building.  
806

807 The County's 2010 Land Use Plan recommends the site for office development and the retail use  
808 that is proposed does not comply with this designation. Staff notes the designation of office most  
809 likely reflects the current zoning more so than a specific land use goal or policy.  
810

811 In this case the applicant has submitted many proffers to ensure a quality development that is  
812 compatible with surrounding uses. These proffers include limiting the uses, screening of trash  
813 receptacles and mechanical equipment, compatible building materials with surrounding properties,  
814 commercial properties that is, landscape buffers and additional setback. The developer submitted  
815 but not proffered this simplistic site layout that shows where the building would be in this area here  
816 (referring to rendering) and also it would include about a 15,000 sq. ft. second floor. This layout  
817 does address some of our concerns, but not all of staff's design and quality issues associated with  
818 this proposal to ensure that it would not impact nearby properties.  
819

820 The staff report offered recommendations to enhance the quality of this proposal, and I will quickly  
821 go over some of the issues that still remain:  
822

823 As far as landscape areas, the applicant has also proffered to construct a 2-foot berm and 4-foot  
824 vinyl fence along the western boundary of the property to be in this area (referring to rendering) to  
825 provide from residential uses. Staff feels that commercial use adjacent to residential property, a  
826 more appropriate buffer may be some sort of masonry wall or additional buffer, and with  
827 specifications on what would go into that landscaped area.  
828

829 The applicant has revised Proffer No. 2A to increase the buffer to 30 feet as opposed to 25, but not  
830 addressed the extent of landscaping in that area. Also, the applicant has increased the landscape  
831 buffer along Staples Mill from 15 to 20 feet. In terms of the building size, the staff feels that the  
832 proposed building size, combined with required parking results in an over intensification of the site.  
833 The current proffers allow for 38,000 square feet. Staff feels that because they are proposing an  
834 increase in zoning intensity that a 30,000 square foot building might be more appropriate in this  
835 location. This would provide for more areas for buffers and parking lot landscape, and we feel that it  
836 would enhance the overall appearance of the site.  
837

838 The applicant has added Proffer No. 14 to this request, which is a photograph of an existing  
839 development that they would like to mimic. They have actually proffered this architectural style.  
840 Staff feels like it is a little mediocre in design, but it does fit in with other development on this part of  
841 Staples Mill.  
842

843 Overall, the proposed use is not consistent with the recommendation of the Land Use Plan,  
844 however, staff feels that a high quality retail or office combined use could enhance the  
845 appearance of the Staples Mill corridor in this area. If the applicant can address the issues  
846 concerning building size and buffer area, staff could recommend approval of this request. I



847 would be happy to answer any questions that you may have.  
848  
849 Mr. Taylor - Are there any questions from the Commission to Mr. Householder?  
850  
851 Mr. Thornton - Mr. Householder, did you suggest in the staff report and maybe it got by  
852 me, you had a concern about some items that were mediocre. Did staff suggest how to rectify  
853 any of that?  
854  
855 Mr. Householder - Late yesterday was the first time we saw this photo and to register a real  
856 opinion on it, we didn't have an opportunity. In the staff report, we were not real sure what the  
857 building would look like, so we simply stated we would like to see it. I think that with a two-story  
858 building, a flat roof like that could be enhanced with maybe a varied roof line to make the  
859 structure a little more attractive. Those types of issues can also be addressed at the time of POD,  
860 and they have written their proffer such that the Planning Commission could address that further  
861 at that time, but I wanted to just make the point that we felt that there was some room for  
862 improvement in the appearance of the structure.  
863  
864 Mr. Vanarsdall - Lee, let me ask you something. No. 14, it seems like to me there is  
865 something left out...unless otherwise requested. I know what it is saying, but I think I will ask  
866 Mr. Theobald. I know what it is saying. It is saying if we want to change it at time of POD, we  
867 can, but it looks like it is something left out. The building shown...unless otherwise requested  
868 and specifically approved.  
869  
870 Mr. Householder - It is a little basic. I think, you know, that we, part of the reason we like  
871 to get proffers in advance is so we can have our attorney's office review them. I would like the  
872 benefit of their opinion on the meaning of this proffer and it would be helpful. But I do think it  
873 gets the point across, while it might be written a little bit better.  
874  
875 Mr. Vanarsdall - Maybe Mr. Theobald can shed some light on that one.  
876  
877 Mr. Taylor - Mr. Theobald, would you like to approach the podium and elucidate that  
878 issue, please. Thank you.  
879  
880 Mr. Vanarsdall - Mr. Theobald, I wish you would address the part about we know why we  
881 need B-2 instead of B-1. I wish you would address the part about why we need more square  
882 footage. Do you think it is because of the banquet and so forth?  
883  
884 Mr. Theobald - Well, essentially, Mr. Vanarsdall.  
885  
886 Mr. Vanarsdall - When you go through your routine thing, and do it. I just wanted you to  
887 bring that out.  
888  
889 Mr. Theobald - OK. Fine. Mr. Chairman, I think for the benefit of Mr. Yuhas that I will  
890 make a brief presentation, so that if he has a little better idea of the things we have done to try  
891 to mitigate these impacts. For the record, my name is Jim Theobald and I here this evening on  
892 behalf of Cugini, LLC, the principals of which are Mr. Tony Giambanco, who is with me this evening,  
893 and his wife, Patricia, who are the owners of Roma's Italian Restaurant on Staples Mill Road. Mr.  
894 Giambanco and his extended family own five restaurants, two of which reside in Henrico County,  
895 others being in Warsaw and Newport News, and in Tappahannock the mediocre design in that  
896 photo was of his restaurant in Newport News. There is a Roma's Restaurant that we have built  
897 previously. This is a request to rezone this 3.2-acres from O-2 to B-2 primarily to facilitate the  
898 relocation of Roma's Restaurant. You can in Wistar Center at the end, if this is going to work, if  
899 you look down at the word road (referring to rendering) on your screen, he is in that corner. He

900 would like to expand his facility to provide banquet space. He does have a room for that in the  
901 current facility, but would like additional space, and thus the second story addition to this structure  
902 is essentially administrative offices and his own banquet space. It is not other unrelated retail type  
903 space. This facility would permit five or six other small tenants along with his restaurant in this  
904 facility. We have spent a great deal of time with Mr. Vanarsdall and Mr. Glover and Mr.  
905 Householder trying to shape this case so that we can successfully mitigate any potential impacts  
906 with residents next door. There is existing business zoning to the north, a dry cleaners facility to  
907 the south where you see the word "subject property owner." That is all zoned C-1. That is all  
908 significant flood plain. The owner, Northgate Associates, who is the seller in this piece, owns all of  
909 that land down through there, so that land to the south and to the rear, up against the subdivision  
910 and, in fact, behind Mr. Yuhas' lot remains C-1, Conservation District, and undeveloped. We have  
911 provided a number of proffered conditions. We have deleted a host of potentially offensive uses  
912 that might otherwise be found in B-2. It is the list that we have traditionally used when we are in a  
913 potential residential area. We provided a 30-foot buffer in the rear along with the berm and a solid  
914 fence. Keep in mind that your Ordinance requires a 25-foot transitional buffer, which is solely of  
915 plantings, and then to the extent we were to add a solid fence, we could reduce that further. So  
916 we are actually providing more than the required buffer and we are adding a berm, and the solid  
917 fence on top of that, in addition to screening the rear. There is some parking in the back. It will be  
918 designated "employee parking" so there won't be a lot of transient traffic in and out back there.  
919 We have limited the height of the lighting standards to 20 feet in height and limited the hours of  
920 trash pick up from between no earlier than 7:00 a.m. nor after 8:00 p.m. in the evening, Monday  
921 through Friday, and not before 9:00 nor after 8:00 p.m. on Saturday and no trash pick up or  
922 parking lot cleaning on Sundays. The building is set back some 75 feet from the rear lot line, at a  
923 minimum, and it is set back 100 feet from Staples Mill Road. The plan you saw is not necessarily  
924 the site plan for the site. We were asked by staff to give some idea of what would be on that site,  
925 and I was very careful in sending it in to point out that that is essentially a yield study, to see how  
926 a building envelope might sit on that property, along with the required parking, and that doesn't  
927 attempt to show any landscaping in the parking lot, etc. Obviously, we need to meet all the County  
928 requirements with regard to adequate parking, landscaping of parking areas, etc. and we will.  
929 Even the drawing that you saw had a footprint of 22,500 square feet with another 15,000 on the  
930 second floor was currently permitted on the existing O-2 zoning on a building of 38,000 square  
931 feet, so please keep that in mind in your considerations.

932  
933 The photograph that you saw, and Lee, if you would put that back up I would appreciate it, thank  
934 you (referring to rendering). This is a Roma's Restaurant in Newport News. It is essentially a brick  
935 facility with glass and...band on the sign, metal seamed roof on the awning, and I had discussed  
936 with Tony Mr. Householder's comment about the roof line on the second floor, and that is clearly  
937 something that we are prepared to address. Again, we have no problem providing a little additional  
938 flair, but this is the building that he would hope to build (referring to rendering). That is a sort of  
939 frosted thick glass you see only on the round part of the stairway area that is enclosed in there.  
940 And so it has a little different look and feel to it. So, through our proffered conditions we have tried  
941 to assure that this will be a quality development. I think that it will be. Roma's has been a good  
942 corporate citizen in Henrico County. Certainly a large number of County employees seem to think  
943 so and find their way over there for lunch and dinner. We are very pleased about that. We did  
944 notify all adjacent property owners after filing this case. We have received no calls or letters and I  
945 was advised, nor had Mr. Vanarsdall or staff. With that I would be happy to answer any questions.  
946 I would respectfully ask that you waive the time limit on the proffers and recommend approval of  
947 the case. With regard to the condition, Mr. Vanarsdall, that you are referencing, this, I guess there  
948 are a couple of versions that we have used over the years depending upon the economy of word  
949 sniffing, but the intent there is if we agree as to how to deviate this architecture rather than to  
950 have to come back and amend the proffered condition, because we have submitted a photograph,  
951 that you at the time of plan of development would have the authority to deviate to the extent that  
952 you thought that appropriate and approve it without having to amend the proffer.

953  
954 Mr. Vanarsdall - Yes, I know what it means and maybe it is worded all right. It just seems  
955 like to me that something is left out, I don't know.  
956  
957 Mr. Theobald - Sometimes we have a little more flowery version unless otherwise  
958 requested and specifically approved by the Planning Commission at the time of, and on and on and  
959 on, but it is, I am happy to improve it in anyway you see fit, Mr. Vanarsdall.  
960  
961 Mr. Vanarsdall - Go back to the wall versus the berm.  
962  
963 Mr. Theobald - Yes, sir.  
964  
965 Mr. Vanarsdall - I don't think it probably makes any difference to Tony what is back there,  
966 but it just seemed like that would be more attractive than a wall.  
967  
968 Mr. Theobald - Well, a masonry wall is certainly very, very expensive and you have to  
969 clear out more, you have to clear out trees, whether it is more trees or not I don't know, to put in  
970 the footings. We did price a fence-crete type product and it was some \$30,000 to span that rear  
971 line and in discussions with folks, we thought we could solve it with 30 feet of plantings in which  
972 somewhere, and it could be either up on our side of that buffer line or back against the property  
973 line or wherever we think the topography would best facilitate blockage, but to build a two-foot  
974 berm with a four-foot solid vinyl-type fence, which was something that Mr. Glover had seen used  
975 effectively somewhere and thought was an effective screen.  
976  
977 Mr. Vanarsdall - Usually when we are in a situation like this, we will have citizens come out  
978 by the half dozens that want something, and it seemed like that didn't happen this time.  
979  
980 Mr. Theobald - We do have some trees back in there and there is significant, if you recall  
981 the zoning map, there is a significant conservation to the south. It goes back along the side of that  
982 subdivision.  
983  
984 Mr. Vanarsdall - All right. I don't have any more questions, Mr. Chairman, unless  
985 somebody else does.  
986  
987 Mr. Taylor - Well, I think perhaps Mr. Yuhas may have a question. Mr. Yuhas, would  
988 you like to come up to the podium and identify yourself for the record, sir. Mr. Theobald will  
989 entertain any questions you can throw at him.  
990  
991 Mr. Vanarsdall - You will have trouble following him because he is experienced at it. He is  
992 also getting paid for it and you are not.  
993  
994 Mr. Tim Yuhas - Thank you for indulging me for being new to this. Once again, my name  
995 is Tim Yuhas, and I live at 6901 Cornelia Road, which is, basically, the end of that little cul-de-sac  
996 between the roads, between Lupine and Ophelia. Basically, the only reason I am here is that I got  
997 the notice in the mail that there was going to be a change, and that is, to my knowledge, the only  
998 thing I knew about it. That is why I came here tonight to see what was going on and how big of an  
999 area this was going to be, how it was going to impact that floodplain that is back there. Is that  
1000 going to cause any future backups, in the future. I know it hasn't done that for a long time,  
1001 especially it is my understanding that they have done some improvements to that creek area back  
1002 there, of things going underneath Staples Mill. I am just concerned about that, per se, how much  
1003 noise we are going to have there, wanted to find out what kind of a buffer zone we are going to  
1004 have, and a couple of the questions I had were...To me nothing else comes to mind that I can think  
1005 of, to put in this two-story type building, in this area. Like you said, there is a dry cleaners there.

1006 Yes, that is not a big two-story building. The Building up from that is, you know, just a single-type  
1007 area, and I am just kind of thinking that this two-story building is going to stand out along that little  
1008 stretch there unless they are considering future development down Staples, but to my knowledge,  
1009 with that flood plain there, they can't build too much. So, I was just questioning how big it was  
1010 going to be. I have a question to you. As far as they have submitted a picture, which they say isn't  
1011 basically what is going to be there, how can you rezone this if you don't even know for sure what  
1012 they are going to put up there. Pardon me, sir.

1013  
1014 Mr. Theobald - It will be that. They wanted the roof line changed.

1015  
1016 Mr. Yuhas - I was just questioning that and, basically, you know, I think some of the  
1017 other residents aren't here tonight, but we were just kind of wondering what kind of noise, what  
1018 kind of hours of operation are going to take place there, and like you say, my concern now after  
1019 seeing this is how big is this unit going to look from our residences on that side, to see a two-story  
1020 building up there now, and how many trees they are going to have to remove in order to create  
1021 this berm.

1022  
1023 Mr. Taylor - One thing you might find is that it is hard for you to visualize exactly what  
1024 Mr. Theobald is saying.

1025  
1026 Mr. Yuhas - Sure. Yes, sir. I understand that.

1027  
1028 Mr. Taylor - But from the photograph I would hope that you would get a general idea  
1029 of what it might look like, and you know the locale and the terrain, and perhaps you can project  
1030 that image on to there. But I do want you to know that there is another step in this process, which  
1031 is the plan of development stage, which is another phase after the zoning. And at that particular  
1032 time, the applicant submits elevations and what the building will look like, color renderings, the  
1033 footprint that shows parking and berms and a lot of the details that you would, perhaps, like to see,  
1034 but at the moment they are probably not crystal clear in Mr. Theobald's mind, so I would like to  
1035 invite you to that particular phase, which is, again, it is the same phase, the same assemblage of  
1036 Commissioners, and the same staff, but we do look, with some detail, at the building elevations,  
1037 the building size, all of the different parking aspects of it, how it affects the neighborhood, colors  
1038 and whatever, and I know at that particular time many of your questions might be answered.  
1039 What I might suggest is you might want to give Mr. Theobald your address, too, and as this  
1040 progresses he can provide you information with regard to the elevations and the date of the POD.

1041  
1042 Mr. Yuhas - I basically came looking for information. I am not saying I am opposed to  
1043 it or anything and I appreciate you indulging me.

1044  
1045 Mr. Taylor - That information you are really looking for is yet another phase.

1046  
1047 Mr. Yuhas - Very good.

1048  
1049 Mr. Taylor - And I think we will be able to satisfy all of your other needs at some future  
1050 date.

1051  
1052 Mr. Marles - Mr. Yuhas, I think you also mentioned drainage as one of your concerns.  
1053 What I want to assure you is that at the POD phase our Public Works Department does have  
1054 standards on drainage, so that is reviewed – those standards will be adhered to – and the drainage  
1055 plan will be reviewed by the Public Works Department of the County to make sure that it meets all  
1056 of the County's standards, and just to reinforce what Mr. Taylor was saying, you will be notified. If  
1057 you were notified at the rezoning, you and the adjacent property owners will be notified at the  
1058 POD. But I do think it is a good idea that Mr. Taylor brought up, perhaps getting together with Mr.

1059 Theobald at this stage and maybe get a better understanding of what is being proposed. The other  
1060 thing I would say is the proffers that we are referring to that are part of the staff report, and you  
1061 should get a copy of the staff report. That will probably answer at least some of your questions,  
1062 but the proffers that are part of the application are legally enforceable. They do run with the land,  
1063 so you might want to get a copy of the staff report and the amended petition, and look at those  
1064 proffers. But again, I think getting with Mr. Theobald may help you get a better understanding of  
1065 what is being proposed.  
1066  
1067 Mr. Yuhas - Very good. I appreciate it.  
1068  
1069 Mr. Taylor - OK.  
1070  
1071 Mr. Vanarsdall - One other thing, Mr. Marles, what is the date that this will come before  
1072 the Board? It is either the 13 or the 27<sup>th</sup> I think.  
1073  
1074 Mr. Marles - The second Tuesday in August. It would be August 13 that this would  
1075 come before the Board of Supervisors. That is also an evening meeting and again you will receive a  
1076 notification of that if you are an adjacent property owner.  
1077  
1078 Mr. Yuhas - I appreciate your time, gentlemen.  
1079  
1080 Mr. Vanarsdall - Thank you for your time. Mr. Theobald, do you have any remarks on  
1081 that? Are you wrapped up?  
1082  
1083 Mr. Theobald - I would just add that we are happy to place, for instance, the berm on our  
1084 side of that 30-foot buffer so that the trees remain on the neighbors side if at POD we think that is  
1085 the best place for it. So, we are totally flexible as to how best help screen given the existing trees.  
1086 That is not an issue. Secondly, the drainage, you all are correct. This is all zoned C-1 and there  
1087 have been some County improvements. The sewer runs down the creek line in here, and there is a  
1088 County-dedicated sewer easement that comes out of this subdivision and also out of the back  
1089 corner here and into that main sewer line. It is a drainage and sewer easement, and so those  
1090 improvements are essentially in, and Mr. Yuhas, what you see is labeled C-1 is a conservation  
1091 district that can't be touched. That is all, gentlemen. Thank you.  
1092  
1093 Mr. Vanarsdall - Let me add for the Commissions' own benefit, buffers in a, and I will read  
1094 it. A berm a minimum of two-feet in height with a solid fence. Such berm shall be placed within the  
1095 said buffer unless otherwise requested and permitted or required at time of plan of development.  
1096 So, we are covered on that if we want to go to wall or do something different at time of plan of  
1097 development.  
1098  
1099 Mr. Taylor - Any further questions from the Commission?  
1100  
1101 Mr. Vanarsdall - We have to waive the time limit on the proffers. I move that we waive the  
1102 time limits on C-41C-02.  
1103  
1104 Mr. Jernigan - Second.  
1105  
1106 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan to waive the  
1107 time limits. All in favor say aye. All opposed say no. The time limits are waived for C-41C-02.  
1108  
1109 The Planning Commission voted to waive the time limit on Case C-41C-02, James W. Theobald for  
1110 Cugini, LLC.  
1111

1112 Mr. Vanarsdall - This is going to be like a commercial, but Tony Roma, we call him is sitting  
1113 in the audience over on my left, and anybody that hasn't eaten in the place should go. It is near  
1114 Hermitage and Staples Mill in the Wistar Shopping Center, and you won't find any better Italian  
1115 food and you won't find any better Italian people to wait on you. They are friendly, good service.  
1116 Most any day of the week you go in there it looks like Henrico County owns it. Everybody from  
1117 County Manager to the Chief of Police and everyone else frequents the place. So, Tony, you owe  
1118 me something for that plug. You know my wife and I like spaghetti, don't you?  
1119

1120 Mr. Taylor - Thank you.  
1121

1122 Mr. Vanarsdall - He has a fine family. And his wife couldn't be here tonight. She is running  
1123 the shop. I move Case C-41C-02 be recommended to the Board of Supervisors for approval.  
1124

1125 Mr. Jernigan - Second.  
1126

1127 Mr. Taylor- Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan to approve  
1128 Case C-41C-02. All in favor say aye. All opposed say no. The motion passes.  
1129

1130 REASON: Acting on motion by Mr. Vanarsdall, seconded by Mr. Jernigan, the Planning Commission  
1131 voted 5-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it  
1132 continues a form of zoning consistent with the area and the proffered conditions would provide for  
1133 higher quality of development than would otherwise be possible.  
1134

1135 Mr. Taylor - While we have a moment, and I am surprised that Mr. Vanarsdall missed  
1136 this one, but it might be another advertisement. We have a member of the press with us tonight  
1137 from *The Richmond-Times Dispatch* and I guess she is here for Mr. Dovi and I would just ask the  
1138 young lady if you would stand up and identify yourself for the record.  
1139

1140 Ms. Johnson - I am Nicole Johnson and I report for Henrico Schools usually, but I am  
1141 covering for Chris Dovi tonight.  
1142

1143 Ms. Taylor - Thank you, Nicole, and we want to welcome you and thank you for your  
1144 attendance. Maybe you will want to put in a plug for the restaurant, too.  
1145

1146 Mr. Jernigan - Is Chris on vacation?  
1147

1148 Ms. Taylor - He is.  
1149

1150 Mr. Jernigan - Well, everybody needs one.  
1151

1152 Mr. Marles - Mr. Chairman, that concludes our cases. We do have approval of minutes  
1153 for the June 13 Work Session and Planning Commission meeting for June 13, 2002.  
1154

1155 Mr. Taylor - Does everybody have the June 13 minutes? Is there a motion to approve  
1156 the minutes?  
1157

1158 Mr. Taylor - Do we have a motion for the Work Session?  
1159

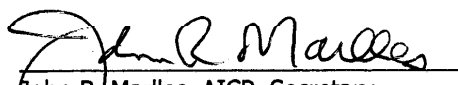
1160 Mr. Jernigan - So moved.  
1161

1162 Mr. Vanarsdall - Second.  
1163

1164 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to approve

1165 the minutes from the Work Session of June 13, 2002. All in favor say aye. All opposed say no. The  
1166 motion passes. The Work Session Minutes are approved.  
1167  
1168 Now the Planning Commission minutes of June 13, 2002. I move approval of those minutes.  
1169  
1170 Mr. Jernigan - Second.  
1171  
1172 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan to approve the  
1173 minutes of June 13, 2002. All in favor say aye. All opposed say no. The minutes of the June 13,  
1174 2002 meeting are approved.  
1175  
1176 Mr. Marles - Mr. Chairman, before you adjourn the meeting tonight, could I..  
1177  
1178 Mr. Vanarsdall - I knew you were going to do that.  
1179  
1180 Mr. Marles - Since you were moving so quickly there I had to jump in. I just wanted to  
1181 make the Commission aware that we did receive an appeal earlier this week on the POD that was  
1182 approved out there for the expansion of the convenience store and service bays out by Virginia  
1183 Center Commons Mall, and the name escapes me, Mr. Archer. Superstar. Yes. Some of you may  
1184 not have been on the Commission, we may not have had an appeal since some of you have been  
1185 on the Commission, but basically under the County Zoning Ordinance the Board of Supervisors  
1186 hears appeals of PODs. Usually that appeal has to occur within a 45-day period, and in this case  
1187 the applicant has waived that 45-day period, so we expect the appeal to go to the Board of  
1188 Supervisors in September, but I did want to make the Commission aware that that appeal has been  
1189 filed. As you probably recall, there was neighborhood opposition to that. The Commission partially  
1190 approved that particular POD. There was also opposition from several of the business associations  
1191 in the area, but again, just to make you aware of it.  
1192  
1193 Mr. Jernigan - We approved the convenience store but not the repair facility.  
1194  
1195 Mr. Marles - That is correct.  
1196  
1197 Mr. Vanarsdall - Also, you might add that for the benefit of everybody, a subdivision appeal  
1198 goes directly to the court and does not go to the Board of Supervisors. Were you surprised about  
1199 that?  
1200  
1201 Mr. Taylor - I think that concludes our agenda. Is there a motion to adjourn?  
1202  
1203 Mr. Archer - So moved, Mr. Chairman.  
1204  
1205 Mr. Jernigan - Second.  
1206  
1207 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Jernigan to adjourn. All  
1208 in favor say aye. All opposed say no. The motion passes. The meeting is adjourned at 8:19 p.m.  
1209  
1210  
1211  
1212  
1213  
1214  
1215  
1216

  
Allen Taylor, PE, Chairman

  
John R. Marles, AICP, Secretary