

1 Minutes of the regular monthly meeting of the Planning Commission of the  
2 County of Henrico, held in the County Administration Building in the Government  
3 Center at Parham and Hungary Springs Roads, beginning at 7:00 p.m. Thursday,  
4 March 13, 2008. Display Notice having been published in the Richmond Times-  
5 Dispatch on February 21, 2008 and February 28, 2008.

6  
Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)  
Mrs. Bonnie-Leigh Jones, Vice Chairperson (Tuckahoe)  
Mr. Tommy Branin, (Three Chopt)  
Mr. C. W. Archer, C.P.C. (Fairfield)  
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
Mr. Richard W. Glover (Brookland)  
Board of Supervisors Representative  
Mr. R. J. Emerson, Jr., AICP, Acting Director of Planning,  
Secretary

Also Present: Ms. Jean Moore, Principal Planner  
Mr. Seth Humphreys, County Planner  
Mr. Livingston Lewis, County Planner  
Mr. Roy Props, County Planner  
Mr. Benjamin Sehl, County Planner  
Ms. Kim Vann, Police Division  
Ms. Sylvia Ray, Recording Secretary

7  
8 **Mr. Richard W. Glover, the Board of Supervisors' representative, abstains**  
9 **on all cases unless otherwise noted.**

10  
11 Mr. Jernigan - Good evening, ladies and gentleman.

12  
13 Mr. Vanarsdall - Good evening, Mr. Chairman.

14  
15 Mr. Branin - Mr. Chairman.

16  
17 Mr. Jernigan - On behalf of the staff and the Planning Commission,  
18 I'd like to welcome everybody to our March 13, 2008 meeting. First of all, I'd like  
19 to welcome Mr. Glover, who is our sitting member from the Board of Supervisors.  
20 He will sit with us this year on the Planning Commission. Another announcement  
21 we have is that Mr. Joe Emerson has been selected to be our Director of  
22 Planning and it becomes effective March the 15<sup>th</sup>. We're glad to have you, Joe.

23  
24 Mr. Emerson - Thank you very much.

25  
26 Mr. Jernigan - With that, I will turn the meeting over to our Secretary,  
27 Mr. Emerson.

29 Mr. Emerson - The first item on your agenda are requests for  
30 withdrawals and deferrals. They will be presented by Ms. Jean Moore.

31  
32 Ms. Moore - Thank you, Mr. Secretary. We do have one  
33 withdrawal and that is on page 4 of your agenda in the Brookland District. It is  
34 case C-10C-07, Pied Venture, LLC. This was a request to conditionally rezone  
35 from B-2 to R-6C where residential condos were proposed at a location on the  
36 north line of Fitzhugh Avenue and the south line of Markel Street. The applicant  
37 has withdrawn this application so no action is necessary.

38  
39 ***Deferred from the December 6, 2007 Meeting. (Withdrawn)***

40 **C-10C-07 David Johannas for Pied Venture LLC:** Request to  
41 conditionally rezone from B-2 Business District to R-6C General Residence  
42 District (Conditional), Parcel 772-737-7160, containing 2.874 acres, located  
43 between the north line of Fitzhugh Avenue and the south line of Markel Street,  
44 approximately 236 feet southeast of Byrd Avenue. The applicant proposes  
45 residential condominiums. The R-6 District allows a maximum gross density of  
46 19.8 units per acre. The use will be controlled by zoning ordinance regulations  
47 and proffered conditions. The Land Use Plan recommends Office and  
48 Environmental Protection Area. The site is located within the Enterprise Zone.

49  
50 Ms. Moore - Next is the request for deferrals. The first is on page 1  
51 of your agenda in the Fairfield District. It is C-44C-07. The applicants are Parham  
52 Road Properties and Majestic Properties, LLC. The site is located along the  
53 north line of east Parham Road and the south line of Hungary Road at their  
54 intersection with Cleveland Street. The request is to conditionally rezone from R-  
55 4 to O-2C where office uses are proposed. This deferral is requested to the May  
56 15, 2008 meeting.

57  
58 ***Deferred from the February 14, 2008 Meeting.***

59 **C-44C-07 Andrew M. Condlin for Parham Road Properties**  
60 **and Majestic Properties, LLC:** Request to conditionally rezone from R-4 One-  
61 Family Residence District to O-2C Office District (Conditional), Parcels 783-756-  
62 0592, 782-756-9598, -7785, 782-757-4814, and -5414, and part of Parcel 782-  
63 757-3717, containing approximately 2.925 acres, located along the north line of  
64 E. Parham Road and the south line of Hungary Road to their intersections with  
65 Cleveland Street. The applicants propose office uses. The use will be controlled  
66 by zoning ordinance regulations and proffered conditions. The Land Use Plan  
67 recommends Office and Commercial Concentration.

68  
69 Mr. Jernigan - Is there any opposition to the deferral of C-44C-07,  
70 Andrew M. Condlin for Parham Road Properties and Majestic Properties, LLC?  
71 There is no opposition.

72

73 Mr. Archer - Thank you, Mr. Chairman. I move deferral of C-44C-  
74 07, Andrew M. Conclin for Parham Road Properties and Majestic Properties,  
75 LLC, to the May 15, 2008 meeting at the applicant's request.

76  
77 Mr. Vanarsdall - Second.

78  
79 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All  
80 in favor say aye. All opposed say no. The ayes have it; the motion passes.

81  
82 At the request of the applicant, the Planning Commission deferred C-44C-07,  
83 Andrew M. Conclin for Parham Road Properties and Majestic Properties, LLC, to  
84 its meeting on May 15, 2008.

85  
86 Ms. Moore - Next is on page 2 of your agenda in the Three Chopt  
87 District. It is case P-10-07, Richmond Strikers Soccer Club, Inc. This site is  
88 located on the east line of Pouncey Tract Road approximately 900 feet south of  
89 Shady Grove Road. This is a request for a Provisional Use Permit to construct a  
90 157-foot high communications tower. This deferral is requested to the May 15,  
91 2008 meeting.

92  
93 ***Deferred from the December 6, 2007 Meeting.***  
94 **P-10-07 Gloria L. Freye for Richmond Strikers Soccer**  
95 **Club, Inc.:** Request for a Provisional Use Permit under Sections 24-95(a), 24-  
96 120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 157'  
97 high telecommunications tower on part of Parcel 740-768-1098, located on the  
98 east line of Pouncey Tract Road approximately 900 feet south of Shady Grove  
99 Road. The existing zoning is A-1 Agricultural District. The Land Use Plan  
100 recommends Open Space/Recreation and Environmental Protection Area.

101  
102 Mr. Jernigan - Is there any opposition to the deferral of P-10-07,  
103 Gloria L. Freye for Richmond Strikers Soccer Club, Inc.? No opposition.

104  
105 Mr. Branin - Then, Mr. Chairman, I'd like to move that P-10-07,  
106 Gloria L. Freye for Richmond Strikers Soccer Club, Inc., be deferred to the May  
107 15, 2008 meeting per the applicant's request.

108  
109 Mr. Vanarsdall - Second.

110  
111 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall.  
112 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

113  
114 At the request of the applicant, the Planning Commission deferred P-10-07,  
115 Gloria L. Freye for Richmond Strikers Soccer Club, Inc., to its meeting on May  
116 15, 2008.

117

118 Ms. Moore - Next is case C-61C-07. The applicant is Centex  
119 Homes. The site's located on the west line of Pouncey Tract Road between Kain  
120 Road and Bacova Drive. The request is to conditionally rezone from A-1  
121 agricultural to RTHC where condominiums, retail, and office uses are proposed,  
122 and also to rezone to B-2C. The deferral is requested to the May 15, 2008  
123 meeting.

124

125 ***Deferred from the January 10, 2008 Meeting.***

126 **C-61C-07 James Theobald for Centex Homes:** Request to  
127 conditionally rezone from A-1 Agricultural District to RTHC Residential  
128 Townhouse District (Conditional) and B-2C Business District (Conditional),  
129 Parcels 738-767-5405, 738-766-9367, 739-766-3768 and 739-766-2504,  
130 containing approximately 32.99 acres (RTHC – 23.30 ac. and B-2C 9.69 ac.),  
131 located on the west line of Pouncey Tract Road between Kain Road and Bacova  
132 Drive. The applicant proposes condominiums, retail and office uses. The  
133 maximum density allowed in the RTH District is nine (9) units per acre. The uses  
134 will be controlled by zoning ordinance regulations and proffered conditions. The  
135 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density  
136 per acre. The majority of the site is in the West Broad Street Overlay District.

137

138 Mr. Jernigan - Is there any opposition to case C-61C-07, James  
139 Theobald for Centex Homes? No opposition.

140

141 Mr. Branin - Mr. Chairman, I would like to move that C-61C-07,  
142 James Theobald for Centex Homes, be deferred to the May 15, 2008 meeting as  
143 well.

144

145 Mr. Vanarsdall - Second.

146

147 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All  
148 in favor say aye. All opposed say no. The ayes have it; the motion passes.

149

150 At the request of the applicant, the Planning Commission deferred C-61C-07,  
151 James Theobald for Centex Homes, to its meeting on May 15, 2008.

152

153 Ms. Moore - The next is on page 3 of your agenda. It is C-2C-08.  
154 The applicant is HHHunt Corporation. The site is located along the north line of  
155 Pouncey Tract Road at the Henrico/Goochland County line. The request is to  
156 conditionally rezone from A-1 agricultural to R-3C where a single-family  
157 subdivision with the maximum of 160 homes are proposed. This deferral is now  
158 requested to the May 15, 2008 meeting.

159

160 **C-2C-08 Kim B. Kacani for HHHunt Corporation:** Request to  
161 conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence  
162 District (Conditional), Parcel, 734-781-9430, containing approximately 77.55  
163 acres, located along the north line of Pouncey Tract Road (State Route 271), at

164 the Henrico/Goochland County line, west of Collinstone at Wyndham and  
165 Collinstone Manor at Wyndham subdivisions and north of Bradford Landing at  
166 Wyndham and Bradford at Wyndham subdivisions. The applicant proposes a  
167 single-family subdivision with a maximum of 160 homes, an equivalent density  
168 2.06 gross units per acre. The R-3 District allows a minimum lot size of 11,000  
169 square feet and a maximum gross density of 3.96 units per acre. The use will be  
170 controlled by zoning ordinance regulations and proffered conditions. The Land  
171 Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per  
172 acre, Environmental Protection Area, and Rural Residential, not to exceed 1.0  
173 unit net density per acre.

174

175 Mr. Jernigan - Is there any opposition to the deferral of C-2C-08, Kim  
176 B. Kacani for HHHunt Corporation? No opposition.

177

178 Mr. Branin - Mr. Chairman, I'd like to move that C-2C-08, Kim B.  
179 Kacani for HHHunt Corporation, be deferred to the May 15, 2008 meeting by the  
180 applicant's request.

181

182 Mrs. Jones - Second.

183

184 Mr. Jernigan - Motion by Mr. Branin, seconded by Ms. Jones. All in  
185 favor say aye. All opposed say no. The ayes have it; the motion passes.

186

187 At the request of the applicant, the Planning Commission deferred C-2C-08, Kim  
188 B. Kacani for HHHunt Corporation, to its meeting on May 15, 2008.

189

190 Ms. Moore - Also on page 3 is C-8C-08, Pavilion Development  
191 Company. The site is located on the west line of Pouncey Tract Road  
192 approximately 485 feet south of Interstate 64. This is a request to amend  
193 proffered conditions accepted with zoning case C-3C-98 to allow for a retail tire  
194 sales and service facility. The deferral is requested to the April 10, 2008 meeting.

195

196 **C-8C-08 Caroline L. Nadal for Pavilion Development**  
197 **Company:** Request to amend proffered conditions accepted with Rezoning Case  
198 C-3C-98, on part of Parcel 739-763-7259, located on the west line of Pouncey  
199 Tract Road (State Route 271) approximately 485 feet south of Interstate 64. The  
200 applicant proposes to amend Proffers 1, 3, and 11 related to conceptual plan,  
201 permitted uses, and orientation of loading doors to permit a retail tire sales and  
202 service facility. The applicant also proposes to delete Proffer 12 pertaining to  
203 restrictions regarding traffic generation. The existing zoning is M-1C Light  
204 Industrial District (Conditional). The Land Use Plan recommends Mixed Use.  
205 The site is in the West Broad Street Overlay District.

206

207 Mr. Jernigan - Is there any opposition to C-8C-08, Caroline L. Nadal  
208 for Pavilion Development Company? No opposition.

209

210 Mr. Branin - Mr. Chairman, I'd like to move that C-8C-08, Caroline  
211 L. Nadal for Pavilion Development Company, be deferred to the April 10, 2008  
212 meeting per the applicant's request.

213  
214 Mrs. Jones - Second.

215  
216 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in  
217 favor say aye. All opposed say no. The ayes have it; the motion passes.

218  
219 At the request of the applicant, the Planning Commission deferred C-8C-08,  
220 Caroline L. Nadal for Pavilion Development Company, to its meeting on April 10,  
221 2008.

222  
223 Ms. Moore - Next is in the Brookland District. It's on page 4 of your  
224 agenda. It is case C-64C-06. The applicant is Wistar Creek, LLC. The site is  
225 located at the south line is Wister Road approximately 143 feet west of  
226 Walkenhut Drive. The request is to conditionally rezone from R-3 to RTHC where  
227 a residential townhouse development with a maximum of 100 dwelling units is  
228 proposed. This is a recent change; the applicant has requested to defer this to  
229 May 15, 2008. Prior to this, it was April 10<sup>th</sup>, but tonight they requested the  
230 deferral to May 15<sup>th</sup>.

231  
232 ***Deferred from the January 10, 2008 Meeting.***

233 **C-64C-06 Jennifer D. Mullen for Wistar Creek, LLC:** Request  
234 to conditionally rezone from R-3 One-Family Residence District to RTHC  
235 Residential Townhouse District (Conditional), Parcels 767-750-8298, 767-751-  
236 8651, 768-750-0490, 768-751-0638, 768-751-2435, 768-751-4119, and 768-751-  
237 1362 containing 24.46 acres, located on the south line of Wistar Road  
238 approximately 142 feet west of Walkenhut Drive. The applicant proposes a  
239 residential townhouse development with a maximum of 100 dwelling units, an  
240 equivalent density of 4.08 units per acre. The maximum density allowed in the  
241 RTH District is nine (9) units per acre. The use will be controlled by zoning  
242 ordinance regulations and proffered conditions. The Land Use Plan  
243 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and  
244 Office.

245  
246 Mr. Jernigan - All right. Is there any opposition to the deferral of case  
247 C-64C-06, Jennifer D. Mullen for Wistar Creek, LLC? No opposition.

248  
249 Mr. Vanarsdall - With that, I move C-64C-06, Jennifer D. Mullen for  
250 Wistar Creek, LLC, be deferred to May 15, 2008 meeting at the applicant's  
251 request.

252  
253 Mr. Archer - Second.

254

255 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer.  
256 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

257

258 At the request of the applicant, the Planning Commission deferred C-64C-06,  
259 Jennifer D. Mullen for Wistar Creek, LLC, to its meeting on May 15, 2008.

260

261 Ms. Moore - Mr. Chairman that concludes the requests for  
262 deferrals.

263

264 Mr. Jernigan - Thank you, Ms. Moore.

265

266 Mr. Glover - Mr. Chairman?

267

268 Mr. Jernigan - Yes sir.

269

270 Mr. Glover - I'd like to state up front in the meeting that in all  
271 zoning cases I'll be abstaining unless otherwise noted. Since all of these cases  
272 will be coming to the Board of Supervisors with a recommendation from the  
273 Planning Commission, I'll be abstaining.

274

275 Mr. Jernigan - Thank you, Mr. Glover.

276

277 Mr. Emerson - Mr. Chairman that brings you to the next item on your  
278 agenda, which is the request for expedited items. We thought that there were  
279 going to be two expedited items on the agenda tonight; however, those have  
280 been removed and placed back to the regular agenda. Those were items C-4C-  
281 08 and P-2-08, RER/New Boston West Broad Street, LLC. Those will be heard  
282 in the order they appear on the regular agenda.

283

284 Mr. Jernigan - Okay, thank you, Mr. Emerson.

285

286 Mr. Emerson - Mr. Chairman that now takes you to the cases to be  
287 heard, which will be six.

288

289 ***Deferred from the February 14, 2008 Meeting.***

290 **C-63C-07 Andrew M. Condlin for JSN Development, LLC:**

291 Request to conditionally rezone from A-1 Agricultural District to B-2C Business  
292 District (Conditional), Parcel 816-687-5307, containing 3.82 acres, located at the  
293 southeast intersection of Strath Road and New Market Road (State Route 5).  
294 The applicant proposes a pharmacy and office. The uses will be controlled by  
295 zoning ordinance regulations and proffered conditions. The Land Use Plan  
296 recommends Rural Residential, not exceeding 1.0 unit net density per acre. The  
297 site is in the Airport Safety Overlay District.

298

299 Mr. Jernigan - Is there any opposition to case C-63C-07, Andrew M.  
300 Condlin for JSN Development, LLC? We do have opposition. Mr. Emerson,  
301 would you explain our time limits?  
302

303 Mr. Emerson - Yes sir, Mr. Chairman. The applicant is allowed 10  
304 minutes to present the request and time may be reserved to respond to new  
305 testimony. Opposition is allowed 10 minutes to present its concerns.  
306 Commission questions do not count into the time limits and the Commission may  
307 waive the time limits for either party at its discretion.  
308

309 Mr. Jernigan - Thank you, sir. Good evening, Mr. Lewis.  
310

311 Mr. Lewis - Good evening, Mr. Chairman, thank you.  
312

313 As mentioned, this is a request to rezone approximately 3.8 acres from A-1 to B-  
314 2C to construct a pharmacy and office at the southeast intersection of Strath  
315 Road and New Market Road. Commercial uses are located at the intersection's  
316 other corners, but most of the subject site is surrounded by low-density, single-  
317 family residential development.  
318

319 The property is recommended for Rural Residential on the 2010 Land Use Plan,  
320 a designation which is not consistent with this request.  
321

322 As shown on this proffered conceptual plan, the applicant proposes a 14,564-  
323 square-foot pharmacy with drive-through service on the property's northern  
324 portion. A 3,250-square-foot office building would be constructed on the  
325 property's southern extension along Strath Road. Major aspects of the revised  
326 proffers before you tonight, dated March 13, 2008, address the following topics:  
327 building style, external materials, and appearance; use and operating limitations;  
328 and screening from adjacent properties, among other items.  
329

330 These proffers could mitigate some potential impacts, but other issues outlined in  
331 the staff report have not been addressed.  
332

333 Staff believes this request would over-intensify the site both in its scale and type  
334 of use, placing drive-through commercial activity too close to a residential  
335 neighborhood and minimizing the area available for landscaping along New  
336 Market Road.  
337

338 Considering the potential impacts on adjacent residential properties and the  
339 proposal's inconsistency with the Land Use Plan, staff does not support this  
340 request.  
341

342 This concludes my presentation. I will be happy to take any questions. Time  
343 limits would need to be waived for the proffers.  
344



345 Mr. Jernigan - Thank you, Mr. Lewis. Are there any questions for  
346 Mr. Lewis from the Commission?  
347  
348 Mrs. Jones - I have one. Mr. Lewis, how large would the buffers  
349 be? It's hard to go through this new information all at once here. How large  
350 would the buffers be between the residential and the other development?  
351  
352 Mr. Lewis - Directly adjacent to the drive-through aisle it would  
353 be—The distance would be approximately 13½ feet from the drive aisle to the  
354 property lines, to the residential property lines to the rear. A transitional buffer 25  
355 is required, but the alternative screening of a six-foot brick wall is used in that  
356 area to meet the transitional 25 requirement, as well as the brick wall extends  
357 down behind the office parking lot. So, essentially, a transitional 25 or equivalent.  
358  
359 Mrs. Jones - I'm just not seeing that brick wall on here.  
360  
361 Mr. Jernigan - It's proffered.  
362  
363 Mrs. Jones - It's proffered, it's just not shown.  
364  
365 Mr. Lewis - Go to page 2. I can call it out on this slide right here.  
366 Do you see the monitor? It's this bold line right here.  
367  
368 Mrs. Jones - Okay.  
369  
370 Mr. Lewis - So, it begins at this location, extends all the way to  
371 this corner, and then extends southward to this point here. From this point  
372 southward, the dashed "X" line is a proposed fence to be extended in the manner  
373 as shown here.  
374  
375 Mrs. Jones - In your view, that would be a sufficient buffer visually  
376 as well as with noise and lights for the neighbors?  
377  
378 Mr. Lewis - Staff would prefer to see the drive aisle and retail use  
379 further from the residential properties. The wall and distance are the minimum  
380 allowed by code, but we'd prefer to see it separated a bit more from the  
381 residential property.  
382  
383 Mrs. Jones - Thank you.  
384  
385 Mr. Jernigan - Mr. Lewis, how far would you say it is to the house  
386 from next door?  
387  
388 Mr. Lewis - We can eyeball that, if we go back up to this. So, if  
389 the drugstore is to be in this location here, it looks to be the nearest house  
390 somewhere in the neighborhood of 350 feet, a little shy of 400 feet.

391  
392  
393  
394  
395  
396  
397  
398  
399  
400  
401  
402  
403  
404  
405  
406  
407  
408  
409  
410  
411  
412  
413  
414  
415  
416  
417  
418  
419  
420  
421  
422  
423  
424  
425  
426  
427  
428  
429  
430  
431  
432  
433  
434  
435  
436

Mr. Jernigan - Okay. Thank you. Are there any more questions?  
Thank you, Mr. Lewis. Mr. Condlin, how are you?

Mr. Condlin - Good. Thank you, Mr. Chairman, members of the Commission, Mr. Secretary. Andrew Condlin from Williams Mullen here on behalf of JSN. I have with me Nathan Jones and Allen Weaver here to answer any questions that you may have of a technical nature. I did want to go over a couple of points and then we'll just answer any questions that you all may have. Obviously, this is an odd-shaped property. Certainly, the New Market and Strath Road intersection is a well-trafficked intersection. It has a light at that location. Quite frankly, it has commercial on three other sides of it. We also have an unusual circumstance, of course, as you've already pointed out, Mrs. Jones, with the residences in the rear. Rural residential with the large lots, A-1 lots with the homes quite a bit a way, but still with residential behind it. So, it's certainly provided a number of challenges as we work very closely both with the Varina Beautification Committee, as well as with the adjoining neighbors and the surrounding neighborhood.

This property, where there's an existing Rite Aid—there's already one across New Market Road—is a small site. It's not, quite frankly, serving the purpose that it's intended for and Rite Aid wants to move it from that location where the doctors' offices are located to this location. Again, at a traffic light a larger facility, being 14,500 square feet. This property, obviously, has created a lot of challenges with trying to get into the area, and what we've—if I could move to the site plan—trying to be able to facilitate with everything we'd like to have on the property. Obviously, we've worked very closely with the Varina Beautification Committee with how it looks from New Market and Strath Roads. Obviously, the first words they say is that you would not see the drive-through from either one of those locations; therefore, that really put the proximity of the drive-through at the opposite side of New Market, but towards the neighborhood. Really, that's where we came with, given the shape of the property and where the drive-through is located, putting up this wall to help try to alleviate any of the negatives that might come with the drive-through in that location.

We have a number of proffers, quite frankly, as we've continued to work with the neighbors. This case has been deferred a number of times. I think the immediately adjacent neighbors—I think Mr. Jernigan has talked with just recently, they—I won't say they're supporting the case by any means, they would rather have nothing there, or just something different, but they're no longer in opposition based on the proffers that we've been able to provide and work with them on, on some of the nuances. These changes that are set forth, a lot of them are just additional sheets of elevations that have been provided. Others are more stylistic in changes, just breaking up, for example the elevations, where it was one long paragraph, we've now divided it between the retail building and the office building.

437

438 Mr. Jernigan, I do have to point out you and I talked earlier, and you asked to  
439 make sure that the Planning Commission would be able to approve the office  
440 building, the elevations so they would have control of that over at the time of  
441 POD. I looked again and apparently that wasn't in there when I saw it. I would  
442 like to make that change at the podium, if it's okay, and I can point that out.  
443 Again, that was the intent. I just don't think the language was in there.

444

445 The only other significant change in these proffers from that standpoint, other  
446 than some minor hourly changes, had to do with the office area. We've labeled  
447 this area on one of the plats as the office area, as you can see in this area. That  
448 would be limited to O-1 uses to this office building. Again, it's a very small  
449 building. It's not a whole lot you can do with this property. This would seem to be  
450 a good use, a good transition from this busy corner to the neighborhood and be  
451 able to use the property at the same time.

452

453 With that, I'll be happy to answer any questions that you may have or go over the  
454 proffers in more detail.

455

456 Mr. Jernigan - Andy, is that proffer in this black line copy?

457

458 Mr. Condlin - No, it is not. It would be under proffer 2B. That whole  
459 proffer, the reason that's lined is because we took it away from the paragraph  
460 above it and made it "B." As you look at that line, on the second line it says it  
461 would be a Cape Cod style design. I propose putting in the words, "as approved  
462 by the Planning Commission at the time of POD," right in that location where on  
463 the second line of 2B it says, "Shall be of a Cape Cod style design," and adding  
464 in, "as approved by the Planning Commission at the time of plan of  
465 development." We labeled the GPIN for the bank across the street, which is a  
466 Cape Cod style. It will be consistent with that. But again, just to be able to let you  
467 all see it, because we don't have any elevations. They're not sure what they're  
468 going to build exactly out there. That would give you control at the time of POD to  
469 say it's not what we like.

470

471 Mr. Jernigan - Do you have elevations for the monitor?

472

473 Mr. Condlin- We have the elevations for the Rite Aid. These are  
474 the ones that, again, I really should point out it's not very often I get to come  
475 forward and say we have the support or the recommendation from the Varina  
476 Beautification Committee. I like to jump on that as much as possible. They  
477 helped design this building. Part of that is that with the brick and the number of  
478 dormers and the window, obviously, expenses went up. That's what we were  
479 trying to achieve. Again, these are just the elevations specific to the Rite Aid and  
480 again, trying to provide for. One of the things you'll notice on this is that in  
481 addition to having a sidewalk as part of the Capital Trail, there's a bike trail that's  
482 going to be required to be placed along the property. So, we're also squeezed

483 further. At a busy intersection, not only do we have an odd shaped property, but  
484 we're continuing to be squeezed based on the sidewalk and the Capital Trail and  
485 the other improvements that were required along the front of the property from  
486 that standpoint. Again, that's kind of a birds-eye view of the picture that they're  
487 showing with the landscaping along the front. Again, these have all been  
488 proffered. Again, this is more detail of the Rite Aid on all sides from that  
489 standpoint. I don't know what the photo was—It's the bank. There's the bank at  
490 that location. That's the Cape Cod style. It would mirror that.

491  
492 Mr. Jernigan - Okay. Any questions for Mr. Condlin from the  
493 Commission?

494  
495 Mr. Vanarsdall - I have one. It's not a question, it's a statement. On #4  
496 on the hours, Mr. Condlin, would you make double sure that the applicant  
497 understands the limited operation on delivery? We had a case like this that they  
498 did not think it pertained to them and trucks came, at 11:00, 12:00, and 1:00  
499 o'clock. Some came from Maine and Idaho and stayed all night. Things like that.  
500 It would be nice up front if you could do that.

501  
502 Mr. Condlin - Right.

503  
504 Mr. Vanarsdall - So it wouldn't be confusing.

505  
506 Mr. Condlin - We have talked to the Rite Aid representatives. Mr.  
507 Weaver here directly works with them. They understand that. It becomes an  
508 operations issue and that's, obviously, something that we need to make sure that  
509 occurs.

510  
511 Mr. Vanarsdall - That's all I have, Mr. Chairman.

512  
513 Mr. Jernigan - Any more questions for Mr. Condlin?

514  
515 Mr. Branin - Mr. Condlin, are there any vending machines on the  
516 outside of this building?

517  
518 Mr. Condlin - The only ones I've ever seen—I think we talked about  
519 this at one of the neighborhood meetings. We think maybe a soda machine, but  
520 those would be at the front towards New Market.

521  
522 Mr. Branin - Is your client intent or married to having vending  
523 machines outside?

524  
525 Mr. Condlin - No.

526  
527 Mr. Branin - No?

528

529 Mr. Condlin - That's something we can proffer out. We could  
530 proffer that out and it wouldn't be a problem. No exterior vending machines.  
531  
532 Mr. Jernigan - If you'd like to, you can add that proffer.  
533  
534 Mr. Condlin - Yes, we'd be happy to.  
535  
536 Mr. Branin - Mr. Jernigan, you're aware that a lot of times when it's  
537 close to residential, when there are machines, in the middle of night, someone  
538 stops, gets sodas, and it makes a louder noise.  
539  
540 Mr. Jernigan - Especially when they kick them.  
541  
542 Mr. Branin - Which I tend to do.  
543  
544 Mr. Jernigan - Mr. Condlin, I think you said he's going to proffer that  
545 out. We won't have that noise. Okay. Thank you, Mr. Condlin. All right, we have  
546 opposition. If you would, please come down sir. State your name for the record,  
547 please.  
548  
549 Dr. Kowalski - I'm Dr. Kowalski. I'm a family doctor down in this  
550 Varina area. I got wind of this project, obviously, over the last year or so. I sent  
551 Mr. Jernigan a letter back in early January. I don't know if you remember reading  
552 it or not.  
553  
554 Mr. Jernigan - Yes sir, I do.  
555  
556 Dr. Kowalski - I showed this case to a neighbor of mine who is now  
557 retired from the County. He worked on the Planning Commission. Fred  
558 Overmann. He thought that this was a very ambitious project for such a historic  
559 area and that maybe rezoning to O-1 or O-2 offices would make a lot more sense  
560 because it would be more fitting with the neighborhood, keeping the historic  
561 nature of the Route 5 corridor. The other information I've just given you, the  
562 central Rite Aid organization has offered to renew their lease for five more years  
563 with an extension for five more years, so I'm not sure who the tenant of this Rite  
564 Aid building would be if the Rite Aid wants to stay where they are right now.  
565 That's all I have to say.  
566  
567 Mr. Vanarsdall - Thank you.  
568  
569 Mr. Jernigan - I don't see—You have here it says, "Enclosed are four  
570 copies of the second lease extension." I just have—  
571  
572 Dr. Kowalski - I'll get Dr. Kraus to get those to you.  
573  
574 Mr. Jernigan - I know Dr. Kraus.

575  
576 Dr. Kowalski - Okay.  
577  
578 Mr. Jernigan - You're against it because you don't want to see it for  
579 Varina?  
580  
581 Dr. Kowalski - It's the ambitiousness of the project. This is a very big  
582 store. I thought this would look on West Broad Street or something like that, but  
583 14,000 feet—It's a very irregular shaped lot, which I think they showed. In reality,  
584 it looks a lot differently. It seems like the neighbors are a lot closer than 300 feet,  
585 but maybe I'm not right. I haven't gone out there and taken a tape measure. It's a  
586 very irregular shape lot. I know they're trying to do as much as they can with it. It  
587 just seems to be a very, very big building compared to all the other little buildings.  
588 Most are 4,000, 5,000-square-foot buildings that are scattered on various  
589 corners. There is a child development center that's going up across the street  
590 from the Varina Elementary School, but that looks to be probably in the same  
591 smaller range. This looked to be quite ambitious.  
592  
593 Mr. Jernigan - I agree it is a big building, but as you see, all the drug  
594 stores that come out now are big because they're turned into convenience  
595 stores, drug stores, with magazines, and a little bit of everything else. Where is  
596 your practice?  
597  
598 Dr. Kowalski - Right there at—  
599  
600 Mr. Jernigan - You're right next—  
601  
602 Dr. Kowalski - Right next to the drugstore.  
603  
604 Mr. Jernigan - Okay. Now, you're aware that drugstore is about—  
605  
606 Dr. Kowalski - Five thousand square feet.  
607  
608 Mr. Jernigan - Five thousand square feet. Okay. All right. Any  
609 questions of Dr. Kowalski? All right. Thank you, sir. Andy, I don't normally get  
610 involved in this because this is legal, but is your client aware of the situation?  
611  
612 Mr. Condlin - Ultimately, we don't know what's going to happen with  
613 this case. The timing has to be there, but also if this gets approved, we're still  
614 about a year and a half, two years before this becomes operational. They have to  
615 continue to operate and that's really what they're doing. You can always  
616 sublease out that facility once it moves over to this location, and that's the intent.  
617  
618 Mr. Jernigan - I just want to make sure everybody's aware. Like I  
619 said, this isn't our call.  
620

621 Mr. Condlin - Ultimately, they have to keep operations continuing.  
622 You never know what kind of delays you're going to have and with the lease  
623 coming up, they have to renew the existing lease in order to have that overlap  
624 with this site once it becomes operational.

625  
626 Mr. Jernigan - Okay.

627  
628 Mrs. Jones - I have a question. As far as the drugstore, I know that  
629 the drugstores are into a very set type of a building and footprint. Has there been  
630 discussions of a smaller building going onto this very irregularly-shaped site so  
631 that it isn't so forced?

632  
633 Mr. Condlin - Right. We looked at a lot of different variations and  
634 the answer is yes, that they have. Given a number of factors, both from a land  
635 cost, which usually is not a factor, but also from working with the Varina  
636 Beautification Committee and the cost of the exterior with the additional brick, the  
637 elevations, and the design features that they've added to that, this is the return  
638 that they were willing to get, or would have to get based on this store. Of course,  
639 as you know, there are typical footprints that they have. Rite Aid has not been in  
640 this market for a long time, as far as putting in new buildings. This is the footprint,  
641 one of the variations that they have, so that's what they've asked for.

642  
643 Mrs. Jones - Mr. Jernigan raised a very good point about the large  
644 lots and the nature of the residential area. It's not a small subdivision lot, so there  
645 is a bit of separation there. It's just a difficult thing to bring this kind of use onto  
646 this particular side of the road.

647  
648 Mr. Condlin - I don't disagree with that, but when you drive out  
649 there and you look at the four corners with the Food Lion across the street.

650  
651 Mrs. Jones - Sure.

652  
653 Mr. Condlin - There's a lot going on and that's by no means—It is a  
654 historic area. We've relied, to be honest, on the Varina Beautification Committee,  
655 and whatever they've asked for, including the number of windows—They  
656 changed things. That's why we got their support, based on that as well. I think  
657 that was kind of a barometer of what we were looking as what's appropriate for  
658 this area.

659  
660 Mrs. Jones - I'm a big fan of the Varina Beautification Committee.

661  
662 Mr. Condlin - As am I, when they agree with me. So, I think that  
663 works out well.

664  
665 Mrs. Jones - Thank you.

666

667 Mr. Condlin - Thank you.

668

669 Mr. Jernigan - All right. Any more questions for Mr. Condlin? Thank  
670 you, Mr. Condlin. All right. I'll agree on one thing, this is a big drugstore, but in  
671 today's market, all these stores are big to facilitate. Now, I know this is an odd  
672 shaped piece of property. I've talked with the neighbors within the last couple of  
673 nights. The deals that they've made with the developer seem to be they're  
674 satisfied with. One reason that I tend to be towards this project is because it is a  
675 drugstore and it's something that is needed in the community. If that smaller  
676 store goes away—and I know there is a lease on it, but it can't give the services  
677 that this store can give. It has medicines, but it doesn't have the other things that  
678 go along with it. We have one large project with 636 homes that is approved right  
679 east of this and there's another project that we're looking at that's about three  
680 miles down the road that has 800 units. If there is not a drugstore there, there's  
681 not going to be one until you come down Laburnum Avenue to CVS. I've done a  
682 lot of thinking on this and at this point, I'm comfortable with what's happened.  
683 Varina Beautification has worked closely with these people to come up with a  
684 building that satisfies the look for Varina. The Varina Village, which is off in the  
685 future, Dr. Nelson, who was instrumental with the design on this feels that it will  
686 incorporate with the Varina Village.

687

688 With that, I will move for approval of case C-63C-07, Andrew M. Condlin for JSN  
689 Development, LLC, to send to the Board of Supervisors for their approval.

690

691 Mr. Emerson - Mr. Chairman, you need to waive the time limits first.

692

693 Mr. Jernigan - I'd like to waive the time limits on case C-63C-07.

694

695 Mr. Vanarsdall - Second.

696

697 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
698 All in favor say aye. All opposed say no. The ayes have it, the motion passes.

699

700 The motion to approve C-63C-07, Andrew M. Condlin for JSN Development,  
701 LLC.

702

703 Mr. Branin - Second.

704

705 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Branin. All  
706 in favor say aye. All opposed say no. The ayes have it; the motion passes.

707

708 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.  
709 Branin, the Planning Commission voted 5-0 (one abstention) to recommend the  
710 Board of Supervisors grant the request because it would not adversely affect the  
711 adjoining area if the property developed as proposed and the proffered  
712 conditions will assure a level of development otherwise not possible.



713  
714  
715  
716  
717  
718  
719  
720  
721  
722  
723  
724  
725  
726  
727  
728  
729  
730  
731  
732  
733  
734  
735  
736  
737  
738  
739  
740  
741  
742  
743  
744  
745  
746  
747  
748  
749  
750  
751  
752  
753  
754  
755  
756

**P-5-08 Jennifer Rosen for Cellco Partnership (Verizon Wireless):** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 150' high monopole telecommunications tower and related equipment on part of Parcel 827-718-5661, located at the southeast intersection of E. Nine Mile Road (State Route 33), Hanover Road, Lumber Drive, and the Norfolk Southern Corporation Railroad right-of-way. The existing zoning is M-1 Light Industrial District. The Land Use Plan recommends Light Industry. The site is in the Airport Safety Overlay District.

Mr. Jernigan - Is there any opposition to case P-5-08, Jennifer Rosen for Cellco Partnership (Verizon Wireless)? No opposition. Good evening, Mr. Props, how are you?

Mr. Props - Good evening, sir. Mr. Chairman, members of the Commission, Verizon Wireless is requesting to construct a 150-foot high monopole-style communication tower on property bounded by the Norfolk Southern Railroad, Interstate 64, and East Nine Mile Road. The site is currently zoned M-1, Light Industrial, requiring a Provisional Use Permit for towers exceeding 100 feet.

The 2010 Land Use Plan recommends Light Industrial. This Plan designation, industrial zoning, and restricted location should help minimize typical communication tower impacts. The closest residential development is 400 feet away and separated by Interstate 64. Other nearby uses include: M-1 Light Industrial and B-3 Business. Therefore, the Code setback requirements for towers would be met.

This 150-foot monopole tower is designed to support a three-sector, twelve-antenna array, with mounted amplifiers and platform as necessary. All adjoining property owners have been notified by the applicant.

Three additional carriers could co-locate on this tower with each having standard twelve-antenna arrays. This feature supports the wireless communication component of the Comprehensive Plan by providing co-location opportunities on new towers.

In view of the sites light industrial character, isolated location, and co-location opportunities, staff supports this request with the recommended conditions submitted in the staff report.

This concludes my presentation and I would be happy to answer any questions.

757 Mr. Jernigan - Any questions for Mr. Props from the Commission?  
758 Mr. Props, it's very seldom that we get a cell tower that staff recommends. I'm  
759 feeling pretty good on this.

760  
761 Mr. Archer - At least that you don't have any opposition.

762  
763 Mr. Jernigan - Thank you so much for working on this. This is  
764 probably the best site for a cell tower I've seen in a long time. Interstate 64 on  
765 one side, a railroad track, and a light industrial on the other. When I first saw this  
766 case, I was pretty comfortable with it. I'm going to move this on along. I don't  
767 need to hear from the applicant. We don't have any problem and there's no  
768 opposition. With that, I will move for approval of P-5-08, Jennifer Rosen for  
769 Cellco Partnership (Verizon Wireless), to send to the Board of Supervisors for  
770 their approval.

771  
772 Mr. Vanarsdall - Second.

773  
774 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.  
775 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

776  
777 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.  
778 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend  
779 the Board of Supervisors **grant** the request because it would provide added  
780 services to the community and when properly regulated by the special conditions,  
781 it would not be expected to adversely affect the public health, safety, welfare and  
782 values in the area.

783  
784 **C-7C-08 James W. Theobald for Partners Financial Federal**  
785 **Credit Union:** Request to conditionally rezone from R-4 One-Family Residence  
786 District and O-2C Office District (Conditional) to O-2C Office District  
787 (Conditional), Parcels 783-762-7854 and -9359, containing 1.157 acres, located  
788 at the northwest intersection of Brook Road (U. S. Route 1) and New York  
789 Avenue. The applicant proposes an expansion of the existing credit union facility  
790 and administrative offices. The use will be controlled by zoning ordinance  
791 regulations and proffered conditions. The Land Use Plan recommends Office.

792  
793 Mr. Jernigan - Is there any opposition to case C-7C-08, James W.  
794 Theobald for Partners Financial Federal Credit Union? There is no opposition.  
795 Mr. Sehl, how are you this evening?

796  
797 Mr. Sehl - Doing well. Thank you, Mr. Chairman.

798  
799 This is a request to rezone the subject property to O-2C to allow the expansion of  
800 an existing credit union facility. A portion of the property is zoned R-4 and  
801 contains a single-family dwelling. The applicant proposes to convert this dwelling  
802 into administrative office space. The credit union facility, which is zoned O-2C

803 already, was rezoned by rezoning case C-23C-02 and has been included in this  
804 request in order to update proffers pertaining to its operation and provide a new  
805 conceptual plan for the subject property. The updated proffers would allow the  
806 development of a drive-through teller lane, as well as an ATM, uses which were  
807 specifically prohibited by the proffers accepted with C-23C-02.  
808

809 The 2010 Land Use Plan recommends office for the subject property, and the  
810 requested zoning is consistent with this designation; however, the site is located  
811 in a Residential Transition Area as identified by the 2010 Comprehensive Plan  
812 and careful consideration should be given to the protection of adjacent residential  
813 uses.  
814

815 To provide protection for adjacent dwellings and to ensure a quality development,  
816 the applicant has submitted revised proffers dated March 10<sup>th</sup> and distributed to  
817 you this evening. These proffers contain protections for adjacent residents such  
818 as limits on site lighting, trash receptacles, public address systems, and hours of  
819 operation.  
820

821 Staff notes the hours of operation for the ATM would not be limited by the  
822 submitted proffers; however, the proposed location adjacent to Brook Road as  
823 shown on the concept plan should minimize negative impacts on the residents of  
824 New York Avenue.  
825

826 Additionally, to address staff concerns the applicant has committed to providing  
827 buffering and fencing along the western property line. This, in conjunction with a  
828 prohibition on enlarging the existing residence, should function to preserve the  
829 residential character of New York Avenue and limit encroachment of business  
830 uses into the adjacent neighborhood. Adjacent residents have voiced support for  
831 this request.  
832

833 The 2010 Land Use Plan recommends office for both of the parcels subject to  
834 this rezoning request. The requested zoning is consistent with this designation  
835 and the revised proffers submitted by the applicant and distributed to you this  
836 evening address staff's concerns as described in the staff report and should  
837 provide for a quality development in keeping with the existing credit union.  
838 Additional protections for adjacent dwellings and a limitation on expansion of the  
839 existing structure should preserve the residential character of the area, and staff  
840 supports this request.  
841

842 I would be happy to answer any questions you might have.  
843

844 Mr. Jernigan - Are there any questions for Mr. Sehl from the  
845 Commission?  
846

847 Mr. Breeden - [Off mike.] Mr. Chairman, I live across the street from  
848 Partners Financial.

849  
850 Mr. Jernigan - Wait a minute. You have to come down front. State  
851 your name for the record, please.  
852  
853 Mr. Breeden - Kevin Breeden. I live across the street from Partners  
854 Financial. I've been in that house for probably 15 years. It used to be Dover  
855 Baptist Association was in the house that they're in now and they bought the one  
856 directly next to it. After they redid and did the financial part of it, they've been  
857 very good neighbors, actually better than Dover Baptist was because they had an  
858 alarm system on there that used to go off about three times a week. It was very  
859 aggravating. They've been very good neighbors. I was actually surprised that  
860 they didn't have a drive-through window when they put that in there the first time.  
861 I know what's going on and I've seen the plans because they've sent it to me  
862 because I live across the street from them. They're excellent neighbors and I  
863 have no problem with that either.  
864  
865 Mr. Jernigan - All right. I thank you, sir.  
866  
867 Mr. Vanarsdall - Thank you.  
868  
869 Mr. Jernigan - Mr. Archer, did you want to hear from the applicant?  
870  
871 Mr. Archer - Perhaps Mr. Theobald might come up in case  
872 somebody else has a question to ask him. He and I have discussed this pretty  
873 thoroughly.  
874  
875 Mr. Jernigan - Okay.  
876  
877 Mr. Archer - Mr. Theobald, you got support you weren't even  
878 expecting.  
879  
880 Mr. Theobald - I like this, I like this. This is a new year or something.  
881 Jim Theobald on behalf of Partners Financial Federal Credit Union. I would be  
882 happy to answer any questions. We're really taking the small home next to the  
883 existing one for our accounting department, which is three employees and a  
884 conference room. The parking will really be what's already there in back of the  
885 existing building. I have a PowerPoint presentation to show you and I'm happy to  
886 go through some of the pictures and show you the great job they've done with  
887 the existing facility, if you'd like.  
888  
889 Mr. Archer - Anybody need to see it? I don't.  
890  
891 Mrs. Jones - I just have a question. I do think that the existing  
892 facility where the credit union is, is very nicely done. Will the adjacent home be  
893 remodeled?  
894

895 Mr. Theobald - Yes, totally. Totally remodeled. The little driveway up  
896 front will be taken out so it won't even be next to the existing neighbor. We do  
897 have a letter of support from the adjacent property owner. We'll be putting up a  
898 six-foot tall board-on-board privacy fence down the side and across the rear  
899 there, and a smaller fence up front. It will be cleaned up, renovated. They had a  
900 right of first refusal on that house. The owner was about to sell it and it was about  
901 to become a rental facility, so they exercised their option, which is what brought  
902 us to where we are today.

903

904 Mrs. Jones - So, it will be done to look like a complementary  
905 façade? It will be done to look like—

906

907 Mr. Theobald - A lot like a house.

908

909 Mrs. Jones - Okay.

910

911 Mr. Jernigan - Any more questions for Mr. Theobald? Thank you.

912

913 Mr. Archer - All right. Just to put a few things on the record, Mr.  
914 Chairman. This case has been difficult and I'd like to thank Mr. Sehl and Mr.  
915 Theobald for working so cooperatively and being able to get this to the point that  
916 we have it. It was a tough case. If any of you were around some five or six years  
917 ago when we did the initial one, that one was tough also. On behalf of it, there  
918 are some people who are here in support of it. Would you raise your hands if  
919 you're in support of this case? You all haven't changed a bit in five years. The  
920 things that were most damaging to what was, and as Mr. Sehl indicated in the  
921 first staff report, we've been able to alleviate. Mr. Theobald gave his word that  
922 whatever we needed to do, he was going to do it. One of the things we talked  
923 about was the fact that if they did change anything, we would probably insist that  
924 it be residential in character. This is residential in character by default. We will  
925 look at this very carefully when the POD comes up on it and I think if we can  
926 subscribe to all the things that we've done now and what we might suggest at  
927 that time, this is worthy of being submitted.

928

929 With that, I will move for approval of case C-7C-08, James W. Theobald for  
930 Partners Financial Federal Credit Union, and send it to the Board with that  
931 recommendation.

932

933 Mr. Vanarsdall - Second.

934

935 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All  
936 those in favor say aye. All those opposed say no. The ayes have it; the motion  
937 passes.

938

939 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.  
940 Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend

941 the Board of Supervisors **grant** the request because it conforms with the  
942 recommendations of the Land Use Plan and it would not adversely affect the  
943 adjoining area if properly developed as proposed.

944

945 ***Deferred from the February 14, 2008 Meeting.***

946 **C-3C-08 Mike Morgan for Georgi Georgiev and Aleksandar**  
947 **Aleksandrov:** Request to rezone from R-3 One-Family Residence District to O-  
948 2C Office District (Conditional), on Parcels 760-754-8425 and 760-754-9225,  
949 containing approximately 0.786 acres, located on the northwest line of N.  
950 Parham Road approximately 126 feet west of its intersection with Skipwith Road.  
951 The applicant proposes to convert two residential dwellings to office uses. The  
952 office uses will be controlled by zoning ordinance regulations and proffered  
953 conditions. The Land Use Plan recommends Office.

954

955 Mr. Jernigan - Is there any opposition to case C-3C-08, Mike Morgan  
956 for Georgi Georgiev and Aleksandar Aleksandrov? No opposition. Mr.  
957 Humphreys, how are you this evening?

958

959 Mr. Humphreys - Good, how are you doing?

960

961 Mr. Jernigan - Fine, sir.

962

963 Mr. Humphreys - Thank you, Mr. Chairman.

964

965 This is a request to rezone approximately 0.786 acres from R-3 to O-2C to permit  
966 the conversion of two single-family structures into office uses.

967

968 The applicant has proffered the conceptual plan shown here. This plan would  
969 eliminate the westernmost driveway creating a single point of entry and exit from  
970 the property. The remaining driveway and parking area would be paved.  
971 Additionally, the two lots shown on the plan would be combined. Other major  
972 aspects of the applicants' proffers dated February 26, 2008, include the following:  
973 Any future building would be architecturally similar with existing buildings on the  
974 subject property or surrounding properties; any detached signage would be  
975 monument-style, no taller than six (6) feet, and landscaped at its base;  
976 landscaping, consisting of a minimum of four trees and foundation plantings shall  
977 be provided along the Parham Road frontage of the property.

978

979 Overall, the request is consistent with the Land Use Plan recommendation, and  
980 would be a logical extension of the office uses and other single-family  
981 conversions in the area. Staff supports this request.

982

983 This concludes my presentation. I will be happy to take any questions.

984

985 Mr. Archer - Mr. Chairman, before we go further, I think I should  
986 refrain from voting on this case because I own property next to it.

987  
988 Mr. Jernigan - Okay. Mr. Archer will be abstaining. All right. Are  
989 there any questions for Mr. Humphreys from the Commission?  
990  
991 Mr. Branin - I have a couple. Mr. Humphreys, at our last meeting,  
992 we had a business owner who is an adjacent owner who brought up the question  
993 of in the past when the property was looked at, he was told that there had to be  
994 two entrances, one from Parham and one from Skipwith. That's what held this  
995 project up prior. Can you expand on what findings you have come across?  
996  
997 Mr. Humphreys - I did not find any previous rezoning cases for this  
998 property, but I talked to the Department of Public Works and it's my  
999 understanding that—the gentleman's here this evening and he can speak to  
1000 this—if the adjacent properties along Skipwith were included with these  
1001 properties, they would like to see access to Skipwith for these properties. But  
1002 since it's not, eliminating one of the access points does improve the traffic flow  
1003 for the property.  
1004  
1005 Mr. Branin - Okay.  
1006  
1007 Mr. Humphreys - Does that answer your question?  
1008  
1009 Mr. Branin - Yes it does, thank you. Doctor, you had some  
1010 questions prior. Would you like to come down and ask questions currently or let  
1011 me know that the questions have been resolve with you?  
1012  
1013 Dr. Malatin - Mostly comments.  
1014  
1015 Mr. Branin - State your name.  
1016  
1017 Dr. Malatin - I'm Robert Malatin, adjacent east. As I stood at the  
1018 driveway in question and looked up the street, I noticed that it's very hard to see  
1019 a car turning into that driveway if the car is small, because there's a rise at the  
1020 Parham/Skipwith intersection. As you come down from Broad Street and go  
1021 through the intersection, then there's a bit of a rise. I was wondering if we need to  
1022 do something to warn the people coming towards Regency on Parham that there  
1023 may be turning vehicles. Unless the driveway's particularly wide for someone  
1024 who's going to take a sweeping turn into the driveway, unless that's the case,  
1025 they may take a little bit of extra time to get into that property. I just don't want  
1026 anybody being rear-ended in front of my property. I have seen that happen,  
1027 where I listen to some screeching tires and somebody was turning in. The people  
1028 who lived there before when it was a residence would be turning into their central  
1029 driveway and the cars were just coming a little too fast and they didn't realize the  
1030 car was turning or didn't see the turn signal. I didn't know if would be appropriate  
1031 to have a sign or, just make sure that that driveway is wide enough for plenty of a  
1032 sweeping turn off of Parham. If there's someone in the way exiting that property,

1033 it's going to be a tight squeeze unless there's plenty of driveway because of that  
1034 little rise. The other thing I was interested in is making sure there is some form of  
1035 motion detector lighting in the back section of the parking lot for security reasons  
1036 because it is a big, isolated area back there. As long as there's security lighting,  
1037 that's a good idea. Those are my only two concerns, the width of the  
1038 entranceway and the speed of the people coming down Parham Road. I noted  
1039 that it was 11,000 cars per day. Actually, I think that is less than it used to be. It  
1040 used to be close to 20,000 when there was no 288. I'm going to defer to the  
1041 safety people in Traffic, because you all do a good job of trying to keep us in  
1042 between the ditches. My only comment was the visibility of that driveway, or if  
1043 you could make the driveway more visible somehow that would be a safer  
1044 situation.

1045

1046 I was also wondering. The zoning related to O-2 and what cannot be in there—  
1047 banks and day care centers. I was wondering if someone could clarify a little bit  
1048 more what's going to be in there related to the 29 vehicles a day or something  
1049 that was indicated as a potential. I didn't know if it was possible to find out what  
1050 the actual office type would be, such as insurance versus something with a  
1051 higher volume per hour. The two previous developers who wanted to use that  
1052 property both came to me and said to develop a larger building, they would have  
1053 to have Skipwith access, according to the County zoning, and that was right  
1054 through me. So, they came to me and talked to me about adding my property to  
1055 those properties and making an entrance off of Skipwith, which would be safer. I  
1056 just didn't know if this particular project was going to stay small so that they didn't  
1057 need access from Skipwith. I assume that's what—

1058

1059 Mr. Branin - As we found out, that's pretty much what it is. They're  
1060 not changing the footprint of the current properties.

1061

1062 Dr. Malatin - There you go. So, that answered my question about  
1063 the very appropriate aspect of Parham Road and Skipwith entrance versus  
1064 Parham Road entrance. So, if it stays small and the volume per hour is not too  
1065 bad, it should be safe there.

1066

1067 Mr. Branin - Now let's address the other questions you had. Mr.  
1068 Humphreys?

1069

1070 Mr. Jernigan - First of all, did he state his name for the record?

1071

1072 Mr. Branin - Yes he did.

1073

1074 Mr. Jernigan - Okay.

1075

1076 Mr. Humphreys - As to the question of the uses, it's my understanding it  
1077 would be general administrative office space for their business, which I believe is  
1078 a painting business. They have not proffered out medical offices, but those would



1079 need to meet the parking requirements, which are greater than administrative  
1080 offices. They have proffered out banking, day care, that type of use, which would  
1081 necessitate much higher volumes.

1082

1083 Mr. Branin - As for the traffic and the opinion of the entrance.

1084

1085 Mr. Humphreys - As far as I'm aware, they could look at that. I don't  
1086 think we have a representative from the Department of Public Works here this  
1087 evening, but I can find that out.

1088

1089 Mr. Branin - Please. Before this comes to the Board, can we look  
1090 at that as well, please?

1091

1092 Mr. Humphreys - Yes sir.

1093

1094 Mr. Branin - If Public Works or Traffic decides that we should  
1095 have, it might be a good idea if we're currently having problems with screeching  
1096 cars, of getting Traffic to put up a "Be Aware of Turning Vehicles," sign right up at  
1097 Skipwith.

1098

1099 Mr. Humphreys - That was one of reasons for eliminating that other  
1100 driveway and widening the current middle one.

1101

1102 Mr. Branin - Okay. So, it has been widened. That's probably going  
1103 to address it. Ms. Vann? You knew I was going to get you up.

1104

1105 Ms. Vann - Good evening. I'm going to assume you're asking me  
1106 to address the security lighting question.

1107

1108 Mr. Branin - Yes ma'am.

1109

1110 Ms. Vann - I will be glad to do that.

1111

1112 Mr. Jernigan - State your name for the record, please.

1113

1114 Ms. Vann - Oh, yes sir. Kim Vann with Henrico Police.

1115

1116 Mr. Jernigan - Thank you.

1117

1118 Ms. Vann - Of course I would be glad to work with them. This  
1119 would be something that would be coming before the Planning Commission for  
1120 POD, I would assume, so I would be a part of that as well. Lighting would be one  
1121 thing we would be looking at when we look at the POD. Knowing that there is  
1122 some residential neighbors abutting that, his idea of motion sensor may be more  
1123 appropriate for after hours. But definitely we need to look into that a little bit. I'm  
1124 not familiar with the immediate area around it.

1125  
1126 Mr. Branin - Okay. If you could, ma'am, make note to put this one  
1127 on your radar screen. Mr. Humphreys will be notifying you as well when this does  
1128 come around for POD. I look forward to working with, Mr. Humphreys, and the  
1129 applicant in making sure that it is safe and secure.  
1130  
1131 Ms. Vann - Okay. Thank you, sir.  
1132  
1133 Mrs. Jones - May I ask something.  
1134  
1135 Mr. Branin - Yes.  
1136  
1137 Mrs. Jones - Thank you. I know that Mr. Archer is not voting on  
1138 this. May I ask a point of information?  
1139  
1140 Mr. Archer - Yes.  
1141  
1142 Mrs. Jones - Is there an issue with Paxton Square with fender-  
1143 benders at the entrance, which would be right next to this one?  
1144  
1145 Mr. Archer - I've not had one in 23 years, but—  
1146  
1147 Mrs. Jones - Well, I know you're a super safe driver, but I'm talking  
1148 in general.  
1149  
1150 Mr. Archer - I have not noticed any unusual amount of accidents. I  
1151 have seen accidents on the other side of the street more so than on this side.  
1152 There is a light there at Skipwith. One of the oddest things is if you want to come  
1153 over to my side of the street, you have to make a U-turn if you're eastbound to  
1154 come back. I've not noticed. I'm sure there have been some, but not to any great  
1155 degree.  
1156  
1157 Mrs. Jones - Okay. Just thought if you had some thoughts on that,  
1158 this would be the time to weigh in. Okay.  
1159  
1160 Dr. Malatin - I think that the Paxton driveway was far enough away  
1161 from the intersection to where that—  
1162  
1163 Mr. Archer - It is half a block, I guess, or more.  
1164  
1165 Dr. Malatin - It's a little bit different topography there.  
1166  
1167 Mr. Archer - Dr. Malatin, good to see you. I've been calling your  
1168 name every day for the last 20 years. I tell my clients just turn past Dr. Malatin's  
1169 office. It's good to see who you are.  
1170

1171 Dr. Malatin - I've been there a long time.  
1172  
1173 Mr. Archer - Yes, you have.  
1174  
1175 Dr. Malatin - That's right. And I appreciate the County when I went  
1176 through all this.  
1177  
1178 Mrs. Jones - Thank you.  
1179  
1180 Mr. Jernigan - Thank you, sir. Are there any other questions from the  
1181 Commission?  
1182  
1183 Mr. Branin - I have no further.  
1184  
1185 Mr. Jernigan - Okay. Do you want to hear from the applicant?  
1186  
1187 Mr. Branin - No, I don't think it's necessary. Okay, Mr. Chairman.  
1188 Then I'd like to move that C-3C-08, Mike Morgan for Georgi Georgiev and  
1189 Aleksandar Aleksandrov, move forward with a recommendation for approval.  
1190  
1191 Mr. Vanarsdall - Second.  
1192  
1193 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All  
1194 in favor say aye. All opposed say no. The ayes have it; the motion passes.  
1195  
1196 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.  
1197 Vanarsdall, the Planning Commission voted 4-0 (two abstentions) to recommend  
1198 the Board of Supervisors **grant** the request because it continues the zoning  
1199 pattern in the area, conforms to the recommendations of the Land Use Plan, and  
1200 would not adversely affect the adjoining area if properly developed as proposed.  
1201  
1202 Mr. Emerson - Mr. Chairman, that brings you to the top of page 3  
1203 and the final two cases to be heard tonight and I will describe them together, as  
1204 they are very interrelated. The first case is C-4C-08.  
1205  
1206 ***Deferred from the February 14, 2008 Meeting.***  
1207 **C-4C-08 Gloria L. Freye for RER/New Boston West Broad**  
1208 **Street, LLC:** Request to conditionally rezone from O-3 Office District, O-3C  
1209 Office District (Conditional) and B-3C Business District (Conditional) to B-3C  
1210 Business District (Conditional), part of Parcel 746-760-8608, containing  
1211 approximately 6.35 acres, located in the WestMark Office Park at the southeast  
1212 intersection of W. Broad Street (U. S. Route 250) and I-64. The applicant  
1213 proposes hotel and restaurant uses. The uses will be controlled by zoning  
1214 ordinance regulations and proffered conditions. The Land Use Plan  
1215 recommends Office.  
1216

1217 Mr. Emerson - And also the companion case,

1218

1219 ***Deferred from the February 14, 2008 Meeting.***

1220 **P-2-08 Gloria L. Freye for RER/New Boston West Broad**

1221 **Street, LLC:** Request for a Provisional Use Permit under Sections 24-62.2(m),  
1222 24-120 and 24-122.1 of Chapter 24 of the County Code to permit a building  
1223 height (hotel) up to 150 feet, on part of Parcel 746-760-8608, located in the  
1224 WestMark Office Park at the southeast intersection of W. Broad Street (U. S.  
1225 Route 250) and I-64. The existing zoning is O-3 Office District, O-3C Office  
1226 District (Conditional) and B-3C Business District (Conditional) all subject to  
1227 pending case C-4C-08.

1228

1229 Mr. Emerson - Mr. Livingston Lewis will be presenting these cases.

1230

1231 Mr. Jernigan - Is there any opposition to cases C-4C-08, Gloria L.  
1232 Freye for RER/New Boston West Broad Street, LLC, and P-2-08, Gloria L. Freye  
1233 for RER/New Boston West Broad Street, LLC? There is no opposition. Mr.  
1234 Lewis.

1235

1236 Mr. Lewis - Yes sir. Hello again. Thank you, Mr. Chairman.

1237

1238 As stated, this is a request to rezone a portion of the WestMark office park to B-  
1239 3C to allow construction of two restaurants and a hotel. This case is a  
1240 companion to provisional use permit request P-2-08, which will be presented in  
1241 conjunction with this case.

1242

1243 The Land Use Plan recommends Office use for the subject site as well as the  
1244 entire parcel.

1245

1246 As shown on this un-proffered conceptual plan, a hotel and one restaurant would  
1247 be located on the parcel's far northwest corner adjacent to the I-64 interchange.  
1248 The second restaurant would be placed near the entrance to W. Broad Street.

1249

1250 The applicant's revised proffers dated February 20, 2008, reflect many of the  
1251 proffers approved during the site's 2005 rezoning, with a few changes. Major  
1252 aspects of the revised proffers address the following topics: Uses limited to office  
1253 buildings, banks, hotels, and restaurants without drive-through windows; primary  
1254 and secondary external building materials; landscaping along W. Broad Street;  
1255 and the sound transmission rating of exterior hotel walls.

1256

1257 The applicant wishes to extend the maximum permitted height of the proposed  
1258 hotel to 150 feet. In the B-3 District, Code allows hotels up to 45 feet in height as  
1259 a principal use or up to 200 feet in height with approval of a provisional use  
1260 permit. The applicant has concurrently submitted provisional use permit request  
1261 P-2-08 for the height extension.

1262

1263 WestMark is an important office property where primarily office use is  
1264 encouraged; however, this proposal constitutes a reasonable expansion of  
1265 existing commercial zoning on the site and would be compatible with surrounding  
1266 commercial activity. The proposed uses would support the office park concept,  
1267 and the location would be appropriate for increased building height. For these  
1268 reasons, Staff supports both the rezoning request and the provisional use permit  
1269 request subject to the recommended conditions.

1270

1271 This concludes my presentation. I will be happy to take any questions.

1272

1273 Mr. Jernigan - Are there any questions for Mr. Lewis from the  
1274 Commission?

1275

1276 Mr. Branin - I think this is a great use of this land and the height  
1277 isn't really an issue because of the adjoining properties that we've already  
1278 approved. The reason I wanted it pulled off of the expedited was some people in  
1279 the community that I worked with on West Broad Village had some questions in  
1280 regards to it. I didn't know how many would be here today or if they would want  
1281 to hear or make comments towards it. For my fellow Commissioners, if you're  
1282 wondering why I asked for it to come back off expedited, I asked for it to be on  
1283 expedited because it is a strong project. I asked for it to come back off because I  
1284 had a couple of people in the community that I've worked with in past projects  
1285 questioning. I have no further questions for Mr. Lewis.

1286

1287 Mr. Jernigan - Thank you, Mr. Lewis. Do you want to hear from the  
1288 applicant?

1289

1290 Mr. Branin - No.

1291

1292 Mr. Jernigan - Okay.

1293

1294 Mr. Branin - I told her I would not need to hear from her unless  
1295 there was opposition in the room. All right. Mr. Chairman, I'm going to start with  
1296 the PUP. I'd like to move for approval of P-2-08, Gloria L. Freye for RER/New  
1297 Boston West Broad Street, LLC.

1298

1299 Mrs. Jones - Second.

1300

1301 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in  
1302 favor say aye. All opposed say no. The ayes have it; the motion passes.

1303

1304 **REASON:** Acting on a motion by Mr. Branin, seconded by Mrs.  
1305 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the  
1306 Board of Supervisors **grant** the request because the proposed infill development  
1307 would be an efficient use of land compatible with the surrounding office and

1308 commercial developments and it would not be expected to adversely affect public  
1309 safety, health, or general welfare.

1310

1311 Mr. Branin - With that, Mr. Chairman, I'd like to move for approval  
1312 of C-4C-08, Gloria L. Freye for RER/New Boston West Broad Street, LLC.

1313

1314 Mrs. Jones - Second.

1315

1316 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in  
1317 favor say aye. All opposed say no. The ayes have it; the motion passes.

1318

1319 **REASON:** Acting on a motion by Mr. Branin, seconded by Mrs.  
1320 Jones, the Planning Commission voted 5-0 (one abstention) to recommend the  
1321 Board of Supervisors grant the request because the proposed business uses will  
1322 be compatible to adjoining office uses; the uses are reasonable in light of the  
1323 business zoning in the area, and the proffered conditions will assure a level of  
1324 development otherwise not possible.

1325

1326 Mr. Emerson - Mr. Chairman, that takes you to the last two items on  
1327 your agenda, one being the approval of the minutes of February 14, 2008.

1328

1329 Mrs. Jones - I have one correction, please, in the minutes of the  
1330 actual Planning Commission meeting, not the other two. On page—Hold on.  
1331 Here it is. On page 9, line 391. The director of Beth Shalom, his name is Mark  
1332 Finkel—F-I-N-K-E-L. That should be corrected in the minutes.

1333

1334 Mr. Jernigan - Livingston, wait a minute before you go. I'm sorry, I  
1335 didn't mean to interrupt you.

1336

1337 Mrs. Jones - That's all right. I just want his name spelled correctly.

1338

1339 Mr. Archer - Finkel instead of Hinkel, is that right?

1340

1341 Mrs. Jones - Yes.

1342

1343 Mr. Archer - Okay.

1344

1345 Mr. Jernigan - All right. Are there any more corrections to any of the  
1346 minutes? Mr. Emerson, can we approve all these together or do we need to  
1347 approve them separately?

1348

1349 Mr. Emerson - I believe you can approve them altogether. They were  
1350 all on February the 14<sup>th</sup>, so I think one motion would handle that.

1351

1352 Mr. Jernigan - Okay. Do we have a motion to approve all three sets  
1353 of minutes on January—excuse me—February 14<sup>th</sup>?

1354  
1355 Mr. Branin - So move.  
1356  
1357 Mrs. Jones - Second.  
1358  
1359 Mr. Branin - Motion by Mr. Branin, seconded by Mrs. Jones. All in  
1360 favor say aye. All opposed say no. The ayes have it; the motion passes.  
1361  
1362 Mr. Jernigan - Is there any more business?  
1363  
1364 Mr. Emerson - No sir, I have nothing else.  
1365  
1366 Mr. Jernigan - Make a motion to adjourn?  
1367  
1368 Mr. Archer - So move.  
1369  
1370 Mr. Vanarsdall - Second.  
1371  
1372 Mr. Jernigan - We're adjourned.  
1373  
1374  
1375 The meeting was adjourned at 8:07 p.m.  
1376  
1377  
1378  
1379  
1380  
1381 

---

R. Joseph Emerson, Jr., Acting Secretary  
1382  
1383  
1384  
1385  
1386 

---

E. Ray Jernigan, Chairman