

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 6:00 p.m., July 15, 2004, Display Notice having been published in the Richmond
4 Times-Dispatch on June 24, 2004 and July 1, 2004.

5
6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson, Tuckahoe
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, Brookland
8 Mr. C. W. Archer, C.P.C., Fairfield
9 Mr. John Marshall, Three Chopt
10 M. E. Ray Jernigan, C.P.C., Varina
11 Mr. Randall R. Silber, Director of Planning, Secretary
12 Mr. James B. Donati, Jr., Board of Supervisors, Varina
13

14 Others Present: Mr. Ralph J. Emerson, Assistant Director of Comprehensive
15 Planning and Administration
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 Mrs. Ware - Good evening and welcome to the Planning Commission Meeting for
24 rezoning cases for July
25

26 Mr. Vanarsdall - Good evening, Madam Chairman.
27

28 Mrs. Ware - Good evening, everyone. I will turn the meeting over at this time to
29 the secretary, Mr. Silber.
30

31 Mr. Silber - Thank you, Madam Chairman. We do have all Commissioners
32 present tonight so we can conduct business. First on the agenda would be consideration of
33 deferrals. Mr. Emerson, would you please walk us through the 6 o'clock deferrals.
34

35 Mr. Emerson - Yes sir, Mr. Secretary. The first item you have is a withdrawal and it
36 requires no action by the Commission.
37

38 **Deferred from the June 10, 2004 Meeting:**

39 **C-28C-04 Rogers-Chenault, Inc.:** Request to conditionally rezone from A-1
40 Agricultural District to R-2C One Family Residence District (Conditional), Parcels 828-720-7544,
41 829-720-1214, 828-720-6007 and 828-720-3514, containing 17.432 acres, located along the east
42 line of Hanover Road between the south line of Meadow Road and the north line of Early Street.
43 The applicant proffers the total number of lots not to exceed thirty-five (35). The R-2 District
44 allows a minimum lot size of 18,000 square feet. The site is in the Airport Safety Overlay District.
45

46 On page 1 of your agenda you have a Public Hearing scheduled.
47

48 **PUBLIC HEARING: INNSBROOK URBAN MIXED USE AREA:** The Planning Commission will
49 consider an amendment to the 2010 Land Use Plan that would redesignate a portion of the
50 Innsbrook office park to Urban Mixed Use (UMU). The site is generally comprised of the area
51 bordered by Cox Road, Sadler Place, Highwoods Parkway, and Waterfront Lake. The Recommended
52 Plans may be examined in the Planning Office on the second floor of the County Administration
53 Building.

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The deferral is requested to August 12th for this plan amendment.

Mrs. Ware - Is there any opposition to the deferral of this hearing, Innsbrook Urban Mixed Area? No opposition. Do we need a motion?

Mr. Silber - Yes, we do.

Mrs. Ware - Okay.

Mr. Marshall - Before we have a motion, may I hear from Mr. Theobald?

Mr. Vanarsdall - Why of course.

Mr. Marshall - Mr. Theobald, will you consider taking this to the September 9th meeting?

Mr. Theobald - Yes, sir. I am prepared to request that. We have a little more work to do with neighbors and with staff. I will be happy to do that on my motion.

Mr. Marshall - Thank you.

Mr. Theobald - On my request.

Mr. Vanarsdall - Nice to see you in such a good mood tonight, Mr. Theobald.

Mr. Theobald - I'll take that as a compliment, Mr. Vanarsdall.

Mr. Archer - I thought he was always in a good mood.

Mr. Marshall - Madam Chairman, with that I will move that the Public Hearing for the Innsbrook Urban Use Area be deferred to the September 9th meeting at the request of the applicant.

Mr. Vanarsdall - Second.

Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in favor, aye. All opposed. The motion passes.

At the applicant's request, the Planning Commission deferred the Public Hearing: Innsbrook Urban Mixed Use Area to its meeting on September 9, 2004.

Mr. Emerson - The next item is also on page 1 of your Agenda.

Deferred from the May 13, 2004 Meeting:

C-56C-03 WWLP Development, LLC: Request to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 802-696-9269 and part of Parcel 803-696-6866, containing 41.76 acres, located on the east line of Osborne Turnpike .41 mile north of Tree Ridge Road. A single-family residential subdivision is proposed. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

The deferral is requested to the August 12th meeting.

107 Mrs. Ware - Is there any opposition to the deferral of C-56C-03, WWLP
108 Development in the Varina District? There is no opposition.

109
110 Mr. Jernigan - Madam Chairman, I make a motion to defer case C-56C-03, WWLP
111 Development, LLC to the August 12, 2004 meeting by request of the applicant.

112
113 Mr. Vanarsdall - Second.

114
115 Mrs. Ware - Motion made by Mr. Vanarsdall, seconded by Mr. Vanarsdall. All in
116 favor, aye. All opposed. The motion passes.

117
118 At the applicant's request, the Planning Commission deferred C-56C-03, WWL Development, LLC,
119 to its meeting on August 12, 2004.

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121 Mr. Emerson - The next item is also on page 1 of your Agenda.

122
123 **Deferred from the April 15, 2004 Meeting:**

124 **C-6C-04 Ray Perkins:** Request to conditionally rezone from A-1 Agricultural
125 District and C-1 Conservation District to R-2C (82.1 acres) R-2AC (59.7 acres) and R-3C (30.1
126 acres) One Family Residence District (Conditional); R-5AC (26.6 acres) General Residence District
127 (Conditional), and RTHC (40.728 acres) Residential Townhouse District (Conditional), and C-1C
128 (21.6 acres) Conservation District (Conditional), Parcels 816-729-1884, 814-731-5764 and part of
129 Parcel 817-731-6470, containing 260.828 acres, located at the northern terminus of Westover
130 Avenue, extending northward to Creighton Road. The applicant proposes a residential
131 community of no more than five hundred ninety-seven (597) units (320 one family lots, 79 villa
132 lots, 96 townhouses, 102 condominiums). The R-2 District allows a minimum lot size of 18,000
133 square feet; the R-2A District allows a minimum lot size of 13,500 square feet; the R-5A District
134 allows a minimum lot size of 5,625 square feet; and the maximum density in the RTH District is
135 nine (9) units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units
136 net density per acre, Office/Service, Light Industry, and Environmental Protection Area. The site
137 is in the Airport Safety Overlay District.

138
139 The deferral is requested to the August 12, 2004 meeting.

140
141 Mrs. Ware - Is there any opposition to the deferral of C-6C-04, Ray Perkins in the
142 Varina District? There is no opposition.

143
144 Mr. Jernigan - Madam Chairman, I make a motion to defer case C-6C-04, Ray
145 Perkins to the August 12, 2004 meeting by request of the applicant.

146
147 Mr. Archer - Second.

148
149 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Archer. All in favor,
150 aye. All opposed. The motion passes.

151
152 At the applicant's request, the Planning Commission deferred C-6C-04, Ray Perkins, to its
153 meeting on August 12, 2004.

154
155 Mr. Emerson - The next item is on page 2 of your agenda.

156
157 **Deferred from the May 13, 2004 Meeting:**

158 **C-13C-04 Mike Fleetwood:** Request to conditionally rezone from A-1
159 Agricultural District, M-1 Light Industrial District and M-2 General Industrial District to M-2C

160 General Industrial District (Conditional), Parcels 819-704-9284, 820-705-3941, 820-705-5372,
161 820-706-5002, 820-705-6725 and 819-703-7057, containing 105.164 acres, located at the
162 southwest intersection of Monahan and Charles City Roads and the C&O Railroad. Light
163 Industrial manufacturing with possible hotel/retail uses are proposed. The use will be controlled
164 by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends
165 Planned Industry. The site is in the Airport Safety Overlay District.

166
167 The deferral is requested to your August 12th meeting.

168
169 Mrs. Ware - Is there any opposition to the deferral of case C-13C-04, Mike
170 Fleetwood in the Varina District? There is no opposition.

171
172 Mr. Jernigan - Madam Chairman, I make a motion to defer zoning case C-13C-04,
173 Mike Fleetwood to the August 12, 2004 meeting by request of the applicant.

174
175 Mr. Vanarsdall - Second.

176
177 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
178 favor, aye. All opposed. The motion passes.

179
180 At the applicant's request, the Planning Commission deferred C-13C-04, Mike Fleetwood, to its
181 meeting on August 12, 2004.

182
183 Mr. Emerson - The next item is on page 3 of your agenda.

184
185 **P-8-04 Omnipoint Communications CAP Operations LLC:** Request for
186 a Provisional Use Permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code
187 in order to construct a 140-foot wireless telecommunications tower, on part of Parcel 833-716-
188 9203, containing 2,500 square feet, located between I-64 and Old Williamsburg Road, 2,000 feet
189 west of Drybridge Road. The existing zoning is M-1C Light Industrial District (Conditional). The
190 Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District.

191
192 The deferral is requested to your August 12, 2004 meeting.

193
194 Mrs. Ware - Is there any opposition to the deferral of P-8-04, Omnipoint
195 Communications in the Varina District? Do you have opposition to the deferral, sir?

196
197 Mr. Moss - I do not have opposition, but I do have...

198
199 Mrs. Ware - Can you come down to the podium and identify yourself, please?

200
201 Mr. Charles E. Moss, Sr.- My name is Charles E. Moss, Sr., and I currently live in New Kent
202 County, VA. I am a property owner on Old Williamsburg Road. That is approximately, it is just
203 several hundred feet from this property. My concern is how it would affect the zoning of that
204 property that I own there or would it affect it at all.

205
206 Mrs. Ware - Right now we are considering deferring this case to August. Mr.
207 Jernigan, you can get in touch with this gentleman?

208
209 Mr. Jernigan - Yes. Are you going...you are probably not going to stay around?

210
211 Mr. Moss - I will.

212

213 Mrs. Ware - You can give your name to...
214
215 Mr. Silber - Staff.
216
217 Mrs. Ware - ...staff.
218
219 Mr. Jernigan - Give your name to one of, Tom would you get his name, address
220 and phone number, please.
221
222 Mrs. Ware - Okay.
223
224 Mr. Jernigan - Give it to that gentleman and I'll be in contact with you, Mr. Moss.
225
226 Mr. Emerson - I think we know where to find him.
227
228 Mrs. Ware - Thank you, sir. Is there any opposition to the deferral? No
229 opposition, Mr. Jernigan.
230
231 Mr. Jernigan - Madam Chairman, I make a motion to defer Provisional Use Permit
232 case P-8-04 to the August 12, 2004 meeting by request of the applicant.
233
234 Mr. Vanarsdall - Second.
235
236 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
237 favor, aye. All opposed. The motion passes.
238
239 At the applicant's request, the Planning Commission deferred P-8-04, Omnipoint Communications
240 CAP Operations, LLC, to its meeting on August 12, 2004.
241
242 Mr. Emerson - The next items is also on page 3 of your agenda.
243
244 **Deferred from the June 10, 2004 Meeting:**
245 **C-24C-04 Lunsford L. Duke:** Request to conditionally rezone from A-1
246 Agricultural District to R-5C General Residence District (Conditional), Parcels 761-769-6447 and
247 761-769-4574, containing 10.36 acres located at the southwest intersection of Staples Mill (U. S.
248 Route 33) and Springfield Roads. A multifamily development is proposed. The R-5 District allows
249 a density up to 14.52 units per acre. The Land Use Plan recommends Suburban Residential 1,
250 1.0 to 2.4 units net density per acre.
251
252 The deferral is requested to the August 12, 2004 meeting.
253
254 Mrs. Ware - Is there any opposition to the deferral of C-24C-04, Lunsford L. Duke
255 in the Brookland District? No opposition, Mr. Vanarsdall.
256
257 Mr. Vanarsdall - Madam Chairman, I will move C-24C-04, Lunsford L. Duke be
258 deferred 30 days, to August 12, 2004 at the applicants request.
259
260 Mr. Marshall - Second.
261
262 Mrs. Ware - Motion made by Mr. Vanarsdall, seconded by Mrs. Ware. All in
263 favor, aye. All opposed. The motion passes.
264

265 At the applicant's request, the Planning Commission deferred C-24C-04, Lunsford L. Duke, to its
266 meeting on August 12, 2004.

267

268 Mr. Marshall - That concludes Mr. Vanarsdall business for the night.

269

270 Mr. Vanarsdall - Yep. I'll see you all later.

271

272 Mrs. Ware - Not so fast.

273

274 Mr. Vanarsdall - I enjoyed it.

275

276 Mr. Emerson - The next item is on page 4 of your agenda.

277

278 **C-33C-04 Atlantic Senior Development, L.L.C.:** Request to conditionally
279 rezone from B-3C Business District (Conditional), R-5 General Residence District, and C-1
280 Conservation District, to R-5C General Residence District (Conditional), part of Parcel 783-748-
281 5077, containing 20.792 acres, located west side of Brook Road (U. S. Route 1), approximately
282 875 feet south of its intersection with Hilliard Road. The applicant proposes a senior independent
283 living facility containing no more than 240 residential units. The R-5 District allows a density up
284 to 14.52 units per acre. The Land Use Plan recommends Commercial Concentration and
285 Environmental Protection Area.

286

287 The deferral is requested to your August 12th meeting.

288

289 Mrs. Ware - Is there any opposition to the deferral of C-33C-04, Atlantic Senior
290 Development, LLC in the Fairfield District? There is no opposition, Mr. Archer.

291

292 Mr. Archer - Madam Chairman, I move the deferral of C-33C-04, Atlantic Senior
293 Development, LLC to the August 12th meeting at the request of the applicant.

294

295 Mr. Vanarsdall - Second.

296

297 Mrs. Ware - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in
298 favor, aye. All opposed. The motion passes.

299

300 At the applicant's request, the Planning Commission deferred C-33C-04, Atlantic Senior
301 Development, LLC, to its meeting on August 12, 2004.

302

303 Mr. Emerson - Madam Chairman, that completes the withdrawals and deferrals for
304 6 p.m., but you do have one expedited item.

305

306 **C-30-04 Gregory A. Windsor:** Request to rezone from R-2AC One Family
307 Residence District (Conditional) to C-1 Conservation District, part of Parcel 793-759-4718,
308 containing 6.38 acres, located on the south side of E. Parham Road beginning approximately 900
309 feet east of Fredonia Road and on the northwest corner of E. Parham Road and Chamberlayne
310 Road. A common area is proposed. The Land Use Plan recommends Environmental Protection
311 Area and Suburban Residential 1, 1.0 to 2.4 units net density per acre.

312

313 Mrs. Ware - Is there any opposition to hearing C-30-04, Gregory A. Windsor from
314 the Fairfield District on the expedited agenda? No opposition, Mr. Archer.

315

316 Mr. Archer - Madam Chairman, I move recommendation of C-30-04, Gregory A.
317 Windsor.

318
319 Mr. Vanarsdall - Second.
320
321 Mrs. Ware - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All in
322 favor, aye. All opposed. The motion passes.
323
324 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
325 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the
326 request because it conforms to the Environmental Protection Area recommendation of the Land
327 Use Plan.
328
329 Mr. Emerson - Madam Chairman that completes the withdrawals, deferrals and
330 expedited for 6 o'clock. We do have more at 7 o'clock.
331
332 Mr. Silber - Okay. Moving on to the first item that we have for the Planning
333 Commission. This would be on page 2 of your agenda.
334
335 **Deferred from the April 15, 2004 Meeting:**
336 **C-17C-04 Darbytown Partners, LLC:** Request to conditionally rezone from
337 B-1C Business District (Conditional) to R-2AC One Family Residence District (Conditional) and C-
338 1C Conservation District (Conditional), part of Parcel 807-707-6551, containing 8.7 acres (5.917
339 ac. – R-2AC; 2.784 ac. – C-1C), located at the southwest intersection of Darbytown and Oakland
340 Roads. The applicant proposes no more than fourteen (14) single-family residential units. The
341 R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends
342 Commercial Concentration and Environmental Protection Area.
343
344 Mrs. Ware - Is there anyone here in opposition to C-17C-04, Darbytown Partners,
345 LLC in the Varina District? No opposition. Good evening, Mr. Bittner.
346
347 Mr. Bittner - Good evening, Mrs. Ware.
348
349 This case was originally an R-3C request and was amended recently to an R-2AC request.
350
351 New proffers are being passed out right now and these proffers do address all the issues in the
352 staff report. They include the following major items:
353
354 • The use of standard 6-inch curb and gutter;
355 • Garages on at least 50% of the homes;
356 • At least 50% of the homes to have at least 50% brick or stone on their front elevations; and
357 • The provision of at least 2 trees in every front yard.
358
359 The time limit would need to be waived to accept these new proffers.
360
361 Although the 2010 Land Use Plan recommends this area for Commercial Concentration, staff
362 believes the requested change to residential zoning is a logical continuation of recent development
363 trends. Additionally, the presence of a steep ravine on one side of this property and an existing
364 single-family neighborhood on the western side makes this site less desirable for commercial uses.
365
366 Staff recommends approval of the application and I'm happy to answer any questions you may
367 have.
368
369 Mrs. Ware - Are there any questions for Mr. Bittner?
370

371 Mr. Jernigan - Nope. Mark you did a...I think he has given us everything we asked
372 for, didn't he?
373
374 Mr. Bittner - Yes sir, he has.
375
376 Mr. Jernigan - You did a good job on it. I thank you. I don't have any questions
377 for you.
378
379 Mrs. Ware - Do you need to hear from the applicant?
380
381 Mr. Jernigan - Not really, unless you all...this is...
382
383 Mr. Silber - Mr. Jernigan, can I ask one question?
384
385 Mr. Jernigan - Yes, sir.
386
387 Mr. Silber - On proffer 10 it said, "Car entrance doors of garages shall not face
388 public rights of way". Am I interrupting that to say these would have all side or rear entry
389 garages?
390
391 Mr. Jernigan - Glenn, you might want to come on up and clarify this. The way I'm
392 reading it, it would not face the road.
393
394 Mr. Archer - That's right.
395
396 Mr. Jernigan - The main thoroughfare road.
397
398 Mr. Glenn Moore - Madam Chairman, members of the Commission, my name is Glenn
399 Moore and I'm here on behalf of the applicant in this case. That is certainly the intention of the
400 proffer, Mr. Silber. I used the term car doors because it was conceivable, I supposed that there
401 might be a door that people could walk in and out of that might face the road. I clearly do not
402 want to have any doors that cars can go in and out of facing the road. It would have to
403 be...come in from the side of the rear.
404
405 Mr. Silber - Okay. The public road you are referring to is which road?
406
407 Mr. Moore - Well, any road.
408
409 Mr. Jernigan - Well, okay, with the dedication of the streets that is the right of way
410 you are speaking of.
411
412 Mr. Moore - Right.
413
414 Mr. Jernigan - These are going to be side loaded or rear-loaded garages.
415
416 Mr. Moore - Right.
417
418 Mr. Silber - That is the way I read this.
419
420 Mr. Jernigan - Glenn, would you rephrase that? Let's get that straight, that these
421 will be side loaded or rear loaded garages.
422

423 Mr. Moore - Sure, we can do that between now and the Board of Supervisors
424 meeting.
425
426 Mr. Jernigan - I would appreciate it.
427
428 Mrs. Ware - Are there any other questions for Mr. Moore?
429
430 Mr. Archer - Madam Chairman, the restated proffer number 5, it reads,
431 "Cantilevered Items. No homes shall have cantilevered chimneys, direct vent fireplaces, or bay
432 windows. All chimneys, direct vent fireplaces, or bay windows shall have foundations..." that
433 could tend to be a little bit confusing. I think the word cantilevered is suppose to differentiate it
434 from any other type of window. In the first sentence it sounds like he is saying there shall be no
435 bay windows and then the second sentence said, "All bay windows shall have foundations".
436
437 Mr. Moore - There will be no cantilevered...
438
439 Mr. Jernigan - No cantilevered bay windows.
440
441 Mr. Archer - Yeah, I see that. I am just wondering if it would confuse anybody if
442 we, or if maybe we should reword that.
443
444 Mr. Silber - I think, Mr. Archer...
445
446 Mr. Archer - I understand that cantilevered does at first glance; you might be a
447 little bit confused by it. I don't have a big problem with it, but somebody else might.
448
449 Mr. Silber - The way I read this, these houses would be allowed to have bay
450 windows, they just couldn't be cantilevered.
451
452 Mr. Archer - You have got to have a foundation...
453
454 Mr. Silber - You would have to have a foundation.
455
456 Mr. Archer - I understand that.
457
458 Mr. Jernigan - Well the second sentence said, "All chimneys, direct vent fireplaces,
459 or bay windows shall have foundations with the exposed portions made of the same materials as
460 the house foundation".
461
462 Mr. Silber - I see Mr. Archer's point. It could be read that no home shall have
463 cantilevered chimney, ...
464
465 Mr. Archer - There is a common.
466
467 Mr. Silber - ...and they shall have no direct vent fireplaces or no bay windows.
468
469 Mr. Moore - I will be happy to work that language out to.
470
471 Mr. Archer - Perhaps if you inserted the word...
472
473 Mr. Moore - I will say that I used the recommended language from staff.
474
475 Mr. Archer - If you insert cantilevered in front of bay window.

476
477 Mr. Marshall - And direct vent fireplace.
478
479 Mr. Archer - Yeah. Then that...
480
481 Mr. Moore - Maybe if I put a little roman at (I) before chimneys, a roman at (II)
482 before direct vent, and a roman at (III) before bay windows. That might work too.
483
484 Mr. Jernigan - Why don't we just say that, "No chimneys, direct fireplaces or bay
485 windows will be cantilevered".
486
487 Mr. Moore - Okay, we can do that.
488
489 Mr. Silber - Mr. Jernigan, were you an English teacher at one point?
490
491 Mr. Jernigan - I read one law book. That sounds good.
492
493 Mrs. Ware - Anymore questions?
494
495 Mr. Vanarsdall - Well, I a have comment on number 10. This won't change the case
496 and I'm not suggesting it, but I thought we were trying to have more two-car garages and a lot
497 fewer one car. Mr. Secretary, is that true or false?
498
499 Mr. Silber - Well, I think that is a goal. I think we try to get homes to have
500 garages and we're concerned with the orientation of the garage doors. I don't have a particular
501 concern whether this has one or two car garages, but I understand your point.
502
503 Mr. Vanarsdall - All right.
504
505 Mr. Jernigan - Is the builder here?
506
507 Mr. Moore - Mr. Hulcher, the developer is here.
508
509 Mr. Jernigan - Would you come down Mr. Hulcher, please? Glenn in the area with
510 that, what do most of the units have there, in garages?
511
512 Mr. Moore - Bruce will be better able to answer that question.
513
514 Mr. Jernigan - Okay.
515
516 Mr. Bruce Hulcher - Madam Chairman, members of the Commission, I am Bruce Hulcher.
517 The intent is not to limit, of course, to one car garages, but...and I'm sure a number of them will
518 have two car garages. Until we get a little further and know we have a project it is really hard to
519 say how many of each. You know...we have talked with a number of builders and they had no
520 problem with the proffers as written.
521
522 Mr. Moore - What is it like in the area?
523
524 Mr. Hulcher - Well, do you have got to remember this abuts an R-4 development,
525 but there are a number of garages and nice homes on the creek area?
526
527 Mr. Jernigan - Mr. Hulcher, you think we could get a least 50% of them with two
528 car garages.

529

530 Mr. Hulcher - Yes, sir. I think we could. We're a little restricted on lot width, but
531 we can get garages, we can get two car garages.

532

533 Mr. Jernigan - Would you be willing to proffer that.

534

535 Mr. Hulcher - Yes, sir.

536

537 Mr. Jernigan - Okay. Thank you.

538

539 Mr. Hulcher - Okay.

540

541 Mrs. Jernigan - I don't have any more questions, Madam Chairman.

542

543 Mrs. Ware - All right. Thank you, Mr. Hulcher.

544

545 Mr. Hulcher - Thank you.

546

547 Mr. Jernigan - All right, this case, this had been deferred before and actually, like I
548 said, it is zoned B-1. The area that it is in I don't ever see that it will be business there. It's a
549 large ravine that is wet right up on Darbytown Road. So, I think this is proper and I think that
550 they have met all the conditions and all the proffers that we need. So, with that I will move for
551 approval of case C-17C-04, Darbytown Partners, LLC.

552

553 Mr. Marshall - We need a motion...

554

555 Mr. Vanarsdall - On the proffers.

556

557 Mr. Jernigan - Excuse me, I make a motion to waive the time limits on case C-17C-
558 04.

559

560 Mr. Vanarsdall - Second.

561

562 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
563 favor, aye. All opposed. The motion passes.

564

565 The Planning Commission voted to waive the time limits on Case C-17C-04, Darbytown Partners,
566 LLC.

567

568 Mr. Jernigan - I move for approval of case C-17C-04 to be sent to the Board of
569 Supervisors for approval.

570

571 Mr. Vanarsdall - Second.

572

573 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
574 favor, aye. All opposed. The motion passes.

575

576 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
577 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
578 request because the proffered conditions will assure a level of development otherwise not
579 possible.

580

581 Mr. Silber - The next rezoning case is on page 3 of your agenda.

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C-29C-04 **Tree Top Service, Inc.:** Request to conditionally rezone from A-1 Agricultural District to B-3C Business District (Conditional), part of Parcel 821-697-6489, containing 6.073 acres, located on the east line of Monahan Road 129 feet north of Darbytown Road. A tree contracting service with a vehicle and equipment storage shed is proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. The site is in the Airport Safety Overlay District.

Mrs. Ware - Is there any opposition to C-29C-04, Tree Top Service, Inc., in the Varina District? There is no opposition. Hello again, Mr. Bittner.

Mr. Bittner - Thank you, Mrs. Ware.

This proposal would permit a tree contracting service within an accompanying 17,000 square foot storage building.

The 2010 Land Use Plan recommends this site for Suburban Residential 1. The requested B-3C zoning is inconsistent with the plan's recommendations.

Since most of this area is still fairly rural and residential, staff is concerned about the precedent B-3C zoning would set. Staff would prefer to see this business on a site already zoned for this use or at least designated for commercial development.

The staff report recommended several items that would help limit this proposal's impact on adjacent properties. The applicant has proffered all of these items, including:

- Thirty-five foot transitional buffers against adjacent properties.
- The only use permitted on the property to be landscape contracting and tree service.
- All equipment to be stored indoors.
- Total building size not to exceed 20,000 square feet; and
- An opaque fence to screen any landscaping materials shall be constructed on the property.

Although these proffers are positive and do lessen the impacts of this request, staff would prefer to see this business on a location zoned or designated for commercial uses.

This concludes my presentation. I would be happy to try and answer any questions you may have.

Mrs. Ware - Are there any questions for Mr. Bittner?

Mr. Archer - Mr. Bittner, in your overview of this did you locate or are there additional sites that would fit the requirements for this application that are near by.

Mr. Bittner - We did not do that kind of an analysis. We can try to do that if you think it is something we should pursue, but this particular case, no we did not attempt to locate another suitable property for the applicant.

Mrs. Ware - Are there any more questions?

Mr. Jernigan - I don't have any Madam Chairman.

635 Mrs. Ware - Okay. Do you care to hear from the applicant?
636
637 Mr. Jernigan - Well, let me explain how this case works. Monahan Road is a road,
638 first of all Monahan Road runs all the way from about where the Airport runway up to
639 Darbytown. A lot of those homes have been cleared out on the Airport side because of further
640 development of RIR, of the Airport, rather and in the future plans, which I've seen, which are
641 about twenty years out they show that all the way up to 895 those structures that are over there
642 now will be gone and that will be storage facility with runway running all the way up to 895. This
643 parcel here is about four houses pass the 895. When I first looked at this case I wasn't sure
644 about it, but after I checked into it...on the screen if you see that narrow strip, well it shows it in
645 the staff report better, but right to the north side of that red line where Monahan Road is. That
646 50' strip that comes through, that whole field next to the property that is in red received a
647 conditional use permit from the BZA on February 26th and that land is going to be mined for
648 Seven Hills Boulevard Construction. So actually the...English did not have to rezone that
649 property, they were able to get a cup because it was A-1 and on these properties there are a lot
650 of people up and down that road who do have businesses behind their homes. Mr. Englehart is
651 trying to do the right thing. He needs to put up a building to protect his equipment and he filed
652 the case so he would be legal. At this point I feel, especially with what is going on next door,
653 because the mining of that property next door is going to substantially disturb that land and I
654 don't see that any residential will be on there until later, many years down the road, if there is
655 any at that point. He has proffered that he will only use this for his equipment. It is not going to
656 be sold to be used for something else; it can't be sold or be used for something else. Let me
657 ask, do you all have any questions for me?
658
659 Mrs. Ware - Well, I have a question that maybe Mr. Bittner could answer or
660 maybe your could too. This particular business has been operated out of this location for how
661 long?
662
663 Mr. Bittner - I don't know exactly how long, but it is currently operating, maybe
664 the applicant, Mr. Englehart can answer that.
665
666 Mr. Jernigan - Mr. Englehart, would you come down please and state your name
667 for the record, please.
668
669 Mr. Floyd Englehart - I'm Floyd Englehart. I live at 6977 Monahan Road. We have been
670 operating the business for four years.
671
672 Mrs. Ware - Thank you.
673
674 Mr. Jernigan - Thank you.
675
676 Mr. Silber - I was going to state that one of the reservations or the reservation
677 that staff has with this obviously is, it is not that we have anything against a viable business. It
678 is only an issue relating to location and the impact this could have on the surrounding property.
679 Recognizing where this is relative to existing land uses and zoning in the area. By putting a B-3
680 at this location you can see that it could have an impact in the future. Other adjacent property
681 may think they have business value in the properties and to establish this a commercial area, in
682 our opinion is not in keeping with the plan. I understand where you are coming from with the
683 conditional use permit that was recently approved by the Board of Zoning Appeals, but that
684 conditional use permit would eventually, the mining or activity in that piece of property would
685 eventually be taken care of and that property hopefully can be reclaimed and reused. Again, just
686 reiterating staffs concern. We would hope that adjacent property owners don't see this as an
687 opportunity necessarily for expansion of this type of zoning.

688
689 Mr. Jernigan - Staff is right. I mean Mark did a good job on it, he is right about it.
690 But there is no opposition and one reason is because a lot of people down there have businesses
691 in their backyard.
692
693 Mr. Marshall - Mr. Silber, don't you think that the impact of what you're worried
694 about is greatly lessened by the fact that the proffer is so strict that it can only be used for this
695 one type of business and if anything else wanted to be used once Mr. Englehart ceases doing
696 business they would have to come back and have a rezoning because of that proffer.
697
698 Mr. Silber - Yes, sir, Mr. Marshall. I mean that obviously helps the situation, but
699 obviously the property owner at the corner of Monahan and Darbytown may think that that's a
700 perfect site for a little retail store because there is business zoning adjacent to it and they may
701 restrict that to just one use. I mean, land uses, zoning and then implications that follow certain
702 zoning decisions can have impact beyond the one proffer restriction that exist with that zoning.
703
704 Mr. Jernigan - Let me say, that one house at the end is owned by the church, it's
705 next door and the church is okay with it. So we've had no opposition on this case and I know it
706 is a little irregular but this is a case where I think we are helping a citizen out here and I think it
707 is marginal. I don't see, like I said, a lot of these people up and down this road have businesses
708 in their backyard. Anymore questions?
709
710 Mr. Archer - Mr. Secretary, is there any other way to allow the requested use
711 other than by doing a rezoning? Any kind of conditional permit or provisional permit?
712
713 Mr. Silber - I presume the staff has explored all possibilities. I am not aware
714 that there is anything that exists.
715
716 Mr. Bittner - We are not aware of anything and the zoning ordinance specifically
717 lists tree-contracting services first in the B-3 district. No, we could not find another way other
718 than rezoning to allow this proposed use.
719
720 Mr. Archer - So then in viewing the proffer, that this would only be used as a tree
721 contracting service. No other use of any kind would be permitted if that use was discontinued?
722 Is that what we are saying here?
723
724 Mr. Bittner - Correct.
725
726 Mr. Jernigan - They would have to come back to the Planning Commission/Board of
727 Supervisors to change it.
728
729 Mr. Vanarsdall - It's a proffer.
730
731 Mr. Jernigan - It is a proffer, yes sir.
732
733 Mr. Vanarsdall - He proffered it right there, no other use.
734
735 Mr. Jernigan - It is the third condition. It is the third proffer.
736
737 Mr. Vanarsdall - All right.
738
739 Mr. Ware - Anymore questions? Are you ready for a motion Mr. Jernigan?
740

741 Mr. Jernigan - Madam Chairman, with that I will move for approval of zoning case
742 C-29C-04, Tree Top Service, Inc.
743
744 Mr. Marshall - Second.
745
746 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Marshall. All in
747 favor, aye. All opposed. The motion passes.
748
749 Mr. Silber - Do we need to waive the time limit on that?
750
751 Mr. Jernigan - No.
752
753 Mr. Vanarsdall - It was dated the 13th.
754
755 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Marshall, the Planning
756 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
757 the request because the proffered conditions should minimize the potential impacts on surrounding
758 land uses.
759
760 Mr. Silber - The next request is:
761
762 **C-32C-04 The Rebkee Company:** Request to conditionally rezone from A-1
763 Agricultural District to B-2C Business District (Conditional), Parcels 834-713-8189, 834-714-9609
764 and part of Parcel 834-714-5632, containing 8.77 acres, located at the northwest intersection of
765 Drybridge and E. Williamsburg (U. S. Route 60) Roads. A grocery store and other retail uses are
766 proposed. The uses will be controlled by zoning ordinance regulations and proffered conditions.
767 The Land Use Plan recommends Office. The site is in the Airport Safety Overlay District.
768
769 Mrs. Ware - Is there any opposition to C-32C-04, The Rebkee Company in the
770 Varina District? Thank you the opposition is noted. Mr. Silber, will you take a minute and go
771 over the rules of opposition?
772
773 Mr. Silber - Yes. The Planning Commission Rules and Regulations stipulate that
774 the applicant has ten minutes to present their request for rezoning, some of which they may save
775 for rebuttal. The opposition also has ten minutes to state their position relative to their
776 opposition to the request. The ten minutes in opposition includes all the opposition
777 accumulatively, so if there are multiple people that want to speak, the combined time is 10
778 minutes. Again, the applicant does have rebuttal time after the opposition speaks.
779
780 Mrs. Ware - Hello, Mr. Bittner.
781
782 Mr. Bittner - Thank you, Mrs. Ware.
783
784 This request would permit a grocery store and retail shopping center.
785
786 The 2010 Land Use Plan and the recently completed Williamsburg Road Study recommend this
787 site for Office uses. The requested B-2C zoning is inconsistent with these recommendations.
788
789 Access to the proposed shopping center is a concern. The Virginia Department of Transportation
790 designates this section of Williamsburg Road as limited access. Direct access is, in almost all
791 cases, prohibited.
792

793 The conceptual layout shows an access to Williamsburg Road. Because of this, the Traffic
794 Engineer and VDOT have determined a traffic study should be provided. The Traffic Engineer
795 has also stated that, if no access were proposed to Williamsburg Road, he would have no
796 objection to this project and would not require a traffic study. The traffic engineer is here
797 tonight to answer any questions you may have of him.

798
799 The applicant has submitted revised proffers that address some of the issues in the staff report,
800 including:

- 801
- 802 • The prohibition of additional uses, including check cashing and payday loan operations,
 - 803 automobile repair, and automobile fueling stations;
 - 804 • The screening of dumpsters is required;
 - 805 • Monument-style signage no greater than 15' in height is required; and
 - 806 • Trash removal and parking lot cleaning have been limited to 7:00 a.m. to 10:00 p.m.
 - 807 Monday through Saturday
- 808

809 The time limit would need to be waived to accept these proffers.

810
811 Even with these new proffers, however, staff has several suggestions on how to improve the
812 quality of this proposal:

- 813
- 814 • In addition to the front of the buildings, consideration should be given to using brick on the
 - 815 building's rear and side. We do have some photos of the proposed building, although they
 - 816 are a little fuzzy.
 - 817 • Instead of having a long flat roof, consideration should be given to providing a more
 - 818 decorative roof similar to that found at the Shops at Crossridge or the Gayton Crossing
 - 819 Shopping Center.
 - 820 • Provision of at least a 50-foot transitional buffer against the residences to the rear of this
 - 821 site should be considered;
 - 822 • A 50-foot streetscape buffer should be considered along Williamsburg Road and
 - 823 Drybridge Road;
 - 824 • Sidewalks should be considered along these roads as well; and
 - 825 • The applicant should consider prohibiting BMP's within buffer areas.
- 826

827 Staff is concerned this request could potentially open up this stretch of Williamsburg Road to
828 commercial development. While area residents could benefit from increased retail services, staff
829 encourages the applicant to consider other nearby sites designated for commercial use.

830
831 This concludes my presentation. I would be happy to try and answer any questions you may
832 have.

833
834 Mrs. Ware - Are there any questions for Mr. Bittner?

835
836 Mr. Vanarsdall - You still don't have a traffic report, do you?

837
838 Mr. Bittner - No, sir, we do not.

839
840 Mr. Vanarsdall - I noticed you recommended deferral until we got one.

841
842 Mr. Bittner - The applicant has agreed to do a traffic signal warrant study for the
843 intersection of Williamsburg Road and Drybridge Road. I will let them, as well as Tim Foster, our
844 traffic engineer go into the details of that.

845

846 Mr. Jernigan - Mark, right now they are proffering that it would be brick front and
847 split-face red block on the side, correct.
848
849 Mr. Bittner - Yes.
850
851 Mr. Jernigan - In the fifty foot, you want a fifty-foot transitional buffer in the rear.
852
853 Mr. Bittner - That is what we have suggested, yes.
854
855 Mr. Jernigan - Okay, Now on the front, from the road curb now to the end of the
856 easement is 85', do you know that?
857
858 Mr. Bittner - I'm not sure exactly where you are talking about.
859
860 Mr. Jernigan - All right, from Route 60, the easement is 85' from the road.
861
862 Mr. Bittner - Right.
863
864 Mr. Jernigan - That is the easement now and 25' on top of that would be 110' from
865 the road.
866
867 Mr. Silber - Mr. Jernigan, you are saying that the right-of-way is much wider on
868 Williamsburg Road. So it is not an easement, I don't believe, but the space between the edge of
869 pavement and the property line is much larger than you have in most circumstances.
870
871 Mr. Jernigan - It is 85'. Remember when we took the trip out there before, the
872 doctor office that was setting way off the road and he had a 15' setback.
873
874 Mr. Silber - I understand. It is not an easement it is in the right-of-way. If the
875 state ever wanted to widen that they could widen into that area. Your point is well taken.
876
877 Mr. Jernigan - Okay. Mark, I don't have any more questions for you. Thank you
878 for your work on this.
879
880 Mrs. Ware - Good evening, Mr. Theobald.
881
882 Mr. James Theobald - Good evening. Madam Chairman, gentlemen, my name is Jim
883 Theobald and I'm here on behalf of The Rebkee Company. This is a request to rezone about 9
884 acres from A-1 to B-2 with substantial proffered conditions and while the Land Use Plan does
885 suggest office in this location it does suggest commercial concentration in the area immediately
886 around it. Particularly across the street which we have looked at, by the way, but across the
887 street is very wet and is nearly impossible to develop. You did approve in 2001 that corner
888 parcel for a medical office building. It was impacted by some of the very issues that you've
889 already discussed this evening. We have proffered this concept plan that shows a 37,000 square
890 foot Food Lion Grocery Store with some speculative retail space and also a 7,000 square foot set
891 down restaurant. On the pad side we've proffered out restaurants with drive through. So it
892 couldn't be a fast food restaurant and I suggest these would be welcomed additions to this area
893 of Varina. We have proffered the elevations. I would perhaps like to put these on the table
894 since they are a little better representation than the ones that have been on the screen. This is
895 the Food Lion's newest prototype. You will see when we get it on the screen that it is a brick
896 front with, if you can perhaps blow that up a bit (referring to rendering). Notice, it is a little hard
897 to see the curvature on the wall below the sign there, but it is not a flat façade. If you would like
898 we will pass these up down the road. It is a brick front. We have said that we would like to do

899 split-face block the same color as the brick on the back and the sides. We have about 18
900 different use exclusions to take out potentially undesirable uses in this location. We have also
901 limited the hours of trash pick up and parking lot cleaning from the hours between 7:00 a.m. to
902 10:00 p.m. on Monday through Saturday.
903

904 The Williamsburg Road frontage is limited access. Not sure why since we have gone past
905 Drybridge Road, which is obviously open but none the less VDOT has deemed that to be limited
906 access and we do not legally have access directly to Williamsburg Road so we have planned our
907 access off of Drybridge Road. It would be my intention to ask the Commonwealth Transportation
908 Board and VDOT to allow that entrance, but the shopping center does work, as I understand Mr.
909 Foster has indicated, off the access from Drybridge Road. Also, my understanding is reiterated
910 by Mr. Bittner that the traffic study was not needed unless or until we were able to break that
911 access and I'd suggest that the time of POD we likely would not have heard from the
912 Commonwealth Transportation Board, but we can certainly put a condition in there requiring a
913 traffic study. But we have also offered to do a warrant study for signalization between now and
914 the Board to see if a traffic light would be warranted there so we would have that information for
915 the future. That is not quite a full-blown traffic study, as I understand it to be, but happy to
916 provide that information it being my understanding that that was the concern expressed by Mr.
917 Foster.
918

919 The buffers, I think you have discussed, the buffer in the rear, this property behind us is
920 predominately owned by the seller of this property who I believe would like to address you
921 shortly who has no problem with the 25' buffer and as suggested by Mr. Jernigan there is an 85'
922 width from the edge of pavement to the property line which we are not allowed to touch. It
923 belongs to VDOT and so we would stick with the regular buffer for that reason.
924

925 I believe that this development will significantly contribute to the commercial tax base in Varina.
926 Something we have all been talking a lot about recently and again provides some desirable
927 services and amenities for the folks in that area. With that I would respectfully request your
928 favorable recommendation of this case to the Board of Supervisors. I believe there are at least
929 two people that would like to address you in support of this case.
930

931 Mrs. Ware - Are there any questions?
932

933 Mr. Jernigan - Jim, before you leave one thing we did discuss was sidewalks.
934

935 Mr. Theobald - Yes, Mr. Jernigan I think if you feel strongly about that that is
936 something that we would consider. We were a little concerned as to how we would get a
937 sidewalk, it would be behind the 85' right-of-way and would be predominately across the area
938 that is essentially the parking lot and obviously it doesn't go anywhere. In terms of the corner
939 piece which has not been developed and I don't know that there is a sidewalk within 2 or 3 miles
940 of that location, but ...
941

942 Mr. Jernigan - It is not because it is nothing there.
943

944 Mrs. Ware - You have got to start somewhere.
945

946 Mr. Jernigan - As we discussed on the phone is as further development comes
947 along then we'll add that sidewalk on.
948

949 Mr. Theobald - Would you considering allowing us to do some sort of pedestrian
950 access where there would be hard surface but not necessarily a 4' concrete section that works
951 through there so people would have connectivity?

952
953 Mr. Jernigan - Well, I think...
954
955 Mrs. Ware - In order to continue with sidewalks, I mean if you want to develop
956 this area as a retail area and get all these people who are so anxious to have retail to the
957 location, I think a sidewalk would definitely help that.
958
959 Mr. Vanarsdall - I agree. It should have been put in there to start with.
960
961 Mr. Marshall - Somebody has got to blaze the trail.
962
963 Mrs. Ware - Somebody has got to start.
964
965 Mr. Theobald - I guess we will be the first.
966
967 Mrs. Ware - Good.
968
969 Mr. Jernigan - Jim, then you are saying you are going to put the sidewalk in.
970
971 Mr. Theobald - Yes, sir.
972
973 Mr. Jernigan - And on the brick...
974
975 Mr. Theobald - Yeah, we are going to brick the front and would like to do split face
976 block on the back and on the side to match, color match.
977
978 Mr. Jernigan - Can you do brick on the sides and do block on the back?
979
980 Mr. Theobald - Perhaps that one end, the closes to Drybridge.
981
982 Mr. Jernigan - Yes.
983
984 Mr. Theobald - Yeah, we can do that. I think that is a reasonable request, Mr.
985 Jernigan.
986
987 Mrs. Ware - I wanted to ask about the back of the building...
988
989 Mr. Theobald - Yeah.
990
991 Mrs. Ware - ...I might have missed something, but there is a 25' buffer area.
992
993 Mr. Theobald - Correct.
994
995 Mrs. Ware - Is there any plan, especially since there are houses back there, any
996 plan plantings or some type of fence?
997
998 Mr. Theobald - We do have a transitional buffer back there within which we will
999 have to plant, if you, I don't know if you have an aerial as part of your package, but it is all treed
1000 back there, the houses are not particularly close and most of that property is owned by the seller.
1001
1002 Mrs. Ware - Okay. Thank you.
1003
1004 Mr. Vanarsdall - What did you ask about a fence?

1005
1006 Mrs. Ware - Well any type of...
1007
1008 Mr. Marshall - The seller of the property actually owns the other property behind it.
1009
1010 Mr. Theobald - I think there is a piece; there is one or two parcels that are tangent
1011 for a very short distance. I think Mr. Gooch can address that.
1012
1013 Mrs. Ware Okay.
1014
1015 Mr. Archer - Mr. Theobald, Mr. Bittner indicated in the staff report that there
1016 were some architectural treatments that staff would favor such as: not having a flat roof and so
1017 forth. Did you consider any of those things and did you discuss them with staff and what was
1018 the outcome?
1019
1020 Mr. Vanarsdall - I thought that is why we had the study of the Technology Boulevard
1021 corridor to do that some thing.
1022
1023 Mr. Theobald - The prototype that I am passing down so you can see it a little
1024 better is one where all the architectural features are basically on that front façade. It is not the
1025 sort of a building that you...
1026
1027 Mr. Archer - I can see that on the...
1028
1029 Mr. Theobald - ...would build up a pitch roof on.
1030
1031 Mr. Archer - Yeah, I can see the front curvature in that...
1032
1033 Mr. Jernigan - That is the new design Food Lion that has the wrapped front. It is
1034 not a flat front it is a wrap front.
1035
1036 Mr. Theobald - Right.
1037
1038 Mr. Jernigan - You want to see them Lisa?
1039
1040 Mr. Vanarsdall - This second picture looks good.
1041
1042 Mrs. Ware - Mr. Theobald, did you say there was someone else who would...
1043
1044 Mr. Silber - That will go against your time.
1045
1046 Mrs. Ware - Okay. That will go against how much time?
1047
1048 Mr. Silber - Five minutes.
1049
1050 Mrs. Ware - Do you want to save any rebuttal time, Mr. Theobald?
1051
1052 Mr. Theobald - I'll save a minute.
1053
1054 Mrs. Ware - Okay. Anyone here to speak in favor of this case?
1055

1056 Mr. Claude B. Allen, Jr. - Madam Chairman, Members of the Board, my name is Claude B.
1057 Allen, Jr. and I'm speaking in behalf, I'm an adjacent property owner on the northeast corner, I
1058 guess, would be adjacent to that property.
1059
1060 Mr. Jernigan - Northeast corner.
1061
1062 Mr. Allen - I'm naturally in favor of it because I have an ulterior motive. I have
1063 property right beside it which I really feel like would help the value of my property. But aside
1064 from that I think that we need some development to start in this area down here and we really,
1065 in my opinion are lacking development down through this corridor. This is a service-orientated
1066 project that they have and I think the community needs it. There is talk of us losing one grocery
1067 store that is relatively in this area. This will probably replace it. This is just scuttlebutt, I don't
1068 know how much truth is involved in it. I feel like it would be an asset to this area or certainly
1069 getting something started. I really don't see any major objection to it.
1070
1071 Mrs. Ware - Are there any questions for Mr. Allen from the Commission?
1072
1073 Mr. Marshall - I appreciate your condor.
1074
1075 Mr. Jernigan - Thank you, Brad.
1076
1077 Mr. Vanarsdall - Thank you, Brad.
1078
1079 Mrs. Ware - Is there anyone else? I believe Mr. Theobald said there was a
1080 couple of people to speak in favor. They have ten minutes.
1081
1082 Mr. Robert Gooch - Hi there, I am Robert Gooch. I am the property owner or one of the
1083 property owners and I'm here, of course, to speak in favor of it. It kind of reminds me of the
1084 movie, *Field of Dreams*, and in the *Field of Dreams* they said, "If you build it they will come". We
1085 have seen them do this all over Henrico County, but all of that development has been in the west
1086 end. We have got the poor east in out here with major interstate access, we have got 295 and
1087 64 only, you know, 295 is a mile away and we need somebody to go out here and take the ball
1088 and begin the commercial development in this are. I feel like it will be an asset not only from a
1089 tax base, but this needs to be the catalyst that begins to bring development to this area. I feel
1090 like the area is starved for this type of development and I'm kind of proud to be the guy who is
1091 going first and saying, you know, lets get this thing started and lets get the ball rolling.
1092
1093 We are going to retain, the part we are not selling, if you look at that diagram in front of us you
1094 would see the yellow dots outlining the area we are going to get rid of (referring to diagram) or
1095 sell for the Food Lion. Behind that you will see that there is three homes and a barn, that is the
1096 place where I grew up and you know, our old home site and directly on the other side we've got
1097 another parcel of property and across Drybridge we have got another parcel of property. We are
1098 loosing two single-family residences, we are going to buffer this thing out so that this shopping
1099 center is not a big nuisance for the home sites that are still there. We need something on this
1100 side of Henrico County to kind of get going.
1101
1102 Are there any other questions?
1103
1104 Mr. Jernigan - Robert, you said you are going to retain those residences behind it.
1105
1106 Mr. Gooch - Yes, sir.
1107
1108 Mr. Jernigan - Okay. Thank you.

1109
1110 Mr. Gooch - Now eventually we would like to, as development moves this way we
1111 would like to develop those in the future, but for now those residences are, planned to stay
1112 there.
1113
1114 Mrs. Ware - But you don't live in one of these residences.
1115
1116 Mr. Gooch - I do not. I grew up in two of them, or grew up and moved to the
1117 other. Our whole family built, there was one family farm, and everybody stayed on the farm.
1118 Now people have gone this way and that, but... any other questions.
1119
1120 Mr. Jernigan - Thank you.
1121
1122 Mr. Gooch - Thank you, guys.
1123
1124 Mrs. Ware - All right, now we can hear from the opposition. Can you come up
1125 and state your name, please?
1126
1127 Pamela and Bob Stump - Pamela Stump, 1503 Old Williamsburg Road. We moved in on, we
1128 closed on May 10th. First I would like to say in addition to the points that Mr. Bittner brought up
1129 that opposed retail, concerns about light and noise pollution. There is always trash. Any
1130 shopping center, there is trash. I don't care how nice they keep it there are bags blown across
1131 the street; it changes the entire character of an area.
1132
1133 I disagree; I do not believe we need another grocery store there. I have three grocery stores,
1134 four counting the little one in Sandston. Four grocery stores within every close, five to ten
1135 minutes, there is a Food Lion on Laburnum, another Food Lion, not Laburnum, Nine Mile Road.
1136
1137 Mr. Bob Stump - On Nine Mile Road and if this one opens you know what is going to
1138 happen to your tax base with that other Food Lion. They are going to close that other Food Lion
1139 and we live here. We live in the fourth house up there (referring to rendering) which is on the
1140 right side of that and so this is going to come up beside of our property and it is going to change
1141 the quality of life that we are going to have being residents living there. There is property on
1142 both sides of that road that is already zone for commercial. Why not build, this area is going to
1143 be developed, why not develop it where it is already zoned for commercial.
1144
1145 Mrs. Stump - Don't let Henrico go down the tubes like Chesterfield. Chesterfield
1146 County is nothing but sprawl, nothing but business. When we were looking for a house I told my
1147 realtor and I told my husband don't even show me anything in Chesterfield because that is what
1148 happens. They put a little strip mall here, a little business there. It is ugly. The traffic becomes
1149 a problem.
1150
1151 Mr. Stump - Right now they want to rezone this commercial. The property owner
1152 of these other three homes wants to tear down two houses and zone it commercial. He has
1153 already told us that he wants to do the same thing later with the other three houses. That is
1154 going leave us with big commercial stuff all around us.
1155
1156 Mrs. Stump - We are going to be island in a sea of asphalt.
1157
1158 Mr. Stump - There is commercial property on both sides of the road. Yes, that
1159 area is going to be developed why don't you develop the commercial, the stuff that is already
1160 zoned commercial. If you look at the picture up there, the area up there that is zoned

1161 commercial, there is a lot more of it there. There is a lot more on both sides of both of those
1162 roads where there aren't homes already built.
1163
1164 Mr. Jernigan - Well, as I'm looking on my staff report, which they show the zoning
1165 across the street on a triangular lot, that is zoned B-3, but it is wet. Everything else on here is A-
1166 1 other than the parcel to the left of it as you look at the picture, that other corner (referring to
1167 rendering) is zoned O-2 and that was zoned for Doctor Stanavick's office.
1168
1169 Mr. Stump - We have no objection to that.
1170
1171 Mr. Jernigan - Well, he ended up not building. He did file a nice POD and it got
1172 zoned and he never ended up doing that. Tell me again which house is yours.
1173
1174 Mr. Stump - Our house is 1503 which is...
1175
1176 Mrs. Ware - Is it Old Williamsburg Road.
1177
1178 Mr. Stump - Yes. It is at the top to the right (referring to rendering).
1179
1180 Mr. Jernigan - Okay.
1181
1182 Mr. Stump - Our property is kind of, is long and narrow.
1183
1184 Mrs. Stump - They are going to have those tall lights shining down on us. If
1185 something had to be developed why not stick with the Comprehensive Plan that they had already
1186 with the office building. That would be limited access, limited hours. Retail is just totally
1187 disagreeable. I am appalled by the idea. You have got a pretty stretch of road there an office
1188 building really wouldn't be that big of deal, but retail, another ugly shopping center.
1189
1190 Mr. Jernigan - Did you see the pictures of the shopping center?
1191
1192 Mrs. Stump - Yeah, the ones you put up there.
1193
1194 Mr. Jernigan - Do you really think that looks ugly?
1195
1196 Mrs. Stump - Oh, I do, yes.
1197
1198 Mr. Stump - It is going to, there is going to be trash in our yard, are they going
1199 to put a fence up behind, to adjoin our property.
1200
1201 Mrs. Stump - And twenty-five (25) feet that is nothing, a buffer, that is nothing.
1202
1203 Mr. Stump - The property owner has already said that later he is going to try and
1204 do the same thing with the other three houses. That will leave us and the Allen farmhouse as
1205 the only residential area there.
1206
1207 Mr. Jernigan - Well, you know that the property next to you is, down to the corner
1208 of Old Williamsburg Road, that triangular piece is already zoned B-3.
1209
1210 Mr. Stump - Yes. Allen farmhouse is there. I know who is there. I think he has
1211 got that as a historical...
1212
1213 Mrs. Stump - I know that Mr. Bittner's office recommended office building.

1214
1215 Mr. Jernigan - That is what the Comprehensive Plan shows, yes ma'am, it does.
1216
1217 Mrs. Stump- Well, retail is a lot different from an office building.
1218
1219 Mr. Jernigan - Yes, madam. I know, I mean its...okay lets say this, first of all you
1220 all just moved in here two months ago.
1221
1222 Mr. Stump - Yes.
1223
1224 Mr. Jernigan - Where did you live before?
1225
1226 Mr. Stump - Brook Road.
1227
1228 Mrs. Stump - City of Richmond.
1229
1230 Mr. Stump - City of Richmond, hear Belvedere.
1231
1232 Mr. Jernigan - Okay.
1233
1234 Mrs. Stump - I mean, we didn't have this problem in the middle of the city. We
1235 didn't have a shop right up on top of us.
1236
1237 Mr. Jernigan - I drove today from Laburnum Avenue to Route 156, it is 7.3 miles
1238 from Laburnum Avenue to 156, and how many new businesses do you think have opened along
1239 that corridor?
1240
1241 Mrs. Stump - I have no idea.
1242
1243 Mr. Stump - Quite a few.
1244
1245 Mr. Jernigan - Two.
1246
1247 Mr. Stump - Two is all?
1248
1249 Mr. Jernigan - You had Long and Foster Real Estate Office, which is at 156 and you
1250 have Citizen's and Farmers Bank, which is in Sandston. That is all that we've had open up in
1251 seven years on this corridor. This is a major corridor. The only way that you can get out of
1252 Sandston on a major route is Route 60 or Interstate 64. Now, what I'm faced with consistently is
1253 people calling me, and Mr. Donati had a town hall meeting a few years ago and asked people to
1254 come and tell us what they wanted. People want restaurants out here; they want services and
1255 that is one thing that we do not have now. If you've been here two months you found out that
1256 we do not have many restaurants in this end of town.
1257
1258 Mr. Stump - But you do have land that is already zoned for commercial business
1259 and you've got land that is zoned commercial office.
1260
1261 Mr. Jernigan - You've got that one piece that is in this area (referring to rendering)
1262 that is right across the street, but like Mr. Theobald said, "that property is pretty wet over there".
1263
1264 Mr. Stump - What about the other side of Route 60?
1265
1266 Mrs. Stump - You have got a YMCA there.

1267
1268 Mr. Stump - Or next to the YMCA and beyond that and on down from there.
1269
1270 Mr. Jernigan - The YMCA is zoned A-1 and heading west from there it is R-3 and
1271 there is a small B-1 sight up on Whiteside Road, which there is a proposed doctor's office and a
1272 veterinary there right now.
1273
1274 I see what you are saying and things are going to come this way on Williamsburg Road.
1275
1276 Mr. Stump - I understand that it is going to be developed there, but there is a lot
1277 of land developed there where there is not already residential.
1278
1279 Mrs. Stump - There are lots of ways to develop other than retail.
1280
1281 Mr. Jernigan - Well, there is office space and the reason that I was asking you all
1282 where you were from because I didn't know if you moved from another town or whether you just
1283 moved from another part of the county, but if you've checked this area out there is office out
1284 there now that is still for rent. We have a glut of office space right now. If you go up there off
1285 of Charles City Road, there is offices up there, down Glen Alden Drive, there is offices down
1286 there, office and office service.
1287
1288 Mrs. Stump - Well, I'm getting the sense that we don't stand a chance.
1289
1290 Mr. Jernigan - Well, ma'am, I'm trying to do what is good for everybody.
1291
1292 Mrs. Stump - I would ask, if you are just going to let it go the way of Chesterfield,
1293 I would ask that you would at least require a much larger buffer than 25'.
1294
1295 Mr. Jernigan - Well, would you rather have a bigger buffer or a fence?
1296
1297 Mrs. Stump - Bigger buffer and I don't want the real high lights either.
1298
1299 Mr. Jernigan - Well, you won't have lights shining over on you. Your house is
1300 probably, what, 200' from the property line.
1301
1302 Mr. Stump - At least that if not a little more.
1303
1304 Mr. Jernigan - Two to three hundred feet from the property line. You are not going
1305 to have bleed over. I mean, that is one thing that our staff does control, the lights, you are not
1306 going to have bleed over on your property. Even in property that is right next to residential
1307 where Citizens and Farmers Bank went, we made them put shields on the light so they wouldn't
1308 shine over on the adjacent property. So you won't have that problem.
1309
1310 Mrs. Ware - Mr. Jernigan, we probably need to get the applicant up, but do you
1311 think the lighting could be brought down to a lower level instead of 25' and perhaps the sign as
1312 well, brought down to a lower level and require ground mounted lighting. That might litigate
1313 some of the impact of the lighting.
1314
1315 Mr. Silber - It may be possible Mr. Jernigan also, in looking at the site layout. I
1316 don't know if the staff can put that site layout back up, but it looks like that in the back corner of
1317 this property they don't propose to build right up to that back corner which would be closes to
1318 there home. Maybe they could proffer that the distance of the buffering in that back corner
1319 could reflect what is on this plan, maybe even the parking could be moved back somewhat from

1320 their property. There maybe some things to improve the site layout to minimize the impact on
1321 there property.
1322
1323 Mr. Jernigan - Well, lets get to the lighting first. If they're 250' away they are not
1324 going to be lighting, Randy. I mean we can reduce the height of the lighting, but if it is 25' or
1325 15' that light is not going to shine back to there house.
1326
1327 Mr. Stump - Fifteen would be much better than the twenty-five. I think the
1328 twenty-five would shine...
1329
1330 Mr. Jernigan - I mean, like I said if you are 250' from the property line the lighting
1331 at either height is not going to really reflect.
1332
1333 Mrs. Stump - Well, you know what, if you build it and it does it's a done deal.
1334
1335 Mr. Jernigan - Well ma'am, I want you to understand that I'm trying to watch out
1336 for you too, but I'm trying to watch out for the rest of the citizens of Henrico.
1337
1338 Mrs. Stump - I realize that. I ride around here and I see a lot of land that doesn't
1339 have any houses near by...
1340
1341 Mr. Jernigan - But this is the property that they picked and the law said a person
1342 has the right to develop their property...
1343
1344 Mrs. Stump - Well, that is fine.
1345
1346 Mr. Jernigan - ...as long as its done in accordance with the County regulations.
1347
1348 Mr. Stump - Well, zoning changes have to be approved though.
1349
1350 Mr. Jernigan - Sir?
1351
1352 Mr. Stump - Zoning changes have to be approved. They don't have the right to
1353 do this unless you all approve...
1354
1355 Mr. Jernigan - Right, and that is the reason we are here.
1356
1357 Mr. Stump - ...the zoning changes.
1358
1359 Mr. Jernigan - That is the reason we have the public hearing on it so you can
1360 state...
1361
1362 Mr. Stump - Don't you think the, across the street where you say the land is low,
1363 don't you think that is going to be filled in and developed if not first then after this? That area is
1364 going to be developed...
1365
1366 Mr. Jernigan - At some point and time.
1367
1368 Mr. Stump - ...which I have no objection to that being developed. Its going to be
1369 filled in and they are going to develop that one and I have no objection whatsoever to that other
1370 side of Drybridge being developed as commercial. That is what it is zoned for and it will be filled
1371 in and they will develop there.
1372

1373 Mr. Jernigan - You are probably right, but this is not the parcel that these people
1374 picked. They picked the parcel that is on this corner.
1375
1376 Mr. Stump - Right, which isn't zoned commercial and it doesn't follow the plan to
1377 change to commercial zone, right.
1378
1379 Mr. Jernigan - It is not in the Land Use, it is listed as office on the Land Use Map.
1380 Yes, sir you are right about that, but that does not always mean that that is the way, I mean...
1381
1382 Mr. Stump - Sure you can change the zoning.
1383
1384 Mr. Jernigan - ...it shows it on the Land Use Map as a suggestion and that is what
1385 we go by, but it is up to the Planning Commission and the Board of Supervisors to decide if they
1386 think it is proper for it to be changed to a different zoning.
1387
1388 Mrs. Stump - What about the thing, more buffer? The issue of a larger buffer.
1389
1390 Mr. Jernigan - Lets get, Mr. Theobald.
1391
1392 Mrs. Ware - Can we get the applicant to address your concerns so that you might
1393 have some answers to what your issues are?
1394
1395 Mr. Theobald - We are certainly interested in being good neighbors and we would
1396 be able to plant in the areas outside of what you see in the site plan, it is proffered. We would
1397 also be willing to put a 6' board on board fence along their boundary line back there and also, of
1398 course, at the time of landscape plan we would be looking at exactly what they would see.
1399 Again, they are over 200' away so we'd be happy to proffer that. All of the parking lot lighting is
1400 in front of the building. There are no lighting standards behind the building. Those are wall
1401 packs with directed light that are directed down on the back so you don't really have that issue
1402 and of course it has to be directional and what not. So you really won't see those from behind
1403 the building.
1404
1405 The land across Route 60 is not merely wet it is jurisdictional wetlands. It cannot be filled in or
1406 developed. We have talked to the YMCA. When you see that amount of zoning in the Land Use
1407 Plan are zoned on your maps that is the first place you go and that was the first stop we made.
1408 That really cannot be developed, but we would be willing to provide that fence back in there to
1409 give them additional measure of protection.
1410
1411 Mrs. Ware - So you are not agreeable to lowering the lighting.
1412
1413 Mr. Jernigan - The lighting is in the front. There is no lighting in the back.
1414
1415 Mrs. Ware - I know, but...
1416
1417 Mr. Marshall - As far away as the house is and the lighting is in front of the
1418 building, so the light fixtures are not going to be as tall as the building is.
1419
1420 Mr. Theobald - That is right.
1421
1422 Mrs. Ware - Okay.
1423
1424 Mr. Jernigan - Mr. Theobald, what is going to be the hours of operation here?
1425

1426 Mr. Theobald - Open to the public? It's a B-2 case, so then we haven't asked for
1427 any additional hours. Mr. McFadden stated...
1428
1429 Mr. Jernigan - B-2 is midnight.
1430
1431 Mr. Theobald - Right. It is not a 24-hour operation.
1432
1433 Mr. Jernigan - Right, if that was it, it would have to be B-3. Okay.
1434
1435 Mr. Theobald - Thank you.
1436
1437 Mr. Jernigan - Thank you.
1438
1439 Mr. Archer - Mr. Theobald, before you set down.
1440
1441 Mr. Theobald - Sir.
1442
1443 Mr. Archer - I'm sure you would be, but I didn't note that there was anyone else
1444 here who objected to the plan except this couple and I can certainly emphasis what there
1445 position is and not knowing whether or not the development process that would have to take
1446 place, if and when the Board approves this plan. Would you be willing to meet with them
1447 individually so that they can have a chance to add what some of there separate concerns are...
1448
1449 Mr. Theobald - Of course.
1450
1451 Mr. Archer - ...to see if we can elevate, if possible.
1452
1453 Mr. Theobald - Of course, absolutely. We also did send out letters to all the
1454 adjacent property owners and it may be that they had just brought their home in May that the
1455 County's records may not have reflected that transfer. Did you buy from the Guisingers?
1456
1457 Mrs. Stump - Yeah.
1458
1459 Mr. Theobald - Yeah. So they are not showing up on the tax map yet, so I would
1460 be happy to met with them.
1461
1462 Mr. Archer - Well, I just wanted to make sure that they understand that the
1463 process doesn't end right here tonight.
1464
1465 Mr. Theobald - Sure, I understand.
1466
1467 Mr. Archer - That they would have an oppotunity to somewhat participate in how
1468 the development proceeds, if the Board should approve it.
1469
1470 Mr. Theobald - Sure.
1471
1472 Mrs. Ware - Thank you, Mr. Theobald.
1473
1474 Mr. Jernigan - Ma'am, did you want to say something?
1475
1476 Mrs. Ware - Did you have another comment?
1477

1478 Mrs. Stump - I really am not comforted by the idea of a fence. I would want at
1479 least a 50' buffer zoned. I don't think that is unreasonable. This is going to change the entire,
1480 you know, the customers might come in from the front, that might be where all the lights are,
1481 but they load in the back.
1482
1483 Mr. Jernigan - I would think that a fence would be better than an additional buffer.
1484
1485 Mrs. Stump - No, I'll plant plenty of shrubs.
1486
1487 Mr. Jernigan - Ma'am.
1488
1489 Mrs. Stump - I'll plant shrubs. I want the distance. That is what is important to
1490 me. I want that on the record.
1491
1492 Mrs. Ware - Thank you, ma'am.
1493
1494 Mr. Jernigan - Jim.
1495
1496 Mr. Theobald - Yes, sir.
1497
1498 Mr. Jernigan - Between now and the Board of Supervisors would you work with
1499 them and see what you can work out on a buffer?
1500
1501 Mr. Theobald - Sure.
1502
1503 Mr. Jernigan - Okay. Thank you. Mr. Theobald is going to get with you all before
1504 you leave and he will be the liaison on this.
1505
1506 Mrs. Ware - Anymore questions?
1507
1508 Mr. Jernigan - Nope.
1509
1510 Mrs. Ware - Are you ready?
1511
1512 Mr. Jernigan - Yes, ma'am.
1513
1514 Mrs. Ware - All right.
1515
1516 Mr. Jernigan - I hear what you all are saying and I understand that anytime
1517 development comes your way it is not pleasant for anybody, but this end of town is going to
1518 grow up. When I first heard about this, I let it out in the pipeline three or four months ago that
1519 there was a Food Lion possibly coming. I checked with different people in the area and I've even
1520 had phone calls in support of it. We don't have anything in that area, business is going to come
1521 that way and what we want to do is make sure that it is quality. I know your idea of having a
1522 nice Food Lion and three or four outparcels is not the way that you want to go, but I think it is
1523 best for the community. So, Mr. Theobald is going to work with you all and see what we can do
1524 on the buffer situation. The Planning Commission makes a recommendation to the Board of
1525 Supervisors. Mr. Silber when will this come to trial.
1526
1527 Mr. Silber - This will come to the Board of Supervisors on August 10th at 7:00
1528 p.m. in the same room.
1529

1530 Mr. Jernigan - So, lets hope that we can work out a compromise in that period of
1531 time. With that Madam Chairman I will move for approval, excuse me; do we have to waive the
1532 time limits?
1533
1534 Mr. Marshall - Yes.
1535
1536 Mr. Jernigan - I make a motion to waive the time limits on case C-32C-04, The
1537 Rebkee Company.
1538
1539 Mr. Marshall - Second.
1540
1541 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Marshall. All in
1542 favor, aye. All opposed. The motion passes.
1543
1544 The Planning Commission voted to waive the time limits on Case, C-32C-04, The Rebkee
1545 Company.
1546
1547 Mr. Jernigan - With that Madam Chairman I will move for approval of case C-32C-
1548 04, The Rebkee Company.
1549
1550 Mr. Marshall - Second.
1551
1552 Mrs. Ware - Motion made by Mr. Jernigan, seconded by Mr. Marshall. All in
1553 favor, aye. All opposed. The motion passes.
1554
1555 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Marshall, the Planning
1556 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
1557 the request because the proffered conditions will assure a level of development not otherwise
1558 possible.
1559
1560 Mr. Silber - There is one more case, but Madam Chairman I think it may be best
1561 to move ahead to the 7:00 agenda and pick up any withdrawals or deferrals we may have on the
1562 7:00 agenda. So if there are deferrals people will not need to wait around. Mr. Emerson, if you
1563 could walk us through the deferrals and if there are any withdrawals on the 7:00 agenda.
1564
1565 Mr. Emerson - Yes, sir we do have several deferrals at 7:00, beginning with page 4
1566 of your agenda.
1567
1568 **Deferred from the May 13, 2004 Meeting:**
1569 **C-18C-03 Commercial Net Lease Realty Services, Inc.:** Request to
1570 conditionally rezone from B-3 Business District and A-1 Agricultural District to B-2C Business
1571 District (Conditional), Parcel 741-761-8112 and part of Parcel 741-761-8532, containing
1572 approximately 2.899 acres, located at the southeast intersection of W. Broad Street (U. S. Route
1573 250) and Three Chopt Lane. A retail use is proposed. The use will be controlled by proffered
1574 conditions and zoning ordinance regulations. The Land Use Plan recommends Office and
1575 Commercial Concentration. This site is within the West Broad Street Overlay District.
1576
1577 The deferral is requested to your October 14th meeting.
1578
1579 Mrs. Ware - Is there any opposition to the deferral of C-18C-03, Commercial Net
1580 Lease Realty Services in the Three Chopt District? There is no opposition.
1581

1582 Mr. Marshall - Madam Chairman, I move that case C-18C-03 be deferred to the
1583 October 14th meeting at the request of the applicant.

1584
1585 Mr. Vanarsdall - Second.

1586
1587 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
1588 favor, aye. All opposed. The motion passes.

1589
1590 At the applicant's request, the Planning Commission deferred C-18C-03, Commercial Net Lease
1591 Realty Services, Inc., to its meeting on October 14, 2004.

1592
1593 Mr. Emerson - Madam Chairman, the next item is on page 4 of your agenda.

1594
1595 **Deferred from the June 10, 2004 Meeting:**
1596 **C-51C-03 Larry D. Willis:** Request to rezone from A-1 Agricultural District and
1597 M-1C Light Industrial District (Conditional) to B-2C Business District (Conditional), Parcels 742-
1598 762-9861, 743-762-1862 and 743-762-1538 and part of Parcel 742-762-9178, containing 4.089
1599 acres, located at the northern terminus of Brookriver Drive and at the I64E/I295 southeast
1600 cloverleaf. Restaurants and other retail uses are proposed. The use will be controlled by
1601 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Semi
1602 Public. The site is also in the West Broad Street Overlay District.

1603
1604 The deferral is requested to your September 9th meeting.

1605
1606 Mrs. Ware - Is there any opposition to the deferral of C-51C-03, Larry D. Willis in
1607 the Three Chopt District? No opposition.

1608
1609 Mr. Marshall - Madam Chairman, I move that case C-51C-03 be deferred to the
1610 September 9th meeting at the request of the applicant.

1611
1612 Mr. Vanarsdall - Second.

1613
1614 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
1615 favor, aye. All opposed. The motion passes.

1616
1617 At the applicant's request, the Planning Commission deferred C-51C-03, Larry D. Willis, to its
1618 meeting on September 9, 2004.

1619
1620 Mr. Emerson - The next item is on page 4 of your agenda.

1621
1622 **Deferred from the March 11, 2004 Meeting:**
1623 **C-4C-04 Forest Park Associates, L.L.C.:** Request to conditionally rezone
1624 from RTH Residential Townhouse District and O-2 Office District to O-2C Office District
1625 (Conditional), Parcel 758-743-7963, containing 1.815 acres, located at the northeast intersection
1626 of Santa Rosa and Three Chopt Roads. An office and bank is proposed. The use will be
1627 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
1628 recommends Office.

1629
1630 The deferral is requested to your August 12th meeting.

1631
1632 Mrs. Ware - Is there any opposition to the deferral of C-4C-04, Forest Park
1633 Associates, LLC in the Three Chopt District? No opposition.

1634

1635 Mr. Marshall - Madam Chairman, I move that case C-4C-04 be deferred to the
1636 August 12th meeting at the request of the applicant.

1637
1638 Mr. Vanarsdall - Second.

1639
1640 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
1641 favor, aye. All opposed. The motion passes.

1642
1643 At the applicant's request, the Planning Commission deferred C-4C-04, Forest Park Associates,
1644 LLC, to its meeting on August 12, 2004.

1645
1646 Mr. Emerson - The next item is on page 5 of your agenda.

1647
1648 **Deferred from the April 15, 2004 Meeting:**
1649 **C-16C-04 Colson & Colson Construction Co.:** Request to conditionally
1650 rezone from A-1 Agricultural District and R-6C General Residence District (Conditional) to R-6C
1651 General Residence District (Conditional), Parcels 749-755-4576, 749-755-9136 and 749-755-
1652 8188, containing approximately 10.80 acres, located on the north line of Three Chopt Road and
1653 the southwest corner of the I-64/Gaskins Road Interchange, approximately 500 feet west of
1654 Gaskins Road. The applicant proposes a 118-suite unit retirement residence for seniors with
1655 associated uses. The R-6 District allows a density up to 19.80 units per acre. The Land Use Plan
1656 recommends Office and Environmental Protection Area.

1657
1658 The deferral is requested to your August 12th meeting.

1659
1660 Mrs. Ware - Is there any opposition to the deferral of C-16C-04, Colson & Colson
1661 Construction Company in the Three Chopt District? No opposition.

1662
1663 Mr. Marshall - Madam Chairman, I move that case C-16C-04 be deferred to the
1664 August 12th meeting at the request of the applicant.

1665
1666 Mr. Vanarsdall - Second.

1667
1668 Mrs. Ware - Motion made my Mr. Marshall, seconded by Mr. Vanarsdall. All in
1669 favor, aye. All opposed. The motion passes.

1670
1671 At the applicant's request, the Planning Commission deferred C-16C-04, Colson & Colson
1672 Construction Company, to its meeting on August 12, 2004.

1673
1674 Mr. Emerson - Madam Chairman, the next three items are one in the same, but
1675 they will require separate motions for deferral. They are all on page 6 of your agenda.

1676
1677 **C-27C-04 Highwoods Realty LP, et al:** Request to conditionally rezone from
1678 O-3C Office District (Conditional) to UMU Urban Mixed Unit Development, Parcels 750-766-3162,
1679 750-765-4697, 749-765-7952 and 750-765-0494, containing approximately 36.13 acres, located
1680 along the southwest intersection of Cox Road and Sadler Place. A mixed-use development is
1681 proposed. All uses will be controlled by proffered conditions and zoning ordinance regulations.
1682 The applicant proffers any residential use will not exceed three hundred ninety-two (392) units.
1683 The Land Use Plan recommends Office and Environmental Protection Area.

1684
1685 **P-6-04 Highwoods Realty LP, et al:** Request for a Provisional Use Permit
1686 under Sections 24-32.1(a) and 24-122.1 of Chapter 24 of the County Code in order to permit the
1687 activities listed in Section 24-32.1(a) of the UMU ordinance, on Parcels 750-766-3162, 750-765-

1688 4697, 749-765-7952 and 750-765-0494, containing approximately 36.13 acres, located along the
1689 southwest intersection of Cox Road and Sadler Place. The existing zoning is O-3C Office District.
1690 The Land Use Plan recommends Office and Environmental Protection Area.

1691
1692 **P-7-04 Highwoods Realty LP, et al:** Request for a Provisional Use Permit
1693 under Sections 24-32.1(u) and 24-122.1 of Chapter 24 of the County Code in order to permit a
1694 thirteen (13) foot increase in the permitted height of office buildings in the UMU District, on
1695 Parcels 750-766-3162, 750-765-4697, 749-765-7952 and 750-765-0494, containing
1696 approximately 36.13 acres, located along the southwest intersection of Cox Road and Sadler
1697 Place. The existing zoning is O-3C Office District. The Land Use Plan recommends Office and
1698 Environmental Protection Area.

1699
1700 The deferral has been requested to the September meeting according to the applicant. The
1701 applicant has just informed me that he is requesting it to September 9th.

1702
1703 Mrs. Ware - Is there any opposition to the deferral of C-27C-04, P-6-04 and P-7-
1704 04, Highwoods Realty LP in the Three Chopt District? There is opposition to the deferral. Will
1705 you step forward and state what opposition you have to this being deferred please.

1706
1707 Mr. Cummings - My name is Dave Cummings and I am president of the Cedars
1708 Homeowners Association, which borders this property, just to the left, there (referring to
1709 rendering). Our concern is primarily a request to simply deny rather than defer. The Cedars has
1710 about 100 homes. Another neighborhood that adjoins ours, called Saddlebrook, has another,
1711 about 50 homes. Innsbrook is an area that has had a distinct competitive advantage for a long
1712 time for residential purposes. It may be losing some of that competitive advantage on the
1713 commercial side with Westbrook and some other parks coming in. The office market might be a
1714 little soft now and certainly we recognize that Henrico County ought to look at alternatives for
1715 the property that's already zoned office. However, this idea may be worth considering some
1716 places in Henrico County but we do not believe it's worth considering here.

1717
1718 Mr. Vanarsdall - Mr. Cummings, we are only considering the deferment of this case
1719 tonight, we are not hearing the case.

1720
1721 Mr. Cummings - We recognize that, however, we were brought in fairly late in the
1722 game and we would suggest that you ought to spend your time doing other things that are more
1723 productive rather than wasting your time and the staff's time looking at a project that doesn't
1724 make any sense. We would suggest that you simply deny the case and move on.

1725
1726 Mr. Marshall - Well, sir, I respect your opinion but I think you ought to respect my
1727 feeling that I need to have.... Although you have formed your opinion about what you think the
1728 case is or should be I haven't formed mine. And a part of that reason is that I haven't been
1729 appropriately sat down and informed, as I discussed with you, about what this project exactly is
1730 about. How it's going to affect your neighborhood and that's the reason for the deferral to
1731 September. To give the applicant time to not only discuss with me in conjunction with the
1732 neighbors, the surrounding neighbors, what this project is about but to explore the entire project
1733 to see if in fact it is an appropriate project or not an appropriate project. I haven't formed my
1734 opinion yet. Although, I understand and respect that you have formed your opinion, and you
1735 have it. So, that's the reason why the deferral is being requested. Had it not been requested by
1736 the developer, it would have been requested by myself because I don't think enough information
1737 has been obtained, at least by me, to form an opinion about whether this is an appropriate use
1738 or not.

1739
1740 Mr. Cummings - Well, I can certainly understand that.

1741
1742 Mr. Marshall - So, that's what the deferral is for.
1743
1744 Mr. Cummings - You and I have never spoken on this.
1745
1746 Mr. Marshall - Maybe it was the president of the Saddlebrook subdivision.
1747
1748 Mr. Cummings - It could have been, the president of Saddlebrook. However, I've
1749 spoken with the staff and we have had a number of conversations within our neighborhood. We
1750 have had people that have talked to Highwoods. And it is my understanding that not only is this
1751 contrary to the Land Use Plan that Henrico County has adopted, but there are numerous
1752 concerns that the staff has raised, and there is no need to go into those unless you want too. I
1753 would just suggest that No. 1, being contrary to the master plan. No. 2, having significant
1754 opposition. No. 3, having real concerns at the staff level. Deny it and go home and put this
1755 where it makes sense. This whole UMU designation wasn't designed to put in Innsbrook; it was
1756 designed for particular places in the County that makes more sense. Maybe down on the river,
1757 Browns Island or other places where it makes sense to have a combined use of commercial,
1758 residential, office whatever. But Innsbrook is not the place for that particular zoning.
1759
1760 Mrs. Ware - Mr. Cummings, at this point I believe that the applicant, the owner,
1761 has requested rezoning and it is up to us to listen to that request and to listen as well as we can
1762 with the information that we need. And what we are asking for now is the ability to get that
1763 information together so that we can as every property owner has the right to present their case.
1764
1765 Mr. Cummings - And again, I recognize that... I'm just appealing to you again that
1766 you have a lot of things on your agenda, a lot of things on your plate, given the concerns with
1767 this particular project in the amount of time that it will consume, I would suggest that this case
1768 be denied and move on.
1769
1770 Mr. Marshall - Believe me, I prefer to do that but then I wouldn't be doing my job.
1771
1772 Mr. Cummings - Well, you would be doing it for all of the homeowners that are
1773 represented.
1774
1775 Mr. Marshall - It would be nice to save the time it's going to take to invest in this
1776 case and the time that I have already spent of this case, but that's what I am here for and so I'm
1777 not going to not do my responsibility and I'm going to give the case a fair hearing.
1778
1779 Mrs. Ware - That's the job of the Commission.
1780
1781 Mr. Cummings - Well, if you decide to move forward I would just really ask that you
1782 keep the homeowners involved. If it weren't for the diligence of one of our homeowners who
1783 took it upon himself to find out what this was about, none of us would have even known what
1784 was happening.
1785
1786 Mr. Marshall - Don't worry. I would not have allowed this case to go forward
1787 without the homeowners being involved. That's why the statement I made is why the deferral is
1788 being requested tonight because the developer knew that if they didn't take it, I would.
1789
1790 Mr. Cummings - I appreciate that, and again I just offer an appeal to use your time
1791 on other things that are more worthwhile.
1792
1793 Mr. Marshall - Mr. Theobald, would you like to say something?

1794
1795 Mr. Theobald - Jim Theobald, here on behalf of Highwoods. I would just like to
1796 assure you that the reason that we asked for a 60-day deferral is.... First of all, this is the first
1797 UMU ever filed in the County, and we along with staff are still sort of working through the format
1798 of the reports that we need to provide and that they want to see to it that we get all of the
1799 information and we need to do some cleanup in that regard. Secondly, we have switched
1800 responsibility for neighbor relations, if you will. The Highwoods organization, the gentleman who
1801 was undertaking that was not able to get these folks together as promptly as I would have liked.
1802 And, Mr. Cummings, if you and whomever would give me your names and addresses, we are
1803 trying to set a meeting with residents at Highwoods Office for the evening of August 5 at 7:00
1804 p.m. for the heads of the associations out there who deserve input on this case. And we will be
1805 meeting with staff throughout in the hopes that 60 days from now we may agree to disagree but
1806 at least everybody will have all of the information.
1807
1808 Mr. Marshall - You need to make that meeting after August 7.
1809
1810 Mr. Theobald - After the 7th. I hadn't caught up with you or Mr. Kaechele, so.
1811
1812 Mr. Marshall - I'll be back after that day.
1813
1814 Mr. Theobald - Okay. Then we will get together and find a date.
1815
1816 Mr. Marshall - And, Mr. Theobald, for the record, I want to state and so that the
1817 people here will know, the reason for the problems with the neighbors not being informed was
1818 not Mr. Theobald fault. In fact, Mr. Theobald was hearing the raft from me but it was not his
1819 designated job, much to his chagrin, to get with the neighbors, but I'm now pleased to know that
1820 the person that had fallen down on that job has now acquiesced and has allowed Mr. Theobald
1821 to do it and I think you all will see big difference with him handling and keeping you all informed
1822 versus what you all have had to date.
1823
1824 Mrs. Ware - Are you ready for a motion, Mr. Marshall?
1825
1826 Mr. Marshall - Yes. Madam Chairman, I think we should do these one at a time. I
1827 move that C-27C-04 be deferred to the September 9 meeting at the request of the applicant.
1828
1829 Mr. Vanarsdall - Second.
1830
1831 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
1832 favor, aye. All opposed. The motion passes.
1833
1834 At the applicant's request, the Planning Commission deferred C-27C-04, Highwoods Realty LP, et
1835 al, to its meeting on September 9, 2004.
1836
1837 Mr. Marshall - Madam Chairman, I move that P-6-04 be deferred to the September
1838 9 meeting, at the request of the applicant.
1839
1840 Mr. Vanarsdall - Second.
1841
1842 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
1843 favor, aye. All opposed. The motion passes.
1844
1845 At the applicant's request, the Planning Commission deferred P-6-04, Highwoods Realty LP, et
1846 als, to its meeting on September 9, 2004

1847
1848 Mr. Marshall - Madam Chairman, I move that P-7-04 be deferred to the September
1849 9 meeting, at the request of the applicant.
1850
1851 Mr. Vanarsdall - Second.
1852
1853 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
1854 favor, aye. All opposed. The motion passes.
1855
1856 At the applicant's request, the Planning Commission deferred P-7-04, Highwoods Realty LP, et
1857 als, to its meeting on September 9, 2004.
1858
1859 Mr. Emerson - Madam Chairman, the next item is on page 7 of your agenda.
1860
1861 **C-35C-04 Gaskins Centre, L.C.:** Request to conditionally rezone from R-3C
1862 One Family Residence District (Conditional), R-5C General Residence District (Conditional), and
1863 RTHC Residential Townhouse District (Conditional) to RTHC Residential Townhouse District
1864 (Conditional), Parcels 745-740-9892, 746-741-3665 and part of Parcel 745-741-0907, containing
1865 54.589 acres, located at the southeast intersection of N. Gaskins Road and Patterson Avenue
1866 (State Route 6). The applicant proposes a mixed-residential development with no more than two
1867 hundred twenty (220) dwelling units. The maximum density in the RTH District is 9 units per
1868 acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per
1869 acre.
1870
1871 Mrs. Ware - Is there anyone in the audience in opposition to C-35C-04, Gaskins
1872 Centre, in the Tuckahoe District? There's no opposition. I move that C-35C-04, Gaskins Centre,
1873 be deferred to the August 12, 2004, meeting, at the applicant's request.
1874
1875 Mr. Vanarsdall - Second.
1876
1877 Mrs. Ware - The motion was made by Mrs. Ware and seconded by Mr.
1878 Vanarsdall. All in favor say, aye. All opposed say, nay. The motion passes.
1879
1880 At the applicant's request, the Planning Commission deferred C-35C-04, Gaskins Centre, L.C., to
1881 its meeting on August 12, 2004.
1882
1883 Mr. Emerson - Madam Chairman, that completes your withdrawals and deferrals for
1884 7:00 p.m., however, you do have two Expedited items. The first one being on page five of your
1885 agenda.
1886
1887 **Deferred from the April 15, 2004 Meeting:**
1888 **C-15C-04 Joseph P. Marchetti, Jr.:** Request to rezone from A-1 Agricultural
1889 District to O-1C Office District (Conditional), Parcel 746-757-7922, containing 0.556 acre, located
1890 on the east line of Church Road approximately 140 feet north of Woodbaron Way. The applicant
1891 proposes a general office, medical or dental use. The use will be controlled by proffered
1892 conditions land zoning ordinance regulations. The Land Use Plan recommends Office.
1893
1894 Mrs. Ware - Is there anyone in the audience in opposition to C-15C-04, Joseph P.
1895 Marchetti, Jr., in the Three Chopt District on the Expedited Agenda? No opposition.
1896
1897 Mr. Silber - Let me explain before we go any farther about the Expedited
1898 Agenda. These are items that are up for consideration by the Commission and have no known
1899 outstanding issues. The staff is recommending approval. The applicant agrees with the staff's

1900 recommendation and the Planning Commission is supportive of the request. So, these are placed
1901 on the Expedited Agenda so that we can move these through more quickly.

1902
1903 Mr. Marshall - Madam Chairman, I move that case C-15C-04 be recommended for
1904 approval to the Board of Supervisors.

1905
1906 Mr. Vanarsdall - Second.

1907
1908 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr.
1909 Vanarsdall. All of those in favor say, aye. All opposed. The motion passes.

1910
1911 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
1912 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
1913 the request because it conforms to the recommendations of the Land Use Plan and the proffered
1914 conditions should minimize the potential impacts on surrounding land uses.

1915
1916 **C-34C-04 William W. Eudailey:** Request to conditionally rezone from R-6C
1917 General Residence District (Conditional) to O-2C Office District (Conditional), Parcel 754-747-
1918 5520, containing 0.478 acre, located on the east line of Three Chopt Road, 364 feet south of its
1919 intersection with N. Parham Road. A real estate office is proposed. The use will be controlled by
1920 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office.

1921
1922 Mrs. Ware - Is there anyone in the audience in opposition to C-34C-04, William
1923 W. Eudailey, in the Three Chopt District on the Expedited Agenda? No opposition.

1924
1925 Mr. Marshall - Madam Chairman, I move that case C-34C-04 be recommended for
1926 approval to the Board of Supervisors.

1927
1928 Mr. Vanarsdall - Second.

1929
1930 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr.
1931 Vanarsdall. All of those in favor say, aye. All opposed. The motion passes.

1932
1933 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
1934 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
1935 the request because it reflects the Land Use Plan designation of Office for this site and reflects the
1936 existing and future uses and zoning of the area.

1937
1938 Mr. Emerson - Madam Chairman that completes the withdrawals, deferrals and
1939 expedited for 7:00 p.m.

1940
1941 Mrs. Ware - At this time we will take a 10-minute break. Thank you.

1942
1943 **AT THIS TIME THE COMMISSION TOOK A BREAK AND THEN RECONVENED**

1944
1945 Mr. Silber - Our next request is on page 4 of the agenda. We are back under
1946 the 6:00 p.m. portion of the agenda. This is P-9-04, Omnipoint Communications.

1947
1948 **P-9-04 Omnipoint Communications CAP Operations LLC:** Request for
1949 a Provisional Use Permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code
1950 in order to construct a 140-foot wireless telecommunications tower, on part of Parcel 795-745-
1951 6496, containing 2,238 square feet, located on the northwest side of Richmond Henrico Turnpike

1952 approximately 1,200 feet north of Azalea Avenue. The existing zoning is M-1 Light Industrial
1953 District. The Land Use Plan recommends Light Industry.
1954
1955 Mrs. Ware - Is there anyone in the audience in opposition to P-9-04, Omnipoint
1956 Communications in the Fairfield District? There is no opposition. Hello, again, Mr. Bittner.
1957
1958 Mr. Bittner - Hello, again, Mrs. Ware. This tower is proposed at the Extra Attic
1959 Mini Storage property. The parcel is zoned M-1 and designated as Light Industrial on the 2010
1960 Plan.
1961
1962 The applicant had previously contacted Richmond International Raceway about locating a tower
1963 on their property. However, the raceway has an existing relationship with another
1964 communication company and they declined the applicant's offer.
1965
1966 The proposed tower meets all required setbacks. However, the tower's drop zone overlaps
1967 adjacent A-1 property to the east and because of this the applicant should submit an
1968 Acknowledge of Impact Form.
1969
1970 This form is recommended when a tower's drop zone overlaps A-1 zoned property and is
1971 intended to inform adjacent property owners about a tower's potential impact on the future
1972 development of their property. In summary, this site is not objectionable for a tower. If the
1973 applicant were to submit the Acknowledge of Impact Form, staff could recommend approval of
1974 this application.
1975
1976 This concludes my presentation and I'll be happy to answer any questions you may have.
1977
1978 Mrs. Ware - Are there any questions of Mr. Bittner from the Commission? Okay.
1979 Thank you. Mr. Archer, would you like to hear from the applicant?
1980
1981 Mr. Archer - I think the applicant would like to make a brief statement, Madam
1982 Chairman.
1983
1984 Mr. Given - I'm Ed Given with T-Mobile USA, Omnipoint Communications. We
1985 have spoken with the adjacent property owner but have not yet gotten together with him for him
1986 to execute the agreement. He has indicated to us that he does not have any problems with it;
1987 however, it has been a verbal commitment. We have a tentative meeting for the week of the
1988 26th of this month to get together for him to execute the acknowledgement of that fact.
1989
1990 Mr. Archer - Madam Chairman, Mr. Given and I have had this conversation earlier
1991 and I just asked him to come up so that you all would have the benefit of it also. I talked with
1992 him earlier today to make sure that he understands that by the time that this gets to the Board,
1993 he should, if at all possible, have this release form in hand. And he is going to do everything he
1994 can to see that that is done. So, I didn't want to use that as a reason to hold this up tonight and
1995 as Mr. Coleman explained to me today, it's a policy matter and I believe this is the first we have
1996 had and so I guess this will set precedent for the rest of you when these things come up again. I
1997 surely hope we never have a tower drop. But, in any event, Mr. Given, we will look forward to
1998 you trying to get that done between now and the time it gets to the Board. You do understand
1999 that this may be a sticking point when it comes to the Board. But, I don't want to hold this up
2000 tonight because of that. And I appreciate you coming forward, sir.
2001 Mr. Given - Thank you.
2002
2003 Mrs. Ware - Are there any other questions.
2004

2005 Mr. Silber - I would just like to reiterate that if you can get that to us sooner
2006 than later, we would appreciate it.
2007
2008 Mr. Given - Mr. Norman is a long-haul truck driver and it's a little difficult
2009 catching him but we've finally reached a date that we will definitely get together. And as soon as
2010 we have that notarized agreement, you will have it.
2011
2012 Mr. Silber - Thank you.
2013
2014 Mr. Archer - Madam Chairman, with that I will recommend approval of P-9-04,
2015 Omnipoint Communications, and we can pass it on to the Board.
2016
2017 Mr. Marshall - Second.
2018
2019 Mrs. Ware - The motion was made by Mr. Archer and seconded by Mr. Marshall.
2020 All in favor say, aye. All opposed say, nay. The motion passes.
2021
2022 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Marshall, the Planning Commission
2023 voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request
2024 because it would provide added services to the community and the proposed tower at this
2025 location was of adequate distance from the closest residential area.
2026
2027 Mr. Silber - The next request under the 7:00 p.m. portion of the Agenda is on
2028 page 5.
2029
2030 Mr. Bittner - Mr. Silber, I would like to point out that there is an adjacent case, C-
2031 11C-04, which basically is half of the same case.
2032
2033 Mr. Silber - Yes, sir, Mr. Bittner. Let's call the second case as well. C-11C-04.
2034
2035 **Deferred from the April 15, 2004 Meeting:**
2036 **C-9C-04 Webb L. Tyler and G. Edmond Massie, IV:** Request to
2037 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
2038 (Conditional) and C-1 Conservation District, Parcels 744-764-5770, 744-764-5157, 744-764-4443,
2039 744-764-3831, 744-764-3317, 744-764-2703, 744-763-2190, 744-763-1576, part of Parcels 744-
2040 763-0961 and 744-763-0148 (McDonalds Small Farms subdivision), and Parcel 743-763-3572,
2041 containing 30.31 acres (R-3C= 28.83 ac.; C-1= 1.48 ac.), located along the west line of Belfast
2042 Road beginning at a point approximately 167 feet south of its intersection with Dublin Road and
2043 on the east line of I-295 approximately 375 feet north of I-64. The applicant proffers no more
2044 than 2.2 single-family residential dwelling units (approximately 67 single family units) per acre.
2045 The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan
2046 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
2047
2048 **C-11C-04 Webb L. Tyler and G. Edmond Massie, IV:** Request to
2049 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
2050 (Conditional) and C-1 Conservation District, Parcels 743-764-6363 and 743-764-4622, containing
2051 20.95 acres (R-3C= 13.93 ac.; C-1= 7.02 ac.), located between Belfast Road and I-295. The
2052 applicant proffers no more than 2.2 single-family residential dwelling units (approximately 46
2053 single family units) per acre. The R-3 District allows a minimum lot size of 11,000 square feet.
2054 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre,
2055 and Environmental Protection Area.
2056

2057 Mrs. Ware - Is there anyone in the audience in opposition to C-9C-04 or C-11-04,
2058 Webb L. Tyler and G. Edmond Massie, in the Three Chopt District? We have someone here in
2059 opposition. Thank you. Mr. Bittner.

2060

2061 Mr. Bittner - Thank you, Mrs. Ware. I would like to point out on this map that the
2062 cases that we are talking about tonight are located, here, and here (referring to rendering).
2063 These other areas are recently approved cases in the Sadler Road corridor. Since the printing of
2064 the staff report, the applicant has submitted revised proffers, which we have just handed out to
2065 you. These new proffers include the following:

2066

- 2067 • Visible portions of all foundations to be brick or stone.
- 2068 • No building permit applications until August 1, 2005.
- 2069 • Homes within 300 feet of I-295 to have a minimum sound transmission coefficient rating
2070 of 54 and sidewalks to be provided on both sides of interior streets.

2071

2072 The time limit would need to be waived to accept these proffers.

2073

2074 These new proffers do provide several assurances regarding the quality of this development.
2075 However, there are still some outstanding items that the staff would encourage the applicant to
2076 address, including:

- 2077 • Delaying the application of building permits beyond August 2005 to allow more time for
2078 improvements to Sadler Road to be constructed.
- 2079 • Providing a sound transmission coefficient for dwellings of at least 55 as opposed to 54.
2080 And providing lot widths of at least 90 feet and minimum lot sizes of 12,500 square feet
2081 for any lot adjacent to C-1 zoned land. And this has been done on previous Sadler Road
2082 rezonings.

2083

2084 Given the recent pattern of R-3 zoning in this area, staff uses this request as a logical
2085 continuation. If the applicant could address aforementioned items staff could support this
2086 application. I'll be happy to answer any questions you may have.

2087

2088 Mrs. Ware - Are there any questions for Mr. Bittner from the Commission? Okay.
2089 Thank you, Mr. Bittner. We need to hear from the applicant. We have opposition. Good
2090 evening, Ms. Freye.

2091

2092 Ms. Freye - Good evening, Mrs. Ware, members of the Commission. My name is
2093 Gloria Freye and I am an attorney here on behalf of the applicant. Mr. Tyler and Mr. Massie are
2094 also here. And as Mr. Bittner explained, these are companion cases and so my comments will go
2095 to both cases. These two cases would permit the developer to continue the redevelopment of
2096 this area into high-quality homes as they have done with their previous cases in the Sadler Road
2097 area. The proposed homes will be of very high-quality material and construction. They will be
2098 marketed in the range of \$325,000 to \$400,000. Actually, the homes that they have built in the
2099 previous subdivisions are selling for that and a little bit more. The benefit of this case over the
2100 others is that the minimum square footages of the houses has been raised from 2000 to 2200.

2101

2102 The developer has demonstrated that they can create very nice neighborhoods that are
2103 coordinated and well planned. They would like to continue the vision that they have for
2104 transforming this area into housing that meets today's standards. The area here is somewhat
2105 depressed and property values. And what they have been able to do is to turn that trend and
2106 move it upwards in a very fast way. The developer has submitted proffers that are equal to or
2107 better than those that have been approved in the previous subdivision cases that they have
2108 developed. So, we believe that you can be assured that this will be a quality development as the

2109 example of what they have done represents. We ask that you recommend approval of both
2110 these cases and we will be glad to answer any questions that you have.
2111
2112 Mrs. Ware - Are there any questions of Ms. Freye by the Commission?
2113
2114 Mr. Marshall - Ms. Freye, these two properties that are a part of these cases, they
2115 just adjoin properties that they have already redeveloped, correct.
2116
2117 Ms. Freye - Yes, sir. And there will be connections through there with proper
2118 signage showing the different neighborhoods.
2119
2120 Mrs. Ware - Are there any more questions? Thank you.
2121 Mr. Marshall - We can hear from the opposition.
2122
2123 Mrs. Ware - Yes. Sir, would you like to come down to the front and state your
2124 opposition? Good evening. Could you give us your name and address for the record?
2125
2126 Mr. Trent - My name is Al Trent and I live at 4455 Belfast Road. The
2127 opposition that we have with the proposed rezoning is everybody that lives in this neighborhood
2128 at this time; everybody is on well and septic. And to do this kind of rerouting of all the natural
2129 runoffs and so on and so forth is going to effect the wells, it's going to effect the septic tanks,
2130 not to mention that the reason we moved out there years ago was because of the way you could
2131 live out there. It's open, it's wooded, it's quiet and this is going to change everything out there.
2132 Our main concern is since they built Car Max and Innsbrook and everything out there, it's already
2133 affected the wells and septic tanks in this area. And since they started the last construction site
2134 that they did, we have got three neighbors on our road alone that had to re-dig wells. If you
2135 build within a 1000 yards of a well, you can be building right dead on top of their vanes and
2136 water tables. With everything that they build and all the extra vehicles and everything else,
2137 whatever oil they lose, people putting fertilizer on their yards and everything else, where does it
2138 go? It goes in the ground and anything that goes in the ground goes in our wells.
2139
2140 Mr. Marshall - Which side of Belfast do you live on, on that map?
2141
2142 Mr. Trent - On the opposite side from where they are rezoning.
2143
2144 Mr. Marshall - So, you live on the other side of Belfast?
2145
2146 Mr. Trent - Yes, sir.
2147
2148 Mr. Marshall - Thank you.
2149
2150 Mrs. Ware - Thank you, sir.
2151
2152 Mr. Marshall - Mr. Bittner, where is the closest water and sewer to that property?
2153
2154 Mr. Bittner - I'll have to check the staff report. We don't have a map that shows
2155 that.
2156
2157 Mr. Marshall - Maybe Mr. Tyler would know.
2158
2159 Mrs. Ware - Mr. Tyler, do you have that information?
2160

2161 Mr. Tyler - Good evening. For the record, my name is Webb L. Tyler. I am an
2162 engineer with Youngblood, Tyler & Associates. Tonight I'm here as the developer and contract
2163 purchaser with Mr. Massie, Fidelity Properties. If you can see where the existing roads are and
2164 the intersection right below C-74C-02, where that arrow points, that's where the sanitary sewer
2165 service is and a twelve inch water line is over there. The zoning cases that are in the blue and in
2166 the purple is called proposed Greenbrook, which we have final subdivision approval on and we
2167 are getting ready to start construction on that. That will extend sewer and water to that area
2168 and of course we will be extending water to Belfast and Dublin with that construction. That
2169 water is public water but unfortunately during last years, or year before last drought, some of the
2170 wells did go dry because they are shallow wells. There was even some sharing and garden hoses
2171 across the road where neighbors were sharing with other neighbor's water during that drought
2172 period. But we are extending public sewer, public water a 12-inch water main, a 12-inch sanitary
2173 sewer into this area as we redevelop it, including gas as well.
2174
2175 Mr. Marshall - With the new project, it will go even farther down Belfast?
2176
2177 Mr. Tyler - Yes, sir. The proposed lots with this rezoning will be fronting Belfast
2178 Road, the homes will be fronting the existing homes and we will be extending water to Belfast
2179 and sewer to that area in order to provide public water and sewer to those homes. Assuming, of
2180 course, if this request is approved.
2181
2182 Mr. Marshall - Thank you.
2183
2184 Mrs. Ware - Does that answer your question about the sewer?
2185
2186 Mr. Trent - They said that they are going to bring the water and sewer in, but
2187 we have free water and sewage. We already have ours but by doing what they are going to do,
2188 they are destroying what we have. Now, we won't have any opposition to this if they want to
2189 supply us with water and sewage at their cost. But, there is no reason why we should have to
2190 foot the bill for their construction.
2191
2192 Mr. Silber - Mr. Trent, I think, I guess your concern is the impact of their
2193 development on your property relative to your well and perhaps your septic field. I don't think
2194 what they intend to do will have any impact on your well. I can't promise that or insure that's
2195 the case but they will not be impacting property and your well should work fine. I think the point
2196 is that public water and sewer will be brought closer to your property with the development of
2197 their property so if there is ever any intention to connect in the future you will have greater
2198 possibilities to tie into the County's public water and sewer system.
2199
2200 Mr. Trent - That's the point. We would rather have our well and septic.
2201
2202 Mr. Silber - You will continue to have your well and septic.
2203
2204 Mr. Trent - But once they do all of this building it's going to effect our well and
2205 septic.
2206
2207 Mr. Silber - Typically, it doesn't impact properties nearby. I can't insure that.
2208 The septic should be fine, but I can't insure that it won't have any impact on your well. I just
2209 don't know the circumstances, how deep your well is. I can't insure that's not going to happen,
2210 but typically it should continue to work fine.
2211
2212 Mr. Trent - He's proposing to build, I think, 62 or 67 homes?
2213

2214 Mr. Silber - That's correct.
2215
2216 Mr. Trent - Well, most families nowadays have at least two cars. I work on cars
2217 for a living and there's not a car out there that doesn't leak. So, you are talking about well over
2218 200 and some added cars within a half mile of our house that is going to be dumping even more
2219 oil, gas and so on and so forth into the land. Most everybody's well out there they have lost the
2220 quality of their water since they've built Car Max.
2221
2222 Mr. Marshall - Thank you.
2223
2224 Mr. Archer - Mr. Trent, let me ask you. So, given the choice between the two
2225 things of having public water and well, you prefer to keep the well instead of having public
2226 water?
2227
2228 Mr. Trent - Yes, sir, I would.
2229
2230 Mr. Archer - Okay. Thank you.
2231
2232 Mr. Jernigan - Mr. Trent, let me ask you. When the three wells that went dry, at
2233 what time period was that?
2234
2235 Mr. Trent - One of them went dry about seven months ago and they live two
2236 doors over from us.
2237
2238 Mr. Jernigan - Did it happen to all three of them within the same time period,
2239 within a month or two or are we talking years?
2240
2241 Mr. Trent - The three that have been re-drilled, has been within the time they
2242 built the last piece of the subdivision that backs up to our neighborhood. See everything out
2243 there is basically wetlands. There are swamps all over the place out there. Basically, the
2244 swamps are a part of our existing water tables out there. If you get rid of the swamps, you are
2245 drying them up; you are cutting our water supply.
2246
2247 Mr. Silber - What becomes a challenge is that, and the properties that they have
2248 obtained and proposed zoning on and future development on this property, is they own or have
2249 rights to develop on them. So, it's difficult to tell them that they don't have the ability to develop
2250 their property because of the concern you have nearby. We are sensitive to where you are
2251 coming from. We don't want this development to impact your situation, your home, your well or
2252 your septic tank anymore than what currently exist. Any time there is development such as this,
2253 yes, there is the potential of having impact, yes there will be more cars out here, there will be
2254 more roads, there will be more impervious material, nothing is guaranteed. But, they do have
2255 the right to file zoning and propose development on their property. So, that's where the
2256 Commission is at and what they have to decide is the appropriateness of this proposed land use
2257 relative to what's in the area. I think what you are saying is that you prefer that they not
2258 develop the property so that you can maintain the integrity of what you have at this point.
2259
2260 Mr. Trent - If they are going to continue to develop the property then I think
2261 that they should at least take and bring us water and sewage at their expense. I mean our
2262 houses are like 150 to 200 feet off the roadway. Do you have any idea how much that would
2263 cost if our well goes dry and we have to get County water? We are looking at about \$5000 to
2264 \$6000 or to dig an artesian well would be \$5000 to \$6000. The only people that are losing in
2265 this situation are the people who have been there for 30, 40, 50 years. If you had a piece of

2266 property sitting next to my piece of property and I did something on my property that was going
2267 to destroy your property, I would have to pay for it wouldn't I?
2268

2269 Mr. Silber - I think it would depend on what the circumstance were.
2270

2271 Mr. Archer - Mr. Trent, how many families have wells and septic?
2272

2273 Mr. Trent - All of them.
2274

2275 Mr. Archer - Do you know about how many?
2276

2277 Mr. Trent - Left in there now, I say probably close to about 40 homes.
2278

2279 Mr. Silber - Mr. Tyler, can I ask you a question again, please?
2280

2281 Mr. Tyler - Yes.
2282

2283 Mr. Silber - There's a mouse up there that has a pointer or a hand that you can
2284 move around, I believe, if you again can illustrate where the water and sewer is coming from. I
2285 didn't understand that it would be coming down Dublin or Belfast you would be bringing it from
2286 your existing subdivision, is that correct? Can you show us again how that area is served?
2287

2288 Mr. Tyler - The water and sewer, or the water is served by an extension of a
2289 road that comes over here like this and goes in and there is a network of roads in this
2290 community, right here, and then it would extend up and continue along Belfast as well as along
2291 this portion of Dublin. So, we are putting water lines in, here.
2292

2293 Mr. Silber - So the water line would run down Belfast and Dublin.
2294

2295 Mr. Tyler - That is correct. As far as the sewer, the gravity sewer starts at the
2296 low area and it comes up into this area, here, and then it runs up hill to Belfast a very low area
2297 to upper areas in, here, and Belfast. So, that we would be extending sewer lines up to serve
2298 those lots, along where the hand is, that will be fronting Belfast as well. So, there will be water
2299 and sewer that will be in Belfast. Now I don't know that his property... I know, obviously, that
2300 his property could hook up to water, I don't know if his property is going to hook up to sewer
2301 because I don't have the topographic here but I can honestly tell you that it is going to be very,
2302 very, close and it's likely to be across the street and he's likely to be able to hook into it. But,
2303 again, I can't make that pledge because I don't have the topographic maps in front of me.
2304

2305 There have been multiple drainfield failures out here in other areas, Small McDonald's Farms
2306 already that are, I don't think it has become an alarming situation but there have been concerns
2307 about some of the drainfields. But, drainfields tend to fail after 30 or 40 years. That is why the
2308 Health Department requires us to have not just a primary field but a reserved field in our systems
2309 nowadays, unlike in the old days when Small McDonald's Farms was originally developed it did
2310 not have to have a reserved field. Now if you are going to have wells and drainfields you must
2311 have a reserved fields.
2312

2313 Mr. Silber - That's correct.
2314

2315 Mr. Tyler - I hope that answers your question.
2316

2317 Mr. Silber - It does. Yes, sir. Thank you.
2318

2319 Mrs. Ware - Thank you. Would you like to speak, ma'am?
2320
2321 Ms. King - Yes, I do. I'm Christina King. My land is right here where the hand
2322 is and my concern is with all the other homes, usually the ones that are right beside my land,
2323 that's Sadler Grove, that was just built. A lot of homes were built there and a lot more I see is
2324 going to be built. My concern is what will be done with the roads? I pull right out; I'll show you
2325 my driveway. Here is my driveway and right here is now a stop sign, which does help, and when
2326 we get down here there are still cars.... And it did start with Car Max. People test driving cars or
2327 whatever they need to do, zooming up and down Sadler Road, which used to be one of the roads
2328 where I am. And now I'm concerned with all of the new cars coming in. What will be done with
2329 the roads? The safety of my son and my son's friends who actually comes to my house because
2330 I am surrounded with trees and a fence. So, I don't have to worry about cars or anyone hitting
2331 them and if they want to ride their go-carts or their scooters, they are safe. I am concerned now
2332 with more cars being brought in what's going to be done with Sadler Road and how soon?
2333
2334 Mr. Silber - Well, we don't have a representative tonight from the Department of
2335 Public Works, our traffic engineer is not here. The County has, I believe, contracted with an
2336 engineer to begin the process of studying improvements to Sadler Road. The exact alignment of
2337 Sadler Road we don't know at this point in time. But the County is now engineering this
2338 improvement and I don't know the exact timeframe for which improvements would be made. I
2339 would suspect we are probably several years out before that would be completed. Mr. Tyler, do
2340 you know anything else more about the timing of Sadler Road improvements that I may not?
2341
2342 Mr. Tyler - Sadler Road improvements are scheduled.... The County has
2343 contracted with Austin, Brockenbrough Consulting Engineers. They have developed preliminary
2344 alignment alternatives that are going to be placed before the public, as I understand it, later this
2345 summer or early this fall for input from the public. Those alternative alignments, a decision will
2346 be made in a public forum as to what is the correct alignment or desired alignment after all
2347 parties have inputted and then right-of-way, appraisals, and right-of-way acquisitions will take
2348 place. Ultimately, Mr. Lee Priestas has informed us, the Assistant Director of Public Works,
2349 anticipation to be under construction some time in 2007.
2350
2351 Mr. Silber - So construction will start in 2007 and we are probably looking at
2352 completion in 2008.
2353
2354 Mr. Tyler - I think that is a fair assessment.
2355
2356 Ms. King - And when will your development be?
2357
2358 Mr. Tyler - We have by proffer said that no building permits will be applied for a
2359 year, by August of next year. It takes us approximately six months to build a house, realistically
2360 due to weather conditions I would suspect our first occupancy will start to take place in the
2361 Spring of 2006. And we generally will be in there for at least a few years. I would also like to
2362 point out our voluntarily cash proffer, not capped. That contributes to the roads in the road in
2363 the future and the improvements of those roads. I would like to also point out that not only are
2364 we contributing in the future, but we have contributed in the present by the realignment of
2365 Sadler Road and Sadler Grove Road so that this lady does not have a gravel path in front of her
2366 home and driveway but rather asphalt road with water, sewer, power and gas.
2367
2368 I would also like to point out, that we contributed that right-of-way and built the road at our
2369 expense. I would like to point out, that we also did that in Sadler Green and because we
2370 contributed that right-of-way free to the County, in front of Sadler Green, the County asked us to
2371 not build that widening but rather hold funds in reserve so that when they came along and build

2372 this road that they would have those funds available. So, we would be yet contributing yet
2373 another large amount of funds that are earmarked for this traffic shed in the future so that we
2374 can contribute to the solution to this problem rather than aggravate the problem.
2375
2376 Mr. Silber - We do appreciate the improvements you have made out here, Mr.
2377 Tyler, and we appreciate you escrowing funds in your previous development and we also
2378 appreciate you voluntarily offering the uncapped cash proffer to offset....
2379
2380 Mr. Tyler - I think it's better to call it "blank check."
2381
2382 Mr. Silber - ...to offset the impact that your development is going to have in the
2383 area. We do appreciate it.
2384
2385 Mr. Marshall - You know who to send your thank you note to, right.
2386
2387 Mr. Tyler - I'm confident.
2388
2389 Ms. King - Thank you. So, basically, you are telling me that the roads will not
2390 be done until 2006 or 2007? Is that what you are saying?
2391
2392 Mr. Silber - Yes, 2007, 2008 more than likely.
2393
2394 Ms. King - Which means the homes that are being put in between 2006 and
2395 2008 before a road will be put in will be at least double the amount of cars that will go through
2396 Sadler Road.
2397
2398 Mr. Silber - I don't know if it will double the amount of cars but there will be an
2399 increase.
2400
2401 Ms. King - With families and friends etc.
2402
2403 Mr. Silber - Yes, ma'am.
2404
2405 Ms. King - I just ask that you all take that deeply into consideration because I
2406 am a very concerned single mom and I will do whatever I can to protect my child and I do worry
2407 about that, about the roads not being aligned. I see cars run off Sadler Road weekly, to be
2408 honest with you, especially with the big trucks that comes through there. And I thank God that I
2409 have a four-wheel drive. It has happened to me a couple of times. Now I've just learned to stop
2410 and let them all go around me. Please consider the road. If it is the County's decision to wait, I
2411 don't who, if y'all are the County, or who decides that, but I don't know how to address it, who
2412 will I contact, you know, to maybe rethink their decision on waiting, you know, to either do
2413 something. Put lines on the road all the way down it, do something. Right now it is like a
2414 racetrack. Have y'all been down Sadler Road?
2415
2416 Mr. Marshall - Yes.
2417
2418 Ms. King - Do you agree with me that it's like a racetrack. If I were a
2419 teenager, I would have a blast out there. If I had no worries and didn't have a son at home, I
2420 would be just enjoying my life on Sadler Road going home everyday. I bank on it, you know, it's
2421 like we can go a little faster on round this corner because it's tilted up.
2422
2423 Mr. Marshall - That's why they are looking into straighten it and flattening it.
2424

2425 Ms. King - And when will that be done?
2426
2427 Mr. Marshall - The County has already given a contract to an engineering firm.
2428
2429 Ms. King - Because I have heard of a four-lane thing and I have heard all kinds
2430 of things and I don't know.
2431
2432 Mr. Marshall - I don't think it's going to be four lanes. It's going to be two lanes
2433 improved but the main issue is, as Mr. Tyler pointed out, because they are looking at
2434 straightening the road, the public, you included and the neighbors in that area, will be given an
2435 opportunity to look at... they will have more than one proposed route of how they propose to
2436 straightening the road and improving the road and that is a part of the public hearing process for
2437 y'all to have input of what you prefer the road to be.
2438
2439 Ms. King - And you said that would be in the fall?
2440
2441 Mr. Marshall - Right.
2442
2443 Ms. King - Well, that's good. But, I'm still concerned with more cars coming in
2444 before the road is done.
2445
2446 Mr. Marshall - And the County is too and that's why they hired an engineer.
2447
2448 Ms. King - Well, they weren't concerned last time. I was here and a lot of other
2449 people were here. This room is so empty right now.
2450
2451 Mr. Marshall - Well, the road is going to be improved. It may not be as fast as we
2452 like but they are working on doing it. And they have shown that by hiring an engineering
2453 company. And you will see it when they have the public hearing about the new route.
2454
2455 Ms. King - I look forward to the public hearing and thank you for hearing me.
2456
2457 Mrs. Ware - Thank you. Ma'am, do you have something to say?
2458
2459 Ms. Puryear - Yes.
2460
2461 Mrs. Ware - Well, please come to the podium and give us your name and address
2462 for the record.
2463
2464 Ms. Puryear - My name is Helen Puryear and I live at 4320 Belfast Road.
2465
2466 Mr. Marshall - Could you point that out on the map.
2467
2468 Ms. Puryear - The thing that concerns me is that I have had a surveyor standing
2469 on my back porch for a fly over and I do not know how that is going to affect all of this other
2470 that is being done. I called about seven people to find out if the surveyor had told me the truth.
2471 And it will go right through my kitchen. I don't know if any of you know anything about it but it
2472 will be in the budget of 2006.
2473
2474 Mrs. Ware - What will be going through your kitchen?
2475
2476 Ms. Puryear - A flyover. It's for the I-295, I-288 traffic and I-64.
2477

2478 Mr. Marshall - I don't know anything about that.
2479
2480 Mr. Silber - I'm not real clear where your property is, again, I'm sorry.
2481
2482 Ms. Puryear - It's the very first near Belfast Road... It's Edinburgh and Belfast.
2483
2484 Mr. Marshall - Right where the hand is.
2485
2486 Mr. Silber - We really do not have the traffic engineer here tonight to
2487 address these concerns. At one point in time, the State of Virginia was planning to have a ramp
2488 system that would tie I-64 to I-295 and I believe there was going to be a flyover. How that was
2489 going to be engineered and whether that would impact your property I really don't know, ma'am.
2490 We will be glad to take your name....
2491
2492 Ms. Puryear - Well, how far is the water and sewer going to come up Belfast Road?
2493
2494 Mr. Silber - Well, I think at this point, as Mr. Tyler has shown, water will be
2495 coming down Belfast Road but not as far as to your property. It will not be coming down that
2496 far.
2497
2498 Ms. Puryear - I was just wondering because I do know that, I have talked to the
2499 headman at the Highway Department, and he assured me that in 2006 that this flyover will be in
2500 the budget.
2501
2502 Mr. Marshall - She may be talking about the flyover for North Gayton Road.
2503
2504 Ms. Puryear - It's because of I-288.
2505
2506 Mr. Marshall - It's not that because I-288 is way down....
2507
2508 Mr. Silber - No. This is a flyover that's supposed to be a ramp that would tie I-
2509 64 to I-295 with a different ramp system. That would be the State of Virginia handling that and I
2510 don't know the timing of that, 2006 maybe accurate, I just don't know.
2511
2512 Ms. Puryear - As I said the surveyor was standing on my back porch and I asked
2513 the man what he was doing out there, and that's what he told me and I didn't know if it would
2514 affect any of this that they are planning on building.
2515
2516 Mr. Silber - Well, again, that is the State of Virginia, that's not Henrico County.
2517 What we could do is put our Department of Public Works in touch with you. There's a gentleman
2518 by the name of Ancher Madison that probably know the specifics of this proposed improvement
2519 and we can put him in touch with you, if you like, and he can give you the timing and the
2520 proposed improvements.
2521
2522 Ms. Puryear - Well, the gentleman of the Highway Department has contacted
2523 me and he did tell me it would be in July 2006 that it would be in the budget and I didn't know if
2524 you all knew anything about it or not.
2525
2526 Mrs. Ware - Thank you. Is there anyone else here to speak in opposition? Do
2527 we need any rebuttal from the applicant?
2528

2529 Mr. Marshall - No. Madam Chairman, I'm going to move approval of C-9C-04, but
2530 first we have to make a motion to waive the time limits for the proffers that were submitted.
2531 And I make a motion to waive the time limits for the proffers dated July 14 on case C-9C-04.
2532

2533 Mr. Vanarsdall - Second.
2534

2535 Mr. Jernigan - It's July 15.
2536

2537 Mr. Marshall - The date on them is July 14, the date they were received was the
2538 15th.
2539

2540 Mr. Jernigan - Oh.
2541

2542 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr.
2543 Vanarsdall. All in favor say, aye. All opposed say, nay. The motion passes.
2544

2545 Mr. Marshall - Madam Chairman, I'm going to move approval of C-9C-04 and I am
2546 because this does fit the Land Use Plan, it is less dense than what the Land Use Plan allows. It is
2547 a continuation of a development that Mr. Tyler and Mr. Massie have already begun and already
2548 have approvals for adjacent property owners. It is a nice development. I think it is an indication
2549 of somewhat candidate of the department that Mr. Marlles is now heading up. This is a true
2550 redevelopment of an area basically redevelopment of an older subdivision into a really nice
2551 development. The square footages of 2,200 square feet. And as we discussed at our retreat, it
2552 does address the issue of trying to get water and sewer to most areas now, so that we don't
2553 have the problems with well and septic failures.
2554

2555 I would like to point out that the areas that you see on your map that Mr. Tyler and Mr. Massie
2556 haven't started developing those other developments yet, so the well and septic failures that
2557 have occurred aren't because of the development of any of that dotted area that you see, that is
2558 future development. It is speculative as to whether or not this will impact anyone's well or septic
2559 but I think it is good to know that water and sewer will be right there near by thanks to Mr. Tyler
2560 and Mr. Massie's development.
2561

2562 They have made their road improvements that Mr. Tyler referred to and I think they are going to
2563 continue their quality of development and they did address the issue that I had, and everybody
2564 else had, with Sadler Road by giving us the voluntary cash proffer that will address the
2565 transportation needs in that area. And another significant part of that is that they agreed not to
2566 file for any building permits at least for a year, which would put it off for another year from now
2567 before they can even file for one. And as Mr. Tyler said it will be a three to four year build out,
2568 so at the end of that timeframe it would be getting close to the time that the Sadler Road
2569 improvement is expected to be finished, which would be 2008, which would be the build out date
2570 for this development. So, for those reasons, I'm going to ask that this be recommended for
2571 approval to the Board of Supervisors.
2572

2573 Mr. Vanarsdall - Second.
2574

2575 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr.
2576 Vanarsdall. All in favor say, aye. All opposed say, nay. The motion passes.
2577

2578 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
2579 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
2580 request because it conforms to the recommendations of the Land Use Plan and it represents a
2581 logical continuation of the one-family residential development, which exists in the area.

2582
2583 Mr. Marshall - For the same reasons, I'm first going to make a motion to waive the
2584 time limits for the proffers dated July 14 for C-11C-04.
2585
2586 Mr. Vanarsdall - Second.
2587
2588 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr.
2589 Vanarsdall. All in favor say, aye. All opposed say, nay. The motion passes.
2590
2591 Mr. Marshall - And I make a motion to recommend to the Board of Supervisors
2592 approval of C-11C-04.
2593
2594 Mr. Vanarsdall - Second.
2595
2596 Mrs. Ware - The motion was made by Mr. Marshall and seconded by Mr.
2597 Vanarsdall. All in favor say, aye. All opposed say, nay. The motion passes.
2598
2599 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning
2600 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant**
2601 the request because it conforms to the recommendations of the Land Use Plan and it represents a
2602 logical continuation of the one-family residential development, which exists in the area.
2603
2604 Mr. Marshall - I would like to thank Ms. Freye for all of her hard work on this case.
2605
2606 Mr. Silber - The last zoning request on the Planning Commission agenda is in the
2607 Tuckahoe District. This was deferred from the Planning Commission's April 15, 2004, meeting, C-
2608 73C-03, Wilhook, LLC.
2609
2610 **TUCKAHOE:**
2611 **Deferred from the April 15, 2004 Meeting:**
2612 **C-73C-03 WILHOOK, LLC:** Request to conditionally rezone from A-1
2613 Agricultural District and R-1 One Family Residence District to R-2C One Family Residence District
2614 (Conditional), part of Parcel 744-742-5871, containing 22.753 acres, located on the north line of
2615 Patterson Avenue (Route 6) approximately 1,600 feet west of Gaskins Road. The applicant
2616 proposes no more than forty (40) single-family residential lots. The R-2C Districts allows a
2617 minimum lot size of 18,000 square feet. The Land Use Plan recommends Semi Public.
2618
2619 Mrs. Ware - Is there any opposition to Case C-73C-03, Wilhook, LLC, in the
2620 Tuckahoe District. There is opposition.
2621
2622 Ms. Moore-Illig - The applicant is requesting to construct up to 37 single-family
2623 residences on the western portion of the property owned by Westhampton Memorial Cemetery.
2624 The subject property abuts Canterbury East and Ednam Forest Subdivision to the north and
2625 Canterbury Subdivision to the west. Reflective of the current cemetery use, the subject site is
2626 designated as semi-public.
2627
2628 The applicant has submitted proffers dated July 14, 2004, copies of which you just received.
2629 Subsequently, the time limits would have to be waived in order to take any action on this case
2630 tonight.
2631
2632 The revised proffers address staff concerns raised in the staff report. Specifically, the new
2633 proffers reduce the number of homes from 40 to 37, to be more reflective of the conceptual site
2634 plan. The proposed buffers along the perimeter of the site have now been quantified to include

2635 plantings equivalent to a Transitional 10 Buffer along the west and north property line, and also
2636 the proposed 20-foot wide natural buffer will now be supplemented with at least 25 shrubs for
2637 every 100 linear feet. In addition, the applicant has proffered elevations, depicting the quality
2638 features to be included with the homes. Additional language has been added to state that 50%
2639 of all homes will contain all brick fronts and that vinyl siding will be prohibited except for the use
2640 of trim.

2641
2642 As proposed, the development would be in keeping with the established residential neighborhood
2643 to the north and to the west. Although the use deviates from the land use plan, the project
2644 would be a logical continuation of residential use and would permit orderly development. Based
2645 upon the quality assurances proffered with this case, staff supports this request.

2646
2647 That concludes my presentation. I will be happy to answer any questions you may have.

2648
2649 Mrs. Ware - Are there any question of Mrs. Illig from the Commission? Thank
2650 you, Mrs. Illig. I would like to hear from the applicant, please. Since we have opposition, would
2651 you like to save time for rebuttal?

2652
2653 Ms. Freye Yes, I would, and I will make my comments very brief right now.
2654 First, I would like to thank Mrs. Illig and you, Mrs. Ware, for walking on the property with us,
2655 going to meetings with the neighbors, many conferences and discussions about issues and the
2656 best way to try to get them resolved. Secondly, I would like to thank the neighbors. Several of
2657 them are here this evening. They have met with us several times. Several of them have spent
2658 time talking with us individually, on the phone, through e-mail and other ways to try to address
2659 the concerns and the issues that have been raised by themselves and by the staff as well. The
2660 thing that I appreciate the most is very much their courtesies and their cooperation. They are
2661 very nice to work with.

2662
2663 We submit that we have addressed every issue that has been raised by the staff and the
2664 neighbors. We feel like the language and the proffers have been tightened very much in detail
2665 and specifics that will allow the County to assure the neighbors that this will be a high quality
2666 development. I think that conceptually the response we've gotten back from the neighbors is
2667 that they think this will be a nice development and that they will be good neighbors to have. So,
2668 for those reasons, we do ask that you recommend approval, and we are available to respond to
2669 questions, and I will be glad to address any concerns that are raised here this evening.

2670
2671 Mrs. Ware - Are there any questions for Mrs. Freye at this time from the
2672 Commission?

2673
2674 Mr. Jernigan - Mrs. Freye, what are these homes price points?

2675
2676 Mrs. Freye - We are looking at a market of \$400,000 to \$650,000. We
2677 proffered a lot of architectural features and design and style that will allow the homes to be
2678 custom built and selected by the owners through an architectural review committee that would
2679 also have to comply with the proffers as well, so there will be the homeowners' association that
2680 will help enforce that as well as the eyes of the County looking at those designs. The other thing
2681 that we were able to work out with the neighbors last night, because all we need to do is waive
2682 the time limits, is rather than just say that we put evergreen trees in the buffer beside them that
2683 we will have our landscape architect actually meet with the prospective landowner and the
2684 adjacent landowner to select what the shrubs are going to be so that we can tailor them to make
2685 sure that they are going to be shade tolerant, they will be able to thrive in whatever soil
2686 condition they are in, because we have some high ground and we have some low wet ground,
2687 and you are not going to be able to have just one size fits all, and some of the neighbors have

2688 even called me today and said they very much appreciated the opportunity to get that individual
2689 attention to what is going to be planted next to their property line. We also got a letter of
2690 support from Mr. Lee. I think that was submitted to the staff today and it is in the record. I
2691 have gotten some phone calls of support. There were some indications verbally from folks at the
2692 meeting last night. It is very hard to please everybody and granted none of them want to see
2693 the woods go. They don't want to see change. They have been very happy with the way things
2694 are, but at least the ones that I talked to feel pretty good that they have had a hand in assuring
2695 that they will have some neighbors that they can feel confident are going to protect their
2696 property values and not have a negative impact.

2697
2698 Mrs. Ware - Any more questions? Thank you. Would you like to come
2699 forward please? Please give your name and address for the record, please.

2700
2701 Mr. Conrad Childress - Thank you Madam Chairman and members of the Commission.
2702 My name is Conrad Childress and I live at 2203 Mandolin Road. I am a retired employee of
2703 Westhampton Memorial Park, having spent 40 plus years there in its planning, development and
2704 general management. I am also a lot owner at Westhampton and my wife is buried there. I am
2705 opposed to the sale of this property for any type of development. A use permit was granted by
2706 Henrico County in 1953 for the entire acreage to be developed as a cemetery. The sale of this
2707 property, in my opinion, will not benefit Westhampton Memorial Park or the property owners but
2708 will go into the general fund of Service Corporation International, who owns Westhampton
2709 Memorial Park, for retirement of their debt. It will ultimately be detrimental to the cemetery and
2710 its lot owners due to a loss of income from perpetual care trust funds, which under State law is
2711 to be used for the maintenance and upkeep of the cemetery once all of the lots have been sold.
2712 The general rule of thumb is that approximately 800 grave sites can be developed per acre.
2713 Eight hundred grave sites at 22 acres equals approximately 17,600 grave sites. At the current
2714 price of about \$1,000 for grave sites, revenue from these sites would be in the neighborhood of
2715 \$17,600,000. Under Virginia law, 10% of that amount would have to be deposited into the
2716 perpetual care trust fund, and that would deprive this fund of \$1,760,000. In addition to the
2717 monetary loss at the cemetery, the trust of all of those people who have already purchased
2718 property there, having been told there is plenty of space for expansion, so that their loved ones,
2719 too, might be buried there, will have been violated.

2720
2721 In the staff report it states that there would be 64 acres remaining in the cemetery. I would
2722 estimate that approximately 45 acres are already developed. Thus, there will only remain 10
2723 acres for future development, which is really not very much. I hope this Commission will take a
2724 long and hard look at this request and deny this rezoning request. Thank you.

2725
2726 Mrs. Ware - Are there any questions for Mr. Childress?

2727
2728 Mr. Archer - Mr. Childress, just so I can make sure I understand, you are
2729 saying the remaining 10 acres are developable...

2730
2731 Mr. Childress - I mean there are only approximately about 10 acres that can be
2732 developed for the cemetery if these 22 acres are sold here.

2733
2734 Mr. Archer - For grave sites. And how many graves would that approximate,
2735 do you think?

2736
2737 Mr. Childress - Rule of thumb, there are about 800 grave sites per acre.

2738
2739 Mr. Archer - Thank you.

2740

2741 Ms. Linda Smiley - Good evening. My name is Linda Smiley and I live at 1300
2742 Waltham Court and I really am here more to provide a comment rather than an opposition to the
2743 development, although I have to say that we bought our house probably six or seven years ago
2744 and we called the Planning staff at that point to see what the development possibilities of the
2745 woods were and we were told that they wouldn't be developed for at least 75 years, and there
2746 was very little to no possibility of development because of access and other issues. So, I guess I
2747 am fairly disappointed because it is being developed although that is the right of the owner to do
2748 so. My concern, and I want to say also, that I think the project does look like it is a high quality
2749 project and that the developers have made improvements from the first proposed development,
2750 but I guess my concern is with the natural buffer. I think that is a very good proffer, but I would
2751 like to note that it is a 20-foot buffer – natural buffer – between the cemetery and the
2752 development, but it is only a 10-foot buffer, which is really not very wide, between the
2753 development and the residents who are actually living and can see the trees from their property.
2754 So, my concern is that the buffer is not really large enough, that it really should be some place
2755 between the 10 and 20 consistent with what they have done on the other side of – they are
2756 proposing on the other side of the development, and I guess particularly because right now we
2757 don't have any idea where and how far back these houses are going to be set on the lot, so
2758 creating a natural buffer that is wide enough to really provide a screen both for those of us who
2759 live next to the property, but also for the folks who are going to be moving in, so that their
2760 privacy will really be preserved, I think would be an advantage both ways. Those are my
2761 comments. Thank you.

2762
2763 Mrs. Ware - Thank you, Mrs. Smiley. Ms. Freye, would you like to come and
2764 address both of the issues? I don't know if you can help us with the property transfer legal
2765 issues.

2766
2767 Ms. Freye - Yes, Mrs. Ware. What I can explain is what has been explained
2768 to us by the sellers, FCI Funeral Services. The reason that they are selling this property is that
2769 they are very cognizant of the eternal perpetual care and responsibility that they have for the
2770 cemetery that they operate there. What they found is that the trend is more toward cremation
2771 these days instead of land burials, and then above that, the mausoleums as opposed to using the
2772 land that way. We have been advised that they think they have enough land to meet their needs
2773 for the next 50 years even with selling this land, that this is just not going to be something that
2774 they ever think they really are going to have to call upon. Of course, how they use the funds is
2775 up to them, but they are very cognizant about the legal responsibility that they have, and in
2776 connection with being cognizant of that responsibility is part of the explanation also for why the
2777 buffer on the cemetery side is different from the buffer on the residential side. The cemetery is a
2778 dissimilar use. Houses to houses are similar uses. There are grave side services. There could be
2779 head lights. There is activity at different times on the cemetery. You can understand that
2780 someone at a very solemn time like that is not going to want to be able to look through a buffer
2781 and see someone sun bathing or children playing ball even. The uses are just not compatible, so
2782 you want to have a greater distance. That is also why we put the privacy fence in on that side,
2783 and that really was at the request of the cemetery, to maintain that dignity and not have daily activity from
2784 a residence that could possibly interfere with that, and then for the residents who are coming in
2785 wanting to know that they are not going to have to be reminded every day of very sad occasions
2786 either, so it was a dual purpose and we worked very hard to come up with a fence and
2787 landscaping and screening and how it would be designed and how it would be woven through
2788 the wood to take advantage of the area that we had to accomplish the objectives, everybody's
2789 objective, both from the residents' side and from the sanctity of the cemetery. I think that
2790 answers those questions, unless I overlooked something.

2791
2792
2793 Mrs. Ware - Any questions for Ms. Freye?

2794

2795 Ms. Freye - One other comment, Mrs. Smiley, and I imagine that the answer she
2796 got about the woods not being disturbed or used for 75 years was probably in response to being
2797 used as a cemetery. You know, sometimes you get the answer depending on the question you
2798 ask, and a lot of people don't know to ask what is the property currently zoned, and they don't
2799 know that if you are told A-1 or R-0 or R-1, they don't know what that means, and they don't
2800 know how to ask the question. The information or the fact is that the property is zoned right
2801 now to permit houses to be built by right, and there would be no quality controls. There would
2802 be no standards, no minimum square footage like the 3,000 square feet that we have proffered
2803 and I think that some of the residents, because of going through the meetings with us, there first
2804 time going through a zoning process, have learned to ask those kinds of questions and to
2805 understand that while they don't like to see the woods change, this has been an opportunity for
2806 them to influence how it would be changed, and to make sure that their property is protected.

2807

2808 Mr. Silber - Mrs. Freye, this may help Mrs. Smiley's concern, also. I guess I have
2809 a question with proffer 13-C says "A naturally vegetated buffer." Mrs. Smiley, typically we really
2810 discourage buffers between like uses, single family and single family. There are obviously in your
2811 subdivision homes that back up to other homes that don't have buffers. In this particular case, a
2812 single-family community is proposed adjacent to your community, which is a single-family
2813 community. Occasionally, we do accept a proffer like this that it also can lead to problems from
2814 the standpoint of the individual that may be buying a lot in this new subdivision will have this
2815 encumbrance on their property of this 10-foot landscaped area in their back yard that, for
2816 example, you don't have, and what will happen is someone will buy these lots, or buy a home
2817 with these new lots and have trees across the back and they may want to remove the trees
2818 because it is their backyard and they may want to do something with it, and you are able to do it
2819 in your backyard, and it becomes a real County issue on a lot by lot basis, if someone decides to
2820 take down a tree and you may feel like the tree shouldn't come down. The question I had with
2821 this proffer was, it simply said a 10 foot buffer area. Is that in addition to the normal required
2822 setback, which I believe is 45 feet?

2823

2824 Mrs. Freye - No, sir. It would be measured from the property line, as would the
2825 setback. So this would be inside the setback.

2826

2827 Mr. Silber - So this would be a part of the setback?

2828

2829 Mrs. Freye - Yes, sir.

2830

2831 Mr. Silber - So, you would have roughly 35 feet from the back of the home to
2832 the 10-foot buffer, if you will, before you get to the property line. You really are sort of
2833 encumbering the back 10 feet of those people's property by having trees. It doesn't say the
2834 trees have to always remain.

2835

2836 Mrs. Freye - No, sir. What we proffered is that at the time of development, to
2837 the extent reasonably possible, that these lots are intended to be wooded lots and that six inch in
2838 caliper or greater trees, that the clearing of those is going to be limited to the area that is
2839 required for the house, the driveways, the sidewalks, the open yard areas and those for utilities.
2840 So, when the lots are developed, it is to be as a wooded lot and that is the other reason, the
2841 concern that you just raised is the other reason we were talking with the neighbors last night
2842 about having the landscape architect meet on the site, not only with the prospective purchaser,
2843 so that they are very aware of the plantings that are going to be in this 10-foot area, but also
2844 that that is communicated at the time and some element of selection given to the adjacent land
2845 owner, so that they will have an individual attention to that particular space, and it will be very
2846 much emphasized that that is a buffer area.

2847
2848 Mr. Silber - Potentially, in years to come, it is going to be a real headache for the
2849 County as properties transfer, 10 to 20 years from now, some people may not want to keep that
2850 buffer in the back yard and adjacent property owners may feel that they are responsible to keep
2851 that. So, I just raised it as a concern. It is something that I think is a dangerous situation to get
2852 into when you begin to buffer single family from single family.

2853
2854 Ms. Freye - We understand that, and one of the first meetings that we had with
2855 the neighbors when the issue came up, we explained that normally you don't have that, because
2856 it doesn't require that, and that the County doesn't like having that to enforce. You know, we
2857 looked at several different ideas about how to make sure that the natural vegetation was either
2858 adequate with the tree canopy that was there and the right kind of underbrush to give some
2859 assurance of privacy to these folks who have been so used to having those woods there all these
2860 years, that while it may be difficult, I think it can be enforced and I know it sounds naive, but
2861 with folks that are going to be living here, if they truly can be good neighbors, I really don't think
2862 this is going to be an enforcement problem. I think it will be self enforcing by the neighbors on
2863 themselves and the homeowners association.

2864
2865 Mrs. Ware - Thank you. Are there any more questions for Ms. Freye? Thank you.
2866 Another thing that I mentioned, too, when we looked at as a group with the neighbors, with
2867 staff, was the lot width of the existing houses, the existing property owners that were adjacent to
2868 this, and the difference in the lot width that was going to be built in this area. So, that was
2869 another point that we looked at as far as giving some type of buffering to the existing
2870 neighborhood. Well, I will, at this time, say that the meeting last night went very well from what
2871 I hear and I want to thank Ms. Illig for all of her hard work on this case. They have addressed all
2872 of the issues that were outstanding within the staff report and the ones that I had as well, and
2873 the neighborhood has been very good at making their concerns heard and working with
2874 everyone, as well. So, I will move to waive the time limits for Case C-73C-03 dated July 14.

2875
2876 Mr. Jernigan - Second.
2877
2878 Mrs. Ware - Motion made by Mrs. Ware and seconded by Mr. Jernigan. All in
2879 favor say aye. All opposed say no. The motion passes.

2880
2881 So now I move that Case C-73C-03, Wilhook, LLC, be recommended to the Board of Supervisors
2882 for approval.

2883
2884 Mr. Vanarsdall - Second.
2885
2886 Mrs. Ware - Motion made by Mrs. Ware, seconded by Mr. Vanarsdall. All in favor
2887 say aye. All opposed say no. The motion passes.

2888
2889 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning
2890 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
2891 request because the proposed single-family residences represents a logical continuation of the
2892 one-family residential development which exists in the area and the proffered conditions
2893 addressing building materials and site design would provide for a higher quality of development
2894 than would otherwise be possible.

2895
2896 Mr. Silber - That concludes the rezoning requests. We do have approval of the
2897 minutes, Planning Commission, June 10, 2004 minutes.

2898
2899 Mrs. Ware - Are there any corrections to the minutes?

2900
2901 Mr. Vanarsdall - I move that if there are no corrections, or if there are corrections,
2902 that we approve the minutes of June 10, 2004.
2903
2904 Mr. Marshall - Second.
2905
2906 Mrs. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in
2907 favor say aye. All opposed say no. The motion passes. The minutes are approved.
2908
2909 Mr. Silber - I do have a couple of comments. I wanted to remind you that there
2910 will be a fourth day at the Retreat, July 30, for those that are interested in making that meeting.
2911 The Retreat will be at the Cultural Arts Center at 8:30 or 9:00 a.m. We will be sending out
2912 letters again reminding you all of that meeting.
2913
2914 Mr. Marshall - You don't have to send me one.
2915
2916 Mr. Silber - Secondly, I wanted to announce that the A-1 Ordinance Amendment
2917 that was discussed at the last day of the Board Growth Retreat. If you recall, there was
2918 consideration given to changing the minimum lot size from one acre to 10 acres or certainly a
2919 size larger than one acre. We have started looking at that Ordinance Amendment and we
2920 wanted to bring something to the Planning Commission in the form of a Work Session, but I don't
2921 think we can bring it as quickly as we originally thought. We were looking at trying to do it in
2922 August, but I don't think we can make that. I am going to be out of town at the next Planning
2923 Commission meeting in August and the Commission only has one meeting in August, as you
2924 recall, so I was going to suggest that the Work Session be held on September 9 and a public
2925 hearing to follow on September 22. That would be an Ordinance Amendment on the A-1 District.
2926 How does that suit you all and if so, we need a motion to set the Work Session and public
2927 hearing?
2928
2929 Mr. Marshall - I make a motion we set the Work Session for September 9. What
2930 time, Mr. Silber?
2931
2932 Mr. Silber - I think we would probably do it before the meeting.
2933
2934 Mr. Marshall - Mr. Vanarsdall will want dinner then. Do you want to make it 5:00
2935 p.m.?
2936
2937 Mr. Silber - Why don't we get back with you on the specifics? I would think we
2938 could probably do a 6:00 Work Session and a 5:30 meal, or somehow.
2939
2940 Mr. Marshall - Well, I made the motion to do the Work Session on September 9,
2941 time to be announced.
2942
2943 Mr. Vanarsdall - Second.
2944
2945 Mrs. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in
2946 favor say aye. All opposed say no. The motion passes.
2947
2948 Mr. Marshall - I now make a motion that we have a public hearing on September
2949 22 Ordinance Amendment in the A-1 District.
2950
2951 Mr. Vanarsdall - I second that, too.
2952

2953 Mrs. Ware - Motion made by Mr. Marshall, seconded by Mr. Vanarsdall. All in
2954 favor say aye. All opposed say no. The motion passes.

2955

2956 Mr. Silber - Thank you very much.

2957

2958

2959

2960

2961

2962

Lisa Ware, C.P.C., Chairman

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2966

2967

2968

Randall R. Silber, Secretary

2969