

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary  
3 Spring Roads at 7:00 p.m., March 10, 2005, Display Notice having been published in the Richmond  
4 Times-Dispatch on February 17, 2005 and February 24, 2005.

5  
6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson, Brookland  
7 Mr. C. W. Archer, C.P.C., Vice Chairman, Fairfield  
8 Mr. Tommy Branin, Three Chopt  
9 Ms. Bonnie-Leigh Jones, Tuckahoe  
10 Mr. E. Ray Jernigan, C.P.C., Varina  
11 Mr. David A. Kaechele, Board of Supervisors, Three Chopt  
12 Mr. Randall R. Silber, Director of Planning, Secretary  
13

14 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning  
15 Ms. Jean Moore, Principal Planner  
16 Mr. Lee Tyson, County Planner  
17 Mr. Thomas Coleman, County Planner  
18 Mr. Seth Humphreys, County Planner  
19 Ms. Kate Wolfrey, Planning Technician  
20 Mr. James Strauss, County Planner  
21 Mr. Kevin Wilhite, County Planner  
22 Ms. Debra Ripley, Recording Secretary  
23

24 **Unless otherwise indicated, Mr. Kaechele abstained from voting on all zoning cases.**

25  
26 Mr. Vanarsdall - Good evening everybody. The Planning Commission will now come to  
27 order. We are glad to have everybody here with us and I want to start off by introducing two  
28 new Commission members. On my right is Bonnie-Leigh Jones on the end, who will be  
29 representing the Tuckahoe District from now on. On my left next to Mr. Kaechele and Mr. Silber  
30 is Tommy Branin. He is going to be the new Three Chopt District Commissioner. Welcome. We  
31 are glad to have you all, and I will turn the meeting over to Mr. Silber, our Secretary.  
32

33 Mr. Silber - Thank you, Mr. Chairman. We appreciate that introduction and on  
34 behalf of myself and my staff, I welcome also the two new Planning Commissioners and we look  
35 forward to working with you and staff. Also, I wanted to introduce a new staff person that we  
36 have on board, too, if you would allow me. I have introduced her before, but she was introduced  
37 as an intern previously, and now we essentially hired her as a Planning Technician, filling the  
38 County Planner I position, Kate Wolfrey. She is in our Comprehensive Planning Division and she  
39 is here tonight to help out.  
40

41 Mr. Vanarsdall - Does Mr. Coleman ever do....

42  
43 Mr. Silber - Excuse me?  
44

45 Mr. Vanarsdall - Does Mr. Coleman ever do a staff memo? You ought to get him a  
46 working permit.  
47

48 Mr. Silber - With that, we can move into the agenda. We do have a number of  
49 deferrals on the agenda tonight. We do have one withdrawal, so maybe at this time Ms. Moore  
50 can walk us through those, please.  
51

52 Ms. Moore - First, we have four deferrals on your agenda. The first is C-48C-04.  
53

54 **Deferred from the November 10, 2004 Meeting:**  
55 **C-48C-04 Henry L. Wilton:** Request to conditionally rezone from A-1 Agricultural District  
56 to B-3C Business District (Conditional), Parcels 804-737-4084 and 804-737-1251, containing  
57 4.8303 acres, located on the east line of Mechanicsville Turnpike (U. S. Route 360) opposite  
58 Springdale Road. The applicant proposes business uses. The use will be controlled by zoning  
59 ordinance regulations and proffered conditions. The Land Use Plan recommends Government  
60 and Urban Residential. The site is in the Airport Safety Overlay District.

61  
62 Ms. Moore - They are requesting deferral to April 14, 2005.

63  
64 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferral of C-48C-04,  
65 Henry L. Wilton? No opposition.

66  
67 Mr. Archer - I will move deferral of Case C-48C-04, Henry L. Wilton, to the April 14,  
68 2005 meeting, at the request of the applicant.

69  
70 Mr. Jernigan - Second.

71  
72 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor  
73 say aye. All opposed say no. The motion passes.

74  
75 At the request of the applicant, Case C-48C-04, Henry L. Wilton, was deferred to the April 14,  
76 2005 meeting.

77  
78 **Deferred from the January 13, 2005 Meeting:**

79 **C-58C-04 Loftis Real Estate & Development:** Request to conditionally rezone  
80 from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), part of Parcel  
81 800-730-7438, containing 6.981 acres, located at the north intersection of Elkridge Lane and 20<sup>th</sup>  
82 Street, adjoining the northwest property line of the Oak Hill subdivision. Residential townhouses  
83 are proposed. The maximum density in the RTH District is nine (9) units per acre. The Land Use  
84 Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

85  
86 Ms. Moore - A deferral is requested to the May 12, 2005 meeting.

87  
88 Mr. Vanarsdall - Is anyone in opposition to deferral of Case C-58C-04, Loftis Real Estate  
89 & Development in the Fairfield District? No opposition, Mr. Archer.

90  
91 Mr. Archer - I move deferral of this request to May 12, 2005 meeting at the request  
92 of the applicant.

93  
94 Mr. Jernigan - Second.

95  
96 Mr. Vanarsdall - Motion made by Mr. Archer, seconded by Mr. Jernigan. All in favor say  
97 aye. All opposed say no. The motion passes.

98  
99 At the request of the applicant, Case C-58C-04, Loftis Real Estate & Development, was deferred  
100 to the May 12, 2005 meeting.

101  
102 **C-11C-05 Rogers-Chenault, Inc.:** Request to conditionally rezone from A-1  
103 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 777-764-6922  
104 and 777-764-7772, containing approximately 42.56 acres, located on the west line of Mountain  
105 Road at its intersection with Megan Drive. The applicant proposes a single-family residential  
106 subdivision with a maximum number of eighty-four (84) lots. The R-3 District allows a minimum

107 lot size of 11,000 square feet. The Land Use Plan recommends Open Space/Recreation and  
108 Environmental Protection Area.

109  
110 Ms. Moore - The deferral is requested to the April 14, 2005 meeting.

111  
112 Mr. Vanarsdall - Again in the Fairfield District. Any opposition? No opposition. Mr. Archer.

113  
114 Mr. Archer - Mr. Chairman, I move deferral of Case C-11C-05, Rogers-Chenault, Inc.,  
115 to the April 14, 2005 meeting, at the applicant's request.

116  
117 Mr. Jernigan - Second.

118  
119 Mr. Vanarsdall - Motion made by Mr. Archer and second by Mr. Jernigan. All in favor say  
120 aye. All opposed say no. The motion passes.

121  
122 At the request of the applicant, the Planning Commission deferred Case C-11C-05, Rogers-  
123 Chenault, Inc. to its meeting on April 14, 2005.

124  
125 **Deferred from the January 13, 2005 Meeting:**

126 **C-54C-04 Craig Erdmann for Chimilson Acres, LLC:** Request to rezone from M-  
127 1 Light Industrial District, R-4 One Family Residence District and B-1 Business District to RTHC  
128 Residential Townhouse District (Conditional), part of Parcel 805-710-1834, containing  
129 approximately 13.07 acres, located on the southwest line of Darbytown Road opposite Oregon  
130 Avenue. Residential townhouses are proposed. The maximum density in the RTH District is nine  
131 (9) units per acre. The use will be controlled by zoning ordinance regulations and proffered  
132 conditions. The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8 units net  
133 density per acre, Commercial Concentration, and Environmental Protection Area.

134  
135 Ms. Moore - The deferral is requested to the June 9, 2005 meeting.

136  
137 Mr. Vanarsdall - Is there any opposition to this case being deferred in the Varina District,  
138 C-54C-04? No opposition. Mr. Jernigan.

139  
140 Mr. Jernigan - Mr. Chairman, I make a motion to defer Case C-54C-04 to the June 9,  
141 2005 meeting by request of the applicant.

142  
143 Mr. Archer - Second.

144  
145 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor  
146 say aye. All opposed say no. The motion passes.

147  
148 At the request of the applicant, the Planning Commission deferred Case C-54C-04, Craig Erdmann  
149 for Chimilson Acres, LLC, to its meeting on June 9, 2005.

150  
151 Mr. Jernigan - I have a deferral.

152  
153 **SUBDIVISION (DEFERRED FROM THE FEBRUARY 23, 2005, MEETING)**

Majestic Meadows  
(February 2005 Plan)

**Engineering Design Associates for Reginald H. Nelson, IV and Phyllis Marie Nelson:** The 180.94-acre site proposed for a subdivision of 130, single-family homes is located at 9421 Osborne Turnpike at the northeast corner of the intersection of Osborne Turnpike and Kingsland Road on parcel 808-672-3167. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 130 Lots**

154

155 Mr. Vanarsdall - Is anyone in the audience in opposition to Majestic Meadows being  
156 deferred? It is in the Varina District. No opposition.

157

158 Mr. Jernigan - With that, I will, Mr. Chairman, I will move for deferral of Majestic  
159 Meadows (February 2005 Plan), to April 14, 2005, by request of the Commission.

160

161 Mr. Archer - Second.

162

163 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor  
164 say aye. All opposed say no. The motion passes.

165

166 The Planning Department deferred Subdivision Majestic Meadows (February 2005 Plan) to it  
167 meeting on April 14, 2005.

168

169 Mr. Silber - Are there any other deferrals by the Commission? I think we do have  
170 one withdrawal.

171

172 Ms. Moore - Yes. Mr. Secretary, that is on Page 4 of your Agenda.

173

174 **Deferred from the February 10, 2005 Meeting:**

175

176 **C-42C-04 Skip Gelletly:** Request to conditionally rezone from A-1 Agricultural  
177 District to R-5AC General Residence District (Conditional), Parcel 731-763-1648, containing  
178 approximately 3.1 acres, located on the west line of Gayton Hills Lane approximately 200 feet  
179 south of Graham Meadows Drive. A residential subdivision is proposed. The maximum density in  
180 the R-5AC District is 7.7 units per acre. The use will be controlled by zoning ordinance  
181 regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 2,  
182 2.4 to 3.4 units net density per acre.

182

183 Ms. Moore - The applicant is Skip Gelletly. This has simply been withdrawn by the  
184 applicant and no action is required.

185

186 Mr. Silber - Next on the agenda would be the expedited items. For the benefit of  
187 those here this evening, these items, and there is only one on the agenda, are placed on what  
188 we call the expedited agenda, meaning that there are no issues that are known with this  
189 rezoning request and staff is recommending approval. It is a fairly minor zoning request in the  
190 rezoning and the Planning Commissioner from that District is comfortable with that request, so it  
191 is placed on the expedited agenda so it can be heard quickly and disposed of. There is one item  
192 on the expedited agenda and Ms. Moore can tell us which one it is.

193

194 **C-9C-05 Barrington Investors Ltd.:** Request to conditionally rezone from A-1  
195 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 743-756-3422,  
196 containing .527 acre, located on the east line of Bell Tower Court, approximately 300 feet  
197 southeast of its intersection with Bell Tower Lane. The applicant proposes single-family  
198 residential development to be incorporated into the Bell Tower subdivision. The R-3 District

199 allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban  
200 Residential 2, 2.4 to 3.4 units net density per acre.

201

202 Mr. Vanarsdall - Is anyone in the audience in opposition to C-9C-05, Barrington Investors,  
203 Ltd.? No opposition. Mr. Branin.

204

205 Mr. Branin - Mr. Chairman, I recommend that C-9C-05 go to the Board of Supervisors  
206 for approval.

207

208 Mr. Archer - Second.

209

210 Mr. Vanarsdall - Motion made by Mr. Branin, seconded by Mr. Archer. All in favor say  
211 aye. All opposed say no. The motion passed.

212

213 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr. Archer, the Planning Commission  
214 voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request  
215 because the proposed single-family residential lots are a logical extension of an existing  
216 subdivision.

217

218 Mr. Silber - The next item on the agenda is from the top of the agenda on page 1,  
219 which would be a plan of development. These are the architectural plans that were deferred  
220 from the Planning Commission's February 23, 2005 meeting.

221

222 **PLAN OF DEVELOPMENT (ARCHITECTURAL PLANS)**  
223 **(DEFERRED FROM THE FEBRUARY 23, 2005, MEETING)**

224

POD-5-05  
Grayson Hill, Section 1  
Patterson Avenue and  
Gaskins Road

**E. D. Lewis & Associates, P.C. for Gaskins Centre, LC:**  
Request for approval of architectural plans for a plan of  
development, as required by Chapter 24, Section 24-106 of  
the Henrico County Code, to construct 50, two and three-  
story townhouse units for sale with a club house and  
swimming pool. The 14.836-acre site is located on the  
southeast corner of Patterson Avenue (State Route 6) and  
Gaskins Road on parcels 745-741-0907 (part), 745-740-9892  
(part) and 746-741-3665. The zoning is RTHC, Residential  
Townhouse District. County water and sewer. **(Tuckahoe)**

225

226 Mr. Silber - As the Commission recalls, the site plan or plan of development was  
227 approved previously. These were the architectural elevations that were deferred one other time  
228 as well, and they are now on your agenda. They were deferred from the February 23, 2005  
229 meeting.

230

231 Mr. Wilhite - Good evening. As Mr. Secretary mentioned, the architectural plans were  
232 deferred from the original POD hearing. At the time the applicant was considering requesting  
233 some changes to the architectural plans as they had appeared on the exhibits approved with the  
234 rezoning case. Specifically, he was looking at adding Hardiplank siding on the side elevations on  
235 some of the end units. That material substitution would have required specific Planning  
236 Commission approval. At this point, however, the applicant has withdrawn that request. The  
237 architectural plans that are submitted are in conformance substantially with the exhibits of the  
238 zoning case and staff can recommend approval of the architectural plans.

239

240 Mr. Vanarsdall - Any questions for Mr. Wilhite by Commission members? Any opposition  
241 to this case, Grayson Hill? No opposition. Do you want to hear from the applicant, Ms. Jones?

242  
243 Ms. Jones - No.  
244  
245 Mr. Vanarsdall - I will entertain a motion.  
246  
247 Ms. Jones - Mr. Chairman, I recommend approval of POD-5-05, Grayson Hill, Section  
248 1, subject to the annotations on the plans and the standard conditions for developments of this  
249 type.  
250  
251 Mr. Jernigan - Second.  
252  
253 Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Jernigan. All in favor  
254 say aye. All opposed say no. The motion passes.  
255  
256 The Planning Commission approved POD-5-05, Grayson Hill, Section 1, subject to the annotations  
257 on the plans and the standard conditions for subdivisions of this type.  
258  
259 **Deferred from the February 10, 2005 Meeting:**  
260 **C-6C-05 Robert Atack for Atack Properties, Inc.:** Request to conditionally  
261 rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels  
262 781-773-3186, 780-773-3673, 780-773-2718 and 780-772-9071, containing approximately 88.11  
263 acres, located between the Chickahominy River and the north line of the proposed Woodman  
264 Road extension, approximately 2,500 feet west of Brook Road (U.S. Route 1). The applicant  
265 proposes a single-family residential subdivision with a maximum density not to exceed 2.4 lots  
266 per acre. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan  
267 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre and Environmental  
268 Protection Area.  
269  
270 Mr. Vanarsdall - Is anyone in the audience in opposition to C-6C-05? No opposition. All  
271 right. Mr. Coleman.  
272  
273 Mr. Coleman - Thank you, Mr. Chairman and Members of the Commission.  
274  
275 This request would rezone the subject property from A-1 to R-2AC to develop a single-family  
276 subdivision. The site is designated SR 1 and Environmental Preservation Area on the Land Use  
277 Plan.  
278  
279 The applicant submitted an unproffered conceptual lot layout showing 146 building lots. As  
280 proposed, the development would fall within the recommended density range for SR 1 of (1 to 2.4  
281 units net density per acre).  
282  
283 The adjacent Magnolia Ridge neighborhood was rezoned in 1994. Magnolia Ridge included multiple  
284 zoning districts, and initiated a pattern of development placing commercial and higher density  
285 residential zoning districts along Virginia Center Commons Parkway and Brook Road – and lowering  
286 density moving west away from Brook Road. This request adjoins a section of Magnolia Ridge  
287 zoned R-2C.  
288  
289 A rezoning application was filed for essentially the same property (95.11 acres) in September  
290 1999. That request was recommended for denial by the Planning Commission in March 2000 and  
291 was withdrawn in May 2000. Staff had several concerns with that request including the density,  
292 minimum lot sizes, and the new development pattern that the request would have established. If  
293 the applicant addressed the issues contained in the staff report, this request could be an  
294 acceptable improvement over the 1999 application.

295

296 On January 13, 2005, the Planning Commission approved a conditional subdivision, Sweetbay  
297 Hill, on this property. Sweetbay Hill proposes 56 lots developed under the A-1 District provisions  
298 for one-acre lots.

299

300 The lot layout of the property is impacted by floodplain and wetland areas, and a 235 ft. wide  
301 Dominion Virginia Power easement traversing the property east to west.

302

303 Development in this area has been constrained by a lack of infrastructure, and several tracts of  
304 undeveloped property remain to the west. Development of this property as proposed would  
305 improve the infrastructure in this area and open up these parcels for development. For this  
306 reason, the assurances of quality development considered with this request are critical to  
307 continuing the precedent for good land planning, high quality development, and well-designed  
308 roadway and pedestrian networks in this area.

309

310 The applicant submitted revised proffers dated March 8, which require waiving the time limit.  
311 Major aspects include:

312

- 313 • A max. of 147 lots;
- 314 • Min. finished floor of 2,000 square feet;
- 315 • Floodplain areas will be rezoned to C-1;
- 316 • All homes will have garages;
- 317 • A street landscape plan will require at least two trees per lot;
- 318 • Sodded and irrigated front yards;
- 319 • A boulevard style front entrance;
- 320 • A sidewalk provided along Woodman Road;
- 321 • A commitment to work with County staff on potential historical findings;
- 322 • A commitment to constructing portions of Woodman Rd. and JEB Stuart Parkway;
- 323 • A min. of two stub roads provided to adjacent parcels;
- 324 • A landscape buffer along Woodman Rd. and JEB Stuart Parkway; and
- 325 • A commitment to a recreation amenity and other items.

326

327 Staff encourages the applicant to provide additional elements to further ensure high quality  
328 development. Many options are available including, but not limited to:

329

- 330 • Side or rear loading garages;
- 331 • A commitment to high quality building materials, including brick, stone, and cementations  
332 siding;
- 333 • Architectural design elements like keystones, ornamental windows, quoin treatment, or  
334 windows on all elevations;
- 335 • Limiting the clearing of trees with a minimum 6-inches in caliper;
- 336 • Six-inch standard curb and gutter along all roadways;
- 337 • Additional sidewalks within the subdivision to facilitate safe pedestrian movement;
- 338 • Identification of wetland areas that could be utilized as neighborhood amenities; and
- 339 • As development continues in this area, this request will have cumulative impacts on the County  
340 services and infrastructure needs. For example, Henrico County Public Schools noted the  
341 increase in residential development would necessitate relief for schools in this area in the  
342 future.

343

344 In summary, residential development is an appropriate use, and the proffers include some  
345 assurances of quality development. However, development of this property as proposed would

346 improve the infrastructure in this area and open up other parcels for development. For this  
347 reason, proposed site and architectural designs for this request must be considered carefully to  
348 ensure continued good land planning, high quality development, and well-designed roadway and  
349 pedestrian networks. If the applicant were to satisfactorily address the items I have outlined,  
350 staff could be more supportive of this request.

351

352 As a reminder, the time limits for acceptance of the proffers need to be waived.

353

354 That concludes my presentation. I would be happy to answer any questions.

355

356 Mr. Vanarsdall - Any questions for Mr. Coleman?

357

358 Mr. Archer - What size trees have they got?

359

360 Mr. Coleman - Six-inch caliper, limiting the removal of those.

361

362 Mr. Archer - Wait a minute. Say that again.

363

364 Mr. Coleman - Trying to limit removal of those necessary for driveways, utilities and  
365 roads.

366

367 Mr. Jernigan - Two and a half to be planted but reserved.

368

369 Mr. Silber - Mr. Coleman, on Proffer Condition #22 it speaks to a landscape buffer  
370 20 feet in width. It refers to it being placed on the western right-of-way line of Woodman Road.  
371 I am not sure what western would be. I would view it to be either northern or southern side of  
372 the road.

373

374 Mr. Coleman - Yes, sir.

375

376 Mr. Silber - Which side is it? Which is the western side?

377

378 Mr. Coleman - I guess I would have to defer to the applicant to define that.

379

380 Mr. Silber - Could this apply to that side that has the majority of the zone? I would  
381 think that should apply to both sides of the road. It looks like it is either the northern side or the  
382 western side.

383

384 Mr. Coleman - If you look at the layout staff was provided, this would be considered the  
385 west side of Woodman Road.

386

387 Mr. Vanarsdall - Any more questions? Thank you, Mr. Coleman. Do you want to hear  
388 from the applicant?

389

390 Mr. Archer - Yes, please.

391

392 Mr. Vanarsdall - Good evening, Mr. Theobald.

393

394 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen. For the record, I  
395 am Jim Theobald and I am here this evening on behalf of Attack Properties. This is a request to  
396 rezone 88 acres to an R-2A classification that is currently zoned A-1. You have heard that we  
397 have had a tentative A-1 subdivision approved a few months ago. This request is absolutely in  
398 total conformance with your Land Use Plan. We tried to go forward a month ago and it was



399 deferred. It is a very well proffered case and it is a case that is absolutely consistent with your  
400 Land Use Plan. As Mr. Coleman has enumerated, the proffers include that we will construct more  
401 than 147 lots on the property, again well within your Land Use Plan density recommendations.  
402 All of our driveways have to be finished with asphalt, concrete or exposed aggregate. We have  
403 proffered the minimum finished square footage of each dwelling would be 2,000 sq. feet. We  
404 have proffered underground utilities, signage with regard to project identification being ground  
405 mounted signs not exceeding 6 feet in height, proffered to provide restrictive covenants,  
406 foundations, crawl spaces for all of the homes, making sure that all of the foundations were brick  
407 or stone on the exterior, no cantilevered features would be incorporated into the home design,  
408 including bay windows and chimneys. Each house has to have at least a one-car garage. We  
409 have proffered to provide street trees. We have also offered to irrigate our front and side yards  
410 and that they will be sodded at the time of development. We have proffered the primary  
411 entrance into the property will be a boulevard type and also landscaped. A sidewalk will be  
412 provided along, I guess the north line of Woodman Road. We do seem to have some dueling  
413 north there. I was looking at a plan that I had and I think that somebody totally blew the north  
414 on my plan. I think your plan must be right, so I think that must be something we may need to  
415 fix, but we have agreed to provide a sidewalk, basically along Woodman Road on the north side  
416 of Woodman Road adjacent to the property. We have also agreed to be sensitive about any  
417 historical findings on the site and if we do find any, then we have to give Parks and Recreation to  
418 take a look at what we found and we will work with those folks. Very significantly we have  
419 agreed that we will build ½ of Woodman Road and ½ of Granville Road prior to receipt of the  
420 first certificate of occupancy on the property. This is a very large commitment from off-site road  
421 construction that would be a great benefit to the County and area residents. We have proffered  
422 that no houses are the same architectural design, would be adjacent to one another. We have  
423 offered to provide stub roads to the parcels next to it that you have seen on the plan. We have  
424 offered a 20 ft. landscape buffer along Woodman Road along, I guess, the northern right-of-way  
425 line, and to plant that buffer the transitional 25 standards. We talked about identifying location  
426 of passive recreational opportunities at the time of our subdivision plan of review. We believe we  
427 have those opportunities on this site and significantly we have also offered to make sure that the  
428 homes on the site are going to be developed in a compatible architectural design and materials  
429 to the homes in Magnolia Ridge Subdivision. We have some photos of those homes that are,  
430 undoubtedly, here somewhere, that I thought I could find. Do we have our power point  
431 presentation lurking about? Is that it? Here we go. These are homes in Magnolia Ridge and what  
432 you will see is a high degree of sensitivity to architecture as well as building materials ...one half  
433 to another. This home, obviously, had some amount of brick on the front, siding and other  
434 portions, but a significant architectural feature there over the front door. This next example is  
435 one with a covered porch with the porch on the front and an all brick front, and notice the all  
436 different roof line treatment. Here is an example of a home that is obviously 100% sided without  
437 any brick other than on the foundation, but note the foundation plantings and the architectural  
438 style, a home with a different amount of brick on the front with a little architecturally different  
439 look, a combination of homes looking down the street and a variety of brick and roof line  
440 treatments, a different style of home that is sided, and lastly another that is mixed, and I hope  
441 you would agree that these homes in Magnolia Ridge are an asset to the County and do  
442 represent a high degree of architectural sensitivity and quality building materials, and again, we  
443 have proffered that the homes on this property will be compatible with the architectural design  
444 and materials for Magnolia Ridge. So, we have addressed a large number of things that were in  
445 the staff report and yet apparently, according to Mr. Coleman's presentation, is still found to be  
446 lacking. We do have a tentative A-1 Subdivision approved for this site, which can be built  
447 without any of the restrictions that have been enumerated this evening, and so, as always, you  
448 all have to decide whether or not this case is just so lacking in quality and merit that it ought to  
449 be denied. There were 20 some suggestions made in the staff report and we have done 16 of  
450 those, I guess, and I would submit it would be in the County's interest to approve this case with  
451 the significant proffered conditions, and also for the benefit of the adjacent property owners,

452 many of whom are here this evening, and lastly, I would just remind you again that this request  
453 is consistent with your Land Use Plan and other area development, and with that, Mr. Chairman,  
454 I'd be happy to answer any questions. I do believe we have some supporters here this evening  
455 who might be prepared to speak.

456  
457 Mr. Vanarsdall - Any questions for Mr. Theobald by Commission members?  
458

459 Mr. Archer - Mr. Theobald, could you do those other seven recommendations and we  
460 could wrap this up?  
461

462 Mr. Theobald - Mr. Archer, those other recommendations include providing a buffer next  
463 to a Virginia Power easement, which has never been requested, I believe, in the 20 plus years, I  
464 believe, that I have been trying zoning cases. I have just never even heard of that. Obviously, it  
465 is an overhead power line with a lot of land between it, and why you would buffer against that  
466 vacant land is beyond me. Another one would be standard curb and gutter and yet Public Works  
467 specifically allows the three-foot roll face curb and gutter.  
468

469 Mr. Archer - If I can interrupt you just a little. I wasn't being totally facetious, but it  
470 would have been since if you had said yes. The staff is encouraging side loading garages, and I  
471 noticed in doing your power point presentation and in going through Magnolia Ridge there are  
472 some side loading garages.  
473

474 Mr. Theobald - There are.  
475

476 Mr. Archer - But your proffers didn't state any side loading garages. Are you not  
477 willing to do any?  
478

479 Mr. Theobald - Mr. Archer, the tension we always have is trying to come up with a  
480 percent of anything at this stage, before you know what the homebuyer, what type of home they  
481 are going to design, and in some cases we have arbitrarily picked a percent of brick or a  
482 percentage of side-loaded garages, and invariably we guess wrong, and side-loaded garages take  
483 a significant bite out of the living space of homes and really change the interior architecture more  
484 than many of us realize, so honestly, there will be some side-loaded garages, there will be some  
485 rear-loaded garages, and there will be some front-loaded garages, but I think those kinds of  
486 things really ought to be left to the homebuyer and the developer to work through, just like they  
487 were in Magnolia Ridge. I don't honestly know if Magnolia Ridge had a proffer in it about side or  
488 rear-loaded garages.  
489

490 Mr. Archer - I think that was a little bit before me, too.  
491

492 Mr. Theobald - I don't honestly know. But I think what we forget is that builders and  
493 developers with reputations really can consistently put out quality development, so that is the  
494 best way I think I can answer that question for you.  
495

496 Mr. Archer - I am asking these in order because I did want to try and address each  
497 one of them individually. Staff has also been requesting that some interior sidewalks be done. Is  
498 that a possibility?  
499

500 Mr. Theobald - I think we will end up with some sidewalks internally, and we will show  
501 you that if it kind of tentative. Again, it is a matter of trying to design up front saying that we  
502 will either be down every single street on one side or another, but I am not sure there is a  
503 development where Mr. Atack doesn't have sidewalks internally through most. There is one right  
504 there, so I think that you will find that we will be providing some number of sidewalks, and

505 obviously, this is going to come back to you, but here again, it puts us in a position where in  
506 order to try to define with a degree of certainty at this point some of these things that haven't  
507 turned out to work as well.  
508

509 Mr. Archer - I would feel more comfortable and I think Mr. Coleman and staff would,  
510 also, if we had some clear indication that there would be internal sidewalks, because it is not  
511 proffered in the current proffers. We can't hold you to it if you don't proffer it.  
512

513 Mr. Theobald - You are pretty good at holding us to stuff.  
514

515 Mr. Archer - The standard 3-foot roll-top curb, do you have anything to illustrate  
516 what that looks like?  
517

518 Mr. Theobald - Everything in Magnolia Ridge is the three-foot roll face curb and gutter.  
519 I believe that is what you are seeing in this picture here.  
520

521 Mr. Archer - Is this three-foot?  
522

523 Mr. Theobald - This is three-foot, yes, sir.  
524

525 Mr. Archer - Do you have a better illustration?  
526

527 Mr. Theobald - I will take a look. There is another example (referring to rendering) and  
528 what happens when you do the standard curb and gutter than when you are putting in your curb  
529 and gutter, you have to pick at that point where your driveway cuts is going to be, which may or  
530 may not end up being consistent where the homeowner with the lot would ultimate suggest  
531 where the cut ought to be, and then it is just not as simple as just building up a little hill of  
532 concrete and cutting out another one. It is a major reworking of the curb.  
533

534 Mr. Archer - And I understand that. I had that happen in my own house.  
535

536 Mr. Theobald - Here is another shot going down the road, and again, the tug that we  
537 have is I know that there are some preferences among supervisors and commissioners for  
538 standard curb and gutter, and yet, the three foot roll face is an accepted standard by Public  
539 Works, and until perhaps Planning and Public Works duels that one out, I guess it is still accepted  
540 by the County.  
541

542 Mr. Archer - Well, you and I have discussed this before, and I think you know the  
543 reasons why there was opposition to....  
544

545 Mr. Theobald - It was the old kind of roll face. There was a roll face example that was  
546 much steeper that caused a lot of problems with people scraping cars in and out. This is not it,  
547 though. In fact, I think you saw an example of the pitch from the driveway back here, and, of  
548 course, this lot sets up off of the grade of the street substantially.  
549

550 Mr. Archer - Now, another question I want to ask you with regard to proffer #23.  
551 Passive recreation amenities, the location of passive recreation amenities to improve tot lots shall  
552 be identified at the time of tentative subdivision plan review. That is troublesome because there  
553 is no specificity. We don't have any idea where that might end up, and by the time we get to the  
554 subdivision review, the space that it could go in may be taken up.  
555

556 Mr. Theobald - Except that we have said that there will be something. We just haven't  
557 said where they will be.

558  
559 Mr. Archer - Well, I understand, but they could end up under the power line.  
560  
561 Mr. Theobald - Well, I don't think they are going to end up under the power line. I  
562 swore when we met last week one of the suggestions by staff was that it was under the power  
563 lines, which wasn't consistent with what you and I had discussed on some other cases, so...these  
564 areas, once you get and you engineer the land you find the pockets that can't be developed  
565 based on topo or other features, and those become wonderful amenities. There is one in my  
566 neighborhood that Ms. Jones is familiar with, I think, on Roslyn Hills Boulevard. It is under a  
567 Virginia Power easement and it is a wonderful tot lot that must have been part of the County's or  
568 the Association property, and I think the County paid to put in that recreational equipment, if I  
569 am not mistaken, so I am not saying that these are going to be under the power lines, because  
570 that is not...  
571  
572 Mr. Archer - I understand what you are saying.  
573  
574 Mr. Theobald - But the point is if the engineer where a tot lot is going to be at this  
575 place, this is supposed to be about land use. Is this an appropriate use of this piece of property,  
576 are these the appropriate development standards, and to engineer in tot lots at this point, I am  
577 not sure, sir, serves our purposes, until we do our final engineering. But we have said is, it has  
578 got to be passive recreational amenities. We are going to show them to you at the time of  
579 tentative, and at the time of tentative you are far from powerless, as well all know and  
580 experience, and we work through those things, but we do it with better knowledge, better  
581 information, than we are capable of having tonight.  
582  
583 Mr. Archer - Mr. Theobald, I am really not trying to be disagreeable, but as you and I  
584 both know, anything that is not proffered we can't do, because it really holds you to it, and that  
585 is why I think staff has discomfort with not knowing exactly where (unintelligible) and I do, too.  
586 It is like the sidewalks. If you say yes, there are going to be sidewalks, and it is not proffered  
587 and they don't show up, we don't have very much say so about what we can do with it.  
588  
589 Mr. Theobald - I hope you would think that if Mr. Attack has allowed me to say that they  
590 will be there, that they will be there.  
591  
592 Mr. Archer - Oh, I don't distrust Mr. Attack.  
593  
594 Mr. Theobald - Then we are over that issue.  
595  
596 Mr. Archer - But we could do that in every case and just not proffer any of them,  
597 bearing in mind that there are other folks who are going to come behind you. There is adjacent  
598 property that has to be rezoned, and they may not want to hold to the same standards.  
599  
600 Mr. Theobald - There is a powerful pile of proffers on this case.  
601  
602 Mr. Archer - It is a lot of proffers. I agree. I need to ask Mr. Coleman a couple of  
603 things.  
604  
605 Mr. Vanarsdall - Maybe he could reword that one, Mr. Archer.  
606  
607 Mr. Archer - That is a thought, Mr. Theobald. Mr. Coleman, when you were doing  
608 your presentation, there were several items that you mentioned that were causing you concern.  
609 Have they been addressed to your satisfaction by what you have heard so far from the applicant?  
610

611 Mr. Coleman - As it stands right now, Mr. Archer, we could not recommend approval of  
612 this application.

613

614 Mr. Silber - I think, Mr. Archer, if I can elaborate on that. With any rezoning  
615 request, obviously comes in as a package with a set of proffered conditions. Staff reviews the  
616 rezoning request in light of the proffered conditions. Staff often will make suggestions,  
617 improvements to the proffers and the applicant typically steps forward and makes improvements.  
618 I think you have to look at whether they have come far enough or not. I don't think in every  
619 single rezoning case are we able to get 100% of what we think is appropriate. Ideally that is  
620 what we would like to get. I think in this particular case we feel like the applicant has come a  
621 long way, but we feel like there are still some things that need to be accomplished in this  
622 request. There are still some things we feel need to be worked on. I think the developer more  
623 than likely will do many of the things that he says he is going to do. I think it is just a matter of  
624 working with him to get that comfort level up to where we think it should be. I think proffers like  
625 the last proffer that deals with the compatibility, yes they are showing us Magnolia Pointe. They  
626 are, I believe, very quality homes. They have done a wonderful job in there. I think they have a  
627 proffer that says that these homes proposed will be compatible with those maybe doesn't go far  
628 enough. I think they could say that they would have similar homes for these and give us  
629 examples of those homes, so those illustrations that were shown tonight, and say that they will  
630 look similar to these instead of compatible with this. So, I think there are some things we can  
631 continue to work on. I would think the applicant probably is willing to continue to give  
632 consideration to these matters.

633

634 Mr. Archer - Thank you, Mr. Silber. That is about what I was trying to resolve  
635 between the applicant and Mr. Coleman. Staff is not recommending approval of this case as is,  
636 Mr. Theobald, and we are at a situation now where I feel like the remaining properties that have  
637 to be developed around this property will want to take on the same characteristics that are here.  
638 Staff is not comfortable with the recommendation and at this point I am not either.

639

640 Mr. Theobald - Well...

641

642 Mr. Archer - The supporters won't be making any progress, but I will listen to them if  
643 you want me to. I am not making a motion yet. I am just sort of stating where we are. OK.  
644 Anybody else want to speak in favor? Come on up.

645

646 Mr. David Jinnett - I'd just like to say if you guys are leaning towards denying the  
647 subdivision, I would want to call attention to one thing that I learned a long time ago. I bought  
648 some property on Winfree Road and talked to the County about the County's outlook on  
649 Woodman Road that was expected one day to come through the area, and I was told that it was  
650 going to be a development driven road, and the explanation I got was the County would love to  
651 see that road going in, but they weren't going to put it in at their own expense, and so I would  
652 caution the County to be caution to be careful because we do have an applicant here who  
653 appears to me who is proffering to pay for a significant portion of Woodman Road. I believed he  
654 has got an approved A-1 subdivision. I am an adjacent land owner. I would like to see high  
655 quality development by the way, so I am happy that you guys are asking for a lot, but I think  
656 that is a very important factor, if he puts an A-1 subdivision in, I don't know that Woodman Road  
657 will get improved. I don't know that it will get improved to the extent they are proffering now,  
658 so I just want to remind you guys that that is what you have been telling us for a while, and that  
659 is a very expensive road to build. I personally feel, I see a couple of R-3 requests on this plan  
660 tonight. This is a slightly less density request, I believe, and I feel like it is a pretty reasonable  
661 density that the applicant is asking for in this area, and I think there is a high demand for  
662 housing in this area from the community. I noticed one thing you were talking about was the  
663 side-load garages. When you have these size lots, you can only put those on certain lots, corner

664 lots, and in some cases when houses line up in certain ways you can get a drive way in and pull  
665 into the side of a house, but you can't just put them anywhere. So, I imagine that is why they  
666 are being careful about that. I would just like to say as a land owner on Winfree Road and a  
667 contracted land owner adjacent to this property that it appears to be a quality development and I  
668 can't speak to some of the proffers that you all are asking about, and I know you guys have gone  
669 to bat for me on some access issues, which I appreciate very much, but I just really wanted to  
670 mention that I do feel like the improvement to Woodman Road is quite significant, and I wanted  
671 to make sure that we took that into account when we were looking into what the applicant was  
672 proposing.

673  
674 Mr. Archer - Thank you, Mr. Jinnett. I appreciate it.

675  
676 Mr. Vanarsdall - Did you state your name?

677  
678 Mr. Jinnett - David Jinnett. J I N N E T T.

679  
680 Mr. Archer - Mr. Jinnett, also, let me say we weren't making any absolute statement  
681 that all garages had to be side-loaded. The statement was they were encouraged to be side-  
682 loaded and that means some, and I understand that you can't do all of them. Mine is not side-  
683 loaded, because I couldn't get in my yard.

684  
685 Mr. Jinnett - When I was listening to the discussion, I figured that is part. I don't  
686 know if you mentioned that, but I think that is probably why they are careful to proffer it.

687  
688 Mr. Archer - Well, Mr. Theobald did say there would be some in all likelihood and I  
689 can understand that. I appreciate your comments.

690  
691 Mr. Vanarsdall - Would anyone else in the audience like to speak on this case? Do any  
692 Commissioners have any more questions?

693  
694 Mr. Theobald - I would say, Mr. Archer, that one of the suggestions that Mr. Silber made  
695 about tightening up the proffer on the architectural we are certainly prepared to do in terms of  
696 making it similar to and using illustrations that were on the power point tonight that is absolutely  
697 what we intend to do, and in fact these homes start at \$300,000 plus, so sure, that is clearly  
698 something we would be happy to do.

699  
700 Mr. Archer - Mr. Theobald, let me clear the air about one thing first. I am not going  
701 to deny this case. That is not something I want to do and I am very much aware of the A-1  
702 Subdivision that we approved sometime ago, but we are at a point where I feel like we are  
703 moving in the direction to where we are accomplishing some things, but staff as you have heard  
704 is not satisfied with where we are right now. And I feel as though we can approach making this  
705 work, I honestly do, and in doing so I honestly think we can solve a lot of the problems, access  
706 issues and what not that did come up when we did the subdivision case, and there are a lot of  
707 people that can be helped by this, but I don't feel like we are at the point right now where we  
708 can do it. I want to do it. Would love to be able to recommend it to the Board.

709  
710 Mr. Theobald - Mr. Archer, the staff is asking for 20 conditions. We have done 16.  
711 There apparently is no such thing as a compromise on these points and we are reaching the  
712 point in your district if we don't do every single point that staff wants, we are being denied, and  
713 so we are not going to get to the point where every time the staff report comes out we just sign  
714 it and send it back, and say it is OK. I mean, we are the developers and we are the builders, and  
715 they have good ideas, and they are planning professionals, but they wanted cash proffers. That  
716 was in the staff report. I didn't hear any discussion about that tonight. But we are going to pay

717 in off-site road improvements and water and sewer extensions will exceed the amount of cash  
718 proffers the County is looking for.

719

720 Mr. Archer - I think we are getting into the impact fees and you know cash proffers  
721 are something that you have to propose for us. And I am not asking that we get 100% on  
722 everything, but there are issues here that I think we are apart on that we could come a lot closer  
723 to being together on and we could make a recommendation for this case, but at this point I don't  
724 think we are, and I think we can negotiate some more on what has to be done.

725

726 Mr. Theobald - Well, Mr. Archer, in all due respect, when we were deferred last time and  
727 we sat down, all we did at the last meeting was Mr. Coleman read the six things we hadn't done  
728 from the staff report, and if that is further negotiation, we don't need to do that again. We really  
729 don't. We are not in a position to buffer against the power lines. We are not in a position to do  
730 standard curb and gutter. We better defined the product, I think, per Mr. Silber's suggestions.  
731 We are not prepared to offer a cash proffer and we will do some sidewalks in that thing. All of  
732 the things we have discussed tonight, that is probably the one thing that if we worked a little  
733 harder we could probably figure out where those sidewalks would go between now and the  
734 Board, but these other things, I just don't see changing, and if you don't think the totality of it is  
735 a good idea for the County, then unfortunately that is going to be your decision.

736

737 Mr. Archer - Well, Mr. Theobald, you said there are things we suggested that you are  
738 just not willing to move on.

739

740 Mr. Theobald - That is exactly correct.

741

742 Mr. Archer - And I understand that, and I appreciate you being candid about it and at  
743 the same time, staff is saying that they think you should be able to offer some relief on it, and  
744 based on not doing that, they are not recommending approval. And I think this is a nice  
745 subdivision that would be an asset if we can get it to the point where, and I am not asking for  
746 100% on everything. I am slowly becoming convinced that the 3-foot rolled face curb and gutter  
747 may be an asset and looks a lot better than what it used to look like, but some of these issues I  
748 think, that if you think about a little bit more, we could come closer on.

749

750 Mr. Branin - Mr. Archer, may I ask Mr. Theobald a question. In the proffer on the  
751 playground, there was concern of putting it underneath the power line, if you aren't planning on  
752 putting it under the power line, can't you proffer that we will put it somewhere in the subdivision  
753 excluding under the power line?

754

755 Mr. Theobald - Great idea. Absolutely.

756

757 Mr. Branin - And the other proffer that Mr. Archer is concerned about with the  
758 sidewalks, can't you give a percent?

759

760 Mr. Theobald - I don't know if I can give a percent. I think we could say that there  
761 would be at least an internal pedestrian access system.

762

763 Mr. Branin - But we can proffer that. You can proffer that as well.

764

765 Mr. Theobald - Sure. What that can mean is, in other subdivisions it doesn't necessarily  
766 mean on both sides of the street. Sometimes it is on one, but not the other. Sometimes it is not  
767 all the way around the cul-de-sac, but it does provide the connectivity to get people from one  
768 place to another. Sure.

769

770 Mr. Jernigan - Put a four-foot sidewalk on one side of each street?  
771  
772 Mr. Theobald - In cul-de-sacs? I think we are trying to get folks a little more  
773 comfortable, but there will be an internal pedestrian access system.  
774  
775 Mr. Vanarsdall - There ought to be something you can do with 23.  
776  
777 Mr. Theobald - Well, I think Mr. Branin's idea is that the tot lot wouldn't be in the power  
778 area is a good one. We have talked about No. 24.  
779  
780 Mr. Branin - By specifically saying where it is not going to be, still leaves it open in  
781 where in the subdivision you want it to be.  
782  
783 Mr. Theobald - Correct. Yes.  
784  
785 Mr. Archer - There are some other areas that we could put it in that wouldn't be too  
786 palatable either, but I think the power lines would be the biggest concern to us.  
787  
788 Mr. Theobald - But you would think that somebody who is trying to sell homes in an  
789 extensive subdivision would put them in favorable locations rather than unfavorable locations.  
790  
791 Mr. Archer - I understand that, but I have also seen some that were in unfavorable  
792 locations where there were nice homes, and nobody used them for that reason.  
793  
794 Mr. Silber - Mr. Theobald, in regards to the power easement, we do have some  
795 proffered conditions that exist dealing with the proximity of homes adjacent to power easements.  
796 It may not be a buffer and may be additional setback from that easement, there is just a way of  
797 dealing with that, and ...as to how that might come about, but this is not the first time it has  
798 been requested nor will it be the first time it has been offered.  
799  
800 Mr. Theobald - It is the first time I have ever seen it, so on the sidewalks I think we  
801 would be prepared to say that we would have a pedestrian access system throughout the  
802 subdivision and we can show you exactly where that would be, and wouldn't be, with the  
803 tentative. Again, some streets that may be on both sides, if it is a main street. Some other  
804 streets it may be on one side. Cul-de-sacs we don't typically loop around because they are cul-  
805 de-sacs.  
806  
807 Mr. Archer - So, am I hearing you say that you are going to proffer sidewalks? Is  
808 that what this ultimately boils down to?  
809  
810 Mr. Theobald - We would provide sidewalks and it would not necessarily be a proffer  
811 that said "sidewalks on both sides of all streets", but we would have sidewalks. Yes.  
812  
813 Mr. Archer - Are you willing to proffer that?  
814  
815 Mr. Theobald - Sure.  
816  
817 Mr. Archer - On one side?  
818  
819 Mr. Theobald - There would be, again, yes, on one side exclusive of cul-de-sacs. Right.  
820 Did I say that right? OK.  
821



822 Mr. Archer - Now, Mr. Coleman, you can stand aside, Mr. Theobald. Where else are  
823 there areas that you would like to see improvement? I assume that is one of them and  
824 proffering out the tot lot not being under the power lines.

825

826 Mr. Coleman - I think you have encouraged the standard curb and gutter and that is  
827 something we are recommending County wide, so I think that is something we will continue to  
828 recommend. Obviously, the conversations that have taken place are progress, but we would  
829 want to see the proffer submitted before we could change our position on the case.

830

831 Mr. Archer - In view of the fact that Magnolia Ridge does have the roll face, does that  
832 change your opinion about it at all? Has it been a problem ever to your knowledge?

833

834 Mr. Coleman - In Magnolia Ridge? Not to my knowledge, no sir.

835

836 Mr. Archer - Mr. Theobald, in taking a position on this, you know we talked about this  
837 quite a bit in the last week and there was an indication that there was some changing of minds  
838 about whether or not to use roll face instead of standard.

839

840 Mr. Silber - Mr. Archer, previously, the County allowed 2-1/2 foot cross-sections of  
841 roll-face as standard and now they have changed to a three-foot cross section, which does  
842 provide for slightly more gradual slope in the driveway. It has still been our experience that  
843 depending on homeowners personal preference, some still find that a difficult curb to negotiate,  
844 getting into the driveway, in and out, multiple time a day, so they take it upon themselves to  
845 modify this and with different techniques and we can share some of those with you, but the  
846 three foot section is an improvement over the 2-1/2 foot section. I think staff still prefers to see  
847 the standard curb and gutter with the driveway cut and apron, and it does cause challenges for  
848 the developer to locate that on lot, because they don't know exactly where the driveway is going  
849 to be, so it does take some pre planning to determine where that driveway is going to be, where  
850 the garage is going to be for that house. There is no question that it does create some  
851 challenges for the developer and the builder.

852

853 Mr. Archer - But we would rather see standards other than roll face? Mr. Theobald,  
854 can you respond to that?

855

856 Mr. Vanarsdall - Mr. Archer, the 2-1/2 foot is where...

857

858 Mr. Attack - Excuse me, Mr. Archer, and Mr. Theobald begs me not to go to the  
859 podium. It effects my end result and his reputation, generally, but this curb and gutter issue is  
860 one in which is a minor detail. Henrico County has had problem with two foot, 30 inch curb and  
861 gutter for years. It does cause cars to bottom out if the lots aren't graded right. We use the  
862 three feet curb and gutter roll face curb and gutter. It is accepted by VDOT. We use it in all  
863 municipalities. It is much more aesthetically pleasing. We have used it probably over 2,000 lots  
864 from Innsbrook to Crossridge to Magnolia Ridge. We have used it in all communities. In all due  
865 respect, it isn't that big a deal. You want to put standard curb and gutter in. Fine. We will put  
866 standard curb and gutter in. The homeowner doesn't like it. It causes problems, consternations,  
867 but you know what, folks? If it is developed properly, if the developer puts it in correctly and  
868 uses a 3-foot roll face curb and gutter, it is a superior product. It is aesthetically more pleasing.  
869 It is a matter of how it is installed and the quality of the development. Mr. Theobald showed you  
870 the pictures of the community we developed since 1995, over thousands of homes in Magnolia  
871 Ridge. We had no problems with that roll-face curb and gutter, and the reason really is I think a  
872 lot of developers didn't know how to use it, to put it in, and the County has consternation. When  
873 a resident calls up and says "My car is bottoming out" and, as Mr. Silber said, I have seen in  
874 communities, and I think you said you had seen residents attempt to correct it themselves. But,

875 if properly installed, it is a superior product. As I said it, we have probably used it in 2,000 lots in  
876 just the past couple of years, award-winning companies in Innsbrook and Crossridge, and every  
877 magisterial district in the County that we develop in we use it, but in all due respect to you folks  
878 here, you want standard curb and gutter. Fine. We will put standard curb and gutter.

879

880 Mr. Archer - Mr. Atack, what I am trying to get, and I think you understand this,  
881 when we have previously passed cases along to the Board and the argument comes up again  
882 about standard curb as opposed to roll face, and I understand what you are saying, and in fact I  
883 appreciate it. It does look nice from the pictures I have seen it in Magnolia Ridge and I have  
884 ridden through there many times. But it causes me concern, and then we get to the Board and  
885 we end up in the same place that we are now. It doesn't do you any good and it doesn't do us  
886 any good, so I am trying to resolve it to the point that when we finally do dispose of it,  
887 everybody can be happy with it.

888

889 Mr. Atack - I am not sure of your point, Mr. Archer. At the Board Tuesday night,  
890 they approved a case with roll face curb and gutter. I don't know what the Board's position is. I  
891 don't understand the staff's position. I don't understand the County's position. The Ordinance  
892 allows it. VDOT allows it in the State of Virginia. As I said, properly installed, and the County  
893 changed the standard, it is a superior product, but...

894

895 Mr. Vanarsdall - Is it harder to locate the driveway with the standard curb and gutter?

896

897 Mr. Atack - Yes, sir. Absolutely.

898

899 Mr. Archer - You don't have to do any relocation is what I always heard.

900

901 Mr. Atack - It makes it a lot easier to landscape because you have flexibility to move  
902 a driveway two feet or two inches, to allow for better landscaping. That is correct, Mr.  
903 Vanarsdall. That is the aesthetic benefits of it.

904

905 Mr. Kaechele - There is a cost savings as well, with the roll face. Right?

906

907 Mr. Atack - Yes, sir. There are two economics scenarios on that, Mr. Kaechele. It is  
908 less expensive to put in roll face curb and gutter versus a concrete apron; however, you have to  
909 use more drop inlets when you use roll face curb and gutter, because it will not accommodate as  
910 much drainage as standard curb and gutter, so there is balance. As far as the development  
911 community, it is not an economic decision, it is really aesthetics. The market prefers it. The  
912 County has had problems with it in the past, and I think there is some consternation in the  
913 County, should we allow it or not. I have never seen when properly installed that it was not to  
914 the benefit of everybody.

915

916 Mr. Branin - Mr. Atack, the problems the County has had in the past, was it with the  
917 two foot or the...

918

919 Mr. Atack - Yes, sir. There are two problems. One is the smaller section is the  
920 single biggest problem and there is another problem. If the builder doesn't put that driveway in  
921 properly behind it, that is a bobbing in and out ability that comes through also, so there is a  
922 responsibility on the builder/developer to make sure from the time he goes over that curb that  
923 the driveway has some continuity to it, but the single biggest problem, absolutely, has been the  
924 width of the curb and gutter.

925

926 Mr. Silber - Mr. Atack, you were mentioning landscaping a minute ago. Is there a  
927 reason why there is a landscaping strip proposed on one side of the road and not on the other  
928 side?  
929

930 Mr. Atack - I don't know if one, Mr. Silber, why. It is not of consequence to us. Mr.  
931 Theobald just pointed out that we have a common area on both sides, that we would typically, in  
932 fact, if you go into Magnolia Ridge today and JEB Stuart Parkway, and there is a white vinyl fence  
933 and trees planted on the inside of that and the sidewalk. None of that was proffered. We put all  
934 of that in for the aesthetic benefits and now that it is 10 years old, it has some maturity and it  
935 has some canopy, and Mr. Silber we would be glad to have a mirror image of the landscaping  
936 proffer that we put on one side that we put on the other. We would do it natural anyway.  
937

938 Mr. Silber - Woodman Road, when it is all said and done, will tie all the way from  
939 Route 1 all the way over to Greenwood Road, and I think this Road is going to carry traffic. It is  
940 going to be a gateway into this area, and I think it needs to look the same on both sides and  
941 needs to look nice, and so it just may raise a question and say you are going to do something on  
942 one side and not the other.  
943

944 Mr. Atack- I agree with your concept as far as the importance of Woodman Road  
945 extended and how it will affect the gateway, and I agree with that 100%. Mr. Theobald, I  
946 apologize.  
947

948 Mr. Silber - You were somewhat more agreeable than Mr. Theobald.  
949

950 Mr. Theobald - Isn't that just always the way. They've got the spear in your back, and  
951 then they get to the microphone.  
952

953 Mr. Archer - Let me see if I can summarize some things, things I think we have  
954 agreed to, but I don't know whether or not we have. All right. There will be some side loading  
955 garages.  
956

957 Mr. Theobald - There will be some side loading garages on those lots that will  
958 accommodate them.  
959

960 Mr. Archer - The roll face curb and gutter, Mr. Atack says he can go either way.  
961 Maybe we can convince the Board that that is OK, but you are willing to do either/or, if it comes  
962 to that? OK. You are willing to proffer out the tot lot from the power lines.  
963

964 Mr. Theobald - Correct.  
965

966 Mr. Archer - There will be interior sidewalks, pedestrian walkways.  
967

968 Mr. Theobald - On one side of the street, minimum.  
969

970 Mr. Archer - We are getting somewhere. And you are agreeable to the landscaping  
971 that Mr. Silber was discussing.  
972

973 Mr. Theobald - Right. What was the first point? I didn't write it down.  
974

975 Mr. Archer - Garages.  
976

977 Mr. Theobald - That's it. OK. And then, also, the compatibility that the houses would be  
978 similar with the architectural design materials to the homes in Magnolia Ridge Subdivision,  
979 examples of which will be attached to the power point presentation. How are we doing?  
980  
981 Mr. Archer - Let me look at my notes just a little bit more.  
982  
983 Mr. Kaechele - Mr. Theobald, the illustration of those homes, are they larger than 2,000  
984 sq. ft. in size? They could be compatible or similar but smaller.  
985  
986 Mr. Theobald - Could be. We are proffering a minimum of 2,000 sq. ft. and those  
987 ranged...  
988  
989 Mr. Silber - Mr. Theobald, we appreciate you working with us tonight. I just wish we  
990 could have done this the past week, but we appreciate you working with us. I think the only  
991 thing that I know, one of the items, Mr. Archer, that is still outstanding is that it will have impact  
992 on schools, and they indicated they will be escrowing some funds for an extension of JEB Stuart  
993 Parkway, so the County, I guess would, at some point, be able to use those funds to extend  
994 Woodman Road that ties into JEB Stuart that ties into Route 1. I think we would like to continue  
995 to work with Mr. Attack and Mr. Theobald, at some point in time before this is acted on by the  
996 Board, relative to the impact on schools, but I think the other issues they seem on track tonight.  
997  
998 Mr. Archer - The negotiation was good, wasn't it?  
999  
1000 Mr. Theobald - Yes, sir.  
1001  
1002 Mr. Archer - I am of the same mind Mr. Silber is and I don't want to prolong this any  
1003 more than we have to, and I don't see where it would do us any service at all to defer it again,  
1004 but I appreciate the fact that you had to acquiesce in some, Mr. Attack, and we appreciate that.  
1005 And being mindful of the fact that I think the case may still have to be made as far as roll face. I  
1006 am going to look at some more of that.  
1007  
1008 Mr. Theobald - OK. Fair enough.  
1009  
1010 Mr. Archer - But the items that you agreed to proffer tonight...  
1011  
1012 Mr. Theobald - We have two choices. Either I can sit down and start drafting or I can  
1013 just refile them tomorrow. I need to attach the photos, which are now are on a disk back here,  
1014 and things like that.  
1015  
1016 Mr. Archer - We have a gentlemen's agreement.  
1017  
1018 Mr. Theobald - We do, sir.  
1019  
1020 Mr. Archer - Anybody else want to ask any questions? With that, Mr. Theobald, and  
1021 staff, and bearing in mind those things that may have to be worked out before we get to the  
1022 Board, I am going to move to recommend approval of Case C-6C-05 to the Board.  
1023  
1024 Mr. Jernigan - Second.  
1025  
1026 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor  
1027 say aye. All opposed say no. The motion passes.  
1028

1029 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the Planning Commission  
1030 voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request  
1031 because it conforms to the recommendation of the Land Use Plan and is appropriate residential  
1032 zoning at this location.

1033  
1034 Mr. Silber - Mr. Archer, Mr. Coleman is going to need to waive the time limits on the  
1035 proffers.

1036  
1037 Mr. Archer - When were they accepted? March 8? I move to waive the time limits on  
1038 the proffers dated March 8, 2005.

1039  
1040 Mr. Jernigan - Second.

1041  
1042 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor  
1043 say aye. All opposed say no. The ayes have it. The motion passes.

1044  
1045 The Planning Commission voted to waive the time limits on Case C-6C-05, James Theobald for  
1046 Attack Properties, Inc.

1047  
1048 ***Deferred from the January 13, 2005 Meeting:***

1049 **P-1-05 David Redmond for Mid-Atlantic Commercial Properties, LLC:**  
1050 Request for a Provisional Use Permit under Sections 24-58.2(a) and 24-122.1 of Chapter 24 of  
1051 the County Code in order to operate a retail drug store 24 hours per day, on Parcels 816-714-  
1052 4637 and 816-714-5217, containing 2.11 acres, located on the east line of S. Laburnum Avenue  
1053 approximately 300 feet north of Williamsburg Road (U. S. Route 60) and the north line of  
1054 Williamsburg Road (U. S. Route 60), approximately 170 feet east of S. Laburnum Avenue. The  
1055 existing zoning is B-1 and B-3 Business Districts and O-2 Office District. The Land Use Plan  
1056 recommends Commercial Arterial, Commercial Concentration and Suburban Residential 2, 2.4 to  
1057 3.4 units net density per acre. The site is in the Airport Safety Overlay District.

1058  
1059 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? No opposition.  
1060 Good evening, Mr. Tyson.

1061  
1062 Mr. Tyson - Good evening, Mr. Chairman, Mr. Kaechele, Mr. Secretary, members of  
1063 the Commission. The subject property is located along Laburnum Avenue, in an area that is  
1064 predominantly zoned for business uses, but is immediately adjacent to residential zoning. The  
1065 two existing buildings consisting of the former Popeye's fast food establishment and a bank  
1066 would be torn down to allow the development of a Walgreen's with a drive-thru pharmacy. The  
1067 applicant has submitted a Provisional Use Permit (P-1-05) to permit 24-hour operation of the  
1068 business. The Board of Supervisors has deferred action on the companion rezoning case pending  
1069 the outcome of this PUP application.

1070  
1071 The Land Use Plan recommends Commercial Arterial and Commercial Concentration for the site  
1072 and overall the proposed retail use is consistent with the designation of the Land Use Plan.

1073  
1074 The applicant has submitted a site plan for the development and according to the applicant, the  
1075 location of the proposed drive-thru is due to the programmatic needs of the store and due to the  
1076 site's shape and vehicular access points.

1077  
1078 In an effort to mitigate potential impacts on the adjacent residential neighborhood, the applicant  
1079 has proffered in their rezoning case an 8' high masonry wall along the eastern property line  
1080 adjacent to the residential properties and Japanese Cedar evergreen screening.

1081

1082 Overall, the redevelopment of this site could be beneficial to the Laburnum Avenue and  
1083 Williamsburg Road area. The Virginia Heights Neighborhood Association submitted an email  
1084 saying that its membership was in support of the application, and an immediately adjacent  
1085 property owner contacted me and expressed strong support of the proposed use, including the  
1086 24-hour use.

1087  
1088 If the Commission finds that the proposed use is acceptable, staff originally recommended the  
1089 following conditions:

- 1090 1. This permit shall apply only to the 24-hour operation of a retail drug store.
- 1091 2. The applicant shall schedule a security survey and comply with the recommendations of  
1092 the CPTED unit of the Division of Police. (Mr. Redmond, who is representing the  
1093 applicant, has submitted a letter to you saying that they are willing to meet with CPTED  
1094 and go through that survey process.)
- 1095 3. The facility's windows shall not be tinted in order to permit surveillance of the property.
- 1096 4. The owner shall install a video monitoring system as outlined in the staff report.
- 1097 5. Staff originally had a condition that the drive-thru pharmacy window would not operate  
1098 between the hours of 11:00 p.m. and 6:00 a.m. Given the support that was made by  
1099 both the property owners' association and the residential neighborhood next door, the  
1100 commercial character of the corridor, and expressed support by the immediately adjacent  
1101 property owners, staff is sensitive to the need for Walgreen's request.

1102  
1103 This concludes my presentation, I would be happy to try to answer any questions you may have.  
1104 Mr. Redmond is available, representing the applicant, to answer any questions that you might  
1105 have.

1106  
1107 Mr. Vanarsdall - Any questions for Mr. Tyson by Commission members? No questions.  
1108 Thank you, Mr. Tyson. Do you want to hear from the applicant, Mr. Jernigan?

1109  
1110 Mr. Jernigan - I think we have pretty much worked everything out here. As you know  
1111 and the applicant knows, I do not normally zone 24 hour next to residential, but this is America  
1112 and the democratic process took hold, and the majority of that neighborhood, the large majority  
1113 of it, felt that they would rather have the 24-hour rather than having the possibility of losing  
1114 Walgreen's as a neighbor, so I am happy with that. We have addressed all of the other issues.  
1115 The brick wall that I spoke to you about, I noticed in the proffers that there has to be zero at the  
1116 wall being built on the property line, so that takes care of the wall. So, with that, I am going to  
1117 make a motion. Mr. Tyson, did you have anything else to say?

1118  
1119 Mr. Tyson - No, but it sounds as if you are going to be amending our conditions and  
1120 I just want to make sure that is reflected in the record.

1121  
1122 Mr. Jernigan - I don't need the brick wall that I had discussed to the outside of the  
1123 drive-in window.

1124  
1125 Mr. Silber - Mr. Jernigan, there is a condition, staff had five conditions that were  
1126 recommended with this request, one of which that we felt was important is No.5 and it indicates  
1127 the drive-thru shall close no later than 11:00 p.m. and open no earlier than 6:00 a.m. That is a  
1128 condition that staff felt was important.

1129  
1130 Mr. Jernigan - Well, Mr. Silber, I tell you, I thought about that and the way I see it is  
1131 there are a lot of single parents today out there, and if a woman has to come up there that has a  
1132 couple of kids, I think she is better off to come to a drive-thru than she is to have to carry one  
1133 and put one on the hip and bring one in at 2 or 3:00 a.m, so I believe the proffer also in here  
1134 says that the sound will be zero at the 8-ft. wall.

1135  
1136 Mr. Tyson - Yes, sir, Mr. Jernigan. There was a proffer that runs with the rezoning  
1137 case, not with this provisional use permit, that said that the speaker system would not be audible  
1138 at the property line.  
1139  
1140 Mr. Jernigan - I am all right with that. So, I am going to leave the drive-thru open 24-  
1141 hours.  
1142  
1143 Mr. Vanarsdall - All right. Motion.  
1144  
1145 Mr. Jernigan - Do we need to change anything else?  
1146  
1147 Mr. Silber - Mr. Tyson, there were four conditions recommended in our staff report.  
1148 What was handed out to the Commission tonight were three conditions. I believe these were  
1149 three conditions that were suggested by the applicant.  
1150  
1151 Mr. Tyson - By the applicant. In concert with the letter that we received at the start  
1152 of the Commission meeting saying that they agreed to meet with CPTED, they have essentially  
1153 met our four suggested conditions.  
1154  
1155 Mr. Silber - OK, so that speaks to my point. So, if Mr. Jernigan wanted to approve  
1156 this without the staff recommendation No. 5, would his motion simply say recommends approval  
1157 with the three conditions that were handed out by the applicant?  
1158  
1159 Mr. Tyson - I would suggest that he go with the four conditions we've got in our staff  
1160 report, omitting the fifth condition. They are essentially the same.  
1161  
1162 Mr. Jernigan - I would omit No. 5. Just omit No. 5 and we will have conditions 1  
1163 through 4.  
1164  
1165 Mr. Kaechele - Mr. Secretary, just a little explanation of Condition No. 3 in the last  
1166 sentence there on the surrounding area. That may be taken to result in a provisional use permit.  
1167 Is that step 5. Does the Planning Office...  
1168  
1169 Mr. Silber - Mr. Kaechele, that is the condition that was being offered by the  
1170 applicant and it is no longer being considered at this point. What is being considered is in the  
1171 staff report, the green report, page 3, conditions 1 through 4, but maybe to answer your  
1172 question, if I were having to answer that question, I believe that a provisional use permit is  
1173 revocable. It is revocable based on cause, so this, I believe, would be initiated by the County, if  
1174 for some reason we felt that there were some crime and safety issues here taking place, some  
1175 adverse affect, then we could through a show cause hearing bring this to a hearing and consider  
1176 revocation of this use permit.  
1177  
1178 Mr. Kaechele - Would that be done administratively or would that have to come back?  
1179  
1180 Mr. Silber - It would have to come back through.  
1181  
1182 Mr. Tyson - Mr. Kaechele, that language was actually adopted with other provisional  
1183 use permits for 24-hour use and extended hours in the County. Mr. Redmond wanted to include  
1184 that as a condition, showing that they understand that there is a possibility it could be revoked.  
1185  
1186 Mr. Jernigan - With that I will move for approval of Provisional Use Permit P-1-05, Mid-  
1187 Atlantic Commercial Properties, LLC.

1188  
1189 Mr. Archer - Second.  
1190  
1191 Mr. Silber - That motion was without staff recommendation of Condition No.5.  
1192 Correct?  
1193  
1194 Mr. Jernigan - Yes. He took No. 5 out.  
1195  
1196 Mr. Silber - Staff was recommending all five. Your motion needs to say you are  
1197 recommending to the Board of Supervisors without No. 5.  
1198  
1199 Mr. Jernigan - I want to send it up without No. 5. I want to have the window open all  
1200 night as the rest of the store.  
1201  
1202 Mr. Vanarsdall - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor  
1203 say aye. All opposed say no. The motion passes.  
1204  
1205 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Archer, the Planning Commission  
1206 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request  
1207 because when properly developed and regulated by the recommended special conditions, it  
1208 would not be detrimental to the public health, safety, welfare, and values in the area.  
1209  
1210 **C-10C-05 CGS Properties, LLC:** Request to conditionally rezone from R-3 One  
1211 Family Residence District to RTHC Residential Townhouse District (Conditional), Parcel 767-751-  
1212 2632, containing 15.17 acres, located on the south line of Wistar Road at its intersection with  
1213 Shrader Road. The applicant proposes residential townhouses for sale with the number of  
1214 dwelling units not to exceed one hundred twenty-five (125). The RTH Districts allows a  
1215 maximum of nine (9) units per acre. The Land Use Plan recommends Office.  
1216  
1217 Mr. Vanarsdall - Is anyone in the audience in opposition to this case in the Brookland  
1218 District, C-10C-05? No opposition. Mr. Tyson.  
1219  
1220 Mr. Tyson - Thank you again, Mr. Chairman, Mr. Kaechle, members of the  
1221 Commission, Mr. Secretary. This is a request to rezone approximately 15.17 acres to permit  
1222 construction of 69 townhouses. The applicant has proffered this conceptual layout of the  
1223 development. The property to the north of the property is occupied by the Verizon office  
1224 complex. Large-lot residential uses are to the east. Commercial and office uses are to the south  
1225 and west of the property.  
1226  
1227 The Land Use Plan recommends Office use for this parcel. The proposed project is not consistent  
1228 with the use recommended in the 2010 Land Use Plan; however, the proposed use may be an  
1229 appropriate transition from the large lot residential uses to the east and the commercial activities  
1230 that surround the property on the other sides.  
1231  
1232 The applicant has submitted a revised proffer statement dated February 9, 2005 that addressed  
1233 staff's initial concerns with the application. The time limits will have to be waived for  
1234 consideration of these proffers.  
1235  
1236 The applicant is proffering:  
1237  
1238 All dwellings shall be single-family attached townhouse units constructed in an architectural style  
1239 generally consistent with this elevation. All units will be a minimum of 2000 square feet in size,  
1240 with a minimum width of 32'. Two car garages have been proffered through Exhibit C, included



1241 in your proffer packages. A minimum of 50% of the total façade space for all of the buildings in  
1242 the development (in the aggregate) will be brick, and any single building is proffered to have a  
1243 front façade of at least 40% brick.

1244  
1245 A 6' wall of Brickcrete or equivalent material will be constructed along the eastern and  
1246 southwestern property lines, and a 10 foot landscaped buffer will be provided adjacent to that  
1247 wall. A 25' buffer, planted to the Transitional Buffer 35 standard, will be constructed along  
1248 Wistar Road and will include a decorative metal fence of wrought-iron appearance with brick  
1249 columns 50' on center. The applicant has further proffered that no wooden stockade-style  
1250 fences will be permitted on the property.

1251  
1252 The Major Thoroughfare Plan shows Shrader Road extended crossing a portion of this property,  
1253 and it is anticipated that a request will be made to have that portion of Shrader Road between  
1254 Wistar Road and Bunche Street removed from the Plan. This would provide additional land area  
1255 for the project.

1256  
1257 Additionally, a landscaped entrance feature will be provided.

1258  
1259 The Hutchinson family cemetery is located on the property, and has been located there since at  
1260 least 1904. The cemetery is fenced and padlocked, but very overgrown and in poor condition. A  
1261 deeded right-of-way is provided for access to this cemetery. In response to staff's concern that  
1262 there may be additional graves on the property, the applicant has proffered that a registered  
1263 professional archeologist will survey the site to determine if additional graves are present. If any  
1264 graves are found, the applicant has proffered to either remove and re-inter the remains or  
1265 otherwise protect them as required by law.

1266  
1267 The applicant has also proffered underground utilities, screened mechanical equipment, 4'  
1268 sidewalks adjacent to all parking areas linking the units, sodded and irrigated yards, and uniform  
1269 mailboxes for each unit. A minimum STC rating of 54 between units has also been proffered,  
1270 and a wall section is supplied in your proffer package. Additionally, trash pickup and street  
1271 cleaning are prohibited between the hours of 9 pm and 7 am, and are prohibited entirely on  
1272 Sundays.

1273  
1274 There are BMPs that are shown on the conceptual plan, but the Department of Public Works has  
1275 agreed to let the applicant pay into an urban stream program fund so those can be removed  
1276 from the Concept plan. If Schrader Road is removed from the MTP additional property along this  
1277 line would become available for development.

1278  
1279 It is anticipated that these can be addressed between this hearing and the Board of Supervisors  
1280 hearing. Staff recommends that that the Planning Commission send this application on to the  
1281 Board with the recommendation for approval.

1282  
1283 This concludes my presentation, I would be happy to try to answer any questions you may have.

1284  
1285 Mr. Vanarsdall - Any questions for Mr. Tyson by Commission members? There are a  
1286 couple of things I want to point out in here that, I guess this could be called a motion, but I am  
1287 not making a motion. This is sort of like the case Chris had when it kept improving and  
1288 improving and improving. I had, I believe, three meetings with the applicant, and Mr. Glover  
1289 was involved in all of them, and they asked for things, and most of the time were not reluctant in  
1290 offering, and we kept on until we made a better mouse trap, and that is what this is all about. I  
1291 want to tell you about the garage. I don't think I ever saw this before. It started out as an 18 ft.  
1292 8-1/2 inch garage or 8 inch, wasn't it Stewart, and Mr. Glover said that causes you to have a  
1293 garage with junk in it, because when he and his wife arrive home at the same time, he has to

1294 wait until she gets in and he has a little dot on the back of the wall where if he doesn't go that  
1295 way, he can't get out of the car, so I thought it was kind of ingenious the way the architect  
1296 worked this out. If you notice, when you begin you come into the garage it is 18'18", but when  
1297 you get to where you car is going to be it is 20', so you don't have any trouble opening doors and  
1298 getting out. I don't think I have ever seen this before. The other thing was about the wall.  
1299 They are going to put it on property line, right?  
1300  
1301 Mr. Tyson - Mr. Vanarsdall, the Concept plan you have before you does not show it  
1302 located on the property line. The applicant is here. He can probably address whether that will  
1303 occur or not. It has been suggested that that be moved back to the property line.  
1304  
1305 Mr. Vanarsdall - And it was to their advantage to do that?  
1306  
1307 Mr. Tyson - Yes, sir.  
1308  
1309 Mr. Vanarsdall - Brickcrete that we started out calling Jack Keith...  
1310  
1311 Mr. Silber - Mr. Vanarsdall, I think at one point, there was a suggestion that there  
1312 not be any wooden fences over 42 inches in height. I didn't see those in the proffers. I wasn't  
1313 sure what happened to those.  
1314  
1315 Mr. Tyson - They proffered in Proffer No. 15, Mr. Silber, that parking of recreational  
1316 vehicles, boats and campers and wooden stockade style fences shall be prohibited.  
1317  
1318 Mr. Silber - Your reading of that is that wooden stockade-style fences shall be  
1319 prohibited.  
1320  
1321 Mr. Tyson - It addresses the wooden fence issue.  
1322  
1323 Mr. Vanarsdall - For the benefit of Bonnie Jones and Tom Branin, we don't like wooden  
1324 fences in the Brookland District in any way, shape or form. The other districts, like yours, have  
1325 their share of them.  
1326  
1327 Mr. Silber - Mr. Vanarsdall, I don't know, maybe I need to ask the applicant this.  
1328 Maybe you were addressing this in your comment on the garages, but Proffer 3 says the garages  
1329 shall be constructed in substantial conformance with Exhibit C noting that all dimensions have a 3  
1330 inch tolerance. Am I correct? Three inch tolerance, not three feet?  
1331  
1332 Mr. Vanarsdall - I wondered about that, too, but Stuart, do you want to come to the  
1333 mike. Anybody have anymore questions for Mr. Tyson? Good evening, Stuart.  
1334  
1335 Mr. Stuart Grattan - Good evening. A couple of questions I have come up to. The first  
1336 question is about the wall. The right property line has a 10 foot easement to access the grave  
1337 yard. We would like to place that wall on the interior edge of that easement, and then, we can,  
1338 if necessary, put the wall around the graveyard and essentially separate it from the development.  
1339 The alternative would be to set it on the property line. You'd have to leave access to Wistar  
1340 Road and the enclosure we are trying to create with the walls and the fences and so on would  
1341 have a breach in it, to allow access to the graveyard. That is why we've got it set on that line. I  
1342 don't think we have a problem anywhere else setting it on the property line. But in that case it  
1343 adds a complication and in talking with Mr. Tyson about it, my first reaction was that was  
1344 something we'd address at POD, but it is a concern now. That is why we have it the way it is  
1345 now.  
1346

1347 Mr. Silber - Sir, let me try to understand what you are saying. Are you saying that  
1348 the easement to this cemetery right now is a 10-foot easement that runs from Wistar back to the  
1349 cemetery?  
1350  
1351 Mr. Grattan - That is correct.  
1352  
1353 Mr. Silber - And where is that easement located, along that eastern property line?  
1354  
1355 Mr. Grattan - I guess it is going to be the eastern line but it is on the property line.  
1356  
1357 Mr. Silber - OK, so you want to keep the fence 10 feet off of the property line to  
1358 allow that continual access to the cemetery?  
1359  
1360 Mr. Grattan - Yes, sir.  
1361  
1362 Mr. Silber - So, you are not proposing then access to the cemetery through your  
1363 driveway system?  
1364  
1365 Mr. Grattan - I thought about doing that, too, but that is difficult. In order to provide  
1366 access through the driveway system, to whom do you dedicate the easement? I don't even  
1367 know who the heirs are. We would not be able to vacate that existing easement without getting  
1368 signatures from every heir of everyone in the graveyard. It is a difficult task.  
1369  
1370 Mr. Silber - You would propose then the access to the cemetery be from Wistar Road  
1371 down a 10-foot easement along the eastern border and then in a sense a wall would come off of  
1372 that property line and wrap around the cemetery in some fashion and somewhat isolated and  
1373 separate from the townhouse project.  
1374  
1375 Mr. Grattan - That is what I am thinking right now, just because I haven't come up  
1376 with a better solution. If there is a better solution, I think we can work it out at POD or some  
1377 other time, but right now, that is where I am headed.  
1378  
1379 Mr. Silber - OK.  
1380  
1381 Mr. Grattan - The question about the garage is, in fact, that it is a 3 inch tolerance.  
1382 The wall designs and so on have not been nailed down exactly yet. This is actually a product  
1383 that Ryan has never constructed before and we are giving you the best we can, but right now,  
1384 we can't nail it down any better than 3 inches.  
1385  
1386 Mr. Silber - Let me just ask this question. It is really up to Mr. Vanarsdall and the  
1387 Planning Commission, but I guess my concern is if you bring in some floor plan with the garage  
1388 being shown and it ends up being four inches off, and this says 3, we've got a problem. Do you  
1389 feel it is even necessary, Mr. Vanarsdall, to add that last sentence, that indicates a 3 inch  
1390 tolerance? Do you want to tie them down?  
1391  
1392 Mr. Vanarsdall - I don't think we need that. Do you?  
1393  
1394 Mr. Silber - To me it seems like it is overly restrictive, but I have not been in these  
1395 meetings you have had with the applicant.  
1396  
1397 Mr. Vanarsdall - I think it would be better if it wasn't in there.  
1398

1399 Mr. Silber - I am just afraid there may be something that comes up 3-1/2 inches or 4  
1400 inches later on, and you are going to be stuck.  
1401  
1402 Mr. Vanarsdall - Do you have any objection to eliminating the last sentence?  
1403  
1404 Mr. Grattan - I've got somebody from Ryan here, but I think right now, Mr. Vanarsdall,  
1405 I do. Without having the actual drawings of this building done. I am not talking elevations. I  
1406 am talking actual drawings that are defining the wall thickness. We have got proffered  
1407 conditions here for sound transmission co-efficiencies of 54 for the interior walls. One of these  
1408 walls will be...  
1409  
1410 Mr. Vanarsdall - So what you are saying is you don't know how you can do it without the  
1411 3 inch wall?  
1412  
1413 Mr. Silber - Can I make a suggestion, Mr. Grattan. Why don't we leave it at this time  
1414 and work that out between now and the Board meeting?  
1415  
1416 Mr. Grattan - That is fine with me.  
1417  
1418 Mr. Jernigan - If you take off that last sentence, there isn't a 3-inch tolerance. That  
1419 means it can fluctuate, whatever. You are locking yourself in to a 3-inch tolerance.  
1420  
1421 Mr. Grattan - We are providing a proffer that shows the dimensions of that garage and  
1422 it is showing 20-foot dimensions. We are asking for a 3-inch tolerance in there so we can make  
1423 the walls work. That should not affect the workability of that garage. Three inches isn't going to  
1424 make a difference of whether you get out of a car or not.  
1425  
1426 Mr. Vanarsdall - All right. We will leave it in there.  
1427  
1428 Mr. Grattan - OK. Thank you.  
1429  
1430 Mr. Vanarsdall - Thank you for working with us.  
1431  
1432 Mr. Grattan - Thank you. I think it will be a good product.  
1433  
1434 Mr. Kaechele - One other question. The subdivision layout and conceptual plan is  
1435 proffered in the case? And also a 30-foot wide road is proffered?  
1436  
1437 Mr. Grattan - We are proffering a 30-foot wide road at the entrance and the intense  
1438 area, that would be from curb to curb without a boulevard style, but it would provide two out  
1439 lanes, one left, one right.  
1440  
1441 Mr. Kaechele - What about parking? Is there room for parking on one side?  
1442  
1443 Mr. Grattan - The interior drive aisles are 34 feet, which are allowed for two 12-foot  
1444 lanes in each direction, and a parallel parking space on one side of the road.  
1445  
1446 Mr. Kaechele - The whole length of the road?  
1447  
1448 Mr. Grattan - I am thinking we might come in where we are crossing the wetlands in  
1449 order to minimize the impacts there, and so on, but I think the parking ratio is going 2-1/4  
1450 spaces per unit, and the way we've got this laid out right now is we've got 2 parking spaces, not  
1451 the garage, we are not allowed to count that. But behind the sidewalk to the garage door, we

1452 have got 18 feet and 18 x 18 square is essentially 2 parking spaces, and we are counting those in  
1453 our parking calculations and the quarter space per unit is coming up in parallel parking through  
1454 the interior drive.  
1455  
1456 Mr. Kaechele - So, how many cars can you get in there parallel parking?  
1457  
1458 Mr. Grattan - In the parallel, well we've got close to 70 units here.  
1459  
1460 Mr. Kaechele - I mean per unit.  
1461  
1462 Mr. Grattan - Oh, a quarter.  
1463  
1464 Mr. Kaechele - One-quarter?  
1465  
1466 Mr. Grattan - One-quarter per unit in the parallel parking.  
1467  
1468 Mr. Kaechele - How many additional off-street parking?  
1469  
1470 Mr. Grattan - Mr. Kaechele, I don't know the exact linear footage of the road. We may  
1471 lose some, you can't park along the entire frontage because you've got driveways, but we in the  
1472 office have laid out a variable frontage with parallel parking and we can meet the ¼ space per  
1473 unit requirement with that parallel parking.  
1474  
1475 Mr. Kaechele - Thank you.  
1476  
1477 Mr. Grattan - Thank you.  
1478  
1479 Mr. Vanarsdall - I recommend waiving the time limits on Case C-10C-05.  
1480  
1481 Mr. Jernigan - Second.  
1482  
1483 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in  
1484 favor say aye. All opposed say no. The motion is passed. The time limits are waived.  
1485  
1486 The Planning Commission voted to waive the time limits on Case C-10C-05, G. Stuart Grattan for  
1487 CGS Properties, LLC.  
1488  
1489 Mr. Vanarsdall - Any more questions by Commission members? Thank you, sir. Lee, I  
1490 want to thank you for working with them on this. I move that C-2C-05, CGS Properties, LLC, be  
1491 recommended to the Board of Supervisors for approval.  
1492  
1493 Mr. Archer - Second.  
1494  
1495 Mr. Vanarsdall - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in favor  
1496 say aye. All opposed say no. The ayes have it. The motion is passed.  
1497  
1498 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning  
1499 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the  
1500 request because it is reasonable, it would not be expected to adversely affect the pattern of  
1501 zoning and land use in the area, and the proffered conditions will provide appropriate quality  
1502 assurances not otherwise available.  
1503  
1504 Approval of Minutes: Work Session Minutes

1505  
1506 Mr. Archer - So moved.  
1507  
1508 Mr. Jernigan - Second.  
1509  
1510 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Mr. Jernigan. All in favor  
1511 say aye. All opposed say no. The ayes have it. The minutes are approved.  
1512  
1513 Mr. Archer - I move approval of minutes of February 10, 2005.  
1514  
1515 Mr. Jernigan - Second.  
1516  
1517 Mr. Vanarsdall - Motion was made by Mr. Archer and seconded by Mr. Jernigan. All in  
1518 favor say aye. All opposed say no. The minutes are approved.  
1519  
1520 Mr. Vanarsdall - Mr. Silber, do you have anything?  
1521  
1522 Mr. Silber - Yes, sir. Mr. Chairman, I have one item if you can give me a minute.  
1523  
1524 Ms. Jones - Lee told me two of you have cell phones and I think I have talked to  
1525 both of you about that. You are entitled to a cell phone. I don't think I have talked to you  
1526 about this yet, but the County will provide you with a cell phone if you are interested in having  
1527 one. I can tell you more about that, but the County is paying more attention to a cell phone  
1528 policy they have in place, and I have a letter to the Planning Commission that I wasn't able to  
1529 mail out, so I brought it tonight and I wanted to pass it out to each of you, but it does require  
1530 that usage of County cell phones are primarily for County business. If you do make any personal  
1531 phone calls, you need to reimburse the County \$.10 per minute for personal calls, so I wanted to  
1532 emphasize that, and I do have a memo for those who have phones.  
1533  
1534 Mr. Kaechele - It is really not worth the County's time for us to reimburse them \$.10,  
1535 but I think it is perception by the public that we are using the County phones for our own  
1536 purposes.  
1537  
1538 Mr. Vanarsdall - Thank you, Randy, for explaining that.  
1539  
1540 Mr. Archer - Mr. Chairman, I move for adjournment at 8:46 p.m.  
1541  
1542 Ms. Jones - Second.  
1543  
1544  
1545  
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1547  
1548 

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Ernest B. Vanarsdall, C.P.C., Chairman  
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1552  
1553 

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Randall R. Silber, Secretary  
1554