

1 Minutes of the regular monthly meeting of the Planning Commission of the County of
2 Henrico, held in the County Administration Building in the Government Center at Parham
3 and Hungary Springs Roads, Beginning at 7:00 p.m. Thursday, March 9, 2006, Display
4 Notice having been published in the Richmond Times-Dispatch on February 19, 2006
5 and February 23, 2006.

6
7 Members Present: Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)
8 Mr. Tommy Branin, Vice Chairperson (Three Chopt)
9 Mrs. Bonnie-Leigh Jones (Tuckahoe)
10 Mr. E. Ray Jernigan, C.P.C. (Varina)
11 Mrs. Patricia S. O'Bannon (Tuckahoe), Board of
12 Supervisors Representative
13 Mr. Randall R. Silber, Director of Planning, Secretary
14

15 Members Absent: Mr. Ernest B. Vanarsdall, C.P.C., (Brookland)
16

17 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning
18 Ms. Jean Moore, Principal Planner
19 Mr. Lee Tyson, County Planner
20 Ms. Rosemary Deemer, County Planner
21 Mr. Thomas Coleman, County Planner
22 Ms. Nathalie Neaves, County Planner
23 Mr. Edward J. McGarry, County Planner
24 Ms. Jennifer C. Dean, Recording Secretary
25

26 **Ms. O'Bannon abstains from voting on all cases unless it is necessary to break a**
27 **tie.**

28
29 Mr. Archer - Good evening, everyone. The Planning Commission will come to
30 order. We are glad to have you all here tonight. I want to recognize the press, Mr. Tom
31 Lappis and Ms. Olympia Meola. We are happy to have you here tonight. With that we
32 will get started.
33

34 Mr. Silber - With that we can begin the meeting. Mr. Vanarsdall is absent
35 today, but the other Commission members are here as well as Ms. O'Bannon. We have
36 several deferrals on the agenda, and if staff can walk us through those deferrals, I would
37 appreciate that.
38

39 Ms. Moore - Good evening. Thank you, Mr. Silber. The first request for
40 deferral is on Page 1. It is in the Varina District.
41

42 ***Deferred from the September 15, 2005 Meeting.***

43 **C-31C-05 Courtney Fisher for Richmond Land Company:** Request to
44 conditionally rezone from O-2C Office District (Conditional) to R-3C One Family
45 Residence District (Conditional), Parcel 818-716-1579, containing 0.762 acre, located at
46 the southwest intersection of Audubon Drive and Oakleys Lane. The applicant proposes
47 a single-family residential development. The R-3 District allows a minimum lot size of
48 11,000 square feet with a maximum gross density of 3.96 units per acre. The use will be
49 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
50 recommends Office and Environmental Protection Area. The site is in the Airport Safety
51 Overlay District.

52
53 Ms. Moore - The applicant has requested a deferral to September 14, 2006.
54
55 Mr. Archer - Is there anyone here in opposition to deferral of Case C-31C-05,
56 Courtney Fisher for Richmond Land Company? No opposition. Mr. Jernigan.
57
58 Mr. Jernigan - I make a motion we defer Case C-31C-05, Courtney Fisher for
59 Richmond Land Company, to September 14, 2006, at the applicant's request.
60
61 Ms. Jones - Second.
62
63 Mr. Archer - Motion made by Mr. Jernigan and seconded by Ms. Jones. All in
64 favor say aye. All opposed say no. The motion passes.
65
66 At the applicant's request, the Planning Commission deferred Case C-31C-05, Courtney
67 Fisher for Richmond Land Company, to September 14, 2006.
68
69 Ms. Moore - The next request for deferral is in the Three Chopt District.
70

71 ***Deferred from the December 8, 2005 Meeting.***

72 **C-75C-05 John J. Hanky III, for Barrington Development, Inc:** Request to
73 conditionally rezone from R-3C One Family Residence District (Conditional) to O-2C
74 Office District (Conditional), Parcel 740-758-4797, containing 2.215 acres, located on the
75 east line of the proposed John Rolfe Parkway right-of-way approximately 310 feet south
76 of Three Chopt Road. The applicant proposes an office development. The use will be
77 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
78 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and
79 Environmental Protection Area. The site is in the West Broad Street Overlay District.
80

81 Mr. Archer - Is there anyone present in opposition to the deferral of Case C-
82 75C-05, John J. Hanky, III, for Barrington Development, Inc.? No opposition. Mr.
83 Branin.
84

85 Mr. Branin - I move that Case C-75C-05, John J. Hanky, III for Barrington
86 Development, Inc. be deferred to May 11, 2006, at the applicant's request.
87

88 Mr. Jernigan - Second.
89

90 Mr. Archer - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in
91 favor say aye. All opposed say no. The motion passes.
92

93 At the request of the applicant, the Planning Commission deferred Case C-75C-05, John
94 J. Hanky III, for Barrington Development, Inc. to its meeting on May 11, 2006.
95

96 Ms. Moore - The next deferral is also in the Three Chopt District.
97

98 ***Deferred from the February 9, 2006 Meeting.***

99 **C-11C-06 R & R Development, LC.:** Request to rezone from [R-5C]
100 General Residence District (Conditional) to B-2C Business District (Conditional), Parcels
101 739-761-2693 and 739-762-0100, containing 2.441 acres, located on the south line of
102 West Broad Street (U. S. Route 250) approximately 195 feet east of Spring Oak Drive.

103 The applicant proposes a retail development. The use will be controlled by zoning
104 ordinance regulations and proffered conditions. The Land Use Plan recommends Mixed
105 Use. The site is in the West Broad Street Overlay District.

106
107 Mr. Archer - Is there anyone here in opposition to the deferral of Case C-11C-
108 06, R & R Development, LC? No opposition. Mr. Branin.

109
110 Mr. Branin - I move that Case C-11C-06, R & R Development, LC, be deferred
111 to April 13, 2006, at the applicant's request.

112
113 Ms. Jones - Second.

114
115 Mr. Archer - Motion made by Mr. Branin and seconded by Ms. Jones. All in
116 favor say aye. All opposed say no. The motion passes.

117
118 At the applicant's request, the Planning Commission deferred Case C-11C-06, R & R
119 Development, LC, to its meeting on April 13, 2006.

120
121 ***Deferred from the January 12, 2006 Meeting.***

122 **C-76C-05 Robert Atack for George M. Urban:** Request to conditionally
123 rezone from A-1, Agricultural District to R-5C, General Residence District (Conditional),
124 Parcels 747-770-3395 and 746-770-9777, containing 11.18 acres, located on the west
125 line of Nuckols Road approximately 350 feet north of New Wade Lane and between the
126 south line of Hickory Park Drive and the north line of New Wade Lane. The applicant
127 proposes a residential development of no more than 150 condominium units for sale.
128 The R-5 District allows a density of 14.52 units per acre. The use will be controlled by
129 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends
130 Rural Residential, Suburban Residential 2, (2.4 to 3.4 units net density per acre), and
131 Environmental Protection Area.

132
133 Mr. Archer - Is there anyone present who is opposed to the deferral of Case C-
134 76C-05, Robert Atack for George M. Urban? No opposition. Mr. Branin.

135
136 Mr. Branin - I move that Case C-76C-05, Robert Atack for George M. Urban be
137 deferred to November 9, 2006, at the applicant's request.

138
139 Mr. Jernigan - Second.

140
141 Mr. Archer - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in
142 favor say aye. All opposed say no. The ayes have it. The motion passes.

143
144 At the applicant's request, the Planning Commission deferred Case C-76C-05, Robert
145 Atack for George M. Urban, to its meeting on November 9, 2006.

146
147 **C-19C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.:** Request to

148 conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse
149 District (Conditional), Parcels 746-763-2482, 746-763-2896, 746-763-1769, 746-764-
150 3818, and 746-763-7257 containing 12.54 acres, located between the east line of
151 Glasgow Road and the west line of Sadler Road, approximately 600 feet north of Ireland
152 Lane. The applicant proposes a residential townhouse development with no more than 6
153 dwelling units per acre. The RTH Residential Townhouse District allows a maximum

154 gross density of 9 units per acre. The proposed use will be controlled by Zoning
155 Ordinance regulations and proffered conditions. The Land Use Plan recommends
156 Suburban Residential 1, 1.0 to 2.4 units net density per acre.

157

158 Mr. Archer - Is there anyone here in opposition to Case C-19C-06, G. Edmond
159 Massie, IV for Fidelity Properties, Ltd? No opposition. Mr. Branin.

160

161 Mr. Branin - I move that we defer Case C-19C-06, G. Edmond Massie, IV for
162 Fidelity Properties, Ltd. to our meeting on April 13, 2006, at the applicant's request.

163

164 Mr. Jernigan - Second.

165

166 Mr. Archer - Motion by Mr. Branin and seconded by Mr. Jernigan. All in favor
167 say aye. All opposed say no. The ayes have it. The motion passes.

168

169 At the applicant's request, the Planning Commission deferred Case C-19C-06, G.
170 Edmond Massie, IV for Fidelity Properties, Ltd. to April 13, 2006.

171

172 Ms. Moore - The next case is also in the Three Chopt District.

173

174 ***Deferred from the June 9, 2005 Meeting.***

175 **C-8C-05 G. Edmond Massie, IV for Fidelity Properties, Ltd.:** Request to
176 conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse
177 District (Conditional), Parcel 746-764-5580, containing approximately 4.54 acres, located
178 on the west line of Sadler Road approximately 290 feet south of Wonder Lane. The
179 applicant proposes a townhouse development not to exceed six (6) units per acre. The
180 maximum density allowed in the RTH District is nine (9) units per acre. The uses will be
181 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
182 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

183

184 Mr. Archer - Is there anyone here in opposition to Case C-8C-05, G. Edmond
185 Massie, IV, for Fidelity Properties, Ltd.? No opposition. Mr. Branin.

186

187 Mr. Branin - I move that Case C-8C-05, G. Edmond Massie, IV, for Fidelity
188 Properties, Ltd., be deferred to April 13, 2006.

189

190 Ms. Jones - Second.

191

192 Mr. Archer - Motion made by Mr. Branin and seconded by Mr. Jernigan. All in
193 favor say aye. All opposed say no. The motion passes.

194

195 At the applicant's request, the Planning Commission deferred Case C-8C-05, G.
196 Edmond Massie, IV for Fidelity Properties, Ltd. to its meeting on April 13, 2006.

197

198 Mr. Silber - Next on the agenda would be the consideration of a request for
199 expedited items. These are zoning requests that the applicant has asked to be placed
200 on an agenda that do not require a full hearing. These are requests that are somewhat
201 minor in nature. The issues have been addressed. The applicant has addressed the
202 staff concerns, addressed concerns of the Planning Commission and it is placed on an
203 agenda that can be heard quickly. If there is opposition to a case, it will be pulled off the

204 expedited agenda and heard in the order they are found on the full agenda. I think we
205 have one expedited item. It is on page 3 of your agenda.

206
207 **C-15C-06 James W. Theobald for Orleans Homebuilders, Inc.:** Request
208 to amend proffered conditions accepted with rezoning case C-19C-05, on Parcels 761-
209 767-6317, 761-767-2889 and 762-767-8633, containing 78.814 acres, located on the
210 west line of Staples Mill Road (U. S. Route 33) at Meadow Pond Lane. The applicant
211 proposes to amend Proffers 1, 2, 15 and 17 related to the concept plan, access, roads,
212 curb and gutter, and fences/walls, delete Proffer 24 related to the entrance feature and
213 amend proffer 27 related to setback and building orientation to Staples Mill Road. The
214 existing zoning is R-2C One Family Residence District (Conditional). The proposed use
215 will continue to be controlled by Zoning Ordinance regulations and the revised proffered
216 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
217 density per acre.

218
219 Mr. Archer - Is there any opposition to Case C-15C-06, James W. Theobald for
220 Orleans Homebuilders, Inc. being heard on the expedited agenda? No opposition. I will
221 move for approval of Case C-15C-06, James W. Theobald for Orleans Homebuilders,
222 Inc., and that it be sent to the Board of Supervisors for approval.

223
224 Mr. Branin - Second.

225
226 Mr. Archer - Motion made by Archer and seconded by Mr. Branin. All in favor
227 say aye. All opposed say no. The motion passes.

228
229 **REASON:** The Planning Commission voted to recommend the Board of
230 Supervisors grant the request because it is reasonable, the amendments do not reduce
231 the original intended purpose of the proffers, and the proffers continue to assure a
232 quality form of development with maximum protection afforded to adjacent properties.

233
234 Mr. Silber - Our next case is a plan of development deferred from the
235 February 22, 2006 meeting.

236
237 **PLAN OF DEVELOPMENT (Deferred from the February 22, 2006 Meeting)**

238 **POD-6-06**
239 **LaQuinta Inn & Suites and**
240 **Durango Restaurant - Norman Road**
241 **Engineering Design Associates for Airport Road LLC and Win-Par Hospitality,**
242 **LLLP:** Request for approval of a plan of development, as required by Chapter 24,
243 Section 24-106 of the Henrico County Code, to construct a 91-room, three-story, hotel
244 and a 9,600 square foot restaurant. The 7.587-acre site is located on the north side of
245 Norman Road, abutting the west side of South Airport Drive, on part of parcel 819-710-
246 8950. The zoning is M-1, Light Industrial District and ASO (Airport Safety Overlay)
247 District. County water and sewer.

248
249 Mr. Archer - Is there any opposition to POD-6-06, LaQuinta Inn and Suites and
250 Durango Restaurant - Norman Road? No opposition. Mr. McGarry.

251
252 Mr. McGarry - Should the Commission act on this request, we recommend
253 additional conditions Nos. 24 through 31 on your agenda.

254

255 Mr. Jernigan - The applicant and I got together yesterday and we have
256 everything straight now. So I can recommend approval of this case, subject to the
257 standard conditions for developments of this type and the additional conditions Nos. 24
258 through 31 on the agenda.

259

260 Ms. Jones - Second.

261

262 Mr. Archer - Motion made by Mr. Jernigan and seconded by Ms. Jones. All in
263 favor say aye. All opposed say no. The motion passes.

264

265 The Planning Commission approved POD-6-06, LaQuinta Inn and Suites and Durango
266 Restaurant - Norman Road, subject to the standard conditions for developments of this
267 type and the following additional conditions:

268 24. The developer shall provide fire hydrants as required by the Department of Public
269 Utilities and Division of Fire.

270 25. The developer shall install an adequate restaurant ventilating and exhaust
271 system to minimize smoke, odors, and grease vapors. The plans and
272 specifications shall be included with the building permit application for review and
273 approval. If, in the opinion of the County, the type system provided is not
274 effective, the Commission retains the rights to review and direct the type of
275 system to be used.

276 26. Any necessary off-site drainage and/or water and sewer easements must be
277 obtained in a form acceptable to the County Attorney prior to final approval of the
278 construction plans.

279 27. Deviations from County standards for pavement, curb or curb and gutter design
280 shall be approved by the County Engineer prior to final approval of the
281 construction plans by the Department of Public Works.

282 28. Insurance Services Office (ISO) calculations must be included with the plans and
283 contracts and must be approved by the Department of Public Utilities prior to the
284 issuance of a building permit.

285 29. Approval of the construction plans by the Department of Public Works does not
286 establish the curb and gutter elevations along the Henrico County maintained
287 right-of-way. The elevations will be set by Henrico County.

288 30. The location of all existing and proposed utility and mechanical equipment
289 (including HVAC units, electric meters, junction and accessory boxes,
290 transformers, and generators) shall be identified on the landscape plans. All
291 equipment shall be screened by such measures as determined appropriate by
292 the Director of Planning or the Planning Commission at the time of plan approval.

293 31. Federal Aviation Administration (FAA), Form 7460-1 shall be submitted to the
294 FAA and proof of such approval shall be provided to the Planning Department
295 prior to approval of the building permit application.

296

297 Mr. Silber - The next case is located in the Varina District.

298

299 ***Deferred from the January 12, 2006 Meeting.***

300 **C-62C-05 Russell Jones for Mary Street Associates:** Request to
301 conditionally rezone from R-4 One Family Residence District, C-1 Conservation District
302 and M-1C Light Industrial District (Conditional) to R-5AC General Residence District
303 (Conditional), Parcels 832-719-2212 and 832-718-1235, containing approximately 23.64
304 acres, located on the east line of Broad Water Creek and the south line of Meadow
305 Road. The applicant proposes an age-restricted single family residential subdivision. The

306 R-5A District allows a minimum lot size of 5,625 square feet and a density of 6 units per
307 acre. The use will be controlled by zoning ordinance regulations and proffered
308 conditions. The Land Use Plan recommends Planned Industry and Environmental
309 Protection Area. The site is in the Airport Safety Overlay District.

310

311 Mr. Archer - Is there anyone here in opposition to this case? No opposition.
312 Ms. Neaves.

313

314 Ms. Neaves - Thank you Mr. Chairman, members of the Commission, Ms.
315 O'Bannon, Mr. Silber.

316

317 The request would conditionally rezone 23.64 acres from R-4, One Family Residence
318 District, C-1, Conservation District, and M-1C, Light Industrial District (Conditional) to R-
319 5AC, General Residence District (Conditional) to construct a 48-unit age-restricted
320 residential development.

321

322 This request was deferred at the Planning Commission's meeting on January 12, 2006.
323 The applicant had attempted to address staff's concerns regarding the removal of the C-
324 1 zoning district by amending the request to rezone only that property outside of the C-1
325 district. However, there has been some difficulty in determining the boundary of the C-1
326 district as it was rezoned. Therefore, the applicant is requesting again to rezone the
327 entire parcel to R-5AC, with the proffer to rezone any property located in the 100-year
328 floodplain to C-1 during the subdivision of the property.

329

330 The property is zoned R-4, One Family Residence District, C-1, Conservation District,
331 and M-1C, Light Industrial District (Conditional). The site is wooded with undulating
332 topography, and the Broad Water Creek runs along the eastern property line. The
333 Forest Meadows Mobile Home Park and single-family dwellings are located to the west,
334 industrially zoned property is located to the east, and the railway and Interstate-64 are
335 located to the south. Single-family dwellings are located to the north across Meadow
336 Road.

337

338 The applicant is proposing an age-restricted community, and has submitted various
339 proffers as well as a proffered conceptual site plan. The revised proffers commit to an
340 alley system and public streets meeting County standards, landscaped buffers along the
341 eastern, western, and southern property lines, street trees, a brick entrance feature, and
342 one pocket park.

343

344 The applicant has also proffered various elevation styles, shown here, and a minimum
345 finished floor area of 1,300 square feet, partial brick fronts on not less than 33% of the
346 units, attached or detached garages and front porches on most units, and brick or stone
347 foundations.

348

349 The 2010 Land Use Plan recommends Environmental Protection Area and Planned
350 Industry for the subject property. While the applicant has proffered to rezone to C-1 that
351 portion of the property located within the 100-year floodplain, the proposed use is not
352 consistent with the industrial designations, nor is it compatible with the adjacent
353 industrially-zoned properties.

354

355 Staff has concerns regarding the intensity of development and the compatibility of the
356 proposed use with adjacent uses, as well as the quality of life, accessibility, and
357 provision of goods and services to serve the proposed development.
358

359 The proposed density and lot pattern are not consistent with adjacent residential
360 development. More recent development in the area has been characterized by larger
361 lots and lower densities than the proposed age-restricted single-family development.
362 The increased intensity of the proposed development would detract from the rural
363 residential character of the immediate area, which has been preserved as the area has
364 developed.
365

366 The western property line runs along the Broad Water Creek, and a substantial portion
367 of the property is located within the 100-year floodplain. The area proposed for the
368 entrance is subject to flooding, and, in the event of a major hurricane or other severe
369 weather, emergency access to the site could be problematic, and one point of access
370 does not seem suitable. The Division of Fire has also noted its concern regarding
371 developments with a single point of access, and has stated that this concern would be
372 greater if more than 48 units are constructed.
373

374 Although properties north of Meadow Road have been developed with low-density
375 residential subdivisions, staff believes the development of an age-restricted community
376 at the proposed location would be an inappropriate use of the site. The age-restricted
377 community would be situated between two properties zoned for industrial uses, one of
378 which is developed with a mobile home park, and the railroad and Interstate-64 to the
379 south. The adjacent zoning and potential future industrial development are not
380 compatible and would have a negative impact on the residents of an age-restricted
381 community.
382

383 Overall, the proposed use is inconsistent with the recommendation of the Land Use
384 Plan. Although a residential development would eliminate the potential of by-right
385 industrial uses on the site, staff is concerned with the industrial zoning to the east and
386 west of the subject property. Potential industrial uses not known at this time could have
387 negative impacts on the proposed residential use. Also, site design does not reflect the
388 character of the larger lot development in the area.
389

390 Staff retains concerns related to the site characteristics, including presence of floodplain,
391 limited access, and close proximity to incompatible industrially zoned property, and
392 believes these outstanding issues do not warrant a deviation from the Plan's
393 recommendation. For these reasons, staff does not support this request.
394

395 The time limits would need to be waived on these revised proffers.
396

397 This concludes my presentation, I would be happy to try to answer any questions that
398 you may have. The applicant is also present to answer questions.
399

400 Mr. Archer - OK. I think we need to hear from the applicant. Good evening, Mr.
401 Jones.
402

403 Mr. Jones - Good evening, Mr. Jernigan. Good evening Mr. Chairman, ladies
404 and gentlemen. My name is Russell Jones and I am here this evening on behalf of Mary
405 Street Associates. I request that the Commission rezone our property from R-4 and M-

406 1C to R-5AC General Residence District (Conditional). Even though the staff report is
407 not what I would like it to be, this age restricted community will offer a positive
408 opportunity for the County and for the Varina District. The project is unique in its style
409 and design. Two years of planning, numerous delays and changes have improved the
410 project to the point that it is now in the position for the Commission to vote in favor of it.
411 We have received the support of the community. The next door neighbor, Mr. Allen
412 Thomas, is here to support the project.

413

414 I would be happy to answer any questions you might have.

415

416 Mr. Archer - I think Ms. Neaves mentioned in her report that one of the staff
417 concerns had to do with the uncertainty as to what might develop in the M-1C piece.
418 Can you offer any enlightenment on what may go there, based on what you know?

419

420 Mr. Jones - You mean if they deny the rezoning?

421

422 Mr. Jernigan - I think he is talking about the piece next door.

423

424 Mr. Jones - Oh. The piece next door. No, sir. I do not know. I am sorry.

425

426 Mr. Silber - The property owner that you identified you said is next door. What
427 property does he own?

428

429 Mr. Jones - He owns the property to the east.

430

431 Mr. Silber - The property to the east.

432

433 Ms. Jones - I have a basic question. There has been a listing of issues in the
434 staff report that seem to speak to incompatibility of this project with the Land Use Plan
435 and the surrounding properties. Can you give me a little bit of your thought process?

436

437 Mr. Jones - Yes, ma'am. We have had this property for a long time and in the
438 last four years the whole Richmond community has changed land wise, and I went down
439 to take a look at this property, and realized that the land had moved more towards
440 residential. I don't know if you have ridden down there recently or not. It is shocking
441 how it has changed.

442

443 Ms. Jones - Yes, I have.

444

445 Mr. Jones - I think to put in a commercial use, a 24-hour ice house or
446 something like that would be most disruptive to the neighbors. I also believe that it is
447 time to revisit the County Plan in that area. It is probably coming up within the next
448 couple of years. Our land has changed quicker, and we have changed all throughout
449 our community.

450

451 Ms. Jones - Can you share your thoughts as well on why this is an age-
452 restricted community as opposed to a neighborhood of families?

453

454 Mr. Jones - Yes, I can. There is a group in Varina called the Airport Drive Civic
455 Association and I have been in extensive negotiations with them over the last year and a
456 half, and they felt there was a pressing need for an age-restricted community and my

457 getting their support is instrumental in having this project come forward. You will
458 recognize tonight they are supporting me 100%.

459
460 Ms. O'Bannon - What would be the value of these houses? What would
461 they originally sell for? Approximately? I know you've got a range.
462

463 Mr. Jones - I would like for them to be in the \$250,000 range and they will
464 probably work their way up.

465
466 Mr. Archer - Are there further questions for the applicant?
467

468 Mr. Jernigan - Russell, I believe we were talking about the railroad tracks and
469 about sound suppression.

470
471 Mr. Jones - Yes, we have a 35-foot buffer, and we will have a sound buffer in
472 the back as well. You will get a sound buffer. That is part of the requirement as well.
473

474 Mr. Jernigan - What type of sound buffer? Are you talking about a 55 sound
475 suppression?
476

477 Mr. Jones - Yes, sir. Because you have to have that.
478

479 Mr. Jernigan - Are you proffering that, because that is not in here now? You are
480 proffering a 55 sound suppression.
481

482 Mr. Jones - Yes, we are proffering a 55 sound suppression.
483

484 Mr. Silber - That is not a requirement of the County. That is something that
485 you are offering as a proffered condition.
486

487 Mr. Jernigan - Yes. We discussed a couple of changes yesterday and we
488 discussed that, but we did not tell Ms. Neaves about it, but she knows now.
489

490 Mr. Jones - It has been planned on all along.
491

492 Mr. Jernigan - One thing, Mr. Secretary, on this if you look at the map now you
493 can see how much wetlands is on this in the C-1 area now. When this case originally
494 came through, there was another developer that looked at doing a joint venture with Mr.
495 Jones, and taking that other M-1 piece, but once he received the wetlands delineation,
496 he said, "There is no way." So, he backed out of that. It is 50% wet, and as it stands
497 now with FEMA doing the new calculations, it may go more than 50%. Now, Mr. Jones
498 has proffered elevations that will be used in the case that guarantees these are going to
499 be custom built. These are not spec homes. They will be sold, and what the people want
500 will be built at that time.
501

502 Mr. Silber - I think we understand that, Mr. Jernigan. I think the main concern
503 is that it is a difficult land use to deal with here, but you do have the trailer park on one
504 side and zoned M-1, and you have the existing M-1 zoning on the eastern side, so it is a
505 difficult case and difficult to anticipate what may happen with the M-1 to the east. They
506 would not be able to access their M-1 without rezoning some property going across A-1,
507 so that they will have some frontage on to Meadow Road. I think staff's concerns relate

508 to the proximity to the industrially- zoned land so we understand where you are coming
509 from.
510
511 Mr. Jernigan - Well, it shows industrial on the Land Use Map because it is zoned
512 that way, and generally if you have that zoning, it follows that, but I don't feel that
513 industrial in this area would be appropriate, especially now. I have talked to the Airport
514 Drive Civic Association a number of times, and they would not want industrial use in
515 there either.
516
517 Mr. Silber - I think the main reason it was zoned industrially originally was
518 because of the railroad.
519
520 Mr. Jernigan - The railroad, yes. OK. I don't have any further questions, Mr.
521 Jones.
522
523 Mr. Jones - Thank you. I would appreciate it if you all would move for
524 approval.
525
526 Ms. Jones - Has the issue of access over the wetlands area been addressed?
527
528 Mr. Jones - That is in specs in engineering and we are going to put in a
529 \$50,000 bridge.
530
531 Ms. Jones - I am sorry. I missed that.
532
533 Mr. Jernigan - Well, we had to defer this case before because they couldn't get
534 the wetlands correct.
535
536 Ms. Jones - It is very difficult.
537
538 Mr. Jernigan - And that is the reason the proffer states that will be rezoned back
539 to C-1.
540
541 Mr. Archer - Any further questions for anybody?
542
543 Mr. Jernigan - Mr. Chairman, I think I have explained it.
544
545 Mr. Archer - There is no opposition.
546
547 Mr. Jernigan - Even though the M-1 is to the west, that is a trailer park, which
548 there are a lot of citizens in there now that are 55 plus, so I feel that this is a compatible
549 use, so with that I will recommend approval of Case C-62C-05, Russell Jones for Mary
550 Street Associates, to send to the Board of Supervisors for their approval. Excuse me;
551 first of all, I believe we have to waive the time limits. First, I move we waive the time
552 limits on Case C-62C-05.
553
554 Mr. Branin - Second.
555
556 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Branin. All in favor
557 say aye. All opposed say no. The motion passes.
558

559 Mr. Jernigan - And with that I will move for approval of Zoning Case C-62C-05,
560 Russell Jones for Mary Street Associates, to be sent to the Board of Supervisors for their
561 approval.

562
563 Mr. Branin - Second.

564
565 Mr. Archer - Motion by Mr. Jernigan and second by Mr. Branin. All in favor of
566 the motion say aye. All opposed say no. The motion passes.

567
568 **REASON:** The Planning Commission voted to recommend the Board of
569 Supervisors grant the request because it is reasonable, and it would not be expected to
570 adversely affect the pattern of zoning and land use in the area.

571
572 Mr. Silber - The next case is on page 3. It is in the Brookland District.

573
574 **C-14C-06 James W. Theobald for Beazer Homes:** Request to conditionally
575 rezone from A-1 Agricultural District to R-3C One Family Residence District
576 (Conditional), Parcel 759-765-0133, containing 14.48 acres, located at the southwest
577 intersection of Nuckols and Francistown Roads. The applicant proposes a single-family
578 detached residential subdivision with no more than thirty-six (36) homes developed on
579 the property. The R-3 District allows a minimum lot size of 11,000 square feet and a
580 maximum gross density of 3.96 units per acre. The proposed use will be controlled by
581 Zoning Ordinance regulations and proffered conditions. The Land Use Plan
582 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

583
584 Mr. Archer - Thank you, Mr. Secretary. Is there anyone in opposition to Case
585 C-14C-06, James W. Theobald for Beazer Homes? I note no opposition. Ms. Neaves.
586 Good evening again.

587
588 Ms. Neaves - Good evening. Thank you Mr. Chairman, members of the
589 Commission, Ms. O'Bannon, Mr. Secretary.

590
591 This request is to rezone 14.48 acres from A-1, Agricultural District to R-3C, One Family
592 Residence District (Conditional) to permit the construction of a single-family subdivision
593 of no more than 36 lots.

594
595 The subject site is located on the southwestern corner of the intersection of Francistown
596 and Nuckols Roads. The parcel is partially wooded with undulating topography, and
597 contains a single-family dwelling built in 1966, which is proposed to be demolished.

598
599 Single-family detached residential subdivisions are located to the north across Nuckols
600 Road, south, and west of the parcel. Hungary Creek Middle School and single-family
601 residences on lots of approximately 2 acres in size are located to the east across
602 Francistown Road.

603
604 The applicant is requesting R-3C zoning to develop the property as a single-family
605 detached residential subdivision with a maximum of 36 lots.

606
607 The single-family subdivisions to the north and south are zoned R-3A, and the
608 subdivisions to the east and west are zoned R-3.

609

610 A conceptual plan, showing a single entrance from Francistown Road, has been
611 proffered. The additional proffers provide several assurances of quality development
612 related to the proposed single-family dwellings as well as the overall subdivision.

613
614 The proffers relating to the individual dwellings include a minimum finished floor area of
615 3,000 square feet; design elements including varying colors of brick and siding and brick
616 accents; foundations, fireplace chimneys, and front steps and stoops constructed of
617 brick, stone, or stone-appearing product; two-car attached garages, sodded and irrigated
618 yards and lamp posts.

619
620 The proffers relating to the site design of the overall subdivision include an entrance
621 drive with a landscaped median and an entrance feature with landscaping and an
622 irrigation system, street trees and sidewalks provided along the interior roadways, which
623 would be built to Henrico County road standards and dedicated as public streets, a
624 wrought-iron style fence with brick columns constructed along the Francistown and
625 Nuckols Roads frontages, a parallel private drive accessing the eight homes on
626 Francistown Road and construction access from Francistown Road.

627
628 A community meeting was held on March 2, 2006 and was attended by approximately
629 20 residents. The majority of comments related to traffic along Francistown Road.

630
631 The 2010 Land Use Plan designates the site Suburban Residential 1, with a
632 recommended maximum density of 2.4 units per acre. The proposed 36 lots would
633 achieve a density of 2.5 units per acre, which closely approximates the recommended
634 density.

635
636 The proposal represents a logical continuation of the one-family residential development
637 already existing in the area, and the proffered conditions would provide for a higher
638 quality of development than would otherwise be possible. For these reasons, staff
639 supports this request. The time limits would need to be waived on these proffers, which
640 were received yesterday.

641
642 This concludes my presentation. I would be happy to answer any questions you might
643 have, and again, the applicant is here.

644
645 Mr. Archer - All right. Are there questions for Ms. Neaves from the
646 Commission? You said the time limits need to be waived, did you not?

647
648 Ms. Neaves - Yes, I did.

649
650 Mr. Archer - OK. Thank you. Are there any questions for Mr. Theobald?

651
652 Mr. Jernigan - A couple of small ones.

653
654 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen. I am Jim
655 Theobald on behalf of Beazer Homes.

656
657 Mr. Archer - Mr. Theobald, there are a couple of items in these proffers that I
658 just misunderstood. One refers to mortar, stone appearing products. Can you specify
659 that a little bit.

660

661 Mr. Theobald - This would be a cementitious-type product having the appearance
662 of stone.
663
664 Mr. Archer - But not necessarily stone.
665
666 Mr. Theobald - Not necessarily, but it could be stone.
667
668 Mr. Archer - OK. All right, and I note the garages are all attached, no built-ins,
669 exclusive of the square footage of the house.
670
671 Mr. Theobald - Yes, we had some discussions with Mr. Glover about the width
672 and depth of these garages and the ability of these garages to be able to open your car
673 doors in such a way that mechanical equipment and interior stairs in the garage would
674 not interfere with that access.
675
676 Mr. Archer - But they are not built in. They are all attached.
677
678 Mr. Theobald - They are clearly part of the house enclosure, just like 90% of the
679 homes.
680
681 Mr. Archer - Well, I asked that question because an attached garage is one
682 that sits attached to the house but has no living space above it. A built-in garage would
683 have some living space above it.
684
685 Mr. Theobald - I don't know if there is space above the garage capable of being
686 finished. It is another part of living space, is it not? Yes, it is a finished part of the living
687 space above the garage. He considers it built in.
688
689 Mr. Archer - That is all the questions I have. Does anybody else have any?
690 OK, if there are no further questions then I will move to waive the time limits on the
691 proffers.
692
693 Mr. Branin - Second.
694
695 Mr. Archer - Motion by Archer and second by Mr. Branin. All in favor say aye.
696 All opposed say no. The motion passes.
697
698 With that I will move to recommend to the Board of Supervisors Case C-14C-06, James
699 Theobald for Beazer Homes for approval.
700
701 Mr. Jernigan - Second.
702
703 Mr. Archer - Motion by Archer and second by Mr. Jernigan. All in favor say
704 aye. All opposed say no. The motion passes.
705
706 **REASON:** The Planning Commission voted to recommend the Board of
707 Supervisors grant the request because it represents a logical continuation of the one-
708 family residential development which exists in the area, and the proffered conditions
709 would provide for a higher quality of development than would otherwise be possible.
710

711 Mr. Silber - The next case was deferred from the Commission's February 9,
712 2006 meeting. This is on page 3 and in the Three Chopt District.

713

714 ***Deferred from the February 9, 2006 Meeting.***

715 **C-6C-06 James W. Theobald, Esq. for Bon Secours-St. Mary's Hospital**
716 **of Richmond, Inc.:** Request to conditionally rezone from O-3 Office District and R-3
717 One Family Residence District to O-3C Office District (Conditional), Parcels 768-738-
718 2447, -1142, -0646 and part of Parcel 768-738-1260, containing approximately 1.762
719 acres, located at the southwest intersection of Monument and Maple Avenues. The
720 applicant proposes additional surface parking for St. Mary's Hospital. The use will be
721 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
722 recommends Suburban Residential 2, 2.4 - 3.4 units net density per acre, and Semi-
723 Public uses.

724

725 Mr. Archer - Is there anyone here who is opposed to Case C-6C-06? I think
726 we have opposition. All right, before we proceed, perhaps we had better explain the 10-
727 minute rule, and Mr. Secretary, if you want to do that, and then we will decide.

728

729 Mr. Silber - Yes sir, Mr. Chairman. The Planning Commission does have a
730 policy to move their cases along to allow the applicant to present their case. They have
731 10 minutes to present their case and some of that time they can save as rebuttal time.
732 Those who may be speaking in opposition to the request also have cumulatively 10
733 minutes. Anytime that you are speaking and the Planning Commission is asking
734 questions, that is not part of your 10 minutes. The Commission, however, may wish to
735 extend that 10-minute period, depending on how many people want to speak, but we do
736 have other things on the agenda tonight, and we do need to move things along. I think
737 on a request such as this, it is important to keep in mind that there are a lot of people
738 here, and maybe a lot of people want to speak. If you have a spokesperson or two or
739 three, that may be a good way of handling this. Also, keep in mind that we don't need to
740 hear the same issue necessarily over and over. If there are different comments, that you
741 need to inform the Commission of, it is important to bring out the different issues. I
742 guess that might cover the policy, and Mr. Branin, the Commissioner, may want to
743 extend the 10-minute period.

744

745 Mr. Branin - Mr. Chairman, I am going to, this is a very taxing case on the
746 community as well as myself, I am going to request now at least 15 minutes, and I may
747 come back and request more.

748

749 Mr. Silber - OK, that would apply for both the applicant and those speaking in
750 opposition.

751

752 Mr. Archer - Thank you, gentlemen, for that explanation. Mr. Coleman.

753

754 Mr. Coleman - Members of the Commission, this request would rezone 1.762
755 acres to O-3C to enable Bon Secours to build a surface parking lot to serve the adjacent
756 St. Mary's Hospital campus. The request covers parts of four parcels at the southwest
757 intersection of Monument and Maple Avenues. The largest parcel was rezoned for office
758 uses in 1973. The remaining properties are zoned R-3.

759

760 To the east of the site are uses ancillary to St. Mary's Hospital, including the newly
761 constructed Medical Office Building IV and a child care facility. Adjacent areas to the
762 north, south, and west are primarily established single family neighborhoods.

763

764 The property is designated Semi-Public and Suburban Residential 2 on the 2010 Land
765 Use Plan. This request is consistent with the Semi-Public designation but not with the
766 SR-2 designation.

767

768 The County Code requires a variance be granted by the Board of Zoning Appeals in an
769 office district when a parking area is proposed across the street from a principal use.
770 The applicant would have to obtain this variance prior to developing the site for a parking
771 lot.

772

773 There have been a series of community meetings with area residents, including a
774 meeting with County staff to focus on area traffic concerns. Residents have expressed
775 opposition to this request and voiced several concerns; with the primary concerns being
776 the encroachment of the hospital campus impacting their neighborhoods and the
777 increasing traffic volumes and deteriorating traffic safety on neighborhood roadways.
778 Staff has also received correspondence from numerous residents voicing opposition and
779 concern with this request.

780

781 Due to the small size of the property and the close proximity to established
782 neighborhoods, site design that minimizes the impacts of proposed improvements is
783 important. The applicant provided several proffers to accomplish this, including: The
784 only use would be surface parking lot for valet and employee parking. The lot would be
785 open from 7 a.m. - 7 p.m. and would be gated at all other times. A site plan is proffered.
786 The applicant would provide 15 foot landscaped buffers along Monument and Maple
787 Avenues, West Franklin Street and the western property line. Access to the parking lot
788 would be limited to Maple Avenue. Lighting standards would not exceed 16 feet in
789 height. Parking lot cleaning would be limited to 9 a.m. to 5 p.m. Monday through Friday.
790 The applicant would provide speed humps on Maple Avenue and Bremono Road as
791 approved by Public Works, and a commitment that the western boundary of the property
792 would serve as the western extent of the hospital campus.

793

794 Staff is concerned about the visibility of the proposed parking lot, and recommends
795 locating the parking areas as far as possible from property lines. Staff recommends
796 preserving the 25 foot width of the Transitional Buffer 25 required along Monument
797 Avenue, West Franklin Street and the western boundary. Extending a 3 foot high brick
798 wall along Monument Ave. would further reduce visibility of the parking area.

799

800 The St. Mary's Medical Office Building IV across Maple Avenue, has an attractive
801 entrance feature. Staff encourages the applicant to repeat this entrance feature on this
802 side of Maple Avenue to serve as a gateway entrance in this area and architecturally
803 connect the parking lot to the St. Mary's campus.

804

805 Due to the concerns regarding traffic volumes, "cut through" traffic on residential streets,
806 and traffic safety, staff encourages the applicant to continue to work with County staff
807 and area residents to address traffic concerns on Maple Avenue and intersecting
808 roadways, improve traffic safety, and reduce traffic impacts on adjacent neighborhoods.

809

810 If the applicant is able to satisfactorily address staff concerns with the buffers and the
811 entrance feature, staff could recommend approval of this request.

812

813 That concludes my presentation, I would be happy to answer any questions. The time
814 limits would need to be waived to accept the proffers.

815

816 Mr. Archer - Thank you, Mr. Coleman. Are there any questions for Mr.
817 Coleman from the Commission?

818

819 Ms. Jones - I have a question about valet and employee parking. Does valet
820 parking have now have a constant stream of use, or do you have statistics or a way of
821 finding out how intense that use will be?

822

823 Mr. Coleman - We have discussed that with the applicant, and the applicant
824 could provide that answer.

825

826 Mr. Branin - Mr. Chairman, I'd like to hear from the applicant.

827

828 Mr. Archer - All right. Mr. Theobald. Mr. Branin has extended the time limits.
829 Would you like to reserve some time from the 15 minutes, sir?

830

831 Mr. Theobald - Oh, I would like to reserve about four minutes please, sir.

832

833 Mr. Archer - All right, sir.

834

835 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald,
836 and I am here this evening on behalf of Bon Secours-St. Mary's Hospital. This is a
837 request to rezone 1.7 acres of land from O-3 to O-3C, 1.15 acres of which is already
838 zoned O-3 since 1973, in order to develop a surface parking lot for valet and employee
839 parking. You can see on your monitor that the bulk of this site is already zoned
840 unrestricted O-3 with a portion here being zoned R-3. Significantly, St. Mary's owns the
841 two homes that adjoin this site on the west right here. While the hospital currently meets
842 its required parking as required by the County, parking remains at a premium on St.
843 Mary's campus. If approved, this will allow us to remove some 90 to 100 spaces that
844 currently sit in the back of the surface lot behind the hospital, which is obviously closer
845 and more convenient parking for others, and move that valet parking over to this
846 location. As you can see on the proffered site plan, West Franklin Street does not
847 continue through to Maple Avenue. It is barricaded off and we have proffered no
848 entrance onto West Franklin Street. There is no traffic associated with this parking
849 facility onto West Franklin. You have but one entrance on Maple Avenue and there is
850 also no entrance on Monument Avenue. These are the two homes that St. Mary's owns
851 immediately adjacent on the west, right here.

852

853 As you see at the bottom here (referring to rendering), we have asked Higgins and
854 Gerstenmaier to render the view lines, if you will, from the closest house across from
855 West Franklin, that being in this location (referring to rendering), this is a rendering of
856 what one might see from the first or second floor of that, and in a moment you will see
857 that while this represents existing and mature cedar trees, this represents the additional
858 plantings that had been proffered, and the idea throughout here is to basically wall off
859 this site with landscaping and again we have engaged Higgins and Gerstenmair, who,
860 we know to be Class A, top shelf landscape architects to complete this landscaping

861 scheme. Interestingly, this light green area around the edge, there is significant amount
862 of green space and trees in right of way that is owned by the County before you get our
863 property line and that is why we are not showing this color being all the way out to the
864 right-of- way but the edge of curb from Monument Avenue which at this location is some
865 twenty feet from our property line. So in addition to the 15 foot buffer proposed in this
866 area there is an additional 20 feet. There is about 15 feet of additional right of way along
867 Maple Avenue in addition to the 15 foot buffer and again about another 20 feet that sort
868 of meanders along West Franklin Street. And these cedars we have committed to, this
869 is a beautiful stand of very mature cedar trees. This is the same rendering of the lot
870 we've just taken from the homes across Monument Ave and tried to show you a
871 rendering of what can be accomplished within the buffer area along Monument Avenue.
872 Right now as you see in the pictures there are very high canopy trees on sight and in
873 need of some under canopy plantings as well as the hedge you see planted in here that
874 would additionally cause that low level screening, again of any headlights.
875

876 We have offered a number of significant proffered conditions. These proffers have
877 evolved as the result of the many community meetings as well as the discussions with
878 Mr. Branin and Mr. Kaechele. This is limited to a gated surfaced parking facility for valet
879 and employees only. We have restricted the hours from 7 am to 7 pm. For your
880 information the valet operation currently runs from 8 am until 5 pm. Now occasionally
881 there is a car left in the valet lot when someone is visiting a relative or other friend and
882 when it comes time to close that lot here it will be 7 o'clock. We will physically move that
883 car over onto the campus so the lot would be shut down and the gates dropped at 7 pm.
884 The peak parking demand at St. Mary's is between 10:30 and 11:30 during the day.
885 We've done parking studies it seems almost annually, and as you chart them they build
886 up to those points and they stay up there substantially until one or two and then start to
887 peak back down to approximately 5 o'clock.
888

889 The Conceptual Master Plan that you saw before you has also been made a part of this
890 case. The Maple Avenue entrance must be landscaped complimentary to the entrance
891 of the MOB Building across from Maple Avenue. Fifteen foot buffers which are obviously
892 an addition to what's in the right of way along Monument and Maple with supplemental
893 evergreens being planted within 15 feet of buffer and West Franklin in addition to the 20
894 feet of right of way within mature cedar trees reside and we've increased the buffer
895 along our own homes on the western side from 10 feet to 15 feet again with
896 supplemental planting. Once again access is by way of Maple Avenue only. We have
897 reduced the height of lighting in this file to 20 feet to 16 feet. From concealed sources
898 there is a standard campus type light fixture that you will see at St. Mary's. It's a very
899 decorative light that the light bulb was basically concealed and it directs light downward.
900 We've committed that light will not spill over the property lines and that the property lines
901 be no greater than a one half foot candle which is as you've heard many times is the
902 approximately the lighting for use by the little track lighting along the aisles in a movie
903 theatre.
904

905 Trash pick up, parking lot cleaning, other than snow removal which has to be done when
906 it has to be done, leaf blowing, lawn maintenance etc. limited to 9 am to 5 pm and only
907 Monday thru Friday. This is a further restriction on those hours.
908

909 Mr. Theobald - Thank you so much I appreciate that. (was given a glass of water).
910 St. Mary's has also agreed to install speed humps on Maple Avenue and Bremo road if
911 approved by the County. Many hours of discussions about traffic cut through and

912 otherwise and St. Mary's campus questions as to how to slow traffic down, redirect traffic
913 all have been explored I know by Mr. Branin, with input from Mr. Foster and perhaps you
914 will hear more about that later. But to the extent of traffic calming devices that are
915 appropriate, they have agreed to bear the cost of that. I believe that we did put traffic
916 calming devices on the other side of Bremo Road, north of Monument Avenue and I
917 understand that has had a beneficial effect on traffic through that neighborhood. Hours
918 of construction have been limited to 7 am to 7 pm Monday thru Friday, no construction
919 on Saturdays or Sundays, and we will post signs in English and Spanish stating those
920 hours of limitations.

921
922 Perhaps most significantly, we have made a commitment that the western boundary of
923 the parking lot will be the western most extent of the Bon Secours St. Mary's Campus.
924 The discussions with neighbors have indicated great concern that St. Mary's is moving
925 westward, expanding into their neighborhood, and this is a commitment not only in
926 writing but verbally and part of the record that that's where the campus ends, right there
927 at the edge of that lot.

928
929 I've brought with you, one of the proprietary copy of portion of the Master Plan but it was
930 shared with neighbors or a group of neighbors and so I thought I would bring it to show
931 you because what St. Mary's intends to in its master plan is essentially, the vertical go
932 up in the air on the existing St. Mary's Campus. The buildings that didn't copy very well
933 will be an additional up to an 8 story hospital facility building along with a 650 car deck
934 that would result in a net addition of 500 cars to support the current campus and the new
935 facility.

936
937 So the plan is to basically go south on our campus. We do own a property or two down
938 along Libbie Avenue. We do not own the majority of that. A lot of that property is owned
939 by one owner and should it become available, it's certainly possible that the hospital
940 would attempt to pick that up to expand out to the border of Libbie Avenue. So now
941 you've seen the Master Plan.

942
943 Here are some pictures just to give you a visual. This is looking from the north side of
944 Monument south across Monument. Into the sight you can see the homes St. Mary's
945 owns over here to the right. It is high canopy and so will need to be treated very carefully
946 with under canopy screening. This is the view from West Franklin looking east. These
947 are the mature cedar trees. These are likely in the County right of way and we
948 nonetheless have concluded we certainly wouldn't cut them down. This is a very
949 beneficial view if you are looking straight in. Some of this is a little thin but when you get
950 down to the end it's a bit open, so we will be coming back in and doing additional under
951 canopy screening as well as hedge plantings. This is just another view looking west,
952 along West Franklin Street.

953
954 Mr. Silber – Mr. Theobald, you are down to your four minutes rebuttal.
955

956 Mr. Theobald – I'll just take another minute or two. I don't think I'll
957 need much rebuttal. Thank you. As part of this discussion with the neighbors a few
958 other things that are part of the proffers because they are not specific to the site under
959 consideration specifically, we have agreed to participate with the neighbors in discussing
960 with the County whether or not Monument Avenue speed limits could be reduced to 35
961 miles per hour and committed to Mr. Dinger, Mr. Renko that I would state that for the
962 record. We've added additional sidewalks along Maple Avenue as part of our

963 commitment. We've modified our daycare pick up and drop off after some complaints by
964 neighbors. We've relocated certain campus signage. There was concern that perhaps
965 the deck was being cleaned too late at night. To the extent that had occurred, we made
966 sure it won't and Mr. Branin, working with the City, has gotten with the City. I guess will
967 be posting some hospital directional signs to try and direct traffic on the major streets
968 rather than the cut through streets.

969
970 It's important to remember that this existing O-3 zoning today would allow up to an 8-
971 story building, medical office or otherwise, as a matter of right, would develop a funeral
972 home a bank or day care operation without asking any permission. Like any enterprise,
973 profit or nonprofit, we must be mindful to meet the need of the consumers of St. Mary's
974 while responsibly mitigating the impacts on the neighborhood and that's what we've
975 attempted to do through these written conditions. St. Mary's is not just a neighborhood
976 resource but a strong community resource and a vital part of our regional health care
977 system. They give back to the community in significant ways on a daily basis through
978 first class patient care and charitable support in addition to employing over 1700 Henrico
979 County residents. I believe this request offers a far better protection than will be
980 afforded the neighborhood based on the existing zoning and I respectfully ask that you
981 recommend approval of this case to the Board of Supervisors. I'd be happy to answer
982 any questions.

983
984 Mr. Archer - All right, thank you Mr. Theobald. Are there questions for Mr.
985 Theobald from the Commissioners?

986
987 Mr. Branin - Mr. Theobald, I have one or two.

988
989 Mr. Theobald - Yes, sir.

990
991 Mr. Branin - In conversations with you, in trying to determine a direction for this
992 project, I'd asked you a question in regards to, if this Commission denies the case and it
993 goes to the Board of Supervisors and the Board of Supervisors denies the case, I asked
994 if that parking lot for the area that is available and is currently O-3, if a parking lot would
995 be built on that, which at that time you said the hospital does need parking.

996
997 Mr. Theobald - Yes, sir. That's correct. The hospital very badly
998 needs the additional parking and we will use the resources the best way we can.

1000 Mr. Branin - Mr. Theobald, if you do build that parking lot because you have
1001 been denied all the way up the line, what proffers, there are no proffers on it, what
1002 measures would you provide for screening for Monument and landscaping being in the
1003 now constrained space?

1004
1005 Mr. Theobald - Well as you suggested, there would be no binding
1006 written conditions that would require us to do any of the things that we have committed
1007 to. I imagine that we would do many of those things whether or not they would all
1008 naturally follow. I don't know we would have to take a look at that. We've been in the
1009 process of discussions with neighbors and we have attempted to find ways to alter
1010 conditions to try and mitigate impacts if we are not successful. I can't imagine that St.
1011 Mary's would just go put down asphalt and not plant screenings.

1012
1013 Mr. Branin - No, I would hope not.

1014
1015 Mr. Theobald - No, of course not.
1016
1017 Mr. Branin - But would it be as dense as it's proposed in this plan?
1018
1019 Mr. Theobald - Likely not.
1020
1021 Mr. Branin - One more question. Would this property be used for anything else
1022 other than a parking lot if it was denied?
1023
1024 Mr. Theobald - Well, I think there's that possibility. It's obviously
1025 not presently programmed to be other than a surface parking lot, but as we continue to
1026 find this tension with the expansion at St. Mary's and the neighborhood then certainly the
1027 land that they already own and is already zoned will be used for hospital purposes. So
1028 it's not going to stay a park. Thank you.
1029
1030 Mr. Archer - Alright, any further questions from the Commission?
1031
1032 Mr. Theobald - Thank you.
1033
1034 Mr. Archer - Thank you Mr. Theobald. Alright at this time we will hear from the
1035 opposition. If there is a person who has been designated as a spoke person, it probably
1036 would be wise for that person to come forward. As it now stands, you have 15 minutes.
1037
1038 Ms. Rubin - I don't think that I'm going to speak for the whole 15 but I'm sure
1039 some of my neighbors will want to follow me.
1040
1041 Mr. Branin - Ms. Rubin, do you know how many neighbors or have you
1042 organized who will speak and who won't? Because I'm trying to get a fix for how much
1043 more time you may or may not need.
1044
1045 Ms. Rubin - It looks like it was two.
1046
1047 Mr. Branin. OK.
1048
1049 Mr. Archer - Ma'am also bare in mind that the time we take to ask you
1050 questions is not included in the time of your presentation. While we ask any questions,
1051 the clock is off.
1052
1053 Ms. Rubin - Thank you very much. Thank you for your attention ladies and
1054 gentleman. First of all, I want to thank everybody who has met with us on this from Bon
1055 Secours and the County.
1056
1057 Mr. Branin - Ms. Rubin, excuse me, I'm sorry to do this to you. For the record
1058 you have to state your name.
1059
1060 Ms. Rubin - Sure, I'm Judith Rubin. I'm Chairperson of the Westview Manor
1061 Association which is opposing this. So thanks to every body, blah, blah blah. I'm just
1062 giving you two documents. One is our petition with 253 signatures representing about
1063 170 households that oppose this rezoning proposal. The other document is this map
1064 which I colored in myself and shows you the distribution of those households relative to

1065 St. Mary's and to the properties in question. I think it's kind of a telling picture. It does
1066 not need a lot of narration.

1067

1068 OK, I have some very specific things I want to address. You have already, all of you,
1069 have received a lot of correspondence about this from me and my neighbors, so I don't
1070 want to rehash too much. You already know the reasons that this proposal is bad for the
1071 neighborhood and you know why. This is a serious quality of life issue for us. We hope
1072 that the County will deny the proposal and encourage St. Mary's to go back to the
1073 drawing board. We remind you that the rezoning goes against the County's 2010 Land
1074 Use Plan. But be that as it may, we understand that this development may be approved
1075 in spite of our objections. Therefore, I wish to address the specific conditions in the
1076 amended proffers that was sent in today. Altogether we have met with St. Mary's five
1077 different times - three general meetings and two smaller meetings. It's a little
1078 frustrating that we are still so far apart on this issue. But they don't budge very easily.
1079 We met with St. Mary's on Monday night to request changes to the last version of the
1080 proffers and I would like to express my appreciation to them for the meeting. We've had
1081 a long cordial discussion, and all the same I'm very disappointed with the results of that
1082 meeting. Three of the most important issues in my opinion are still not satisfactorily
1083 dealt with - item four, the buffers, item six the lighting and item 11 the westward
1084 development. I will go through them one at a time and explain what the problem is from
1085 my point of view.

1086

1087 Item Four - the buffers. If the parking lot must be built, there needs to be a substantial
1088 physical barrier in order to protect the neighborhood from this commercial intrusion. The
1089 width of the landscape buffers as proposed, 15 feet is not enough. We asked for 30 feet
1090 and we still want 30 feet. In addition, we asked for a permanent high wall along the
1091 western boundary, something that would stretch from Monument Avenue to West
1092 Franklin, along that western boundary. It's not in the proffers so we're repeating that
1093 request now. To properly mitigate the effect of this commercial development on all
1094 residential streets, we ask for an 8 foot high permanent stone wall along that western
1095 boundary. A possible alternative might be an 8 to 10 foot earthen berm in the course of
1096 grading for the parking lot and I'm sure there will be a lot of earth piled up and available
1097 for that use. In either case, the barriers should be attractively landscaped and it should
1098 be set 30 feet back from the boundary line, and Bon Secours should be committed in
1099 writing to maintaining that barrier in perpetuity.

1100

1101 The next item is item number six, lighting. The 16 foot lighting fixtures in our community
1102 are too high. Most of the houses in this neighborhood are two-story houses and 16 foot
1103 high light fixtures will be in line with their upper story windows. This is just one more
1104 example of incompatible uses. Those light fixtures are 16 feet which lie about 10 feet
1105 higher than your average backyard fence, much too visible and obtrusive and
1106 incompatible with residential character. We are glad that the proffer specifies concealed
1107 light sources and minimizing of glare but we are here to keep our request that St. Mary's
1108 use shorter fixtures 10 feet high instead of 16 feet.

1109

1110 The next one is item 11, Westward Development. This clause was added in response to
1111 our concerns and we do very much appreciate its being there, however, we are not
1112 lawyers but we think that as it currently reads it is ambiguous, open ended, and not too
1113 binding on St. Mary's future development. We ask that this clause be rewritten in
1114 language that is firm and unambiguous and applicable in perpetuity.

1115

1116 I have a couple other concerns that came up while I was listening tonight. One is the
1117 dead end on West Franklin Street where it approaches Maple. There is a barrier there
1118 but I wonder if there is technically also a right of way existing and there isn't. I'm
1119 concerned about that. The other is that there hasn't been to my knowledge any real
1120 discussion of the path that the valet parking traffic would take, and I think that might
1121 impact quite a bit on traffic patterns and traffic problems in general, so I'd like to know
1122 what that is.

1123
1124 Just a couple more things. I have a few words to say about the neighborhood in
1125 general. Our 1940's neighborhood is a first rate suburb. It's flourishing. It's a popular
1126 place to live. It has good property values, well maintained homes, good schools,
1127 residents of all ages. It's convenient to shopping, services and transportation. Why on
1128 earth would you want to mess around with that? The residents of our neighborhood are
1129 not anti-development but know a bad plan when they see one. Bon Secours has the
1130 money and Henrico County has the resources to create something that benefits all of us.
1131 Why not do it right? I really don't want to be up here bickering about berms and buffers
1132 and lights and covenants. We don't want this parking lot and you know that we don't
1133 want it, but we like to think we are responsible people who know that we might not get
1134 everything we want. So I've given you a bottom line tonight in the event that our wishes
1135 don't prevail. Wider landscaping buffers and a high wall on the western boundary, light
1136 fixtures no more than 10 feet high, and a firm block on future westward development.
1137 We think it's reasonable to ask Bon Secours St. Mary's fulfill those conditions. Thank
1138 you for your time.

1139
1140 Mr. Archer - Thank you Ms. Rubin. Are there questions before she takes her
1141 seat?

1142
1143 Mr. Branin - I'd like to make a statement to Ms. Rubin. The question in regards
1144 to the barricade on Franklin that you had. That was addressed in a traffic meeting we
1145 had with Mr. Foster at which time he stated to the people in the room that the County
1146 has no interest in opening up that and making it an easement or in concealing that road.

1147
1148 Ms. Rubin - But is it still technically open on some map somewhere?

1149
1150 Mr. Branin - No ma'am, the County has no interest in ever opening that road
1151 up and we're looking at closing down Dustin, which is the next street over. So it's never
1152 going to be there, it's never going to open up.

1153
1154 Ms. Rubin - Well I would have some objections to closing down Dustin,
1155 although I don't live there I think what that does is it actually makes Maple Avenue more
1156 of an official street for the hospital and less of a street for the residents of the
1157 neighborhood.

1158
1159 Mr. Branin - Now are you speaking on your own behalf?

1160
1161 Ms. Rubin - There has not been a huge discussion on this so I think there are
1162 a variety of opinions, some of them go with mine and some of them probably don't.

1163
1164 Ms. Jones - May I ask a question? I obviously, nobody has my email address.
1165 I haven't gotten any of your emails however, I appreciate all of this and I have talked to a
1166 lot of folks about it informally. I am a former resident of Libbie Avenue and the

1167 Westwood area so I'm very familiar with the neighborhood and it is a lovely area. My
1168 question to you is in, obviously, this is a very difficult issue. Would the neighbors rather
1169 see St. Mary's use the existing parcel for the uses which they could make of that parcel
1170 as opposed to this parking lot? Would you rather see a medical office setting there as
1171 opposed to a parking lot?
1172

1173 Ms. Rubin - We haven't taken a vote on it, but I know quite a few people would
1174 have said that they would prefer it, to take their chances with the current zoning as it
1175 exists because it would preserve the residential parcel there. Because that's the part in
1176 the middle that they want to zone to office would remain and that would be a more
1177 acceptable use.
1178

1179 Ms. Jones - Even with a large building on the other corner?
1180

1181 Ms. Rubin - Well, I have to admit we're dubious that that large building could
1182 ever appear, because it would have to be accompanied by sufficient parking.
1183

1184 Ms. Jones - OK.
1185

1186 Mr. Archer: Ms. Rubin, I have one question. You indicated that proffer 11 was
1187 ambiguous. How would you state that specifically? I'm just a little bit.....
1188

1189 Ms. Rubin - Well it seems to me that it's, the way it reads now it's sort of like
1190 the grass is green and this is the western edge and we all agree that it's the western
1191 edge, but it doesn't say we won't push that edge further, we won't ever go beyond that
1192 edge.
1193

1194 Mr. Archer - It does state that.
1195

1196 Mr. Jernigan - It does say that.
1197

1198 Mr. Archer - The western most would be the western most extent.
1199

1200 Ms. Rubin - Yes, at this time. I mean I think the implication is at this time. It
1201 doesn't say western most extent forever, in perpetuity, permanently.
1202

1203 Mr. Archer - It is cut and dried when they state that.
1204

1205 Mr. Silber - I think the issue is that once a proffered condition has been
1206 accepted by the Board of Supervisor, it becomes law. They can't violate that, no
1207 violations by proffers can occur. Now, can a change be made in the future? Yes, they
1208 can apply to go back through this process again and involve the community and go
1209 through the public hearing processes to change a proffered condition, but I would
1210 probably argue this would be a very difficult one to try to change if this is accepted
1211 because of the concerns that have been expressed by the neighborhood. I think it's
1212 fairly clear in interpretation of this. Can it be modified to make it clearer? Perhaps, but I
1213 think once this is accepted it becomes law and would have to be adhered to.
1214

1215 Ms. Rubin - That's a very strong statement.
1216

1217 Mr. Branin - It's stronger than if there were any other words in there Ms. Rubin.
1218 Ms. Rubin, actually when I was dealing with the hospital in regards to western
1219 expansion, I had requested 50 years and they upped the ante and went permanently, so
1220 that statement is binding permanently.
1221
1222 Ms. Rubin - The word permanently I don't believe appears in there. I do
1223 appreciate what you said.
1224
1225 Mr. Archer - I just want to get some clarification to make sure that you are
1226 understood that we feel this is pretty strong. I just thought maybe you had some other
1227 interpretation that you could give us.
1228
1229 Ms. Rubin - Well, I don't write legal documents, although I write other kinds of
1230 documents. I do hope that you understand that our main concern is wanting to really
1231 draw the line and keep the line there.
1232
1233 Mr. Archer - I do Ms. Rubin, I understand your concerns, I really do.
1234
1235 Mr. Silber - Ms. Rubin, I had one other point of clarification. You mentioned a
1236 wall that you would like to see and you mentioned from point A to point B. When you
1237 said wall on the western property line, is that running along the two adjacent lots? Is that
1238 where you had said?
1239
1240 Ms. Rubin - It would separate the commercial from the residential.
1241
1242 Mr. Silber - Not necessarily along Franklin Street, but adjacent to the two lots.
1243
1244 Ms. Rubin - Well I would like to see it along Franklin Street but I don't think all
1245 of my neighbors on West Franklin Street want a wall there.
1246
1247 Mr. Jernigan - Ms. Rubin, you said you'd also consider a berm.
1248
1249 Ms. Rubin - Yes, I think so. A permanent barrier of some kind.
1250
1251 Mr. Archer - Alright, any further questions? Thank you Ms. Rubin.
1252
1253 Ms. Rubin - Thank you.
1254
1255 Mr. Archer - Alright, is there another statement?
1256
1257 Mr. Silber - We have about eight minutes left.
1258
1259 Mr. Archer - Yes, come forward ma'am please.
1260
1261 Mr. Silber - If the next speaker wants to come forward you can come down
1262 and sit down close so we can take you quickly.
1263
1264 Mr. Archer - Please state your name for the record.
1265
1266 Ms. Farmer - It's Mildred Lee Farmer, widow of Mrs. Paul T. Farmer. I live at
1267 6003 Morningside Drive. If you look at the map that you don't have right now, I am

1268 across Monument Avenue as the crow flies right through the park and what my concern
1269 is, and I haven't heard it addressed and I'm hoping that the Planning Commission will
1270 address this issue. My concern is the water. I have a piece of property that is at the
1271 bottom end of the Keystone Park and it's taken me 35 years to realize that the County
1272 moved the creek from one side of the park over to the street side of the park.
1273 Unfortunately, that topography is still there and if you take the natural topography it goes
1274 through my yard. My lowest point in my house is right in front of my garage and I have
1275 pictures in the 80's of the great flood. After the great flood, they had two 54 inch pipes in
1276 front of my house. With the building of the new hospital on the parking lot that's already
1277 existing that didn't, there will be more water and there will be more water with the new
1278 decks, but if you take and put new parking asphalt there how much water am I going to
1279 get? I'm down below. I'm at the bottom. So, I am saying, can the County consider
1280 water? Has it been considered? Also, I find that St. Mary's is not a good neighbor for
1281 me, personally. I have a sound issue. I have a light issue. I look up there up the street
1282 and I can see a Christmas tree all lights with the parking deck. So no, I don't find that St.
1283 Mary's for me has been a good neighbor. Thank you.

1284
1285 Mr. Archer - Thank you ma'am.

1286
1287 Mr. Silber - Ms. Farmer, in regards to your question on storm drainage. Let
1288 me just provide you with this information. When, if this property is rezoned and when
1289 they come in with a site plan or plan of development, they will have to address storm
1290 water runoff on this property. The County has regulations that deal with storm water
1291 control and they will have to make sure that the increase or the water from this property
1292 would be managed and released in a slow manner. In fact it should be released in a
1293 slower manner than the current natural vegetation, but that will be reviewed at the time
1294 of the site plan review and when a plan of development is submitted the County we will
1295 be looking at that very closely. We are aware of some flooding in the area and drainage
1296 issues downstream.

1297
1298 Ms. Farmer - You are aware of the flooding that goes on.

1299
1300 Mr. Jernigan - Ms. Farmer, could I ask you something? You stated that St.
1301 Mary's hasn't been a good neighbor to you. Other than the fact that you don't like, I
1302 mean you see the lights in the parking deck, tell me what else is happening?

1303
1304 Ms. Farmer - There's a low hum all the time. I think they plucked it off recently,
1305 the most recent one, but over the years the environmental control machines have a hum
1306 and the compressors have hums and I can hear it. I can hear it going and standing in
1307 the front yard. It just so happens we have a solarium at the back of the house that faces
1308 to the side with a gazebo and I can hear it. Now I think recently with the addition of the
1309 new building, I think that they had changed some of that and I'm not real sure we still
1310 hear that hum, but I wouldn't doubt that we would get it again if it suited St. Mary's to do
1311 so.

1312
1313 Mr. Jernigan - Thank you.

1314
1315 Mr. Archer - Alright any further questions Ms. Farmer? Thank you ma'am.
1316 Alright there are eight minutes? OK, there's about six and a half minutes left if somebody
1317 else would like to speak.

1318

1319 Ms. Clark - I'll just have a couple things, it won't take but just a second. My
1320 name is Janice Clark. I live at 6226 Jeffrey, which is just a few blocks from the area, and
1321 I came to just sit and listen to the presentation.

1322
1323 I'm more worried about those speed humps than anything because, quite frankly, I feel
1324 that they will be good for the pedestrians in the area, but for those of us living in the
1325 area, I can see where I'm not exactly sure. I may have missed it. Where they are going
1326 to be? If there are speed humps put on Maple, I would imagine the traffic on Pepper
1327 Avenue is going to increase drastically, because most drivers that are going through the
1328 area are going to avoid the speed humps, in addition to a lower speed limit if that's
1329 placed on, I don't know if that was mentioned in place on Maple. I know you mentioned
1330 closing Dustin. I would think that would be the only way to go because if there are
1331 speed humps on Maple, people are going to tend to turn right on Dustin to get off of
1332 Maple and, therefore, you've got and I would imagine traffic would increase on Bremono,
1333 also. So I think that would be a tremendous impact on our neighborhood, just the
1334 amount of traffic there.

1335
1336 Mr. Branin - Yes ma'am. Mr. Foster, can you address some of these
1337 questions, because you are much more knowledgeable than I am.

1338
1339 Mr. Foster - Yes sir, Mr. Branin. I am Tim Foster, Traffic Engineer for the
1340 County.

1341
1342 Mr. Archer - Good evening, Mr. Foster.

1343
1344 Mr. Jernigan - Good evening, Mr. Foster.

1345
1346 Mr. Foster - I think all of the traffic issues that we are seeing out there they
1347 have to be taken together. I do agree with the lady that spoke if we do something to
1348 Maple and don't do anything to Dustin I think we will have additional cut through traffic.
1349 You're also looking at once we do if the neighbors want this enclosed doing some work
1350 at Monument and Maple because of some concerns we have out there and some of the
1351 neighbors expressed concerns and some of the accidents that has been occurring there.
1352 I would like to want to clarify one thing real quickly and just to make sure I understood
1353 what Mr. Theobald said about the speed humps north on Bremono Road. I heard that Mr.
1354 Theobald say that "we" got those installed. I wanted everyone to make sure that I don't
1355 know if he was talking about "we" as the County or "we" as St. Mary's but that was
1356 actually an effort through the Westview Civic Association who worked very hard with the
1357 County and the County actually installed the speed humps there with lots of meetings
1358 and lots of work with the Westview Civic Association so I wanted to clarify that. That
1359 was actually done by the neighborhood, with a neighborhood driven effort on that.

1360
1361 We have looked at the traffic on upper Jeffrey and Dustin. We do think that some of the
1362 traffic is cutting through to get to the hospital. We do think that closing Dustin would
1363 prevent that from happening.

1364
1365 Mr. Branin - Can you in some fashion, I don't know if you can, our initial
1366 conversations and with the neighborhood, and I don't know if you brought it with you, a
1367 proposed layout of speed humps on Maple and I believe that is where they would be
1368 positioned as well, just so we can get a feel for what we are looking at and one more

1369 question. Has the neighborhood filled out the request form and gotten it back to you
1370 yet?

1371
1372 Mr. Foster - Yes, sir, the neighborhood has given me, not the formal request
1373 form, but I did get the signatures and addresses from the neighborhood meeting. We
1374 have started and will start collecting some of the data especially the traffic count will
1375 begin in the next week or so to collect that data. I have talked to some of the residents
1376 on Bremono Road, south of the hospital. They are concerned about cut through traffic on
1377 Bremono. We will be looking at that very closely too to see what we can do to alleviate that
1378 problem.

1379
1380 Mr. Branin - Mr. Foster, as I stated at your traffic meeting, I had been posed
1381 with the mission to stay with this community until traffic measures are completed and will
1382 you be communicating with me as well as the community?

1383
1384 Mr. Foster - Yes sir. Our traffic calming program is something that we stay in
1385 touch with the neighborhood. From our stand point, we don't go away regardless of
1386 what happens at the zoning case. We will be doing the same work with the
1387 neighborhood, regardless of the outcome of the zoning case and the work in trying to
1388 improve the situation out there. The map in front of you, I don't have the map for Maple, I
1389 thought I did, is Bremono, with the possible location of speed humps on Bremono Road.
1390 What we are actually looking at on Bremono is to make these more or less raised
1391 pedestrian cross walks. We do have a lot of pedestrians crossing Bremono Road in this
1392 area, and we are trying to look at it so that it's a natural place where the pedestrians
1393 would cross and at the same time serve as a raised pedestrian cross walk and speed
1394 hump. We do have three locations on Maple that we were proposing. You can see the
1395 three on Bremono that are located there. On Maple, if they don't have a map for, we would
1396 be looking at one between Dustin and Monument, another one between Dustin and
1397 Bremono, and a third between Bremono and the City-County line.

1398
1399 Mr. Branin - And has the City contacted you yet in regards to their effort to help
1400 alleviate traffic coming into this area from the city line?

1401
1402 Mr. Foster - Yes sir. They have told us that they would be installing the, what
1403 we call the travel agent signs for the hospital, to navigate traffic down to Maple and we
1404 will be looking at our end of the County to see what we can also do up at Horsepen to try
1405 to get more people out of the neighborhood and down to the proper roads that need to
1406 be used through the roads to get to the hospital.

1407
1408 Mr. Branin - Thank you, Mr. Foster.

1409
1410 Mr. Archer - Thank you, Mr. Foster. Alright now there are approximately 4
1411 minutes left for the opposition if someone else would like to come and speak. Come
1412 right on, ma'am.

1413
1414 Ms. Anderson - I'll be very quick if it's mainly a question that I've
1415 got. My name is Susan Anderson. I live on Hampstead Avenue. I won't reiterate but on
1416 January 10th after the very first community meeting that they had I sent out a very, very
1417 detailed, spelled out letter in opposition with reasons why. I sent it to Mr. Kaechele, who
1418 is the supervisor for my district, and I copied all the other supervisors as well as the CEO
1419 of Bon Secours. One point I want to make and then a question I had that if this some

1420 how does go through. Living on Hampstead with the talk of the possibility of closing off
1421 Jeffrey, I have watched a move that over the summer of 2001 to Hampstead Avenue
1422 and when the opened up the new area just east of Maple, traffic on my road increased
1423 just within the last week. I'm coming home from work and I watched two people come
1424 out of the parking garage that left out on Maple that's directly across from Hampstead. I
1425 watched both of them across and I watched them go out Patterson West. It is a cut
1426 through. If they close off Dustin it's only going to be worse. That's a comment I want to
1427 add in addition to what's already been said. And then a question about the proffer that
1428 was brought to my attention; they talked that the western boundary will not go any
1429 further than where they're saying. What about west but heading south towards
1430 Patterson? That would be my question. And that's all unless you have any questions of
1431 me.

1432
1433 Mr. Archer - Thank you then. Does anybody want to make any answer to that?
1434

1435 Mr. Branin - Mr. Theobald you'll address that?
1436

1437 Mr. Archer - OK. We have about three minutes left for someone else who'd like
1438 to speak.
1439

1440 Mr. Crewe - Good evening, my name is Wayne Crewe, and I live at 6201 West
1441 Franklin Street. My home had a previous picture there of my home at the end of West
1442 Franklin and I think that from a physical perspective that I'm most affected in regard to
1443 this plan. My home actually fronts the park and just what I wanted to say is that I'm
1444 opposed to the parking lot. If it does have to go through, I'd like to see additional buffer
1445 space as Ms. Rubin indicated and also right now the lighting is very obtrusive to me and
1446 I'd like to see as far as the actual signage lighting to be reduced and not only for the
1447 signage lighting, actually to the new medical office building that's very bright and I'm
1448 sure they will put additional signage on the other side of the street as well where they
1449 are proposing the new entrance way. Also, I just wanted to say I'm in opposition to the
1450 closing of Dustin. I have a young daughter, 14 years old, that catches the school bus.
1451 The school bus comes down Dustin and goes through from Dustin to Maple and if we
1452 change the route it would most likely have to go up, she would have to walk up probably
1453 to Pepper and with a safety concern in that regard I would like oppose that as well, the
1454 closing of Dustin. Thank you very much for your time.
1455

1456 Mr. Branin - Thank you Mr. Crewe. And Mr. Crewe, all the traffic and you
1457 know you think the meetings were long before, when we have the traffic meetings that's
1458 when we'll be addressing with Mr. Foster and every neighbor will have input on what
1459 they do want and don't want.
1460

1461 Mr. Crewe - Thank you.
1462

1463 Mr. Archer - Thank you sir. Alright we have about 90 seconds or so left if
1464 somebody else would like to speak.
1465

1466 Ms. Solaria - I can get this in I think in about 90 seconds. I'm Sister Joan
1467 Solaria and I live on the north side of Monument, 5900 block right across from all of this.
1468 My concern is that possibly about the lights that they are going to close the parking lot at
1469 7 p.m., why don't they also turn off their high lights at 7:00 p.m., so that they will not
1470 disturb the people. Leave on the lower ones that they said that they would put some

1471 ground ones. The second thing is you know that you've been talking tonight about not
1472 moving any further west and you're putting up a boundary there but there, you yet you
1473 still have homes across from on there. Also, what about the homes on the north side of
1474 Monument? Has anyone addressed any of those here? I mean like next door to me,
1475 across the street from me.

1476
1477 Mr. Archer - In what regards ma'am?

1478
1479 Mr. Jernigan - I think she's talking about the fact that they are saying they won't
1480 go any farther west. She wants to know if they are going to go north and somebody else
1481 wants to know if they are going to go south. At this point, they are committing that there
1482 will be no more intrusion west of the boundary line as it is now, but the north and south
1483 hasn't been discussed. I think Mr. Theobald said that they do have some plans to come
1484 down Libbie heading south.

1485
1486 Ms. Solaria - Well Monument is supposed to be on the north side residential
1487 and I'm not quite sure that it is right now.

1488
1489 Mr. Jernigan - It's what ma'am?

1490
1491 Ms. Solaria - I'm not quite sure that it's all residential right now. Because I
1492 know.

1493
1494 Mr. Branin - On which side, sister?

1495
1496 Ms. Solaria - Pardon?

1497
1498 Mr. Branin - On which side?

1499
1500 Ms. Solaria - On the north side of Monument. If someone would look into that
1501 and let me know exactly what they are being used for.

1502
1503 Mr. Branin - I will sister.

1504
1505 Ms. Solaria - I appreciate that.

1506
1507 Mr. Silber - The majority of the property on the north side is zoned
1508 residentially. It's all zoned R-3 or R-5, and it's not to say that St. Mary's couldn't
1509 consider going to that side. I doubt that they would. The applicant can address that in a
1510 few minutes when he comes back up, but I doubt that they would move to the opposite
1511 side of that four lane road. But we'll let the applicant address that issue.

1512
1513 Ms. Solaria - It's on the other side of the street where there is no building or
1514 parking lot at this time. What will it be?

1515
1516 Mr. Silber - Are you talking about on the north side of Monument where
1517 there's some property that the County owns or property that's residentially developed?

1518
1519 Ms. Solaria - I think it's residential, but I also know that some of it belongs to St.
1520 Mary's.

1521

1522 Mr. Silber - OK.
1523
1524 Ms. Solaria - But that's not been, I don't think, disclosed. Thank you.
1525
1526 Mr. Archer - Thank you ma'am. Alright, if there are no further questions then
1527 I've think we've exhausted the time for the opposition, then Mr. Theobald can reserve
1528 the, I'm sorry sir, come on, you'll have to be brief please.
1529
1530 Mr. Pudner - H. Peter Pudner and I live on 914 Pepper and just a clarification of
1531 a question that I think originated with the Chairman. St. Mary's says no further
1532 progression west of the boundary line of the new parking lot but that includes the entire
1533 north side of Maple. In other words, it would still be gaining full development. The west
1534 side of the parking lot is the boundary but then and I think several people have tried to
1535 ask that question, perhaps not as clearly as they should have, but are they saying they'll
1536 stop at Maple Avenue, except for the one development west of Maple Avenue, or are
1537 they saying the western part of the parking lot now becomes our new western boundary,
1538 which opens up the entire north side of Maple Avenue to development.
1539
1540 Mr. Archer - We'll have to ask Mr. Theobald that. I'm sure he's taken note of it.
1541
1542 Mr. Silber - Last one.
1543
1544 Mr. Jernigan - That gentleman had something.
1545
1546 Mr. Archer - We're a little over, sir, but we'll let you go on.
1547
1548 Mr. Rinko - Thank you very much. It's Mike Rinko. I live at 6002 Monument
1549 Avenue across from the parking lot. I want to thank everyone. Mr. Branin you've been
1550 fantastic during this, the hospital, Mr. Theobald, Mr. Kerner. Everyone's working
1551 together and I know there's a lot of passion on both ends. The hospital needs a parking
1552 space, definitely needs a parking space, the community is definitely feeling infringed
1553 upon. There are a lot of safety issues involved and I know we had a safety traffic
1554 meeting and there's a lot of sincere interest in correcting that. A lot of the figures that
1555 people are coming to as far as the number of accidents that have been reported through
1556 the intersections are factually wrong. We have photo documentation of six accidents
1557 between January and February of this year. Mr. Coleman, I believe you sent us
1558 notification that there are two on record. For 2005 you came out on record and said
1559 there were two from the entire year of 2005 to decrease from my belief eight the
1560 previous year from the middle of October to mid December of 2005 you further
1561 documented, I believe, seven accidents and that's just one particular area, and there's a
1562 lot of traffic and Mr. Foster came up with a lot of good ideas. You know there's going to
1563 be some traffic calming. I'm hoping, I'm hoping that and I know it's hard if St. Mary's can
1564 give us a little time to let some traffic calming take effect and be able to address some of
1565 these issues - children trying to go to the bus stop, people trying to run, jog, walk,
1566 elderly, young people, there's a whole lot going on in a very quick period of time and if
1567 we could just give a little more time. I don't think anybody here is trying to deny the fact
1568 that they want to stop progress or be belligerent or just obtuse to this whole thing. I don't
1569 think anybody here is saying never, just saying not now. If you could consider that and
1570 hopefully I know we're at St. Mary's mercy to the extent as to not rush to develop it to
1571 immediate need if we could just give it a little more time. That's it.
1572

1573 Mr. Archer - Alright thank you sir. Alright that will have to end the rebuttal
1574 period, I'm sorry the opposition period, and Mr. Theobald your rebuttal time can begin
1575 now and you have four minutes sir.

1576
1577 Mr. Theobald - Thank you. In response to a couple of issues that
1578 were raised. The valet parking route is basically to come down Bremono and back up
1579 Maple into here as opposed to going out onto Monument Avenue. Monument Avenue
1580 through traffic study reflected and your report shows it gets some 25,000 cars a day on it
1581 and so we are going to try and keep from adding to this turning movement conflicts.
1582 With regards to buffers, you know a 10 foot high berm is on a 3 to 1 slope is a 60 foot
1583 wide buffer and it doesn't grow. It's 10 feet tall. The plants you plant grow. I don't know
1584 what better buffer you could have than two single family residences on I don't know what
1585 probably 80 foot lots and there are three, two homes acting as buffers. That's why they
1586 are there, in part at least.

1587
1588 Height of lighting, if you look in the staff report, the police department recommends
1589 higher lighting, Halagon lighting, low to the ground shrubs so you can see in for safety
1590 purposes and all of this is a balance to not impact the neighborhood while still providing
1591 for safety. Ten foot high up for lighting standards just doubles or triples the amount of
1592 lighting you would need to be safe.

1593
1594 Ms. Farmer did raise the issue that sound, when we did the MOB 4, we spent a terrific
1595 amount of time with the County and not on MOB 4 (Medical Office Building 4) there were
1596 a number of conditions in that POD regarding a shielding of the HVAC equipment but
1597 also putting sound attenuation materials in building and wrapping the HVAC facilities on
1598 the other buildings. Over time, St. Mary's has also built sound enclosures around
1599 various generators on site and so it sounds as though that this has had a positive impact
1600 based on her comments. I did show you the Master Plan. The idea is that's the Master
1601 Plan that exists as of 8:41 p.m. tonight, and there is no other Master Plan and the plan is
1602 to build out on the campus in a southerly direction. Hopefully, at some point they might
1603 control the properties along Libbie Avenue. I understand from Mr. Kerner that he's only
1604 aware of the one property owned by St. Mary's, I believe that is owned by St. Mary's
1605 north on Monument Avenue and that's where the sisters live. There are certainly no
1606 plans to change Monument Avenue.

1607
1608 Ladies and gentleman, I think that once again that what we have offered in the latest
1609 condition provides better protection from the neighborhood and committed binding ways
1610 that run with the land just like restrictive covenants, rather than the uses that could be
1611 put to the property presently by St. Mary's or by some successor of St. Mary's to the
1612 extent the property were to be sold. So with that I once again ask that you recommend
1613 approval to the Board and any additional questions, I'd be happy to try and answer them.

1614
1615 Mr. Branin - I've got one Mr. Theobald. The lighting is set at a certain height.
1616 Is there any way possible that we can reduce that?

1617
1618 Mr. Theobald - Sixteen feet in height is the height of lighting on the
1619 rest of the campus currently. Certainly you can always lower lighting but you will need
1620 more lighting standards. Now these are not lights where you see the bulb. If you were
1621 to be on high you would certainly be able to see where a light fixture was, but the light
1622 does not shine towards the neighborhood, it goes straight down. And as you know at
1623 Landscaping and Lighting Plan you've got to provide photometric studies that show just

1624 what the light spread is and the intensity of the lights certainly along what we would hope
1625 is that very soon after the landscaping were installed that the landscaping would be taller
1626 than the lighting. It already is along West Franklin, across from Mr. Crewe, so those
1627 cedar trees must be 30 feet or more in the air.

1628
1629 Ms. Jones - May I ask a question at this time?

1630
1631 Mr. Archer - Go ahead, Ms. Jones.

1632
1633 Ms. Jones - The concerns that I've heard from the residents, obviously this is
1634 an issue that is very difficult, but I want to make sure I understand your answers to their
1635 concerns. The high wall that was suggested because of the need to visually cut this off
1636 from the neighborhood, in your estimation, will the vegetative material in the buffer, the
1637 15 foot buffer, be as dense as something in the nature of a wall of some kind?

1638
1639 Mr. Theobald - Unequivocally, yes.

1640
1641 Ms. Jones - So that seems to, so what we're doing is naturally mitigating the
1642 effect as opposed to with a structure.

1643
1644 Mr. Theobald - We're going to build a wall out of vegetation rather
1645 than create that hard edge which a wall does, and remember when you put in walls you
1646 get to dig foundations and take out trees in order to build up the wall and we would be
1647 walling of the St. Mary's property from the two homes on the way.

1648
1649 Ms. Jones - Sitting looking through this property now, it's quite a very high
1650 canopy, but there's a very clear vision through the property.

1651
1652 Mr. Theobald - From Monument.

1653
1654 Ms. Jones - Well, from most areas.

1655
1656 Mr. Theobald - Not from West Franklin.

1657
1658 Ms. Jones - What you're saying is this buffer will take the place of literally a
1659 solid barrier almost all the way around except where the entrance is.

1660
1661 Mr. Theobald - Except for Maple Avenue, where I think in looking
1662 with the police, these will likely not be as tall along Maple Avenue for security purposes
1663 and you don't want people to get back in behind there and be unsafe, so the along West
1664 Franklin the cedars will remain. They will be planted behind them, not only medium
1665 under canopy but the hedges same along this western boundary and Monument Avenue
1666 probably will require the most additional planting based on the picture I showed you to
1667 assure that there is under canopy screening and the idea is to not be able to see those
1668 cars.

1669
1670 Ms. Jones - The lights. Are shields going to be installed on those to give the
1671 residences that are down....

1672
1673 Mr. Theobald - You can add cut offs on those lights, but they're not
1674 really the kind of lights that project out. They project down and you do have an

1675 opportunity to say on the back side of the light, if the light were on the back side of this
1676 lot, of putting a shield within the glass fixture. These are glass globes. They almost have
1677 an American Colonial look to them on the existing campus. They're not shoebox and
1678 you don't see the exposed bulb at all.

1679
1680 Ms. Jones - A little more residential character. How about signage? Someone
1681 mentioned that there will be signage. I'm assuming there wouldn't be signage to the lot.

1682
1683 Mr. Theobald - I think, if anything, there would be directional
1684 signage only. There really is no need for signage over there, per se, other than possibly
1685 a very, very small directional type sign, but really there is no need for signage.

1686
1687 Ms. Jones. - OK.

1688
1689 Mr. Theobald - Keep in mind that our customers won't be permitted
1690 to park there. Either you're going to be a management person who's told to park there,
1691 because management gets to walk or a valet parker will use that, but it's not for the
1692 general public.

1693
1694 Ms. Jones - And, my last question. The, I referred to this before. How would
1695 you compare the impact of valet and employee use to the impact of a parking lot for the
1696 use of the general public?

1697
1698 Mr. Theobald - Well, my sense is that is I don't know that people
1699 who use valet parking come and go any more often, frankly, than the general public do. I
1700 presume that they don't, but basically you only have St. Mary's employees utilizing that
1701 lot versus the public at large.

1702
1703 Ms. Jones - I'm trying to get an idea of how many cars coming and going in a
1704 lot like this versus in a lot, let's say, that's located by the crossing light. I would think it
1705 would be less.

1706
1707 Mr. Theobald - Good question. The parking census for St. Mary's
1708 the last traffic study I think we did was in the middle of '05 showed that the peak demand
1709 times of the parking was 94% occupied and that was likely accurate with in three to four
1710 percent. So take that up a little or take that down a little. Trying to find the five or six
1711 percent available on the whole campus is what causes cars to circulate. This will take
1712 the valet parking out of the back lot so people can use that back surface lot which is
1713 what people want to do. They want to park as close to the door as possible. People
1714 would not choose to park, if this was open to the public, they would not choose to park
1715 there to go to the hospital. It's too much of a walk.

1716
1717 Ms. Jones - Thank you.

1718
1719 Mr. Theobald - You're welcome.

1720
1721 Mr. Archer - Thank you.

1722
1723 Mr. Branin - On that last question, do you know what percentage of the parking
1724 would be allocated to employee parking versus valet parking?

1725

1726 Mr. Theobald - No, I don't. I honestly do not. Our valet parking
1727 today is about 90 some spaces and it's full. I mean during peak demand it's basically
1728 full. This is approximately 130 spaces, so it won't be but fifteen to twenty potential spots
1729 for management to park.

1730

1731 Mr. Branin - OK.

1732

1733 Mr. Archer - OK, are there further questions for Mr. Theobald? If not, then I
1734 suppose we will have to bring this to a conclusion. While Mr. Branin is pondering his
1735 motion, I'd like to remind everybody, particularly the public, that whatever decision is
1736 recommended by the Planning Commission here tonight will have to be made by the
1737 Board of Supervisors. So that is what we do. We don't make the decision in this case.
1738 We simply make a recommendation to the Board of Supervisors. But it will be their say
1739 as to how this is done. So, with that Mr. Branin, I'll turn it over to you, sir.

1740

1741 Mr. Branin - Just a couple comments. Ms. Rubin, as for the berm, where,
1742 where, where did she go? I lost you. I thought it was the heat. I was getting dizzy. As
1743 for the berm, I will look into what form of berm or what we can do along that back line,
1744 OK, and get back to you on that? For everybody in the neighborhood, wow! This has
1745 been my first case. I've only been on the Commission for just under a year now, and
1746 this has been undoubtedly the toughest one I've ever had. You know we have a huge
1747 development going in in the far west end with high buildings and that was a breeze. I
1748 think this has come a long way from the initial proffers that were proposed. I think that
1749 that decision is based on a protection and the unknowing of what will go in that area
1750 without proffers. Proffers are legal binding statements that the front property on
1751 Monument doesn't have any conditions on it. When we first started, Ms. Rubin asked
1752 me for some sort of assurance that they would neither go any further west, and I think
1753 we've got there. I had no idea that there were so many traffic problems in that area and
1754 they're being addressed. And with that I'm going to make my motion. My motion is
1755 based strictly upon all I can do, all the County can do to protect you guys, which the
1756 proffers reflect a lot of that because I'm sure you all will agree that the proffers today
1757 aren't anywhere near what was originally proposed.

1758

1759 So with that Mr. Chairman, I move for the Planning Commission to waive the time limits,
1760 to accept the proffers submitted March 7, 2006 by the applicant for rezoning case C-6C-
1761 06.

1762

1763 Mr. Jernigan - Second.

1764

1765 Mr. Archer - OK, motion by Mr. Branin, seconded by Mr. Jernigan to waive the
1766 proffered time limits. All in favor of the motion say aye. All opposed say no. The ayes
1767 have it. The motion passes.

1768

1769 Mr. Branin - Mr. Chairman, I move the Planning Commission forward the
1770 rezoning case C-6C-06 to the Board of Supervisors with a recommendation for approval.

1771

1772 Mr. Jernigan - Second.

1773

1774 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor of
1775 the motion say aye. Those opposed to the motion say no. The ayes have it. The
1776 motion is granted.

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REASON: The Planning Commission voted to recommend the Board of Supervisors grant the request because it is reasonable as an ancillary use to the adjacent hospital, the proffers provide provisions as to not have a precedent setting effect on the zoning in the area, and the proffered conditions minimize the potential impacts on surrounding land uses.

Mr. Jernigan - Can I say something before you all leave? We appreciate you coming out tonight, and I know this is a passionate decision here, but I noticed one thing that a couple of people that came up to the podium said “the park”, and I know that you use it as a park and I’m not trying to be mean when I say this, but we have, when we look at areas, we have to realize that you have used that as a park, but it is a zoned piece of property and it belongs to another entity. So I know it’s passionate for you to lose that, but it is zoned and somebody’s going to use it one day soon.

Mr. Archer - And the Board of Supervisors will meet this on?

Mr. Silber - On April the 11th at 7:00 p.m.

Mr. Archer - At 7: 00 p.m.

Mr. Silber - Tuesday, April 11th.

Mr. Jernigan - Thank you.

Mr. Archer - The Commission will recess for about 10 minutes. Let’s reconvene at 9 p.m.

THE COMMISSION RECESSED FOR A 10-MINUTE BREAK.

THE COMMISSION RECONVENED AT 9:00 p.m.

Mr. Archer - The Planning Commission will reconvene. Mr. Secretary, will you call the next case?

C-16C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 743-763-3527; 743-763-8604; 743-762-7481; and part of 743-763-9020, containing 9.11 acres, located between the east line of Interstate 295 entrance ramp and the west line of Belfast Road. The applicant proposes a single-family residential subdivision. The R-3 District allows a minimum lot size of 11,000 square feet and a maximum gross density of 3.96 units per acre. The proposed use will be controlled by Zoning Ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

C-17C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.: Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 744-762-4780 and 744-762-5294, containing 4.132 acres, located on the east line of Belfast Road approximately 160 feet north of its intersection with Edinburgh Road. The applicant proposes a residential development with no more than

1828 four (4) dwelling units per acre. The R-3 District allows a minimum lot size of 11,000
1829 square feet and a maximum gross density of 3.96 units per acre. The proposed use will
1830 be controlled by Zoning Ordinance regulations and proffered conditions. The Land Use
1831 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

1832
1833 **C-18C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.:** Request to
1834 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
1835 (Conditional), Parcels 744-763-6420, 744-763-7134 and 744-763-7748, containing 6.193
1836 acres, located on the east line of Belfast Road approximately 600 feet north of
1837 Edinburgh Road. The applicant proposes a residential development with no more than 4
1838 dwelling units per acre. The R-3 District allows a minimum lot size of 11,000 square feet
1839 and a maximum gross density of 3.96 units per acre. The proposed use will be controlled
1840 by Zoning Ordinance regulations and proffered conditions. The Land Use Plan
1841 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

1842
1843 Mr. Silber - Mr. Chairman, the next case before the Commission is on page 4.
1844 What I'd like to do is call the next three cases together as companion cases. These
1845 would be C-16C, C-17C and C18C-06. They are all cases filed by Fidelity Properties,
1846 Ltd.

1847
1848 The first C-16C, is a request to conditionally rezone from A-1 to R-3C. This would be
1849 nine acres located between the east line of interstate 295 entrance ramp and the west
1850 line of Belfast Road.

1851
1852 The second one is C-17C, for 4.1 acres in the same vicinity and C-18C-06, the same
1853 request to R-3C, also existing A-1 zoning and this would be for parcel 6.1 acres in size.
1854 All three of these lie in the Three Chopt District.

1855
1856 Mr. Branin - Mr. Secretary, if we do them all at one time, can I make just one
1857 motion?

1858
1859 Mr. Silber - No, you need to make three separate motions. Each is to be
1860 acted on separately.

1861
1862 Mr. Archer - I will ask if there is opposition to these three cases all at one time.
1863 Is there any opposition to any of the three cases? That will help some. Mr. Coleman,
1864 how are you sir?

1865
1866 Mr. Coleman - Thank you Mr. Chairman, members of the
1867 Commission. The cases C-16C, 17C and 18C proposed to rezone acreage in
1868 McDonald's Small Farms from A-1 to R-3C to develop single-family homes. Cases 17C
1869 and 18C were originally filed for R-5A zoning to develop lot lines and zero lot lines, but
1870 were amended to R-3C since preparation of the staff report. All of the subject properties
1871 are designated SR-1 on the Land Use Plan. Since March, 2003, a series of rezoning
1872 and subdivision applications have been approved to rezone and re-subdivide property
1873 for McDonald's Small Farms and to incorporate them into a larger coordinated
1874 development (unintelligible). This request proposes a continuation of this development.

1875
1876 To date these activities have limited them to 2.2 units per acre which would retain the
1877 SR-1 density range of 1 to 2.4 net units per acre. This application proposes developing
1878 up to three units an acre which is higher density than the SR-1 designation. The

1879 applicant has submitted proffers to further regulate development of property and the
1880 major aspects include of no building permits would be submitted prior to January 1,
1881 2008. This would include standard six inch curb and gutter, four foot sidewalks and
1882 street lights. A minimum of two trees, at least two and a half inches in caliper would be
1883 planted and retained in front yards and side yards and corner lots. On the front and side
1884 yards, it would be sodded and irrigated. The front yards would include foundation
1885 plantings. All lots would have a minimum width of 85 feet. The minimum house size
1886 would be 2,200 sq. ft. of finished floor. At least 50% of the homes would have brick or
1887 stone front and at least 20% of the homes would be primarily brick or stone. Each
1888 dwelling except the model homes would have a two car garage. Additional proffers
1889 address above-ground utilities, foundations, paved driveways, restrictive covenants,
1890 garage orientation, sound proofing and other items. Single-family residence
1891 development is an appropriate use for subject properties. Although this request would
1892 permit development at a higher density than the SR-1 recommendation, the proffers are
1893 largely consistent with recently approved rezoning applications in this area. We would
1894 continue to support quality coordinated development in this area. Staff recommends
1895 approval of this request. That concludes my presentation. I'd be happy to answer any
1896 questions.

1897
1898 Mr. Archer - Thank you Mr. Coleman. Are there questions for Mr. Coleman
1899 from the Commission?

1900
1901 Ms. Jones - I'm full of questions tonight, I'm sorry. I've just got a couple.
1902 Sadler Road is a wonderful winding property here, road, through fairly rural setting at the
1903 moment. I know nothing is happening until 2008 with the development, but that's my big
1904 concern. Can you talk about that a little bit?

1905
1906 Mr. Coleman - I can talk a little bit about that. What I've presented
1907 on the screen are the improvements, the proposed alignment. The Department of Public
1908 Works has sent out a letter to area residents. Mr. Foster has left. I'm sorry. I thought I
1909 had a timeline on that. But they are in the early stages of design in the project, and I
1910 believe it's going to be about 18 months before they are ready to go back to public
1911 hearing to the community with the alignment finalized.

1912
1913 Ms. Jones - And that's the reason why the building permits will be held until
1914 2008?

1915
1916 Mr. Coleman - Correct.

1917
1918 Mr. Branin - Yes ma'am Ms. Jones. I will bring the applicant up here if you
1919 would like to talk to him. We've had, how many meetings? Three meetings, in regards to
1920 this and the least aspect of it was density, it was more about traffic and with every
1921 meeting, and so we found out the alignment of the road was put off. Once we had the
1922 alignment of the road, the target date of the road being finished, and I'll have the
1923 applicant come up and speak in regards to that, but they have an agreement with Mr.
1924 Kaechele and I that there will be no building in the, I believe and I normally overstate
1925 myself if I have to, they are pushing for the zoning now for contract reasons, financial
1926 reasons, with the understanding that they won't proceed with the project until the traffic
1927 problems addressed by the road widening and alignment. And the other two cases you
1928 saw prior, we couldn't make any determination on what could actually go in there until
1929 we had more information on the road.

1930

1931 Ms. Jones - Right.

1932

1933 Mr. Archer - Alright, any further questions from the Commission? Thank you,

1934 Mr. Coleman. Mr. Branin did you want to hear from the applicant?

1935

1936 Mr. Branin - Briefly.

1937

1938 Mr. Archer - Briefly. Thank you.

1939

1940 Ms. Freye - Good evening Mr. Chairman, members of the Commission. I'm

1941 Gloria Freye here on behalf of the applicant. Good evening, and Mr. Branin is correct.

1942 The reason we put the phase in proffer in there not to pulley them in application for a

1943 building permit until January 1, 2008, was to allow time for the realignment or the

1944 improvements to Sadler Road to be determined by that time. And he is also correct that

1945 the cases that would be impacted by a re-alignment where they would be low

1946 dedications involved, those cases are being deferred and we are in further discussions

1947 with just what to do with those properties. And it is because of contractual constraints

1948 that they do need to move forward on these properties.

1949

1950 We did also add some additional proffers. We have basically the same proffers to the

1951 case that was approved last September, but we did add a couple of proffers suggested

1952 by the staff particularly to deal with the properties that are in close proximity to Interstate

1953 64 and 295 to get additional sound proofing, to make sure there was a connection to

1954 Belfast because there were some properties further away from that road. We also

1955 added a proffer for the accounting, to get accounting, about the orientation of the

1956 garages and the number of garages that were being provided and the County needed to

1957 know that and then also to give an accounting of building materials, how much brick,

1958 how much stone is being used so we that can stay on top of enforcing that proffer. Did

1959 that answer your other questions?

1960

1961 Mr. Archer - Thank you, Ms. Freye. Any questions for Ms. Freye?

1962

1963 Ms. Freye - Thank you.

1964

1965 Mr. Archer - Thank you Ms. Freye. You were brief. We appreciate it.

1966

1967 Mr. Archer - OK, I don't believe the time limits are to waive the proffers.

1968

1969 Mr. Branin - No and I'll try not to jump ahead of you like I usually do.

1970

1971 Mr. Archer - That's alright. Let's go with 16.

1972

1973 Mr. Branin - Mr. Chairman, I move the Planning Commission for rezoning case

1974 C-16C-06 to the Board of Supervisors with the recommendation of approval.

1975

1976 Mr. Jernigan - Second.

1977

1978 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor of

1979 the motion say aye. All opposed say no. The ayes have it.

1980

1981 **REASON:** The Planning Commission voted to recommend that the Board of
1982 Supervisors **grant** the request because it reflects the type of residential growth in the
1983 area and the proffered conditions would provide for a higher quality of development than
1984 would otherwise be possible.

1985
1986 Mr. Branin - Mr. Chairman, I move the Planning Commission for rezoning case
1987 C-17C-06 to the Board of Supervisors with the recommendation for approval.

1988
1989 Mr. Jernigan - Second Mr. Chairman.

1990
1991 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor of
1992 approval of C-17C say aye. Those opposed say no. The ayes have it. The motion
1993 passes.

1994
1995 **REASON:** The Planning Commission voted to recommend the Board of
1996 Supervisors **grant** the request because it reflects the type of residential growth in the
1997 area and the proffered conditions would provide for a higher quality of development than
1998 would otherwise be possible.

1999
2000 Mr. Branin - Mr. Chairman, I would like to move the Planning Commission
2001 forward rezoning case C-18C-06 to the Board of Supervisors with a recommendation for
2002 approval.

2003
2004 Mr. Jernigan - Second.

2005
2006 Mr. Archer - Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor of C-
2007 18 say aye. Those opposed say no. The ayes have it. C-18C-06 is approved.

2008
2009 **REASON:** The Planning Commission voted to recommend the Board of
2010 Supervisors **grant** the request because it reflects the type of residential growth in the
2011 area and the proffered conditions would provide for a higher quality of development than
2012 would otherwise be possible.

2013
2014 Mr. Silber - OK, next on the agenda. That completes our rezoning requests.
2015 The remaining items on the agenda also are companion matters. These are public
2016 hearings on an amendment to the 2010 Land Use Plan. This would be for the Three
2017 Chopt Road extension study area. The study area is generally comprised of the area
2018 bordered by West Broad Street, Lauderdale Drive, North Gayton Road, Wellesley and
2019 Sedgemoor communities. So that would be for the Land Use Plan amendment and
2020 secondarily, as a companion to that, would be consideration of the amendment to the
2021 major thoroughfare plan being MTP-2-05. This would be for the proposed addition of a
2022 Three Chopt Road extension and West Broad Street connector between Lauderdale
2023 Drive and North Gayton Road.

2024
2025 Mr. Archer - Thank you Mr. Secretary. These are, this is a public hearing and these
2026 are in the cases that have to be made to the Board of Supervisors so I guess I have to
2027 ask is there anyone here opposed to either one of these cases? Land Use Study or
2028 MTP-2-05? Then I'm going to ask if there is anyone here.....Are you opposed sir or
2029 would you like to make a comment?

2030
2031 Mr. Silber - In a second we'll get into that.

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Mr. Archer - Alright Ms. Neaves, you're on.

Ms. Neaves - Thank you Mr. Chairman, members of the Commission, Ms. O'Bannon, Mr. Secretary. The Planning Commission at its meeting on December 8, 2005 adopted a resolution directing the County staff to initiate a Land Use Study and Plan Amendment of the area adjacent to the proposed Three Chopt Road Extension between Lauderdale Drive and North Gayton Road. This request was sponsored by the Commission in order to encourage a unified, cohesive and complimentary development plan for this area while still respecting the existing residential neighborhoods to the south. The study area is bounded by West Broad Street to the north, Lauderdale Drive to the east, the Wellesley and Sedgemoor Oaks Subdivisions to the south and North Gayton Road to the west, and comprises approximately 146 acres contained within six parcels. The majority of the study area is currently zoned A-1, Agricultural District. The parcel located in the northeast corner of the study area was rezoned in 1995 and contains R-6C, General Residence District Conditional, B-2C, Business District Conditional, and O-3C Office District Conditional. The current 2010 Land Use Plan identifies the majority of the study area as Mixed Use and the south and southwestern portions of the study area as SR-2 Suburban Residential 2 and EPA. While the Mixed Use designation is appropriate along the West Broad Street corridor, it also currently abuts existing residential neighborhoods and has the potential to create incompatible land uses at these locations. Amending the Land Use Plan would reduce the possibility of commercial uses adjacent to existing single family neighborhoods while retaining the vitality and variety of uses along West Broad Street. The proposed Land Use Plan Amendment retains the Mixed Use designation along West Broad Street which is envisioned for the entire West Broad corridor to encourage cohesive and unified development. To the south of these higher intensity developments, a Three Chopt Road Extension is proposed.

MTP-2-05 proposes a Three Chopt Road Extension from Lauderdale Drive to North Gayton Road, from the existing terminus of Three Chopt Road to Grand Meadows Drive, and a connector road from this extension to West Broad Street to the 2010 Major Thoroughfare Plan. Although the exact alignment has not yet been determined, the proposed road extension would serve as a natural buffer between the more intense uses envisioned along West Broad Street and the existing residential neighborhoods. Currently no direct east-west roadway exists between Lauderdale Drive and North Gayton Road between their intersection and West Broad Street. This addition will provide more efficient access between the existing and anticipated residential areas and retail and service centers located south of West Broad Street and assist in alleviating traffic congestion that can occur in the area. Not only will this extension take some of the traffic load from West Broad Street and provide additional access to vacant properties in the area, it will also provide an alternate travel route for emergency response units. The proposed extension and connector would also encourage more unified and large scale development pattern for the future. It is envisioned that the proposed Three Chopt Road extension, anticipated to be a 4 lane roadway, would serve as a unifying element for the area in terms of streetscape, lighting and character of design, it also serves again as a natural buffer separating the residential uses from the more intense mixed use development to the north. The area located south of this proposed extension in the southeast corner of the study area is designated for urban residential development which is consistent with the approved rezoning for a portion of this property. Suburban Residential 2 is recommended between the proposed road

2083 extension and the existing residential neighborhoods to the southwest. Environmental
2084 Protection Area is recommended for those areas located within the 100 year flood plain.
2085 This pattern of recommended land use offers a balance between high intensity uses and
2086 residential uses yet protects the existing residential development from those more
2087 intense uses.
2088

2089 Community meetings were held on November 29, 2005 and February 21, 2006. At its
2090 meeting on February 9, 2006, the Planning Commission deferred this item for one
2091 month. Staff recommends the Planning Commission forward the Land Use Plan
2092 Amendment and the Major Thoroughfare Plan Amendment to the Board of Supervisors
2093 with a recommendation for approval. Not only will the amended plan retain the
2094 envisioned cohesive unified development with a variety of uses along the West Broad
2095 Street corridor, it will also eliminate the existing potential for more intense commercial
2096 uses to be located adjacent to the existing single family neighborhoods. This concludes
2097 my presentation and I'll be happy to take questions.
2098

2099 Mr. Archer - Thank you Ms. Neaves. Are there questions from the
2100 Commission?
2101

2102 Ms. Jones - No, I don't.
2103

2104 Mr. Archer - Again, this is a public hearing and we have an audience present.
2105 Are there questions? Sir, do you have a question that hasn't been explained to you?
2106

2107 Mr. Branin - Mr. Pruitt, did you get your answer?
2108

2109 Mr. Archer - OK.
2110

2111 Mr. Branin - Just one quick comment so that we can get this done. I'm sure
2112 you are very, very surprised that there wasn't a lot of opposition here. Actually, I was
2113 very, very surprised when we went into the last meeting, as I'm sure Nathalie will tell you
2114 as well. They had some concerns about a couple of things, nothing of any critical level
2115 and actually the County was thanked for its quick actions and for the concern and
2116 protection of the Wellesley neighborhood. That is why we don't have strong opposition
2117 here.
2118

2119 Ms. Jones - OK, that is really good to hear.
2120

2121 Mr. Archer - Thank you Mr. Branin.
2122

2123 Mr. Branin - OK, Mr. Chairman.
2124

2125 Mr. Archer - Yes, sir.
2126

2127 Mr. Branin - If I may, I would like to move that the Planning Commission
2128 forward the amendment to the 2010 Land Use Plan Map and the Three Chopt Road
2129 Extension study area to the Board of Supervisors for the recommendation of approval.
2130

2131 Ms. Jones - Second.
2132

2133 Mr. Archer - Alright, motion made by Mr. Branin and seconded by Ms. Jones.
2134 All in favor of the motion say aye. Those opposed say no. The ayes have it. The
2135 motion passes.
2136
2137 Mr. Branin - And with that Mr. Chairman, I would like to move that the Planning
2138 Commission forward case MTP-2-05 to amend the Major Thoroughfare Plan to add a
2139 Three Chopt Road Extension and West Broad Street connector between Lauderdale
2140 Drive and North Gayton Road to the Board of Supervisors with the recommendation for
2141 approval.
2142
2143 Ms. Jones - Second.
2144
2145 Mr. Archer - Motion by Mr. Branin, seconded by Ms. Jones. All in favor of this
2146 motion say aye. Those opposed say no. The ayes have it. That motion goes forward.
2147
2148 Mr. Branin - Thank you, Nathalie.
2149
2150 Mr. Archer - Thank you, Ms. Neaves.
2151
2152 Mr. Silber - The remaining item on the agenda would be consideration of the
2153 Planning Commission minutes from February 9, 2006.
2154
2155 Mr. Archer - OK, I did have one item on the minutes - Page 15, line 745. Wait
2156 a minute, I have to find it. Page 15, Line 745. Just a minor item. The Planning
2157 Commission recessed until 7 p.m. not convened. Then we reconvened. I think we
2158 finished our session well ahead of the time the Commission was to meet so we couldn't
2159 really meet until the scheduled time at 7 o'clock.
2160
2161 Mr. Silber - That is correct.
2162
2163 Mr. Archer - Alright are there any further items to bring before the
2164 Commission?
2165
2166 Mr. Silber - You might want to vote on those minutes.
2167
2168 Mr. Archer - Yea we should vote on those minutes since I've read.
2169
2170 Mr. Branin - I feel pretty good about voting on them.
2171
2172 Mr. Archer - Go ahead.
2173
2174 Mr. Branin - Mr. Chairman, I'd like to move for approval of the minutes with the
2175 changes that are provided by you.
2176
2177 Mr. Archer - Thank you sir. Is there a second?
2178
2179 Mr. Jernigan - Second.
2180
2181 Mr. Archer - Alright, then moved and seconded that the minutes be approved.
2182 All in favor say aye. All opposed say no. Are we done?
2183

2184 Mr. Silber - Adjourned.

2185

2186 Mr. Archer - We are officially adjourned then at 9:26 p.m.

2187

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2189

2190 _____ Randall R. Silber, Secretary

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2195 _____ C. W. Archer, CPC, Chairman