

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. July 10, 2003, Display Notice having been published in the Richmond
4 Times-Dispatch on June 19, 2003 and June 26, 2003.

5
6 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson, Varina
7 Mrs. Lisa D. Ware, C.P.C., Vice-Chairperson, Tuckahoe
8 Mr. Allen Taylor, P.E., C.P.C., Three Chopt
9 Mr. C. W. Archer, C.P.C., Fairfield
10 Mr. Ernest B. Vanarsdall, C.P.C., Brookland
11 Mr. Richard W. Glover, Board of Supervisors, Brookland
12 Mr. John R. Marlles, AICP, Director of Planning, Secretary

13
14 Others Present: Mr. Randall R. Silber, Assistant Director of Planning
15 Mr. Ralph J. Emerson, Principal Planner
16 Mr. Mark Bittner, County Planner
17 Ms. Jean Moore, County Planner
18 Mr. Thomas Coleman, County Planner
19 Mr. Paul Gidley, County Planner
20 Mr. Seth Humphreys, County Planner
21 Ms. Debra Ripley, Recording Secretary
22

23 **Unless otherwise indicated, Mr. Glover abstained from voting on all zoning cases.**

24
25 Mr. Jernigan - Good evening everyone. I would like to call the meeting to order, please.
26 Staff and Planning Commission, how are you? Ladies and gentlemen, on behalf of the Planning
27 Commission and the Planning staff, we'd like to welcome you to our July 10, 2003 public hearing
28 for Zoning. For those of you who may not have been here before, I will just tell you briefly how
29 things work, so we want you to sit back and be comfortable. When a case is called, I will ask if
30 there is any opposition to that case. If it is, just raise your hand and you will have an appropriate
31 time to speak. If you do want to speak, please come to the podium. All of these hearings are
32 audibly taped, and you'll have to be at the microphone for us to be able to pick you up. In cases
33 that do have opposition, the applicant will have 10 minutes to present it, and the opposition will
34 have a total of 10 minutes in opposition, other than questions asked by the Planning Commission.
35 So, with that, I will turn our meeting over to our Secretary, Mr. Marlles.

36
37 Mr. Marlles - Thank you, Mr. Chairman. Good evening, ladies and gentlemen. The first
38 item on the agenda tonight is Requests for Withdrawals and Deferrals, and those will be handled by
39 Mr. Emerson.

40
41 Mr. Emerson - Thank you, Mr. Secretary. On tonight's agenda you have six deferrals and
42 no withdrawals.

43
44 **Deferred from the June 12, 2003 Meeting:**

45 **C-33C-02 Henry L. Wilton for WILHOOK, LLC:** Request to rezone from B-3C Business
46 District (Conditional) to R-3C One Family Residence District (Conditional) and B-3C Business District
47 (Conditional), Parcel 804-736-0481, containing 10.415 acres (approximately 6.7 acres in R-3C;
48 approximately 3.7 acres in B-3C), located at the northeast intersection of Mechanicsville Turnpike
49 and Neale Street (Maplewood Farm). Commercial and single family residential developments are
50 proposed. The uses will be controlled by proffered conditions and zoning ordinance regulations.
51 The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends
52 Commercial Concentration. The site is also in the Airport Safety Overlay District.
53

54 Mr. Emerson - The deferral is requested to the September 11, 2003 meeting.

55

56 Mr. Jernigan - Is there any opposition to the deferral of Case C-33C-02? No opposition.
57 Mr. Archer.

58

59 Mr. Archer - Mr. Chairman, I move deferral of Case C-33C-02, Henry L. Wilton for
60 WILHOOK, LLC, to the September 11, 2003 meeting, at the request of the applicant.

61

62 Mr. Vanarsdall - Second.

63

64 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
65 favor say aye. All opposed say no. The ayes have it. The motion is passed.

66

67 At the request of the applicant, the Planning Commission deferred Case C-33C-02, Henry L. Wilton
68 for WILHOOK, LLC, to its meeting on September 11, 2003.

69

70 **Deferred from the May 15, 2003 Meeting:**

71 **C-18C-03 James W. Theobald for Commercial Net Lease Realty Services, Inc.:**

72 Request to conditionally rezone from B-3 Business District and A-1 Agricultural District to B-2C
73 Business District (Conditional), Parcel 741-761-8112 and part of Parcel 741-761-8532, containing
74 approximately 2.899 acres, located at the southeast intersection of W. Broad Street (U. S. Route
75 250) and Three Chopt Lane. A retail use is proposed. The use will be controlled by proffered
76 conditions and zoning ordinance regulations. The Land Use Plan recommends Office and
77 Commercial Concentration.

78

79 Mr. Emerson - The deferral is requested to the September 11, 2003 meeting.

80

81 Mr. Jernigan - Is there any opposition to the deferral of Case C-18C-03? No opposition.
82 Mr. Taylor.

83

84 Mr. Taylor - Mr. Chairman, I move deferral of Case C-18C-03, James W. Theobald for
85 Commercial Net Lease Realty Services, Inc. to September 11, 2003, at the request of the applicant.

86

87 Mr. Archer - Second.

88

89 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Archer. All in favor
90 say aye. All opposed say no. The ayes have it. The motion is passed.

91

92 At the request of the applicant, the Planning Commission deferred Case C-18C-03, James W.
93 Theobald for Commercial Net Lease Realty Services, Inc. to its meeting on September 11, 2003.

94

95 **Deferred from the June 12, 2003 Meeting:**

96 **C-24C-03 James W. Theobald for Edward Rose Properties, Inc. and Springfield**

97 **Land Development Group:** Request to conditionally rezone from A-1 Agricultural District to R-5C
98 General Residence District (Conditional) and B-3C Business District (Conditional), Parcels 730-765-
99 7288 and 730-766-8989, containing approximately 55.064 acres (B-3C - 16.00 ac.; R-5C - 39.064
100 ac.), located on the north line of W. Broad Street (U. S. Route 250) at the Goochland County Line
101 approximately 876 feet west of Cold Hill Lane. A multi-family residential and automotive
102 sales/repair development is proposed. The R-5 District allows a density up to 14.52 units per acre.
103 The Land Use Plan recommends Mixed Use development and Environmental Protection Area. The
104 site is also in the West Broad Street Overlay District.

105

106 Mr. Emerson - The deferral is requested to the August 14, 2003 meeting.

107
108 Mr. Jernigan - Is there any opposition to the deferral of Case C-24C-03? No opposition.
109 Mr. Taylor.

110
111 Mr. Taylor - Mr. Chairman, I move deferral of Case C-24C-03, James W. Theobald for
112 Edward Rose Properties, Inc. and Springfield Land Development Group, to August 14, 2003, at the
113 request of the applicant.

114
115 Mr. Vanarsdall - Second.

116
117 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
118 favor say aye. All opposed say no. The ayes have it. The motion passes.

119
120 At the request of the applicant, the Planning Commission deferred Case C-24C-03, James W.
121 Theobald for Edward Rose Properties, Inc. and Springfield Land Development Group, to its meeting
122 on August 14, 2003.

123
124 **Deferred from the June 12, 2003 Meeting:**

125 **C-25C-03 Henry L. Wilton for Wilton Companies LLC:** Request to conditionally rezone
126 from O-3C Office District (Conditional) to B-2C Business District (Conditional), Parcel 737-751-4601
127 and part of Parcel 737-751-4028, containing 11.495 acres, located at the northeast intersection of
128 Ridgefield Parkway and dedicated John Rolfe Parkway right-of-way. Retail businesses with limited
129 office uses are proposed. The use will be controlled by proffered conditions and zoning ordinance
130 regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per
131 acre, and Office.

132
133 Mr. Emerson - The deferral is requested to the August 14, 2003 meeting.

134
135 Mr. Jernigan - Is there any opposition to the deferral of Case C-25C-03? Mrs. Ware, no
136 opposition.

137
138 Mrs. Ware - I move that Case C-25C-03, Henry L. Wilton for Wilton Companies, LLC,
139 be deferred to the August 14, 2003 meeting, at the applicant's request.

140
141 Mr. Vanarsdall - Second.

142
143 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in
144 favor say aye. All opposed say no. The ayes have it. The motion is passed.

145
146 At the request of the applicant, the Planning Commission deferred Case C-25C-03, Henry L. Wilton
147 for Wilton Companies, LLC, to its meeting on August 14, 2003.

148
149 **C-32C-03 William R. Cawthorn for Amir Zinat:** Request to conditionally rezone from
150 RTHC Residential Townhouse District (Conditional) to R-5C General Residence District (Conditional),
151 Parcel 749-755-3834, containing approximately 3.33 acres, located on the south line of Three
152 Chopt Road approximately 575 feet east of Cedarfield Parkway. A child care center or multi-family
153 residences are proposed. The use will be controlled by proffered conditions and zoning ordinance
154 regulations. The R-5 District allows a density up to 14.52 units per acre. The Land Use Plan
155 recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Environmental Protection
156 Area.

157
158 Mr. Emerson - Deferral is requested to the September 11, 2003 meeting.
159

160 Mr. Jernigan - Is there any opposition to deferral of Case C-32C-03? No opposition. Mrs.
161 Ware.

162
163 Mrs. Ware - I move that Case C-32C-03 be deferred to the September 11, 2003
164 meeting, at the applicant's request.

165
166 Mr. Vanarsdall - Second.

167
168 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in
169 favor say aye. All opposed say no. The ayes have it. The motion is passed.

170
171 At the applicant's request, the Planning Commission deferred Case C-32C-03, William R. Cawthorn
172 for Amir Zinat, to its meeting on September 11, 2003.

173
174 **C-35C-03 Gary Weinberger:** Request to amend proffered conditions accepted with
175 rezoning case C-43C-94, on Parcel 818-707-0077, containing approximately 5 acres, located at the
176 southwest intersection of Charles City and Miller Roads. The applicant proposes to amend Proffer 3
177 related to building height. The existing zoning is M-2C General Industrial District (Conditional).
178 The Land Use Plan recommends Heavy Industry. The site is also in the Airport Safety Overlay
179 District.

180
181 Mr. Emerson - The deferral is requested to the August 14, 2003 meeting.

182
183 Mr. Jernigan - Is there any opposition to the deferral of Case C-35C-03? With that, I will
184 make a motion to defer Case C-35C-03 to the August 14, 2003 meeting, at the request of the
185 applicant.

186
187 Mr. Vanarsdall - Second.

188
189 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in
190 favor say aye. All opposed say no. The ayes have it. The motion passes.

191
192 At the request of the applicant, the Planning Commission deferred Case C-35C-03, Gary
193 Weinberger, to its meeting on August 14, 2003.

194
195 Mr. Emerson - Mr. Chairman, that completes the Withdrawals and Deferrals unless the
196 Commission has additional ones to add tonight.

197
198 Mr. Taylor - Mr. Chairman, I have some other cases that I would like to recommend for
199 deferral.

200
201 Mr. Jernigan - All right, Mr. Taylor.

202
203 Mr. Taylor - These cases are all in or near the Northwest Quadrant Study Area, and as
204 you know, there are large scale issues that affect this area of the County. The first issue that I
205 want to discuss is the rate of growth of major development in this area. Right now it is
206 characterized by rapid residential growth, and the planning for it is really getting to be a challenge.
207 Planning staff is studying development trends in this area to meet this challenge, and it is going to
208 be some time before all of the issues are resolved.

209
210 Another issue that we are facing is the Major Thoroughfare Plan. The Department of Public Works
211 has stated that all of the roadways identified on the Plan should be constructed to handle traffic
212 flow in this area of the County. This includes North Gayton Road Extension across Interstate 64.

213 Given these issues, I feel the applications are premature and should be deferred for these cases
214 until we can address the area.

215

216 With that in mind, first I would like to recommend Case C-15C-03, Andrew M. Condlin for Windsor
217 Enterprises, be deferred for 30 days to the August 14, 2003. This is a request for single-family
218 development on the south line of Nuckols Road adjacent to Luxford at Berkley Subdivision.

219

220 **Deferred from the June 12, 2003 Meeting:**

221 **C-15C-03 Andrew M. Condlin for Windsor Enterprises:** Request to conditionally rezone
222 from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 740-
223 775-9712, 740-774-4255, 739-774-4564, 740-774-1407, 740-771-4107, 740-773-4426, 740-772-
224 8110, 740-775-5801, and part of Parcel 740-771-4780, containing 128.4 acres, located beginning
225 on the south line of Nuckols Road, the northern terminus of Luxford Place and the southern and
226 western boundaries of Bridlewood subdivision. A single family residential subdivision is proposed.
227 The applicant has proffered the maximum density of 1.8 units per acre. The R-2A District allows a
228 minimum lot size of 13,500 square feet. The Land Use Plan recommends Suburban Residential 1,
229 1.0 to 2.4 units net density per acre, Rural Residential, maximum of 1.0 unit per acre, and
230 Environmental Protection Area.

231

232 Mr. Vanarsdall - Second.

233

234 Mr. Jernigan - Is there any opposition to the deferral of Case C-15C-03? OK. No
235 opposition, Mr. Taylor, and I think Mr. Vanarsdall has already seconded it. So, we have a motion
236 by Mr. Taylor and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion
237 passes.

238

239 Mr. Archer - What was the deferral date, Mr. Jernigan?

240

241 Mr. Jernigan - August 14, 2003.

242

243 The Planning Commission deferred Case C-15C-03, Andrew M. Condlin for Windsor Enterprises, to
244 its meeting on August 14, 2003.

245

246 Mr. Taylor - The next case is C-16C-03 and I recommend this be deferred for 30 days
247 to August 14, 2003.

248

249 **Deferred from the June 12, 2003 Meeting:**

250 **C-16C-03 Ralph Axselle, Jr. for Route 271, LLC:** Request to conditionally rezone from A-
251 1 Agricultural District to R-2AC One Family Residence District (Conditional) and RTHC Residential
252 Townhouse District (Conditional), part of Parcel 738-772-9227 and Parcel 739-770-0693, containing
253 120.34 acres (107.97 – R-2AC; 12.37 RTHC), located on the east line of Pouncey Tract Road
254 approximately 400 feet south of Perrywinkle Road and 600 feet north of Shady Grove Road. A
255 single family subdivision, including detached condominiums for sale, is proposed. The applicant has
256 proffered the maximum number of lots not to exceed 2.0 units per acre. The R-2A District allows a
257 minimum lot size of 13,500 square feet. The RTH District allows a maximum density of nine (9)
258 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
259 density per acre, and Environmental Protection Area.

260

261 Mr. Jernigan - Is there any opposition to deferral of Case C-16C-03?

262

263 Mr. Archer - I will second Mr. Taylor's motion.

264

265 Mr. Jernigan - Mr. Taylor has made the motion and Mr. Archer has seconded it. All in
266 favor say aye. All opposed say no. The ayes have it. The motion passes.

267

268 The Planning Commission deferred C-16C-03, Ralph Axelle, Jr. for Route 271, LLC, to its meeting
269 on August 14, 2003.

270

271 Mr. Taylor - The next case I move for deferral is Case C-23C-03 to be deferred for 30
272 days to the August 14, 2003 meeting, also. The purpose of the deferral is to allow adequate review
273 time for the new single-family proposal by all County agencies. We have not had that time at this
274 point, and I would recommend that for deferral.

275

276 **Deferred from the June 12, 2003 Meeting**

277 **C-23C-03 Robert Atack:** Request to conditionally rezone from A-1 Agricultural District to R-
278 3C One Family Residential District (Conditional), Parcels 747-764-3839, 747-764-7729, and 747-
279 764-9550, containing approximately 9.71 acres, located at the southeast intersection of Sadler
280 Road and Thorncroft Drive. Single family subdivision is proposed. The applicant proffers a density
281 not to exceed 2.3 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to
282 2.4 units per acre.

283

284 Mr. Jernigan - Is there any opposition to the deferral of Case C-23C-03? No opposition.

285

286 Mr. Vanarsdall - Second.

287

288 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
289 favor say aye. All opposed say no. The ayes have it. The motion is passed.

290

291 The Planning Commission deferred Case C-23C-02, Robert Atack, to its meeting on August 14,
292 2003.

293

294 Mr. Taylor - And finally I recommend that Case C-31C-03, Robert Atack, be deferred
295 for 30 days to the August 14, 2003 meeting.

296

297 **C-31C-03 Robert Atack:** Request to conditionally rezone from A-1 Agricultural
298 District to R-2C One Family Residence District (Conditional), part of Parcels 733-775-7627 and 733-
299 777-4209, containing 101.743 acres, located on the west line of Pouncey Tract Road (State Route
300 271) across from Burberry Lane (Kimberwicke) and Old Wyndham Drive (Wyndham). A single
301 family residential development is proposed. The R-2 District allows a minimum lot size of 18,000
302 square feet. The Land Use Plan recommends Rural Residential, not to exceed 1.0 unit net density
303 per acre.

304

305 Mr. Jernigan - Is there any opposition to the deferral of Case C-31C-03, Robert Atack? No
306 opposition.

307

308 Mr. Vanarsdall - Since you made the motion, I second it.

309

310 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
311 favor say aye. All opposed say no. The ayes have it. The motion passes.

312

313 The Planning Commission deferred Case C-31C-03, Robert Atack, to its meeting on August 14,
314 2003.

315

316 Mr. Emerson - Mr. Chairman, you have no requests for Expedited Items tonight.

317

318 Mr. Jernigan - OK. Thank you, sir. Before we start, I am sorry. I would like to recognize
319 Chris Dovi from *The Richmond Times-Dispatch* and Tom Lapias. Thank you all for coming.

320

321 **Deferred from the June 12, 2003 Meeting**

322 **C-21C-03 Steven A. Williams for Carl Childress, Trustee:** Request to rezone from O-3C
323 Office District (Conditional) and A-1 Agricultural District to R-0C One Family Residential District
324 (Conditional), Parcels 760-770-7401, 761-769-0273 and 761-770-2421, containing 18.126 acres,
325 located at the NW intersection of Springfield Road and Staples Mill Road. A Christian education,
326 training and worship building is proposed. The use will be controlled by proffers and zoning
327 ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
328 density per acre.

329

330 Mr. Marlles - Staff report will be given by Mr. Tom Coleman.

331

332 Mr. Jernigan - Is there any opposition to Case C-21C-03? OK, Mr. Coleman. You may
333 proceed.

334

335 Mr. Coleman - Good evening, Mr. Chairman. Revised proffers are being submitted to
336 you, which require waiving the time limit.

337

338 The subject property was originally rezoned from A-1 to O-3C in 1983 by the A. H. Robins Company
339 to serve as a corporate conference center. In 1990, the subsequent owner amended the proffers
340 to allow limited office uses.

341

342 The main building on the site, the Hartley House, features an attractive combination of brick and
343 a stucco-or-dryvit style EIFS treatment. The applicant, the Glen Allen Church of Christ, would like
344 to expand their use of the site for education, training, and worship activities.

345

346 The applicant has made changes to the proffers to address concerns expressed in the staff report. I
347 would like to direct your attention, in particular to Proffers #5b, which regulates outdoor activities,
348 #8 regulating outdoor lighting, and #9 restricting the use of gravel.

349

350 There remain concerns which staff has discussed with the applicant but remain unresolved. Staff
351 recommends the applicant restrict the use of outdoor public address systems at this location. This is
352 especially important considering the close proximity of Carrington North subdivision to the north and
353 other residences nearby to the west. Also, the applicant could further regulate outside activities, for
354 example, by restricting activities within 400' of the northern property line. This would push many
355 activities towards Springfield Road and away from the future Carrington North neighborhood.

356

357 The subject property is designated Suburban Residential 1 in the Land Use Plan and the proposed
358 church is not consistent with this designation. However, churches can be a compatible land use in
359 an otherwise residential area, and staff believes that appropriate proffers at this location would help
360 ensure this.

361

362 The applicant has provided certain assurances that activities on the property will be compatible with
363 surrounding neighborhoods. If the applicant were to satisfactorily address staff's concerns with
364 outside speakers and outside activities, staff could recommend approval of this request.

365

366 I would be happy to answer any questions.

367

368 Mr. Jernigan - Are there any questions for Mr. Coleman from the Commission? Thank
369 you, Mr. Coleman.

370

371 Mr. Vanarsdall - I would like to hear from the applicant.
372
373 Mr. Jernigan - OK. Would the applicant please come up? State your name for the record,
374 please sir.
375
376 Mr. Steven Williams - My name is Steven Williams, Deacon, at the Glen Allen Church of Christ.
377
378 Mr. Vanarsdall - Does anybody have any questions for Steve?
379
380 Mr. Jernigan - I don't, Mr. Vanarsdall.
381
382 Mr. Vanarsdall - I don't believe I have any either. I am not ready to act on this case
383 tonight, and I am going to use my deferment. I am not going to ask you all to do it. I don't feel
384 comfortable sending this on to the Board. I would like to get everything that we talked about,
385 asked about and discussed on to the Board before it ever goes to the Board, and I don't like to
386 send you to the Board and let them have to do something else. And I don't want to see you all
387 have this case go to the Board and the Board is going to ask you to do what I asked you to do, and
388 once the Board turns it down, if they do, you can't come back for a year. I don't want to see that
389 happen to you, and we've got a couple of things on here that we have got to do, so I am going to
390 defer it tonight and not hear it.
391
392 Mr. Williams - We have been talking with Mr. Coleman and the Planning Commission
393 about rezoning this property for about five months now, and I know that there were some concerns
394 about a Planning Commission, about our use of the property. The Glen Allen Church of Christ has
395 been using this property for two years, and we consider ourselves good neighbors and good
396 stewards of the property. Comments by the Planning Commission are that the property looks
397 outstanding and there have been no comments from the neighbors as to us being bad neighbors.
398 In fact, there have been no comments to that at all. To the contrary, we have used our property
399 and allowed others to use our property, adjacent neighbors, such as the Hindu Center across
400 Staples Mill Road, and some of the home owners up on Springfield Road have used our property as
401 a place for their association meetings. We also consider ourselves good neighbors to the County, in
402 that the original proffers with that was that the property was to go back to A-1, and that was our
403 original request. We understand that the property has changed to a more residential setting since
404 1983 when zoning has changed a portion of our property from A-1 to O-3C. We are in line with
405 rezoning to RO or any type of setting that will maintain and allow us to build a church on the
406 property. So, we consider ourselves good neighbors to the County. We are not comfortable with
407 relinquishing some of our control, such as how to use our property, such as restricting the use of
408 our property from adjacent land owners. A new subdivision is going into the north and they
409 weren't there when we moved in. And the land owners to the west are still there and have never
410 complained about our use of the property. We don't intend to change the use of our property from
411 what we are currently doing, so we would just ask that you all approve our request to rezone our
412 property with the proffers that are dated July 9, 2003, and understand that as the church grows,
413 there is an issue about outdoor public use as far as outdoor speakers. We feel that a megaphone
414 or public address system might be necessary if there was a large gathering, and, again, not to be
415 noisy neighbors but to just address the congregation on a Sunday or some type of special event.
416 That is not our intent to be noisy neighbors and on the contrary, to continue to be the good
417 neighbors that we have been to the County, as well as to the adjacent land owner. Thank you for
418 your time.
419
420 Mr. Jernigan - Thank you, sir.
421
422 Mr. Vanarsdall - Thank you, Steve. The church has been a very good neighbor. They
423 have been there three years and nothing, absolutely, is there anything wrong with what they've

424 done since they have been there, or what they are going to do in the future. This is not about the
425 church. This is a zoning, a zoning as it would be on anything that anyone who uses this property,
426 and so, as far as the outside speakers are concerned, they are just for protection of the church as it
427 is for the people who have to hear the P.A. system. The night before last, on Tuesday night, we
428 had another church that he is familiar with, and Mr. Childress in the audience, and the man works
429 for him, did not have this on their agenda, and the Board member asked for it, and it was added
430 before the meeting, and it is a good thing that it was, because that made it go through. Otherwise,
431 if it had not passed, it would be a year before I could bring it back. We have had many meetings
432 with Mr. Williams and Mr. Childress. I met with Mr. Coleman and Mr. Williams and Mr. Childress
433 and we can't seem to make them understand that they do have neighbors, and as we speak, we'll
434 not know. I guess his bulldozer is resting right now, they are building subdivisions all around. There
435 already were people there, and so we have to look out and protect the people that are around
436 there, as well as the church. And I do not feel comfortable tonight by passing that, and so that is
437 the reason, but it is absolutely nothing against the church. And we have tried to tell them that and
438 make them understand that time and time again. So, I thank you for coming tonight, Steve and
439 Mr. Childress, and with that I recommend that C-21C-03 be deferred at the Commissioner's request
440 to August 14, 2003.

441
442 Mr. Taylor - Second.

443
444 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
445 favor say aye. All opposed say no. The ayes have it. The motion is passed.

446
447 The Planning Commission deferred Case C-21C-03, Steven A. Williams for Carl Childress, Trustee,
448 to its meeting on August 14, 2003.

449
450 **C-29C-03 Julian T. Ottley:** Request to amend proffered conditions accepted with
451 rezoning cases C-51C-80 and C-46C-93, on Parcel 771-738-0176, containing 3.402 acres, located
452 along the eastside of Libbie Avenue between Fitzhugh Avenue and Old Richmond Road
453 (Monumental Floral Gardens subdivision). The applicant proposes to amend proffer related to
454 prohibited uses on the property. The existing zoning is R-5, General Residence District
455 (Conditional). The Land Use Plan recommends Office.

456
457 Mr. Marlles - The staff report will be given by Mr. Tom Coleman.

458
459 Mr. Jernigan - Mr. Coleman, please hold on a minute. I apologize. Mr. Lapias, when I
460 introduced you a little while ago, you're with *Henrico Citizen* and I didn't say that. You are not with
461 the *Richmond Times-Dispatch*. I didn't want anybody to think that you were.

462
463 Mr. Vanarsdall - And let me tell you, you send him a copy of the paper every month.

464
465 Mr. Jernigan - OK. Mr. Coleman. Is there any opposition to Case C-29C-03? No
466 opposition. You may proceed, Mr. Coleman.

467
468 Mr. Coleman - Thank you, Mr. Chairman. Proffers have been handed out which require
469 waiving the time limit.

470
471 The applicant is requesting to amend proffered conditions approved with rezoning cases in 1980
472 and amended in 1993. The subject property, also known as Libbie Square, includes two office
473 buildings. The existing proffers permit medical offices in the northern building except for excluding
474 selected medical office uses including dentist offices, commercial medical laboratories, dialysis
475 facilities, and outpatient surgical facilities.

476

477 Approval of this application would remove dentist offices from the list of prohibited uses and
478 remove the prohibition on diagnostic and therapeutic x-ray equipment. A prohibition against mobile
479 x-ray equipment has been substituted. Other proffers regulating prohibited uses, hours of
480 operation, site design, and other matters would remain.

481

482 Staff considers dentist offices similar in character to the other medical office uses already permitted
483 and does not believe approval of this application would introduce negative impacts into the
484 community, and therefore, recommends approval of this request.

485

486 I would be happy to answer any questions.

487

488 Mr. Jernigan - Are there any questions for Mr. Coleman from the Commission?

489

490 Mr. Vanarsdall - Mr. Chairman, since there is no opposition, unless some of the other
491 Commissioners would like to hear from the applicant, I don't need to.

492

493 Mr. Jernigan - Thank you, Mr. Coleman.

494

495 Mr. Vanarsdall - Julian Ottley is in the audience. This case, as Tom explained it, started
496 out in 1980 when they built the building, so what Mr. Ottley was asked to do was to consolidate the
497 1980 proffers in with the 1993 proffers, where they changed and changed and changed, and put
498 them all on two pages and bring them up to date, and this is what he did. This case is simply to
499 allow a dentist to go into the building or two, and in order to allow the dentist to go in, we found
500 that we had to amend another proffer, which would be No. 15, which pertains to X-ray equipment,
501 because dentists have to do the X-rays. That is what it is about.

502

503 So, with that, I recommend waiving the time limit on Case C-29C-03.

504

505 Mr. Archer - Second.

506

507 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Archer to waive
508 the time limit on the proffers. All in favor say aye. All opposed say no. The motion passes.

509

510 The time limit was waived on amending Proffer No. 15 of Case C-29C-03.

511

512 Mr. Vanarsdall - Mr. Coleman had a lot of inquiries about this from the people who live
513 around there, but it was just wanting to know what the rezoning sign up there was for, and then
514 no one had any particular problem with it. We don't feel like it will increase any traffic, because
515 since the 1980 and the 1993 cases, the shopping center called Libbie Plaza has been built in front
516 of it, and they cut off all of the streets to go back through there, so it can't be much traffic. I
517 recommend that C-29C-03 be recommended to the Board of Supervisors for approval and we
518 would delete, in No. 8 we would delete "use for dental offices" and on Proffer No. 15 that whole
519 proffer would be deleted. Everything else is in order, and I noticed that Mr. Ottley even added in
520 No. 18 "or trucks behind the trailers." With that, that is my motion.

521

522 Mr. Taylor - I second that motion.

523

524 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
525 favor say aye. All opposed say no. The ayes have it. The motion is passed.

526

527 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission
528 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because

529 it was determined to be reasonable and the changes do not reduce the original purpose and intent
530 of previously approved proffers.

531

532 **C-30C-03 Jack R. Wilson, III for Robert D. Edwards, Sr.:** Request to
533 conditionally rezone from R-3 One Family Residence District to O-1C Office District (Conditional),
534 Parcel 769-759-3413, containing 0.8108 acre, located on the south line of Hungary Road
535 approximately 130 feet east of Stonemeadow Court. An office development is proposed. The use
536 will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
537 recommends Urban Residential, 3.4 to 6.8 units net density per acre.

538

539 Mr. Marlles - The staff report will be given by Mr. Paul Gidley.

540

541 Mr. Jernigan - Is there any opposition to Case C-30C-03? No opposition. Mr. Gidley, you
542 may proceed.

543

544 Mr. Gidley - Thank you very much, Mr. Chairman. Thank you Mr. Secretary, Mr.
545 Chairman, members of the Planning Commission.

546

547 This case is C-30C-03, a request to rezone property located at 2915 Hungary Road from R-3 one-
548 family residential district to O-1C office district. There are new proffers, which you should have
549 copies of. The time limit on accepting these will need to be waived.

550

551 The subject property is one of a series of buildings located along Hungary Road that served as a
552 boy's reformatory in the early 1900's. It is part of the Laurel Industrial School Historical District and
553 is also on the National Register of Historic Places.

554

555 While most of the area between Lakeland Townes and Old Staples Mill Road is currently single-
556 family residential, a future transition appears likely.

557

558 The Land Use Plan, in fact, as you can see on here (referring to slide) recommends office for most
559 of the area between Lakeland Townes and Old Staples Mill Road. As a result, with proper design
560 and controls, this could be a logical use of the property.

561

562 As a result, staff's main focus has been on protecting the existing historical structure and
563 minimizing the use's impact on adjacent residential property.

564

565 Towards this end, several proffers have been submitted. Some significant ones include:

566

- 567 • Placement of the parking lot at the rear of the property.
- 568
- 569 • Provision of a 35-foot transitional buffer at the rear of the property, where it abuts several
570 units of Lakeland Townes.
- 571
- 572 • Provision of 15-foot transitional buffers along the sides of the property.
- 573
- 574 • Limiting the principal use to office.
- 575
- 576 • Preserving the existing historical structure.
- 577

577

578 These and other proffers have come a long way towards addressing staff's suggestions. As a
579 result, we can recommend approval of case C-30C-03. Are there any questions I can entertain?

580

581 Mr. Vanarsdall - We need to waive the time limits, don't we?

582
583 Mr. Gidley - Yes, sir. You do.
584
585 Mr. Jernigan - Are there any questions for Mr. Gidley from the Commission?
586
587 Mr. Vanarsdall - Thank you, Mr. Gidley. Thank you for working hard on these proffers.
588
589 Mr. Gidley - You are quite welcome.
590
591 Mr. Jernigan - Thank you, Mr. Gidley. All right, Mr. Vanarsdall.
592
593 Mr. Vanarsdall - I don't need to hear from Mr. Wilson unless he'd like to come up here. I
594 would like to recommend we waive the time limits on C-30C-03.
595
596 Mrs. Ware - Second.
597
598 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware to waive
599 the time limits. All in favor say aye. All opposed say no. The motion passes.
600
601 The time limits for Case C-30C-03, Jack R. Wilson, III for Robert D. Edwards, Sr. were waived by
602 the Planning Commission.
603
604 Mr. Vanarsdall - This is actually a new direction, a mortgage company, it is in Robert
605 Edwards' name, Daniel Edwards, because he is the owner, and they have been operating for a
606 good while. I understand it is a very good company. The lady next door spoke highly of them as
607 being good neighbors, and they allow organizations to use their conference room when they need
608 to, and they are not going to change the outward part, the exterior part of the house there, and
609 they are not going to have Sunday hours. In fact, Daniel Edwards told me that you couldn't even
610 get in on Saturday unless you had an appointment, and they asked for living quarters there, and if
611 somebody wanted to stay there they would come back to us for a Provisional Use Permit, known as
612 a PUP. So with that, I recommend to the Board of Supervisors to approve C-30C-03.
613
614 Mr. Taylor - Second.
615
616 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
617 favor say aye. All opposed say no. The ayes have it. The motion is passed.
618
619 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission
620 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
621 the proffered conditions minimize the potential impacts on surrounding land uses.
622
623 **C-34C-03 Gary Webster for Reginald H. Webb:** Request to conditionally rezone
624 from A-1 Agricultural District, B-1 Business District and B-1C Business District (Conditional) to R-
625 2AC One Family Residence District (Conditional) and B-1C Business District (Conditional), part of
626 Parcel 803-701-6867, containing approximately 4.8 acres (R-2AC-3.8+- ac.; B-1C-1.0+- ac.),
627 located at the southeast intersection of New Market (State Route 5) and Midview Roads. A single
628 family residential subdivision and a day care development is proposed. The applicant has proffered
629 a minimum lot size of 18,000 square feet. The R-2A District allows a minimum lot size of 13,500
630 square feet. The business use will be controlled by proffered conditions and zoning ordinance
631 regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density
632 per acre, and Commercial Concentration.
633
634 Mr. Marlles - The staff report will be given by Mr. Gidley.

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Mr. Jernigan - Is there any opposition to Case C-34C-03? We have opposition. You will have a chance to speak, ma'am. Mr. Gidley, you may proceed.

Mr. Gidley - Thank you, Mr. Secretary, Mr. Chairman, and members of the Commission. We have new proffers on this case, so the time limit will need to be waived.

This case is C-34C-03, a request to rezone approximately 4.8 acres of land, located at the southeastern corner of New Market and Midview Roads. The applicant is requesting B-1C zoning for a daycare facility at the immediate corner, with R-2AC zoning further east along Midview Road.

Since this parcel fronts on New Market Road, which is part of the historic Route 5 Scenic Corridor, development in the area needs to meet a high quality standard. To this end, we have worked closely with the Varina Beautification Committee to ensure a development that would be appropriate for this historic area.

Some proffers of note on the B-1C portion include:

- A 100-foot setback from New Market Road. Within this 100 foot setback is a 40-foot landscape buffer, containing a berm similar to that found at the adjacent veterinary clinic. This will be landscaped to the standards of the 35-foot transitional buffer.
- Transitional buffers along the other boundaries of the property.
- A brick building with colonial style architecture. The applicant has agreed to give the Planning Commission authority to reject any building design that you find objectionable.

As for the R-2AC portion of the site, seven lots are planned, all of which meet or exceed the 18,000 square foot lot area requirements of the R-2 zoning district.

Proffers of note include:

- 30% of each homes exterior shall be brick or stone, exclusive of foundations, which they themselves will be brick or stone.
- A minimum of 2,000 square feet finished floor area.
- Plantings equivalent to the 10-foot transitional buffer requirements at the rear of each lot, this in order to help soften the view of the homes from New Market Road.

The applicant did do this even though it abuts against A-1 property, and this was in response to a suggestion from the Varina Beautification people. That is an example of the cooperation that the applicant has exhibited towards us, and we appreciate his efforts. As a result, staff can recommend approval of case C-34C-03.

Are there any questions that I can answer?

Mr. Jernigan - Mr. Gidley, did the developer proffer to build the homes on site?

Mr. Gidley - As I mentioned earlier, I am going to work with him to get that between now and the Board.

687 Mr. Jernigan - And I see, we were discussing garages, now just lots 1 and 7 will have the
688 rear-load garage.
689
690 Mr. Gidley - Yes, sir. Initially, there were none, and it was a suggestion I made that
691 they do that, and evidentially they had a concern about losing a lot, but since some were wide
692 enough they went ahead and proffered that they would be rear-load on those lots.
693
694 Mr. Jernigan - Lot widths are 85'?
695
696 Mr. Gidley - In the R-2A, I believe they are 80 feet. Eighty feet in the R-2A District,
697 minimum lot width.
698
699 Mr. Jernigan - What were these lots? Were these 80 or 85?
700
701 Mr. Gidley - They vary depending on the individual lot.
702
703 Mr. Jernigan - All right. Are there any questions for Mr. Gidley from the Commission?
704 Thank you, Mr. Gidley.
705
706 Mr. Gidley - Thank you, Mr. Chairman.
707
708 Mr. Jernigan - Ma'am, we have you in opposition. Would you come up, please? How are
709 you this evening? Would you state your name for the record, please.
710
711 Mrs. Gail Sailes -- My name is Gayle Sailes.
712
713 Mr. Jernigan - All right, Mrs. Sailes. What is your address?
714
715 Mrs. Sailes - I own property at 1358 New Market Road.
716
717 Mr. Jernigan - OK. You may proceed.
718
719 Mrs. Sailes - Sir, I am not sure that I object, but I do have questions about this.
720 Recently I did receive a letter of this meeting and the request to have the land rezoned for the
721 purpose explained. One question has been addressed already, and that was the number of lots
722 that would be developed from that. We own approximately 3-1/2 acres ourselves that abut to the
723 property and the concern was how many homes would be in our back yard, so to speak. It is an
724 older community. There are several older families that live there, and have been there most of
725 their life, so they have concerns about how many people would, all of a sudden, be right in back of
726 them. The other thing I have not heard a lot about is the proposed daycare that the gentleman
727 spoke of. I have some question about that. Route 5 is very, very busy. There have been a
728 number of homes recently built right in that section off of Midview. We, in fact, operate a daycare
729 for the Antioch Church and Antioch Learning Center, which is less than, I'd say, 100 feet from this
730 location, and I know that our parents have expressed concern about the traffic, particularly getting
731 in and out in the morning.
732
733 I would like the opportunity to talk to this individual on a cooperative basis and ask how it is going
734 to work for the community. I am not sure if the individual is going to be living in it himself or just
735 developing it for resale purposes. That is our community. We live there and we'd like to have
736 something that is going to enhance the community and not just be some more houses that
737 somebody is going to sell off to somebody else and leave the area.
738
739 Mr. Jernigan - Did you get a notification about the neighborhood meeting?

740
741 Mrs. Sailes - No, sir.
742
743 Mr. Jernigan - That was at the library the other night?
744
745 Mrs. Sailes - No, sir.
746
747 Mr. Jernigan - Well,
748
749 Mrs. Sailes - And there were several people that I spoke to, even as recent as this
750 week, that were not aware, persons again, that live in the community. When my husband, Pastor
751 Sailes came in the door with me, we were surprised not to see more of the neighbors, and I am not
752 sure how well I am doing for them, but information went out about that, too.
753
754 Mr. Jernigan - They had probably around 17 or 18 people at the library, and most of
755 these questions are the same questions that you are asking that were addressed. There are only
756 seven lots, and the smallest lot is 18,996 sq. ft., which, and the zoning here is R-2A, which most of
757 Varina is R-3, and Mr. Donati and I have discussed things and we want that little bit upper scale,
758 and that is the reason that we are going R-2 and R-2A. The largest lot on this is a little bit over
759 30,000 sq. ft. R-2 zoning is 18,000 sq. ft., so these are good sized lots, and the houses, they, at
760 first wanted to build 1,500 sq. ft. and they bumped it up to 2,000 sq. ft. Two of these homes will
761 have rear or side load garages and the rest of them will have front load. The lots that are wider
762 will have the rear load garage. At the meeting, they had an architectural of what the daycare
763 center would look like, and I want you to know that is what they have proposed. Now, in the
764 proffers, we have taken, in B-1 proffers, we have knocked out a lot of things that they can't put
765 there, so it would limit it down pretty good. I mean this case looks pretty good. I wish you had
766 been at the meeting the other night.
767
768 Mrs. Sailes - I didn't know of it.
769
770 Mr. Jernigan - But I am going to have Mr. Webster come up, but I am sure that he has
771 information that he can get with you. Thank you, ma'am. Mr. Webster, would you come up,
772 please.
773
774 Mr. Webster - Good evening.
775
776 Mr. Jernigan - Good evening, Mr. Webster, how are you?
777
778 Mr. Webster - Mr. Chairman, members of the Commission, members of the staff, I am
779 Gary Webster with Bay Design Group, representing the applicant, Webb Homes, on this agenda
780 item for your consideration this evening. As was stated earlier, we did have a citizen's meeting
781 with a pretty good attendance. I believe it was 18 to 25 people. A good number of the questions
782 that the people had we addressed. We amended our proffers. We had originally submitted a set
783 of proffers which we were comfortable with, then the Varina Beautification Committee made some
784 - urged us to amend our proffers. We have them incorporated in our revised proffers. The
785 meeting raised issues of drainage, which we assured the individuals that the drainage will certainly
786 be reviewed by the County's very competent Public Works Division, and they certainly will ensure
787 that any development will have an adequate outfall. The traffic issue was raised, and I think, I
788 don't doubt that there is a traffic problem out there, but the Traffic Department of Public Works has
789 recommended approval and said that the roads could handle any generation from this project. I
790 think the traffic problem may be external to this particular project. The developer has agreed to
791 dedicate the right of way for the relocation of Midview Road. Currently, Midview Road intersects
792 Darbytown at a very sharp angle and that was one of the places where the traffic was stated to

793 have a problem, we are going to relocate or grant the right of way to the County at no cost for a 90
794 degree intersection with Darbytown Road. It will be at least 180 feet or so from Herman Road.
795 The property at the very corner, I don't know if it was brought out the other night, and I am not
796 sure it was discussed all that much tonight, but the property at the corner currently is zoned B-1,
797 with no problem. So, if someone so chose, they could go in and put any uses allowed in B-1 as
798 long as they could gain the necessary approvals through the plan of development process.
799 Recognizing that, the staff has encouraged, and we have gone along with proffering out a good
800 number of the uses that I think that they find that they wouldn't particularly want for that corner.
801 The architectural, we have a rendering, had a drawing here which we had at the meeting, which is
802 a brick building. The architectural will have to come back before the Commission. The landscape
803 plan will have to come back before the Commission, and we felt that it was a very positive meeting,
804 and I think by the number of people, I guess the few number of people that are here, as a result of
805 that, because we had well attended about 20 some people that I think were extremely concerned
806 when they came in, and I think they left with a little bit higher level of comfort. So, with that, I will
807 be glad to try to answer any questions you may have, and we would respectfully request
808 recommendation of approval to the Board.

809

810 Mr. Jernigan - Thank you, Mr. Webster. Are there any questions for Mr. Webster from
811 the Commission? Paul, I haven't read all through these new proffers now. What we were going to
812 do was that the B-1 building would come back to the Planning Commission for approval. Is that in
813 here?

814

815 Mr. Gidley - Yes, sir. As I stated, the Planning Commission has the right to reject any
816 building whose design it finds inappropriate for the area. I will get the exact proffer.

817

818 Mr. Jernigan - OK. I see it now. It is the last one. I wanted to make sure that was
819 straight. Thank you, Mr. Gidley. Mrs. Sailes, what I am going to do, like I said, we did have a
820 pretty good turnout the other night. The residents that were there, and they were concerned, and
821 they asked the questions that they should have been asking about drainage, and what housing size
822 was, size of the lots, and what it was going to look like, but when we left that meeting, everybody
823 seemed to be pretty comfortable with it, and I am pretty comfortable with it. I think it is a good
824 build for Varina. But what I am going to do, I am going to ask to pass this case, but between now
825 and, you have to remember that this is a recommendation to the Board of Supervisors, between
826 now and then, I would like for Mr. Webster to get with you and he will be able to answer any of the
827 questions that you have. OK. He will do that before the Board of Supervisors on August 12. OK.
828 All right, Mr. Webster. Thank you. Ma'am, you have to come to the microphone.

829

830 Lady in Audience - I just wanted to ask when the meeting will be held.

831

832 Mr. Jernigan - It will be August 12. It was this past Monday night, yes ma'am. It was at
833 the Varina Library. Thank you, Mr. Webster. As I stated, the neighbors had some good questions,
834 but I feel that everybody was pretty comfortable when we left out of there, so with that I am going
835 to make a motion to waive the time limits on Case C-34C-03.

836

837 Mr. Vanarsdall - Second.

838

839 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in
840 favor say aye. All opposed say no. The motion passes.

841

842 The Planning Commission approved waiving the time limits on Case C-34C-03, Gary Webster for
843 Reginald H. Webb.

844

845 Mr. Jernigan - And with that I will move for approval of Zoning Case C-34C-03 to the
846 Board of Supervisors for their approval.

847

848 Mr. Vanarsdall - Second.

849

850 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in
851 favor say aye. All opposed say no. The ayes have it. The motion passes.

852

853 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
854 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the
855 request because it would not adversely affect the adjoining area if properly developed as proposed
856 and the proffered conditions will provide for a higher quality of development than would otherwise
857 be possible.

858

859 Mr. Marlles - Yes, sir, Mr. Chairman. The next item on the agenda is approval of
860 minutes for the Planning Commission meeting on June 12, 2003.

861

862 Mr. Jernigan - Are there any corrections to the minutes of June 12, 2003?

863

864 Mr. Vanarsdall - Not from me. Mr. Archer.

865

866 Mr. Archer - Mr. Chairman, I was not at that meeting, so any remark in here that is
867 attributed to me I respectfully request that it be deleted.

868

869 Mr. Vanarsdall - With that I make a motion that we approve the minutes.

870

871 Mr. Taylor - And I will second it.

872

873 Mr. Jernigan - We have a motion by Mr. Vanarsdall to approve the minutes and a second
874 by Mr. Taylor. All in favor say aye. All opposed say no. The motion passes. The minutes are
875 approved.

876

877 Mr. Marlles - The next item is presented by staff. It is a request to set a work session
878 on July 23, 2003, on a proposed Zoning Ordinance Amendment to regulate the height of stage
879 towers or fly towers in residential districts. These are the structures that store the scenery in
880 between performances. We have had one example of a stage tower that has been constructed in
881 Mrs. Ware's district that was fairly close to a residential district. I think the general consensus is
882 that these structures, which are currently excluded from the height requirements, should not be
883 that close to a residential area, so staff has prepared a draft.

884

885 **Discussion:** The request is to set a work session (July 23, 2003) to consider a
886 proposed amendment to the Zoning Ordinance regarding permitted height of stage towers in
887 residential districts.

888

889 Mr. Vanarsdall - What was on the stage? What was the performance?

890

891 Mrs. Ware - It is a fly tower. It brings scenery up into it so they drop it all at one time.

892

893 Mr. Vanarsdall - When I first read it in the program, I thought it was about the stage, like
894 Wells Fargo stuff.

895

896 Mr. Jernigan - Do you want to set a work session, Mr. Secretary?

897

898 Mr. Marlles - Yes sir, on July 23, 2003, yes, sir. That is after the POD meeting.
899
900 Mr. Vanarsdall - That is on a Wednesday.
901
902 Mr. Taylor - That would be after the POD meeting?
903
904 Mr. Marlles - Yes sir, it probably would be following the POD meeting.
905
906 Mr. Jernigan - All right, do we have a motion to set a work session for July 23, 2003?
907
908 Mr. Taylor - I move that we have a work session after the POD meeting on July 23,
909 2003.
910
911 Mr. Jernigan - I will second it. We have a motion by Mr. Taylor and a second by Mr.
912 Jernigan. All in favor say aye. All opposed say no. The motion passes. I would like to welcome
913 our sitting Board member from the Board of Supervisors.
914
915 Mr. Glover - And I'd like to tell you that this is the season of local elections, and I was
916 at Jim Donati's Kick-Off tonight for his campaign for re-election and proud of it. I missed the first
917 45 minutes and you all got through everything we had here. Either I was an hour slow getting
918 here, or you all were very efficient. I don't know which it was. It was a nice Kick-Off to a
919 campaign. Whether we like it or not, we do have to get elected.
920
921 Mr. Marlles - Mr. Chairman, the next item is that staff is requesting the Commission to
922 set a work session for September 11, 2003 to discuss the proposed Land Use Plan Amendment for
923 the Church/Pump Roads Study Area. I think the Commission is aware that over the past year, staff
924 has been working on a study of this area, and again, this would be a work session to brief the
925 Commission on that study.
926
927 **Discussion:** Set work session (September 11, 2003) to discuss proposed Land Use Plan
928 amendment for the Church/ Pump Roads Study Area.
929
930 Mr. Jernigan - Mr. Secretary, what time would you like to have that meeting?
931
932 Mr. Marlles - This is, I believe, would be just prior to the meeting, Mr. Chairman.
933
934 Mr. Jernigan - Is this going to be a dinner? So we want this to be a 5:30 p.m. meeting?
935 Do we have a motion to set a work session for September 11, 2003.
936
937 Mr. Vanarsdall - So moved.
938
939 Mr. Taylor - Second.
940
941 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor for a
942 work session on September 11, 2003, at 5:30 p.m. All in favor say aye. All opposed say no. The
943 motion passes.
944
945 Mr. Marlles - Mr. Chairman, the last item, although it is that staff is requesting the
946 Commission to schedule a briefing on the O/S District on your July 23 agenda. This is what I
947 believe will be the first of a number of briefings that staff would like to present on different aspects
948 of the zoning ordinance, and possibly other planning related topics. I think the Commission is
949 aware that there are certain districts and certain sections of the zoning ordinance that we don't
950 deal with very often. We also have had some new members of the Commission join us over the

951 past couple of years and we have not had the opportunity to brief the newer Commission members
952 on certain aspects of the zoning ordinance. It would be an opportunity for Commission members
953 to ask questions, but it kind of an on-going educational opportunity.

954
955 Mr. Vanarsdall - And that is on July 23, 2003, you say?

956
957 Mr. Marlles - Yes, sir. That would be on the agenda for the 23rd meeting.

958
959 Mr. Vanarsdall - That is a good one to study.

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961 Mr. Jernigan - Mr. Glover, I don't think we can cover that in 10 minutes, can we?

962
963 Mr. Glover - I don't think you can. If you can, it is a zoning classification that I don't
964 know about. It is going to be longer than 10 minutes.

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966 Mr. Jernigan - I did not want to hurt your feelings by having a 10-minute briefing,
967 because I knew it was going to take longer than that.

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969 Mr. Glover - Mr. Chairman, would that be after the POD?

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971 Mr. Marlles - We will put it on the end of the agenda.

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973 Mr. Jernigan - All right, Mr. Secretary, do you have anything else? I see we still have
974 some citizens sitting there. Did anybody want to make any comments?

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976 Mr. Jernigan - No comments, then the meeting is adjourned.

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E. Ray Jernigan, C.P.C., Chairman

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John R. Marlles, AICP, Secretary