

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 6:15 p.m., on March 9, 2000, Display Notice having been published in the
4 Richmond Times-Dispatch on Thursday, February 17, 2000, and Thursday, February 24, 2000.

5

6 Members Present: Ernest B. Vanarsdall, C.P.C., Chairman, Brookland
7 Debra Quesinberry, Vice-Chairman, Varina
8 C. W. Archer, C.P.C., Fairfield
9 Allen J. Taylor, Three Chopt
10 Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe
11 Patricia S. O'Bannon, Board of Supervisors, Tuckahoe
12 John R. Marlles, AICP, Secretary, Director of Planning

13

14 Others Present: Virgil R. Hazelett, County Manager
15 Robert C. Thompson, Director, Public Works
16 J. Wes Malcomb, Director, Recreation
17 Timothy Foster, Traffic Engineer, Public Works
18 Paul Carper, Construction Manager, Schools
19 Randall R. Silber, Assistant Director of Planning
20 Elizabeth S. Via, Principal Planner
21 Mark Bittner, County Planner
22 Lee Householder, County Planner
23 Jo Ann Hunter, County Planner, AICP
24 Eric Lawrence, County Planner, AICP
25 Judy Thomas, Recording Secretary

26

27 Mr. Vanarsdall - We're right on time, 6:15 p.m. The Planning Commission will now
28 come to order. Welcome. It's always nice to have the elite of the County at our meetings once a
29 year. It's sort of like the Academy Awards for us and we appreciate you coming.

30

31 On a serious note, I know the budget is serious thing, and I was telling Rita, anywhere I ever
32 worked, when they submitted the budget, it always came back and "sharpen your pencil" and send it
33 back again. She says, y'all do it a little differently. So, good.

34

35 Ms. Dwyer - Mr. Chairman, we also have two high school students here observing
36 us this evening, if you'd recognize them.

37

38 Mr. Vanarsdall - Glad to have you.

39

40 Ms. Dwyer - Tocky Fortopolus and Michael Holder.

41

42 Mr. Vanarsdall - Great. Glad to have you, guys. All right, with that, I'll turn our
43 meeting over to our Secretary, Mr. Marlles.

44 **CAPITAL IMPROVEMENT PROGRAM**

45 Henrico County's proposed five year Capital Improvement Program (CIP) for FY 2000-01 through
46 FY 2004-05. Complete copies of the CIP are available at the Office of Management and Budget,
47 County Administration Building between 8:00 a.m. and 4:30 p.m. each business day.

48
49 Mr. Marlles - Thank you, Mr. Chairman. Good evening, ladies and gentlemen.
50 It's nice to see my fellow administrators out there in the audience, tonight. The first item on the
51 agenda is the County's Capital Improvement Program. This is an advertised public hearing to
52 consider the five-year CIP for Fiscal Year's 2000-01 to 2004-05. This evening we do have the
53 County Manager, Mr. Virgil Hazelett, and other members of the County staff as well as
54 representatives from the Budget Office, and representatives from other County agencies that have
55 matters related to the CIP.

56
57 Again, this is a public hearing. Mr. Manager, I presume you're going to be giving the presentation
58 this evening?

59
60 Mr. Virgil R. Hazelett, County Manager - Yes. I am, Mr. Marlles. Mr. Chairman, and members of
61 the Board (sic), Mrs. O'Bannon, we have this group of people here this evening to literally provide
62 you any information that you may wish to hear. The Chairman refers to possibly this group as the
63 "elite." Some people have referred to them as "Henrico's Most Wanted." That is by poster.

64
65 We're here this evening to review with you, as you see before you (referring to slide), the Henrico
66 County's proposed Capital Improvement Program, which is for 5 years, and the proposed Capital
67 Budget for one year, that being 2000-2001.

68
69 As we begin this, the information was submitted to you in the proposed Capital Improvement
70 Program Book, which you may or may not have. You really do not need that, although you may
71 have some questions in reference to the projects. As I indicated, staff is here to answer, hopefully,
72 any and all of those.

73
74 But, we start this evening with the proposed 5-Year Capital Improvement Program, which is going
75 to amount to \$543.3 million when we are finished providing you some highlights of this. That
76 particular kind of money cannot be funded over a 5-year program. We do look; we do vision to the
77 future, and try to determine all of the needs that Henrico County has, and, hopefully, to fund as
78 much of that as we possibly can, through a priority effort. Because of that, we've done this on a
79 year-by-year basis, given consideration to the overall 5-year program, and a re-evaluation on an
80 annual basis.

81
82 As you look to the information before you, you see that Education is requesting \$151.4 million over
83 this 5-year period. That, obviously, would include a new high school, where there has been a lot of
84 discussion about the northwestern portion of the County. A new elementary and middle school;
85 renovations and improvements, in addition to existing schools, as we continue with the increase in
86 population in Henrico County.

87 In the area of Fire, for that 5-years we are anticipating the expenditure of about \$19.1 million which
88 is before you, and that is for 3 new fire stations, and also some renovations to existing fire stations
89 throughout the County.

90
91 General Services continues its needs; 35.9 million. We cannot forget General Services, simply
92 because they deal in such mundane things as roof repair, mechanical improvements, and pavement
93 rehabilitations on all of our facilities throughout Henrico County. It's not something that is
94 glamorous, but something that absolutely keeps us working throughout each and every day.

95
96 The next item, Juvenile Courts, is a difficult one. Our need for additional court facilities and court
97 services in the area of juvenile continues to increase in Henrico County. The General Assembly, as
98 many of you may have seen in the paper this morning, has approved an additional Juvenile Judge
99 for Henrico County. That will be on a shared basis to begin with, but I anticipate in the very near
100 future, that would be a complete Judgeship for Henrico County. That necessitates almost immediate
101 improvements.

102
103 In addition, we have to look to the short term, probably four to five years, in addition to a much
104 longer term, in reference to Court services in Henrico County. And I anticipate that there will be
105 additional expenditures beyond this for all court facilities in Henrico.

106
107 Mental Health, Mental Retardation is requesting money to build a new adult care residence and
108 build-out of office space, due to their needs and expansion of staff.

109
110 One item up there for Police, \$787,000 is something that is included in the first year's budget that I
111 will address in just a moment. It's for a bullet trapping system. We continue to have to train our
112 police officers to ensure their capability to meet all demands on the street. And this becomes an
113 absolute necessity when we consider the environmental issues that come along with that training.

114
115 Libraries is requesting additional money for three new libraries and improvements to four new
116 existing libraries.

117
118 As we continue on, landfills is something that is, obviously, not glamorous to us, but is an absolute
119 necessity with increasing population in our density. We are proposing expansion of the landfill
120 building to better serve our citizens in that area. Also, we will be providing another closure for the
121 phase of the landfill and another opening or expansion of the landfill during this five-year period.

122
123 The Geographical Information System known as "GIS," continues to be extremely important to us,
124 providing more efficient effort for all of our employees and all of our development efforts and all of
125 our citizens, really, throughout Henrico County, and, we have dedicated a number of years to
126 providing that service through Capital efforts.

127
128 Obviously, there are many drainage projects included; 31.8 million roadway improvements and
129 \$14.5 million or \$14.6 million.

130
131 And then, Recreation, over the five years is requesting almost \$96,000,000. Again, with the
132 increasing population and density, there is a need to improve our existing facilities, and to expand
133 our facilities.

134

135 CATC Capital Area Training Consortium is also requesting money, due to the many things that are
136 happening to us from the State level. We're proposing here a "One-stop Career Resource Center"
137 to assist with all of the efforts in this particular area.
138

139 And, of course, the last one that you see here on this slide, the TIP which is the "Technology
140 Improvement Program," is a means of budgeting and looking to the future for all of the technical
141 needs, computer needs of Henrico County, and determine a way in which we can continue to fund
142 that without having a dramatic impact upon the overall budget.
143

144 Those \$419 million make up one portion of the proposed five-year program. The Enterprise Fund
145 and funding that becomes available here from the self-supporting effort is also considered.
146

147 Utilities, \$121 million, in order to provide additional water and sewer services, rehabilitation in
148 addition to expansion of our services.
149

150 And our Belmont Golf Course facility here you see (referring to slide) is proposing expansion of a
151 parking area. We are in desperate need of parking at the Belmont Course. It has received many,
152 many new patrons over the years, and there is an absolute necessity to increase the parking there.
153

154 When you look at all of those numbers, it comes to \$543.3 million dollars over five years. Through
155 our budgetary process, as I indicated, we fund one year at a time, or give consideration to that.
156

157 With that, the proposed Capital Budget for the Year 2000-2001, which we are requesting that you
158 approve, make a recommendation for, consists of this \$71.8 million.
159

160 The \$44.5 million in education includes funding for the continued construction of a new high
161 school, as I've mentioned; a new alternative middle school in eastern Henrico County; and
162 acquisition of land and planning for elementary and middle schools throughout the area. It also
163 includes improvements to Hermitage High School and Henrico High School, and also
164 improvements to Sandston and Fair Oaks Elementary Schools, in addition to continuing roof
165 replacement and mechanical improvements.
166

167 I mentioned General Services earlier. We are proposing \$1.5 million in this area. The continued
168 renovation of the second floor of the Administration Building. Obviously, the Planning
169 Commission knows the location of the present Office of Planning. We are proposing to renovate
170 the second floor to provide a "One Stop Shop" effort, if you will, for our citizens of Henrico
171 County, and a lot of renovation and rehabilitation goes into that. So, this is included in this
172 particular area.
173

174 \$2.6 million is allocated for funding for an addition to the Juvenile Courts that I have mentioned.
175 There is a need to expand. It will be on an interim basis, while we evaluate what we can do as
176 alternatives to our entire courts facilities in Henrico County.
177

178 One item that I previously mentioned, the bullet trapping system for the Police Department,
179 \$787,000 is necessary, simply because of the number of bullets which are imbedded in the

180 embankment out there and the impact of that lead and environmental condition. It is necessary to
181 do this. We have targeted it for a number of years, and believe it is now time to do it.

182
183 Of course, the continuation of GIS, as indicated, an item we've been committed to for a number
184 years of \$1.3 million.

185
186 Roadway improvements; this is funding from the State, and continues along with the Capital
187 Improvement of \$2.9 million for that continued effort. And \$300,000 in landfill efforts, which is the
188 expansion of an existing building to provide services for our employees, as well expanded needs of
189 the staff in that particular area.

190
191 Public Utilities; this one year expenditure of \$17.8 million, the expansion and the rehabilitation of
192 the water and sewer system. While, it's out of sight, a lot of people forget that the water and sewer
193 systems in many areas are approaching 60 to 70 years of age. There is a continued need to watch
194 over that and make sure those improvements are made.

195
196 The study for the Belmont Golf Course at \$65,000 is there. We do anticipate some difficulty in
197 locating a particular parking structure or parking area for Belmont Golf facility. And, therefore, we
198 want to study it closely before we make the actual recommendation for improvements.

199
200 That is the proposed Capital Improvement Budget for the Year 2000-2001 \$71.8 million. It can be
201 broken down, of course, by the departments that you see before you. In addition, we can break it
202 down by project type, which I will simply relate to you, which appears before you being building
203 improvements, new buildings, additions, roadways, landfills and so forth. All in all, it is a proposed
204 expenditure of \$71.8 million. We believe that it is an appropriate CIP. We did not anticipate
205 funding the total amount of over \$530 million in one year. And we do not, but we believe the
206 amount which we are recommending for your consideration, and that of the Board of Supervisors, is
207 appropriate and is needed for the citizens of Henrico County.

208
209 Mr. Chairman, and members of the Commission, myself and my staff stand ready to answer any
210 questions that you have. As always, I have cautioned staff, if they cannot answer a question, there is
211 a bus waiting outside, the motor is running. So, we are prepared for you.

212
213 Mr. Vanarsdall - Any questions for Mr. Hazelett by Commission members?

214
215 Mr. Archer - Mr. Manager, I noticed there was an allocation for improvement to
216 Francis Road.

217
218 Mr. Hazelett - Yes sir.

219
220 Mr. Archer - Exactly, what is proposed to be done on Francis Road?

221
222 Mr. Hazelett - Mr. Thompson, if you'd come forward. We have a public hearing
223 which is scheduled rather shortly, Mr. Archer, for that particular aspect.

224

225 Mr. Robert C. Thompson, Director, Public Works - Mr. Archer, that project would go from
226 Greenwood Road to Virginia Center Parkway. It would widen the road to a 40-foot roadway with
227 curb and gutter and storm sewer, and realigned. As you're probably aware, there's a sharp curve in
228 that road which would be straightened out. We have a public information meeting scheduled with
229 the residents. The project has been designed for March 21st and a public hearing, if approved by the
230 Board, a receipt of a Letter of Necessity, Tuesday night, would set that meeting for April 28th.

231
232 Mr. Archer - Okay. I appreciate it. I get asked all the time. Now, I know what to
233 say.

234
235 Mr. Thompson - Okay.

236
237 Mr. Vanarsdall - Any other questions for Mr. Hazelett by Commission members?

238
239 Mrs. O'Bannon - I have a question about the "One Stop Career Resource Center."
240 And my question is only, the One Stop Career Resource Center in CATC is Capital Area. It's more
241 than just Henrico. Do we not get funding from the other localities, or how...

242
243 Mr. Hazelett - Yes ma'am. We get portions of funding which would be considered
244 on the revenue side. This is on the expenditure side.

245
246 Mrs. O'Bannon - Okay.

247
248 Ms. Dwyer - Mr. Hazelett, when we had our Retreat, I guess, a couple of months
249 ago, we talked about the fact that a lot of these plans are based on the recommendations in the 2010
250 Land Use Plan and that when density, for instance, in a residential development exceeds what is in
251 the Land Use Plan, that means we've exceeded what the County has planned for. Is it safe to
252 assume that the requests made in this Capital Improvement Budget are based on the 2010 Land Use
253 Plan and buildout in accordance with that?

254
255 Mr. Hazelett - In accordance with the Plan, yes, Mrs. Dwyer. I think that there may
256 be one particular area. Of course, the area of Education, where it becomes a little bit more difficult,
257 simply, because of the influx of population that really is out of control of the School system. And,
258 of course, we have to meet that need. But, yes, for all practical purposes, beyond that, it is in
259 accordance with the plan.

260
261 Mrs. Quesinberry - Can I ask a follow up on that, just dealing with the sewer and the
262 new sewer connections? What happens in areas where we have developers that actually, I'm
263 thinking about some areas that I've looked at recently, where developers have offered to build in the
264 sewer, pumping station, whatever was needed and opened up huge watersheds for development, or
265 that's what they were proposing to do? When something like that happens, how does that impact
266 our Capital Improvement Plan?

267
268 Mr. Hazelett - Well, all of the items that a developer would provide are in
269 accordance with the calculated capacities, based on the Land Use Plan. In other words, we ensure

270 that anything that is built in any watershed is capable of handling the anticipated development in
271 that watershed.

272
273 The normal policy of the Department of Public Utilities is, of course, to require that the developer
274 provide that infrastructure with his development. He may build portions that he does not need, but,
275 of course, he would receive credits along the way, as other development occurred.

276
277 But we watch very closely the aspect of the capacity of our system, based upon the land use. When
278 that land use is changed through the zoning process, it, at times, creates some dilemmas. But, again,
279 we look at the number of persons per unit. We look at the units within the zoning classifications as
280 we move on.

281
282 To tell you that we have a capacity problem, I can't tell you that, Mrs. Quesinberry. I don't think
283 we do. But we have to be mindful of the overall effort, simply because the amount of time it takes
284 to expand your wastewater facilities, and we have to be very careful with that.

285
286 Mrs. Quesinberry - I was thinking more along the lines of just costs to the County. Even
287 if the developer puts in all that initial infrastructure, then, at some point, wouldn't we be driving our
288 costs up, costs that we hadn't initially planned for in this plan when we have to then maintain or
289 take over that system at some point?

290
291 Mr. Hazelett - No ma'am. Of course, the cost of services are evaluated almost each
292 and every year through a "Cost of Service" Study, and is passed on, as necessary, to the customers;
293 in this particular instance, the citizens, within the usage of the Enterprise Fund, water and sewer.
294 We're mindful of that. There is an expansion. In some instances in the County, that increase in
295 system will help the overall costs. One item that will be recommended to the Board of Supervisors
296 is something a bit unusual this year. We are not recommending an increase in the cost of water and
297 sewers to our citizens. Simply, because of the revenues that have been received within our system
298 this year, we do not necessitate that increase. Something we very seldom see. So, to say, that an
299 expanded system costs us more in operation, obviously, it will, but its an increased customer base,
300 and it will help us in that manner also.

301
302 Ms. Dwyer - Mr. Manager, I noticed in FY-2000-01, several departments have
303 requested funding, but its being proposed that they not receive funding; notably, Fire, Libraries, and
304 Recreation & Parks. I'm particularly curious about what we are delaying or deferring in those
305 departments by not funding their requests this coming year.

306
307 Mr. Hazelett - Ms. Dwyer, we'd have to look at each one of them individually, and
308 we're more than happy to do that. I have them available. It becomes one of a consideration of
309 revenue source; revenues that are available to us; how we're going to, in essence, look at the overall
310 capital projects and to, simply, establish a priority.

311
312 To tell you that we fund all of the needs every year, I can't. But, to tell you that we do prioritize
313 them; rank them, and have a long deliberation over what we include and what we do not include, we
314 do that virtually every year. If you have a particular department in mind, obviously, we can address
315 it for you.

316
317 Ms. Dwyer - You're right. We can't go over each one, but some of the inclusions
318 in here, I guess, were going to be funded over a period of five years. I guess I'm particularly
319 interested in Parks & Recreation because, sitting in this seat, we have such an extraordinary
320 appreciation for the value of land; the fact that land is being used, and developed at such a rapid rate
321 and that once its developed, its no longer available for public use, or for open space. So, that seems,
322
323 Mr. Hazelett - Sure.
324
325 Ms. Dwyer - ...from where I sit, to be a very critical issue that is the acquisition of
326 park land. So, I'm just wondering, what specifically are we deferring this year?
327
328 Mr. Hazelett - I'd be glad to have Wes Malcomb come up. You're absolutely right.
329 As we develop land, there is an absolute necessity to preserve more land and to create that open
330 space in the recreational activities. It really depends on whether we're looking for different revenue
331 sources as to how long we delay something or what we do with it. Wes, are you back there?
332
333 Mr. J. Wes Malcomb, Director, Recreation and Parks – Yes sir.
334
335 Mr. Hazelett - Reference her question about what we've left out of the first year.
336
337 Mr. Malcomb - Ms. Dwyer, actually, our CIP, the first year priorities are almost all
338 development projects, and not acquisition projects. We're very fortunate to have the 3,300 acres of
339 land and only about 800 of it is actually developed. So, while the development waits on the money,
340 the acquisition of land, you know, we've acquired some; the land at Short Pump recently, the land
341 for Twin Hickory Park, and on Gildale Road all in the last couple of years. So, basically, its
342 development that we're delaying and not acquisition.
343
344 Ms. Dwyer - So, you've answered my next question which is the Short Pump
345 Park; the new property; that's already been acquired, so that's not part of this?
346
347 Mr. Malcomb - That's correct.
348
349 Ms. Dwyer - Okay.
350
351 Mr. Malcomb - What's in the CIP, then, is master planning in future years, and
352 subsequent development.
353
354 Ms. Dwyer - For the land that we already have.
355
356 Mr. Malcomb - Yes ma'am.
357
358 Ms. Dwyer - Thank you.
359

360 Mr. Vanarsdall - Any more questions for Mr. Hazelett? Mr. Hazelett, in the Police
361 budget, I know at one time we hadn't filled all the positions, or hadn't quite filled them all. In the
362 Police budget, is this enough to fill what we need?

363
364 Mr. Hazelett - This is actually the Capital Budget, Mr. Vanarsdall, which refers to
365 Capital improvements. To answer your questions reference the operation budget, yes sir. The only
366 thing that we don't know in the area of Police is how many police officers will retire during the
367 year. With the economy good, there tends to be more who consider retirement. Quite frankly, over
368 50 percent of our police officers could retire today, simply because of the retirement system, the age
369 and the service that is there. But our last academy is completely full and does meet the number.
370 We are up to full complement.

371
372 Mr. Vanarsdall - One of the questions that I've asked you for the last two years, and I
373 won't have to ask you tonight, and I was real pleased that you bought the land for Juvenile Court
374 parking. We really did need that.

375
376 Mr. Hazelett - Juvenile Courts is something that's extremely difficult. The usage is
377 just increasing dramatically. With the new judge coming on in July, we've known about that,
378 probably 99 percent sure for the last three months. As you know, we have acquired land. We are
379 on a fast track to build 85 parking places by July 1 when the Judge would come on, as well as doing
380 some of the office. We had conversations this afternoon about acquiring another acre or so over
381 there to add additional parking in that particular area. It just has to be done.

382
383 Mr. Vanarsdall - Good. Thank you. All right, any more questions for Mr. Manager
384 from Commission members?

385
386 Ms. Dwyer - Mr. Manager, what is the status of the Moody Middle School
387 renovation? I see on I guess Page 24, the expenditures are \$9 million, but appropriations to date is
388 \$700,000. Is that going to be phased in over the 5 years or?

389
390 Mr. Paul Carper, Construction Manager, Schools - That was advance money that was given for
391 architectural engineering fees. We anticipate advertising for bids, so we can receive bids and award
392 in July when we receive funding for construction. This, basically, is construction funding.

393
394 Ms. Dwyer - So, when will it be completed?

395
396 Mr. Carper - The phase process over two years. So, in the fall of 2002, the project
397 will be complete.

398
399 Ms. Dwyer - Okay. Thank you.

400
401 Mr. Vanarsdall - All right, this is a public hearing. Is there anyone in the audience like
402 to speak. We welcome your remarks. Thank you very much. Thank you, Mr. Hazelett, very much
403 being here.

404
405 Mr. Hazelett - Thank you, Mr. Chairman.

406
407 Mr. Vanarsdall - We thank all the Division Chiefs and everybody who had anything to
408 do with this. We appreciate all your efforts, and I know the citizens do. Mr. Marlles.
409
410 Mr. Marlles - Mr. Chairman, we have a short resolution that's before the
411 Commission tonight. I'll take a minute to read it.
412
413 WHEREAS, the County Manager has requested the Planning Commission to review the Capital
414 Budget for fiscal year 2000-2001 according to 15.2-2239 and the Capital Improvements Program
415 for Fiscal Years 2000-2001 through 2004-2005, and to make appropriate comments and
416 recommendations to the Board of Supervisors, and
417
418 WHEREAS, the Planning Commission has completed its review of the Capital Budget, together
419 with the five year Capital Improvements Program;
420
421 NOW, THEREFORE, BE IT RESOLVED that the Henrico County Planning Commission finds
422 that the Capital Budget for Fiscal Year 2000-2001 is generally consistent with the County's
423 Comprehensive Plan and recommends its approval.
424
425 That is the resolution before you, Mr. Chairman.
426
427 Mr. Vanarsdall - Thank you, Mr. Marlles. I'd like to have a motion and a second.
428
429 Ms. Dwyer - I move that we approve the resolution.
430 Mrs. Quesinberry seconded the motion.
431
432 Mr. Vanarsdall - Motion made by Mrs. Dwyer, seconded by Mrs. Quesinberry. All
433 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
434 abstained).
435
436 Mrs. O'Bannon - I'd like the record to reflect that I abstain as I do to all votes.
437
438 Mr. Vanarsdall - Thank you, Mrs. O'Bannon. So noted.
439
440 Mrs. O'Bannon - I get to vote on it again.
441
442 Mr. Vanarsdall - Thank everybody, and good evening.
443
444 Mr. Hazelett - Thank you, Mr. Chairman, members of the Commission.
445
446 Mr. Vanarsdall - The Commission will take a break. Good evening, ladies and
447 gentlemen. The Planning Commission will now reconvene. We'll turn the meeting over to our
448 Secretary, Mr. Marlles.
449

450 Mr. Marlles - Okay, Mr. Chairman. The next item on the agenda is requests for
451 deferrals and withdrawals. We do have a number of deferrals and withdrawals tonight. They will
452 be handled by Mrs. Via.

453
454 Mrs. Via - Thank you, Mr. Secretary. Mr. Chairman, members of the Planning
455 Commission, we do have a number of withdrawals and deferrals that are on the screen (referring to
456 slide) for the sake of the audience.

457
458 **Deferred from the January 13, 2000 Meeting:**
459 **C-10C-00 Jay M. Weinberg for Atack Properties, Inc.:** Request to
460 conditionally rezone from A-1 Agricultural District, RTHC Residential Townhouse District
461 (Conditional) and O/SC Office/Service District (Conditional) to RTHC Residential Townhouse
462 District (Conditional), R-5C General Residence District (Conditional) and O/SC Office Service
463 District (Conditional), Parcels 12-A-2, 4B, 5, 6 and 7; 13-A-24, 21-A-2, 4,5 and 18A, containing
464 approximately 258.184 acres located at the northeast intersection of I-295 and Staples Mill Road. A
465 mixed use office/service, townhomes for sale and apartments development is proposed. The
466 applicant has proffered no more than 110 townhouse units and no more than 300 apartment units on
467 the property. The Office/Service use will be controlled by zoning ordinance regulations and
468 proffered conditions. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net
469 density per acre, Office/Service and Environmental Protection Area.

470
471 Mrs. Via - The first this evening at the 7:00 o'clock agenda is Case C-10C-00
472 Jay M. Weinberg for Atack Properties. This case has been withdrawn by the applicant.

473
474 Mr. Vanarsdall - No action necessary, Mr. Secretary?

475
476 Mr. Marlles - That's correct.

477
478 Mr. Vanarsdall - No action necessary by us. Thank you, Mrs. Via.

479
480 **C-16-00 Henry L. Wilton for Wilhook LLC:** Request to rezone from A-1
481 Agricultural District to C-1 Conservation District, part of Parcel 61-A-75, containing 4.3 acres,
482 located along the southern line of Hollins Glen Subdivision and the western line of Laurel Dell
483 Subdivision (Agra Drive in the Laurel Dell Subdivision being the northernmost access and Salua
484 Drive being the southernmost access). A conservation area is proposed. The Land Use Plan
485 recommends Environmental Protection Area.

486
487 Mrs. Via - The next case C-16-00 Henry L. Wilton for Wilhook. This case was
488 mis-advertised for tonight. It will have to be pulled from the agenda and advertised for April 13,
489 2000.

490
491 Mr. Vanarsdall - Is there any one here on behalf of C-16-00 Henry Wilton for
492 Wilhook? This is a C-1 Conservation case? All right, thank you. Mrs. Via.

493
494 **Deferred from the January 13, 2000 Meeting:**

495 **C-65C-99** **Donald L. Strange-Boston for Steven and Dody Tribble and**
496 **Charles W. Sanders, Jr. and J. Sanders:** Request to conditionally rezone from B-3C Business
497 District (Conditional) and R-4 One Family Residence District to B-3C Business District
498 (Conditional), Parcels 52-A-55 and 56 and part of Parcels 52-A-53 and 54A, containing 1.5706
499 acres, located on the west line of Mountain Road approximately 275 feet north of its intersection
500 with North Run Road. Any permitted B-1 use, B-3 Office/Warehouse and Overnight Respite Care
501 for Adults are proposed. The use will be controlled by zoning ordinance regulations and proffered
502 conditions. The Land Use Plan recommends Commercial Arterial and Suburban Residential 2, 2.4
503 to 3.4 units net density per acre.

504
505 Mrs. Via - The next case is in Fairfield, C-65C-99. A deferral has been
506 requested by the applicant to June 15, 2000.

507
508 Mr. Vanarsdall - Any one in the audience in opposition to a deferment for C-65C-99?
509 Any opposition to deferring this case? All right, no opposition.

510
511 Mr. Archer - Mr. Chairman, I move deferral of C-65C-99 to the, what was it, Mrs.
512 Via.

513
514 Mrs. Via - June 15th.

515
516 Mr. Archer - June 15th at the applicant's request.

517
518 Mrs. Quesinberry seconded the motion.

519
520 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs. Quesinberry. All
521 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
522 abstained).

523
524 Ms. Dwyer - Mr. Chairman, for the previous case, even though deferral is
525 required, do we still have to vote to defer it?

526
527 Mr. Marlles - Yes, we do. It was mis-advertised.

528
529 Mr. Vanarsdall - The one that was pulled. That was mis-advertised and it was pulled
530 from the agenda.

531
532 Mr. Marlles - Right. Mr. Chairman, that was C-16-00.

533
534 Mr. Vanarsdall - The Withdrawn one is no action, and the C-16-00?

535
536 Mr. Marlles - I don't believe we need a motion.

537
538 Mrs. Via - No. We didn't do a motion. I'm not sure if we do. We do need a
539 motion on that?

540

541 Mr. Vanarsdall - I don't think so.
542
543 Mrs. Via - To be safe, why don't we.
544
545 Mrs. O'Bannon - I agree.
546
547 Mr. Marlles - We should.
548
549 Mr. Vanarsdall - It was pulled.
550
551 Mr. Marlles - Wasn't C-16-00 pulled, Mrs. Via?
552
553 Mrs. Via - C-16-00 was mis-advertised. We cannot hear it tonight.
554
555 Mr. Vanarsdall - Mis-advertised.
556
557 Mrs. Via - I'm not sure if we should take a motion. To be on the safe side, why
558 don't we move for the next agenda?
559
560 Mr. Vanarsdall - All right, there's no problem in doing it. I don't think we need a
561 motion, but I'll make a motion. C-16-00 I move we accept it to be taken action on in April.
562 Mrs. Via - April 13th, yes.
563
564 Mrs. Quesinberry seconded the motion.
565
566 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry. All
567 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
568 abstained).
569
570 **Deferred from the February 10, 2000 Meeting:**
571 **C-13C-00 Charles Lessin for American Homecrafters, Inc.:** Request to
572 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
573 (Conditional), Parcels 29-A-42, 43, 44 and 45, containing 12.374 acres, located on the west line of
574 Francistown Road at its intersection with Castle Point Road. A single family residential
575 subdivision is proposed. The R-3 District requires a minimum lot size 11,000 square feet. The
576 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
577
578 Mrs. Via - The next one is in the Three Chopt District. This is Case C-13C-00.
579 This case has been withdrawn by the applicant. No motion is required on that.
580
581 Mr. Marlles - Mrs. Via, would you repeat that case number again?
582
583 Mrs. Via - That was C-13C-00 in the Three Chopt District. It's been
584 withdrawn.
585
586 Mr. Vanarsdall - I thought you said deferred.

587
588 Mrs. Via - No. I'm sorry. It has been withdrawn by the applicant.
589
590 Mr. Vanarsdall - All right, thank you. Next case.
591
592 Mrs. Via - The next case also in the Three Chopt District is C-20C-00.
593
594 **C-20C-00 Draper Aden Associates for Manorhouse Retirement Centers,**
595 **Inc.:** Request to amend proffered conditions accepted with rezoning Case C-4C-98, on Parcel 69-A-
596 92 and part of Parcel 59-A-97, containing 5.07 acres, located on the west line of Skipwith Road
597 approximately 90 feet north of its intersection with Larkwood Road. The amendment is related to
598 the fencing material to be used on the property. The Land Use Plan recommends Suburban
599 Residential 1, 1.0 to 2.4 units net density per acre and Multi-Family, 6.8 to 19.8 units net density per
600 acre.
601
602 The applicant has requested a deferral to April 13th.
603
604 Mr. Vanarsdall - Any one in the audience in opposition to C-20C-00 Manorhouse
605 Retirement Centers? This is a deferment. All right, need a motion.
606 Mr. Taylor - Mr. Chairman, I move that Case C-20C-00 be deferred until April
607 13th at the request of the applicant.
608
609 Mr. Archer seconded the motion.
610
611 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in
612 favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). Next
613 case, Mrs. Via.
614
615 **Deferred from the January 13, 2000 Meeting:**
616 **C-72C-99 James W. Theobald for Dalriada, L. L. C.:** Request to
617 conditionally rezone from RTHC Residential Townhouse District (Conditional) to M-1C Light
618 Industrial District (Conditional), Parcel 58-A-48C, containing approximately 3.588 acres, located
619 on the northwest line of Gaskins Road approximately 300' south of its southwest intersection with
620 Three Chopt Road. A mini-storage warehouse facility is proposed. The use will be controlled by
621 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Urban
622 Residential, 3.4 to 6.8 units net density per acre.
623
624 Mrs. Via - Thank you, Mr. Chairman. The last case for the 7:00 o'clock agenda
625 is in the Tuckahoe District. This case has also been withdrawn by the applicant.
626
627 Mr. Vanarsdall - All right, thank you. Would you announce the 8:00 agenda in case
628 someone is here waiting for it, and we won't vote on them.
629
630 Mrs. Via - Certainly, sir. There are two deferral requests at the 8:00 o'clock
631 agenda. The first one is Case C-73C-98 which is also James Theobald for Robins, Redford, Luck
632 and Crigger. The deferral has been requested to June 15th. The last one that we will take up at 8:00

633 o'clock is also James Theobald for 7-Eleven, Inc. That is Case C-25C-00. That has been requested
634 to April 13th.

635

636 Mr. Vanarsdall - Thank you, Mrs. Via. Mr. Marlles.

637

638 **Deferred from the February 10, 2000 Meeting:**

639 **C-58C-99**

639 **Robert M Atack for Atack Properties, Inc.:** Request to
640 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District
641 (Conditional), Parcels 23-A-18 through 20 & Parcel 23-A-22, described as follows:

642

643 Parcel 1

644 Beginning at a point on the northern boundary of the right of way line of Woodman Road, said
645 being approximately 2500 feet west of the intersection of the northern boundary of the right of way
646 line of Woodman Road and the western boundary of the right of way line of U.S. Route No. 1
647 (Brook Road); thence with the northern boundary of the right of way line of Woodman Road in a
648 westerly direction with two (2) courses and distances: (1) N 47°05'56" W 83.23 feet to a point; (2)
649 Thence along a circular curve to the left having a delta angle of 54°00'14", a radius of 1186.00 feet,
650 and an arc length of 1117.86 feet to a point. Thence leaving the northern boundary of the right of
651 way line of Woodman Road in a northerly direction with six (6) courses and distances: (1) N
652 18°31'33"E 699.20 feet to a point; (2) Thence N 85°31'27"W 103.00 feet to a point; (3) Thence N
653 06°44'27"W 660.67 feet to a point; (4) Thence N 06°44'27"W 385.80 feet to a point; (5) Thence N
654 76°46'33"E 635.13 feet to a point; (6) Thence N 17°47'58"E approximately 1244 feet to a point in
655 the centerline of the Chickahominy River. Thence with the centerline of Chickahominy River in a
656 southeasterly direction as it meanders approximately 1430 feet to a point, thence leaving the
657 centerline of Chickahominy River in a southwesterly direction S 23°00'00" W approximately 2516
658 feet to a point on the northern boundary of the right of way line of Woodman Road, said point also
659 being the Point and Place of Beginning for Parcel 1 and containing 87.38 acres more or less.

660

661 Parcel 2

662 Beginning at a point on the northern boundary of the right of way line of Woodman Road, said
663 being approximately 2500 feet west of the intersection of the northern boundary of the right of way
664 line of Woodman Road and the western boundary of the right of way line of U.S. Route No. 1
665 (Brook Road). Thence S 23°00'00" W 85.08 feet to a point on the southern boundary of the right of
666 way line of Woodman Road, said point being the Actual Point and Place of Beginning for Parcel 2;
667 thence leaving the southern boundary of the right of way line of Woodman Road in a southerly
668 direction with five (5) courses and distances: (1) S 23°00'00" W 11.49 feet to a point; (2) Thence S
669 74°48'19" W 324.81 feet to a point; (3) Thence S 73°13'18",W 185.84 feet to a point; (4) Thence S
670 73°13'18" W 203.07 feet to a point; (5) Thence N 30°50'54" W 656.26 feet to a point on the
671 southern boundary of the right of way line of Woodman Road; thence with the southern boundary
672 of the right of way line of Woodman Road in an easterly direction with two (2) courses and
673 distances: (1) Along a circular curve to the right having a delta angle of 52°53'03", a radius of
674 1106.00 feet, and an arc length of 1020.84 feet to a point (2) Thence S 47°05'56"W 112.19 feet to a
675 point on the southern boundary of the right of way line of Woodman Road, said point being the
676 Point and Place of Beginning for Parcel 2 and containing 7.63 acres more or less.

677

678 Mr. Marlles - The first case, Mr. Chairman, on the 7:00 o'clock agenda is in Three
679 Chopt. It was deferred from the February 10th meeting. The staff report will be given by Mr. Eric
680 Lawrence.

681
682 Mr. Vanarsdall - Any one in the audience in opposition to this case. Thank you very
683 much. We'll be with you in just a few minutes. Mr. Lawrence, good evening.

684
685 Mr. Eric Lawrence, County Planner - Good evening. Thank you, Mr. Chairman, members of the
686 Commission, this Case C-58C-99 has actually been modified by the applicant. So, what I'll do is
687 present the modifications to you this evening.

688
689 I'd like to begin by pointing out that the revised proffers are being circulated right now. This
690 modified application requests to rezone 95 acres from A-1 to 88 acres of R-2AC and 6 acres of C-1
691 to enable the development of a single-family development. Originally, the applicant had requested
692 R-3C on the property.

693
694 The property under consideration is located in the Virginia Center Commons area north of the
695 Magnolia Ridge development. The Chickahominy River establishes a natural northern boundary,
696 and the Magnolia Ridge development establishes the southern boundary. Large A-1 parcels are
697 located to the east and the west.

698
699 If you can look at the graphic that we have, you can also see there is a Virginia Power easement
700 going through the middle of the property. It fluctuates from 235 feet to close to 300 feet in width. It
701 doesn't show on this aerial. This is the Magnolia Ridge development. This is the Azalea Farm
702 property just to the east, and then these all individual residential properties, ranging various sizes
703 from a couple acres to probably 30 acres. As you can see, its pretty much rural right around the site.
704 It is also important to point out there is some flood plain along the northern part of the property.
705 That's some of the area that has been requested for the C-1 district.

706
707 Access to the site is currently limited, but with approval of this rezoning, Woodman Road would be
708 extended to provide access to the property. It would be the applicant's responsibility to get it there.
709 What is envisioned on the Major Thoroughfare Plan is to take J.E.B. Stuart Parkway right behind
710 the Target Store, if you're familiar with where that is, and just take it in a northwest manor to
711 provide access.

712
713 As identified in the staff report, this site is designated Suburban Residential 1. This designation
714 envisions a lot size minimum of 13,500 square feet, and densities at a maximum of 2.4 units per
715 acre. The request, as submitted, would allow for a minimum lot size of 13,500 square feet and a
716 proffered density of 1.6 dwelling units per acre. The request would establish a minimum lot size
717 that is at the high end of the SR-1 range. Staff feels that the minimum lot size of 18,000 square feet
718 would be more appropriate at this location. This request is at the upper edges of the SR-1 which is
719 envisioned by the 2010 Land Use Plan. And also with the evolving development pattern in the area,
720 which I'll show you in a minute, we feel that the 18,000 square foot lots are more appropriate.

721
722 This request does not conform with the residential development pattern that has been established in
723 the Virginia Center area, especially, Magnolia Ridge which is the primary residential development.

724 In this concentric circle development pattern, higher density uses are concentrated along Virginia
725 Center Parkway. And, as the distance travels west and north of the Parkway, zoning districts are
726 reduced to lesser density uses.

727
728 As you can see, again, its hard to see on this map, but right in the front of Magnolia Ridge along
729 Virginia Center Parkway, you've got R-3AC. As you're moving north, you've got R-2AC. Then
730 you've got R-2C. So, its staff's belief that you should continue the transition, if you will, so the
731 next property should be R-2C or less, making lower density.

732
733 Originally, its important to point out that the initial application was for R-3C. Staff felt that was
734 definitely inappropriate. It was too high density. That's why a modification has been submitted for
735 R-2AC. It's your 13,500 square foot lots.

736
737 The applicant has offered a number of conditions that address, among other things, site clearing
738 limitations, a maximum density of 147 single-family lots, minimum house sizes of 1,700 square
739 feet, limiting access to Woodman or the equivalent of a public road. So, there wouldn't be any
740 driveway access, if you will, to the arterial and the collector roads in the area.

741
742 Provisions for street and utility connections to the properties on the western side of the property, that
743 was at the request of some of the adjoining property owners, and to establish a covenant and
744 property owner's association, similar, if not the same, as the Magnolia Ridge development.

745
746 It's important to point out that all of these proffers were submitted with the first case, and then they
747 also address the concerns staff identified in the rezoning report that you all have before you.

748
749 In summary, this rezoning application does not conform with the zoning pattern in the area. While
750 the proffered conditions are appropriate, the requested zoning is not consistent with the developing
751 zoning pattern, not adhering to the local zoning district transition that has been established in the
752 immediate area.

753
754 In the event the Commission feels the requested R-2AC is appropriate, staff feels that submitted
755 proffered conditions are acceptable. But, I'd like to point out that staff does not support the R-2AC
756 zoning. So, therefore, we cannot support this application as submitted to you. I'd be happy to
757 answer any questions you might have, and the applicant, Mr. Bob Attack, is here also this evening.

758
759 Mr. Vanarsdall - Any questions for Mr. Lawrence by Commission members?

760
761 Ms. Dwyer - I just want to be clear on your position, because the proffers that
762 we're looking at are different from the ones that we've studied in preparation for the case. Were
763 these received within the time limits?

764
765 Mr. Lawrence - These were received about a week ago. So, yes, they've satisfied the
766 time limits.

767
768 Ms. Dwyer - Did you receive any "redlined," because I think our rules require that
769 changes need to be noted by underlining and strike-through?

770
771 Mr. Lawrence - I did not.
772
773 Ms. Dwyer - Okay. That's always helpful, especially, when you're trying to
774 figure out what the proffers say within the limited amount of time we have to look at them up here.
775
776 Mr. Lawrence - Right.
777
778 Ms. Dwyer - So, you're in opposition to the R-2A? You prefer to see R-2?
779 Mr. Lawrence - Correct. Staff believes that the R-2A's at 13,500 square foot lot. We
780 feel that 18,000 square foot lots are more appropriate for this area, to continue the transition that you
781 have from the Virginia Center Parkway. If you continue the transition, you've got R-3AC. You've
782 got R-2AC. You've got R-2C. And, as submitted, it would start increasing the number again, as
783 you're getting further away from the urban area.
784
785 Ms. Dwyer - Yes. I know. We've heard that before with other land in this area
786 and being in a concentric circle and decreasing densities as you move away from Brook Road. I
787 guess I'm looking at your staff report, and it would imply to me that R-2A would be acceptable to
788 staff.
789
790 Mr. Lawrence - What I was trying to convey there is, R-2A would comply with the
791 2010 SR-1 designation. But, when you take it one step further and look at the developing pattern,
792 while this whole area is SR-1 – Let me pull up the Land Use map. You can see the line right here.
793 Pretty much, everything west of Route 1, out of your commercial strip, is SR-1. But there's a
794 logical transition occurring. You don't want to continue the highest density you can get and the
795 smallest lots in the SR-1. You want to start scaling down.
796
797 Just west of the site, it is still A-1. Right along Winfrey Road, you still have your one-acre lots, if
798 not smaller. So, it seems logical to continue to increase lot size, decrease density as you're moving
799 north and west of Magnolia Ridge.
800
801 I apologize if I've confused you. Through the proffers, he's addressed the staff concerns, but he still
802 has the wrong zoning district request. We feel that the lot size is inappropriate.
803
804 Mr. Vanarsdall - All right, any other questions for Mr. Lawrence? All right, we'll
805 hear from the applicant.
806
807 Mr. Lawrence - Thank you.
808
809 Mr. Vanarsdall - Thank you, Mr. Lawrence. Mr. Attack, you have some opposition.
810
811 Mr. Robert M. Attack - Excuse me.
812
813 Mr. Vanarsdall - You have some opposition. You might want to save some rebuttal
814 time?
815

816 Mr. Atack - Yes sir. Thank you. If I could save two minutes. Thank you. Mr.
817 Chairman, members of the Planning Commission, my name is Bob Atack. I am the applicant
818 before you, tonight. Mr. William Schermerhorn, the property owner, is also in attendance.

819
820 Our rezoning request has been amended to reflect the concerns of the staff. And, I think that I
821 would digress slightly from my presentation, to, I think, mention, probably the most significant
822 scenario, as Mr. Lawrence presented, with regard for Magnolia Ridge is we were the original
823 developers; still are the original developer of the concentric circle which starts off at R-3A, R-3, R-
824 2A, and then R-2. The R-2 that we have zoned is Controlled Density. So, that Controlled Density
825 actually gives it a higher density, than the density that we are going to proffer tonight. But, I'll
826 come back to that and continue if I may.

827
828 The zoning request has been amended to reflect the concerns of the staff. We have submitted 16
829 proffered conditions that we believe will soon assure the quality development that Henrico County
830 is striving for. We have changed our rezoning request from R-3 to R-2A, and particularly to
831 conform to staff's request for density of 1.8 units per acre. We are proffering a density not to
832 exceed 1.55 units per acre.

833
834 This is a significant reduction from our original 200 lots requested, to 147 lots on this 95-acre tract.
835 As well, staff reflected a concern that lots not be fronting on Woodman Road. And in our Proffer
836 No. 5, we are proffering that no lots shall front on Woodman Road. Mr. Lawrence did allude to that
837 as well.

838
839 In Proffer No. 14, we are exceeding staff's request that consideration be made arranging lots near
840 and around the Virginia power easement, by proffering no lot being able to encroach into this 235
841 foot easement.

842
843 I'm going to digress and go to the map. This is the area, in question, taken into consideration. It's
844 something that the County is very concerned about having back lots going into easements. As you
845 see, the swath that goes through which is the Virginia Power Easement, in dealing with the County,
846 we know there's a preference to try to keep as much of the lot out of the Virginia Power Easement
847 as possible. And what we are proffering is to have none of the building lots in this easement in its
848 entirety.

849
850 In addition to the proffers, included in this rezoning request, we also address in Proffer 1, clearing
851 requirements. Proffer 2, protective covenants. Proffer 3 foundation materials. Proffer 4, swimming
852 pool requirements. Proffer 6, architectural treatment. Proffer 7, architectural standards. Proffers 10
853 and 11, underground utilities. Proffer 12, street improvements.

854
855 We believe this rezoning request conforms to, and complements the Magnolia Ridge community,
856 adjoining this property. As well, this provides approximately 22 percent of the property to remain
857 in a common area. Thank you for allowing me to present this case, and I'd be glad to answer any
858 questions that you may have.

859
860 Mr. Vanarsdall - Any questions for Mr. Atack by Commission members?
861

862 Ms. Dwyer - Does this layout show 147 lots?
863
864 Mr. Atack - Yes ma'am.
865
866 Mrs. O'Bannon - What is in the commons area?
867
868 Mr. Atack - Well, we're thinking because we have such an extensive amount of
869 common area is to, actually, people to be able to have gardens in this common area. The site is a
870 very pretty site. It's all wooded. It backs up to the Chickahominy River.
871
872 Mrs. O'Bannon - And who will be responsible for the commons area?
873
874 Mr. Atack - The common areas, we are sort of discussing that right now, Mrs.
875 O'Bannon. Right now, it is scheduled to go into the Homeowner's Association. Excuse me, I'll
876 digress.
877
878 I am looking at a copy of the actual documents that will be used; what we have been using in the
879 adjoining community for the past four years. But, it is possible, with regard to the Virginia Power
880 easement, that we might extend those property lines back through that easement just to give the
881 residents that much more protection in their own lot. We haven't made that final decision with
882 regard to the Virginia Power Easement.
883
884 Ms. Dwyer - The other common areas, why were those particular areas selected to
885 be common area; the smaller patches? I can't read it, but it looks like the dark patches are common
886 areas (referring to slide).
887
888 Mr. Atack - Yes ma'am. Those areas were left that way because it enables us to
889 have somewhat of a passive area for the community. We own the adjoining property. We believe
890 we can dovetail these properties in together very nicely and have amenities that serve both
891 communities jointly.
892
893 Ms. Dwyer - So, for instance, the one that is, I guess, this is north of the power line
894 would give access to the floodplain?
895
896 Mr. Atack - Yes ma'am, to the flood plain and also, actually, to the river. Those
897 are some beautiful views back there.
898
899 Ms. Dwyer - And, then, the other green area would be combined with other green
900 space?
901
902 Mr. Atack - Yes ma'am.
903
904 Ms. Dwyer - So, these will be "park like" areas?
905
906 Mr. Atack - The intention is to leave it into a passive "park like" area.
907

908 Ms. Dwyer - Will there be BMPs in those?
909
910 Mr. Atack - The lot closest to the river, possibly.
911
912 Ms. Dwyer - Any other utilitarian uses for those common areas?
913
914 Mr. Atack - No. It's just aesthetic.
915
916 Mr. Vanarsdall - Any other questions for Mr. Atack? Thank you, Mr. Atack. We'll
917 now hear from the opposition, please. Come on down.
918
919 Ms. Susan Schermerhorn - I have here a presentation of the land. Distinguished members of the
920 Planning Commission, and guests, my name is Susan Schermerhorn. I am a 30-year conservationist
921 and environmentalist. Can you remember Henrico County 25 years ago, 10 years ago, 5 years ago?
922 With Henrico's explosive growth, what will western and northern Henrico look like in 5 years, 10
923 years, 25 years? Can the few remaining green spaces in western and northern Henrico be
924 preserved? Can the farmlands and forest in eastern Henrico be preserved? Can significant historic
925 sites be preserved?
926
927 At issue with Mr. Atack, are roads, sound buffers, density, traffic safety features, parks, existing
928 wells, and sewage, open space, farm land, and for subsidized residential development. On average,
929 community services to the residential sector, schools, water, sewage, roads, fire, and police
930 protection cost local governments approximately three times more than services to open space,
931 farmlands, and forests.
932
933 Archeological evidence strongly suggest the existence of a native American burial ground on this
934 site. This is also a historic site from the War between the States.
935
936 By preserving these special spaces, we save precious land and money. As we lose open space in our
937 communities, we pay more for schools, roads, and services, while we lose quality of life. Valuable
938 wetlands and the Chickahominy River at this site must be protected. Legislation has recently passed
939 protecting the wetlands, and is ready for Governor Gilmore's signature. This was a 138 to zero
940 mandate for wetlands. Please act to stop rezoning now for the future generations as well as our own
941 children. Thank you very much. Thank you for allowing me to speak. May I take questions?
942
943 Mr. Vanarsdall - Of course. Any questions for Mrs. Schermerhorn by Commission
944 members?
945
946 Miss. Schermerhorn - Excuse me. I'm Miss Schermerhorn. I am W. C. Schermerhorn's
947 first cousin.
948
949 Mr. Marlles - Madam, could you repeat your address for the record, please?
950
951 Miss. Schermerhorn - Yes sir. It's 11330 Winfrey Road, Glen Allen, Virginia 23059-
952 4646.
953 Mr. Marlles - Thank you.

954
955 Miss. Schermerhorn - Thank you.

956
957 Mr. Vanarsdall - Thank you.

958
959 Ms. Diana Parker - Good evening, ladies and gentlemen, I am Diana Parker. I am Chair
960 of the Falls of the James Group Sierra Club of which services this area covering Henrico, Hanover,
961 Chesterfield, and Richmond, and other surrounding counties. And, I've been asked to speak by
962 Miss. Schermerhorn. And I want to indicate to you, I represent the Falls of the James group, and I
963 rise in opposition to the proposed zoning change and planned development of agriculturally zoned
964 land which has been in the Schermerhorn family for generations.

965
966 The 95.1 acres of this option parcel is just a piece of what was once a fine family farm, property of
967 distinction on the banks of the Chickahominy River across from Hanover County. Henrico, like so
968 many of our counties, is losing its good farmland to urban sprawl. And managing this growth is
969 difficult when proposals are set to leapfrog into agricultural land.

970
971 Atack proposed density impacts with smaller lot size do not agree with those in the 2010 Land Use
972 Plan, which designates this area for Suburban Residential 1. Your Plan suggests 1.8 net units per
973 acre are more appropriate with the surroundings.

974
975 As a member of the High Growth Coalition of Counties, Henrico has seen legislation which would
976 assist in the management of over development of our lands, tabled and held over for two long hard
977 fought years in the General Assembly.

978
979 The Sierra Club and its members have lobbied our assembly members for this legislation for the
980 control of over development and for the authority of our counties to manage their lands to a
981 thoughtful and progressive manner. However, adverse impacts on roads, schools, and services are
982 still very valid reasons for not allowing this rezoning and development to progress.

983
984 Uniquely, Henrico maintains its own secondary road system, and this property has limited access.
985 A road extension would be required to traverse the site and would add to the miles to be maintained
986 in a rural setting. County water and sewer are not available at this time. Impacts to the local school
987 system will be an increase of 104 students at Longdale Elementary, 52 additional students at
988 Brookland Middle, and 56 increased at Hermitage High School. These are projected by Planning to
989 push the schools over capacity.

990
991 As an alternative to development in this unique farming group, the County might consider the study
992 of recent General Assembly legislation which would allow for the purchase of development rights
993 with assistance from the State and from the Federal Government. Additional open space purchases
994 in this fragile Chickahominy watershed would protect and enhance water quality of our rivers and
995 water sources for years to come. Thank you very much for allowing my comments.

996
997 Mr. Vanarsdall - Thank you very much. Any questions by Commission members?

998

999 Mrs. O'Bannon - Yes. You commented in your comments you said Henrico is a
1000 member of the High Growth Coalition of Counties.
1001
1002 Ms. Parker - Yes.
1003
1004 Mrs. O'Bannon - When did that happen?
1005
1006 Mr. Marlles - Mrs. O'Bannon, that's not correct. Henrico has monitored the
1007 activities of High Growth Coalition.
1008
1009 Mrs. Parker - I stand corrected. I thought you were.
1010
1011 Mrs. O'Bannon - It would be a decision made by the Board of Supervisors and I know
1012 the Board of Supervisors had not made that decision.
1013
1014 Mrs. Parker - I stand corrected. I thought you were one of the members of the
1015 group.
1016
1017 Mrs. O'Bannon - No. We are not. And I think that's an important distinction to make.
1018
1019 Mrs. Parker - It is, because the other counties of the High Growth Coalition are
1020 looking for various ways to manage growth such as adequate public facilities, legislation, and
1021 vested rights, changes and so forth.
1022
1023 Mrs. O'Bannon - The reason we are not, I just very quietly want to say, the reason we
1024 are not a part of the High Growth Coalition is because we consider we do not have high growth.
1025 That was the reason we did not join. If you look at the organization, I mean.
1026
1027 Mrs. Parker - Could you tell me your percentage of growth over the last year?
1028
1029 Mrs. O'Bannon - Two to three percent. Is that correct, Mr. Marlles?
1030
1031 Mr. Marlles - Yes ma'am. Historically, our percentage of growth runs around two
1032 percent per year.
1033
1034 Mrs. O'Bannon - And the high growth counties were running 11 percent to 20 percent
1035 a year.
1036
1037 Mrs. Parker - Chesterfield had a 2 percent increase last year.
1038
1039 Mrs. O'Bannon - And they are a member of the High Growth Coalition?
1040 Mrs. Parker - Yes ma'am.
1041
1042 Mrs. O'Bannon - Well, I'm not familiar with that. But Loudoun County is the one that
1043 began the High Growth Coalition. I do know that. And they have somewhere between 12 and 20
1044 percent.

1045 Mrs. Parker - They are severely impacted by bond rates and additional costs. They
1046 were pleading to the General Assembly for passage of some legislation, which would allow them
1047 over growth. And I would think, with the impacts that Henrico is starting to see throughout the
1048 County, I would think that you would be looking very closely at what is being allowed.
1049
1050 Mrs. O'Bannon - Well, as I said, the reason we did not join the High Growth Coalition
1051 of Counties is because we did not consider two percent or three percent to be high growth; 13, 15,
1052 20 percent, okay. Thank you.
1053
1054 Mrs. Parker - Any further questions?
1055
1056 Mr. Archer - Ma'am, I have a question. I don't know whether you should answer
1057 it or Miss Schermerhorn. There was the mention of Indian burial grounds being possibly on this
1058 site. Miss Schermerhorn is coming. Miss Schermerhorn, has that been substantiated, or is that...
1059
1060 Miss Schermerhorn - No one has come forth to substantiate the claim. However, the
1061 Virginia Department of Historical Research says the only way it can be determined is to dig it up.
1062 That is not legal.
1063
1064 Mr. Archer - Did you ever get a chance to discuss with Mr. Silber the regulations
1065 that we have regarding burial grounds? There are State regulations and probably Federal too that do
1066 address this.
1067
1068 Miss Schermerhorn - Yes. As a matter of fact, I did. It is illegal to dig where there is an
1069 archeological site.
1070
1071 Mr. Archer - So, you couldn't even dig it up to determine if it is there? Is that
1072 correct?
1073
1074 Miss Schermerhorn - Well, that's a very misleading question, because one could not know
1075 unless one actually dug it up...
1076
1077 Mr. Archer - I didn't intend it to be misleading.
1078
1079 Miss Schermerhorn - ...which was against the law, could not know. However, strong
1080 evidence supports it as well as artifacts in the area, and from nearby Crump Park.
1081
1082 Mr. Archer - Okay.
1083 Miss Schermerhorn - Thank you.
1084
1085 Mr. Archer - Thank you.
1086
1087 Mr. Vanarsdall - Thank you, Miss Schermerhorn. Thank you, Ms. Parker. Mr.
1088 Archer.
1089

1090 Mr. Archer - Mr. Atack, you had two minutes left, I believe for rebuttal time. Did
1091 you have anything else you wanted to say?

1092
1093 Mr. Atack - Only to maybe reiterate, Mr. Archer, as someone suggested, about
1094 the density. That our density is 1.55 units per acre. Though, we don't have a classification of R-2,
1095 that's all we're really talking about, I believe, here, the alphabetical classification. The R-2A zoning
1096 request that we are asking, will have lots substantially higher than the 13,500 square feet. In fact,
1097 this layout that we have in front of you has lots between 18,000 and 20,000 square feet. I appreciate
1098 some concern over the numerical classification, but I believe that's really what we're talking about,
1099 particularly, taking into consideration that we have controlled density adjoining this property in
1100 Magnolia Ridge.

1101
1102 Mr. Vanarsdall - Thank you, Mr. Atack.

1103
1104 Mr. Atack - Thank you.

1105
1106 Mr. Vanarsdall - Anyone else?

1107
1108 Mr. Marlles - Mr. Chairman, I just want to point out to Mr. Archer, and I think he
1109 realizes is, that the Indian burial grounds, there are both State and Federal regulations that govern
1110 that issue. It's outside the purview of the Planning Commission in the consideration of this request.

1111
1112 Mr. Archer - That's what I was trying to establish, the fact it is State law.

1113
1114 Ms. Dwyer - Mr. Secretary, I have a question about this controlled density. My
1115 understanding was that, if you had an R-2 zoning that was controlled density, you could, perhaps,
1116 vary the setback requirements for R-2, but you could not actually increase the density for that
1117 property, overall, beyond the R-2 density requirement? Is that correct?

1118
1119 Mr. Marlles - That's my understanding. Yes.

1120
1121 Ms. Dwyer - So, Mr. Atack, I guess I'm trying to understand your argument that,
1122 if there's an R-2 adjacent that's controlled density, my understanding is that the controlled density
1123 doesn't allow you to increase the overall density beyond what you could do with an R-2. It just
1124 allows you to vary setback requirements. You might put the houses close together, but there has to
1125 be a compensating open space...

1126 Mr. Atack - I'm not sure that's fundamentally correct, Ms. Dwyer. R-2
1127 controlled density does allow a greater total density than a straight R-2 case.

1128
1129 Ms. Dwyer - Okay.

1130
1131 Mr. Atack - An R-2 classification requires a minimum of 100-foot frontage. R-2
1132 controlled density does give some relief in that. I apologize on this. I'm not 100 percent sure. I
1133 know someone whose in the audience. He's not sure either. I'm looking at Mr. Theobald. But, I
1134 believe that's correct. Otherwise, the controlled density actually would not serve us any purpose if
1135 we weren't able to vary that lot frontage.

1136
1137 Ms. Dwyer - Right. That was my understanding. It was there to allow you to vary
1138 some of the setback requirements--frontage requirements, but not the overall density.
1139
1140 Mr. Atack - The overall density sort of falls into place, Ms. Dwyer. But the real
1141 benefit to us on an R-2A case versus R-2 is that, on a straight R-2 case, you have to have 100 foot
1142 frontage minimum. That's the requirement. The density is pretty to accommodate, because, in fact,
1143 the R-2 zoning classification will give you adequate density when you're using similar 80 to 100
1144 foot frontages. So, the density really isn't as impacted to us as it is the amount of frontage that we
1145 need some relief on. I hope that's correct.
1146
1147 Ms. Dwyer - Are you saying your density amounts to the same density you'd have
1148 with an R-2 zoning?
1149
1150 Mr. Atack - Our density that we are willing to proffer is less than the straight R-2
1151 allowed in Henrico County?
1152
1153 Ms. Dwyer - Less than R-2?
1154
1155 Mr. Atack - Yes ma'am.
1156
1157 Ms. Dwyer - Not taking into account flood plain and common area and all that?
1158
1159 Mr. Atack - Yes ma'am. And also working that backwards, Ms. Dwyer, our
1160 density is 1.55 units per acre on the total. But after subtracting the common areas, our density
1161 comes out to about 1.65 units per acre. In a straight R-2 case, its very easy to attain between 1.8 to
1162 2.1 units per acre.
1163
1164 Ms. Dwyer - That's after netting out the power easement and all the common area
1165 and flood plain?
1166
1167 Mr. Atack - Common area. Yes ma'am.
1168
1169 Ms. Dwyer - Okay. Thank you.
1170 Mr. Vanarsdall - Thank you, Mr. Atack. Mr. Archer.
1171
1172 Mr. Atack - Anybody else have any questions?
1173
1174 Mr. Archer - Mr. Chairman, let me preface my remarks by stating that Miss
1175 Schermerhorn and Mrs. Clark, that I've had a lot of correspondence with them. And I've met with
1176 Miss Schermerhorn along with Mr. Thornton and some members from staff. And she has, what I
1177 feel, some real concerns about environmental issues. And I admire here tenacity and passion in
1178 presenting those. But, as a Commission, as the Secretary stated, we are somewhat limited in the
1179 amount of autonomy we have regarding how we're able to preserve those areas. So, there's not a
1180 lot we can do. And, even though, I know there are people who are opposed to "urban sprawl," we

1181 can't just arbitrarily exclude a proper proposed zoning from the Land Use Plan. So, we kind of
1182 have our hands tied in that regard.

1183
1184 And, as far as the case, itself, is concerned, Mr. Atack, and I and the staff have had quite a few
1185 discussions concerning this. I thought the last time we met, we had reached what I thought was a
1186 pretty reasonable way to compromise our way out of this, and that was not quite forthcoming
1187 tonight. Those members of the Commission who have been there before will know that it has been
1188 pretty well documented in prior cases that we've had in this area how the staff and the Commission
1189 has regarded similar cases as we approach the western edge of this property, moving away from
1190 Brook Road. And staff feels very adamant about preserving that. And I also feel that in order for us
1191 to be valid in our consideration, we need to be consistent with what we've done.

1192
1193 I think this case can be worked out. I think it can be done, and, probably, prior to a meeting with the
1194 Board. Mr. Lawrence, Mr. Silber and I met with Mr. Atack and we kind of offered a compromise.
1195 I think you know what it is. It's having to do with how we would treat the western edge of this
1196 property. But that has not been presented in this particular zoning case, and, of course, it has to do
1197 with splitting the zoning so that we preserve R-2 on the western side of the property, which the next
1198 property owner has, at least, that to look at before requesting any higher density zoning.

1199
1200 Mr. Atack, I know you feel very strongly about this, but I really feel like we need to preserve that
1201 much of what we're doing. And, I would very much like to work with you to try to work that out. I
1202 can do this one of two ways. We can defer this, or I can pass it onto the Board, and we can kind of
1203 work on it between now and then, but I don't feel I can give a recommendation of approval tonight.
1204 But, I'll do it any way you'd like for me to handle it.

1205
1206 Mr. Atack - I appreciate very much that offer, Mr. Archer, because I think its
1207 extending a hand of working relationship. In all due respect, I think the zoning classification – I
1208 think if we should go to the R-2. And we're willing to do that, Mr. Archer. What we're willing to
1209 do is exactly what Mr. Silber suggested. That is, when we come back to the Board of Supervisors,
1210 we will request a straight R-2 case with no proffers which is what Mr. Silber suggested, if it was
1211 agreeable to you and Mr. Thornton, and that is agreeable with me, sir.

1212
1213 Mr. Archer - Would you be willing to do the R-2 on the western edge, if we
1214 allowed the R-2A on the eastern portion?

1215
1216 Mr. Atack - Well, that was a suggestion. We did a layout of that. And, it's sort
1217 of inconsequential. We do lose a few lots, but we've gone from 200 lots to 147. And, again, I
1218 appreciate your offer, because its not always available to have the opportunity to defer, and sort of
1219 "role up your sleeves" and re-discuss this. But, I'm quite willing to accept the straight R-2 case that
1220 Mr. Silber suggested on the entire property without proffers. That's what my proposal would be, I
1221 guess, with Mr. Archer.

1222
1223 Mr. Archer - I just want you to know I'm still willing to work with you on it.

1224
1225 Mr. Atack - And I appreciate it very much, sir.

1226

1227 Mr. Archer - Okay.
1228
1229 Mr. Atack - Thank you.
1230
1231 Mr. Archer - All right. In that case, Mr. Chairman, based on the case as presented,
1232 tonight, my motion is to recommend denial to the Board.
1233
1234 Mr. Vanarsdall - All right, do I have a second?
1235
1236 Mrs. Quesinberry seconded the motion.
1237
1238 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mrs. Quesinberry. All
1239 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
1240 abstained).
1241
1242 REASON: Acting on a motion by Mr. Archer, seconded by Mrs. Quesinberry, the Planning
1243 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the
1244 request because it deviates from the transitional zoning pattern established for this area; and
1245 represents an increase in intensity which could influence future zoning and development of adjacent
1246 properties; and it would likely set an adverse zoning and land use precedent for the area.
1247
1248
1249 **THREE CHOPT:**
1250 **Deferred from the February 10, 2000 Meeting:**
1251 **C-5C-00 Gloria L. Freye for Fidelity Properties, Ltd.:** Request to
1252 conditionally rezone from A-1 Agricultural District to R-3AC One Family Residence District
1253 (Conditional), Parcel 27-A-30, described as follows:
1254
1255 Beginning at a point in the centerline of Wonder Road (Private), said point being 0.27 + miles west
1256 of Sadler Road; thence leaving the centerline of Wonder Road (Private) N 27° 17' 30" E, 685.77' to
1257 the true point and place of beginning; thence N 27° 17' 30" E, 222.72' to a point; thence S 53° 46'
1258 45" W, 400.69' to a point; thence S 25° 37' 30" W, 159.43' to a point; thence S 24° 27' 30" W,
1259 63.08' to a point; thence N 53° 59' 50"W, 408.30' to the true point and place of beginning
1260 containing 2.034 acres of land.
1261
1262 Mr. Marlles - The staff report will be given by Ms. Jo Ann Hunter.
1263
1264 Mr. Vanarsdall - Any one in the audience in opposition to C-5C-00 Gloria L. Freye
1265 for Fidelity Properties? Any opposition to this case in the audience? No opposition. Good
1266 evening, Ms. Hunter.
1267
1268 Ms. Jo Ann Hunter, County Planner - Thank you, Mr. Chairman, members of the Commission.
1269 The subject request would rezone 2.034 acres from A-1 to R-3AC One Family Residence District.
1270 If this property is rezoned, it would be included in the residential subdivision that would surround
1271 this site.
1272

1273 On February 22nd of last month, the Board of supervisors approved zoning case C-78C-99. It was
1274 approved in a manner that was different than when the Commission saw it. When the Commission
1275 saw it, it was an entirely an R-3A case. That was denied by the Commission. It came back before
1276 the Board of Supervisors modified with a split zoning of R-3A to the north, and R-3C to the
1277 southwestern boundary.
1278

1279 This parcel is the “hole in the donut.” It’s completely surrounded by the R-3AC and the R-3A
1280 would be a logical extension. The proffers would be the same as what were accepted with the
1281 surrounding properties. They include proffers such as a minimum house size of 1,800 square feet;
1282 an average lot size of 10,500 square feet; density not to exceed 2.51 units per acre and a 75-foot lot
1283 width. Since the rezoning of the case was approved by the Board for the property surrounding this
1284 site, it is logical also to include this, and staff would support this request.
1285

1286 Mr. Vanarsdall - Any questions of Ms. Hunter? All right, thank you, Ms. Hunter.
1287 Mr. Taylor, would you like to hear from the applicant?
1288

1289 Mr. Taylor - Is the applicant here? Oh, Gloria, please.
1290

1291 Ms. Gloria Freye - Yes sir. Thank you, very much. My name is Gloria Freye. I’m an
1292 attorney here on behalf of the applicant. And I would be glad to answer any questions that you
1293 have. Ms. Hunter has presented the case very thoroughly. I was able to send out some material to
1294 the Commission earlier. And, hopefully, that clarified the situation that we have, but I’d be glad to
1295 answer any questions.
1296

1297 Mr. Vanarsdall - All right, any questions. You call this the “donut hole”, right?
1298

1299 Mr. Taylor - They do, Mr. chairman, and I think its time we fill the hole in the
1300 donut. So, I would move that we recommend approval of C-5C-00 as proffered by the applicant.
1301

1302 Mr. Vanarsdall - Do I have a second?
1303

1304 Mrs. Quesinberry seconded the motion.
1305

1306 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All
1307 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O’Bannon
1308 abstained).
1309

1310 REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the Planning
1311 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1312 request because it continues a form of zoning consistent with the area; and it conforms with the
1313 objectives and intent of the County's Comprehensive Plan.
1314

1315
1316 **C-18C-00 John J. Hanky, Jr. for Barrington Investors, Ltd.:** Request to
1317 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
1318 (Conditional), Parcel 57-A-13A (11509 Church Road), described as follows:

1319
1320 Beginning at a point on the east line of Loreine's Landing Lane, said point being 808.77' south of
1321 the south line extended of Church Road; thence from said point of beginning and continuing along
1322 the east line of Loreine's Landing Lane in a northern direction along a curve to the right with a
1323 radius of 882.86' and a length of 333.65' to a point; thence N 17° 27' 11" W, 112.37' to a point;
1324 thence along a curve to the right with a radius of 295.24' and a length of 80.75' to a point; thence N
1325 01° 46' 58" W, 133.49' to a point; thence leaving the east line of Loreine's Landing Lane along a
1326 curve to the right with a radius of 50.00' and a length of 61.64' to a point on the south line of Church
1327 Road; thence continuing along the south line of Church Road N 68° 51' 11" E, 21.61' to a point;
1328 thence along a curve to the right with a radius of 1393.74' and a length of 347.03' to a point; thence
1329 along a curve to the right with a radius of 2927.27' and a length of 786.89' to a point; thence S 81°
1330 28' 43" E, 142.13' to a point; thence leaving the s line of church road S 28° 52' 12" W, 333.42' to a
1331 point; thence S 79° 24' 40" E, 199.81' to a point; thence S 28° 52' 12" W, 258.09' to a point; thence
1332 N 88° 53' 59" E, 320.60' to a point; thence S 44° 11' 00" W, 581.88' to a point; thence S 41° 37' 01"
1333 W, 185.72' to a point; thence N 51° 28' 00" W, 441.40' to a point; thence N 58° 44' 00" W, 174.60'
1334 to a point; thence N 56° 38' 49" W, 320.79' to a point; thence S 15° 49' 40" W, 163.05' to the point
1335 and place of beginning containing 24.619 acres of land.
1336

1337 Mr. Marlles - The staff report will be given by Mr. Lee Householder.
1338

1339 Mr. Vanarsdall - Is there any opposition to this case—C-18C-00? All right, we'll be
1340 with you in just a moment.

1341 Mr. Householder - Okay. Thank you, Mr. Chairman. The subject request would rezone
1342 24.619 acres from A-1 Agricultural to R-3 One Family Residence District. The requested use is the
1343 development of a single-family subdivision.
1344

1345 The property is located at the southeast intersection of Church and Loreine's Landing Lane. And
1346 I'll pull up the zoning (referring to slide). Surrounding properties to the north are zoned R-3, and R-
1347 3C. They are the Barrington Subdivision and the Windsor Place West Subdivision. To the south is
1348 the Lake Loreine Subdivision, and a combination of A-1 that is not part of the subdivision and R-1
1349 controlled density. To the east is the Cedar Station Subdivision which is zoned R-3AC, and to the
1350 west, we have additional parts of Lake Loreine Subdivision.
1351

1352 Currently, on this site, its home to the Benedictine School's recreational facilities. It's a track, a
1353 football field, soccer field, baseball field, tennis courts, etc. The applicant has indicated these
1354 features will be removed from the site, and they will not be incorporated in any way into this
1355 subdivision. Benedictine is moving further out, so they no longer have a need for this.
1356

1357 The proposed single family residential use is not consistent with our 2010 Land Use Plan
1358 recommendation of Open Space and Recreation. This recommendation was based on the site
1359 remaining as a recreational use. Considering the site will no longer be used for recreation, staff
1360 feels single family use is appropriate for this parcel.
1361

1362 While the single-family zoning is considered reasonable, our main concern was the proposed
1363 density for this subdivision. Most of the surrounding subdivisions south of Church Road, with the

1364 exception of Cedar Station, which is R-3A are zoned for larger lots, or are not subdivided. So, you
1365 have R-1 Controlled Density and A-1. Therefore, we are recommending R-2A zoning.

1366
1367 Due to topographic constraints on the subject property, in a pipe line that runs here (referring to
1368 slide), the applicant was reluctant to revise the request to R-2A. Instead, the applicant has proffered
1369 Proffer 6 which has been handed out to you this evening that says, "The number of lots shall not
1370 exceed 45 lots."

1371
1372 Overall, staff feels that this has adequately addressed our density concerns, because it puts the
1373 density more in line with the surrounding properties on that side of Church Road. At staff's request,
1374 the applicant submitted a preliminary subdivision plat, which I'll bring up right now (referring to
1375 slide). I'll go to the proffer, while we work to bring it up.

1376
1377 The proffers that they have submitted provide for brick foundations, a minimum house size of 2,000
1378 square feet, no cantilevered chimneys, and state that no lots shall have direct access to Nuckols
1379 Road. They prohibit 40-foot rights of way and prohibit stem-shaped lots.

1380
1381 The applicant has also proffered a 20-foot buffer along the right-of-way line of Church Road.
1382 Originally, in my staff report, I recommended that this be 25-feet in addition to required setbacks.
1383 The applicant has revised Proffer 5 not to go to 25 feet, but to put the buffer in addition to required
1384 setbacks which is an improvement.

1385 Back to the layout (referring to slide), as you can see, its only a tentative plan. This layout shows 39
1386 lots with Church Road being here (referring to slide), and, basically, this is what they provided to us
1387 at this point, just to give a idea of how it may be developed.

1388
1389 Overall, staff feels that Proffer 6, which limits the overall density of the development, does address
1390 our concerns about the density in this area. In addition, the applicant has addressed other concerns
1391 identified in the staff report.

1392
1393 Although the proposal is not consistent with the Land Use Plan recommendation, staff feels the
1394 proposed single-family use is reasonable considering the zoning and single-family nature of the
1395 surrounding properties.

1396
1397 I also would like to add that we did receive these new proffers today, which was beyond the
1398 required time limit. So, the Commission would need to waive the time limit requirement. I'd be
1399 happy to answer any questions you have.

1400
1401 Mr. Vanarsdall - Any questions for Mr. Householder by Commission members?

1402
1403 Mr. Marlles - Mr. Householder, I think you answered this question, but staff has
1404 had an adequate time to review the proffers?

1405
1406 Mr. Householder - Yes. Staff has been working closely over the past day and a half
1407 with the applicant to revise what was submitted. They did bring us a proffer on time. We looked at
1408 it. We had some concerns, so we wanted to get it more in line. So, we took some extra time
1409 reviewing it. The proffers are our suggestion, so we have had time to review it. We have also had

1410 an opportunity to contact some of the surrounding property owners who were concerned about this
1411 case to let them know of the change, this afternoon.

1412
1413 Mr. Marlles - Thank you.

1414
1415 Mr. Vanarsdall - Thank you, Mr. Householder. We'd like to hear from the applicant
1416 now.

1417
1418 Mr. John J. Hanky - Mr. Chairman, members of the Commission, my name is John J.
1419 Hanky. I'm the contractual purchaser of the property. As many of you may know, our firm has
1420 been active in the development of this area for the past 25 years, having developed over 500 lots in
1421 the immediate vicinity; Crown Grant, Covered Bridge, Lake Loreine, Barrington. All these
1422 properties have been done and we feel very proud of it. This property actually was ours 25 years
1423 ago. And, through my affiliation with Benedictine for the last 50 years, we allowed it to be used for
1424 the school; their activities. They have now, as has been mentioned, decided to move west.

1425
1426 While I was very reluctant, I always felt that this is the way it should remain. I told them, if it was
1427 going to be developed, that I wanted to be the developer, since I had brought the sewer, the water,
1428 and the road, and everything else to it. So, that's where we are now. We've contracted to purchase
1429 the property.

1430
1431 The density that we've proposed in the proffers is well below 2 lots per acre. We've got some
1432 physical constraints with the plantation pipeline. But we've dealt with that. It went through Crown
1433 Grant. It went through Lake Loreine. It went through Barrington. So, we're pretty much used to
1434 dealing with it. But, it does require some engineering of the lots...in order to be able to come up
1435 with a product that's consistent with what we've done in the past. We're very proud of what we've
1436 done, and this will be a continuation of the same thing. I'd be glad to answer any questions.

1437
1438 Mr. Vanarsdall - Any questions for Mr. Hanky?

1439
1440 Ms. Dwyer - Mr. Hanky, as I look at the subdivision plat you presented to us as an
1441 idea of how this might be developed, I'm trying to understand, with such a low density, as you
1442 mentioned, why we couldn't even gotten an R-2A. Is it because of front yard setback, or road
1443 frontage?

1444
1445 Mr. Hanky - It is because, as we mentioned, and, by the way, this layout is a
1446 preliminary layout, and I think it can be improved, and I expect that it will be improved. I have my
1447 engineer sitting here, Mr. Youngblood, and I'm going to be banging on him to do a little bit better
1448 job of this.

1449
1450 Having the ability to not have to place a lot line where there is a creek or where there is an easement
1451 going through the property, being able to do that, and also to recognize the setbacks that we want to
1452 have along Church Road, and the landscaping that we want to do. And, also, if you'll notice, I
1453 guess it would be to the southeast. It's a zigzag property line there. We are attempting, and have
1454 been attempting to acquire; its about four or five more acres there, which would allow us to more

1455 readily design this in a better manner than it is now. And, so, I'm hopeful that may occur shortly.
1456 But, at this point, we don't have it, and that's the reason that we're here now.

1457
1458 Ms. Dwyer - This may be more of a philosophical comment at this point, but
1459 there's been some discussion about controlled density development. We did have some mention of
1460 it in the previous case.

1461
1462 It seemed to me to be a better procedure to have the zoning conform to the density that you're
1463 looking for, and if we need to make some changes to the arrangement of the size of the lot, make
1464 some exceptions to account for topography or the gas line, for instance, that controlled density
1465 would be an appropriate way to go. In other words, the zoning on the zoning map reflects the
1466 density. In that way it doesn't set a precedent that would encourage more dense development on the
1467 A-1 parcel next door to this, for example. Did you think of that?

1468
1469 Mr. Hanky - Well, let me say that, the staff's report, as was mentioned by Mr.
1470 Householder, mentioned that most of the lots in the area south of Church Road were R-2. And that
1471 is not correct. If you look at the map that was up there previous to that, there's over 700 lots in the
1472 immediate surrounding area that are all R-3. So, we feel that R-3 is appropriate as has been
1473 developed by the entire property all around it.

1474
1475 The only property that is not R-3 is the Lake Loreine Subdivision which I developed 20 years ago,
1476 and that has a lake feature. That was one of the reasons for that.

1477
1478 Ms. Dwyer - That's R-1, right?

1479
1480 Mr. Hanky - Yes. So, we believe the R-3; Barrington, which is directly across the
1481 road from it was R-3, as you can see. Windsor Place was R-3C. Church Run was R-3. You know,
1482 if you total all of those lots, and come around on the south side also, there's well over 700 lots. So,
1483 we don't feel that we're asking for anything that is improper in any way shape or form, not
1484 appropriate.

1485
1486 Ms. Dwyer - Well, that may be, and I guess I'm just wondering, had you
1487 considered say, R-2 controlled density, which would give you the flexibility on your lot – the shape
1488 of the lots in some of the lots?

1489
1490 Mr. Hanky - Well, in our discussions with the staff, they recommended R-2A.
1491 And the difference between R-2A and R-3, is very minimal. They both require a minimum street
1492 frontage. They both require the same side yard requirements. It is a very much of a small
1493 difference in there. But, it does allow us the opportunity, the square footage is smaller in R-3 from
1494 R-2A. And that 2,500 square feet may be utilized to make a lot work without having to take a tree
1495 down, or having to back it up to a BMP.

1496
1497 Ms. Dwyer - I guess staff didn't consider controlled density either as part of your
1498 discussions. So, I throw that out as an option maybe in another case, when this is the situation,
1499 because controlled density says, "To allow tree preservation," for example. I won't belabor that.

1500

1501 Mr. Vanarsdall - Any more questions of Mr. Hanky? Thank you, Mr. Hanky. We'll
1502 hear from the opposition now.
1503
1504 Mr. Randall Strawbridge - Mr. Chairman, I'm Randall Strawbridge. I live at 11409 Barrington
1505 Bridge Court, Richmond, VA. 23233-1753. I have three concerns on this property. And one is the
1506 buffer of the trees at the intersection of Lake Loreine Landing and Church Road. There is a good
1507 stand of trees there now, and I'd like to see them maintained and remain there. And I'm
1508 recommending at least 50 or 100-foot buffer in that area. This backs up to our property.
1509
1510 I've been in Barrington 11 years now. I don't know of any lot in there that's a quarter of an acre.
1511 They're all larger than that. And, I'd like to see these lots become larger than 11,000 or 13,000
1512 square feet.
1513
1514 Church Road, I'd like to see it widened before this is developed. It's a dangerous road. There's no
1515 berm. It's a two-lane. Deep ditch and trees along the road. Those are my comments.
1516
1517 Mr. Vanarsdall - All right, any questions by Commission members? You're
1518 recommending 50 to 100 feet?
1519
1520 Mr. Strawbridge - Right.
1521
1522 Mr. Taylor - Fifty to 100 feet right of way, Randy?
1523
1524 Mr. Strawbridge - A buffer there for the trees that are standing already, so they aren't
1525 cut down by somebody.
1526
1527 Mr. Taylor - Maybe Mr. Hanky would like to address that one.
1528
1529 Mr. Vanarsdall - Thank you.
1530
1531 Mr. Hanky - All of those trees that they're talking about at that corner will remain.
1532 That's the back of several lots, and there's no way those will be taken down.
1533
1534 Mr. Strawbridge - They can still cut them if they want a buffer, though.
1535
1536 Mr. Hanky - Well, we would leave them, and there's no access permitted from the
1537 rear of those lots is my understanding. There will be no access permitted out of the back of those
1538 lots by the County.
1539
1540 There already is a buffer. In other words the buffer that we are proposing all along Church Road is
1541 going to be in place. That's one of the proffers that's before you.
1542
1543 Mr. Strawbridge - ...go all the way down (Comments unintelligible-microphone not
1544 working).
1545

1546 Mr. Hanky - It goes all along Church Road. Your property is across the street
1547 from it, right?
1548
1549 Mr. Strawbridge - Yes. But, it doesn't come down to Lake Loreine, I don't believe.
1550
1551 Mr. Taylor - Mr. Strawbridge, if you could, show us on that chart, Mr.
1552 Householder will set it up for you.
1553
1554 Mr. Householder - Are you talking about this area right here (referring to slide)?
1555
1556 Mr. Strawbridge - Yes, that's Loreine Landing Lane and then its across to a point at
1557 which they end.
1558 Mrs. O'Bannon - Could someone define "buffer," because I'm not sure what that
1559 gentleman's saying, I mean what the term...
1560
1561 Mr. Householder - In the proffer language it is described as what we have in this case, I
1562 think we have to treat it on a case-by-case basis, the definition of buffer. This one would be, it's a
1563 landscaped strip 20 feet along Church Road. I think what he's talking about is some sort of an area
1564 that's not touched, left undisturbed. I guess we're talking about two different types of buffers. This
1565 is more of a landscaped strip.
1566
1567 Mr. Vanarsdall - A buffer is no more than space. It depends on what you put in the
1568 buffer.
1569
1570 Mr. Householder - Right.
1571
1572 Ms. Dwyer - Right. So, in other words, this language, just so that we're clear what
1573 the language says, the 20-foot buffer, just because it says, "buffer," that does not mean the trees
1574 have to be preserved within that 20 foot. It may be the intent of the developer to do so, but that's
1575 not what the proffer requires. Is that correct?
1576
1577 Mr. Householder - That's correct.
1578
1579 Ms. Dwyer - And, also, if Church Road is widened, that would then encroach
1580 upon this buffer to the extent it needed roadway...
1581
1582 Mr. Householder - Well, the buffer was to the ultimate right of way. It should have
1583 been.
1584
1585 Mr. Taylor - Ms. Dwyer, I think Mr. Strawbridge's concern is that, along Lake
1586 Loreine Landing now, the entire area from that lower corner to Church is fairly heavily treed. And
1587 the trees continue down along Church Road to the east, almost until the intersection with the
1588 pipeline that goes through there. And, Mr. Strawbridge lives right across the street, just right in
1589 Barrington, and he is directly affected by looking at that forested area. And, Randy, is that not what
1590 your greatest concern is?
1591

1592 It was my understanding talking to Mr. Hanky that those would be treated very carefully, left in
1593 place and buffered. So, with that, am I correct on that, Mr. Hanky?

1594
1595 Mr. Hanky - You can see it...

1596
1597 Mr. Taylor - You can see it fairly clearly there from that road. You see coming in
1598 from the north is Barrington Bridge Place, and right across the street, there starts to be some
1599 vegetation as discerned by the dark green patches. And they go on off to the west, and then down to
1600 the south all away along the south edge of that property. So they would remain standing, is my
1601 understanding on it.

1602 Mr. Householder - It's not proffered, though, that they remain standing.

1603
1604 Mr. Archer - I think what Mr. Strawbridge is saying, that once the property is sold,
1605 is this what you're saying, Mr. Strawbridge? The new property owner, he can cut his own trees if
1606 he chooses?

1607
1608 Mr. Strawbridge - You're doing a shopping center there, you put a 100-foot buffer. I'm
1609 a consulting engineer myself, and that's all I'm asking for.

1610
1611 Mrs. O'Bannon - But, by saying, "a 100-foot buffer," that just means the space. That's
1612 what I was getting at.

1613
1614 Mr. Strawbridge - Perpendicular to the road, yes.

1615
1616 Ms. Dwyer - It doesn't mean the trees will be preserved. That's, I think the point
1617 we're trying to make.

1618
1619 Mrs. O'Bannon - Yes. It doesn't mean the trees will necessarily still be standing. The
1620 buffer, it's not proffered. It means, they'll be a distance. It could be left open. I'm trying to just
1621 clarify that for you, because I know what you're thinking, and I'm afraid that it's not being what's
1622 happening.

1623
1624 Mr. Strawbridge - If you have a buffer there, designated, that's not owned by a property
1625 owner, and the property owner is not going to cut the trees on it.

1626
1627 Mr. Taylor - Mr. Hanky, would you like to address that? Don't mess with our
1628 trees.

1629
1630 Mr. Hanky - The proffers do include a 20-foot buffer strip, which means, and it
1631 says in there that it will not be disturbed. That buffer strip runs from Loreine's Landing Lane all the
1632 way to the other end of the property. I think it, specifically, states in there, if I'm not mistaken.

1633
1634 Ms. Dwyer - No. It says, it will consist of berms, landscaping, fencing, or may be
1635 left in its natural condition or a combination thereof. So, I guess, you know, we're not necessarily
1636 arguing the point. We just want to make clear what the proffer says. This proffer does not

1637 guarantee that the trees will stay there. All this says that there will be 20 feet, and in that 20 feet, it
1638 may be natural or it may be landscaped.

1639
1640 Mr. Strawbridge - Twenty feet is ridiculous. You're not even going half way up the
1641 bank with 20 feet.

1642
1643 Ms. Dwyer - And, also, I'm not sure that it's adjacent to "ultimate right of way."
1644 I'm not clear on that. Maybe Mr. Householder can clarify that.

1645 Mr. Vanarsdall - Thank you.

1646
1647 Mr. Householder - We usually would consider the right of way to be ultimate right of
1648 way. We could clarify in this language it might be a good idea to add, "ultimate," to that proffer.

1649
1650 Ms. Dwyer - Yes. I think so, if that's your intent. Yes.

1651
1652 Mrs. O'Bannon - When is Church Road scheduled to be widened?

1653
1654 Mr. Householder - I do not know. Jay had met with Public Works. We had talked
1655 about this.

1656
1657 Mr. Jay Hanky - I am Jay Hanky, a partner with Barrington. My discussions with
1658 Todd Eure on the right of way, he mentioned two different projects that were designed, but nothing
1659 was imminent. And, one was the straightening out of the curve a little bit to the west. The other
1660 was dealing with Cox Road extension further up. We looked at the right of way at that time. He did
1661 not give us any imminent schedule for the widening.

1662
1663 The right of way that he indicated to me that Public Works would like to have during the review
1664 process would request as a dedication was an ultimate 66-foot right of way, which was, to the best
1665 of my knowledge, six feet more than the existing right of way now.

1666
1667 I think, and I can't say this with a 100-percent certainty, Benedictine, while owning the property,
1668 dedicated five feet already. And when we developed Barrington across the street, we made a
1669 dedication, curb and gutter is already returned on that side to provide an ultimate 60-foot right of
1670 way.

1671
1672 Public Works I think now, with that typical road design, what's to have 66 feet to allow for
1673 sidewalks in the future, which, in this particular case, it's hard to imagine, because it would be a lot
1674 of sidewalks there. There are none to the east of us now. However, it was my understanding had
1675 the buffer to be from the ultimate right of way, which probably involves us dedicating three feet. I
1676 don't know if that helps clarify the situation of the right of way.

1677
1678 Mr. Marlles - Sir, just for the record, then, you did intend the buffer would be
1679 measured from the ultimate right of way?

1680
1681 Mr. Hanky - The ultimate right of way. I think the language did include, too, the
1682 combination of leaving the buffer in its natural state. Of course, along Church Road, the majority of

1683 it, you know the natural state is “no trees.” But there are a number of just individually placed large
1684 Leland Cypresses around the property. The intent, what I hope is to be able to transplant a lot of the
1685 Leland Cypresses that are scattered. There’s probably 35 or 40 of them. They go over by the ball
1686 fields and all. We’d like to be able to move them over to Church Road. The intent is to have a nice
1687 landscaped buffer along Church Road. And all along Loreine’s Landing Lane, that wooded area is
1688 a very steep grade.

1689 The lots that we laid out on there have a depth that allows for a good building site up on the top of
1690 the hill. Those lots will be fairly deep, but they’ll have a steep grade to the back. As its proffered,
1691 there’s no guarantee that those trees would stay going down Loreine’s Landing Lane, with the
1692 exception of the first 20 feet that would be in the buffer.

1693
1694 But, from the standpoint of what we normally do in our covenants and our site review, we limit
1695 clearing, I think the clearing of the lot is limited to that area that’s necessary just for the house, to
1696 the extent that that’s reasonable. Is that correct the way we have that? Even though there’s not a
1697 buffer along Loreine’s Landing Lane, we should be covered in terms of preserving those trees.

1698
1699 Mr. Vanarsdall - Thank you.

1700
1701 Mrs. O'Bannon - You're not proffering that particular configuration of lots with this
1702 case?

1703
1704 Mr. Hanky - No. That specific plan has not been proffered.

1705
1706 Mrs. O'Bannon - I'm not necessarily asking him. I just want to make that clear.

1707
1708 Mr. Hanky - Yes.

1709
1710 Mrs. O'Bannon - Okay.

1711
1712 Mr. Vanarsdall - All right. Any one else want to speak on this case? Yes sir.

1713
1714 Mr. Lee Stocks - Mr. Chairman, members of the Commission, my name is Lee Stocks.
1715 I come to you as a member of, actually, President of the homeowner’s association for Lake Loreine.
1716 I live on 2401 Lake Loreine Lane.

1717
1718 I speak on behalf of our association. We oppose the applicant’s request for R-3 zoning, and
1719 support, instead, the recommendation of 17 February of the Staff to support an R-2 zoning. There
1720 were several points made in the report, which we support. We feel like that the R-2 zoning is more
1721 consistent with the character of the neighborhoods on the south side; the ones that are visible from
1722 Church, including Lake Loreine. It is also the Barrington Subdivision across the street, keeping
1723 again, with the character of that neighborhood.

1724
1725 The staff’s report points out that the schools in the area can not support the existing and proposed
1726 students coming from this neighborhood, and the R-3 would just exacerbate that problem.

1727

1728 Additionally, our homeowner's association is facing a very expensive dredging of the Lake Loreine.
1729 Right now, the head end of that lake is pretty much filled in. And this proposed neighborhood is in
1730 the watershed of that lake and it is just going to increase the problems with that lake over time.
1731 Therefore, we would request that you deny the applicant for R-3. Instead, go with R-2 zoning for
1732 this area.

1733 Mr. Vanarsdall - All right, any questions? Thank you very much. Any one else? Any
1734 one else like to speak about this case? Yes sir.

1735
1736 Mr. Gilbert Button - My name is Gilbert Button and I live right next to the proposed
1737 change property. I have lived there 11.5 years and I've been flooded twice in a 100-year floods.
1738 There is a large culvert in my backyard that the County installed. It flooded that. I don't know the
1739 technical terms of the watershed, whatever. But, whatever decision is made, I hope that every
1740 consideration is going to be made that this does not reoccur, because part of what Lee had
1741 mentioned about the lake being filled in, my driveway has contributed to that fill in on two different
1742 occasions.

1743
1744 Mr. Vanarsdall - Have you ever asked the County to come out and look at it?

1745
1746 Mr. Button - Yes sir. They did, and it flooded again. And, I was told it was a
1747 100-year flood and its happened to me twice.

1748 Mrs. O'Bannon - Can you point out where you are on the map, so I can get an idea?
1749

1750 Mr. Button - I'm the fourth house right there, (referring to slide). The problem is
1751 the culvert which is a very large collecting culvert spills into another drain, but there's only one
1752 drain that goes down to the lake. So, the whole system is dependent on one pipe. Unfortunately,
1753 that goes through my property. And, when that pipe gets filled up, then it has no choice other than
1754 to go over my property, through my beds. And my driveway, like I said, has ended up on two
1755 different occasions, in the lake.

1756
1757 Mr. Marlles - Sir, I think this might have been asked, but has anybody been out
1758 from the County recently?

1759
1760 Mr. Button - Yes.

1761
1762 Mr. Marlles - Okay. They have.

1763
1764 Mr. Button - Yes. As a matter of fact, they came in and expanded the culvert.
1765 The problem with that is, we still have the same size pipe that is draining all of that property.
1766 Again, I'm not an engineer. But, I suspect that if you place a number of houses and a number of
1767 roads, you're going to have less surface area for the moisture to be absorbed, and, therefore, more
1768 runoff as Lee mentioned.

1769
1770 Mr. Marlles - Drainage is normally an issue that is looked upon as part of the
1771 subdivision process. And we do have regulations, obviously, in the County that do regulate the
1772 quantity and quality of water. So, it would be something that would be reviewed further on in the
1773 development review process.

1774
1775 Mr. Button - I understand that, and I hope you have an appreciation. That should
1776 have been done in conjunction with the development of Benedictine West. And I still, as I said, the
1777 system, originally, and then when it was redone has flooded twice. So...
1778
1779 Mr. Taylor - That was while the Benedictine fields were built?
1780
1781 Mr. Button - Yes.
1782
1783 Mr. Taylor - As a direct result of that?
1784
1785 Mr. Button - Benedictine was there when my house was...
1786
1787 Mr. Taylor - But not that soccer field?
1788
1789 Mr. Button - The soccer field was there.
1790
1791 Mr. Taylor - This has been existing for how many years?
1792
1793 Mr. Button - Well, I've lived there for 11.5 years.
1794
1795 Mr. Taylor - There hasn't been any solution over that period of time?
1796
1797 Mr. Button - Well, it's flooded twice. As I said, when I addressed the subject,
1798 they were very nice to me. They came and brought a whole bunch of riprap and created a much
1799 larger culvert. But, the problem is, that my house is the drain. And when Benedictine has a
1800 problem with water standing behind my neighbors' homes, they cut a berm to direct the water even
1801 more so onto my property. That's how we ended up with, I happen to be in the middle of the drain,
1802 I guess.
1803
1804 Mr. Vanarsdall - We'd be glad to have somebody look at it again. Would you give us
1805 your address, again?
1806
1807 Mr. Button - Certainly. 2409 Loreine's Landing Lane.
1808
1809 Mr. Archer - Sir, are you saying the other houses in the area next door, and so
1810 forth, are not affected, just yours?
1811
1812 Mr. Button - Well, some of my neighbors could speak for themselves. But, at one
1813 time, there was water standing. Benedictine hired somebody and they cut a berm behind my
1814 neighbor's home to direct the water, and it ended up in my yard.
1815
1816 Mr. Archer - Okay.
1817
1818 Mr. Button - So, they solved one problem. I certainly don't hold any grudge
1819 against my neighbors, because it solved their problem, but it created one for me.

1820
1821 Mr. Vanarsdall - Thank you.
1822
1823 Mr. Button - Thank you.
1824
1825 Mr. Taylor - Mr. Chairman, am I not correct that storm runoff from adjacent
1826 properties is really the responsibility of the owner of those properties for lateral support? Isn't that a
1827 requirement?
1828
1829 Mr. Vanarsdall - I think so.
1830
1831 Mr. Taylor - May be that's better directed to you.
1832
1833 Mr. Marlles - Mr. Taylor, it's certainly something that's outside of our review as
1834 far as this rezoning request. We can have the Department of Public Works take a look at the
1835 situation, which is what I would recommend.
1836
1837 Mrs. O'Bannon - Well, by law, isn't when a piece of property is developed, they can't
1838 allow any more drainage that...
1839
1840 Mr. Marlles - That is, generally, the rule, Mrs. O'Bannon.
1841
1842 Mr. Taylor - Well, maybe this is a problem Mr. Hanky could fix in passing.
1843
1844 Mr. Hanky - Well, what I'm saying is, I'm sure that when the subdivision goes to
1845 be reviewed, that this will be taken up, and be addressed with the BMP. When Benedictine was
1846 built 20 some years ago, we weren't using BMPs and that's now a requirement pretty much all the
1847 way. So, what you're going to have in this situation is that, water, more than likely, will be diverted
1848 or piped in some way shape or form into a BMP. I'm almost certain of that.
1849
1850 Mrs. O'Bannon - In your plan I didn't see anything like that.
1851
1852 Mr. Taylor - Here, again, Mrs. O'Bannon, we'd have to wait for the POD stage.
1853
1854 Mr. Marlles - Subdivision.
1855
1856 Mrs. O'Bannon - Subdivision?
1857
1858 Mr. Hanky - That's usually always addressed. All of our other projects within the
1859 last few years, that's what happened.
1860
1861 Mrs. O'Bannon - Do you understand what a BMP is, sir? You want to explain to him
1862 what a BMP is?
1863

1864 Mr. Hanky - Physically, it will be an area that will be designated in junction with
1865 our engineers and the County for the retention of stormwater to allow it to be released in a slower
1866 fashion, and, therefore, flooding areas that it normally would flood.
1867
1868 Mrs. O'Bannon - It's kind of like a dry pond? Would that be a good description of it?
1869
1870 Mr. Hanky - For want of a better word, I guess that would be it.
1871
1872 Mrs. O'Bannon - Do they have grass growing in it?
1873
1874 Mr. Hanky - Most of the time. Yes.
1875
1876 Mrs. O'Bannon - Is it nice and green, or is does it have shrubs?
1877
1878 Mr. Hanky - It generally would be green. Sometimes, you know, it depends upon
1879 the elevation as to whether it's a wet BMP, or a dry one. They have both. The County and
1880 engineers both will work that out. That's something we don't really have any control over. But,
1881 that will be addressed, and I think satisfactorily.
1882
1883 Mrs. O'Bannon - Because it sounds like its going to be behind this man's house. I
1884 wanted him to understand.
1885
1886 Mr. Hanky - The BMP will be at either end of the property, more than likely is my
1887 understanding. The water will be diverted and picked up at either end and taken that way, because
1888 that's the way it naturally drains.
1889
1890 Mrs. O'Bannon - Okay.
1891
1892 Mr. Vanarsdall - Mr. Hanky, did you have any rebuttal time? Did you want to make a
1893 rebuttal on the opposition?
1894
1895 Mr. Hanky - No. Only I think its been stated that I think, Jay, my son, pointed out
1896 very clearly, that the Proffer No. 2, with regard to the trees, specifically, says that the clearing of
1897 trees will be limited to trees in the area required to accommodate the structure. Those trees that are
1898 along Loreine Landing's Lane and along the first part of Church Road will not be cleared, because it
1899 specifically states on Proffer No. 2 they won't be, because no houses are going to be put there.
1900
1901 Mr. Vanarsdall - Thank you.
1902
1903 Mr. Taylor - Sir, while you're at the microphone, would you address Mr. Stock's
1904 comment on the acreage. In fairness to you, and we've worked virtually around the clock trying to
1905 resolve whether we do this R-2A, as he requested, or R-3 and the reasons for each?
1906
1907 Mr. Hanky - With the proffer that we entered into today, we contractually agreed
1908 to limit the density to 45 lots. It's 24.619 acres, and that's approximately 1.8 lots per acre.
1909

1910 Under R-2A zoning, current R-2A zoning, and staff notes that in their report, you can have a density
1911 to 2.42. So, we believe that we have addressed that by virtue of that proffer. We reduced it, and
1912 allowed 2.42. Actually, under R-3, you can go to 2.97. We are well, well, well below the stated
1913 allowances. And we've proffered that. So, the density is going to be much less than it would in
1914 either an R-3 or an R-2A.

1915
1916 Mr. Taylor - That, actually, almost approaches R-2.

1917
1918 Mr. Hanky - Absolutely.

1919
1920 Mr. Taylor - Okay. Thank you. Mr. Stocks, would you like equal time on your
1921 size of lots relative to the zoning. This is critical, because we have worked with the staff, and Mr.
1922 Hanky. And, in recognition, in my telephone call to you last night, trying to resolve. The difficulty
1923 of trying to get the lot size large enough to meet the R-2 criteria, but the difficulty is, there's, as Mr.
1924 Hanky explained, there's a few wrinkles in trying to develop this site that kind of frustrates the
1925 normal process. And, in trying to work around this, it was our hope that we could get to the point
1926 that we can look at this reasonably, from the zoning standpoint, tonight, and then when we get to the
1927 POD stage, we'll be able to work out to make sure that all of the lots are clearly in excess of the R-
1928 2A standard.

1929
1930 Mr. Stocks - I think what struck me was, when we looked at the original plan that
1931 you said was just a "first cut" at it, there were 39 lots I believe included there. And, this proffer,
1932 which was just submitted today, which I'm kind of lucky to get a copy of before tonight's meeting,
1933 goes up to 45. I don't understand where the other six lots, or six potential lots would be situated. It
1934 seemed like it would make a pretty drastic reduction in the original plat.

1935
1936 Mr. Taylor - Would you like to address that Mr. Hanky?

1937
1938 Mr. Hanky - The reason for it is to provide some flexibility in the event the
1939 current plan is what it is. It is very preliminary. It's our first shot at it. Our experience has been,
1940 once you get into the actual engineering and design with Public Works where some of these things
1941 are, we may have to evolve and change, and move, particularly with respect to the area that is along
1942 the jagged edge next to the A-1 to the east. There's a good deal of space that's been provided there
1943 that's now, I think it's noted on our plan as "Common Area." It probably would, essentially, be
1944 reserved for future development.

1945
1946 If, in fact, Public Works has to change somewhat the entrance way that we've proposed, which is
1947 pretty significant with the common area in there. In going through that process, it may generate,
1948 you know, the additional area that I think we would need, and we would want to have that flexibility
1949 to make use of it, if we can.

1950
1951 Mr. Stocks - We would feel from our homeowner's association much more
1952 comfortable with 39 lots, that we originally saw, as opposed to the 45 that were proffered today.
1953 Thanks.

1954

1955 Mrs. O'Bannon - Can I ask just a general question? How many lots would there be
1956 allowed if it were to be R-2?
1957

1958 Mr. Hanky - I mentioned that earlier. Under R-2A zoning, and in your staff
1959 report, it states you would be permitted up to 2.42 lots per acre under R-2A.
1960

1961 Ms. Dwyer - What about R-2?
1962

1963 Mr. Hanky - I don't have R-2 in front of me.
1964

1965 Ms. Dwyer - One loose end, I think, was the question of whether the buffer would
1966 be considered from the ultimate right of way of Church Road, and also whether there'd be specific
1967 tree preservation commitments in the proffers?
1968

1969 Mr. Hanky - I think that was already stated that it was the ultimate right of way.
1970 Under the clearing proffer, it states that nothing would be cleared other than what's needed for the
1971 lot itself.
1972

1973 Ms. Dwyer - ...to the extent reasonably practical? I generally interpret that as not
1974 being a clear commitment.
1975

1976 Mrs. O'Bannon - I have just one question. "There shall be no 40-foot right-of-way?"
1977

1978 Mr. Hanky - That was a request by the staff.
1979

1980 Mrs. O'Bannon - In reference to what, the roads?
1981

1982 Mr. Householder - That's a request from our subdivision review department, that if you
1983 have a 40-foot right of way, it means you can only park on one side of the street. Therefore, you
1984 have to put "No Parking" signs on one side. So, if we can, we try to eliminate the possibility of 40-
1985 foot rights-of-way at the time of rezoning.
1986

1987 Mrs. O'Bannon - I just my question was, "Was there some other way to put it, instead
1988 of negatively?"
1989

1990 Mr. Householder - Sure. We can work on that.
1991

1992 Mrs. O'Bannon - By that, I mean, "All rights of way will be more than "X" number of
1993 feet?"
1994

1995 Mr. Hanky - Maybe I can answer one other thing. Under R-2A zoning, it would
1996 permit 59 lots.
1997

1998 Mr. Taylor - Under R-2, what was the number?
1999

2000 Mr. Hanky - I don't have R-2, because that's never been addressed by the staff.
2001 R-2 was 59.
2002
2003 Mr. Householder - That's a density of 1.8 units per acre.
2004
2005 Mr. Hanky - And that's what we're giving. We're proffering 45 lots, which is a
2006 density of 1.8.
2007
2008 Mr. Taylor - So, that meets the R-2 standards, is what you're saying?
2009
2010 Mr. Hanky - In terms of density.
2011
2012 Mr. Taylor - In terms of density?
2013
2014 Mr. Hanky - Right.
2015
2016 Mr. Vanarsdall - All right, thank you. Mr. Taylor.
2017
2018 Mr. Taylor - Any other questions, comments?
2019
2020 Mr. Vanarsdall - Nobody else. Go ahead.
2021
2022 Mr. Taylor - I'd first like to thank both Mr. Hankys for working on this almost
2023 constantly all day yesterday and most of today with the density. And all the proffers we have this
2024 evening were submitted passed the required time limit. I think they're an improvement over what
2025 was originally proposed. And, my reading of it is that the R-2 standard for lot size will be sustained.
2026 And that was really the exercise to be faithful to the communities of Barrington and to Lake Loreine
2027 to make sure that it was above R-2. So, with that, Mr. Chairman, I move that we waive the time
2028 limit for the proffers March 9, submitted with Case C-18C-00.
2029
2030 Mr. Vanarsdall - Do I have a second?
2031
2032 Mr. Archer seconded the motion.
2033
2034 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in
2035 favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). All
2036 right, Mr. Taylor.
2037
2038 Mr. Taylor - In thinking about this overall, I think the development, as we've seen
2039 it, we are at the zoning stage, we are not at the development stage, although, we have been treated,
2040 perhaps, to a subdivision plat that normally wouldn't exist at this stage. And I think the proffers
2041 submitted with the case will ensure a quality development, and a density that is comparable and
2042 exceeds, in fact, the surrounding development. And Mr. Hanky's proven tract record of
2043 development in the area, I feel confident that the high quality of development will continue. And
2044 you will meet the expectations of the people here today, and have a real quality development that

2045 meets or exceeds what exist in the neighborhood. I expect that to be true. Therefore, Mr.
2046 Chairman, we recommend approval of the Case C-18C-00 as proffered.

2047
2048 Mrs. Quesinberry seconded the motion.

2049
2050 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All
2051 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
2052 abstained).

2053
2054 REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the Planning
2055 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
2056 request because it conforms with the objectives and intent of the County's Comprehensive Plan, and
2057 it continues a similar level of single family residential zoning as currently exists in the area.

2058
2059 Mr. Vanarsdall - Mr. Secretary, we have two cases for 8:00 o'clock for deferment.
2060 We take those now.

2061
2062 Mr. Marlles - Mr. Chairman, we also have C-19C-00 Henry L. Wilton for Wilton
2063 Development.

2064
2065 Mr. Vanarsdall - On the 8:00 o'clock agenda we have two deferments.

2066
2067 Mr. Marlles - We do. Yes. That is correct. I'm sorry.

2068
2069 Mr. Vanarsdall - Mrs. Via.

2070
2071 Mrs. Via - For the 8:00 o'clock p.m. agenda you do have two deferrals to take
2072 action on if there are any folks in the audience for these two cases. The first is C-73C-98.

2073
2074 **Deferred from the December 9, 1999 Meeting:**
2075 **C-73C-98 James W. Theobald for W. A. Robins, et. al., Redford 131, L.C.,**
2076 **Edward M. Luck, Gerald A. Crigger:** Request to conditionally rezone from A-1 Agricultural
2077 District to R-3AC One-Family Residence District (Conditional), Parcels 197-A-21A, 21B (part),
2078 21C and 22 (part), Parcels 197-1-1-6 (part), 7 and 7A, and Parcels 197-4-A-1, 2 and 3, containing
2079 58.214 acres, located on the north line of Portugee Road (beginning in the Capes of Portugee
2080 Subdivision) approximately 280' east of the intersection of Portugee Road and Memorial Drive
2081 and on the east line of Memorial Drive (beginning in the Gaulding and Orange Subdivision)
2082 approximately 1890' north of the intersection of Portugee Road and Memorial Drive. A single
2083 family residential subdivision is proposed. The applicant has proffered a maximum density of 2.8
2084 units per acre. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit net
2085 density per acre, and Environmental Protection Area. The site is also in the Airport Safety Overlay
2086 District.

2087
2088 The deferral has been requested by the applicant to June 15th.

2089

2090 Mr. Vanarsdall - Any one in the audience in opposition to the deferment of this case –
2091 Case C-73C-98. Any opposition to deferment? No opposition. Mrs. Quesinberry.

2092
2093 Mrs. Quesinberry - I move for deferment of Case C-73C-98 until the June 15, 2000
2094 agenda at the applicant's request.

2095
2096 Mr. Taylor seconded the motion.

2097
2098 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr. Taylor. All
2099 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
2100 abstained). Next case.

2101
2102 Mrs. Via - Thank you. And the last one is the last case on your agenda. This is
2103 Case C-25C-00.

2104
2105 **C-25C-00 James W. Theobald for 7-Eleven Inc.:** Request to conditionally
2106 rezone from A-1 Agricultural District to B-2C Business District (Conditional), Parcel 162-A-43A,
2107 containing approximately 5.06 acres, located at the southwest intersection of S. Laburnum and Gay
2108 Avenues. Community retail is proposed. The use will be controlled by proffered conditions and
2109 zoning ordinance regulations. The Land Use Plan recommends Office. The site is also within the
2110 Airport Safety Overlay District.

2111
2112 The applicant in this case has requested a deferral to April 13, 2000.

2113
2114 Mr. Vanarsdall - Any one in the audience in opposition to this Case, C-25C-00? No
2115 opposition.

2116
2117 Mrs. Quesinberry - I'll move for deferral of Case C-25C-00 to the April 13th agenda at
2118 the applicant's request.

2119
2120 Mr. Taylor seconded the motion.

2121
2122 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr. Taylor. All
2123 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
2124 abstained).

2125
2126
2127 **C-19C-00 Henry L. Wilton for Wilton Development Corp:** Request to
2128 conditionally rezone from A-1 Agricultural District and RTHC Residential Townhouse District
2129 (Conditional) to RTHC Residential Townhouse District (Conditional) Parcels 10-A-20, 21 and 22,
2130 and part of Parcel 10-A-19, described as follows:

2131
2132 Beginning at a point on the eastern right-of-way line of Shady Grove Road located approximately
2133 875' north of the intersection of Shady Grove Road and Old Nuckols Road and being the southwest
2134 corner of the land herein described, Thence, along the eastern right-of-way line of said Shady Grove
2135 Road on a curve to the right with a radius of 2843.26', a central angle of 01°38'21" and a length of

2136 79.69' to a point, Thence, continuing along the eastern right-of-way line of Shady Grove Road N
2137 13°36 E 190.69' to a point, Thence, departing said Shady Grove Road along the land of
2138 Highwoods/Forsyth LTD., Loch Levan Land LTD. and The Virginia Press Assoc., S 75°40'21" E
2139 1212.31' to a point, Thence, along the land of Loch Levan Land LTD. S 11°23'27" W 682.71' to a
2140 point In the line of Security Capital Atlantic, Thence, along line of said Security Capital Atlantic N
2141 77°23'39" W 603.97' to a point, Thence, along a line N 10°10'09" E 396.81' to a point. Thence, N
2142 74°52'31" W 72.91' to a point, Thence, N 74°50'00" W 535.75' to the point of beginning, The parcel
2143 of land herein described Is located in the Three Chopt District of Henrico County, Virginia and is
2144 designated as tax parcels 10-A-20, 10-A-21,10-A-22 and a portion of 10-A-19 and contains
2145 approximately 13.9 Acres,
2146

2147 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.
2148

2149 Mr. Vanarsdall - Any one in the audience in opposition to this case C-19C-00? No
2150 opposition.
2151

2152 Mr. Bittner - Thank you, Mr. Vanarsdall. This development would be an
2153 expansion of the adjacent Townes at Shady Grove development to the south. The requested use and
2154 zoning is not consistent with the Office or Environmental Protection Area designations of this
2155 property.
2156

2157 The applicant has proffered to develop no more than six units per acre. This is greater than the 5.4
2158 units per acre planned for the adjacent Townes at Shady Grove. If RTH zoning is to be considered
2159 for this property, staff strongly encourages a density no greater than the first section of the Townes
2160 at Shady Grove.
2161

2162 When the nearby Wyndham development was first designed, the area around this property was
2163 considered as a business and office development node. Even with the adjacent Camden Apartments
2164 and Townhouses at Shady Grove, most of this area has been developing with business and office
2165 uses.

2166 Staff prefers to see this trend continue to maintain the established logical pattern of development.
2167 Staff is also concerned with the proposed increase of townhouse zoning in this area. This request
2168 would reduce land available for economic development, and increase the demand for government
2169 services.
2170

2171 Townhouse development could also increase pressure to develop the west side of Shady Grove
2172 Road at a density higher than it is designated SR-1. Property to the south across Old Nuckols Road
2173 is planned for Urban Residential and SR-2 development. It could also see pressure for higher
2174 density development than what is planned.
2175

2176 If the Planning Commission were to consider this to be an appropriate request, there are some
2177 benefits that could be achieved. Townhouses in this area could serve as a transition between
2178 apartments to the east and single-family development to the west. They would also fill in the
2179 remaining parcels in the area bounded by Nuckols Road, Old Nuckols Road, and Shady Grove
2180 Road.
2181

2182 It is logical for the property, in question, to develop as either an expansion of the adjacent offices or
2183 the adjacent townhomes. Staff would prefer additional office development to maintain consistency
2184 with the 2010 Plan. The planned concept of a commercial node along Nuckols Road and low
2185 density residential development in the surrounding areas could be lost if this application is
2186 approved.

2187
2188 In summary, the requested use and zoning is not consistent with the Office and Environmental
2189 Protection Area designations of this property. This application is also not consistent with the
2190 planned commercial node around Nuckols Road, or the planned surrounding low density residential
2191 development.

2192
2193 The proposed townhouses could serve as a transitional use, but they could also encourage an
2194 increase in the planned residential density of the area. Staff does not recommend approval of this
2195 application.

2196
2197 I'd like to point out we got some new proffers in today. Therefore, the time limit would need to be
2198 waived in order to accept them. There are three new proffers on the last sheet; Nos. 15, 16, and 17.
2199 The new proffers include a provision of recreational space, somewhere between 2 acres and 2.6
2200 acres. That's designed to try and address the proposed new ordinance for multi-family standards.
2201 There's also been proffered a screening for refuse containers and HVAC and mechanical
2202 equipment.

2203
2204 With that, I conclude my presentation and I'd be happy to answer any questions you may have.

2205
2206 Mr. Vanarsdall - Any questions for Mr. Bittner by Commission members?

2207
2208 Ms. Dwyer - Mr. Bittner, is there any doubt in your mind that if this townhouse
2209 zoning were extended, that it would increase pressure for higher density development in the
2210 surrounding area? Does it seem inevitable to you?

2211
2212 Mr. Bittner - I wouldn't go so far to say, "inevitable." However, we actually did
2213 meet with the applicant today. He indicated he is looking at the property to the west across Shady
2214 Grove Road, which is designated for SR-1. He can correct me if I'm wrong in this, but I believe he
2215 wanted to look at a density of about three units an acre for that property, which is above the SR-1
2216 designation on the Land Use Plan.

2217
2218 Ms. Dwyer - The SR-2?

2219
2220 Mr. Bittner - SR-1 to the west. His proposed designation, yes, would be in line
2221 with SR-2.

2222
2223 Mr. Vanarsdall - Any other questions for Mr. Bittner? Thank you, Mr. Bittner. No
2224 opposition, Mr. Taylor, do you want to hear from the applicant?

2225
2226 Mr. Taylor - I would enjoy hearing from the applicant.

2227

2228 Mr. Vanarsdall - There he is, already there. Good evening, Mr. Wilton.
2229
2230 Mr. Henry L. Wilton - Mr. Chairman, members of the Commission, for the record, my
2231 name is Henry L. Wilton, and I represent Wilton Development tonight, the contract purchaser of
2232 these three parcels that make of the 13.9 acre zoning request. The majority of this property is
2233 owned by the Jones family, and they have owned it for over 45 years.
2234
2235 The proposed RTH zoning is an extension of an approved townhouse community; the Townes at
2236 Shady Grove. The entire community, if this zoning is approved, would consist of 152 townhouse
2237 homes when its fully developed.
2238 I understand the staff cannot recommend residential development, as the Land Use Plan has this
2239 property slated for Office Concentration to act as a buffer against existing Office/Service zoning in
2240 the apartments, and the proposed single family that's slated for the other side of Shady Grove.
2241
2242 I would submit that residential townhouses that are priced from \$165,000 to \$220,000 would be a
2243 much better transition than the Office. The staff had also mentioned, in the last staff report, that the
2244 complexity of the area has changed and also the Land Use Plan for the area should be substantially
2245 changed with the introduction of the construction of the Camden Apartments next door. That
2246 zoning, obviously density, we'll talk about in a minute, but it is over twice what we're looking at
2247 tonight.
2248
2249 We worked with the staff, and also Mr. Taylor, to address the County's concerns and paid particular
2250 attention to the new multi-family zoning ordinance, just to give you an idea of how it falls within
2251 the new multi-family ordinance that isn't approved, but, you're, obviously, reviewing it at this time.
2252
2253 The density for the overall subdivision would be 5.7 units per acre. The initial section was 5.4 units.
2254 The second section we're talking about tonight is six. The difference being, the 5.4 and the 6.0 units
2255 per acre, is that the majority of the recreational area is in the first section, therefore, reducing the
2256 actual density of the project.
2257
2258 The required parking, the old ordinance says two parking places per unit. We have gone to over 2.5
2259 parking places per unit, which is, I think, what the request is under the new Ordinance plan.
2260
2261 Recreational Area: We met with the staff and Mr. Taylor today in order to go ahead and proffer a
2262 recreational area which would have between 2.0 and 2.6 acres of useable space. This coincides with
2263 the 10 percent. I also like to mention in regard to recreation, the YMCA is less than a mile for this
2264 area also.
2265
2266 The percentage of impervious, right now, our plan stands at 42 percent. The new requested
2267 impervious percentage is 40 percent for the new plan.
2268
2269 The proffers, for the most part, is a mirror image of the zoning case that is the first section of The
2270 Townes at Shady Grove. The only additions were the three proffers that we worked out with the
2271 staff and Mr. Taylor this afternoon in regard to the 10 percent of open space or recreational area, the
2272 HVAC and dumpsters.
2273

2274 Quite frankly, dumpsters are not planned for this community, but, if they are, we went ahead and
2275 put that too, the dumpster enclosures would be masonry.

2276
2277 The other proffers are the mirror image of the case that's already gone through the Supervisors and
2278 the Plan of Development is in for approval to the County. If you have any questions about the
2279 proffers, I could answer those at this point.

2280
2281 The property, which the staff suggests could be developed as Office, has been available for office
2282 development for a number of years. The adjacent parcel, which was the first section of Shady
2283 Grove Townhouses, was 12.6 acres and that was actually zoned for eight or nine units in an O-2
2284 designation, and nobody came forward to develop it under an Office designation.

2285
2286 The fact is, this property is not desirable for office development. The configuration of the parcel
2287 that's left and the one we're looking at tonight; the 13.9 acres, even has limited frontage on Shady
2288 Grove, which would not allow it, in my opinion, be feasible for office development.

2289
2290 The development of high-end townhouses is more of a realistic development plan. These
2291 townhouse units will be marketed to young professionals, empty nesters with few children, which I
2292 know is a concern of the County, and also the benefit of a townhouse subdivision.

2293
2294 In closing, let me again mention that this plan was fashioned closely to address the concerns of the
2295 multi-family ordinance currently under review. It will provide a better buffer, in my opinion, than
2296 the proposed Office. And we've also proffered the townhouses to ensure quality development,
2297 again, in this \$165,000 to \$200,000 range.

2298
2299 If you have any questions, I'd be happy to answer them.

2300
2301 Mr. Vanarsdall - Any questions for Mr. Wilton?

2302
2303 Mr. Taylor - I have several if the other members of the Board do not. Mr. Wilton,
2304 the first thing I would like you to do is, if you would, sir, is take the elevation that you have for the
2305 townhouses and put it on the graphic display (document camera) so that everybody might see what
2306 the townhouses would look like in elevation, please. And, if you would, please describe them. I
2307 think it might help some members of the Board (sic).

2308
2309 Mr. Wilton - Well, the townhouses, a minimum of the front of each townhouse
2310 building will be 50 percent brick. All the sides of the buildings that are visible from the road will
2311 also be brick. The only change in this is we are going to have two-car garages in the section that
2312 we're talking about. This only shows the one-car garage. Minimum square footage here is 1,500
2313 going up to about 2,000, 2,100, 2,200 square feet if they fully expand the townhouse.

2314
2315 Mrs. O'Bannon - But the garage is not included in the ability to park number of cars?

2316
2317 Mr. Wilton - They count the actual spot in the front for parking space. They do
2318 not give us any credit for people who actually pull their cars in. And, quite frankly, these people do
2319 use their garages. They park their cars in there at night.

2320
2321 Mrs. O'Bannon - But they also convert them to dens.
2322
2323 Mr. Wilton - Very few convert them to dens. You know, that is a possibility, but
2324 very few people do that.
2325
2326 Ms. Dwyer - What is the nature of the recreation area that would be part of the
2327 combined?
2328
2329 Mr. Wilton - What we have is, basically, the recreation area would be divided over
2330 the 152 units. We talked about some swing sets; limited equipment for playground equipment
2331 because we don't foresee—a lot of children aren't going to be here. We talked about some
2332 grandchildren that might appear periodically—swing sets, picnic areas. Certainly, a long walking
2333 trail connecting the two areas that we have put aside for passive recreation. We have a large pond
2334 on this site, which will have a water feature to it, along with a gazebo and a docking area for little
2335 fishing and so on.
2336
2337 Ms. Dwyer - Can you show me on the conceptual plan where those would be
2338 located? We have one in our packet.
2339
2340 Mr. Wilton - This area right here (referring to slide) is where the large pond is.
2341
2342 Ms. Dwyer - Is that a BMP?
2343
2344 Mr. Wilton - No. It's actually a pond. The BMP will be down in this area. This is
2345 a water feature that doesn't qualify as a BMP. It's an amenity that we, basically, stayed with. There
2346 is some retention capabilities, but as far as you know any type of cleaning water quality, that is
2347 taken care of in the BMP down here.
2348
2349 We're looking at passive recreation all the way up through here, which we're going to leave in a
2350 wooded state. It's nice large pines coming up through here. Again, we have a gazebo planned for
2351 right here. We're talking about moving this section, leaving another pocket right here for some
2352 picnic areas, picnic tables and so on. And you can't see it, but there's also an area in the first section
2353 this way that will allow us use of that.
2354
2355 We have also a sidewalk already agreed to all the way to this point. And, obviously, it will continue
2356 on here. We talked about trying to connect another walking trail behind these units to connect this
2357 area that again is going to be a walking trail area and our large pond in the community area right
2358 there.
2359
2360 So, trying and go ahead and put it all together. It's up to me to find a minimum of two acres; a
2361 maximum of 2.6 acres. I'm going to use my best efforts to make it 2.6 acres. I told Mr. Taylor,
2362 between now and the next two weeks or so, I'll firm up that commitment.
2363
2364 Ms. Dwyer - So, will that 2.0 to 2.6 acres include the sidewalk along Shady Grove
2365 and the setback area behind the townhouses to the north?

2366
2367 Mr. Wilton - Anything is for passive recreation; walking trails, certainly,
2368 sidewalks are part of it. It would be part of, if somebody is going to take a mile walk, and we're
2369 going to have a walking system all the way around it. Certainly, we would be given credit for that
2370 too, yes ma'am.
2371 Mr. Vanarsdall - Any more questions for Mr. Wilton?
2372
2373 Mr. Taylor - Mr. Archer, are you finished?
2374
2375 Ms. Dwyer - Were you talking to me? I'm Elizabeth Dwyer.
2376
2377 Mr. Taylor - I'm sorry.
2378
2379 Ms. Dwyer - That's okay.
2380
2381 Mr. Taylor - Long night.
2382
2383 Ms. Dwyer - Mr. Archer and I look a lot a like. We're cousins.
2384
2385 Mr. Taylor - Sorry.
2386
2387 Ms. Dwyer - It's late.
2388
2389 Mr. Taylor - Mr. Wilton, if you would, I would ask you to characterize the wetter
2390 areas and the areas to the north that border the property.
2391
2392 Mr. Wilton - Are you referring to the area across Shady Grove where they're
2393 talking about additional residential?
2394
2395 Mr. Taylor - First, where the wet areas are and the difficulty with the adjoining
2396 property, and then the area between the current office area, and the residential areas.
2397
2398 Mr. Wilton - Office/Service is right here. We do have a benefit of some screening
2399 already in place right here. Looking at this area, this has been purchased a 10-acre tract by the
2400 Strayer University. That'll be a campus-type of community down there for them.
2401
2402 This area down through here is some wetlands, and, basically, the wetlands were created when these
2403 apartments were built right here and they stopped the flow of water. The water over the past several
2404 years, at heavy rains, has come over the dam here, and come through here to make it wet. What
2405 we're doing is we're lowering the effective level of this pond system, making it work properly, and
2406 then having the water come through a stream bed right here to make this more of a useable area for
2407 passive recreation. Obviously, the apartments, here, their density is well over, you know, 14 units
2408 per acre. We're asking a density of 5.7.
2409
2410 This area is bounded by Old Nuckols Road right here. That just gives you an idea of what's around
2411 us. Did I answer your question, sir?

2412
2413 Mr. Taylor - Yes sir. Thank you.
2414
2415 Ms. Dwyer - Mr. Wilton, your density for this is 6 units per acre, whereas the
2416 other development that you're connecting to is 5.4 units per acre.
2417
2418 Mr. Wilton - Yes ma'am. And, again, I mentioned this earlier. The majority of
2419 the open space is in the first section. That's why we have 5.4 units there versus 6 in the back
2420 section. The overall density for both sections is 5.7, which, under the new regulations, you're
2421 looking at a maximum of 7. Currently, its 9. What we tried to do from the start is to plan a density
2422 less than 6 units per acre, which we've done.
2423
2424 Mr. Vanarsdall - Any one else? Mr. Taylor.
2425 Mr. Taylor - Thank you very much, Mr. Wilton. I would like to just point out to
2426 other members of the Board, this is a very difficult parcel. It's already been zoned in that one area
2427 to the southwest as residential. This proposed construction meets that, basically, same standard and
2428 extends that to this southern L-shaped parcel.
2429
2430 This parcel, as Mr. Wilton has said, has been on the market for a long time as Office for the stem
2431 part with no success. Looking at, perhaps, the best thing to do, in talking to the staff at length today
2432 and in the past week or so, it seems to me that the townhouses really offer a better buffer between
2433 the Office space to the north and what will be the single family dwellings off to the west. Working
2434 very hard with Mr. Wilton on recreation to achieve that goal and the standards that have been set by
2435 the staff, I have looked at it and staff has looked at it. While it's inconsistent with the Land Use
2436 Plan designation, I feel the request is a reasonable expansion of the current developing, using that
2437 stem parcel, and the proffers really provide for high quality development, higher quality than we
2438 would get otherwise. To me, it didn't look likely the property will develop for Office use. And,
2439 since it has already been zoned for a similar type, I still think that its appropriate that we match the
2440 two. I want to thank both Mr. Wilton and the staff for working very hard on this one. And, I would
2441 move, Mr. Chairman, that we waive the time limit and accept the proffers dated March 9, 2000.
2442
2443 Mr. Vanarsdall - I need a second.
2444
2445 Mrs. Quesinberry seconded the motion.
2446
2447 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All
2448 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
2449 abstained).
2450
2451 Mr. Taylor - Recognizing what I've already said, and the fact that working with
2452 the staff and Mr. Wilton, in trying to fit this parcel together, it is difficult. But, in my mind, the
2453 goodness of zoning it so that it can be developed this way is consistent with the buffers. While it
2454 foregoes that Office part, I think its reasonable, in view of the fact that was on the market for a long
2455 time. I think that the efforts that Mr. Wilton has taken will result in an extension of the original
2456 parcel and provide a very high quality total development. So, Mr. Chairman, I recommend we
2457 approve C-19C-00 at proffered by the applicant.

2458 Mrs. Quesinberry seconded the motion.

2459
2460 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All
2461 those in favor say aye—all those opposed by saying nay. The vote is 4-1 (Ms. Dwyer voted no, and
2462 Mrs. O'Bannon abstained).

2463
2464 REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the Planning
2465 Commission voted 4-1 (one nay, one abstention) to recommend that the Board of Supervisors **grant**
2466 the request because it is reasonable in light of the RTHC zoning in the area; and the proffered
2467 conditions would provide for a higher quality of development than would otherwise be possible.

2468
2469
2470 **C-22C-00** **Alvin S. Mistr, Jr. for John C. Zehler, Sr.:** Request to
2471 conditionally rezone from B-1 Business District to B-3C Business District (Conditional), Parcel
2472 148-10-C-2, containing 0.44 acre, located at the northwest intersection of W. Nine Mile Road
2473 (Route 33) and Daisy Avenue. A gas/convenience store is proposed. The use will be controlled by
2474 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends
2475 Commercial Arterial. The site is also within the Airport Safety Overlay District.

2476
2477 Mr. Marlles - The staff report will be given by Mr. Lee Householder.

2478
2479 Mr. Vanarsdall - Any one in the audience in opposition to C-22C-00? All right, there
2480 is opposition. All right, Mr. Householder.

2481
2482 Mr. Householder - Mr. Chairman, the subject request would rezone .44 acres from B-1
2483 Business District to B-3C Business District Conditional. The requested use is a gas/convenience
2484 store, including a heating oil business.

2485
2486 The property lies at the northwest intersection of W. Nine Mile Road and Daisy Avenue, as can be
2487 seen on this exhibit (referring to slide). There is an existing gas/convenience store already in
2488 existence at this location, and this site does include a vacant commercial building on the site. Let
2489 me see if I can zoom in. The picture there is gray right above the site (referring to slide) right here.

2490
2491 The surrounding zoning of this site, to the north, we have commercial retail heating and equipment
2492 sales; B-2. To the south we have Highland Springs Transmission which is a B-3C zoning. To the
2493 east is the Highland Springs Subdivision, single family residential R-4 zoning; and to the west,
2494 across W. Nine Mile, is the commercial use car sales.

2495
2496 The existing gas/convenience store, which is pictured right here (referring to slide), is called
2497 Pointers Fuel Oil Company. This is an existing non-conforming use in the B-1 District. Although
2498 gas/convenience stores are not permitted in B-1, this use is grandfathered because it was in
2499 existence prior to the adoption of the B-1 District.

2500
2501 The subject request is the heating oil aspect, and, primarily, the parking of fuel oil trucks at this site,
2502 which you can see this is an example of the truck that is at issue here (referring to slide). The

2503 presence of these large fuel trucks on the site has been the subject of many complaints from
2504 surrounding residents and property owners.

2505
2506 In the summer of 1999, the Planning Office investigated these complaints and determined that
2507 parking these vehicles was not permitted in the B-1 District, and this use was not grandfathered as a
2508 part of the Pointers Fuel Oil business.

2509 It was also determined that's a more recent occurrence. Technically, the use was there best we can
2510 tell maybe back to the 1930s, and these trucks were more of a late 1970's occurrence which was
2511 after the B-1 District was established. So, therefore, the Zoning Enforcement staff has made the
2512 determination that the trucks would have to go to B-3 which is the essence of this request.

2513
2514 The 2010 Land Use Plan recommends Commercial Arterial. And we consider the variety of uses in
2515 the surrounding area that, overall, the existing use is appropriate still in the B-3. The applicant has
2516 also indicated that there would be two of these trucks parked on this site. They've indicated they
2517 would like to park them in front of this garage here (referring to slide), as you can see, very close to
2518 an existing residence, approximately 10 feet from the R-4 District and about 30 feet from the single-
2519 family dwelling pictured there.

2520
2521 While this location does help the appearance of the site from Nine Mile Road, and, yet, the trucks
2522 are not right up on Nine Mile Road, it is a truck that contains flammable liquid and is very close to a
2523 residential structure.

2524
2525 In addition, staff has concerns about the structure to the north; this vacant building here (referring to
2526 slide). The applicant has indicated that he would like to tear this down and add a gravel lot. That
2527 would be the new home to these fuel trucks.

2528
2529 At staff's request the applicant has submitted new proffers which were before the required timeline,
2530 address the additional use provisions of the B-3 District.

2531
2532 Another concern in this case is the revitalization plan for Highland Springs. This was a plan by staff
2533 and community members that recommends overall improvements for this commercial area that
2534 focused on the appearance of Highland Springs.

2535
2536 This is also compounded by the Nine Mile Road Study, which has also been before this
2537 Commission last month, and is scheduled for a public hearing and for an amendment to the
2538 Comprehensive Plan will ensure that new development in this area will have the same small-scale
2539 and a pedestrian element with the signs that blend into existing developments.

2540
2541 Overall, staff would recommend that the applicant address concerns addressed in both of these
2542 plans, which were signage, outdoor storage of materials, some overall façade improvements,
2543 landscaping, and the screening of trash receptacles. Staff also recommends the hours of operation
2544 be limited to that of the B-1 District.

2545
2546 Overall, we feel that gas/convenience is a suitable use for the area, considering the surrounding
2547 uses. However, we are concerned about the fuel trucks parked on this site, and we feel that the

2548 applicant can better address the northern portion of the property, and how it will appear. Based on
2549 the revitalization plan, we could recommend approval of this request.
2550
2551 I'll take any questions that you may have.
2552
2553 Mr. Vanarsdall - Any questions for Mr. Householder ?
2554
2555 Mrs. O'Bannon - This is just basic. When you say, "northern," isn't that map set up...
2556
2557 Mr. Householder - Yes. This is the northern orientation. That's the vacant structure that
2558 is a part of this site.
2559
2560 Ms. Dwyer - The plan is then to tear down the house and put gravel drive there
2561 and park the vehicles there?
2562
2563 Mr. Householder - That is the future intention. Their future plans would be to tear this
2564 down, and just have a gravel lot where the trucks would sit.
2565
2566 Ms. Dwyer - Is it possible to have a gravel lot for parking of vehicles like this?
2567 It's okay?
2568
2569 Mr. Householder - In the B-3, as long as its associated with this site, it would become
2570 part of this site. Staff has made the determination that commercial vehicles are allowed to be parked
2571 in a B-3 District.
2572
2573 Mrs. O'Bannon - Would you show us where Daisy is?
2574
2575 Mr. Householder - Yes. I'm sorry. This is Daisy. This is W. Nine Mile (referring to
2576 slide).
2577
2578 Mrs. O'Bannon - Where is the house you're talking about?
2579
2580 Mr. Householder - It actually fronts on Nine Mile. It would be an improvement. It's a
2581 dilapidated structure. So, the concept of demolishing it is probably a decent proposal. But, a gravel
2582 lot, with two trucks parked on it, the appearance of that is not addressed in the proffers.
2583
2584 Ms. Dwyer - So, there could be landscaping along Nine Mile Road that would
2585 screen that sort of parking area?
2586
2587 Mr. Householder - Or even a structure of some sort that screens it. And that's why we
2588 bring up the Revitalization Plan. That is the intention of the plan is to try to encourage opportunities
2589 for new development, to try to make statement in surrounding properties.
2590 Ms. Dwyer - The staff would like to see that aesthetic addressed in the proffers?
2591
2592 Mr. Householder - Yes.
2593

2594 Ms. Dwyer - Also, on Proffer No. 7(k), the adult book store, don't we have new
2595 language for that that tracks our new ordinance?
2596 Mr. Householder - Yes. I apologize for not including that. I drafted it and I did not give
2597 it to the applicant. I would be happy before the Board to make sure that is included in the case.
2598
2599 Ms. Dwyer - Thank you.
2600
2601 Mrs. O'Bannon - Does that include topless bars?
2602
2603 Mr. Householder - Yes. It's oriented to adult sexually oriented businesses.
2604
2605 Mr. Vanarsdall - Mrs. Quesinberry, you don't have any questions?
2606
2607 Mrs. Quesinberry - No.
2608
2609 Mr. Vanarsdall - Would you like to hear from the applicant? Good evening, Mr.
2610 Mistr.
2611
2612 Mr. Alvin S. Mistr - Good evening. Members of the Commission, my name is Spud
2613 Mistr. I've been coming down here, I thought everybody knew that now, but maybe another 15
2614 years, we'll all know.
2615
2616 I'm here representing John C. Zehler, Sr. of Pointers Oil Company. He's been operating a fuel oil
2617 company at this site since either 1975 or 1976. The staff report says that this is an existing
2618 gas/convenience store that is grandfathered under the Ordinance, but that the parking of fuel trucks
2619 for a fuel delivery service is not grandfathered.
2620
2621 We, frankly, don't understand that. But we are here at the request of the staff to get B-3 zoning to
2622 attempt to stop the monthly complaints that have come into the Planning Office from the same
2623 individual for the last two years.
2624
2625 These trucks are parked in front of the garage. The purpose of parking them there is because they
2626 have to deliver - They're diesel trucks. We need to deliver fuel oil in the winter. If the diesel trucks
2627 are not heated overnight, they won't start the next morning. So, we need to park them by that
2628 garage, in the extremely cold weather they can be started.
2629
2630 Now, the existing residence, it is in the B-1 District, or former residence is now boarded up, is not in
2631 use. The applicant is willing to demolish that and he has plans to do that sometime in the near
2632 future. In most cases, I think they'd be willing to park the trucks there, but they would like the
2633 opportunity to park them where they are currently being parked during the winter on the real cold
2634 nights when the trucks need to be heated.
2635
2636 If they are parked by the old garage, they will be further away from Nine Mile Road, which will be
2637 more aesthetically pleasing than parking them where the house is, which is very close to Nine Mile
2638 Road.

2639 Where they are parked on this site is further away from a residential district than where they are
2640 currently being parked across the street in a B-3 District, where there is no 10-foot separation
2641 between the commercial and residential districts.

2642
2643 So, I would submit this is a better plan than to park them on their own site, than what has been
2644 going on every time a complaint has been received for parking them here. There are two trucks.
2645 They are fuel delivery trucks. The staff report mentions them as fuel storage trucks. They are not
2646 storage trucks. In fact, this was a new term that I hadn't heard before. They are not used to store
2647 fuel. They are used for delivery. Sometimes they are filled at night and do have fuel on them
2648 overnight to be delivered first thing in the morning. But, otherwise, they are strictly delivery trucks.
2649 Therefore, we feel like we should be grandfathered, but are willing to accommodate the use of the
2650 site, and to request the B-3 zoning so that the trucks can legally be parked there under the current
2651 prevailing zoning. Are there any questions?

2652
2653 Mr. Vanarsdall - Any questions for Mr. Mistr?

2654
2655 Mr. Archer - Mr. Mistr, there are two trucks now. Is that going to always be the
2656 case, there will not be more than two?

2657
2658 Mr. Mistr - Yes. That's true. I think one of them is likely to be replaced in the
2659 near future, but there won't be more than two.

2660
2661 Mr. Vanarsdall - Ever?

2662
2663 Mr. Mistr - That's what they told me. So, as far as I know, that's true, yes.

2664
2665 Mr. Archer - How wide is the area encompassed by the house that is to be torn
2666 down to build the lot, about how wide?

2667
2668 Mr. Mistr - It's about 60 to 80 feet.

2669
2670 Mr. Archer - Okay.

2671
2672 Mrs. Quesinberry - Mr. Mistr, the picture we're looking at right now, (referring to slide),
2673 there's a truck in a driveway by the garage. Is that a fuel oil truck? Is that one of the fuel oil trucks?

2674
2675 Mr. Mistr - It appears to be. I can't tell for sure.

2676
2677 Mrs. Quesinberry - So, that's kind of the orientation. That's where the trucks were
2678 historically parked?

2679
2680 Mr. Mistr - That's correct.

2681
2682 Mrs. Quesinberry - Until you had complaints?

2683
2684 Mr. Mistr - That's right.

2685
2686 Mrs. Quesinberry - And you had to move across the street to the used car lot?
2687
2688 Mr. Mistr - Yes.
2689
2690 Mrs. Quesinberry - And, what you'd like to do is get the trucks back on the owner's
2691 property?
2692
2693 Mr. Mistr - That's correct.
2694
2695 Mrs. Quesinberry - Either park them where they have been historically parked is what
2696 we see right here in this picture, or tear down the vacant piece of commercial property that's
2697 boarded up on the north end, gravel lot it. landscape it, and park the trucks there, but, essentially, get
2698 them on the owner's property?
2699
2700 Mr. Mistr - That's correct. And they will, on that piece of property where the
2701 house is, will abide by the revitalization, you know, some green space and so forth.
2702
2703 Mr. Vanarsdall - Any more questions?
2704
2705 Mrs. Quesinberry - Well, I'm just wondering where the old boarded house is on the
2706 north end, although that house is closer to Nine Mile Road, if you tore down that house and created
2707 your gravel driveway where the curbing is for the driveway for that house, and with the depth of
2708 that lot, could you not get those trucks towards the back of that lot?
2709
2710 Mr. Mistr - Yes.
2711
2712 Mrs. Quesinberry - In other words, if the trucks were parked where they wouldn't
2713 necessarily be parked that close to Nine Mile Road.
2714
2715 Mr. Mistr - Probably not where the house is.
2716
2717 Mrs. Quesinberry - Right. Because that's a pretty decent size as far as parking.
2718
2719 Mr. Mistr - Well, it's the same depth as the other site. I guess it depends on
2720 whether we would want to park them closer to the front, or closer to the back, which is near the
2721 residences or sort of in the middle. I don't believe the owner of the property has a major preference
2722 for any one of those.
2723
2724 Mrs. Quesinberry - But, in any case, you could landscape appropriately across the front
2725 of that lot?
2726 Mr. Mistr - Yes ma'am. That's correct.
2727
2728 Mrs. Quesinberry - And, essentially, screen the trucks from the view of Nine Mile Road,
2729 if you parked them there?
2730

2731 Mr. Mistr - We'd screen the trucks from Nine Mile Road, and from the
2732 residences in the rear with landscaping.
2733
2734 Ms. Dwyer - How would you screen them?
2735
2736 Mr. Mistr - In the back with Redbuds. Along Nine Mile Road, we haven't
2737 determined that yet, because you get into questions of what kind of screening, and how high it is,
2738 and do you sacrifice security to be screened? But we're willing to work with the staff to get
2739 something I think would satisfy the Commission and the staff.
2740
2741 Ms. Dwyer - But you're not able to make a commitment now at rezoning about
2742 how that...
2743
2744 Mr. Mistr - I think we can make a commitment before the Board meeting. I'm
2745 not ready to make one tonight.
2746
2747 Mr. Vanarsdall - Any other questions?
2748
2749 Mr. Marlles - Mr. Chairman, I would like to clarify something. Section 24-98 of
2750 the Ordinance which describes the parking lot regulations, under "Paving," requires that all public
2751 parking lots and all other parking lots situated within 200 feet of any "R" District shall be paved
2752 with, basically, at least a bituminous penetration pavement meeting County standards." So, Mr.
2753 Mistr, I'm not sure a gravel parking lot would be permitted, based on my reading of the parking lot
2754 requirements. I just want to point that out.
2755
2756 Mr. Mistr - Can you permit some administratively without a POD? It does not
2757 have to go into redevelopment, because redevelopment in this area creates a problem.
2758
2759 Mr. Marlles - You're concerned with the water quality standards?
2760
2761 Mr. Mistr - Yes.
2762
2763 Mr. Marlles - Well, it's certainly something we can look at. I just want to point out
2764 what I believe the Ordinance requires.
2765
2766 Mr. Vanarsdall - Thank you, Mr. Marlles. All right, thank you, Mr. Mistr. You want
2767 some rebuttal time?
2768
2769 Mr. Mistr - Yes sir.
2770 Mr. Vanarsdall - How much do you want - 10 minutes?
2771
2772 Mr. Mistr - I hope it won't take that much.
2773
2774 Mr. Vanarsdall - All right, we will now take the opposition. Come on down.
2775

2776 Mr. Michael O'Malley - My name is Michael O'Malley. I own the property directly behind it
2777 where he is going to tear the building down. I am concerned about what he's going to do about the
2778 natural drain which runs behind that property in sight of mine into the City (sic) drainage system.
2779 There is no buffer in there that's going to contain any fuel from any truck, if one truck ruptures.
2780 There's not enough room there to absorb that much fuel if its parked overnight. And he does not
2781 have to necessarily have to heat a diesel engine. I'm a service manager for a heavy equipment
2782 company, and we don't heat any of our engines. And, we start them up in Alaska. Okay. If the
2783 engines are designed to the new standards, the way trucks are built today, they don't have to be
2784 garaged. They do not have to be heated. They can be started up by themselves. Now, if they're old
2785 and dilapidated, and should have been replaced 10 years ago, they may have to be pre-heated.
2786

2787 Mr. Vanarsdall - Thank you. Any one else?
2788

2789 Mr. Carroll Williams - Y'all will have to excuse me. I'm not a public speaker.
2790

2791 Mr. Vanarsdall - That's all right. You don't need to be.
2792

2793 Mr. Williams - One of these fuel trucks is presently being used for a...
2794

2795 Mr. Vanarsdall - Please state your name, sir.
2796

2797 Mr. Williams - I'm Carroll Williams. I live at 14 S. Elm Avenue. One of these fuel
2798 trucks is presently being used for a storage truck. I have a picture here with an antique license tag
2799 on it and an electric cord running out to it with a pump, pumping fuel from one truck to the other.
2800

2801 Mr. Vanarsdall - Can we see that?
2802

2803 Mr. Williams - You can't see that.
2804

2805 Mr. Vanarsdall - If you'll pass it down.
2806

2807 Mrs. O'Bannon - I notice when you put the picture up where the trucks are being
2808 stored, I could see an antique truck in the background. Do you have that picture? I know you're
2809 going to put one up here.
2810

2811 Mr. Vanarsdall - I don't believe he heard you, Mrs. O'Bannon.
2812 Mrs. O'Bannon - There was another picture. When the picture was put up of where
2813 the trucks are being parked now, there was another picture that you had in relation to this. In front
2814 of the house I think it was or something.
2815

2816 Mr. Williams - This picture was taken this morning. There's oil running down the
2817 sidewalk.
2818

2819 Mrs. O'Bannon - That one. No, the other one. Is this the area that you're talking
2820 about, sir? This isn't it?
2821

2822 Mr. Householder - This is the site across the street where they are currently parking.
2823
2824 Mr. Williams - This is the new truck that's leaking. It's dripping oil. This is what
2825 concerns me with leaks, spills, and these kind of things that's been going on over there. And there's
2826 residences right at it. This oil thing, the bucket stuck under there was just before 4th of July of last
2827 year. And the one there with the oil running down the curbing, the one with the oil running down
2828 the curbing was taken this morning. I had these pictures developed in an hour deal.
2829
2830 Mrs. O'Bannon - Those pictures are fuzzy (referring to slide). Can we get a little
2831 better resolution on them?
2832
2833 Mr. Williams - If you tear the house down, and use that for a parking lot over there,
2834 there's no way to get to it other than from the street. You can't come in the back. So, it would have
2835 to be a front entrance, which that's neither here or there. But the biggest thing that concerns me is
2836 fuel oil being stored there right at a residence. This one that's leaking right here, it's backed right
2837 up to an "R" zone right behind it.
2838
2839 Mr. Vanarsdall - Any questions?
2840
2841 Mr. Williams - I also went around the neighborhood with a petition and I have 87
2842 signatures of people that don't want this bill (sic) passed. I have them in my book if you want to see
2843 them.
2844
2845 Mr. Vanarsdall - Do you have a copy for the Commission?
2846
2847 Mr. Williams - I don't have a copy. I've got the original one. Where can I get a
2848 copy made? I'd be glad to look at what I have.
2849
2850 Mr. Vanarsdall - Mrs. Quesinberry, do you want to see them?
2851
2852 Mrs. Quesinberry - He can just show it to us. Mr. Williams, what did you ask on your
2853 petition, or what did your petition say?
2854
2855 Mr. Williams - That it not be rezoned, due to the endangerment of life and property,
2856 because of these fuel oil trucks. And what else? Let me see. It would be a detriment to the
2857 neighborhood, as it is, really, because it's an eyesore. And everybody that I've talked to was
2858 wanting to agree with me on what I was saying. They were glad to sign.
2859
2860 Mrs. Quesinberry - I would really like to know what the question was on your petition,
2861 or what were they signing for, because the trucks are parked right now in a B-3, close to residences?
2862
2863 Mr. Williams - Well, they don't want that either because of these leaks. That's
2864 where it is now. It leaks over there and the oil dripping on the ground. And it's saturating over
2865 there, and people are opposed to it. Everybody around this neighborhood. I went around within a
2866 three to four block area, and talked to people, and every one of them was glad to sign; and thanked

2867 me for taking my time to come around and get this petition up. They're sick of it, too. Everybody
2868 is.

2869
2870 Mrs. Quesinberry - Is those objections to those trucks actually being parked there, or is it
2871 to the perception that there's some spilling going on?
2872

2873 Mr. Williams - It's some of both.
2874

2875 Mrs. Quesinberry - Some of both?
2876

2877 Mr. Marles - Sir, if you could share that petition with the Commission, we could
2878 give it back to you, if you have it with you, tonight?
2879

2880 Mr. Vanarsdall - What do you want to do, defer it?
2881

2882 Mrs. Quesinberry - Maybe.
2883

2884 Mr. Vanarsdall - It would be the easiest way to get out of it.
2885

2886 Mr. Williams - If I counted it right, 87 names on it.
2887

2888 Mr. Vanarsdall - All right, where are we? Any more questions?
2889

2890 Mrs. Quesinberry - No. We'll hear from the applicant again, if there's no one else.
2891

2892 Mr. Vanarsdall - Thank you, sir. We'll get these back to you. All right, yes ma'am.
2893

2894 Ms. Bernice B. Newell, immediate past President of the North Airport Drive Civic Association -
2895 Good evening. Members of the Commission. I am Bernice B. Newell, immediate past President of
2896 the North Airport Drive Civic Association. I'm concerned about these oil trucks as well. I was in
2897 Stuart's Restaurant today. I got a call from Stuart Wagner. He is a resident that's in our jurisdiction
2898 on the north side of Nine Mile Road, even though his restaurant sits diagonally across the street
2899 from this service station. He talked to this gentlemen this afternoon while I was in his restaurant,
2900 telling him that he was very much concerned about this oil being leaked on the ground.
2901

2902 Now, let me share some things with those of you who are not familiar with Highland Springs.
2903 There are no storm drains on Nine Mile Road, except for a few open grates. There are no storm
2904 drains on any of the side roads in Highland Springs proper. I am very concerned. I, too, am
2905 somewhat of an environmentalists. I live on the outskirts of Highland Springs; not downtown. I
2906 live in an agricultural zone. I am very much concerned about these oil leakages that are going down
2907 off the pavement and onto the ground. That area has a lot of underground springs, and creeks in that
2908 area. And it's a known fact that everything flows to the Chickahominy. There's still a lot of people
2909 in Highland Springs who live with wells and septic.

2910
2911 I talked this afternoon with our only Henricopolis Soil and Water Conservation. Certainly, you're
2912 polluting all these underground streams in the area. And I am very much concerned about the

2913 pollution of the Chickahominy down there which further flows to New Kent. I am concerned, even
2914 though I live a little ways from this piece of property in question. That land flows to the
2915 Chickahominy, which I am only a few blocks from.

2916
2917 I think that sometimes, and I may be wrong, but does this Commission ever consult our own
2918 Henricopolis Soil and Water Conservation on some plan of developments or such zonings as this? I
2919 think, perhaps, sometimes it would be wise to look at those.

2920
2921 I, personally, do not see how those oil trucks can possibly be parked anywhere close to Nine Mile
2922 Road, which is not even a fourth of a block, from that property, could possibly be landscaped
2923 without a tall fence.

2924
2925 I would really like to see this revitalization of Highland Springs and the whole Nine Mile Road and
2926 Williamsburg Road corridors begin to take place as soon as possible.

2927
2928 I would like to recommend to the Commission that you deny this rezoning. I think that we need to
2929 maybe some of these things that were grandfathered as businesses are sold, perhaps, we should look
2930 at rezoning and dropping them back to a B-1 or Neighborhood Business. There are businesses
2931 maybe that to be zoned B-3 or B-2, such there is one now, I think, that has probably just been
2932 rezoned where the old Highland Springs Market was. A motorcycle shop is proposed there. That
2933 shop always has had its shop area enclosed with a fence so that it could not be seen from the road.
2934 It has always been kept very neat.

2935
2936 Of course, we have a little problem down there, too, while I'm at it. I think you and I would like to
2937 see this rezoning flatly turned down. Thank you.

2938
2939 Mr. Vanarsdall - Thank you, Mrs. Newell.

2940
2941 Mrs. Quesinberry - Thank you.

2942 Mrs. O'Bannon - May I ask a question of staff. Has Jeff Perry looked at this, because
2943 this is storage of oil and things like that?

2944
2945 Mr. Householder - No. It's been a recent occurrence, the complaints about the leaking
2946 fuel. I think that it's a good idea that issue be looked at, but I didn't see it as a deciding factor in the
2947 rezoning.

2948
2949 Mrs. O'Bannon - Yes.

2950
2951 Mr. Marles - Also, I would just point out, there are probably other State and
2952 Federal requirements that would come into play here that would cover leaking fuel.

2953
2954 Mr. Householder - Correct.

2955
2956 Mr. Vanarsdall - Thank you. All right, any one else? You want to hear from Mr.
2957 Mistr?

2958

2959 Mrs. Quesinberry - Yes. I do.

2960

2961 Mr. Vanarsdall - Come on down, Mr. Mistr. You have some rebuttal time.

2962

2963 Mrs. Quesinberry - Mr. Mistr, if you could address, if you can, I've got about three
2964 things here or maybe a little more than three with the subtopics. But, Mr. Williams is primarily
2965 concerned with the storage of fuel and spillage. Mr. O'Malley, who is the resident to the rear, is
2966 concerned with the drainage, and it sounds more like the topography of the land, the way that
2967 culvert kind of drops down in the back. He's concerned about drainage and how that would affect
2968 his property, as well as fuel spillage, if trucks were there, and there was a spill, what would happen.
2969 And, Mrs. Newell, the last speaker, was concerned with oil leakage on the ground, and revitalization
2970 of Highland Springs, and I guess the overall look to the road frontage would be a good way of
2971 putting that. Those were kind of the bigger topics that I heard from the residents. And you may
2972 have some other things to say, yourself, but could you address a couple of those?

2973

2974 Mr. Mistr - Yes ma'am, I could. And I can appreciate all of their concerns. But,
2975 just for the record, today, alone, Mr. Zehler went around and asked the residents in the immediate
2976 vicinity what they thought of this zoning case. And, there are 34 letters signed by people in the
2977 immediate area in support of this zoning change. These are copies for the Commission. It's got the
2978 addresses and phone numbers. I believe one of them lives in Sandston, but the rest of them are in
2979 Highland Springs, and people that use this facility.

2980

2981 As far as the drainage goes, the first concern, the 10-foot separation between the residence and this
2982 site is a County alley. I don't know that it drains. I don't know that there's anywhere for it to drain.
2983 We cannot drain fuel oil into the storm sewer. You know, that maybe we could put some kind of
2984 berm or something. You know, new gas stations you have to have drainage for them. But we can
2985 certainly look at something to try to protect that property in the unlikely event there were a fuel
2986 spill.

2987

2988 As far as the fuel on the ground, within the past 24 months, EPA has put six monitoring wells
2989 around this site; one of them in the middle of Daisy Avenue. And I'm assuming they check them
2990 regularly. To this point, they haven't found any evidence of a fuel spill that they have cited the
2991 owner for or notified him of. So, I would think with the six monitoring wells around the site, it
2992 probably is very well protected, and would be relatively quickly known, if there was a problem
2993 there.

2994

2995 And in the past 24 months, this owner has had inspectors from Planning and Zoning, DEQ, the
2996 County Fire Marshall seven times in the last six months, Health Department, Building Inspectors
2997 Office, the ABC Board, and the Bureau of Weights and Measures. And, none of them to this date,
2998 have found any complaint justifying a citation. So, I'm not sure what's going on here, when an
2999 individual or more than one individual contacts seven County, State, and Federal agencies with
3000 complaints, none of which are borne out. It tells me that probably the owner is doing a good job of
3001 what he's doing there. Now, granted, we could have Highland Springs looking better, and we are
3002 willing to landscape along Nine Mile Road when the house is torn down and to work on that
3003 particular portion of the project with the revitalization plan. We're certainly in agreement with that,
3004 and the storage of fuel.

3005
3006 These are delivery trucks. They're not storage trucks. They're delivery. And I understand that the
3007 antique truck sometime soon, possibly as soon as we have the right to park them onsite, will be sold
3008 and a new fuel truck will be purchased. So, it will be two fuel delivery trucks. There will be no
3009 more antique truck, and they are not storage trucks.

3010
3011 I don't know anything about the oil spill on the curb today because I haven't seen it. I know I was
3012 down there yesterday, and there was no oil running down the curb. And, I feel certain that if there
3013 was an oil spill with diesel running in the curb in Highland Springs, the Fire Department would
3014 have been notified and been out there this afternoon.

3015
3016 So, we talked about the drainage, so I believe that's all the concerns. And I would respectfully
3017 request that the Commission recommend this for approval to the Board of Supervisors.

3018
3019 Mrs. O'Bannon - Would you be willing to offer some proffers, or write some proffers
3020 about screening and landscaping?

3021
3022 Mr. Mistr - Prior to going to the Board, yes ma'am.

3023
3024 Mrs. O'Bannon - I know Mrs. Quesinberry may want to talk to you about that, or she
3025 may have some things to add.

3026
3027 Mrs. Quesinberry - I think the DEQ wells, you mentioned, there are six of them around
3028 the site that are used for monitoring oil spills?

3029 Mr. Mistr - That's correct.

3030
3031 Mrs. Quesinberry - There are none of that type of well across the street where the trucks
3032 are currently parked, are there?

3033
3034 Mr. Mistr - Not that I'm aware. I don't know that there are.

3035
3036 Mrs. Quesinberry - My point is that, where they're parked right now is not the best place
3037 for the trucks to be parked, at least, I don't think it is, because...

3038
3039 Mr. Mistr - Oh, I agree.

3040
3041 Mrs. Quesinberry - ...even though it's a B-3, and its perfectly legal for them to be
3042 parked there, they're next to residences, and the owner's site, being that it's a gas/convenience, fuel
3043 oil company has these environmental monitoring systems, by law, that they have to have and that
3044 are monitored and that seems more like a more reasonable place to park a truck and to handle oil or
3045 gas and the other things that are handled on that site rather than across the street.

3046
3047 Mr. Mistr - We certainly think that it is.

3048
3049 Mrs. Quesinberry - This is a kind of a difficult case because you've got a small
3050 businessman whose been operating a business for quite sometime now, a couple of decades, and

3051 can't even park his own equipment on his own property. And, where he's parking it right now, just
3052 to comply with the current zoning ordinances that were not in effect when his business was first
3053 established, are kind of causing him to put the trucks in a place that's probably not the best place, as
3054 far as monitoring environmentally, and also monitoring the trucks from a safety perspective. I think
3055 they need to be on the owner's property in some form or fashion. And they also need to be screened
3056 in such a way that the revitalization of Highland Springs is also considered and that, overall, the
3057 community benefits from a better look and a higher quality streetscape and visual effect for what's
3058 trying to be done in Highland Springs and to create a better neighborhood situation there. And, also,
3059 it seems to me ,with the vacant house on the north side of this property, that there's a lot of
3060 opportunity to make this site look better, actually, make it function better. Protect everybody from
3061 an environmental perspective by getting the trucks over there and keeping everything right there.

3062
3063 A couple of things that haven't been worked out, and I wanted to ask you about to see if, perhaps,
3064 you were willing to do this. As Mr. Marlles pointed out that he wasn't sure about the parking lot.
3065 And there may be some administrative process that we can look at, because its not a public parking
3066 lot. And its an area that you want to park these trucks on to get them away from where they are
3067 right now, and further away from residences.

3068
3069 And I was wondering if you'd be willing to defer this to give us an opportunity to see if we can
3070 work out something with staff that would address that issue, and make that clear that we would get,
3071 I think, a better outcome on that side of the property if we looked in that direction as a place to get
3072 these trucks back on the owner's property. And, also, we could actually look at the proffering of the
3073 landscaping to screen Nine Mile Road, and be in compliance with what we're trying to do
3074 revitalization-wise there. If there is a way to address oil leakage, or how that oil is handled,
3075 perhaps, we could do that at that time, just to ensure for the neighbors that everything that's
3076 supposed to be done appropriately to handle the oil is done, and that's its done on the property
3077 where the environmental monitors are available.

3078
3079 Mr. Mistr - We certainly want to ensure the neighbors that everything is being
3080 done correctly. And, at this point, this has been going on for awhile. I don't think 30 more days
3081 really hurts us. We're certainly willing to have a 30-day deferral until the next Commission
3082 meeting.

3083
3084 Mr. Vanarsdall - It would be April 13th.

3085
3086 Mr. Mistr - That will be fine.

3087
3088 Mrs. Quesinberry - Okay. Thank you, Mr. Mistr.

3089
3090 Mr. Mistr - Thank you.

3091
3092 Mrs. Quesinberry - As I said, I'd like to recommend deferral of this case to the April 13th
3093 agenda at the applicant's request to address, basically, those three things I just talked about, which is
3094 the parking lot that would be created with the demolition of the old dilapidated commercial house
3095 on the north end of the property. And look at proffering the landscaping or screening that would
3096 screen those trucks from Nine Mile Road. And take a look at the oil leakage.

3097
3098 Mr. Vanarsdall - Do I have a second?
3099
3100 Ms. Dwyer seconded the motion.
3101
3102 Mr. Vanarsdall - Motion made by Ms. Dwyer, seconded by Mrs. Quesinberry. All
3103 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
3104 abstained). Next case, Mr. Secretary. Thank you.
3105
3106 Mr. Marlles - The gentleman's petition, too.
3107
3108 Mr. Vanarsdall - Do you want to pass this down so he can take it with him? Thank
3109 you for coming.
3110
3111 **C-23C-00 James W. Theobald for International Airport Centre, L.L.C.:**
3112 Request to amend proffered conditions accepted with rezoning Case C-55C-90, on part of Parcel
3113 163-A-19E, containing 4.67 acres, located on the north line of Audubon Drive approximately 120
3114 feet east of its intersection with Sanburne Parkway. The amendment is related to the architectural
3115 treatment of the buildings and deleting Proffer 4 restricting access from Audubon Drive. The Land
3116 Use Plan recommends Planned Industry and Environmental Protection Area. The site is also within
3117 the Airport Safety Overlay District.
3118
3119 Mr. Marlles - The staff report will be given by Ms. Jo Ann Hunter.
3120
3121 Mr. Vanarsdall - Any opposition to C-23C-00? Any opposition from the audience?
3122 No opposition. Mrs. Hunter.
3123
3124 Ms. Hunter - Thank you, Mr. Chairman. The applicant is requesting to amend
3125 proffers accepted with Case C-55C-90. The requested amendments relate to building materials and
3126 number of access points.
3127
3128 The properties to the east of the site include the Mazda facility and Garden Ridge, which is located
3129 here (referring to slide). There's a major flood plain that's located to the east and west of the
3130 property. International Business Center is in the top left hand corner of the screen, and there's a
3131 residential subdivision across the street. The residential subdivision does have a six-foot board-on-
3132 board fence across the street from the subject site.
3133
3134 A POD has been submitted for this site. The POD has been put on hold until we could resolve these
3135 proffer issues. There's three buildings that are proposed for the site. One is for 40,000 square feet;
3136 73,000 square feet, and a 45,000 square foot building.
3137
3138 The proffers related to the building materials, state that no concrete masonry units may be used.
3139 Eric, if you could put the elevations up (referring to slide). The applicant is proposing to add a
3140 statement to the proffer that would allow integral color split-face block, fluted, scored or other
3141 decorative finish on the front of the building.
3142

3143 Staff has reviewed the proposed elevation and the materials and find that it's a quality material and
3144 that it is consistent with the buildings in the surrounding vicinity.

3145
3146 The requested amendment also deals with the number of access points.

3147
3148 When this property was zoned, it was for a 10-acre site that ran like this (referring to slide), so at
3149 that time they had to limit it to one access point on Audubon Drive, which meant on this would have
3150 been able to be developed. So, the one access point was reasonable at that point. But, because this
3151 site is being developed as part of a 20-acre parcel, the two access points are required by Public
3152 Works due to the square footage that's being required. And, it's a better project for the County
3153 because it can be developed in a planned and coordinated manner.

3154
3155 The proposed amendments are reasonable, and they would not impact the overall quality of the
3156 development and staff supports the request.

3157
3158 Mr. Vanarsdall - Any questions for Ms. Hunter? Thank you, Ms. Hunter.
3159 Ms. Hunter - Thank you.

3160
3161 Mr. Vanarsdall - All right, no opposition. Do you want to hear from the applicant?

3162
3163 Mrs. Quesinberry - I don't really need to hear from the applicant.

3164
3165 Mr. Vanarsdall - I know he's disappointed.

3166
3167 Mrs. Quesinberry - There's no opposition, if you get him on the microphone, you'll be
3168 here all night.

3169
3170 Mr. Vanarsdall - Entertain a motion, Mrs. Quesinberry.

3171
3172 Mrs. Quesinberry - I'd like to make a motion to recommend approval for C-23C-00 to
3173 amend proffers for C-55C-90 relating to the building materials and access to Audubon Drive.

3174
3175 Ms. Dwyer seconded the motion.

3176
3177 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mrs. Dwyer. All
3178 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
3179 abstained). Thank you. Sorry about that, Mr. Theobald. Your meter is running anyway isn't it?

3180
3181 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mrs. Dwyer, the Planning
3182 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
3183 request because the proffers continue to assure a quality form of development with maximum
3184 protection afforded the adjacent properties.

3185
3186
3187 **C-24C-00 Glenn R. Moore for First Washington Realty Partnership:**
3188 Request to amend proffered conditions accepted with rezoning Case C-32C-86, on Parcels 154-2-A-

3189 1, 3 and 4 in the Laburnum Park Shopping Center and Parcel 154-A-7A, containing 9.275 acres,
3190 located at the northwest intersection of S. Laburnum and Gay Avenues. The amendment is related
3191 to deleting Proffered Condition 7(e) prohibiting dry cleaning establishments on the property. The
3192 Land Use Plan recommends Commercial Concentration and Environmental Protection Area. The
3193 site is also within the Airport Safety Overlay District.

3194
3195 Mr. Marlles - The staff report will be given by Mr. Eric Lawrence.

3196
3197 Mr. Vanarsdall - Mr. Lawrence.

3198
3199 Mr. Lawrence - Thank you. This application is a request to amend the proffers...

3200
3201 Mr. Vanarsdall - I don't believe I asked for opposition. Any opposition to this case? I
3202 didn't think it was. Go ahead. Thank you.

3203 Mr. Lawrence - This application is a request to amend the proffers associated with
3204 Rezoning Case C-32C-86. The Laburnum Park Shopping Center is a result of the approval of that
3205 application. One of the proffers that was associated with that application limited the use of on-site
3206 dry cleaning services. Essentially, the facilities that would be allowed, the customers drop of the
3207 clothing, and then the business takes clothing elsewhere to get the actual cleaning taken care of.

3208
3209 With improvements in technology and other advancements, it seems its more appropriate to do on-
3210 site cleaning nowadays. There's presently an ordinance which restricts the outside cleaning to three
3211 employees. So, there's a scale restriction already in the Zoning Ordinance. And this application
3212 just seeks to amend the proffers to eliminate the previously prohibition against dry cleaners. So,
3213 essentially, the end result is, they'd like to do on-site dry cleaning at this facility. And that's all I
3214 have to offer. I tried to complicate a very simple case.

3215
3216 Mr. Vanarsdall - Any questions of Mr. Lawrence?

3217
3218 Mrs. Quesinberry - No.

3219
3220 Mr. Vanarsdall - Thank you, Mr. Lawrence.

3221
3222 Mr. Lawrence - Thank you.

3223
3224 Mr. Vanarsdall - Do you want to hear from the applicant?

3225
3226 Mrs. Quesinberry - No. I don't need to hear from the applicant.

3227
3228 Mr. Vanarsdall - All right, then I'll entertain a motion.

3229
3230 Mrs. Quesinberry - Okay. This is a very simple case. A dry cleaners in Laburnum Park
3231 Shopping Center would be a nice addition to that facility. I would like to make a motion to
3232 recommend approval of C-24C-00, which is to amend the proffered conditions accepted in Case C-
3233 32C-86 by deleting Proffered Condition 7(e) in its entirety.

3234

3235 Mr. Taylor seconded the motion.
3236
3237 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr. Taylor. All
3238 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
3239 abstained). The motion is carried. I would like to add that Mr. Moore told me one time, it
3240 disappointed him when he couldn't come down to the microphone.
3241
3242 Mrs. Quesinberry - Oh, by all means. Come on down here, Mr. Moore.
3243
3244 Mr. Vanarsdall - I know he's going home mad.
3245
3246 Mr. Glenn Moore - Thank you.
3247
3248 Mr. Archer - He doesn't appear to be upset.
3249
3250 Mrs. Quesinberry - He looks upset. I think we should make him speak.
3251
3252 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Taylor, the Planning
3253 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
3254 request because the changes do not greatly reduce the original intended purpose of the proffers.
3255
3256 Mr. Vanarsdall - All right, Mr. Secretary.
3257
3258 Mr. Marlles - Okay, Mr. Chairman. The next item on the agenda is discussion
3259 actually regarding a presentation on the proposed expedited agenda. I'm sure the Commission
3260 recalls several months ago, we looked at a number of options from trying to shorten the length of
3261 the Planning Commission meetings. Staff has looked at that, and Mrs. Via is going to give a short
3262 presentation on a proposal to implement an expedited agenda for our rezoning meetings. So, Mrs.
3263 Via.
3264
3265 Mrs. Via - Thank you. This is very brief. The process is laid out in a memo that
3266 was provided to you this evening. The Chairman has asked the staff to provide this to the
3267 Commission for their review.
3268
3269 Basically, what the issue is, and these last two cases that we heard tonight may be good examples of
3270 cases that could be put on an expedited agenda, where there is no citizen opposition, there are no
3271 issues, and the case is fairly straight forward. It would run very similar to your POD meetings,
3272 where, if the staff was recommending approval of the applicant's request, subject to any conditions
3273 or recommendations for a conditional rezoning or a Provisional Use Permit, the applicant must
3274 submit a letter stating its agreement with staff recommendations. The Secretary must receive that
3275 letter not later than 4:00 p.m. on the Tuesday prior to the meeting, and there must be no known
3276 opposition to the plan. These would be the criteria that the Commission would need to amend their
3277 Rules and Regulations to accept this criteria for an expedited agenda.
3278
3279 It would work very similar again to the POD whereas, after the consideration for deferrals and
3280 withdrawals, you would also have a consideration of an expedited agenda. And, if the Commission

3281 felt that any of the items on the Expedited Agenda needed to be heard, you could take those off
3282 without a motion and put them onto the regular agenda and they would be heard in the normal
3283 course of events.

3284
3285 Just to point out, that at times the Commission for their zoning meetings, they will split the agenda
3286 as we did tonight between 7:00 p.m. and 8:00 p.m. and we would have to do separate expedited
3287 agendas for 7:00 p.m. and 8:00 p.m. because of the advertisement that's required with the rezoning
3288 and Provisional Use Permit cases.

3289
3290 The two pages that are attached to the memo is a blackline copy of your Rules and Regulations; the
3291 applicable Pages of 3 and 4 that you can look at your leisure in the next few weeks and, perhaps,
3292 provide me with some comments. If you were interested in moving forward with this, you could
3293 take action to amend your Rules and Regulations as early as your April meeting, and we could
3294 implement this with a letter to the development community by your May meeting.

3295 We would propose that we monitor it for about six months, and report back to you and get feedback
3296 from you as far as to its effectiveness. Do you have any questions?

3297
3298 Mr. Vanarsdall - I have one.

3299
3300 Mrs. Via - Certainly, sir.

3301
3302 Mr. Vanarsdall - I guess this is for John. Well, you'd know too. Is it difficult or not
3303 difficult to get the letter back in time on the way we do the POD expedited agendas now? Doesn't
3304 the applicant's usually want to get the letter in so they can be on the expedited agenda?

3305
3306 Mr. Marlles - There's an incentive on their part to want to get on the expedited
3307 agenda.

3308
3309 Mr. Vanarsdall - Not many of them miss it, do they?

3310
3311 Mr. Marlles - I don't know the exact number.

3312
3313 Mr. Vanarsdall - Okay.

3314
3315 Ms. Dwyer - The last two cases we just had were good examples of that.

3316
3317 Mr. Marlles - Definitely.

3318
3319 Ms. Dwyer - Because they had to sit here all night long for a case with no
3320 opposition and not even a question.

3321
3322 Mrs. Via - And they never even came to the podium. So, they could have been
3323 out of here at 7:00 or 8:00 o'clock.

3324
3325 Ms. Dwyer - If the Chairman asks for opposition and there is opposition in the
3326 audience, I assume we would automatically move that off.

3327
3328 Mrs. Via - Yes. We would automatically move that off the Expedited agenda.
3329
3330 Ms. Dwyer - Is that in here?
3331
3332 Mrs. Via - The third bullet on the first page, we say, "If there is any known
3333 opposition to the approval of the Plan at the meeting, the item shall be removed from the expedited
3334 review agenda." So, I believe it would cover that issue.
3335
3336 Ms. Dwyer - It would, very nicely.
3337
3338 Mr. Vanarsdall - Any other questions from Mrs. Via?
3339
3340 Mrs. Quesinberry - I'm in favor of this. I think this is a great idea.
3341
3342 Mr. Vanarsdall - I do too.
3343
3344 Mr. Taylor - Me too.
3345
3346 Mr. Vanarsdall - I was one of them who suggested it.
3347
3348 Mrs. Quesinberry - That's because you're a smart man. That's why we keep you
3349 around.
3350
3351 Mr. Vanarsdall - I hope it will work as well as the other one does.
3352
3353 Mr. Marlles - Is it the pleasure of the Commission that we move forward and
3354 amend our Rules and Regulations then, as soon as possible?
3355
3356 Ms. Dwyer - Yes.
3357
3358 Mr. Taylor - Do we need a motion?
3359
3360 Mrs. Via - Can they do it tonight, or do they have to wait until April, Randy?
3361
3362 Mr. Silber - I think we should bring it back in April for action.
3363
3364 Mrs. Via - Bring it back in April for action, okay. Since we are just presenting
3365 it this evening, we would bring it back for action in April, and then we would implement it in May.
3366
3367 Ms. Dwyer - Give us time to review it.
3368
3369 Mrs. Via - Just direction to staff to bring it back for you for action at your April
3370 meeting.
3371
3372 Mr. Marlles - I'm not sure you needed a motion.

3373
3374 Mr. Vanarsdall - We're all in agreement, so, that's good. Thank you, Mrs. Via. All
3375 right, Mr. Secretary, what do we need next?
3376
3377 **DISCUSSION:** Set Work Session to hear a presentation on the Department of Public Works
3378 Environmental Design Division's role in reviewing development proposals – April 26, 2000.
3379
3380 Mr. Marlles - Mr. Chairman, the next item is, just in the way of background,
3381 several months ago, the Commission requested that a work session be held with representatives
3382 from the Environmental Design Division in the Department of Public Works to discuss their role in
3383 reviewing development proposals. I did refer that request onto the County Manager, and it has been
3384 approved. And the date that Public Works would be available and is most convenient for the
3385 Commission is at the April 26th meeting.
3386
3387 Mr. Vanarsdall - That's the POD meeting.
3388
3389 Mr. Marlles - Yes. It is.
3390
3391 Mr. Vanarsdall - We do it in the afternoon, I guess. How long would that be? Liz, do
3392 you know?
3393
3394 Mr. Marlles - Mr. Chairman, I think we're scheduling several hours for that – two
3395 hours. I don't think it will take any longer than that.
3396
3397 Mr. Vanarsdall - We don't want to know everything they know. Why would it take
3398 two hours?
3399
3400 Mr. Marlles - It probably would be less.
3401
3402 Mr. Vanarsdall - I don't mean that we don't need to know, I don't mean that. It will
3403 be educational.
3404
3405 Mr. Marlles - Their presentation is not going to last two hours, I can assure you of
3406 that.
3407
3408 Mr. Vanarsdall - Okay. What does the Commission think? I'll start with Elizabeth
3409 down on the left, Ms. Dwyer.
3410
3411 Ms. Dwyer - What else do we have that day? Aren't we doing Multi-family?
3412
3413 Mrs. Quesinberry - That's this month.
3414
3415 Mr. Vanarsdall - We hope its long gone by the 26th of April.
3416
3417 Mr. Silber - Right now, we have nothing.

3418 Mr. Vanarsdall - Any one have any problem with the 26th? Chris, you said you'd be
3419 on vacation, didn't you?
3420
3421 Mr. Archer - If you want me to, I can.
3422
3423 Mr. Vanarsdall - Charlie Bradley used to say he had a funeral that day. Okay, then
3424 we'll go with April 26, 2000, I guess in the afternoon after y'all furnish us lunch.
3425
3426 Mr. Marlles - How's our budget doing, Mr. Silber?
3427
3428 Mr. Silber - Lunch is no problem.
3429
3430 Mr. Taylor - That's after the POD meeting.
3431
3432 Acting on a motion by Ms. Dwyer, seconded by Mr. Taylor, the Zoning Minutes of February 10,
3433 2000 were approved.
3434
3435 Ms. Dwyer - I would like to thank Mr. Silber for responding to the noise request
3436 that I had. I got a letter from him. I guess everybody got that. So, that we do have someone who
3437 can look at the issue of noise in development and give us some official expert advice. Thank you.
3438
3439 Mr. Vanarsdall - I don't remember who did that one time. William Byrd Press, they
3440 had a big thing over there and Jay Weinberg, and somebody in the system measured it, and again, at
3441 the Airport one time. I don't know what department that came from. I'm glad to know we do have
3442 somebody.
3443
3444 Mr. Marlles - Mr. Chairman, just as a reminder, I think this came up a little bit
3445 earlier, but we do have three public hearings on March 22nd. It would be the Nine Mile Road Plan,
3446 the Multi-family Design Standards, and the hearing relating to the R-3A, R-4A, and Controlled
3447 Density Amendments. So, there's a lot packed into that particular day.
3448
3449 Mrs. Quesinberry - Where did that come from?
3450
3451 Mr. Vanarsdall - Thank you for that reminder.
3452
3453 Mr. Taylor - We put that on the schedule the last time, I think.
3454
3455 Mr. Vanarsdall - Also, I have something to announce, if you haven't already heard.
3456 The case of the Eckerd Drug Store that we recommended approval of our landscaping and not theirs
3457 was ruled by the Court in the Commission's favor and the Board of Supervisor's favor.

3458
3459 There being no further business, acting on a motion by Mr. Archer, seconded by Ms. Dwyer, The
3460 Planning Commission adjourned its meeting at 10:20 p.m. on March 9, 2000.

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Ernest B. Vanarsdall, C.P.C., Chairman

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John R. Marlles, AICP, Secretary

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3472 **Last revised May 2, 2000.**