

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 July 12, 2007. Display Notice having been published in the Richmond Times-
5 Dispatch on June 21, 2007 and June 28, 2007.

6

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mrs. Bonnie-Leigh Jones (Tuckahoe)
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors Representative
Mr. Ralph Joseph Emerson, Jr., AICP, Assistant Director of
Planning, Acting Secretary

Member Absent: Mr. Randall R. Silber, Director of Planning, Secretary

Also Present: Ms. Jean Moore, Principal Planner
Mr. Lee Tyson, County Planner
Ms. Nathalie Croft, County Planner
Ms. Rosemary Deemer, County Planner
Mr. Seth Humphreys, County Planner
Mr. Livingston Lewis, County Planner
Mr. Benjamin Sehl, County Planner
Mr. David Conmy, County Planner
Mr. Kevin Wilhite, County Planner
Ms. Sylvia Ray, Recording Secretary

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8 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**
9 **on all cases unless otherwise noted.**

10

11 Mr. Branin - I would like to call the July 12, 2007 Planning
12 Commission Rezoning meeting to order. Good evening everybody. I don't think
13 we have anyone from the press in the audience; I can't see anybody. I'd like to
14 welcome Mr. Frank Thornton, who is our Supervisor on the Commission this
15 year. Good evening, Mr. Thornton.

16

17 Mr. Thornton - Thank you, Mr. Chairman.

18

19 Mr. Branin - With that, I'm going to turn it over to our guest
20 Secretary, Joe Emerson.

21

22 Mr. Emerson - Thank you, Mr. Chairman. We will note that all
23 members of the Commission are present today and we do have a quorum. I will
24 pause for one minute. I would like to take this opportunity with the Commission

25 to introduce a new staff member we have with us tonight, Mr. David Conmy. He
26 is a new Planner I in the Comprehensive Planning Section. He comes to us from
27 K. W. Poore and Associates where he was an associate planner. Mr. Conmy
28 also holds a Bachelor's and a Master's degree from the University of Virginia. He
29 started with us on May 30th. We'd like to welcome him to the staff.

30
31 Mr. Archer - Good evening, David.

32
33 Mrs. Jones - Welcome.

34
35 Mr. Branin - Good evening, David.

36
37 Mr. Emerson - With that said, we would like to move on to the
38 withdrawals and deferrals. I'll ask Mr. Tyson to move through those for us.

39
40 Mr. Tyson - Good evening, Mr. Chairman, members of the
41 Commission. The first order of business tonight is withdrawals. We have two
42 withdrawals. The first is on page 2 of your agenda. It's case C-20C-07, Meridian
43 Manor.

44
45 ***Deferred from the June 14, 2007 Meeting.***

46 **C-20C-07 Bill Axelle for Meridian Manor, LLC:** Request to
47 conditionally rezone from O-3 Office District and O-3C Office District
48 (Conditional) to R-6C General Residence District (Conditional) and O-3C Office
49 District (Conditional), Parcels 763-756-4328, 763-755-1261 and 762-755-3882,
50 containing approximately 31.7 acres, located on the north line of E. Parham
51 Road approximately 510 feet west of Shrader Road and approximately 785 feet
52 north of West Broad Street (U.S. Route 250) on the east line of Hollybrook
53 Avenue at Lynn Avenue. The applicant proposes a gated community with up to
54 478 townhouse-style condominiums and multi-family apartments. The R-6
55 District allows a maximum gross density of 19.8 units per acre. The uses will be
56 controlled by zoning ordinance regulations and proffered conditions. The Land
57 Use Plan recommends Office.

58
59 Mr. Vanarsdall - I'd like to ask something about that. Is anyone here
60 tonight because of Meridian Manor? I thought you all looked familiar. I
61 appreciate all of you who came and opposed this case. Someone told me this
62 was a done deal, so I hope you'll learn to trust government more because it
63 wasn't a done deal.

64
65 Mr. Tyson - Also on page 2 of your agenda is case P-13-06, New
66 Cingular Wireless PCS.

67
68 ***Deferred from the April 12, 2007 Meeting.***

69 **P-13-06 Burke Lewis for New Cingular Wireless PCS, LLC**
70 (Lessee): Request for a Provisional Use Permit under Sections 24-95(a), 24-120

71 and 24-122.1 of the County Code in order to construct a 199' high
72 telecommunications tower, on parts of Parcels 855-689-5504 and 855-688-7082,
73 located approximately 1,450 feet south of Charles City Road and 400 feet west of
74 Upper Western Run Lane. The existing zoning is A-1 Agricultural District. The
75 Land Use Plan recommends Prime Agriculture.

76
77 Mr. Tyson - That's all the withdrawals we have for tonight.

78
79 Mr. Branin - Thank you, Mr. Tyson.

80
81 Mr. Tyson - The deferrals for the evening's meeting start on page
82 3 of your agenda in the Varina District, P-8-07. The deferral has been requested
83 to the August 9, 2007 meeting.

84
85 ***Deferred from the June 14, 2007 Meeting.***

86 **P-8-07 Gloria L. Freye for Richmond 20 MHZ LLC:**
87 Request for a Provisional Use Permit under Sections 24-95(a), 24-120 and 24-
88 122.1 of Chapter 24 of the County Code in order to construct a 157' high
89 telecommunications tower on part of Parcel 829-712-4591, located on the west
90 line of Beulah Road approximately 195 feet north of Treva Road. The existing
91 zoning is R-3 One-Family Residence District. The Land Use Plan recommends
92 OS/R Open Space/Recreation.

93
94 Mr. Branin - Is anyone in opposition to the deferral of P-8-07,
95 Gloria L. Freye for Richmond 20 MHZ, LLC? No one?

96
97 Mr. Jernigan - With that, Mr. Chairman, I would like to move for
98 deferral of P-8-07, Gloria L. Freye for Richmond 20 MHZ, LLC, to August 9,
99 2007, by request of the applicant.

100
101 Mr. Vanarsdall - Second.

102
103 Mr. Branin - Motion was made by Mr. Jernigan, seconded by Mr.
104 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
105 motion carries.

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107 At the request of the applicant, the Planning Commission deferred P-08-07,
108 Gloria L. Freye for Richmond 20 MHZ, LLC to its meeting on August 9, 2007.

109
110 Mr. Tyson - The next request for deferral is on page 5 of your
111 agenda in the Fairfield District. It's case C-39C-07. The deferral has been
112 requested to the August 9, 2007 meeting.

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114 **C-39C-07 James Theobald for Herbert S. King:** Request to
115 conditionally rezone from R-2A and R-4 One-Family Residence Districts and O-
116 2C Office District (Conditional) to R-6C General Residence District (Conditional),

117 part of Parcel 808-733-2903, containing approximately 18.23 acres, located on
118 the south line of Harvie Road approximately 1,150 feet east of Laburnum
119 Avenue. The applicant proposes an age-restricted multi-family residential
120 community with a maximum of two hundred ninety (290) units. The R-6 District
121 allows a maximum gross density of 19.80 units per acre. The use will be
122 controlled by zoning ordinance regulations and proffered conditions. The Land
123 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per
124 acre and Office. The site is in the Airport Safety Overlay District.

125

126 Mr. Branin - Is anyone in opposition to the deferral of C-39C-07,
127 James Theobald for Herbert S. King? No one?

128

129 Mr. Archer - Mr. Chairman, I move deferral of C-39C-07, James
130 Theobald for Herbert S. King, to the August 9, 2007 meeting at the applicant's
131 request.

132

133 Mr. Jernigan - Second.

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135 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
136 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
137 carries.

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139 At the request of the applicant, the Planning Commission deferred C-39C-07,
140 James Theobald for Herbert S. King, to its meeting on August 9, 2007.

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142 Mr. Tyson - The next deferral is in the Three Chopt Magisterial
143 District and is also on page 5 of your agenda. It's case C-76C-05. The deferral
144 is requested to the September 13, 2007 meeting.

145

146 ***Deferred from the June 14, 2007 Meeting.***

147 **C-76C-05 Robert Attack for George M. Urban:** Request to
148 conditionally rezone from A-1 Agricultural District to O-3C Office District
149 (Conditional), Parcels 747-770-3395 and 746-770-9777, containing 11.18 acres,
150 located on the west line of Nuckols Road approximately 350 feet north of New
151 Wade Lane and between the south line of Hickory Park Drive and the north line
152 of New Wade Lane. The applicant proposes an office development. The use will
153 be controlled by zoning ordinance regulations and proffered conditions. The Land
154 Use Plan recommends Rural Residential, Suburban Residential 2, 2.4 to 3.4
155 units net density per acre and Environmental Protection Area.

156

157 Mr. Branin - Is anyone in opposition to the deferral of C-76C-05,
158 Robert Attack for George M. Urban? No one? With that, I'd like to move that C-
159 76C-05, Robert Attack for George M. Urban, be deferred to the September 13th
160 meeting, per the applicant's request.

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162 Mrs. Jones - Second.

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Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones. All in favor say aye. All opposed say no. The ayes have it, the motion carries.

At the request of the applicant, the Planning Commission deferred C-76C-05, Robert Attack for George M. Urban to its meeting on September 13, 2007.

Mr. Tyson - The next request for deferral is also in the Three Chopt District and is also on page 5 of your agenda, P-10-07. The applicant has requested deferral to the September 13, 2007 meeting.

Deferred from the June 14, 2007 Meeting.

P-10-07 Gloria L. Freye for Richmond Strikers Soccer Club, Inc.: Request for a Provisional Use Permit under Sections 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 157' high telecommunications tower on part of Parcel 740-768-1098, located on the east line of Pouncey Tract Road approximately 900 feet south of Shady Grove Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Open Space/Recreation and Environmental Protection Area.

Mr. Branin - Is anyone in opposition to the deferral of P-10-07, Gloria L. Freye for Richmond Strikers Soccer Club, Inc.? No one? Then I would like to move that P-10-07, Gloria L. Freye for Richmond Strikers Soccer Club, Inc., be deferred to the September 13th meeting per the applicant's request.

Mr. Archer - Second.

Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it, the motion carries.

At the request of the applicant, the Planning Commission deferred P-10-07, Gloria L. Freye for Richmond Strikers Soccer Club, Inc., to its meeting on September 13, 2007.

Mr. Tyson - Also on page 5 of your agenda in the Three Chopt District is case C-32-07. The deferral is requested to the August 9, 2007 meeting.

Deferred from the June 14, 2007 Meeting.

C-32-07 R + R Property Development, L.C.: Request to rezone from R-5C General Residence District (Conditional) to B-1 Business District, part of Parcel 738-761-6025, containing approximately 0.15 acre, located on the east line of Spring Oak Drive approximately 240 feet south of West Broad Street (U. S. Route 250). The applicant proposes a 30-foot easement for an access driveway to adjacent retail uses. The use will be controlled by zoning ordinance regulations. The Land Use Plan recommends Multi-Family

209 Residential, 6.8 to 19.8 units net density per acre. The site is in the West Broad
210 Street Overlay District.

211

212 Mr. Branin - Is anyone in opposition to the deferral of C-32-07, R +
213 R Property Development, L.C.? No one? I'd like to move that C-32-07, R + R
214 Property Development, L.C. be deferred to the August 9th meeting per the
215 applicant's request.

216

217 Mrs. Jones - Second.

218

219 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones.
220 All in favor say aye. All opposed say no. The ayes have it, the motion carries.

221

222 At the request of the applicant, the Planning Commission deferred C-32-07, R +
223 R Property Development, L.C. to its meeting on August 9, 2007.

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225 Mr. Tyson - The last request for deferral is on page 5 of agenda,
226 again in the Three Chopt District, case C-40C-07. The request is to defer the
227 case to August 9, 2007.

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229 **C-40C-07 Courtenay Fisher for Boushra and Edna Hanna:**
230 Request to conditionally rezone from A-1 Agricultural District to R-2AC One-
231 Family Residence District (Conditional), Parcel 742-773-4344, containing 10.252
232 acres, located on the northeast line of Hames Lane approximately 1,550 feet
233 north of its intersection with Shady Grove Road. The applicant proposes a
234 single-family residential development not to exceed a density of 2.0 units per
235 acre. The R-2A District allows a minimum lot size of 13,500 square feet and a
236 maximum gross density of 3.23 units per acre. The use will be controlled by
237 zoning ordinance regulations and proffered conditions. The Land Use Plan
238 recommends Rural Residential, not exceeding 1.0 unit per acre, and
239 Environmental Protection Area.

240

241 Mr. Branin - Is anyone in opposition to the deferral of C-40C-07,
242 Courtenay Fisher for Boushra and Edna Hanna? No one? Then again, I'd like to
243 move that C-40C-07, Courtenay Fisher for Boushra and Edna Hanna, be
244 deferred to August 9th, per the applicant's request.

245

246 Mr. Jernigan - Second.

247

248 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
249 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
250 carries.

251

252 Mr. Tyson - Mr. Chairman, that concludes the requests for
253 deferrals.

254

255 Mr. Branin - Thank you, Mr. Tyson.

256

257 Mr. Emerson - Are there any other deferrals from the Commission
258 tonight? If not, we'll move forward to the expedited agenda. Mr. Tyson?

259

260 Mr. Tyson - Mr. Chairman, members of the Commission, you have
261 one request on your expedited agenda tonight in the Brookland District on page 2
262 of your agenda. The application is P-12-07.

263

264 **P-12-07 Hillorie Morrison for Clearwire US LLC:** Request
265 for a Provisional Use Permit under Sections 24-95(a), 24-120, and 24-122.1 of
266 Chapter 24 of the County Code to place 2 microwave dishes, 3 panel antenna,
267 and related equipment 109' above the base of an existing 115' high power
268 transmission tower on part of Parcel 762-759-7446, located on the north line of
269 Woodlake Drive, east of Walton Farms Drive. The existing zoning is R-3C, One-
270 Family Residence District (Conditional). The Land Use Plan recommends
271 Suburban Residential 2, 2.4 to 3.4 units net density per acre.

272

273 Mr. Branin - Is anyone in opposition P-12-07, Hillorie Morrison for
274 Clearwire US, LLC? No one?

275

276 Mr. Vanarsdall - I move that P-12-07, Hillorie Morrison for Clearwire
277 US, LLC, be recommended to the Board of Supervisors for approval.

278

279 Mrs. Jones - Second.

280

281 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mrs.
282 Jones. All in favor say aye. All opposed say no. The ayes have it, the motion
283 carries.

284

285 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
286 Mrs. Jones, the Planning Commission voted 5-0 (one abstention) to recommend
287 the Board of Supervisors grant the request because it would provide added
288 services to the community and when properly regulated by the special conditions,
289 it would not be expected to adversely affect the public health, safety, welfare and
290 values in the area.

291

292 Mr. Thornton - Mr. Chairman, there may be some people here
293 tonight who've never been here before and just for educational purposes, you
294 might want to explain what the expedited part was.

295

296 Mr. Branin - Putting me on the spot. When a case is put on the
297 expedited agenda, it means there are no concerns or problems with the case
298 according to staff, and amongst the Commission members, there are no
299 problems. So, instead of listening to them, they can be placed on an agenda to

300 be expedited up to the Board of Supervisors, which is the next step. How did I
301 do, Mr. Thornton?

302
303 Mr. Thornton - Thank you.

304
305 Mr. Tyson - Mr. Chairman, that concludes the withdrawals,
306 expedited, and deferrals.

307
308 Mr. Emerson - Mr. Chairman, with that, you have nine cases left to
309 be heard through the normal hearing process. I'll take this opportunity, before we
310 move into the regular agenda, to note the process and what's allowed. One item
311 I've been asked to explain tonight because there may be some confusion in the
312 audience regarding notifications and how notifications are done to property
313 owners when actions come forth in front of the Commission. State Code requires
314 that adjacent property owners be notified. You either share a property line or
315 you're across the road from a property line with property in question. We do go a
316 little bit further than that normally, but if you're several properties removed, you
317 may not receive notification from the Planning Office. However, that's the reason
318 for the ads in the newspaper and also the signs placed on the property in order to
319 do the best we can to notify everyone.

320
321 Following the staff presentations, the applicant or their representative is allowed
322 ten minutes to present testimony. A portion of that time can be saved for rebuttal
323 of opposition statements. Following the applicant's presentation, the opposition
324 or the citizens who have questions or comments will be allowed ten minutes to
325 present testimony. That's collectively ten minutes. Time to answer questions of
326 the Commission shall not be included within the applicant's or the opponent's
327 allotted time. These time limits can be waived at the Commission's discretion, if
328 they see fit.

329
330 With that, Mr. Chairman, the first item on page 1 of your agenda is POD-34-07,
331 Grattan and Associations, PC, for the Wilton Companies.

332
333 **PLAN OF DEVELOPMENT - ARCHITECTURAL PLANS FOR SILVER DINER**
334 **(Deferred from the June 27, 2007 Meeting)**
335

POD-34-07
Wilton Square –
W. Broad Street and Cox
Road

Grattan Associates, P.C. for The Wilton Companies, Inc.: Request for approval of architectural plans for a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,674 square foot restaurant. The 3.51-acre site is located on the northeast corner of West Broad Street (U.S. Route 250) and Cox Road on parcels 748-760-6957 and 9546. The zoning is B-2C, Business District (Conditional). County water and sewer.
(Three Chopt)

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Mr. Branin - Good evening, Mr. Wilhite.

Mr. Wilhite - Good evening, Mr. Chairman, and Commission members. At the last meeting on June 27th, the site plan for Wilton Square Development was approved. The approval encompassed a free-standing restaurant building, and a second building, which was a retail and coffee shop. The architectural plans for the other building, the retail coffee shop, were approved at that time. The architectural plans for the Silver Diner building were deferred until your meeting tonight.

There is a zoning case that governs the property, C-2C-93, that pertain to the entire site, not only the two buildings along West Broad Street, but also the two buildings that have been constructed to the north at the corner of Cox Road along Innslake Drive. It's a hotel on the northeast corner and a 7-Eleven here on the northwest corner.

The architectural plans that were handed out tonight show no change from the plans that were before the Commission last time. There is only some clarification as far as the type of materials being proposed. Mostly in the back of the building, it shows brick and EIFS, and brick along the foundation in the front.

There are proffers on this site dealing with architectural design. One had to deal with the construction of the Hampton Inn, which is an existing building here at the corner. It also referred to other buildings constructed on the site. Language in the proffers required that the other buildings constructed have exposed exterior walls of brick construction, exclusive of windows, doors, and architectural design features, unless different architectural treatment and/or materials are specifically requested and approved at the time of plan of development review. The applicant is requesting a change in the architectural treatment and materials for the Silver Diner building. Primarily, the materials used on Silver Diner are brick, Dryvit, tile, mirrored and patterned stainless steel panels, and also glass blocks.

Another provision of this proffer deals with complimentary architecture. It states the exterior materials and architectural design of all buildings constructed on the property shall be coordinated with and complimentary to each other. Generally as shown on Exhibit B, as determined by the Planning Commission at the plan and development review. I've got Exhibit B, which was a part of the rezoning case back in 1993. It shows the proposed architectural design of the four buildings on the site. The building at the bottom is the Hampton Inn that was constructed. The other buildings generally are of red brick construction with a standing metal seam roof. This is the hotel building that exists currently out there now. This is the 7-Eleven at the northwest corner of the site. Here's another view. This is another view of the hotel building from Innslake Drive.

381 We do have representatives here from Wilton Development in order to state their
382 case for these changes to the architectural design.

383

384 There was a proffer that also dealt with roof type. It dealt with the roof design
385 and color of each building constructed on the property and the canopy covering
386 pump islands of any service station developed on the property, that it shall be
387 compatible with the roof design and color of the Henrico County Library—it's
388 shown in this picture here—and the Colonnade building generally shown on
389 Exhibit B. The photograph I had of the Colonnade building did not come out.
390 Essentially, it's a flat building and it does have some green standing metal seam
391 roof structures on top of it.

392

393 What is being proposed with this elevation is some green metal coping along the
394 rear parapets of the wall. They're marked on the exhibit that was passed out to
395 you this evening.

396

397 Once again, the architectural plans are here before you today. There are no
398 changes to the site plan proposed or the conditions of approval from last month.
399 I'll be happy to answer any questions that you have.

400

401 Mr. Branin - Does anybody have any questions for Mr. Wilhite?
402 Anyone? All right. May I hear from the applicant, please?

403

404 Mr. Grattan - Good evening, Mr. Chairman, members of the
405 Commission. I'm Stuart Grattan with Grattan Associates.

406

407 Mr. Branin - Hello, Mr. Grattan, how are you?

408

409 Mr. Grattan - I'm fine, thank you.

410

411 Mr. Branin - Before I ask you a couple of questions, is the
412 representative from Innsbrook here?

413

414 Mr. Grattan - I do not believe so.

415

416 [Off mic] - No sir. He's out of town tonight [unintelligible].

417

418 Mr. Branin - Okay. Then I'll remind the Commissions that the last
419 time, Innsbrook said they were excited about a—What was the word they used
420 for this building?

421

422 Mrs. Jones - Iconic?

423

424 Mr. Branin - Iconic building. Mr. Grattan, we can meet and agree
425 with your elevations for most of the proffers in this project and on this land. The
426 one that I'm concerned about is the roof. Can you address that for me?

427

428 Mr. Grattan - This is, and, as best put earlier, an iconic building.
429 Silver Diner has a reputation and standards that are renowned for that.
430 Innsbrook, I think, addressed this best, that with this icon, there are some
431 challenges. Adding too much to it that's different from that icon detracts from the
432 icon image. What is presented was approved by Innsbrook. I guess I don't want
433 to speak for them, but I assume their approval letter does.

434

435 Mr. Branin - I received the letter that said that they were in
436 agreement with your elevations. Now, I know staff has labored over this. I know
437 Wilton has labored over this. I know I have spent way too many hours laboring
438 over this, trying to figure where we can meet the proffer by putting a green roof.
439 We have one area, which is on—if you go to elevation 2, I believe. If you can
440 click on that. We have a dumpster area in the back. You have met the criteria
441 with the brick by putting brick across the back and brick across the bottom,
442 without deviating too much from this iconic building. You are providing a little
443 green trim on top. My fear is it's not enough. So, I would make a
444 recommendation that you roof this dumpster area with a green roof. Is that
445 possible?

446

447 Mr. Grattan - I think it is possible. The term, "roofing the dumpster
448 area," depending on how it is interpreted, it's understood that a truck has to pick
449 this dumpster up and lift it and throw the trash in. That roof needs to be set back
450 so as not to interfere with that.

451

452 Mr. Branin - With the Colonnades, I know with the way they
453 designed their building, because their roof is inset, there was nowhere to do a
454 green roof so they picked one corner and put a metal green roof in it just to meet
455 the criteria. With that as my guide and with that as my lead, I need to find a place
456 that you can provide me with a green pitched roof to meet that criteria. In my
457 mind, the only place you can do it is over that dumpster.

458

459 Mr. Grattan - I would say yes we could.

460

461 Mr. Branin - Okay. Now, if you were going to do that, could you
462 tell me how you would do it? Now that I've put you in this precarious situation.

463

464 Mr. Grattan - I would envision this as an awning type attached to
465 the building.

466

467 Mr. Branin - If you could take one of the elevations that we have
468 and just do a quick sketch. I'm not going to hold you to your artistic ability, I
469 swear I won't. Just to give us an idea. I'm pretty sure it's feasible and it's
470 possible, and then you meet all the criteria, which would make myself and many
471 others happy.

472

473 Mrs. Jones - Mr. Chairman, is the intent to just get a little
474 something on there so there's no question that the proffer was listened to, or is
475 the intent to create any kind of harmonious transition to the rest of the
476 development?
477
478 Mr. Branin - Both.
479
480 Mrs. Jones - Because if there is, then I suggest if it's not on the
481 front of the building, then it almost doesn't count.
482
483 Mr. Branin - If we change the front of the building, then I know
484 Innsbrook and everyone else believes that it's taking away from its iconic stature.
485
486 Mrs. Jones - I understand that. I think this is certainly a valiant
487 effort to keep the proffer. I'm just not sure that it meets the spirit of the proffer. It
488 keeps the letter of it.
489
490 Mr. Branin - I know in going back and checking on the Colonnades
491 and looking at that, they didn't feel that they needed a pitched roof either, but
492 they met the spirit of it by putting one in one place. In following their lead, I'm
493 trying to match what is a legal proffer—
494
495 Mrs. Jones - I understand and I think it's probably—Without taking
496 anything away from an icon, I think it's the best we can do.
497
498 Mr. Branin - Okay.
499
500 Mr. Grattan - Do you want what I drew?
501
502 Mr. Branin - I'd love to. A green metal?
503
504 Mr. Grattan - Yeah. It doesn't show up well with a red pen, but
505 that's the intent that there would be awnings. In that sketch, I've just shown one
506 over each of the dumpster elements there.
507
508 Mr. Branin - All right. Well, if we do proceed forward with this and it
509 is approved, I'll need, in five days, a true render.
510
511 Mr. Grattan - That's fine. We'll get it to you.
512
513 Mr. Branin - All right. I don't have any more questions—
514
515 Mr. Grattan - Okay. Thank you all.
516
517 Mr. Branin - —for Mr. Grattan. Does anybody else? Mr. Archer?
518

519 Mr. Archer - Mr. Grattan? Are you certain that the dumpster truck
520 would be able to lift this? I think maybe they could pick it up and back up some
521 and then lift it and dump it and slide it back in?
522

523 Mr. Grattan - That's a possibility. I think that the intent here is just
524 to have that visible green roof to meet the proffer.
525

526 Mr. Archer - And I understand the intent, I just want to make sure
527 you can pull this off.
528

529 Mr. Grattan - The dumpster pad might be 20 feet deep.
530

531 Mr. Archer - Right.
532

533 Mr. Grattan - If we could set this so it doesn't extend more than four
534 feet off the building, you'd still get that visual effect from the elevation, yet it
535 wouldn't get in the way of the dumpster.
536

537 Mr. Archer - I just want to make sure they didn't tear it down the
538 first time they picked the dumpster up.
539

540 Mr. Grattan - I don't think anybody would wish that, just putting up
541 something to tear it down.
542

543 Mr. Archer - Okay. But if it's 20 feet deep and you're just coming
544 about four feet off the building, I think it's possible.
545

546 Mr. Grattan - Possible, yes, especially if they could pull it out and
547 set in and then shove it back a little bit.
548

549 Mr. Archer - Okay. That's all I have, Mr. Branin.
550

551 Mr. Branin - Anyone else? With that, I'd like to move for approval
552 of POD-34-07, Wilton Square, West Broad Street and Cox Road, with
553 annotations on the plan, as well as the annotations made this evening. I move
554 for approval.
555

556 Mr. Vanarsdall - Second.
557

558 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
559 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
560 motion carries.
561

562 Mr. Emerson - Mr. Chairman, the next item on your public hearing
563 agenda tonight is still on page 1. It is C-21C-07, The Rebkee Company.
564

565 **Deferred from the June 14, 2007 Meeting.**

566 **C-21C-07 The Rebkee Company:** Request to conditionally
567 rezone from B-2C and B-3C Business Districts (Conditional) to B-2C Business
568 District (Conditional), Parcels 738-742-5943, 738-742-6844 and 738-742-9542,
569 containing approximately 2.59 acres, located on the north line of Patterson
570 Avenue (State Route 6) between Careybrook and Lauderdale Drives. The
571 applicant proposes a pharmacy and other retail uses. The use will be controlled
572 by zoning ordinance regulations and proffered conditions. The Land Use Plan
573 recommends Commercial Concentration and Environmental Protection Area.

574

575 Mr. Branin - Is anyone in opposition to C-21C-07, The Rebkee
576 Company? No one? Good evening, Rosemary.

577

578 Ms. Deemer - Good evening. As our Secretary said, the subject site
579 is zoned B-2C and B-3C and is located on the north line of Patterson Avenue
580 between Lauderdale and Careybrook Drives. The site is currently occupied by
581 an Exxon gas and service station, and West End Plants and Produce. Directly to
582 the west is the Tuckahoe Village shopping center and to the north are the
583 Careybrook, Stoneycreek and Tuckahoe West apartments. The applicant is
584 proposing a CVS pharmacy with drive thru.

585

586 The 2010 Land Use Plan recommends Commercial Concentration and
587 Environmental Protection Area for the site. While the proposed pharmacy is
588 consistent with the Commercial Concentration designation, the site lies partially
589 within the County's Comprehensive 100-year floodplain.

590

591 The applicant has submitted proffers dated July 10th that include elevations and a
592 revised concept plan. The elevations depict more brick on each elevation and
593 pitched roofs. The only significant change to the site plan is the design of the
594 entrance on Patterson Avenue, which now would comply with Department of
595 Public Works standards. Major aspects of the proffers include sidewalks along
596 Patterson Avenue, Careybrook and Lauderdale Drives, a six-foot high masonry
597 wall along the rear of the property and building materials of which a minimum of
598 75% would be brick, stone or combination thereof.

599

600 Staff believes that the proposal is a reasonable re-use of the property. However,
601 staff still has remaining concerns, including the location of the storm water
602 management area. The concept plan indicates that the BMP is located within 25-
603 feet of the Patterson Avenue right-of-way, which is contrary to Department of
604 Public Works' standards. Relocating this feature to comply with county standards
605 would alter the layout of the design, and with it, the proffered concept plan.
606 Additionally, the wording of Proffer #1 does not require that structures other than
607 a pharmacy conform to the proffered site plan.

608

609 Staff recommends deferral of this request to provide the applicant more time to
610 address these issues. That concludes my presentation, I'd be happy to answer
611 any questions you may have.

612
613 Mr. Branin - Is anyone in opposition to C-21C-07? Did I ask that
614 already?

615
616 Mr. Jernigan - You asked that.

617
618 Mr. Branin - I didn't think I had.

619
620 Mr. Jernigan - Rosemary, on the BMP? You say it's not within the
621 guidelines of Public Works?

622
623 Ms. Deemer - Right. There are established policies for the locations
624 of BMP's, especially along arterials and thoroughfares. Right now, the way that it
625 is drawn, it does not meet those standards. I believe that the applicant has an
626 intent to try to work that out, but at this time, we don't have a concept plan that
627 shows that.

628
629 Mr. Vanarsdall - Has he considered putting it underground?

630
631 Ms. Deemer - I believe that is one of the options they are looking at.

632
633 Mr. Vanarsdall - We had one in another part that they had to do that.
634 CVS put it underground.

635
636 Ms. Deemer - Right. I do believe that they are looking at that.

637
638 Mrs. Jones - I think the applicant will address that in their
639 presentation also.

640
641 Mr. Branin - Okay. Would you like to hear from the applicant?

642
643 Mrs. Jones - Yes, please.

644
645 Mr. Branin - Okay. Will the applicant come down. If you'd state
646 your name for the record, please.

647
648 Mr. Vanarsdall - We're going to have to get you a book bag or
649 something.

650
651 Ms. Nadal - Good evening, Mr. Chairman, members of the
652 Commission. My name is Caroline Nadal and I'm here on behalf of the applicant,
653 The Rebkee Company.

654

655 Mr. Vanarsdall - You can raise that, Caroline. You're not going to
656 break it.

657
658 Ms. Nadal - Actually, usually I have to lower them because I'm
659 short. I'm happy to answer your questions and give you a little more detail about
660 the site. I'll leave that in your hands. I understand that there is the issue with the
661 storm water management and I'm going to actually move to that. This is the
662 proffered site plan that Ms. Deemer just showed you. There is a guideline for
663 storm water management that says that BMP's will be set back 25 feet from the
664 ultimate right-of-way in a non-residential development. There was some
665 confusion with Public Works as to whether this is storm water management, fell
666 within the category of a BMP. Ms. Jones and I actually spoke today and I've
667 spoken with the client, The Rebkee Company, and we've had extensive
668 discussion. We will do what we have to do to remedy the situation with Public
669 Works as soon as possible after this hearing to make sure that we're either
670 meeting that 25-foot setback, or possibly we may go underground with the BMP,
671 if we can't make the site work. We've got an issue with the site with the
672 floodplain. The site actually drains down to that corner. It's been a little
673 complicated in engineering the site, but we will address it. We will get it
674 straightened out.

675
676 Mrs. Jones - What I'd like to point out to the other Commissioners
677 is that with this site as it's currently laid out, and you can see that on your screen,
678 originally there were two buildings that were going to be going onto this site. As
679 the discussions continued and the applicant looked at the site, it became clear
680 that the challenges of the floodplain were going to necessitate making some hard
681 decisions. The decision was made to put only a drugstore on this site and use
682 the rest of the land as a storm water management area. Caroline, you and I
683 have gone round about these terms and definitions more than I'm sure we'd care
684 to, but we had to. It is still somewhat in question and I hesitate to think that we
685 have all the answers. A lot of this becomes clearer with engineering, I know.
686 Would you please just go over again, briefly for the Commission's benefit, what is
687 intended here with the walls and with the other features on the site so that they
688 can get the big picture of the project?

689
690 Ms. Nadal - Sure. I'm happy to. I've got some photographs. What
691 we've proposed is a dry storm water management area. It takes up a substantial
692 area of the site because we are having to deal with floodplain issues. There will
693 be a depression. It'll be heavily landscaped. Some of the things we're going to
694 do is put a wrought iron looking fence around it and a retention wall. It'll be
695 heavily landscaped. I've actually got some photographs. Just stop on this. It
696 shows this one at Brandermill that it's going to look pretty close to. This is a dry
697 storm water management area that's across from Lauderdale Square. If you can
698 see, it depresses slightly in the center and then there's landscaping around it.
699 Ours will be different because we've actually got to raise up the land to
700 accommodate the floodplain. Then we have to put some retention wall and

701 wrought iron fence looking materials. That's just another picture of the same site
702 from across the street.

703

704 This is Estates at Horsepen. This gives an example of the type of fencing that
705 we would put around our storm water management area on a portion of it. I'll go
706 back to my site plan and actually explain this a little more thoroughly. This is also
707 a picture of a retaining wall. It would be of complimentary color to the CVS and
708 then some fencing around it. You can see that there is substantial landscaping.

709

710 To return to the site plan, I'll explain to you how that's going to actually be set up.
711 As you see, this area will actually have a retaining wall around it with the fencing
712 on top, just as the picture was that I showed. Then the area along Careybrook
713 and then fronting Patterson Avenue will just have the wrought iron. There will be
714 a lot of landscaping. It will look like an attractive area. CVS will be responsible
715 for maintaining it. Wilton Companies will be the underlying landowner and they
716 have assured us that they have very tight maintenance agreements with CVS to
717 make sure that this site remains attractive.

718

719 The spirit of the guideline was to not have aesthetic problems created near major
720 roads and we certainly are planning on making sure this is very aesthetically
721 pleasing.

722

723 Mr. Branin - Mrs. Jones, can I ask Ms. Nadal a couple of
724 questions?

725

726 Mrs. Jones - Please.

727

728 Mr. Branin - Thank you. You stated that there originally was going
729 to be two buildings on this?

730

731 Ms. Nadal - Yes, Mr. Branin.

732

733 Mr. Branin - And you couldn't reach the necessity for your storm
734 water, correct?

735

736 Ms. Nadal - At that point, we probably would have had to put it
737 underground. That's the problem. The site slopes down to a point at the corner
738 here of Careybrook and Lauderdale. The floodplain, there was too much
739 engineering on the site to raise up the land in order to accommodate a second
740 building.

741

742 Mr. Branin - All right. If you can't reach setbacks, why aren't you
743 going underground?

744

745 Ms. Nadal - We think we might be able to actually reach the
746 setback. There was some question as to whether—We had been going back and

747 forth with Public Works as to whether the setback applied or not, so there was
748 some confusion there. We will either meet that setback or we'll go underground.

749

750 Mr. Branin - The reason I'm asking so many questions is I know
751 CVS is very, very familiar with putting storm water underground because they're
752 currently doing it in two different places in the Metro Richmond area. With that in
753 mind, if the developer could build on top of that storm water area, it's not an
754 expense. Do you understand what I'm saying?

755

756 Ms. Nadal - I don't think that's the problem with putting the BMP
757 underground. It think it's to get all the permitting requirements that are necessary
758 to build an actual structure. The ground would have to be raised, is my
759 understanding of the problem.

760

761 Mr. Branin - CVS says if you don't reach setbacks, you will go
762 under.

763

764 Ms. Nadal - Yes.

765

766 Mr. Branin - Okay. That's all I have.

767

768 Mrs. Jones - That's a very valid point. This is actually the crux of
769 what has been discussed most intensely over the last number of days. How will
770 that be attached to this case, that commitment?

771

772 Ms. Nadal - We will either have it in our proffered site plan, or if
773 we need to somehow structure a proffer. Our intent is to have that reflected on
774 our proffered site plan, either that we're meeting the setback or that we're going
775 underground with the BMP.

776

777 Mrs. Jones - Mr. Secretary, how would you suggest that that be
778 done, for purposes of this evening's vote?

779

780 Mr. Emerson - If you want to send it on tonight, I would suggest that
781 you make a motion contingent upon that being accomplished prior to the Board
782 of Supervisor's hearing. Either the site plan being amended to reflect the BMP
783 within compliance of Works' regulations, or reflecting an underground or stating
784 that fact in the written proffers. One of those three.

785

786 Mrs. Jones - That is agreeable?

787

788 Ms. Nadal - Yes, Mrs. Jones, that is agreeable.

789

790 Mrs. Jones - Okay. Because there has been a little bit of confusion
791 on both sides as to exactly how the definitions fit, exactly where this applies, and
792 exactly what can be done in an engineering way. I feel like there has been

793 enough back and forth that I certainly know there is an answer here. We just
794 don't have it as of 7:45 this evening. I did want to ask you also about the
795 elevations. We had talked a bit about a modification of the color. While this is
796 not as weighty an issue, obviously, as the storm water management, I do believe
797 we should talk about it now. Could you explain what we are discussing as far as
798 the tone of the brick?

799
800 Ms. Nadal - Yes ma'am. On the elevation that we've proffered, I
801 understand there was an interest to have the color adjusted. It's a bit of a stark
802 red at this point in time and the mortar is also a red, so it looks like a one-color
803 brick structure. What we are going to do—This is actually a CVS that's just down
804 the road between Parham and Gaskins near Starling. The brick on this, if you
805 can see, is a little more muted and there is some variation in the tones of the
806 brick, and the mortar is lighter. So, what we're working with CVS on right now is
807 to produce an elevation. This issue just came up the other day, but we're
808 working to produce an elevation that will have more of this look as opposed to
809 sort of the stark red. We are willing to give that variation of the brick tones and
810 muted colors.

811
812 Mrs. Jones - Just so that we have that discussed here now. I
813 guess that can also be an added note as this goes forward. We had several
814 community meetings for this. I do believe that the concerns of the citizens were
815 certainly valid. We discussed a lot of issues that will come up again concerning
816 potentially striping the road to aid traffic flow and the different landscape options.
817 All of this, obviously, will be addressed. They were certainly on top of this case
818 and I appreciated all of their input. If no one else has questions, I'll move
819 forward.

820
821 Mr. Branin - I have no further questions.

822
823 Mrs. Jones - Okay. Thank you, Ms. Nadal, for the presentation.

824
825 Ms. Nadal - Thank you.

826
827 Mrs. Jones - I believe we've handled most of this to everybody's
828 satisfaction. The details that are left will all be taken care of prior to anything
829 presented to the Board, correct?

830
831 Ms. Nadal - Yes ma'am, absolutely.

832
833 Mrs. Jones - Okay. Again, thank you for your help, and certainly
834 thank you to Rosemary for hers. This has been a very interesting case with a lot
835 of different issues. I hope it's a very successful project. I will move that C-21C-
836 07, The Rebkee Company, be recommended to the Board of Supervisors for
837 approval.

838

839 Mr. Vanarsdall - Second.

840

841 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr.
842 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion
843 carries.

844

845 **REASON:** Acting on a motion by Mrs. Jones, seconded by Mr.
846 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
847 the Board of Supervisors **grant** the request because it conforms to the
848 recommendations of the Land Use Plan and is not expected to have a precedent
849 setting effect on the zoning in the area.

850

851 Mr. Emerson - Mr. Chairman, that takes you to page 2 of your
852 agenda to item C-34C-07, William H. Muller, Amy B. Muller, and Robert B. Bain.

853

854 **C-34C-07 William H. Muller, Amy B. Muller, and Robert B.**
855 **Bain:** Request to conditionally rezone from A-1 Agricultural District to R-3C One
856 Family Residence District (Conditional), Parcels 759-761-4076 and 759-761-
857 5776, containing 4.952 acres, located on the north line of Hungary Road
858 approximately 156 feet west of River Mill Court. The applicants propose a single-
859 family residential subdivision. The R-3 District allows a minimum lot size of
860 11,000 square feet and a maximum gross density of 3.96 units per acre. The
861 use will be controlled by zoning ordinance regulations and proffered conditions.
862 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
863 density per acre.

864

865 Mr. Branin - Is anyone in opposition to C-34C-07, William H.
866 Muller, Amy B. Muller, and Robert B. Bain? Great. I won't ask again, I swear.
867 Go ahead, Mr. Tyson.

868

869 Mr. Tyson - Mr. Chairman, member of the Commission, the
870 subject site is located on the north line of Hungary Road approximately 156 feet
871 east of River Mill Court.

872

873 The applicant is proposing to rezone two separate parcels totaling 4.95 acres to
874 R-3C to permit development of a single-family subdivision.

875

876 The 2010 Land Use Plan calls for Suburban Residential 1 land uses at a density
877 of 1.0 to 2.4 units per acre. The applicant has submitted, but not proffered, a
878 conceptual plan showing a possible layout of 15 lots. This would result in a
879 density of approximately 3.0 units per acre, which is slightly higher than the
880 density recommended in the Land Use Plan; however, the proposed use is
881 consistent with the Plan and the possible density is in keeping with the densities
882 of adjacent residential communities.

883

884 The requested zoning designation is consistent with the zonings of the
885 surrounding residential communities. The applicant has submitted revised
886 proffers, dated July 9, to mitigate potential impacts and ensure a quality
887 development. Among the items proffered are: A finished floor area of at least
888 2000 square feet; cantilevered chimneys, closets, and bay windows would be
889 prohibited; standard 6" curb and gutter would be provided interior to the site and
890 along Hungary Road; 50% of all homes would have at least 30% brick front
891 elevations; and wooden stockade-style fences would be prohibited.

892
893 The applicant has also amended those proffers slightly at the beginning of the
894 meeting tonight. The proffer that deals with the garages, which is Proffer #7, has
895 been amended to say that, "Two-car garages shall have minimum interior clear
896 space of 18 feet, 6 inches, and 18 feet." We wanted to clarify that there would
897 actually be clear space, not the actual interior dimensions of the garages.

898
899 This request is compatible with adjacent land uses, continues the existing
900 development trends in the area, and contains assurances of quality that are not
901 found in adjacent neighborhoods. The applicant has addressed the terms
902 contained in the staff report and staff recommends the Planning Commission
903 forward this request to the Board of Supervisors with a recommendation for
904 approval.

905
906 The applicant is here tonight to answer any questions and I will be happy to
907 answer any as well.

908
909 Mr. Branin - Thank you, Mr. Tyson. Does anybody have any
910 questions for Mr. Tyson? Sir, I saw you raise your hand. Are you in opposition?
911 You do have some questions? Okay.

912
913 Mr. Vanarsdall - Come on down.

914
915 Mr. Branin - Mr. Vanarsdall, do you want to hear from the
916 applicant first or would you rather hear from the audience first?

917
918 Mr. Vanarsdall - Well, if the applicant is here, then we'll hear from him.

919
920 Mr. Branin - Okay.

921
922 Mr. Muller - My name is Bill Muller. I inherited the property from
923 my dad; I grew up there. I'm attempting to rezone it with Mr. Bain. I'd like to build
924 a quality development. There's not much else. I'm sorry, I'm not used to this. I
925 wasn't mentally ready for this.

926
927 Mr. Branin - Neither am I. I've been messing up all night. Relax.

928
929 Mr. Muller - I'm willing to answer any questions or any issues.

930
931 Mr. Branin - Thank you, sir. Does anybody have any questions for
932 Mr. Muller?
933
934 Mr. Vanarsdall - I think your question that you're going to have is
935 regarding runoff.
936
937 Mr. Muller - Yes sir.
938
939 Mr. Vanarsdall - We'll let the gentleman come down and we'll talk
940 about that.
941
942 Mr. Branin - Sir, when you come down, I'm going to ask you to
943 state your name for the record.
944
945 Mr. Herskovitz - Reid Herskovitz. 4602. Parcel two off of River Mill
946 Court. My question was concerning the fencing that runs behind our yards and
947 down pretty much all of River Mill Court. What's going to be happening with that
948 and the easements, those types of things, if we're going to lose our fencing, if it's
949 going to stay there, it has to be moved.
950
951 Mr. Vanarsdall - I wasn't aware the fences had to be moved.
952
953 Mr. Herskovitz - I'm not that—That's why I'm asking the question. I've
954 heard different—
955
956 Mr. Vanarsdall - In other words, you want to know where the location
957 of the fence is going to be.
958
959 Mr. Herskovitz - Right. My fence is already there and established and
960 it's within my property range. I don't know how the easement is going to line.
961
962 Mr. Vanarsdall - Good question.
963
964 Mr. Herskovitz - And the power cords that run back through there.
965
966 Mr. Vanarsdall - Good question. I think what they want to do is put it
967 on the recreation property.
968
969 Mr. Muller - Yes sir. One thing is the back of the property would
970 match up to your fence. So, I don't think that'll be an issue if it's on the back of
971 property being developed. I think he's talking about River Mill Court and the
972 property line. If it's on your property, or even if it's slightly off a few inches, half a
973 foot, I don't see why that would be an issue for somebody. I understand if there
974 was a driveway, it cannot be on somebody's property because that's an
975 immovable object, but if it's a fence, it doesn't need to be addressed.

976

977 I do have to build a fence for Hungary Creek Recreation Association. We're
978 working with the pool to—The only access to sewer I had was to go through the
979 back of the pool property. We worked with the pool to get an easement.
980 Currently, they're using pumps to pump their sewage out to the front, to the
981 Hungary Road. They're not able to expand their bathrooms for things like swim
982 meets and different things. What they want us to do is we're going to help them
983 hook up to sewer by going through the back of their property. We'll provide the
984 lines for them. I think they're only going to do the connection piece of it. But we
985 will run it up to where they're going to connect it to the bathrooms. They will
986 improve their parking lot and we're going to put up a fence for them. That was
987 their request to get the easement.

988

989 Mr. Branin - Mr. Herskovitz, did that answer your question?

990

991 Mr. Herskovitz - Well, with the existing gravel driveway that's there
992 now, how far back towards River Mill Court is that development planning to
993 come?

994

995 Mrs. Jones - Could someone show us what lot it is that you're
996 discussing here? Where is your home?

997

998 Mr. Herskovitz - I'm on #2. I live on #2 right there.

999

1000 Mrs. Jones - Okay. Thank you.

1001

1002 Mr. Muller - Okay. The houses will be facing the main road
1003 coming in. I don't know exactly where the house would be on that lot, but it would
1004 be the backyard to your fence. I don't see where that should be any problem, if
1005 it's on your property or slightly off some. I had that issue in one house I had
1006 before and I was informed that in the City of Richmond, most fences are not even
1007 on people's properties. Six inches one way doesn't matter. If it's something
1008 permanent, it can cause problems. Like if somebody had a patio that crossed
1009 over onto lot 14, then that would be a problem. That would have to be
1010 addressed. A fence doesn't have to be addressed.

1011

1012 Mr. Vanarsdall - How can he be satisfied with what's going to happen
1013 to his lot?

1014

1015 Mr. Muller - In theory, nothing should happen to his lot. I don't
1016 know—

1017

1018 Mr. Vanarsdall - To his fence.

1019

1020 Mr. Muller - If it's on his property, we should not touch it. I wouldn't
1021 think we would.

1022
1023 Mr. Vanarsdall - Reid, you do know it's on your property, don't you?
1024
1025 Mr. Herskovitz - Yes sir. We have three feet, I believe, right behind
1026 our fence.
1027
1028 Mr. Vanarsdall - Okay. So, it's not anything in doubt back there. Okay.
1029 Well, then you don't have any problems.
1030
1031 Mr. Muller - It shouldn't be damaged; it shouldn't be bothered at
1032 all, in my opinion.
1033
1034 Mr. Vanarsdall - All right, thank you.
1035
1036 Mrs. Jones - May I ask, what about the lots with the streams?
1037
1038 Mr. Muller - Yes ma'am. I had a case study done and I paid I
1039 believe it's Resource International out of Ashland to do and work with the Army
1040 Corp of Engineers before I took it to this stage. We're looking at Lot 7, that it
1041 may not be built on because of the wetlands and because of the amount of
1042 streams. And that would also reduce the density, get it under three lots per acre.
1043
1044 Mrs. Jones - What would happen on 7? Who would maintain it?
1045
1046 Mr. Muller - I haven't really discussed—it's too small for a
1047 homeowners' association. I don't know. I hadn't really put a lot of thought into
1048 that part of it.
1049
1050 Mr. Vanarsdall - There are some wetlands back there.
1051
1052 Mr. Muller - Yes sir. It's all wooded, though. It is not an open field.
1053 Currently, it's not maintained; it's pine trees, really tall pine trees. It's a natural
1054 setting.
1055
1056 Mr. Jernigan - I think if Lot 7 goes away, you can take part of that on
1057 Lot 6 and part on Lot 8 because the structures will all be on the high land.
1058
1059 Mr. Muller - Yes sir.
1060
1061 Mr. Jernigan - Just let that be part—You don't want to have that little
1062 small area to have to be maintained.
1063
1064 Mr. Muller - That's one reason we didn't proffer the exact plan.
1065 We still have some negotiations with the Army Corp and Public Works to
1066 determine what the exact layouts of the lots would be.
1067

1068 Mrs. Jones - Okay, thank you.
1069
1070 Mr. Branin - Does anybody else have any questions for Mr.
1071 Muller?
1072
1073 Mr. Vanarsdall - Thank you.
1074
1075 Mr. Branin - Come on down, ma'am. You do have to come down
1076 and state your name and speak into the microphone.
1077
1078 Mr. Vanarsdall - Good evening.
1079
1080 Ms. Nowell - My name is Susan Nowell and I live in #7 of River Mill
1081 Court, right here. Now, we already have a bad drainage problem behind there.
1082 He's told me that he's going to be fixing that and everything, but I just wanted for
1083 you all to know, so that you will make sure that that happens. I don't know if you
1084 can. Behind us, there a 100-year-old storm drain thing that doesn't take the
1085 water off all the time. Sometimes we have problems back there. If he starts
1086 building—I don't mind him building, but just make sure that no more water comes
1087 back on my house. It goes down from our house to his land. Nothing should
1088 come up and come back to me. He's told me that he's got all that under control,
1089 but I just want to make sure.
1090
1091 Mr. Vanarsdall - I don't blame you. You're at what lot?
1092
1093 Ms. Nowell - Number 7 up there.
1094
1095 Mr. Vanarsdall - He talked to you just before the meeting.
1096
1097 Ms. Nowell - Yes he did. That place is pretty wet back there.
1098
1099 Mr. Branin - Ms. Nowell?
1100
1101 Ms. Nowell - If you all can figure out how to help him with that.
1102
1103 Mr. Jernigan - After this moves along, the engineers get involved
1104 more intensely and it has to go through Public Works. By Code, they cannot put
1105 any more water on you than you already have.
1106
1107 Ms. Nowell - That's what they say.
1108
1109 Mr. Jernigan - Right. In most cases, after they put the drainage in
1110 there, it actually helps you more because then they have an engineered system
1111 that goes in. Public Works takes care of that.
1112
1113 Ms. Nowell - Okay. All right. Thank you.

1114
1115 Mr. Vanarsdall - Let me give you a suggestion.
1116
1117 Ms. Nowell - Okay.
1118
1119 Mr. Vanarsdall - It goes to the Board and then after that, we have the
1120 subdivision meetings. That's a daytime 9:00 meeting. If you'll get her name and
1121 address, they'll notify you about that meeting and then we'll make sure that that
1122 takes care of it.
1123
1124 Ms. Nowell - Okay.
1125
1126 Mr. Vanarsdall - If Public Works hasn't already taken care of it with Bill,
1127 they'll take care of it. I'm glad you told us about it.
1128
1129 Ms. Nowell - Okay. Thank you.
1130
1131 Mr. Vanarsdall - Thank you for your input.
1132
1133 Mr. Muller - The stream starting there, according to the Army
1134 Corp, will have to be rerouted because it can't go underneath that house. It will
1135 probably come out between 10 and 11, and then bend back up and connect
1136 back. It will be fully piped underneath and everything, so it should be invisible to
1137 the lot owners.
1138
1139 Mr. Branin - Thank you, Mr. Muller. Does anybody else have any
1140 other questions for Mr. Muller? I think you did a great job.
1141
1142 Mr. Muller - Thank you.
1143
1144 Mr. Jernigan - Mr. Chairman, I just want to say one thing. You can
1145 go on back, sir, I don't have a question. The fence issue, if there is anybody's
1146 fence that's not on their property and is intruding in there, that may be a little
1147 more of an issue than what you think it is. When you do develop this and
1148 somebody purchases that property, if that fence is on their property rather than
1149 the neighbor behind them, it's a liability issue at that point. If there is a situation
1150 where somebody's fence is on your property, they might want to move it now.
1151
1152 Mr. Thornton - Mr. Chairman, I was looking at the configuration of
1153 that cul-de-sac and how the stream part works. One of the major problems we
1154 have in the County is a drainage problem there. I imagine from the discussion
1155 that I've heard that there will be nothing injurious to those houses, that the
1156 technology's in place so that water does not cause a problem at all?
1157
1158 Mr. Branin - Mr. Thornton, what I heard him say was that stream
1159 will actually—and I'm sure someone will correct me if I'm wrong. Lot #7 will

1160 probably not be a lot and #10, they'll be rerouting that stream so it doesn't even
1161 go through 10. It will be going between 10 and 11, is what I heard him say last.

1162
1163 Mr. Vanarsdall - Yeah.

1164
1165 Mr. Branin - If it's going in between the two lots, I would assume
1166 that it won't go under the house, which I'm sure we'll make darn sure when it gets
1167 to POD. Anyone else have any questions? Then Mr. Vanarsdall, please
1168 remember that you have time limits to waive.

1169
1170 Mr. Vanarsdall - Thank you. I move that we move the time limits on C-
1171 34C-07, William H. Muller, Amy B. Muller, and Robert B. Bain.

1172
1173 Mr. Jernigan - Second.

1174
1175 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr.
1176 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
1177 carries.

1178
1179 Mr. Vanarsdall - I move C-34C-07, William H. Muller, Amy B. Muller,
1180 and Robert B. Bain, be recommended to the Board of Supervisors for approval.

1181
1182 Mr. Archer - Second.

1183
1184 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr.
1185 Archer. All in favor say aye. All opposed say no. The ayes have it, the motion
1186 carries.

1187
1188 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
1189 Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend
1190 the Board of Supervisors grant the request because it is appropriate residential
1191 zoning at this location and the proffered conditions provide for a higher quality of
1192 development than would otherwise be possible.

1193
1194 Mr. Emerson - Mr. Chairman, moving on to page 3 of your agenda,
1195 the next item is C-3C-07, J. Thomas O'Brien for The Tetra Group One, LLC.

1196
1197

1198 ***Deferred from the June 14, 2007 Meeting.***
1199 **C-3C-07 J. Thomas O'Brien for The Tetra Group One, LLC:** Request to
1200 conditionally rezone from A-1 Agricultural District, R-3 One-Family Residence
1201 District, R-5 General Residence District and B-3 Business District to R-3C One-
1202 Family Residence District (Conditional), R-5C General Residence District
1203 (Conditional), and B-3C Business District (Conditional), Parcels 836-714-2353,
1204 835-714-7916, 836-712-7784, 835-713-1662 and 836-713-7564, containing
1205 approximately 79.769 acres (R-3C – 9.654 ac; R-5C – 9.305 ac; and B-3C –

1206 60.810 ac), located between the north line of E. Williamsburg Road (U.S. Route
1207 60), the south line of Old Williamsburg Road, the east line of Dry Bridge Road
1208 and the west line of Old Memorial Drive. The applicant proposes a mixture of
1209 uses including a single-family development, age-restricted multi-family dwelling
1210 units, and general business. The R-3 District allows a minimum lot size of
1211 11,000 square feet and a maximum gross density of 3.96 units per acre. The R-
1212 5 District allows a maximum gross density of 14.52 units per acre. The uses will
1213 be controlled by zoning ordinance regulations and proffered conditions. The
1214 Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density
1215 per acre, Office and Environmental Protection Area. The site is in the Airport
1216 Safety Overlay District

1217
1218 Mr. Branin - Okay. Is anyone in opposition to C-3C-07, J. Thomas
1219 O'Brien for The Tetra Group One, LLC? One person? Mr. Secretary, if you
1220 would. We have general guideline rules for opposition. There was no opposition
1221 on the last case, just a lot of questions, so I didn't get a chance to ask Mr.
1222 Secretary to explain.

1223
1224 Mr. Jernigan - He did earlier.

1225
1226 Mrs. Jones - He did.

1227
1228 Mr. Branin - At the beginning.

1229
1230 Mr. Jernigan - Yes.

1231
1232 Mr. Branin - And just a reminder that you have 10 minutes.

1233
1234 Mr. Emerson - Collectively.

1235
1236 Mr. Branin - Collectively. Ms. Croft, welcome back.

1237
1238 Ms. Croft - Thank you very much. Good evening, Mr. Chairman
1239 and Commissioners. The item before you tonight is a request to rezone
1240 approximately 80 acres to develop single-family residences, age-restricted
1241 apartments, and a retail shopping center with possible hotel and restaurant uses.
1242 Revised proffers were received today; therefore, the time limits would need to be
1243 waived in order to take action on this case.

1244
1245 A single-family subdivision is proposed for the center of the site—in yellow
1246 here—with 21 lots along an extension of Clayman Road and two infill lots fronting
1247 Old Memorial Drive. The Land Use Plan recommends Suburban Residential 2 for
1248 the majority of this area. The proposed use and density of 2.4 units per acre are
1249 consistent with this designation, and the proposal would be a logical extension of
1250 the existing Pine Heights neighborhood.

1251

1252 The applicant has proffered many positive features including conceptual
1253 elevations; minimum finished floor areas of 1,800 square feet; a minimum of a 1-
1254 ½ car garage for each dwelling; and 40% of the homes would have a brick
1255 façade.

1256
1257 The applicant proposes a maximum of 126 age-restricted apartments for the
1258 northwest corner of the property, shown here in orange. The Plan recommends
1259 Office uses for this portion of the site. Though not consistent with this
1260 recommendation, given the proximity to the existing neighborhood, this use could
1261 be more appropriate than unrestricted multi-family uses currently permitted.

1262
1263 Major aspects of the proffers for this portion of the development include
1264 conceptual elevations; no connection to Stevie or Maury Roads; and electrical
1265 wiring to provide a connection with emergency generators.

1266
1267 The minimum floor areas for one- and two-bedroom units are smaller than the
1268 average age-restricted unit size in the County; however, the applicant has
1269 proffered that at least 75% of the units would contain two bedrooms.

1270
1271 The conceptual plan indicates a setback of approximately 75 feet between the
1272 multi-family building and the residential properties to the east. While staff
1273 encourages the applicant to specifically proffer this buffer, the applicant has
1274 already committed to at least a Transitional Buffer 35, which is greater than the
1275 required Transitional Buffer 10.

1276
1277 The majority of the southern and western portions of the site are proposed for a
1278 shopping center with potential hotel and restaurant uses, and retail pad sites.
1279 Entrances to the development would be from Old Memorial Drive, the proposed
1280 apartment building, and the four southernmost access points on Dry Bridge
1281 Road.

1282
1283 Office uses are recommended for the majority of this portion of the site, with
1284 some Environmental Protection Area and Suburban Residential 2. While not
1285 consistent with the Plan, commercial uses may be appropriate to serve the
1286 existing and future residential growth in the area given the site's accessibility to
1287 major roads.

1288
1289 Major proffers include conceptual elevations for the retail uses; a prohibition on
1290 most B-3 uses; a maximum floor area of 80,000 square feet for any single use,
1291 except for hotels; limited hours of operation for any use other than convenience
1292 food stores; and a maximum of three restaurants having a drive-thru window.

1293
1294 Based on the high visibility from Interstate 295 and existing residences,
1295 conceptual hotel elevations are recommended. While none have been provided,
1296 the applicant has proffered enhanced buffers between any hotel use and the
1297 adjacent residential properties if constructed within 75 feet of these properties.

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Proffers were just given to me tonight prior to the meeting. They commit to hotel elevations requiring Planning Commission approval at the time of POD. Unfortunately, there were not enough copies to be handed out tonight, but that is the only change as compared with the proffers handed to you just now.

Staff notes a conceptual landscape plan and comprehensive signage package would also be beneficial in tying the entire development together. Due to the current conceptual nature of the development, the applicant has proffered to submit a landscape plan and signage package for review and approval by the Planning Commission at the time of Plan of Development review. Any detached ground-mounted signs are proffered to have a maximum height of 10 feet and a base of brick or stone.

A limited Phase I archeological study, commitments to implementing recommended traffic improvements, and the rezoning of the floodplain to the C-1 district following POD approval have also been proffered.

As a whole, the site contains a variety of zoning classifications, land use designations, existing uses, and challenges related to access and environmental features. The application contains many positive elements, and staff could be more supportive of the request if more detailed information related to hotel elevations, landscaping, and signage were provided.

I will be happy to answer any questions you might have, and the applicant is also here tonight.

Mr. Branin - Does anybody have any questions for Ms. Croft?

Mr. Jernigan - Nathalie, first I want to say it's great to have you back.

Ms. Croft - Thank you.

Mr. Jernigan - It worked out great with VDOT. It took them the same time to do the TIS study as it did for Nathalie to be on pregnancy leave, maternity leave. So, it worked out great. So, she had to start working on this when she got back. We do have to waive the time limits on this, but being as last week was a holiday week, everybody got pushed back a little bit, including me. So Nathalie, I want to thank you for all the work that you've done on this. You've done a great job.

Ms. Croft - Thank you.

Mr. Jernigan - On the proffers for the hotel, as we discussed, they've proffered that. As on some of the cases that we've had, when you don't have a

1343 conceptual at the time, we just make sure that that proffer is included, so it's
1344 strictly up to the PC or the Director of Planning at the time of POD.
1345
1346 Ms. Croft - Yes sir. The proffers that Mr. Rothermel handed me
1347 tonight do say, "Elevations for any proposed hotel shall be submitted for review
1348 and approval at the time of plan of development review." That's the only change
1349 with the ones that you have in front of you.
1350
1351 Mr. Jernigan - Okay.
1352
1353 Mr. Branin - Does anyone else have any questions for Ms. Croft?
1354
1355 Mr. Jernigan - No. I guess we'll hear from the applicant.
1356
1357 Mr. Branin - That was my next question. Would you like to hear
1358 from the applicant?
1359
1360 Mr. Jernigan - Yes sir, I would.
1361
1362 Mr. Branin - That's good. Sir, if you could state your name for the
1363 record.
1364
1365 Mr. O'Brien - Mr. Chairman, members of the Commission, my
1366 name is Tom O'Brien. I represent Tetra Group One on this.
1367
1368 Mr. Branin - Mr. O'Brien, before you start, I'm going to ask you one
1369 quick question. Do you want to reserve any time?
1370
1371 Mr. O'Brien - Yes. I only plan to make a few comments and then
1372 answer any questions and certainly reserve time.
1373
1374 Mr. Branin - How much time, sir?
1375
1376 Mr. O'Brien - I'm not going to need that much to discuss this with
1377 you. I'll reserve five minutes for rebuttal.
1378
1379 Mr. Branin - Five minutes? Okay.
1380
1381 Mr. O'Brien - Just quickly, this process goes back to April of 2006
1382 when we first met with Mr. Jernigan and Lee Tyson to talk about the proposed
1383 development. We have gone through a number of iterations in the concept.
1384 Today, we've got this case, I think, exceptionally well positioned. The only items
1385 we don't have are things that are at this point unknown. Architectural elevations
1386 for the hotel are really going to be dependent upon that user. We may not have
1387 a hotel on the site. If we end up signing one up, then we'll absolutely have to
1388 present those and they have to be approved by the Planning Commission at the

1389 time of POD review. So, we're not asking you not to approve it, we're just taking
1390 the sequence and pushing it to the POD. Same thing for comprehensive sign
1391 package. We propose that we're going to have that. It's just until you have
1392 major anchors that are going to dictate those kinds of things, we don't really have
1393 the ability. The same thing with the landscaping plan. We are going to present a
1394 comprehensive concept plan at the time of POD so they can be approved at that
1395 point. Again, some of those issues are really going to be dependent upon the
1396 users that do end up coming there. I'll be happy to answer any questions that
1397 any of you may have.

1398
1399 Mr. Branin - Anybody else have any questions for Mr. O'Brien?
1400

1401 Mr. Jernigan - I don't really have any. We've worked on this thing for
1402 quite a few months and I'm pretty well satisfied. I would like to hear from the
1403 opposition and then we will come back to you, Tom. So sir, if you would like to
1404 come down.

1405
1406 Mr. Branin - I believe there are two.

1407
1408 Mr. Jernigan - Both of you? Did both of you want to speak?
1409

1410 Mr. Branin - I'm sure you're going to do as well as Mr. Muller.
1411

1412 Mr. Sandak - I hope so. My name is Charles Sandak. My wife and I
1413 own 500 Old Memorial Drive. It's 4.1 acres of land that is presently zoned A-1.
1414 My opposition to the proposed proffers—and I'm referring to what was on the
1415 Internet effective June 22nd—was on page 6 of 8 of their proffers for conditional
1416 rezoning, in item #4, height of building and related setback, it states in part that
1417 there will only be a setback if the building exceeds 35 feet in height and is
1418 constructed within 75 feet of any residentially-zoned property or agriculturally-
1419 zoned property upon which there is a residential use.

1420
1421 I have three concerns about this. The first is for the safety of my family and
1422 friends. The land for the proposed development that borders our eastern and
1423 southern property lines was clear-cut several years ago. The eastern property
1424 line has several hundred feet beginning at Old Memorial Drive going south.
1425 Exhibit A of their conceptual plan for the area depicts two, possibly four
1426 restaurant pads being developed along this property line. It states that up to
1427 three restaurants may have drive-thru service from 6 a.m. to 12 midnight.
1428 Therefore, one or both of these pads will have a drive-thru, creating my primary
1429 security issue. My house is isolated. We are separated from our only immediate
1430 neighbor by a 100-foot stand of mature trees, brush, and the breastworks from
1431 the Battle Savage Station. There is no clear view between our homes. My house
1432 sits on a rise that is four to five feet above Old Memorial Drive and anyone from
1433 the proposed restaurant parking lots will have a clear view of the back of my
1434 house and my storage sheds. More importantly, they have a concealed access

1435 from this restaurant area to the area immediately behind my home and where we
1436 park our cars. Movements between these areas would not be visible from Old
1437 Memorial Drive or my neighbor's home. People visiting from the shopping center
1438 and restaurants would not think to question anybody wandering around this
1439 property.
1440

1441 Mr. Branin - Mr. Sandak?
1442

1443 Mr. Sandak - Yes.
1444

1445 Mr. Branin - Would you do me a favor, and Nathalie, would you
1446 show him how to—
1447

1448 Mr. Jernigan - Let's see what position you are.
1449

1450 Mr. Branin - —so I'm—
1451

1452 Mr. Sandak - My house is here.
1453

1454 Mr. Branin - Okay. And all that land—
1455

1456 Mr. Sandak - All this land in here has been clear-cut, from here
1457 through here. From this point to about this point, it's completely clear except for
1458 sumac and a little bit of brush. So, if they go to develop with no setback
1459 requirements, this would all be clear. So, anybody from this point—My house sits
1460 on a rise that's about 4-1/2 to 5 feet above where Old Memorial Drive goes
1461 across here. So, if anybody's driving up this street, if somebody comes in this
1462 back way, you wouldn't see them. They could go in, enter my house. My wife
1463 coming home at night could be victimized.
1464

1465 Mr. Branin - Mr. Sandak, is that your land that goes all the way
1466 from Old Memorial?
1467

1468 Mr. Sandak - Yes sir.
1469

1470 Mr. Branin - Okay. All right. I'm sorry to interrupt you.
1471

1472 Mr. Sandak - No, that's fine.
1473

1474 Mr. Branin - Continue.
1475

1476 Mr. Sandak - My second concern is safety for others. I have
1477 equipment, including tractors, front-end loaders, wood chippers, a gantry crane,
1478 and other vehicles that I store on my property. When this is not in use, my
1479 equipment is stored on blocks or suspended from the crane. Even though I
1480 make every attempt to secure this equipment, they are not toys and they are not

1481 intended to be climbed or played upon. Therefore, any unsupervised children
1482 from the restaurant area or shopping center may be tempted to play on this
1483 equipment, which could result in injury or death from the equipment falling over
1484 and crushing them.

1485
1486 My third and final point is property depreciation. The proposed hotel and
1487 restaurants with the drive-thru windows will generate a significant amount of
1488 noise and traffic during all hours of the day and night. Should we wish to rezone
1489 our property in the future, as per the 2010 Land Use, to Suburban Residential 2,
1490 absent of a reasonable buffer area will significantly reduce our development
1491 options and property value.

1492
1493 Therefore, in conclusion, I would ask that you consider two things. Number one,
1494 that the same landscape buffer proposed for the Pine Heights Subdivision be
1495 applicable to our property. Number two, that a six-foot high black chain link
1496 fence be installed on the southern property line beginning at Old Memorial Drive
1497 and continuing the full length to the boundary.

1498
1499 Mr. Branin - Mr. Sandak, can I ask you another question?

1500
1501 Mr. Sandak - Sure.

1502
1503 Mr. Branin - Why a black chain link fence as opposed to a different
1504 type fence?

1505
1506 Mr. Sandak - I'd really appreciate a masonry wall, but I'm trying to
1507 be a reasonable person. I'm just worried about people coming across.

1508
1509 Mr. Jernigan - I don't think we can do a masonry wall, but I think we
1510 could look at a white vinyl fence.

1511
1512 Mr. Sandak - That would be fine, too. I'm just trying to keep people
1513 from being in the parking lot, seeing my equipment, kids crawling onto—

1514
1515 Mr. Branin - A white vinyl fence would help visually block that
1516 better. The reason why this Commission, a lot of the members will usually
1517 recommend white vinyl as opposed to wood, is there's no maintenance.

1518
1519 Mr. Sandak - That would be fine. I'm just trying to be reasonable
1520 with my request.

1521
1522 Mr. Jernigan - Mr. Sandak, I don't have a problem with that.
1523 Because we don't have a firm layout of how the site's going to be, we'll enter that
1524 into the records and I'm going to tell—Mr. O'Brien has already shook his head
1525 that he's willing to put up a fence. When this comes to POD, which is the Plan of

1526 Development, at that point we see the exact layout of where it's going to be and
1527 the setup. So, we'll get you a fence up there.
1528
1529 Mr. Sandak - Okay.
1530
1531 Mrs. Jones - Might I suggest you specify a vinyl fence, but leave it
1532 open to white or black, depending on the preferred color at the time of—
1533
1534 Mr. Jernigan - We'll have a fence that we will discuss with the
1535 property owner at the time of POD.
1536
1537 Mr. Branin - That's a great idea, Mrs. Jones, thank you. Is anyone
1538 else in opposition? Mr. O'Brien?
1539
1540 Mr. O'Brien - We are happy to address his concern in terms of
1541 putting a vinyl fence, white or whatever color it happens to be or architecturally
1542 compatible.
1543
1544 Mr. Jernigan - Six foot.
1545
1546 Mr. O'Brien - One thing—Yes sir. One thing I do want to point out.
1547 The proffers don't say that there is no buffer. There is already a transitional buffer
1548 requirement between the B-3 property and his property. What this proffer was,
1549 was an additional requirement if a building was going to be taller than 35 feet. I
1550 just wanted to make sure he understood that there's not going to be development
1551 smack up against that property. We do have to comply with those transitional
1552 buffer requirements.
1553
1554 Mr. Jernigan - But he'd still be better off with a fence, too.
1555
1556 Mr. O'Brien - Yes sir. We're happy to do that.
1557
1558 Mr. Branin - Does anyone else have any other questions for Mr.
1559 O'Brien? None? Mr. Jernigan, it's up to you.
1560
1561 Mr. Jernigan - All right. I want to thank Nathalie for her work on this.
1562 With that, I will move for approval of zoning case C-3C-07, The Tetra Group One,
1563 LLC, to send to the Board of Supervisors for their approval.
1564
1565 Mr. Vanarsdall - Second.
1566
1567 Mr. Branin - I will take that motion, but another reminder that you
1568 want to do time.
1569
1570 Mr. Jernigan - Excuse me. First of all, I'd like to waive the time limits
1571 on case C-3C-07, The Tetra Group One, LLC.

1572
1573 Mr. Vanarsdall - Second.
1574
1575 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
1576 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion
1577 carries.
1578
1579 Mr. Jernigan - Then the previous motion for C-3C-07, The Tetra
1580 Group One, LLC, to send to the Board.
1581
1582 Mr. Vanarsdall - Second that one, too.
1583
1584 Mr. Branin - Motion made by Mr. Jernigan, seconded again by Mr.
1585 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
1586 motion carries.
1587
1588 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
1589 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
1590 the Board of Supervisors grant the request because it is not expected to
1591 adversely affect adjacent properties, and the proffered conditions provide for a
1592 higher quality of development than would otherwise be possible.
1593
1594 Mr. Emerson - Mr. Chairman, the next item on your agenda tonight is
1595 also on page 3. It is C-36C-07, Shurm Construction.
1596
1597 **C-36C-07 Shurm Construction, Inc.:** Request to amend
1598 proffered conditions accepted with Rezoning Case C-78C-05, on Parcel 803-696-
1599 9576, located on the south line of Harmony Avenue approximately 120 feet west
1600 of Woodside Street (north section) and at the northern terminus of Woodside
1601 Street (south section). The applicant proposes to amend Proffer 1 to increase
1602 the maximum number of lots from seven (7) to nine (9) lots. The existing zoning
1603 is R-3C One-Family Residence District (Conditional). The Land Use Plan
1604 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.
1605
1606 Mr. Branin - Is anyone in opposition to C-36C-07, Shurm
1607 Construction, Inc.? One man. Gotcha.
1608
1609 Mr. Lewis - Thank you, Mr. Chairman.
1610
1611 Mr. Jernigan - Hi, Livingston.
1612
1613 Mr. Lewis - Good evening, sir.
1614
1615 Mr. Branin - How are you this evening, Mr. Lewis?
1616
1617 Mr. Lewis - Good evening.
1618

1619 Mr. Vanarsdall - Good evening, Mr. Lewis.
1620
1621 Mr. Lewis - This request is to amend Proffer #1 accepted with
1622 rezoning case C-78C-05 in order to allow an increase in the maximum number of
1623 residential lots on the subject site at 1381 Harmony Avenue. The property is
1624 zoned R-3C which allows a maximum density of 3.96 units per acre. R-3 and R-
1625 5A zoning surrounds the property to the north, south, and west.
1626
1627 The 2010 Land Use Plan recommends Suburban Residential 2 for the parcel,
1628 which corresponds to a density range of 2.4 to 3.4 units per acre.
1629
1630 The proposed change to Proffer #1 would increase the maximum number of lots
1631 from 7 to 9. This would effectively increase the proffered maximum density of the
1632 site from 1.91 to 2.45 units per acre, which is within Code requirements and
1633 consistent with the 2010 Land Use Plan.
1634
1635 This un-proffered site plan provided by the applicant represents a potential nine-
1636 lot layout with three lots fronting on Harmony Avenue, which is currently a 30-foot
1637 wide gravel drive. Because lots could potentially front on Harmony Avenue and
1638 the intended improvements of this road were unclear at the time, the staff report
1639 raises a concern about this issue. This point has since been clarified and the
1640 issue resolved. If lots front on Harmony Avenue, the applicant understands
1641 Public Works design standards will require this gravel drive to be improved as a
1642 24-foot wide paved road extending from the western edge of the subject site to
1643 the connection with Woodside Street. Curb and gutter would not be required
1644 along this section of road.
1645
1646 Because the proposed increase in density would be consistent with adjacent
1647 residential development and the Land Use Plan, and Harmony Avenue
1648 improvements have been clarified, staff is able to support this request.
1649
1650 This concludes my presentation. I will be happy to take any questions.
1651
1652 Mr. Branin - Does anyone have any questions for Mr. Lewis?
1653
1654 Mr. Jernigan - Go ahead.
1655
1656 Mrs. Jones - Quick question. Mr. Lewis, did I understand you to
1657 say that if these homes do not front on Harmony, then no improvements are
1658 required? I'm not sure I see how this could be developed without having houses
1659 on Harmony Avenue. Are there alternate plans that you've seen?
1660
1661 Mr. Lewis - The original rezoning case had a seven-lot maximum
1662 and a six-lot proposed un-proffered layout, which did not have any lots fronting
1663 on Harmony. There were, I think, two rear yards along Harmony Avenue.
1664

1665 Mrs. Jones - But there's no way to increase that without using
1666 houses fronting on Harmony, I can't imagine.
1667
1668 Mr. Lewis - I think you'd have to be pretty creative.
1669
1670 Mrs. Jones - Yeah.
1671
1672 Mr. Jernigan - Oh, yeah, you'd have to front them on Harmony. In
1673 the original zoning case, coming off the cul-de-sac lots, it ran all the way back to
1674 Harmony.
1675
1676 Mrs. Jones - Okay. I just wanted to make sure I understood.
1677
1678 Mr. Jernigan - Now Livingston, I know it's 24 feet of pavement, no
1679 curb and gutter, and run all the way to Woodside. Will it have curbside ditch
1680 also? Do you have to have curbside ditch with that?
1681
1682 Mr. Lewis - I would say so. Yes, yes.
1683
1684 Mr. Jernigan - Okay. That's one thing we didn't clear up and I
1685 thought we did. Thank you, Livingston. Ma'am? Are there any more questions
1686 for Livingston?
1687
1688 Mr. Branin - Anyone? Okay. Ma'am, if you can get up and state
1689 your name for the record.
1690
1691 Ms. Parker - I'm Shirley Parker and I live at the end of Woodside
1692 Street of the existing development. My concern is how is this going to affect our
1693 streets, which are already paved, and are they planning to come through there
1694 with their construction and destroy our properties. And how close is his property
1695 going to be in relation to the property that's existing? It's all wooded and it's wet
1696 land and it's really undeveloped. The people that are on Harmony are very
1697 concerned about the property that they have and if it's going to be infringed—
1698 With the way is land is laid out, it doesn't look like a good setup for additional
1699 homes.
1700
1701 Mr. Branin - Ms. Parker, can I ask where your house is?
1702
1703 Ms. Parker - My house is at the end of Woodside Street, which is
1704 in Old Colony Estate. It's at the very dead end where the sign was posted for the
1705 rezoning. I don't know. I can't read the plans that well.
1706
1707 Mr. Branin - You're on Woodside Street.
1708
1709 Ms. Parker - There's Old Colony and Woodside Street.
1710

1711 Mr. Jernigan - That's Woodside right there.
1712
1713 Ms. Parker - I'm on the other side of the Woodside Street, the old
1714 Woodside Street. I'm on the new Woodside Street.
1715
1716 Mr. Jernigan - For the benefit of the Commission—
1717
1718 Ms. Parker - It's 7133. Here it is right here.
1719
1720 Mr. Jernigan - For the benefit of the Commission, Woodside ends
1721 right there.
1722
1723 Ms. Parker - Exactly.
1724
1725 Mr. Jernigan - Now, by Public Works—and we have a representative
1726 here—Mr. Shurm has to build, he has to complete Woodside all the way up
1727 through in the cul-de-sac and come up. See where the dotted lines are where it
1728 joins up on—
1729
1730 Ms. Parker - The red dotted lines?
1731
1732 Mr. Jernigan - No, the black dotted lines.
1733
1734 Mr. Branin - All the way up to Harmony.
1735
1736 Mr. Jernigan - When you come up Woodside and then you have the
1737 cul-de-sac and it continues up and it joins back to Woodside there, he has to
1738 build that.
1739
1740 Ms. Parker - So, he's going to extend Woodside, the existing.
1741
1742 Mr. Jernigan - Yes ma'am. That's—Like I said, our Public Works
1743 representative here, Mr. Foster, that's one thing that Public Works said that he
1744 had to do. He has to build that portion of the road. Also—
1745
1746 Ms. Parker - That's what we're in opposition of.
1747
1748 Mr. Jernigan - Well, I will let Mr. Foster explain that, then. Mr.
1749 Foster, would you come up, please?
1750
1751 Mr. Foster - My name is Tim Foster with the Public Works
1752 Department. Woodside Street is actually on our Major Thoroughfare Plan. When
1753 Old Colony Estates was built, we put a stub street in not only for our
1754 Thoroughfare Plan, but when a subdivision like that's built, we can't landlock a
1755 piece of property that has access to Harmony Road. It's just a paper street. This
1756 road was intended to extend into that property when it was built. The developer

1757 will just take it to its property line at this location with the cul-de-sac. Same
1758 design standards here. There are only six houses here, so we expect not a lot of
1759 heavy equipment. Some heavy equipment to grade, but not where we have
1760 hundreds of homes. The road, as long as they're not overweight vehicles and
1761 meet standards, the roads should be able to accommodate that. That is a
1762 requirement that we put on this subdivision to have a stub street to access this
1763 property, as well as to match up with the Thoroughfare Plan.
1764

1765 Mr. Jernigan - As Mr. Foster said, it's on the Major Thoroughfare
1766 Plan, which is the plan that they have for all the roads in the County. That that
1767 road is to be built through there. I can't change that.
1768

1769 Ms. Parker - I just anticipate them destroying our road that's
1770 existing.
1771

1772 Mr. Jernigan - Well, we can address that. If there's any damage
1773 done to the existing road, then that will have to be repaired. The County does
1774 take care of that.
1775

1776 Mr. Branin - Ms. Parker, many times in many cases, the
1777 Commission requests the developer to either film or take pictures prior to
1778 construction. Afterwards, Public Works usually does that, right? Public Works
1779 goes out and inspects because those are County roads. They go out and inspect
1780 it and if there is damage, the contractor has to come back and repair it.
1781

1782 Mr. Jernigan - Is there any damage on that road now?
1783

1784 Ms. Parker - No.
1785

1786 Mr. Jernigan - Okay. We'll take care of that. Like I said, that is in
1787 control of the County to make sure that the roads aren't damaged.
1788

1789 Ms. Parker - And the property lines.
1790

1791 Mr. Jernigan - Ma'am?
1792

1793 Ms. Parker - And the property lines of the road.
1794

1795 Mr. Jernigan - The property lines? Well, that's all mapped out by the
1796 engineers, not by the County. The engineers hired by Shurm Construction. You
1797 look like you have another question.
1798

1799 Ms. Parker - I'm just a little concerned about the property lines, too,
1800 because when those homes were built, they left a lot of debris there and it was
1801 never moved. It's on the side of my property and I can just anticipate that the

1802 same thing will happen again. When they go in to clean out, they'll leave debris
1803 and brush, as they have already, pulling that road through.
1804
1805 Mr. Branin - Are you talking about construction?
1806
1807 Ms. Parker - Construction.
1808
1809 Mr. Branin - Construction debris.
1810
1811 Ms. Parker - Yeah.
1812
1813 Mr. Jernigan - If you have that problem, you call me.
1814
1815 Mrs. Jones - Yes.
1816
1817 Ms. Parker - Well, I did write to the builders, initially, when we
1818 moved there and they told me who owned the property beside me and that they
1819 were responsible for moving that debris. In actuality, they were not because that
1820 was construction debris that was put there in the process of building my home.
1821 It's a big tree that's still out there and it's quite visible. It's never been moved.
1822
1823 Mr. Jernigan - The tree is on somebody else's property?
1824
1825 Ms. Parker - It was thrown to someone else's property in the
1826 construction of building my home, yes.
1827
1828 Mr. Jernigan - They should have complained about it and had it
1829 removed.
1830
1831 Ms. Parker - I did complain to the builder.
1832
1833 Mr. Jernigan - It wasn't on your property, it was on somebody else's
1834 property. The individual that owned that other property should have complained.
1835
1836 Ms. Parker - Those people are not in the area; they live someplace
1837 else. I think they live in another state, as a matter of fact. They probably don't
1838 even know that it's existing there.
1839
1840 Mr. Vanarsdall - Absentee landlords.
1841
1842 Ms. Parker - Yes.
1843
1844 Mr. Jernigan - Well, I'll say this, you watch out and we'll make sure
1845 that we don't get anymore. If you have a problem with that, you call me.
1846
1847 Ms. Parker - Okay.

1848
1849 Mr. Branin - With this new construction.
1850
1851 Mr. Jernigan - Yeah, with the new construction.
1852
1853 Mr. Jernigan - Now, as for your current construction, Mr. Lewis, if
1854 you would do me a favor and get her name and number, and pass it on to
1855 Community Maintenance so they can come out. Ms. Parker, we have a
1856 department in Henrico County called Community Maintenance. They oversee a
1857 lot of keeping Henrico beautiful. If someone is in violation, they do have the
1858 authority. We on the Commission do not, but they do have the authority to rectify
1859 that problem.
1860
1861 Ms. Parker - Okay.
1862
1863 Mr. Branin - If, indeed, they can proceed forward with it, but we
1864 can definitely give it a try.
1865
1866 Mr. Jernigan - They'll check the tax records and see who pays the
1867 taxes and who owns the property and send them a notice that there's debris on
1868 there.
1869
1870 Mr. Branin - So, if you would, Mr. Lewis, get her name and number
1871 and pass that on to Community.
1872
1873 Mr. Jernigan - Also, so the Commission will note, you don't have this
1874 problem in the West End, but Harmony Road is a paper street. It's gravel. It's not
1875 paved at this portion coming up to where Mr. Shurm's property is. With this case
1876 being changed the way it is, he will have to pave that 24-foot wide.
1877
1878 Mrs. Jones - Is that going to be another proffer here, or is that
1879 going to be just simply the requirement?
1880
1881 Mr. Jernigan - It's required by Public Works.
1882
1883 Mrs. Jones - Okay.
1884
1885 Mr. Jernigan - He will have to do off premises also. He does not own
1886 that corner, but he's going to have to pave from the west side all the way to
1887 Woodside. Do you have any more questions, Ma'am?
1888
1889 Ms. Parker - I did have one other question. What price ranged
1890 homes was he anticipating building?
1891
1892 Mr. Jernigan - Ma'am, I'm going to tell you, that was in the original
1893 case and I don't know. This is a proffer amendment. When this zoning case

1894 originally came through, it was in there, but I can't tell you exactly what it was.
1895 We don't proffer the price of a home, but we proffer the square footage. I can't
1896 tell you for sure what the square footage was. Livingston, do you know?
1897
1898 Mr. Lewis - The proffered minimum house size is 1800 square
1899 feet.
1900
1901 Mr. Jernigan - Okay. I thought that's what it was.
1902
1903 Mr. Lewis - What that becomes market rate—
1904
1905 Mr. Jernigan - So, it would be a minimum of 1800.
1906
1907 Mr. Emerson - Mr. Chairman, could the applicant possibly address
1908 that question?
1909
1910 Mr. Branin - Is the applicant here?
1911
1912 Mr. Jernigan - The applicant has his representative here, Joe
1913 Faudale.
1914
1915 Mr. Faudale - Good evening, I'm Joe Faudale, Bay Design Group,
1916 representing Shurm Construction. What was the question? What size houses
1917 are they? I really can't answer that. It's going to be determined on the market
1918 and the size of the house that he actually puts in. It's a minimum 1800. I'm not
1919 sure if he's going to stay to that minimum or not.
1920
1921 Mr. Branin - To the best of your knowledge, that market would be
1922 right around where now?
1923
1924 Mr. Faudale - I would say 200 to 225.
1925
1926 Mr. Branin - Okay. Ms. Parker, did we get some things solved?
1927
1928 Ms. Parker - Yes.
1929
1930 Mr. Branin - When Community Maintenance gets in touch with
1931 you, go over everything and they should be able to do something to help.
1932
1933 Mr. Jernigan - Ms. Parker, in the original case, I had the square
1934 footage 1800, whatever it was with the surrounding community. I made sure it
1935 was the same size or better.
1936
1937 Ms. Parker - Okay.
1938
1939 Mr. Jernigan - Thank you, Ma'am.

1940
1941 Mr. Archer - Mr. Jernigan, it might help to mention also that when
1942 minimum sizes are proffered, that is the minimum size. It doesn't necessarily
1943 mean the house won't be larger than that, but it can't be any smaller.
1944
1945 Mr. Jernigan - Okay. If we don't have anything else, with that I will
1946 move for approval—Let's see, we don't have to waive time limits.
1947
1948 Mr. Branin - The times are fine.
1949
1950 Mr. Jernigan - I will move for approval of case C-36C-07, Shurm
1951 Construction, to be sent to the Board of Supervisors for their approval.
1952
1953 Mrs. Jones - Second.
1954
1955 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mrs.
1956 Jones. All in favor say aye. All opposed say no. The ayes have it, the motion
1957 carries.
1958
1959 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mrs.
1960 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the
1961 Board of Supervisors grant the request because it is reasonable and the
1962 changes do not greatly reduce the original intended purpose of the proffers.
1963
1964 Mr. Emerson - Mr. Chairman, the next case is also on page 3 of your
1965 agenda. It is C-41C-07, Ryan Boggs for Smart Development.
1966
1967 **C-41C-07 Ryan Boggs for Smart Development:** Request to
1968 conditionally rezone from A-1 Agricultural District to R-5AC General Residence
1969 District (Conditional), Parcels 804-693-7692, 804-693-6271, 804-693-4792, 804-
1970 693-6493, 804-694-1205, and 804-694-3115, containing 9.888 acres, located on
1971 the northwest line of Burning Tree Road approximately 500 feet southwest of its
1972 intersection with S. Laburnum Avenue and Settlers Ridge Road. The applicant
1973 proposes a single-family residential development with a maximum of twenty-eight
1974 (28) lots. The R-5A District allows a minimum lot size of 5,625 square feet and a
1975 maximum density of 6 units per acre. The use will be controlled by zoning
1976 ordinance regulations and proffered conditions. The Land Use Plan
1977 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
1978
1979 Mr. Branin - Is anyone in opposition to C-41C-07, Ryan Boggs for
1980 Smart Development? Have a question, not opposition. Good evening, Mr. Sehl.
1981
1982 Mr. Sehl - Good evening, Mr. Chairman, members of the
1983 Commission. The applicant is proposing to rezone approximately 9.89 acres to
1984 permit the development of 24 single-family zero-lot line homes. The property,

1985 which consists of six parcels, is located on Burning Tree Road and is currently
1986 vacant.

1987

1988 The 2010 Land Use Plan designation for the subject property is Suburban
1989 Residential 1, with a recommended density of 1.0 to 2.4 units per acre. The
1990 density proposed with this request is at the upper bound of this density range, but
1991 is consistent with nearby residential development.

1992

1993 The applicant has proffered this conceptual layout, which shows an entrance on
1994 Burning Tree Road with two stub roads to the west to accommodate future
1995 development. A small portion of the proposed lots would be served by rear
1996 alleys, as shown on the conceptual layout. The road layout shown would
1997 necessitate private roads due to the curves shown on this conceptual layout.
1998 Staff notes concern about the maintenance requirements for these private roads
1999 being placed upon future homeowners in a development of this size.

2000

2001 Staff is also concerned with the piecemeal nature of this development, which
2002 excludes properties to the south and west along Burning Tree Road. Staff
2003 believes that the inclusion of these parcels would make for a more conventionally
2004 shaped parcel and provide for a more cohesive development pattern than is
2005 currently proposed.

2006

2007 To address concerns outlined in the staff report, the applicant has submitted
2008 revised proffers, dated July 11, 2007, which have been distributed to you this
2009 evening. Major aspects of these proffers include: a minimum lot width of 60 feet
2010 for the development, with lots abutting Olde Colony Estates being a minimum of
2011 70 feet in width—that's these lots located along the rear here; a minimum house
2012 size of 2200 square feet; at least 50% of the dwellings would contain at least
2013 50% brick or stone on the front façade; and every dwelling would have at least a
2014 two-car garage, no more than 50% of which would be front-loaded. The front
2015 loaded garages would not extend beyond the face of the home. Cantilevered
2016 features would not be permitted. A 50-foot buffer would be provided along
2017 Burning Tree Road. Sidewalks and standard six-inch curb and gutter would be
2018 provided throughout the development, sidewalks being located on one side of the
2019 street as proposed. Hours of construction would be limited to reduce impact to
2020 adjacent properties.

2021

2022 The proposed use and density are consistent with the 2010 Land Use Plan
2023 recommendations for the property; however, staff does believe that this
2024 application is premature unless the properties located to the west are obtained
2025 and integrated in this proposal.

2026

2027 I would be happy to try and answer any questions you might have. The
2028 applicant's representative is present tonight. Time limits would need to be waived
2029 on the proffers distributed to you this evening, if they are to be accepted this
2030 evening.

2031
2032 Mr. Branin - Thank you, Ben. Does anybody have any questions
2033 for Ben?
2034
2035 Mr. Jernigan - Ben, with the deletion of the four lots up next to
2036 Burning Tree Road, what is the distance back to the first house from Burning
2037 Tree? Do you know what that is?
2038
2039 Mr. Sehl - I believe the applicant's representative could handle
2040 that. This is shown as a 50-foot buffer, this dotted line here. That can give you
2041 an idea. It looks like it's a couple hundred feet back to this lot, as proposed here.
2042
2043 Mr. Branin - Mr. Jernigan, would you like to hear from the
2044 applicant?
2045
2046 Mr. Jernigan - Yeah, wait a minute. I do want to say this. I noticed
2047 on the case that came through, I saved that proffer on C-34C-07. We have two
2048 different interior garage specifications.
2049
2050 Mr. Sehl - I believe that this one is, of course for me, the correct
2051 one.
2052
2053 Mr. Jernigan - I'm sure it is. I know when we discussed this the
2054 other day about interior garages, I noticed this case was different than this case.
2055 Mr. Emerson, I guess this is one of those things that we need to have a standard
2056 figure for.
2057
2058 Mr. Emerson - Yes, sir, we do.
2059
2060 Mr. Jernigan - For the benefit of the audience, the reason we're
2061 questioning the interior, the mentions of a two-car garage is because what
2062 happens is sometimes they build a garage and call it a two-car garage, but by the
2063 time they fill it up with the HVAC equipment and everything else, you can't get
2064 but one car in it. Now, we're looking to keep a certain—
2065
2066 Mr. Vanarsdall - Well, I heard that one was so narrow that when a man
2067 and wife came home at the same time and parked, they couldn't get out of the
2068 car. Fortunately, they had a cell phone and they called and said, "You gonna get
2069 out first or do you want me to get out?" "I'll get out first and I'm gonna fix dinner,
2070 so." That's kinda tight.
2071
2072 Mr. Emerson - Each one of these is negotiated individually, Mr.
2073 Jernigan, so they do vary some. We've had them from 20 x 20. Staff, for a two-
2074 car garage, really wants no less than 18 x 18 for clear area. Dependent upon the
2075 applicant, they provide us with varying different dimensions. But yes, we agree
2076 with you, we do need a consistent dimension on that.

2077
2078 Mr. Jernigan - Maybe we should make that an ordinance and have a
2079 minimum so that way, we don't have to actually deal with it on every case.
2080
2081 Mr. Emerson - Yes sir.
2082
2083 Mr. Jernigan - Let me see. The houses went up to 2200 square feet
2084 and we do get the stoops and steps, are either brick or stone. Okay. Thank you,
2085 Ben. I'll hear from the applicant now, please.
2086
2087 Mr. Condlin - Mr. Chairman, members of the Commission, my
2088 name is Andy Condlin from Williams Mullen, here representing Smart
2089 Development. I have with me Tony Harris, who's the applicant for this property,
2090 as well as Ryan Boggs and Cameron Palmore from Balzer to answer any
2091 questions I might not be able to address.
2092
2093 The property being approximately 10 acres, which is across from existing Settlers
2094 Ridge, but also existing property behind it and development along Burning Tree
2095 Road between Laburnum Avenue and Osbourne Turnpike. Mr. Harris and his
2096 family have owned this property for some time, and it's really a family property.
2097 They're looking to develop this land consistent with the surrounding properties.
2098 Are we supposed to be on—Is this the case, Ben, or the zoning map right here?
2099
2100 As you can see, there are a number of homes that are existing. It's a matter of
2101 not wanting to disturb them, and most folks not being ready for development, but
2102 Mr. Harris and his family wanting to move forward at this time. I know that the
2103 concern of the staff was that this case is premature, but quite frankly, in our plan,
2104 we specifically have provided for—excuse me, right here. We've specifically
2105 provided for the stub roads and have actually submitted—while it's not part of this
2106 case—a conceptual master plan that would incorporate all these so there can be
2107 a continuation of these roads as further development occurs. It is hoped,
2108 obviously, that with the further development, that our plan as laid out would
2109 accommodate that.
2110
2111 What we are proposing is exactly what's called for in the Land Use Plan, but
2112 providing for R-5A for smaller lots, width lots in the area than otherwise was
2113 typical in R-2 and R-3, but to be able to provide for more open space. This
2114 distance that we've provided for between Burning Tree Road and the first home
2115 is not quite 450 feet. It's more than 425, not quite 450 feet in that distance. It's a
2116 pretty substantial area. We do have recreation in the tot lot provided for as well,
2117 some of the other provisions that Mr. Sehl set forth.
2118
2119 I'll be happy to drop down my interior cleared garage area down to the other
2120 case, if you'd like some consistency this evening.
2121
2122 Mr. Jernigan - I've got you where you are. You can stay right there.

2123
2124 Mr. Vanarsdall - Mr. Condlin, do you have a garage?
2125
2126 Mr. Condlin - Yes sir.
2127
2128 Mr. Vanarsdall - How wide is yours?
2129
2130 Mr. Condlin - I have no idea. We haven't parked in there in years
2131 because [unintelligible]. There are a lot of bikes in there, I can tell you that. If we
2132 just stop buying cars and having kids, I'm not sure which. I have no idea how
2133 wide ours is.
2134
2135 Mr. Jernigan - Well, Andy, I have the same concerns that Mr. Sehl
2136 has about development of this property. I've asked before and they said that
2137 there are no plans to do this other portion of the property.
2138
2139 Mr. Condlin - That's right.
2140
2141 Mr. Jernigan - I would rather see the master plan—Let's put it this
2142 way. I've seen the master plan and I would rather see development of the whole
2143 area. If this is going to be it, then this is going to be it for a while.
2144
2145 Mr. Condlin - I will say that Mr. Harris had attempted it. We've been
2146 discussing it for a while, trying to get those other properties under contract to
2147 bring them in. That is the developable property. To the east, is the wetlands
2148 area that runs along here that really doesn't suffice to bring anything over here.
2149 That's why these stub roads are provided to the west. That's what we're trying to
2150 accommodate over here for the far future.
2151
2152 Mr. Jernigan - As you know, when we do an R-5AC lot, the applicant
2153 gets to see how many you can get at R-2A and then gets the same amount at R-
2154 5A, but gets a little extra landscaping and buffer in the front. That's the reason we
2155 have that 425 feet in the front. There's not much that we can do on the back of
2156 this property because it butts right up to another adjacent neighborhood, other
2157 than it did make the lots 70 feet.
2158
2159 Mr. Condlin - Yes sir.
2160
2161 Mr. Jernigan - I'm just saying like Mr. Sehl did, if this whole lot was
2162 incorporated at one time, it might be a little different layout than what it is.
2163
2164 Mr. Condlin - You're absolutely right. There might be more lots
2165 here because there is more open space in other areas. But right now, as you
2166 said, we're within the 2.4 units per acre and we're accommodating future
2167 development if that ever occurs. If it never does occur, then this will allow
2168 [unintelligible].

2169
2170 Mr. Jernigan - What I don't want to see is nine months from now
2171 another case coming in for the rest of this. Okay?
2172
2173 Mr. Condlin - Understood, yes sir. Loud and clear.
2174
2175 Mr. Jernigan - Okay. That's all I have. We have a gentleman here.
2176 Andy, stand by. Let this gentleman—Let's see what his concerns are. How are
2177 you, sir?
2178
2179 Mr. Keeles - I'm doing fine. Good evening, Mr. Chairman. My
2180 name is Tim Keeles. I reside at 1312 Tree Ridge Road, Parcel 803-694-9917,
2181 Lot #14. I am pretty much concerned in reference to the rear of the property you
2182 just described in terms of the development, in terms of water, as well as proper
2183 drainage with that new development, as well as possible fencing along the line
2184 with my property as well as other homeowners on that stretch.
2185
2186 Mr. Branin - Mr. Keeles, I'm going to interrupt you. Can you show
2187 me where your house is?
2188
2189 Mr. Keeles - It's not up there. I'm at 1312. Right here, sir.
2190
2191 Mr. Branin - Okay, thank you.
2192
2193 Mr. Keeles - Your property, I guess is, your development—There's
2194 a little ravine right here. In terms of, I guess, when you have additional rain, at
2195 times the water may rise. It all depends on how that new property is going to be
2196 developed whether any additional water will be coming on my property or other
2197 homeowners' properties.
2198
2199 Mr. Jernigan - You've been sitting here the whole evening, haven't
2200 you?
2201
2202 Mr. Keeles - Yes, I have.
2203
2204 Mr. Jernigan - We've talked about—
2205
2206 Mr. Keeles - Pretty much similar question like that, I think, some of
2207 the other homeowners have with another zoning.
2208
2209 Mr. Jernigan - Right. The drainage would be handled, the
2210 calculations would be done by the engineers and have to be approved by our
2211 Public Works Division. He would not get any water from this development. Did
2212 you say something about where the property backs up? We normally don't put
2213 fences up between residential. Now, when you have business next to residential

2214 or office next to residential, we normally put a fence. We don't really buffer
2215 people from people; it's neighborhoods. We don't generally put up a fence.
2216
2217 Mr. Keeles - Okay. Is anything going to be done in terms of that
2218 ravine on our property line between those two developments?
2219
2220 Mr. Jernigan - I would ask the engineer. Andy, can you address that
2221 ditch?
2222
2223 Mr. Condlin - I'm going to ask Cameron Palmore to come up and
2224 address that issue.
2225
2226 Mr. Palmore - Good evening, Mr. Chairman, Commissioners. I
2227 believe with the topography of this land, everything is actually falling to the south,
2228 away from this gentleman's house. There is a storm sewer system that runs in
2229 the rear of his lot and the lots there in Olde Colony Estates. We have put a
2230 series of drop inlets every third or fourth lot. I don't see that any water from this
2231 development would be going in that direction, because it is falling towards the
2232 creek that has been noted on the conceptual plan. That's towards the front of the
2233 property.
2234
2235 Mr. Branin - Can you do me one favor?
2236
2237 Mr. Palmore - Sure.
2238
2239 Mr. Branin - State your name for the record.
2240
2241 Mr. Palmore - Cameron Palmore from Balzer and Associates.
2242
2243 Mr. Branin - Thank you, Cameron.
2244
2245 Mr. Jernigan - He's saying it's a ravine. You're saying it's a pipe with
2246 DI's?
2247
2248 Mr. Palmore - I don't know exactly. I know there is a series of DI's
2249 and storm sewer back there. My guess is that there is a swale graded on the
2250 rear of those lots to direct the water to those drop inlets.
2251
2252 Mr. Jernigan - Okay.
2253
2254 Mr. Palmore - It comes from Olde Colony Estates to keep that water
2255 from going onto Mr. Harris' property, is my guess, without knowing the history of
2256 Olde Colony Estates.
2257
2258 Mrs. Jones - Mr. Keeles, how deep is this ravine?
2259

2260 Mr. Keeles - [Off mic.] It varies.
2261
2262 Mrs. Jones - Two feet?
2263
2264 Mr. Keeles - [Off mic] It could be two to four feet. Anywhere from
2265 two to four feet deep. I guess along the property line [unintelligible] with the
2266 leaves and everything, it may have cover [unintelligible].
2267
2268 Mr. Palmore - There is at least a 20-foot easement along the rear of
2269 those lots. In some areas, it's 30 as the combined sewer and drainage easement
2270 along the rear of those lots in Olde Colony Estates.
2271
2272 Mr. Jernigan - What it sounds like, sir, is that there is already a storm
2273 water management system that was put in place when Olde Colony was built. A
2274 dropped inlet is where they have the grate there that the water is running into a
2275 pipe.
2276
2277 Mr. Keeles - [Off mic] It's not working.
2278
2279 Mr. Jernigan - It's not working?
2280
2281 Mr. Keeles - [Off mic] No, it's not working.
2282
2283 Mr. Jernigan - Okay.
2284
2285 Mr. Keeles - [Off mic] Because I have water [unintelligible] upon
2286 my property sometimes when we have excessive rain.
2287
2288 Mr. Jernigan - Mr. Foster with Public Works is making a notation of
2289 that right now. Mr. Foster, would you get his name and phone number, please,
2290 and address his issues? Okay. Did you have anything else, sir?
2291
2292 Mr. Keeles - [Off mic] No sir. Thank you very much.
2293
2294 Mr. Jernigan - All right. Thank you so much for coming.
2295
2296 Mr. Branin - Any other questions?
2297
2298 Mr. Jernigan - I think with the proffer changes that were made within
2299 the last day or two brings us up to a little more quality of what we were looking for
2300 and puts it equal to the Village at Osbourne, which is one of the premier spots
2301 right down the street. We want to make sure everything in the County stays on
2302 the top. First off, we would have to waive the time limits on this case, so I move
2303 to waive the time limits on case C-41C-07, Ryan Boggs for Smart Development.
2304
2305 Mr. Vanarsdall - Second.

2306
2307 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
2308 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
2309 motion carries.

2310
2311 Mr. Jernigan - With that, I will move for approval of C-41C-07, Ryan
2312 Boggs for Smart Development, to send to the Board of Supervisors for their
2313 approval.

2314
2315 Mr. Vanarsdall - Second.

2316
2317 Mr. Branin - Motion made by Mr. Jernigan, seconded again by Mr.
2318 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
2319 motion carries.

2320
2321 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
2322 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
2323 the Board of Supervisors grant the request because it reflects the type of
2324 residential growth in the area and the proffered conditions provide for a higher
2325 quality of development than otherwise possible.

2326
2327 Mr. Emerson - Mr. Chairman, the next item on your agenda is on
2328 page 4. It is C-30C-07, Bay Design Group for Lifestyle Builders & Developers.

2329
2330 ***Deferred from the June 14, 2007 Meeting.***
2331 **C-30C-07 Bay Design Group for Lifestyle Builders &**
2332 **Developers:** Request to conditionally rezone from A-1 Agricultural District to R-
2333 5C General Residence District (Conditional), Parcel 781-756-5920 and part of
2334 Parcel 781-756-5960, containing 3.93 acres, located on the north line of
2335 Darracott Road approximately 965 feet west of its intersection with Villa Park
2336 Drive. The applicant proposes residential condominiums for sale. The use will
2337 be controlled by zoning ordinance regulations and proffered conditions. The
2338 Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per
2339 acre.

2340
2341 Mr. Branin - Is anyone in opposition to C-30C-07, Bay Design
2342 Group for Lifestyle Builders & Developers? One, two, three, four, five. Okay.
2343 And you all remember the rules of time, correct? Ten minutes. Okay. Mr. Sehl?

2344
2345 Mr. Sehl - Thank you again, Mr. Chairman. The applicant is
2346 proposing to rezone approximately 3.93 acres to permit the development of 45
2347 townhouse style condominiums. The property, which is located between two
2348 existing sections of the Stonewall Manor condominium development, is currently
2349 vacant and is zoned A-1.

2350

2351 The 2010 Land Use Plan designation for the subject property is Urban
2352 Residential. While the density proposed by this request exceeds that
2353 recommended in the Land Use Plan, the 11.45 units per acre proposed by the
2354 applicant would be consistent with the adjacent Stonewall Manor development.

2355
2356 The applicant has proffered this conceptual layout, which shows a new entrance
2357 to be located off Sanctuary Drive. No access would be permitted to Darracott
2358 Road except during construction. Staff notes that a previously proffered
2359 conceptual plan did show a connection to Honor Drive. That connection was
2360 removed after the Stonewall Manor Condominium Association indicated that
2361 connection was not desired.

2362
2363 Revised proffers dated July 12th have been submitted by the applicant. These
2364 proffers provide for a buffer along Darracott Road and the adjacent A-1
2365 properties located to the west. Other proffers submitted by the applicant relate to
2366 minimum square footage, exterior materials and appearance, sound suppression,
2367 sod and irrigation, lighting fixtures, sidewalks, and building height.

2368
2369 These revised proffers have addressed the concerns outlined in the staff report.
2370 Time limits would need to be waived to accept those proffers this evening. Staff
2371 believes that this request is a logical extension of the existing development
2372 pattern exhibited in the Stonewall Manor Development and supports this request.

2373
2374 I would be happy to try and answer any questions you might have at this point.
2375 The applicant's representative is also available for your questions.

2376
2377 Mr. Branin - Does anybody have any questions for Mr. Sehl? Mr.
2378 Archer?

2379
2380 Mr. Archer - No. We've discussed this prior to tonight and I'm
2381 aware of the fact we have to waive the time limits. We have opposition, so I
2382 guess we need to hear from the applicant so we can address their concerns.

2383
2384 Mr. Branin - Is the applicant present?

2385
2386 Mr. Caskie - Good evening. I'm Dan Caskie with Bay Design
2387 Group.

2388
2389 Mr. Archer - Good evening, Mr. Caskie.

2390
2391 Mr. Branin - Mr. Caskie, before you begin, would you like to
2392 reserve some time?

2393
2394 Mr. Caskie - Sure. Five minutes or so.

2395
2396 Mr. Branin - Five minutes?

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Mr. Caskie - Yes sir. I'll make it pretty quick. We've been working on this with the Planning staff for a number of months and been refining the project, refining the proffers. I think we've come up with something that works well for the community as a whole. Not just for ours, but for the existing community. We are an infill project that ultimately will become a part of the Stonewall Manor Condo Association. This, of course, will reduce the existing HOA dues that everybody's seeing there now by introducing the 40 or more units that we have to the mix.

The building style that we have I think is similar to what's existing, but it has a vertical separation between the units instead of a standard stack condo type situation. We've also committed to architectural treatments that we believe will upgrade the look of the exteriors.

We plan to access our development through the existing Stonewall Manor system, which means we are not proposing any new access points on County roads.

Our developer attended a number of HOA meetings to discuss the project and until tonight, we were not aware of any—There was no vocal, I guess, opposition that we knew of.

Part of our development does include a tot lot that is currently owned by the Stonewall Manor HOA. They are planning on relocating that tot lot to a better and safer, maybe more central location with the help of our developer.

Of course, our goal is to create a harmonious development that blends into the existing community and I think the plan that we've presented accomplishes this goal.

If you have any questions, I would be more than happy to answer them.

Mr. Thornton - What do you think would be the ballpark price of one of these condominiums?

Mr. Caskie - The builder is here as well. Lloyd, what do you think the ballpark [unintelligible].

Mr. Poe - [Off mic.] We anticipate those starting in the high 190's. They're townhouse style condominiums.

Mr. Branin - Do you have any other questions for the applicant?

2441 Mr. Archer - I don't have any. I'm like he is. I wasn't aware of any
2442 opposition until tonight, so I guess he needs to hear what the opposition is so he
2443 can respond to it.
2444
2445 Mr. Jernigan - Chris, I'm going to say it if you don't. I'm going to
2446 warn them. Do not put the tot lot under the power line.
2447
2448 Mr. Archer - I think he knows.
2449
2450 Mr. Jernigan - Haven't heard that in a while.
2451
2452 Mr. Branin - If you all would like to come down. A reminder—10
2453 minutes.
2454
2455 Mr. Johnson - Good evening. I'm Bruce Johnson. I live at the end of
2456 Darracott Road. I live right—
2457
2458 Mr. Archer - Mr. Johnson? Excuse me, Mr. Johnson.
2459
2460 Mr. Johnson - Yes sir.
2461
2462 Mr. Archer - I hate to interrupt you, but was there somebody here
2463 who wanted to speak in favor?
2464
2465 Mr. Johnson - Oh, I though you asked for those opposed. My
2466 apologies.
2467
2468 Mr. Archer - No, that's okay. It's my fault, actually. I didn't realize
2469 that many people were here. Should we hear that portion of it before we hear the
2470 opposition or?
2471
2472 Mr. Branin - I always like positive before negative.
2473
2474 Mr. Archer - Okay.
2475
2476 Mr. Archer - We'll get right to you, sir. I knew there was one
2477 person. If there's a representative, sir, you can come up if you would.
2478 Mr. Wilson - Hi, my name is Glenn Wilson. I'm president of
2479 Stonewall Manor Condo Owners Association. A letter will be passed out to you
2480 that we have. We have had a vote to determine whether or not we should form a
2481 maintenance agreement with the people that are going to be in the new place
2482 and we have enough votes to do so. We have enough votes to allow us to sell
2483 the playground. Our only concern is that there is no road other than the entrance
2484 onto Sanctuary Drive. We do not want to road on Honor Drive and we would like
2485 to have a dry BMP. We are concerned about mosquitoes, maintenance, etcetera,
2486 and fell that a dry BMP would be much more satisfactory to our community.

2487
2488 We have a monthly newsletter that goes out, bimonthly, rather. The next issue
2489 will go out in August and we asking for volunteers of people with children to help
2490 form a task force to determine where to put the new playground.
2491
2492 Mr. Poe has been to several of our meetings. He's submitted a new plan without
2493 the Honor Drive road when they found out there was opposition to it. The letter
2494 pretty much explains our position. If you have any questions, I'll do my best to
2495 answer them.
2496
2497 Mr. Branin - Does anybody have any questions for Mr. Wilson?
2498
2499 Mr. Archer - So Mr. Wilson, you're saying that the roadway
2500 proposal that staff made tonight is one that you're in favor of.
2501
2502 Mr. Wilson - Yes sir.
2503
2504 Mr. Archer - Okay.
2505
2506 Mr. Wilson - The single entrance onto Sanctuary Drive.
2507
2508 Mr. Archer - That solved that problem.
2509
2510 Mr. Wilson - Yes sir.
2511
2512 Mr. Archer - All right. Now, what about the BMP? Have you
2513 discussed that with the applicant and have you gotten a response?
2514
2515 Mr. Wilson - Yes sir. He's willing to put a dry BMP in as long as
2516 the County will approve it.
2517
2518 Mr. Archer - All right. So, those are the two issues that you have
2519 and with that, then, the majority of the Association supports the plan. Is that what
2520 I'm to understand? Or the voting members?
2521
2522 Mr. Wilson - The voting members. We have 407 members of the
2523 Association, but we've never got 407 votes on anything. We also have 68
2524 absentee owners.
2525
2526 Mr. Archer - Okay.
2527
2528 Mr. Wilson - That accounts for a lot of it.
2529
2530 Mr. Archer - You reside there, sir?
2531
2532 Mr. Wilson - Yes sir. I live at 1557 Presidential Drive.

2533
2534 Mr. Archer - Oh, I see, you're the president of the Association.
2535
2536 Mr. Wilson - Yes sir. I've been there for 22 years.
2537
2538 Mr. Archer - All right. That's all the questions I have, Mr.
2539 Chairman, unless somebody else has some.
2540
2541 Mr. Branin - Anyone? Thank you, Mr. Wilson.
2542
2543 Mr. Wilson - Thank you, sir.
2544
2545 Mr. Branin - Is anyone also in favor and would like to speak?
2546
2547 Mr. Timberlake - Mr. Chairman, members of the Commission, thank
2548 you. My name is William Timberlake. I live in Stonewall Manor. We moved there
2549 about two years ago. I have been here before when I lived in elsewhere in the
2550 County, speaking to this type of issue. I also agree with our president that we
2551 would like to see only one entranceway and I'd like to see the dry BMP. I think if
2552 you remember the view that you showed earlier where the CVS pharmacy had a
2553 dry BMP, how nice it looked. Sometimes when you have a small one like this,
2554 you have stagnant water and with the dry one, you don't have it. We would be in
2555 favor of that. I had dealt with several subdivision builders in my life. This
2556 gentleman came to us ahead of time, worked with us. The Association as a
2557 whole, several meetings [unintelligible]. The man came to us ahead of time to
2558 get what we wanted. We ask you to approve his plan. Thank you.
2559
2560 Mr. Branin - Thank you, Mr. Timberlake. I thought you looked
2561 familiar. Anyone else in favor? None? Okay. Opposition. Mr. Johnson, it's your
2562 turn.
2563
2564 Mr. Archer - Mr. Johnson, I apologize for having you sit down, but I
2565 was not aware that there was many people here to speak in favor.
2566
2567 Mr. Johnson - Didn't mean to be quick off the chocks.
2568
2569 Mr. Archer - No, it was our fault; we asked you to come up.
2570
2571 Mr. Johnson - I own six acres back there in this region. I live right
2572 here. The property under consideration is here. Darracott Road comes in off Villa
2573 Park Drive. Darracott Road is our only means of egress and ingress. Stonewall
2574 is in here. Members of Stonewall come through and use the road and it's not
2575 uncommon that we have to pick up wine bottles, beer bottles, condoms, and
2576 other objects. It becomes littered easily and quickly. It's not uncommon to have
2577 a shopping cart or two dropped off from the local Wal-Mart, sometimes turned
2578 upside down in the middle of the road, meaning one has to get out of their car. If

2579 it's in the middle of the night, you don't know what's in the woods. These are
2580 problems that would have to be addressed if we're going to build even more at a
2581 higher density than even the zoning, the 2010 Plan, calls for.

2582
2583 I would ask you to consider if you build it—And I would ask that it's not approved.
2584 But if it's approved, I ask that consideration be given to the subject that there are
2585 probably hydric soils in there. This is an occupied dwelling, by the way. Mrs.
2586 Kelly still lives there. There are hydric soils in this region. There are flora and
2587 fauna suggestive of it, including herons, snapping turtles, striped newts, and
2588 many different kinds of animals that inhabit this area.

2589
2590 I would ask that the proffers be looked at and that no work be allowed on
2591 Sundays at all, that during the construction phase, Darracott Road, since they
2592 have stated they're going to use for construction, they have to improve it and
2593 they have to leave it improved. I would ask that the road can never be blocked.
2594 That is the only way in and out, and should there be emergencies, we're hosed. I
2595 would ask that the road be fenced in this area here. Correction. How do I get it
2596 back? How do I make it a bit smaller? Well, this is fine. This is fine. Alongside
2597 from here over. All right. We need some sort of personnel fence along here—six
2598 foot high—to stop the frequenting and the evening parties that go on back here.

2599
2600 We need some sort of solution to trash. Maybe somebody can be responsible for
2601 a dumpster that will be dumped periodically over in here that when we walk the
2602 roads ourselves and pick this stuff up—I have to carry all of my trash to the
2603 dump. I would like to just return it to its rightful owners and put it some place.

2604
2605 I would ask that you consider a sound and visual barrier for my neighbor up here.
2606 He can speak to that issue himself, since he will be living right next door to this.

2607
2608 Finally, that the needs of the children in this community be met. I hear about a tot
2609 lot. There are a number of teenagers and middle school kids that could use
2610 assistance in terms of basketball courts and things like that as well. Thank you.

2611
2612 Mr. Jernigan - Mr. Johnson? Before you leave, you want to have a
2613 fence on Darracott?

2614
2615 Mr. Johnson - Yes sir. A personnel fence. This is Mr. Robin's land,
2616 which is right next to the area under consideration. From the corner of his
2617 driveway along here and along the back side, down as far as the area under
2618 consideration, if they could at least fence all of that off to cut down on the
2619 temptation to party in the woods.

2620
2621 Mr. Jernigan - We usually don't want to have fences along roads like
2622 that because it makes it look like a tunnel. That was discussed with this
2623 commission some time ago to try to cut down with fencing on roadways and have

2624 more landscaping rather than fencing. We'll let Mr. Archer discuss that with you,
2625 but we generally don't put fences down the road.
2626
2627 Mr. Branin - Anything else Mr. Johnson? Any questions for Mr.
2628 Johnson? Mr. Archer?
2629
2630 Mr. Archer - No, I don't believe so. Thank you, Mr. Johnson.
2631
2632 Mr. Branin - The next person in op—
2633
2634 Mr. Johnson - Just in passing, if I could point out the police
2635 department recommends fencing. Could consideration be given? On page 5, I
2636 believe it is. Division of Police. Perimeter fencing should be considered along
2637 Darracott Road to control pedestrian access through the site.
2638
2639 Mr. Archer - Thank you, Mr. Johnson. We'll address that—
2640
2641 Mr. Jernigan - Thank you for pointing that out.
2642
2643 Mr. Archer - Mr. Johnson. Have you all ever considered, or have
2644 you ever called Community Maintenance about the trash problem?
2645
2646 Mr. Johnson - Sir, we walk the road for its beauty and we just pick it
2647 up. This is a half-mile long road. I live a half-mile back. I grade the road
2648 periodically. It's a beautiful place with deer, turkey, hawks. If people would enjoy
2649 and would contribute to, that would be one thing, but to destroy, it leaves one to
2650 ask please don't approve.
2651
2652 Mr. Archer - Thank you, sir.
2653
2654 Mr. Branin - Ma'am?
2655
2656 Ms. Diallo - Good evening, my name is Mary Diallo. I live at 1505
2657 Stony Force Drive, Stonewall Manor.
2658
2659 Mr. Jernigan - Ma'am, how is your last name?
2660
2661 Ms. Diallo - Diallo. D-i-a-l-l-o.
2662
2663 Mr. Jernigan - Okay.
2664
2665 Ms. Diallo - My concern is having a dry DMP pool versus having a
2666 wet one. My other concern is initially when the developer came to our
2667 association, they asked for a set number of homes and that number seems to
2668 have doubled. That will increase the traffic flow through that area. Some of these
2669 issues probably wouldn't be taken up with the Association. I walk quite

2670 frequently on the streets. The traffic, the speed there is in excess of what should
2671 be in a residential area. With more traffic and Sanctuary being the only entrance
2672 and exit, that problem has the potential to increase. That's my concern.

2673

2674 Mr. Archer - Ms. Diallo, excuse me, what is the speed limit there
2675 now?

2676

2677 Ms. Diallo - It should be no more than 10 to 15.

2678

2679 Mr. Archer - But what is it?

2680

2681 Ms. Diallo - I have no idea.

2682

2683 [Off mic] - Fifteen miles an hour.

2684

2685 Ms. Diallo - Yes, but the traffic that goes through there I'm sure is
2686 going faster than that, especially on Sanctuary.

2687

2688 Mr. Archer - Thank you, ma'am.

2689

2690 Ms. Rakestraw - Hello, I'm Vanessa Rakestraw. I live in one of the
2691 condos at 1565 Front Royal Drive. I've been there for 13 years. I've enjoyed my
2692 wooded access to the back, so admittedly, I think you can understand from a
2693 personal standpoint I'm not real thrilled about losing that area. However, I will say
2694 I'm not really in opposition. A lot of what I've heard tonight has met my concerns
2695 if that entrance to Honor is no longer on the table, as I understand is the case.
2696 I'd be much happier because if that entrance to Honor Drive was going to be
2697 extended, I would essentially be in a traffic median with a street to the front and a
2698 street to the back of my unit. I currently don't want to be surrounded by streets
2699 on three sides.

2700

2701 I am concerned about the traffic congestion. We do have a lot of children in the
2702 area and they do play in the street. I know that this is exceeding the proposed
2703 density for the plan. I think that is something that does need to be considered.
2704 Logically, more people coming in, they're going bring in children, they're going to
2705 bring in teens, and that's going to increase the street area as a recreational area.

2706

2707 Thank you.

2708

2709 Mr. Jernigan - Thank you, ma'am.

2710

2711 Mr. Robbins - Good evening. Mr. Robbins. I own this property here
2712 at 1510. You have to live there to know the beauty of this place. I have a major
2713 concern of noise and privacy. What I would like to see is I would like to see one
2714 of those vinyl fences that you have previously discussed here, for noise
2715 abatement and physical security. And on the backside of my property, I would

2716 like to see Lombardy poplars placed five feet apart so I can have a natural
2717 evergreen fence that will naturally mature in about 15 years. I've lived on this
2718 property for 15 years and I've seen a lot of changes. This property itself was here
2719 before Stonewall Manor was here. So, I've seen the building of Villa Park and
2720 the supposed eight-foot noise abatement and security wall that was supposed to
2721 be built here that never got built when the LabCorp building was put in. There
2722 was supposed to be an eight-foot noise abatement, solid concrete wall to support
2723 my house and the Kelly's house. This was never built. So, I would like to make
2724 sure that if there are any fences that are approved or, hopefully in my favor, that
2725 they get put in prior to any construction, mainly so that we don't have the same
2726 situation that occurred when the LabCorp building went in and they just said they
2727 ran out of funds. So, it never got put in.

2728

2729 There is another concern regarding a place for children to play. This property
2730 over here is currently owned by Stonewall Manor and this used to be a
2731 playground, up until about 12 years ago when I raised cain with Stonewall Manor
2732 residents coming from the backside of Stonewall Manor, across my property, or
2733 taking a shortcut here running down my property and driveway, and up and down
2734 Darracott Road. Now, Darracott Road is a privately-owned road. We have a
2735 road maintenance agreement with a private LLC. Mr. Johnson's request for a
2736 wall here, I would say it's almost mandatory. You're going to have to physically
2737 control the people from using Darracott Road because it's a privately-owned
2738 road.

2739

2740 Now, with the potential of having this turned into a playground, I think it most
2741 proper that the developer put a wall completely around my property for noise
2742 abatement and physical security. If there is a wall that is put just down here,
2743 what are we talking, like 400 additional people will now be living in this area
2744 where there's currently 1. You can see the dramatic change to my environment.
2745 I can't stop the future, but I would like to at least maintain a little bit of my current
2746 existence, if possible, through noise abatement and security.

2747

2748 That's basically my only opposition to this, is the physical security and for noise
2749 abatement.

2750

2751 Thank you. Any questions?

2752

2753 Mrs. Jones - Thank you.

2754

2755 Mr. Archer - Mr. Robbins? You would like a wall constructed
2756 entirely around your property.

2757

2758 Mr. Robbins - Yes.

2759

2760 Mr. Archer - Okay.

2761

2762 Mr. Jernigan - Mr. Robbins, let me ask you. Backing up a little bit,
2763 you said when LabCorp came in that they were supposed to build a masonry wall
2764 there?

2765
2766 Mr. Robbins - That is correct.

2767
2768 Mr. Jernigan - Was that in the proffers of the case?

2769
2770 Mr. Robbins - I do not believe. I believe that after the amount of
2771 noise that was being made, my neighbor who lived here, Mr. Kelly, who is now
2772 deceased, and the prior owner of the property at 1510, Bonnie—I can't
2773 remember her last name—had major concerns with the amount of noise that was
2774 going on in construction. It is my understanding that a wall had been approved to
2775 go in. I don't know if it was an official proffer. But the developer said they would
2776 put it in. They started about two feet of it and then they evidently ran out of funds
2777 and the wall was never completed. I don't believe it's any fault on your
2778 predecessors.

2779
2780 Mr. Jernigan - Okay. Thank you.

2781
2782 Mr. Archer - It was prior to me.

2783
2784 Ms. Adams - Yes. I'm Marian Adams. I live at 1500 Honor Drive.
2785 When this all very much began, they were building condos between Honor Drive
2786 and Skirmish Run, and that was the set plan. Now, all of a sudden, they've
2787 decided, oh, now we're going to go up where the playground area is and we're
2788 going to build there. The amount of trees and animals, the trees that are going to
2789 be torn down between Skirmish and Honor Drive, we've accepted that. I mean,
2790 there goes the view, but they're talking about buffers. But how long does it take
2791 for a tree to grow. Now they're going to do up in the playground area. And why?
2792 Can't trees just be left alone? Why does everything have to be torn down? They
2793 had already said this one area. Now, all of a sudden, for greed purposes, now
2794 we've got to build more homes, we've got to have more people, more congestion,
2795 more noise. It's just ruining the lives of people that live in this one area.
2796 Everybody's just going to be looking at everybody else. As they say, the noise is
2797 just terrible.

2798
2799 As far as the playground—Since I live right on the edge there, I have not heard
2800 noise any more at night. We used to have an element there of people, of
2801 children, of teenagers and so forth that would go up there. But right now, we
2802 have a lot of little children in the area and their mothers are starting to bring them
2803 up to the playground. It's a nice little area, it really is. Why do they have to build
2804 townhouses in this one area? Just leave it alone. Let the trees grow; let the
2805 animals live there.

2806
2807 That is my one complaint. Thank you.

2808
2809 Ms. Jackson - Good evening. My name is Danita Jackson and I own
2810 property at 1551 Front Royal Drive. I do not oppose building the property out
2811 there, but in the beginning, they were going to build 21 and then I hear it was 45,
2812 and later 52. Stonewall Manor is a totally different community from a lot of the
2813 upper townhouses around the neighborhood. Also, any change that comes to a
2814 community causes—When you have an older community and a newer
2815 community, it causes a little bit of devalue. I believe 21 wouldn't have hurt, but
2816 44 may because of the traffic. Because there are so many more newer ones than
2817 the older ones, it changes the area. They have animals there, they have little
2818 children there, and people are moving fast anyway on a daily basis. It may not
2819 be as attractive as some of the other people think it's going to be.
2820
2821 I think there needs to be a little bit more revision instead of just going forward the
2822 way it is. Thank you.
2823
2824 Mr. Archer - Thank you, ma'am. I'm sorry, ma'am, what was your
2825 name again?
2826
2827 Mr. Branin - Ms. Jackson.
2828
2829 Mr. Archer - Jackson. Thank you.
2830
2831 Ms. Jackson - Danita Jackson.
2832
2833 Mr. Branin - Is that it?
2834
2835 Mr. Archer - I think we've passed the time limit, Mr. Chairman.
2836
2837 Mr. Branin - Mr. Secretary, how many minutes?
2838
2839 Mr. Emerson - Fifteen.
2840
2841 Mr. Branin - Then we have exceeded. Mr. Caskie, would you like
2842 to come up and make your rebuttal?
2843
2844 Mr. Caskie - There's quite a laundry list here for you guys. Okay.
2845 First of all, I think one of the questions that came up was regarding Darracott
2846 Road. To my understanding, that is a County maintained, a County road.
2847
2848 [Off mic] - No.
2849
2850 Ms. Caskie - A County-owned road.
2851
2852 Mr. Branin - Mr. Foster?
2853

2854 Mr. Archer - Mr. Foster can answer that, I think.

2855

2856 Mr. Foster - Again, my name is Tim Foster. There is some right-
2857 of-way at the top of it. Regardless, I do not know, because I did not research
2858 whether it was a County road. What I do know is we do not maintain it. It is
2859 maintained by private entities.

2860

2861 [Off mic] Riverstone Properties, LLC.

2862

2863 Mr. Caskie - Apparently, there is a piece of it, I guess, up at the
2864 front that's not. Let me go through a few of the others. Hydric soils. We have
2865 walked this property and we have not seen anything that resembles wetlands on
2866 it; however, we have requested a corps determination just to confirm that. The
2867 trash issue? The community that we would be proposing would typically have
2868 individual trash pickup and that should be pretty standard. I don't know if the rest
2869 of Stonewall Manor does that, but I expect that we will do that. The number of
2870 units increasing. First of all, we've capped the units at no more than 45. I'm not
2871 sure where the "52" number came from, but the proffers say that no more than
2872 45 will be developed. The reason that the number of units increased, we
2873 originally had the first rectangular piece as our initial—I guess when we initially
2874 talked to the County, that was what we had originally we were going to do. We
2875 saw the adjacent piece that we knew was owned by Stonewall Manor. We
2876 approached them. They indicated that they did not feel like—And this was my
2877 understanding; I was not at the HOA meetings. But my understanding was that
2878 they felt like the tot lot was not used to the manner that it could be used, I guess
2879 in that location. So, we requested if they would be interested in selling that to us
2880 and they indicated they would be. That's how the increased in units came about.
2881 Originally, it was a smaller project.

2882

2883 The plantings along the property line, we do have a landscape buffer proposed
2884 there. I don't have the proffers in front of me, but I don't know if we specified a
2885 certain landscape transitional buffer. Either way, there will be evergreens planted
2886 along the adjacent property line and Darracott Road, because there is a 15-foot
2887 buffer on both sides. So, if we can save trees, we'll do that, but if we can't, we
2888 will certainly enhance that buffer. Typically, five feet on center is pretty close for
2889 any kind of tree.

2890

2891 "Four hundred people" was thrown out. We have 40 units proposed at a couple
2892 people a unit, maybe three a unit. That's 100 to 120 people, so I think 400 is
2893 probably pretty high.

2894

2895 The safety issue and the fence along Darracott, let me address that real quick. I
2896 think Kim Vann can—Police would acknowledge this. Typically, when you have
2897 wooded areas around multifamily projects like this, people tend to congregate in
2898 those wooded areas. They consider it a park-like area and they do whatever they
2899 do in there. So, when those areas are developed, typically, that congregation of

2900 people leaves, it doesn't occur there anymore. I would expect there's going to be
2901 a safer area once we develop it because of the lighting and the neighbors around
2902 there.

2903
2904 That's my list.

2905
2906 Mr. Branin - Thirty seconds to spare.

2907
2908 Mr. Caskie - Any questions?

2909
2910 Mr. Archer - I have some questions, Mr. Caskie.

2911
2912 Mr. Caskie - Okay.

2913
2914 Mr. Archer - One of the things that I do think you have control
2915 over, and we generally will ask for this when we have POD or subdivision, is no
2916 Sunday work. One of the speakers spoke to that and I think that's a valid point.
2917 I'd also like to see no work beginning before 7:00 in the morning, because people
2918 do sleep a little later, I know I do. Those two issues, I think, you need to put in
2919 place.

2920
2921 I'm concerned about the police department's request about Darracott Road
2922 having a fence. It's unusual to see the police department request a fence.

2923
2924 Mr. Jernigan - Very unusual.

2925
2926 Mr. Branin - I don't believe I've ever seen it.

2927
2928 Mr. Archer - The other thing that makes that issue stand out a little
2929 bit is the fact that it's owned by a private owner and it doesn't belong to—it won't
2930 belong to you, will it?

2931
2932 Mr. Caskie - No sir. Not if it's a private owner. Not the road.

2933
2934 Mr. Archer - I'm thinking, Mr. Secretary, the owner would have to
2935 be contacted to put that fence up, if he chose to, and I don't think he has to, does
2936 he?

2937
2938 Mr. Emerson - Yes sir, I believe that would be correct. We'd have to
2939 coordinate with whoever owns the property.

2940
2941 Mr. Archer - Okay. I'm just trying to go down through the list of
2942 things that people talked about. About the dry BMP. Is that a possibility?

2943

2944 Mr. Caskie - Yes sir, that is a possibility. In fact, to allow a wet
2945 BMP, we would have to have 10 acres of drainage coming to it, which we don't
2946 have.

2947

2948 Mr. Archer - Okay. And you did, you did work that out with the
2949 Association and the president, didn't you? Is that correct?

2950

2951 Mr. Caskie - It's my understanding that that has been addressed.

2952

2953 Mr. Archer - Okay. I have a lot of notes here. Somebody spoke
2954 about the speed limit. That's an enforcement issue. I think the speed limit is
2955 already at 15 and I don't know that we would go much lower than 15 miles per
2956 hour in a subdivision. Even so, it's hard to enforce 15, I'm sure most people
2957 wouldn't want to drive less than 15 miles per hour.

2958

2959 There are a lot of issues here that we hear quite often and I'm not addressing all
2960 these to you. To those people who are in our position, we can't, in most
2961 instances—I understand where there's wildlife and where there are trees that
2962 exist on another person's property. We can't take their property from them.
2963 Sometimes I wish we could, but in an instance like this, we can't. Development
2964 always precludes trees being lost and animals having to relocate. We have black
2965 bears in Western Henrico now.

2966

2967 I don't know that there are a lot of things here that we can address. Seems like
2968 Mr. Caskie has tried to address all those things that the Board of Directors has
2969 asked them to do and they're in agreement with doing that. Some of these things
2970 I know are aesthetic things that everybody would like to maintain and see
2971 continued, but there's just no legal way that we can do that. I appreciate you
2972 indicating that you'll try to save as many trees as possible and where you can't,
2973 you will replant them with evergreens. Is that correct?

2974

2975 Mr. Caskie - Yes sir.

2976

2977 Mr. Archer - Okay. I'm just trying to get all of this on the record.
2978 As far as saving the land and maintaining it in its present state, we cannot take a
2979 person's land. I think I've said that before. We can't make a landowner not
2980 develop his property. I don't know, Mr. Robbins, how we could address building
2981 a fence around your, a wall around your property. I don't know how we could do
2982 that or ask anybody to do that. The issue with, who was it, LabCorp? Mr.
2983 Secretary, I'd like to have somebody investigate that and find out if that was a
2984 proffered condition. And if they started that wall and discontinued because they
2985 ran out of money, they'll have to find some money and build it, I would suppose.
2986 If that's a proffered condition, that wall will have to be continued until it's finished.

2987

2988 Mr. Emerson - We'll look into it.

2989

2990 Mr. Archer - Because LabCorp makes a lot of money.
2991
2992 Mr. Jernigan - They have 11 locations in this area.
2993
2994 Mr. Archer - I know. I pay them sometime every month. I paid for
2995 that wall. I don't have any more questions of Mr. Caskie, unless somebody else
2996 from the Commission does. Anybody?
2997
2998 Mr. Caskie - I can tell you, we'd be happy to meet with Mr. Robbins
2999 and the other Darracott owner to help give them some comfort level on what
3000 we're doing.
3001
3002 Mr. Archer - If you could, would you make an effort to contact the
3003 owner that they indicated of Darracott Road? I'm a little bit concerned that the
3004 police department talks about putting a fence there because I've just never seen
3005 that recommendation before. They must have a reason why they did it. Have
3006 you spoke to Ms. Vann about that?
3007
3008 Mr. Caskie - I have not.
3009
3010 Mr. Archer - Okay. You have talked to her, but not that issue.
3011
3012 Mr. Caskie - That's correct.
3013
3014 Mr. Archer - Okay. Let me see. I'm sorry, did someone have a
3015 question? Mr. Robbins? It is Robbins, right?
3016
3017 Mr. Robbins - Yes sir.
3018
3019 Mr. Archer - Okay.
3020
3021 Mr. Robbins - If the police are requesting that a fence be put down
3022 Darracott and you put a fence down here and you've now got, if I'm correct, 110
3023 people living in this little plot of land where there used to be one, if that fence
3024 ends here, all of those people are going to be migrating right across my property.
3025 Now, with all due respect to—Sir, your name?
3026
3027 Mr. Archer - Archer.
3028
3029 Mr. Robbins - Sorry. Mr. Archer. How can you not feel that I need a
3030 fence around my property?
3031
3032 Mr. Archer - Oh, I didn't say that I didn't feel—
3033
3034 Mr. Robbins - Oh, I'm sorry; I misinterpreted you.
3035

3036 Mr. Archer - I'm trying to understand how we can make them build
3037 a wall around your property. I've just never seen that done. You may be able to
3038 negotiate that with him, but I don't think that we can demand that.
3039

3040 Mr. Robbins - Oh, well, I—That's another subject, so we won't go
3041 there. Okay. Thank you very much.
3042

3043 Mr. Archer - You're welcome, sir. Anybody else with a question?
3044 Anything for Mr. Caskie?
3045

3046 Mr. Branin - No, we're good.
3047

3048 Mr. Archer - Okay.
3049

3050 Mr. Branin - It's up to you, Mr. Archer.
3051

3052 Mr. Archer - Mr. Caskie, since we first began to talk on this, I think
3053 you've come a long way in the things that you've been able to provide. We
3054 always seem to reach a situation when we develop an area that's somewhat
3055 rural, that people who are friends of the environment—and I'm one of those, to
3056 be honest with you—fall in disfavor with, the problem is we just can't do very
3057 much about it. I think the fact that this is being developed with the same size
3058 constraints as the adjoining property does take care of that issue. And that
3059 you've capped it at 45 units also does the same thing. Also, the fact that the
3060 Board has voted to recommend this, I think is all in your favor. I'm sorry for those
3061 things that we're not able to address. I would like to ask the gentleman to please
3062 contact Community Maintenance and don't take it upon yourself to have to
3063 maintain that property. It's a job for Community Maintenance to do that and I
3064 think they'd be willing to do it, but you have to notify them first.
3065

3066 [Off mic] [Unintelligible]
3067

3068 Mr. Archer - Oh, I thought you were talking about the main drive
3069 that goes into your place.
3070

3071 [Off mic] [Unintelligible] a private road. Darracott Road.
3072

3073 Mr. Branin - So, Community Maintenance—
3074

3075 Mr. Archer - If it's private, then in that case, you would need to
3076 contact the owner.
3077

3078 [Off mic] [Unintelligible]
3079

3080 Mr. Archer - Right. Mr. Foster said the County does not maintain.
3081 You're right. Well, in that case, you can contact the owner. I've seen Mr.

3082 Thornton enforce this before. If you ask him to clean that property and they don't
3083 do it, I believe it's the obligation of the County then to clean the property and bill
3084 the owner of it for the cleaning.
3085
3086 [Off mic] - [Unintelligible] and I wouldn't call him to come out and
3087 pick up.
3088
3089 Mr. Archer - Well, he could have it done.
3090
3091 [Off mic] - [Unintelligible]
3092
3093 Mr. Archer I understand. And it's a problem that's already
3094 existing, is that correct? Okay. All right. Well, with that—
3095
3096 Mr. Branin - Mr. Archer, can I make one comment?
3097
3098 Mr. Archer - Yeah, sure.
3099
3100 Mr. Branin - Just a quick reminder of waiving the time limits.
3101
3102 Mr. Archer - Yeah, I'm up with that. I can't think of anything else
3103 that we can address at this level. Be aware that whatever decision we make, this
3104 will go before the Board of Supervisors at their next regular meeting, which is 30
3105 days from—We have 30 days in there. So, with that, I move to waive the time
3106 limits on the late proffers for C-30C-07, Bay Design Group for Lifestyle Builders &
3107 Developers.
3108
3109 Mr. Vanarsdall - Second.
3110
3111 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
3112 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion
3113 carries.
3114
3115 Mr. Archer - I'll also move to send C-30C-07, Bay Design Group
3116 for Lifestyle Builders & Developers, to the Board of Supervisors with a
3117 recommendation of approval.
3118
3119 Mr. Vanarsdall - Second.
3120
3121 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
3122 Vanarsdall. All in favor say aye, all opposed say no. The ayes have it, the
3123 motion carries.
3124
3125 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
3126 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
3127 the Board of Supervisors **grant** the request because the use is consistent with

3128 adjacent properties and the proffered conditions provide for a higher quality of
3129 development than otherwise possible.

3130
3131 Mr. Emerson - Mr. Chairman, the next item on your agenda is also
3132 on page 4. It is C-37C-07, Everette Felts for Joseph Allen Sattlemaier.

3133
3134 **C-37C-07 Everette Felts for Joseph Allen Sattlemaier:**
3135 Request to conditionally rezone from R-2A One-Family Residence District to R-
3136 3C One-Family Residence District (Conditional), Parcel 815-724-1107, containing
3137 0.26 acre, located at the northwest intersection of Yates Lane and Yates Court.
3138 The applicant proposes one single-family residential unit. The R-3 District allows
3139 a minimum lot size of 11,000 square feet and a maximum gross density of 3.96
3140 units per acre. The use will be controlled by zoning ordinance regulations and
3141 proffered conditions. The Land Use Plan recommends Suburban Residential 2,
3142 2.4 to 3.4 units net density per acre. The site is in the Airport Safety Overlay
3143 District.

3144
3145 Mr. Branin - Is anyone in opposition to C-37C-07, Everette Felts
3146 for Joseph Allen Sattlemaier? None.

3147
3148 Mr. Archer - Amazing.

3149
3150 Mr. Branin - Amazing. First one tonight. Mr. Tyson.

3151
3152 Mr. Tyson - Thank you, Mr. Chairman

3153
3154 The subject site is located at the northwest corner of Yates Lane and Yates
3155 Court, immediately adjacent to the Wynfield subdivision.

3156
3157 The applicant is proposing to rezone a .26-acre parcel to permit development of
3158 a single-family residence.

3159
3160 The 2010 Land Use Plan calls for Suburban Residential 2 land uses at a density
3161 of 2.4 to 3.4 units per acre and the proposed use and zoning are consistent with
3162 that plan.

3163
3164 The applicant owned a .61-acre parcel that contained the single-family dwelling
3165 located at 3989 Oakley's Lane, to the west of the subject property. In 2006, the
3166 applicant divided the parcel into two lots, one lot containing 15,246 square feet
3167 and the existing single-family dwelling, and the subject property containing
3168 11,325 square feet. Because the parcel was not part of a recorded subdivision,
3169 and the division only created one new parcel, the lot split did not require formal
3170 subdivision review. According to the applicant, he was told by County staff that
3171 the lot was zoned R-3, and only required 11,000 square feet of lot area. The
3172 property is actually currently zoned R-2A, 13,500 square feet of lot area. The
3173 applicant applied to the Board of Zoning Appeals for a variance for 2,175 square

3174 feet of lot area (case A-9-2007), but the application was denied. The applicant is
3175 now proposing to rezone the property to permit construction of the dwelling
3176

3177 The applicant has proffered the following quality assurances: a finished floor
3178 area of at least 1,400 square feet; brick foundation, stoops and steps; crawl
3179 space foundation; and a setback from Yates Court of at least 45 feet, which is in
3180 keeping with the adjacent single-family dwelling.
3181

3182 This request is compatible with adjacent land uses, continues the existing
3183 development trends in the area, and contains quality assurances that are
3184 consistent with the adjacent properties. Staff would recommend that the
3185 Planning Commission forward this request to the Board of Supervisors with a
3186 recommendation for approval.
3187

3188 I'll be happy to answer any questions, and Mr. Edward Felts, who is the
3189 applicant's representative, is here as well.
3190

3191 Mr. Branin - Does anyone have any questions for Mr. Tyson?
3192 None.
3193

3194 Mr. Archer - Okay, I don't have any, Mr. Tyson. You and I
3195 discussed this about a week ago and the proffers that are here seem to have
3196 addressed everything that you had a concern with.
3197

3198 Mr. Tyson - Yes sir.
3199

3200 Mr. Archer - And there was no opposition, is that correct?
3201

3202 Mr. Branin - Yes sir.
3203

3204 Mr. Archer - Do these proffers need to be waived also?
3205

3206 Mr. Emerson - Yes, I believe they would.
3207

3208 Mr. Archer - Dated July 11th. Okay. All right. Anybody else have
3209 anything?
3210

3211 Mr. Branin - Find it necessary to hear from the applicant?
3212

3213 Mr. Archer - I don't believe so.
3214

3215 Mr. Branin - Okay. Then it falls in your court, sir.
3216

3217 Mr. Archer - With that, I will move to waive the time limits on the
3218 proffers for C-37C-07, Everette Felts for Joseph Allen Sattlemaier.
3219

3220 Mr. Jernigan - Second.
3221
3222 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
3223 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
3224 carries.
3225
3226 Mr. Archer - Move to recommend C-37C-07, Everette Felts for
3227 Joseph Allen Sattlemaier, to the Board of Supervisors for approval.
3228
3229 Mr. Jernigan - Second.
3230
3231 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
3232 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
3233 carries.
3234
3235 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
3236 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend
3237 the Board of Supervisors grant the request because it conforms to the
3238 recommendations of the Land Use Plan, is not expected to adversely affect
3239 adjacent properties, and the proffered conditions provide for a higher quality of
3240 development than otherwise possible.
3241
3242 Mr. Emerson - Mr. Chairman, you have two final cases on your
3243 agenda tonight.
3244
3245 Mr. Branin - Companion cases, correct?
3246
3247 Mr. Emerson - Yes, they are companion cases, so we will call them
3248 together. We have C-38C-07 and—
3249
3250 [Off mic] - [Unintelligible.]
3251
3252 Mr. Branin - Pardon?
3253
3254 [Off mic] - Is it possible to do them separate? [Unintelligible.]
3255
3256 Mr. Branin - I'll extend your time, then, sir.
3257
3258 [Off mic] - All right, do that.
3259
3260 Mr. Branin - Okay. With the consideration.
3261
3262 Mr. Emerson - Again, Mr. Chairman, the cases are C-38C-07 and P-
3263 11-07. It's Andrew Condlin for LGA Associates, LLP.
3264

3265 **C-38C-07** **Andrew Condlin for LGA Associates, LLP:** Request
3266 to conditionally rezone from A-1 Agricultural District and C-1 Conservation
3267 District to O-2C Office District (Conditional), part of Parcel 795-748-5865,
3268 containing 64.6 acres, located on the east line of Wilkinson Road, 1003 feet north
3269 of Azalea Avenue. The applicant proposes additional parking areas for the
3270 Richmond International Raceway complex. The use will be controlled by zoning
3271 ordinance regulations and proffered conditions. The Land Use Plan
3272 recommends Office and Environmental Protection Area.

3273
3274 **P-11-07** **Andrew Condlin for LGA Associates, LLP:** Request
3275 for a Provisional Use Permit under Sections 24-62.2(k), 24-120, and 24-122.1 of
3276 Chapter 24 of the County Code to update the master plan for Richmond
3277 International Raceway (RIR) and permit an expansion for additional parking. The
3278 site consists of Parcels 796-747-9944, 799-745-7579, 795-743-1283, 796-745-
3279 8505, 796-740-2482, 798-740-1078, and part of Parcel 795-748-5865. The
3280 existing zoning is A-1 Agricultural District, R-6 General Residence District, O-2C
3281 Office District (Conditional), B-1, B-2, and B-3 Business Districts, M-1 Light
3282 Industrial District, M-1C Light Industrial District (Conditional), M-2 General
3283 Industrial District, and C-1 Conservation District. This application is a companion
3284 to rezoning case C-38C-07. The Land Use Plan recommends Office,
3285 Office/Service, Commercial Concentration, Light Industry, Planned Industry, and
3286 Environmental Protection Area.

3287
3288 Mr. Branin - Thank you. Does anyone feel it necessary to take a
3289 break at all? No?

3290
3291 Mr. Archer - I don't if they don't.

3292
3293 Mr. Branin - Normally, we would, but obviously, you guys don't.
3294 For you, I'll proceed on. Is anyone in opposition to this case? Okay, so we have
3295 a whole bunch. You all know the rules, correct? The ten-minute rule. Okay. Ms.
3296 Deemer.

3297
3298 Ms. Deemer - Okay. The subject site is zoned A-1 Agriculture and
3299 C-1 Conservation District and is located on the east line of Wilkinson Road,
3300 approximately 1,000 feet north of Azalea Avenue. Directly to the west is the
3301 Treehouse apartment complex. The subject site is part of a larger 227-acre
3302 parcel, but only 64.6 acres is being rezoned per this request.

3303
3304 The 2010 Land Use Plan recommends Office and Environmental Protection Area
3305 for the site. The portion of the tax parcel subject to this rezoning would be
3306 rezoned to O-2C while the remaining 162.4 acres would remain C-1.

3307
3308 The applicant has submitted proffers dated July 19th that include a 45-foot
3309 landscaped or natural buffer maintained along the boundary of the property

3310 fronting on Wilkinson Road. This is similar language to proffers offered in other
3311 rezonings at RIR.

3312
3313 The permitted use permit request will allow the 64.6 acres of the site to be used
3314 as additional parking area for the raceway and the entire parcel shown in orange
3315 will be added to RIR's overall master plan. Staff has provided eight conditions to
3316 regulate activities on land owned and operated the raceway. They include
3317 dedication of right-of-way for Concept Road 85-1, which runs through the
3318 property, buffering along Wilkinson Road and Richmond-Henrico Turnpike, and a
3319 pedestrian plan illustrating measures to safely and efficiently move pedestrians to
3320 and from the raceway complex.

3321
3322 Overall, the rezoning and PUP requests would be a logical expansion of RIR and
3323 would enhance the services and parking plan for the facility. That concludes my
3324 presentation, I'd be happy to answer any questions you may have.

3325
3326 Mr. Branin - Does anybody have any questions for Ms. Deemer?
3327 None? I'm talking about us. All right.

3328
3329 Mr. Archer - Ms. Deemer, I may have something. Later, but not
3330 right now.

3331
3332 Mr. Branin - Would you like to hear from the applicant?

3333
3334 Mr. Archer - I'm wondering, since we were not aware of any
3335 opposition until today, Mr. Condlin, would you rather hear the opposition first or is
3336 there a presentation you think you'd like to make prior?

3337
3338 Mr. Condlin - [Unintelligible]

3339
3340 Mr. Archer - Okay. Is there a person who has been designated as
3341 a spokesperson? All right. Are there others who want to speak? You sir, okay.
3342 Bear in mind your 10-minute rule because you have to share it with him.

3343
3344 Mr. Branin - I didn't say how much I was going to give you, I just
3345 told you I was going to extend you. Might only be 18.

3346
3347 Mr. Archer - All right. Your name, sir, for the record?

3348
3349 Mr. Woody - I'm James Woody. I'm the president of Sterling Forest
3350 Homeowners' Association. I also used to live in Wilkinson Estates, so I'm going
3351 to kind of represent them also. We had a couple of questions before, I guess,
3352 any really opposition. Good evening, first.

3353
3354 Mr. Branin - Good evening. How are you, Mr. Woody?

3355

3356 Mr. Woody - I'm doing well. First, I want an explanation of the
3357 intended parking lot. Will it be an extended stay or will it be similar to the ones we
3358 already have on Pole Green and Azalea. Like whether it's grass, gravel kind of
3359 parking lot, or will it be extended stay like the ones that are actually behind the
3360 Burning Bush where, that's a flea market and people stay for the week when the
3361 races come to town. Also, if consideration has been given to enhance the
3362 surrounding communities other than a concrete form of landscaping for the
3363 parking lot. Again, as we heard earlier, there's wildlife and that kind of thing back
3364 there. Will it be just a parking lot, concrete, or just, again, will it be more of a
3365 natural look to it.

3366
3367 The third question we have is regarding emergency responses. The existing
3368 [unintelligible] and Wilkinson Road, will it be able to accommodate more traffic
3369 through that area with the addition of these parking lots.

3370
3371 Another question we have is did RIR exhaust all avenues of parking, for example,
3372 building a high rise parking deck on the existing lot that they already have
3373 whether it's actually on the Fairgrounds or [unintelligible] on Pole Green and
3374 Azalea.

3375
3376 Also, how does the proposed parking lot affect the traffic flow on Wilkinson Road,
3377 again leaving the subdivision and Wilkinson Estates mainly. Even when I lived
3378 there for seven years, it was heck of a time getting out to try to get home during
3379 race weekend. Usually, we left during those weekends on purpose.

3380
3381 Also, is there any consideration extending more parking lots? Again, I guess
3382 kind of like the high rise in the Fairground area that they already have. They
3383 have added additional seating in there. Can they also do something on that
3384 parking lot on the Fairground area?

3385
3386 Mr. Branin - That's the same as #4.

3387
3388 Mr. Woody - Yes, same as #4.

3389
3390 Mr. Branin - Mr. Woody, questions. What type of parking lot? Is it
3391 natural or paved? Have they looked at the affect on traffic or explored other
3392 means of parking other than this, meaning high rise or such, and consideration
3393 for Wilkinson Estates.

3394
3395 Mr. Woody - As far as the traffic and [unintelligible].

3396
3397 Mr. Branin - Those were the five, right? Okay, just double-
3398 checking.

3399
3400 [Off mic] - [Unintelligible.]

3401

3402 Mr. Branin - Absolutely. As long as you give us your name.
3403
3404 Ms. Green - My name is Stephanie Barbara Green. I'm the
3405 secretary of the homeowners' association for Sterling Forest. Can everybody
3406 hear me?
3407
3408 Mr. Branin - You said Stephanie Green?
3409
3410 Ms. Green - Stephanie Barbara Green.
3411
3412 Mr. Branin - Stephanie Barbara Green. Thank you, ma'am.
3413
3414 Ms. Green - I know that Jimmy went through these rather quickly.
3415 I'm grateful for this opportunity because we've learned a lot just by sitting here
3416 through all of these proposals, but there are a lot of things that we had not stated
3417 that I think we still need to address. But getting back to the first one, in regards
3418 to the parking lot. It's more than just being concerned with—Well, let me be clear
3419 as to the extended stay. Our concern is that we don't want this parking lot to be
3420 used for RV's and open for people to just pretty much come in and park and
3421 enjoy the area for the week. Just like the gentleman earlier, we have concerns
3422 that the kids over in Treetop will pretty much use—What's the name of the
3423 apartment complex? Treehouse? They'll use that area for recreational use. We
3424 have some concerns with exactly how that lot is going to be used. I want to be
3425 clear about that. We're concerned about the crime associated with that parking
3426 lot potentially being used for extended use.
3427
3428 Second of all, as far as the community. Right now, to be honest with you, Sterling
3429 Forest is a middle-class community and right now, we are kind of relishing on the
3430 existing middle-class community, which is Chickahominy Bluff. When you come
3431 from Azalea, the property from Azalea is less than a fourth of the value of our
3432 property. So, right now, we are concerned, or we would like to see someone
3433 come in and pretty much develop this area to help with the appreciation of the
3434 property. I know that right now we are running on the so-called risk of the
3435 property being developed for apartments and so forth. So we do run the risk of
3436 do you take a parking lot or do you run the potential of somebody putting up
3437 apartment complexes that will even lesser or devalue the property? We want to
3438 make sure that we understand what consideration has been given to enhancing
3439 this property. We do not want a concrete parking lot with some easement that is
3440 not doing anything for the value of that general area. Right now, you have the
3441 shopping complexes that are occupied on Azalea. You have a flea market and
3442 so forth. There should be some consideration on what you're bringing to our
3443 community, not just extending the parking lot for RIR. I want to be clear that we
3444 would like to hear someone address that concern.
3445
3446 Third, as far as emergency response. Right now, our concern is a pretty narrow
3447 highway. We have sidewalks that only come a certain portion and there's no

3448 buffer. So, if there is ever an emergency during these time periods, we're
3449 concerned. What are the chances of you being able to accommodate the
3450 accident victims and so forth? I would like to hear someone talk about the
3451 likelihood of widening Wilkinson Road. I don't want to hear just widening it in the
3452 future. We want to know what are the plans of widening Wilkinson Road, if there
3453 is any, along with the new parking lot.

3454

3455 Third, as far as the entrances coming out of our development right now. Right
3456 now, I know that we've heard that, for the most part, this parking lot may be used
3457 for overflow. So even though you may have I don't know how many races a
3458 year, four or five races a year, but there's only going to be two times a year when
3459 you may have a massive number of attendees. I think that those dates are May
3460 and possibly September. But one of the things that I want to stress is that those
3461 dates are also along with school being in session. So, right now, we're already
3462 competing with ongoing traffic for school buses, people picking up their kids off of
3463 Wilkinson coming into—What's the name of the school? I'm sorry? Douglas
3464 Wilder. The school sits perpendicular to Old Settlers and Douglas Wilder. I'm
3465 sorry. Douglas Wilder Middle School sits perpendicular to Old Settler and
3466 Wilkinson, so during the school season, we're already competing with school
3467 buses and people picking up kids. Now, we're going to be competing with the
3468 race traffic. We want to understand. This gets back to the widening of the roads
3469 and what are you going to do to accommodate this community?

3470

3471 Getting back to this whole issue of we being, the fact that you have an
3472 appreciation for people being land lovers, but what can you do about it. I think
3473 that there needs to be some consideration with the wildlife and where is that
3474 wildlife going. You say that now you have bears walking around in the West End.
3475 Well, we don't want bears walking around on the North Side, either. We want to
3476 have some consideration for what we're doing about the wildlife. And if you
3477 decide to go ahead and approve this, I do want to talk about when will the work
3478 schedule begin? Are you going to be working before 7:00? Are you going to be
3479 working on Sunday? Those are some things that we didn't think about until we
3480 came here and we want to take those things into consideration.

3481

3482 I think that, for the most part, I've covered—I'm sorry? Oh, and the fencing. And
3483 this is key and I'll end with this. With that presentation, I don't think that I
3484 understand how many entrances are going to be coming in off of Wilkinson. I
3485 see the easements and so forth, but are we talking four entrances, two
3486 entrances? I don't want to make a mountain out of a molehill, but I don't think
3487 that we have enough information to really understand, again, the significance of
3488 the impact to that street. Could someone explain to me?

3489

3490 I did take a little drive on Henrico County-Richmond, the turnpike. So, I do know
3491 that you have four gates back there already. I don't know how those existing
3492 gates, that existing property is going to meet up with the property off of
3493 Wilkinson. If that's the case, why can't you use the existing entrances that you

3494 have off of the turnpike and not have the entrances coming off of Wilkinson? If
3495 those properties are going to back up to each other, then what consideration
3496 have you taken to pretty much use the existing entrances? Unlike the turnpike,
3497 or whatever it's called, versus our street, the turnpike, it's not a residential area.
3498 And it's ugly. All you have are the gates that lead you up to Hanover. But on
3499 Wilkinson, parts of Wilkinson are ugly, coming from Azalea up to Wilkinson
3500 Estates. I think that's the perception of a lot of people in the area. But we need
3501 to take into consideration that we don't want Wilkinson to look like whatever, the
3502 turnpike. I don't know how much consideration has been done with that. Right
3503 now, it's just concrete with some little unsightly gates that are bordering the
3504 property. So, we would like to know how Wilkinson is going to be looking at.

3505
3506 So again, it would be a shame to Sterling Forest—which is a fairly new
3507 community, less than six years old, and again, middle-class homes—to be
3508 devalued. I don't think that I'm really ready to say that I'll accept the parking lot
3509 at the risk of taking some unsightly apartments. That's not really good enough.

3510
3511 Mr. Branin - Thank you, Ms. Green. While the next person is
3512 coming down, which I'm sure is going to be you, - no RV's, Treehouse
3513 apartments using it, community concerns for this area, emergency response,
3514 wildlife, working hours, and fencing and entrances.

3515
3516 Mr. Golding - Well, here we go again. In 2002—

3517
3518 Mr. Branin - Your name?

3519
3520 Mr. Golding - John W. Golding.

3521
3522 Mr. Branin - Thank you, Mr. Golding.

3523
3524 Mr. Golding - I live in a subdivision that has no exit but on Azalea
3525 Avenue. If you're going to church at Shady Grove, it takes you 20 minutes to get
3526 out because these people got three hours to get there, they don't give you an
3527 opening and all that. So, our neighbor is talking about getting a vest and whistle
3528 and one of us get out there and stop the traffic so we can get out there. But when
3529 you get across the highway over here and get on the main, I think it's 295. You
3530 have to excuse me, I just come out the hospital. I had to make these notes up
3531 quick. We have traffic backing up on the interstate—not blocks, but two blocks
3532 going onto the racetrack there where it's one-way traffic. Now, this is dangerous.
3533 I know you guys are going to vote on this and all that, but I go a little further than
3534 this. When you talk about Wilkinson Road, if you've ever driven down Wilkinson
3535 Road, it can be made into a four-lane highway. There is plenty of space on either
3536 side to make Wilkinson Road a four-way highway.

3537
3538 2002, I don't know what happened to 2002 when we went over to Henrico High
3539 School and you had all these officials from the County and the State and all that

3540 talking about we're going to go over here and we're going to widen Henrico
3541 Turnpike down here and go to Atlee Road and widen it and put all this drainage
3542 in and do away with the traffic and all that. Well gentleman, I waited two years
3543 and then I decided I'm going to go talk to the State. The State started giving me
3544 all these runarounds and what it cost. They told me I think it was 5,000 for
3545 Henrico and 3,000 for Hanover, so I made a point to talk to Hanover, the head of
3546 the road system. They said their maintenance for their roads was \$3 million
3547 dollars. I might get these words mixed up, my mind is not functioning—But
3548 anyways, when I talked to the State in here, the State said every time you guys
3549 fool around another year and another year and another year, he was giving me
3550 figures on how many more millions this is going to cost. You have a problem
3551 coming down that Henrico Turnpike going into Hanover. The traffic is very heavy.
3552 It's two lanes. But what upsets me is when the race people come in there, they
3553 shut that lane down one way or the other.

3554

3555 My wife and I go to a Methodist church right over there when you come off the
3556 interstate there and it took us 45 minutes to get to that church that morning.
3557 You're getting traffic now backing up on the interstate. You have on Azalea
3558 Avenue, three hours before the races, these people pour down Azalea Avenue
3559 and they want to get that parking space, they want to get up in them bleachers.
3560 They don't give you an opening. They're in a hurry. And I mean they're killing you
3561 with traffic. All right, we're talking about the traffic. Now let's talk about
3562 something a little different.

3563

3564 I'm going to have this gentleman come up here and answer a question for me,
3565 but like they say in the Boy Scouts, I used to know the answers before I ask
3566 them. Over here on Azalea Avenue, you have the flea market. Do you know
3567 where the drainage for that flea market, that gravel goes? You know where it
3568 goes? Do you have any idea? Jim, do you have any idea where that goes?
3569 Well, I had a guy from the County supervisor go out with me three or four years
3570 ago and we went out there and looked in the grates. Right there at this here
3571 piece of property, right there on the corner right at the end of the property, there's
3572 a big culvert there. All these drains run into there. Can you figure close to a
3573 thousand—it can vary—a thousand trailers at this racetrack over there, when it's
3574 all over with, with gray water, and you tell me these people are going to take their
3575 gray water and move it down the road someplace or take it away from there?
3576 They're going to release that gray water there. Well, when it rains for the next
3577 race, that cleans that gravel out, but it goes down in there. What this parking lot
3578 did, they actually come down it with cement trucks because it dug it all out there
3579 and they dumped cement in there—I don't know how many truck loads—with
3580 trees growing up there. But they just filled it in. So, that piece of property right
3581 there is going to have a major drain line going through that piece of property on
3582 Wilkinson Road.

3583

3584 When they built the other parking lot, the first parking lot you had up here that
3585 they okayed in here, you had a drainage—I can't—It comes up with a different.

3586 [Unintelligible.] But for your overflow, you had one of these little ponds to catch
3587 that on your first thing. Then the other parking lot up there by the racetrack, it ran
3588 into the flood control waters in there. The last parking lot you put in there, you
3589 let the water—You cut out all them trees. Now, I'm going to tell you something. I
3590 was a little upset when the Board of Supervisors okayed that parking lot because
3591 Charles Peple was a friend of mine. And if you look on the other side of that road
3592 over there, there's an historical thing stating Custard was there and all that.
3593 Charles Peple at that time, when he okayed it for Recreation and Parks, that it
3594 was Indian relics there. It was the worst thing you could ever do because there
3595 were embankments and [unintelligible]. I've known that for years because I've
3596 lived in that area.

3597
3598 What I'm trying to say is, any time you cut the trees out of an area there—And
3599 this is going to happen over off Laburnum Avenue and all that. When you let
3600 them make a parking lot, gentlemen, you've got gullies and all that. You can't
3601 drive in them gullies. You gotta make a parking lot. You gotta clear all the trees
3602 out and all that. So, what happens? When it rains, it pours down raining, I see
3603 Recreation and Parks come up here and they don't see no problem. But the last
3604 rain we had over there that flooded out Brook Road and took out the car dealers
3605 and Virginia Power. Well, you're probably happy because it took out a couple of
3606 trailer parks that you never wanted in there, but they're gone now and they can't
3607 come back in there again. But you're happy about that. It went in and flooded
3608 that whole area. I'm saying that in a flash flood, you have nothing to hold this
3609 water back when it runs on down in there.

3610
3611 If you look at the railroad track right in there, if you look on your drawings—you
3612 won't find them on your drawings too closely—that acts as a dam right in there.
3613 These little bridges that the railroad goes under, and even on Henrico Turnpike
3614 are 60, 70, 80 years old. They're not designed to take that flow of water. When
3615 we get a bad storm like that, you gotta dam right there. Well, this water on both of
3616 these parking lots, and in fact the new one they're coming up with, if they don't
3617 put something to stop the quick flow of water—What bothers me is I went over—
3618 We're talking about Laburnum Avenue on the other side, because I live in that
3619 subdivision there. In fact, some of the people in Richmond, I'm going to have to
3620 go back and tell them to take flood insurance out, because there's no doubt in
3621 there. If you go down there in Meadowood and just off of Henrico Turnpike,
3622 you're going to see signs up there telling you how many feet of water are there. I
3623 don't understand how they're going to put a parking lot in that area right there.
3624 You have Laburnum Elementary School right there and it backs up to steep hill
3625 right there where we're talking about the creek going in there. But you've got
3626 Laburnum Elementary.

3627
3628 Did you know you have a cemetery next to this piece of property? I talked to
3629 them and they said race days, they have to close the cemetery down because
3630 they can't have any funerals. I think this is in the City of Richmond. But I notice
3631 your map, they give you this map here, but the racetrack people do not give you

3632 the map of Laburnum Avenue. I drove through there and I got a feeling there's
3633 50-foot easement rights to go back in that land in here, which the County
3634 requires a lot of time to go into farm land so you can get to it. That's throwing
3635 people right into the residential area. I don't know how the parking lot is going to
3636 be able to be put on—I'm talking about Laburnum. When they clear that land
3637 and fill it in—It's got steep gullies. But they gotta make a parking lot out of it.
3638 You're going to have a major problem with flooding in there.

3639
3640 I'll be honest with you, I get them mixed up, the Bay Foundation, the Chesapeake
3641 Bay, the State. They are ready for this. In fact, they've warned me the last time
3642 when I talked to them. I went down and talked to them. They tell me now that
3643 this situation that you're doing right now on Wilkinson Road up in there, I'm pretty
3644 sure they're going to be very interested in it because when you start building
3645 around the railroad track there, you got a dam right there and that water is just
3646 backing up and flash floods. The parking lots do not help it because they run it
3647 all there. There's no settling basis or nothing in that, the last parking lot.

3648
3649 Mr. Branin - Mr. Golding?

3650
3651 Mr. Golding - Okay.

3652
3653 Mr. Branin - You've spoken 11 minutes. I'll give you one more.

3654
3655 Mr. Golding - All right. Well, I think my—I'm real proud to see my
3656 supervisor here today.

3657
3658 Mr. Branin - To recap, we're looking at Wilkinson Road, when is it
3659 going to be expanded; Henrico County Turnpike, is it a State or a County road;
3660 flooding concerns; and gray water concerns.

3661
3662 Mr. Golding - Right.

3663
3664 Mr. Branin - And traffic.

3665
3666 Mr. Golding - What they call wetlands on your drawings—In other
3667 words, your drawings show all of this back in there. I don't see how they can
3668 make parking lots out of this. It looks good on paper, but. I see from the State,
3669 there are a lot of wetlands.

3670
3671 Mr. Branin - Wetlands. Got it.

3672
3673 Mr. Jernigan - They're not back there.

3674
3675 Mr. Golding - Huh?

3676
3677 Mr. Jernigan - They're not back there. It's 64 acres.

3678
3679 Mr. Branin - Okay. We have—
3680
3681 Mr. Golding - Oh, by the way, Recreation and Parks puts down it's
3682 no problem. This last flood, they had eight feet of water running through their
3683 building in there, just to have some kind of record to show you what can happen.
3684
3685 Mr. Branin - Thank you, Mr. Golding. Sir, I know you want to speak
3686 and I'm going to let this gentleman speak even though [unintelligible] time.
3687
3688 Mr. Archer - Let Mr. Stokes speak because he called me earlier
3689 today.
3690
3691 Mr. Branin - He's been making a motion to speak, so I was
3692 definitely going to let him speak.
3693
3694 Mr. Archer - Okay.
3695
3696 Mr. Branin - Sir, just state your name, please.
3697
3698 Mr. Stokes - Mr. Chairman, Commission members, my name is
3699 Charles Stokes. Once I got this letter—
3700
3701 Mr. Vanarsdall - Mr. Stokes, you can raise that mike, if you want to.
3702 There you go.
3703
3704 Mr. Stokes - My name is Charles Stokes, Sr. I live at 511 Fayette
3705 Avenue, which is one of the properties that was notified in regards to the hearing
3706 tonight. I'm here not representing an organization, but as an individual. I came
3707 for two reasons. Number one, I had sort of a mixed emotion when I got the
3708 notice because, number one, I think that the race is a good thing for Henrico
3709 County. I think it's a good thing for the state of Virginia. My hunch is that this will
3710 continue to grow until it's in complete competition with Charlotte, North Carolina,
3711 with 150,000 fans. My concern are two things—one, and then I have a question.
3712
3713 If I had to come down on one side, I would be opposed. I would be opposed
3714 because I know for a fact there are at least four or five families, well, veterans
3715 like myself. I served in the military. Because of this service, I was able to get the
3716 GI bill, which I was able to purchase my home on the corner of Fayette and
3717 Richmond-Henrico Turnpike. Across the street from me lives a Purple Heart
3718 veteran. There are at least three or four other families that are military persons,
3719 who have military background. It looks to me like they're not being given any
3720 consideration at all. This is where we raised our families. I've lived at this spot
3721 for 27 years. It looks like more consideration is being given to the race fans than
3722 is given to people who have been residents here. We're going to have over
3723 200,000 military people coming back from Iraq and a lot of them will be like me,

3724 looking for a home, a place to settle, a place to raise their family, and to enjoy the
3725 American dream. I think that we should always be mindful of that and
3726 understand the sacrifices that they made and their right to be considered, as well
3727 as the race fans.

3728

3729 The next thing is, when I spoke with Public Works last year, I was told that they
3730 had two ideas to bring a five-lane road—one off Carolina and one off Richmond-
3731 Henrico—and these were going to connect with the 295 to give faster entrance
3732 and exits by changing the middle lane, which would be a transit lane. Inbound, it
3733 would be one way and then at the end of the race, it would be outbound, and that
3734 would facilitate moving the race fans out to the interstate highway. I think, in
3735 principle, it's a great thing. My question is, is this still on the drawing board or
3736 has this plan been scraped? If it's coming up Richmond-Henrico, where will it
3737 stop? How far into the southbound lane would it continue? Last year, they told
3738 me it would stop at the base of the hill, if they did use it, the five-lane highway. I
3739 was certainly concerned, being on the corner there, that I'll be able to speak to
3740 the fans when they pass by my window, coming inbound and leaving. I'm
3741 concerned about that roadway and I'm concerned the impact it would have on
3742 the residents who are already impacted by the fans over there and the traffic.
3743 Certainly, we want to accommodate our visitors, but please keep in mind that we
3744 have families there that have been committed to living and enjoying the American
3745 life right in Henrico County.

3746

3747 That's my comment. I thank you for listening.

3748

3749 Mr. Branin - Thank you, Mr. Stokes.

3750

3751 Mr. Emerson - Two more in the back, Mr. Chairman.

3752

3753 Mr. Branin - I see it. Mr. Archer, do you want to—

3754

3755 Mr. Archer - Is there somebody else who wanted to speak? How
3756 much time have we, can they—

3757

3758 Mr. Branin - We have spent 28 minutes, sir.

3759

3760 Mr. Archer - Ma'am, you all can have a minute apiece. We have
3761 gone way beyond.

3762

3763 Ms. Lindsay - Mr. Chairman, Commissioners, thank you. My name
3764 is Dolly Lindsay. I live at 8012 Moss Gate Court. Those are my neighbors. I just
3765 want to reiterate some of the things they've said. I won't go over everything
3766 because this was lengthy. I do want to address the children. I'm a principal and I
3767 think about the children all the time. In that area, Sterling Forest Parkway, we
3768 have the baseball field, we have Douglas Wilder Middle School. The access at
3769 the last racetrack, you could not get out of Sterling Forest Parkway onto

3770 Wilkinson. People cut through and went through Diane Lane, so Diane Lane was
3771 backed up, along with the baseball people that were playing with their children.
3772 Children were in the streets. You couldn't get out of your subdivision for 25, 30
3773 minutes. We had backed up Wilkinson; we had backed up Diane Lane. People
3774 couldn't get in or out, and we had children all around. I have some major
3775 concerns. Please address the traffic and address the children, along with the
3776 other things that our president said today. Thank you.

3777

3778 Mr. Branin - Thank you.

3779

3780 Mr. Archer - Thank you.

3781

3782 Mr. Lindsay - Good evening. My name is James Lindsay. That was
3783 my wife speaking. I'll be real brief. I just want to make one key point. We're
3784 homeowners that really want to make sure our appreciation doesn't depreciate
3785 over the upcoming years. What's really important, what one of the members said,
3786 when you talk about an apartment complex and the parking area, the only
3787 element that you cannot anticipate is the fact that alcohol is going to be part of
3788 that parking area. It's going to be part of the area. I'm a race fan myself, but I'm
3789 going to tell you what. When the guys start drinking, I get out of their way. If you
3790 try to mix alcohol, race fans, that have no ownership and no care responsibility
3791 for nothing but having a good time, combine that with a residential area of
3792 apartments, it's a time bomb just waiting to happen. At night, whether they're
3793 sitting there barbecuing or whatever the case may be, their paths are going to
3794 cross and there are going to be some issues. We hope there isn't, but when
3795 alcohol comes into the picture, all bets are off on what happens with that. The
3796 only thing I would say is that if there is a possibility of considering property on the
3797 Meadowbrook or Meadow Bridge, I know there are some parking areas over
3798 there, some satellite parking where they bring the satellite trucks up in that way.
3799 I just think that that area is critical in terms of combining that residential area
3800 along with race fans. Race fans are good people, but when you have drinks and
3801 a late night and a lot of travel, along with people that are frustrated by the parking
3802 and driving and accessing their homes, that's a time bomb waiting.

3803

3804 The other issue I thought was really critical is during the non-race issues when
3805 that parking lot is empty or not being used, it's a feeding ground for young
3806 teenagers. You can't secure that area enough unless you put a wall around it.
3807 Sure enough, there is going to be an area where they're going to conglomerate
3808 and something's going to happen where it's going to be a festering area for
3809 crime. You can't protect that area anywhere near you think you're going to do
3810 that.

3811

3812 The other part I want to know is just what was presented financially that made
3813 that area so attractive. What type of windfall or financial windfall does a city gain
3814 by putting it there versus any other place on Meadowbrook, or Meadow Bridge?
3815 There has to be consideration, the human factor, rather than the dollar.

3816
3817 I'll leave it at that.
3818
3819 Mr. Branin - All right. Mr. Lindsay, thank you for speaking. Some
3820 of the things that you brought up have already been addressed. The one thing
3821 that's different is alcohol and the space between residents and race fans and the
3822 human factor. The applicant? Are you ready for the applicant?
3823
3824 Mr. Archer - Yes sir, Mr. Condlin, and you have to address all
3825 those issues, sir.
3826
3827 Mr. Branin - Mr. Condlin, do I have to review them, or have you
3828 been taking notes like you should?
3829
3830 Mr. Condlin - I didn't take notes. After I heard you were making a
3831 list, I didn't.
3832
3833 Mr. Branin - I figured.
3834
3835 Mr. Condlin - You do a much better job than I do. I am not going to
3836 be able to address all of them because I know we have Mr. Foster here to
3837 answer the road improvement plans for the future.
3838
3839 Mr. Vanarsdall - You're going to run out of time if you try.
3840
3841 Mr. Jernigan - Can I ask one thing before Mr. Condlin gets started?
3842 How many days out of the year does this affect you?
3843
3844 [Off mic] - Right now, we don't know because the understanding
3845 that we have for the most part is that it will be used as an overflow, supposedly,
3846 because I'm not really sure [unintelligible]. There are supposedly only two races
3847 that would require that parking lot area will be impacted. So, as a result, you're
3848 going to have two weekends, but you're going to have two weeks at least leading
3849 up to that weekend. So, you're looking at a minimum of 14 days.
3850
3851 Mr. Jernigan - I'd say six at the max.
3852
3853 [Off mic] - Well, [unintelligible]. People usually come in for the
3854 big races the week before. We've already experienced that with the satellite
3855 parking that you have near Burning Bush at Azalea. At any rate, for those two
3856 races, we are impacted the entire [unintelligible] that three-day weekend. So, it's
3857 not six days. So, I don't know if you live over in my area, but it's not six days.
3858
3859 [Off mic] - [Unintelligible.]
3860

3861 Mr. Branin - Ma'am? Ma'am? The reason I'm saying this isn't to
3862 give you a hard time or anything, but we have to have all of this for public record.
3863 When you speak from the crowd, we don't get it on tape and we have to have it
3864 recorded. If you do want to speak, I applaud you. Come up. But you have to
3865 speak at the microphone. Okay?

3866
3867 Mr. Jernigan - She said 14 days is what she feels. That's what I was
3868 looking for, a number. That's all right. You're okay.

3869
3870 Mr. Branin - Yes ma'am. And if he does ask a question, feel free
3871 to come up. But I need to get it on the tape, that's why. No, I got it now. I wrote
3872 notes. Mr. Condlin.

3873
3874 Mr. Condlin - Before we answer the questions, I did want to clarify a
3875 couple of points that I think will go at least a little way towards some of the
3876 themes, the concerns of the residents as they go through.

3877
3878 As you know, Richmond International Raceway holds the NASCAR events.
3879 There are two events, in the spring and the fall. This parking lot would be used
3880 for—in addition to the parking lot that currently exists, that is used for and on
3881 behalf of RIR—for the overflow events for the Saturday evening race for
3882 NASCAR. That's where the expectation is to go with this, for the ability for that
3883 weekend. It is true for that weekend. But the expectation is to go, of course,
3884 with—Friday night there is a race and it's usually at half capacity. Saturday night
3885 is at full capacity and that's usually where the trams start, on Saturday night for
3886 that event and for the overflow parking. The intent is for this to be a gravel and
3887 grassed area, just like the other parking lot that's adjacent to it. Of course,
3888 there'll be concrete or asphalt aprons, depending upon requirements of the
3889 County and VDOT to get off the public roads onto the land.

3890
3891 Mr. Branin - Mr. Condlin, so you're saying this is a grassed parking
3892 lot?

3893
3894 Mr. Condlin - With gravel aisles.

3895
3896 Mr. Branin - With gravel aisles.

3897
3898 Mr. Condlin - Yes. Yes sir. Richmond International Raceway has
3899 been in existence since 1949, has worked with the neighbors in the past.
3900 International Speedway Corporation, since buying it, has worked very hard to
3901 work with the neighbors and with the County to accommodate traffic and
3902 continue to work. As part of their accommodation and working with and trying to
3903 make this a better area for everybody, including experience for the race fans, but
3904 also for the residents, they've continued to have monthly meetings with the
3905 residents, with representatives, with calls that have been made, and continuing
3906 that, an invitation open to the public. They've also met monthly with Henrico

3907 County, with Public Works, and with the police to talk about the procedures and
3908 the mechanics of how we can make this a better experience during the race
3909 events, because we know it's a great impact. We know that this entire area is
3910 impacted because of the amount of traffic that comes and goes. As a matter of
3911 fact, in the last race, it was brought up, in fact, about Sterling Forest and
3912 extending the police officers up to be able to allow for the residents to get in and
3913 out of Wilkinson Road better because that was a complaint that was heard that
3914 had not been heard previously. So, that was something that they're looking at
3915 addressing through the police officers and placing them there.

3916
3917 All in all, I guess the message I'm trying to get across is that International
3918 Speedway Corporation, which owns Richmond International Raceway, does
3919 really very much want to work with the residents and continue to meet with them
3920 on a monthly basis. Those that have been immediately surrounding the raceway
3921 had, in the past, in the far past, a bad experience both through the raceway
3922 races, but also with the traffic. Through that, I think we've put in a lot of
3923 improvements in our procedures based on the comments of the residents
3924 through these monthly meetings and continually updating our procedures.

3925
3926 I have with me Jay Lafler who is a representative of the owner who owns the
3927 apartments across the way, to the extent that we need to speak to that. I also
3928 wanted to introduce Roger Rodriguez from Timmons who will handle any
3929 engineering and storm water questions to the extent that we get into there. I also
3930 have with us Jeff Hedrick from Richmond International Raceway. As most of you
3931 know, Doug Fritz, who is president of Richmond International Raceway, would
3932 have been here, but with the tragic airplane accident with the spouse of one of
3933 the NASCAR officials, he had to fly down for that funeral. That would occur
3934 tomorrow. So he would have been here otherwise. But Jeff can certainly handle
3935 any questions that we have.

3936
3937 The last point I would like to make is that of the 227 acres that we're asking for.
3938 We're rezoning and the reason we're rezoning 60 acres is because that's where
3939 the wetlands line goes. That's all we're talking about using. And of that 60
3940 acres, we're talking about approximately 36 acres of useable land. The reason
3941 for that is that the County, as is consistent with what was in the other case, is
3942 requiring a 45-foot buffer. The landowner, as represented by Mr. Lafler, actually
3943 retains a 200-foot buffer. All parking will be 200 feet off Wilkinson Road, based
3944 on the zoning application. You can see we've got these odd notches that go
3945 through here. The reason for that is because the owner is actually retaining
3946 ownership of the 200 feet. It's not just a buffer that we're creating and assuring.
3947 It's not part of the rezoning application. It's saying A-1 and we're not allowed to
3948 use it for parking purposes at all because we won't own it and it's not part of this
3949 application. That's further assurance.

3950
3951 With that, I'll be happy, if you want to start running through the questions.

3952

3953 Mr. Branin - Absolutely. Mr. Archer, do you have any questions
3954 before I start?

3955
3956 Mr. Archer - Yeah, I do have a few. Mr. Condlin, there was
3957 mention made of the number of accesses onto Wilkinson Road. Do you want to
3958 address that, please?

3959
3960 Mr. Condlin - Yeah, absolutely. You can see that we've got, for a
3961 lack of better terms, four areas that we've got showing here. Eight-five one
3962 through the, I think this is the main access that goes directly across from the
3963 apartments. Since meeting with the Department of Public Works—again, Mr.
3964 Foster and Mr. Rodriguez are here if they want to correct me or amplify this.
3965 That's going to be the one main access that we're certain of. We have reserved
3966 from the owner four access points. We will only have two open at any one time
3967 during the race. The idea was that Public Works may ask us, depending on
3968 operations and the flow of traffic—As we go and look at how a race event occurs,
3969 currently, we're planning on this middle access and the northern access. These
3970 would be the two access points. If, based on the experience of Public Works, the
3971 police and RIR, that maybe we should close this top one and open one of the
3972 others, that's why we reserved and asked for the application to be able to have
3973 those in the future, to have some flexibility in that. At any one time, we'll only
3974 have two access points during the events onto this property.

3975
3976 Mr. Archer - Can you also explain how the shuttle trains would
3977 transport traffic from that parking lot to the existing parking lot and then to the
3978 racetrack.

3979
3980 Mr. Condlin - One of the requirements in the conditions that have
3981 been provided in the PUP request is that we would provide a pedestrian access
3982 plan. We have done that in the past with every application, and actually with
3983 every race. We, again, get together with Public Works and talk about the access.
3984 We have a tram. There's a tram stop here, another here, and another one here.
3985 Currently, that's primarily pedestrian. They operate to get folks to the tram stop.
3986 What we've proposed is we're providing pedestrian access from—again, this is
3987 the parking area that would be existing that we're proposing—pedestrian access
3988 ways that would be roped off and secured to be able to get through to protect the
3989 pedestrians to the tram stop. There are a number of variations. Again, they don't
3990 want to have a lot of tram stops. We go over this with the County and we come
3991 up with a plan for each and every race. For example, this one goes directly to
3992 RIR, but there's another tram that goes from here to here to drop people off and
3993 pick people up as they go to the wrong location. That's primarily how we're
3994 dealing with pedestrians so folks aren't walking along Wilkinson Road. We
3995 actually had a meeting with Mr. Lafler's group and the police officers' concerns
3996 about how we were going to operate along Wilkinson Road. There are police
3997 officers that are going to be stationed at those main entrances, making sure
3998 pedestrians are going the right way. Richmond International Raceway

3999 employees will also be at those locations, pushing people towards the tram stops
4000 so they're not going on Wilkinson Road.

4001
4002 Mr. Archer - Okay. When we met in pre-meeting, I think it was
4003 mentioned that the effect of this zoning, if it should pass, should in some ways
4004 serve to alleviate traffic on Wilkinson Road that would be passing through?
4005

4006 Mr. Condlin - Otherwise, there's no access. These folks would get
4007 on here, would be able to travel to get immediately onto here and park here, as
4008 opposed to continuing to drive in the various other areas. It's providing for
4009 additional parking opportunities for folks that are driving around looking for
4010 opportunities. We're not asking for any increase in seats; it's really just increasing
4011 the parking area.
4012

4013 Mr. Archer - Okay. What about RV traffic and what about the
4014 extended stay in the parking lot?
4015

4016 Mr. Condlin - When it's not being used for the NASCAR events, it
4017 will be secured. I know one gentleman asked about the teenagers getting onto
4018 that site. I was a teenager once and if there's an open spot, whether it's wooded
4019 or otherwise, they tend to go on it. This will be secured. RIR does check on all
4020 their parking areas. Their offices are right there as well.
4021

4022 Mr. Branin - Mr. Condlin, how will it be secured?
4023

4024 Mr. Condlin - There are gates that go across so that vehicles can't
4025 go on there. Certainly, someone can walk on there, but the gates will be across
4026 the apron, the entranceway.
4027

4028 Mr. Archer - Someone also mentioned the fact of construction of
4029 the parking lot. One of the concerns was that they did want the construction, if it
4030 occurs, to be before 7:00 and none on Sundays. Is that a problem to
4031 accommodate?
4032

4033 Mr. Condlin - No, it's not a problem and, quite frankly, we're very
4034 secure in that. It's such limited construction, quite frankly. We're talking about the
4035 aprons and the gravel, the gravel aisles. Also, we're a quarter of a mile. When
4036 you add in the 227 acres and we're asking—it's 180 acres back here. It's almost
4037 a quarter of a mile, four-tenths of a mile, excuse me, from this location to the
4038 homes that are north of here. That shouldn't be a problem at all.
4039

4040 Mr. Branin - Did you answer what type of parking it was? I know
4041 you said—
4042

4043 Mr. Condlin - It would not be extended stay. It's not going to be a
4044 paved—

4045
4046 Mr. Branin - It's not extended stay. It is not RV.
4047
4048 Mr. Condlin - It's not paved. Now, the question is, is it RV parking
4049 or will we be providing RV's. At this point, we'll park on there just like a car would.
4050 It would be daily parking.
4051
4052 Mr. Branin - It's not an overnight parking.
4053
4054 Mr. Condlin - It would be open for the most part two days
4055 maximum, or two nights from that standpoint. I didn't say it wasn't overnight. It's
4056 primarily intended—They do have specified RV areas from the flexibility that
4057 they're looking for is to be able to provide both RV parking. I know there was a
4058 concern about—
4059
4060 Mr. Branin - Mr. Condlin, first you said that there will be no RV's
4061 because it's not paved.
4062
4063 Mr. Condlin - If I did, I misspoke. I didn't say that there wasn't
4064 any—I didn't mean to say that there wasn't any RV's. There will be RV parking
4065 there. The intent is not to keep—If someone drives up on the day of the race and
4066 wants to park their RV, they would be able to park there. They would have the
4067 ability to park there, is the [unintelligible] intent. There's also the ability to be able
4068 limit it, the overnight parking, to the days of the events that they're allowed
4069 pursuant to the Provisional Use Permit. So, there would not be—I was trying to
4070 address the extended stay issue, that there would not be week-long parking,
4071 there would not be parking outside the day of the events for RV's. There have
4072 been problems in the past with—There was a gentleman that asked about the
4073 flea market and some of the other parking that occurs during the week. We can't
4074 control parking on property we don't own. The flea market is separately owned,
4075 it's not owned by Richmond International Raceway. That's the same with a lot of
4076 the other facilities. We know that a lot of that occurs otherwise, but currently with
4077 the RV parking, we would limit it to the date of the event, that otherwise they're
4078 allowed the days and evenings of the event.
4079
4080 Mrs. Jones - Can I ask a clarification?
4081
4082 Mr. Branin - Absolutely.
4083
4084 Mrs. Jones - Okay. I'm not a race fan, so I'm sorry to ask real
4085 basics here. You have two events that are the major events and those are the
4086 ones for whom you feel the need for this new parking.
4087
4088 Mr. Condlin - Yes ma'am.
4089

4090 Mrs. Jones - However, it will be an open and used parking lot for all
4091 events at the racetrack. Is that correct?
4092
4093 Mr. Condlin - The racetrack, pursuant to our Provisional Use
4094 Permit, is limited to eight events for this parking area.
4095
4096 Mrs. Jones - Right. And all eight will have access to this lot.
4097
4098 Mr. Condlin - From an operations standpoint, it would only be
4099 during the two events. There's no intent—This is farther away. We don't have the
4100 trams going on. It's only during the two NASCAR events that they're allowed, that
4101 we would plan on having this open.
4102
4103 Mrs. Jones - So, it will be closed off and inaccessible except for the
4104 two NASCAR events.
4105
4106 Mr. Condlin - Right. Which are three-day events each.
4107
4108 Mrs. Jones - Okay. That's the first thing. Secondly, is there any
4109 kind of separation between the RIR property and adjacent residences in other
4110 areas that you would then mirror in this parking area?
4111
4112 Mr. Condlin - We have a 45-foot buffer along Wilkinson Road,
4113 which actually, that's required. But there is actually a 200-foot buffer in this area.
4114 Typically—
4115
4116 Mrs. Jones - I'm talking more about fencing or anything that—
4117
4118 Mr. Branin - Current parking lots being used.
4119
4120 Mr. Condlin - About the surface parking lots, I know there is
4121 certainly fencing along some of the surface parking lots. In these grass areas,
4122 they typically don't because of the distance that we have against the residential
4123 from this area. This parking lot that we have here, there's no fencing that we've
4124 provided otherwise.
4125
4126 Mrs. Jones - Just trying to address the access to these areas.
4127
4128 Mr. Condlin - You can see the distance here.
4129
4130 Mrs. Jones - Sure.
4131
4132 Mr. Condlin - I don't think with these wetlands— It's a very wet area
4133 and there's no way a vehicle's going in there with the topography and the wet
4134 area.
4135

4136 Mrs. Jones - Okay. We've got two events, then, three days each
4137 event as the primary use of this lot.
4138

4139 Mr. Condlin - That is correct. And primarily during those events, the
4140 anticipation is that while some folks might park up here during the Friday event,
4141 most of that's happening Friday and Saturday night. And the Saturday night
4142 event is the major event where the stadium fills up. So, the anticipation is that
4143 that's when this would primarily be used, is during Saturday, which is a large
4144 event.
4145

4146 Mrs. Jones - How about the high rise option that was referenced
4147 earlier?
4148

4149 Mr. Condlin - From a cost standpoint, for just a little over two days a
4150 year. The second issue is the exiting time to get out of a high rise parking deck.
4151 It takes a significant amount of time. We've taken a look at, through the parking
4152 studies, that this works from a standpoint of getting folks in and out in, quite
4153 frankly, a very short amount of time. Based on the number of cars that are
4154 coming in, this is the best option that we've got.
4155

4156 Mrs. Jones - Okay.
4157

4158 Mr. Vanarsdall - I have a question. The way I understand it, this is an
4159 overflow park.
4160

4161 Mr. Condlin - Yes sir.
4162

4163 Mr. Vanarsdall - So, the Indy races that we just had, they don't draw
4164 that large a crowd.
4165

4166 Mr. Condlin - It's just during the two NASCAR.
4167

4168 Mr. Vanarsdall - The two NASCAR's.
4169

4170 Mr. Condlin - During the Saturday event.
4171

4172 Mr. Branin - Mr. Condlin, working time. If this is approved and this
4173 is made into a parking lot with drainage and so forth, time allowed for
4174 construction?
4175

4176 Mr. Condlin - How much time would we need to get in?
4177

4178 Mr. Branin - No, time. The people are concerned about the hours
4179 of work.
4180

4181 Mr. Archer - I think I just addressed that with him.

4182
4183 Mr. Branin - Did you?
4184
4185 Mr. Archer - Nothing before 7 and nothing on Sunday.
4186
4187 [Off mic] - [Unintelligible] hours wouldn't be a problem.
4188 [Unintelligible] the amount of time it would take—
4189
4190 Mr. Branin - If you're going to speak, we need you to come down.
4191
4192 Mr. Archer - Introduce yourself.
4193
4194 Mr. Hedrick - Good evening, I'm Jeff Hedrick, Director of
4195 Operations at Richmond International Raceway. The question being what hours
4196 would be able to work on that site. Working before 7 a.m. would not be a
4197 problem. The majority of our projects, practically all of them that we do work on
4198 the grounds do not, we do not start until after 7 to begin with. We could work
4199 with the Sunday provision as well. So, I don't see where that would be an issue
4200 whatsoever.
4201
4202 In reference to some comments that Andy made, primarily, all of our internal lots
4203 or existing lots can handle the capacity that we have, our seating capacity
4204 currently. This lot will give us a little bit of a buffer, if you will. If it's used to max
4205 capacity, it would only be for, literally, two days out of the year and that would be
4206 the Saturday night of Cup racing when we are sold out, typically.
4207
4208 Mr. Branin - Okay, I'm sorry, I didn't write your name down.
4209
4210 Mr. Hedrick - Jeff, Jeff Hedrick.
4211
4212 Mr. Branin - Okay, Mr. Hedrick. The way you phrased it said,
4213 "Working before 7:00 won't be a problem." You meant to say that there will be no
4214 work taking place—
4215
4216 Mr. Hedrick - There will be no—Yeah. There will be no work starting
4217 in that area before 7 a.m.
4218
4219 Mr. Branin - I'm sure a contractor has no problem at starting—
4220
4221 Mr. Hedrick - Exactly. We would make that perfectly clear. Believe
4222 me, we understand everybody needs their sleep and we would respect that.
4223
4224 Mr. Branin - Right. With this being a grassy area, we would be
4225 able to preserve more wildlife than if it was paved?
4226

4227 Mr. Hedrick - Well, I'm not an environmentalist, but I would assume
4228 so, yes. You're talking about currently out in some of our lots I've seen turtles
4229 roam, rabbits, even deer. And it's 36 out of 227 acres, so the overwhelming
4230 majority of the acreage that will still be in place will be undisturbed.

4231
4232 Mr. Branin - Community concerns being the next-door neighbors,
4233 the apartments.
4234

4235 Mr. Hedrick - Yes, and I believe Andy may have addressed this. We
4236 did meet with Mr. Lafler and GSA organization, as well as with Henrico County
4237 Public Works and the police department, chief of police to work on any concerns
4238 that they may have for their residents. It was a very successful meeting. We are
4239 looking at putting a police presence at all of the entrances to the apartment
4240 complex, as well as roaming security within the grounds as well. Mr. Lafler can
4241 speak for that, but I believe we came to a successful conclusion.
4242

4243 Mr. Branin - In your conversations with Henrico County Police, did
4244 you address cut-throughs and Diane Lane and Sterling?
4245

4246 Mr. Hedrick - The discussion was such that we would, we
4247 acknowledged, it was acknowledged that we would need to expand our police
4248 presence down Wilkinson Road, possibly even onto 301. There was discussion
4249 with that input and we can tell you that we would work hard to make that happen.
4250 No doubt. We are very accommodating. Tim can speak, probably, more to that
4251 as well. By all means, we'll do whatever it takes to make it successful.
4252

4253 Mr. Branin - Emergency responses into the neighborhoods for
4254 emergencies such as with residents, such as ambulance, fire.
4255

4256 Mr. Hedrick - I believe if you look at where we, how we handle—I'm
4257 speaking on behalf of Henrico County Police here. The way they have the
4258 system structured now, controlling major intersections and key points will enable
4259 the fire, safety, EMS group to access any of these key intersections.
4260

4261 Mr. Branin - Okay. Now, I hear you and as they hear you, is this a
4262 change from past years, past races, past times?
4263

4264 Mr. Hedrick - A change in?
4265

4266 Mr. Branin - Is it the same procedure as we've been operating
4267 under for the last 5, 10 years, or is this now different this year than in past years?
4268

4269 Mr. Hedrick - I see it as it's not different from any change that we've
4270 had in place in the past years. Again, I'm speaking on behalf of—not on behalf.
4271 I'm speaking having knowledge of the practice that Henrico County Police have
4272 in place.

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Mr. Thornton - Mr. Chairman, let me say this. The issue about the racetrack has been really a hot-button issue since I came into office. It's been my opinion that with the present owners of the racetrack that they have done something that the previous owners did not do, and that is to kind of get with the homeowners and those residents close by. I think what has happened now is that this is a very sensitive issue. And I take the position also that I have, in the past, complimented RIR on being a very good neighbor. But what's happening now also is that we have a new subdivision. And although the number of uses or number of frequencies may be two races a year, I think, still, that the racetrack and even Henrico County has to be sensitive toward the neighborhood and the citizens. The race is a different creature. We're talking about people who come in to our environment and eventually they leave. I have gotten calls that there are some behaviors that we disapprove of. So, I've had to work with all of this. What I'm suggesting to Mr. Hedrick and Mr. Condlin is that the residents of Sterling Forest, I don't think that—Remember, the people who are part of the commission, that group that does clean up, it didn't go that far.

So demographics of Henrico County are changing, particularly out in the Fairfield District, and this race, you know, there are a lot of fundamental issues. The one thing we have to do is maintain the sensitivity for the people who were here first. In this case, Sterling Forest residents. They were there prior to this new initiative you're talking about. We have to be as sensitive as we can to them and as they've come up this evening to express their wishes. One of the things I would have hoped was that there could have been a different entrance. Maybe Mr. Foster will come up some time because there is, there was, a plan about expanding, widening Wilkinson Road, even a reconfiguration of the whole road. A whole lot of things are coming into play here. I'd want to make sure that RIR continues its sensitivity towards the neighborhood. I think that the questions we heard tonight from them are in that area that we need to be sensitive to and about.

I don't think we should say these things so fast. Let's make sure now that we listen very carefully to them because—I'm right there and I get the calls and I get beat up with the bats and all the other things. This is an issue. As I try to see how can I ameliorate this, I can't stop the race. I can't stop it. But what we can do is make it in consonant with our neighborhoods and the wishes of the persons who live close by. I'm just hoping that this particular initiative has that in mind. I don't know now that we have perfected it as well as it can be. I really appreciate some of the insights that some of the residents have shared. We've got to also build a good case to that is this the best time for it, is this going to be a good marriage, and all of that. These are some things that I want to make sure that we have in concinnous.

Mr. Branin - Thank you, Mr. Thornton.

4319 Mr. Archer - Before we leave that subject, let me just add a little
4320 bit to that, what Mr. Thornton just said. I'm glad to see the people from Sterling
4321 Forest and Wilkinson Estates out here. I asked Mr. Condlin when we first met to
4322 include those people in the mailing list, and obviously, you did. You didn't?
4323
4324 [Off mic] - [Unintelligible.]
4325
4326 Mr. Archer - Mr. Fritz did call you, though.
4327
4328 [Off mic] - We got the message.
4329
4330 Mr. Archer - Yeah, well that's commendable that he did. We
4331 talked about that at our pre-meeting that I wanted to include—There is a
4332 neighborhood group that—
4333
4334 Mr. Hedrick - I'll touch on that. Doug did contact both the Wilkinson
4335 Estates Homeowners' Association and also as, well, one of these members here
4336 this evening from Sterling Forest.
4337
4338 Mr. Archer - I didn't mean to say mailing, but I meant contact. I
4339 wanted you all to be included in this discussion, Sterling Forest and Wilkinson
4340 and—
4341
4342 [Off mic] - [Unintelligible.]
4343
4344 Mr. Archer - But he called you, right?
4345
4346 [Off mic] - We got the message this was happening and to come
4347 here.
4348
4349 Mr. Archer - Okay. That's what I was trying to accomplish, to make
4350 sure you all were included.
4351
4352 [Off mic] - [Unintelligible.]
4353
4354 Mr. Archer - That's what I'm saying.
4355
4356 Mr. Hedrick - Mailer and a—
4357
4358 Mr. Archer - Yeah. But Mr. Fritz did call you.
4359
4360 [Off mic] - He left a message with me.
4361
4362 Mr. Archer - Okay. All right.
4363

4364 Mr. Hedrick - And the same with Peggy Mills at Wilkinson Estates,
4365 who's the noted contact for the Homeowners' Association at Wilkinson Estates.
4366 Doug made a phone call, spoke with her and said if you have any questions,
4367 here's my direct number, give me a call.
4368

4369 Mr. Archer - The reason I mention that is because, as Mr.
4370 Thornton was saying, I can remember seven, eight years ago when we first came
4371 on board, there was so much dissention between particularly the surrounding
4372 neighborhood and the racetrack. You all managed to form that group and I think
4373 it has been a tremendous improvement over the way things were. People now
4374 take the racetrack, those that are close to it, as being a good neighbor. They do
4375 a lot of things in the community, trash pickup. You all even have a day you go out
4376 painting.
4377

4378 Mr. Hedrick - Well, painting. We also have the neighborhood picnic.
4379

4380 Mr. Archer - Right. And this is what these people need to be a part
4381 of.
4382

4383 Mr. Hedrick - Right.
4384

4385 Mr. Archer - In fact, I think you have one coming up on August the
4386 9th.
4387

4388 Mr. Hedrick - Actually, our next meeting is this coming Tuesday. In
4389 unison with what you and Mr. Thornton have said, we welcome these comments.
4390 We will extend our hand to you all to become part of our neighborhood
4391 committee, neighborhood association. I think you'll find it's a great group. As Mr.
4392 Thornton and Mr. Archer have testified, it's all about working together. I think you
4393 will not find a harder working, more committed group than us folks at RIR. Part
4394 of that is reaching out, as you said, to our new community. We will make that
4395 happen.
4396

4397 Mr. Archer - Okay. One more question I wanted to ask that Mr.
4398 Thornton also hit on. I guess Mr. Foster is going to have to answer this and you
4399 probably were anyway. It's having to do with the proposed widening of Wilkinson
4400 Road.
4401

4402 Mr. Branin - That was the next one and then we can address Mr.
4403 Golding's. Most of Golding's issues had to deal with traffic and flooding.
4404

4405 Mr. Archer - Is that still on the drawing board?
4406

4407 Mr. Foster - Again, my name is Tim Foster, Assistant Director of
4408 Public Works. The original meeting didn't take place in 2002; it was 1996 when
4409 we had a neighborhood meeting to widen Richmond-Henrico Turnpike. The

4410 widening of Wilkinson Road was actually just at the intersection. What we're
4411 going to do, is we're actually going to align Wilkinson Road with Thrush. We
4412 were going to align it with Thrush so we would have a little bit more separation
4413 and also be able to put a traffic signal there. Well, the project has been delayed
4414 because it's State funding, and as most people know, there have been some
4415 issues with State funding over the last few years. There have been several
4416 environmental issues crossing the Chickahominy River. There's about a 1400-
4417 foot bridge we have to build. Costs have gone up tremendously. And the fact
4418 that it goes into another county and we have no control over what Hanover
4419 County does. I can tell you that the County Manager will be meeting with VDOT
4420 next week about this very project to see if we can get started on it. So, our only
4421 plan for Wilkinson Road widening is to align it. I can't say that it might have been
4422 turned on today, but last year we did bids to actually put a temporary signal.
4423 "Temporary" meaning it's [unintelligible] wire. We'll replace with poles when we
4424 do our project. We were going to try to turn it on either today or tomorrow at the
4425 intersection of Azalea and Wilkinson. So, there will be a traffic signal turned on
4426 there. I'm hoping it was turned on today, but it may be tomorrow.
4427

4428 Mr. Branin - Mr. Foster, Wilkinson Road is a state road or county?
4429

4430 Mr. Foster - Wilkinson Road is a County road. Richmond-Henrico
4431 Turnpike is a county road. There are no state roads in that immediate area; they
4432 all belong to the county. However, the funding for the widening of Richmond-
4433 Henrico Turnpike is from VDOT and the Federal Highway Administration.
4434

4435 Mr. Branin - Okay.
4436

4437 Mr. Foster - Because VDOT allocated funding. That project, along
4438 with many other County projects unfortunately has been delayed due to the
4439 VDOT shortfalls in funding.
4440

4441 Mr. Archer - Mr. Foster, I just have one more question and then I
4442 guess we need to wrap this up because everybody has to go to work tomorrow,
4443 probably. In the last seven, eight years, I have noticed, particularly on
4444 Mechanicsville Turnpike and Laburnum Avenue, a marked decrease in the time it
4445 takes the traffic to flow. I know that must have been due to improvements that
4446 you all made. Can you describe briefly some of that and how much that traffic
4447 time has been cut down because of whatever it is you've done?
4448

4449 Mr. Foster - Yes sir. We don't do races on Sunday unless we
4450 have a rainout event, like happened this past May. That's why there were some
4451 church issues. We used to have a lot of church issues on Sunday morning.
4452 When we had the races on Sunday morning, we had a much compressed time.
4453 We only had about five hours to get everybody into the race. Now, we have 13
4454 hours. We now also have Hanover County Sheriff's Department, the City of
4455 Richmond Police, and the State police involved as well up into Mechanicsville,

4456 onto the interstates, all the way back into the city. By doing that, mostly using the
4457 variable message boards as far north as Fredericksburg, we're able to guide
4458 people much better into the raceway. When we have traffic backed up onto
4459 Richmond-Henrico Turnpike, we can tell people by those signs to go to 360.
4460 Traffic used to back up 295 in a big way and that's always a dangerous thing.
4461 Now we have VDOT there so if traffic does back up on 295 at Richmond-Henrico
4462 Turnpike, they actually close the interchange and won't let anyone get off there to
4463 prevent that backup from happening.

4464
4465 We also have more police officers out there directing traffic, over 200. We have
4466 emergency vehicles, and I do want to address that real quickly. There are a lot of
4467 emergency personnel at the raceway. We've had fires, we've had medical
4468 issues and all the neighborhoods around there were actually able to respond
4469 pretty quickly for several reasons. One, because we have 200 police officers that
4470 can stop traffic immediately; a lot of the emergency personnel can respond from
4471 the raceway because when people are coming into the track, you can drive away
4472 from the track with no problem. And then there are emergency vehicles that are
4473 stationed around the perimeter to accommodate the homes and people that if we
4474 have to get someone into a neighborhood in an emergency, or if there's a fire at
4475 a house or someone has a heart attack, response time does not change. We've
4476 been very successful with that.

4477
4478 It is a matter of communication as far as working with the neighbors. What we've
4479 done over the past several years is we've worked very diligently with the
4480 Meadowoods subdivision. They were very happy with what we did this past year.
4481 I do think we need to expand up to Sterling Forest. The amount of traffic that we
4482 anticipate on Wilkinson Road isn't going to change that much because the way
4483 our traffic pattern has to work, we dump traffic from certain specific gates onto
4484 Wilkinson anyway. We'll have to do that. So the amount of traffic going that way,
4485 we anticipate will be similar, very similar. Some increase, but not a tremendous
4486 increase based on where we have to put traffic.

4487
4488 We do block the roads off. I think we've gotten better. When we first started
4489 doing this, we wouldn't allow people to cross, we wouldn't allow people to get out
4490 of their driveways. We now have police officers at a lot of driveways. I think we
4491 will have to extend it up to help the folks at Sterling Forest.

4492
4493 To be more proactive with our citizens. On Azalea Avenue, we have I think
4494 something like 40 police officers. There are times when we will have traffic at
4495 4:00 before the race starts, but there's no backup at all on Wilkinson Road, and
4496 they'll backup into the city on Laburnum Avenue. Universally, we can have
4497 backup on Azalea Avenue and Wilkinson, and there's nobody sitting on
4498 Laburnum Avenue. We try to move that traffic to where there is not.

4499
4500 All in all, it's just a matter of communication, what we try to tell our citizens with
4501 press releases, with mailings that we've done, with meetings, if need be, as well

4502 as trying to educate the race fan, don't come in a neighborhood. What we used
4503 to not have in Meadowoods subdivision and the subdivisions on Fayette and
4504 those areas over there. We have a lot of police officers that all their job is, is
4505 neighborhood patrol. We used to not have neighborhood patrols and some of
4506 those issues took place. I think it's going to be very important for the raceway.
4507 Quite frankly, I'm not as involved in it anymore. It's going to be very important to
4508 include, as Jeff said, Sterling Forest and this new subdivision and further out, into
4509 these meetings because I think we've achieved a lot of good things over the last
4510 eight years with the current ownership of Richmond International Raceway.

4511
4512 Mr. Archer - Okay. Thank you, sir.

4513
4514 Mr. Branin - Anyone have any other questions for Mr. Foster?

4515
4516 Mr. Thornton - Mr. Chairman, I do want let it be on record that—This
4517 is something I wasn't going to bring up at this Board, but it's something that the
4518 Board of Supervisors are going to have to take a look at. We can probably work
4519 on doing things better and one of my concerns has been also, and it came out a
4520 little bit tonight. I just wanted to say it while Mr. Hedrick is here. And it's not just
4521 RIR. Somehow, the County, I think, is going to have to have—and I'll repeat this
4522 at the Board meeting—a policy about how visitors who come to our
4523 neighborhoods and also how they demean themselves. I do get calls about
4524 people and certain actions that they do in the neighborhoods. Sometimes it's
4525 even difficult for the police to work with that. That's something I just want to
4526 share with you that the Board needs to take a look at. There are some things that
4527 go on by these visitors and I call it sometimes lack of respecting the
4528 neighborhood. Those are some things that maybe some policies, some changes
4529 can help.

4530
4531 Finally, I just want to say this, too. We also have residents who allow people to
4532 park on their property. You have a whole lot of things that converge here. I don't
4533 really know whether or not that's something that really helps. As I talk with one
4534 of the civic associations over near Fayette, we broached this issue that night.
4535 That's something that I think the citizen is going to have to make a decision about
4536 because they are the ones who allow that. Again, I think that it can bring about
4537 deterioration.

4538
4539 As I say, the race thing just brings up a hot-button issue from time to time.

4540
4541 Mr. Branin - Ladies and gentlemen, you guys had a lot of issues. I
4542 think we addressed a bunch of them. The one thing that's the most important is
4543 that you all are being heard. And with Mr. Hedrick here in the room, with the
4544 Supervisor in the room, with your Commissioners in the room, we can start
4545 addressing these issues that are existing problems and hopefully making the
4546 whole Richmond race experience a better situation for us, our community, which
4547 is most important. Are there any other questions? All right, Mr. Archer.

4548
4549 Mr. Archer - All right. I guess we have to take these cases one at
4550 a time, even though they were together.
4551
4552 Mr. Emerson - Yes sir, you do need to make separate motions. I
4553 would like to add prior to your motions, just for the record to make sure we're
4554 clear, I believe during staff presentation it was mentioned that the proffers were
4555 submitted on July 19th. It's actually June 19th of this year. We haven't quite
4556 gotten to July 19th yet.
4557
4558 Mr. Archer - We're getting close.
4559
4560 Mr. Emerson - Yes we are.
4561
4562 Mr. Archer - Okay. Well, first of all, I want to thank all these people
4563 that came out here tonight. Your input is what helps us to make a decision, but
4564 more so, it helps the people who are in charge of these projects to know the
4565 things that you are concerned about. Richmond International Raceway is a work
4566 in process. It's been going on for a long time and it will continue to get better. It
4567 is one of the major events that happens on the national calendar for the year.
4568 I've heard it described as having the Super Bowl in your city twice in the same
4569 year. The staff report indicates that the projected income from those two races
4570 for this area and what it contributes to the economy is in excess of \$221 million.
4571 And as Mr. Thornton said, it's here. We're not going to close the raceway, so the
4572 only thing that we can do is try to make it better and try to absorb all of you
4573 neighbors, particularly those who are new, into the process and become a part of
4574 it. Sir, if Mr. Fritz left you his number, his personal phone number, that means he
4575 wants to talk to you. I would encourage all of you to become a part of that group
4576 that Mr. Hedrick and his staff and Mr. Fritz have put together. They will listen to
4577 your input. I can tell you they are very decent people to deal with. It's a huge
4578 project. Any time you have 125,000 to 150,000 people together at one time, stuff
4579 happens. It's a huge project they're always in the process of trying to make
4580 better. They never do anything at all over there unless they contact us first and
4581 ask us what questions we have, who we have and who we want them to contact.
4582 I'm glad to see some faces out here tonight that I've not known before.
4583
4584 So, anyway, we need to get on with a decision. Let me remind you also that
4585 they'll be another public hearing on this when the Board of Supervisors hears it
4586 for final approval. We'll have to make a recommendation tonight. So, with that, I
4587 will move for approval of C-38C-07, LGA Associates, LLP, to send it to the Board
4588 with recommendation for approval.
4589
4590 Mr. Vanarsdall - Second.
4591

4592 Mr. Branin - Motion was made by Mr. Archer, seconded by Mr.
4593 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
4594 motion carries.

4595

4596 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
4597 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
4598 the Board of Supervisors **grant** the request because it conforms to the
4599 recommendations of the Land Use Plan and the proffered conditions should
4600 minimize the potential impacts on surrounding land uses.

4601

4602 Mr. Archer - I'll also move for approval of P-11-07, LGA Associates
4603 LLP, to send it to the Board with a recommendation for approval.

4604

4605 Mr. Vanarsdall - Second.

4606

4607 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
4608 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion
4609 carries.

4610

4611 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
4612 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
4613 the Board of Supervisors **grant** the request because it is reasonable in light of
4614 the surrounding uses and when properly developed and regulated by the
4615 recommended special conditions, it would not be detrimental to the public health,
4616 safety, welfare and values in the area.

4617

4618 Mr. Emerson - Mr. Chairman, that leaves two final items on your
4619 agenda, one being the approval of the minutes from the June 14, 2007 meeting,
4620 the other being the adjournment of the meeting.

4621

4622 Mr. Branin - Any changes to the minutes? No changes? I'll
4623 entertain a motion.

4624

4625 Mrs. Jones - I move for approval of the minutes as printed.

4626

4627 Mr. Jernigan - Second.

4628

4629 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr.
4630 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
4631 carries. With that, ladies and gentlemen, have a good night, meeting's
4632 adjourned.

4633

4634 The meeting was adjourned at 11:09 p.m.

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Ralph Joseph Emerson, Jr., Acting
Secretary

Tommy Branin, Chairperson