

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary  
3 Spring Roads at 7:00 p.m. June 12, 2003, Display Notice having been published in the Richmond  
4 Times-Dispatch on May 22, 2003 and May 29, 2003.

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

11  
12 Members Absent: Mr. Richard W. Glover, Board of Supervisors, Brookland  
13 Mr. C. W. Archer, C.P.C., Fairfield

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

23  
24 Mr. Jernigan - Good evening ladies and gentlemen. On behalf of the Planning staff and  
25 the Planning Commission, we'd like to welcome you to our public hearing for zoning. We have a  
26 lot of cases tonight, but quite a few of them are deferred, so I believe everybody is pretty  
27 familiar with the procedure around here. I am just going ahead and turn the hearing over to our  
28 Secretary, Mr. Marlles.

29  
30 Mr. Marlles - Thank you, Mr. Chairman. Good evening. We do have a quorum  
31 tonight. I believe, Mr. Glover, our representative from the Board, will not be with us tonight, but,  
32 of course, we do have a quorum.

33  
34 The first item on the agenda is Request for Withdrawals and Deferrals, and as the Chairman  
35 indicated, we do have quite a few deferrals tonight. I will turn it over to Mr. Emerson, who will  
36 review those.

37  
38 Mr. Emerson - Thank you, Mr. Secretary. The first item on the agenda tonight is a  
39 Withdrawal. It is on Page 3 of your regular agenda.

40  
41 **Deferred from the December 12, 2002 Meeting:**

42 **C-61C-02 William H. Shewmake for North Atlantic Holdings, Inc.:** Request to  
43 amend proffered conditions accepted with Rezoning Case C-54C-89, on Parcel 761-754-4773 (59-  
44 A-84A), containing approximately 2.52 acres, located on the south line of W. Broad Street (U. S.  
45 Route 250) approximately 600 feet northwest of E. Parham Road. The amendment is related to  
46 the landscape and natural buffers on the property. The existing zoning is B-3C Business District  
47 (Conditional). The Land Use Plan recommends Commercial Concentration.

48  
49 Mr. Emerson - This is a Withdrawal and does not require action.

50  
51 **Deferred from the March 13, 2003 Meeting:**

52 **C-33C-02 Henry L. Wilton for WILHOOK, LLC:** Request to rezone from B-3C Business  
53 District (Conditional) to R-3C One Family Residence District (Conditional) and B-3C Business

54 District (Conditional), Parcel 804-736-0481, containing 10.415 acres (approximately 6.7 acres in  
55 R-3C; approximately 3.7 acres in B-3C), located at the northeast intersection of Mechanicsville  
56 Turnpike and Neale Street (Maplewood Farm). Commercial and single family residential  
57 developments are proposed. The uses will be controlled by proffered conditions and zoning  
58 ordinance regulations. The R-3 District allows a minimum lot size of 11,000 square feet. The  
59 Land Use Plan recommends Commercial Concentration. The site is also in the Airport Safety  
60 Overlay District.

61

62 Mr. Emerson - The deferral is requested to the July 10, 2003 meeting.

63

64 Mr. Jernigan - Is there any opposition to the deferral of Case C-33C-02?

65

66 Mr. Vanarsdall - I move, Mr. Chairman, that Case C-33C-02, Henry L. Wilton for  
67 WILHOOK, LLC, be deferred to the July 10, 2003 meeting, at the applicant's request.

68

69 Mrs. Ware - Second.

70

71 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All in  
72 favor say aye. All opposed say no. The motion passes.

73

74 At the applicant's request, the Planning Commission deferred Case C-33C-02, Henry L. Wilton for  
75 WILHOOK, LLC to its meeting on July 10, 2003.

76

77 **C-23C-03 Eagle Construction of Virginia:** Request to conditionally rezone from  
78 A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcels 747-764-  
79 3839, 747-764-7729, and 747-764-9550, containing approximately 9.71 acres, located at the  
80 southeast intersection of Sadler Road and Thorncroft Drive. Townhouses for sale are proposed.  
81 The applicant proffers no more than 48 dwelling units (4.9 units per acre) would be developed on  
82 the site. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units per acre.

83

84 Mr. Emerson - The deferral is requested to the July 10, 2003 meeting.

85

86 Mr. Jernigan - Is there any opposition to the deferral of Case C-23C-03? Do you have  
87 opposition to the deferral, sir? All right, Mr. Secretary, let's pull this off the Deferral Agenda and  
88 hear it in rotation. Sir, we are going to pull it off and hear it in rotation with the regular cases.

89

90 **C-24C-03 James W. Theobald for Edward Rose Properties, Inc. and**  
91 **Springfield Land Development Group:** Request to conditionally rezone from A-1 Agricultural  
92 District to R-5C General Residence District (Conditional) and B-3C Business District (Conditional),  
93 Parcels 730-765-7288 and 730-766-8989, containing approximately 55.064 acres (B-3C - 16.00  
94 ac.; R-5C - 39.064 ac.), located on the north line of W. Broad Street (U. S. Route 250) at the  
95 Goochland County Line approximately 876 feet west of Cold Hill Lane. A multi-family residential  
96 and automotive sales/repair development is proposed. The R-5 District allows a density up to  
97 14.52 units per acre. The Land Use Plan recommends Mixed Use development and Environmental  
98 Protection Area. The site is also in the West Broad Street Overlay District.

99

100 Mr. Emerson - The deferral is requested to July 10, 2003.

101

102 Mr. Jernigan - Is there any opposition to the deferral of Case C-24C-03? No opposition.  
103 Mr. Taylor.

104

105 Mr. Taylor - Mr. Chairman, I move that Case C-24C-03 be deferred to July 10, 2003,  
106 at the applicant's request.

107  
108 Mr. Vanarsdall - Second.  
109  
110 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in  
111 favor say aye. All opposed say no. The motion is passed.  
112  
113 At the applicant's request, the Planning Commission deferred Case C-24C-03, James W. Theobald  
114 for Edward Rose Properties, Inc. and Springfield Land Development Group, to its meeting on July  
115 10, 2003.  
116  
117 **Deferred from the April 10, 2003 Meeting:**  
118 **C-27C-02 RFA Management, LLC:** Request to amend proffered conditions accepted with  
119 rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located at the northeast  
120 intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest intersection of Ridgefield  
121 Parkway and Eagles View Drive, and the southeast intersection of Eagles View Drive and Glen  
122 Eagles Drive. The amendment would change the maximum density allowed from 7,850 square feet  
123 per acre to 8,975 square feet per acre. The existing zoning is B-2C, Business District (Conditional).  
124 The Land Use Plan recommends Commercial Concentration.  
125  
126 Mr. Emerson - The deferral is requested to the September 11, 2003 meeting.  
127  
128 Mr. Jernigan - Is there any opposition to the deferral of Case C-27C-02? No opposition.  
129 Mrs. Ware.  
130  
131 Mrs. Ware - I move that Case C-27C-02, RFA Management, LLC, be deferred to the  
132 September 11, 2003 meeting at the applicant's request.  
133  
134 Mr. Vanarsdall - Second.  
135  
136 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in  
137 favor say aye. All opposed say no. The motion is passed.  
138  
139 At the request of the applicant, the Planning Commission deferred Case C-27C-02, RFA  
140 Management, LLC, to its meeting on September 11, 2003.  
141  
142 **C-25C-03 Henry L. Wilton for Wilton Companies, LLC:** Request to  
143 conditionally rezone from O-3C Office District (Conditional) to B-2C Business District  
144 (Conditional), Parcel 737-751-4601 and part of Parcel 737-751-4028, containing 11.495 acres,  
145 located at the northeast intersection of Ridgefield Parkway and dedicated John Rolfe Parkway  
146 right-of-way. A retail business and office development is proposed. The use will be controlled by  
147 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Urban  
148 Residential, 3.4 to 6.8 units net density per acre, and Office.  
149  
150 Mr. Emerson - The deferral is requested to your July 10, 2003 meeting.  
151  
152 Mr. Jernigan - Is there any opposition to the deferral of Case C-25C-03? No opposition.  
153  
154 Mrs. Ware - I move that Case C-25C-03, Henry L. Wilton for Wilton Companies, LLC,  
155 be deferred to the July 10, 2003 meeting at the applicant's request.  
156  
157 Mr. Vanarsdall - Second.  
158

159 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in  
160 favor say aye. All opposed say no. The motion passes.

161

162 At the request of the applicant, the Planning Commission deferred Case C-25C-03, Henry L.  
163 Wilton for Wilton Companies, LLC, to its meeting on July 10, 2003.

164

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

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

173

174 Mr. Emerson - The deferral is requested to the July 10, 2003 meeting.

175

176 Mr. Jernigan - Is there any opposition to the deferral of Case C-21C-03?

177

178 Mr. Vanarsdall - I move that Case C-21C-03, Steven A. Williams for Carl Childress,  
179 Trustee, Glen Allen Church of Christ, be deferred to July 10, 2003, at the applicant's request.

180

181 Mr. Taylor - Second.

182

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

185

186 At the request of the applicant, the Planning Commission deferred Case C-21C-03, Steven A.  
187 Williams for Carl Childress, Trustee, to its meeting on July 10, 2003.

188

189 **C-27C-03 Cedarwood Development, Inc.:** Request to amend proffered  
190 conditions accepted with rezoning case C-16C-88, on part of Parcel 764-752-9441, containing  
191 approximately 1.91 acres, located on the south line of Shrader Road approximately 500 feet west  
192 of Hungary Spring Road. The proposed amendment is related to allowing automotive body repair  
193 and storage as a principle use and regulating exterior lighting, hours of operation, signage,  
194 building exterior, parking setback and on-street parking, and exterior speakers on the site. The  
195 existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends  
196 Commercial Concentration.

197

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

199

200 Mr. Jernigan - Is there any opposition to the deferral of Case C-27C-03?

201

202 Mr. Vanarsdall - I move that Case C-27C-03, Cedarwood Development, Inc. be deferred  
203 for 60 days to August 14, 2003.

204

205 Mr. Taylor - Second.

206

207 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in  
208 favor say aye. All opposed say no. The motion is passed.

209

210 At the request of the applicant, the Planning Commission deferred Case C-27C-03, Cedarwood  
211 Development, Inc. to its meeting on August 14, 2003.

212  
213 **C-28C-03**                    **Abe L. Massad for A. F. Associates:** Request to conditionally rezone  
214 from B-1 Business District to B-3C Business District (Conditional), Parcel 764-752-9619,  
215 containing 1.02 acres, located at the northwestern terminus of Fountain Avenue (unimproved)  
216 approximately 275 feet west of Hungary Spring Road. A retail, sales, service and warehouse  
217 facility relating to a motorcycle business is proposed. The use will be controlled by proffered  
218 conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial  
219 Concentration.  
220  
221 Mr. Emerson -                    The deferral is requested to August 14, 2003.  
222  
223 Mr. Jernigan -                    Is there any opposition to the deferral of Case C-28C-03?  
224  
225 Mr. Vanarsdall -                    I move that Case C-28C-03 be deferred to August 14, 2003 at the  
226 applicant's request.  
227  
228 Mr. Taylor -                    Second.  
229  
230 Mr. Jernigan -                    We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in  
231 favor say aye. All opposed say no. The motion passes.  
232  
233 At the request of the applicant, the Planning Commission deferred Case C-28C-03, Abe L. Massad  
234 for A. F. Associates, to its meeting on August 14, 2003.  
235  
236 Mr. Emerson -                    Mr. Chairman, I have been advised by Mr. Coleman, the case Planner on  
237 C-23C-03, that he spoke with the individuals that were opposing the deferral and that they now  
238 are comfortable with the deferral, and no longer are opposed, if you would like to bring that up  
239 again.  
240  
241 **C-23C-03**                    **Eagle Construction of Virginia:** Request to conditionally rezone from  
242 A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcels 747-764-  
243 3839, 747-764-7729, and 747-764-9550, containing approximately 9.71 acres, located at the  
244 southeast intersection of Sadler Road and Thorncroft Drive. Townhouses for sale are proposed.  
245 The applicant proffers no more than 48 dwelling units (4.9 units per acre) would be developed on  
246 the site. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units per acre.  
247  
248 Mr. Jernigan -                    OK. Well, I will ask if there is opposition, in case somebody came in. Is  
249 there any opposition to Case C-23C-03? No opposition. Mr. Taylor.  
250  
251 Mr. Taylor -                    Then, Mr. Chairman, I move deferral of Case C-23C-03, Eagle  
252 Construction of Virginia, to the July 10, 2003 meeting, at the applicant's request.  
253  
254 Mr. Vanarsdall -                    Second.  
255  
256 Mr. Jernigan -                    We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in  
257 favor say aye. All opposed say no. The ayes have it. The motion passes.  
258  
259 At the request of the applicant, the Planning Commission deferred Case C-23C-03, Eagle  
260 Construction of Virginia, to its meeting on July 10, 2003.  
261  
262 Mr. Emerson -                    That completes the deferrals and withdrawals for tonight.  
263

264 **C-26C-03 Gloria Freye for Debbie Stoddard:** Request to conditionally rezone  
265 from A-1 Agricultural District to R-2C, R-2AC and R-3C, One Family Residence Districts  
266 (Conditional), B-1C Business District (Conditional) and C-1 Conservation District, Parcels 810-702-  
267 9087, 811-702-2097, 811-702-2273, 811-702-3350, 811-702-3828, 811-702-2019, 811-702-  
268 2204, 811-701-2679, 811-701-2654, and 810-702-5017, containing approximately 48.6 acres (R-  
269 3C – 11.795 ac.; R-2C – 6.169 ac.; R-2A – 24.885 ac.; B-1C – 3.159 ac.; and C-1- 2.59 ac.),  
270 located at the southwest intersection of Darbytown and Willson Roads. A single family residential  
271 and neighborhood commercial development is proposed. The applicant proffers a maximum  
272 density of 2.0 dwelling units per acre for the residential development. The R-2, R-2A, and R-3  
273 Districts allow minimum lot sizes of 18,000, 13,500, and 11,000 square feet, respectively. The  
274 commercial use will be controlled by proffered conditions and zoning ordinance regulations. The  
275 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and  
276 Environmental Protection Area. The site is also in the Airport Safety Overlay District.  
277

278 Mr. Jernigan - Ms. Freye is requesting a two-week deferral to June 25, 2003. Is there  
279 any opposition to the deferral of Case C-26C-03? No opposition. With that, I will move to defer  
280 Case C-26C-03 to the June 25, 2003 Plan of Development meeting.  
281

282 Mr. Vanarsdall - Second.  
283

284 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All  
285 in favor say aye. All opposed say no. The motion is passed.  
286

287 At the request of the applicant, the Planning Commission deferred Case C-26C-03, Gloria Freye  
288 for Debbie Stoddard, to its meeting on June 25, 2003.  
289

290 Mr. Emerson - Are there any other deferrals that need to be added tonight?  
291

292 Mr. Taylor - I would like to move for deferral of two cases that aren't shown on the  
293 Agenda. Those cases are cases C-15 and C-16. These two cases we have been working very  
294 hard with the developers, and the applicants, and they've really come a considerable way, but in  
295 working with the staff they are not quite ready to be heard, and the main issues relate to the  
296 concept road and other design issues, and these are two major cases, almost 600 housing units,  
297 and I think it is important that what we do is look at it more carefully. And, with that in mind,  
298 what I would like to do is move the cases be deferred.  
299

300 Mr. Jernigan - First, let me ask for opposition. First of all, are these Commission  
301 deferrals?  
302

303 Mr. Taylor - These are at my request.  
304

305 Mr. Jernigan - OK. Mr. Emerson, would you want to call the case, C-15C-03?  
306

307 Mr. Emerson - Yes.  
308

309 **Deferred from the April 10, 2003 Meeting:**

310 **C-15C-03 Andrew M. Condlin for Windsor Enterprises:** Request to  
311 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District  
312 (Conditional), Parcels 740-775-9712, 740-774-4255, 739-774-4564, 740-774-1407, 740-771-  
313 4107, 740-773-4426, 740-772-8110, 740-775-5801, and part of Parcel 740-771-4780, containing  
314 128.4 acres, located beginning on the south line of Nuckols Road, the northern terminus of  
315 Luxford Place and the southern and western boundaries of Bridlewood subdivision. A single  
316 family residential subdivision is proposed. The applicant has proffered the maximum density of

317 1.8 units per acre. The R-2A District allows a minimum lot size of 13,500 square feet. The Land  
318 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, Rural  
319 Residential, maximum of 1.0 unit per acre, and Environmental Protection Area.

320

321 Mr. Jernigan - Is there any opposition to the deferral of Case C-15C-03 to July 10,  
322 2003. Are you in opposition, sir? If you would, come up to the podium, please. We have to pick  
323 you up for the record.

324

325 Mr. Tom Barnett - My name is Tom Barnett and I am a resident and a member of the  
326 Bridlewood Homeowners Association. There are a couple other members here. We don't have an  
327 objection to deferral. I think we are trying to find out information. Sellers have talked to Mark  
328 Bittner. We are not completely aware exactly as to why it is being deferred again. It is not just  
329 an objection, but it is "what is going on" or basically "what is the feeling at the time of what is  
330 going on". Why?

331

332 Mr. Taylor - All right. Let me see if I can describe where we are. We have met  
333 several times now with the members of the community. We have met frequently with the  
334 developers. With regard to the two projects, it is important that they fit together very well from  
335 the transportation standpoint. Also, both of them are in a condition where we almost have the  
336 proffers finalized. But I think the staff still has a few things that they would like to discuss for the  
337 benefit of the entire community. As you know, looking at it, there are a large number of units  
338 involved. They will impact considerably on the traffic patterns along Pouncey Tract Road and  
339 Nuckols Road, and they will affect all of the developments that now are along Nuckols Road, and  
340 it is important that in the discussions that we have, and working with both developers, these two  
341 developers, both in cases C-15 and C-16 are working together, and it is important that these two  
342 projects really fit together very carefully from the Concept Road 17-1 standpoint as well as the  
343 other neighborhood roads. We had several meetings last week, looking very carefully at the  
344 neighborhood roads or good circulation now, and much better circulation when the Concept Road  
345 17-1 is built. So, looking at that, and looking at some of the final adjustments that have to be  
346 made to accommodate those concepts, we thought that a one-month deferral would be good for  
347 both of those cases-so that they can be finalized within themselves and so they both can be  
348 joined-would be advantageous to the community, and they have, both developers have, been  
349 working in very good faith. They have been working very hard with the staff. We have had a  
350 whole series of meetings, but each time as we go ahead with the project, they become better  
351 and better, both within themselves and within the combination of the two for the neighborhood.  
352 So, it is just my view that we are not quite there. We are still working with the developers. We  
353 are still working with the staff. And a 30-day deferral to July 10 will give us just a little bit more  
354 time to work so that when we finally get the project, it really adds to what we hope will be a very  
355 lustrous development in that area.

356

357 Mr. Barnett - Who would be the best person for our Association to contact to find out  
358 - be brought up to speed, so to speak, as far as what is going on, yourself or Mark Bittner?

359

360 Mr. Taylor - Mark Bittner is still the project officer and has worked the details, and I  
361 think really that the best place is at the staff level. And if you'd like, we are available anytime for  
362 meetings and we can meet with whomever, whenever you like, to look at where we are in the  
363 development. But, I do want to repeat, I think that the time will give us the opportunity to work  
364 further with the developers, working with the neighborhood, and making these two, so that they  
365 knit together very well.

366

367 Mr. Barnett - Thank you.

368

369 Mr. Vanarsdall - I think what Mr. Taylor is saying is that it is to you all's advantage to do  
370 the deferment.  
371  
372 Mr. Barnett - Well, that is kind of what I read between the lines. There is another  
373 gentlemen over here, just a member of the Briarwood Homeowners Association, who may also  
374 have a question. I am not sure if the time is right or what. I think we are all kind of thinking as  
375 you all are that we want to see it done right. We have got questions of things that we want to  
376 enter into it, and maybe since it is going to be deferred, we need to get with Mark Bittner, find  
377 out what is going on since our last conversation and readdress some of the questions that we  
378 have before it is brought back up again next month or whatever.  
379  
380 Mr. Taylor - Sir, have you had the opportunity to meet with Mr. Bittner at the  
381 County?  
382  
383 Mr. Barnett - I have talked with him by phone, but have not met with him.  
384  
385 Mr. Taylor - What we might consider doing is seeing if you can get yourself and an  
386 entourage of neighbors that are interested and we'd be happy to meet with you at the County  
387 and work with Mr. Bittner and show you what we have and what we are trying to do if you would  
388 like.  
389  
390 Mr. Barnett - OK.  
391  
392 Mr. Taylor - And I think that will give everybody a good sense, because this is a  
393 major development, and it will substantially infill the entire development in that quadrant, and we  
394 want it to be right. And the more time we devote to it, our experience has been so far, the  
395 better it gets, and we are still polishing.  
396  
397 Mr. Barnett - Thank you.  
398  
399 Mr. Jernigan - Thank you, Mr. Barnett. Sir, would you like to speak?  
400  
401 Mr. Michael Wallmeyer - My name is Michael Wallmeyer and I am also in Briarwood. Just one  
402 quick question, and then a comment. You mentioned a moment ago that there has been several  
403 meetings or opportunities for the developer and the homeowners' association to meet. As far as  
404 I know, well I know that we were not included, and the reason I know that is about two months  
405 ago we received a letter saying that addresses had somehow – names and addresses had been  
406 confused – and they apologized for not meeting. But, as far as I know no subsequent meeting  
407 was scheduled. So, I would like to ask that before the July 10 meeting, if that is the date, that  
408 we can, in fact, have the developer get the adjoining homeowners together. And Mr. Axelle  
409 indicated that I think someone is working in his group that they could do that, so I just wanted to  
410 kind of set the record on that, that not everyone has been advised of what is going on. And then  
411 the other question was, I don't recall...  
412  
413 Mr. Taylor - Can we just stay on that point for a second, Mr. Wallmeyer. There have  
414 been several meetings that we have had with a large share of the community, and...  
415  
416 Mr. Wallmeyer - I can only speak for myself. And I will just say that we received a letter.  
417  
418 Mr. Taylor - Were you personally, were you able to attend?  
419  
420 Mr. Wallmeyer - We received a letter after the meeting indicating that, "I am sorry you  
421 didn't get invited, there was a confusion with names and addresses."



422  
423 Mr. Taylor - So you would like to have another meeting?  
424  
425 Mr. Wallmeyer - I believe that would be...  
426  
427 Mr. Taylor - Some public meeting with the developers?  
428  
429 Mr. Wallmeyer - Absolutely. And we've only been there for 18 years, so I am not quite  
430 sure how the addresses did not really get addressed properly.  
431  
432 Mr. Taylor - All right. Maybe what we should do is ask you to talk to Mr. Axselle off  
433 the record, unless he'd like to come up to the podium and provide some cards, so we can get  
434 everybody's names who might be interested, on the list of names.  
435  
436 Mr. Wallmeyer - I think they have our name because they sent us an apology letter that  
437 we weren't invited, so I would hope that the next time it does come the right way.  
438  
439 Mr. Taylor - Well, you must realize in this particular project, because of the  
440 broadness of the scope, and the nature of the audience, it is not hard to miss one or two  
441 newcomers or one or two people that weren't on the list just because of where they live and the  
442 fact that somehow the addresses weren't picked up. I am sure that they would apologize for  
443 that.  
444  
445 Mr. Wallmeyer - We are directly adjoining the property, so there should not be any  
446 issues.  
447  
448 Mr. Taylor - If anybody would like to, they can talk to Mr. Axselle, and register their  
449 name and he will give you his card and you can also talk to the County and we will make sure  
450 that you are included on it, whatever list we come up with in the future.  
451  
452 Mr. Wallmeyer - OK. Thank you. The other question was now, I am not sure I heard you  
453 say it, was it 600 or 1600 homes?  
454  
455 Mr. Taylor - I think the total is under 600, but I am not sure we have seen a final  
456 figure yet. Maybe Mr. Axselle can answer that. Mr. Axselle, do you know the number of units  
457 planned at the moment?  
458  
459 Mr. Axselle - Mr. Chairman, Bill Axselle. Actually it is in the neighborhood of 400 to  
460 425 combined.  
461  
462 Mr. Taylor - Well, I stand corrected then.  
463  
464 Mr. Axselle - I do apologize to Michael and Mr. Barnett and we will be glad to get with  
465 them. They have apparently been missed, and so we apologize for that. We will be glad to sit  
466 down with them tonight and sort of schedule a meeting.  
467  
468 Mr. Jernigan - Thank you, Mr. Axselle. All right, Mr. Taylor.  
469  
470 Mr. Taylor - Any other questions? There being no other questions, Mr. Chairman, I  
471 will move that Case C-15C-03 be deferred to July 10, 2003, at the request of the Commissioner.  
472  
473 Mr. Vanarsdall - Second.  
474

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

477

478 The Planning Commission deferred Case C-15C-03, Andrew M. Condlin for Windsor Enterprises,  
479 to its meeting on July 10, 2003.

480

481 **Deferred from the April 10, 2003 Meeting:**

482 **C-16C-03 Ralph Axselle, Jr. for Route 271, LLC:** Request to conditionally  
483 rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional) and  
484 RTHC Residential Townhouse District (Conditional), part of Parcel 738-772-9227 and Parcel 739-  
485 770-0693, containing 120.34 acres (107.97 – R-2AC; 12.37 RTHC), located on the east line of  
486 Pouncey Tract Road approximately 400 feet south of Perrywinkle Road and 600 feet north of  
487 Shady Grove Road. A single family subdivision, including detached condominiums for sale, is  
488 proposed. The applicant has proffered the maximum number of lots not to exceed 2.0 units per  
489 acre. The R-2A District allows a minimum lot size of 13,500 square feet. The RTH District allows  
490 a maximum density of nine (9) units per acre. The Land Use Plan recommends Suburban  
491 Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

492

493 Mr. Jernigan - Is there any opposition to Case C-16C-03? No opposition. Mr. Taylor.

494

495 Mr. Taylor - All right, Mr. Chairman.

496

497 Mr. Vanarsdall - Before you make a motion, I have something on this. I may not be here  
498 for the July meeting, so I want to get this on record. Mr. Axselle sent all of us a hand delivered...  
499 and I have already spoken with Caroline Browder in his office, and on the cover letter it says that  
500 the residents of Luxford at Berkeley request that there be no connection to Hillshire Way. Staff  
501 agreed with these requests, and we have added a new proffer 14 to address these issues. If you  
502 look on proffer 14, it says "There shall be no connection to Hillshire Way unless otherwise  
503 required by the Planning Commission at the time of subdivision approval." To me that is a trick,  
504 and I know they didn't do this intentionally. So I am not accusing them of it. But this is not  
505 exactly fair to the people who think that this is going to be done. We don't know what the  
506 Planning Commission will run into. Personally I have no problem with it, and would not block  
507 and stand in the way of it, we don't even know when this is coming up. We may not even have  
508 the same Planning Commission, and so I have requested, they don't have to do it. I have just  
509 asked that they leave the Planning Commission at the time of subdivision approval, just end the  
510 sentence there. Because we have, in the past years, we have run into things like this, and in  
511 good faith this proffer was written in there, and then Public Works comes along, Environmental  
512 comes along. Well, we can't do that. We have to have that open, and we don't know what you  
513 all are talking about. And we will have to get the County Attorney in on it. I don't want to be  
514 involved in that. And I don't think the rest of you all do either. So, that is all I have to say about  
515 that. I just wanted to get it on record. Thank you. Bill knows about it. You don't have to say  
516 anything tonight if you don't want to.

517

518 Mr. Axselle - I want to tell you, Mr. Vanarsdall, I concur with you, and we will make  
519 that change. I also want to say that I am always pleased not to leave anything to the discretion  
520 of the Planning Commission!

521

522 Mr. Jernigan - Thank you, Mr. Axselle.

523

524 Mr. Vanarsdall - You did not really have to answer that. Thank you, Bill.

525

526 Mr. Jernigan - All right. Mr. Taylor.

527

528 Mr. Taylor - No other comments, Mr. Chairman? Therefore, I move that Case C-16C-  
529 03 be deferred to July 10, 2003, at the request of the Planning Commission.

530

531 Mr. Vanarsdall - Second.

532

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

535

536 The Planning Commission deferred Case C-16C-03, Ralph Axelle, Jr. for Route 271, LLC, to its  
537 meeting on July 10, 2003.

538

539 Mr. Jernigan - Mr. Secretary, what is next?

540

541 Mr. Marlls - The next item on the Agenda is request for Expedited Items. Just for  
542 the benefit of the ladies and gentlemen in the audience, cases that are on the Expedited Agenda  
543 are cases for which staff has recommended approval. The Commission member from the district  
544 has no objection, and there is no known citizen opposition. If there is citizen opposition, the case  
545 can be taken off of the Expedited Agenda and will be heard in its normal rotation.

546

547 Mr. Jernigan - Thank you, sir. Mr. Emerson.

548

549 **SUBDIVISION (Deferred from the May 28, 2003, Meeting)**

Greenbrooke  
(May 2003 Plan)

**Youngblood, Tyler & Associates for Sadler Grove, LLC; William G. Swift c/o Main Street Properties; Oscar A. Crawford; Julius Houston Estate c/o Hortense Lee; Marie E. Burnette & et. Als.; Ellsworth Charles Pryor; Douglas H. Houston and Fidelity Properties, Ltd.:** The 42.76-acre site is located at the northwest intersection of Dublin Road and Belfast Road adjacent to Interstate 295 on parcels 744-765-2664, 0530, 4795, 8338, 5906; and 745-765-2822, 1418, 8941, and 743-764-8795. The zoning is R-3C, One-Family Residence District (Conditional), C-1, Conservation District and C-1C, Conservation District (Conditional). County water and sewer. **(Three Chopt) 72 Lots**

550

551 Mr. Jernigan - All right. Is there any opposition to Greenbrooke Subdivision (May 2003  
552 Plan)? Mr. Taylor.

553

554 Mr. Taylor - Mr. Chairman, I move approval of Greenbrooke Subdivision (May 2003  
555 Plan).

556

557 Mr. Vanarsdall - Second, but you have some conditions. I am sorry.

558

559 Mr. Taylor - I move approval of Greenbrooke Subdivision (May 2003 Plan), subject to  
560 the annotations on the plan, the standard conditions for developments of this type, and added  
561 conditions Nos. 12 through 21.

562

563 Mr. Vanarsdall - Second.

564

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

567

568 The Planning Commission approved Greenbrooke Subdivision (May 2003 Plan), subject to the  
569 annotations on the plans, standard conditions for developments of this type and the following  
570 additional conditions:

571

572 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on the  
573 plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate floodplain as a  
574 "Variable Width Drainage & Utilities Easement."

575 13. Any necessary offsite drainage easements must be obtained prior to approval of the  
576 construction plan by the Department of Public Works.

577 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the  
578 maintenance of the common area by a homeowners association shall be submitted to the  
579 Planning Office for review. Such covenants and restrictions shall be in form and substance  
580 satisfactory to the County Attorney and shall be recorded prior to recordation of the  
581 subdivision plat.

582 15. Any future building lot containing a BMP, sediment basin or trap and located within the  
583 buildable area for a principal structure or accessory structure, may be developed with  
584 engineered fill. All material shall be deposited and compacted in accordance with the Virginia  
585 Uniform Statewide Building Code and geotechnical guidelines established by a professional  
586 engineer. A detailed engineering report shall be submitted for the review and approval by  
587 the Building Official prior to the issuance of a building permit on the affected lot. A copy of  
588 the report and recommendations shall be furnished to the Directors of Planning and Public  
589 Works.

590 16. Prior to final approval, the developer shall furnish a letter from Plantation Pipe Line Company  
591 stating that this proposed development does not conflict with its 30-foot easement.

592 17. Each lot shall contain at least 11,000 square feet exclusive of the flood plain areas.

593 18. The proffers approved as part of zoning cases C-74C-02 and C-3C-03 shall be incorporated in  
594 this approval.

595 19. The developer shall provide signage, the wording and location as deemed appropriate by the  
596 Director of Public Works, which addresses the possible future extension of any stub street.

597 20. A maximum of 50 lots may be recorded in this subdivision prior to the construction of a  
598 second point of access.

599 21. The applicant shall quitclaim his interest in any private access roads or easements within the  
600 bounds of this development prior to recordation of the subdivision plat.

601

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

603 **C-22C-03 Jay Hulsey:** Request to conditionally rezone from R-6C General  
604 Residence District (Conditional) to R-2C One Family Residence District (Conditional), part of  
605 Parcel 788-758-9933, containing 5.9085 acres, located southeast of the intersection of E. Parham  
606 Road at St. Charles Road. A church and parsonage are proposed. The use will be controlled by  
607 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office.

608

609 Mr. Jernigan - Is there any opposition to Case C-22C-03? No opposition.

610

611 Mr. Vanarsdall - I move that C-22C-03 be recommended on the Expedited Agenda to the  
612 Board of Supervisors for approval.

613

614 Mr. Taylor - Second.

615

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

618

619 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning  
620 Commission voted 4-0 (two absences) to recommend that the Board of Supervisors **grant** the

621 request because it is reasonable and the proffered conditions provide for a higher quality of  
622 development than would otherwise be possible.

623

624 **P-7-03 Bertucci's Restaurant Corp.:** Request for a provisional use permit  
625 under Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code in order to permit  
626 outdoor dining, on part of Parcel 737-762-4724, containing approximately 450 square feet,  
627 located at the southeast intersection of Lauderdale Drive and W. Broad Street (U. S. Route 250)  
628 in the Shoppes at Westgate shopping center (11681 West Broad Street). S. Route 250 in the  
629 Shoppes at Westgate shopping center (11681 West Broad Street). The existing zoning is B-2C  
630 Business District (Conditional). The Land Use Plan recommends Mixed Use Development. The  
631 site is also in the West Broad Street Overlay District.

632

633 Mr. Jernigan - Is there any opposition to Case P-7-03? Mr. Taylor.

634

635 Mr. Taylor - Mr. Chairman, there being no opposition, I move approval of P-7-03,  
636 Bertucci's Restaurant Corporation on the Expedited Agenda.

637

638 Mrs. Ware - Second.

639

640 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware. All in favor  
641 say aye. All opposed say no. The motion passes.

642

643 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Ware, the Planning Commission  
644 voted 4-0 (two absences) to recommend that the Board of Supervisors **grant** the request  
645 because it is reasonable in light of the surrounding uses and existing zoning on the property.

646

647 Mr. Emerson - That completes the first of the Agenda for tonight, Mr. Chairman.

648

649 Mr. Jernigan - All right, Mr. Secretary, next case.

650

651 **C-20C-03 County of Henrico:** Request to amend proffered conditions accepted  
652 with rezoning case C-50C-80, on part of Parcel 753-747-1611, containing approximately 3.12  
653 acres, located approximately 250 feet north of the western terminus of Starling Drive,  
654 approximately 750 feet west of N. Parham Road. The amendment would affect a number of  
655 proffers including building height, signage, exterior lighting and natural buffer. The existing  
656 zoning is R-6C General Residence District (Conditional). The Land Use Plan recommends Office.

657

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

659

660 Mr. Jernigan - Is there any opposition to Case C-20C-03? OK, ma'am, after he presents  
661 the case, then you will have a chance to come down and speak. Thank you. All right, Mr. Gidley,  
662 you may proceed.

663

664 Mr. Gidley - Thank you Mr. Secretary, Mr. Chairman, members of the Planning  
665 Commission.

666

667 This case is C-20C-03, a proposal to amend the proffered conditions accepted with rezoning case  
668 C-50C-80, to allow for the construction of a new Tuckahoe Area library.

669

670 The subject parcel is zoned R-6C and is located between the western terminus of Starling Drive  
671 and Tuckaway Lane.

672

673 When the initial proffers were adopted on this site, it was with the understanding that an office  
674 development would be occurring. However, over the years, this portion of the site has remained  
675 undeveloped.

676

677 Because a new public library is now proposed for this site, some changes to these proffers are  
678 needed to better accommodate this new use.

679

680 These changes would include:

681

- 682 • Allowing for a 35-foot height limit.
- 683 • Provide for the use of concealed source light fixtures.
- 684 • Allowing easements to cross the proposed buffers.

685

686 County staff has held three public meetings in order to discuss plans for the site with the local  
687 community. Those attending these meetings have been satisfied with these proposed changes.  
688 If you want to see briefly, you can see some of the elevations right here (referring to slide). It is  
689 a little blurry. The top one would be facing north towards Tuckaway Lane, the second one would  
690 be the entrance, which faces south, for those coming up Starling from Parham Road. The third  
691 one is the east elevation and the fourth one is the west elevation.

692

693 Staff is comfortable with the proposed changes and can recommend approval of these proffer  
694 amendments.

695

696 I would also like to take this time to recognize the presence of Bill Smith and Ron Semel from  
697 General Services, along with Tim Burnett, an engineer with Hankins and Anderson. As the  
698 applicants in this case, these gentlemen are available to assist me in answering any questions  
699 you may have. Thank you.

700

701 Mr. Jernigan - Are there any questions for Mr. Gidley from the Commission? Thank  
702 you, Mr. Gidley. All right, ma'am, if you would like to come down now. Please state your name  
703 for the record.

704

705 Ms. Phyllis Moorefield - I am Phyllis Moorefield and I own the 13 acres across the road  
706 from where they are going to build the new library, and I had a question about the water pipe. I  
707 was told that they were going to sub a sewer pipe and a water pipe. It is unclear as to the size  
708 of the water pipe. One gentleman said it was an 8 inch and another one said it was a six inch,  
709 and when my place is developed, it will be somewhere between 15 and 20 houses, and my  
710 engineer was concerned about taking 20 houses and more than one fire hydrant, if that would be  
711 enough water pressure from a six inch pipe, and I understand that there is a six inch pipe at the  
712 end of Lindenway and Pinedell Farms, and what my question is, if we didn't have enough water  
713 pressure from one six inch pipe, could we also hook on to the other six inch pipe at Pinedell, so  
714 there would be enough water pressure?

715

716 Mr. Jernigan - You have asked me a question that is going to have to be answered by  
717 Public Works.

718

719 Mr. Marles - Yes, ma'am. At this stage in the process, we may have that information  
720 and I would look to staff. I don't know if we are going to be able to answer that tonight. That is  
721 normally a question that we would be looked at as part of a plan of development process,  
722 whereas tonight what we are doing is we are amending the proffered conditions. I don't know.  
723 Staff, can we answer that tonight or we do not have that information tonight?

724

725 Mr. Gidley - I spoke to Mrs. Moorefield when she called initially. I referred her to  
726 General Services and also to Public Utilities, but they are the ones who are going to have to  
727 answer the questions on piping size and what it can handle.  
728  
729 Mr. Marlles - Ma'am, we can get Public Utilities to respond to that question, but that is  
730 not an issue we are looking at tonight as part of the hearing on the proposed amendment to the  
731 proffered conditions. We will get that information to you.  
732  
733 Mrs. Moorefield - OK. Thank you.  
734  
735 Mr. Jernigan - Mrs. Moorefield, as I have explained to you, once this...this is the big  
736 picture just to see, to make the proffer changes for this property. Once it leaves us it goes to the  
737 Board of Supervisors for approval. Then, when the plan of development, Mr. Marlles was saying,  
738 the layout comes back to us again. So, it works it way on down. We will have that information  
739 for you from Public Works. OK?  
740  
741 Mr. Vanarsdall - Let me ask a question. Mr. Gidley, do you have her name and phone  
742 number to give to Public Utilities and somebody to correspond with?  
743  
744 Mr. Jernigan - I don't guess there were anymore questions for Mrs. Moorefield, was it?  
745 All right. Mrs. Ware.  
746  
747 Mrs. Ware - Then at this time I will move that Case C-20C-03 be sent to the Board of  
748 Supervisors with a recommendation of approval.  
749  
750 Mr. Vanarsdall - Second.  
751  
752 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in  
753 favor say aye. All opposed say no. The motion passes.  
754  
755 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning  
756 Commission voted 4-0 (two absences) to recommend that the Board of Supervisors **grant**  
757 the request because the proffers continue to assure a quality form of development with maximum  
758 protection afforded the adjacent properties.  
759  
760 Mr. Marlles - Mr. Chairman, the next item on the Agenda is approval of minutes for  
761 the May 15 Work Session and for the May 15 Planning Commission meeting.  
762  
763 Mr. Jernigan - Are there any corrections to the minutes of either meeting? Everybody  
764 OK.  
765  
766 Mr. Taylor - I already submitted my corrections.  
767  
768 Mr. Vanarsdall - Did you make a motion?  
769  
770 Mr. Jernigan - Nobody did.  
771  
772 Mr. Vanarsdall - I move that we have two, one for the Work Session and one for, well,  
773 first of all I move that we approve the minutes of the Work Session, which was held on May 15,  
774 2003.  
775  
776 Mrs. Ware - Second.  
777

778 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All in  
779 favor say aye. All opposed say no. The motion passes. The minutes are approved.

780

781 Mr. Vanarsdall - I move that we approve the May 15, 2003 minutes of the regular  
782 meeting.

783

784 Mrs. Ware - Second.

785

786 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mrs. Ware. All in  
787 favor say aye. All opposed say no. The minutes are approved.

788

789 Mr. Jernigan - The meeting is adjourned.

790

791

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795

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

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799

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801

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John R. Marlles, AICP, Secretary