

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia, held in  
2 the Board Room of the County Administration Building, Parham and Hungary Spring Roads at  
3 6:15 p.m. on March 14, 2002, Display Notice having been published in the Richmond Times-  
4 Dispatch on February 21, 2002 and February 28, 2002.

5  
6 Members Present: Allen J. Taylor, C.P.C., Chairperson, Three Chopt  
7 Eugene Jernigan, C.P.C., Vice Chairperson, Varina  
8 Ernest B. Vanarsdall, C.P.C., Brookland  
9 C. W. Archer, C.P.C., Fairfield  
10 Lisa Ware, Tuckahoe  
11 Frank J. Thornton, Board of Supervisors, Fairfield  
12 John R. Marlles, AICP, Secretary, Director of Planning  
13

14 Others Present: Virgil R. Hazelett, P.C., County Manager  
15 Randall R. Silber, Assistant Director of Planning  
16 David D. O'Kelly, Jr., Principal Planner  
17 Ralph J. Emerson, Jr., Principal Planner  
18 Lee Householder, County Planner  
19 Mark Bittner, County Planner  
20 Thomas M. W. Coleman, County Planner  
21 Paul Gidley, County Planner  
22 Debra Ripley, Recording Secretary  
23

24 Mr. Taylor - Good evening and welcome to the Planning Commission Meeting  
25 for March 14<sup>th</sup>. I want to welcome everybody. It's interesting to sit up here and welcome the  
26 County Manager and the County Staff, but we are delighted to be with you tonight and look  
27 forward to a very enlightening evening. And with that I will turn the meeting over to the  
28 Secretary.  
29

30 **CAPITAL IMPROVEMENT PROGRAM:**

31 Henrico County's proposed five year Capital Improvement Program (CIP) for FY 2002-03 through  
32 FY 2006-07.  
33

34 Mr. Marlles - Thank you, Mr. Chairman.  
35

36 Mr. Chairman and Member's of the Commission we do have a quorum tonight and can conduct  
37 business. The first item on the agenda is the Capital Improvement Program for fiscal years  
38 2002-07. We do have the County Manager and our staff with us tonight, Mr. Virgil Hazelett.  
39 They are here to answer any questions that the Commission may have. Mr. Manager, I assume  
40 you are going to be giving the presentation tonight.  
41

42 Mr. Hazelett - Yes, I am Mr. Marlles.  
43

44 Mr. Vanarsdall - Mr. Chairman, for the benefit of those new comers, we always  
45 consider this like the Oscar's night because all the stars come out and they come out once a  
46 year. We appreciate your performance. It will be up to Mr. Hazelett to give out all the statues.  
47

48 Mr. Taylor - The brilliance is duly noted.  
49

50 Mr. Hazelett - Mr. Chairman, as I look to the audience here I'm not sure what  
51 kind of audience we have. Most of these are staff members. But we are here, Mr. Chairman, Mr.  
52 Thornton, Members of the Commission, to make a presentation on actually two things, the

53 proposed Capital Improvement Program and the Capital Budget, which are two different things,  
54 which I will explain to you.

55  
56 I would like to take a look first of all to the 5-year Capital Improvement Program and then we will  
57 be taking a look at the proposed Capital Budget, which will be considered once you have  
58 evaluated the budget with the Board of Supervisors for the Year 2002-03.

59  
60 Included in the proposed Capital Budget is \$51.8 million for projects, which were approved by  
61 the voters of Henrico County in November, 2000 under the General Obligation Bond Referendum.  
62 A large portion of that, almost \$43 million is for educational projects. And there is also \$8.9  
63 million, which is going to be expended this year for General Government projects.

64  
65 The coming fiscal year 2002-03 will be the third of seven anticipated General Obligation Bond  
66 issues in order to cover the expenses of these projects. The first was, of course, in 2001 and the  
67 last will be in 2007.

68  
69 As the Planning Commission is aware, the Capital Improvement Program does represent a 5-year  
70 request for projects from all of our County agencies.

71  
72 The proposed Capital Budget consists of only the most critical needs, which we always consider  
73 in the first year of this CIP process. That is what is before you this evening in the budget  
74 portion, which I will explain. And that is what the Board of Supervisors will be considering for  
75 approval of the overall budget.

76  
77 In looking at the 5 year CIP request, which we must do first, I'm going to show you two slides  
78 that depict generally all of the requests, which have been made. The slide before you (referring  
79 to slide), I will not go through these in detail, but will give you some of the indication of what  
80 these are for.

81  
82 The first is the Capital Area Training Consortium, probably not a group that you normally deal  
83 with. They provide training and other services through grants from the Federal Government.  
84 They are proposing a One Stop Career Resource Center, and are requesting \$4.5 million.

85  
86 Obviously the second item that you see (referring to slide), Education is a very, very large figure  
87 and was a major portion of the Bond Referendum that voter's approved, \$164 million which will  
88 be spent over 5 years.

89  
90 The Department of Finance has made a request for \$1 million, which will be for a Financial  
91 Management System. All that is something that you nor I will normally see on a routine day. It  
92 is something that is very, very critical to the future of Henrico County.

93  
94 The Division of Fire, of course, will be expanding adding new fire stations, renovating fire  
95 stations, and that is included for \$17.8 million.

96  
97 General Services which maintains all these buildings and all these things in the background, the  
98 heating, the air conditioning, the nuts, the bolts, the parking lots and so forth, over a 5-year  
99 period is requesting \$129 million.

100  
101 Human Resources, our Personnel Department, is requesting over \$7 million for consideration of a  
102 new computerized system. A very, very detailed system that provides for payroll, that provides  
103 for time and attendance records of Henrico County and all the various individuals that we have.

104  
105 Mental Health/Metal Retardation is included to expand its existing facility on Woodman Road.

106  
107 The Division of Police is also included for a storage facility.  
108  
109 The last one that you see on this slide (referring to slide), Public Libraries is for the construction  
110 of two additional libraries, renovations of some other libraries, which we will go into in greater  
111 detail.  
112  
113 In addition to these we also continue on this slide (referring to slide) with Public Utilities, which is  
114 the closing of an existing phase of the landfill, Phase III, and the opening of the next phase,  
115 which would be Phase IV, at a cost of \$7.3 million. A little known fact is that this will also include  
116 ground water management and also will even include the consideration of extracting gas from  
117 our landfill. Things that we have to do from an environmental standpoint.  
118  
119 As always, the Department of Public Works is evaluating and recommending consideration of  
120 drainage projects throughout Henrico County, at \$33.5 million.  
121  
122 As we continue our efforts with our Geographical Information System, which I know that you are  
123 familiar with, and the maps, which you receive for your own cases. The request has been made  
124 for \$1.9 million over the next 5 years.  
125  
126 Of course, roadway improvements to eliminate traffic congestion and to ease traffic flows are  
127 being proposed at \$18.3 million.  
128  
129 And the recreation aspect, leisure activities, construction and expansion of existing parks and  
130 new parks for Henrico County citizens is proposed again, over the five years for \$113 million.  
131  
132 All of that adds up to a nice tidy sum of \$547 million, which is a very large amount of money, but  
133 it is not all. In addition to those projects funded out of the General Fund we also look at what  
134 we call Enterprise Funds. These are funds that generate their own revenue source out of fees  
135 that they charge.  
136  
137 Public Utilities is proposing improvements over the five years of \$101 million and that is for the  
138 expansion, renovation, and rehabilitation of our water and sewer lines throughout Henrico  
139 County.  
140  
141 The Belmont Golf course is considering \$4.8 million for additional parking, which is extremely  
142 expensive on that site. And also for, I would say repair to a number of the tees and greens that  
143 Mr. Archer has been tearing up for the last several years.  
144  
145 Mr. Archer - Thank you, sir.  
146  
147 Mr. Hazelett - In total, the proposed CIP program for 5 years is \$654.2 million.  
148 It is a very large figure but as I indicated when we began as far as the Capital Budget we only  
149 consider the most pressing needs and of course we have to give consideration to funding those.  
150  
151 These several slides (referring to slides) will show you just what we are proposing in the  
152 recommended Capital Budget for 2002-03. As you see this figure is somewhat less (referring to  
153 slide) than that \$600 some million.  
154  
155 It consists of education, construction of new schools, renovation expansions at \$49.5 million, the  
156 financial management system that I talked about, Fire Station No. 22 on Cox Road near Board  
157 Street for the Division of Fire, continuation of the maintenance to our HVAC system for General

158 Services at \$2.1 million, consideration for Human Resources to look at that very expensive  
159 revision to the existing systems that they need.  
160  
161 Public Utilities, of course, the land fill, it is absolutely necessary to close one phase and to open  
162 the next phase.  
163  
164 Continuation of our G.I.S. System, roadway improvements, which are funded through the aspects  
165 of our referendum projects.  
166  
167 Recreation \$3.2 million, which again is included in the referendum projects.  
168  
169 And Public Utilities \$14 million. I will remind the Planning Commission that this is an enterprise  
170 fund. It generates its own revenue and these are funds, which we used for expansion,  
171 rehabilitation of our water and sewer lines throughout Henrico County.  
172  
173 You can look at all of these projects in various ways. This slide here (referring to slide) depicts  
174 them as to the project type. That is new buildings, building additions, building improvements, of  
175 course the landfill, the roadway, the singular aspects and the technical improvements and of  
176 course the last two being the water and the sewer which is being proposed in Public Utilities.  
177  
178 Again, the proposed Budget figure which is \$80.1 million.  
179  
180 You could also look at it from our funding source and that is where we get the money for all of  
181 these proposed Capital Projects.  
182  
183 The gas tax, which goes directly to the Department of Public Works through the General Fund,  
184 has a proposed expenditure of \$2.5 million.  
185  
186 Funding in the General Fund itself, \$5.9 million.  
187  
188 The General Obligations Bonds that the citizens of Henrico County approved in the year 2000,  
189 \$42.9 million for education, \$8.9 for General Government.  
190  
191 And of course the landfill revenues or the fees collected at the landfill.  
192  
193 Special revenue, this is money coming from the Commonwealth of Virginia, hoping that they still  
194 have some down there. From the wireless E-911 effort which will be coming directly back to  
195 Henrico County. And then lottery proceeds, again State revenue and other local revenues. Again  
196 that \$14 million from the Enterprise Fund, which consists of water and sewer fees.  
197  
198 As we look at some of the projects that are included in the proposed budget for next year, there  
199 is always a question of exactly what those projects are. These are the education projects that  
200 you see before you (referring to slide). The Northern Elementary School designated at this point  
201 and time is number 6. Renovation and additions at Radcliff Elementary School and Baker  
202 Elementary School and the construction of a new Northwest Middle School designated as number  
203 one which is on Francistown Road and is the subject of some recent newspaper articles  
204 concerning zoning cases and of course redistricting that the School Board would have to  
205 consider. And all these are the education projects, which were proposed and were approved by  
206 the voters, totaling \$42.9 million.  
207  
208 Under general obligation, the first request is Fire Station No. 22 that I've mentioned, that's on  
209 Cox Road near Broad Street.  
210

211 The continuation of construction funding of John Rolfe Parkway, which is of course has not  
212 gotten underway yet, but we have to accumulate money for that. It was a commitment with the  
213 referendum.

214  
215 The expansion of Mayland Drive to the west of Pemberton Road, which is necessary and was also  
216 a commitment.

217  
218 And the construction of a Deep Run Park Recreation Center at \$3.2 million.

219  
220 Again all these projects totaling \$8.9 million were the Referendum Projects.

221  
222 Mr. Chairman, Members of the Planning Commission that completes all of the aspects of the  
223 projects, which we had submitted to you. The five year CIP and of course the proposed budget  
224 of \$80.1 million. Staff is here. I always tease them and tease you simply saying, the bus is  
225 ready, it is running, if they can't answer the questions they get on last. But we are here and we  
226 will be glad to answer any questions that you may have. I know that this is a very short  
227 presentation and quite frankly, very detailed. It's not something that you are use to looking at,  
228 but of course it is very, very important to the future of Henrico County. I will attempt to answer  
229 any questions that you have and of course staff is here to assist me.

230  
231 Mr. Chairman.

232  
233 Mr. Taylor - Thank you, sir. Are there any questions from the Commission?

234  
235 Mr. Vanarsdall - Yes sir. Mr. Hazelett, 911, what has that done to us? Do we  
236 have something set aside for homeland security?

237  
238 Mr. Hazelett - Well, there are two different things here Mr. Vanarsdall. The  
239 money that you see in this particular budget, the E-911 money comes from the collection of the  
240 cellular tax and comes back to Henrico County. That will be used for expansion and  
241 modifications of our existing E-911 system.

242  
243 In reference to homeland security, which is something that is on everyone's mind. The  
244 presentation that I will make to the Board next week indicates that we have not included any  
245 funding at this point and time in the budget. I do have proposals of how to spend that money if  
246 it becomes available or when it becomes available. We are looking to both federal grants and  
247 state grants in order to receive that money and we have phased in an overall effort, which would  
248 probably take us five years to complete. Generally speaking, it would be the addition of probably  
249 somewhere in the vicinity of 160 people. It would include rescue missions through the Division  
250 of Fire; it would include additional police officers, which would be dedicated to various terrorist  
251 activities and in control of those activities in the aspect of capital acquisitions. All of that would  
252 be phased in over time as soon as we know of the funding sources through grants or when we  
253 come out of this recession to a point that we can began to allocate funds.

254  
255 Mr. Vanarsdall - Okay. Thank you.

256  
257 Mr. Taylor - Are there any other questions for the Manager?

258  
259 Mr. Vanarsdall - If nobody else has one I do. On page 21, the school at I-295  
260 Woodman Road, I don't know what the codes on the priorities are. I would assume number 1 is  
261 ahead of number 2, but I don't know.

262

263 Mr. Hazelett - That's an assumption we would all make. Sometimes school  
264 counts in a different manner, but that's an assumption I would make. Bond projects are  
265 obviously number one, Mr. Vanarsdall, and we do have to complete them first.  
266  
267 Mr. Vanarsdall - I know that this school and the one on page 27, Crossridge, I  
268 know they are both going to be built. Are they going to try and complete them by 2003?  
269  
270 Mr. Hazelett - Yes.  
271  
272 Mr. Vanarsdall - The only other question I have is on the very back of page 111,  
273 the Deep Run Recreation Center. Is that going to be similar to Dorey Park down in Varina?  
274  
275 Mr. Hazelett - Yes sir. It would be similar in function, of course...  
276  
277 Mr. Vanarsdall - It's going to be bigger and so forth.  
278  
279 Mr. Hazelett - I'm not sure that it will be bigger. We have to go through a  
280 consideration and function of planning, but of course, the barn, the Dorey Park aspect, and we  
281 will be constructing a complete new facility in Deep Run. But function wise it will provide the  
282 same service.  
283  
284 Mr. Vanarsdall - That's all the questions I have Mr. Chairman.  
285  
286 Mr. Jernigan - Mr. Manager, I had one. When I look at a Fire Station for \$4  
287 million and a library for \$13 million, are these both turn-key, ready to go?  
288  
289 Mr. Hazelett - Oh, yes sir.  
290  
291 Mr. Jernigan - Ok.  
292  
293 Mr. Hazelett - The Fire Station will include capital cost of the apparatus that  
294 goes in it.  
295  
296 Mr. Hazelett - The library that we are referring to here is a much larger library,  
297 to take the place of Tuckahoe. That library will probably be in the vicinity of 50,000 to 60,000  
298 square feet. We're building on the order of 10,000 to 15,000 square feet in the Fairfield Library  
299 that we just opened last year. So it will be a considerable increase in size. With the Fire  
300 Stations, we sometimes join them. We may put two companies in there and in reference to  
301 Station 18 we will also be building some additional aspects for location of police services as well  
302 as community services in that particular location.  
303  
304 Mr. Jernigan - Thank you, sir.  
305  
306 Mr. Archer - Mr. Manager, we always have quite a bit of the Capital Budget  
307 funds allocated for drainage. Are we approaching the time when this will elevate some projects  
308 as we do more modern construction and road construction? Are we always going to be saddled  
309 with this problem of drainage?  
310  
311 Mr. Hazelett - Mr. Archer, most of the drainage project, probably 90% or more  
312 of these projects are projects which have accumulated over the years due to ways in which we  
313 use to do things in the past. Our newer construction standards eliminate the majority of these  
314 concerns for present day or future.  
315

316 So you are looking back. Drainage projects have been with us ever since I've been with the  
317 County, almost 30 years and that number of course is just an increase in cost. And these are  
318 projects where you often create erosion between houses that quite frankly we would not do  
319 today. We would acquire them to be piped. It would create erosion and large volumes of water  
320 in front of houses that if we were doing it today we would not do that. But when you look back  
321 they are projects that we need to consider. Also the most difficult part of drainage projects is the  
322 policy that the County will not acquire the land, it must be dedicated. And so we do run into  
323 problems.

324  
325 One of the other situations with drainage projects that is very unpopular with most citizens is the  
326 equipment, the pipe, and the excavation of material. It's very disruptive to a neighborhood.

327  
328 Drainage projects can be funded through a referendum consideration. There are from time to  
329 time projects that the Board of Supervisors sees fit and does wish to proceed upon, but they are  
330 very few and far between, which is the reason you see this accumulation of projects.

331  
332 The last overall large amount of drainage projects that I recall was based upon a referendum of  
333 1981.

334  
335 Mr. Archer - A long time. Thank you, sir.

336  
337 Oh, and Mr. Manager, I want to assure you that when you see me tearing up the golf course at  
338 Belmont I'm simply trying to create more parking.

339  
340 Mr. Hazelett - I understand sir.

341  
342 Mr. Taylor - Are there any other comments on behalf of the Commission for  
343 the Manager?

344  
345 Mr. Hazelett, I just want to wrap up with a few comments. First, I think the entire Commission  
346 appreciates the fine review of the budget we get every year. It really helps us screen what our  
347 efforts are in looking at some of the projects. We appreciate the efforts of the staff. I know  
348 there are really many man-hours of work in this and I've got to congratulate you and the staff on  
349 the fine presentation.

350  
351 In my Coast Guard career I've lived in to many different localities. I lived in Henrico the longest  
352 of any of them and I really have to say that it's been a great pleasure and it's one of the finest  
353 managed areas that I've been in, in probably the country. And it's really due to the leadership  
354 and the dedication of you and your entire staff and I think we just have to congratulate  
355 everybody on your professionalism, your dedication and frankly your sensitivity to the people  
356 who live here. On behalf of the Commission I have the honor to congratulate you and your staff  
357 for all of your hard work.

358  
359 Mr. Hazelett - Thank you, Mr. Chairman. On behalf of the staff we sincerely  
360 appreciate your comments. Not all of the staff interacts with the Planning Commission and I for  
361 one who have interacted with the Planning Commission for 30 years can simply say to each and  
362 everyone of you individually thank you for your time and effort. You may not have known about  
363 the amount of time or effort when you first came on, but I do thank you, as I know staff thanks  
364 you.

365  
366 Mr. Taylor - Thank you, sir, it is a team effort and I'm glad to recognize that  
367 we're a member of the team. I do have to note that we are going to have to look into Mr.  
368 Archer's golfing.

369  
370 Mr. Archer - You should have never made that comment.  
371  
372 Mr. Taylor - Thank you very much, sir.  
373  
374 Mr. Hazelett - Thank you, sir.  
375  
376 Mr. Taylor - Is there a motion that we approve the Capital Improvement  
377 Program?  
378  
379 Mr. Vanarsdall - I'll make the motion. Mr. Chairman, I make a motion that the  
380 Henrico County Planning Commission finds that the Capital Budget for Fiscal Year 2002-03 is  
381 generally consistent with the County's Comprehensive Plan and recommend its approval to the  
382 Board of Supervisors this 14<sup>th</sup> day of March 2002.  
383  
384 Mr. Taylor - Motion made my Mr. Vanarsdall. Is there a second?  
385  
386 Mr. Archer - Second, Mr. Chairman.  
387  
388 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All in  
389 favor, aye -all opposed, nay. The ayes have it. The motion is approved. The vote is 5-0, Mr.  
390 Thornton abstained.  
391  
392 Thank you very much, sir.  
393  
394 Mr. Vanarsdall - Thank you all for coming.  
395  
396 Mr. Taylor - While we are waiting why don't we approve the minutes.  
397  
398 Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Joint Meeting Minutes of  
399 February 12, 2002 were approved with no corrections.  
400  
401 Acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan, the Rezoning Minutes of  
402 February 14, 2002 were approved as corrected:  
403  
404 Mr. Jernigan - Page 14, Line 78, should be what and not who.  
405  
406 Mr. Taylor - Page 17, Line 10 - A comment that I made that starts out; a  
407 very sort after product, the word sort should be sought.  
408  
409 Mr. Vanarsdall - Mr. Marlles usually has something after the meeting. So do you  
410 have anything to contribute?  
411  
412 Mr. Marlles - Actually I don't tonight, Mr. Vanarsdall. I was hoping to get  
413 some feedback from the Commission as to the session that was held last Friday that was  
414 sponsored by the Richmond Regional Planning District Commission. I know Mr. Fisher is looking  
415 for feedback as to whether this session something that we think is worthwhile to continue every  
416 year. I think there is some value in getting the Commissions together from the region on at least  
417 an annual basis, and again if there are any specific comments or suggestions I can certainly  
418 provide those back to Mr. Fisher.  
419  
420 Mr. Vanarsdall - I thought that it was a very good session and that they had a lot  
421 of people for the first one. We had 100% in attendance.



422  
423 Mr. Marlles - Yes, we did.  
424  
425 Mr. Vanarsdall - The only suggestion that I would have for next year would be if  
426 he would ask if we want to do it in the same format, like when we get there to eat have each  
427 person stand up and tell their name and where they're from. That would be the only  
428 improvement I can think of.  
429  
430 Mr. Marlles - Ok.  
431  
432 Mr. Taylor - I would agree with Mr. Vanarsdall. In fact, today I went to their  
433 regional meeting and I did comment that I thought it was an excellent opportunity to bring  
434 everybody together and discuss various issues that are in common to all of the municipalities.  
435 My comments were shared by everybody that participated.  
436  
437 Mr. Marlles - I did want the Commission to know that we did volunteer or I  
438 volunteered on behalf of the County and the Commission to host the program next year.  
439  
440 Mr. Taylor - I think that is a wonderful idea. I'm glad that you did and I look  
441 forward to having a good meeting. Where will we have that meeting?  
442  
443 Mr. Marlles - Here in Henrico County.  
444  
445 Mr. Taylor - In the County building?  
446  
447 Mr. Marlles - I'm not sure yet.  
448  
449 Mr. Taylor - Actually the Convention Center was an interesting place to have  
450 it, but it is so huge. We filled but a small corner of the facility, but it did have good acoustic  
451 systems, the meal was good, the camarodi was good, the interchange was good.  
452  
453 Mr. Archer - And the parking was \$9.00.  
454  
455 Mr. Taylor - Did you see that in the Capital Budget as we went through it?  
456  
457 Mr. Archer - I looked all over for it and I haven't been reimbursed.  
458  
459 Mr. Vanarsdall - Mr. Jernigan.  
460  
461 Mr. Marlles - Mr. Chairman, I would suggest that we take a break until 7:00.  
462  
463 Mr. Taylor - We'll take a 15-minute break. Reconvene at 7:00.  
464  
465 **THE PLANNING COMMISSION RECESSED FOR FIFTEEN-MINUTES.**  
466  
467 **THE PLANNING COMMISSION RECONVENED.**  
468  
469 Mr. Taylor - Good evening ladies and gentlemen and welcome to the March  
470 Zoning Meeting. I want to welcome everybody here. I know we've got, by the looks of the  
471 crowd, an interesting agenda ahead of us. I will turn the meeting over to our distinguished  
472 Director, Mr. Marlles.  
473

474 Mr. Marlles - Thank you, Mr. Chairman. Good evening ladies and gentlemen,  
475 and Members of the Commission. The first item on the agenda is request for withdrawals and  
476 deferrals. That will be handled by Mr. Mark Bittner.

477  
478 Mr. Taylor - Good evening Mark.

479  
480 Mr. Bittner - Good evening. Our first item on the withdrawal/deferral list is  
481 on page 1 of your agenda. It's the first case.

482  
483 **SUBDIVISION ALTERNATIVE FENCE HEIGHT PLAN**  
484 **(Deferred from the February 27, 2002, Meeting)**

2501 Cedar Cone Drive  
(Section C, Block C, Lot 3 Cedar Chase)  
**Robert Parsons:** Request for approval of an alternative fence height plan, as required by Chapter 24, Section 24-95.(1)(7)b of the Henrico County Code. The site is located at the northeast corner of Cedar Cone Drive and Cedar Knoll Lane on parcel 746-754-2295 (57-9-C-3). The zoning is R-3, One-Family Residence District. **(Three Chopt)**

485  
486 As of the preparation date of this agenda, the applicant has not held a neighborhood meeting as  
487 discussed at the previous Planning Commission hearing. The staff recommendation will be made at  
488 the meeting. Should the Commission act on this request, in addition to the standard conditions for  
489 landscape plans, the following additional conditions are recommended.

- 490  
491 5. The existing fence line will be relocated eight feet to the north per the revised landscape plan  
492 6. The owner shall acquire any necessary permits for the construction of the fence.

493  
494 The owner shall provide additional landscaping in the form of low evergreen shrubs at the base  
495 of the fence facing Cedar Knoll Lane and Cedar Cone Drive.

496  
497 That has been withdrawn by the applicant; however because it is a Plan of Development I believe  
498 there is some sort of motion that the Planning Commission needs to make. I don't know if Mr.  
499 Marlles or Mr. Silber can speak further to that.

500  
501 Mr. Marlles - Yes sir. The Commission, Mr. Chairman, does need to make a  
502 motion to accept the withdrawal of the application.

503  
504 Mr. Vanarsdall - I'll make the motion. I move that we accept the withdrawal, at  
505 the applicants request, on the Subdivision Alternative Fence height at 2501 Cedar Cone Drive,  
506 Section 3, Block C, Lot 3, Cedar Chase.

507  
508 Mr. Taylor - Is there a second?

509  
510 Mr. Jernigan - Second.

511  
512 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan. All in  
513 favor of approving the withdrawal say aye. Any opposed? The ayes have it the motion is  
514 approved. The vote is 5-0 (Mr. Thornton abstained.)

515  
516 Subdivision Alternative Fence height plan is withdrawn.

517  
518 Mr. Bittner - The next item is on page 2 of the agenda at the very top.

519

520 **Deferred from the September 13, 2001 Meeting:**  
521 **C-49C-00 Tascon Group, Inc.:** Request to amend proffered conditions  
522 accepted with rezoning case C-45C-99, on Parcels 748-756-8078 (58-A-3), 749-756-6440 (6) and  
523 749-756-6859 (6A) and part of Parcels 749-755-4576 (58-A-4) and 749-755-6396 (5), containing  
524 approximately 38.3 acres, located on the north line of Three Chopt Road at its intersection with  
525 Pell Street. The amendment would allow a condominium development in place of a detached  
526 single family development and assisted living facility. The Land Use Plan recommends Urban  
527 Residential, 3.4 to 6.8 units per acre, and Environmental Protection Area.  
528

529 This is a request for deferral, for one month to the April 11<sup>th</sup> Planning Commission Meeting.  
530

531 Mr. Taylor - Is there any one opposed to withdrawal of case C-49C?  
532

533 Mr. Marlles - That's deferral, Mr. Chairman.  
534

535 Mr. Taylor - Deferral.  
536

537 Mr. Marlles - I don't see anybody in opposition.  
538

539 Mr. Taylor - One person.  
540

541 Mr. David Kovacs - As I come in opposition again to another continuance or another  
542 deferral thus we call it this. Now this is the fourth time that we've been here. We've been  
543 objecting each time around. The last it was sworn that there would not be another one. But low  
544 and behold three weeks before this item comes up there is another potential proposal that is out  
545 there. Now at least in this one I can say that there has been arrangements for a community  
546 meeting and there is a sketch plan. So at least we are not given with invisible people this time  
547 around.  
548

549 Mr. Vanarsdall - Sir, you want to give your name.  
550

551 Mr. David Kovacs - Yes, my name is David Kovacs. I live on Foxsmoore Avenue. I  
552 am here at my capacity as the zoning person, land use person for Cross Key Civic Association.  
553

554 Mr. Vanarsdall - It's not that we don't know you; I think that we just want to get  
555 it on tape.  
556

557 Mr. Kovacs - That's right.  
558

559 I won't belabor you with a lot of background on this but I do realize that there are three new  
560 Planning Commissioners who were not here when there was a substantial neighborhood  
561 involvement with the CareMatrix proposal, which is the underlying proposal, which that is subject  
562 to being changed at this point and time. A lot of things that happened in that CareMatrix  
563 proposal were negotiated out and almost everybody was satisfied, there were two people who  
564 spoke in opposition. And so many of the things that are in those proffers we certainly would  
565 expect to see now.  
566

567 The other point and another objection that I have since I don't think you won't grant the deferral  
568 is the fact that it is being asked to go to April. The staff report would have to be done this week  
569 or the middle of next week, there is a community meeting. I've looked at the site plan and I see  
570 some things with it that just can't work right away and I was told they plan to proffer the site  
571 plan. I think it would be a tremendous waste of everybody's time to have you set an emergency  
572 meeting like we have had to have in other cases. And then come up here in April with a lot of

573 folks upset and not anywhere close and go to another continuation. So I would think at the  
574 earliest you should come back is May, which would allow more time for negotiations and  
575 meetings and would allow the developer to do more work on this site. I point out for the three  
576 people who have been here before this is the fourth person, fourth developer and in all the other  
577 cases once the developers found out more information about characteristics of the site they  
578 couldn't build their projects and they all left.

579  
580 So, I think coming back in here in April is going to be frustrating for everybody. If anything it  
581 should be May or even later than that.

582  
583 Any questions?

584  
585 Mr. Archer - Mr. Kovacs, you indicated a meeting has been set. Do you know  
586 what the date of that meeting is?

587  
588 Mr. Kovacs - Monday the 25<sup>th</sup>.

589  
590 Mr. Archer - Ok. Thank you.

591  
592 Mr. Kovacs - At Deep Run Baptist Church just right across from the site, a  
593 little bit further to the west. It should be well attended.

594  
595 Mr. Taylor - And do you know who the new developer is?

596  
597 Mr. Kovacs - It's Wilton Real Estate.

598  
599 Mr. Taylor - And do you know, have you heard, has he described any of the  
600 concepts that he has in mind for this proposal?

601  
602 Mr. Kovacs - I called the, I saw the written notice which said the town homes  
603 and assisted living care facility and I called the office and was told that the town homes would be  
604 like those in Shady Grove Town Homes. And then I've been able to see a sketch of the site plan  
605 tonight.

606  
607 Mr. Taylor - Well, I recognize that this is a change of developers however,  
608 you and I have walked over that site and I think we are both aware of how sensitive it is, but I  
609 think at the time I stated that while Care Matrix may not be necessarily a good fit I'm sure  
610 there's something that would come up that would be adequate and satisfactory. And Mr. Wilton  
611 has now, as I understand it, has taken over the responsibility for the development of that site  
612 and he has discussed with me some of the concepts. And Dave, I have talked to him about  
613 many of the things that you and I saw that were sensitive and issues of engineering that you and  
614 I were concerned with. Mr. Wilton has proven through the many cases to be very sensitive in  
615 terms of his construction and in terms of his engineering. I know the Tedesco family is still  
616 seeking to have that developed and I really think that the best thing to do is to defer this and let  
617 Mr. Wilton look at it, work with everybody, see what he can come up with and then judge  
618 whether or not the project as it comes out is adequate. I think that's fair to everybody around,  
619 and I'll say again, I have made clear several of the major difficulties that I would see would be  
620 associated with developing that site. I am satisfied that they do understand it; they really have  
621 sensitivity towards resolving the issues and knowing there past history. I'm satisfied that Mr.  
622 Wilton has the experience as a developer to really provide a good project. So I really would like  
623 to convince you to let him go ahead with this and let him try to develop, as sensitively as I would  
624 expect him to do.

625

626 Mr. Kovacs - In being here and having all those other continuances I fully  
627 expect the continuance to be granted and we can try and work things out. But I do think they  
628 are trying to do something for April 11<sup>th</sup>, it's an injustice to the neighborhood, it's an injustice to  
629 you, and it's an injustice to staff. It's bringing a whole new project on a site that has so much  
630 negative history with it and think that an adequate staff report can be written. The other thing,  
631 if a staff report is written on the site plan that's there tonight and then come Monday there is  
632 more things to be changed and he brings one in after that. Then we're in that situation where  
633 we walk into this meeting and woops here's a new site plan and we, as the citizens, are told we  
634 have 10 minutes to organize our troops. I don't think that is a very good way to go. So I would  
635 certainly...

636  
637 Mr. Taylor - I agree with that.

638  
639 Mr. Kovacs - ...May is much better than April.

640  
641 Mr. Taylor - I agree, that is not appropriate and maybe the time is too short  
642 and I think, what would you accept as a date? Do you think that we could do that for the May  
643 meeting? What is the date of the May meeting?

644  
645 Mr. Marles - Mr. Chairman, while we are checking on the date of the May  
646 meeting I'd also like to comment, that actually I do agree with both you and Mr. Kovacs, that I  
647 believe it would be very ambitious to try to work out all of the issues before the April 11<sup>th</sup>  
648 meeting. So staff is in concurrence with that.

649  
650 The zoning meeting in May is scheduled for May 9<sup>th</sup>.

651  
652 Mr. Kovacs - I think that would be sufficient because by that time we'd know  
653 what is on the table and if there are problems, what they are, and then it may have to be a call  
654 by the Commission.

655  
656 Mr. Taylor - All right, tentatively Mr. Kovacs, let me hold that but let me ask  
657 Mr. Householder if he has heard anything with regard to perhaps a timetable that Mr. Wilton  
658 offered on this particular project.

659  
660 Mr. Householder - I have certainly been working with representatives of Mr. Wilton  
661 over the past few days to kind of take in these proposed changes, but I would agree with Mr.  
662 Marles that it is a short turn around for staff to provide an adequate review. But we are working  
663 at this moment. I did only get the site plan yesterday. Staff reports should be done by the  
664 middle of next week and to really have more staff members involved I would probably prefer to  
665 get out some information to more individuals.

666  
667 Mr. Taylor - Is it your feeling, Mr. Householder, that the May date would  
668 allow us enough time to adequately review it, staff it and coordinate it with the residents?

669  
670 Mr. Householder - Yes sir.

671  
672 Mr. Taylor - I really want to make sure this is coordinated with the residents  
673 because it is as Mr. Kovacs and I have found out, it's a site with some significant problems that  
674 need to be carefully developed and carefully worked around. Any developer who is planning to  
675 develop it must know what those are and engineer his way around it carefully, both from the  
676 feasibility standpoint as well as from the environmental standpoint. So with that I'll accept the  
677 fact that we will delay it and I will make a motion that we defer case C-49C-00 at the applicant's  
678 request until May 9<sup>th</sup>.

679  
680 Mr. Jernigan - Is Mr. Wilton or a representative here?  
681  
682 Mr. Taylor - Oh, Sandy I'm sorry. You get to speak.  
683  
684 Ms. Sandra Verna - I'm Sandra Verna. I'm representing Mr. Wilton tonight and I  
685 have heard the concerns of staff and also Mr. Kovacs and I've spoken to Mr. Kovacs and told  
686 him, he told me that he could not make it to the meeting on the 25<sup>th</sup>. And I told him we would  
687 meet with him separately. We have an environmental engineer on that is going to complete an  
688 analysis prior to our meeting on the 25<sup>th</sup>. I think that we are addressing a lot of the concerns.  
689 We are trying to stick to the original case that was approved, not the case that was before this  
690 neighborhood before we took it over. What we would really like to do or prefer to do is go ahead  
691 with the 25<sup>th</sup> meeting with the neighborhood and explain exactly what we are trying to do and  
692 then if at that time the neighborhood is not satisfied then we would be more than happy to ask  
693 for another deferral and that would give you an additional 60 days.  
694  
695 So all we're asking for here is a one-month deferral. Give us an opportunity to work with staff  
696 and the neighborhood. If more time is needed then we'd be more than willing to grant another  
697 month deferral.  
698  
699 Mr. Taylor - All right, is there any other comment?  
700  
701 Ms. Verna - Thank you.  
702  
703 Mr. Taylor - Then what I'll do is use my deferral for this project and I'll defer  
704 the case to May 9, 2002 and I will make that as a motion.  
705  
706 Mr. Vanarsdall - You all forgot the applicant's request.  
707  
708 Mr. Taylor - No, it would be at my request, at the Commissioner's request.  
709  
710 Mr. Vanarsdall - Ms. Verna doesn't want to do it?  
711  
712 Mr. Jernigan - No.  
713  
714 Mr. Vanarsdall - I thought she said that. She always does. I'm sorry.  
715  
716 Ms. Verna - We prefer the one-month.  
717  
718 Mr. Jernigan - Will you consider the 60-day?  
719  
720 Ms. Verna - Well, I guess if we don't have a choice. But I mean we would  
721 prefer the one-month and then another 30-day deferral if necessary.  
722  
723 Mr. Jernigan - Well, if you requested it then we could do it by your request or if  
724 it's going to be deferred for 60 days Mr. Taylor will have to use his Commission deferral.  
725  
726 Ms. Verna - So I can request a 30-day deferral to be heard April 11<sup>th</sup>. Is that  
727 what you are saying?  
728  
729 Mr. Jernigan - I would rather you request 60.  
730  
731 Mr. Taylor - We prefer you wait until May.

732  
733 Mr. Jernigan - We would like for you to request it to May 9<sup>th</sup>.  
734  
735 Mr. Kovacs - Mr. Chairman.  
736  
737 Mr. Taylor - Go ahead, Mr. Kovacs.  
738  
739 Mr. Kovacs - We have been here for many, many deferrals and people get  
740 very frustrated with deferral after deferral. If it is continued to April 11<sup>th</sup> I would respectfully  
741 request that we have a hearing on April 11<sup>th</sup>. A complete hearing and this proposal be voted up  
742 or down at that point and time. And if the developer is not ready to answer all the questions, it's  
743 voted down and let them make a new application. This is two years on this one particular case  
744 for deferral of a project, which had three deferrals before a team and that had a project before it  
745 that had three deferrals. Please no more deferrals; let's get an action.  
746  
747 Mr. Marlles - Mrs. Verna, are you willing to grant at your request a 60-day  
748 deferral?  
749  
750 Ms. Verna - Yes, I can grant a 60-day.  
751  
752 Mr. Vanarsdall - May 9<sup>th</sup>.  
753  
754 Mr. Marlles - Yes ma'am, to May 9<sup>th</sup>.  
755  
756 Mr. Vanarsdall - I second the motion Mr. Taylor.  
757  
758 Mr. Taylor - Motion made to defer case C-49C-00 until May 9<sup>th</sup> at the  
759 applicant's request. Is there is a second?  
760  
761 Mr. Jernigan - Mr. Vanarsdall.  
762  
763 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall. All in  
764 favor of the deferral say aye. Any opposed? The ayes have it. The case is deferred to May.  
765 The vote is 5-0 (Mr. Thornton abstained).  
766  
767 At the applicant's request, the Planning Commission deferred Case C-49C-00, Tascon Group, Inc.,  
768 to it's meeting on May 9, 2002. Mr. Thornton abstained.  
769  
770 Mr. Marlles - Mr. Bittner.  
771  
772 Mr. Bittner - Thank you, Mr. Marlles. The next request is for deferral. It is  
773 one that came in just tonight. It is the next case on the agenda on page 2.  
774  
775 **Deferred from the January 10, 2002 Meeting:**  
776 **C-6C-02 Michael J. Kelly for L-C Corporation:** Request to amend  
777 proffered conditions accepted with rezoning case C-14C-87, on Parcel 749-760-0500 (48-A-45)  
778 (Universal Ford), containing 4.057 acres, located on the south line of West Broad Street (U. S.  
779 Route 250) approximately 400 feet east of Cox Road. The amendment is related to eliminating  
780 the buffer on the south line of the property. The existing zoning is B-3C Business District  
781 (Conditional). The Land Use Plan recommends Commercial Concentration.  
782  
783  
784 This request is for two months, to the May 9<sup>th</sup> Planning Commission Meeting.

785  
786 Mr. Taylor - Is there anybody in opposition of deferral of case C-6C-02?  
787  
788 Is Mr. Kelly in the audience? Mr. Kelly would you like to address the...  
789  
790 Mr. Michael Kelly - Mr. Chairman, Members of the Commission, I'm Michael Kelly.  
791 I'm an attorney with Spinella, Ownings & Shaia. I'm here on behalf of the applicant, Sam  
792 Johnson and the L-C Corporation out of Charlotte, NC. I also serve as council for Universal Ford,  
793 which leases the property from the applicant.  
794  
795 The staff has recommended approval of each of these cases. They are not complicated. They  
796 are rather straightforward simple cases and Mr. Johnson is prepared to accept the conditions in  
797 the staff report. He is also prepared to make the...  
798  
799 Mr. Vanarsdall - Mr. Kelly, let me interrupt you a minute. This is for deferment of  
800 the case, isn't it?  
801  
802 Mr. Kelly - Yes sir.  
803  
804 Mr. Taylor - That's right.  
805  
806 Mr. Vanarsdall - You sound like we are hearing it. There is no opposition to the  
807 deferment.  
808  
809 Mr. Kelly - But I just wanted to alert you to the reason for the request. Our  
810 property owners to our east, south and west have talked to us on a couple of occasions and  
811 invited us to participate, and may be master planning informally, sort of the balance of our little  
812 corner of the world there. Your Chairman has participated in some meetings with us. We  
813 welcome that opportunity. We have now embraced some of the concepts that have come out of  
814 that and as the County itself is one of the adjacent property owners we've asked your Chairman  
815 now, at some risk to him maybe, to approach the staff about having the County's input in some  
816 of the ideas that we've come up with.  
817  
818 Reid Goode has done some real nice development to our south and to our west. He built a  
819 beautiful road for us in the rear. Jimmy Platkin, with the Summit Group, is our immediate  
820 neighbor to the east. We've been in discussions with him and it has done some good work. And  
821 we welcome the opportunity to sit with those gentlemen and with the County, to see what we  
822 might come up with for the rest of the development of that little corner.  
823  
824 As the cases are set, if nothing comes out of this we are ready to go forward. But at the urging  
825 of our neighbors and in an effort to be a good neighbor we have invited and welcomed and  
826 embraced these opportunities. So I'd ask you to look favorably on our request.  
827  
828 Thank you.  
829  
830 Mr. Vanarsdall - Thank you.  
831  
832 Mr. Taylor - Mr. Kelly, would you want to take case 6 and case 7 together in  
833 that deferral to May?  
834  
835 Mr. Kelly Yes sir. The staff has recommended that they be considered  
836 together, we don't oppose that.  
837



838 Mr. Taylor - Thank you very much. Mr. Vanarsdall, do you have any other  
839 questions?  
840  
841 Mr. Vanarsdall - No sir.  
842  
843 Mr. Taylor - Do you think they were adequately answered?  
844  
845 Just so that I can provide some additional background. This is a very complicated case involving  
846 several different landowners. One, of which, is the County of Henrico and it will take all of the  
847 participants to come up with an equitable and reasonable distribution of that land and try to  
848 make it work for everybody. I don't know, Mr. Bittner would you like to just describe that a little  
849 bit or?  
850  
851 Mr. Bittner - Actually, this is the first I've heard of it. I don't know what the  
852 details of this master plan might be.  
853  
854 Mr. Taylor - Then we probably shouldn't have you describe it.  
855  
856 Mr. Jernigan - I'll make a motion for that.  
857  
858 Mr. Taylor - Thank you very much sir. Is there anybody opposed to the  
859 deferral of case 6 and case 7? Then I will move for the deferral of case 6 and case 7 to May 9<sup>th</sup>  
860 at the request of the applicant.  
861  
862 Mr. Archer - Second.  
863  
864 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Archer. All in  
865 favor, aye. All opposed, nay. The ayes have it. The cases are deferred to May 9<sup>th</sup>.  
866  
867 Mr. Bittner - We still need to call the second case. I believe that motion was  
868 only for the first case. Am I incorrect in that Mr. Marlles?  
869  
870 Mr. Jernigan - No, he included the second one.  
871  
872 Mr. Taylor - I included the second in the deferral, if that is adequate.  
873 Although you are right, we did not introduce the second case. But I thought with Mr. Kelly  
874 saying that they are inextricably intertwined, then one motion would do everything.  
875  
876 Mr. Bittner - That's fine.  
877  
878 Mr. Taylor - Is that acceptable?  
879  
880 Mr. Bittner - Yes.  
881  
882 Mr. Taylor - From the parliamentary standpoint.  
883  
884 Mr. Bittner - Yes.  
885  
886 Mr. Taylor - Thank you. And now we will go onto the next case.  
887  
888 At the applicant's request, the Planning Commission deferred Cases C-6C-02 and C-7C-02,  
889 Michael J. Kelly for L-C Corporation, to its meeting on May 9, 2002. The vote is 5-0 (Mr.  
890 Thornton abstained).

891  
892 Mr. Bittner - The next request is for deferral. It's at the bottom of page 2 of  
893 the agenda.  
894

895 **Deferred from the February 14, 2002 Meeting:**

896 **C-8C-02 Foster & Miller for Virginia Classic Homes:** Request to  
897 conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District  
898 (Conditional), Parcel 753-756-8642 (58-A-25), containing approximately 8.4 acres, located on the  
899 east line of Pemberton Road approximately 300 feet south of its intersection with Mayland Drive.  
900 Residential townhouses are proposed. The applicant proffers to develop no more than 62 units  
901 on the property. The use will be controlled by proffered conditions and zoning ordinance  
902 regulations. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density  
903 per acre.  
904

905 This request is for one month to the April 11<sup>th</sup> Planning Commission Meeting.  
906

907 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral  
908 of case C-8C-02 to the April Planning Meeting?  
909

910 Mr. Marlles - I don't see anybody, Mr. Chairman.  
911

912 Mr. Taylor - No one. Then I will move for the deferral of case C-8C-02 to the  
913 April 11<sup>th</sup> zoning meeting.  
914

915 Mr. Jernigan - Second.  
916

917 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Jernigan. All in  
918 favor – aye. All opposed – nay.  
919

920 Mr. Vanarsdall - Mr. Bittner I must be missing something. We had this deferment  
921 on the agenda that you faxed us yesterday. That would mean the applicant did it right?  
922

923 Mr. Bittner - Yes this was at the applicant's request.  
924

925 Mr. Vanarsdall - I didn't hear him say that.  
926

927 Mr. Taylor - I'm not sure I did. At the applicants request.  
928

929 Mr. Vanarsdall - They'll pick it up in the back.  
930

931 Mr. Taylor - This will be at the applicant's request and the motion is  
932 approved for deferral to April 11<sup>th</sup>.  
933

934 At the applicant's request, the Planning Commission deferred Case C-8C-02, Foster & Miller for  
935 Virginia Classic Homes, to it's meeting on April 11, 2002. The vote is 5-0 (Mr. Thornton  
936 abstained).  
937

938 Mr. Bittner - The next item on the agenda is on page 3 in the Tuckahoe  
939 District.  
940

941 **Deferred from the February 14, 2002 Meeting:**

942 **P-21-01 Sprint PCS:** Request for a provisional use permit under Sections  
943 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and operate a 135'

944 communication tower and related equipment on part of Parcel 753-740-8228 (100-A-65) (8611  
945 Henrico Avenue), containing 851 square feet, located at the southeast intersection of Henrico  
946 Avenue and Ridge Road. The existing zoning is R-3 One Family Residence District. The Land Use  
947 Plan recommends Government.  
948

949 The request is for one month to the April 11<sup>th</sup> Planning Commission Meeting.  
950

951 Mr. Taylor - Is there anyone opposed to the deferral of P-21-01?  
952

953 Ms. Ware - I move that P-21-01 be deferred to the April 11<sup>th</sup> meeting at the  
954 applicant's request.  
955

956 Mr. Vanarsdall - Second.  
957

958 Mr. Taylor - Motion made by Ms. Ware, seconded by Mr. Vanarsdall for  
959 deferral of case P-21-01 to the April 11, 2002 zoning meeting. All in favor – aye. All opposed –  
960 nay. The ayes have it. The motion is approved. The vote is 5-0 (Mr. Thornton abstained).  
961

962 At the applicant's request, the Planning Commission deferred, Provisional Use Permit P-21-01,  
963 Sprint PCS, to its meeting on April 11, 2002.  
964

965 Mr. Bittner - The next case is at the bottom of page 3 in the Varina District  
966 and this just came in tonight. This request is for withdrawal. Since it's for a withdrawal there is  
967 no action needed by the Commission on this matter.  
968

969 **Deferred from the February 14, 2002 Meeting:**

970 **P-19-01 Wes Blatter for VoiceStream Wireless:** Request for a  
971 provisional use permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in  
972 order to construct and operate a 125' telecommunications tower and related equipment on part  
973 of Parcel 799-702-8496 (191-A-17), containing 10,000 square feet (0.223 acre) located at 6535  
974 Barksdale Road approximately 1,200 feet north of Kukymuth Road. The existing zoning is A-1  
975 Agricultural District. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net  
976 density per acre.  
977

978 Again this has been withdrawn so no action is necessary.  
979

980 The next item is on page 4 of the agenda. The first case in the Brookland District.  
981

982 **Deferred from the January 10, 2002 Meeting:**

983 **C-59-01 Phyllis M. Perross:** Request to rezone from R-3 One Family  
984 Residence District to M-1 Light Industrial District, part of Parcel 770-756-2492 (61-A-68),  
985 containing 1.15 acres, located on the east line of Old Staples Mill Road approximately 450 feet  
986 north of Staples Mill Road (U. S. Route 33). A mini storage warehouse and office are proposed.  
987 The use will be controlled by zoning regulations. The Land Use Plan recommends Light Industry.  
988

989 This is a request for deferral for one month to April 11<sup>th</sup>.  
990

991 Mr. Taylor - Thank you. Is there anybody in the audience who is opposed to  
992 the deferral of case C-59-01 to the April 11, 2002 meeting? No opposition, Mr. Vanarsdall.  
993

994 Mr. Vanarsdall - Mr. Chairman, I move that C-59-01 be deferred at the  
995 applicant's request until April 11, 2002.  
996

997 Mr. Jernigan - Second.  
998  
999 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan. All in  
1000 favor – aye. All opposed – nay. The ayes have it. The motion is carried. The project is deferred  
1001 to April 11, 2002. The vote is 5-0 (Mr. Thornton abstained).  
1002  
1003 At the applicant's request, the Planning Commission deferred Case C-59-01, Phyllis M. Perros, to  
1004 its meeting on April 11, 2002. Mr. Thornton abstained.  
1005  
1006 Mr. Bittner - That concludes the request for withdrawals and deferrals. If the  
1007 Commission is ready I can move onto the expedited agenda, if you like.  
1008  
1009 Mr. Taylor - Please go onto the expedited agenda Mr. Bittner.  
1010  
1011 Mr. Bittner - All right. The first case is at the top of page 3 of the agenda.  
1012  
1013 **C-12C-02 Glenn R. Moore for Basilios E. Tsimbos:** Request to  
1014 conditionally rezone from R-3 One Family Residence District to B-1C Business District  
1015 (Conditional), Parcels 761-754-0791 (59-A-72), 761-754-1383 (59-A-73) and 761-754-1572 (59-  
1016 A-74), containing 1.274 acre, located on the east line of Skipwith Road, approximately 250 feet  
1017 south of W. Broad Street (U. S. Route 250). A beauty parlor and associated uses are proposed.  
1018 The use will be controlled by proffered conditions and zoning ordinance regulations. The Land  
1019 Use Plan recommends Commercial Arterial and Office.  
1020  
1021 Mr. Taylor - Thank you. Is there anyone opposed to case C-12C-02?  
1022  
1023 Mr. Marlles - I don't see anybody, Mr. Chairman.  
1024  
1025 Mr. Taylor - No one. I see no hands. So I will move approval on the  
1026 expedited agenda of case C-12C-02, Glenn R. Moore for Basilios E. Tsimbos.  
1027  
1028 Mr. Jernigan - Second.  
1029  
1030 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Jernigan. All in  
1031 favor – aye. All opposed – nay. The ayes have it. Being no opposition the motion is approved.  
1032 The vote is 5-0 (Mr. Thornton abstained).  
1033  
1034 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning Commission  
1035 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request  
1036 because it continues a form of zoning consistent with the area.  
1037  
1038 Next case Mr. Bittner.  
1039  
1040 Mr. Bittner - Our next request on the expedited agenda is in the middle of  
1041 page 3 of the agenda.  
1042  
1043 **Deferred from the February 14, 2002 Meeting:**  
1044 **C-1C-02 Henry A. Shield:** Request to amend proffered conditions  
1045 accepted with rezoning case C-72C-89, on Parcels 745-739-0596 (99-14-A-2), 744-739-8378 (6),  
1046 744-739-8744 (9), 744-739-7933 (10), 744-739-6049 (12), 744-739-4957 (13), 744-739-3913  
1047 (17), 744-739-1642 (22), 744-739-1965 (25), 744-739-0693 (29), 744-739-1790 (30), 744-739-  
1048 4780 (33), 744-740-7611 (38), and 744-738-3193 (99-14-A-18), containing approximately 7.8  
1049 acres, located south of Derbyshire Road in the Gaslight Subdivision. The amendment is related

1050 to the types of roofing materials allowed. The property is zoned R-2C One Family Residence  
1051 District (Conditional). The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units  
1052 net density per acre.  
1053  
1054 Mr. Taylor - Is there anyone in the audience who is opposed of the expedited  
1055 approval of case C-1C-02? No opposition.  
1056  
1057 Ms. Ware - Then I moved that Case C-1C-02 be approved to the Board of  
1058 Supervisors on the expedited agenda.  
1059  
1060 Mr. Vanarsdall - Second.  
1061  
1062 Mr. Taylor - Motion made by Ms. Ware, seconded by Mr. Vanarsdall. All in  
1063 favor – aye. All opposed – nay. The ayes have it. There being no opposition case C-1C-02 is  
1064 approved on the expedited agenda. The vote is 5-0 (Mr. Thornton abstained).  
1065  
1066 REASON: Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning  
1067 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
1068 request because the changes do not greatly reduce the original intended purpose of the proffers  
1069 and they would help to insure the use of alternative quality roofing materials.  
1070  
1071 Mr. Bittner - Our third and final request on the expedited agenda is at the  
1072 bottom of page 4 of the agenda. It's the last case.  
1073  
1074 **C-14C-02 Henry L. Wilton:** Request to amend proffered conditions  
1075 accepted with rezoning case C-27C-95, on Parcels 761-757-2565 (59-15-A-15), 761-757-3368  
1076 (59-15-A-16) and 761-757-4071 (59-15-A-17) in the Hunters Ridge subdivision, containing  
1077 approximately 0.95 acre, located on the north line of Redstone Drive at the western terminus.  
1078 The amendment would remove the buffer adjoining the Traditional Manor subdivision. The use  
1079 will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan  
1080 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.  
1081  
1082 Mr. Taylor - Is there anyone opposed to the approval of case C-14C-02 on  
1083 the expedited agenda?  
1084  
1085 Mr. Vanarsdall - I move that C-14C-02, Henry L. Wilton, be approved on the  
1086 expedited agenda and recommend approval to the Board of Supervisors.  
1087  
1088 Mr. Jernigan - Second.  
1089  
1090 Mr. Taylor - Motion made by Mr. Vanarsdall, seconded by Mr. Jernigan to  
1091 approve case C-14C-02 on the expedited agenda. All in favor – aye. All opposed – nay. The  
1092 ayes have it. The motion is carried. Case C-14C-02 is approved on the expedited agenda. The  
1093 vote is 5-0 (Mr. Thornton abstained).  
1094  
1095 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan, the Planning  
1096 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
1097 request because it is not expected to adversely impact surrounding land uses in the area and it  
1098 would allow property owners greater flexibility in the use of their backyards.  
1099  
1100 Mr. Bittner - That concludes the request on the expedited agenda tonight Mr.  
1101 Chairman.  
1102

1103 Mr. Taylor - Thank you sir, very good. Mr. Director, your agenda.  
1104  
1105 Mr. Marllles - Mr. Chairman, the first case is on the bottom of page 3 of your  
1106 agenda.  
1107  
1108 **C-16-02 County of Henrico:** Request to rezone from R-5 General  
1109 Residence District and RTH Residential Townhouse District to R-3 One Family Residence District  
1110 Parcels 806-704-4472 (192-A-7) and 807-705-5743 (192-A-19) being 34.5 acres and 11.76 acres  
1111 respectively and fronting 500 feet along the west line of N. Midview Road beginning 363 feet  
1112 south of Bickerstaff Road. A single-family residential subdivision is proposed. The R-3 One  
1113 Family Residence District allows a minimum lot size of 11,000 square feet. The Land Use Plan  
1114 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.  
1115  
1116 The staff report will be given by Mr. Lee Householder.  
1117  
1118 Mr. Householder - Okay. Thank you, Mr. Secretary, Mr. Chairman, Members of the  
1119 Commission.  
1120  
1121 The subject parcels in this request were originally rezoned from A-1 to R-5 and RTH in November  
1122 of 1971. Rezoning case C-91-71, rezoned the 34.5 acres to R-5 and 11.76 acres to RTH despite  
1123 being in conflict with the County's Adopted Land Use Plan at that time.  
1124  
1125 This original case was approved prior to the County adopting conditional rezoning regulations and  
1126 there are no proffers that would act to improve the quality of development on the subject  
1127 properties.  
1128  
1129 They are currently vacant and have not been developed for multi-family purposes. The land  
1130 surrounding them remains designated for lower density suburban uses and has been developed  
1131 throughout the years accordingly to the Land Use Plan.  
1132  
1133 Under the current zoning classifications, staff estimates that the owner could develop  
1134 approximately 500 apartment units on 35 acres of R-5 at a maximum density of 14.52 units per  
1135 acre and based on the conditional subdivision application submitted on the RTH portion they  
1136 could get 80 townhouse units at a density of 6.8 units per acre on the RTH property. These  
1137 densities significantly exceed the surrounding single-family subdivisions that have a density range  
1138 between 2.4 and 2.8 units per acre.  
1139  
1140 The requested classification, R-3, allows minimum lots sizes of 11,000 square feet, a minimum lot  
1141 width of 80 feet, and permits densities of up to 3.96 dwellings per acre. While this proposed  
1142 density is still slightly higher than recommended densities in the area, staff feels that reduced  
1143 density would be consistent with the surrounding properties.  
1144  
1145 Staff feels that the current zoning and permitted density would result in an abrupt change and an  
1146 incompatible transition from the single-family zoning classifications and the existing single-family  
1147 residential uses of the area would be adversely impacted by a multi-family development of this size.  
1148 A large apartment and townhouse development would significantly add to the traffic on existing  
1149 roadways, place increased demand on County services, and disrupt the single-family residential  
1150 character of the area.  
1151  
1152 The existing zoning is also inconsistent with many goals, objectives and policies of the 2010 Land  
1153 Plan including providing for logical arrangement of land uses, which offer transitions from more  
1154 intense to less intense uses. It also encourages multi-family residential areas that enhance the  
1155 overall land development through their proximity to arterial roadways, shopping centers, and

1156 primary service facilities. The R-5 zoning also is inconsistent with the goal of home ownership  
1157 from the existing Land Use Plan. Staff feels this proposal to downzone the properties would allow  
1158 for single-family residential uses that would complement existing uses in the vicinity of this  
1159 request. Staff recommends approval of this request and I will take any questions that you may  
1160 have.

1161

1162 Mr. Taylor - Are there any questions on the part of the Commission.

1163

1164 Mr. Vanarsdall - Mr. Chairman, will you pause and see if there is any opposition,  
1165 to this case please.

1166

1167 Mr. Taylor - Yes, I will. Is there any opposition to case C-16-02?

1168

1169 Mr. O'Brien - Yes there is.

1170

1171 Mr. Taylor - Can I see the hands of the people who are opposed to this  
1172 project?

1173

1174 Mr. Jernigan - There is some, two, three.

1175

1176 Mr. Taylor - All right. Is there anybody in favor of this project? Mr.  
1177 Secretary I guess we are going to have to discuss.

1178

1179 Mr. Vanarsdall - You'll are in favor of it?

1180

1181 Mr. Marlles - Why don't we just proceed with the case Mr. Chairman.

1182

1183 Mr. Jernigan - You can put your hands down.

1184

1185 Mr. Marlles - Make his presentation.

1186

1187 Mr. Taylor - Is the applicant here?

1188

1189 Mr. Householder - It's the county. I guess it would be appropriate to decide  
1190 whether to go from the opposition first or the people in favor first. So, I guess it would be the  
1191 Commission decision, which parties could speak, and the time limits, and so forth should be  
1192 explained.

1193

1194 Mr. Taylor - Is there a spokesman for those who are in favor of this project?

1195

1196 Mr. Jernigan - You've got two right there.

1197

1198 Mr. Taylor - All right. If you could approach the microphone one at a time  
1199 and give your name and affiliation. Mr. Marlles will explain the rules for statements.

1200

1201 Mr. Marlles - Mr. Chairman, Members of the Commission it is the staff's  
1202 recommendation that we not use our normal time limits that we do with opposition given the  
1203 nature of the case and the potential for litigation. I believe we should let everyone have the full  
1204 amount of time.

1205

1206 Mr. Jernigan - I agree.

1207

1208 Mr. Vanarsdall - I have no objection.

1209  
1210 Mr. Marlles - Ma'am would you state your name and address for the record.  
1211  
1212 Ms. Jane Koontz - My name is Jane Koontz. I live at 9184 Hoke Brady Road in the  
1213 Varina District. I speak tonight for the Varina Beautification Committee, a grass roots  
1214 organization of concerned citizens in Varina who wish to assure only quality development along  
1215 the Historic Route 5 corridor.  
1216  
1217 I wish to speak in support of C-16-02 and I wish to commend the Planning Commission and the  
1218 Planning Staff for a very fine staff report carefully researched and the Planning Commission for  
1219 making this intelligent move toward downzoning.  
1220  
1221 The Varina Beautification Committee supports the downzoning request of Henrico County for  
1222 46.26 acres in the Varina District. The present zoning of R-5 and RTH was obtained 31 years  
1223 ago. Yet no development has taken place since then. During this time single-family  
1224 neighborhoods have developed surrounding the 46 acres in accordance with Henrico's Land Use  
1225 Plan. These neighborhoods, in our opinion, would suffer negative effects and I think the staff  
1226 report calls it, "adverse impacts". Would suffer negative effects if greater density development  
1227 occurred in their mist. It is also unfortunate that there are no conditions or protective proffers on  
1228 these densely zoned parcels and that restrictive covenants, which have been recorded, have now  
1229 expired. We feel this is most unfortunate. I believed they expired in December of this past year.  
1230 As major changes and circumstances have developed over these past 31 years in the surrounding  
1231 territory we feel that downzoning is a very wise policy decision and we thank you so much for  
1232 listening to our suggestions.  
1233  
1234 Mr. Taylor - Thank you Mrs. Koontz.  
1235  
1236 Mr. Vanarsdall - Thank you.  
1237  
1238 Mr. Taylor - Ma'am would you approach the podium and please give us your  
1239 name.  
1240  
1241 Ms. Judith Mayes Roberts - My name is Judith Mayes Roberts and I am a resident in Varina  
1242 Station and I am the President of the Varina Station Home Owners Association. It was probably  
1243 exactly 3 years ago, on the 9<sup>th</sup> I think, that we first came to this meeting. That was the first  
1244 meeting where we were discussing the rezoning of this land. It is with great joy that I stand at  
1245 this podium tonight to say to the Commission that we in Varina Station and the surrounding  
1246 communities are very, very pleased with this request to downzone the 46.26 acres.  
1247  
1248 Not only would it make the homes in that particular acreage consistent with the zoning of our  
1249 property, but as I look down the road I think that it would save the County a lot of tax dollars  
1250 that it would possibly loose as a result of the multi-family land causing a drain on the community  
1251 and things would start to go downhill. So we are very pleased tonight and we have a number of  
1252 hands that went up that we could stand here and support this and applaud you for your efforts.  
1253 To have a community that would still be standing years from now and would not have lost it's  
1254 value. We look forward to the remaining part of this meeting as we continue to hear the  
1255 discussion about this matter. And again, we thank you and that baby that is back there in the  
1256 corner sleeping on its mother's chest thanks you. Thank you.  
1257  
1258 Mr. Jernigan - Thank you Mrs. Roberts.  
1259  
1260 Applause  
1261



1262 Mr. Taylor - Is there anyone else that would like to speak? Sir, if you would,  
1263 please give us your name and address.

1264  
1265 Mr. Gregory M. Jackson - My name is Gregory Marcellus Jackson. I live in Foxboro Downs,  
1266 6728 Fox Downs Drive. I just also wanted to come up and commend the Commission, the  
1267 Planning Commission on its effort to downzone this area, this 46 acres to R-3, and I think it  
1268 stands in the County's best interest and the Planning Committee best interest to downzone this  
1269 to R-3 for reasons already stated. One, property values, two, we believe that it would cause an  
1270 overcrowding in the neighborhood and it is not in accordance with the County's Land Use. Also,  
1271 overcrowding in our schools and our legal areas. We have already had several incidents along  
1272 several roads that surround this area and especially Route 5 where we do have children already  
1273 coming out of neighborhoods and there have been several accidents where there have been hit  
1274 and run and things like that. It would take major tax dollars, I believe, to upgrade the  
1275 surrounding road systems in this area to support the R-5 zoning in this area, especially for the  
1276 apartments and as well as the town homes. I believe that we have created a community built on  
1277 families here, both in Varina Station and Foxboro Downs and the other adjacent community. And  
1278 that again, it just stands in the communities, the County's best interest to downgrade these to R-  
1279 3 and to keep this a community for families. And kind of slow down some of this overcrowding  
1280 that has already begun to bolster itself in this area.

1281  
1282 Thank you.

1283  
1284 Mr. Taylor - Thank you Mr. Jackson. Is there anyone else who would like to  
1285 speak in favor of the downzoning?

1286  
1287 Sir, if you would please give us your name.

1288  
1289 Mr. Emmanuel Harris - My name is Emmanuel Harris. I'm a resident also in Varina  
1290 Station. I'll be brief, but I want to say that it is a community of families. Many of us have small  
1291 children and we think if it is zoned for residential, if it is zoned as it is currently zoned it would be  
1292 a huge mistake to the area, the community. We think the only benefit of that would be profit for  
1293 a builder, not in the best interest of the people in the community. So I would ask that it be  
1294 rezoned to one to four families so that the property values can stay up. And also it's a very  
1295 attractive area and I'm very concerned for our families and for the value of our properties that it  
1296 would be kept in that manner.

1297  
1298 Thank you.

1299  
1300 Mr. Taylor - Thank you, Mr. Harris.

1301  
1302 Is there anyone else in the audience who would like to speak in favor of the downzoning?

1303  
1304 Please if you would sir, if you would come down and give us your name and address the  
1305 Commission.

1306  
1307 Mr. Ed Czaja - My name is Ed Czaja and I live up in Midview Woods.

1308  
1309 Mr. Taylor - Excuse me, could you spell that?

1310  
1311 Mr. Czaja - It's C Z A J A. I live at 6504 Canesville Lane and you'll be  
1312 making a right decision if you go about with rezoning this area. If you've ever been down there  
1313 you've noticed that you have very little elevation. It's very suited for farmland and that it keeps  
1314 the water in where it belongs. If you get a good spring rainstorm, therefore you flood out your

1315 backyard and everything like that. Well, that's all fine and dandy the way we are now. But, if  
1316 you put more concrete in, parking lots of townhomes or mainly apartment buildings you run the  
1317 risk of having a huge drainage problem through that area along with problems of traffic  
1318 increased and our road systems don't currently support that. So, you'll should think about that.  
1319 Sorry it's not too much to say. I appreciate you all taking that into consideration. And it's a  
1320 wonderful place. It's pretty quiet and we get to take ourselves out of the city everyday and go  
1321 back to our homes without a lot of business around us.

1322  
1323 That's it. Thanks.

1324  
1325 Mr. Taylor - Thank you, Mr. Czaja.

1326  
1327 Is there anyone else in the audience who would like to express their views on the downzoning?  
1328 Sir, if you would come down to the podium and identify yourself for the record.

1329  
1330 Mr. Vince Jacob - Hi, my name is Vince Jacob. I live at 1608 Midview Road. In  
1331 the seven and a half years that I've lived on Midview I've seen the traffic increase tenfold. And it  
1332 is a very big concern of mine about the traffic being a hundredfold. You know, widening the  
1333 road, taking up my front yard if this project goes through. Another thing that I'm worried about  
1334 is the loss of the home place type of community that we've established there at this time. Just  
1335 kind of reiterating what he said. It is more of a country environment. More of a subtle  
1336 residential neighborhood and I would like to see it stay that way. I think with the addition of  
1337 condominiums and a lot of this type of housing it's just going to deplete what resources that we  
1338 have right now. It's going to mean a lot of improvements to the area, to the roads, to the pools,  
1339 to the recreation. It's going to take up other land that we currently look at and, you know, for  
1340 it's aesthetic beauty at this time. Those are my main concerns. I appreciate your giving me this  
1341 opportunity to tell you about that.

1342  
1343 Mr. Taylor - Thank you, sir. We are glad to have you have the opportunity to  
1344 express yourself. Is there anyone else who would like to speak against this project, or for this  
1345 project, for the downzoning? Please if would approach the podium and give us your name and  
1346 address.

1347  
1348 Ms. Shaniece W. Hall - Good evening everyone and especially to the Commission.  
1349 Thank you for giving me the opportunity to express my feelings on the issue of C-16-02. My  
1350 name is Shaniece W. Hall. My address is 6720 Fox Down Drive.

1351  
1352 Being a newlywed and being new to the Varina community, when my husband and I decided to  
1353 move this community as Mr. Jacobs stated we felt that it was a home community. When Miss  
1354 Roberts placed this in our mailbox I was very disturbed that the fact that one of my main reason  
1355 for moving out to the area was that it was a home environment and that there were not  
1356 apartments or townhomes around. I do feel that that would bring a depletion to the value of the  
1357 homes, surrounding homes. While now currently I feel very safe in the environment where I am  
1358 and the area in which, in the future, in the near future my husband and I plan to have children  
1359 and that this as it currently is, is the type of environment that I would like for them to come up  
1360 in. Regularly though if it does go the other way I'm not sure that I'm going to feel that well with  
1361 having apartments behind my home or townhomes. So therefore Commission I'm asking that  
1362 you would consider to please keep it a single family home area so that I can feel comfortable and  
1363 that my decision for being in this area in Varina was correct and I will not have to move.

1364  
1365 Thank you.

1366  
1367 Mr. Taylor - Thank you very much, Mrs. Hall.

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Is there anyone else in the audience who would like to speak on this project? In favor of the downzoning. I don't see any more hands, so is there anyone in favor, in opposition to the downzoning? All right.

Mr. Jernigan - Mr. O'Brien.

Mr. Taylor - If you would please give your name for the record.

Mr. Tom O'Brien - Mr. Chairman, Members of the Commission my name is Tom O'Brien, I'm a lawyer with the law firm of Spots, Fain, Chappel, and Anderson. I represent The TETRA Company, LLC, which is the owner of the property subject to this downzoning case.

This afternoon I delivered copies of a letter to Mr. Taylor and the other members of the Planning Commission as well as the County Attorney, Chairman of the Board of Supervisors to put the County on notice of the appropriate standard of reviewing a proposed downzoning. Now you have heard a lot of people that are very much in favor of what it is you want to do. Unfortunately, there has been no discussion by the Planning Staff and no presentation of any evidence that would justify on a legal basis the downzoning. First, I did request that my letter that was delivered be made part of the official record. It has been submitted (see case file for letter dated March 14, 2002).

Mr. Taylor - Yes sir.

Mr. O'Brien - Case C-16-02 is not your normal zoning case. It is a Board initiated request to downzone one parcel from RTH, townhouse residential to, and another parcel from R-5, which permits multi-family to an R-3 use. This is a clearly piece meal downzoning because it only effects these two parcels in the County. As such the normal rules do not apply. Indeed because the neighborhood adjacent to the subject property has developed exactly as the Board would have envisioned it in 1971. My client contends there has been no change in circumstances what would warrant any downzoning. Furthermore, the County has the burden of going forward and putting on proof of changed circumstances that would justify the downzoning. Noticeably absent from anything that Mr. Householder said this evening was evidence of any change. Frankly I don't think there is anything before this body, which you can legally consider as the basis for the downzoning going forward.

Now as it turns out earlier this month, the first day of March the Virginia Supreme Court handed down a decision in Turner versus The Board of Supervisors of Prince William County. That too was a downzoning action that was initiated by the Board and was fought by the landowner. The Supreme Court laid to rest that the appropriate time period for determining a change in circumstance is not the date of the rezoning or the original rezoning, but the most recent acts by the Board of Supervisors affecting the property. In this case the R-5 piece was comprehensively downzoned and certain development rights were taken away for every R-5 piece in the County on November 28, 2000 and that for the R-5 piece is a relevant time period for measuring change. Similarly also in late 2000 there were ordinances effecting the RTH piece.

In the Staff Report and also in the original resolution of the Board of Supervisors they've attempted to focus on a change in circumstances since 1971. That is clearly not before this body and that is clearly the wrong standard. The last time this County sought to downzone on a piece meal fashion an R-5 piece the County was sued, it was taken to the Virginia Supreme Court and that Court rejected in Fralin & Waldron, the County's ability to downzone a piece of property in very similar circumstances to this.

1421 In both cases the neighbor developed exactly as you would have contemplated a development  
1422 based on the Land Use Plan. It is not a negative that the Land Use Plan has shown all of the  
1423 adjacent properties to develop single family. That's what was envisioned in 1971 and that is why  
1424 this Board, or this body should not make a recommendation for the downzoning on any legal  
1425 standard and why any downzoning action by the Board of Supervisors would be illegal. It would  
1426 violate the Virginia Constitution, the United States Constitution and would also subject the Board  
1427 to action under 42 USC 1983.

1428  
1429 I had asked the County. I have contacted Mr. Donati. I've contacted Mr. Jernigan. I have  
1430 requested that the County meet with my client and try to work a resolution. We are willing to sit  
1431 down and try to work through the development of the property. But we will not sit by idly and  
1432 let this buyer, let the Board of Supervisors take from my client valuable property rights. I mean,  
1433 you know, everything I've heard tonight this would be great. There is only one problem. The  
1434 Board of Supervisors and Henrico County does not own this property. My client owns this  
1435 property. I would ask that this Planning Commission strongly consider that in order to put things  
1436 on a equal footing where the Board of Supervisors would be encouraged to sit down to work with  
1437 us and try to find an effective solution, that you defer the case. Without going into some of the  
1438 other things I do reserve the objections that I noted in my letter.

1439  
1440 And in closing I think it's fairly important to keep in mind one of the principles behind the law on  
1441 the downzoning. And why the governing body has a burden. It's frankly very similar to the  
1442 Dillon's Rule and you've probably heard Dillon's Rule which states, "that a local governments  
1443 powers are limited to those powers expressly granted by the General Assembly." Judge Dillon  
1444 was a very wise man and he recognized that local governments were the most susceptible to the  
1445 passions of the political moment. And clearly we have citizens here that are passionate, they  
1446 believe that the development of this property is not in their best interest, but that is not the legal  
1447 standard. I would encourage the Board to sit down and try to work with us. Otherwise this  
1448 matter is clearly headed for litigation and is headed for litigation that the County cannot win.

1449  
1450 I would be happy to answer any questions.

1451  
1452 Mr. Taylor - Are there any questions from the Commission?

1453  
1454 Mr. Jernigan - Mr. O'Brien this is probably a trivial question. In the paperwork  
1455 that I've seen before it has always been Dakota Corporation and now it's TETRA. Did something  
1456 change?

1457  
1458 Mr. O'Brien - They are controlled by the same group of individuals. TETRA  
1459 was actually set up as entity to take title to the land.

1460  
1461 Mr. Jernigan - OK. Thank you.

1462  
1463 Mr. Taylor - Are there any questions, any other questions from the  
1464 Commission?

1465  
1466 Thank you very much Mr. O'Brien I appreciate your comments.

1467  
1468 Is there any body else that would like to speak on this case?

1469  
1470 Mr. Jernigan - Sir, are you speaking in opposition or for?

1471  
1472 Mr. Brunson Yes sir, I am speaking in opposition. In opposition.

1473

1474 Mr. Taylor - We've already had that sir.  
1475  
1476 Mr. Jernigan - No. In opposition.  
1477  
1478 Mr. Taylor - OK.  
1479  
1480 Mr. Terrance Brunson - My name is Terrance Brunson. I'm a resident of Varina Station  
1481 and to me I'm going to be brief. I want to say, "How dare you think of the surrounding people."  
1482 How dare you have a heart for the residents that are there? How dare you have a heart for the  
1483 kids that are in the street, for the people that come together in surrounding subdivisions? How  
1484 we have different subdivisions who people who jog through the street. How dare you, have a  
1485 heart for these people. How dare you, when he said you don't own this land. How dare you for  
1486 the people that have a heart for the people around. For you people who set here and you set  
1487 here and you do this for the people that are there. How dare you. And I say thank you.  
1488  
1489 Mr. Vanarsdall - Thank you.  
1490  
1491 Mr. Taylor - Thank you very much. Are there any other questions? Does  
1492 anyone else want to speak? Then Mr. Jernigan I guess we are ready for a motion.  
1493  
1494 Mr. Jernigan - Mr. Chairman if we don't have anything else at this time I would  
1495 like to make a motion to approve and send to the Board of Supervisors zoning Case C-16-02,  
1496 County of Henrico.  
1497  
1498 Mr. Vanarsdall - Second.  
1499  
1500 Mr. Taylor - Motions made to send Case C-16-02 to the Board of Henrico  
1501 County. All in favor.  
1502  
1503 Commission: Aye.  
1504  
1505 Mr. Taylor - All opposed. The ayes have it the motion is approved. The vote  
1506 is 5-0 (Mr. Thornton abstained).  
1507  
1508 The Planning Commission approved Case C-16-02, County of Henrico.  
1509  
1510 Mr. Marlls - Mr. Chairman you might want to consider just a five-minute  
1511 break to let the room clear.  
1512  
1513 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning  
1514 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
1515 request because it reflects the type of residential growth in the area and it conforms to the  
1516 Suburban Residential 1 recommendation of the Land Use Plan.  
1517  
1518 Applause.  
1519  
1520 Mr. Taylor - Thank you very much. We'll take a five-minute recess.  
1521  
1522 **THE COMMISSION RECESSED FOR FIVE MINUTES.**  
1523  
1524 **THE COMMISSION RECONVENED.**  
1525  
1526 Mr. Taylor - If we may convene the meeting. The next case will be...

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Mr. Marllles - Mr. Chairman, I'll read the case.

**Deferred from the February 14, 2002 Meeting:**

**C-10C-02 Robert M. Atack:** Request to conditionally rezone from R-2AC One Family Residence District (Conditional) to R-5AC General Residence District (Conditional), Parcel 763-761-9181 (50-A-20A) and part of Parcel 766-762-1042 (40-A-24A), containing 55.755 acres, located between the Brittany and Courtney subdivisions at the intersection of Staples Mill Road (State Route 33) and Attems Way and on the north line of Hungary Road approximately 900 feet east of its intersection with Walton Farms Drive. A single-family residential subdivision is proposed. The applicant proffers a minimum lot size of 6,000 square feet. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

The staff report will be given by Mr. Lee Householder.

Mr. Taylor - Mr. Householder.

Mr. Householder - Thank you, Mr. Chairman, Members of the Commission.

The subject property consists of a large irregularly shaped parcel located between the Courtney subdivision to the north and the Dove Hollow and Brittany subdivisions to the south. It is the parcel outlined on the slide (referring to slide). There is also a sizeable wetland area with limited development potential that does borders the Courtney subdivision to the north; this area will act as a natural buffer between the proposed subdivision and the Courtney subdivision. The property also has frontage on both Staples Mill Road to the east, and Hungary Road to the south.

The property was originally zoned R-2AC as part of the larger Crossridge development and a rezoning request in April of 2000 which was Case C-17C-00. The Crossridge development is currently under construction, phases of it are and it is a large adult residential community with a substantial amenity package that is intended to meet the County's growing needs of their senior population.

Let me pull up the zoning slide so you can where this R-2AC property is (referring to slide).

It was initially intended as a transition from the higher density uses at the center of the Crossridge development adjacent to Brittany, Dove Hollow, and Courtney. The request for R-5AC would provide for age-restricted, detached single-family residential uses, at an increased density and on zero lot lines. Staff estimates that approximately 117 lots would have been developed under the R-2AC and under the R-5AC as presented to you this evening there would be 157 units. This would be an increase of 40 units over the R-2AC zoning. The proffers submitted by the applicant are similar to the proffers on other R-5AC portions of the Crossridge subdivision.

They also have additional proffers, which I neglected to hand out to you and Mark is going to bring those around. They are black-lined changes and they include proffers that are very specific to this request of R-5A. They were submitted before the proffer deadline so there would be no time limit that needs to be waived. Proffer 13 is a substantial proffer that has no access to the Brittany, Dove Hollow, or Courtney subdivision. In addition, they have proffered a 120-foot setback along Staples Mill Road and a 25-foot landscape area along the northern boundary of the Dove Hollow and Brittany subdivisions, which I've mentioned repeatedly, but I'll show you just for your benefit (referring to slide). This is Brittany here (referring to slide) and Dove Hollow here (referring to slide), as you see a number of lots in each subdivision backup to this proposal. Also they have proffered a minimum unit size increase from 1,100 to 2,000 square feet, an increased lot size from

1580 6,000 to 7,200 square feet, and an average lot size of 10,000 square feet for those lots that would  
1581 be adjacent to the Brittany and Dove Hollow subdivision.

1582  
1583 They have also submitted, but not proffered, this conceptual layout that was in your staff report,  
1584 which shows the 157 lots, that would be built on private roads, with access to Staples Mill Road.  
1585 Hungary Road would not be accessed through this development and it would be internal to the  
1586 Crossridge subdivision. Staff has conducted an initial review and met numerous times with the  
1587 applicant on this request and our one remaining concern with this proposal is that we feel there  
1588 should be increased lot widths. As you know R-5A permits a minimum 50 foot lot and staff feels that  
1589 if you were to increase that lot size to say maybe 65 feet for a decent proportion of them that would  
1590 allow for additional flexibility of designing, not only for the structures but for the subdivision, and  
1591 that would help to enhance the overall appearance.

1592  
1593 The Land Use Plan recommends Suburban Residential 1 for the subject parcel. This request is not  
1594 consistent with this recommendation in terms of density, but because it is age restricted and part of  
1595 a larger retirement community we feel that an increase in density beyond the 2010  
1596 recommendations is appropriate. Also a retirement community is not expected to generate  
1597 additional school children or as much traffic as a R-2AC, which is often the greatest impact on  
1598 County services. The proffers provided by the applicant indicate that the development will be of a  
1599 high quality. If the applicant could resolve our last concern regarding our lot width, staff would be  
1600 prepared to recommend approval of this request. I'll answer any questions that you have.

1601  
1602 Mr. Taylor - Are there any questions for Mr. Householder on the part of the  
1603 Commission?

1604  
1605 Mr. Archer - Mr. Householder, you did say in terms of the larger lot size, I think  
1606 you used the word proportionally. Does that mean that staff could approve, if a portion of the lots  
1607 were increased and some not?

1608  
1609 Mr. Householder - Yes sir. We would be content with a percentage, say 25%. If it  
1610 were all 60 foot minimum, with maybe 25% at 65 feet, that would provide for additional flexibility.  
1611 And part of the concern, as you see this road winding through here (referring to slide), is that the  
1612 type of product, although we don't have a rendering it is envisioned to be the type of R-5A product  
1613 where you see it in a lot of proposals that we have where it has a garage as a prominent feature of  
1614 the development and the wider lot width may allow for a side entry garage in some instances, which  
1615 would kind of break up the visual mass and enhance the appearance as you come down, especially  
1616 down this road here (referring to slide).

1617  
1618 Mr. Archer - Ok.

1619  
1620 Mr. Householder - Considering the length.

1621  
1622 Mr. Jernigan - Mr. Householder, if they did use a 65-foot lot, how much would  
1623 that reduce the number of units roughly?

1624  
1625 Mr. Householder - I haven't examined that. I would image, I'd hate to guess. They  
1626 would obviously lose lots, but I don't think it would be a significant amount.

1627  
1628 Mr. Jernigan - Say 10?

1629  
1630 Mr. Householder - Most likely in the range of that, yes.

1631  
1632 Mr. Jernigan - So then it would only be 30 units over the current R-2AC?

1633  
1634 Mr. Householder - If that were the case, yes.  
1635  
1636 Mr. Jernigan - Ok.  
1637  
1638 Mr. Vanarsdall - Mr. Chairman, I know we have some opposition. Do you want to  
1639 call the opposition?  
1640  
1641 Mr. Taylor - Are there any other questions of the Commission for Mr.  
1642 Householder? Thank you, very much. Is there anyone in the audience that is opposed to this  
1643 project?  
1644  
1645 First I guess we will hear from the applicant, Mr. Attack.  
1646  
1647 Mr. Bob Attack - Mr. Chairman, Members of the Planning Commission, my name is  
1648 Bob Attack. Phillip Parker, with my office, is also in attendance this evening.  
1649  
1650 I think Mr. Householder presented the case rather well. I would like to speak specifically, I think you  
1651 may have been alluding to, Mr. Jernigan, that would be density. The actual density that we are  
1652 proffering equals 2.8 lots per acre. The adjoining residential community is Brittany and has a density  
1653 of 2.5 lots per acre currently. So though the R-5A ordinance allows for significantly higher density,  
1654 our density is very much comparable to the existing density in this area. With that being said I  
1655 would also acknowledge that we've had a lot of discussions with Mr. Householder and Mr. Silber,  
1656 also from the Planning Department, regarding the concern, as Mr. Householder eluded to with  
1657 regard to the, I'm going to point over to this road (referring to rendering) that runs along this  
1658 perimeter. We are in agreement with Mr. Silber and Mr. Householder, the concern is because of that  
1659 narrow peninsula shaped piece of property that we would have a lot of frontage free garages. We  
1660 are working on that and have said to, or told Mr. Silber and Mr. Householder that we are going to try  
1661 and come up with a revision to maybe having side entries, some side entry garages between now  
1662 and the Board of Supervisors. But we are driven tremendously, again because of the narrow size of  
1663 this property. So I apologize, I've sort of gotten ahead of myself in answering questions, but I think  
1664 it was appreciate as Mr. Jernigan brought up with regard to density.  
1665  
1666 What I'd like to say is this; if this case is approved what we would be doing is expanding aged  
1667 qualified housing that we're already developed in Crossridge. We have been opened for  
1668 approximately one year. We have had about 60 home sales, even though the models won't be open  
1669 for a couple of weeks. It's very encouraging. We certainly have enough lots to accommodate it.  
1670 We are not asking for lots for the sake of having more lots. What we have found in the market  
1671 place is that we have a number of customers, actually a segment of the market who are really  
1672 looking for customized homes. We have had residents who have asked for, requested 200 changes  
1673 in a particular house. This is an interesting dilemma for the builder, but it is also a great opportunity  
1674 to provide this type of product. If we are successful and able to get rezoning for this property we  
1675 would develop this type of housing on this perimeter.  
1676  
1677 These would be single-family homes. They would start at approximately \$200,000 and probably go  
1678 to approximately \$300,000. Included in the proffered conditions, and I might elude to, is the first  
1679 office. The drawing that you have in front of you on your monitors is an entrance design that we  
1680 are proposing. That design, I focus again, would be right in here (referring to rendering). The  
1681 reason for that is because we are actually going to have a buffer of 120 feet off of Staples Mill Road.  
1682 The current zoning allows us to actually build right to Staples Mill Road. With that buffer of 120 feet  
1683 we will then have what you see in front of you, a gated community. This would be a private road  
1684 (referring to rendering) and it will allow and ensure for the compatibility with Crossridge and the rest  
1685 of its community. That was our main reason for our zoning request and I'm going to step aside



1686 from the podium and walk over to this plat and show you something that we've been able to do with  
1687 regard to ingress and egress to the property in its entirety. Please ask me to speak up if I'm not  
1688 being clear when I'm away from the podium.  
1689  
1690 This property is accessible from a number of different locations; it's approximately 400 acres. This is  
1691 the currently approved zoning case (referring to rendering) and it's accessed off of Hungary Road.  
1692  
1693 Mr. Vanarsdall - Excuse me, Mr. Atack. I don't know if they are picking you up or  
1694 not in the back.  
1695  
1696 Mr. Householder - Do you mind if we try it on the lay table? That way you could...  
1697  
1698 Mr. Atack - Sure.  
1699  
1700 Mr. Jernigan - We've got the portable mic.  
1701  
1702 Mr. Vanarsdall - We have a portable mic. Where is that portable mic we use to  
1703 have?  
1704  
1705 Mr. Atack - That's all right, Mr. Parker will be able to, he'll handle the light and  
1706 I'll try to articulate it from here.  
1707  
1708 Phil, when you go to the original layout to your right (referring to rendering) this is the current  
1709 approved design and what Phillip is showing you (referring to rendering) is how the road network  
1710 connects all the way through to Hungary Road. This made a lot of sense at the time and what we  
1711 are able to do, in addition to, better accommodate the market. If you want to go to the other  
1712 drawing Phillip, with our rezoning request we will actually have the Crossridge development all on  
1713 private road which gives us complete control and security protection, as well as when you go back to  
1714 Hungary, right there where Mr. Parker is pointing (referring to rendering). That road, as you can  
1715 see now only provides ingress and egress for that single-family component. So it takes out a short  
1716 cut through this property off of Hungary Road and it is a nice ancillary benefit, we believe, to traffic  
1717 circulation and for all the neighbors in this general area. Those are the two main reasons, I think  
1718 that probably covers it Phillip.  
1719  
1720 I would like to just mention a couple of the zoning proffers that we have included. Of course this is  
1721 an aged qualified community meaning 80% of all the residents have to be over 55 years of age.  
1722 The front yards will be sodded and all of those yards will have underground irrigation. Each home  
1723 will have a minimum of 2,000 square feet. I mentioned that there will be a minimum of 120 feet of  
1724 the setback from Staples Mill Road. Sidewalks and streetlights will add an additional amenity to this  
1725 community and security and also the ability for people to enjoy walking up and down. All homes will  
1726 have paved parking. We are going to have and we have proffered, I'd like to defer back to this on  
1727 my rebuttal if I could with regard to the buffer area. All the roads, all the private roads will be built  
1728 to County standards as related base stone and paving. In addition each homeowner will be a  
1729 member of the Crossridge Community Association. This will give each homeowner the privilege to  
1730 use the 9,000 square foot pavilion, which has an indoor heated swimming pool. As well, it has  
1731 outdoor lite tennis courts, it has a celebration room for entertaining, it has a kitchen, it has work out  
1732 rooms for men and women, and an internet accessible office. We have currently a full time  
1733 community coordinator. This person arranges bus trips to Williamsburg, Northern Virginia, and the  
1734 Cultural Arts Center. We'll have events in the pavilion for exhibits for various arts and crafts. We'll  
1735 have entertainment for parties. It will enable the residents in Crossridge to really be a very well self  
1736 contained and active adult community. With that I'll be glad to answer any questions and if I may  
1737 have the remaining time for a rebuttal.  
1738

1739 Mr. Taylor - Thank you, Mr. Atack, very good discussions. Are there any  
1740 questions from the Commission?  
1741

1742 Mr. Jernigan - Mr. Atack, you said the price range of these will be \$200,000 and  
1743 \$300,000.  
1744

1745 Mr. Atack - Yes sir.  
1746

1747 Mr. Jernigan - And in the Brittany, the other subdivisions, is that comparable?  
1748

1749 Mr. Atack - Actually sir, that is a very good question and it's a fair question for  
1750 any adjoining property to be interested in and I think the residents have a comfort level with that.  
1751 But what we did, and I'll be glad to give you a copy of, is the letter, we had a certified MAI  
1752 appraiser, this is an appraiser who is qualified to testify in the Circuit Court System of Henrico  
1753 County, give us an opinion as to the effect of the value on our development to the adjoining  
1754 properties. I'm trying to find that. I would say that if you would go to the back, the final page in  
1755 the last paragraph where is said, "aside from differences in plans of development and architectural  
1756 treatment of individuals properties the neighborhood price ranges are compatible and there is no  
1757 known basis of concern relative to the lowering of property values in the adjoining development."  
1758 So we did address that. We had a fee professional appraiser do a study for us, and that is the gist  
1759 of it, and you can see, if you like to read further he did address and evaluate a lot of the existing  
1760 development of the community.  
1761

1762 Mr. Taylor - All right. Any other questions for Mr. Atack? Thank you, Mr.  
1763 Atack.  
1764

1765 Mr. Atack - Thank you, sir.  
1766

1767 Mr. Taylor - Now I think there was a few people who were opposed to this  
1768 project. Can I see the hands again, please? Would you please review the rules...?  
1769

1770 Mr. Marlles - ...explain the rules. Yes sir.  
1771

1772 Mr. Taylor - For opposition.  
1773

1774 Mr. Marlles - Yes sir. Ladies and gentlemen when there is opposition to a case  
1775 it's the normal policy of the Commission to grant ten minutes to the applicant and ten minutes to the  
1776 opponents to the case to present there views and present the application. The time in that ten  
1777 minutes does not include responding to questions from the Commission. There is time allotted for  
1778 the applicant for a rebuttal period. In this case, Mr. Atack has four minutes remaining to provide  
1779 rebuttal. Mr. Chairman, I think that explains it if you want to proceed to hearing the opposition.  
1780

1781 Mr. Taylor - Yes, I think that is what we will do. Is there any, with the number  
1782 of hands, is there anybody who would like to be the first one to state the case for the opposition?  
1783 Sir, if you would come up please and then we'll work right behind you. And if you would come down  
1784 to the podium and give your name and address we would be happy to hear your comments.  
1785

1786 Mr. Doug Baxter - Good evening, my name is Doug Baxter. I live at 9724 Dove  
1787 Hollow Lane. How dare you, teasing. I'm a resident of Dove Hollow subdivision. I'm President of  
1788 the Dove Hollow Home Owners Association and I'm President of the Dumbarton Elementary School  
1789 PTA. The concerns I express tonight are based on inconsistencies between the planning staff  
1790 reports prepared in June of 2000 and February of 2002 for the Crossridge property as well as  
1791 inconsistencies with Henrico's Land Use Plan and Guidelines for future growth. These concerns are

1792 submitted on behalf of more than 1600 adults and children from Dove Hollow subdivision,  
1793 Dumbarton Elementary PTA, and the student body.

1794

1795 As you know the original Crossridge plan was based on 840 retirement and 370 single-family units.  
1796 That plan presented a retired housing to single family housing ratio of approximately 2¼ to 1. The  
1797 requested rezoning effectively eliminates 140 single-family units and adds 190 age-restricted units.  
1798 Rezoning shifts the ratio now to 4.25 or 5 to 1 effectively doubling the ratio of age restricted to non-  
1799 age restricted housing. The new numbers, and I could be off by a handful here, would be  
1800 approximately 1,030 age restricted to 230 single family for the inconsistencies.

1801

1802 An important strategy outlined by Henrico County's Land Use Plan and guidelines for future growth  
1803 to achieve balance, growth, and avoid sprawl relates to linking jobs and housing. Page 56 of the  
1804 Land Use Guidelines addresses balance, growth, and states, "link jobs and housing from the  
1805 communities prospective business locations and jobs that are convenient are important to avoid  
1806 sprawl and discourage commuting from a business prospective having a work force located in close  
1807 proximity is an asset. The tool to achieve balance growth is a mixture of residential and commercial  
1808 land use planned in convenient proximity. Large tract development with mixed usage should be  
1809 encouraged to promote this living working community strategy." A four to one or five to one ratio  
1810 retirement housing does not link jobs to business and is contrary to the County's balance growth  
1811 strategy. With Parham Forest located adjacent to Staple Mills Plaza targeted as a prime economic  
1812 development location its curious what jobs would be supported by this retirement community.  
1813 Based on Henrico County Land Use map and Guidelines for future growth the Crossridge  
1814 development is designated as a large tract plan development. The 2000 Planning staff report even  
1815 uses the term plan large tract development in describing the project. According to Henrico's Land  
1816 Use Guidelines a large tract plan development should meet the following: 30% open spaces  
1817 including environmental protection area should be provided; as it stands less than 5% of the  
1818 acreage within Crossridge has been set aside as environmental protection areas. However the  
1819 developer includes 60 acres of adjacent land owned by the County as his environmental protection  
1820 area. How can the County allow property not owned by the developer or land not included in an  
1821 area being developed be accounted, to be counted towards achieving a 30% environmental  
1822 protection requirement? A community impact statement should be submitted for every large tract  
1823 plan development proposal. I requested a copy of the impact statement from the Planning  
1824 Department on February 5<sup>th</sup> and was told one was not prepared for this development. The County's  
1825 Guidelines and Planning Criteria regarding large tract plan developments were not followed for this  
1826 project. At best the guidelines have been manipulated to meet the developers needs.

1827

1828 Concerning the overall development, the 2002 planning staff report states the 2010 Land Use Plan  
1829 supports the provision of residential opportunities that would accommodate a variety of housing  
1830 types for all people. The plan also encourages plan large tract development and effective design  
1831 standards, which protect established areas through proper land use planning and this is important.  
1832 In this case the applicant has properly placed the higher density development tracts in the center of  
1833 the site and lower density single-family uses will be adjacent to the established neighborhoods. Staff  
1834 supported that approach in 2000. The 2002 report makes no mention of compatibility with adjacent  
1835 properties but does indicate the density exceeds land use guidelines.

1836

1837 Concerning the single-family residential subdivision it stands to be eliminated. The 2000 Planning  
1838 staff report repeatedly states the density of single-family subdivision is consistent with the pattern of  
1839 surrounding development and the 2010 Land Use Plan. The 2002 report does not address  
1840 compatibility with adjacent or surrounding developments. Why is compatibility no longer an issue in  
1841 this matter?

1842

1843 Concerning the retirement community. The 2000 report repeatedly states that the retirement  
1844 community would exceed the recommendation of the 2010 Plan. How on earth can you even

1845 consider a plan that further increases density? Note again that rezoning increases the proportion of  
1846 the retirement units from better to 2 to 2, now 4 or 5 to 1. If a design 20 months ago exceeded the  
1847 recommended Land Use Plan how can doubling the ratio of age restrictive versus non-age restrictive  
1848 to acceptable now? According to the 2002 planning staff report the quality of construction and the  
1849 amenity package of Crossridge seems to satisfy the proposed increase in density.

1850  
1851 I'm going to offer to you now that last week I had an occasion to fly on Delta Airlines and I was  
1852 seated next to a 300-pound man. Now, although he was dressed in a fancy suit, and I got a pillow  
1853 and a free snack that flight was unbearable. Density is density no matter how you dress it up.

1854  
1855 The 2002 Planning report states that Crossridge will help meet the needs of the County's growing  
1856 senior population. According to the November 2000 Henrico County Adult Housing Directory,  
1857 Brookland District now has the second most capacity with only half as many facilities as the  
1858 Tuckahoe District. Tuckahoe has ten facilities and Brookland has five based on that map. With half  
1859 those facilities Brookland's capacity is within 75% of Tuckahoe. Rezoning would put Brookland's  
1860 capacity within 85% of Tuckahoe, again within only half as many facilities. I submit that Brookland  
1861 District has fulfilled its requirement to the needs of the adult community and that additional adult  
1862 housing is not necessary and rezoning would not be necessary if additional adult housing was even  
1863 needed. Again, here the developer is determining Henrico's needs and not the County. According to  
1864 the Henrico County Attorney, Mr. Tokarz, there is nothing that precludes an age restrictive  
1865 development on the area currently zoned R-2A.

1866  
1867 Concerning education. The 2000 staff report states, "at the present time both elementary and  
1868 secondary schools could accommodate the students from this request. Further, another elementary  
1869 and middle school is proposed to open in 2004 that would provide relief for these schools for  
1870 proposed or pending residential developments in that area". The 2000 staff report provides a nice  
1871 breakdown of anticipated children in the community. The 2002 staff report sums up the important  
1872 school issues in a single sentence and states the case does not have adverse educational impacts.  
1873 While the retirement community may have no adverse impacts on the schools it is more important to  
1874 know that the retirement community makes no contributions to the school system. There is a huge  
1875 difference between having no impact and making no contribution. The school system can only  
1876 benefit from the introduction of students from this type of neighborhood. Educational research has  
1877 consistently shown in socially economic status of both the students' own family and that of his or her  
1878 classmates is the greatest influence on economic or academic outcomes. Students in middle class  
1879 schools perform better because their peers have bigger dreams, expectations, because middle class  
1880 parents insist on high standards and because teachers are not overwhelmed by high need students.  
1881 Neighborhoods such as this one to be eliminated could only help raise the standards of the  
1882 Brookland District schools. You only need to look at the posted SOL scores available on your web-  
1883 site to point out this. It is a disgrace that marketing demands of the developer are seemingly more  
1884 important to the County than educational demands of our children. It is a disgrace when school  
1885 concerns can be reduced to a single sentence in this staff report.

1886  
1887 In conclusion, the proposed rezoning is contrary to previous and current staff reports and land use  
1888 guidelines. The proposed rezoning is contrary to Henrico County Guidelines for balance growth.  
1889 The project does not follow Henrico County Guidelines for large tract plan development, adequate  
1890 housing for adults exist in the Brookland District or age restrictive in the Brookland District.  
1891 Approximately 3,000 students could ultimately benefit by not eliminating the single family  
1892 component. Planning issues that effect Henrico citizens are being driven by and decided by the  
1893 developer, not by the County. Our tax dollars do not provide for you to facilitate developer's profit  
1894 margin. Tax dollars are paid to provide a better quality of life for all of us.

1895  
1896 Thank you.  
1897

1898 Mr. Taylor - Thank you, Mr. Baxter. I think there were several other people, if  
1899 you will, we normally allow ten minutes, but we'll expand that time. But I would appreciate it if you  
1900 would...

1901

1902 Mr. Vanarsdall - How much time is left, Mr. Chairman, before you expand it?

1903

1904 Mr. Marlles - There is 55 seconds left on the clock.

1905

1906 Mr. Vanarsdall - I agree with that. I just wanted to know how much time was left.

1907

1908 Mr. Taylor - We're going to try and get everybody because one thing we have  
1909 tonight, we have some time. But we would ask you sir, if you would be brief so we can get all of the  
1910 speakers in and we want to thank Mr. Baxter.

1911

1912 Mr. Ed Knight - Yes, my name is Ed Knight and I live at 9801 Hasting Mills Drive in  
1913 the Brittany Subdivision. A number of my neighbors are here. We all live on the back line of the  
1914 property that is going to be bordering Crossridge. Crossridge is to our north and to our west. We  
1915 realize that Mr. Attack is a developer and needs to make money and to make a good living. This  
1916 rezoning case would possibly give him 40 additional lots. We are not opposed to him making money  
1917 but we are looking for a safe buffer to separate our properties from his. And what makes our  
1918 property different from his is that we have single family homes and that our quality and standard of  
1919 living have been based on wooded areas and Mr. Attack's plan comes in and he chooses to put his  
1920 development by clear cutting the property and then replanting vegetation to dress it up. He has  
1921 offered to us a 25 foot buffer. He has offered to us to come in with a landscape architect. He hasn't  
1922 defined what that means as to how much landscaping he will do. We have had a recent meeting  
1923 with him and he has said, he has pledged that he is looking to change the direction of this road to  
1924 give us the 50 foot buffer that we request and demand because it is necessary to give us a safe  
1925 buffer. Also it would be an enhancement to his community to make it look better. We're concerned  
1926 about this area being clear-cut for the simply reason we are in a severe drought which is the news of  
1927 the week. We are concerned that this summer when that land is clear that dust will be rolling  
1928 through and we think that a 50 foot buffer gives us a better chance of deferring some of the  
1929 environmental pollution and hazards. This decision effects this land forever and what is cut down  
1930 will be gone forever. Mr. Attack's profits will come and go in a year or twos time but the residents  
1931 that live there and follow through and the next set of residents and so on and so forth will be there  
1932 forever, plus all the new residents. So we're asking you to work with Mr. Attack, to encourage him to  
1933 provide that 50 foot buffer that is possible from an engineering standpoint and to adequately offer  
1934 us the landscape package that will enhance his property and his marketing ability and to make our  
1935 homes more secure. We look forward to whatever participation you can have to bring this forth in a  
1936 quick and expedient way. We are concerned if this gets passed tonight and these things have not  
1937 been resolved yet. So we look for immediate action otherwise we will have to form stiff opposition  
1938 at the Board of Supervisors Meeting.

1939

1940 I thank you for your time and attention and will entertain any questions you have.

1941

1942 Mr. Taylor - Are there any questions from the Commission to Mr. Knight?  
1943 Thank you very much Mr. Knight that was very good. Now there were three, I think there were  
1944 three other hands in the air. Ma'am if you would come down and give us your name.

1945

1946 Ms. Dina Brower - Hi, my name is Deana Brower, I live at 4410 Honey Lane. I  
1947 resided in that same vicinity...

1948

1949 Mr. Vanarsdall - Haven't seen you in awhile.

1950

1951 Ms. Brower - I haven't had the occasion. I've been there for forty years and I  
1952 just think it would be a terrible breach of faith with the citizens if you pass this thing. When you  
1953 approved it originally we were you and the Board of Supervisors promised us you would protect the  
1954 integrity of the neighborhood with having the single-family homes on the boundaries around it. The  
1955 way it was proposed, the way it was passed. And I just think you ought to leave it that way because  
1956 when it was originally passed, you know we accepted that, that was the way it was going to be and  
1957 not be changed six months later.  
1958  
1959 Applause.  
1960  
1961 Mr. Vanarsdall - Thank you.  
1962  
1963 Mr. Taylor - Thank you, Ms. Brower. There were a couple of other people I  
1964 think that still wanted to speak. If you would sir, please give us your name.  
1965  
1966 Mr. David Horton - Sir, I'm David Horton and I live on Hungary Road.  
1967  
1968 Mr. Taylor - I'm sorry, Dave.  
1969  
1970 Mr. Horton - Horton.  
1971  
1972 Mr. Taylor - Thank you, Mr. Horton.  
1973  
1974 Mr. Horton - I came before you all two years ago on the original rezoning. The  
1975 complaint then was the Nuckols Road thing was suppose to go through the property originally and  
1976 had been on the major Thoroughfare Plan for years and years. You all decided, or Atack decided to  
1977 just eliminate that.  
1978  
1979 My big problem I guess is, you know we don't need any more density in that area and I agree with  
1980 the other speakers, particularly Mr. Baxter and the lady that just spoke, Dina Brower. You all did say  
1981 that it would be different than what it is now and now you are changing things, such don't need any  
1982 more density. I know Atack is going to get his way, I know that, it's going to happen for sure. I  
1983 hate to see that. I just wish it would go back to the way it was. Do what you say we were going to  
1984 do originally. Thank you.  
1985  
1986 Mr. Taylor - Thank you, Mr. Horton.  
1987  
1988 Mr. Vanarsdall - Dave is it directly behind your house.  
1989  
1990 Mr. Horton - Some of it, yes sir.  
1991  
1992 Mr. Vanarsdall - You live on Hungary Road don't you.  
1993  
1994 Mr. Horton - Yes sir.  
1995  
1996 Mr. Vanarsdall - Thank you that was the only question I had.  
1997  
1998 Mr. Taylor - Thank you, Mr. Horton. I believe there were still two other people  
1999 that would like to speak. If you would step forward now as your opportunity. Are there any, there  
2000 is one, okay. No one else would like to speak? This is our last speaker for the opposition. Thank  
2001 you sir. If you would come down and identify yourself for the record.  
2002  
2003 Mr. Chuck Johnson - My name is Chuck Johnson and I live at 8504 Atterbury Drive. I'd

2004 like to say that I am more on the side of Mr. Knight here that at this point we have concerns about  
2005 what is being developed, but we are willing to work with Mr. Atack to go forward. We're  
2006 encouraged, at least myself and my wife, with the prospect of gaining a barrier, a buffer between us  
2007 and this subdivision. We think it can bring some benefit, what he is proposing from that perspective.  
2008 But we do want protection, we do want a 50 foot minimum barrier if at all possible and we have  
2009 asked Mr. Atack to work with us on this and increase landscaping in the area to provide us that  
2010 natural buffer that we are use to and that we've had for so many years.  
2011  
2012 I can see the benefit of this type of neighborhood and I think it is going to be well done. But I don't  
2013 want to be looking out my back door or side door, and I'm on a corner that I would have it on the  
2014 back and the side and see a row of roofs, a line of roofs. I think we do need some protection and  
2015 that is all we are asking for, a lot of us, is to give us that protection and lets go forward. But to  
2016 guard our interest in that regard.  
2017  
2018 Mr. Taylor - Thank you, Mr. Johnson.  
2019  
2020 Mr. Johnson, on one of those maps can you point up to where you live?  
2021  
2022 Mr. Johnson - Sure.  
2023  
2024 Mr. Taylor - To help us.  
2025  
2026 Mr. Johnson - I am right here on the corner.  
2027  
2028 Mr. Taylor - You are on the corner on the right side...  
2029  
2030 Mr. Johnson - Brittany...  
2031  
2032 Mr. Taylor - ...and you are talking about the buffer. Trace the buffer for me  
2033 (referring to rendering).  
2034  
2035 Mr. Johnson - The buffer will be on my back and my side.  
2036  
2037 Mr. Taylor - And how far would it extend.  
2038  
2039 Mr. Johnson - Fifty foot from the property line.  
2040  
2041 Mr. Taylor - And far longitudinally, down?  
2042  
2043 Mr. Johnson - Well, I'm the house on the end of the dead end street.  
2044  
2045 Mr. Taylor - You are right in the corner.  
2046  
2047 Mr. Johnson - I am right on the corner.  
2048  
2049 Mr. Taylor - Ok, but the widen buffer would go...  
2050  
2051 Mr. Johnson - We are talking about the buffer that would go all the way down to  
2052 the third house here (referring to rendering).  
2053  
2054 Mr. Taylor - Ok.  
2055  
2056 Mr. Johnson - And would come all the way down behind us and Dove Hollow.

2057  
2058 Mr. Taylor - And then would it come down to Staples Mill Road or just stop  
2059 right there at Dove Hollow?  
2060  
2061 Mr. Johnson - At Dove Hollow because, well I think, that is where our concerns  
2062 are of this neighborhood, is Dove Hollow and Brittany on this side (referring to rendering). On the  
2063 other side, Courtney as was mentioned earlier, there is a wetland that provides a natural buffer that  
2064 does exist. So they will have a buffer on that side also. But we are concerned, obviously behind us.  
2065  
2066 Mr. Vanarsdall - You all picking him up. Ok.  
2067  
2068 Mr. Taylor - I think one of your associates mentioned how long that buffer is.  
2069 Would you trace that again and give me an idea of the length (referring to rendering)?  
2070  
2071 Mr. Johnson - Ok. We have three homes here (referring to rendering), which are  
2072 probably 85; Bill is your lot an 85 foot...  
2073  
2074 Mr. Knight - Yes.  
2075  
2076 Mr. Johnson - So three of those at 85, my side is 150 some feet deep.  
2077  
2078 Mr. Taylor - So that is about 100 yards. Would you say a football field?  
2079  
2080 Mr. Johnson - At least, yes.  
2081  
2082 Mr. Taylor - Ok.  
2083  
2084 Mr. Johnson - And then down there is about 15 houses, here (referring to  
2085 rendering), each at an 85 foot width, we are talking about. I think outlines it (unintelligible)  
2086  
2087 Mr. Taylor - Thank you, sir.  
2088  
2089 Mr. Johnson - You are welcome.  
2090  
2091 Mr. Jernigan - Mr. Johnson, when they cleared your lot did they leave any  
2092 buffering in there or did they clear-cut it?  
2093  
2094 Mr. Johnson - I was the first one in the neighborhood and I have trees. They  
2095 really cleared out where they put my house, but there are trees all around me now. There is nothing  
2096 but woods.  
2097  
2098 Mr. Jernigan - Ok.  
2099  
2100 Mr. Johnson - So I have nothing out my back, nothing on the side.  
2101  
2102 Mr. Jernigan - How about the other lots?  
2103  
2104 Mr. Johnson - The same thing along the back, there is all woods down behind us  
2105 and to the side of us. There is nothing but woods right now. Courtney is behind us, which is  
2106 through the woods but as you can see there is a large area of woods (referring to rendering). So we  
2107 really, you can see sometimes at night again (unintelligible), you know in the winter.  
2108  
2109 Mr. Jernigan - Ok. Thank you.



2110  
2111 Mr. Johnson - You are welcome.  
2112  
2113 Mr. Vanarsdall - Anybody else?  
2114  
2115 Mr. Taylor - Mr. Atack, I think you had a question or a comment.  
2116  
2117 Mr. Atack - I was just going to try to answer your question Mr. Taylor. It's  
2118 approximately 1,200 to 1,500 feet, the total area. I think you were trying to address that, as to how  
2119 many; there is actually 18 residents that are directly impacted from Brittany to Dove Hollow. And  
2120 that total footage is 1,200 to 1,500 feet. I think that is what you were asking if I'm not mistaken.  
2121  
2122 Mr. Taylor - I think I had a couple of figures here. One was 600 feet and the  
2123 other looked like it was 100 yards by several hundred yards.  
2124  
2125 Mr. Atack - I would say it's more than 1,200, probably close to 1,500 linear  
2126 feet.  
2127  
2128 Mr. Taylor - Fifteen hundred linear feet along the whole...  
2129  
2130 Mr. Atack - Correct, yes sir.  
2131  
2132 Mr. Taylor - ...and that would be 1,500 by 50 feet wide.  
2133  
2134 Mr. Atack - Well, actually that is, by 50 feet wide, right. I'm sorry, based on  
2135 Mr. Johnson's suggestion.  
2136  
2137 Mr. Taylor - Ok. Thank you. Are there any other questions?  
2138  
2139 Mr. Vanarsdall - Anybody else want to speak, Mr. Chairman?  
2140  
2141 Mr. Taylor - I'm not sure, Mr. Vanarsdall, let us ask. I think we gave everybody  
2142 that had their hand up an opportunity to speak. Is there anybody that perhaps we have missed?  
2143  
2144 Mr. Walker - That was opposed.  
2145  
2146 Mr. Taylor - And you want to speak for the project sir?  
2147  
2148 Mr. Walker - Yes sir.  
2149  
2150 Mr. Taylor - All right, please if you would. I think we have enough time, do we  
2151 not Mr. Director?  
2152  
2153 Mr. Marlls - Yes, we have about 3 minutes.  
2154  
2155 Mr. Taylor - We have about 3 minutes. Can you finish in 3 minutes?  
2156  
2157 Mr. Walker - All right. I'm Billy Walker and I live in Courtney subdivisions, you  
2158 all have heard a little bit about. I live at 3403 Merkner and there is my retirement crew up there,  
2159 back row there. They live in the subdivision with me. Again, like I said, I'm Billy Walker, I live in this  
2160 subdivision and I'm speaking on behalf of the majority of the people who live in this subdivision,  
2161 which is a quiet retired type, with young people as well, type neighborhood.  
2162

2163 Unlike any other subdivision adjacent to this property, Courtney has been mostly impacted. The  
2164 whole, as you can see right there (referring to rendering), Crossridge surrounds the whole Courtney  
2165 subdivision. Although Courtney subdivision is the majority, we do not oppose the rezoning parcel.  
2166 We would, from a R-2AC to a R-5AC, we would like to make it clear that we are concerned with the  
2167 density as well as the County is of which is proposed by Attack Properties. This is also a concern of  
2168 the County's according to Lee Householder's report. The proposed is 157 units on 55.75 acres of  
2169 land, which is approximately 2.8 units per acre as Bob Attack informed us on the 27<sup>th</sup> of February of  
2170 this year at the Glen Allen Cultural Art Center. This is something that would be welcomed, but of  
2171 these 55.75 acres is a lot amount of wetlands as you've heard and the right-of-way for the power  
2172 lines. They cannot be built on. So when you take at 2.8 units per acre and you cut down, excuse  
2173 me, let me say you take 157 units and put it on less than 55.75 acres, you density increases. Ok.  
2174 So the density would not be 2.8 as we've heard. I believe that is approximately, actually I think it is  
2175 more than 5 acres, or it might be about 5 acres that is unbuildable.

2176  
2177 Again, I just wanted to let you know that this is our concern with the density to Courtney subdivision  
2178 because it goes all the way from Staples Mill Road; Courtney subdivision does, all the way up to the  
2179 power lines. So it would affect everybody on the north side of that subdivision on the south side of  
2180 Merkner.

2181  
2182 I would like to thank Bob Attack and Phillip Parker for all they tried to do to help with the concerns of  
2183 all the neighborhoods. I really appreciate that. Meeting with us the way they have and Lee  
2184 Householder as well, letting us speak with him. I also think that with the parcel of land it will be, if it  
2185 does not get rezoned, ok, they're proposed to have a road cut from Hungary Road through Staples  
2186 Mill and that is going to a lot of unwanted traffic for our neighborhoods without a signal light until,  
2187 eventually somebody, I guess will put one in there. But if it does not get rezoned there will be a  
2188 road that will be cut through from Hungary Road to Staples Mill Road. That is what is proposed on  
2189 the R-2AC now. So that is something else, another reason why we don't want this, we want this  
2190 property to be rezoned because we feel like it would secure our neighborhood, Courtney subdivision,  
2191 as far as keeping us still in a little cove the way we are now by just surrounding us with all  
2192 retirement community. And like I said, the majority of my neighborhood is retirement community  
2193 and I love these old people and I welcome more to live behind me. That is all. Thank you.

2194  
2195 Mr. Vanarsdall - Thank you.

2196  
2197 Mr. Taylor - Thank you, Mr. Walker. I think ladies and gentlemen we are out of  
2198 time according to the Director's clock on the wall and I believe we have heard everyone.

2199  
2200 Mr. Vanarsdall - Mr. Attack, you want to take your rebuttal?

2201  
2202 Mr. Taylor - Mr. Attack, do you have any time?

2203  
2204 Mr. Marllles - That was for Mr. Attacks time. The gentleman who spoke in favor  
2205 was out of the time that was Mr. Attacks.

2206  
2207 Mr. Taylor - Ok. We are going to give Mr. Attack some more time I believe. Go  
2208 ahead Mr. Attack. Is that acceptable to you Mr. Vanarsdall?

2209  
2210 Mr. Vanarsdall - If it is all right with him

2211  
2212 Mr. Attack - I appreciate that and I apologize for maybe not making my  
2213 management of the clock more adequate. I asked Mr. Knight to sit here because I think the most  
2214 important impact that our rezoning has is on Mr. Knight, Mr. Johnson, and Mr. Hudalla, the people  
2215 who are sitting right here. I think everyone of those people's homes are on the perimeter of our

2216 property.  
2217  
2218 Mr. Chairman, as you asked Mr. Johnson the amount of footage that would be affected by this  
2219 potential buffer. I met with the residents. In our zoning proffers, by the way we have a 25-foot  
2220 buffer and we started off with a berm, a landscape berm, and then with our dialogue with the  
2221 residents I was able to ascertain that their preference is to have a natural wooded area. Sort of try  
2222 to maintain the continuity of there own back yards as it goes over into our proposed rezoning. I met  
2223 last Monday evening at Mr. and Mrs. Harrington's home with, I think, everyone who is here this  
2224 evening and the request to me was, Mr. Atack can you make this a 50-foot buffer and also augment  
2225 that buffer with landscaping which is what we had proposed to do in the 25-foot area. I said I  
2226 would try and work on that and Mr. Knight has asked me to be very specific for the record this  
2227 evening. And since I met with the residents last night I've had about two minutes to speak to them  
2228 before I came up here and we are going to meet, I believe it is Tuesday night at 7:30 or so at Mr.  
2229 and Mrs. Harrington's home at which time we will give the exact specifics. But I will warrant today  
2230 at this podium and Mr. Glover has made it very clear to me when he met at a Cultural Art's meeting  
2231 that he would defer this case before the Board of Supervisors if this buffer wasn't resolved to the  
2232 satisfaction of those who are impacted. So I would say to you Mr. Knight that we will get you 50  
2233 feet as you asked for when we met Monday evening. What we will do is met Tuesday evening and  
2234 formalizes that. It will certainly give us more than ample time before the April Board of Supervisors  
2235 meeting, I think, to resolve any of the formalities with regard to the landscape architects visit. I  
2236 apologize for taking so much time Mr. Chairman but I would also, if Mr. Knight would have any  
2237 comment I have not articulated this specifically before, our engineers have been working on it but I  
2238 believe it to be the most single important fact that these residents are requesting.  
2239  
2240 Mr. Taylor - Thank you, Mr. Atack. Would you just like to finish it off?  
2241  
2242 Mr. Knight - Yes. I would like to thank Mr. Atack for making it public, that he  
2243 will give us that 50 feet. We didn't know that until just this past moment. The only question we  
2244 have is what is adequate landscaping to give us a reasonable buffer? We just want the Commission  
2245 and Mr. Atack to reflect in that they are getting a large increase in lots, which means large profits  
2246 and we want only that portion that insures us the best chance of being able to enjoy our property as  
2247 we have in the last ten years. We look forward to working with the Commission and Mr. Atack to  
2248 accomplish this and I thank you for your time.  
2249  
2250 Mr. Taylor - Thank you very much.  
2251  
2252 Mr. Vanarsdall - Thank you.  
2253  
2254 Mr. Taylor - I think I did hear somewhere in the discussion that Mr. Glover will  
2255 work on this as it comes to the Board of Supervisors. So I think the assurances that we got from Mr.  
2256 Glover and Mr. Atack should suffice. So, Mr. Vanarsdall is a motion in order?  
2257  
2258 Mr. Vanarsdall - I have several notes here that I've made on the main issues and it  
2259 reminds me of the story and the movie, "*There Are Two Sides of Every Story Come on Home and*  
2260 *Tell Me Yours*", so that is what I'm going to do. But since we left off on the 50 foot buffer that is the  
2261 number one, the number one issue is they don't want the R-5 behind the house. That is the number  
2262 one issue. The second and probably the most important issue as Ed Knight said is the 50 foot  
2263 buffer. So I want to start with that because I want to, last week Ed Knight and Jeff Hudalla and  
2264 Tom Harrington met with us over here, Mr. Silber, Lee Householder, and they explained in a very  
2265 nice manner that they want the 50 feet just like they just did. I called Bob Atack that night at home,  
2266 about 9:30 or 10:00, and told him about the meeting and he said I'll do everything that I can. But  
2267 he said I can't guarantee it now because I've got to make sure I have the 50 feet. So that is where  
2268 we are on that.

2269

2270 As I told several of you who called me, everything you do has a certain amount of trust. We get  
2271 everything in writing when we can, all the i's dotted and the t's crossed. But it is still a certain  
2272 amount of trust, and he already said it, Mr. Glover, I know Mr. Glover will not allow this without the  
2273 50 feet. One thing I want to make clear and this is something that has never been understood, I  
2274 don't think by everyone, over the Cultural Center by the way. This morning they didn't mention my  
2275 name as being at the Cultural Art Center and I'm the one that encouraged Mr. Atack to have the  
2276 meeting with them anyway. But in defense of Mr. Dovi, over there, I had on a new suit and I had a  
2277 haircut and he didn't know who I was.

2278

2279 Now getting back to the 50 foot buffer or the 25 foot landscape buffer. He is going to have a  
2280 professional landscaper, and I'm doing this for the benefit of the Commission also, he is going to  
2281 have a professional landscaper come over to each one of the people who live on that back row and  
2282 say, "what do you want planted in your backyard?" Then he'll go to your backyard and your  
2283 backyard. He does not have to do that. He does not have to put in the 50 feet. Although you  
2284 people say this is not the same thing, it isn't the same but it is the same, it is an R zoning, residential  
2285 zoning against a residential zoning and no developer has to put anything between there that he  
2286 doesn't want to. An R-1 is not the same as an R-2, or an R-2 is not the same as an R-3, and neither  
2287 is the R-5A but they are not multi-family as such, they are single-family detached homes. So that is  
2288 the main thing I want to say. Anything this man does is voluntarily.

2289

2290 Number three is the school. The school became an issue because you have taken for granted that  
2291 every single, 117 homes will have kids and they will all go to Dumbarton School. I understand there  
2292 are people right here in the audience that go to St. Michaels Catholic School who live there. So what  
2293 is to keep the people from the other community from going to Catholic School, any other Parochial  
2294 School, Private School? I have a next door neighbor that does home schooling. So there is no  
2295 guarantee that out of 117 homes everybody is going to flock to that school. It use to be that way.  
2296 When I came along people wanted to go to the Public Schools next to their house. It is not that way  
2297 now. Also Dumbarton School is an accredited school. It's at the top of the list, not number one, but  
2298 at the top of the list in the County. There are forty elementary schools and it is at the top of the list.  
2299 I don't know what else you want for that. You have to go to school with people of different races  
2300 and different nationalities, all of us did. And I was assured that this school would be built, finished  
2301 by 2003 unless there is a problem and tonight when we went over the budget with the Manager and  
2302 the head chefs of the County, that is what we did at 6:15, went over the CIP, Capital Improvement  
2303 Program and I asked specifically, the Commissioners will tell you. I asked Mr. Manager whether it  
2304 would be built this year, yes it will. Money is going to be allocated; it is in the 2002-03 budget.

2305

2306 Number four is density. The number of homes, and some of this has been said but I want to  
2307 summarize all of it. The number of homes under R-5A is 157 and under the R-2A is 117 that is only  
2308 40 more homes. It's a 2.5 for the R-2A density, 2.8 for the R-5A density.

2309

2310 Number five is traffic. There again you are extremely lucky. Let me read a proffer to you: "Proffer  
2311 number 13: There shall be no access or road connection between the property of Dove Hollow  
2312 Subdivision, Brittany Subdivision or Duncroft". There will be no road coming through there. Also  
2313 under traffic, the County traffic engineer, I called him this morning; the estimate that was on this  
2314 form of Mr. Householder's, it said 1,200 trips under the R-5A. I understand this morning that was a  
2315 slightly high figure. So I'm going to put R-5A is 1,200 minus trips a day. He researched the R-2A as  
2316 the project is as we speak and it is 1,370 trips per day. That is 170 fewer vehicle, noise, lights and  
2317 everything else. I just wanted you all to understand what this is.

2318

2319 The case is not consistent with the Land Use Plan only because of the difference of 2.8 and 2.5, that  
2320 is the only reason. It is consistent with the Goals, Objectives and Policies of the Land Use Plan of  
2321 the County. It is also recommended by the professional staff, and in closing I would like to quote

2322 this to you, what I learned when I first came into this business, *"It's been said that you can't take a*  
2323 *bad case and make it good, but you can take a good case and make it better"*, and that is what has  
2324 been done to this case thanks to Mr. Atack, Mr. Phil, and Mr. Householder. Lee Householder has  
2325 worked diligently on this and some of you complimented how well he did and how patient he was  
2326 and I feel like I've been a help to it also. And so with that said I'm going to recommend to the  
2327 Board of Supervisors for approval of C-10C-02.

2328  
2329 Mr. Taylor - Second.

2330  
2331 Mr. Vanarsdall - Oh, I want to thank you all for coming and I want to thank you for  
2332 speaking in opposition and in favor. Mr. Silber has been in on every meeting we've had and gave his  
2333 good guidance. I thank you, Mr. Silber.

2334  
2335 Mr. Taylor - A motion has been made by Mr. Vanarsdall, seconded by Mr.  
2336 Taylor. All in favor of approval of C-10C-02 say aye. All opposed – nay. The ayes have it. Case C-  
2337 10C-02 is approved. The vote is 5-0 (Mr. Thornton abstained).

2338  
2339 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission  
2340 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because  
2341 the proffered conditions will assure a level of development otherwise not possible and should  
2342 minimize the potential impacts on surrounding land uses.

2343  
2344 Mr. Taylor - Mr. Director, what further business do we have?

2345  
2346 Mr. Marlles - Mr. Taylor since we did the minutes earlier during our break we  
2347 have no other business.

2348  
2349 Mr. Taylor - Mr. Jernigan, can we have a motion to adjourn?

2350  
2351 Mr. Jernigan - Mr. Chairman I'd like to make a motion that we adjourn this  
2352 meeting.

2353  
2354 Ms. Ware - Second.

2355  
2356 Mr. Taylor - Motion made by Mr. Jernigan, seconded by Ms. Ware. All in favor  
2357 – aye. All opposed – nay. The ayes have it. The meeting is adjourned; it's 9:20 p.m.

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Allen J. Taylor, C.P.C., Chairman

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John R. Marlles, AICP, Secretary