

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
3 Hungary Spring Roads at 7:00 p.m., on June 10, 1999, Display Notice having been published
4 in the Richmond Times-Dispatch on Thursday, May 20, 1999, and Thursday, May 27, 1999.

5
6 Members Present: Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe
7 Ernest B. Vanarsdall, C.P.C., Vice-Chairman Brookland
8 C. W. Archer, C.P.C., Fairfield
9 Mary L. Wade, Three Chopt
10 Debra Quesinberry, Varina (Arrived late)
11 John R. Marlles, AICP, Secretary, Director of Planning
12 James B. Donati, Jr., Board of Supervisors, Varina
13

14 Others Present: Randall R. Silber, Assistant Director of Planning
15 John Merrithew, AICP, Principal Planner
16 Mark Bittner, County Planner
17 Lee Householder, County Planner
18 Jo Ann Hunter, AICP, County Planner
19 Eric Lawrence, County Planner
20 Judy Thomas, Recording Secretary
21 J. Wesley Malcolm, Director, Department of Recreation & Parks
22 Charles H. Schroll, Parks Planning Supervisor, Department of
23 Recreation & Parks
24

25 Ms. Dwyer - Welcome everyone. We have one Commission member missing.
26 She is expected later in the evening. Do we have any of the press here? We welcome you. Our
27 first item on the agenda is the Open Space Plan Public Hearing.
28

29 Mr. Wesley Malcolm, Director, Department of Recreation & Parks - Good evening, Madam
30 Chairman, members of the Commission. It's our pleasure to be here with you this evening.
31 Before we make our brief presentation, I would like to introduce the members of our Parks &
32 Recreation Advisory Commission, who are here this evening. First, we have our Madam
33 Chairman, Elaine Eberly from Varina; Alice Schulz from Three Chopt; Mr. Norm Edwards
34 from Three Chopt; Mr. Bobby Junes from Tuckahoe; and Mr. David Goodall, from the Fairfield
35 District. I don't believe there was anyone else.
36

37 I would like to especially thank Mr. Edwards who has chaired our Open Space Plan Committee.
38 He's put in many, many volunteer hours. We did give him a couple of sandwiches for his pay
39 and his effort. And then also, Mr. Junes and Mr. Goodall, who assisted with that committee.
40 I'd also like to thank Mr. Marlles and Mr. Silber, and staff from the Planning Office who
41 assisted us greatly, especially John Merrithew, Jo Ann Hunter, and the departed and abdulant
42 Nancy Gardner. So, with that, we do appreciate the opportunity to be here, and I'll turn it over
43 to Mr. Merrithew whose going to begin the presentation. Thank you.
44

45 Mr. John Merrithew, Principal Planner - Thank you, Wes. If I can get Harvey to give me
46 back my presentation file, we'll get started. I would like to point out while he's doing that,

June 10, 1999

47 that the purpose of this evening's public hearing is to ask the Planning Commission to make a
48 recommendation to the Board of Supervisors to adopt this portion of the Comprehensive Plan.
49 If, after you hear our presentation and public comment, you feel the need for a work session,
50 we will certainly be more than glad to present a more detailed presentation of the material in
51 the document and the background materials. Tonight, I'm prepared to provide just a brief
52 overview, if you will, of the process and the goals and strategies of the Plan, and Mr. Chuck
53 Schroll will be presenting a more detailed description of the public facilities and parks' design
54 of the plan. So, the two of us, hopefully, will only take about 20 minutes.

55
56 The process to update the Parks, Recreation and Open Space Plan was initiated in the spring of
57 1998, with the completion of a countywide needs assessment.

58
59 The Plan has also benefited from a significant amount of public comment early in the process
60 through both the needs assessment survey and a series of community input meetings

61
62 Through the process, the Parks, Recreation Advisory Commission and the Historic
63 Preservation Advisory Commission have played a role, through their long range planning
64 committee, to work with staff in reviewing topic papers and providing the primary guidance in
65 the development of the plan's goals and strategies.

66
67 Both the Parks, and Recreation Advisory Commission and the Historic Preservation Advisory
68 Commission have endorsed this document and I bring it to you with unanimous support on
69 their part. Right now, we are beginning the formal review process. We hope, as I said
70 before, to get a recommendation from you to the Board of Supervisors to adopt the document.
71 Some of the findings from the needs assessment that started out this process, basically, said we
72 were headed in the right direction, but there was some need for some work to be done in
73 updating the plan.

74
75 Two-thirds of the County's households visit the parks. They visit them quite often; about 13
76 times annually. Generally satisfaction is high. They're happy with the system. They're happy
77 with the program.

78
79 Some of their biggest concerns, however, are proximity to the facilities and the parks and a
80 perceived lack of information about available programs.

81
82 Some specific suggestions were made about facilities, but there were very few, actually, in
83 terms of the number of people who we canvassed. There were very few who had suggestions
84 about new types of facilities. Part of the analysis process had to look at expected future
85 conditions.

86
87 And as you deal with development on a daily basis, you are aware of the direction of new
88 growth in the County and the fact that we are beginning to see increasing development pressure
89 in eastern Henrico, and, of course, continuing expansion in the western part of the County.
90 We are also aware of the population aging.

91

92 All in all, research seems to indicate that the current recreation and parks planning for the
93 County is headed in the right direction. That investment will continue to be needed to meet
94 demand, and that we have to open better channels of communication with the community to get
95 feedback from them, as well as, inform people of programs and facilities that we already have.
96

97 Now, to speak to the goals and strategies of the Plan. You've had work sessions to hear these
98 before, and there have been very few changes made to this portion of the document. These are
99 not presented in the order that you find them in the Plan because I wanted to talk about three
100 new areas that were not as prominent in the previous Parks and Recreation Plan.

101
102 First off, is the quality of life goal. This is an acknowledgment that recreational facilities,
103 open space and parks all play an important daily role in the community whether or not you
104 actually visit the park or the facility.

105
106 They create a sense of well being, a sense of community, and place that many people use to
107 identify where they live.

108
109 Our objective, in this regard, is to ensure that all residents have the opportunity to fully benefit
110 from the County's programs and facilities.

111
112 It has only been in recent years that communities have come to realize that, when businesses
113 are looking for a place to settle, they look at what it's like to work and live in the community,
114 and they look to the communities investment in parks, open space and other amenities as an
115 indication of stewardship and community pride.

116
117 Our own Industrial Development Authority markets the County on the quality of residential life
118 in the County as much as on low taxes and available infrastructure.

119
120 For this reason the Plan now speaks to the need to look at recreation, at least, in part, as an
121 economic marketing tool.

122
123 User safety, and compatibility of recreation facilities with their surroundings, is an increasingly
124 important issue. I guess you could say, particularly in the west end, where we're dealing with
125 less and less available property, and more and more infill type of development.

126
127 Demand is pushing us to use our parks later, leading to issues about lights, and noise; and
128 simply the number of people in the parks, raises concerns about user safety.

129
130 The update proposes to emphasize the need for design coordination with emergency services
131 and provide ongoing program of maintenance and safety awareness, as a major part of design
132 and operation of our facilities.

133
134 Resource protection has been a part of the Parks and Recreation Plan for years. This update
135 proposes to continue to make heritage protection an important component in the design,
136 location and programming of recreational facilities and parks.

138 The County has maintained a balanced approach to park accessibility. In addition to providing
139 safe vehicular access, the Plan continues to encourage pedestrian and bicycle access where
140 there are public lands available that can serve that purpose.

141
142 Siteing and acquisition are the cornerstone policies of the document. We need to continue to
143 acquire land as efficiently as possible, and it has to be in the right place and at the right time.

144
145 As always the County is encouraging donations, private sector involvement, and any other
146 innovative way of acquiring the facilities and property.

147
148 One of the approaches to efficient provision of facilities is to look at what land the County
149 already has, but is not using, to see if any might be appropriate for parks.

150
151 Making use of our other facilities; such as schools, is also proving to be a valuable approach,
152 and one the draft plan says we should continue. If we can use public buildings for multiple
153 functions and, perhaps, for longer hours, then we have made that building much more valuable
154 and increase the County's return on the capital investment.

155
156 Balance addresses the issue of proximity. Everybody in the county should have convenient
157 access to recreation, parks, and facilities. However, having access to Deep Run Park is not
158 necessarily the same as having access to a neighborhood ball field or tot lot. People need
159 access to each of the different types of facilities that Mr. Schroll will be discussing with you
160 very shortly.

161
162 This becomes a critical issue, as growth begins to move eastward in the next few years, while
163 we continue to have to work in the western parts of the county, seeking ever shrinking land
164 resources to meet demands of continued growth. Now, we're spreading the need for balance
165 over the entire County, and not just the west end.

166
167 It almost goes without saying that we must continue to review our facilities and programs to
168 meet changing needs. The population is aging, the demographics are changing, and with them,
169 demands for more and new types of services and facilities are arising.

170
171 It appears that the planners involved with the last update of the Parks, Recreation and Open
172 Space Plan, and a few of them are still in the room, had good foresight and have set the
173 program in the right direction.

174
175 This update, to a great extent, continues the goals and policies set before. The major changes
176 reflect a growing awareness of the importance of recreation to our quality of life and our
177 economic development. Other changes are simply a reflection of growing demand and
178 changing lifestyles.

179 Unless there are questions, I'd like to introduce Chuck Schroll, Parks Planning Supervisor, is
180 that the correct title? ...with the Division of Recreation and Parks to present an important new
181 approach to our facilities and parks design and planning program.

182

183 Ms. Dwyer - Any questions by Commission members at this point, or would
184 you rather wait to end of the presentation?

185
186 Mr. Merrithew - Move on. Thank you.

187
188 Ms. Dwyer - Good evening.

189
190 Mr. Charles H. Schroll, Parks Planning Supervisor, Department of Recreation & Parks - Good
191 evening. I'm going to talk about the Parks and Open Space System. The Division of Recreation
192 and Parks currently has an inventory of over 3,200 acres of park land. Approximately, half, or
193 1,600 acres, has been developed for public use.

194
195 Existing facilities include: 15 neighborhood parks, 10 community parks, 7 County parks, 10,
196 what we call, "athletic facilities," 14 specialty facilities. And I'll talk about each of those
197 briefly.

198
199 The various parks and recreation facilities include sites that feature, or protect vital historic, and
200 natural resources. In addition, as John alluded to, the Division uses numerous school-based
201 facilities at elementary, middle and high school locations throughout the County.

202
203 The Update 2015 Parks and Recreation Open Space Plan recommends the acquisition of 24
204 additional parks in the three park classifications I just mentioned; neighborhood, community and
205 county scale. And they get larger as we go up. Neighborhood is to approximately 30 acres; a
206 community-scale park is 30-100 acres; and County scale is any park that we have proposed over
207 100 acres. And our goal is for you all to be within the service area of each of those three
208 different kinds of parks; "Neighborhood, Community, and County".

209
210 What we are going to do is outline parks proposed to meet a projected population of 291,000
211 people in the new horizon year of 2015. We're pushing that horizon year out from 2005 to
212 2015.

213
214 First, I'll talk about neighborhood parks. This is up on the screen and there are copies out in the
215 lobby, if any of you are interested when you leave. This neighborhood park's map depicts 15
216 existing neighborhood parks. They're the tan, sort of yellowish - more yellow than tan.
217 They're labeled. You can't read the labeling, but you can do it on the ones in the lobby.

218
219 The County's proposed standard for neighborhood park classification is two acres per 1,000 of
220 population, or roughly one park per 10,000 folks. The existing 2005 plan, adopted in 1987,
221 proposed eight new neighborhood parks. These proposed parks, which were not acquired, are
222 carried forward into the current plan.

223
224 In addition to those eight, to meet the needs of the projected County population to the year 2015,
225 the County would have to acquire an additional six neighborhood parks, for a revised total of 14
226 new neighborhood parks. And this map outlines the areas that these 14 new parks would serve.
227 So, each of those different colors, and the labeling which you can't quite read on this scale here,
228 outline a proposed park in a service area that would be approximately 10,000 people.

229 Community Parks: There are currently 10 parks in the County that have been classified as
230 "Community scale parks." Again, that's like 30 acres to approximately 100 acres. We're rich
231 in community parks. We have 10 of them. Community parks should be provided at a rate
232 proposed of 4 acres per 1,000 population, or about twice as many acres as neighborhood parks
233 or one park per 20,000 of population.

234
235 To meet this standard, again, by the Year 2015, it is recommended that the County acquire
236 sufficient land to establish eight new parks. And we propose seven of those parks for the 2005
237 Plan back in the late eighties. Actually, we proposed more than seven. Seven remain to be
238 acquired from the 2005 Plan. We acquired four between the approval of the 2005 Plan and
239 today. But we have seven more, yet, to be acquired. We propose to acquire one additional one
240 as part of the 2015 Plan. Again, they're illustrated in color here. The existing ones are in the
241 tan color (referring to slide).

242
243 Finally, the County parks, which are our largest scale classification, we are again, very rich in
244 County parks. Seven existing County parks are depicted on this map. The standards adopted as
245 part of the 2015 Plan calls for the acquisition for sufficient acreage. The standard is 10 acres per
246 1,000 population for a County park, or one park per 30,000 population.

247
248 Those standards are called for sufficient acreage to establish two additional parks; county-scale
249 parks. They're out in the western end of the County. And they're delineated on this map. You
250 see those two at this end over here. There and there (referring to slide). And that's the Open
251 Space Plan as proposed.

252
253 Of course, we also have inventoried all of our historic resources, all of our school-based
254 facilities, all of our recreation centers. We have done our golf courses; a whole variety, range of
255 facilities which occur at many of our park locations. I'd be happy to answer any additional
256 questions, both John and I, related to the goals and policies as well as the Open Space Plan
257 system.

258
259 Ms. Dwyer - Thank you. Any questions by Commission members about the
260 proposed Parks and Open Space Plan? I have a question relating to funding. I know that's a
261 difficult one for you to answer because you don't generate the money. But looking, realistically,
262 in the future at possible state or federal funds that may or may not be available, is it realistic to
263 assume that we would need a bond issue to fund the acquisition of land to acquire enough
264 acreage to fulfill this plan?

265
266 Mr. Schroll - I think the best way to respond to that is to say how parks have
267 been funded in the past. There have been two bond referendums approved by the voters; one in
268 the seventies and one in the eighties. It totaled around \$15 million for both of those.

269
270 The first one in the seventies, we were able to almost double from \$7 million to just under \$12
271 million, using Federal matching funds. And that's what acquired Dorey Park, Deep Run Park;
272 to allow us to initially develop those larger parks. So, we've been very successful, using the
273 bond referendum in the past.

274

275 In 1989 we bought those community parks I mentioned; the four new community parks that are
276 an outgrowth of our last plan, the 2005 Plan which was approved in 1987. So, we're talking
277 about large sums of money to acquire and develop parks. I'm not sure if that answers your
278 question or not.

279
280 Ms. Dwyer - One of the points mentioned by Mr. Merrithew was that the
281 County would like to encourage donations; either of you could probably answer this. We would
282 like to encourage donations of park land possibly by the development community. Have we
283 received donations in the past? Has that been a source of park land?

284
285 Mr. Schroll - Yes. We've been very fortunate. Crump Park, 150 acres was
286 donated to the County. You have an ordinance called, "Controlled Density." Duncroft Castle
287 Point Park is named after the two subdivisions that each dedicated 20 some acres, together. It's
288 a 40 acre park; neighborhood-scale park. So, yes, we've been very successful, and always open
289 to the opportunity for either doing it through Ordinance, or by way of working with the
290 developer, or by outright donation.

291
292 Ms. Dwyer - You mentioned Planned Unit Development. Do you see any
293 improvements or changes we could make to our present Ordinance to make it more...

294
295 Mr. Schroll - Well, "Controlled Density." Controlled Density has worked
296 pretty well up to this point. The development community has embraced it as a way of saving
297 money in infrastructure, utilities, road construction; things of that sort. At the same time
298 dedicating park land either to the public, or in an association has been a real good way of
299 preserving open space.

300
301 Ms. Dwyer - What about "Planned Unit Development"? We haven't seen that, I
302 don't think much, John, in the County.

303
304 Mr. Merrithew - Well, obviously, we don't have a "Planned Unit Development"
305 ordinance. We do see some mixed use like Twin Hickory, our larger developments, that are
306 providing their own facilities and working with the County in providing other land in facilities as
307 well.

308
309 Ms. Dwyer - I believe that was one of their recommendations. Any other
310 questions by Commission members?

311
312 Mr. Archer - Madam Chairman, I'd like to ask a question. In looking at the
313 assessment of so many acres per thousand of population, do we foresee that figure ever
314 changing? How do we arrive at that answer?

315
316 Mr. Schroll - That's probably the best way to explain it. That's a local standard
317 that's derived from looking at national and state standards. The State does a Virginia Outdoors
318 Plan. They produce that every five years. And, in there, they get into very specific
319 recommendations for different types of facilities like tennis courts per thousand people; that kind
320 of thing.

321
322 They also talked about acreage per capita which is what we are talking about here. But,
323 ultimately, it comes down to the locality to make the determination; what's an appropriate
324 standard. And we're looking at a layered system of community, county, and neighborhood
325 parks. And having people to have access to all those different parks within where they live.
326

327 And each of those parks provide different opportunities for different kinds of facilities, from the
328 most active to just picnic shelters. So, I'm not sure if I've answered your questions. And, yes,
329 standards are subject to change. Every time we update the plan, we look at them to see if the
330 standard has changed locally. And we look at the market, if you will. We look at the state and
331 national; the National Recreation and Park Association standards to determine what's prevalent
332 in the...
333

334 Mr. Archer - How do we look, as compared to the other neighboring
335 jurisdictions like Chesterfield, Richmond, and Hanover, in terms of per capita allotted?
336

337 Mr. Schroll - Well, the County has been very fortunate to have the land
338 resources, and have taken advantage of that to purchase land. As I mentioned, "County and
339 Community-scale parks," we own a lot of acreage. Thirty-two hundred (3,200) acres is a lot of
340 land to have. If you will, only half of it has been developed at this point. So, we have a bank of
341 some available resource. Now, the question is, are those facilities where you want them to be?
342 Do they serve the population that's coming and that is here now? So, its more an issue of
343 proximity and getting people to be able to get to parks, theoretically, bicycle or on foot, as well
344 as drive.
345

346 Mr. Archer - Thank you, Mr. Schroll.
347

348 Ms. Dwyer - Any other questions? I notice one of your economic development
349 goals was to, I guess, improve or develop the major transportation corridors, and to ensure that
350 they would be an attractive gateway to the County and that, that could be a part of the Parks and
351 Recreation Plan, and I guess there are some other opportunities; planning and development was
352 one we mentioned earlier, where we might be able to work with the Planning Department and
353 come up with some ordinance changes to implement those. Is that something that you would
354 recommend the Planning Commission look into, or investigate?
355

356 Mr. Merrithew - Let me say, we, as a staff, when we are working on projects such
357 as the Williamsburg Road Study or the Nine Mile Road Study, we do look at the streetscape, if
358 you will, and the potential for a gateway design standard. In fact, the Williamsburg Road Study
359 has design standards in the draft dealing with that issue. We do look at it from the Planning
360 point of view. Now, we do not, and have not, worked with Parks and Rec on that particular
361 case, with regard to recreational aspect to that gateway and corridor enhancement. But we've
362 looked at it from a landscape and appearance point of view. But there are opportunities to do
363 that through the individual area studies.
364

365 Ms. Dwyer - I don't suppose that would be a recreational opportunity, maybe an
366 open space concept more than a recreational?

367
368 Mr. Merrithew - Right.
369
370 Mr. Schroll - For purpose of the plan, we're kind of separating everything out.
371 We're breaking it apart and talking about it; a park here, a facility there, issues of accessibility,
372 and things of that sort. You have to remember its all a whole.
373
374 Ms. Dwyer - Right.
375
376 Mr. Schroll - So, the perception of the public as they come into the County is a
377 part of economic development's part of how you perceive. Yes. I think that's why the Plan
378 speaks to that issue of working with the Highway Department too. Many of those primary
379 access ways are still under the Virginia Department of Transportation, those state routes. So, we
380 work with those folks.
381
382 Ms. Dwyer - Do we have an Open Space Plan, as such, or is it really more of a
383 Parks, Recreation Facilities Plan? I'm wondering how you would define an Open Space Plan?
384
385 Mr. Schroll - All right. Let's talk about "open space" for a second. The Land
386 Use Plan that you all approved some years ago, the most recent one, has an environmental
387 component which outlines, for example, flood plain lands. To me, that's open space, as well as
388 a portion of a park like, say, "Crump Park," that's left open so people can fly a kite. There's
389 nothing ever going to be built on areas of Crump Park by deed. It's to be left in its current state,
390 which is great, because then we have a place to have our Special Events. And there are other
391 parks like RF&P which is adjacent to Crump Park which has many active facilities. But it still
392 has open threads that run through it. There are wetlands that run through those 47 acres that will
393 never be disturbed. So, I think the "Open Space" component, to a large extent, is driven by the
394 environmental component, at least in Henrico, is driven by a need to preserve critical and
395 sensitive environmental areas.
396
397 Ms. Dwyer - So, we typically see that zoned C-1?
398
399 Mr. Schroll - Yes. Exactly. C-1.
400
401 Ms. Dwyer - Is there anything else that we might consider a part of our Open
402 Space Plan?
403
404 Mr. Schroll - Well, I think that's the primary area. To my mind, areas along the
405 Chickahominy, which is a very broad flood plain, essentially, will not be developed. They will
406 be retained in "green" or "open space," if you will. You need to protect those corridors, if you
407 will for wildlife, a place for the deer to go. That sort of thing. Their habitat and they recharge
408 everything right down to the Chesapeake Bay. That's why those Chesapeake Bay components
409 are in place. There are definitely safeguards in the system, overall, that you look at it as a whole
410 to preserving open space. Henrico is very actively doing that.
411

412 Ms. Dwyer - One last question. You mentioned several times a County
413 museum. I know Chesterfield has a very nice museum at their historic courthouse complex.
414 What's the status of the Henrico Museum? Is that something in the works or that's just
415 something that we're planning for in the future?

416
417 Mr. Schroll - Ms. Dwyer, I believe that the Museum is a goal. It's certainly a
418 priority that's been identified by the Historic Preservation Advisory Committee. They have
419 formed a sub-committee to look at that further. I think once this plan is endorsed and we know
420 that the museum is included in it, then that will give us more direction to move forward and
421 provide more detail with that.

422
423 If I could just quickly just comment on a couple of your other questions relating especially to the
424 bond referendum. The County, I believe, I just heard the other day, that the County's total CIP
425 budge total was over \$600 million now. The Recreation & Parks is a component of that. I think
426 it is around \$60 million. The Board of Supervisors continues to be tremendously supportive of
427 us, financially. There will probably have to be some sort of other means of meeting some of
428 those infrastructures needs some time in the future. A wonderful example of working with the
429 development community for a donation of a park was RF&P Park. That came as a result of the
430 Hunton Case a number of years ago.

431
432 And, then, especially, Mr. Archer's question, "Did we compare more than favorably with
433 Chesterfield and Hanover and Richmond?" Chesterfield does count Pocahontas as part of their
434 park holding. And without that, we would be more than favorable. Hanover is where we were
435 about 20 years ago. And, I believe, we have one of the best park systems in the United States.
436 Thanks for your questions and your interest.

437
438 Ms. Dwyer - I enjoyed it. Thank you. Any other questions by Commission
439 members?

440
441 Mrs. Wade - Well, I might ask one thing. What the process is for identifying
442 and preserving historic sites and archeological sites?

443
444 Mr. Schroll - Back in, I think it was about the time of the bicentennial, the
445 County did an Inventory of Early Archeological and Historic Sites throughout the County, and
446 that's been the bible, if you will, that the County has used up until recently when it was updated.
447 And, in effect, this historic resource map shows the majority of those sites. The bulk of them
448 are in private ownership. Some of them are in County ownership like Crump Park, for example.
449 How are they identified? We worked in that case with our staff, and, of course, with
450 consultants, who literally drove the whole County and identified resources that weren't already in
451 the Inventory, and proposed them for consideration. And, I believe, help me, Wes. That's been
452 approved by the Board, that inventory, or it's been adopted? There's a work session with the
453 Board and its been published, too. The book is available. I think its \$10. It outlines all the
454 historic and primary archeological sites in the County. Have I helped?

455
456 Mrs. Wade - I think so. What happens after we identify them?

457

458 Mr. Schroll - How do we preserve them? Well, a big part of that is the Historic
459 Preservation Advisory Committee which was established 10 years ago now, I think almost 10
460 years ago. They worked very hard with staff, both in the Planning Office, and the Division of
461 Recreation and Parks in developing and publicizing those resources and devising ways of
462 protecting them. They're meeting just this week. They talked about tax incentives and special
463 considerations that are available to folks who own historic resources, and how they can benefit in
464 preserving those resources. And they meet on a monthly basis, and the work goes on in between
465 the meetings, obviously. And they were instrumental in the inventory being updated, and
466 published in the marker system. The County has its own marker system, in addition to the State
467 historic markers throughout the County, as well as a plaque. They recognize individual
468 resources. A historic home, like Walkerton, for example, has a plaque that indicates the date it
469 was built. So, they're working on a variety of different fronts to try and make the public aware
470 of those resources to preserve them. And, where appropriate, the County steps in and acquires
471 or improves like Spring Park historic site, there's a very good example of where this park
472 resource was ultimately donated to the County after we approached the property owner and is
473 now a resource that people can go and see, and experience that history.

474
475 Mrs. Wade - It's a citizens committee, HPAC.

476
477 Mr. Schroll - Yes. There are two members for each of the five magisterial
478 districts. So, it's a 10-member committee.

479
480 Mrs. Wade - Thank you.

481
482 Ms. Dwyer - Any other questions by Commission members? Okay. This is a
483 public hearing. Is there anyone in the audience who would like to come forward to ask a
484 question or comment about the Henrico County proposed Parks, Recreation, and Open Space
485 Plan?

486
487 Mrs. Wade - He should know. You usually have so many people come to the
488 hearings. There's plenty more seats in the front for anybody sitting in the back who'd like to
489 come down.

490
491 Ms. Dwyer - We do have a number of seats in the front. Again, would anyone
492 like to come forward or ask a question about the Parks and Open Space Plan? Like to come
493 forward to comment or ask a question about the Parks, Recreation, and Open Space Plan?

494
495 Ms. Sally Camberlayne - I did have two questions. There are two wonderful areas on our
496 map of Henrico, here. One's called "Meadowview" and the other is "Four Mile Creek." I was
497 wondering what the status of those two parks are, because I don't think there are places that
498 people can go yet, and if there are, I'd like to know about them, and I bet the rest of the
499 audience would too.

500
501 Ms. Dwyer - Okay. It was Four Mile Creek and what was the other one?
502

503 Mr. Schroll - Meadowview and Four Mile Creek. For the audience,
504 Meadowview Park is located off of Creighton Road, behind Arthur Ashe Elementary School,
505 and is approximately 500 acres. And Four Mile Creek is located off of Route 5 and is, I believe
506 is 388 acres. Both of those are in the first year of our CIP Budget and are in our top five in
507 priority for park development and they are not funded yet. They're part of our 1,600 acres that
508 aren't developed. Back to the funding question, but they are high priorities, and were both
509 beautiful parks.

510
511 Ms. Dwyer - They're not accessible to the public yet?

512
513 Mr. Schroll - They're not open to the public. No ma'am.

514
515 Ms. Dwyer - But we have the acreage though?

516
517 Mr. Schroll - We have the land. They will both be beautiful parks. They have
518 been both master planned, and have approved Master Plans by the Board of Supervisors.

519
520 Ms. Dwyer - Thank you. Any other questions or comments? Seeing none,
521 we're ready for a motion, unless the Commission has any more questions.

522
523 We have been asked to recommend to the Board of Supervisors that we either adopt or not adopt
524 the Update 2015 Parks and Recreation Open Space Plan as part of our Comprehensive Plan.

525
526 Mr. Archer - Madam Chairman, I move to recommend that the Board adopt the
527 2015 Update Plan as presented by Parks and Recreation.

528
529 Mr. Vanarsdall seconded the motion.

530
531 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
532 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry
533 absent, Mr. Donati abstained). The motion carries. Thank you so much for your presentation
534 and your hard work.

535
536 We did neglect to mention that we have one Commissioner who is absent. She is stuck at an
537 airport, I believe, in Pennsylvania; Philadelphia. So, we will eagerly await her return. We do
538 have a quorum.

539
540 Mr. Marlles - The next item, Madam Chairwoman, is the requests for deferrals
541 and withdrawals. Mr. Merrithew.

542
543 Mr. Merrithew - Thank you, Mr. Secretary. Madam Chairman, I have one
544 request for deferral this evening. That is on Page 2 of my agenda in the Three Chopt District
545 - C-36C-99:

546
547 **Deferred from the May 13, 1999 Meeting:**

548 **C-36C-99** Brian R. Marron for Bill Tsimbos: Request to conditionally
549 rezone from R-3 One Family Residence District to B-1C Business District (Conditional),
550 Parcel 59-A-74, containing 0.446 acres, located on the east side of Skipwith Road
551 approximately 480' south of its intersection with W. Broad Street (U. S. Route 250). A beauty
552 salon and related uses are proposed. The use will be controlled by zoning ordinance
553 regulations and proffered conditions. The Land Use Plan recommends Office.

554
555 They have requested a deferral until August 12, 1999.

556
557 Ms. Dwyer - Thank you, Mr. Merrithew. Is there anyone in the audience in
558 opposition to the deferral of Case C-36C-99 Bill Tsimbos? No opposition. Ready for a
559 motion?

560
561 Mrs. Wade - I move Case C-36C-99 be deferred until the 12th of August at the
562 applicant's request.

563
564 Mr. Vanarsdall seconded the motion.

565
566 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall to
567 defer the case until August 12th. All those in favor say aye—all those opposed by saying nay.
568 The vote is 4-0 (Mrs. Quesinberry absent, Mr. Donati abstained).

569
570 **Deferred from the May 13, 1999 Meeting:**

571 **C-55C-98** James W. Theobald for Roy B. Amason: Request to conditionally
572 rezone from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 260-A-36,
573 containing 3.87 acres, located at the northeast corner of the intersection of New Market Road
574 (Route 5) and Long Bridge Road. A business use is proposed. The use will be controlled by
575 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Prime
576 Agriculture. The site is also in the Airport Safety Overlay District.

577
578 **Deferred from the May 13, 1999 Meeting:**

579 **C-56C-98** James W. Theobald for Roy B. Amason: Request to conditionally
580 rezone from A-1 Agricultural District to R-1C, R-2AC and R-3AC One Family Residence
581 Districts (Conditional), RTHC Residential Townhouse District (Conditional), R-5C and R-6C
582 General Residence Districts (Conditional), O-2C Office District (Conditional), B-2C Business
583 District (Conditional) and C-1 Conservation District, Parcels 240-A-17, 250-A-48, 49, and
584 51A, and 260-A-28, containing 633.61 acres, generally located along the east line of Turner
585 Road between New Market Road (Route 5) and Camp Holly Drive; along the north line of
586 New Market Road (Route 5) from Turner Road to Camp Hill Road and from Kingsland Road
587 to Long Bridge Road; along the northwest line of Long Bridge Road to its intersection with
588 Yahley Mill Road and along the west side of Yahley Mill to the Virginia Power easement. A
589 mixed use planned community is proposed. The applicant has proffered a maximum of 1,341
590 residential units on the property. The uses will be controlled by proffered conditions and
591 zoning ordinance regulations. The Land Use Plan recommends Prime Agriculture and
592 Environmental Protection Area. The site is also in the Airport Safety Overlay District.

593

594 Mr. Merrithew - Thank you. Madam Chairman, I also have noted on the screen
595 that C-55C-98 and C-56C-98, in the Varina District; James Theobald for Roy Amason have
596 been withdrawn by the applicant.
597
598 Ms. Dwyer - And no action is required?
599
600 Mr. Merrithew - No action is required.
601
602 Ms. Dwyer - Do we have other withdrawals at a later time, or are those all the
603 withdrawals that we have?
604
605 Mr. Merrithew - Those are the only withdrawals I have.
606
607 Mr. Archer - Madam Chairman, were there any deferrals on the 8:00 o'clock
608 agenda?
609
610 Ms. Dwyer - Well, that's what I was asking.
611
612 Mr. Merrithew - I don't believe we have an 8:00 o'clock agenda, tonight.
613
614 Ms. Dwyer - So, that's it?
615
616 Mr. Merrithew - That's it.
617
618 Ms. Dwyer - Any motions for deferrals by Commission members? We'll
619 proceed with the next item on the agenda.

620 **SUBDIVISION (Deferred from the May 26, 1999 meeting)**
Edgemoor
(April 1999 Plan) Youngblood, Tyler and Associates, P.C. for Boone, Boone,
Loeb and Pettit: The 15.8 acre site is located along the south
line of Nuckols Road at its intersection with Wyndham Lake
Drive on parcels 9-A-24 and 25. The zoning is R-2AC, One-
Family Residence District. County water and sewer. (Three
Chopt) 28 Lots

621
622 Mr. Marlles - Mr. Kevin Wilhite will be giving the staff report.
623

624 Ms. Dwyer - Good evening, Mr. Wilhite.
625

626 Mr. Kevin Wilhite, County Planner – Good evening, Madam Chairman. I’m trying to get this
627 up on the screen, but I don’t see it listed on here. I’ll begin. This was deferred from your
628 May 26th agenda. At that time there were two major issues that had not yet been resolved.
629 The first involved the issue of stub streets to the adjacent undeveloped properties adjacent to
630 the subdivision. The applicant had proposed one to the east, and the staff had recommended
631 also one to the south.
632

633 In discussions with the applicant, we took a look, and he provided us with a sketch plan
634 showing us how a street layout of those adjacent properties could develop without a stub street
635 to the south. And the staff found that acceptable. And, therefore, we are withdrawing our
636 recommendation to the stub street to the south.
637

638 The other issue was the location of Circus Farm Road across a portion of the subdivision. It’s
639 a private road that provides access to four parcels in this area. The applicant did not have any
640 information on the legal status of Circus Farm Road. And, as a result, staff is recommending
641 a Condition No. 14, which appears on your agenda, that states that, “Final approval shall not
642 be permitted for any of the proposed lots on which Circus Farm Road is currently located until
643 such time that the legal status of such road is determined to the satisfaction of the Director of
644 Planning, and anyone having legal interest in the road, has given consent for it to be removed
645 or relocated.” With these two changes, staff is in a position to recommend approval of this
646 subdivision.
647

648 Ms. Dwyer - Thank you, Mr. Wilhite. Is there any one in the audience in
649 opposition to Subdivision, Edgemoor (April 1999 Plan)? We do have opposition?
650

651 Mrs. Wade - A question.
652

653 Ms. Dwyer - Okay. We’ll get to you in a moment, sir. Okay. Any questions
654 for Mr. Wilhite?
655

656 Mrs. Wade - So, there’s still one to the east – stub road?
657

658 Mr. Wilhite - Yes. The applicant had proposed one to the east. And the
659 original recommendation had one to the south...the subdivision is now up on the screen...
660 through Lot 17, which would have just been a continuation of Edgemoor Road.

661
662 Ms. Dwyer - Where is Circus Farm?

663
664 Mr. Wilhite - Circus Farm is, basically, runs through the back of the lots that
665 show up on the left hand side of the screen, which is actually the south portion of the
666 subdivision. It comes in off of Nuckols Road through property owned by Gibbs, and then
667 through the back of those lots. And there are four parcels adjacent to this proposed
668 subdivision which gain their access via Circus Farm Road.

669
670 Ms. Dwyer - Any other questions for Mr. Wilhite by Commission members?

671
672 Mrs. Wade - So everyone has or will have access to property when the road
673 system is complete in this area?

674
675 Mr. Wilhite - At this point, because of the Condition No. 14, those lots cannot
676 be developed until the issue of Circus Farm Road and its relocation is resolved.

677
678 Ms. Dwyer - Thank you, Mr. Wilhite. Is the applicant here this evening? The
679 applicant is here. Would you like to make a statement or simply respond to the questions that
680 may be raised by citizens?

681
682 Mr. George Moore, H. H. Hunt Corp. - My name is George Moore with H. H. Hunt Corp.
683 As was mentioned by Kevin, we will not be seeking final approval of those lots that back up to
684 Circus Farm Road. Access to those lots will either be eventually provided through the
685 proposed subdivision streets, or the existing Circus Farm Road be relocated to the back of
686 those lots. But, until that's worked out, we will not be developing those lots.

687
688 Ms. Dwyer - Thank you. Any questions for Mr. Moore by Commission
689 members? No questions. If you would stand by. Yes sir. We did have opposition or a
690 question.

691
692 Mr. Gerald Meyer - Good evening. My name is Gerald Meyer. I am, at this time, a
693 current resident on Circus Farm Road. The concerns that I have are from the last nine years
694 of experience we've had living at this place. I would like to ask to have access to water and
695 gas, if you allow this development to go ahead. I'm concerned, because a few years ago when
696 Snyder-Hunt went and put several hundred loads of dirt on the property that they have now,
697 they substantially changed the runoff of the situation on our property. And, I believe with
698 more houses there, and people fertilizing, they could affect our ground water situation in the
699 future.

700
701 I talked to Mr. Moore and he says this may be able to be worked out. But, my experience
702 with the County, in talking with Kevin earlier this week, we have to go through other County
703 agencies. And it is extremely difficult to coordinate and to get everybody to work together. I

704 would like to ask if you could help us do that. And, otherwise, if we can have access to the
705 water, and not change the access to our property, I have no problem with the development.

706
707 Ms. Dwyer - Any questions for Mr. Meyer by Commission members?

708
709 Mrs. Wade - So, you're getting more runoff onto your property?

710
711 Mr. Meyer - When Snyder-Hunt, as they've been developing the Wyndham
712 Subdivision, about four or five years ago, they had someone living on the property in a rental
713 house continually. The very large open area that's on the hill, they took dirt from some place
714 else in their development, and put tons and tons and tons of it in this field. Some of it was like
715 six to seven feet deep from where it was before. It changed the runoff, so that we had
716 considerably more runoff now than it was before they added that dirt. And it was partially
717 because when they built Nuckols Road, there was this huge pond down at the bottom that isn't
718 there anymore. And they needed to reroute that water that would have ended up on Nuckols
719 Road every time it rained. So, now it comes down to our property.

720
721 The water is not really a problem now because there is nobody living there. But with dirt and
722 fertilizers and other things, we only have a shallow well. And its our only source of water.
723 I'm concerned because it is wetlands. There's wetlands area all around. The stuff will seep
724 into the ground water for us.

725
726 Mrs. Wade - Thank you. Mr. Moore, perhaps, can respond. Is that
727 everything?

728
729 Mr. Meyer - Yes. Thank you.

730
731 Ms. Dwyer - Mr. Moore, would you like to respond?

732
733 Mr. Moore - Yes. We have spoken with Mr. Meyer. And we have agreed to
734 provide him with water and gas through the Edgemoor Subdivision. That's something that will
735 have to be coordinated with the Utilities Department once construction plans are submitted.

736
737 With respect to the drainage, all of the water in Edgemoor will eventually go into the BMP
738 which is on the east side of the subdivision, as depicted on the plan. Mr. Meyer lives on the
739 west side. So, all of the drainage will eventually work its way to the east, which should
740 improve. I don't believe that we've significantly affected his drainage at all with the fill that's
741 there, but, obviously, much of that fill will either be removed or graded and all the water will
742 make its way to the BMP.

743
744 Ms. Dwyer - If I understand you correctly, you're going to provide public
745 water and gas to Mr. Meyer?

746
747 Mr. Moore - Yes ma'am.

748 Ms. Dwyer - Is that something that should be a condition, Mr. Wilhite?
749

750 Mrs. Wade - That's what I wondered.
751
752 Mr. Wilhite - Perhaps, an annotation may be sufficient to accomplish that.
753 Staff can try to work to provide water and gas access to Mr. Meyer's property within the
754 framework of the policies of the Public Utilities Department. That's certainly something we
755 can push for at the time of final approval.
756
757 Ms. Dwyer - When you say, "push for", what does that mean?
758
759 Mr. Wilhite - I can say that the staff will try to be able to extend utilities to that
760 property, assuming that it falls within the guidelines of the Department of Public Utilities
761 regulations.
762
763 Mrs. Wade - Well, maybe Mr. Moore, I was going to ask him where the water
764 is? You know where the water is coming from, I assume?
765
766 Mr. Wilhite - At this point, we do not. We won't get that until the construction
767 plans for final approval.
768
769 Mr. Moore - Typically, the water is provided for in the right of way within the
770 roadways. In the past we had been able to stub water lines between lots to serve parcels in the
771 back, but I know that's something would have to be worked out with Utilities. Assuming it
772 can be worked out, H. H. Hunt is prepared to provide water to Mr. Meyers.
773
774 Ms. Dwyer - The question is, "What if it couldn't be worked out?"
775
776 Mrs. Wade - You will work with Public Utilities to work it out?
777
778 Mr. Moore - Yes ma'am.
779
780 Mrs. Wade - And you think an annotation on the plan can cover that?
781
782 Mr. Wilhite - I believe that would be sufficient.
783
784 Mrs. Wade - Suppose we wanted a condition for that, what would we say?
785 Granted, they're going to have to work with Public Utilities one way or the other here.
786
787 Mr. Wilhite - We do not have anybody from Public Utilities here, so I hesitate
788 to make a commitment.
789
790 Mrs. Wade - Well, I was going to say that they're going to...
791
792 Mr. Wilhite - The applicant shall make his best effort to provide public utilities
793 to the adjacent property to the south of this proposed subdivision. I don't have any condition
794 prepared right now.
795

796 Mrs. Wade - No. I understand.
797
798 Mr. Wilhite - ...along those lines.
799
800 Mrs. Wade - ...available to property to the south. Assuming you find...
801
802 Ms. Dwyer - Suppose you said, "The applicant will provide water and sewer
803 subject to Department of Utilities or Public Works review and approval?" Would that be what
804 you're looking for?
805
806 Mr. Wilhite - Okay.
807
808 Mr. Archer - Are we talking about a condition, instead of an annotation?
809
810 Mrs. Wade - We're talking about a condition.
811
812 Mr. Marlles - Madam Chairman, I have been conferring with the Assistant
813 Director of Planning. We're both a little bit concerned that this is really a matter that should
814 be handled by a private agreement, as opposed to being an annotation or a condition on a plan.
815 It sounds like Mr. Moore is agreeable to providing that agreement, but whether it should be
816 part of the plan, or the County should be getting in the middle of this, we have our concerns
817 about that.
818
819 Ms. Dwyer - I understand. And I often agree, except that, if we're going to
820 approve a subdivision that's going to cause a man's well to be unproductive, then I think the
821 County should be involved.
822
823 Mr. Meyer - We don't have a problem between me and the developer. The
824 problem is with the County. That's the problem. That's why I'm here tonight. It's because
825 the Utilities Department said, "No," a year ago when we talked about this between me and the
826 developer a year ago.
827
828 Mrs. Wade - Why?
829
830 Mr. Meyer - Because they said they will not cross Circus Farm Road because
831 it's a right of way. And the Utilities Department will not cross a right of way.
832
833 Mr. Moore- It's a private road.
834
835 Mr. Meyer - It's a private road. They said they will not cross it.
836
837 Ms. Dwyer - Do we need another deferral on this?
838
839 Mr. Meyer - This is the problem.
840
841 Mrs. Wade - Oh. Okay. That wasn't clear before.

842
843 Mr. Meyer - The developer, he can do it. He can do it. He's willing to do it.
844
845 Mrs. Wade - Oh. Okay.
846
847 Mr. Meyer - This came up last year.
848
849 Mr. Vanarsdall - You said the County told you they wouldn't cross the road?
850
851 Mr. Meyer - The people from the Public Works.
852
853 Mr. Vanarsdall - Do you know who that was you spoke to at Public Works?
854
855 Mr. Meyer - No. I'm sorry. I don't. I'm sorry. I don't. But, I did go in
856 person to see, because after I called, it did not sound logical, and I went to look at the maps.
857 It says, "I'm sorry. This is the rules and we will not do it. You can't get water period. Go
858 away."
859
860 Mrs. Wade - Well, at the regular POD and Subdivision hearing, we have
861 somebody here.
862
863 Mr. Meyer - If you're making this a subdivision, you can do this, right? You
864 say, you can do this?
865
866 Mrs. Wade - But you all control the road, because there are other people who
867 have rights to use Circus Farm?
868
869 Mr. Meyer - Well, as soon as they make the stub road, I'm going to be the
870 only one that will need access to Circus Farm Road anymore. When they put the stub road in,
871 I will be the only person that will need access to Circus Farm Road.
872
873 Ms. Dwyer - I think maybe we should wait and get some more information
874 from the nameless, faceless person in the County who has opined, "It cannot happen".
875
876 Mrs. Wade - So, it's only what?
877
878 Ms. Dwyer - A few more weeks.
879
880 Mrs. Wade - Not even that until the POD meeting, and we can fill in the gaps
881 here with the information.
882 Mr. Moore - I would rather not defer this, if possible. It's already been
883 deferred twice. I feel like that H. H. Hunt is willing to do whatever we can do to try and
884 accommodate Mr. Meyers. He doesn't have any intent of holding us up. If it's humanly
885 possible, and we can work this out with the Utilities Department, we will. I feel like we can
886 because we've done this before in other subdivisions. We've had this come up before. So, if
887 at all possible, I'd request that it not be deferred.

888
889 Mr. Meyer - Can you make a condition, and approve it tonight?
890
891 Mrs. Wade - Well, we can approve it, tonight, but we'll do this about the
892 condition here. I don't see why we can't talk to Public Works about this without putting a
893 condition on here. I mean Public Utilities. I'm sorry.
894
895 Mr. Meyer - Okay.
896
897 Mrs. Wade - We can't just absolutely tell them, based on the information we
898 have at the moment that they've got to do this. I don't see why it can't be worked out, judging
899 from what you all say.
900
901 Mr. Moore - Yes.
902
903 Mrs. Wade - Apparently, a year ago, it was premature. Was that accurate? If
904 you were looking at this a year ago, that would have been premature?
905
906 Mr. Moore - I think, possibly, it was in a different context, too. That was
907 maybe explored without this subdivision. He was just asking that Public Utilities Department
908 provide water to his parcel. So, now that this parcel is being developed as a subdivision, I
909 think it's something that will make it easier.
910
911 Mr. Meyer - The subdivision plan had changed since last year when I talked to
912 Dan Schmitt and he approached me about purchasing our property at that time. He said, they
913 were planning a development. I said, "I didn't oppose the development if I could have access
914 to water if he did this." And this is when the discussion came up and when I looked into it.
915
916 Mrs. Wade - So, you need to go back to Public Utilities with the different
917 situation. That makes sense. All right, now that the access is going to be available, whereas it
918 wasn't a year ago. Okay. Thank you. So, I don't think we need another condition. You all
919 work on that. If you don't get satisfaction, come back and see us.
920
921 Mr. Meyer - Thank you.
922
923 Ms. Dwyer - Any more questions by Commission members?
924
925 Mr. Archer - I had one, but I forgot what it was.
926
927 Ms. Dwyer - Ready for a motion.
928
929 Mrs. Wade - I move that subdivision Edgemoor, April 1999 Plan be approved,
930 subject to the annotations, standard conditions for subdivisions served by public utilities and
931 the following conditions 12 through 14 as they appear on the agenda.
932
933 Mr. Vanarsdall - Second.

934
935 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
936 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry
937 absent, Mr. Donati abstained). The motion carries.

938
939 The Planning Commission granted conditional approval to Edgemoor, April 1999, subject to
940 the standard conditions attached to these minutes and the following additional conditions:

- 941
942 12. The detailed plant list and specifications for the landscaping to be provided within the
943 common area along Nuckols Road shall be submitted to the Planning Office for review
944 and approval prior to recordation of the plat.
945 13. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
946 the maintenance of the common area by a homeowners association shall be submitted to
947 the Planning Office for review. Such covenants and restrictions shall be in form and
948 substance satisfactory to the County Attorney and shall be recorded prior to recordation
949 of the subdivision plat.
950 14. Final approval shall not be granted for any of the proposed lots on which Circus Farm
951 Road is currently located until such time that the legal status of said road is determined to
952 the satisfaction of the Director of Planning and anyone having legal interest in the road has
953 given consent for it to be removed or relocated.

954
955 **SPECIAL EXCEPTION (Deferred from the May 26, 1999 Meeting)**
POD-29-99 Koontz-Bryant, P.C. for Discovery United Methodist Church:
Discovery United Request for approval of a special exception for height
Methodist Church – Gayton limitations as required by Chapter 24, Section 24-2 and
Road and Section 24-95(a)(1)(a) of the Henrico Code to construct a 98-
Lauderdale Drive foot church spire. The 7.69 acre site is located at the
intersection of Lauderdale Drive and Gayton Road on parcel
55-A-3. The zoning is RTH, Residential Townhouse District.
County water and sewer. (Three Chopt)

956
957 Mr. Marlles - Mr. Wilhite will be giving the staff report.

958
959 Ms. Dwyer - Is there any one in the audience in opposition to the Special
960 Exception request for POD-29-99 Discovery United Methodist Church? We have opposition.
961 We will get to you in a moment.

962
963 Mr. Secretary, perhaps, you could review our Commission's rules for cases in which we have
964 opposition?

965
966 Mr. Marlles - Yes, Madam Chairman.

967
968 Mrs. Wade - This involves only the Special Exception.

969
970 Mr. Marlles - In cases where there is opposition, the Commission has a policy
971 that provides 10 minutes for the applicant to make his presentation and for rebuttal. The

972 Commission also provides 10 minutes for the opposition. The opposition may want to consider
973 appointing a spokesperson to make the most effective use of their time. The time that is spent
974 answering questions by Commission members is not counted toward the 10 minutes.

975
976 Ms. Dwyer - Thank you, Mr. Secretary. Mr. Wilhite.

977
978 Mr. Wilhite - Thank you, Madam Chairman. This request for a Special
979 Exception was deferred from May 26th. At that time you did approve a site plan for a church
980 expansion, POD-29-99. The only thing before you tonight is the request for the Special
981 Exception. It is in relation to the height of the church spire.

982
983 This property is zoned RTH, which permits churches developed under the R-3 standards. The
984 Code allows certain structures, including church spires to go up to a maximum height of 50
985 feet under the Code. In order to exceed a 50-foot height limitation, it requires a special
986 exception to be approved.

987
988 The applicant has to make his case before you. There is no formal recommendation made by
989 staff in these instances. I did speak to the architect, Mr. Chenault, today. He indicated to me
990 that they have a revised plan they wish to put before you tonight. The height of the tower has
991 been adjusted to 98 feet total height. I would be happy to answer any questions you may have.

992
993 Ms. Dwyer - Any questions for Mr. Wilhite by Commission members?

994
995 Mrs. Wade - Now, on the agenda you have the same statement that was on the
996 original POD that you haven't received any additional information on future additions?

997
998 Mr. Wilhite- That was only your preliminary agenda. There is a correction on
999 your agenda for tonight.

1000
1001 Mrs. Wade - Oh. Okay. At the time the agenda was prepared, we did not
1002 know the height of the new revised plan. So, none of these conditions apply to this particular
1003 case?

1004
1005 Mr. Wilhite - No. Those were the conditions approved with the site plan on the
1006 26th.

1007
1008 Mrs. Wade - Thank you.

1009
1010 Ms. Dwyer - Any other questions? Thank you, Mr. Wilhite. Will the
1011 applicant come forward. And I will reiterate that the Plan of Development has been approved.
1012 The sole issue before the Commission, tonight, is the height of the spire.

1013
1014 Mr. Greg Koontz - Madam Chairman, members of the Commission, my name is
1015 Greg Koontz, representing the applicant. This case was deferred, originally, to give us a
1016 chance to put up a balloon so that everybody could see the height of this, at the request of the
1017 Commissioner. The Church complied with that request. We put a balloon up at the height

1018 which was originally shown on the plan. I think one was put up at the 100 foot height just so
1019 everybody could see it. The church has tried to go through this effort and set this up and
1020 reduce the height. The original staff notes had 122 feet, I do believe. And the original height
1021 was 112. Now, its been reduced to 98. The Architect, John Chenault, would like to take a
1022 few minutes just to go over his comments and some of the information concerning this. And, I
1023 think he'd like to reserve five minutes for rebuttal. Thank you.

1024
1025 Mr. John Chenault - Good evening, again, to you all, James. I'm John Chenault,
1026 President, and Principal of Chenault, Harvey Group, Architects. We're here to talk about the
1027 tower a little bit, because it seems to be where the controversy is. I think the 122 feet
1028 dimension that may be scared everybody a little bit was in error. I don't know how you got
1029 the 122, because the tower never was 122. I think, in the beginning, the original was to the
1030 top of the cross. The top of the cross was 107 feet in the drawings, and we have modified it
1031 down to 98 now.

1032
1033 What we've done; and here's the whole catch of the thing. We have a 50-foot limitation on the
1034 Code, I understand. So, we set the front of this tower right here right at about 52 feet. That's
1035 right at the front. And it slopes up on an angle to a slope in the back to about 68 feet. And
1036 what we tried to do architecturally, to be sensitive to the neighborhood, because we understand
1037 it was a tower being used for some of our fly drops in the Church's programs and some cables.
1038 But we tried to do is be sensitive enough to open this thing up and keep this thing very light
1039 and open here. So we set this point here (referring to slide) at 90 feet right to that point of the
1040 open tower. And we felt, aesthetically, that was a good solution for both the tower and the
1041 Church and the design.

1042
1043 We know it's a transitional area. We know its been growing out there. We know it's a lot of
1044 families out there. We know there's contemporary homes. We know there's transitional
1045 homes. We know there are traditional homes out there. So, we're still trying to be very
1046 sensitive to that, but also we know that the Church has been there about 15 years, even before
1047 the RTH zoning, I believe, was instituted. So, the church actually was there when it was more
1048 like residential or agricultural. So, what we're trying to do is keep the same element, the same
1049 materials, the same basic materials that are on the existing church structure in the rear, and just
1050 create an element here in the worship center that makes a statement to the community in good
1051 taste.

1052
1053 We want something nice there. The Church has really spent a lot of money in designing and
1054 we're going to be doing a lot of work to the site and parking on the site. Having to pay for a
1055 lot of drainage which, in my estimation, is a lot of money for a Church to fork out for drainage
1056 and all, but that's neither here nor there. But, anyway, I'd be glad to answer any questions on
1057 rebuttal or anything that the Board (sic) wants to ask.

1058
1059 Ms. Dwyer - Thank you. Any questions of Mr. Chenault by Commission
1060 members?

1061
1062 Mrs. Wade - What have you done now between the last session, to shorten it.
1063 I know you mentioned it, but I'm not...

1064
1065 Mr. Chenault - Yes. After we did the balloon test, which was early this week,
1066 we set the balloon test at the 75-foot height, which was the back of the solid portion, and we
1067 set it at the top of the cross which was 107 or 108 feet.
1068
1069 What we've done is gone back to the structural engineer. We've given the drawings to Kevin.
1070 We've modified the elevations. We've taken the top of the top spire where the point is. Like I
1071 said, at that point, down to 90 feet. We've reduced the cross to eight feet. So, the total top of
1072 the top of the tower, including the cross, is only 98 feet. So, we said it was 122. Now, we're
1073 down to 98. So, you can see a difference of 24 feet. So, that's a considerable cut. We didn't
1074 want to destroy the design. We still wanted to keep the design in its perspective.
1075
1076 Mrs. Wade - I still don't understand, specifically, what you did to get it down
1077 to 90. I mean, how is this going to change the diagram that...
1078
1079 Mr. Chenault - Well, the top of the cross was at 112 feet to this point. What
1080 we've done is we've cut area out of here, height, and we've cut area out of the base. We've
1081 held the front of the Church down to about 52 feet, and it slopes on average of an 8 to 12 slope
1082 to the back which is now about 68 feet.
1083
1084 Mrs. Wade - Okay. So, you took some off of the solid part and...
1085
1086 Mr. Chenault - ...and some off the other part. Yes ma'am.
1087
1088 Mrs. Wade - Do you have a diagram of it, Kevin, or he just gave you the
1089 figures?
1090
1091 Mr. Chenault - This is the revised rendering.
1092
1093 Mrs. Wade - That is? It looks like the one that I have.
1094
1095 Mr. Chenault - Yes. You're much taller. Anyway.
1096
1097 Ms. Dwyer - Any other questions by Commission members? You have about a
1098 minute left before you get to your five minute rebuttal time, in case there's anyone else who
1099 would like to speak in favor of the application. Okay. Good evening.
1100
1101 Dr. James E. Lavender, Jr. - My name is James E. Lavender, Jr. and I'm the senior and
1102 founding pastor of Discovery United Methodist Church. Thank you for giving us a moment.
1103 What I would like to do is ask you to see the folk who are here tonight from the Church who
1104 are worshiping, voting taxpayers, who are interested in this steeple. If you'd stand. Thank
1105 you.
1106
1107 We've tried very hard to see to it that the steeple of the Church makes no noise. That it has no
1108 lighting, that in any way would be offensive, and that all it could possibly do would be a center

1109 of hope and faith in the middle of a small garden for people coming and going on Lauderdale
1110 Drive and Gayton Road. So, we respectfully request approval.

1111
1112 Ms. Dwyer - Thank you. Any questions for Mr. Lavender?

1113
1114 Mrs. Wade - Is it Doctor Lavender, probably?

1115
1116 Doctor Lavender - Yes ma'am.

1117
1118 Mrs. Wade - There's some concern about the possibility about a cellular tower
1119 being incorporated in your facility here. What's the status of that?

1120
1121 Doctor Lavender - None whatsoever.

1122
1123 Mrs. Wade - Okay.

1124
1125 Doctor Lavender - We have had no plans, will have no plans for a cellular tower
1126 associated with our steeple. At some point in the future, we may hope to do some television
1127 work, but we have not decided for certain yet what we would like to do. But, we could put
1128 wiring, you will never see, inside the steeple so that it could be used for that later. But, in no
1129 way connected to the cellular telephone industry at all.

1130
1131 Mrs. Wade - Thank you. Any other questions for Doctor Lavender? No
1132 questions. Would the opposition come forward, please. Remember we have 10 minutes for
1133 the opposition, excluding time required for the Commission to ask and for the opposition to
1134 answer questions.

1135
1136 Mr. Fred Clarke - Madam Chairman, members of the Commission, with your
1137 permission, I will read from a prepared statement in order to keep my remarks down to six or
1138 so minutes. Otherwise, it might be 10 or 12.

1139
1140 Ms. Dwyer - Would you identify yourself for the record, please?

1141 Mr. Fred Clarke - My name is Fred Clarke. I have lived at 2662 Chancer Drive in
1142 Ketch Point approximately one quarter of a mile from the Church for the past 15 years. I'm a
1143 past and current President and member of the Cedar Hill/Ketch Point Townhouse Association,
1144 and a past President and continuing Board member of the Wilde Lake Association.

1145
1146 However, I am not here on behalf of either of those groups. Rather, I am here as an
1147 individual; an individual who, during daily walks, has followed the construction of most of the
1148 existing buildings in a two-mile radius of the Gayton/Lauderdale/Causeway Drive intersection.

1149
1150 I am here in opposition to approval of the proposed height of the Discovery Church tower.
1151 While the earth will not stop moving, and the neighborhood will not collapse if the
1152 Commission approves 122 feet, or whatever the latest version is, I believe that such would be a
1153 visual intrusion on the landscape of this residential neighborhood.

1154

1155 I have no anti-religion motivation. Far, far from it. Nor do I harbor any anti-Methodist or
1156 anti-Discovery Church sentiment. Indeed, I applaud its objectives and its successes. But, I
1157 would be here, tonight, even if the proposed were my own beloved Episcopal Church.
1158

1159 We all try to be good neighbors. And I think most of the time, we are. Sometimes, however,
1160 we get a little busy and forgot how to do that. I acknowledge that “Beauty is in the eye of the
1161 beholder,” and that my feeling reflects “not in my backyard” consideration.
1162

1163 I accept the fact that the Church has the opportunity and right to propose anything it desires in
1164 respect to its property. And, I recognize that the final decision, on behalf of the tower height,
1165 may already have been made. Nonetheless, I was spurred to be here tonight by two
1166 bothersome spins which I thought I heard at the May 26th hearing. Each of these would seem
1167 relevant to tonight’s decisioning.
1168

1169 The first note was made of the 500-year precedent of the Church being the largest and tallest
1170 structure in the community. Certainly, this is true, where ever and whenever, all or nearly all
1171 the people in the community are members of the one church, and, especially, where, and when
1172 the Church building was or is, the center of all neighborhood activity, be it administrative,
1173 societal, governmental, or religious. But, in Henrico’s west end, in 2000, is this valid? The
1174 point would seem considerably overdrawn.
1175

1176 Secondly, the proponents seem to present, initially, the tall tower merely as a visually pleasing
1177 balance for the large new building. Actually, from a community view, the proposal might
1178 have been more up front if presented as two distinctly separate plans: A. Extension of the
1179 Church and the parking lot, and B. erection of a T.V. and radio tower. One could only hope
1180 that the Commission sees it in that light.
1181

1182 Lastly, I feel obliged to re-mention the implication that all the neighbors have been consulted
1183 and none objected. Obviously, I am paraphrasing here. Actually, I’m not sure the statement
1184 could have been made in the confines of the Church congregation.
1185

1186 Subsequently, I have heard that an unnamed neighbor has been publicly accused of organized
1187 collective and mass opposition to the Church’s proposal. Well, I’m not the person referred to.
1188 It’s my personal feeling and knowledge such a description is not only unfair, but untrue.
1189

1190 But, one can be sure that for those in the community, who sincerely question whether fairness
1191 to the community is best achieved by putting a tower reaching 122 or 112 or 98 feet, whatever
1192 it may be, in the air at this highly visible, out in the open, location.
1193

1194 Even the puzzling balloons which I observed by chance, either on Monday or Tuesday, I don’t
1195 remember which, seem potentially persuasive even when floating at a 60 degree angle from the
1196 ground. While a degree of paranoia has never been one of my attributes, I can’t but wonder
1197 what other surprises we may hear about in the offering.
1198

1199 For a summary, I have only a couple of questions and a final observation. What height would
1200 be acceptable for a T.V. antenna in this community landscape? I don't know this anymore
1201 than I know the basis for the original 50-foot limitation on building height.
1202

1203 Would 500 feet be acceptable under certain conditions? And, if not, why not? One hundred
1204 feet (100) feet, 75 feet? Does it depend on the loudness of the public outcry, or on the number
1205 who show up at a hearing? Only the Commission can answer that.
1206

1207 I can only guess that if the antenna is approved for the proposed height, that for many years to
1208 come, people will be asking, "Who planned and approved such a thing at this location?" I
1209 don't relish your task, but I thank you for listening. Thank you.
1210

1211 Ms. Dwyer - Thank you, sir. Any questions for Mr. Clark by Commission
1212 members?
1213

1214 Mrs. Wade - Where is it you live, Mr. Clark? Where do you live related to
1215 this site?
1216

1217 Mr. Clark - Where do I live? 2662 Chancer Drive in Ketch Point.
1218

1219 Mrs. Wade - Oh. Okay.
1220

1221 Mr. Clark - As a matter of fact, because of the trees, I am sure that I will not
1222 be able to see the tower, anyway. So, my observations and comments are not personal.
1223

1224 Mr. Archer - Mr. Clark, may I ask, sir, it appears to me that you view this
1225 more of an apparatus of being a television tower than a church steeple? Am I inferring
1226 wrongly by thinking that?
1227

1228 Mr. Clark - That was the description that I heard on the 26th. Obviously, it's
1229 a visual point also, but I thought the point of the height had to do with the fact it was to be a
1230 radio/television antenna. I think the fact that aspect was separated out from the approval is
1231 proof that we're talking about two separate issues. One is the expansion of the church and the
1232 parking lot and secondly, a radio/T.V. tower.
1233

1234 Mr. Archer - Well, if this were simply a steeple, and not a T.V. tower, would
1235 you still object to it?
1236

1237 Mr. Clark - It's the height I'm commenting on and I don't have an answer for
1238 you. I don't presume to have one.
1239

1240 Mr. Archer - Well, that's really what I'm trying to find out.
1241

1242 Mr. Clark - I simply point out that I, and many others in the community,
1243 perceive this out in this open space to be a persuasive point on the landscape. Again, I stress
1244 this is not an anti-religion or anti-church point of view. I'm not an engineer or an architect. I

1245 have no pretense to having the only eye for beauty in the area, not by any stretch. But, it does
1246 seem to be a rather large edifice on this otherwise quite and low level landscape.

1247
1248 I'm not objecting to the Church's objectives or anything of that matter. As I say, I don't know
1249 whether 40 feet, or 65 feet, or 50 feet is a proper answer to the question. I do not know. I'm
1250 simply pointing out that the burden is on the Commission, I think, to answer this question.

1251
1252 Mr. Archer - I was simply trying to add a little specificity to your objection.
1253 And you've done it.

1254
1255 Mr. McRoberts - I live in the Old Gayton Townhouse Subdivision, which is
1256 separated by Old Gayton North, between us and the church. I am the current, and past President
1257 of the homeowners association there. And, I'm here, tonight, to speak in opposition to the
1258 height of the church tower.

1259
1260 I'm not opposed to the Church wanting to expand. I think that's wonderful. My church, Christ
1261 Church Episcopal, has just finished building a new building, ourselves, on some property. Our
1262 services have been in a high school for quite some time and we just consecrated the church last
1263 weekend. It's nice to get into a new sanctuary.

1264
1265 So, I'm not opposed to the Church wanting to expand. They want to be able to bring their word
1266 to more people, and I think that's great. I am opposed to the height, and, even at the new height
1267 of 98 feet. I think that the 50-foot limitation is there for a reason. I think that, you know, that
1268 would be adequate for the height of a church steeple.

1269
1270 I think there hasn't been enough notification to the surrounding communities. I mean, we stated,
1271 at the last meeting two weeks ago, that a lot of the homeowner associations had not been
1272 contacted. After going to the County and pulling the records for the mailing list, all but one of
1273 the Associations addresses were wrong. They have been since contacted and have attempted to
1274 get the notification out to their homeowners and stuff, but there really hasn't been much time to
1275 try and get much feedback.

1276 There are some people here tonight in opposition. I would like for them to stand. If they are
1277 already standing, they could raise their hand, you know, for people who are concerned about the
1278 height of the church.

1279
1280 I don't want to repeat much of what Fred had to say. On Monday, when the balloon was risen, I
1281 think there should have been some notification when that was going to be. I found out myself. I
1282 got a message on my answering machine. The four attempts I've made to drive past, and even
1283 one time stopped and walked on the property to see it, the wind had it blown down to a point
1284 where, there was no way to judge what the height was going to be. I understand it was much
1285 better earlier in the morning that you could tell. A lot of the people that I've spoken to, they had
1286 no idea that, you know, that it had occurred on Monday. It was down the next day. That's all I
1287 have to say, I guess. Thank you.

1288
1289 Ms. Dwyer - Thank you. Any questions for Mr. McRoberts?

1290

1291 Mr. Gary Fletcher - My name is Gary Fletcher. I live in the Gayton Grove Subdivision
1292 across from the Church. I just heard about this from an adjoining property owner about two
1293 days ago. So, I agree with the gentleman before me, that sufficient notice has not been given to
1294 the people involved around Pine Run, or Gayton Grove, or The Colonies. And I am opposed to
1295 the height also. And I think the County should follow their restriction of 50 feet. And I also
1296 would like to add that, I think that this will adversely affect the values of the properties in that
1297 general area, because I've talked to a couple of realtors, and I'm a licensed realtor myself. And
1298 it will affect the selling price of the properties in that immediate area. Those are my main points
1299 there. But, again, I would like the County to consider the 50-foot limit there.

1300
1301 I'm not opposed to the Church. I think they're probably doing some good things there. In the
1302 past, they definitely need a parking facility. I'll agree with that, because they do park in our
1303 subdivision. It's about a 20 to 22 house subdivision there. That will be the most adversely
1304 affected area. But, I think it will affect properties within a half mile of that area, if the height
1305 limit is allowed to stand.

1306
1307 And I'd like to again reiterate that I think the County Code of 50 feet would be sufficient. Thank
1308 you very much.

1309
1310 Ms. Dwyer - Thank you, Mr. Fletcher.

1311
1312 Mr. Fletcher - And I think, again, I'd like to reiterate that I don't think enough
1313 notice has been given to the opposing persons at this time, because all I heard is the adjoining
1314 property owners are notified and that's it. I just heard about it by word of mouth. Okay. Thank
1315 you.

1316
1317 Ms. Dwyer - Thank you. Are there any questions for Mr. Fletcher by
1318 Commission members? We have one more minute if there is anyone else in opposition who
1319 would like to speak. We have two people.

1320
1321 Mr. Jim Lassiter - Madam Chairwoman and members of the Commission, my name
1322 is Jim Lassiter. I'm the President of the Harbor Cove Townhouses Association. I live at 2716
1323 Old Point Drive. And, as a resident of Harbor Cove, Harbor Cove is a community right across
1324 Lauderdale from the Church, and, as such, would be the most affected by the construction.

1325
1326 I come as a representative of several of the members of Harbor Cove who have called and
1327 expressed concern. I do not represent the entire community; only the ones who have called and
1328 expressed a concern.

1329
1330 The Church has always been good neighbors. We have always been good neighbors. We know
1331 that will continue regardless of the outcome of this hearing. And, obviously, from the
1332 outpouring of people, tonight, the Church is strongly committed to this, and is in favor of this.
1333 It's pretty obvious.

1334
1335 Our main concern is the height, like everybody else's concern. And right now, the tallest thing
1336 within a half mile of the Church is some of the trees out there. And, the zoning restriction of 50

1337 feet, I would imagine, was set to make everything blend in, to have a uniform appearance. And
1338 this spire, be it, 90 feet, 100 feet, 122 feet will not blend in.

1339
1340 However, I would like to point out that the people that commented to me were basing their
1341 comments on 122 feet, which was what was prescribed. The Church has made an effort to tone
1342 that down and they should be commended for that. I think my folks, if I went back and polled
1343 them, they would still have an objection to it.

1344
1345 I would just ask you to consider the limitation of 50 feet, which was obviously established for a
1346 reason. And, I think the communications aspect of this has already been addressed. They don't
1347 plan on putting cell towers, or what have you. I would just ask you to reconsider that, and I
1348 thank you for your time.

1349
1350 Mrs. Wade - Mr. Lassiter.

1351
1352 Mr. Lassiter - Yes.

1353
1354 Mrs. Wade - What is the specific objection that this would harm the
1355 neighborhood in some way?

1356
1357 Mr. Lassiter - I haven't heard anything about real estate values, for example. I
1358 think just the physical appearance. As somebody else mentioned right now, there's nothing out
1359 there except a grassy area. And this structure will be proposed and be built there. And, that, in
1360 itself, will inhabit the area. The steeple, or the spire, I guess, is sort of the crowning point. I
1361 guess it's just the objection to the height. Obviously, the rest of the structure meets the 50-foot
1362 requirement. I don't know anybody has any problem with that. As I said, we've all been good
1363 neighbors, and we welcome the expansion. It's just the height of the spire.

1364
1365 Mrs. Wade - Thank you.

1366 Mr. Lassiter - Thank you.

1367
1368 Ms. Dwyer - I think one more person wanted to speak.

1369
1370 Doctor Lavender - May I say one more thing, please?

1371
1372 Ms. Dwyer - Well, we're already gone over, so I'd rather let the next person -
1373 I'll give you about 30 seconds, sir.

1374
1375 Mr. Tom Harbeck - Just one moment. My name is Tom Harbeck. I live in the
1376 BayKove Subdivision, which is about a quarter of a mile away from the Church. I live at 12325
1377 Shoreview Drive. I am also President of the Homeowners division.

1378
1379 Right now, I've taken a neutral position in objection for the Church spire and steeple. I'm
1380 primarily here on a fact finding basis. My neighborhood, essentially, does not know this is
1381 going on right now.

1382

1383 And, the one question I have is, with the known fact that the zoning limit right now is 50 feet,
1384 what is the purpose for such a deviation from the zoning? If Mr. Lavender, the Architect, could
1385 explain that to me? It's over a 100 percent deviation from what the current Zoning Ordinance is.
1386

1387 Ms. Dwyer - Well, we'll ask the County Planner to respond to that.
1388

1389 Mr. Harbeck - Okay.
1390

1391 Ms. Dwyer - The question is, there's a 50-foot limitation, and I think that the
1392 query is, "What is the basis for permitting an exception to the height?" Is it permitted in the
1393 Code, and, if so, why, and how?
1394

1395 Mr. Harbeck - If I could clarify and explain that, with the known fact that its 50
1396 feet, I guess digest this problem a lot better if it was a 55-foot spire but why was it planned,
1397 designed and have been approved where it's way over the current zoning limit? It seems like the
1398 design could have been planned so it would be, at least, within it, or very close where there
1399 wouldn't be so much objection to it, because for whatever reason it might be.
1400

1401 Ms. Dwyer - Mr. Wilhite, perhaps you could just discuss, what is the statutory
1402 limitation on height? What does it apply to? And what are the exceptions permitted by Code?
1403

1404 Mr. Wilhite - Okay. Section 24-95 of the County Zoning Ordinance lists a
1405 number of different structures that can have exception to height, for that height limitation is 50
1406 feet. Spires being one, ornamental towers, and other certain types of scenery lofts, cooling
1407 towers, HVAC equipment. And it states that, ..."50 feet in an "R" District. 100 feet in other
1408 zoning districts." And it also stated in the Code that, in order to have approved a height greater
1409 than that, a Special Exception has to be granted by the Board of Zoning Appeals. In the case of
1410 a POD, the POD takes precedence, then the Planning Commission can grant the Special
1411 Exception. It does not really address reasons for granting one. It's assumed that the applicant
1412 has to make his case to convince the Planning Commission or the Board of Zoning Appeals, in
1413 order to grant a Special Exception. I think its open ended to try to anticipate any hardships that
1414 may come about by having a 50-foot limitation.
1415

1416 Ms. Dwyer - We've had other cases in which residential property is zoned
1417 agricultural, but within a residential area. So the height limitation there would be 100 feet.
1418

1419 Mr. Wilhite - That's correct. Yes.
1420

1421 Ms. Dwyer - Thank you, Mr. Wilhite.
1422

1423 Mrs. Wade - Do you know of any steeples, offhand, that are higher than 50
1424 feet?
1425

1426 Mr. Wilhite - Off the top of my head, no ma'am. I can't recall. We did not do
1427 the research on how many requests for Special Exceptions we received for steeples, or how
1428 many cases went to the Board of Zoning Appeals for approval.

1429
1430 Ms. Dwyer - I believe we discussed last month the Grove Avenue Baptist
1431 Church...
1432
1433 Mr. Wilhite - Was taller. I believe closer to 150 feet. The approval process for
1434 that I'm not aware of.
1435
1436 Ms. Dwyer - Thank you, Mr. Wilhite. Will the applicant come forward,
1437 please. You have five minutes for rebuttal.
1438
1439 Mr. Chenault - I would just like to address a couple of questions by the gentleman
1440 preceding why the tower is there. The tower is there because it is a functional tower as well as
1441 an aesthetic tower. We felt the scale of the tower was necessary to complement the size of the
1442 new sanctuary. We tried very hard, like I said before, not to take the tower up to - in a lot of
1443 other districts, 100-feet is the limit for church steeples. I've been around the neighborhood. In
1444 the west end you've got Welbourne United Methodist Church on Patterson Avenue is close to
1445 100 feet; Grove Avenue, 150 feet. There's a radio tower at the fire station at Church Road and
1446 Lauderdale that's over 100 feet. There are a lot of things around.
1447
1448 But we tried to be sensitive by keeping the tower open. The main solid structure of the tower is,
1449 on an average, of about 60 feet through the center of that short roof. So, we were being
1450 sensitive to try to do that. What you'll see with a metal tower will not be seen in the day time
1451 except the silhouette. And at night, the only thing we're hoping maybe we can get a little light
1452 on the cross. And, that's, basically, it.
1453
1454 The Church, and if you'll drive around the neighborhood, and I'll say this, that I did make a lot
1455 of peripheral visual observations before the Church was designed. The Church is set
1456 approximately 300 feet back from the point of the corner, and approximately 150 feet from the
1457 property on to the center of the Church.
1458
1459 It is over 250 feet across Lauderdale to Harbor Cove and about 200 feet to the subdivision off of
1460 Gayton to the north. So, the steeple is really not that opposing when the trees, when you come
1461 down Lauderdale or when you approach Gayton. It is not that opposing. We did the balloon
1462 thing. I feel like it's a complement to the neighborhood. I don't think it will devalue property
1463 values. I'm not a real estate, quote, "appraiser". I'm in architecture. I wish I was in real estate
1464 some times, especially out in this area.
1465
1466 I'd like to say this, in closing. There was a rumor around, and I just say this in jest, but there
1467 was a rumor around that said that this steeple was compared to the Statute of Liberty. And I did
1468 a little research on it and you can put that on the thing there (document camera), because I didn't
1469 want to get the Statue of Liberty. I tell you, in 25 years, none of my work has been compared to
1470 the Statue of Liberty. I'm real pleased that it has been, but maybe I'll get a monument
1471 somewhere up in New York.
1472
1473 The Statue of Liberty, actually, for general information, because I didn't know all of this either,
1474 even being an architect. Mr. Bartholde designed this thing back in the late 1800s. But, anyway,

1475 the Statute of Liberty, from the base on Ellis Island, is 305 feet to the underside of the torch. If
1476 you've ever been to New York, you know where that is. It's a huge structure. The actual
1477 sculptor, itself, is 151.1 feet to the bottom of the torch to the base. That's what I scaled here.
1478

1479 Our steeple is 90 feet. So, we actually come up to her arm pit, because I've scaled this out. No
1480 offense, but, it's not overbearing, as one would seem to think, when they think about the Statue
1481 of Liberty or maybe even the Eiffel Tower. I mean, we could have went for that. We tried not
1482 to. But, anyway, I was appreciative that somebody even compared that. I'm not trying to be
1483 funny. I'm just trying to give you some information, so that maybe it will ease somebody's
1484 conscience that we're not doing a 150-foot tower, or even a 100 and some foot tower.
1485

1486 We have modified the drawings, like I said, and we have reduced the tower down approximately
1487 24 feet. And we've kept it open. So, we've tried to keep it light and architecturally pleasing for
1488 the community.
1489

1490 Ms. Dwyer - Thank you, Mr. Chenault. Any questions for Mr. Chenault?
1491

1492 Mrs. Wade - What did you say about the dimensions about the base part?
1493

1494 Mr. Chenault - The base?
1495

1496 Mrs. Wade - The circumference or diameter of the base part?
1497

1498 Mr. Chenault - Oh, the base of the tower, itself? It's about 20 feet.
1499

1500 Mrs. Wade - Basically, across it's about 20 feet.
1501

1501 Mr. Chenault - It's actually an octagonal shape.
1502

1503 Mrs. Wade - I see that.
1504

1505 Mr. Chenault - It's not a solid shape. But anyway.
1506

1507 Mr. Archer - Mr. Chenault, before you sit down, if this were to be used as a
1508 television transmitting tower, how much height is required for a T.V. transmission or is there?
1509

1510 Mr. Chenault - I think the cellular boys would take as much as they could get; 100
1511 feet to 125 feet.
1512

1513 Mr. Archer - I'm talking about television now, not cellular.
1514

1515 Mr. Chenault - Television? At least 100 feet. About 100 feet, I think.
1516

1517 Mr. Archer - Is there any alternative technology when you don't have that much
1518 height, like a dish or satellite or something?
1519

1520 Mr. Chenault - To be honest with you, I'm not that versed in the television
1521 business. And I haven't run into that before. I do know that a lot of cellular people are running
1522 around trying to find churches to work with so they can get their towers in the community,
1523 because the County's restricted a lot of cellular towers in the area. I think that's a good thing.
1524 But, you know.
1525

1526 Mrs. Wade - You mentioned lighting the cross. Now, are you talking about on
1527 the top or down at the base there and what kind of light?
1528

1529 Mr. Chenault - Well, it's a controlled light with the lumens. But we wanted to get
1530 light that hit the top of the cross and maybe some lights around the base of the tower. They
1531 won't be shining out to the street. They will be focused on the front of the church.
1532

1533 Mrs. Wade - Mounted where then?
1534

1535 Mr. Chenault - They are mounted on poles outside of the building in the front.
1536

1537 Mr. Vanarsdall - Mr. Chenault, will you be able to see this tower from your house?
1538

1539 Mr. Chenault - No sir, because I live quite a distance away from there.
1540

1541 Mr. Vanarsdall - I just wondered.
1542

1543 Ms. Dwyer - Any other questions for Mr. Chenault?
1544

1545 Mrs. Wade - On poles around the side? What kind of poles? How high?
1546 Mr. Chenault - They're like parking lot lighting poles. Parking lot lighting shines
1547 down on your parking lot. You have a couple of poles and a couple of lights that shine on the
1548 tower. You have to do that to get the distance to the cross.
1549

1550 Mrs. Wade - So, they'd be shining on the cross at the top of the tower?
1551

1552 Mr. Chenault - Yes ma'am.
1553

1554 Mrs. Wade - And 24-hours a day?
1555

1556 Mr. Chenault - No. No. It's on a photocell. It turns off at 11:00 o'clock p.m. or
1557 whenever they set the timer. It comes on probably at dusk and goes off whenever that the
1558 church wants to turn it off; 11:00 o'clock, whatever, 12:00 o'clock.
1559

1560 Mrs. Wade - Of course, you already have a Landscaping and Lighting Plan
1561 coming back for approval.
1562

1563 Mr. Chenault - Yes.
1564

1565 Mrs. Wade - But we generally don't encourage spotlights, especially in
1566 residential areas.
1567

1568 Mr. Chenault - Well, I think we can work that out at the lighting plan level. Give
1569 you some more information. I don't have that information available from my electrical engineer,
1570 because that's on the other drawings.
1571

1572 Ms. Dwyer - Would it be possible to place a light near the top of the cross and
1573 just up light the cross itself rather than having light out in the yard?
1574

1575 Mr. Chenault - It's possible. You know, maybe we can look at that.
1576

1577 Ms. Dwyer - Is the Lighting Plan coming back to the Commission, Mrs. Wade?
1578

1579 Mrs. Wade - Yes.
1580

1581 Ms. Dwyer - Any other questions for the applicant by Commission members?
1582 No more questions. Thank you, sir. Ready for a motion, Mrs. Wade?
1583

1584 Mrs. Wade - I think so. In connection with this, I had been thinking in terms of
1585 conditions which can be put upon Special Exceptions and PODs in terms; and there would be
1586 nothing - What are the rules regarding a cellular tower; if its an existing structure, it doesn't
1587 have to be a Provisional Use Permit?
1588

1589 Mr. Wilhite - That is correct. If there is an existing structure, it's possible to
1590 convert it over with a building permit.
1591 Mrs. Wade - And we are not in a position to say absolutely you can't use it for
1592 that purpose, if it meets the requirements?
1593

1594 Mr. Wilhite - Yes. I believe television and radio is permitted under Code, and
1595 communication towers normally would require a use permit. But where there's an existing
1596 structure of the height, then they could add it with a building permit.
1597

1598 Mrs. Wade - But we could say, at least, as far as the kinds of transmitting
1599 devices, that we could limit to say one satellite dish?
1600

1601 Mr. Wilhite - I think that could be possible. I've worked some possible language
1602 that you might want to consider.
1603

1604 Mrs. Wade - We were talking about the possibility of spot lights on the top and
1605 then some around, which they'd be turned off, it seems to me.
1606

1607 Mr. Wilhite - Yes. First of all, as far as communication equipment is concerned,
1608 we suggest that, "Any use of the proposed church spire for a communication tower shall be
1609 limited to one antenna or dish, unless stealth technology is provided in accordance with plans
1610 submitted to, and approved by the Director of Planning."

1611
1612 Mrs. Wade - And the other conditions that might be applicable?
1613
1614 Mr. Wilhite - The other one dealt with the lighting. Of course, as mentioned,
1615 the Lighting Plan does come back to the Planning Commission as part of the Plan of
1616 Development approval, and you can attach those. So, this condition here, "Any proposed
1617 lighting of the church spire shall be approved by the Planning Commission with the site lighting
1618 plan for POD-29-99."
1619
1620 Mrs. Wade - Obviously, there can be several points of view about this thing; all
1621 the issues of this sort. One thing that we have found, and I believe all the Commissioners have
1622 had experience with this in the last few years, and especially over a long period of time, where
1623 churches, schools, hospitals are concerned and they're all very important. They're necessary
1624 and we need them near us. But as they grow and prosper as we like to see, they also can make
1625 problems sometimes for the surrounding residential areas. And sometimes they get so focused
1626 on their mission, as it were, or their goals, that they tend not to think about the people,
1627 sometimes, who live around who might have somewhat different point of view. And, obviously,
1628 you know, reasonable people might agree about the use and about the style and all that sort of
1629 thing. I think probably the neighborhood might be more comfortable if this were more
1630 traditional looking, when I say "traditional looking" edifice. But, on the other hand, a lot of the
1631 problems that develop with expansion of these facilities are drainage problems. Well, there isn't
1632 any drainage problem here that we know of. It certainly shouldn't be any noise and parking, as
1633 someone has already said will be a plus, because they already don't have enough parking. So,
1634 although, I have had some difficulty also really with the height, they have come down somewhat
1635 on it and, basically, I don't see that it's really going to harm anybody. So, therefore, I would
1636 move that the Special Exception for the 98 feet, as was presented tonight for POD-29-99, be
1637 approved and subject to those two conditions that Mr. Wilhite wrote.
1638
1639 Mr. Wilhite - Mrs. Wade, I'm sorry to interrupt you. If I could...
1640
1641 Mrs. Wade - What?
1642
1643 Mr. Wilhite - It would be one and two.
1644
1645 Mrs. Wade - We have separate numbers for the Special Exception from the
1646 POD.
1647
1648 Mr. Wilhite - Yes. They are approved separately. The applicant has just
1649 informed me that they're willing to eliminate any possibility of any cellular equipment on the
1650 tower. And they would offer that as an amendment to this first condition.
1651
1652 Mrs. Wade - Oh. Okay. And no cellular tower then...? Okay. So, the two
1653 conditions limit the dish and no cellular tower then? And not have a spot light located on the
1654 tower. And, you say, we're going to have to talk about the other lights, because we do have
1655 some policies regarding in and near residential areas...And most of the uses in the County are

1656 expected to turn off at 10:00 o'clock or something. But, anyway, I would move that, given
1657 those two conditions that POD-29-99 Special Exception for height, be granted.

1658

1659 Mr. Archer - Second.

1660

1661 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Archer. All those
1662 in favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mrs.
1663 Quesinberry absent, Mr. Donati abstained). The motion carries.

1664

1665 The Planning Commission approved special exception for POD-29-99 Discovery United
1666 Methodist Church – Gayton Road and Lauderdale Drive, subject to the following conditions:

1667

1668 1. Any use of the proposed church spire as a communication tower shall be limited to one
1669 antenna or dish unless stealth technology is provided in accordance with plans submitted to
1670 and approved by the Director of Planning. NO cellular equipment shall be installed on the
1671 spire.

1672

1673 2. Any proposed lighting of the church spire shall be approved by the Planning Commission
1674 with the site lighting plan for POD-29-99. There shall be no spotlights attached to the
1675 spire.

1676

1677 **Deferred from the May 13, 1999 Meeting:**
1678 **C-24C-99 Carter Properties:** Request to conditionally rezone from B-3
1679 Business District to M-2C General Industrial District (Conditional), Parcel 128-A-5, described as
1680 follows:

1681
1682 BEGINNING at a point on the west line of U.S. Route 360 (Mechanicsville Turnpike) said
1683 point being approximately 494 feet from the north line of Barlow Street; thence
1684 N33°43'20"W, 308.61 feet to a point; thence N72°05'40"W, 605.60 feet to a point; thence
1685 N19°52'25"E, 353.14 feet to a point; thence S53°49'35"E, 262.31 feet to a point; thence
1686 along a curve to the right with a radius of 599.14 feet and a length of 210.23 feet to a point;
1687 thence S33°43'20"E, 525.47 feet to a point on the west line of U.S. Route 360 S32°43'10"W,
1688 38.19 along the west line of U.S. Route 360 to the POINT OF BEGINNING. Said property
1689 containing 3.44 acres more or less and belonging to Carter Properties.

1690
1691 Mr. Marlles - Mr. Mark Bittner will be giving the staff's presentation.

1692
1693 Ms. Dwyer - Good evening, Mr. Bittner. Is there any one in the audience
1694 whose opposed to Case C-24C-99 Carter Properties? No opposition. Mr. Bittner.

1695
1696 Mr. Bittner - Thank you, Ms. Dwyer. The applicant has stated that he plans to
1697 use this property for an equipment and storage yard for construction-related material. It would
1698 be accessed via an existing driveway that runs between the Federal Express facility located
1699 here (referring to slide) and the Cheek and Shockley Auto Trailer Sales facility located here
1700 (referring to slide) on the western side of Mechanicsville Turnpike.

1701
1702 The southern border of the property is adjacent to the Glen Center Industrial Park in this area
1703 (referring to slide).

1704
1705 This southern border contains a substantial amount of trees and vegetation. The applicant has
1706 proffered to preserve this vegetation. The proffer would allow roads to cross this buffer in a
1707 perpendicular fashion. The applicant wants to preserve the potential to, perhaps, someday
1708 connect to Glen Center, although he has no plans to do that at this time.

1709
1710 There's also been a new proffer. It was submitted, today, and we just handed those out. The
1711 very last highlighted sentence under No. 2, is just a way to clarify it. It refers to this stem
1712 here (referring to slide) which is where the existing driveway is that accesses the property.
1713 There's no vegetation to preserve there anyway. There was never any intent to have a buffer
1714 there. So, the applicant just simply clarified that in the proffer. Staff and the applicant
1715 worked on that language in the last couple of days.

1716
1717 The Glen Industrial Center has incorporated some high quality design standards. There are
1718 trees along the streets, and the grass and vegetation appear to be well maintained. Staff would
1719 prefer to see the same standards maintained on the property in question. No development
1720 standards, such as building designs or landscaping beyond minimum Code requirements have
1721 been submitted, however.

1722 A proffer has been submitted prohibiting certain uses on this property. This proffer has been
1723 revised to prohibit additional uses that were listed in the latest staff report. These include brick
1724 manufacturing plants, concrete mixing plants, junk storage yards, and paper or pulp
1725 manufacturing plants. Again, these uses would be prohibited on this property.

1726
1727 The proposed M-2C zoning is consistent with most of the surrounding zoning. The quality of
1728 this proposal has increased with the proffers that have been submitted. However, there would
1729 be no way to ensure that this site would meet the same development standards as the adjacent
1730 Glen Industrial Center.

1731
1732 If the applicant could incorporate these standards into this application, staff could recommend
1733 approval. And, I'd like to point out, in order to accept the proffers, you would have to waive
1734 the time limit, because these were submitted today. However, it was only the last line that was
1735 submitted today. The other new proffers came in earlier this week before the 48-hour time
1736 limit. I'd be happy to answer any questions you may have.

1737
1738 Ms. Dwyer - Any questions for Mr. Bittner by Commission members?
1739

1740 Mr. Archer - Mr. Bittner, if you could, would you elaborate a little bit on the
1741 road crossing that you were referring to?
1742

1743 Mr. Bittner - Yes. This is Glen Center Street. It stubs to the property, in
1744 question. The applicant has no plans, at this time, to extend this stub into his property;
1745 namely, because this is a vegetative area along this corridor and its also a low lying area. So,
1746 it probably would be difficult and expensive to extend that road. However, the applicant
1747 developed this property, and wants to rezone this property. So, he wanted to preserve the
1748 potential to maybe some day connect that road, which is why he included the crossing
1749 provision within the proffer.

1750
1751 Mr. Archer - That's all I have.
1752

1753 Ms. Dwyer - Any other questions for Mr. Bittner? Would you like to hear
1754 from the applicant?
1755

1756 Mr. Archer - Briefly, I would. Yes.
1757

1758 Ms. Dwyer - Would the applicant come forward, please.
1759

1760 Mr. Ron Green - Madam Chairman, and Commission members, my name is Ron
1761 Green. I'm here on behalf of the applicant. I'm here to answer any questions.
1762

1763 Mr. Archer - Mr. Green, as you recall, we met on this, I think it was on May
1764 11th to discuss it. And, of course, I deferred it at the last meeting, at the Commission's
1765 request, so we could incorporate these changes.
1766

1767 Now, there are a couple of things in here that Mr. Bittner thinks could be improved and I think
1768 they probably could be easily done between now and when the Board meets on this. For
1769 example, staff prefers to see standards maintained on this property as located on the industrial
1770 property. I don't think it would be too difficult.

1771
1772 Mr. Green - I mean, when you talk about, "incorporate those standards," in
1773 other words, the same owner that owns that property, and if he were to develop it, I'm sure he
1774 would incorporate those same standards.

1775
1776 Mr. Archer - Well, we need to be a little bit more sure of that, by the time it
1777 gets to the Board level, for them to approve it. And, I'll be sure to call that to Mr. Thornton's
1778 attention; probably, Mr. Bittner, too. That was the reason for wanting to put the conditions on
1779 it so we could ensure that whatever did develop would be something that we could live with. I
1780 don't think those things would be difficult, but I just wanted to make that stipulation.

1781
1782 Mrs. Wade - What kind of standards? For instance?

1783
1784 Mr. Archer - Well, maybe Mr. Bittner could elaborate on that a little bit. The
1785 standards on the Glen Center Property? They're probably not proffered, are they?

1786
1787 Mr. Bittner - No. Those are not proffered. It's simply just looking at the
1788 development, as its out there today. It appears to be a very high quality development; well
1789 manicured grass, trees and so forth; the buildings. There is some outdoor storage, but mainly
1790 that's behind the buildings. The buildings are self-contained, for the most part, not a lot of
1791 equipment and material out in front. Those are the kind of standards we're talking about
1792 trying to see put on this property, as well.

1793
1794 Mr. Archer - ...For heavy industrial-use property, the adjacent properties have
1795 been very well maintained. It looks nice for an M-2 property. That was all that I had, Madam
1796 Chairman, unless somebody else has something.

1797
1798 Ms. Dwyer - Any other questions by Commission members? Ready for a
1799 motion?

1800
1801 Mr. Archer - Yes. First, I would move to waive the time limit on the proffer
1802 this evening.

1803
1804 Mr. Vanarsdall seconded the motion.

1805
1806 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
1807 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry
1808 absent, Mr. Donati abstained). The motion carries.

1809
1810 Mr. Archer - And, I also would move that C-24C-99 be recommended for
1811 approval by the Board.

1812 Mr. Vanarsdall seconded the motion.

1813
1814 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
1815 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry
1816 absent, Mr. Donati abstained). The motion carries. Thank you.

1817
1818 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
1819 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors
1820 accept the proffered conditions and grant the request because it conforms to the
1821 recommendations of the Land Use Plan; it would provide for appropriate development; and it
1822 continues a form of zoning consistent with the area.

1823
1824
1825 **Deferred from the May 26, 1999 POD Meeting:**
1826 **C-28C-99 Henry L. Wilton for Shady Grove Associates:** Request to
1827 conditionally rezone from O-2C Office District (Conditional) to RTHC Residential Townhouse
1828 District (Conditional), Parcel 10-A-19, described as follows:

1829
1830 Beginning at a point at the intersection of Shady Grove Road and Old Nuckols Road, said point
1831 being on the eastern right-of-way line of said Shady Grove Road and the northern right-of-way
1832 line of said Old Nuckols Road. Thence, with the eastern right-of-way of Shady Grove Road
1833 N10-48-43E 447.96' to a point. Thence, N10-25-04E 371.55' to a point. Thence, on a curve to
1834 the left with a radius of 2483.26' a central angle of 1-12-18 and a length of 52.22' to a point.
1835 Thence, leaving said right-of-way S74-50-00E 535.53' to a point. Thence, S74-52-31E 112.29'
1836 to a point. Thence, with the land now or formerly John R. and P.S. Jones, SI0-09-00W
1837 395.08' to a point. Thence, N77-23-39W 39.27' to a point. Thence, with the land now or
1838 formerly Security Capital Atlantic S 10-08-35W 483.62' to a point in the northern right-of-way
1839 of Old Nuckols Road. Thence, with said right-of-way N74-04-37W 617.29' to the point of
1840 beginning, The parcel of land herein described is located in the Tuckahoe District of Henrico
1841 County, Virginia and contains 12.63 acres and was compiled from available records.

1842
1843 Mr. Marlles - The staff presentation will be made by Mr. Bittner.

1844
1845 Ms. Dwyer - Is there any one in the audience who is in opposition to C-28C-99
1846 Shady Grove Associates? No opposition. Mr. Bittner.

1847
1848 Mr. Bittner - Thank you, Ms. Dwyer. The requested use and zoning is not
1849 consistent with the Environmental Protection Area or Office designations of this property.
1850 When the nearby Wyndham community was first designed, the area around this proposed site
1851 was conceived as a business and office development node. Despite the adjacent Camden
1852 Apartments to the east, located here (referring to slide), most of this area has been developing
1853 with business and office uses. Staff prefers to see this trend continue.

1854
1855 Staff is also concerned with the precedent of townhouse or condominium zoning on this parcel.
1856 This request would reduce land available for economic development, and increase the demand
1857 for government services. Townhouse or condominium development could also increase pressure
1858 to develop the surrounding residential property at a density higher than what is planned.

1859
1860 Townhouses or condos in this area could serve as a transition between the apartments to the east,
1861 and single-family development to the west. However, the planned concept of a commercial node
1862 along Nuckols Road, with low-density residential development in the surrounding areas could be
1863 lost if this application is approved.
1864

1865 The revised proffers, handed out tonight, address the comments made in the staff report,
1866 including the provision of full curb and gutter streets, as opposed to the roll-face curb and
1867 gutter the applicant had been planning up to this point. However, these proffers cannot change
1868 the fact that this proposal is not consistent with the Land Use Plan for this property.
1869

1870 In summary, the requested use and zoning is not consistent with either the Environmental
1871 Protection or Office land use designations on this property. It is also not consistent with the
1872 planned commercial node around Nuckols Road, or the planned surrounding low-density
1873 residential development. The townhouses or condos could serve as a transitional use, but they
1874 could also encourage an increase in the planned residential density in this area. Although the
1875 revised proffers address the comments made in the staff report, staff does not recommend
1876 approval of this application, because of its inconsistency with the Land Use Plan. I'd be happy
1877 to answer any questions you may have.
1878

1879 Ms. Dwyer - Any questions for Mr. Bittner by Commission members?
1880

1881 Mrs. Wade - You mentioned, "Environmental Protection Area." You say this
1882 doesn't provide protection?
1883

1884 Mr. Bittner - What kind of protection, I guess, are you considering? There is a
1885 provision they have proffered to provide some recreational space; 250 square feet per unit,
1886 which would work out to about .4 of an acre. That would include an existing pond on this site.
1887

1888 Ms. Dwyer - When you say that, "This proposed use is not consistent with the
1889 EPA designation of this property." What exactly does that mean?
1890

1891 Mr. Bittner - Normally, for EPA or Environmental Protection Area, non-
1892 development would be the most consistent type of use or some sort of passive recreational use.
1893 EPA are areas that are environmentally sensitive, and generally are recommended for
1894 preservation in the Land Use Plan.

1895 Ms. Dwyer - So, on this site, you're talking about the pond?
1896

1897 Mr. Bittner - Let me get to the Land Use map.
1898

1899 Ms. Dwyer - And the wetlands associated with that.
1900

1901 Mr. Bittner - This is the part of the property that's designated as Environmental
1902 Protection Area.
1903

1904 Ms. Dwyer - That's most of the property.

1905

1906 Mrs. Wade - The whole thing.

1907

1908 Mr. Bittner - And this is the existing pond I was referring to earlier.

1909

1910 Ms. Dwyer - And what is the basis of this EPA designation?

1911

1912 Mr. Bittner - Environmental sensitivity of the property. Low lying. It has

1913 some water. It has a pond on it, as well.

1914

1915 Mrs. Wade - It's already zoned Office.

1916

1917 Ms. Dwyer - Is it considered "wetland," or?

1918

1919 Mr. Bittner - I don't know if its considered to meet the "wetlands" definition.

1920 It's in flood plain, I believe. I couldn't tell you precisely why it is designated...

1921

1922 Ms. Dwyer - You don't know why its designated EPA? Often, we have EPA

1923 areas designated C-1?

1924

1925 Mr. Bittner - Yes.

1926

1927 Mr. Randall R. Silber, Assistant Director of Planning - The EPA area, typically, reflects areas

1928 designated as 100-year flood plain areas. When the Land Use Plan was done, I believe there

1929 are certain areas that were found to be within some of the definitions of the Chesapeake Bay

1930 Preservation definitions and may contain wetlands and other features that may have been felt to

1931 be appropriate to be preserved or identified as "EPA" on the Plan. I think, in this particular

1932 case, as Mrs. Wade said, the property is already zoned O-2. I think in this case, there were

1933 features that were found, extend across quite a bit of this property. I don't think staff is saying

1934 in this case that the entire area shown as "EPA" should be left open. I think we are just

1935 saying, there is a pond on the property, and there may be environmentally sensitive areas

1936 associated with that.

1937

1938 Ms. Dwyer - So, is this EPA designation not valid?

1939

1940 Mr. Silber - From a land use planning standpoint, it is very generalized, based

1941 on information that was available at that time. When the developer goes in to develop the

1942 property, he will have to perform, and have the Corps approve the wetlands or mitigate any

1943 wetlands on the property.

1944

1945 Ms. Dwyer - When was it zoned Office?

1946 Mr. Bittner - 1991, I believe. I've got that Case Number here—C-33C-90

1947 when it was zoned O-2C; 1990-91.

1948

1949 Mrs. Wade - So, basically, that's a reasonable zoning for the land. It's hard to

1950 argue that it's not zoned reasonable when...

1951
1952 Ms. Dwyer - Well, that was another question I had, Mrs. Wade. Is the Office
1953 designation for this portion of the property bordered by Shady Grove, Nuckols, and Old
1954 Nuckols, I guess, is that still valid? Is it still valid to assume that this should be developed as
1955 Office and commercial around here and not residential/multi-family?
1956
1957 Mrs. Wade - Yes. Well, that's hard to say. Of course, it hasn't been so far.
1958
1959 Mr. Bittner - I believe it is, because, as I stated in my presentation, this area,
1960 generally, this is Nuckols Road here (referring to slide). This pocket of land here, as well as
1961 the pocket of land over here, was conceived as an economic development node. It's been
1962 developing as that, for the most part, although mainly on the northern part of Nuckols Road.
1963
1964 The apartments did come in, and that was inconsistent with that original conceived plan. And,
1965 staff tries to uphold the plan. We thought it was a good plan when it first came in. We don't
1966 want to see the trend go away from what the Plan has envisioned for this property.
1967
1968 Ms. Dwyer - Is this map accurate in depicting where development has already
1969 occurred in this triangle? In other words, we have the Camden Apartments, and then we have
1970 the O/S here on the corner. There's no other development. Is that right?
1971
1972 Mr. Bittner - I believe this is accurate. This is an existing office development
1973 here. This area is open, generally. I believe there is a lake there or something. I'm not
1974 positive.
1975
1976 Mr. Silber - Yes. Mr. Bittner. That area where you have the hand moving
1977 back and forth (referring to slide) is the lake. And, Ms. Dwyer, I think it is pretty accurate on
1978 here. The only thing I'll point out, is that there has been another Plan of Development
1979 approved in that Office/Service area just south of Nuckols. But, otherwise, the buildings that
1980 are shown on this plan in this triangular area looks to be accurate.
1981
1982 Ms. Dwyer - I couldn't remember, from my visit, whether anything else had
1983 been added along Nuckols. So, you're saying, there's been a POD approved?
1984 Mr. Silber - Yes ma'am.
1985
1986 Mrs. Wade - There's still space available for office development on the other
1987 side of Nuckols?
1988
1989 Mr. Bittner - Yes. There is.
1990
1991 Ms. Dwyer - Any other questions for Mr. Bittner? Would you like to hear
1992 from the applicant, Mrs. Wade?
1993
1994 Mrs. Wade - Yes. Please.
1995
1996 Ms. Dwyer - Would the applicant come forward, please?

1997
1998 Mrs. Wade - Make a case here.
1999
2000 Mr. Henry L. Wilton - Would you like for me to present the case, again?
2001
2002 Mrs. Wade - You did it before?
2003
2004 Mr. Wilton - Yes ma'am.
2005
2006 Mrs. Wade - Oh. Okay. That was April?
2007
2008 Mr. Wilton - I'll be happy to go through it. It shouldn't take too much time.
2009
2010 Mrs. Wade - I suppose the main point that you need to refute is the basic use
2011 and explain your slight changes in the proffers.
2012
2013 Mr. Wilton - For the record, my name is Henry Wilton. I represent Wilton
2014 Development, contract owner of the 12.63 acres. Our main point here is that this is a good
2015 transition using this property as townhouses. It's been available for a number of years as
2016 Office, and nobody has come in and developed it as Office. I think the Staff is right as far as
2017 Nuckols Road and that area being developed for commercial purposes. This area, especially,
2018 now when you see it adjacent to the apartments that have been put in there, and looking at
2019 what's planned across the street at Old Nuckols and also Shady Grove where you've got low
2020 density, high end single family houses going, I would submit that the people that would be in
2021 these townhouses—These townhouses are going to be from \$160,000 to \$200,000. The people
2022 in these single family areas would rather view our development, versus the Office
2023 development.
2024
2025 We have given Mr. Bittner everything he has asked for in regard to proffered conditions.
2026 Conceptual plans, building elevations, which I passed out to everybody. We've also proffered
2027 conditions as far as the materials. So, I wanted to make sure that you do have a quality
2028 project.
2029 The only two differences; the two changes, which Mr. Bittner alluded to, was one was the use
2030 of regular gutter instead of the roll face gutter which we had no problem with. And the only
2031 other change was the rewording of one proffer; Proffer No. 12 for clarification. That was the
2032 only difference.
2033
2034 I think that the staff report does note that this could be a good transition area. I understand the
2035 staff could not agree to it because the Land Use Plan does not agree with it. The Land Use
2036 Guide does agree with it.
2037
2038 So, those are the main points. If you have any questions, I'd be happy to answer them.
2039
2040 Mrs. Wade - Are there any other townhouses for sale near this area?
2041

2042 Mr. Wilton - There is a project that's being developed right now in Wyndham
2043 by Dobson and Company; Dobson Builders.
2044
2045 Mrs. Wade - Townhouses for Sale?
2046
2047 Mr. Wilton - Yes ma'am.
2048
2049 Mrs. Wade - Are they along the Nuckols edge, or internal?
2050
2051 Mr. Wilton - I don't know the exact location. I do know it is currently being
2052 developed. The dirt work is being done right now. The townhouses have not been started yet.
2053
2054 Mrs. Wade - Oh. Okay.
2055
2056 Mr. Wilton - I think those townhouses are less expensive than ours, but, again,
2057 a townhouse development. We've redone the proffers. So, again, you're looking at the final
2058 project in regard to the elevation I passed out which incorporates at least 50 percent brick in
2059 the front and along the sides and so on. So, I think we've come up with a good product. I
2060 think it was a good transition, especially looking at the single family around it.
2061
2062 Ms. Dwyer - Any other questions for Mr. Wilton? A lot of the designation of
2063 the Land Use Plan of almost all this property is EPA. What environmental steps will you take
2064 in development of this property?
2065
2066 Mr. Wilton - We've met with the Army Corps of Engineers on this project and
2067 we know approximately where the wetlands are. It will probably be mitigated. Some of the
2068 property is wetlands. We do, actually, in our plans, we are going to increase the size of the
2069 pond that's on the property right now. I have met with the adjacent property owner, Mr.
2070 Jones, and we've reviewed the area of his property adjacent to us and we've put in buffers for
2071 him also. But, it is a sensitive piece of property, in that we are expanding the pond that's on
2072 there now. Mr. Bittner said that we're also putting aside 250 square feet per unit as
2073 recreation. In reality, we have a lot more than that. The density here is only 5.4 units per
2074 acre; no more than 68 units.
2075
2076 Ms. Dwyer - And what will the recreational area be? Will it be paved tennis
2077 courts, or...
2078
2079 Mr. Wilton - We've got a gazebo, dock area. We've got a park area. The
2080 people in these townhouses are going to be older people. They're not going to be a lot of
2081 children in these townhouses, especially the price point starting at \$160,000. We haven't
2082 worked out the exact amenity package. When we come back before the Planning Commission,
2083 we'll have that in place. But, right now, it is, basically, passive parks, gazebo, a little pier
2084 area around the pond to claim that as an amenity.
2085
2086 Ms. Dwyer - And these are two story?
2087

2088 Mr. Wilton - Yes ma'am.
2089
2090 Ms. Dwyer - And you think these will appeal to older residents?
2091
2092 Mr. Wilton - Yes ma'am.
2093
2094 Ms. Dwyer - My experience is that the "empty nest" purchaser wants a single
2095 floor.
2096
2097 Mr. Wilton - These are large units. Some of them have first floor masters to
2098 accommodate that.
2099
2100 Ms. Dwyer - Some of them do. How many?
2101
2102 Mr. Wilton - I don't have the exact layout of the unit. This is what will be
2103 built on the project. They're multiple layouts Ryan homes has done.
2104
2105 Mrs. Wade - Some of those decrepit 55 years old don't mind having two
2106 stories.
2107
2108 Ms. Dwyer - I realize that Mrs. Wade. One of the criticisms of the Richmond
2109 area in the paper recently was there wasn't enough single floor residential options for people.
2110
2111 Mrs. Wade - No. I realize that.
2112
2113 Ms. Dwyer - Regardless of age.
2114
2115 Mrs. Wade - And you will not be coming back in a couple of months with
2116 property across the road here and saying, "Look I've got 5.4 across the street?"
2117
2118 Mr. Wilton - No ma'am. I will not be doing that. No.
2119
2120 Mrs. Wade - All right. Thank you. It may attract more children here than
2121 some townhouses might, mostly because of the development amenities, schools and things and
2122 are coming nearby. But Schools didn't have a comment about this project, I don't believe.
2123 Anyway, was there anybody here in opposition?
2124 Ms. Dwyer - I don't believe there's any opposition to this case.
2125
2126 Mrs. Wade - Are you ready for a motion?
2127
2128 Ms. Dwyer - Yes.
2129
2130 Mrs. Wade - Looking at the notes, reminded me, we've heard this before. I
2131 think the problem then was, the comment was, "Since the Land Use Plan provided for the
2132 Office use, that we needed to consider this very carefully and be sure that there were quality
2133 assurances if houses were to come here." I think, yes, it probably could serve as a transitional

2134 area here between the apartments and higher and lower density west of here. I certainly would
2135 not want it to become a precedent for higher density to the west, which, I suppose, is up to
2136 further decisions by the group and the Board of Supervisors. And there are not currently, I
2137 think, many townhouses for sale in this immediate area. So, I would move that Case C-28C-
2138 99 be recommended to the Board for approval.

2139
2140 Ms. Dwyer - Is there a second?

2141
2142 Mr. Bittner - I just wanted to point out real quick that the time limit will need
2143 to be waived on the proffers.

2144
2145 Mrs. Wade - I waive the time limits for those slight changes in the proffers.

2146
2147 Mr. Vanarsdall seconded the motion.

2148
2149 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
2150 those in favor to waive the motion to waive the time limits, say aye—all those opposed by
2151 saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mr. Donati abstained). The motion
2152 carries.

2153
2154 Mrs. Wade - Okay. So, I move that C-28C-99 be recommended to for
2155 approval.

2156
2157 Mr. Vanarsdall seconded the motion.

2158
2159 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
2160 those in favor to waive the proffers, say aye—all those opposed by saying nay. The vote is 3-1
2161 (Ms. Dwyer voted no, Mrs. Quesinberry absent, and Mr. Donati abstained). The motion
2162 carries.

2163
2164 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
2165 Commission voted 3-1 (one nay, one absent, one abstention) to recommend that the Board of
2166 Supervisors accept the proffered conditions and grant the request because it reflects the type of
2167 residential growth in the area; and the proffered conditions would provide for a higher quality of
2168 development than would otherwise be possible.

2169 Mrs. Wade - Mr. Donati is not voting is he, but we got 3 to 1?

2170
2171 Ms. Dwyer - Three to one, yes. Would you like to clarify that for the record,
2172 Mes. Wade?

2173
2174 Mrs. Wade - No. It came across loud and clear, but I'm used to writing 4 and
2175 1.

2176
2177 **C-43C-99** James W. Theobald for the H. H. Hunt Corporation: Request to
2178 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
2179 (Conditional) and R-3AC One Family Residence District (Conditional), Parcel 11-A-1A,

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EDWARDS REZONING A-1 TO R-3C

BEGINNING AT A POINT ON THE SOUTH LINE OF TWIN HICKORY LANE, SAID POINT BEING 787.50' EAST OF THE EAST LINE OF NUCKOLS ROAD; THENCE FROM SAID POINT OF BEGINNING AND LEAVING THE SOUTH LINE OF TWIN HICKORY LANE N 5° 23' 15" W, 316.41' TO A POINT; THENCE N 3° 55' 30" W, 73.09' TO A POINT; THENCE N 51° 13' 30" E, 489.85' TO A POINT; THENCE N 58° 19' 40' E, 383.84' TO THE TRUE POINT AND PLACE OF BEGINNING; THENCE FROM SAID TRUE POINT AND PLACE OF BEGINNING N 58° 19' 40' E, 680' + TO A POINT IN THE CENTERLINE OF THE CHICKAHOMINY RIVER; THENCE FOLLOWING THE MEANDERING OF THE CHICKAHOMINY RIVER IN A SOUTHEAST DIRECTION 225' + TO A POINT; THENCE LEAVING THE CENTERLINE OF THE CHICKAHOMINY RIVER S 51° 13' 30' W, 700' + TO A POINT; THENCE N 30° 09' 10" W, 287.38' TO THE TRUE POINT AND PLACE OF BEGINNING CONTAINING 3.9 + ACRES OF LAND.

EDWARDS REZONING A-1 TO R-3AC

BEGINNING AT A POINT ON THE SOUTH LINE OF TWIN HICKORY LANE, SAID POINT BEING 787.50' EAST OF THE EAST LINE OF NUCKOLS ROAD; THENCE FROM SAID POINT OF BEGINNING AND LEAVING THE SOUTH LINE OF TWIN HICKORY LANE N 5° 23' 15' W, 316.41' TO A POINT; THENCE N 3° 55' 30" W, 73.09' TO A POINT; THENCE N 51° 13' 30' E, 489.85' TO A POINT; THENCE N 58° 19' 40' E, 323.84' TO A POINT; THENCE S 30° 9' 10" E, 287.38' TO A POINT; THENCE S 51° 13' 30" W, 984.01' TO THE POINT AND PLACE OF BEGINNING CONTAINING 6.559 ACRES OF LAND.

Mr. Marlles - The staff presentation will be given by Mr. Mark Bittner.

Ms. Dwyer - Good evening, Mr. Bittner? Is there any one in the audience in opposition to Case C-43C-99 James W. Theobald for the H. H. Hunt Corporation? We do have opposition. Mr. Bittner.

Mr. Bittner - Thank you, Ms. Dwyer. The applicant has proffered on this property to develop no more than 32 lots.

And the adjacent property is also currently under rezoning. I'd like to switch over to this overview. This is the case we're hearing right now. This is the adjacent case, C-18C-99, which is scheduled to be heard by the Board of Supervisors on June 22nd. These two rezoning cases are planned to be developed in conjunction as one proposed subdivision.

C-18C-99 is proffered to have no more than 200 lots, bringing the total number of lots to 232 within this subdivision. This equals to an overall density of 2.72 net units per acre. This would be compatible with the Suburban Residential 2 designated portion of this property. As a point of comparison, the density of the neighboring Wyndham Forest Subdivision is 2.4 units per acre.

2224
2225 The proffers submitted with this proposal include items also proffered with Wyndham Forest.
2226 The Staff finds the submitted proffers to be generally acceptable.
2227
2228 Major issues with this application are access and the proposed subdivision design. A
2229 preliminary road layout, submitted by the applicant, shows that access would come from both
2230 Twin Hickory Lane and through Wyndham Forest.
2231
2232 The Public Works Office has stated that Twin Hickory Lane would most likely need to be
2233 improved to Nuckols Road before access could be granted to it. The applicant has proffered to
2234 construct this roadway as part of the adjacent rezoning case of C-18C-99.
2235
2236 The applicant has also proffered that no more than 50 Certificates of Occupancy may be issued
2237 until two permanent points of access are provided for this proposed subdivision. This would
2238 apply to both cases; C-18C-99 & C-43C-99.
2239
2240 Several neighbors have expressed opposition to the adjacent C-18C-99 case, because of
2241 potential drainage problems, school overcrowding, and traffic impacts on Twin Hickory and
2242 Opaca Lanes. At one point C-18C-99 would have accessed Opaca Lane, but that access is no
2243 longer part of that proposal.
2244
2245 Concept Road 10-1 shown here (referring to slide) is on the Major Thoroughfare Plan as an
2246 established alignment through Wyndham Forest. The applicant has revised the proffers to
2247 include construction of 10-1 as part of this proposed subdivision. Staff also recommends that the
2248 applicant consider providing a planting easement along Concept Road 10-1.
2249
2250 The applicant has also proffered that no more than 70 Certificates of Occupancy may be issued
2251 per year for this subdivision. This would include the C-18C-99 property. The applicant's intent
2252 for this phasing proffer is to allow better planning for schools and public facilities by knowing
2253 how many units can be added on an annual basis.
2254
2255 As the staff stated at the last Planning Commission hearing, We feel the purpose of a phasing
2256 proffer should be to *slow* development so that schools and public facilities could better
2257 accommodate new growth. The proffered phasing level of 70 CO's would not appear to be
2258 effective when compared with neighboring subdivisions.
2259
2260 During 1998, 54 CO's were issued in Avery Green; 45 were issued in Scots Glen; and only 4
2261 were issued in Wyndham Forest. Also, the 70 CO's limit would carry over each year meaning
2262 that, if no CO's were issued in, for example, year 2001, 140 CO's could be issued in year 2002.
2263 Staff does not feel that this proffer would greatly aid in planning for school and public facility
2264 needs in this area of the County. Staff recommends lowering the allowed number of CO's to 35
2265 per year.
2266
2267 In summary, the requested use, zoning, and proffers are compatible with adjacent
2268 development. However, there are still outstanding issues concerning a planting easement along
2269 Concept Road 10-1, and the level of development phasing. If these issues were to be

2270 addressed by the applicant, staff could recommend approval of this application. I'd be happy
2271 to answer any questions you may have.

2272
2273 Mr. Bittner - Any questions for Mr. Bittner by Commission members?

2274
2275 Mrs. Wade - You mentioned the planting strip to the applicant?

2276
2277 Mr. Bittner - It's in the staff report. I haven't talked to him about that,
2278 specifically, no.

2279
2280 Mrs. Wade - Thank you.

2281
2282 Mr. Archer - Mr. Bittner, let me make sure I understand about the Certificates
2283 of Occupancy. Your recommendation would be to lower the number to 35 per year. Now, if
2284 we did that and in a particular year, none were issued, the carryover provision would still
2285 apply?

2286
2287 Mr. Bittner - Correct.

2288
2289 Mr. Archer - But, you'd be beginning with a lower base. Is that what makes
2290 this more palatable?

2291
2292 Mr. Bittner - Well, that would be a level that, I think, would allow Schools and
2293 the government to better plan for facilities. As I said, they've set the bar rather right, I think,
2294 and most subdivisions don't even meet that anyway. So, I don't see where Schools or the
2295 Government would be aided in their efforts to try and plan for future development. So, I think
2296 bringing that number down to 35, I chose that as the half way point for what they wanted to
2297 do. I thought it was somewhat compatible with what you saw in Avery Green and Scotts Glen
2298 and Wyndham Forest.

2299
2300 Mr. Archer - Okay.

2301
2302 Mrs. Wade - And what would the figures be then on how many had been
2303 developed?

2304
2305 Mr. Bittner - Avery Green was 54 in 1998; 45 in Scots Glen. We felt that was
2306 also a rather busy year. Those were high numbers, generally.

2307
2308 Mrs. Wade - So, the chances are they wouldn't be issuing Certificates of
2309 Occupancy for 70 anyway?

2310
2311 Mr. Bittner - Yes. That's my feeling.

2312
2313 Mrs. Wade - Thank you.

2314

2315 Ms. Dwyer - So, its tantamount to not really having a provision to phase the
2316 lots.
2317
2318 Mr. Bittner - It could be interpreted that way.
2319
2320 Ms. Dwyer - What did you say the density in Wyndham Forest was?
2321
2322 Mr. Bittner - 2.4 units per acre.
2323
2324 Ms. Dwyer - And then the density for this is 3.06?
2325
2326 Mr. Bittner - 2.72 net units per acre. There might be a different figure because
2327 we calculated it with and without the flood plain area on the property, which is up here along the
2328 Chickahominy River.
2329
2330 Ms. Dwyer - Right. So, it's 3.06 in the staff report, because that did not include
2331 flood plain. Is that right?
2332
2333 Mr. Bittner - Let me see if I can find that?
2334 Mrs. Wade - It did include...
2335
2336 Mr. Bittner - Where are you looking? Okay. Right here.
2337
2338 Mrs. Wade - On Page 1, it says, "3.06."
2339
2340 Mr. Bittner - Now, I understand it. The 3.06 would apply to just this property
2341 under C-43C-99. That includes the flood plain. As I said, it would be developed in conjunction
2342 with this property. But the overall density of both cases, together, is 2.72 net units per acre.
2343
2344 Ms. Dwyer - 2.72. And that's including the flood plain area or not?
2345
2346 Mr. Bittner - Yes.
2347 Ms. Dwyer - So, it's slightly above the density for the adjacent Wyndham
2348 Forest, and that's probably due to the difference in the flood plain?
2349
2350 Mr. Bittner - Probably. Yes. It is slightly lower than Wyndham Forest.
2351
2352 Ms. Dwyer - Because that's R-3 and R-4. Is that right?
2353
2354 Mr. Bittner - Yes ma'am.
2355
2356 Mrs. Wade - But still have the SR-2?
2357
2358 Ms. Dwyer - Right?
2359
2360 Mr. Bittner - Right.

2361
2362 Ms. Dwyer - Why was this designated SR-2? Do you know, instead of SR-1 in
2363 the long range Land Use Plan?
2364
2365 Mr. Bittner - Precisely? I don't know.
2366
2367 Ms. Dwyer - Mr. Silber, can you explain that?
2368
2369 Mr. Silber - I'll take a shot at that. Yes ma'am. I wish I had an overall view
2370 of the larger area. But the area that was shown, a sort of a triangular area between Nuckols,
2371 Pouncey Tract, and Shady Grove was designated as SR-1. The area that was north of Nuckols
2372 Road; the County felt that adjacent to some of this economic development area of Office/Service,
2373 and Office, and Business, we thought the density should be somewhat higher. When they came
2374 in with this non-residential use, they also came within some zoning adjacent to it, and we started
2375 this trend that the R-4 adjacent to the non-residential. We felt that trend should continue to the
2376 Chickahominy. The lower density area is where we had some sewer capacity limitations.
2377 Again, it is down south of Nuckols between Shady Grove and Pouncey Tract.
2378 There's a dividing line that's been attempted to be kept using the Concept Road as sort of a
2379 dividing line or line of demarcation between the R-3 and the R-3A. In some cases the R-3 and
2380 the R-4.
2381
2382 Mrs. Wade - Some of it is over in residential. I looked at that and was
2383 surprised.
2384
2385 Mr. Bittner - Let me pull up the Land Use Plan.
2386
2387 Mrs. Wade - On Wyndham Forest, I don't remember the discussions about that.
2388
2389 Mr. Silber - That may be because of the proximity to the Office/Service zoning
2390 that was in place when the Land Use Plan was done.
2391
2392 Ms. Dwyer - Thank you. Any more questions for Mr. Bittner? We do have
2393 opposition. Mrs. Wade, would you like for the applicant to come forward? We're going to hear
2394 from the applicant, first, probably. Would you like to have a few minutes reserved?
2395
2396 Mrs. Wade - They have a couple of issues still that Mr. Bittner didn't...
2397
2398 Mr. James W. Theobald - I understand. Madam Chairman, ladies and gentlemen, my name
2399 is Jim Theobald. I am here this evening on behalf of H. H. Hunt and also Norman and Bonnie
2400 Edwards, the owners of this 10-acre parcel of land. This is a request to rezone from
2401 Agricultural to R-3 and to R-3A, totally consistent with your Land Use Plan. You will recall, a
2402 month ago, that you did recommend approval of the case next door on the 80 acres. I feel a little
2403 bit like we're retrying that case this evening with staff. This is the 10-acre appendage to that
2404 case. The issues are exactly the same. Our proffers are consistent with Wyndham Forest, as
2405 well as the other Hunt communities. They do include a commitment to rezone the flood plain C-

2406 1. You heard the effectiveness of that program earlier this evening in your discussion regarding
2407 open spaces.

2408
2409 Our minimum house sizes in the R-3A are a minimum of 1,800 square feet finished floor area; in
2410 R-3, 1,850 feet. These homes will sell for in excess of \$200,000 a piece. We have proffered
2411 out no stem-shaped flag lots. No homes fronting on Concept Road 10-1.

2412
2413 We have included a phasing proffer in response to concerns about schools. We think that
2414 condition is effective that phasing proffer has not been imposed or even requested on other cases
2415 in the area. And, we believe it is effective for the Schools to plan for future growth.

2416
2417 We have capped our density on this piece at 32 dwellings. There is significant flood plain on
2418 this. Our densities are well within the Land Use Plan's designation of SR-2 2.4 to 3.4 in the
2419 Urban Residential which actually goes up to 6.8 units per acre.

2420
2421 We have worked with Public Works on our access plans. Do you have the other sheet, Mark,
2422 that shows the proposed layout. It was put in the Staff Report. I can unfold this if its helpful.

2423 We did meet with Public Works, as I mentioned, last month to determine the best way to access
2424 this property. We had initially envisioned going out through this parcel of land here down
2425 Opaca. That did not meet with much favor with the residents on Opaca. We had been in
2426 discussion with Mr. and Mrs. Edwards regarding their piece. And the inclusion of their piece
2427 enabled us to, basically, get with Public Works and agree that we could access both down Twin
2428 Hickory Road, which is shown on your Thoroughfare Plan as a connection up to Concept Road
2429 10-1 which runs in an east/west alignment, and also to connect further to the north and back
2430 down through Wyndham Forest. And we did include a proffer that no more than 50 Certificates
2431 of Occupancy until we had more than one connection.

2432
2433 I believe that the issues in this case are identical. The addition of this 10 acres allows us, I think,
2434 to better plan this roadway system.

2435
2436 The comment in the staff report about drainage, I think, was an early concern of the Edwards'.
2437 The drainage goes towards the river. It doesn't go towards any other neighbors. And, while we
2438 were discussing drainage issues with them, and I believe staff was aware of that. I think that is
2439 the genesis of the comment in the staff report. But, that drainage doesn't go in any other
2440 direction but through our property up to the river. So, I'd be happy to answer any questions. I
2441 do believe that this case is appropriate for recommendation to the Board of Supervisors, in as
2442 much as, it is consistent with the Land Use Plan and will continue the quality pattern of large-
2443 tract planned development, as evidenced by Snyder-Hunt and H. H. Hunt in this part of the
2444 County. I'd be happy to answer any questions.

2445
2446 Mrs. Wade - How many lots are there now in this?

2447
2448 Mr. Theobald - 32 lots.

2449
2450 Mrs. Wade - The proposed, plus the Edwards' parcel?

2451

2452 Mr. Theobald - Thirty-two (32) Lots in the Edwards parcel; 200 the Chappell piece
2453 that you approved last month.

2454
2455 Mrs. Wade - Now, does the 70 apply to this 232?
2456

2457 Mr. Theobald - Yes ma'am. We have, basically, cross referenced the other case in
2458 each case. So, that when read together, they are tied. If you'll look at Condition No. 9, it says,
2459 "The owner shall not request or be entitled to receive Certificates of Occupancy for more than
2460 70 residential units on the property, " meaning the Edwards property in this case, "...and the
2461 property which is the subject of Case No. C-18C-99, per year on a cumulative basis, etc..."
2462

2463 Mrs. Wade - How do you respond to the comment about the landscape strip
2464 along Cox Road?
2465

2466 Mr. Theobald - That was something that was not raised on the Chappell piece, and
2467 something that, frankly, I was not aware of. We were trying to determine this evening, whether
2468 or not such a green space existed on Concept Road 10-1 as it goes through Wyndham Forest.
2469 And, unfortunately, Mr. Schmitt nor Mr. Tyler are here this evening, and the rest of us just
2470 don't flat remember. What I'd like to do is, I can get with you in the morning and let you know,
2471 clearly, if we have provided greenbelts along there. We will be happy to do that.
2472

2473 You might recall that the whole scope of that road has been reduced through your amendment of
2474 the Thoroughfare Plan, in that it no longer continues on down towards the landfill. The scope of
2475 this road has been somewhat lessened in terms of the amount of traffic it picks up. So, it's not
2476 quite the major thoroughfare that it was once proposed to be.
2477

2478 But I will pledge to get back to you between now and the Board, Mrs. Wade, to see if we can do
2479 that. Obviously, if we can do that, we've done that on other roads in different projects and Twin
2480 Hickory. But, without my engineer at the side, I'm reluctant to arbitrarily commit if we haven't
2481 also done it in Wyndham Forest previously.
2482

2483 Mrs. Wade - I'm sure if it's a greenbelt or whether it's a landscape strip to
2484 protect the size of the lots, that is the main point here.
2485

2486 Mr. Theobald - We've already said that houses cannot front that road.
2487

2488 Mr. Bittner - We were simply envisioning an aesthetic green buffer along the
2489 road similar to what's in a lot of Wyndham.
2490

2491 Mr. Theobald - What we've done in Wyndham is we have greenbelts of, I think,
2492 30 feet along Nuckols Road, and we have 20 feet, or 25 feet along the major loop road, but no
2493 other greenbelts along the internal roads in the subdivisions in Wyndham. We did the same in
2494 Twin Hickory. With the main road we had a greenbelt, I believe, but not the internal
2495 subdivision roads. That's something that we're not reluctant to do. I just don't know the impact
2496 on the engineering and the lot layout without asking Mr. Tyler that question.
2497

2498 Mrs. Wade - If you could come up with an answer before it goes to the Board.
2499
2500 Mr. Theobald - Yes ma'am. I can come up with that, this week.
2501
2502 Ms. Dwyer - Any other questions for Mr. Theobald?
2503
2504 Mr. Archer - Mr. Theobald, could you revisit, for just a minute, the phasing
2505 proffer No. 9? I would just like to elicit some response from you, staff's concern about the 35
2506 certificates of occupancy as opposed to 70?
2507
2508 Mr. Theobald - Well, you know, I guess the best reaction that Mr. Bittner gave,
2509 was it was somewhere what I would ask for, and zero. The fact of the matter is that what we
2510 were trying to do in such a proffer is tell the Schools, the maximum number that we think that
2511 we will be building over time, we never know exactly how many we're going to bring on line in
2512 any given year. But, this represents a three or four year buildout, basically, of this section.
2513 So, what we tried to do was, ascertain the number that we thought might come on line in a year,
2514 and then try to have a proffer. If we didn't hit that number in one year, we could carry those
2515 forward. But, I think the fundamental issue here is, in this proffer, you know, H. H. Hunt has
2516 spent a tremendous amount of time with the Henrico County School system with regards to all of
2517 their developments. And, as you know, and I don't need to repeat, has been, I think, a big
2518 supporter and donator, financially and otherwise to the School system in this area. But our
2519 purpose in such a proffer is not to slow growth. I mean the Board of Supervisors has not set
2520 forth a policy, to my knowledge, where they've said, "We are about to slow growth; put a
2521 moratorium on growth; impose a similar proffer on all of these cases in all other areas where
2522 schools are crowded." While the staff report suggests this proffer ought to be designed to slow
2523 growth, I submit that's not what it's about at all. It's about planning for growth. And what our
2524 discussions with the School Board have said is that, "We're not trying to stop anybody from
2525 developing or growing." What they're saying is, they've enjoyed a symbiotic relationship; good
2526 relationship with the Board of Supervisors. And that as long as the funding continues to build
2527 new schools, they're prepared to meet the needs of County school-age children. So, we're
2528 coming from a little bit of a different philosophical perspective I think in the staff report as here.
2529 There was certainly no such proffer imposed on the case Mr. Windsor did on down Nuckols
2530 Road. There was not a similar proffer in the Twin Hickory development that we did recently.
2531 And we believe that this can adequately work to protect the growth as planned.
2532
2533 I know you are aware of the schools that are planned for this area that are coming on line. The
2534 elementary school will be open by the fall of 2000. So, we have a little bit of a difference of
2535 opinion, I suppose, with the Planning Staff on that one particular issue.
2536
2537 Mrs. Wade - As I recall, Mr. Windsor's is R-2, R-2A, or something. I think
2538 the reason for it is that suddenly everybody has looked up and said, "It's getting harder to keep
2539 up with the school development." Of course, then, if it weren't for H. H. Hunt, this is
2540 oversimplification, obviously, we wouldn't need the school site there in the first place. I'm sure
2541 they're supportive...
2542

2543 Mr. Theobald - Those are award-winning schools out there that we're all very
2544 proud of.
2545

2546 Mrs. Wade - I think, when I asked about how many were, basically, sold last
2547 year, he mentioned those two over there; Scots Glen and the other one. You don't know how
2548 many were built in Wyndham Forest then?
2549

2550 Mr. Theobald - Well, in Wyndham Forest, we really haven't had many lots
2551 available in Wyndham Forest, so you...
2552

2553 Mrs. Wade - Houses seem to be springing up like mushrooms.
2554

2555 Mr. Theobald - They are now, I'm sure. But I mean, last year. I'm not at least
2556 the bit surprised at the low number of CO's that were developed out there, because we just didn't
2557 have the lots to deliver. In Wyndham Forest and Avery Green, which the infrastructure has
2558 been in for a number of years, I think there were 50 CO's in one and 40 in the other. So you
2559 were looking at 90 some in those two last year. We just didn't have lots to market on Wyndham
2560 Forest. So, those comparisons, I'm really sure that they tell you anything in the abstract as to
2561 what to expect.
2562

2563 Ms. Dwyer - Well, I did understand Mr. Bittner to say that there's a high level
2564 of activity in schools.
2565

2566 Mr. Theobald - Well, that was his opinion. I'm not sure what it was based on.
2567 I'm just not sure what, fundamentally, some of these comments are based on, other than a
2568 hunch.
2569

2570 Ms. Dwyer - May I ask a question of Mr. Bittner along this line? Why did we
2571 not get a report from the Schools on this particular case?
2572

2573 Mr. Bittner - We got it late, and I have their comments here tonight. They are
2574 pretty much close to what was already said in the previous case, C-18C-99. They did have some
2575 adjusted student yield numbers, based on the acreage here.
2576

2577 Ms. Dwyer - Do we have an analysis of the number of subdivision lots that have
2578 been approved in the County, and expected number of students that would yield, compared to the
2579 capacity of our schools; looking at the Schools as we have, not with schools that are existing but
2580 the schools that are planned and funded?
2581

2582 Mr. Bittner - I'm not aware of any such analysis, but I think that's something
2583 could be done along those lines.
2584

2585 Ms. Dwyer - You know, this keeps reoccurring. Personally, I would like to
2586 have that information before we rezone any more subdivisions by next month, I guess, before we
2587 rezone any more subdivisions in the County, because some of the School reports indicated some
2588 concerns about the rapid growth. It occurred to me that it would be nice to have a fairly concise

2589 analysis comparing full build out of the subdivision lots that have already been approved and the
2590 school capacity.

2591
2592 Mr. Marlles - Ms. Dwyer, we don't have it yet, but we have actually met with
2593 the School Planning Staff to begin that process.

2594
2595 Ms. Dwyer - Okay. Will that be available by next month?

2596
2597 Mr. Marlles - I'm not going to promise you that, but we are going to move on it
2598 as fast as we can.

2599
2600 Ms. Dwyer - Thank you.

2601
2602 Mrs. Wade - For whatever its worth, I looked at that material that we have on
2603 Chesapeake, and it said that they don't zone if its going to mean more than 120 percent of
2604 capacity. I did ask about a School Board member about that, specifically. I forget the exact
2605 figures. But what she gave were the ones that have the trailers out in the west end. It's not over
2606 120 at this point.

2607
2608 Ms. Dwyer - It's not over 120? Yes. I wondered about that as well. Any other
2609 questions of Mr. Theobald? No questions. We'll hear from the opposition now.

2610
2611 Mrs. Wade - Time?

2612
2613 Ms. Dwyer - I don't believe you used all of your 10 minutes. I think you used
2614 about five. Is the opposition familiar with the Planning Commission's rules as far as the timing
2615 or comments for opposition? If not, we'll go over those. We went through it once. There is 10
2616 minutes total for the opposition, not including questions that the Commission ask.

2617
2618 Mr. Andy Turner - Is that 10 minutes for total opposition? I probably won't take too
2619 long. My name is Andy Turner. I live on Twin Hickory Lane. And I'll try to express what I
2620 kind of see here from a lay position. I'm looking at the drawing right here.

2621
2622 This 10-acre tract is actually part of an 80-acre development. I'm looking. I can see here now.
2623 I can count one, two, three, four outlets on Twin Hickory Lane on this drawing. Also,
2624 underway and under construction now, is another lane tying into Twin Hickory Lane that's
2625 coming from Wyndham Forest. We are to be the second outlet for Wyndham Forest.

2626
2627 Also, I think as you get on back towards Nuckols Road further on the drawing, there's an outlet
2628 for the Church to come onto Twin Hickory Lane, a sort of across the road. And when you get
2629 back closer to Nuckols Road, the last drawing I saw shows two outlets coming out of the retail
2630 there. So, all this spells a lot of traffic, to me, and I'm sure to some of the other people along
2631 Twin Hickory Lane. I saw a report in the Staff Report awhile back. I think they were talking
2632 about, if this development, and whatever we're talking about 1,800 cars a day or 2,000 a day.
2633 Has anybody heard anything about it or seen any report how many cars per day?

2634

2635 Ms. Dwyer - I see that this site generates 361 trips per day.
2636
2637 Mr. Turner - Three hundred and sixty-one (361) trips per day?
2638
2639 Ms. Dwyer - For this site.
2640
2641 Mr. Turner - Is this for the total project?
2642
2643 Ms. Dwyer - Just for this case before us.
2644
2645 Mr. Turner - Just for this case here. Okay. Right. This is part of the whole 80-
2646 acre development. So, you add it all together, you'd be talking about, I saw 1,600 and some, I
2647 think, on one report. So, we're talking about 2,000 probably cars per day just from this right
2648 here. That's my major concern. I'm really not opposed to development. But this is an awful lot
2649 of traffic. And, I think something better could be worked out; maybe worked out before this
2650 was approved.
2651
2652 Another question in my mind is the limit on the housing. This is going to generate 232 houses.
2653 Of course, all of the traffic goes along with it, which we just talked about. What about the limit
2654 on the houses? What we really need here; what we're hurting for is a second access. Pouring
2655 all this on Twin Hickory Lane, to me, just kind of boggles me a little bit, you know.
2656
2657 We talked about Opaca Lane, and possibly what this 19-1? What kind of control? Do we have
2658 any control? I'm hearing 35 houses; 50 houses? Are we going to build 50 and 100 houses and
2659 then say, "Stop. You can't build no more until we get a second access."
2660 Mrs. Wade - Mr. Theobald can respond when you get through. We won't
2661 receive more than 50 Certificates of Occupancy on this property and the adjoining one until a
2662 secondary point of access is provided.
2663
2664 Mr. Turner - Oh, "secondary point of access?" In other words they can only
2665 build a total of 50 houses on this total project."
2666
2667 Mr. Theobald - In deference to Mr. Turner's comments, this Plan shows public
2668 access that the Public Works Department has preliminarily approved a design that this would
2669 meet the two accesses. I don't want to mislead you. What you're seeing up here; we're coming
2670 out of Twin Hickory here through this way is one. And either coming out this way or coming
2671 out this way through Wyndham Forest will constitute secondary access from Public Works.
2672
2673 Mr. Turner - What we're doing here is constructing an access, and then we're
2674 tying a leg into this from the other one, and saying, "Okay, this is another access." Now, how
2675 many people is going to drive around through the park and go the other way and not go up Twin
2676 Hickory Lane? This is, you know...
2677
2678 Mrs. Wade - Twin Hickory will have to be improved before they get any
2679 Certificates of Occupancy Twin Hickory has to be improved out to Nuckols. The sooner it gets

2680 improved, and the sooner you get some cars on it, you'll get a light down at Twin Hickory and
2681 Nuckols.

2682
2683 Mr. Turner - I'm trying to understand; how many homes can you build before
2684 you have a second access? I want to know when the second access is coming? Are we going to
2685 stop it at 50 or 100, and say, "Now, we're going to use Opaca Lane. We're going out to 19-1,
2686 or is something else going to have to be created or?"

2687
2688 Mr. Bittner - Maybe I can clear that up. The applicant has proffered something
2689 consistent with the Planning Commission policy which is, they will ask for no more than 50
2690 CO's until a second point of access is built. So, most likely, they would improve Twin Hickory
2691 Lane, build 50 homes, and then they would have to get a second point of access.

2692
2693 Ms. Dwyer - Which might be Concept Roads 10-1 and 19-1? Is that right?

2694
2695 Mr. Bittner - It could be 10-1, or 19-1. It wouldn't be Opaca Lane, not with the
2696 way that case is now structured.

2697
2698 Ms. Dwyer - Or 10-1 through Wyndham Forest.

2699
2700 Mr. Bittner - Yes ma'am. There's nothing that says it has to be that second
2701 access through Wyndham Forest, although, that's what they're planning at this point.

2702
2703 Ms. Dwyer - So, it looks like the second point of access would be via 10-1 one
2704 way or the other? No? Mr. Theobald is shaking his head.

2705 Mr. Theobald - It's through the Edwards' piece and back down through Wyndham
2706 Forest. Here's the primary access at the terminus of the existing Twin Hickory. Okay.
2707 Secondary access is achieved by going through here and down and out through - You will
2708 eventually be able to go all the way to Shady Grove or currently down through Wyndham Forest
2709 and back to Nuckols Road at a different location. Eventually, 10-1, but initially, probably,
2710 through Wyndham Forest.

2711
2712 Mrs. Wade - Has Public Works approved this arrangement here with this kind
2713 of rectangle? It seemed to me that was proposed earlier, and they weren't...

2714
2715 Mr. Theobald - Earlier, Mrs. Wade, before we acquired the Edwards parcel, there
2716 were a number of plans discussed down in this area (referring to slide) that you were aware of,
2717 when we were trying to achieve secondary access that Public Works would not approve. Then
2718 we agreed to acquire the Edwards property. It gave us the ability to reconfigure. We will have
2719 to re-subdivide a little bit down here in Wyndham Forest in order to achieve that secondary
2720 access. But the scheme that you see before you has been blessed by Public Works.

2721
2722 Mr. Turner - And what I'm sort of saying here is a person right on Twin
2723 Hickory Lane and coming this way, he's just going to volunteer to take a right and go out to
2724 Wyndham Forest and go out through another way?

2725

2726 Mrs. Wade - He can probably go out Twin Hickory.
2727

2728 Mr. Turner - I beg your pardon?
2729

2730 Mrs. Wade - He probably will go out Twin Hickory, but it won't be in its
2731 current form, by any means. It's planned to be a fairly well traveled road. I forget what its
2732 going to be eventually; two or four lanes; a major road to haul the traffic?
2733

2734 Mr. Turner - Well, my primary concern is we have another access. Personally,
2735 I don't think leading them into Wyndham Forest to go out there would be a good second access.
2736 We need another second access somewhere else.
2737

2738 And my other question was the limit on the homes. I think you just stated, am I correct in
2739 saying that you're saying there can only be 50 or 100 homes built until we have a second access
2740 somewhere, or what is he saying here. We're going to use Wyndham Forest and go through
2741 there for the time being, and keep on building?
2742

2743 Ms. Dwyer - I think one thing that might contribute to the discussion is that the
2744 purpose of the secondary access is for emergency vehicles and use for that in case one access is
2745 blocked. Then emergency vehicles; fire, police, rescue squads can get in. Whether or not the
2746 secondary access will be as convenient or desirable, you may be right, but that's not what my
2747 understanding is that Public Works looks at. They want a useable second point of access...
2748

2749 Mr. Turner - Right. Would be the useable second point of access somewhere
2750 that's going to be normal to use. You know what I mean. It's going to bring the traffic down
2751 just a little bit, so its not completely "out of this world." Okay. And what is the limit of homes
2752 until some of this? I beg your pardon, 50?
2753

2754 Sometimes I think if some of this zoning was held back awhile, it would force the issue a little
2755 bit to try to get some of this done also, too. I thank you.
2756

2757 Mrs. Wade - Thank you, Mr. Turner.
2758

2759 Ms. Dwyer - Any questions for Mr. Turner? Thank you, sir. We do have other
2760 opposition? Please come forward.
2761

2762 Mr. Bob Parker - Madam Chairman, members of the Commission, my name is Bob
2763 Parker. I live right across the street from Mr. Turner at 5411 Twin Hickory Lane.
2764

2765 I'm not opposed to development either. H. H. Hunt does a nice development. They're already
2766 developed Phase 1 of Wyndham Forest behind me. It looks nice. I'm getting used to looking at
2767 houses. They've started Phase 2 on one side of me; working on the roads and the sewer and so
2768 forth and so on. But I have real concern about all of the traffic that will soon be on Twin
2769 Hickory Lane.
2770

2771 About four years ago, the Plan of Development for Wyndham Forest was for about 130 homes.
2772 Phase 1 would be about 50 homes, and they would get in and out with those 50 homes through
2773 Wyndham Forest Drive. All well and good. They put the road in. Most of the 50 homes are
2774 there. And then when they are going to do Phase 2, Twin Hickory would be improved by the
2775 developer. So, that's 130 homes and two accesses. I think that's what the County required with
2776 that number of homes is two accesses. All well and good, but since then, we now have this 10
2777 acres, where it would get 30 or 32 homes, which is not a real big deal. But what is a big deal is,
2778 the case pending, that's adjacent to this 10 acres that's going to generate about 200 homes.
2779 That's been before the Board of Supervisors. It's been deferred three times; the third time,
2780 being last night, I believe. The developer had initially proposed to have Opaca Lane as an access
2781 to take care some of this traffic of the additional 200 homes and all. And Opaca Lane is already
2782 hard surface, County road, with approximately 25 families living on it. Hey, they've got it
2783 made. But, hey, they need to share some of the traffic, too, with the development in the
2784 immediate area. But for some reason or another they protested and got it knocked down.
2785

2786 So, Opaca, at this point in time, is out of the question. They said, "Hey. Put it on Twin
2787 Hickory." Well, I don't like that because I live on Twin Hickory. So, the development going
2788 on in this area is very, very rapid. I live right there, and its hard for me to keep up with it.
2789 And, I'm just asking for some help in trying to keep down the traffic on Twin Hickory. The
2790 road is going to be improved. We know that. There's going to be traffic. But, I would like to
2791 be able to get out of my driveway; get on Twin Hickory and get to the stop light at Nuckols.
2792 Thank you. Any questions?

2793
2794 Ms. Dwyer - Thank you, sir. Any questions for Mr. Parker? Thank you.

2795
2796 Mr. Parker - Thank you.

2797
2798 Ms. Dwyer - Rebuttal by the applicant.

2799
2800 Mr. Theobald - I would just like to take a moment to reflect just a little bit on the
2801 history of development in this area, because, as we have zoned property, and as development has
2802 occurred, the various concept roads on the Thoroughfare Plan has, in some cases, been nudged
2803 by us to accommodate development. And in other instances, nudged by the County to take
2804 advantage of our development, with, ultimately, you finding concept Road 10-1 being largely
2805 built by H. H. Hunt. And, as we were doing the YMCA zoning and the commercial zoning and
2806 the Concourse rezoning, etc., what the County decided was that Twin Hickory would be the
2807 connector between 10-1, Nuckols Road. And, ultimately, Twin Hickory, as you know, sweeps
2808 down and bends to the west and ties through Twin Hickory and past the schools and ties back
2809 into Shady Grove. And another loop of it will continue on down, and eventually tie into
2810 Pouncey Tract Road and beyond. So, these roads have been set aside on the Thoroughfare Plan
2811 to handle the traffic.

2812
2813 I think, Ms. Dwyer, your point was well made and I think, perhaps, with me, included, lost
2814 sight of the fact that, what the Transportation is saying, these roads have the capacity to handle
2815 the traffic. What was an issue was the 50 lots, from a safety standpoint in terms of emergency
2816 vehicles. But the Transportation Department has not indicated any concern about the ability of

2817 Twin Hickory Road. In fact, they have required it to be connected to this concept road, which
2818 eventually hooks up all these other roads.

2819
2820 We are paying, before we can do any development, to improve Twin Hickory Lane, initially,
2821 within the 45 feet of right of way that we own. Ultimately, as development occurs on Mr.
2822 Turner's side of the road, it will be widened to its full 60-foot section. But, I know there's
2823 issues with development in this area, and many areas of the County, but I just want to reiterate
2824 that it is absolutely consistent with your Land Use Plan; all the policies currently in place, and
2825 imposed by the Board of Supervisors with regard to zoning and growth and density, etc.

2826
2827 The Edwards have also lived there a good while, as you know. They have a Christmas tree farm
2828 there. I think they have certain expectations, with regard to their property, and the Land Use
2829 Plan. I would just respectfully ask that you recommend approval of this case to the Board of
2830 Supervisors. Thank you very much.

2831
2832 Ms. Dwyer - Any further questions of Mr. Theobald? Thank you, sir. Mrs.
2833 Wade, would you like to hear from anyone else?

2834
2835 Mrs. Wade - No. I don't think so. I have to remind myself we're just talking
2836 about the 10.5 acres that's the Edwards property, not this whole thing, which rests in the Board's
2837 lap. Was it deferred by the Board because they had too many cases, and not to settle any other
2838 issues necessarily? I mean I know they divided it up because some of you were encouraged to
2839 defer...

2840
2841 Mr. Theobald - We were asked by staff to defer that case to the 22nd because of the
2842 case load.

2843
2844 Mrs. Wade - They didn't want to stay until 2:00 a.m. last night.

2845
2846 Mr. Theobald - And Mr. Kaechele has been somewhat distracted and busy over the
2847 last couple of weeks. And, so, we know we need to sit down with him, about this case, to see if
2848 there's any other issues that he thinks we need to resolve.

2849
2850 Mrs. Wade - But, basically, it was more of a timing problem?

2851
2852 Mr. Theobald - Yes ma'am.

2853
2854 Mrs. Wade - Than an issue problem? Okay. Thank you. Actually, I think I
2855 know there are a lot of negotiations going on regarding this parcel, which was pretty key now, in
2856 terms of the roads and the system for developing this section of the County there. And, with the
2857 inclusion of this parcel, it enables the road system to develop in order to accommodate the
2858 people. I realize, obviously, there would be more traffic on Twin Hickory. As Mr. Theobald
2859 pointed out, it's intended to be a busy road.

2860
2861 When the concept road is finished, and that may be a long time coming, then, of course, that
2862 would relieve this somewhat. And, I wasn't trying to be facetious when I said, "When you get

2863 more traffic here, you'll get the light that everybody wants at Twin Hickory and Nuckols more
2864 promptly."

2865
2866 The density does meet the Land Use Plan specifications. And you indicated you would talk and
2867 find out more about the planting easement between now and the Board meeting; the greenbelt
2868 along the concept road. Therefore, I move that Case C-43C-99 be recommended to the Board
2869 for approval.

2870
2871 Mr. Vanarsdall seconded the motion.

2872
2873 Ms. Dwyer - Did we need to waive time limits on anything?

2874
2875 Mrs. Wade - We didn't have any.

2876
2877 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall to
2878 recommend to the Board for approval. All those in favor of the motion, say aye—all those
2879 opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry absent, Mr. Donati abstained).
2880 The motion carries.

2881
2882 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
2883 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors
2884 accept the proffered conditions and grant the request because it conforms to the
2885 recommendations of the Land Use Plan; it continues a similar level of single family residential
2886 zoning as currently exists in the area; and it continues a similar level of single family residential
2887 zoning as currently exists in the area.

2888
2889
2890 **C-44C-99** James W. Theobald for the H. H. Hunt/Wyndham Development
2891 Corp.: Request to amend proffered conditions accepted with rezoning case C-72C-94, on
2892 Parcels 10-A-8 and 10-A-28, containing approximately 65.89 acres, located on the west line of
2893 Twin Hickory Lane approximately 1600' north of its intersection with Nuckols Road and at the
2894 northern terminus of Twin Hickory Lane (Wyndham Forest Subdivision). The amendment
2895 proposes to delete Proffer 8 related to house orientation and screening. The Land Use Plan
2896 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Urban Residential,
2897 3.4 to 6.8 units net density per acre, and Environmental Protection Area.

2898
2899 Mr. Marlles - The staff presentation will be by Mr. Eric Lawrence.

2900
2901 Mr. Eric Lawrence - Thank you. The basis behind this request has pretty much been
2902 discussed. What's happening here, with this adjoining parcel, is the case we were just talking
2903 about where the two adjacent ones; C-18C-99 and C-43C-99. What they're talking about now
2904 is deleting a proffer; Proffer No. 8, which talked about house orientation and screening that
2905 was required.

2906
2907 One of the reasons for it, in the discussion back in 1994 for this initial case, C-72C-94, when
2908 they rezoned Wyndham Forest, Mr. Edwards was concerned with houses being built against

2909 his property. So, what they came to a conclusion was to establish a house orientation to put
2910 the side of the houses against the property which is identified as 11-A-1A, and also put
2911 landscape screening in place to protect 11-A-1A from the Wyndham Forest Subdivision.
2912

2913 With the application that was just presented to you a few minutes ago, C-43C-99, obviously,
2914 now it would be a subdivision, and they're proposing a road connection to link into Wyndham
2915 Forest. So, therefore, this screening and house orientation aren't as much a concern any
2916 longer, because it's not there to protect the house because that adjoining property is going to be
2917 developed.
2918

2919 So, staff's recommendation would be that if C-43C-99 is ultimately granted approval by the
2920 Board of Supervisors, that it would be appropriate also to delete this condition from the
2921 proffers. So, staff would recommend that C-44C-99 be recommended for approval in
2922 conjunction with the previous case, C-43C-99. I'd be happy to answer any questions
2923 concerning this.
2924

2925 Ms. Dwyer - Thank you, Mr. Lawrence. Is there any opposition to C-44C-99?

2926 No opposition.

2927 Mrs. Wade - I don't think we need to hear anymore.
2928

2929 Ms. Dwyer - Any questions for Mr. Lawrence? Do you need to hear from the
2930 applicant, Mrs. Wade?

2931
2932 Mrs. Wade - I don't believe so. I think it was pretty well described. Ready
2933 for a motion, then?
2934

2935 Ms. Dwyer - Yes.
2936

2937 Mrs. Wade - All right, I move C-44C-99, which is a proffer amendment to C-
2938 72C-94, be recommended for approval.
2939

2940 Mr. Vanarsdall seconded the motion.
2941

2942 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
2943 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry
2944 absent, Mr. Donati abstained). The motion carries.
2945

2946 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
2947 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors
2948 accept the proffered conditions and grant the request because it reflects the Land Use Plan and
2949 future use and zoning of the area; and it would assist achieving the appropriate development of
2950 adjoining property.
2951

2952
2953 **P-8-99** Michael Young, AIA for Paul Randazo: Request for a provisional
2954 use permit under Sections 24-58.2(d) and 24-122.1 of Chapter 24 of the County Code to

2955 construct an outdoor dining patio, on part of Parcel 59-A-32, containing 1,046 square feet,
2956 located on the south line of W. Broad Street approximately 500' east of its intersection with
2957 Tuckernuck Drive and on the east line of Tuckernuck Drive approximately 350' south of its
2958 intersection with W. Broad Street (Sassafras Square Shopping Center). The site is zoned B-2
2959 Business District.

2960

2961 Mr. Marlles - The staff presentation will be by Mr. Lawrence.

2962

2963 Ms. Dwyer - Is there any one in the audience in opposition to P-8-99 Michael
2964 Young for Paul Randazo? No opposition. Mr. Lawrence.

2965

2966 Mr. Eric Lawrence, County Planner - Thank you. This application was presented, as
2967 mentioned, to established an outdoor dining area. The location is in the Sassafras Square
2968 Shopping Center, and it's for Franco's Ristorante. Within the B-2 zoning district, which the
2969 shopping center is zoned, restaurants are allowed, and the outdoor dining is allowed with a
2970 Provisional Use Permit. That's why we're here this evening.

2971 The applicant wishes to establish a 1,046 square foot outdoor dining area at the front of the
2972 restaurant. As this is a shopping center, there are sidewalks, and there's adequate distance
2973 between the existing building and the existing parking lot. What they propose doing is,
2974 essentially, removing some of the landscaping, putting in some concrete, create the "patio
2975 effect," and also relocate the sidewalks. There will be a continuous sidewalk along the front of
2976 the facility for customers of the shopping center to walk around without going into the street,
2977 into the parking area. They also propose putting a wrought iron railing around this outdoor
2978 dining area to restrict inflow and outflow, if you will. Access would only be through the
2979 restaurant. They would be allowed to have emergency access. Customers would need to go
2980 through the restaurant to use this area.

2981

2982 And, to be consistent with other outdoor dining areas that receive Provisional Use Permits,
2983 staff would recommend approval, contingent upon the following:

2984

2985 1. No outside, amplified music performances shall be permitted.

2986

2987 2. Any outside speakers or sound system shall comply with the following standards:

2988

2989 a. Sound systems must be equipped with controls permitting full volume adjustment.

2990 b. Sound from the system must be inaudible at 100 feet from the source.

2991 c. Sound systems may be used only when outside dining is permitted.

2992

2993 3. The outdoor dining area shall be limited to 1,064 square feet and constructed as shown on
2994 the "Franco's Ristorante, Proposed Outdoor Patio," prepared by Perretz & Young
2995 Architects, dated April 28, 1999.

2996

2997 4. Trash receptacles shall be provided and properly serviced to control litter generated by
2998 this use.

2999

3000 5. And access to the outdoor dining area shall be available only through the restaurant;
3001 patrons may not gain access directly from the adjacent sidewalk or parking area except
3002 that an emergency exit may be provided.
3003

3004 Patrons may not gain access directly from the adjacent sidewalk or parking area, except in case
3005 of emergencies, in which case the emergency access would be used.
3006

3007 With that said, staff would be happy to answer any questions, and the applicant is here.
3008

3009 Ms. Dwyer - Any questions for Mr. Lawrence by Commission members?
3010

3011 Mr. Vanarsdall - Is he going to follow the B-2 hours?
3012

3013 Mr. Lawrence - Yes. We haven't addressed the hours.
3014

3015 Mr. Vanarsdall - Okay. And what did you mean in "c" under "2," "Sound
3016 systems may be used only when outside dining is permitted?"
3017

3018 Mr. Lawrence - That's a typical comment that we've used. Actually, Julian's
3019 Restaurant last year got it. Essentially, what that says, if people aren't eating outside, don't
3020 play the music outside. It's not a loitering area. It's strictly for the enjoyment of the guests
3021 when they're sitting at the tables.
3022

3023 Mr. Vanarsdall - Thank you.
3024

3025 Mr. Archer - Mr. Lawrence, in Condition No. 1, "No outside amplified music
3026 performance," refers to live music; band music, specifically, right?
3027

3028 Mr. Lawrence - That's correct.
3029

3030 Mr. Archer - Okay.
3031

3032 Ms. Dwyer - Mr. Lawrence, when I look at the site, it looked to me that the
3033 new sidewalk would encroach into the drive area. Was that specifically analyzed by the
3034 Traffic folks?
3035

3036 Mr. Lawrence - Actually, they're not expanding into the drive area; into the
3037 parking lot at all.
3038

3039 Ms. Dwyer - They're not?
3040

3041 Mr. Lawrence - No. The sidewalk is large enough. What they're proposing is,
3042 essentially, shift the sidewalk from against the building out between the edge of the railing and
3043 the curb and gutter, if you will.
3044

3045 Ms. Dwyer - When it said, "new concrete sidewalk and edge of the existing
3046 concrete," I assume that meant that they were adding?
3047
3048 Mr. Lawrence - Right. That's talking about the actual concrete sidewalk.
3049
3050 Ms. Dwyer - Okay.
3051
3052 Mr. Lawrence - They're going to have to take out some landscaping and put the
3053 sidewalk in.
3054
3055 Ms. Dwyer - So, they're not going into the drive aisle at all?
3056
3057 Mr. Lawrence - Okay.
3058
3059 Ms. Dwyer - Good. Thank you. Any other questions of Mr. Lawrence? Mrs.
3060 Wade, would you like to hear from the applicant?
3061
3062 Mrs. Wade - No. I don't think so.
3063
3064 Ms. Dwyer - Ready for a motion?
3065
3066 Mrs. Wade - Yes. This seems like a reasonable expansion. Everybody seems
3067 like to like to eat outdoors now, even though they're in a parking lot or on the street side or
3068 whatever. I move, therefore, that P-8-99 be recommended for approval with the conditions on
3069 the Conditions on the agenda 1, 2, 3, 4, and 5.
3070
3071 Mr. Vanarsdall seconded the motion.
3072
3073 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
3074 those in favor of the motion, say aye—all those opposed by saying nay. The vote is 4-0 (Mrs.
3075 Quesinberry absent, Mr. Donati abstained). The motion carries.
3076
3077 Mrs. Wade - We thank you for coming with a plan, and not just putting in
3078 tables and chairs.
3079
3080 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
3081 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of
3082 Supervisors grant the requested revocable provisional use permit, subject to the following
3083 conditions:
3084
3085 1. No outside, amplified music performances shall be permitted.
3086
3087 3. Any outside speakers or sound system shall comply with the following standards:
3088
3089 d. Sound systems must be equipped with controls permitting full volume adjustment.
3090 e. Sound from the system must be inaudible at 100 feet from the source.

- 3091 f. Sound systems may be used only when outside dining is permitted.
3092
3093 3. The outdoor dining area shall be limited to 1,064 square feet and constructed as shown on
3094 the "Franco's Ristorante, Proposed Outdoor Patio," prepared by Perretz & Young
3095 Architects, dated April 28, 1999.
3096
3097 4. Trash receptacles shall be provided and properly serviced to control litter generated by
3098 this use.
3099
3100 5. Access to the outdoor dining area shall be available only through the restaurant; patrons
3101 may not gain access directly from the adjacent sidewalk or parking area except that an
3102 emergency exit may be provided.
3103

3104 The Planning Commission's recommendation was based on the fact that the Provisional Use
3105 Permit is reasonable, and it would not be expected to adversely affect public safety, health or
3106 general welfare.
3107
3108

3109 **C-45C-99 Gloria L. Freye for Carematrix Corp.:** Request to conditionally
3110 rezone from A-1 Agricultural District to R-6C General Residence District (Conditional),
3111 Parcels 58-A-3, 6 and 6A and part of Parcels 58-A-4 and 5, described as follows:
3112

3113 COMMENCING AT A POINT ON THE WEST LINE OF GASKINS ROAD, SAID POINT
3114 BEING THE INTERSECTION OF THE WEST LINE OF GASKINS ROAD AND THE
3115 NORTH LINE OF THREE CHOPT ROAD, THENCE ALONG THE NORTH LINE OF
3116 THREE CHOPT ROAD FOR A DISTANCE OF 1424.85 FEET TO THE POINT OF
3117 BEGINNING;

3118
3119 THENCE CONTINUING ALONG THE NORTH LINE OF THREE CHOPT ROAD NORTH
3120 51 DEGREES 38 MINUTES 43 SECONDS WEST FOR A DISTANCE OF 254.00 FEET TO
3121 A POINT;

3122
3123 THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1399.40 FEET
3124 AND AN ARC LENGTH 472.40 FEET, BEING SUBTENDED BY A CHORD OF NORTH
3125 41 DEGREES 58 MINUTES 28 SECONDS WEST FOR A DISTANCE OF 470.16 FEET TO
3126 A POINT; THENCE NORTH 32 DEGREES 18 MINUTES 13 SECONDS WEST FOR A
3127 DISTANCE OF 316.62 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT
3128 HAVING A RADIUS OF 1465.40 FEET AND AN ARC LENGTH OF 412.65 FEET,
3129 BEING SUBTENDED BY A CHORD OF NORTH 40 DEGREES 22 MINUTES 15
3130 SECONDS WEST FOR A DISTANCE OF 411.28 FEET TO A POINT; THENCE
3131 LEAVING THE NORTH LINE OF THREE CHOPT ROAD NORTH 10 DEGREES 54
3132 MINUTES 20 SECONDS EAST FOR A DISTANCE OF 801.18 FEET TO A POINT ON
3133 THE SOUTH LINE OF INTERSTATE 64; THENCE ALONG THE SOUTH LINE OF
3134 INTERSTATE 64 SOUTH 54 DEGREES 14 MINUTES 19 SECONDS EAST FOR A
3135 DISTANCE OF 1817.62 FEET TO A POINT; THENCE SOUTH 21 DEGREES 55
3136 MINUTES 59 SECONDS EAST FOR A DISTANCE OF 205.13 FEET TO A POINT;

3137 THENCE SOUTH 06 DEGREES 14 MINUTES 43 SECONDS WEST FOR A DISTANCE
3138 OF 158.80 FEET TO A POINT; THENCE SOUTH 08 DEGREES 47 MINUTES 36
3139 SECONDS EAST FOR A DISTANCE OF 79.60 FEET TO A POINT SAID POINT BEING
3140 THE CENTER LINE OF DEEP RUN CREEK; THENCE ALONG THE CENTER LINE OF
3141 DEEP RUN CREEK IN A SOUTHWESTERLY DIRECTION FOR A DISTANCE OF 599
3142 FEET MORE OR LESS, THENCE SOUTH 77 DEGREES 40 MINUTES 54 SECONDS
3143 WEST FOR A DISTANCE OF 260.76 FEE TO THE POINT OF BEGINNING; SAID
3144 PROPERTY CONTAINING 38.3 ACRES MORE OR LESS AND BEING ALL OF PARCEL
3145 58-A-3, AND A PORTION OF PARCELS 58-A-4, 4A, 5, 6 AND 6A AS SHOWN ON
3146 HENRICO COUNTY PROPERTY IDENTIFICATION MAP.

3147
3148 TOGETHER WITH AND SUBJECT TO ALL COVENANTS, EASEMENTS AND
3149 RESTRICTIONS OF RECORD.

3150
3151 Mr. Marlles - The staff presentation will be by Ms. Jo Ann Hunter.

3152
3153 Ms. Dwyer - Good evening, Ms. Hunter. Is there any one in the audience in
3154 opposition to Case C-45C-99 Carematrix Corp.? We do have opposition. We'll call on you
3155 momentarily.

3156
3157 Ms. Jo Ann Hunter Thank you, Madam Chairman. The applicant is requesting to
3158 rezone approximately 38 acres to R-6 General Residence District, with conditions. The
3159 requested use is for an assisted living facility and homes for sale to senior citizens. The
3160 proposal includes a 130-unit assisted living facility, and no more than 85 independent units for
3161 sale. The independent units would be condominium ownership and would consist of single
3162 units, duplexes and triplexes. The property is located between Interstate 64 and Three Chopt
3163 Road, and between Greenaire Wood Townhouses and the 100-year flood plain. This is,
3164 essentially, the last major developable tract of land on Three Chopt Road between Gaskins and
3165 Cox Road.

3166
3167 The property to the west consists of a townhouse community and a kennel. And development
3168 on the south side of Three Chopt Road consists of Deep Run Manor, a single-family
3169 subdivision, and Hermitage at Cedarfield, a retirement community.

3170
3171 The site is designated on the 2010 Land Use Plan for Urban Residential and Environmental
3172 Protection Area. The Urban Residential designation recommends a net density of 3.4 to 6.8
3173 units per acre. The applicant has proffered a maximum net density of 6.8 units per acre, and
3174 the proposed use is appropriate for the site. There are significant benefits to limiting this
3175 project to seniors, including a reduction in associated public school costs, and potentially lower
3176 peak hour traffic.

3177
3178 The applicant has made several revisions to this case since the preparation of the staff report.
3179 Revised proffers have just been handed out to you this evening. These proffers were revised
3180 today. However, the changes were made to refine proffers that have been developed over the
3181 last two weeks. The time limit for these proffers will need to be waived. The proffers are
3182 substantial, and I would like to briefly update you on some of the changes.

3183
3184 The applicant has proffered a number of quality design features, including: brick foundations,
3185 a minimum of 40 percent brick on all buildings; proffered recreational amenities to include: a
3186 swimming pool, hospitality center, and pedestrian walkways, garages for each unit, street
3187 lights that are “residential in character,” and no greater than 15 feet high, and coordinated
3188 architecture for all principle buildings.

3189
3190 The applicant has also proffered a 50-foot buffer as measured from the ultimate right of way
3191 along Three Chopt Road. A minimum of a 25-foot buffer adjacent to Greenaire Woods, with
3192 no development on the two acres in the northwest portion of the site generally in this area
3193 (referring to slide) which is impacted by wetlands.

3194 The applicant has also proffered a 15-foot buffer along the Interstate. Typically, buffers
3195 adjacent to interstates are a minimum of 25 feet, and staff would recommend a 25-foot buffer
3196 along Interstate 64.

3197
3198 Also, included in the proffers, is a site coverage ratio of no more than 65 percent. This
3199 property is heavily impacted by flood plain and wetland areas. The applicant has proffered to
3200 rezone the floodplain portion of the property to C-1 District, prior to final approval. The
3201 applicant has proffered no more than 85 independent units, and the remaining density would be
3202 for the number of beds in the assisted living facility.

3203
3204 The assisted living facility will be located adjacent to the Interstate. It will be restricted to 4
3205 stories. This area of the County appears to be attractive for seniors, since it is close to major
3206 shopping areas and major thoroughfares. The project is consistent with the 2010 Land Use
3207 Plan, and staff has no objections to this proposal. I’d be glad to answer any questions you may
3208 have.

3209
3210 Ms. Dwyer - Any questions for Ms. Hunter by Commission members? Thank
3211 you. Would the applicant come forward, please?

3212
3213 Ms. Gloria L. Freye - Yes ma’am. Thank you. My name is Gloria Freye. I’m an
3214 attorney here on behalf of the applicant; actually is the Chancellor Senior Housing Group,
3215 which is the development arm for Carematrix. And also here with me this evening is Mr. Jim
3216 Jeffcoat, whose the Vice-President of Development for Carematrix; Philip Parker, the Civil
3217 Engineer with Foster & Miller; and then also John Frederickson, a development consultant. I
3218 would like to give up some of my time to some of the neighbors that we have worked with that
3219 would also speak about this project. I’d like to give a minute each to Mr. Wilcox, Ms.
3220 Coliflower, and to Mr. Mills. I’d also like to reserve about two minutes for rebuttal. So, I
3221 think that gets me down to about five minutes. I’ll try to talk really fast.

3222
3223 To help orient you with this area, I’d like to show you a map that shows you where the
3224 communities are. So, here’s our property here (referring to slide). And, the Deep Run Manor
3225 Subdivision is right here. Greenaire Woods is in here. This is Cross Keys and down here is
3226 Dover Hunt. We’ve actually been able to talk with representatives of each of those
3227 communities in going forward on this project.

3228

3229 Carematrix is dedicated to providing housing and health care to older adults. And, they are
3230 proposing a retirement community here that would involve both independent living and assisted
3231 living.

3232
3233 The idea is that, as older people establish themselves in a community, and as their needs
3234 change, they would be able to stay in that same community and still get services for assisted
3235 living in the same community where they could keep their friends and family in the same
3236 neighborhood.

3237
3238 I also have an example of some of the facilities that Carematrix has developed in other parts of
3239 the Country. I have a picture of one that was done in Florida. And then here's one that shows
3240 a Jeffersonian Federal Style and also a New England Colonial style (referring to rendering).
3241 We also have some renderings, a conceptual view, of what the independent living residences
3242 would look like; "The Villas."

3243
3244 Mrs. Wade - I can't see the small ones very well.

3245
3246 Ms. Freye - Right.

3247
3248 Mrs. Wade - The small ones, it might be better if you just passed them over
3249 (referring to pictures).

3250
3251 Ms. Freye - The other thing that I'd like to go ahead and show you is a
3252 conceptual layout of the development that we're proposing. Carematrix approached this
3253 property, recognizing that it is an environmentally sensitive site; recognizing the history of this
3254 property; and the residential character of the neighborhood.

3255
3256 You can see on this layout the wetland areas that have already been delineated here. This is
3257 the creek. There are also wetlands that extend through the property in this fashion, up into this
3258 corner, and then also through here.

3259
3260 In respect to those wetlands, we've also shown where the 100-foot buffer for the RPA would
3261 be located. And, we've also shown that we would propose only to impact those wetlands in
3262 three places where the road network would cross. At this point, it looks like we'd be able to
3263 impact less than a third of an acre of those wetlands.

3264
3265 They have done an environmental assessment on this property. The Phase 1 of the Report did
3266 not find any environmental problems with the property. We did find an abandoned vehicle and
3267 some debris on the property that need to be cleaned up. And, of course, those soils beneath
3268 those areas will need to be rechecked. But a Phase 2 investigation was not indicated. There
3269 will be an Environmental Site Assessment Form that's required at the time of POD. And that
3270 will be completed and provided, should the rezoning be approved.

3271
3272 As far as the traffic, which was another concern that the neighborhood had, we did meet with
3273 the County traffic engineers about the right of way that would be needed to be dedicated for
3274 the widening of Three Chopt. And, that's been proffered. The applicant is proposing two

3275 entrances; one to align with Pell Street, which was generally recommended by the County
3276 Engineers as being the safest alignment. As this use is a very low traffic generator, the County
3277 Traffic engineers have determined that the road network can handle the traffic that would be
3278 generated here.

3279
3280 In keeping with the residential character of the neighborhood, we have designed this so that
3281 there would be single family residences next to single family development. We have proffered
3282 that the assisted living facility, which is multi-story would be located in the northeast corner of
3283 the property, closer to the Interstate and away from the Deep Run Manor Subdivision and the
3284 Greenaire Woods development.

3285
3286 I think Ms. Hunter went through the proffers fairly well with you. If you have any questions
3287 about the specific proffers, I'll be glad to answer any questions about them.

3288
3289 As staff has reported, this use is consistent with the Urban Residential and Environmental
3290 Protection Area designations that were suggested in the Land Use Plan. It is within the
3291 suggested density of the Land Use Plan. And, even though that density that we are proffering
3292 is at the higher range, the actual effect of that density is much less, given the age of the
3293 residents and the minimal impact that older residents will have on the community. Plus, the
3294 density, for the most part, is going to be concentrated in one structure, in the assisted living
3295 facility next to the Interstate.

3296
3297 The residents, typically, in the assisted living facility, have an average age of 80. The average
3298 stay is about two years. The majority of those people do not drive cars. So, there will be a
3299 minimal impact on traffic. And, the impact will not be at peak hours. The developer will be
3300 making road improvements that will help make Three Chopt a safer road, actually, for
3301 everyone.

3302
3303 Rezoning the property for this use will not adversely affect the surrounding properties or their
3304 values. The development will be proposing BMPs to accommodate the drainage needs of this
3305 development and also to deal with the downstream flooding problems that already exist on this
3306 property.

3307
3308 We believe this development is the best use for this property. It's compatible with the
3309 surrounding development, and presents the least impact of the uses that have previously been
3310 proposed.

3311
3312 With the proffered conditions, this rezoning built-in protections, it addresses the concerns of
3313 the neighbors that don't exist with the current zoning. For these reasons, we feel that it is an
3314 appropriate use. We ask that you waive the 48-hour rule; accept the revised proffers, and you
3315 recommend approval to the Board of Supervisors. And, I'd like for the neighbors to have an
3316 opportunity to speak.

3317
3318 Ms. Dwyer - Thank you, Ms. Freye. Are there any questions for Ms. Freye?

3319
3320 Mrs. Wade - And you don't know where the BMP is going to go?

3321
3322 Ms. Freye - No ma'am. We do not know the locations of the BMP at this
3323 time. We think the BMPs are going to be in this general area (referring to slide); possibly in
3324 this area (referring to slide).
3325
3326 Mrs. Wade - Can BMPs go in the floodplain; swampy areas?
3327
3328 Ms. Freye - They would be outside the flood plain and also outside of the
3329 RPA buffer.
3330
3331 Ms. Dwyer - Could you show me again, where the BMP might go?
3332
3333 Ms. Freye - There's a possibility there, because of the direction of the
3334 drainage in this area and also in this area (referring to slide).
3335
3336 Person from Audience - (Comments unintelligible).
3337
3338 Ms. Freye - Where here? Chances we are going to have more than one BMP
3339 on this property.
3340
3341 Ms. Dwyer - And I can't read this because of the scale, but the polka dots
3342 are...
3343
3344 Ms. Freye - ...the wetlands.
3345
3346 Ms. Dwyer - The wetlands? And then the other dashed lines...
3347
3348 Ms. Freye - ...is the RPA buffer around them.
3349
3350 Ms. Dwyer - The two dashed lines; is one of them just to...
3351
3352 Ms. Freye - Right. Well, we have the floodplains, the wetlands, and the RPA
3353 buffer.
3354
3355 Ms. Dwyer - All right. Could you show me where those are on this?
3356
3357 Ms. Freye - (Referring to slide); This is the RPA buffer. The flood plain is
3358 the next line, and then all the dots are the wetlands. The wetlands have been delineated and
3359 confirmed with the Corps of Engineers.
3360
3361 Ms. Dwyer - And Deep Run is...
3362
3363 Ms. Freye - And Deep Run Creek is right through here.
3364
3365 Ms. Dwyer - And what will be zoned C-1?
3366

3367 Ms. Freye - All of the floodplain.
3368
3369 Ms. Dwyer - But not the RPA?
3370
3371 Ms. Freye - But not the RPA.
3372
3373 Ms. Dwyer - Is there a reason why you're not doing the C-1 zoning in
3374 conjunction with this case?
3375
3376 Ms. Freye - We have proffered to rezone the floodplain, which is in keeping
3377 with the County's policy for Conservation areas.
3378
3379 Ms. Dwyer - Which proffer is that in today's proffers—10?
3380
3381 Ms. Freye - Number 10. Yes ma'am.
3382
3383 Ms. Dwyer - Are there any other questions for Ms. Freye? Thank you.
3384 Whoever else would like to speak in favor of the case...
3385
3386 Ms. Brenda Colliflower - I am the President of the Greenaire Woods Homeowners
3387 Association. Anyway, I'd just like to say that the developer has worked with our community
3388 to proffer any of our requests and we're satisfied with what they plan for this site. They have
3389 worked with all of the neighbors in doing this. Thank you.
3390
3391 Ms. Dwyer - Ma'am, do you represent the Association?
3392
3393 Ms. Dwyer - Yes ma'am. I am President of the Greenaire Woods Townhomes
3394 Association.
3395
3396 Mrs. Wade - And then you all have had meetings and heard the details?
3397
3398 Ms. Colliflower - Yes, we have.
3399
3400 Ms. Dwyer - Any other questions? I don't think you used up your time.
3401 Thank you. Yes sir.
3402 Mr. Duncan Mills - I am a resident of Deep Run Manor. I live on Pell Street, which
3403 is right across from the entrance or the proposed entrance for this facility. We do not have a
3404 homeowners association. My wife and I have sort of taken up that job of representing most of
3405 the residents in that community from the last 10 years with various developers that wish to
3406 build in that area.
3407
3408 We have worked diligently with the people from Carematrix; with Ms. Freye, with their
3409 engineers, architects, to really try to build something that is an asset to our community.
3410
3411 The feelings, for some length of time, in our neighborhood have been that we do have a
3412 residential neighborhood, and we want that entire area to have a feeling of community. And,

3413 in turn, as an example of that, is the fact that we have continued to work with Cross Keys,
3414 with Greenaire Woods, and with Dover Hunt in various developments over the years.

3415
3416 We believe that this community would be an asset to our community. We believe that it will
3417 be in keeping with the community structure. And, we certainly believe that these people have
3418 worked diligently with us, as best they could, to meet all of our requests. So.

3419
3420 Ms. Dwyer - Thank you. Any questions of Mr. Duncan? Thank you.

3421
3422 Mr. George Will - Good evening, Madam Chair, members, I am George Will. I
3423 live on the corner of Three Chopt and Pell. Let's see if I can use this high tech pointing device
3424 (referring to map pen). I live right here (referring to slide).

3425
3426 While I should probably be opposing the applicant's proposal, at the point at which I became
3427 involved in this project, the assisted living facility, which is now located at the northeast corner
3428 of the property was proposed to be right here (referring to slide). That certainly did catch my
3429 attention. And it's for that purpose that I'm actually here.

3430
3431 I have been pleased to observe the willingness of the applicant to work with the community.
3432 And, after the pressing concern about the location of that building, that proposal being
3433 presented here tonight does reflect the building in a different location. Their willingness to
3434 work with us sort of propelled me to support the proposal up to this point.

3435
3436 My family would certainly enjoy and prefer to reserve the semi-rural appearance of the last
3437 parcel of land on Three Chopt Road, and the natural vegetation that would exist along this
3438 area. So, the idea of single-story, single living buildings would certainly be to our liking and
3439 as part of the proposals that you are currently looking at.

3440
3441 So, long as the applicant maintains the current plan with this building in this area, my family
3442 and others in the current community are a bit more palatable or the inevitable, we believe. We
3443 would much rather have this type of development in the area, as opposed to some others that
3444 could have, perhaps, come in under the current zoning ordinance, and would have been under
3445 development before we would have realized what happened.

3446
3447 I don't know that I've been living in the area the longest, but I did move to that location in
3448 August of 1981. So, I've had the opportunity to see deer, and rabbits and squirrels move
3449 through the area. And, we hope we might maintain a bit of that of it as this effort moves
3450 forward. Thank you.

3451
3452 Ms. Dwyer - Thank you. Any questions by Commission members? Ms.
3453 Freye, I had a couple of questions for you, if you could come up.

3454
3455 Ms. Freye - Yes ma'am.

3456
3457 Ms. Dwyer - Did you say the assisted living, you're planning on that being a
3458 four-story?

3459
3460 Ms. Freye - Yes ma'am.
3461 Ms. Dwyer - Four-story building?
3462
3463 Ms. Freye - Yes ma'am.
3464
3465 Ms. Dwyer - So, you would have to come back to the Commission at POD
3466 tome for approval for four stories or not?
3467
3468 Ms. Freye - Four stories is permitted in R-6. Actually, taller buildings are
3469 permitted, but we're restricting the height to four stories – not to exceed four stories.
3470
3471 Ms. Dwyer - In what form will the single-family homes take? Will they be
3472 single-family detached?
3473
3474 Ms. Freye - They're going to be a combination of single, duplexes, and
3475 triplexes. They will all be one story.
3476
3477 Ms. Dwyer - Is that in the proffer, anything restricting that?
3478
3479 Ms. Freye - No ma'am. Only that the single-family residences will be one-
3480 story and limited to the number of 85.
3481
3482 Ms. Dwyer - Is the site plan proffered?
3483
3484 Ms. Freye - No ma'am.
3485
3486 Ms. Dwyer - That you presented, is not proffered?
3487
3488 Ms. Freye - No ma'am. This is a conceptual layout. Because of the
3489 topography and the sensitivity of the site, we really have to get it engineered and really planned
3490 at time of POD to get all of those specifics worked out. We're not at that stage, and we can't
3491 commit that at this time.
3492
3493 Ms. Dwyer - We don't know if the assisted living facility will be where its
3494 shown?
3495
3496 Ms. Freye - Yes. Because it is proffered to be in the northeast corner, and
3497 restricted to four stories.
3498
3499 Ms. Dwyer - Is that in the new set?
3500
3501 Ms. Freye - Yes ma'am. That's in Proffer 18.
3502
3503 Ms. Dwyer - Will there be "pit" burning, during construction?
3504

3505 Ms. Freye - There will be some burning on the site, but we have proffered the
3506 distances from the residences. I believe that is Proffer No. 13.
3507
3508 Ms. Dwyer - Will that be "pit" burning, or just open burning?
3509
3510 Ms. Freye - I really don't know. I don't think we can answer that question
3511 right now.
3512
3513 Mrs. Wade - Is there to be someone connected with this development whose on
3514 the scene locally during the whole process with a phone number?
3515
3516 Ms. Freye - Yes. Mr. Frederickson, our development consultant, is local and
3517 he will be a contact person.
3518
3519 Mrs. Wade - Thank you.
3520
3521 Ms. Dwyer - Any other questions for Ms. Freye?
3522
3523 Mrs. Wade - Now, did they get a set a day or two ago, most of these proffers
3524 or are these new to the others? I've gotten several sets myself. But I didn't know whether you
3525 had gotten to them most of the changes earlier.
3526
3527 Ms. Freye - Most of the changes were made by Tuesday, but we did make
3528 some recent changes today. Do you want to go over those?
3529
3530 Mrs. Wade - Most of the changes were Tuesday.
3531
3532 Ms. Freye - Yes ma'am.
3533
3534 Mrs. Wade - You blacklined all of those, too, so its hard to tell what's...
3535
3536 Ms. Freye - That's right. I decided to go ahead and blackline against the ones
3537 that were first submitted so that you could see all the changes that we've made working with
3538 the neighbors.
3539
3540 Mrs. Wade - So, they have, basically, had these, except for a few changes?
3541
3542 Ms. Freye - Yes ma'am.
3543
3544 Mrs. Wade - Which set are what then?
3545
3546 Ms. Freye - Yes ma'am. And the changes that we made today, I did meet
3547 with the neighbors out in the lobby and go over them; each of those with the neighbors this
3548 evening.
3549
3550 Mrs. Wade - And they are...

3551
3552 Ms. Freye - The ones that were made today was to limit the number of single
3553 residences to 85 units. To concentrate the rest of the units, the balance of the units in one
3554 single structure; the assisted living facility. The other change that we made today was about
3555 the Interstate 64 buffer. At the time of Plan of Development review, we'd be able to
3556 determine whether we could retain existing vegetation or that it would need to be landscaped.
3557 The other change that was made today was to take out allowed uses in the conservation area
3558 and restrict it to only what the Zoning Ordinance would permit. The other change that we
3559 made today was in the height limitations. We had excluded architectural features, like a cupola
3560 or a weather vane that could possibly be taller than 55 feet. But, we just took it out. So, we
3561 eliminated that. And on the architectural, we simplified that proffer and deleted the language
3562 about color and texture and materials and rooflines and just said that the buildings would be
3563 coordinated in style and harmonious with each other. So, they were the only changes that
3564 were made today, if I remember correctly.
3565
3566 Mrs. Wade - Okay. May we have the elevation? I'll give you back the small
3567 ones. The ones you've already done other places. That one.
3568
3569 Ms. Freye - I think we passed those out.
3570
3571 Mrs. Wade - Yes. You did. I put them back. All right, so you don't have
3572 any towers that are higher than the basic roofline for the most part?
3573
3574 Ms. Freye - No ma'am.
3575
3576 Mrs. Wade - Okay. Thank you.
3577
3578 Ms. Dwyer - Any other questions for Ms. Freye?
3579
3580 Mrs. Wade - No. I'd like to ask Mr. Parker one, please.
3581 Mr. Philip Parker - Yes. My name is Philip Parker with Foster & Miller.
3582
3583 Mrs. Wade - Okay the buffer proffer, now. Dealing with the Three Chopt
3584 buffer, I know Mr. Wilcox, in particular, was interested in what you can preserve along the
3585 street there in the 50 feet; how much grading, clearing, what not, will have to occur in there?
3586
3587 Mr. Parker - I don't know the answer to that, specifically. The only grade that
3588 should occur within that buffer would be related to side slopes and catch grades, as they tie
3589 into the road improvements that we'll be making on the north side of Three Chopt Road. We
3590 don't have any intention to grade in that buffer from the individual units towards Three Chopt.
3591 We've just got to get some shoulder grades and sight distances through there that the County is
3592 going to require.
3593
3594 Mrs. Wade - So, you won't have to do major clearing then?
3595
3596 Mr. Parker - I don't expect so.

3597 Mrs. Wade - You've still got a BMP that you have to put somewhere.
3598
3599 Mr. Parker - Well, the BMP is outside of the buffer.
3600
3601 Mrs. Wade - Okay.
3602
3603 Mr. Parker - And the BMP is also outside of the RPA. We have not designed
3604 the BMP, but that's the area that we've allotted that floods...I can show you or not. But the
3605 buffer is based from the ultimate right of way. We're required to clear the right of way. We
3606 may be required to clear selective areas for sight distances through the existing broken back
3607 curve with Three Chopt Road, but that's just a safety issue. That's the only purpose behind it.
3608
3609 Mrs. Wade - Okay. Thank you.
3610
3611 Ms. Dwyer - Any other questions for the applicant? Will the opposition come
3612 forward please. Would you like us to let you know when a certain time is up, since the
3613 opposition is...
3614
3615 Mr. Richard Solari - I'm aware of the rules.
3616
3617 Ms. Dwyer - Okay.
3618
3619 Mr. Solari - I don't think I'm going to run into a problem of 10 minutes.
3620
3621 Mrs. Wade - There was two of you, though?
3622
3623 Mr. Solari - Yes. There will be two speakers, myself and another gentleman.
3624 We're dividing the time between us. Good evening. My name is Richard Solari. I've lived in
3625 Henrico County for the past 8 years. I own a home on Three Chopt Road, between Gaskins
3626 and Cox Roads, immediately across the street from this proposed development. I'm speaking
3627 to you, tonight, on behalf of those homeowners on Three Chopt Road between Deep Run
3628 Baptist Church and Cedarfield. (Those homes pictured on the lower left hand corner of the
3629 drawing). We are asking the Planning Commission to reject this rezoning request, and I'd like
3630 to take just a few minutes to explain the reasons for our opposition.
3631
3632 The first area of opposition involves traffic considerations on Three Chopt Road. The Staff
3633 report provides the statistics on the volume of traffic on Three Chopt now. However, as
3634 someone who actually lives on this road, I can testify about the realities of the traffic situation.
3635 Three Chopt Road is already operating at maximum capacity right now, and that is recognized
3636 in the Staff report on page 2. Specifically, during rush hour in the morning, traffic is backed
3637 up, to a standstill, from the light down at Gaskins, across the front of my driveway, which is
3638 half a mile from the intersection. Aside from rush hour, and at almost any other time of the
3639 day, taking a left out of our driveways, and having to wait until both lanes are clear, is almost
3640 impossible due to the volume of traffic. A couple of times every day, we hear vehicles locking
3641 their brakes due to another vehicle entering or exiting the intersections at Pell and Cedarfield,
3642 and we have seen a number of accidents at both of these intersections. These traffic conditions

3643 I'm describing are the way things are now.

3644
3645 The Staff report states that this development will put approximately 800 additional vehicles
3646 onto Three Chopt every day. This kind of increase in the traffic flow would make, what is a
3647 bad situation now, exponentially worse. There is a proffer in this proposal to widen Three
3648 Chopt Road to four lanes. But at the same time, it would add two more intersections to the
3649 road. And after the addition of another 800 cars to the volume of traffic that is there now, the
3650 major congestion, and likely, the number of accidents would be even worse than they are now.

3651
3652 In addition to traffic considerations, another area of our concern is the density numbers of this
3653 proposal and the environmental impact it would have. This parcel of land is different from
3654 other parcels of undeveloped real estate, in that over 15 percent of this parcel is a recognized
3655 Resource Protection Area under the Chesapeake Bay Preservation Act. So a rezoning request
3656 involving a parcel with protected wetlands should warrant more careful consideration than
3657 other such rezoning requests.

3658
3659 One of the things that should be taken into consideration is the proposed density within the
3660 parcel and how that relates to the acreage of wetlands that can't be developed.

3661
3662 The proposed density for this area is 6.8 units per acre, which is the maximum stipulated under
3663 the "Urban Residential" designation of the Land Use Plan. However, again, not all of this 38-
3664 acre parcel can be built on. Aside from the Resource Protection Area, there is a section in the
3665 northwest corner of the property, which is over two to three acres in size, that is not suitable
3666 for development. So, the *actual* density numbers of this proposal would exceed 6.8.

3667
3668 And while this proposal doesn't actually have anything being built *on top of the resource*
3669 *protection area*, it does have development crammed up against it on all sides. It also calls for
3670 three separate roadways that *do* cross the RPA.

3671
3672 So, a proposal that pushes the recommended density numbers to the very upper limit, and, at
3673 the same time, seriously encroaches on protected wetlands, and levels almost all of the adjacent
3674 wildlife habitat, is unsuitable for this parcel of land.

3675
3676 The Land Use Plan recommendation for this parcel states, and this is on the first page of the
3677 Staff Report, "Urban Residential and Environmental Protection Area. " While we see that this
3678 proposal definitely includes the residential, it is rather lacking on the environmental protection
3679 side. But Mr. Kovacs will be addressing that issue in more detail momentarily.

3680
3681 In addition to the traffic, density, and environmental, problems associated with this rezoning
3682 request, an additional factor is the location chosen for this particular type of facility.
3683 Cedarfield, as you know, a very large retirement community, already sits literally across the
3684 street from this proposed development.

3685 In addition to Cedarfield, less than one mile away south on Gaskins Road, a Marriott assisted
3686 living facility has just been built. And, then, as you probably know, the Board of Supervisors
3687 has just approved a proposal for *another* adult care facility to be built just around the corner of
3688 Three Chopt and Gaskins, also less than a half a mile away. So, the demand for this type of

3689 facility in this area of the Three Chopt District has already been met with three facilities, that
3690 are going to be there in less than a one-mile radius.

3691
3692 The last item I would like for the Planning Commission members to keep in mind is that, this
3693 rezoning request before you this evening is a Henrico County issue; more specifically, a Three
3694 Chopt District issue, but a County issue; a community issue, an issue that impacts the residents
3695 of the community. Carematrix is not headquartered in Henrico County. They are a
3696 corporation that plops these things down all over the Country. There's one in Maryland.
3697 There's another one in Florida. This facility does not have to go on this parcel of land. If this
3698 rezoning request is turned down, they're just going to put this facility somewhere else, and go
3699 on doing business as usual.

3700
3701 The other side of the issue that the Planning Commission should evaluate is the effect on the
3702 County and the residents of the district. Rejecting this rezoning request will not have any
3703 detrimental affect at all on businesses or residents in the County. If anything, it's more
3704 beneficial, because an area of protected wetlands keeps an Agricultural zoning and is left
3705 unmolested.

3706
3707 So for these reasons that I've talked about, we respectfully request that you reject this rezoning
3708 request. Thank you for your time.

3709
3710 Ms. Dwyer - Thank you, Mr. Solari. Any questions by Commission members
3711 for Mr. Solari?

3712
3713 Mrs. Wade - So, you think the current zoning is appropriate and reasonable for
3714 this parcel?

3715
3716 Mr. Solari - Yes. I do.

3717
3718 Mrs. Wade - Thank you.

3719
3720 Ms. Dwyer - That is A-1?

3721
3722 Mr. Solari - That's correct.

3723
3724 Ms. Dwyer - Thank you.

3725
3726 Mr. David Kovac - I'm from up in the Cross Keys Area. It's nice to address you
3727 before midnight on a zoning case in our neighborhoods. You do have a handout, I asked the
3728 staff to pass out at the beginning of this case. I'm not going to go through it all, because of the
3729 time constraints, but I will point out to you what's in it.

3730
3731 Also, there's really no hostility between these testimonies that I'm giving and the folks who
3732 spoke. We've all been meeting together. In fact, Gloria sounds a little bit like I did the first
3733 time that we met and went over the case and I explained to her why its good to do things a
3734 certain way. Many of those are reflected in the site plan that you see.

3735
3736 But, in this background material that I have on Page 3, we do make a case of why the
3737 Commission should not recommend approval of the request at this point in time. And, based
3738 on our opinion that the proffered density cannot be accommodated on this site in the manner
3739 which is consistent with your Comprehensive Plan.

3740
3741 On Page 7, we addressed the proffers before they were modified today. We identified
3742 concerns with six of them. Most of those were addressed in the revised proffers, but there is
3743 still a few that still have concerns. Also, we have an item that we hope would enhance the
3744 project should it go forward.

3745
3746 Just quickly, going to Pages 2 and 3, I put at the top of Page 2 what's in your report, your
3747 Comprehensive Plan analysis. And a commentary, particularly with a site like this is that we
3748 are here before you, scheduled and continued from time to time; four times on this property
3749 earlier, and we raised the environmental questions then.

3750
3751 When we were here in January, we made a point about environmental considerations on
3752 sensitive properties should be an "up front" consideration. And we made that point after this
3753 application came in. In the last 10 days, there has been some skirting on that issue. That's not
3754 a very good way to do business. And you do have the ability, at least, your plan says that you
3755 should be requiring environmental assessments with zonings in cases where its warranted.

3756
3757 On the Page 4 and 5, and part of 6, list a series of Goals, Objectives, and Policies from your
3758 Comprehensive Plan that are not stated in your staff analysis. And, these are policies, which
3759 affect how this property should be developed. And, you haven't had this information
3760 presented to you, and, yet, we're talking with a density proffer on the site.

3761
3762 I'm not going to go into the next two points, because it will take a lot of time, but they're more
3763 specific about the environmental concerns that we do have. And, approach that we think
3764 should be taken in cases like this is not to say the density won't exceed 6.8, but that, absent the
3765 environmental study, that you can really see what can be done on this site, that the density
3766 should be 3.4. And, at the Plan of Development review, based upon environmental assessment
3767 that shows the site can contain more, more units may be added not to exceed the 6.8. On
3768 Pages 4 and 5 and 6, as I say, identify those environmental factors, which affect the
3769 developability and character of the site.

3770
3771 Getting on to the proffer comments that I had on Page 7, under "Density," I would prefer that
3772 one approach that you set at 3.4 and they justify their way up. The alternative that I've had
3773 was that, on this particular property that you have the limitation on this single family villas
3774 which has been proffered by Gloria.

3775
3776 I do have a question, when I'm done, about density versus net density; two different things for
3777 the audience perspective today listening to your presentations.

3778
3779 As an alternative to the foreseen recommended proffer, I would suggest that you seriously
3780 consider, at this meeting, or very soon, make a recommendation to your Board of Supervisors

3781 that, indeed, they direct the staff employ a general policy, when they get sites such as this one
3782 in which it is really warranted to have that up front information. It's cost effective, and its
3783 certainly a much better way of doing business, and not having to go through what we've had to
3784 do in the last two weeks.

3785
3786 Under the Three Chopt buffer, that goes with the comments that we've heard in that area close
3787 to where the BMP is. And the point there is, just because it's out of the RPA, and I heard
3788 them say that also they're not going to have it go into the buffer. That you don't then consider
3789 that RPA line a line and chop everything from the RPA down. But you look beyond the RPA
3790 and the RMA, and be sensitive in your site and your facilities. And that's the point we wanted
3791 to make through here and have those points made at the rezoning level so that we could pick
3792 them up again at the POD level.

3793
3794 I know we talk about that at zoning, and then I see development come in, which people say,
3795 "But we didn't touch the RPA." Indeed, this whole site is a Chesapeake Bay Preservation
3796 Area. It has two components to it.

3797
3798 On the Interstate 64 buffer, I wasn't aware the normal staff position of 25 feet. The problem
3799 that we have with the 15-foot landscaped or natural buffer is that, we wanted to ensure, by at
3800 least having the 15 feet along I-64 natural, that you don't start grading to cut the slopes for
3801 houses right up against the property or 5 foot off, so that the natural vegetation can't stand a
3802 chance. This will be a hard site to develop to get these units in there and there's going to be a
3803 lot of cut. And, so what we've tried to do in a lot of our talking here, is to make sure that the
3804 cuts don't go; "Well, we had to do it to get the house in." We want to start with the
3805 environmental buffers so that they're in place, and then do your cutting from that.

3806
3807 On the conservation area, they accommodated the concern that we had. I would just like to
3808 draw attention that, in some cases, when you do the C-1 Conservation zoning and list the uses
3809 that's really what's in the Code, when it's in RPA, those uses aren't allowed. So, what you
3810 had initially is a proffer that said you could do something that can't be done. They've
3811 corrected that.

3812
3813 Was the site coverage proffer withdrawn? I would recommend and we suggest that the proffer
3814 not be accepted with respect to the site coverage, because it sort of gives it a license to say,
3815 "They can go up to 65 percent of coverage." Whereas, in a Chesapeake Bay preservation area
3816 in Henrico County, the threshold for water quality improvements is 60 percent. And if you're
3817 in an area which is striving for environmental sensitivity of your development, you don't put in
3818 a proffer that says, "Hey, 65 percent is okay." You should be striving towards that 16 percent
3819 buffer.

3820
3821 And the last comment that we have deals with the location of the assisted living facility. You
3822 can see where that parking lot on the schematic encroaches on that buffer area. It seems that
3823 there might be quite a bit of excessive parking for that facility, given its character and its use.
3824 And while those parking requirements are made by Code, its possible to do a phased parking
3825 situation, so that you don't have to do the earthwork destruction. If we can pursue that during
3826 the POD, we'd certainly like to approach that. And, if the parking's needed, and the staff has

3827 to do the second phase of parking, so be it. It's a way not to just destroy on the slopes some
3828 vegetation that may not be necessary.

3829
3830 That's the extent of the comments. Some of them pertain specifically to here, some of it a
3831 bigger issue and certainly I don't know what it takes to get to look at your environmental
3832 element as a part of our analysis. But, if it's been the policy that you don't do it, I think this is
3833 very evident that it should be a policy that you do consider the totality of your plan in the
3834 analysis.

3835
3836 Ms. Dwyer - Any questions by Commission members? Is the bottom line,
3837 then, that the rezoning of the C-1, which would include flood plain in the RPA, I believe, am I
3838 correct?

3839
3840 Mr. Kovac - They're just proffering to zone the flood plain.

3841
3842 Ms. Dwyer - Just the flood plain, but not the RPA. So, you are suggesting
3843 that, would it be satisfactory, in your view, to zone as C-1 the RPA and the flood plain? Or
3844 you said the C-1 zoning is insufficient because that ignores what else is going on, on the
3845 remainder of the property?

3846
3847 Mr. Kovac - What I was trying to say is that the original proffer that they
3848 have, they had a series of uses. They have deleted those.

3849
3850 Ms. Dwyer - Right.

3851
3852 Mr. Kovac - And just the point that I was making, that, when you have a
3853 Resource Protection Area, that and its part of the flood plain, and you zone it C-1, and then,
3854 you say, in the proffer it says, in C-1 you can have recreation facilities, I can have BMPs, I
3855 can have all of this there. Somebody has a piece of paper and says, "Well, I have a proffer;
3856 it's been accepted says I can do these." But under the Resource Protection Area, there's the
3857 use restrictions in which they're not allowed.

3858
3859 Ms. Dwyer - Right. That's been taken care of.

3860
3861 Mr. Kovac - That's been taken care of. That was the only point I was making
3862 there.

3863
3864 Ms. Dwyer - Okay. I'm wondering what else you're suggesting that the
3865 applicant do, other than, you know, zone this area C-1. They've taken out the impermissible
3866 uses. What else would we be looking for...

3867
3868 Mr. Kovac - For the environmental assessment aspect of this?

3869
3870 Ms. Dwyer - Yes.

3871

3872 Mr. Kovac - Well, one is, they have provided some good information. And
3873 the site has been flagged. Okay. So, those two things have been done. Now, one of the
3874 frustrations of this process was, is that information was not submitted as part of the
3875 application. It became known to us 10 days ago at our first meeting. And, some of that was
3876 just the wetland delineation as you see it. There's still a question in my mind that the full
3877 extent of the RPA isn't shown the way RPA's are defined in your Code.

3878
3879 The next question deals with the amount of grading and how the grading is going to be able to
3880 be done, given the fact we're talking about steep slopes here. And can these units really fit in
3881 there in the manner that they're showing? Now, the applicant has taken a very enlightened
3882 approach. So, I'm not critical of their approach. It's the best that I've seen and have dealt
3883 with and probably part of the problem is the ones who have gone before have really been
3884 atrocious.

3885
3886 For example, I was here on January 14th. We talked about considerations and concerns and
3887 everyone said, "Yes, yes, yes." And the site plan that comes in for the property puts a
3888 retaining wall on one part; a retaining wall against the RPA, and grades it flat. Now, that is
3889 absolutely no sensitivity. But, during the rezoning discussion, they said, "Yes, we know what
3890 the RMA is about." Instead of what I get is, "Well, it didn't go in the RPA." So, you know,
3891 there's a lot of things that go into development of the site. And, I don't know that these are all
3892 going to fit there the same way that we sat here on January the 14th, and 15th, and said, "I
3893 don't think this one's going to work either, but we'll give it a try." We see such a horrible
3894 plan come forward. So, here I say the same thing. There's not sufficient information to give
3895 that level of comfort. "Yeah. This can fit pretty easily." So, we'll be at POD, and I don't
3896 think we should be in that, because it just takes a lot of wasted time. So, I think there's a
3897 better way to do things and ask to get the assessments up front.

3898
3899 Now, on this site, are you going to change your policy right away and say, "They should go
3900 back and do it?" I don't think you are. It would be nice if you did. Okay.

3901
3902 Ms. Dwyer - So, I guess as you're talking and I think we talked about the other
3903 case you mentioned that was atrocious is a Tuckahoe case. And, I haven't seen the POD for
3904 that, so I'm not familiar with that. But, I understand what you're saying. It sounds like you're
3905 suggesting that, as a matter of policy, we should require an environmental assessment, and a
3906 site plan based on engineering that's done, and analysis of that environmental assessment, so
3907 that we know at zoning time whether we're satisfied that the development proposed will be, in
3908 fact, sensitive to the environmental concerns. It reminds me a little bit of sometimes we would
3909 love to have site plans at rezoning time so that we know, for instance, how the buffers will fit.
3910 And a host of other kinds of questions that may come up and surprise us at POD at times we
3911 didn't expect at zoning time. Is that an accurate reflection of what you're saying in terms of
3912 the policy?

3913
3914 Mr. Kovac - It is. I don't think that these have to be engineered as much as
3915 the critical items. Surveying work doesn't have to be done. Calculations don't have to be
3916 done. But, you know, when you're putting buildings of a certain footprint size on slopes that
3917 are 15 to 20 percent, you know it's not going to fit like in ground. And you know you just

3918 have to be an engineer that's sensitive to environmental or a landscaped architect approach
3919 towards looking at the site and doing that stuff up front before you get into the game of "Well,
3920 what's my unit count?" It's a different way to approach the game. And also it isn't to do the
3921 site plan, as much as to say, "What are my developable areas; and where might I have various
3922 problems?" And then lay out your proposal by saying, "That's how I'm going to approach it
3923 at POD." We don't have that. You don't have it from the applicant's stuff that you get, and
3924 you don't have it from your staff report stuff. So, that's why I put all this together to say,
3925 "Here's the things that should be guiding us at the POD level." We should probably look at
3926 them a little bit more here, so that we don't sit with a situation of 6.8. Now, in this case,
3927 there's mitigating factors that come to play, is that they've got most of that 6.8-acre units in
3928 their single structure. That helps spread things out on the rest of the site. But, even though
3929 it's spread out on the rest of the site, its going to be tight.

3930
3931 Ms. Dwyer - Thank you. Any more questions by Commission members?

3932
3933 Mrs. Wade - Yes. I guess I did have one about the reference to the standard in
3934 Henrico for allowable impervious coverage in the Chesapeake Bay Preservation Areas without
3935 water quality control measures. This doesn't have water quality control measures? It has to,
3936 doesn't it? Yes.

3937 Mr. Kovac - This will. There's no doubt about that. But the point is, if you
3938 say, "Now, we're going to proffer that we're not going to have any more than 65 percent
3939 coverage with streets, parking, and houses." But yet your plan tells me, the citizen, that this is
3940 an environmentally sensitive area. Not all land in Henrico County is in a Chesapeake Bay
3941 Preservation Area. There's two components. There's the resource protection area, which is
3942 denoted here, and the Resource Management Area. In this case, it ends up being the balance
3943 of the parcel.

3944
3945 Your policies say that you're going to treat the balance of the parcel with sensitivity with
3946 respect to that natural environment there because of its other drainages, because of its steep
3947 slopes. That's what you're saying, you know, as a policy person.

3948
3949 So, to have a proffer that says; "I'm going to limit myself to 65 percent house tops, and
3950 streets," is totally at odds with that. And so the 16 percent is your impervious factor, upon
3951 which you then have to start doing water quality control. You should be working toward that.
3952 Okay. So, it's an item. I say, why is it even in there? What does it do, besides give,
3953 perhaps, a misrepresentation." If these folks don't follow whoever buys the site afterwards
3954 and looks at what happens and says, "Oh, gee. I can put this number of units in and I can this
3955 much impervious coverage". It was okay with them before, why won't it be okay now? So, I
3956 don't know what the reason of 19 is.

3957
3958 Mrs. Wade - Thank you. My only questions was, basically, does this have the
3959 water quality? Thank you.

3960
3961 Ms. Dwyer - Would the applicant come forward please? How many minutes?

3962

3963 Ms. Freye - Yes ma'am. Thank you. I would like to thank all the neighbors
3964 for meeting with us multiple times, and being very candid, very hospitable, and generous with
3965 their time and gracious to be giving us their concerns so that we had an opportunity to try to
3966 work with them. They've been very gracious and very forthcoming with all the information
3967 that they had.

3968
3969 I recognize that Mr. Kovac is very well versed and knowledgeable about the Chesapeake Bay
3970 Act. And, I think that we have approached this site and this case with environmental
3971 sensitivity. We have done an environmental assessment. We have stayed out of the wetlands
3972 and the RPA buffers. We have concentrated the density in a single structure. We have
3973 preserved a tree preservation area behind Greenaire that's two and one-half to three acres in
3974 area. We have preserved natural habitat in all of the wetlands, and the buffer areas around
3975 there.

3976
3977 I think that the concerns that Mr. Kovac have raised are really plan of development issues that
3978 will be determined when we have specific facts that can be addressed and we can see actually
3979 what grading is going to be needed; how the buffers are going to lay out; and where the BMPs
3980 are going to be; and how the drainage is going to be accommodated.

3981
3982 I understand that he thinks a lot more of that should be available at the time of zoning, but,
3983 frankly, its very difficult for a contract purchaser to invest that kind of engineering study and
3984 detail into a case when they don't even know if they're going to get the property rezoned to go
3985 forward with it or not.

3986
3987 Mr. Kovac did suggest that you not accept the 65 percent site coverage, but we do see that as a
3988 protection for the community and built in to assure them that the site coverage is not going to
3989 be greater than that. It will be less than that. There will be BMPs that accommodate this
3990 drainage as well as the existing problems in that area.

3991
3992 We have worked very closely with staff on this case, and we have conferred with the County
3993 people about the RPA and the location, and we believe that we are in compliance with the
3994 County Code and standards, and will continue to work with them to make sure that's the case
3995 through the POD.

3996
3997 Addressing Mr. Solari, I know that he's concerned that there are multiple senior housing
3998 opportunities in that area. And, the statistics, though, show that the supply does not meet the
3999 demand for senior housing. It is one of the goals of Henrico County to have a variety of
4000 housing for all its population.

4001
4002 We know that Cedarfield was filled within a year and a half of its opening, and that they
4003 currently have, I think, about a five to six year waiting list for residents.

4004
4005 The traffic situation that Mr. Solari refers to, I think that the road improvements that this
4006 developer will make will actually make the road safer. Any development will add some
4007 traffic, but the County Traffic Engineers have determined that the network is appropriate to

4008 handle this level, since its such a low trip generator, and it is not going to impact the peak
4009 hours that Mr. Solari was talking about.

4010
4011 Again, we feel we have addressed the environmental concerns of this property, and we ask that
4012 you waive the time limit and accept the revised proffers and recommend approval.

4013
4014 Ms. Dwyer - Thank you, Ms. Freye. Did you have any questions for Ms.
4015 Freye?

4016
4017 Mrs. Wade - No.

4018
4019 Ms. Dwyer - Any other questions? Ready for a motion.

4020
4021 Mrs. Wade - You all are comfortable with the proffers? As I say, most of
4022 these that he had are ones she had given us the day before wasn't clear. One reason for some
4023 of those at the last minute is, they all pointed out, they've been having a lot of meetings the
4024 past several weeks.

4025
4026 Mr. Vanarsdall - Do you want to leave it like it is?
4027 Mrs. Wade - ...basically, improving the proffers. So, I would move that we
4028 waive the time limit for accepting the amended proffers.

4029
4030 Mr. Vanarsdall seconded the motion.

4031
4032 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
4033 those in favor of waiving the time limit, say aye—all those opposed by saying nay. The vote is
4034 4-0 (Mrs. Quesinberry absent, Mr. Donati abstained). The motion is carried.

4035
4036 Mrs. Wade - Well, are you ready for a motion, then?

4037
4038 Ms. Dwyer - Yes.

4039
4040 Mrs. Wade - As far as the environment here is concerned, I've been concerned
4041 about Deep Run and its drainage basin for a long, long time. I'm well aware it drains all the
4042 way from Broad Street, I guess, down to Tuckahoe Creek and into the river and so on. They
4043 have done, perhaps, more environmental discovery work here than we sometimes get. No use
4044 is certainly not an option. And this seems to be a reasonable use for this property. We will be
4045 careful when the POD comes in to see that the necessary accommodations are made for the
4046 environmental factors. There are some of those, of course, the Planning Commission has very
4047 little control at this point, you know, that are technical kinds of issues.

4048
4049 As far as the Land Use Plan is concerned, it does meet the recommendations of that. It
4050 provides a variety of housing in this area. It also provides quite a few owner-occupied homes,
4051 in addition to the assisted living facility. It seems to be in great demand. We're not in the
4052 business of saying, "Well, you know, we've got enough of this kind of business or that kind of
4053 business." That has to be, at least, that's the way Henrico works, is pretty much a market-

4054 driven concern. And the market certainly would take care of it. I don't know whether, in this
4055 case, if you get a whole lot of extra living facilities, that helps the price or not. That's what
4056 happens in a lot of situations. Whether that applies in this business, I don't know. But, it
4057 certainly would be less traffic than it would be if it were single family. There would be
4058 certain, few, if any, school children involved here, and, I believe, as far as the quality is
4059 concern, although we don't have a plan proffered for the whole parcel nor renderings or
4060 elevations of the buildings, the proffers are probably specific enough to assure that we will get
4061 compatible and good quality facility, and because of all the work. There are a number of the
4062 neighbors that who are closely connected to this, who approve of it and support it. And we
4063 thank them for staying all this time to do that. So, I, therefore, move that Case C-45C-99 be
4064 recommended for approval with the amended proffers.

4065
4066 Mr. Vanarsdall seconded the motion.

4067
4068 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
4069 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mrs. Quesinberry
4070 absent, Mr. Donati abstained). The motion is carried. Thank you very much.

4071
4072 Mrs. Wade - One thing I like about them in their brochure, they have real
4073 people, wrinkles and spots and all.

4074
4075 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning
4076 Commission voted 4-0 (one absent, one abstention) to recommend that the Board of Supervisors
4077 accept the proffered conditions and grant the request because it conforms to the
4078 recommendations of the Land Use Plan; it would not adversely affect the adjoining area if
4079 properly developed as proposed; and the proffered conditions will assure a level of development
4080 otherwise not possible.

4081
4082 At this time, Mrs. Quesinberry arrived at the meeting.

4083
4084 **Deferred from the May 13, 1999 Meeting:**
4085 **C-21C-99 Charles H. Rothenberg for Dakota Associates:** Request to
4086 conditionally rezone from A-1 Agricultural District and RTH Residential Townhouse District to
4087 R-3C One Family Residence District (Conditional), Parcels 192-A-19 & 20, containing 20.017
4088 acres, located on the west line of Midview Road approximately 400' south of its intersection with
4089 Darbytown Road. A single-family residential subdivision is proposed. The R-3 District requires
4090 a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential
4091 1, 1.0 to 2.4 units net density per acre. This site is also in the Airport Safety Overlay District.

4092
4093 Mr. Marlles - Ms. Jo Ann Hunter will be giving the staff's presentation.

4094
4095 Ms. Dwyer - Is there any one in the audience in opposition to Case C-21C-99
4096 Dakota Associates? We do have opposition.

4097
4098 Ms. Hunter Welcome, Mrs. Quesinberry. This request has been before the
4099 Commission several times, already, so I will just briefly update the Commission. The original

4100 request was for RTH to RTH with conditions for 11 acres; and a 9-acre parcel from A-1 to
4101 RTH. The applicant also has a contract on the property to the rear, which is 34.5 acres and
4102 zoned R-5.

4103
4104 The first time it was brought before the Commission, the case was deferred by the Planning
4105 Commission for 60 days to allow the applicant time to address the numerous number of
4106 outstanding issues.

4107
4108 The applicant came back, last month, following the 60-day deferral with a proposal that showed
4109 49 single-family homes in the front portion of the property; in this area (referring to slide), and
4110 townhouse development for the R-5 property.

4111
4112 The applicant requested a 60-day deferral last month. And the Commission asks that Mr.
4113 Monahan return in 30 days to provide a status report to make sure that progress is being made on
4114 the project.

4115
4116 Last Friday, the applicant submitted a revised application for the R-3 zoning in the front, and has
4117 submitted revised proffers for that case. The applicant has met with the neighbors last night, and
4118 both the applicant and the neighborhood representative are here to update the Commission on any
4119 progress that may have been made. If there's not any questions for me, I think its appropriate
4120 for me to turn it over to the applicant and see what progress they've achieved in the last 30 days.

4121
4122 Ms. Dwyer - Thank you, Ms. Hunter.

4123
4124 Mr. Walter Monahan - Mr. Chairman, members of the Commission, I'm Walter
4125 Monahan. I'm glad to see Mrs. Quesinberry back here. We're now down to her district.

4126
4127 A month ago, I'm asked back here, basically, to give a progress report. A month ago, it was
4128 deferred tonight at which time we would come in with a progress report. During that time we
4129 would meet with the residents and we've done that. And Mrs. Roberts is here as kind of a
4130 spokesman, a leader of that group.

4131
4132 Back on May 24th, we had a good crowd. We had a meeting that evening. Then, this week, a
4133 committee had been formed by Mrs. Roberts and her group. They met last Monday. Then I
4134 met with them last evening.

4135
4136 And, the plan that we have been using during this time is what you see on the screen. It's R-3
4137 now in the front rather than your original application which was RTH. And, was explained, that
4138 has been officially been submitted to the County as an amendment to our original request.

4139
4140 Also, on the back, and in the Plan in blue (referring to slide), the streets are in yellow. In blue
4141 we have the patio-type homes that originally we had in the front, when we were trying to go to
4142 RTHC. We're showing 105 of those which border the single family that is already in Varina
4143 Station which is inside the "l" where in orange is Trailing Ridge, a street that is in Varina
4144 Station.

4145

4146 Also, we have townhouses, 141, shown in the upper left of the Plan toward the rear of the
4147 property. So, basically, we have three different groups of housing in here. Single family to the
4148 front; the patio homes that we brought in before. Also, a group of townhouses. So, we've gotten
4149 this different kind of mix.

4150
4151 And, as far as the plan goes, I think we have made a lot of progress, in terms of what can be
4152 done with the property, being zoned R-5 in the back, allowing all kinds of things in the 11 acres
4153 of RTH that are in the front. The density is less than half now of what could be done here by the
4154 Ordinance. What I'd like to do is just summarize, from my point of view, and then Mrs.
4155 Roberts will also be doing the same to where I think we're at during this month of trying to make
4156 some progress.

4157
4158 Last evening, the group had a list of their concerns, and we've gone over those, and, basically,
4159 I've agreed to most of those things. They're really not an issue. These are minor changes that
4160 can be made to the proffers, that were just submitted. And, I think all that can work out to
4161 everybody's satisfaction.

4162
4163 There are two major issues the way I see it: And, one is, along the single family in our
4164 proposed subdivision, as well as Varina Station, coming right down through here (referring to
4165 slide), we're proposing a 30-foot buffer. The residents are saying we would like to see a 50-foot
4166 buffer through this area, particularly where it adjoins, obviously, Varina Station. And, I've got
4167 a plan for that, but I don't think we really need to get into that, tonight.

4168
4169 The major issue, the way I see it, is the road system that's in here and how it ties or does not tie
4170 into Midview out in front of Champagne Way that goes into the single family in Varina Station,
4171 as well as Trailing Ridge, which dead ends right now as a street tied to the back.

4172
4173 What I proposed last night was that, I said, "Let's go ahead, now that we've changed the front to
4174 an R-3 application, let's go ahead and get this thing approved as R-3C, and then let's go into the
4175 details, which really is the street in the subdivision process." Then we get all kinds of comments
4176 back from all the City departments, which I need and you need, and we get it in the proper form.
4177 I think that's a "win-win" situation still for the folks who live out there. But the group does not
4178 want to take that route. And, I've agreed to do it in this way, which would follow.

4179
4180 We will come in with a plan as soon as possible, basically, immediately. It would probably be
4181 the end of next week, or, at least, the following week, as a subdivision, showing the property in
4182 its entirety. And we also have an old plan in that subdivision process as well. That's which is,
4183 basically, null and void at this point. This would replace that. Therefore, we would have, what
4184 I would like to do, the residents' viewpoint, and then we also have the staff comments, which I
4185 think we need, as well.

4186
4187 Now, in talking to Ms. Hunter here, during one of the breaks, we've got a procedural problem
4188 doing that. And that is, the front zoned A-1 and RTH, really, can't be evaluated as a
4189 subdivision. So, we may need a little help from you all in how to solve this problem.

4190

4191 Basically, we would have a subdivision come in to the County now, which would include the R-5
4192 in the back, as you're looking at it, with, basically, a way to tie back to Midview Road. But, we
4193 wouldn't be showing lots.

4194
4195 In order to do this process, we need to defer this application until we kind of go through the
4196 subdivision process. And, I'm not sure exactly what that means. But, I would say to do
4197 anything reasonable through the subdivision process, we're going to have to defer this thing for
4198 60 days. That's what I'd like to do.

4199
4200 I think Mrs. Roberts should get up and talk about where she sees this thing, and I'll try to make
4201 some comment after that.

4202
4203 I think where we really are, is what we do in the process in order to make everybody happy?
4204 And, the only solution that I can see, I don't think we can do it in the zoning process, because
4205 the back part isn't being rezoned. I think we almost have to go through the subdivision process
4206 to get us all in agreement. Any way, I'll let her talk about it though.

4207
4208 Ms. Dwyer - I have one question, Mr. Monahan? What is a patio home? How
4209 would you define that?

4210
4211 Mr. Monahan - A patio home, I think we had that before throughout this
4212 application. It's, basically, an attached unit, but it's a wider unit. You put three, maybe four of
4213 these together, and they more resemble a single-family house, than they do a townhouse. They
4214 don't give the appearance of a townhouse. But, they are an attached kind of unit. It's that kind
4215 of thing. It is commonly referred to as a "cluster-type" unit.

4216
4217 Ms. Dwyer - You may have four attached?

4218
4219 Mr. Monahan - It would vary; three, or four?

4220
4221 Ms. Dwyer - But they wouldn't be in a row, like townhouses might be?
4222 Mr. Monahan - They'd be adjusted front to back, a part from each other, but they
4223 would be still attached units. By your ordinance, they are definitely defined as a "townhouse,"
4224 as an attached unit.

4225
4226 Ms. Dwyer - Thank you.

4227
4228 Mr. Archer - Madam Chairman, you meant, it's not a "flat" appearance across
4229 the front? Is that what you're saying?

4230
4231 Ms. Dwyer - Not like a row house.

4232
4233 Mrs. Wade - They look like rows in this concept plan.

4234
4235 Ms. Dwyer - They do. Yes ma'am.

4236

4237 Mrs. Judith Mayes Roberts - I'm the President of the Varina Homeowners Association. Mr.
4238 Monahan's assessment is, I think, pretty much what went on, but I think probably what he didn't
4239 reveal to you is that, our issues with rezoning that front part, knowing that this plan calls for
4240 those streets to be cut through there, is just absolutely, just cannot be for us, because that's a
4241 leap of faith. We don't know what's going to happen back there.
4242

4243 He says that part would not be rezoned. If he were to do, as we ask here, where he would use
4244 the proffers from January of 1999, and rezone it to R-5, with conditions, then, perhaps, we
4245 could move through this process. But, he's preferred to go through the subdivision, which
4246 means that we have to just wait.
4247

4248 I'm not sure what you're going to do with that. Our subcommittee, as well as our neighbors, are
4249 absolutely opposed to those streets being cut through, and the buffers of 30 feet versus 50 feet,
4250 are a real issue for our folk. The streets are just World War III. So, whatever we need to do,
4251 we want to do it, because what we expressed to Mr. Monahan is that we are in good faith. We
4252 have nothing hidden. All of our issues are on the table in this document. We have made it very
4253 clear that we are open to talking. And, he's saying, "Trust me." And we saying, "No. We
4254 have to see something here." So, whatever you can do to help us through this process, we want
4255 to do it, because we have come this far and we want to be able to continue. And I kind of woke
4256 up this morning and I realized that term "subdivision" kept popping in my head. And, I realized
4257 he was talking about a Plan of Development this morning at 5:00 o'clock versus last night. I
4258 think the group was thinking that, perhaps, he was talking about bringing a plan in where the
4259 proffers would be offered on this back part, which would be a different process. But, I'm sure
4260 whatever could move it through, we would be happy about it, but we can't have those streets,
4261 not at this point, the way that they are.
4262

4263 Ms. Dwyer - Thank you, Mrs. Roberts. Any questions for Mrs. Roberts?
4264

4265 Mrs. Quesinberry - You all have done a very good job...You have really worked hard.
4266 You have covered a lot of ground. (Microphone not on).
4267

4268 Mrs. Roberts - Absolutely.
4269

4270 Mrs. Quesinberry - I don't want you to walk away thinking that you didn't really
4271 accomplish a lot, because you did.
4272

4273 Mrs. Roberts - Yes. We did.
4274

4275 Mrs. Quesinberry - (Microphone not on) There are just a few sticking points here that
4276 looks like things that, perhaps, could be worked out in the next 60 days, I think.
4277

4278 Mrs. Roberts - I think they could.
4279

4280 Mrs. Quesinberry - Okay.
4281

4282 Mrs. Roberts - I think they could. It's all up to my friend. We have become great
4283 friends here. I mean, we're just wonderful friends.
4284
4285 Mrs. Quesinberry - That's kind of good (microphone not on). This is just great from
4286 where we started.
4287
4288 Mrs. Roberts - Yes.
4289
4290 Mrs. Quesinberry - It's a lot of hard work here. We do appreciate that. Thank you.
4291
4292 Mrs. Wade - Access alternatives here?
4293 Mr. Vanarsdall - That's what I'm wondering.
4294
4295 Mrs. Wade - They don't want it through Varina Station, is what they're saying?
4296 How else do you get back to that back part?
4297
4298 Ms. Dwyer - Could you have two roads through the R-3? That's the only thing
4299 I see.
4300
4301 Ms. Hunter If I may. The Public Works Department has provided comments
4302 on this. They are not recommending the connection to the rear portion. The reason that road
4303 was stubbed to that when Varina Station was developed was because you could have single
4304 family homes in the R-5 District at that time. The Ordinance has since changed, and the R-5
4305 only allows for multi-family.
4306
4307 But Public Works has said they would not accept that connection for creating multi-family
4308 coming through a single family development. And, they have made a determination that there
4309 are adequate distances along Midview to have two roads that would come back; something along
4310 those lines (referring to slide).
4311
4312 Mr. Monahan - May I? The comments from Public Works relate back to the other
4313 plan, which was a much higher density also than what this is. The County has never officially
4314 seen this plan.
4315
4316 Mrs. Quesinberry - I know, I've never officially just seen it until just now.
4317
4318 Mr. Monahan - I was there that night a few weeks ago. Yes. You didn't. I had a
4319 likeness of it 30 days ago. But this is slightly different. Actually, it's a few less units. What I
4320 think we need to do is go through the formal process and getting those kinds of comments on the
4321 street ties. I'd like to see it in writing. And one of the reasons for that, one thing I really don't
4322 like the idea of the two connections from Midview. As far as the design of the subdivision, it
4323 doesn't come out well at all.
4324
4325 The other is, actually, I'm being told by my own engineer, if I give us the street ties that are
4326 already there, what he's telling me is, you may not be able to develop the property, because
4327 you're not going to have sufficient access, according to other County-type codes. So, I think we

4328 have to go through this process. And, we just need a little help, I think, on just how we do it
4329 and then come back for the zoning-type thing.

4330
4331 Mrs. Quesinberry - So, you're proposing a 60-day deferral tonight?

4332
4333 Mr. Monahan - Yes. I think that...

4334
4335 Mrs. Quesinberry - And then do you want to; I'm just suggesting because you have
4336 questions about procedure and the best way to move this forward, is that during that 60-day
4337 process, we set up a meeting with staff, yourself, and me and Mrs. Roberts or whoever she
4338 wants to bring to represent their group to finish this up.

4339
4340 Mr. Monahan - We can do that. Whatever works. We also have that old
4341 subdivision, which is no good anymore. We can kind of say, we're amending; and that's
4342 scheduled to come up at the end of July. We can amend it with this, and say, "Okay. Now this
4343 is the subdivision" and have that evaluated.

4344
4345 Mrs. Quesinberry - Well, I have a question about that.

4346
4347 Mr. Monahan - That takes care of it as far as the comments and the evaluation
4348 from everybody. And it's a public hearing.

4349
4350 Mrs. Quesinberry - Ms. Hunter, I have a procedural question.

4351
4352 Ms. Hunter Okay.

4353
4354 Mrs. Quesinberry - Before doing anything else, we still have the zoning issue up front.
4355 I mean we wouldn't move into even consideration of a subdivision with that zoning.

4356
4357 Ms. Hunter They could not move forward with the subdivision on the front
4358 portion, the single family, without the zoning having received final approval from the Board of
4359 Supervisors. I think what they're saying is that they would come in with a subdivision on the R-
4360 5 portion, and then they would just show the connections running through the front, but not show
4361 any lots.

4362
4363 Mrs. Quesinberry - If they came in with a subdivision for the R-5 just showing the
4364 connections coming through the front to Midview, you mean?

4365
4366 Ms. Hunter Of course, ideally, to review this whole property comprehensively,
4367 the best case scenario would be to have the rear portion included in the rezoning case.
4368 Obviously, the applicant is very reluctant to do that. So, that makes it difficult to try to look at
4369 this. They, obviously, are connected and they're connected to the single family. They're
4370 connected to Varina Station. So, its difficult when they're trying to keep it as two separate
4371 processes to review it comprehensively.

4372

4373 Mrs. Quesinberry - Right. And that really is our issue, Mr. Monahan. Did you
4374 understand what she was referring to?
4375
4376 Mr. Monahan - We could do that. We could submit, as a subdivision, amend the
4377 other one—just the back, because the back is where the issues are, not the front.
4378
4379 Mrs. Quesinberry - Well, the front is where the issues are, too, because we're not sure
4380 how those streets are going to ultimately connect.
4381
4382 Mr. Monahan - Well, okay.
4383
4384 Mrs. Quesinberry - Well, we know what Public Works said about the last plan. And
4385 they were very unhappy about that stub street connection.
4386
4387 Mr. Monahan - This is going to come in somehow and probably go around. It's
4388 going to look something like that, which I don't like at all (referring to slide) just the way it lays
4389 out. That's, basically, what its going to look like. There's not a lot of choices.
4390
4391 Mrs. Wade - It's not a lot of choices.
4392
4393 Ms. Hunter It doesn't appear it's all that much different than what they have
4394 now. It's just that there happens to be no connection here and here (referring to slide).
4395
4396 Ms. Dwyer - So, where are we with this case, this evening?
4397
4398 Mrs. Quesinberry - Well, we've got a request for a 60-day deferral. And, I think,
4399 we're going to have to get the parties involved to move this forward. And we can talk about this
4400 off line at a meeting, but I don't know how we can not consider the back with the rezoning case,
4401 but...
4402 Mr. Monahan - What I would like to do; a 60-day deferral, I think, would take of
4403 some of it. I would really like to more than just talk about it what it lays on. I'd like to
4404 officially submit, if it has to be just a fax, that's fine. I'd like to get something officially into the
4405 County that we can get comments from everybody; official comments, not just their first hand
4406 thoughts, where they put it in writing, because I think it helps when they have to think about it,
4407 including engineering and all.
4408
4409 Mrs. Quesinberry - But you're talking about getting those comments on the Plan that
4410 you have up there right now? That's what you want to do?
4411
4412 Mr. Monahan - Yes, because that is the plan.
4413
4414 Mrs. Quesinberry - With the streets where they are, right, Mr. Monahan?
4415
4416 Mr. Monahan - Yes. Until it changes. Until when, and if it may change. But
4417 that's the starting point, at least. It's really, density-wise and what's been done with it, I think
4418 everybody agrees. It's probably pretty good compared to what can be done there.

4419 Unfortunately, we're down to the street business. The issue is tying everything up. But that's
4420 where we're at.

4421

4422 Mrs. Quesinberry - A few other.

4423

4424 Mr. Monahan - A few other minor things, but they can be worked out.

4425

4426 Ms. Dwyer - So, shall we act then on the deferral request?

4427

4428 Mrs. Quesinberry - Yes. We can go ahead and act on that and the parties involved can
4429 get together the other procedural issues. You've come a long way. I'm happy, okay. I'd like to
4430 move for deferral of this case for 60 days, at the applicant's request.

4431

4432 Mr. Vanarsdall - Second. And that's August 12th.

4433

4434 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall.
4435 All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
4436 abstained). The motion carries.

4437

4438 **C-42-99 E. Delmonte Lewis for Virginia United Methodist Home, Inc.:**
4439 Request to rezone from R-5 General Residence District to R-3 One Family Residence District,
4440 part of Parcel 191-A-41A, described as follows:

4441

4442 Commencing at a point in the E. line of Osborne Turnpike said point being 700' + - north of
4443 Lanier Avenue, proceeding S. 89° 43' 50" E., 775.58' to a point; thence proceeding N. 0° 29'
4444 W., 51.67' to a point of beginning; thence from point of beginning N. 83° 31' E., 201' + - to a
4445 point; thence S. 0° 29' E., 221' + - to a point; thence S. 89° 31' W., 200' + - to a point; thence
4446 N. 0° 29' W., 200' + - to the point of beginning containing 1.0 + - acre.

4447

4448 Mr. John Marlles - The staff presentation will be by Mr. Lee Householder.

4449

4450 Ms. Dwyer - You waited all night for this?

4451

4452 Mr. Lee Householder, County Planner- I know; 4.5 hours.

4453

4454 Mr. Marlles - Your first case, too.

4455

4456 Mr. Householder - My first case. My first presentation.

4457

4458 Ms. Dwyer - Is there any one in the audience in opposition to C-42C-99? No
4459 opposition. Mr. Householder.

4460

4461 Mr. Householder - Thank you. This proposal would rezone a one-acre portion of a
4462 15.6 acre parcel from R-5 to R-3, and its located right here (referring to slide). And it's about
4463 800 feet east of Osborne Turnpike, about 1,100 feet south of Oakland Road. The property was

4464 originally rezoned in 1959 to accommodate a multi-family use. And the remaining portions of
4465 the parcel next door is R-3.

4466
4467 As you know, the current R-5 zoning classification does not allow for single family use. The
4468 applicant would like to rezone the site to R-3 to allow for a single-family subdivision, which they
4469 are proposing on 30 acres nearby, and I have a rendering.

4470
4471 They have submitted a tentative plan to the Plan Review Section of the Planning Office. And
4472 this is where the rezoning case resides in their tentative plan. As it stands, the site has access to
4473 Osborne Turnpike like that (referring to slide). With this tentative subdivision plan, they would
4474 eliminate that access to Osborne Turnpike and provide it through Elm Shadow here (referring to
4475 slide), and up through the existing Varina Point Subdivision right there, which we think is
4476 favorable, because it would reduce an access point to Osborne Turnpike.

4477
4478 Another feature of this site is there is an historical structure on the one-acre piece. It's called,
4479 "Lone Oak." It's significant because of its association with a nearby site. It used to be a part of
4480 Tree Hill Farm. There was a race track there. And the structure was built out of the
4481 grandstands of the race track. The structure itself is dilapidated at this point. And Parks and
4482 Rec comments on it say that they would just like to get a photo documentary if, and when, the
4483 site is demolished.

4484
4485 On the Land Use Plan, the designation is Suburban Residential 1 which allows 1.0 to 2.4 units
4486 per acre. The current R-5 would allow a much higher density at 10.9 net units per acre. R-5
4487 District also would permit uses that could be inappropriate for this site, which include boarding
4488 houses, grooming parlors, and child care centers.

4489 The R-3 District has a lower density of 3.0 net units, and it's more consistent with the density
4490 recommended by the Land Use Plan. In addition, changing this parcel to R-3 would make it
4491 compatible with the surrounding R-3 zoning.

4492
4493 With that said, based on those considerations, we would support this request. I'll take any
4494 questions you may have.

4495
4496 Ms. Dwyer - Are there any questions for Mr. Householder? No questions?

4497
4498 Mrs. Quesinberry - Are you ready for a motion? I'd like to recommend approval for
4499 C-42-99.

4500
4501 Mr. Vanarsdall seconded the motion.

4502
4503 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall.
4504 All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
4505 abstained).

4506
4507 Mr. Vanarsdall - See how good you did, Lee.

4508
4509 Ms. Dwyer - Convinced us. No discussion.

4510
4511 Mrs. Quesinberry - That was really tough, Lee.
4512
4513 Mr. Vanarsdall - Mr. Lewis didn't even have to get up.
4514
4515 Mr. Archer - He didn't get a chance to say anything.
4516
4517 Ms. Dwyer - Do you want to come up and speak?
4518 Mr. E. Delmonte Lewis - John, I want him from now on. Thank you, all.
4519
4520 Ms. Dwyer - Good night.
4521
4522 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Vanarsdall, the Planning
4523 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the
4524 request because it is reasonable; it would provide for appropriate development; and it continues a
4525 similar level of single family residential zoning as currently exists in the area.
4526
4527 Ms. Dwyer - Okay, the next item is the **Level of Service Review on Proposed**
4528 **Developments** --The Chesapeake Example. Shall we postpone discussion on that. I think we're
4529 all tired.
4530
4531 Mrs. Quesinberry - Madam Chairman, I'd like to move that we postpone discussion on
4532 anything that we can, tonight.
4533
4534 Ms. Dwyer - Good. Okay. Well.
4535
4536 Mrs. Quesinberry - If there's anything we absolutely have to...
4537
4538 Mrs. Wade - The Status of the Residential Strategies Study, what is that? We
4539 don't have to discuss it, do we?
4540
4541 Mr. Merrithew - No. We could discuss the Chesapeake example and the Residential
4542 Strategies, together, if you like, at the next meeting.
4543
4544 Mrs. Wade - Oh. Not tonight. Okay.
4545
4546 Ms. Dwyer - All right. That will be POD? At the POD meeting?
4547
4548 Mr. Merrithew - When ever you feel...
4549
4550 Ms. Dwyer - Let's try the POD meeting. That's daytime.
4551
4552 Mr. Vanarsdall - That will be good. Thank you.
4553
4554 Mrs. Quesinberry - Mr. Merrithew, do we have to do the Resolution for the
4555 Thoroughfare Plan?

4556
4557 Mr. Merrithew - Yes ma'am, but we don't have to talk about it.
4558
4559 Mrs. Quesinberry - I wasn't suggesting that we talk about it. Do we need to have a
4560 motion for the Resolution?
4561
4562 Ms. Dwyer - We're going to talk about it a little bit, not much.
4563 Mr. Marlles - So, we're going to do the Level of Service Review and the Status
4564 of the Residential Strategies Study, we're going to try to schedule that for our next POD
4565 meeting?
4566
4567 Ms. Dwyer - POD, yes.
4568
4569 **RESOLUTION:** Consideration of Amendments to Zoning and Subdivision Ordinances to
4570 improve the Subdivision Plan Review Process and to require coordination of Plans with the
4571 County's Geographic Information System.
4572
4573 Mr. Marlles - Essentially, this would authorize staff to go ahead and draft those
4574 amendments. For those of you who were able to attend the work session with the Board of
4575 Supervisors on May 11th, Ms. Angela Harper, actually, presented a number of the
4576 recommendations that were part of the development time line project.
4577
4578 The Board of Supervisors reacted favorably to two of those recommendations. The first one had
4579 to do with, basically, trying to streamline the conditional subdivision and Provisional Use Permit
4580 process. And combine those so that the Board of Supervisors would hear both the Provisional
4581 Use Permit and approve the Controlled Density Subdivision at the same time.
4582
4583 So, the second part of that was, they also reacted favorably to the idea of incorporating
4584 requirements in the Subdivision Ordinance relating to the County's Geographic System. So,
4585 that's what those two amendments would relate to. Okay.
4586
4587 Ms. Dwyer - All right. Is there any discussion on the resolutions? Questions?
4588 Ready for a motion.
4589
4590 Mrs. Wade - I move the resolution be approved.
4591
4592 Mr. Vanarsdall seconded the motion.
4593
4594 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
4595 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
4596 abstained).
4597
4598 **RESOLUTION:** Consideration of Amendments to Section 24-110 of Zoning Ordinance Dealing
4599 with Violations and Penalties.
4600

4601 Mr. Marlles - In the last session of the General Assembly, there was a House Bill
4602 approved that, essentially, shortens the period of time in which staff can seek additional penalties
4603 for violations of the Zoning Ordinance, and also increases the amount that can be charged for
4604 zoning violations. This would bring our local Zoning Ordinance into conformity or up to the full
4605 authority that's provided in the State Code for enforcement of the Zoning Ordinance. That's the
4606 short version.

4607

4608 Mr. Vanarsdall - It strengthens what we have now?
4609

4610 Mr. Marlles - Exactly.
4611

4612 Mrs. Wade - Can you be more specific?
4613

4614 Mr. Marlles - Sure. Right now, Mrs. Wade, after the initial violation goes to
4615 court, we have to wait 30 days right now. But after that initial violation, for each subsequent
4616 violation, we have to wait 30 days. This would shorten that period of time to 10 days, so that
4617 we can enforce the ordinance faster, actually. We don't have to keep waiting 30 days. And it
4618 also increases the amount of the penalty so that it would go up to \$1,000 for each of those
4619 repeated violations.

4620

4621 Ms. Dwyer - In the "Now, Therefore, Be It Resolved" paragraph, it says the
4622 third line, "The implement changes to the enabling legislation," I think we really want,
4623 "implement changes permitted by the enabling legislation?"
4624

4625 Mr. Marlles - That's correct.
4626

4627 Ms. Dwyer - All right. Any other questions or discussion on this Resolution?
4628 Mrs. Wade - That applies to subsequent violations, not...
4629

4630 Mr. Marlles - Right.
4631

4632 Ms. Dwyer - Ready for a motion?
4633

4634 Mrs. Wade - I move the Resolution be passed.
4635

4636 Mr. Vanarsdall seconded the motion.
4637

4638 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
4639 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
4640 abstained).
4641

4642 **RESOLUTION:** Set a date for public hearing of July 15, 1999 to consider amending the Major
4643 Thoroughfare Plan by deleting the proposed extension of Reese Drive, in the Varina District.
4644

4645 Mr. Marlles - Mr. Merrithew, I'm sure, will answer any questions you might
4646 have.

4647
4648 Mrs. Quesinberry - Mr. Merrithew, did you ever find out; I know this came from a
4649 citizen?
4650
4651 Mr. Merrithew - That's correct.
4652 Mrs. Quesinberry - Did you ever find out what their concern was?
4653
4654 Mr. Merrithew - No ma'am. I haven't gotten an answer to that question yet. It
4655 may be a two-part concern. This street would ultimately connect Elko Road. And there is,
4656 under current plans, likely to have more commercial and industrial traffic on that road and
4657 there's a concern about that traffic getting into the neighborhood.
4658
4659 Secondly, there's a possible concern about the potential development of the property between
4660 Elko Road and the existing subdivision. And they want to look at other opportunities for road
4661 networks, rather than putting this road through there. But I have not heard from the person who
4662 requested it. That will certainly be part of the review that staff presents to you next month at the
4663 public hearing, if you agree to send it forward.
4664
4665 Mrs. Quesinberry - Okay.
4666
4667 Mr. Archer - This Resolution is just to set a date for the hearing?
4668
4669 Mr. Merrithew - That's correct.
4670
4671 Mrs. Quesinberry - Then we'll just hear it.
4672
4673 Mr. Merrithew - That's correct. And the date is July 15, 1999.
4674
4675 Ms. Dwyer - Any questions or discussion?
4676
4677 Mrs. Quesinberry - I'd like to move the adoption of the resolution.
4678
4679 Ms. Dwyer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
4680 those in favor of the motion, say aye—all those opposed by saying nay. The vote is 5-0 (Mr.
4681 Donati abstained). Ms. Dwyer, any other business to be conducted by, or before, the
4682 Commission this evening.
4683
4684 There being no further business, acting on a motion by Mr. Archer, seconded by Mr.
4685 Vanarsdall, the Planning Commission adjourned its meeting at 12:30 a.m. on June 11, 1999.
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4692

Elizabeth G. Dwyer, C.P.C., Chairwoman

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4694
4695
4696

John R. Marles, AICP, Secretary