

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 June 12, 2008. Display Notice having been published in the Richmond Times-
5 Dispatch on May 22, 2008 and May 28, 2008.
6

Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
Mrs. Bonnie-Leigh Jones, Vice Chairperson (Tuckahoe)
Mr. Tommy Branin, (Three Chopt)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. Richard W. Glover (Brookland)
Board of Supervisors Representative
Mr. David D. O’Kelly, Assistant Director of Planning,
Acting Secretary

Members Absent: Mr. R. Joseph Emerson, Jr., Director of Planning,
Secretary

Also Present: Ms. Jean Moore, Assistant Director
Mr. Seth Humphreys, County Planner
Mr. Livingston Lewis, County Planner
Mr. Roy Props, County Planner
Mr. Benjamin Sehl, County Planner
Ms. Audrey Anderson, County Planner
Ms. Lisa Taylor, County Planner
Ms. Sylvia Ray, Recording Secretary

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8 **Mr. Richard W. Glover, the Board of Supervisors’ representative, abstains**
9 **on all cases unless otherwise noted.**

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11 Mr. Jernigan - Good evening, ladies and gentlemen. We’d like to
12 welcome you to our June 12, 2008 Planning Commission meeting. On behalf of
13 the staff and the Planning Commission, we’d like to welcome you. Mr. Emerson
14 is not with us tonight. Mr. Dave O’Kelly will be sitting in for him, and at this time,
15 I’ll turn the meeting over to him.

16
17 Mr. O’Kelly - Thank you, Mr. Chairman. Good evening members of
18 the Commission.

19
20 Mr. Jernigan - First of all, Mr. Glover is our sitting member from the
21 Board of Supervisors on the Planning Commission. It’s a pleasure to have you
22 with us tonight, sir.

23
24 Mr. Glover - Thank you. I’m not sure what a sitting member is, but
25 I will do as much sitting as I can.

26
27 Mr. Jernigan - Thank you.
28
29 Mr. Branin - Mr. Glover, it's one who does not stand.
30
31 Mr. Glover - There are all kinds of comedians. Anyway, Mr.
32 Chairman, I would like to say that due to the rezoning cases that come before the
33 Board of Supervisors, I normally abstain unless I enter into it and say differently.
34 Okay?
35
36 Mr. Jernigan - Okay, thank you, sir. Okay, Mr. O'Kelly.
37
38 Mr. O'Kelly - Yes, Mr. Chairman. That brings us to the first item on
39 the agenda, which are requests for deferrals. Ms. Jean Moore will lead us
40 through those. I think she has five requests.
41
42 Mr. Jernigan - Good evening, Ms. Moore.
43
44 Ms. Moore - Good evening. Thank you, Mr. Secretary. The first
45 request for deferral is in the Three Chopt District on page 1 of the agenda. It is P-
46 10-07. The applicant is Richmond Strikers Soccer Club, Incorporated. The site is
47 located on the east line of Pouncey Tract Road approximately 900 feet south of
48 Shady Grove Road. The request is for a provisional use permit in order to
49 construct a 144-foot high telecommunications tower. The deferral is requested to
50 the July 10, 2008 meeting.
51
52 Deferred from the May 15, 2008 Meeting
53 **P-10-07 Scott Turner for Richmond Strikers Soccer Club,**
54 **Inc.:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120
55 and 24-122.1 of Chapter 24 of the County Code in order to construct a 144' high
56 telecommunications tower on part of Parcel 740-768-1098, located on the east
57 line of Pouncey Tract Road (State Route 271) approximately 900 feet south of
58 Shady Grove Road. The existing zoning is A-1 Agricultural District. The Land
59 Use Plan recommends Open Space/Recreation and Environmental Protection
60 Area.
61
62 Mr. Jernigan - Is there any opposition to the deferral of P-10-07,
63 Scott Turner for Richmond Strikers Soccer Club, Incorporated? There is no
64 opposition.
65
66 Mr. Branin - Mr. Chairman, I would like to move that P-10-07,
67 Scott Turner for Richmond Strikers Soccer Club, Incorporated, be deferred to the
68 July 10, 2008 meeting, per the applicant's request.
69
70 Mr. Vanarsdall - Second.
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72 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
73 in favor say aye. All opposed say no. The ayes have it; the motion passes.

74
75 At the request of the applicant, the Planning Commission deferred P-10-07, Scott
76 Turner for Richmond Strikers Soccer Club, Incorporated, to its meeting on July
77 10, 2008.

78
79 Ms. Moore - On page 2 of your agenda in the Varina District is
80 case C-51C-07, WWLP Development, LLC. The site is located on the west line of
81 Strath Road approximately 580 feet north of Lammrich Road. The request is to
82 conditionally rezone from A-1 to R-5AC for zero lot line development, with a
83 maximum of 176 lots. This deferral is requested to the November 13, 2008
84 meeting.

85
86 Deferred from the December 6, 2007 Meeting

87 **C-51C-07 Alvin S. Mistr, Jr. for WWLP Development, LLC:**
88 Request to conditionally rezone from A-1 Agricultural District to R-5AC General
89 Residence District (Conditional), Parcel 815-691-3804, containing 73.609 acres,
90 located on the west line of Strath Road approximately 580 feet north of Lammrich
91 Road. The applicant proposes a zero-lot line development with a maximum of
92 one hundred seventy-six (176) lots. The R-5A District allows a minimum lot size
93 of 5,625 square feet and a maximum gross density of 6 units per acre. The use
94 will be controlled by zoning ordinance regulations and proffered conditions. The
95 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density
96 per acre. The site is in the Airport Safety Overlay District.

97
98 Mr. Jernigan - Is there any opposition to the deferral of case C-51C-
99 07, Alvin S. Mistr, Jr. for WWLP Development, LLC? There is no opposition.
100 With that, I will move for deferral of case C-51C-07, Alvin S. Mistr, Jr. for WWLP
101 Development, LLC, to November 13, 2008, by request of the applicant.

102
103 Mrs. Jones - Second.

104
105 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mrs. Jones. All
106 in favor say aye. All opposed say no. The ayes have it; the motion passes.

107
108 At the request of the applicant, the Planning Commission deferred C-51C-07,
109 Alvin S. Mistr, Jr. for WWLP Development, LLC, to its meeting on November 13,
110 2008.

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112 Ms. Moore - Also on page 2 is case C-53C-07, The Terry
113 Companies Six, LLC. This site is located between the north line of North Airport
114 Drive, the east and south lines of North Washington Street, and the southern
115 terminus of Delbert Drive. This is a request to conditionally rezone from A-1 to
116 RTHC, Residential Townhouse District, where a maximum of 154 condominium
117 units are proposed. The deferral is requested to the July 10, 2008 meeting.

118

119 Deferred from the May 15, 2008 Meeting

120 **C-53C-07** **Andrew M. Condlin for The Terry Companies Six,**
121 **LLC:** Request to conditionally rezone from A-1 Agricultural District to Residential
122 RTHC Townhouse District (Conditional), Parcels 829-725-8000, 829-726-7956,
123 829-725-2031, 829-725-9496, 829-726-6419, 830-724-1497, 829-725-6657, 829-
124 725-2590 and 828-724-9181. The 46.8-acre site is located between the north
125 line of N. Airport Drive, the east and south lines of N. Washington Street, and the
126 southern terminus of Delbert Drive. The applicant proposes a maximum of one
127 hundred fifty-four (154) semi-detached condominium units, a density of 3.29 units
128 per acre. The RTH District allows a maximum gross density of 9 units per acre.
129 The use will be controlled by zoning ordinance regulations and proffered
130 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
131 units net density per acre. The site is in the Airport Safety Overlay District
132

133 Mr. Jernigan - Is there any opposition to the deferral of case C-53C-
134 07, Andrew M. Condlin for The Terry Companies Six, LLC? There is no
135 opposition. With that, I will move for deferral of case C-53C-07, Andrew M.
136 Condlin for The Terry Companies Six, LLC, to July 10, 2008, by request of the
137 applicant.

138

139 Mr. Vanarsdall - Second.

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

143

144 At the request of the applicant, the Planning Commission deferred C-53C-07,
145 Andrew M. Condlin for The Terry Companies Six, LLC, to its meeting on July 10,
146 2008.

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148 Ms. Moore - On page 3 of your agenda is case P-7-08. The
149 applicant is Diamond Communications, LLC. The site is located on the north line
150 of Midview Road approximately 1,075 feet east of New Market Road. The
151 request is for a provisional use permit to construct a 146-foot high monopole
152 telecommunication tower and related equipment. The deferral is requested to the
153 July 10, 2008 meeting.

154

155 Deferred from the May 15, 2008 Meeting

156 **P-7-08** **Gregory S. Tully for Diamond Communications,**
157 **LLC:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120
158 and 24-122.1 of Chapter 24 of the County Code in order to construct a 146' high
159 monopole telecommunications tower and related equipment, on part of Parcel
160 804-702-0772, located on the north line of Midview Road approximately 1,075
161 feet east of New Market Road (State Route 5). The existing zoning is R-3 One-
162 Family Residence District. The Land Use Plan recommends Suburban
163 Residential 1, 1.0 to 2.4 units net density per acre

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Mr. Jernigan - Is there any opposition to the deferral of case P-7-08, Gregory S. Tully for Diamond Communications, LLC? There is no opposition. With that, I will move for deferral of case P-7-08, Gregory S. Tully for Diamond Communications, LLC, to July 10, 2008, by request of the applicant.

Mr. Branin - Second.

Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

At the request of the applicant, the Planning Commission deferred P-7-08, Gregory S. Tully for Diamond Communications, LLC, to its meeting on July 10, 2008.

Ms. Moore - The last request is on page 3 of your agenda. It's P-8-08. The applicant is Richmond 20 MHz LLC. The site is located on the west line of Varina Road approximately 120 feet south of Mill Road. The request is for a provisional use permit to construction a 194-foot high telecommunication tower and related equipment. The deferral is requested to the September 11, 2008 meeting.

Deferred from the May 15, 2008 Meeting

P-8-08 Gloria L. Freye for Richmond 20MHz LLC: Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 194' high monopole telecommunications tower and related equipment, on part of Parcel 810-686-4444, located on the west line of Varina Road approximately 120 feet south of Mill Road. The existing zoning is A-1 Agricultural District. The Land Use Plan recommends Rural Residential, not to exceed 1.0 units net density per acre. The site is in the Airport Safety Overlay District.

Mr. Jernigan - Is there any opposition to the deferral of case P-8-08, Gloria L. Freye for Richmond 20MHz, LLC? There is no opposition. With that, I will move for deferral of P-8-08, Gloria L. Freye for Richmond 20MHz, LLC, to September 11, 2008, by request of the applicant.

Mrs. Jones - Second.

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

At the request of the applicant, the Planning Commission deferred P-8-08, Gloria L. Freye for Richmond 20MHz, LLC, to its meeting on July 10, 2008.

209 Ms. Moore - Mr. Chairman, that concludes the report for requested
210 deferrals.

211
212 Mr. Jernigan - Thank you, Ms. Moore.

213
214 Mr. O'Kelly - Mr. Chairman, that takes us to the next item, which
215 are expedited cases. Again, Ms. Moore will lead us through those. I think there is
216 one request.

217
218 Ms. Moore - It's in the Three Chopt District, and on page 1 of your
219 agenda. The case is P-10-08, Space Mart Partners. This site is located on the
220 northeast intersection of Interstate 64 and Cox Road. The request is for a
221 provisional use permit in order construct a self-service storage facility. The site is
222 zoned B-2, which requires a PUP for this use. Staff has received no known
223 opposition on this request, and there were no issues in the staff report.

224
225 **P-10-08 Gloria L. Freye, Esquire for Space Mart Partners:**
226 Request for a Provisional Use Permit under Sections 24-58.2(b), 24-120 and 24-
227 122.1 of Chapter 24 of the County Code in order to construct a self-service
228 storage facility on part of Parcels 749-759-0307 and 748-758-4252, located at
229 the northeast intersection of Interstate 64 and Cox Road. The existing zoning is
230 B-2C Business District (Conditional). The Land Use Plan recommends Office.

231
232 Mr. Jernigan - Thank you. Is there any opposition to case P-10-08,
233 Gloria L. Freye, Esquire for Space Mart Partners? There is no opposition, Mr.
234 Branin.

235
236 Mr. Branin - Thank you, Mr. Chairman. I want to thank Space
237 Mart Partners for working so diligently on getting the architectural where they
238 need to be, and providing a good product to go into this small space. With that,
239 Mr. Chairman, I'd like move that P-10-08, Gloria L. Freye, Esquire for Space Mart
240 Partners, be approved on the expedited agenda.

241
242 Mr. Archer - Second.

243
244 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Archer. All in
245 favor say aye. All opposed say no. The ayes have it; the motion carries.

246
247 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
248 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
249 the Board of Supervisors **grant** the request because it is reasonable in light of
250 the surrounding uses and existing zoning on the property and when properly
251 developed and regulated by the recommended conditions, it would not be
252 detrimental to the public health, safety, welfare and values in the area.

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254 Ms. Moore - Thank you.

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Mr. Jernigan - Thank you, Ms. Moore.

Deferred from the April 10, 2008 Meeting.

C-7C-07 Andrew M. Condlin for Frances A. Turner: Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 747-773-6860, containing 5.204 acres, located on the southeast line of Twin Hickory Road, approximately 800 feet northeast of Nuckols Road. The applicant proposes a residential townhouse development with a maximum of 30 units. The RTH District allows a maximum density of 9 units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units per acre.

Mr. Jernigan - Is there any opposition to case C-7C-07, Andrew M. Condlin for Frances A. Turner? There is no opposition. Mr. Lewis, how are you tonight?

Mr. Lewis - I'm doing well, Mr. Chairman, thank you.

This is a request to rezone 5.2 acres along Twin Hickory Road from A-1 to RTHC to allow construction of 30 townhouses, a density of 5.77 units per acre. The site is located adjacent to the Chappell Ridge at Wyndham Forest subdivision, Mount Vernon Baptist Church, and Hickory Corner Office Condominiums. The approved Preston Square townhouse development is located to the west across Twin Hickory Road.

The 2010 Land Use Plan recommends Urban Residential for the property with a density range of 3.4 to 6.8 units per acre, which is consistent with this request.

This proffered conceptual plan submitted by the applicant shows a six-building arrangement with three structures facing Twin Hickory Road. In addition to constructing in conformance with a conceptual plan, the applicant's revised proffers dated June 10, 2008 address the following major topics: A maximum of 30 units; minimum 2,000-square-foot units, each with at least a one-car garage; a 45-foot-wide perimeter buffer adjacent to Chappell Ridge and 15-foot buffers along the other boundaries; an underground BMP and sidewalks.

Exterior walls would be a minimum of 75% brick or brick veneer, a reduction from the 100% brick exterior construction initially proposed by the applicant. Given the variety of materials that may be used for the remaining 25%, the applicant is encouraged to provide building elevations to illustrate the potential visual impact of the development. The request could also be enhanced by providing sodded and irrigated lawn areas, and irrigating landscape plantings.

300 This request is consistent with the 2010 Land Use Plan's Urban Residential
301 recommendation and could be compatible with surrounding properties. The
302 applicant has also provided assurances to mitigate issues raised in the staff
303 report. Staff could fully support the request if the remaining issues related to
304 building elevations and landscaping are addressed.

305
306 This concludes my presentation. I will be happy to take any questions.

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308 Mr. Jernigan - Are there any questions for Mr. Lewis from the
309 Commission?

310
311 Mr. Branin - Mr. Lewis, would you state again your last statement
312 about the architectural?

313
314 Mr. Lewis - I'm sorry?

315
316 Mr. Branin - You had mentioned something in your presentation
317 about the architectural.

318
319 Mr. Lewis - The percentage of brick on the external walls is
320 currently 75%. Given the remaining materials that could be used for the
321 remaining 25%, staff encourages the applicant to provide elevations to better
322 illustrate the possibilities.

323
324 Mr. Branin - Okay. I have no further questions.

325
326 Mr. Jernigan - We just received proffers. Do they have to waive the
327 time limits on these?

328
329 Mr. Lewis - No. These actually have arrived within the time limits.

330
331 Mr. Jernigan - Okay. Mr. Branin, would you like to hear from the
332 applicant?

333
334 Mr. Branin - I don't think it's necessary, Mr. Chairman.

335
336 Mr. Jernigan - Okay.

337
338 Mr. Branin - I've worked pretty hard with this case. If any of the
339 other Commissioners would like to, I'd be happy for them to hear from the
340 applicant.

341
342 Mrs. Jones - I'd like to know if there is an intention to have any kind
343 of architectural elevations available as this moves forward.

344
345 Mr. Branin - Let's call up the applicant.

346
347 Mr. Branin - Mr. Condlin, since you're up, we'll address both the
348 issue of more brick and—
349
350 Mr. Jernigan - Let him state his name first.
351
352 Mr. Condlin - Andy Condlin from Williams Mullen, here on behalf of
353 the applicant, Mrs. Turner.
354
355 Mr. Branin - If you would make comments on both brick and also
356 showing elevations.
357
358 Mr. Condlin - Mrs. Turner is the current property owner and has
359 been for quite some time. We don't have—We did have at one time a contract
360 with a builder. We don't have a specific builder, so this is really conceptual, and
361 we don't have any specific elevations for a builder at this time. That's why we're
362 not planning on showing any elevations. We tried to tighten up with the type of
363 material. What happened across the street and in some other locations—in my
364 experience in talking with some other builders during this process, and of course
365 in doing zoning work—is that 100% brick can look pretty institutional. So, we
366 wanted to go with 75%—just a random number—to be able to do that, to be able
367 to have some highlights of the remaining 25%. I think those are pretty standard
368 types of material. There's no specific elevation, or no rhyme or reason really. It
369 just seemed to be a good balance between the brick and trying to avoid that
370 institutional look.
371
372 I'll be happy to take suggestions, or make revisions as you feel necessary.
373
374 Ms. Jones - I'm glad to see the EIFS has been removed.
375
376 Mr. Condlin - Yes.
377
378 Mr. Jernigan - Okay. Are there any more questions for Mr. Condlin
379 from the Commission?
380
381 Mrs. Jones - Irrigation?
382
383 Mr. Branin - Mr. Condlin, the only thing that concerns me, which I
384 had voiced concern to before, was the location of the dumpster. I don't see it in
385 your revised drawings.
386
387 Mr. Condlin - That was left off. When we talked about that, that is
388 the one change that we're going to have to make between now and the Board of
389 Supervisors, if this moves forward. The idea is that it would be located in one of
390 three spots—either here at this location, here, or here. When I talked to Dan
391 Caskie from Bay Design, he said typically we don't have dumpsters. We have

392 super cans and trash pickup. If there is a dumpster, we would revise our plan to
393 show it one of these three locations, probably over here or over here is where
394 they would show it. The intention is not even to have a dumpster. I just have to
395 clarify that between now and the Board of Supervisors.

396

397 Mr. Branin - The last thing I have, Mr. Chairman, is a comment.
398 Mr. Condlin, if this does proceed to the Board of Supervisors, I would prefer you
399 find out before then what kind of trash receptacles you'll be using. If that is a
400 dumpster, show that in the location.

401

402 Mr. Condlin - Yes sir. Absolutely.

403

404 Mr. Branin - I will advise you that it would probably be a good idea
405 to increase your brick.

406

407 Mr. Condlin - Okay.

408

409 Mr. Branin - You will probably hear that before you present to the
410 supervisors. The third thing would be to have your elevations ready for POD.

411

412 Mr. Condlin - Okay. Yes sir. Absolutely.

413

414 Mrs. Jones - In referencing the dumpster, when it's screened by
415 similar materials, that, obviously, is important for us to know because it's a tight
416 space. If you're going to have predominantly brick, which sounds like you will, I
417 would hope that could be defined a little better.

418

419 Mr. Condlin - I understand. I will, yes. I'm hoping to get rid of that
420 altogether, quite frankly, but yes, we will.

421

422 Mrs. Jones - It's hard to know when you don't have a builder. I
423 know, I know.

424

425 Mr. Condlin - It is. It's unfortunate. Given the market and the
426 timing, she wants to move forward.

427

428 Mrs. Jones - Sure. There can always, I guess, be a conceptual,
429 general plan.

430

431 Mr. Jernigan - Mr. Condlin, you're not going to sod and irrigate this?

432

433 Mr. Condlin - Quite frankly, it's something we haven't been able to
434 talk to anyone about. It didn't seem to be a critical issue for Mr. Branin and the
435 neighbors. It probably will be; most builders do, but it was not something I
436 wanted to commit to at this point.

437

438 Mrs. Jones - Are you all right with that?
439
440 Mr. Jernigan - I was discussing with him about sod and irrigation.
441 Okay.
442
443 Mr. Branin - Mr. Chairman, I'd like to move that C-7C-07, Andrew
444 M. Condlin for Frances A. Turner, move forward to the Board of Supervisors with
445 a recommendation for approval.
446
447 Mr. Vanarsdall - Second.
448
449 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
450 in favor say aye. All opposed say no. The ayes have it; the motion passes.
451
452 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
453 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend
454 the Board of Supervisors **grant** the request because it conforms to the
455 recommendations of the Land Use Plan and it is appropriate residential zoning at
456 this location.
457
458 **C-18C-08 Sandra Verna for WILVAL LLC:** Request to amend
459 proffered conditions accepted with Rezoning Case C-37C-05, on Parcels 777-
460 772-5971, 777-772-9417, 775-772-7266, 777-771-6782, 777-773-0724, and part
461 of Parcel 778-771-1571, located between the northeast line of Greenwood Road
462 and the Chickahominy River beginning approximately 150 feet west of Quail
463 Walk Drive and extending to the west line of Winfrey Road approximately 1,800
464 feet north of its intersection with Greenwood Road. The applicant proposes to
465 amend proffers pertaining to sod and irrigation, amenities, parking facilities,
466 architectural exhibits, fencing, road standards, and building height. A new proffer
467 pertaining to emergency generators is proposed. The existing zoning is R-6C
468 General Residence District (Conditional). The Land Use Plan recommends
469 Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental
470 Protection Area.
471
472 Mr. Jernigan - Is there any opposition to case C-18C-08, Sandra
473 Verna for WILVAL, LLC? There is no opposition. Good evening, Mr. Sehl.
474
475 Mr. Sehl - Good evening, Mr. Chairman, members of the
476 Commission.
477
478 This request would amend proffers accepted with rezoning case C-37C-05 which
479 rezoned the subject property from A-1 to R-6C. The applicant wishes to amend
480 several proffers accepted with the original rezoning case to allow additional
481 flexibility regarding certain design requirements. Revised proffers were
482 submitted on June 10, 2008, and have been distributed to you this evening.
483

484 C-37C-05 approved an age-restricted development of no more than 400 units.
485 The requested amendments would not alter the original intent of this case, and
486 the amendments proposed by the applicant relate solely to architectural exhibits,
487 parking, timing of amenities, interior fencing, building height, and sodding of
488 yards. The applicant also proposes to add an additional proffer regarding
489 emergency generators for units on the property.

490
491 The proposed amendments would continue to assure a high level of quality for
492 the proposed development, and staff recommends approval of this request. I
493 would be happy to answer any questions you might have.

494
495 Mr. Jernigan - Are there any questions for Mr. Sehl from the
496 Commission? Thank you, Mr. Sehl. Mr. Vanarsdall, do you need to hear from
497 the applicant?

498
499 Mr. Vanarsdall - No, I do not.

500
501 Mr. Jernigan - Okay.

502
503 Mr. Vanarsdall - We had a community meeting, and we talked about
504 this and had all the proffers changed. So, I don't need to talk to him.

505
506 Mr. Jernigan - Okay.

507
508 Mr. Vanarsdall - First of all, this is a very good case, and the proffer
509 changes allow even more flexibility in the building design and amenities. We had
510 eight proffer changes, and they're all for the better. We had a nice community
511 meeting with about 40 or 50 people, and we notified everyone in the community.
512 Everybody was very pleased. With that, I move that C-18C-08, Sandra Verna for
513 WILVAL, LLC, be recommended to the Board of Supervisors for approval.

514
515 Mr. Archer - Second.

516
517 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All
518 in favor say aye. All opposed say no. The ayes have it; the motion passes.

519
520 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
521 Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend
522 the Board of Supervisors grant the request because the amendments continue
523 to assure a quality form of development with maximum protection afforded the
524 adjacent properties, and do not reduce the original intended purpose of the
525 proffers.

526
527 **C-21C-08 Betti Bachman Smythe for CWP Properties:**
528 Request to conditionally rezone from B-2 Business District to B-3C Business
529 District (Conditional), Parcel 772-750-5496, containing 2.611 acres, located on

530 the east line of Staples Mill Road (U.S. Route 33) approximately 175 feet south
531 of its intersection with Sprenkle Lane. The applicant proposes an animal kennel.
532 The use will be controlled by zoning ordinance regulations and proffered
533 conditions. The Land Use Plan recommends Commercial Arterial. The site is in
534 the Enterprise Zone.

535

536 Mr. Jernigan - Is there any opposition to case C-21C-08, Betti
537 Bachman Smythe for CWP Properties? There is no opposition. Mr. Sehl, you
538 may proceed.

539

540 Mr. Sehl - Thank you again, Mr. Chairman.

541

542 This request would rezone 2.61 acres on Staples Mill Road from B-2 to B-3C.
543 The applicant proposes to expand the existing business on the property to
544 include boarding and an animal kennel, which is first permitted in the B-3 District.
545 Adjacent properties are zoned B-2 and M-1, with single-family residences and a
546 place of worship, zoned R-3, located across Staples Mill Road.

547

548 The 2010 Land Use Plan recommends Commercial Arterial uses for the property,
549 which is also located within the County's Enterprise Zone. The requested zoning
550 would be consistent with the Land Use Plan designation and the goals of the
551 Enterprise Zone Program.

552

553 The site is currently improved with a converted dwelling and two smaller
554 outbuildings. The applicant proposes to use one of these outbuildings to serve
555 as a boarding kennel.

556

557 The applicant has submitted revised proffers, dated June 10, 2008, which have
558 been distributed to you this evening. The revised proffers address the concerns
559 outlined in the staff report. Specifically, the proffers address the following: future
560 buildings on the property would be complementary in style and materials to the
561 existing structures; no chain link or wooden stockade fencing would be permitted
562 between the existing structure and Staples Mill Road; hours of operation would
563 be limited to the those permitted in the B-2 district, except that the animal kennel
564 operation could operate for 24 hours; and signage would be limited to that
565 permitted in the B-2 District.

566

567 Additionally, the revised proffers address staff's concerns regarding dumpster
568 screening, lighting, and permitted uses.

569

570 In conclusion, with the revised proffers distributed to you this evening, this
571 request is consistent with the Land Use Plan recommendation, and is in keeping
572 with the goals of the County's Enterprise Zone Program. Staff supports this
573 request. I would be happy to try and answer any questions you might have.

574

575 Mr. Jernigan - Okay. Are there any questions for Mr. Sehl from the
576 Commission?

577
578 Mr. Vanarsdall - I don't have any.

579
580 Mr. Jernigan - Okay, thank you, Mr. Sehl.

581
582 Mr. Vanarsdall - Since there is no opposition, I don't need to hear from
583 the applicant.

584
585 Mr. Jernigan - Okay.

586
587 Mr. Vanarsdall - All right. This is also a very good case. Mrs. Smythe
588 and her assistant are here tonight, and they run a good shop. I think that
589 boarding the animals—critters, they call them—overnight will help create even
590 more business. I think the critters that stayed in the daytime liked it so much
591 there that they wanted to be able to stay at night, so that's what this is about.
592 We're glad to have you all; they're sitting in the second row there. So, I
593 recommend the Board of Supervisors approve case C-21C-08, Betti Bachman
594 Smythe for CWP Properties

595
596 Mr. Branin - Second.

597
598 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All
599 in favor say aye. All opposed say no. The ayes have it; the motion passes.

600
601 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
602 Mr. Branin, the Planning Commission voted 5-0 (one abstention) to recommend
603 the Board of Supervisors grant the request because it conforms to the
604 recommendations of the Land Use Plan, would not be expected to adversely
605 affect the pattern of zoning and land use in the area, and the proffered conditions
606 would provide for a higher quality of development than would otherwise be
607 possible.

608
609 **C-9C-08 Lisa Murphy for Secure Hands Holdings, LLC:**
610 Request to conditionally rezone from R-4 One-Family Residence District to R-6C
611 General Residence District (Conditional), Parcels 809-722-2386, -4093, -5489, -
612 5792, 809-723-2108, -4307, -5011, -6216, and -5911 containing 6.0308 acres,
613 located on the east line of East Richmond Road approximately 216 feet north of
614 Nine Mile Road (State Route 33) and on the north line of Nine Mile Road
615 approximately 290 feet east of East Richmond Road. The applicant proposes an
616 assisted living facility. The use will be controlled by zoning ordinance regulations
617 and proffered conditions. The Land Use Plan recommends Office. The site is in
618 the Airport Safety Overlay District, and Nine Mile Road Special Strategy Area.

619

620 Mrs. Jones - Excuse me. Before we start discussion, Mr.
621 Chairman, I feel I need to state for the record that I will be abstaining from
622 discussion or voting on this case because of a representational conflict.

623
624 Mr. Jernigan - Okay, thank you, Mrs. Jones. Is there any opposition
625 to case C-9C-08, Lisa Murphy for Secure Hands Holdings, LLC? We do have
626 opposition. Sir, you'll have time to speak. All right, Mr. Lewis, you may proceed.

627
628 Mr. Lewis - Thank you, Mr. Chairman. This is a request to rezone
629 6.03 acres from R-4 to R-6C to allow development of an assisted living facility
630 near the northeast corner of Nine Mile Road and East Richmond Road.
631 Commercial uses are located to the south, and residential uses surround the site
632 to the east, north, and west. The 2010 Plan recommends Office for the site,
633 which is also located in the Nine Mile Road Special Strategy Area. The proposed
634 use is not fully consistent with the Office designation, but it could be compatible
635 with surrounding development.

636
637 As illustrated on this proffered conceptual plan, the applicant wishes to construct
638 a 72,000-square-foot assisted living facility, with access from both Nine Mile
639 Road and East Richmond Road. These proffered elevations submitted by the
640 applicant show a two-story brick and EIFS structure with the building's primary
641 entrance oriented toward Nine Mile Road.

642
643 In addition to constructing in conformance with the conceptual plan and building
644 elevations, the applicant's revised proffers dated June 12, 2008 before you
645 tonight address the following major topics: a maximum of 119 residential rooms;
646 prohibition of a list of other R-6 uses; generator and refuse screening; perimeter
647 buffers and tree save areas; security and emergency preparations; underground
648 BMP; and detached signage. These revised proffers address all of the concerns
649 raised in the staff report, and provide a number of quality and compatibility
650 assurances.

651
652 Because an assisted living facility is primarily residential in character, and could
653 serve as a logical transition between commercial and single-family uses, the
654 proposed use could be an appropriate alternative to the 2010 Plan's Office
655 designation, and help support revitalization efforts in the area. Therefore, staff
656 supports this request.

657
658 This concludes my presentation. I'll be happy to take any questions. The time
659 limits would need to be waived for the proffers.

660
661 Mr. Jernigan - Okay, sir. Are there any questions for Mr. Lewis from
662 the Commission? Okay, thank you, Mr. Lewis. I would like to hear from the
663 applicant. Sir, when you have opposition on a case, each person has 10 minutes
664 to state his or her case on both sides. That does not include time that the
665 Commission is asking questions. With that, Ms. Murphy, you may proceed.

666

667 Ms. Murphy - Good evening, Chairman, Vice Chairman, members
668 of the Planning Commission. My name is Lisa Murphy. I'm an attorney with
669 LeClair Ryan. I'm here tonight on behalf of Secure Hands Holdings, the
670 applicant. You have a handout in front of you, and some additional color
671 elevations, and larger versions of what has been submitted—the site layout, the
672 landscape plan. It's probably better than what I have on my PowerPoint, as far
673 as visuals, so I will ask you to look at those.

674

675 If you could imagine, in the last ten years, there has been a 30% increase in
676 Alzheimer's cases in Virginia. In 2000, there were 100,000 cases; in 2010 it's
677 projected that there will be 130,000 cases. Only ten other states in the United
678 States have experienced a greater increase. The projection is that by 2020, one
679 out of every four Virginians will be 60 or older, and you can imagine what that's
680 going to do to the number of Alzheimer's and dementia patients.

681

682 As Mr. Lewis indicated, we have requested the rezoning from R-4 to R-6C in
683 order to construct and operate the Alzheimer's care assisted living facility. As you
684 may or may not know, there are nearly 25,000 people living in the Greater
685 Richmond area with the disease, and there are currently only two other facilities
686 in the County that really specialize in the care and the treatment of Alzheimer's
687 and dementia patients. The demand for services is rising, as I mentioned, as the
688 population ages.

689

690 The services at this facility will focus primarily on medical and physical issues
691 facing elderly patients with Alzheimer's disease and related dementia disorders.
692 The facility itself will provide residential accommodations. There will be activities,
693 meals, security, housekeeping, and assistance with the activities of daily living to
694 seniors and others with Alzheimer's disease and related dementia. As you can
695 imagine, security is a primary concern. Unlike any other type of nursing home or
696 facility, with an Alzheimer's care facility, the emphasis is on making sure that
697 those patients stay within the facility and that they're under constant supervision.

698

699 The facility will utilize interdisciplinary teams of experienced medical
700 professionals to provide services prescribed by physicians. Those teams are
701 going to include registered nurses, licensed practical nurses, and certified
702 nursing assistants. As the proffers indicate, there will be a nurse on site 24 hours
703 a day.

704

705 In addition to medical care and resident-related services, as the proffers indicate,
706 the facility will implement a program for residents that incorporates social,
707 spiritual, and physical aspects into a range of activities that will promote social
708 interaction, recreation, and learning. The activities are designed based on the
709 recognition that sensory and cognitive stimulation helps to slow or even prevent
710 further mental deterioration. So, it's a very specialized program. The goal of the
711 facility and its personnel is to provide a safe and stimulating atmosphere that will

712 enable its residents to maintain a dignified and fulfilling lifestyle, assisted by
713 personnel who are really trained to specialize in their care.

714

715 As Mr. Lewis indicated, the facility will be limited to 119 rooms. There is a proffer
716 that indicates that the height of the building will be limited to 35 feet, and that's
717 that cupola at the top there. If you look at the site layout, the way this is
718 designed, the cupola is above a central area, which is sort of an internal
719 courtyard that will be used by the residents. As Mr. Lewis indicated, the parking
720 in the building itself is oriented to East Richmond Road. There will be substantial
721 dedication of right-of-way for the widening of East Richmond Road to
722 accommodate the two entrances to the end of our property. There is also a
723 dedication for a turn lane on Nine Mile Road, with the entrance on Nine Mile
724 being closest to the car care facility.

725

726 I believe the elevations he explained—brick with some EIFS accents, just to sort
727 of break up the visual architectural appearance. The EIFS will not be at the
728 ground level of the building. That has been proffered. The landscape plan that
729 you have there shows the transitional 25 landscape buffer along this northern
730 property line and along East Richmond Road. In addition, there will be a
731 transitional buffer 25 along Nine Mile Road. There will also be plantings that are
732 preserved from what's currently there on the property. There is a transitional
733 buffer 10 along the eastern portion of the property. I've recently met with the
734 property owner that lives on the other side of this property, and he's asked that
735 we also do a fence along here in addition to these plantings that are shown on
736 the landscape plan. Because the landscape plan is somewhat conceptual, we've
737 also added a proffer that it will be subject to Planning Commission review during
738 plan of development review.

739

740 Again, the highlights on the proffers, because this is a residential area and this is
741 a quasi-residential use, we've worked with staff. The outdoor refuge equipment is
742 all screened with an eight-foot brick wall with a gate that has synthetic wood slats
743 that you can't see through. The emergency generator will only come on during
744 periods of emergencies, and then just for a couple hours every month for periods
745 of testing; that's been proffered. Fire and safety. Again, as you can imagine,
746 because safety and security is such a critical issue, you'll see several proffers
747 that relate to security, fire safety. I mentioned the height limitation.

748

749 Again, because of the location of this project, we've worked with staff to come up
750 with additional proffers that are going to limit the hours of construction to between
751 the hours of 7 a.m. and 7 p.m. Monday through Saturday, except in emergencies
752 or otherwise permitted. Deliveries, parking lot cleaning, trash pickup, leaf
753 blowing—those will also be limited and restricted to the hours of 7 a.m. to 8 p.m.
754 Monday through Saturday, except that there will be no delivery or trash pickup on
755 the weekends, and deliveries will be limited to the regular weekdays.

756

757 There will be a four-foot sidewalk along Nine Mile Road. The lighting will be built
758 so that it's focused inward. It's proffered that the lighting will be directed to
759 minimize glare on public roads and adjacent properties, and it won't exceed a
760 half-foot candle. The lights in the parking lot will automatically be reduced to
761 security levels at 10:00.

762

763 I mentioned the screening and buffering. The BMP facilities for this will also be
764 underground, as was the case with one of the prior cases. There will be a
765 Delaware or similar sand filter with a pipe array under the parking lot to collect
766 storm water. What's important about that is currently there's a drainage ditch
767 that comes along this part of the property. There's a drainage ditch along the
768 rear. There tend to be some drainage issues, so the development of this property
769 and having to storm water management in the work that we're doing we feel will
770 actual help with the drainage situation on the surrounding properties.

771

772 There is an existing 1920's residential structure on the property. We've proffered
773 that we will allow Parks and Recreation to document that prior to demolition.

774

775 As Mr. Lewis indicated, we feel, as does staff, that this is an appropriate
776 alternative to the 2010 Plan's Office designation for this property. We feel that it
777 will be a catalyst for the revitalization along the Nine Mile Road corridor. We feel
778 this use is compatible with surrounding properties, it's a logical transition between
779 commercial and single-family uses, and it's less intensive than other multi-family
780 uses. As Mr. Lewis indicated, the first or second proffer is one that really restricts
781 any other uses that would normally be permitted except for this particular use,
782 and potentially single-family use. You'll notice also that a great deal of the
783 property is left undeveloped. The development will be restricted to this area,
784 again, with some of the heavy plantings that will be able to remain on the
785 property.

786

787 We do feel, again, that this is compatible. I have spoken with several of the
788 neighbors, and a few of the folks who are here this evening. We feel that we've
789 modified the proffers to address their concerns, as well as staff's concerns. I'm
790 happy to answer any questions that you have. We respectfully request that you
791 recommend approval of C-9C-08. Thank you.

792

793 Mr. Jernigan - Okay. Are there any questions for Ms. Murphy from
794 the Commission? I have a couple of statements that I wanted to make. First of
795 all, I guess one question that we get the most is security. When you look at this
796 on the drawing, that octagon, where it's open in the middle, that's for the patients
797 to come out and stay during the day. It's completely surrounded except for one
798 entrance that fire and safety had you put in there for emergency vehicles so they
799 could come into the courtyard and not have to come through the building.

800

801 Ms. Murphy - Right. One of the questions I got from one of the
802 neighbors was will there be people wandering around. A couple things there.

803 Alzheimer's patients and patients with dementia don't have driver's licenses, so
804 the folks that will be staying here will be staying here, they won't have cars.
805 There will be people visiting them, and the parking area for visitors, you can see
806 is limited to East Richmond Road. As far as the residents wandering around the
807 property, that will not happen due to the heightened security restrictions on that.
808 You're right, the only reason we have a cut-through into that courtyard is so that
809 we can get the fire and safety vehicles in there.

810

811 Mr. Jernigan - The second thing was traffic, and I guess people need
812 to realize that the main entrance is off Nine Mile Road, not off East Richmond
813 Road, even though you are widening East Richmond.

814

815 Ms. Murphy - Right.

816

817 Mr. Jernigan - The third thing is hospitals like this have to be
818 approved by the state.

819

820 Ms. Murphy - Absolutely.

821

822 Mr. Jernigan - This has been approved by the State of Virginia.
823 Okay, I thank you, Ms. Murphy.

824

825 Ms. Murphy - Thank you.

826

827 Mr. Jernigan - We do have opposition. Sir, if you'd like to come down
828 and state your name for the record. Good evening.

829

830 Mr. Cooper - Good evening. My name is Frank Cooper.

831

832 Mr. Jernigan - Cooper?

833

834 Mr. Cooper - Yes sir. I'm here in opposition because, first of all, I
835 just found out yesterday that the road that's adjoining my property was
836 purchased, Ms. Murphy said, from the original owners. Well, I need time to find
837 out whether or not I have legal rights to have access to the road, because it's flat
838 up against my property. My property runs the full length of the area that they're
839 proposing to build.

840

841 Mr. Branin - Mr. Cooper, can you show us—Who's case is this?
842 Mr. Lewis, would you put up—

843

844 Mr. Jernigan - Do you think the road is on your property?

845

846 Mr. Cooper - It's a 30-foot road that runs from Nine Mile Road that
847 butts right up against my property.

848

849 Mr. Jernigan - That butts up against your driveway.
850
851 Mr. Cooper - Yes.
852
853 Mr. Jernigan - So, you still have access.
854
855 Mr. Cooper - I won't have access, because they're planning to
856 close the road.
857
858 Mrs. Jones - Which property is yours?
859
860 Mr. Cooper - I'm at 8 Watson Lane.
861
862 Mrs. Jones - On this particular plan?
863
864 Mr. Jernigan - You front on Nine Mile Road.
865
866 Mr. Cooper - Mmm-hmm.
867
868 Mr. Lewis - The former right-of-way that he's referring to is this
869 strip right here, the narrowest strip right there.
870
871 Mrs. Jones - Where is his home, Mr. Lewis?
872
873 Mr. Lewis - What's your address?
874
875 Mr. Cooper - 8 Watson.
876
877 Mrs. Jones - So you access your property from Watson, right?
878
879 Mr. Cooper - I can access it from Watson Lane, yes. I would like to
880 still be able to. If I decide to access it from Nine Mile Road—if I have that right, I
881 don't want it taken away until I at least have time to determine whether or not I
882 actually have any legal rights at all. Like I said, I just found out about it yesterday.
883
884 Mr. Jernigan - You front on Watson Lane. Your house fronts on
885 Watson Lane?
886
887 Mr. Cooper - Yes.
888
889 Mr. Branin - Mr. Cooper, do you own that property that goes—
890
891 Mr. Cooper - Yes I do.
892
893 Mr. Branin - —from Nine Mile to your property?
894

895 Mr. Cooper - Do I own—
896
897 Mr. Branin - The easement that's shown here—
898
899 Mr. Jernigan - The right-of-way.
900
901 Mr. Branin - —the right-of-way.
902
903 Mr. Cooper - Well see, that's what I'm saying, I don't know. I just
904 found out yesterday. It's showing that I own it on my plot plan.
905
906 Mr. Branin - Sir, you're going to have to come down. Please state
907 your name for the record.
908
909 Mr. McNeil - Richard McNeil.
910
911 Mr. Jernigan - Hi, Mr. McNeil, how are you?
912
913 Mr. McNeil - Hi. Very well, thank you, Mr. Jernigan. I'm a neighbor
914 of Frank; I live on Watson Lane. I just wanted to point out for clarity the area that
915 Frank is talking about is at the "S" of Aims subdivision. Where it says, "Aims,"
916 that's his backyard. At one point, there was a question as to whether or not—He
917 had access from Nine Mile Road from what they're calling the paper road, the
918 road that was on paper but has a ditch. For clarity and as a favor to Frank, and
919 to save some time, is to point out exactly where we're talking about. Where he's
920 talking about is that "S" at Aims subdivision. I'm going to cede the floor to Frank.
921 Thank you.
922
923 Mr. Jernigan - Where the cursor is, is your property.
924
925 Mr. Cooper - Correct.
926
927 Mr. Jernigan - Your house is there.
928
929 Mr. Cooper - Right.
930
931 Mr. Jernigan - It fronts on Watson Lane.
932
933 Mr. Cooper - Watson Lane.
934
935 Mr. Jernigan - But you've been using the road coming off Nine Mile.
936
937 Mr. Cooper - No, no.
938
939 Mr. Jernigan - The easement.
940

941 Mr. Cooper - No, no, no. I haven't been using the road. I had
942 planned to use the road. Like I say, I just found out yesterday that they're
943 planning to close the road, and the road is on my plot plan. I just need to find out
944 whether or not I'm entitled to the road before you all decided to approve it.
945
946 Mr. Vanarsdall - Mr. Cooper.
947
948 Mr. Cooper - Yes.
949
950 Mr. Vanarsdall - You say the road shows on your plat?
951
952 Mr. Cooper - Yes.
953
954 Mr. Vanarsdall - Is it within the confines of your ownership on that plat,
955 or is it outside of it? Can you tell?
956
957 Mr. Cooper - Well, it's all one.
958
959 Mr. Vanarsdall - Is it within your property line on the plat?
960
961 Mr. Jernigan - The plat for your house.
962
963 Mr. Cooper - Okay.
964
965 Mr. Jernigan - The property that you own. Does it show that right-of-
966 way all the way to Nine Mile Road as part of your property?
967
968 Mr. Cooper - Yes, yes it does.
969
970 Mr. Vanarsdall - Which one of those houses is yours?
971
972 Mr. Cooper - Eight. 8 Watson Lane.
973
974 Mr. Vanarsdall - It fronts on Watson Lane.
975
976 Mr. Cooper - Mmm-hmm.
977
978 Mr. Jernigan - Ms. Murphy, can you come back up on this?
979
980 Mr. Vanarsdall - Ms. Murphy's shaking her head; she must know
981 something.
982
983 Ms. Murphy - I met with Mr. Cooper earlier. This is the area that
984 we're talking about. In 1898, there was an original subdivision of this area that
985 showed a 30-foot unimproved right-of-way going from Nine Mile straight back to
986 East Richmond. There is also Watson Lane, which was shown as a 30-foot right-

987 of-way. What we did was we originally made an application to vacate this right-of-
988 way, and the County made the determination that it was not, in fact, a public
989 right-of-way, that they didn't have any interest in it. Then we went through the title
990 company and found the owners of this property who are the heirs of Ellen
991 Simmons and Ms. Gibbs, the woman who owns this piece.

992
993 To answer your question, I've looked at Mr. Cooper's title report and his survey.
994 The legal description of his property is this rectangle here, together with the right
995 to use Watson Lane to access Nine Mile Road. In the title that he showed me,
996 and in the paperwork that he showed me, he does not have any private interest
997 in this road. He does have a plot plan that shows this rectangle, and it shows
998 two lines out here that say, "30-foot road," but it's not part of the legal description
999 the way that, you know, together with language for Watson Lane. The access for
1000 the folks over here is Watson Lane, which is a gravel road. This 30-foot road that
1001 we bought the rights to is actually unimproved. You couldn't drive through there
1002 now if you wanted to, and there's a ditch that runs along the side of it. That's
1003 completely unimproved. That is the title commitment that we had. We've been
1004 going for months trying to confirm the ownership of this and to acquire the
1005 ownership of that 30-foot strip.

1006
1007 Mr. Vanarsdall - Ms. Murphy, Mr. Cooper, you say they want to close
1008 the road. Why do they want to close it?

1009
1010 Ms. Murphy - This 30-foot strip right here that is shown on that
1011 paper subdivision as an unimproved 30-foot right-of-way is part of this six acres.
1012 We need five acres for the assisted living facility, for that use designation, so
1013 we've compiled this. Without the road and the six-tenths of an acre strip over
1014 here, we have just over five acre. But between the right-of-way dedication on
1015 East Richmond Road, and the turn lane and dedication improvements on Nine
1016 Mile Road, that shrinks close to an acre off this. You'll see there are no
1017 improvements planned in this area on the layout, but we did acquire both of
1018 these properties and both are included in the rezoning.

1019
1020 Mr. Vanarsdall - Public Works wants to close it, right?

1021
1022 Mr. Branin - Ms. Murphy, may I ask you a question?

1023
1024 Ms. Murphy - Sure.

1025
1026 Mr. Branin - I'm not sure if I heard you right or not. Did you say
1027 you have gained ownership of it, or at this current time you are trying to gain
1028 ownership?

1029
1030 Ms. Murphy - We own. That was the reason for the prior deferrals of
1031 the case.

1032

1033 Mr. Branin - So you have ownership of that 30-foot strip.
1034
1035 Ms. Murphy - My client owns that 30-foot strip. Just prior to the May
1036 deadline, we acquired that and provided the paperwork for that.
1037
1038 Mr. Branin - So, what Mr. Cooper shows on his plot is not
1039 ownership of it, it just shows evidence of it.
1040
1041 Ms. Murphy - Exactly.
1042
1043 Mr. Jernigan - A paper street.
1044
1045 Mr. Branin - Right.
1046
1047 Ms. Murphy - It's not even the full paper street; it's just two lines and
1048 the words, "30 foot." It doesn't even show it going all the way down to Nine Mile
1049 Road.
1050
1051 Mr. Cooper - It says, "30-foot road."
1052
1053 Ms. Murphy - But it doesn't show the road going to Nine Mile.
1054
1055 Mr. Cooper - It says, "30-foot road."
1056
1057 Mr. Lewis: Just as additional clarification, hopefully, within the
1058 past couple of months, a new parcel has been created out of that strip. Prior to
1059 that, it showed as right-of-way, mistakenly. But Real Property has done research
1060 as well, and within the past couple of months created an actual parcel with
1061 ownership. That is what prompted the purchase of the property.
1062
1063 Mr. Jernigan - So, Real Property did go through this.
1064
1065 Mr. Lewis - Yes they did. We asked that they research it as well.
1066
1067 Mr. Jernigan - Okay.
1068
1069 Mr. Cooper - All I'm asking is time so that I can research it, due to
1070 that I wasn't notified.
1071
1072 Mr. Branin - Mr. Chairman, if this was to go before the Board,
1073 when would it go before the Board?
1074
1075 Mr. Jernigan - Mr. O'Kelly, what would be the date?
1076
1077 Ms. Moore - July 8th.
1078

1079 Mr. Jernigan - All right, give me a minute.
1080
1081 Mr. Archer - Mr. Cooper, while they're discussing that, the reason
1082 Mr. Branin asked that question about when the Board meets on this is because
1083 what we will do tonight is make a recommendation to the Board. We don't have
1084 the final authority on the approval of the zoning case, so it means that if this were
1085 to go forward one way or the other, you would have between now and the 8th of
1086 July to be able to research this and see what benefits or what rights you might
1087 have because of what your plat says. In essence, it's not a done deal once it
1088 leaves here tonight. You'd still have that amount of time in order to do your
1089 research.
1090
1091 Mr. Jernigan - You said the 8th?
1092
1093 Mr. Jernigan - It's a recommendation. The final approval on this has
1094 to be made by the Board of Supervisors. What we do is the case is presented to
1095 us, and we make a recommendation to the Board. You have to come down,
1096 Jeanne.
1097
1098 Mr. Branin - Mr. Chairman, may I ask Mr. Cooper a question?
1099
1100 Mr. Jernigan - Yes.
1101
1102 Mr. Branin - Mr. Cooper, that road or that right-of-way, are you
1103 currently using it as a road?
1104
1105 Mr. Cooper - I'm not using it as a road, but if I have rights to it, I
1106 don't want them taken away from me until I at least have the time to determine—
1107
1108 Mr. Branin - Absolutely.
1109
1110 Mr. Cooper - That's my point.
1111
1112 Mr. Branin - What kind of condition is it in now? Is it actually
1113 driveable?
1114
1115 Mr. Cooper - It's not driveable, but I have enough property that if I
1116 wanted to gain access from Nine Mile Road, I can. If I want a private entrance
1117 back there, if I have the title to it, I want time enough to determine whether or not
1118 I actually have that right.
1119
1120 Mr. Branin - Absolutely.
1121
1122 Mr. Jernigan - Okay.
1123
1124 Mr. Branin - That's what I was wondering. Thank you, sir.

1125
1126 Mr. Jernigan - Your thought is that it was in your plat, that you own
1127 that road.
1128
1129 Mr. Cooper - Yes.
1130
1131 Mr. Jernigan - Okay. As Mr. Lewis stated, Real Property has
1132 checked that over and determined not. Depending on which way this case goes,
1133 you're going to have time before this comes to the Board of Supervisors to get
1134 your deed and process whatever you need to do to determine how it is. I would
1135 suggest that you start with our Real Property, which is in that brick building that's
1136 right across the street. That's Real Property and they do the searches on who
1137 owns property. If your deed shows different, if that road is included in your deed,
1138 then that's a different situation. But I don't think you're going to find that. I think
1139 you're going to find your property listed and that paper street shown there, but
1140 not as part of yours.
1141
1142 Mr. Branin - Mr. Cooper, do you have time that you could come in
1143 and meet with—This case is being handled by Mr. Lewis.
1144
1145 Mr. Cooper - I'll just get a lawyer and let him find out.
1146
1147 Mr. Branin - That would be great.
1148
1149 Mr. Jernigan - Yes, that'll be fine.
1150
1151 Mr. Branin - Make sure you get Mr. Lewis' name for quicker
1152 reference. He can pull all the information for you.
1153
1154 Mr. Vanarsdall - Mr. Lewis is right there, and he'll take your name, and
1155 phone number, and address.
1156
1157 Mr. Jernigan - Ms. McNeil?
1158
1159 Ms. McNeil - Hi, Mr. Jernigan.
1160
1161 Mr. Jernigan - Hi.
1162
1163 Ms. McNeil - I'm Jeanne McNeil, and my husband and I own the
1164 property—I don't even know if you can see it on there. We've been here before
1165 about the housing development in the field behind us. We've had a number of
1166 visits for this sort of thing. I guess the primary concern that I have is we found out
1167 about this just a couple of nights ago. Even with the other developments, the
1168 folks were kind enough to meet with the neighbors and let us know what was
1169 going on. We haven't had that courtesy this time. I don't know whether we
1170 oppose this or we don't oppose this. But it's a neighborhood and there seems to

1171 be a misunderstanding that we are living in an area that is simply waiting to be a
1172 commercial development. And it's not; it's a neighborhood. We all live in our
1173 homes. Our home is actually one of only a few properties in Henrico County
1174 that's on the National Register, and we have a great interest in preserving our
1175 neighborhood. We're open to meeting with people, but we have not been
1176 approached to have this information. I received this information tonight.

1177

1178 Mr. Jernigan - When I met with Ms. Murphy, because of the small
1179 number of people that were there, I had her call everybody. I even specifically
1180 asked her if she talked to you and she said no, she spoke to your husband.

1181

1182 Ms. McNeil - Right. That was 9:00 on like Monday night. When was
1183 there a meeting?

1184

1185 Mr. Jernigan - There wasn't a meeting.

1186

1187 Ms. McNeil - Okay.

1188

1189 Mr. Jernigan - There were only nine people that were adjacent, and I
1190 said, "I want you to call everybody and find out how they feel about it." I had her
1191 report back to me because I explained to her at that point that we normally do
1192 have a neighborhood meeting. She called and I specifically asked her about you.
1193 She said she did talk to your husband.

1194

1195 Ms. McNeil - I don't think anybody said we were willing to waive a
1196 neighborhood meeting. I think this came at 9:00 at night. Some of these were
1197 voicemails. The lady that lives next door to me said she got a voicemail, and she
1198 felt like she didn't get enough clear information. I don't feel that we received
1199 enough clear information.

1200

1201 Mr. Jernigan - All right, let me ask you this. How do you feel about
1202 the project?

1203

1204 Ms. McNeil - I don't know. I want us to sit down as a neighborhood
1205 with the folks that are proposing this, and I want us to be able to ask questions. I
1206 think this is not the forum to take up your time. I think we should have had this
1207 meeting already and had the opportunity to discuss and ask our questions. I
1208 might not even be standing here tonight if we had had that opportunity.

1209

1210 Mr. Jernigan - Ms. Murphy? You told me you spoke to Mr. McNeil.

1211

1212 Ms. Murphy - I spoke with Mr. McNeil Monday evening when I got
1213 back into town. Several of the other neighbors I spoke with Monday evening. I
1214 spoke with Mr. Cooper a day or two ago, and I actually met him at his house
1215 today so I could look at his title work and see what information he had. Because

1216 we were working on revising the proffers and the elevations, I e-mailed that to
1217 Mr. McNeil late last evening. I think that's the 9:00 that she's referring to.

1218

1219 Ms. McNeil - [Off mike.] The phone call was also pretty late at
1220 night. [Inaudible] you get a phone call about something you didn't know anything
1221 about. [Inaudible.]

1222

1223 Mr. Jernigan - Yes sir. Come on down.

1224

1225 Mr. Amirshahi - I'm Ali Amirshahi. I also live on East Richmond Road.
1226 Ms. Murphy did leave me a message, as for the record. I did not have a chance
1227 to talk to her. I've spoken to some of the neighbors, and our primary concern is
1228 the amount of traffic that is turning off Nine Mile Road onto East Richmond Road
1229 and vice versa. East Richmond Road is a 1-1/2-lane road. Two cars can go by,
1230 but it's sort of stretch. People use that road as a shortcut to get around the lights
1231 on Laburnum Avenue. There is already a huge amount of traffic on that road.
1232 One of our primary concerns is the amount of traffic, and the issue is going to be
1233 on Nine Mile Road as well because on Nine Mile Road you have one turning lane
1234 in the middle of this four-lane highway. You have people in that turning lane
1235 going left and going right at different spots. It's totally chaotic and arbitrary.
1236 People are turning into the gas station, the Sunoco; they're turning into the car
1237 repair shop; they're turning onto East Richmond Road; or they're going to the
1238 other side of Nine Mile Road. Then people from East Richmond Road are pulling
1239 out into that turning lane as well. There is no traffic light there. I don't know how
1240 many accidents have happened there; I've witnessed a few. I'm wondering what
1241 studies have been done about the amount of traffic on East Richmond Road, and
1242 the issue of turning onto Nine Mile Road.

1243

1244 The second issue Ms. Murphy alluded to somewhat. I don't know where the
1245 drainage is going to be diverted. Drainage is an issue in this area; it's a huge
1246 issue. They've built up a lot of new subdivisions in the area. Every time
1247 something new is built there, it seems that the drainage gets worse. Our concern
1248 would be what kind of hydrology study has been done, and where's the drainage
1249 going to be diverted. I happened to live further down East Richmond Road, and it
1250 does go down, so I'm sort of at the bottom. Everything flows my way.

1251

1252 I guess the concern would be the amount of traffic turning onto Nine Mile Road
1253 and East Richmond Road, and then where is all this extra water going to go.
1254 Once you build something and take away the grass and the natural watershed,
1255 it's going to have an impact on what happens at the bottom of that road. That's
1256 my concern. I've spoken to a few of my neighbors, and they wanted to express
1257 that concern as well.

1258

1259 I thank you for a chance to speak.

1260

1261 Mr. Jernigan - Okay, thank you. Ms. Murphy, I'm going to defer this
1262 case myself. What we'll do is set up a neighborhood meeting. We'll have
1263 somebody from Public Works come and explain how the drainage is going to
1264 work. I didn't try to ramrod this meeting through. I had Ms. Murphy call
1265 everybody and see how the temperament of the neighborhood was. Most of her
1266 calls were positive. Anyway, at this point what we'll do is I'm going to do a
1267 Commission deferral on this. You can get with me later and we'll set up a day or
1268 a night, excuse me, an evening to have a neighborhood meeting.

1269
1270 Ms. Murphy - I think probably the sooner the better would be good,
1271 it sounds like.

1272
1273 Mr. Jernigan - Yes.

1274
1275 Ms. Murphy - I think what you'll find is that virtually all of these items
1276 have been addressed in the proffers and in the really very detailed engineering
1277 that's been done on this.

1278
1279 Mr. Jernigan - It has, but we'll get someone, either your engineer
1280 and possibly somebody from Public Works in the drainage section of it, to come
1281 out to affirm to everybody and let them know what things are. Okay?

1282
1283 Ms. Murphy - Absolutely. Thank you.

1284
1285 Mr. Jernigan - With that, I will move for deferral of case C-9C-08,
1286 Lisa Murphy for Secure Hands Holdings, LLC, to July 10, 2008.

1287
1288 Mr. Vanarsdall - Second.

1289
1290 Mr. Archer - July 8th.

1291
1292 Mr. Jernigan - 8th. 2008.

1293
1294 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
1295 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

1296
1297 Mrs. Jones - I think it's the 10th.

1298
1299 Mr. Jernigan - I thought it was the 10th. State for the record that it's
1300 July the 10th and not the 8th.

1301
1302 At the request of Mr. Jernigan, the Planning Commission deferred C-9C-08, Lisa
1303 Murphy for Secure Hands Holdings, LLC, to its meeting on July 10, 2008.

1304
1305 **P-11-08 Gloria Freye for Richmond 20MHz LLC: Request**
1306 for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of

1307 Chapter 24 of the County Code in order to construct a 199' high monopole
1308 telecommunications tower and related equipment, on part of Parcel 858-708-
1309 1205, located on the east line of White Oak Road approximately 1,765 feet north
1310 of Windsor Road. The existing zoning is A-1 Agricultural District. The Land Use
1311 Plan recommends Rural Residential, not to exceed 1.0 units net density per acre.
1312

1313 Mr. Jernigan - Is there any opposition to case P-11-08, Gloria Freye
1314 for Richmond 20MHz, LLC? No opposition. Mr. Props, how are you tonight?
1315

1316 Mr. Props - Fine, sir. Mr. Chairman, members of the
1317 Commission, nTelos is requesting to construct a 195-foot high monopole-style
1318 communication tower plus a 4-foot high lightning rod on a 53.2 acre site located
1319 at 6069 White Oak Road. The site is currently zoned A-1, Agricultural, requiring a
1320 Provisional Use Permit for towers exceeding 50 feet in height.
1321

1322 The 2010 Land Use Plan recommends Rural Residential. This type of
1323 development dominates the area with the exception of an A-1 agricultural single-
1324 family residential subdivision, Jenkins Bluff, which borders the eastern boundary.
1325 This subdivision would be buffered by a mature wooded area with the closest lot
1326 approximately 700 feet away. This site will also offer co-location opportunities
1327 and serve to consolidate and link additional telecommunication providers. In
1328 response to staff comments, a balloon float and community meeting were held.
1329 Staff has not received opposition on this request.
1330

1331 While the County prefers locating towers in areas not zoned, planned or utilized
1332 for residential purposes this request would offer several benefits. These include:
1333 an isolated location that does not intrude upon residential development; natural
1334 and mature wooded buffering; tower siting that would accommodate future
1335 property development; co-location opportunities; and potential to consolidate and
1336 manage the increasing need for inter-related telecommunication locations.
1337 Staff had originally suggested that existing tree buffers be preserved along all
1338 property lines, but based on the parcel's large acreage and extensive property
1339 lines, this condition has been removed. A revised set of conditions removing
1340 Condition #10 has been distributed.
1341

1342 In summary, the applicant has responded to all points raised in the staff report,
1343 and in view of the identified benefits, staff supports this request with the revised
1344 ten recommended conditions.
1345

1346 This concludes my presentation and I would be happy to answer any questions.
1347

1348 Mr. Jernigan - Are there any questions for Mr. Props from the
1349 Commission?
1350

1351 Mr. Vanarsdall - I have one. What is the date on these conditions?
1352

1353 Mr. Props - Today.
1354
1355 Mr. Jernigan - We have to waive the time limits.
1356
1357 Mr. Props - No. They're conditions, not proffers.
1358
1359 Mr. Jernigan - Okay, they're not proffered. Okay. Thank you, Mr.
1360 Props. Were there any questions? Okay. There was no opposition to this case.
1361 We had a balloon test and a neighborhood meeting. Nobody showed up other
1362 than the applicant and us. Online some people had opposition, but none of them
1363 showed up tonight. Anyway, I am going to move that P-11-08, Gloria Freye for
1364 Richmond 20MHz, LLC, be sent to the Board of Supervisors for their approval.
1365
1366 Mr. Branin - Second.
1367
1368 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Branin. All
1369 in favor say aye. All opposed say no. The ayes have it; the motion passes.
1370
1371 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
1372 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the
1373 Board of Supervisors **grant** the request because it would provide added services
1374 to the community and it would not be expected to adversely affect public safety,
1375 health or general welfare.
1376
1377 Okay, the minutes. Are there any corrections?
1378
1379 Mrs. Jones - Yes sir. The minutes of the May 15th meeting. Page
1380 17, line 736, change "beliefs" to "believe." On line 741, change "coverall" to
1381 "overall." Page 23 line 1009, at the end change "continue" to "continuing." Page
1382 30, line 1349, change the word "like" to "life." Page 31, line 1391, change
1383 "methods" to "models."
1384
1385 Mr. Jernigan - Okay, are there any other changes to the minutes?
1386 Do I hear a motion?
1387
1388 Mr. Vanarsdall - I move for approval of the minutes as corrected.
1389
1390 Mr. Archer - Second.
1391
1392 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer to
1393 approve the minutes of May 15, 2008, as corrected. All in favor say aye. All
1394 opposed say. The ayes have it; the motion passes.
1395
1396 Mr. Jernigan - If there is no other business, do I have a motion to
1397 adjourn?
1398

1399 Mr. Branin - I would like to ask a question, if you don't mind.
1400
1401 Mr. Jernigan - Yes sir.
1402
1403 Mr. Branin - We have two people in the audience that are waiting
1404 for the last of the minutes. I think they're observing. Can I ask why?
1405
1406 Ms. Moore - We have two interns with us today. This is Laura
1407 Baker. She's interning with the Planning Department for the summer.
1408
1409 Mr. Jernigan - How are you? It's a pleasure to have you with us.
1410
1411 Ms. Moore - We're actually borrowing him from the Department of
1412 Community Revitalization. We had him for a few hours yesterday to get to know
1413 the Planning Department. He goes to St. Christopher's, and he thinks he wants
1414 to be a planner.
1415
1416 Mr. Jernigan - Well, glad to have you with us.
1417
1418 Mr. Reeves - [Off mike.] Thank you, sir.
1419
1420 Mr. Archer - Think about it. Think about it real good now.
1421
1422 Mr. Glover - What is your name?
1423
1424 Mr. Reeves - Edward Reeves.
1425
1426 Mr. Glover - What grade are you at St. Christopher's?
1427
1428 Mr. Reeves - I just finished my junior year.
1429
1430 Mr. Branin - Your last name is Reeves?
1431
1432 Mr. Reeves - Yes.
1433
1434 Mr. Glover - So, I guess you've met my grandson. He's in the third
1435 grade.
1436
1437 Mr. Reeves - Well, maybe I've seen him around.
1438
1439 Mrs. Jones - Well done.
1440
1441 Mr. Jernigan - All right, thank you.
1442
1443 Mr. Branin - You all are dismissed.
1444

1445 Mrs. Jones - Are we adjourned?
1446
1447 Mr. Branin - Mr. Chairman, I'd like to move for adjournment.
1448
1449 Mr. Archer - Second.
1450
1451 Mr. Jernigan - Okay. Motion by Mr. Branin, seconded by Mr. Archer.
1452 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
1453
1454 The meeting was adjourned at 8:14 p.m.
1455
1456
1457
1458
1459

Mr. David D. O'Kelly, Jr., Acting Secretary
1460
1461
1462
1463
1464

Mr. E. Ray Jernigan, Chairman