

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 9, 2009. Display Notice having been published in the Richmond Times-
5 Dispatch on June 18, 2009 and June 25, 2009.
6

Members Present: Mrs. Bonnie-Leigh Jones, Chairperson (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairman
(Brookland)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. James B. Donati (Varina)
Board of Supervisors Representative
Mr. R. Joseph Emerson, Jr., Director of Planning,
Secretary

Members Absent: Mr. Tommy Branin, (Three Chopt)

Also Present: Ms. Jean Moore, Assistant Director
Mr. James P. Strauss, CLA, Principal Planner
Ms. Rosemary Deemer, AICP County Planner
Mr. Benjamin Sehl, County Planner
Ms. Jamie Sherry, County Planner
Ms. Lisa Taylor, County Planner
Mr. Mike Jennings, Traffic Engineer
Ms. Kim Vann, Police Division
Ms. Sylvia Ray, Recording Secretary

7
8 **Mr. James B. Donati, the Board of Supervisors' representative, abstains on**
9 **all cases unless otherwise noted.**

10
11 Mrs. Jones - I'd like to call this meeting to order, and ask that you
12 stand for the **Pledge Allegiance to the Flag**.

13
14 Thank you. I'd like to welcome everybody to the Planning Commission meeting
15 for rezoning. I'd like to ask, for the courtesy of others, that you mute or turn off
16 your cell phones please at this time.

17
18 We're happy to have you here with us tonight. Our agenda is not as short as it
19 has been in some meetings past, so it's nice to have some good cases on the
20 agenda, and we welcome your input for those. We are not going to have Mr.
21 Branin with us here this evening from the Three Chopt District, but we do have a
22 quorum. We welcome Mr. Donati, supervisor from the Varina District who is
23 sitting with the Planning Commission this year representing the Board of
24 Supervisors.
25

26 With that, I'd like to turn the meeting over to Mr. Emerson, our secretary.

27

28 Mr. Emerson - Thank you, Madam Chair. The first item on the
29 agenda tonight are the requests for withdrawals and deferrals. Those will be
30 presented by Mr. Jim Strauss.

31

32 Mr. Strauss - Thank you, members of the Commission. The first
33 deferral is on page 3 of the agenda, and is in the Three Chopt District. It is C-8C-
34 05, Fidelity Properties, Limited, where a residential townhouse development is
35 proposed. The applicant is requesting deferral to the August 13, 2009 meeting.

36

37 **Deferred from the June 11, 2009 Meeting.**

38 **C-8C-05 G. Edmond Massie, IV for Fidelity Properties, Ltd.:**

39 Request to conditionally rezone from A-1 Agricultural District to RTHC
40 Residential Townhouse District (Conditional), Parcel 746-764-5580, containing
41 approximately 4.54 acres, located on the west line of Sadler Road approximately
42 290 feet south of Wonder Lane. The applicant proposes a residential townhouse
43 development not to exceed six (6) dwelling units per acre. The RTH District
44 allows a maximum gross density of 9 units per acre. The proposed use will be
45 controlled by zoning ordinance regulations and proffered conditions. The Land
46 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per
47 acre.

48

49 Mrs. Jones - Is there anyone in the audience opposed to the
50 deferral of C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd? No
51 opposition.

52

53 Mr. Jernigan - With that, Madam Chair, I move for deferral of case
54 C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd., to the August 13,
55 2009 meeting by request of the applicant.

56

57 Mr. Vanarsdall - Second.

58

59 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
60 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

61

62 At the request of the applicant, the Planning Commission deferred C-8C-05, G.
63 Edmond Massie, IV for Fidelity Properties, Ltd., to its meeting on August 13,
64 2009.

65

66 Mr. Strauss - The second request for deferral is also in the Three
67 Chopt District. It's on page 3 of the agenda. It is C-19C-06, Fidelity Properties,
68 Limited. A residential townhouse development is proposed. The applicant is
69 requesting a deferral to the August 13, 2009 meeting.

70

71

72 **Deferred from the June 11, 2009 Meeting.**

73 **C-19C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.:**

74 Request to conditionally rezone from A-1 Agricultural District to RTHC
75 Residential Townhouse District (Conditional), Parcels 746-763-2482, 746-763-
76 2896, 746-763-1769, and 746-764-3818, containing 10.79 acres, located on the
77 east line of Glasgow Road, approximately 600 feet north of Ireland Lane. The
78 applicant proposes a residential townhouse development not to exceed six (6)
79 dwelling units per acre. The RTH District allows a maximum gross density of 9
80 units per acre. The proposed use will be controlled by zoning ordinance
81 regulations and proffered conditions. The Land Use Plan recommends Suburban
82 Residential 1, 1.0 to 2.4 units net density per acre.

83
84 Mrs. Jones - Is there anyone in the audience who is opposed to the
85 deferral of C-19C-06, G. Edmond Massie, IV for Fidelity Properties, Ltd? No
86 opposition.

87
88 Mr. Jernigan - Madam Chair, I move for deferral of case C-19C-06,
89 G. Edmond Massie, IV for Fidelity Properties, Ltd., to August 13, 2009, by
90 request of the applicant.

91
92 Mr. Vanarsdall - Second.

93
94 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
95 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

96
97 At the request of the applicant, the Planning Commission deferred C-19C-06, G.
98 Edmond Massie, IV for Fidelity Properties, Ltd., to its meeting on August 13,
99 2009.

100
101 Mrs. Jones - Are there other deferrals from the Commission?

102
103 Mr. Jernigan - Yes ma'am. On page 3, case C-8C-09, James W.
104 Theobald for CP Other Realty, LLC.

105
106 **Deferred from the June 11, 2009 Meeting.**

107 **C-8C-09 James W. Theobald for CP Other Realty, LLC:**

108 Request to conditionally rezone from B-2C Business District (Conditional) to B-
109 3C Business District (Conditional), part of Parcel 735-763-7898, containing
110 approximately 1.680 acres, located on the north line of West Broad Street (U. S.
111 Route 250) approximately 1,650 feet east of N. Gayton Road. The applicant
112 proposes a car wash. The use will be controlled by zoning ordinance regulations
113 and proffered conditions. The Land Use Plan recommends Mixed Use. The site
114 is in the West Broad Street Overlay District.

115
116 Mrs. Jones - Anyone here opposed to the deferral of C-8C-09,
117 James W. Theobald for CP Other Realty, LLC? No opposition.

118 Mr. Jernigan - Mr. Branin asked me to defer this case for two weeks
119 to the POD hearing.

120
121 Mr. Emerson - July 22nd.

122
123 Mrs. Jones - Is there a second?

124
125 Mr. Vanarsdall - Second.

126
127 Mrs. Jones - Motion to defer this case for two weeks to July 22nd
128 made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor say aye. All
129 opposed say no. The ayes have it; the motion passes.

130
131 At the request of the Commission, the Planning Commission deferred C-8C-09,
132 James W. Theobald for CP Other Realty, LLC., to their POD meeting on July 22,
133 2009.

134
135 Mr. Emerson - Madam Chairman, I believe that completes the
136 withdrawals and deferrals. The next item on your agenda are requests for
137 expedited items. There are two on the agenda tonight, and they will be presented
138 by Mr. Jim Strauss.

139
140 Mr. Strauss - The first case on the expedited agenda tonight is on
141 page 1 of the agenda, and is located in the Fairfield District. It's SUB-10-09,
142 Oakleys Chase for Edward E. Jr., and Steven N. West, EJD Associates, Inc., and
143 Thornhurst Land Company, and Colwyck Land Company. This is a proposed
144 conditional subdivision with 145 single-family lots. This case was deferred at the
145 June 24th Commission meeting. Since that time, staff has received a plan that
146 adds additional amenities, and an improved tot lot location, which we are handing
147 out this evening. Staff is recommending approval at this time.

148
149 **SUBDIVISION (Deferred from the June 24, 2009 Meeting)**

150
SUB-10-09
Oakleys Chase
(June 2009 Plan)
Thornhurst Street
Balzer and Associates, Inc. for Edward E. Jr. and
Steven N. West, EJD Associates, Inc., Thornhurst Land
Company, LLC, and Colwyck Land Company: The
107.31-acre site proposed for a subdivision of 146 single-
family homes is located at the southeast intersection of S.
Laburnum Avenue and Thornhurst Street and on the south
line of Colwyck Drive, approximately 150 feet west of
Gretna Court, on parcels 815-721-3551 and 813-720-2876
and part of parcel 813-721-9111. The zoning is R-3C, One
Family Residence District (Conditional), C-1, Conservation
District, M-1, Light Industrial District, and ASO, Airport
Safety Overlay District. County water and sewer.
(Fairfield) 145 Lots

151

152 Mrs. Jones - Thank you. I did not ask, and should have, if there
153 was anyone in the audience who is opposed to SUB-10-09, Oakleys Chase.
154 There is no one in opposition. Are there questions for Mr. Strauss from the
155 Commission? Let's take a moment and look at the handout.
156
157 Mr. Strauss - Madam Chairman, page 2 of 6 shows the relocated
158 tot lot here, and the area of the walking trail.
159
160 Mrs. Jones - Mr. Strauss, so what I'm looking at is—
161
162 Mr. Strauss - You should have a reduced size plan that matches
163 the graphic.
164
165 Mr. Vanarsdall - To satisfy Mr. Archer. I am if you are.
166
167 Mrs. Jones - Okay. Are there any other questions? Mr. Archer,
168 would you like to call the applicant?
169
170 Mr. Archer - I don't think we need to.
171
172 Mrs. Jones - Okay.
173
174 Mr. Archer - Do we need it on this handout?
175
176 Mr. Strauss - That would be the revised plan, yes.
177
178 Mr. Archer - First of all, I'd like to thank Mr. Pambid and the
179 applicant's representative. They got together after our meeting to work all the
180 issues that we were trying to resolve in our last meeting. So maybe a little bit
181 better than it was before. With that, I first will move for [blank section on tape].
182
183 Mr. Jernigan - Second.
184
185 Mrs. Jones - Motion by Mr. Archer, and a second by Mr. Jernigan.
186 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
187
188 Mr. Archer - And I move for approval of SUB-10-09, Oakleys
189 Chase subject to this revised plan, staff's annotation, and the conditions for
190 developments of this type, and the additional conditions 13 through 18.
191
192 Mr. Jernigan - Second.
193
194 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall.
195 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
196

- 197 13. The limits and elevation of the Special Flood Hazard Area shall be
198 conspicuously noted on the plat and construction plans and labeled "Limits
199 of Special Flood Hazard Area." Dedicate the Special Flood Hazard Area
200 as a "Variable Width Drainage & Utilities Easement."
201 14. The plan must be redesigned to provide at least the 80-foot minimum lot
202 width required and as regulated by Chapter 24, of the Henrico County
203 Code.
204 15. Prior to requesting the final approval, a draft of the covenants and deed
205 restrictions for the maintenance of the common area by a homeowners
206 association shall be submitted to the Department of Planning for review.
207 Such covenants and restrictions shall be in a form and substance
208 satisfactory to the County Attorney and shall be recorded prior to
209 recordation of the subdivision plat.
210 16. Prior to requesting recordation, the developer must furnish a letter from
211 Dominion Virginia Power, stating that this proposed development does not
212 conflict with its facilities.
213 17. The proffers approved as part of zoning cases C-58C-07 and C-9C-09
214 shall be incorporated in this approval.
215 18. A subdivision landscape plan shall be submitted to the Department of
216 Planning for review and approval prior to recordation of the plat.
217

218 Mr. Strauss - The next case on the expedited agenda is in the
219 Varina District, page 2 of the agenda, C-17C-09, Kenneth A. and Yvonne H.
220 Germain. This is an expansion of the adjacent motorcycle shop. Staff is
221 recommending approval.
222

223 **C-17C-09 Randy Hooker for Kenneth A. & Yvonne H.**
224 **Germain:** Request to conditionally rezone from B-1 Business District to B-3C
225 Business District (Conditional), part of Parcel 823-723-6612, containing 0.073
226 acre, located on the southeast line of S. Mapleleaf Avenue approximately 150
227 feet southwest of E. Nine Mile Road (State Route 33). The applicant proposes
228 an expansion of an adjacent motorcycle shop. The use will be controlled by
229 zoning ordinance regulations and proffered conditions. The Land Use Plan
230 recommends Commercial Arterial. The site is in the Airport Safety Overlay
231 District and the Enterprise Zone.
232

233 Mrs. Jones - Is there anyone in the audience tonight in opposition
234 to case C-17C-09, Randy Hooker for Kenneth A. & Yvonne H. Germain? No
235 opposition.
236

237 Mr. Jernigan - To let everybody know, this is a housekeeping
238 situation. There was a piece of property everybody thought was in a County
239 alleyway that had been deeded a couple of times. This gentleman presented a
240 POD, and staff found that the metes and bounds had never been included in the
241 deed, and it was not a County alley. It took quite a while to clear this case up,
242 but it's good, it was done.

243
244 With that, I will move for approval of case C-17C-09, Randy Hooker for Kenneth
245 A. & Yvonne H. Germain.

246
247 Mr. Vanarsdall - Second.

248
249 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
250 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

251
252 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr.
253 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to
254 recommend the Board of Supervisors **grant** the request because the business
255 use is compatible with surrounding zoning and the proffered conditions should
256 minimize the potential impacts on surrounding land uses.

257
258 Mr. Strauss - That concludes the expedited agenda.

259
260 Mrs. Jones - Thank you, Mr. Strauss. Before we move to the rest
261 of the agenda, I did neglect to address a member of the media who is with us this
262 evening. Katherine Calos is here from the Times-Dispatch. We thank you for
263 coming, and sorry I didn't note your presence earlier at the beginning.

264
265 Mr. Vanarsdall - You'll have to wear a red dress next time.

266
267 Mrs. Jones - Wave a flag. All right, thank you.

268
269 Mr. Emerson - Madam Chair, this takes us into the regular agenda,
270 leaving four cases to be heard tonight.

271
272 **C-18C-09 Gene Davis for Extra Enterprises, LLC:** Request to
273 amend proffered conditions accepted with Rezoning Case C-23C-06, on Parcel
274 822-722-0609, located at the southeast intersection of S. Kalmia Avenue and E.
275 Jerald Street. The applicant proposes to amend Proffer 1 related to the minimum
276 unit size and Proffer 4 related to architectural design. The existing zoning is
277 RTHC Residential Townhouse District (Conditional). The Land Use Plan
278 recommends Multi-Family Residential, 6.8 to 19.8 units net density per acre,
279 Suburban Residential 2, 2.4 to 3.4 units net density per acre, and Environmental
280 Protection Area. The site is in the Airport Safety Overlay District.

281
282 Mrs. Jones - Good evening. Let me ask before Jamie begins, is
283 there anyone with us tonight in opposition to C-18C-09, Gene Davis for Extra
284 Enterprises, LLC? There is not. Okay.

285
286 Ms. Sherry - Thank you, Madam Chair.

287

288 This site was zoned Residential Townhouse District (Conditional) via rezoning
289 case C-23C-06. The 2010 Land Use Plan recommends Multifamily Residential,
290 Environmental Protection Area, and Suburban Residential 2.

291
292 There were 22 proffers accepted with case C-23C-06. Major aspects of the
293 proffers include unit size; maximum density; architectural elevations; fencing; and
294 sidewalks along all parking areas.

295
296 The applicant is requesting to amend Proffer #1 in order to reduce the minimum
297 finished floor area from 1,400 square feet to 1,280 square feet. The minimum
298 width of the units would remain at 20 feet as stated in the original proffer.

299
300 The applicant is also requesting to amend Proffer #4, which pertains to
301 architectural design. This request to change the elevations is in response to the
302 applicant selling the property to a new builder. The submitted elevations are
303 consistent with a product the builder currently provides. The proposed
304 amendment to Proffer #4 continues to commit to not having units with the same
305 architectural design next to one another.

306
307 Proffer #5 of the original case identifies exterior building materials. Staff
308 encourages the applicant to provide new elevations that closely resemble the
309 structures proposed for this development with front, side and rear elevations that
310 provide more detail.

311
312 To ensure the same level of quality that was proffered with the original elevations
313 it is recommended the applicant detail architectural features such as paneled
314 front doors, rear decks, and brick foundations, stoops, and front steps in the
315 proffers.

316
317 To be in keeping with recent townhouse-style developments approved in the
318 County, and to help ensure the proposed changes do not reduce the quality of
319 development intended with the original case, the applicant is encouraged to
320 consider submitting additional proffer language that includes a commitment to
321 foundation plantings; sod and irrigation; vinyl quality; and BMP treatment.

322
323 Although amending these requirements raises concerns, it should not
324 significantly reduce the quality of development if the issues identified in the staff
325 report are addressed and all other proffers remain unaltered.

326
327 The applicant submitted amended proffers dated today; which you have just
328 received. Based on the County Attorney's recommended preamble, a preamble
329 was added to the amendments, and an exhibit number and a date was added to
330 each of the architectural drawings. Staff notes time limits would need to be
331 waived to accept the amended proffers this evening.

332

333 This concludes my presentation I would be happy to answer any questions.
334 Thank you.

335
336 Mr. Jernigan - I do have a question. When you're speaking of the
337 other thing, brick foundation and all, wasn't that in the original case?
338

339 Ms. Sherry - It was not proffered in the actual proffer language; it
340 was identified on the elevations, which are now being switched out. It's not
341 identified on the new, but it was not identified in the actual proffer language.
342 Proffer #5 talked about other materials' percentages.
343

344 Mr. Jernigan - When I spoke to Mr. Davis, we gave up some square
345 footage, and they changed the style of the townhouse to match the new ones
346 that Ryan was building on Laburnum Avenue, which is an upgrade from what we
347 originally had. Now, in those elevations, don't they have brick foundations?
348

349 Ms. Sherry - It's not labeled on there, on the elevations
350 themselves, the elevations that are on the screen right now. They don't actually
351 label the identifications if it's not in the actual proffers as well.
352

353 Mr. Vanarsdall - What is that, HardiPlank?
354

355 Ms. Sherry - I'm not certain, sir.
356

357 Mrs. Jones - Ms. Sherry, when you say 50% brick, is that 50%
358 aggregate, or is that every other will be 50, or the side will be 50%. How is that
359 done?
360

361 Ms. Sherry - Did I say 50% brick?
362

363 Mrs. Jones - It's on the drawings.
364

365 Ms. Sherry - Oh, on the drawings.
366

367 Mr. Emerson - It is on the drawings.
368

369 Ms. Sherry - Oh, I'm sorry. That is consistent with the proffer that
370 is in the original case. I'm not sure; I think Mr. Davis might be able to answer that
371 question.
372

373 Mrs. Jones - As to how that's configured, you mean?
374

375 Ms. Sherry - Correct.
376

377 Mrs. Jones - Okay, thank you.
378

379 Mr. Jernigan - I know the townhouses are being built that he's turned
380 the proffers in for for this case are brick. They have brick on them.
381
382 Mrs. Jones - All?
383
384 Mr. Jernigan - No, no.
385
386 Mrs. Jones - Are they like the Kings Ridge Townhomes?
387
388 Mr. Jernigan - Yes. On Laburnum Avenue—
389
390 Mrs. Jones - Yes.
391
392 Mr. Jernigan - —across from the apartments, yes. The new ones
393 that Ryan is building. The proffers are to be changed to where those elevations
394 will replace the elevations that they had in the previous case. Am I correct on
395 that?
396
397 Mr. Vanarsdall - You say they already had brick on them?
398
399 Mr. Jernigan - Yes, Kings Ridge.
400
401 Mr. Emerson - Once constructed, but not necessarily the ones in the
402 elevations. The elevations are committing to the 50% of the total façade, as per
403 Proffer #5 of the original case. But I believe your question was—and maybe I
404 misunderstood—whether or not there would be brick foundations or faux
405 foundations made of brick. There's nothing that necessarily guarantees that.
406
407 Mr. Jernigan - Mr. Davis, could you come up to the podium, please?
408
409 Mrs. Jones - Thank you, Ms. Sherry.
410
411 Mr. Jernigan - Are we going to have brick foundations?
412
413 Mr. Davis - Yes sir.
414
415 Mr. Jernigan - There we go.
416
417 Mrs. Jones - Excuse me, would you—Sir? Would you please just
418 identify yourself? We're taping—
419
420 Mr. Davis - I'm Gene Davis. I'm sorry, Madam Chairman. Yes,
421 we will have brick foundations. I think if you look at the architectural drawings
422 showing the footing detail on the whole set of plans, it may not be on this one
423 that Jamie put out, but it does show brick. All the reveals will be brick in the
424 foundation.

425
426 Mr. Jernigan - Okay. So, you're changing Proffer #1 and Proffer #4.
427 Proffer #5 says that a minimum of 50% of the total façade for the entire project
428 shall be brick or stone.
429
430 Mr. Davis - Yes, absolutely. We're not changing any other proffer
431 than those two.
432
433 Mr. Jernigan - Okay. You all right with that? Thank you, Mr. Davis.
434
435 Mr. Davis - Thank you.
436
437 Mrs. Jones - Mr. Davis?
438
439 Mr. Davis - Yes ma'am?
440
441 Mrs. Jones - Just because I want to make sure I understand. In
442 each run of three, four, five units or whatever, do you intend to have—
443
444 Mr. Davis - Every other.
445
446 Mrs. Jones - Every other brick?
447
448 Mr. Davis - Yes ma'am.
449
450 Mrs. Jones - I see.
451
452 Mr. Davis - Yes ma'am.
453
454 Mrs. Jones - Okay, that answers that.
455
456 Mr. Davis - And if it's a five, it would be three brick.
457
458 Mrs. Jones - Mmm-hmm.
459
460 Mr. Davis - Just like we have off Laburnum Avenue.
461
462 Mrs. Jones - Off of Laburnum. Okay.
463
464 Mr. Jernigan - Okay. Anybody else have questions?
465
466 Mrs. Jones - The irrigation and sodding, have you discussed any of
467 that?
468
469 Mr. Jernigan - No, because I don't believe that was in on the original.
470

471 Mr. Emerson - That was not in the original case.
472
473 Mrs. Jones - Times moving on as they do, I wondered whether it
474 would be appropriate to talk about that now.
475
476 Mr. Jernigan - Mrs. Jones, to be truthful with you, I guess I will say I
477 am happy with it the way it is and just leave it at that.
478
479 Mrs. Jones - I love to get as fine a project as we can.
480
481 Mr. Jernigan - I realize that.
482
483 Mrs. Jones - I'm happy you're happy.
484
485 Mr. Jernigan - Okay, thank you.
486
487 Mrs. Jones - You're welcome.
488
489 Mr. Jernigan - All right, Madam Chair, with that, I will move for
490 approval of C-18C-09, Gene Davis for Extra Enterprises, LLC—Excuse me. First
491 of all, I have to waive the time limits on the proffers entered today.
492
493 Mr. Vanarsdall - Second.
494
495 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall
496 regarding the proffers. All in favor say aye. All opposed say no. The ayes have it;
497 the motion passes.
498
499 Mr. Jernigan - With that, I will move case C-18C-09, Gene Davis for
500 Extra Enterprises, LLC, be sent to the Board of Supervisors for their approval.
501
502 Mr. Vanarsdall - Second.
503
504 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
505 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
506
507 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr.
508 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to
509 recommend the Board of Supervisors grant the request because the reduction in
510 minimum house size and required finished space would not greatly influence the
511 quality or value of residential development in the area and it was determined
512 reasonable.
513
514 **P-9-09 Mitch Mitchell for Burgerbusters, Inc.:** Request for
515 a Provisional Use Permit required under proffered condition #28 accepted with C-
516 29C-06 to allow extended hours operation of a restaurant (Steak 'n Shake) on

517 part of Parcel 815-718-5710, an out parcel within the Shops at White Oak
518 Village, located approximately 400 feet east of S. Laburnum Avenue at its
519 intersection with Gay Avenue. The applicant proposes opening daily at 5:00 a.m.
520 instead of 6:00 a.m. and closing daily at 1:00 a.m. instead of 12:00 a.m. The
521 existing zoning is B-3C Business District (Conditional). The Land Use Plan
522 recommends Planned Industrial. The site is in the Airport Safety Overlay District
523 and the Enterprise Zone.

524

525 Mrs. Jones - Before Ms. Taylor begins, is there anyone with us
526 who is in opposition to cast P-9-09, Mitch Mitchell for Burgerbusters, Inc.? No
527 opposition. Good evening.

528

529 Mr. Vanarsdall - Good evening, Ms. Taylor.

530

531 Ms. Taylor - Hello. Thank you, Madam Chair.

532

533 This request would allow for the extension of hours of operation of Steak 'n
534 Shake, a proposed restaurant at the Shops at White Oak Village. The applicant
535 proposes to open daily at 5:00 a.m. instead of 6:00 a.m., and close at 1:00 a.m.
536 instead of 12:00 a.m.

537

538 The site is zoned B-3C and designated Planned Industry on the 2010 Land Use
539 Plan. The subject property is also located within the County's Enterprise Zone.

540

541 The Shops at White Oak Village was approved in 2006 via rezoning case C-29C-
542 06. The grand opening was in October 2008. Although the hours requested are
543 permitted in a B-3 Zoning District, Proffer #28 accepted with the case prohibits
544 businesses from being open to the public between the hours of 12 a.m. and 6
545 a.m. unless otherwise approved by a Provisional Use Permit.

546

547 Staff believes extending the hours of operation to 5:00 a.m. would be a
548 reasonable extension of the surrounding commercial activity.

549

550 However, staff does have concerns regarding the request to extend hours of
551 operation to 1:00 a.m. Although the restaurant would not serve alcohol, staff
552 believes the increase in late night activity could have a negative impact on the
553 surrounding community.

554

555 The Division of Police has also raised concerns regarding this request due to the
556 likely impact on loitering; other nuisances; and an increase in calls for service in
557 the area.

558

559 In addition, staff has concerns that the approval of later hours would set an
560 undesirable precedent for other businesses at the Shops at White Oak Village.

561

562 Given the combination of these factors, staff does not support extended hours of
563 operation until 1:00 a.m., but can support extended hours of operation to 5:00
564 a.m. with the revised conditions handed out this evening.

565
566 This concludes my presentation. I will be happy to answer any questions.

567
568 Mrs. Jones - Thank you. Are there questions for Ms. Taylor?

569
570 Mr. Jernigan - Ms. Taylor, I don't have any questions for you, and
571 you did a good job on the report. I do have a request.

572
573 Ms. Taylor - Yes sir.

574
575 Mr. Jernigan - I spoke briefly to Jean about this today, and whoever
576 you all want to get to do it. I would like to see a report of B-3C along the other
577 parts of the County, mainly the West End, of the hours of operation for different
578 restaurants such as Friday's. I know in B-3 that all of them are using 2:00 in the
579 morning because they can, but I would be interested to see in the B-3C where it
580 is conditional how many of these restaurants are open until 2 that have alcohol.

581
582 Ms. Taylor - Okay.

583
584 Mr. Jernigan - That's something that you take your time on; it's not
585 something I have to have tomorrow. We're having some situations where we
586 have more restaurants coming. I just want to have a little gauge to go by.

587
588 Mr. Vanarsdall - Are you talking about for the entire planning—

589
590 Mr. Jernigan - Well, mainly the West—I mean, well, yes, let's say the
591 entire County in B-3C. Like I said I know B-2 is used to the max.

592
593 Mrs. Jones - Are you looking for this in relation to calls for service,
594 or just as a listing?

595
596 Mr. Jernigan - As a listing of those people that are open until 2 that
597 serve alcohol.

598
599 Mrs. Jones - If you have that list, would it not be smart to correlate
600 it to some standard by which we can see if there is any kind detrimental effect
601 with the late hours and the potential for [blank section on tape]. Just wondering if
602 that would be an added dimension to it that we should pay attention to.

603
604 Mr. Jernigan - I guess Ms. Vann could get us that information from
605 police about the calls.

606

607 Mrs. Jones - Because your concern is based, probably, on the
608 judgment call we need to make about where restaurants can be open to what
609 hours and under what conditions. That's all part of it [blank section on tape] or
610 not.

611
612 Mr. Jernigan - I feel that probably on West Broad most of these
613 places are open a little later, but I can't state it because I haven't seen the
614 statistics. I'd like to see a count of how it goes.

615
616 Mr. Emerson - We can do that.

617
618 Mr. Donati - It would be interesting to know if any of these permits
619 have ever been revoked.

620
621 Mr. Jernigan - One.

622
623 Mr. Emerson - There's one, I believe.

624
625 Mr. Jernigan - I don't know when it was, but I checked on that
626 already. There's only been one provisional use permit ever revoked in this
627 County.

628
629 Mr. Emerson - That's my understanding, but we can check on that,
630 too.

631
632 Mr. Vanarsdall - It's not as easy to revoke as you think it would be.

633
634 Mrs. Jones - Are there other questions?

635
636 Mr. Jernigan - I don't have any questions for Ms. Taylor, but I do
637 need to talk to Mr. Emerson.

638
639 Mrs. Jones - Ms. Taylor, would you entertain us for a moment?

640
641 Ms. Taylor - Yes, this is—the plat. Here's the floor plan.

642
643 Mrs. Jones - Just out of curiosity, are there other Steak 'n Shakes
644 in our area? This will be the first?

645
646 Ms. Taylor - In Virginia.

647
648 Mrs. Jones - In Virginia. Well, I do have a question or two, but we'll
649 wait and see.

650
651 [Long pause.]

652

653 Mr. Jernigan - Ms. Vann, could you come to the podium, please?
654
655 Ms. Vann - Good evening. Kim Vann with Henrico Police.
656
657 Mr. Vanarsdall - Hello, Kim.
658
659 Mr. Jernigan - Do you think that you could get me some statistics for
660 problems that we have with alcohol in the hours related?
661
662 Ms. Vann - I can put the request in; I actually don't do that. The
663 Records Unit within the Division of Police produces all information for public
664 information. Probably we would need a little guidance to know what you're
665 looking for, but I can certainly work with yourself and the Planning staff to figure
666 out what we are looking at, whether it's the usual list that they're coming up for all
667 B-3, and then planning what the calls for service are based on those businesses
668 that are open past a certain time, or any other direction you want. We certainly
669 can work with you on that.
670
671 Mr. Jernigan - Do you know if maybe we've had an excessive
672 amount of calls in the Varina District?
673
674 Ms. Vann - I wouldn't be able to tell you Varina District. I typically
675 don't do crime analysis.
676
677 Mr. Jernigan - Okay.
678
679 Ms. Vann - That's for another part of the unit. For example, for
680 this case, we would get the information and try to present it in a way that is
681 useable for the staff report and the file. That would be the only information I have
682 at this point. It would be White Oak Village, and we did do a comparison across
683 the street actually catty-corner to the Laburnum Square Shopping Center. So we
684 have some of that information. But for Varina overall, no sir.
685
686 Mr. Jernigan - I guess the reason I'm requesting this information is
687 because, naturally, our end of the town is the part of town that's growing right
688 now. We have a bunch of new restaurants in the White Oak Shopping Center.
689 And through time, we're going to have more people coming. I guess for the rest
690 of the Commission—and I'll tell you where I'm going—I kind of want to be fair
691 with everybody because right now White Oak has a 12:00 proffer. These people
692 have to come for an amendment. Well, we have Steak 'n Shake tonight, which is
693 Burgerbusters. Next month we have T.G.I. Fridays coming in for a request. We
694 have Olive Garden coming; they're going to start construction. Probably through
695 time, we will have some more restaurants, so I want to kind of gauge and see
696 what's going on with the rest of the County. To be fair, if mostly everybody in the
697 West End is open until 2, it looks a little discriminatory to be shutting us down at

698 midnight in the East End. Personally, I don't want to hear those complaints.
699 That's the reason I'm requesting this information.

700

701 Ms. Vann - Yes, we certainly can get the information for you.

702

703 Mr. Jernigan - Okay. I would appreciate that.

704

705 Mr. Vanarsdall - The list would probably be shorter of those that don't
706 have it than those that do.

707

708 Mr. Donati - Mr. Jernigan, you already have two restaurants on
709 Williamsburg Road that are open 24 hours. Waffle House.

710

711 Mr. Jernigan - Yes.

712

713 Mr. Vanarsdall - They don't sell beer, do they?

714

715 Mr. Donati - No.

716

717 Mr. Jernigan - I guess another think I was telling Mr. Vanarsdall
718 earlier, if we shut up early in the East End, I don't want people driving to the West
719 End getting drunk, and then have to drive all the way back to the East End to get
720 home. It's more chance of getting somebody in an accident.

721

722 Mr. Vanarsdall - That's what they've been doing for years. That's why
723 we have so many drunks from the East End.

724

725 Mrs. Jones - So this is basically a public service.

726

727 Mr. Jernigan - I guess I'm trying to help the police calls. Thank you,
728 Ms. Vann, that's all I need. I appreciate your help.

729

730 Mrs. Jones - Thank you. I just have a quick question for the
731 applicant.

732

733 Mr. Jernigan - Mr. Axselle is coming down to see us now.

734

735 Mr. Axselle - If I make a couple comments. This applicant has only
736 requested to go to 1:00. We suggested to the staff, and they have included it in
737 their suggested condition, that we not serve alcohol. If I could kind of go through
738 the thing. I think Mr. Jernigan's discussions and requests are reasonable, but just
739 not relevant to this case.

740

741 Mr. Jernigan - You're right, Mr. Axselle, they're not.

742

743 Mr. Axelle - I do want to introduce to you Lee Garvin, who is here
744 with the applicant. Lee, if you could raise your hand. And Mitch Mitchell you
745 know is with Timmons, which, as you know, represent Forrest City Enterprises.
746 They're very supportive of this request. In fact, Jim Ridge, as many of you know
747 from the Planning POD, says they have the best steak burgers and best shakes
748 in America. I don't know if he thought I was reporting on that, but it's very
749 supportive of it.

750
751 Steak 'n Shake has been in business 75 years. They basically go from
752 Wisconsin, Michigan, Pennsylvania and the north, over to Texas, and Alabama,
753 Florida to the south; go to Oklahoma and Kansas. There are two states in the
754 eastern and southeastern part that do not have a Steak 'n Shake, and they are
755 Louisianan and Virginia. Mr. Garvin and his company have been awarded the
756 franchise for Virginia, so this will be the first Steak 'n Shake in Virginia. It is, quite
757 frankly, it is very exciting. It is a family restaurant. It is not a fast-food restaurant.
758 You go in and you order at the table, a waitress or waiter comes to take your
759 order, they go back to the restaurant. It's cooked and prepared as you requested,
760 and served to you there. Now, this does have a drive-thru, but the entire
761 operation is what they call a full-service restaurant and not a fast-food restaurant.
762 They have wonderful types of meals of classic melts, various sandwiches, chili, a
763 full breakfast.

764
765 About 99% of the Steak 'n Shakes around the country operate 24 hours. They
766 recognize, however, that we're in Henrico County and would prefer to have some
767 less type of activity. They came and basically suggested that staff place on them
768 the same conditions that the County placed on 7-Eleven. Now, keep in mind, 7-
769 Eleven in the Shops at White Oak Village is open 24 hours. The police and the
770 staff put together some very serious conditions. Mr. Garvin and his folks said
771 they would live with those. If you read them they are very tough, and this is for a
772 restaurant that does not serve alcohol at all. I also hope you would keep in mind
773 that at White Oak Village, the lighting is brighter than your normal shopping
774 center, and it has 63 stationary cameras, 63 cameras. They have PTZ cameras,
775 the ones that zoom in and out, and scan around and so forth. It has 24-hour on-
776 site security. There's no place in the County, I believe, that has that level of
777 security, with the possible exception of the Short Pump Town Center. This is just
778 the method by which Forest City operates.

779
780 Why 1:00? This site is actually closer to the interstate than the 7-Eleven. It
781 makes sense that you have a 7-Eleven that can, in fact, accommodate the
782 traveling public so that they can consume for their automobiles, gasoline. We
783 want them to have the ability to consume in their person some good meals as a
784 convenience to them. Also, Forest city has received some inquiries from people
785 that come into the airport in such flights around 12, 12:00, and we want to have a
786 decent place for people to come and eat there on the way.
787

788 We are supportive of all of the staff conditions. We can live with the 1:00. We
789 volunteered there would be no alcohol, so that addresses some of the normal
790 concern. We agree with everything that staff has suggested, or they've
791 highlighted for us some changes they've made, and they're reasonable. The two
792 exceptions are that the 12:00 a.m. we would ask to be 1:00 a.m. And then we
793 just were talking. Burgerbusters, Mr. Garvin and his company have all the Taco
794 Bell franchises in the Richmond area, so that was the name they were using. But
795 this, in fact, will be Steaks of Virginia, LLC.

796

797 So I hope that you will approve the staff's suggestion if you go forward. I can't
798 say it's their recommendation, but if you go forward, these are the conditions. I
799 would suggest that you make two modifications, the 12:00 a.m. to 1:00 a.m., and
800 the Burgerbusters reference would be Steaks of Virginia, LLC. That basically is
801 premise that this is a non-alcohol use, it's a restaurant, it's a full-service, sit-down
802 restaurant. It's not a fast-food. I'd be glad to answer any questions you have.

803

804 Mr. Vanarsdall - I don't think we ever had one that wanted extended
805 hours that couldn't serve alcohol.

806

807 Mr. Axelle - I don't know. I would not think so, but I don't know
808 that. Something was just approved recently down on Williamsburg Road for the
809 earlier opening, I should say. But I think it's commendable when advised of
810 some of the concerns the Henrico County had said, "We'll be glad to go to 1:00
811 not 2, and we'll be glad to say no alcohol."

812

813 Mrs. Jones - Mr. Axelle, I was a little surprised to see the 5 a.m.
814 request. Having very little experience with Steak 'n Shake, I didn't realize that
815 breakfast was a big portion of their operation. I'm assuming that's the reason why
816 the 5:00 request?

817

818 Mr. Axelle - Yes. They have a full breakfast menu all hours of their
819 operation, including the 5:00. I think recently a provisional use permit was
820 approved for a restaurant, a Bojangles—

821

822 Mrs. Jones - Five thirty.

823

824 Mr. Axelle - On Williamsburg. There are people who are—

825

826 Mr. Emerson - It's on Nine Mile Road.

827

828 Mr. Axelle - Nine Mile Road.

829

830 Mr. Axelle - Nine Mile Road. But there are people who are out
831 traveling, people who are going to work. I'm not one of them, but there are a lot
832 of people who, you know, will leave home and want to get something to eat on
833 the way to work.

834
835 Mrs. Jones - When you're opening at 5, I guess you have
836 employees reporting for work at 4?
837
838 Mr. Axselle - I would think it would be 4:30—4 or 4:30, yes.
839
840 Mrs. Jones - Okay. And the drive-thru, did I understand you that
841 there would be a drive-thru as part of this operation as well?
842
843 Mr. Axselle - Yes.
844
845 Mrs. Jones - Does the drive-thru mirror these hours?
846
847 Mr. Axselle - It would. But do keep in mind that for the food that is
848 ordered at the drive-thru is not pre-prepared food. In other words, if you wanted
849 to get a hamburger, you want to get French fries, you want to get burgers, you
850 want to get a sandwich, just like if you went to any full-service restaurant, it's
851 prepared at that time. So much of the use is inside because it is a sit-down
852 restaurant.
853
854 Mrs. Jones - I'm just envisioning it being open until 1, drive-thru
855 open until 1, line of cars. It's going to be 2:00 before the operation wraps up and
856 everything is finished for the night, I would think. I'm not an expert at restaurant
857 operation.
858
859 Mr. Axselle - The internal operations will probably take some time
860 after 1, but I don't think the outside activities and sales would take place after 1.
861 They can't take place after 1.
862
863 Mrs. Jones - Thank you. Are there other questions?
864
865 Mr. Jernigan - Mr. Axselle, there is no alcohol period. Do they sell
866 any during any hours?
867
868 Mr. Axselle - No.
869
870 Mr. Jernigan - Okay.
871
872 Mr. Axselle - The prohibition would prohibit them from selling
873 alcohol at any time during their operations at this site.
874
875 Mr. Jernigan - Okay.
876
877 Mrs. Jones - The Bojangles opening, was it 5:30?
878
879 Mr. Emerson - Yes ma'am, that's correct.

880

881 Mrs. Jones - The request, I think, was for 5:30, or was it for 5?

882

883 Mr. Emerson - I believe it was for 5:30.

884

885 Mr. Axselle - That 5:00 is probably a little more applicable. There
886 are some people who would fly into Richmond International Airport and want to
887 get something on the way home for their meal. But probably more—and this is
888 just pure me speculating—Your flights aren't leaving—as Mr. Donati knows; he's
889 on the Commission—they leave fairly early, and some people could want to have
890 breakfast on the way to the airport.

891

892 Mrs. Jones - In my view, the airport is probably one of the biggest
893 factors in consideration of it.

894

895 Mr. Axselle - Thank you all very much.

896

897 Mr. Jernigan - Mr. Axselle, I tell you why I'm asking all these
898 questions. Actually, the question that I asked is pertinent to your case. I'm faced
899 with a situation that I know that T.G.I. Fridays is coming next month with a 2:00
900 request, which most of their places are open until 2. I know you all had
901 requested 24 hours, which I denied and said we couldn't do. I'm thinking about
902 this. I don't know, I must be in a good mood or something tonight, but I'm actually
903 thinking about giving you to 2:00 rather than 1:00. If the panel rules on Fridays
904 for 2, then you're going to be coming back and requesting 2.

905

906 Mr. Axselle - I appreciate your good mood, [unintelligible] that's a
907 logical basis, especially when, as you said, most of the operations around the
908 area in the commercial areas are 2:00. Save your client money, too.

909

910 Mr. Jernigan - It'll probably take a few dollars out of your pocket.

911

912 Mr. Axselle - Well, we don't want to get carried away here, but—no.
913 I think I would prefer to do that.

914

915 Male - [Off mike.] If I could interject, 2:00 is [inaudible].

916

917 Mr. Vanarsdall - His meter runs all the time,

918

919 Mr. Jernigan - Staff and I had been going round and round this thing.
920 I'm feeling that—I'm not sure what I'm going to do on the Fridays' case, because
921 I really haven't discussed that with staff that much. But you all are a non-alcohol
922 facility. If I was going to give 2:00 to anybody, you would deserve it probably
923 before them. I'm not trying to sound bad about it, but you're strictly an eating
924 facility and not a bar. If you want to do that, we'll change that, and I will make a
925 motion to have it from—Let me ask you about this. Do you need the 5:00?

926
927 Mr. Axselle - In light of the people down that way and what time
928 they get started, I think it would be reasonable. To answer your question, we
929 would think that a 2:00 and a 5:00 would be a reasonable way of addressing it,
930 especially with the non-alcohol. Right now, we only have two Waffle Houses that
931 are open. Mrs. Jones, I know you want to say something because I can see that
932 look in your face.

933
934 Mrs. Jones - These folks know me well. My only concern is that as
935 we kind of take an ad hoc approach to these cases and treat them quickly with
936 different recommendations, we are setting precedence here. I want to be very,
937 very careful. I do think there is probably going to be an argument at some point
938 to do exactly what you're suggesting. The question is do we do it now, or do we
939 find a way to adjust with a little more smooth and efficient process, perhaps,
940 should other cases come through and 2:00 be what is clearly the accepted norm
941 for our area. If that's the way it's going, fine, but once we make this decision, I
942 think the path is set. I'm not sure I'm comfortable with that. I think I would be
943 comfortable with the requested time.

944
945 Mr. Jernigan - If it was a Waffle House that was moving in.

946
947 Mrs. Jones - You know, you're putting me in a tough position. I just
948 want us to be very sure that what we do is not being done quickly; it's being done
949 because we know we're going to have other people say, "This is what you did for
950 Burgerbusters, so therefore..." I'm concerned about that.

951
952 Mr. Jernigan - Then, too, there are a lot of places in the West End
953 that are open all night. All your Waffle Houses are. This case is this case tonight.
954 We have Fridays to deal with next month. This is a non-alcoholic operation, and
955 I'm kind of feeling that I'm okay with the 2:00.

956
957 Mr. Vanarsdall - And the 5:00?

958
959 Mr. Jernigan - We really don't have any—Well, staff's okay with 5:00
960 on that. The residential is across the street, and this is going to be set back in
961 the shopping center across from Target, correct, Mr. Axselle?

962
963 Mr. Axselle - Yes, further back, as you see on the red. It's not one
964 of the initial outparcels.

965
966 Mr. Emerson - Staff is comfortable with 5 a.m., but we do have
967 concerns regarding extended hours.

968
969 Mr. Jernigan - I know. We've been going round and round on it.
970 Okay.

971

972 Mrs. Jones - I do have concerns about that.
 973
 974 Mr. Jernigan - I know.
 975
 976 Mr. Vanarsdall - You're the man.
 977
 978 Mrs. Jones - Are there comments, questions, discussion points?
 979
 980 Mr. Jernigan - Madam Chairman, with that, I'm going to make a
 981 motion that we amend the application to be from 5:00 a.m. to 2:00 a.m. And I will
 982 move for approval of case P-9-09, Mitch Mitchell for Burgerbusters, Inc. The
 983 case is filed as Burgerbusters, Inc., but it would be Steaks of Virginia, LLC.
 984
 985 Mr. Vanarsdall - Second.
 986
 987 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
 988 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
 989
 990 The vote was as follows:
 991
 992 Mrs. Jones - No
 993 Mr. Vanarsdall - Yes
 994 Mr. Branin - Absent
 995 Mr. Jernigan - Yes
 996 Mr. Archer - Yes

997
 998 **REASON:** Acting on a motion by Mr. Jernigan seconded by Mr.
 999 Vanarsdall, the Planning Commission voted 3-1 (one absent, one opposed, one
 1000 abstention) to recommend the Board of Supervisors **grant** the request because
 1001 its is reasonable in light of the surrounding uses and existing zoning on the
 1002 property and when properly developed and regulated by the recommended
 1003 special conditions, it would not be detrimental to the public health, safety, welfare
 1004 and values in the area.
 1005

1006 **Deferred from the June 11, 2009 Meeting.**
 1007 **C-11C-09 Sandra Verna for Wilton Development Corp:**
 1008 Request to amend proffered conditions accepted with Rezoning Case C-12C-05,
 1009 on Parcels 804-737-7961, 804-736-0481, and 804-737-1251, located at the
 1010 northeast intersection of Mechanicsville Turnpike (U. S. Route 360) and Neale
 1011 Street. The applicant proposes to amend various proffers including those related
 1012 to the conceptual plan, architectural treatment, and height limitations. The
 1013 existing zoning is R-5C General Residence District (Conditional) and B-2C
 1014 Business District (Conditional). The Land Use Plan recommends Urban
 1015 Residential, 3.4 to 6.8 units net density per acre, Commercial Concentration, and
 1016 Government. The site is in the Airport Safety Overlay District.
 1017

1018 Mrs. Jones - Is there anyone with us tonight who is in opposition to
1019 C-11C-09, Sandra Verna for Wilton Development Corp? No opposition. Hello,
1020 Mr. Strauss.

1021
1022 Mr. Strauss - Thank you, Madam Chair.

1023
1024 This is a request to amend the Proffers of Rezoning Case C-12C-05 as they
1025 relate to the type of residential buildings to be constructed for this project. The
1026 original case included retail, office, and a stacked flat style condominium on this
1027 36.6 acre site at the northeast intersection of Mechanicsville Turnpike and Neale
1028 Street. The site is zoned R-5C and B-2C. Only the R-5C portion is involved in
1029 the proposed changes.

1030
1031 The 2010 Land Use Plan recommends Commercial Concentration and Urban
1032 Residential. This request does not propose changing the general type of use
1033 previously approved and therefore it is consistent with the Land Use Plan.

1034
1035 The applicant has been working with the staff to address the issues raised in the
1036 staff report and they have recently submitted revised proffers dated July 9th
1037 which we are handing out this evening. A revised site layout was also received
1038 last week, which we are also including with the revised proffers.

1039
1040 This conceptual plan from the previous case showed a 20-building layout for the
1041 stacked flat-style condominiums. A park area and a community clubhouse and
1042 pool are also included. Here is the park area, and there is the pool and
1043 clubhouse.

1044
1045 The new site plan we are considering tonight with the proffers—as shown on this
1046 new exhibit—the applicant wishes to construct side-by-side, townhouse-style
1047 condominiums with a traditional vertical design. The new concept plan shows 42
1048 separate buildings, each containing 4-6 town house condominium units for sale.
1049 While the total number of buildings has increased, the unit count has been
1050 reduced from 260 to 242. The height of residential buildings is proffered to be
1051 30 feet, exclusive of architectural features. Some units will have a walkout
1052 basement level where the existing grade allows.

1053
1054 Because the proposed changes in building form and site layout could alter the
1055 character of the development, much of the discussion has related to ensuring the
1056 level of quality development originally envisioned for this project.

1057
1058 Many of the issues raised in the staff report have been addressed by the
1059 applicant, including numbers of townhouse units in each row; architectural
1060 treatment on the ends of town house groups; the percentage of brick, a brick
1061 foundation; landscaping and irrigation of front yards; pedestrian connectivity with
1062 the addition of sidewalks; and the provision of amenities and open space. As you

1063 can see on the revised plan, there is now a village green here, and the pool
1064 house and pool have been relocated to this side of the site.

1065
1066 The revised proffers you have received tonight address most of staff's concerns
1067 with this case. One remaining issue is that of roofing material warranty. The
1068 applicant has increased the warranty of the roof material from 20 years to 25
1069 years. Staff believes that this case could be strengthened with the use of a 30-
1070 year roof; however, overall, staff supports this case with the recent amended
1071 proffers.

1072
1073 Since we did receive the latest set of proffers this morning, the time limits would
1074 need to be waived.

1075
1076 This concludes my presentation. I will be happy to take any questions. I see that
1077 Gloria Freye is also here, and we have folks from the Wilton Company. Thank
1078 you.

1079
1080 Mrs. Jones - Are there questions for Mr. Strauss from the
1081 Commission? All right, we thank you. What do you think, Mr. Archer?

1082
1083 Mr. Archer - I think Ms. Freye would probably want to make a
1084 comment. It doesn't have to be extensive.

1085
1086 Ms. Freye - No sir. Good evening. My name is Gloria Freye. I'm
1087 an attorney for McGuireWoods, here on behalf of Wilton Development. I do
1088 appreciate the staff's report, and we have worked closely together to address the
1089 issues that were raised. As Mr. Strauss explained, the amendment was really
1090 initiated because of changing the style of the condominiums from the horizontal
1091 apartment-style building to the vertical townhouse-style condos. The form of
1092 ownership is still the same; they're still condominiums. I think that is an important
1093 fact to remember, especially when you're thinking about the roof. We did
1094 improve that proffer from a 20-year roof to a 25. I learned that when you go from
1095 20 to 25, the composition of the shingles actually includes elements I think with
1096 zinc and some other compounds that prevent the staining and discoloring that
1097 happens, and with mold that happens with a 20-year roof that you don't have with
1098 a 25. It's definitely increased the maintenance-free lifestyle that we're trying to
1099 accomplish with this development in the condominium regime.

1100
1101 The other important thing about it being a condominium as it relates to the roof is
1102 that the condo owners' fees from the very beginning will include an amount that
1103 is specifically addressing the repair and maintenance for replacement of the roof.
1104 Also, you have a management company in place that can monitor that
1105 maintenance, the ongoing maintenance and care of it, and be responsible for that
1106 warranty, so that there won't be an individual assessment on the individual. It
1107 won't be the responsibility or the obligation of the individual owners; it will be the
1108 Association that will handle that. Also, the 25-year roof for townhouses and for a

1109 lot of subdivisions has been an accepted quality proffer by Henrico County for
1110 both townhomes and single-family detached homes, both in the West End and
1111 the East End.

1112
1113 That's the reason for improving it to the 25. We did make a lot of additional
1114 proffers to the case that was not addressed in the original case that give the
1115 quality assurance. That was the concern that we heard from some of the
1116 neighbors. We had two community meetings. At the second community meeting
1117 when we went over just the changes, and to show them that, basically, the style
1118 was changing, but the quality was being improved, and showing them that the
1119 conceptual layout; the access; the internal street layout; the open space area; the
1120 amenities were the same although they'd been shifted a little; the buffers were
1121 the same, but they've been enhanced because of the plantings that are now
1122 being required that weren't addressed before. There's sod and landscaping
1123 that's been added that wasn't in there before; brick foundation or the appearance
1124 of brick foundation has been added that wasn't in there before, which actually
1125 improves the quality of the proffers over the original case.'

1126
1127 The feedback that we received from the community at the second meeting was
1128 they felt that we had listened, that we had addressed their concerns, and we feel
1129 like we have addressed the concerns in the staff report by increasing that roof
1130 proffer to the 25.

1131
1132 We'll be glad to respond to questions.

1133
1134 Mrs. Jones - Any questions?

1135
1136 Mr. Archer - I don't, Madam Chair.

1137
1138 Mrs. Jones - All right.

1139
1140 Mr. Archer - We don't have any questions for you. We try to
1141 answer most of them before we get here.

1142
1143 Ms. Freye - We have been working on this, and we did defer the
1144 case one time so that we could continue to work on both the issues from the
1145 community and from staff. That's been the biggest thing, the assurance of
1146 quality. That's why I would submit that this case as amended is really higher
1147 quality than what was in the previous case. It really guarantees and specifies
1148 minimums. It actually reduces the density as well, which improves the traffic,
1149 which is important to the neighbors.

1150
1151 Mrs. Jones - Mr. Archer?

1152
1153 Mr. Archer - Yes ma'am. Just a few comments I would like to
1154 make. We have come a long way with this case. When we said we improved the

1155 quality of it, we improved the quality of the case as it was filed. We were
1156 certainly wanting to stay in concept with the quality of the original case. [Blank
1157 section on tape] quality case. It started off, for example, with the filing of 16-foot
1158 wide units [blank section on tape]. And I said [blank section on tape.] And I could
1159 go through a lot of things that we have improved on. One was [blank section on
1160 tape] possibility there would be [blank section on tape] the maximum [blank
1161 section on tape].

1162

1163 The roof here is really what this sticky issue is. Have you met with Mr. Thornton?

1164

1165 Ms. Freye - Yes sir.

1166

1167 Mr. Archer - Brought that issue up and we talked about it. We
1168 found out that there are units that have been built that do have a 30-year roof.
1169 Five years may seem insignificant, but for a person purchasing a home, five
1170 years is significant. Even though people in the neighborhood come out and give
1171 their approval, I think the ultimate task for us is to let's do what [unintelligible]
1172 folks who would some day move in. They wouldn't know a five-year roof from a
1173 [blank second on tape]. I think it's up to us to try and preserve that quality.

1174

1175 Ms. Freye and talked today, and she has done some diligent study since
1176 yesterday and day before, trying to collect some data that will show us what the
1177 comparable difference is between a 25 [blank section on tape] 15 to 30, but there
1178 was no data of 25.

1179

1180 Ms. Freye - That is correct.

1181

1182 Mrs. Jones - Of course.

1183

1184 Mr. Archer - I don't think it's an issue we should take lightly. I think
1185 we've come a long way in the fact that we have improved tremendously. I know
1186 [blank section on tape]. I would suggest that I don't think we should compromise
1187 the quality of what we're trying to do based on [blank section on tape]. I think it
1188 would be good to try and find out [blank second on tape]. Quite frankly, can't see
1189 how it would be that much more [blank section on tape]. I feel like it's something
1190 that we [blank section on tape].

1191

1192 Based on the recommendation that staff has made, and the things that I know
1193 personally about how this case has gone—improvements have been made since
1194 it was originally filed—I will approve case C-11C-09, Sandra Verna for Wilton
1195 Development Corp, and send it to the Board with a recommendation for approval,
1196 but with that caveat that [blank section on tape].

1197

1198 Ms. Freye - I have more homework to do. Yes sir.

1199

1200 Mr. Vanarsdall - Second.

1201
1202 Mr. Emerson - Mr. Archer, you do need to waive the time limits.
1203
1204 Mr. Archer - I do? Yes I do. Okay, I move to waive the time limits
1205 on the amended proffers that [blank section on tape].
1206
1207 Mr. Vanarsdall - Second.
1208
1209 Mrs. Jones - We have a motion by Mr. Archers, seconded by Mr.
1210 Vanarsdall for waiving the time limits. All in favor say aye. All opposed say no.
1211 The ayes have it; the motion passes.
1212
1213 Mr. Archer - Do I need to move again? Okay, then I move for
1214 recommendation of approval of C-11C-09, Sandra Verna for Wilton Development
1215 Corp.
1216
1217 Mr. Vanarsdall - Second.
1218
1219 Mrs. Jones - We have a motion from Mr. Archer, seconded by Mr.
1220 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the
1221 motion passes.
1222
1223 **REASON:** Acting on a motion by Mr. Archer seconded by Mr.
1224 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to
1225 recommend the Board of Supervisors **grant** the request because the changes do
1226 not greatly reduce the original intended purpose of the proffers.
1227
1228 Mr. Archer - Ms. Freye, if you could, could you let me have some
1229 information on the research that you're able to develop?
1230
1231 Ms. Freye - Yes sir, I will share that with you. Thank you.
1232
1233 **C-19C-09 Anthony Battaglia for 3900 Bremner Blvd., LLC:**
1234 Request to conditionally rezone from B-2 Business District to B-3C Business
1235 District (Conditional), Parcels 772-750-8652 and 773-750-0152, containing 0.54
1236 acre, located on the north line of Bremner Boulevard at its intersection with
1237 Compton Road. The applicant proposes a pest control company and associated
1238 storage facility. The use will be controlled by zoning ordinance regulations and
1239 proffered conditions. The Land Use Plan recommends Commercial Arterial. The
1240 site is in the Enterprise Zone.
1241
1242 Mrs. Jones - Is there anyone with us tonight in opposition to C-
1243 19C-09, Anthony Battaglia for 3900 Bremner Blvd? All right. Good evening, Mr.
1244 Sehl.
1245
1246 Mr. Sehl - Good evening, Madam Chair.

1247

1248 This request would rezone .54 acres from B-2 to B-3C Business District
1249 (Conditional) to allow an exterminating establishment to operate within two
1250 existing buildings fronting on Bremner Boulevard.

1251

1252 The two properties are separated by an existing furniture refinishing operation.
1253 The building at the corner of Compton and Bremner is proposed to be used for
1254 storage of the companies pest control equipment, while the existing office
1255 building located here would be used for offices and parking for the company's
1256 employees and company vehicles.

1257

1258 The applicant has submitted revised proffers dated July 9, 2009 regulating the
1259 use of the property. The only use first permitted in the B-3 District would be for
1260 the exterminating business. All other uses, including hours of operation and
1261 signage, would adhere to the B-2 District regulations. Other proffers address
1262 lighting, outdoor speakers, landscaping, and architecture if buildings were
1263 constructed in the future.

1264

1265 The 2010 Land Use Plan recommends Commercial Arterial for the subject
1266 property which is also located within the County's Enterprise Zone. The
1267 requested zoning would be consistent with the Land Use Plan designation and
1268 the goals of the Enterprise Zone Program to maintain and expand businesses
1269 within this section of the Staples Mill Road Corridor. In addition, the proposed
1270 use is not expected to negatively impact adjacent uses.

1271

1272 While the proposed use could be appropriate, staff does note that concerns have
1273 been raised regarding drainage along this section of Bremner Boulevard and
1274 Compton Road. Improvements to the existing roadway infrastructure such as the
1275 installation of curb and gutter are normally required as part of a Plan of
1276 Development. Since a POD may not be required for the occupation of the two
1277 existing structures, staff strongly encourages the applicant to commit to providing
1278 drainage improvements, including the installation of curb and gutter along all
1279 roadway frontages. The applicant has provided a proffer that signals their intent
1280 to work towards a solution for any drainage problems; however, staff believes
1281 this proffer could be strengthened to ensure the appropriate drainage
1282 improvements are made.

1283

1284 Additionally, the applicant is encouraged to explore further enhancing the
1285 property by providing additional landscaping along Bremner Boulevard for both
1286 sites.

1287

1288 If the applicant were to address these concerns, staff could support this request.
1289 Staff does note that the applicant has discussed additional changes to the
1290 proffers that have not been made at this time—I believe I'll let them speak to
1291 that—regarding both drainage and landscaping for the subject properties.

1292

1293 This concludes my presentation. I would be happy to try an answer any
1294 questions you might have. Please note the time limits would need to be waived
1295 to accept the proffers before you this evening.
1296

1297 Mrs. Jones - Are there questions for Mr. Sehl?
1298

1299 Mr. Vanarsdall - I'm a little surprised. I thought you were going to
1300 rewrite these proffers. I spoke to Mr. Battaglia before the meeting and gave him
1301 an opportunity to change them because this is the last case and I didn't think—
1302 What happened to that?
1303

1304 Mr. Sehl - I was concerned about recommending proffer
1305 language in haste regarding the curb and gutter specifically, as well as the
1306 landscaping. They did indicate that they'd speak to that with their presentation.
1307 But I was concerned about making sure that the language was right. I think
1308 they're willing to. If that's something that needs to be done this evening, they
1309 could make some changes.
1310

1311 Mr. Vanarsdall - Number 8 is okay with the outdoor storage. I
1312 explained to them that the landscaping, even though they added something to
1313 that, it would only mean that one building and not the office.
1314

1315 Mr. Sehl - That's correct. And that's something else they
1316 indicated right before the meeting stated, that they'd be willing to enhance that to
1317 include both buildings.
1318

1319 Mr. Vanarsdall - Okay, thank you. I appreciate all you did on this.
1320 Madam Chair, I'd like to hear from the applicant.
1321

1322 Mrs. Jones - All right. If you all would come on forward and let us
1323 know your names.
1324

1325 Mr. Battaglia - Good evening. My name's Anthony Battaglia. I'm the
1326 facilities manager.
1327

1328 Mr. Vanarsdall - Good evening.
1329

1330 Mr. Battaglia - This is Daniel Butz. He's our chief financial officer.
1331 James Fredericks, who's our technical director. They're more the experts. They
1332 can better answer your questions than I can, so what I'll do is I'll turn it over to
1333 Jim. He's going to give us a presentation.
1334

1335 Mrs. Jones - Thank you.
1336

1337 Mr. Fredericks - Thank you, Madam Chair. I appreciate your time and
1338 your understanding patience on this whole process. I wanted to give this real
1339 quick, and—

1340
1341 Mr. Vanarsdall - What's your name?

1342
1343 Mr. Fredericks - Oh, Jim—James Fredericks. I'm technical director
1344 with Home Paramount Pest Control. I wanted to just give a real quick overview
1345 of the company, maybe an introduction of sorts. Home Paramount Pest Control
1346 is a pest control, general household pest control and termite control company.
1347 We have been in business—we're a family owned organization—for 70 years
1348 since 1939. We're currently incorporated in the State of Virginia, and we operate
1349 26 branch locations across six states: Pennsylvania, Delaware, Maryland,
1350 Virginia, West Virginia, District of Columbia, as well as North Carolina and
1351 Georgia. We currently employ 375 coworkers, and 126 of those are in Virginia.
1352 We have nine branch locations in Virginia, Northern Virginia, as well as
1353 Richmond and into the Tidewater area.

1354
1355 We've had a branch location in Richmond since 1976, and our previous location,
1356 which was really just a short stroll up the street on Staples Mill Road, is at 7503
1357 Staples Mill Road. We were in that location for close to 30 years.

1358
1359 We're proposing that this new branch location—which we're very excited about
1360 having a new location that we own—would act as our southern region staff
1361 headquarters, as well as our branch location, and also serve as a regional
1362 training facility where we would bring folks in to train as both managers and as
1363 pest control technicians, and sales inspectors. That facility on a full-time basis
1364 would employ somewhere between 20 and 25 folks at that particular branch
1365 location.

1366
1367 A little bit about Home Paramount. We're uniformed professionals. We pride
1368 ourselves on our service, as well as our professionalism. We have a team of four
1369 entomologists who work to train, as well as to keep our quality assurance
1370 standards high. We're a quality pro-certified company, which is a program that's
1371 offered through the National Pest Management Association, similar to the
1372 National Association of Realtors, or the Good Housekeeping Seal of Approval.
1373 Currently, only approximately 2% of the pest control companies in our industry
1374 have obtained that certification, which is something that we're really proud of.
1375 We've been in business a long time, and we understand what it takes to be
1376 compliant with the Virginia Department of Agriculture and Consumer Services,
1377 Offices of Pesticide Services' requirements for running a pest management
1378 business. With that, we are very concerned about safety at that particular
1379 location. We do have routine inspections by the Office of Pesticide Services staff.
1380 Their field investigator takes a look at safety, pesticide storage, and all the things
1381 that are associated with our pest control operation. The storage facility that's
1382 located there is a locked facility, and we've already installed a fence. It's also an

1383 alarmed facility, and it's really just a stones' throw, one parcel away from the
1384 branch location of the offices.

1385
1386 The pesticides that we use, the pest control products that we use are all
1387 registered with the Environmental Protection Agency. One of the things about
1388 that particular storage facility is that it is—We work on just-in-time inventory
1389 system so that really never are stockpiling pesticides in that particular location, if
1390 that was a concern at all.

1391
1392 We're hoping that this move will actually help to impact and we can be a good
1393 neighbor in that particular community. We were working with radio ads, and we're
1394 hoping to have some—with our training facility—folks staying in hotels and eating
1395 in restaurants, and all those kinds of good things.

1396
1397 We've already begun to make some improvements to the facility, and we're
1398 hoping that along with some funds that we're hoping to get with the Enterprise
1399 Zone, that we'll be able to continue to make additional capital improvements in
1400 that particular place to be a good neighbor. Having said that, I think it is our full
1401 intention to work with staff to make sure that the proffers reflect both the
1402 landscaping requirements on both parcels, as well as the curb and gutter
1403 drainage requirements. That is our full intent, and we hope to make that happen
1404 as quickly as we can. Let me make that official.

1405
1406 I really do appreciate and thank you for your time. We're willing to take any
1407 questions that you may have.

1408
1409 Mr. Vanarsdall - I'm glad that you went over there, because I knew you
1410 were a good company. For benefit of the fellow Commissioners, Mr. Donati, you
1411 have been behind the Anthony and George's for a number of years.

1412
1413 Mr. Fredericks - A long time. We had lunch at Anthony and George's.

1414
1415 Mr. Vanarsdall - I've never heard anything bad about the company.

1416
1417 Mr. Fredericks - Thank you.

1418
1419 Mr. Vanarsdall - The only problem they had when you were there,
1420 there was an M-1 zoning, which is almost like a B-3, and you were okay. Now
1421 where you are now, you're under B-2, and you need B-3 to operate. I appreciate
1422 you explaining all that to us, and that's very helpful, but let me explain to you my
1423 perspective on it. This is a busy corridor, as you know, Staples Mill Road. For
1424 those of you who don't know where it is, it's on the corner of Bremner Boulevard
1425 and Staples Mill Road. McDonald's there just recently tore down their old
1426 building and put up a new building. Across the street, CVS put up a very nice
1427 building. And those old two houses on the corner that looked like they were
1428 going to fall down have now been reconstructed completely. That whole area

1429 has been uplifted. That's what we want to see at your location. That's the only
1430 reason we ask for it. Had we gone through the usual procedure, we would have
1431 let you know in the beginning that you did need to do that.

1432

1433 Mr. Fredericks - Yes sir.

1434

1435 Mr. Vanarsdall - I understand where you're coming from and
1436 appreciate you being here tonight. I'd like to ask you to defer this for 30 days so
1437 you can get done, and I promise to give you John Young's phone number, who is
1438 in charge of the Enterprise Zone. Would that be okay with you?

1439

1440 Mr. Butz - [Off mike.] Yes. My concern with that is just [inaudible]
1441 funds. I don't know what you want to call it, but your support in getting a
1442 rezoning.

1443

1444 Mr. Emerson - Please speak into the mike.

1445

1446 Mr. Butz - I'm sorry; did you hear most of that?

1447

1448 Mr. Vanarsdall - Identify yourself.

1449

1450 Mr. Butz - Okay. My name's Daniel Butz. I'm the CFO of the
1451 company. I appreciate your concerns, and we're excited about the property.

1452

1453 Mr. Vanarsdall - We'll work with you; you know that.

1454

1455 Mr. Butz - Yes. My only concern with that is with the
1456 empowerment funds and the grants that establish those to grow and be a good
1457 citizen in the community is that it would be—We don't have the right zoning right
1458 now. Could you say something to John to help us out? There's a pre-approval.
1459 That's my concern, is just that I don't want to be held up at all to get that done as
1460 quick as possible so we're in full compliance.

1461

1462 Mr. Vanarsdall - I spoke with him at 5:00 this evening. He said yes,
1463 there is a grant for that and tell them to call me. So, I want to give you this
1464 number, then I'll call him tomorrow.

1465

1466 Mr. Butz - Okay, thank you sir.

1467

1468 Mr. Vanarsdall - We'll get together. Don't worry about that; we'll work
1469 it out.

1470

1471 Mr. Butz - Fantastic.

1472

1473 Mr. Vanarsdall - Mr. Sehl will be working with you as hard as he
1474 worked with you this time. I appreciate the effort. And I really appreciate your
1475 attitude.

1476
1477 Mr. Butz - Thank you, sir.

1478
1479 Mr. Vanarsdall - Want to write this down now? Thank you.

1480
1481 Mr. Jernigan - Mr. Vanarsdall, I have one question; I have to ask
1482 this. Do you all have one of those dogs that sniffs out the termites?

1483
1484 Mr. Fredericks - We do not have a dog; however, I have personally
1485 gone head to head with the dog, and I equaled his efforts.

1486
1487 Mr. Jernigan - I had to ask.

1488
1489 Mrs. Jones - Mr. Vanarsdall, would you like to make a motion on
1490 that?

1491
1492 Mr. Vanarsdall - Yes I would. I move that C-19C-09, Anthony Battaglia
1493 for 3900 Bremner Blvd, be deferred at the applicant's request until August 13,
1494 2009.

1495
1496 Mr. Jernigan - Second.

1497
1498 Mrs. Jones - Motion for deferral from Mr. Vanarsdall, seconded by
1499 Mr. Jernigan to the August 13, 2009 meeting, by the applicant's request. All in
1500 favor say aye. All opposed say no. The ayes have it; the motion passes.

1501
1502 At the request of the applicant, the Planning Commission deferred case C-19C-
1503 09, Anthony Battaglia for 3900 Bremner Blvd., to its meeting on August 13, 2009.

1504
1505 Mr. Emerson - Madam Chair, that takes us to the next item on the
1506 agenda, which is a discussion item. You will recall that on May 27, 2009, you
1507 adopted a resolution authorizing staff to move forward on preparing draft
1508 amendments to the County Code that would assist the Board of Zoning appeals
1509 in the approval of family divisions without road frontage. In my letter of May 20th
1510 to you, I indicated that we would anticipate having that prepared for a work
1511 session by July 22nd. July 22nd will be your next meeting. We are prepared to
1512 work with you on the 22nd in a work session to occur directly after your regular
1513 meeting. I just wanted to bring that to you for your consensus that it's okay to
1514 place that on the agenda.

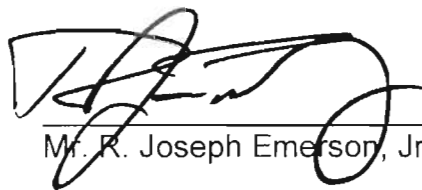
1515
1516 Mr. Vanarsdall - You want to have that after the meeting or—

1517
1518 Mr. Emerson - Yes sir, after the regular meeting.

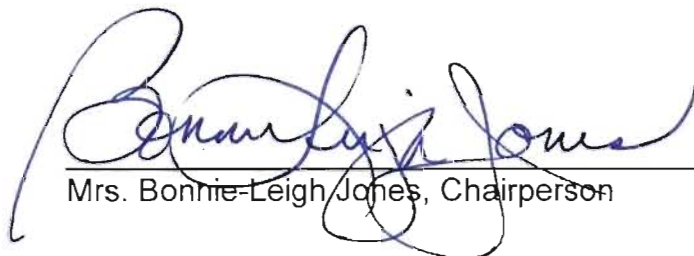
1519
1520 Mrs. Jones - We have a consideration of a presentation after our
1521 July 22nd meeting. Do we require a motion and a second, or shall we move the
1522 resolution?
1523
1524 Mr. Emerson - Actually, a motion and a second.
1525
1526 Mrs. Jones - Okay.
1527
1528 Mr. Vanarsdall - I'll make the motion that we do it.
1529
1530 Mr. Archer - I do need to express that I won't be here on the 22nd,
1531 but don't let that stop you from having the meeting.
1532
1533 Mr. Vanarsdall - We'll fill him in on it when he comes back.
1534
1535 Mrs. Jones - Will we be taking action at that meeting?
1536
1537 Mr. Emerson - No ma'am, you won't take action at that meeting; this
1538 is a work session. We'll then bring the ordinance back for public hearing after
1539 we've reviewed it with you, and take your input in regards to any suggestions you
1540 may have.
1541
1542 Mrs. Jones - I'm sorry you'll miss it, Mr. Archer.
1543
1544 Mr. Vanarsdall - I'll make the motion.
1545
1546 Mrs. Jones - Okay. Mr. Vanarsdall has moved that we accept that
1547 time for the work session. Do I have a second?
1548
1549 Mr. Jernigan - Second.
1550
1551 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan.
1552 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
1553
1554 Mr. Vanarsdall - The question I wanted to ask now was would you
1555 entertain the idea of putting off your vacation to be here?
1556
1557 Mr. Archer - I'll just drive on back down here and go back.
1558
1559 Mrs. Jones - You think that might happen?
1560
1561 Mr. Emerson - Madam Chair, the next item on your agenda is
1562 approval of the minutes from the Commission meeting of June 11, 2009.
1563

1564 Mrs. Jones - Do we have corrections or additions to the June 11,
1565 2009 minutes? Do I have a motion?
1566
1567 Mr. Vanarsdall - I move that we accept them as written.
1568
1569 Mr. Jernigan - Second.
1570
1571 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan
1572 to accept the minutes. All in favor say aye. All opposed say no. The ayes have it;
1573 the motion passes.
1574
1575 Is there any other business?
1576
1577 Mr. Emerson - Madam Chairman, I have no other business for the
1578 Commission today.
1579
1580 Mrs. Jones - All right. With no other business before the
1581 Commission, I'll entertain a motion for adjournment.
1582
1583 Mr. Jernigan - So moved.
1584
1585 Mr. Archer - Second.
1586
1587 Mrs. Jones - Motion by Mr. Jernigan, seconded by Mr. Archer. All
1588 in favor say aye. All opposed say no. The ayes have it; the motion passes. The
1589 meeting is adjourned.
1590
1591 The meeting adjourned at 8:22 p.m.

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1600
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1606



Mr. R. Joseph Emerson, Jr., Secretary



Mrs. Bonnie-Leigh Jones, Chairperson