

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and
3 Hungary Spring Roads at 7:00 p.m., on May 10, 2001, Display Notice having been published
4 in the Richmond Times-Dispatch on Thursday, April 19, 2001 and Thursday, April 26, 2001.
5

6 Members Present: C. W. Archer, C.P.C., Chairperson, Fairfield
7 Elizabeth G. Dwyer, C.P.C., Vice-Chairperson, Tuckahoe
8 Ernest B. Vanarsdall, C.P.C., Brookland
9 Allen J. Taylor, C.P.C., Three Chopt
10 Eugene Jernigan, Varina
11 David A. Kaechele, Board of Supervisors, Three Chopt
12 John R. Marlles, AICP, Secretary, Director of Planning
13

14 Others Present: Randall R. Silber, Assistant Director of Planning
15 Jo Ann Hunter, AICP, Acting Principal Planner
16 Mark Bittner, County Planner
17 Thomas M. W. Coleman, County Planner
18 Lee Householder, County Planner
19 Judy Thomas, Recording Secretary
20 Todd Eure, Assistant Traffic Engineer, Public Works
21

22 Mr. Archer - Good evening. The Planning Commission will come to order.
23 Do we have anyone here from the press? No one chose to be recognized. All right. Mr.
24 Secretary, I think we have a rather short agenda, do we not?
25

26 Mr. John Marlles, Secretary - Yes sir.
27

28 Mr. Archer - Wishful thinking. With that I'll turn it over to you and we'll get
29 it started.
30

31 Mr. Marlles - Good evening, ladies and gentlemen, members of the
32 Commission. We do have full participation by the Commission tonight. The first item on the
33 agenda is for Requests for Withdrawals and Deferrals. That will be given by Mrs. Jo Ann
34 Hunter.
35

36 Mr. Archer - Mrs. Hunter, good evening.
37

38 Mrs. Jo Ann Hunter, Acting Principal Planner - Good evening, Mr. Chairman, members of
39 the Commission. You have quite a few deferrals and two withdrawals on the agenda tonight.
40 The first request for deferral is the first case on the agenda in the Fairfield District. It is C-
41 11C-01.

42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85

Deferred from the March 8, 2001 Meeting:

C-11C-01 James W. Theobald for Daniel Corporation: Request to conditionally rezone from R-2 One Family Residence District, O-2C Office District (Conditional), O/SC Office/Service District (Conditional), and PMD Planned Industrial District to R-5C General Residence District (Conditional), O-2C Office District (Conditional), and M-1C Light Industrial District (Conditional), Parcels 53-A-69, 71, 74B, 75-79, 81-84, and 87, containing 59.48 acres, located on the north line of Parham Road at St. Charles Road and on the east line of Scott Road approximately 450 feet south of Level Green Lane (private.). A mixed-use development including multi-family, light industrial and office uses are proposed. The R-5 District allows a maximum density of 14.5 units per acre. The nonresidential uses 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, Office and Office/Service.

The applicant has requested a deferral to August 9, 2001.

Mr. Archer - Thank you, ma'am. Is there any opposition to this deferral of C-11C-01? No opposition. Then I move deferral of C-11C-01 to the August 9, 2001 Meeting at the applicant's request.

Mr. Vanarsdall seconded the motion.

Mr. Archer - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All those in favor say aye—all those opposed by saying nay. The vote is 5-0, Mr. Kaechele abstained. The motion is granted.

Mrs. Hunter - The next request is also in the Fairfield District on the bottom of Page 1 on the agenda. Case C-25C-01.

C-25C-01 Henry L. Wilton for Wilton Development: Request to conditionally rezone from B-3C Business District (Conditional), R-5 General Residence District and C-1 Conservation District to RTHC Residential Townhouse District (Conditional), part of Parcels 84-A-5G and 5NR, containing approximately 43.5 acres, located on the west line of Brook Road approximately 1200 feet south of Hilliard Road. Townhouses and condominiums for sale are proposed. The densities in the RTH District cannot exceed nine (9) units per acre. The Land Use Plan recommends Commercial Concentration and Environmental Protection Area.

The applicant has requested a 30-day deferral to June 14, 2001.

Mr. Archer - Thank you, Mrs. Hunter. Is there opposition to this deferment? No opposition. I move deferral of C-25C-01 to the June 14, 2001 meeting at the applicant's request.

86 Mr. Vanarsdall seconded the motion.

87

88 Mr. Archer - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All those in
89 favor say aye—all those opposed by saying nay. The vote is 5-0, Mr. Kaechele abstained. The
90 motion carries.

91

92 Mrs. Hunter - On Page 2 of your agenda in the Tuckahoe District, Case C-26C-
93 01.

94

95 **C-26C-01 James W. Theobald for Tascon, LLC:** Request to conditionally
96 rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional),
97 Parcels 67-A-2A and 66-A-11J, containing 11.2 acres, located at the southwest intersection of
98 Ridgefield Parkway and Pump Road. Condominiums for sale are proposed. The applicant has
99 proffered that there shall be no more than 60 units developed on the property. The Land Use
100 Plan recommends Suburban Residential 1, 1.0 to 2.4 net units per acre.

101

102 The applicant has requested a deferral to June 14, 2001.

103

104 Mr. Archer - Okay. Is there opposition present to this deferment C-26C-01?
105 No opposition. Mrs. Dwyer.

106

107 Mrs. Dwyer - I move that C-26C-01 Tascon LLC be deferred at the applicant's
108 request to June 14th.

109

110 Mr. Vanarsdall seconded the motion.

111

112 Mr. Archer - Motion by Mrs. Dwyer, seconded by Mr. Vanarsdall. All those
113 in favor say aye—all those opposed by saying nay. The vote is 5-0, Mr. Kaechele abstained.
114 The motion is granted.

115

116 Mrs. Hunter - The next case, also in the Tuckahoe District, C-27C-01.

117

118 **C-27C-01 Kevin Spector for Aspect Properties, LLC:** Request to
119 conditionally rezone from R-2A One Family Residence District to O-2C Office District
120 (Conditional), Parcels 68-2-A-18 through 21 containing 1.03 acre, located on the east line of
121 Pemberton Road approximately 330 feet south of Three Chopt Road (Pembroke Subdivision).
122 An office is proposed. The use will be controlled by zoning ordinance regulations and
123 proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
124 units net density per acre.

125

126 This case has been withdrawn, so no action is necessary.

127

128 Mr. Archer - Okay.

129

130 Mrs. Hunter - The bottom of Page 2 in the Varina District, P-6-01.

131
132 **P-6-01 Charles H. Rothenberg for Nextel:** Request for a provisional
133 use permit under Sections 24-95(a)(2)(3) and 24-122.1 of Chapter 24 of the County Code in
134 order to construct a 199' telecommunication tower and related equipment, on part of Parcel
135 198-A-1 (White Oak Technology Park), containing 10,000 sq. ft, located off of the southern
136 terminus of Technology Boulevard adjacent to the Dominion Virginia Power substation.

137
138 This case has also been withdrawn.

139
140 The next deferral is on Page 3 of your agenda in the Brookland District, C-23C-01.

141
142 **C-23C-01 J. W. Keith for F. Cristiano Attems:** Request to conditionally
143 rezone from B-2C Business District (Conditional) to O-2C Office District (Conditional), Parcel
144 70-10-1-1, containing 9.097 acres, located on the north line of Shrader Road approximately
145 520 feet north of Fountain Avenue. An office development is proposed. The use will be
146 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
147 recommends Office.

148
149 The applicant has requested a 30-day deferral until June 14, 2001.

150
151 Mr. Archer - Thank you. Is there opposition to this deferment – C-23C-01?
152 Mr. Vanarsdall.

153
154 Mr. Vanarsdall - I move C-23C-01 be deferred to the June 14, at the applicant's
155 request.

156
157 Mr. Taylor seconded the motion.

158
159 Mr. Archer - Motion by Mr. Vanarsdall, seconded by Mr. Taylor. All those in
160 favor say aye—all those opposed by saying nay. The vote is 5-0, Mr. Kaechele abstained.

161
162 Mrs. Hunter - The last deferral, also in the Brookland District, Case C-30C-01.

163
164 **C-30C-01 Ralph L. Axselle for Wilton Development:** Request to
165 conditionally rezone from R-5 General Residence District, R-5C General Residence District
166 (Conditional), and C-1 Conservation District to RTHC Residential Townhouse District
167 (Conditional) (20.7 acres) and C-1 Conservation District (2.7 acres), on Parcel 50-A-39,
168 containing approximately 23.4 acres, located on the west line of Hungary Spring Road
169 approximately 500' north of Lucas Road (behind Dumbarton Elementary School). Residential
170 townhouses for sale are proposed. The applicant proffers no more than 144 units shall be
171 developed on the property. The Land Use Plan recommends Multi Family, 6.8 to 19.8 units
172 net density per acre, and Environmental Protection Area.

173

174 The applicant has requested a deferral until June 14, 2001.
175
176 Mr. Archer - Is there opposition to this deferment – C-30C-01? No opposition.
177 Mr. Vanarsdall.
178
179 Mr. Vanarsdall - I move C-30C-01 Henry Wilton for Wilton Development be
180 deferred to June 14th at the applicant’s request.
181
182 Mr. Taylor seconded the motion.
183
184 Mr. Archer - Motion by Mr. Vanarsdall, seconded by Mr. Taylor. All those in
185 favor say aye—all those opposed by saying nay. The vote is 5-0, Mr. Kaechele abstained. The
186 motion is carried. We almost deferred the whole agenda, didn’t we?
187
188 Mrs. Hunter - We have three cases left.
189
190 Mr. Vanarsdall - If you have any more, come back Mrs. Hunter.
191
192 Mr. Archer - All right, Mr. Secretary.
193
194 Mr. Marlles - Okay, Mr. Chairman, the first case is C-24C-01.
195
196 **C-24C-01 Joseph R. Craig, Sr. for East Coast Oil Corporation:** Request
197 to conditionally rezone from A-1 Agricultural District to B-3C Business District (Conditional),
198 part of Parcel 53-A-54, described as follows:
199
200 Beginning at a point at the southwest intersection of Mountain Road and Telegraph Road;
201 thence along the western right-of-way line of Telegraph Road S. 13° 49’ 14” W., 334.71’ to a
202 point; thence leaving said right of way N. 76° 10’ 46” W., 27.85’ to a point; thence N. 09°
203 35’ 15” E., 323.86’ to a point on the southern right-of-way line of Mountain Road; thence S.
204 88° 57’ 44” E., 53.07’ to the point of beginning, containing 0.302 acre.
205
206 The staff report will be given by Mr. Tom Coleman.
207
208 Mr. Archer - All right, Mr. Coleman. Is there any one here in opposition to
209 this case – C-24C-01? Mr. Coleman.
210
211 Mr. Tom Coleman, County Planner - The applicant has submitted revised proffers which were
212 distributed to you by Mr. Householder. The applicant is requesting to rezone a .3 of an acre
213 piece of property from A-1 Agricultural District to B-3C Business District.
214
215 The subject property is a residual triangular piece of property at the southwest intersection of
216 Mountain and Telegraph Roads. The property is part of a larger parcel containing
217 approximately 2.2 acres, having frontage on Brook Road, Mountain Road, and Telegraph

218 Road. The remainder of the parcel, which is not subject to this rezoning application, is zoned
219 B-3.

220
221 A plan of development for a Howard Johnson Hotel has been filed for the southern one-acre of
222 the parcel. During staff review of the POD, it was determined that a small portion of the
223 proposed hotel site had A-1 zoning. The POD has been put on hold to resolve the zoning
224 issue.

225
226 An existing East Coast Convenience Mart is located at the southeast intersection of Brook
227 Road and Mountain Road. To the east of the subject site are light industrial and
228 office/warehouse businesses. The surrounding area along Brook Road consists of commercial
229 strip development. There is a new WaWa Convenience Store under construction across Brook
230 Road from the East Coast.

231
232 The applicant has submitted proffers with this case that encourages any future development to
233 be oriented away from Telegraph Road. One proffer would prohibit ingress and egress across
234 the subject property to Telegraph Road. The second proffer prohibits any detached signage on
235 the property proposed for rezoning.

236
237 The requested zoning change is consistent with the surrounding area, and encourages future
238 development be oriented towards Brook Road. The application is consistent with the 2010
239 Land Use Plan and existing development and is essentially a housekeeping measure. Staff
240 recommends approval of this request. And I'd be happy to answer any questions.

241
242 Mr. Archer - Thank you, Mr. Coleman. Did we get all of the minor
243 modifications taken care of mentioned in the staff report?

244
245 Mr. Coleman - Yes.

246
247 Mr. Archer - Okay. We did meet to discuss this. Does anybody on the
248 Commission have any questions concerning this, and there's no opposition? All right. Well,
249 with that, we don't have to approve these, because they're dated May 2nd, I believe?

250
251 Mrs. Dwyer - Right.

252
253 Mr. Archer - I mean we don't have to waive the time limit. Okay. With that,
254 I will move approval of C-24C-01 Joseph R. Craig for East Coast Oil Corp.

255
256 Mr. Vanarsdall seconded the motion.

257
258 Mr. Archer - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All those in
259 favor say aye—all those opposed by saying nay. The vote is 5-0, Mr. Kaechele abstained. The
260 motion is granted.

261

262 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
263 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
264 request because it conforms to the recommendations of the Land Use Plan; it continues a form
265 of zoning consistent with the area; and it is appropriate business zoning in this area.
266

267 **Deferred from the April 12, 2001 Meeting:**

268 **C-18C-01 James W. Theobald for Kevin B. Spector:** Request to
269 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
270 (Conditional), Parcel 57-A-33, described as follows:
271

272 Beginning at the south line of Church Road and the east line of Guyana Drive; thence along the
273 south line of Church Road S. 76° 42' 03" E., a distance of 217.74' to a point; thence along a
274 curve to the right having a radius of 1171.30' and an arc length of 101.70' to a point; thence
275 departing the south line of Church Road S. 11° 27' 45" W., a distance of 646.30' to a point;
276 thence S. 83° 37' 16" W., a distance of 130.03' to a point; thence N. 76° 29' 58" W., a
277 distance of 220.00' to a point on the east line of Guyana Drive; thence along the east line of
278 Guyana Drive N. 13° 30' 02" E., a distance of 684.57' to the place and point of beginning
279 containing 5.16 acres, (224,644 sq. ft.).
280

281 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.
282

283 Mr. Archer - Thank you, Mr. Secretary. Is there any one here in opposition to
284 C-18C-01 in the Three Chopt District? We do have opposition. We'll get to you. Thank you.
285 All right, Mr. Bittner.
286

287 Mr. Bittner - Thank you, Mr. Chairman. This case was deferred from the last
288 meeting to allow more time to research the traffic situation on Guyana Drive. Some residents
289 of Guyana Drive have expressed concern over traffic levels on their roadway.
290

291 The Public Works office has examined the situation. Public Works has stated that the
292 proposed subdivision would add approximately 16 vehicles during the morning and afternoon
293 peak traffic periods. Public Works has also said that the road network could accommodate this
294 additional traffic. They have also field checked the area and stated that all traffic signs are in
295 their proper location, and in good condition.
296

297 Church Road is planned to be realigned in this area in conjunction with improvements to Cox
298 Road to the east. Cox Road will be connected through to existing Church Road where it runs
299 north to Three Chopt Road. You can see that here on the Land Use Plan (referring to slide).
300 Church Road will eventually come in here, and this section of Cox Road will be constructed
301 (referring to slide).
302

303 Since the last meeting, however, the Public Works Office has revised the construction schedule
304 of this project. It is now estimated that completion will take three to four years, instead of the

305 previous two-year estimate. This is primarily because the County is seeking State funds for
306 this project, which lengthens the process.

307
308 When completed, it is estimated by Public Works that the current traffic level of 3,400 vehicles
309 per day on Guyana Drive would be reduced to below 1,000 vehicles per day.

310
311 Staff feels that the proposed zoning is consistent with the Land Use designation of this property
312 and is compatible to several subdivisions in the vicinity. The proffers also provide some
313 positive items. Staff recommends approval of this application. And I'd be happy to answer
314 any questions you may have.

315
316 Mr. Archer - Okay. Thank you, sir. Are there questions from the
317 Commission?

318
319 Mr. Bittner - I'd also like to point out that Todd Eure from Public Works is
320 here as well, if there are any questions for him.

321
322 Mr. Archer - Mr. Bittner, in the supplemental letter that we got, it shows
323 speeding, and it shows the code violations on the back. There were 181 of one kind and two
324 of the other. I think that has to do with a certain amount of speed over the speed limit. Do
325 you know which one is what here?

326
327 Mr. Bittner - No. I do not. I'm sorry.

328
329 Mr. Archer - Okay. I think it goes from like 1 to 9, 10 to 19, and then 19 and
330 then 19 and above.

331
332 Mr. Bittner - Yes. I believe 20 miles above is considered reckless driving.

333
334 Mr. Archer - It is. That's correct. Okay. Any further questions for Mr.
335 Bittner?

336
337 Mrs. Dwyer - So, the real traffic impact is negligible as I read 16 additional
338 cars per day which traffic report says is not very...

339
340 Mr. Bittner - I think that's what Public Works is saying. You know, again,
341 Mr. Eure can, perhaps, add to that. But they also stated that the traffic levels currently on
342 Guyana probably vary as much as 16 vehicles a day, so that this wouldn't affect things all that
343 much.

344
345 Mr. Archer - Okay. Any further questions? Thank you, Mr. Bittner. Mr.
346 Taylor, do we need to hear from the applicant? We have opposition.

347
348 Mr. Taylor - Yes. Mr. Chairman. I would.

349 Mr. Archer - All right. Mr. Theobald.

350

351 Mr. James W. Theobald - Good evening, Mr. Chairman, ladies and gentlemen. My name
352 is Jim Theobald. I'm here this evening on behalf of Kevin Spector.

353

354 Mr. Archer - Mr. Theobald, do you need to reserve some time for rebuttal?

355

356 Mr. Theobald - I don't think so, Mr. Archer. I only have a very brief comments.
357 You heard the case last time. I don't have a tremendous amount to add.

358

359 It was deferred to get the answers to some certain questions, which, I believe Mr. Bittner has
360 responded to. I think we just need to try to separate the land use issues from the cut through
361 issue. There is just absolutely no question that the residents on Guyana Drive are suffering
362 from a cut through condition that puts a lot of cars through their neighborhood.

363

364 I think what you're hearing from Public Works is this modest proposal of 15 lots will not make
365 it worse. It's only going to get better when the extension of Cox Road goes through. But if
366 you look at your Land Use Plan and your zoning map, you will see that this request is
367 absolutely consistent with your Land Use Plan, and, literally, all of the surrounding zoning in
368 the area. And, in fact, the proffered conditions and the standards set forth therein, are in
369 excess of the cases around it. And, with that, I'd be happy to answer any questions.

370

371 Mr. Archer - Thank you, Mr. Theobald. Are there questions?

372

373 Mr. Theobald - Thank you.

374

375 Mr. Archer - All right, then we'll hear from the opposition. While you're
376 coming forward, sir, we do allow 10 minutes for each side. So, you do have 10 minutes in
377 which to speak. And, if you would identify yourself for the record, please.

378

379 Mr. Michael Compton - Yes. My name is Michael Compton, and I was here last month.
380 So some of you may remember my eloquent manifesto against this proposal. I simply would
381 say, again, that words that have become almost clique today, simply because something can be
382 done, doesn't mean it should be done. Certainly, this is in accord with the Land Use Plan, and
383 certainly it is in accord with what a lot of other subdivisions are doing. Despite some
384 overcrowding issues with the schools, that I mentioned last week (sic), but the fact is, that we
385 have over 200 percent the traffic on Guyana Drive that it is rated for.

386

387 You saw the figures that we currently have daily an average of 3,400 vehicles. And, when the
388 Cox connection is completed, it will drop to below 1,000. It is my understanding in talking to
389 Ancher Madison, its rated for only about 450 vehicles a day. So, even if it drops below a
390 1,000, which it probably will, it will still be over used.

391

392 My only point, it's probably unreasonable to ask Kevin Spector to wait three to four years, or
393 a decade, or however long its going to take with the Cox connection to take place if it ever
394 does. But the fact remains that Guyana Drive is much busier than it needs to be. And our
395 schools are, in fact, overcrowded that you saw in the original proposal.
396

397 I agree that this is consistent with what we're doing in Henrico County. But, I don't think that
398 it is necessarily reason that it should be done or should be done now. And, that is all.
399

400 Mr. Archer - Are there questions for Mr. Compton before he takes his seat?
401 Okay. Any rebuttal, Mr. Theobald?

402
403 Mr. Theobald - I don't think so.

404
405 Mr. Archer - All right.

406
407 Mr. Taylor - I have a question, Mr. Chairman,...

408
409 Mr. Archer - Just a minute. We have other opposition.

410
411 Ms. Helen Mclaughlin - Yes. I'm Helen Mclaughlin. I live at 2819, right next to this
412 property.
413

414 Mr. Archer - I'm sorry. Would you say your name again, please?

415
416 Ms. Mclaughlin - Helen Mclaughlin.

417
418 Mr. Archer - Thank you.

419
420 Ms. Mclaughlin - My main concern, since I am right next to the property, I'm
421 concerned about drainage runoff. Also, I don't really know how much this is going to affect
422 my property. But, I am concerned that it will.
423

424 Also, the houses generally face Guyana. And, apparently, these houses are going to back onto
425 Guyana? I don't think that's going to look very nice for the whole street.
426

427 Mrs. Dwyer - The sides are going to be against the road, not the rear.

428
429 Ms. Mclaughlin - The sides?

430
431 Mrs. Dwyer - Yes. Side yard.

432
433 Ms. Mclaughlin - Okay. Not the back?

434
435 Mrs. Dwyer - As I look at the layout, has that been proffered?

436 Mr. Theobald - Yes ma'am.
437
438 Ms. Mclaughlin - Actually, this is changed from what I...Okay. Well, that
439 probably is a little bit better. I just felt like it was an awful lot of houses to put in that small
440 area, also.
441
442 I'm not really opposed to there being houses there, because I know that you know you want to
443 do something with the land that's, you know, going to be a profit. And I want to be a good
444 neighbor also.
445
446 Do you plan to put any separation like fencing or anything around the houses, or is it just
447 going to back up to the existing houses?
448
449 Mr. Theobald - Would you like me to respond?
450
451 Mr. Archer - If you like, Mr. Theobald. Go right ahead.
452
453 Ms. Mclaughlin - They're going to be very close to my house. You know, I don't
454 own the property, so I realize that's not a whole lot I can do about that. But, its going to be
455 like 18 feet or 15 feet from my house, so.
456
457 Mr. Archer - Go ahead, sir.
458
459 Mr. Theobald - Yes, Mr. Chairman. There was a proffer and a reworking of this
460 plan with input from staff. Whereas, at one point, homes either had their rear yards facing
461 Guyana Drive, or possibly their front yards facing Guyana Drive. This plan was devised
462 which has a lot of very positive aspects. For one thing, rather than homes facing Guyana
463 Drive, and having individual driveway cuts also trying to access Guyana Drive, you have a
464 cul-de-sac, and you have a potential stub road that will, hopefully, with the development,
465 based on this plan, would set up development next door to provide for connection to future
466 Cox, and a very efficient traffic flow.
467
468 I don't believe that there will be a requirement that all lot owners fence their property. But,
469 we are trying to maintain some of the significant vegetation along Guyana Drive as some
470 additional protection, and hope we can do that. As well as, we've added additional buffer, as
471 you know, in addition to the required yard requirements along Church Road.
472
473 And I believe without peaking, again, at the staff report, that staff did not indicate any
474 particular drainage issues. And, obviously, what we have to do when we go through
475 subdivision process is provide drainage calculations to the staff. And we're not allowed to
476 divert any more water that goes in your direction or over your lot than prior to development.
477 If that's the case, we have to retain it; slow release, etc. Those are County guidelines that will
478 be enforced at the time of subdivision. Did that answer it for you, ma'am?
479

480 Ms. McLaughlin - That's pretty much, I think.
481
482 Mr. Theobald - Okay.
483
484 Mr. Archer - Thank you, Mr. Theobald.
485
486 Mr. Taylor - Mr. Theobald, before you leave, just one question that I had to
487 clarify this. Item 4 of the proffers indicates that there will be a 25-foot landscaped buffer
488 provided along Church Road. Has there been a specification as to the buffer setback on
489 Guyana?
490
491 Mr. Theobald - There has not been an actual buffer. You do have your side yard
492 setbacks based on County ordinance. There is not a "landscaped buffer" per se, but it is our
493 hope that when we get in there that we can preserve most of what's in there in terms of
494 existing vegetation.
495
496 Mr. Taylor - I think there was also some discussion with the developer that he
497 would try, as far as he could, to put some landscaping along the side yard so that the houses
498 along Guyana, which, I believe, Mrs. McLaughlin faces on Guyana, would be looking at some
499 kind of visual break, either a background fence, or some landscaping to soften it.
500
501 Mr. Theobald - I believe you have had those discussions with the developer.
502
503 Mr. Taylor - I think that was his intention. I don't know if he's here, tonight,
504 or discussed this with you?
505
506 Mr. Theobald - He is. Yes sir. And, for the record, he's confirmed that.
507
508 Mr. Taylor - That would considerably soften it along Guyana for Mrs.
509 McLaughlin.
510
511 Mr. Archer - All right, is there any further discussion? Thank you, Mr.
512 Theobald. All right, Mr. Taylor.
513
514 Mr. Taylor - Mr. Chairman, the last time, I wanted to defer this to look at the
515 traffic issues. We referred that to our traffic engineers. And I'm delighted with the help that
516 both the Traffic Engineers and the Police Department have provided in terms of the report
517 from Deputy Chief Middleton that shows the speeding tickets to be 181. And I think that's
518 from zero to 10 to over 10, and three for reckless driving. And there was only one accident
519 during that year on Guyana. Their efforts at patrolling are obvious. And they expressed to us
520 that they would equal their past efforts and/or intensify them.
521
522 So, I'm convinced that, while there is traffic there, that it's under control to the extent that it
523 can be. And I don't know, with the pace of construction, taking place over several years, and

524 the construction of Cox Road taking place over several years, just exactly what the
525 juxtaposition of traffic on those additional roads are? But I would say, its going to be equal, or
526 slightly in excess, of what we have now. And, eventually, the load will shift to Cox Road as it
527 becomes relocated.

528

529 So, looking at that, and the other factors, I move approval on Case C-18C-01.

530

531 Mrs. Dwyer seconded the motion.

532

533 Mr. Archer - Motion by Mr. Taylor, seconded by Mrs. Dwyer. All those in
534 favor say aye—all those opposed by saying nay. The vote is 5-0, Mr. Kaechele abstained. The
535 motion is granted.

536

537 Mr. Compton - May I ask a question?

538

539 Mr. Archer - Well, sir, actually, the case is over. If it's brief, you can come
540 up and ask a question.

541

542 Mr. Compton - Again, from staff, again, the report I have says that currently the
543 elementary and high schools are over capacity, and could not accommodate the students from
544 the request. How seriously is that going to be taken?

545

546 Mr. Archer - Mr. Secretary, would you like to answer that?

547

548 Mr. Marlles - Sir, the school staff provides that information. I don't know,
549 based on the information I have, how overcrowded the schools are. They are aware, though,
550 of this development, and do take this information into account in planning for the upcoming
551 year.

552

553 Whether there's a; I mean, I don't know what the exact impact is going to be on the local
554 schools. But, the School Administration is aware of this development, and will make the
555 necessary modifications that they have to in the coming school year to accommodate the
556 children.

557

558 Mr. Compton - What does the word, "capacity" mean? I mean this school is
559 built, is it not, for a certain capacity?

560

561 Mr. Marlles - They are. But there's a range. It's not an exact number. I mean
562 they can add additional children up to a certain point. That number really fluctuates really
563 from year to year. They do not know until the fall of the year, exactly, how many students
564 they have to deal with. But, there is a certain range there. And what they're alerting us to is
565 that they're nearing that capacity.

566

567 Mr. Compton - They're passed the capacity, sir. Not near it. They're passed it.

568 Mr. Marlles - Well, they still are aware of the students that are coming from
569 this development, and will make whatever changes they need to accommodate the new students
570 coming in.

571
572 Mr. Archer - All right. Thank you, sir. Thank you, Mr. Marlles. Next case.

573
574 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Dwyer, the Planning
575 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
576 request because it conforms to the recommendations of the Land Use Plan; it represents a logical
577 continuation of the one-family residential development which exists in the area; and it reflects the
578 type of residential growth in the area.

579
580 **C-28C-01** **Reginald Dean Barnett for Fern W. Thompson:** Request to
581 amend proffered conditions accepted with rezoning case C-17C-92, on Parcel 180-1-A-17,
582 containing approximately 0.53 acre, located at the intersection of New Osborne Turnpike and
583 Old Osborne Turnpike (6009 New Osborne Turnpike, Marion Hill Subdivision). The
584 amendments are related to Proffers 2 and 4 pertaining to permitting major transmission repair
585 and hours of operation to the public respectively.

586
587 Mr. Marlles - The staff report will be given by Mr. Bittner.

588
589 Mr. Archer - Thank you, Mr. Secretary. Is there any one here in opposition to
590 C-28C-01. No opposition. Mr. Bittner.

591
592 Mr. Bittner - Thank you, Mr. Chairman. This proposal would amend existing
593 proffers to allow the operation of a transmission shop in a vacant auto repair building on Route
594 5. The applicant is also proposing new language relating to hours of operation.

595
596 The current hours are limited by proffer to 7:00 a.m. to 7:00 p.m. Monday through Saturday.
597 The applicant is not proposing expansion of these hours. He is proposing that the proffer be
598 reworded to state that, "Hours of operation **to the public** shall be limited to 7:00 a.m. to 7:00
599 p.m. six days a week, Monday through Saturday."

600
601 The intent of this change is to clarify that the business owner or employees may be on the site
602 or in the building during non-business hours. Although the business would be closed to the
603 public, the owner or employees would be able to perform work on automobiles or other tasks
604 relating to the business. Staff does not object to this, provided that non-business hour activities
605 do not generate negative impacts, especially noise impacts on surrounding property.

606
607 The applicant could consider proffering that all non-business hour activities would take place
608 inside the building with doors closed. The applicant could also consider prohibiting deliveries
609 or trash pick up during non-business hours, and, perhaps, prohibiting all activities onsite on
610 Sundays.

611

612 In addition, the applicant could consider requiring all vehicle repair to be performed indoors,
613 even during business hours. This would help to limit potential noise impacts.

614
615 Staff does not object to this proposal, because the potential negative impacts appear to be
616 limited. The closest residences are a significant distance away. As long as any non-business
617 activity were to take place inside, potential noise impacts could be diminished.

618
619 The Route 5 corridor is a designated scenic corridor on the 2010 Land Use Plan. The purpose
620 of this designation is to recognize the historic significance and scenic and recreational value of
621 Route 5.

622
623 Because of this, the applicant should also consider providing the following to limit the negative
624 impacts and improve the aesthetics of the site. Those items are: installation of new
625 landscaping on the site; Prohibition of standard chain-link fencing; Prohibition of outside
626 vehicle service and repair; Prohibition of outside storage of parts and supplies; Touching up of
627 the building, especially the garage doors; The provision of shoe-box lighting, no greater than
628 20 feet in height; and, finally, a prohibition on any public address systems on the site.

629
630 That concludes my presentation. I'd be happy to answer any questions you may have.

631
632 Mr. Archer - Thank you, Mr. Bittner. Any questions from the Commission?

633
634 Mr. Jernigan - Yes sir. Mr. Bittner. We discussed earlier on the landscaping
635 that falls in the easement.

636
637 Mr. Bittner - Correct. We did find out, there are two landscape islands, and
638 you can probably see them better on this here (referring to slide). Here and here (referring to
639 slide). And we also have some photos of them. This is the one that's along Route 5, the
640 smaller one. This is the larger one which is right at the tip of the most southern edge of the
641 property (all referring to slide).

642
643 Most of the landscape island area, we actually discovered, is actually within right of way. It is
644 not on the property. Now, that doesn't mean that we could not, perhaps, plant in those. We
645 would just need to get approval from not only the County, but in this case, VDOT, because
646 Route 5 is a state route. But, again, we've done similar type work in the West Broad Street
647 Overlay District, I believe. And, I think we could probably work with the agencies and the
648 applicant to, perhaps, get some landscaping put on those islands.

649
650 Mr. Jernigan - So, we'll change the 90 days, because, first of all, we can't get it
651 through VDOT that quick. And, plus, as he discussed earlier, its going into the summer
652 months now. We'd be better to do it in the later part of the year.

653
654 Mr. Bittner - Right. Correct. We had suggested a potential timeframe for that
655 to the applicant. But, I understand, sometimes when VDOT is involved, that it does take a

656 little bit longer. And, again, you are correct, that the fall months tend to be the best planting
657 time for new landscaping.
658
659 Mr. Jernigan - And also No. 17, the shoebox lighting.
660
661 Mr. Bittner - Yes sir.
662
663 Mr. Jernigan - That's going to be too much for him to do.
664
665 Mr. Bittner - Yes sir.
666
667 Mr. Jernigan - He's renting that property, not buying it.
668
669 Mr. Bittner - Right.
670
671 Mr. Jernigan - Shoebox lighting is going to be expensive. Can we strike that?
672
673 Mr. Bittner - Well, yes. And, actually, these were suggestions by staff. They
674 have not been put in the form of a proffer yet by the applicant, so there's nothing to strike on
675 that at this time.
676
677 Mr. Jernigan - Well, we won't consider No. 17 then.
678
679 Mr. Bittner - Okay.
680
681 Mrs. Dwyer - Is there a document that we could have that lists these?
682
683 Mr. Bittner - Well, they're in the staff report. I can give this out to you.
684
685 Mrs. Dwyer - No. 17 is not in the staff report.
686
687 Mr. Bittner - What I'm handing out now is actual suggested legalistic proffer
688 language that I shared with the applicant. It mirrors what is in the staff report, although the
689 wording is more concise, more correct.
690
691 Mr. Vanarsdall - Mr. Chairman, may I ask a question?
692
693 Mr. Archer - Certainly, Mr. Vanarsdall.
694
695 Mr. Vanarsdall - I guess the only question I have is, "What has taken place since
696 1990 to May 1992, that would allow to delete the proffer that says, 'No transmission repair?'"
697 If it was put on there for a reason then, what has changed in the last few years that would be to
698 do it?
699

700 Mr. Bittner - The only major change, I think, is that, its been sitting empty for
701 quite awhile.
702

703 Mr. Vanarsdall - It really won't be anybody's objection or anybody's way now?
704

705 Mr. Bittner - Well, there is some concern by people that a transmission shop
706 can have more impact than typical auto service repair operation. But, again, the closest
707 residence is about 250 feet away. The next closest, I believe, is 400 feet. And, if the
708 proffered conditions were put in place, I think it would be preferable, especially along Route
709 5, to have an operating business, as opposed to a building that's falling into disrepair.
710

711 Mr. Vanarsdall - Well, it must not be a problem. We don't have any opposition, do
712 we?
713

714 Mr. Jernigan - Mr. Vanarsdall, I think what happened, in the earlier years, that
715 they were worried about too many cars being parked out there.
716

717 Mr. Vanarsdall - That's what I thought.
718

719 Mr. Jernigan - Where people just had them fixed, but didn't pick them up.
720

721 Mr. Vanarsdall - A lot of times that happens. They're not screened. I figured
722 that's what it was. Thank you. I don't have any objection to it.
723

724 Mr. Jernigan - Yes. I think that's what it was.
725

726 Mrs. Dwyer - Is it appropriate to ask a question?
727

728 Mr. Archer - Certainly, it is, Mrs. Dwyer.
729

730 Mrs. Dwyer - Are you finished?
731

732 Mr. Jernigan - Yes. Go ahead.
733

734 Mrs. Dwyer - As far as the chain-link fencing is concerned, would there be a
735 need to have any chain-link fencing along Route 5. As you mentioned, this is a scenic
736 roadway. Even it were vinyl clad, it seems to me that the chain-link fence, if possible, could
737 be eliminated from the Route 5 side of the property.
738

739 Mr. Bittner - The applicant can maybe give you some more information. But
740 he and I have discussed that, and I believe his plan is only to put it on the non-Route 5 side of
741 the building. Maybe if I can go to the Land Use Map here (referring to slide).
742

743 I believe he wanted to fence off this area (referring to slide) right in here to the east side. And
744 then he was going to have no fencing on Route 5, but he can address that when he gets up.

745
746 Mr. Jernigan - That's all I had.

747
748 Mrs. Dwyer - I had one more question of Mr. Bittner. I was just trying to
749 puzzle through some of the potential enforcement issues that the County may face in the future.
750 Looking at "Non-business activity can be conducted after hours." So, how would we define,
751 "non-business transmission service?" Would it have to be an employee working on your own
752 car, or an employee working on a friend's car for money on the side? Would that be
753 considered "business activity?"

754
755 Mr. Bittner - We have not made any final ruling on this. But the general rule
756 of thumb has been, when we have a proffer limiting the hours of operation, that those limits
757 apply to the public. If the owner of the business wanted to be there beyond those hours of
758 operation, that would not be in violation of a proffer.

759
760 I explained that to the applicant. But, I also said, "Just so everybody is clear on what it is you
761 want to do, you might want to consider some proffer language that states that." But,
762 generally, when we have conditions limiting the hours of operation, that means that the
763 business cannot be open to the public beyond those hours. But, if the business operator or
764 owner is onsite, we don't enforce anything.

765
766 Mrs. Dwyer - So, then, business work could be done. But, people couldn't
767 come on the property during those hours other than employees?

768
769 Mr. Bittner - Correct.

770
771 Mrs. Dwyer - Okay. So, you could still have, you know, if they wanted to
772 work late, to catch up on some work that was overdue, they could certainly work late into the
773 night. Did we prohibit it on Sundays? But, just that if the brother-in-law's car is being
774 worked on, then he couldn't come pick up the car after those hours? That would be the
775 limitation.

776
777 Mr. Bittner - Correct. I'd also like to point out that, if there ever was, let's
778 say, a noise problem during those hours, I think we would pursue that and see what we could
779 do to try and rectify the situation. But the intent is not to allow any activity that might
780 generate noise or other negative impacts during non-business hours. But, the major intent is to
781 not open it to the public.

782
783 Mrs. Dwyer - And, No. 10 really takes care of that. No. 10 on your list, which
784 says, "...has to be inside."

785

786 Mr. Bittner - Yes. Well, again, I'd like to point out, these were suggestions by
787 staff.
788
789 Mrs. Dwyer - Right.
790
791 Mr. Bittner - They're not proffers that were submitted by the applicant.
792
793 Mr. Jernigan - And to bring up, that building hasn't been empty for seven or
794 eight years. It was used up until about a year ago; 9 months to a year. There was another
795 mechanical operation in there.
796
797 Mr. Archer - Mr. Jernigan, or Mr. Bittner, I have one question. In regard to
798 No. 17, not requiring the shoebox lighting, there will be still some lighting required. Is that
799 correct, but it won't be that type? Less expensive type?
800
801 Mr. Jernigan - Mr. Archer, that building has been there for a long time. It's
802 asphalt there. To put lighting around there, you're going to have to dig up asphalt.
803
804 Mr. Archer - There are no existing poles there now?
805
806 Mr. Jernigan - Sir?
807
808 Mr. Archer - There are no existing light poles there now?
809
810 Mr. Bittner - Probably not. We've got some pictures of the site here, again.
811 That's the building (referring to slide).
812
813 Mr. Archer - I was just wondering if we have any lighting requirements at all?
814 And I realize its not a nighttime business.
815
816 Mr. Bittner - We have a general policy I believe. You cannot exceed one-half
817 foot candle at the edge of your property, or beyond your property. We don't regulate the
818 height, other than no structure can be above a certain height, based on zoning requirements.
819
820 Normally, though, proffers include, or at least a lot of proffered cases include the recessed or
821 shoebox lighting, because it does not have an exposed bulb, and it limits glare.
822
823 Mr. Archer - But I understand why. That's really why I was asking the
824 question if it would be offensive to anybody. I suppose not in this location.
825
826 Mr. Marlles - Mr. Chairman, just a point of clarification too. The staff is not
827 requiring or suggesting we require lighting at this site. But, if it is provided, we would like to
828 see the shoebox-type provided.
829

830 Mr. Archer - That clarifies it better. Okay.
831
832 Mrs. Dwyer - So, then the applicant may not object to No. 17, if No. 17 is not
833 requiring lighting. But, if it were reworded to say that, "If additional lighting is added, then it
834 would be shoebox type."
835
836 Mr. Bittner - Right.
837
838 Mr. Jernigan - Okay.
839
840 Mr. Archer - Okay. Further questions for Mr. Bittner? All right, Mr.
841 Jernigan, do you want to hear from anybody?
842
843 Mr. Jernigan - Yes sir. I'd like to hear from the applicant.
844
845 Mr. Archer - Would you come forward, please. State your name for the
846 record, if you would, sir.
847
848 Mr. Reginald D. Barnett - Reginald D. Barnett.
849
850 Mr. Jernigan - All right, Mr. Barnett, this is the list of conditions that the staff
851 would like to see as to proffers. As I explained to you earlier, when we change these
852 conditions, if you leave, the conditions go with you. If we make them in the form of a proffer,
853 then it stays with the land.
854
855 Mr. Barnett - I understand that, Mr. Jernigan. I have no objections to those
856 being put in as proffers.
857
858 Mr. Jernigan - Are you all right with all these as proffers?
859
860 Mr. Barnett - Yes. I am.
861
862 Mr. Jernigan - Plus, I'd like to add No. 19, which would be, we discussed
863 earlier. If any vehicle sat for more than 30 days, it would be hauled to another facility for
864 storage.
865
866 Mr. Barnett - That is fine. The only question I have on that, is sometimes
867 availability of parts are limited. Sometimes a vehicle may sit over 30 days before the parts
868 come in.
869
870 Mr. Jernigan - How about if you make it, if it's a car that's been finished, and
871 hasn't been picked up?
872

873 Mr. Barnett - That's fine. I have no problem with transporting it to another
874 location.

875

876 Mr. Jernigan - Okay. Anybody else have any questions?
877

878 Mr. Archer - I don't believe so, Mr. Jernigan.
879

880 Mr. Jernigan - And we'll change No. 17, "That if there is lighting added...
881

882 Mr. Archer - Yes.
883

884 Mr. Jernigan - ...that it will be in the shoebox form.
885

886 Mr. Barnett - That is fine.
887

888 Mr. Jernigan - All right, with that...
889

890 Mr. Archer - Thank you, sir.
891

892 Mr. Barnett - Thank you.
893

894 Mr. Jernigan - I would like to recommend changes to zoning case C-17C-92 to
895 include conditions to be proffers Nos. 2, 4, 9 through 16, the wording on No. 17 changed, "If
896 lighting is added, it will be shoebox," 18, and 19.
897

898 Mr. Vanarsdall - Recommend approval to the Board?
899

900 Mr. Jernigan - Sir?
901

902 Mr. Vanarsdall seconded the motion.
903

904 Mrs. Dwyer - Are these proffers submitted by the applicant?
905

906 Mr. Jernigan - Yes.
907

908 Mrs. Dwyer - Because I understood this person was not the landowner?
909

910 Mr. Jernigan - Mr. Barnett is the applicant.
911

912 Mr. Bittner - All we have, at this point, is a verbal agreement to submit these
913 as proffers. Now, the applicant has agreed to do all this, and I think the little changes we
914 would make, we could handle between now and the Board. And I'm willing and ready to work
915 with the applicant to get that done. But, there's no official signed proffers at this point from
916 the applicant. But there is a verbal agreement to do...

917 Mr. Jernigan - He's agreed verbally. And we'll get them in writing, and send
918 them to the Board of Supervisors.

919
920 Mr. Bittner - I can work with the applicant on that.

921
922 Mr. Jernigan - Okay.

923
924 Mrs. Dwyer - Did you second that?

925
926 Mr. Vanarsdall - Yes.

927
928 Mr. Archer - Okay. Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
929 All those in favor say aye—all those opposed by saying nay. The vote is 5-0, Mr. Kaechele
930 abstained. There's no opposition. The ayes have it. The motion is granted.

931
932 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
933 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
934 request because the changes do not greatly reduce the original intended purpose of the proffers;
935 and the proffers continue to assure a quality form of development with maximum protection
936 afforded the adjacent properties.

937
938 Mr. Archer - We don't have any minutes to approve.

939
940 There being no further business, acting on a motion by Mrs. Dwyer, seconded by Mr. Taylor,
941 the Planning Commission adjourned its meeting at 7:50 p.m. on May 10, 2001.

942
943
944
945
946 _____
947
948 Chris W. Archer, C.P.C., Chairman

949
950
951
952 _____
953 John R. Marlles, AICP, Secretary