

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m. May 15, 2003, Display Notice having been published in the Richmond
4 Times-Dispatch on April 24, 2003 and May 1, 2003.

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6 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson, Varina
7 Mrs. Lisa D. Ware, C.P.C., Vice-Chairperson, Tuckahoe
8 Mr. Allen Taylor, P.E., C.P.C., Three Chopt
9 Mr. C. W. Archer, C.P.C., Fairfield
10 Mr. Ernest B. Vanarsdall, C.P.C., Brookland
11 Mr. Richard W. Glover, Board of Supervisors, Brookland
12 Mr. John R. Marlles, AICP, Director of Planning, Secretary
13

14 Others Present: Mr. Ralph J. Emerson, Principal Planner
15 Mr. Mark Bittner, County Planner
16 Ms. Jean Moore, County Planner
17 Mr. Thomas Coleman, County Planner
18 Mr. Paul Gidley, County Planner
19 Ms. Debra Ripley, Recording Secretary
20

21 Others Absent: Mr. Randall R. Silber, Assistant Director of Planning
22

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

25 Mr. Jernigan - Good evening, ladies and gentlemen. I'd like to call the meeting to order,
26 please. And I would like to tell all of the Commissioners hi. I'd like to welcome everybody here. We
27 welcome everybody on behalf of the Planning Commission and the Planning staff, and we are glad
28 you could come out and be with us tonight. For those of you who haven't been here before and
29 aren't familiar with the way we work this, and this may be your first time, we will go through a list
30 of cases, and at that time the case will be called and I will ask if there is any opposition. If you are
31 here for that case, and you are opposed to it, just raise your hand, and you will be recognized and
32 have a proper time to speak. On cases where there is opposition, the applicant will have ten
33 minutes to speak and the opponents will have ten minutes to speak. There will also be rebuttal
34 time for the applicant.
35

36 Before we move on, I do want to say to the rest of my Commissioners, and especially Mrs. Ware, I
37 was gone last month. One meeting was planned and she knew about it, and one meeting came up
38 and one time I was gone that was unexpected. So, she had to fill in for me twice. She did a great
39 job and I am proud of her, and I want to thank all of the Commissioners for the cards and
40 everything that I received from you.
41

42 Mr. Vanarsdall - That was one of the shortest meetings we've ever had.
43

44 Mr. Jernigan - So, with that I would like to turn the meeting over to our Secretary, Mr.
45 Marlles.
46

47 Mr. Marlles - Good evening, Mr. Chairman, and members of the Commission. We do
48 have a full quorum tonight and, of course, can conduct business. The first item on the Agenda is
49 Request for Withdrawals and Deferrals, and those will be presented by Mr. Joe Emerson.
50

51 Mr. Emerson - Thank you, Mr. Secretary. The first item is a Withdrawal. It is on Page 2
52 of your Agenda.
53

54 **VARINA:**
55 Deferred from the April 10, 2003 Meeting:
56 **C-28C-02 Laraine Isaac for William D. Godsey:** Request to conditionally rezone from M-1
57 Light Industrial District to M-2C General Industrial District (Conditional) and C-1 Conservation
58 District, part of Parcel 817-721-5981, containing 60.696 acres, located on the north line of Oakley's
59 Lane approximately 94 feet east of Oakley's Place and 217 feet west of S. Holly Avenue. The use
60 will be controlled by proffered conditions and zoning ordinance regulations. An industrial park
61 including a contractor's equipment storage yard is proposed. The Land Use Plan recommends
62 Planned Industry and Environmental Protection Area. The site is also in the Airport Safety Overlay
63 District.

64
65 Mr. Emerson - This has been withdrawn by the applicant.

66
67 Mr. Jernigan - No action is needed. Correct?

68
69 Mr. Emerson - That is correct. Yes, sir.

70
71 **C-18C-03 James W. Theobald for Commercial Net Lease Realty Services,**
72 **Inc.:** Request to conditionally rezone from B-3 Business District and A-1 Agricultural District to B-2C
73 Business District (Conditional), Parcel 741-761-8112 and part of Parcel 741-761-8532, containing
74 approximately 2.899 acres, located at the southeast intersection of W. Broad Street (U. S. Route
75 250) and Three Chopt Lane. A retail use is proposed. The use will be controlled by proffered
76 conditions and zoning ordinance regulations. The Land Use Plan recommends Office and
77 Commercial Concentration.

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79 Mr. Marlles - The deferral is requested to the July 10, 2003 meeting.

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81 Mr. Jernigan - Is there any opposition to the deferral of Case C-18C-03?

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83 Mr. Taylor - No opposition, Mr. Chairman. I move that Case C-18C-03 be deferred for
84 60 days at the request of the applicant.

85
86 Mr. Vanarsdall - Second.

87
88 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
89 favor say aye. All opposed say no. The motion passes.

90
91 The Planning Commission deferred Case C-18C-03 James W. Theobald for Commercial Net Lease
92 Realty Services, Inc. to its meeting on July 10, 2003, at the applicant's request.

93
94 Mr. Glover - Mr. Chairman and Mr. Secretary, I don't voice my position on zoning
95 cases, since the Board will be hearing them after they leave here and on your recommendations. I
96 would like to abstain from all voting on zoning cases. I will have an opportunity to vote later.

97
98 Mr. Jernigan - Thank you, Mr. Glover.

99
100 **C-21C-03 Steven A. Williams for Carl Childress, Trustee:** Request to rezone
101 from O-3C Office District (Conditional) to A-1C Agricultural District (Conditional), Parcel 760-770-
102 7401, containing 10.726 acres, located on the north line of Springfield Road approximately 300 feet
103 east of the Francistown Road and Springfield Road intersection and approximately 500 feet west of
104 Staples Mill Road (State Route 33). A Christian education, training and worship building is
105 proposed. The use will be controlled by proffers and zoning ordinance regulations. The Land Use
106 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

107
108 Mr. Emerson - The deferral is requested to June 12, 2003.
109
110 Mr. Jernigan - Is there any opposition to the deferral of Case C-21C-03?
111
112 Mr. Vanarsdall - Mr. Chairman, I move that Case C-21C-03 be deferred to June 12, 2003 at
113 the applicant's request.
114
115 Mr. Taylor - Second.
116
117 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
118 favor say aye. All opposed say no. The motion passes.
119
120 At the request of the applicant, the Planning Commission deferred Case C-21C-03, Steven A.
121 Williams for Carl Childress, Trustee, to its meeting on June 12, 2003.
122
123 **C-22-03 Jay Hulsey:** Request to rezone from R-6C General Residence District
124 (Conditional) to R-2 One Family Residence District, part of Parcel 788-758-9933, containing 5.9085
125 acres, located southeast of the intersection of E. Parham Road at St. Charles Road. A church and
126 parsonage are proposed. The use will be controlled by zoning ordinance regulations. The Land
127 Use Plan recommends Office.
128
129 Mr. Emerson - The deferral is requested to June 12, 2003.
130
131 Mr. Jernigan - Is there any opposition to the deferral of Case C-22-03? Mr. Archer.
132
133 Mr. Archer - Mr. Chairman, I move deferral of Case C-22-03 to the June 12, 2003
134 meeting at the request of the applicant.
135
136 Mr. Vanarsdall - Second.
137
138 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
139 favor say aye. All opposed say no. The motion passes.
140
141 At the request of the applicant, the Planning Commission deferred Case C-22-03, Jay Hulsey, to its
142 meeting on June 12, 2003.
143
144 Mr. Emerson - That completes the Withdrawals and Deferrals.
145
146 Mr. Marlls - Mr. Chairman, the next item on the Agenda is Request for Expedited Items
147 and for the information of the ladies and gentlemen in the audience, a case which is on the
148 Expedited Agenda is a case for which the Planning staff is recommending approval. The Planning
149 Commission member from the District has no issues and there is no known opposition to that case.
150 If there is opposition, when the Chairman asks for it, that case can be taken off the Expedited
151 Agenda and heard in its normal rotation. Mr. Emerson.
152
153 Mr. Emerson - Mr. Secretary, the one item we have tonight for Expedited Agenda is on
154 Page 1 of your regular Agenda.
155
156 **Deferred from the April 10, 2003 Meeting:**
157 **C-17C-03 Paul Hinson/Greg Koontz for Carol Sacra:** Request to conditionally rezone
158 from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 744-773-
159 8230, containing approximately 5.07 acres, located on the south line of Old Nuckols Road,

160 approximately 1,000' east of its intersection with Shady Grove Road. Attached single family
161 residential townhomes for sale are proposed. The applicant has proffered a density not to exceed
162 thirty-three (33) units. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 net units per
163 acre, and Environmental Protection Area.

164

165 Mr. Jernigan - Is there any opposition to Case C-17C-03? Do we have opposition or a
166 question? A question? Would you come down to the podium, please? Would you state your name
167 for the record, please?

168

169 Ms. Susan Hamant - Susan Hamant.

170

171 Mr. Jernigan - Ms. Hamant? Thank you. You may proceed.

172

173 Ms. Hamant - I just had a couple of questions. The first one, during a meeting with the
174 developer, there were conversations about a trail being placed for bikes and walking paths, and I
175 know I've talked to Allen about this, but I just want to make sure that is not going to happen.

176

177 Mr. Taylor - That is correct. That will not happen. We had that as an idea because we
178 felt, frankly, that it was an amenity, but after hearing your concerns about the possibility of it being
179 a nuisance, that has been removed from the project.

180

181 Ms. Hamant - We just wanted to go on record to make sure that that was not going to
182 happen.

183

184 Mr. Taylor - That is my motion if you want, will be without any trail.

185

186 Ms. Hamant - We also wanted to find out, there's been talk of either 30 or possibly 33
187 going onto the property and that may require a second road to go in. Can you tell me anything
188 about that or...

189

190 Mr. Taylor - Yes, I would like the staff, unless the applicant is here. The applicant is in
191 the back row and he might want to answer this. How would you like to proceed with that?

192

193 Mr. Jernigan - We only have one Expedited Case, so let's go on and get it done now.
194 Come on up, please, sir.

195

196 Mr. Coleman - The request was for 33 lots, and they didn't see a design issue because
197 there was only one point of access for this development with the approved plan of development
198 approved for Hickory Grove. That issue has not been resolved. We have the design issue not a
199 zoning issue. It doesn't fundamentally change the Land Use recommendations for the townhouse
200 development. Now we can defer to the applicant. I don't know if they have had any further
201 discussions with Public Works about the necessity for that second point of access.

202

203 Mr. Taylor - So, basically, in the case it would be something that would be resolved at
204 the POD level? The applicant could speak and he might want to address it, too.

205

206 Mr. Paul Hinson - That is correct. We would prefer not to build a second entrance into the
207 property, but we will if required by Public Works in the plan of development process.

208

209 Ms. Hamant - In the proffers, there was information about what was going to be put as
210 far as the brick on the front of the homes. Can you tell us a little bit about what is going to be
211 facing Avery Green?

212

213 Mr. Hinson - Unfortunately, the builder is not here this evening, but we do know that
214 the product is going to be a Ryan Home and that there is a proffered condition that talks about the
215 amount of brick that would be shown on the end units, and there hasn't been any concerns raised
216 in any of the public meetings nor from the staff about the architecture that we are presenting for
217 these particular units. We do have an identified end user and an identified end product, and we
218 would be willing to discuss that further if it was an issue that needed to be resolved prior to the
219 Board of Supervisors meeting or this evening, if that is required.
220

221 Ms. Hamant - And the reason for the question is the staff comments were that they
222 didn't include that, and I just wanted to bring it up and see if there were some concerns from your
223 side.
224

225 Mr. Jernigan - Thank you. Would you state your name for the record, please.
226

227 Mr. Hinson - I am sorry. My name is Paul Hinson with Koontz-Bryant and I am
228 representing Carol Sacra, this evening.
229

230 Mr. Jernigan - OK. Thank you.
231

232 Mr. Taylor - Does that satisfy your question? Does that answer the question? Did we
233 answer the question?
234

235 Mr. Ruqus - The POD phase? Is there going to be further discussion or are
236 there going to be further meetings there? Maybe I should hold my questions until then as they are
237 more design related.
238

239 Mr. Taylor - Normally, at the second stage, at the POD stage, we go into detail about
240 the specifics of the construction and the number of units, and right now we are just really looking
241 at going from Agricultural to Residential. But all of these issues that you are discussing, we have
242 discussed them before with Paul and felt that they were all ironed out and they seemed to be
243 pretty much the way I think of them. We will see it again and we will have the opportunity to meet
244 again with the neighborhood and review the details like this.
245

246 Mr. Ruqus - OK. At the original public hearing or meeting that we had, there
247 were some details that I didn't feel were ironed out, but if there is going to be another forum then I
248 will wait for that time, where the fence is going to be and there were a few other questions.
249

250 Mr. Jernigan - That is in the POD process. Tonight is just changing the zoning from
251 Agricultural to Residential, and then you work out the fine lines later.
252

253 Mr. Ruqus - Thank you very much.
254

255 Mr. Hinson - This is Paul Hinson again. At the public hearing there was a request of the
256 neighborhood group. We had originally written the proffer to state that a fence would be placed in
257 a landscaped zone adjacent to Avery Green. Per the homeowner's request next door, we moved
258 the fence to be shown on our side of a Landscape 10 Buffer that we have included, so we did
259 amend the proffer to move the fence as far as possible from the Avery Green property line, which
260 was the request that I believe I heard at the public meeting that we had.
261

262 Ms. Hamant - I have a question for Mr. Coleman. She asked about the brick facing
263 Avery Green. Is that correct? But the proffers address the brick that faces Avery Green, right?
264

265 Mr. Coleman - Actually that issue was raised in the staff report. One was in response to
266 the applicant was to strengthen the buffer to guarantee a 10 foot buffer, and to include Transitional
267 Buffer 10 requirements, and that issue was an issue that was raised at the community meeting.
268 Their primary focus was on the buffer and we worked with the applicant to beef that up.

269
270 Mr. Taylor - Thank you very much. If there are no further questions, Mr. Chairman, I
271 move approval of Case C-17C-03, Paul Hinson/Greg Koontz for Carol Sacra, on the Expedited
272 Agenda.

273
274 Mr. Vanarsdall - Second.

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276 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
277 favor say aye. All opposed say no. The motion passes.

278
279 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning Commission
280 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
281 it complies with the recommendation of the Land Use Plan and it is reasonable and would assist in
282 achieving consistent development of the adjoining property.

283
284 Mr. Emerson - That completes the Expedited Agenda for tonight.

285
286 **Deferred from the April 10, 2003 Meeting:**

287 **C-14C-03 Robert Attack for Attack Properties Inc.:** Request to conditionally rezone from
288 A-1 Agricultural District and R-3AC One-Family Residence District (Conditional) to R-5C General
289 Residence District (Conditional), part of Parcel 751-766-9555, containing approximately 7.7 acres,
290 located at the southwest intersection of Nuckols and Snowmass Roads. A multi-family residential
291 development is proposed. The R-5 District allows a density up to 14.52 units per acre. The Land
292 Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and
293 Environmental Protection Area.

294
295 Mr. Marlles - The staff report will be given by Ms. Jean Moore.

296
297 Mr. Jernigan - Excuse me, Ms. Moore. Is there opposition to Case C-14C-03? OK. We
298 have opposition. Ms. Moore, you may proceed.

299
300 Ms. Moore - Good evening Commissioners and Mr. Chairman. The 2010 Land Use Plan
301 designates this site as SR2 and EPA. This request for R-5C zoning would allow 56 condominium
302 units for sale on a parcel consisting of 7.7 acres. Approximately 1.5 acres along the western
303 portion of the site lies within a 100-year flood plain, thus the proposed density would be
304 approximately 9 units per acre.

305
306 The project would be comprised of seven buildings with 8 units in each building. A minimum of 18
307 detached garages would be provided within the parking areas. One boulevard style entrance would
308 be provided from Nuckols Road. No access, except for emergency purposes, would be provided
309 from Snowmass Road.

310
311 As noted in the staff report, staff had concerns pertaining to the site layout, buffers, access, and
312 architectural treatment of the buildings. Specifically,

- 313
314
 - Staff believes the use and density could be appropriate on the site if the applicant would site
315 the buildings comparable to the Four Seasons Condominium development to the west. This
316 would break up the linear alignment of buildings and provide more green space between
317 parking areas and along Nuckols Road.

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- In addition, the proposed 75' wide buffer along the south property line should be supplemented with plantings to provide adequate screening between the proposed development and the single-family subdivision to the south.
- The applicant has proffered that no access would be provided on Snowmass Road. This is in response to residents who voiced their concern regarding a second entrance on Snowmass Road. At this time, access could not be provided since the development does not include or own the narrow strip of development that separates the site from Snowmass Road. However, if this property is eventually acquired and included, there should be an opportunity to provide a second entrance on Snowmass in the future if it becomes warranted.
- Finally, staff believes the architectural treatment of the buildings should be improved to facilitate an owner occupied community rather than the appearance of multi-family apartments. Features such as varied exterior materials on the buildings and individual entries to the units could help accomplish this. In addition, staff recommends a minimum of 50% brick finish for each building. The brick should be allocated in a manner to enhance the building facades facing Nuckols Road.

Several residents from The Meadows subdivision have met with staff and the applicant to express their concerns regarding buffers, density, and proper layout for the site. In response, the applicant has submitted revised proffers dated May 15, 2003, copies of which you just received. Subsequently, the time limits would have to be waived in order to make any action on this project tonight.

The revised proffers address most of staff concerns. Specifically:

- Exhibit A, referenced in Proffer 3, has been revised. The applicant has staggered the buildings along Nuckols Road and reallocated the parking areas to provide more green space. The realignment has also provided a softer appearance and more open space along Nuckols Road. Staff believes this is an improvement and would provide an attractive environment.
- Proffer 9 has been revised to include supplemental planting along the southern property line equivalent to landscaping requirements for a 25' transitional buffer. At the request of the residents, the applicant removed proffer 8 which would of provided a 6' high board fence along the south property line, thus creating a more open and natural environment adjacent to the single-family development.
- The elevations have been slightly modified. Individual entries would be provided for each unit and would be dispersed along all sides of the buildings. This is similar to the condominium design for the Four Seasons. However, the applicant has not increased the percentage of brick for the buildings. The applicant has maintained 35% brick finish for the buildings.

Although the project would not be consistent with the 2010 Land Use Plan's recommendation for SR2, staff believes the project could be a more appropriate use for this site. The property has 760 ft. of frontage on Nuckols Road and faces offices at Innsbrook North just across the road. The development would also be compatible to the Four Seasons condominiums to the west. The project would also include buffers that would provide a good transition to the single-family development to the south. If the applicant could remove the language that no access would be provided on Snowmass Road and provide a larger percentage of brick frontages to the buildings, staff could support this project.

371 This concludes my presentation. I would be happy to try to answer any questions you may have.
372
373 Mr. Jernigan - Thank you, Ms. Moore. Are there any questions from the Commission for
374 Ms. Moore?
375
376 Mr. Taylor - Not at this time, Mr. Chairman. At least, I don't have any.
377
378 Mr. Jernigan - OK, thank you, ma'am.
379
380 Mr. Taylor - Maybe one question. What is the present land view that we are working
381 from (referring to slide)?
382
383 Ms. Moore - Yes, sir. I will keep that on (switched to attachment A on slide). This is
384 revised proffer for the site plan.
385
386 Mr. Taylor - The revised proffer.
387
388 Mr. Jernigan - Mr. Taylor, would you like to hear from the applicant?
389
390 Mr. Taylor - I would, indeed, like to hear from the applicant, Mr. Attack, if you might.
391
392 Mr. Jernigan - Mr. Attack, you have ten minutes. Would you like to reserve rebuttal time?
393
394 Mr. Attack - Yes, sir. Three minutes would be adequate.
395
396 Mr. Chairman, members of the Planning Commission, my name is Bob Attack and I am the applicant
397 before you this evening. We are pleased to present for your rezoning consideration a high-quality
398 owner-occupied condominium community. To assure and maintain the value of this property and
399 those that adjoin it, we have proffered 32 conditions, including and in particular those conditions I
400 believe Ms. Moore articulated most of those, but the site plan that is before you now is a revised
401 site plan. Prior to our POD hearing, obviously, we have made some substantial changes primarily
402 along the Nuckols Road area to extend the divided median into the community, this more typically
403 reflects what is enjoyed at the Four Seasons Condominiums, its adjoining property. I think a most
404 important note, and we have had numerous meetings with the residents who have had a lot of
405 patience and shown a lot of cooperation in their concerns for their own values of their property,
406 which is Proffer #7, which reflects architectural compatibility in order to promote compatibility that
407 surrounds the development, similar architectural features as used in the Four Seasons
408 Condominiums and the single-family developments to the south shall be utilized. Proffer #8, which
409 is the exhibit, Jean, if you could (referring to slide). Yes, this is the exhibit. This is I think,
410 probably, a very important exhibit as when we first met with the residents we were originally going
411 to put a fence along this property line, but we had the opportunity to meet with the majority of the
412 adjoining residents. We had our landscape architect as well as our own civil engineer meet with
413 the residents and design a specific landscape buffer as it pertains and is viewed from these
414 residents. There are over 100 pieces of landscaping, trees, shrubbery, and the lower portion of this
415 photo shows that landscaping based on two year's growth over the fence level, so there was a
416 legitimate concern as to the size and the quantity. This was drawn by Higgins and Gerstenmaier,
417 professional land planners, and we hope this would help soften the buffer to the adjoining property
418 owners. Most importantly, we have also proffered a minimum of 75 ft. at the most narrow portion
419 of this property as an undisturbed buffer, and this area will increase all the way up to 1-1/2 acres in
420 the back of the property.
421
422 Continuing with identifying some of the proffered conditions that are before you this evening, that I
423 believe will add to the value and protect the community is #11, that we are under the Virginia

424 Condominium Act, but in particular, the last sentence, "That the condominium shall be marketed as
425 owner-occupied homes." And #12, exterior materials, this is probably a good opportunity to
426 respond to Ms. Moore's question regarding the brick capacity or the brick portion. What we have
427 proffered here is a minimum of 35% brick. What we reflect in our architectural drawings reflects a
428 greater portion of brick than 35%. We believe that we will have an opportunity between now and
429 the POD hearing to get a more specific direction here (switched slide). Thank you, Ms. Moore. As
430 far as being able to get a better description and articulation of the exact brick around it, these
431 homes, as far as comparing performance, we have designed a home that, if you see these two
432 openings, these are eight plus buildings, but each front only has two doorways, so it does not give
433 you the feeling of a bunch of doors stacked on top of each other, nor are these common halls that
434 go back into a corridor of doors, so what you have is four sides, with two doors on each side. It
435 almost gives the feel of a duplex at that point.

436

437 In Proffer #13, we are proffering a 1-1/2 acre of passive recreational amenities between our
438 property and the residents adjoining us, and #14, we are proffering that we will have a minimum
439 of 18 detached garages, #15, we are proffering the ability to put a sidewalk along Nuckols Road,
440 and #18, and this one you might be able to help me with regards to the question on Snowmass,
441 we revised Proffer #18. I think what your question was regarding Snowmass Court.

442

443 Ms. Moore - Making reference to the first sentence in Proffer #18, "There shall be no
444 vehicular access to Snowmass Road." He has corrected on, I guess, the proffers on 5/15/03, I
445 apologize. That Snowmass paragraph, you can disregard Staff's previous comments.

446

447 Mr. Atack - If I might make that point clear, there are two streets. One is Snowmass
448 Court and one is Snowmass Terrace. Staff wanted us to maintain Snowmass Road, I guess. Staff
449 wanted us to maintain the possibility of access to Snowmass Road and what we have done, we
450 have removed any discussion on Snowmass Road. What we have said here is there shall be no
451 vehicular access to Snowmass Terrace unless it is required as a secondary emergency access, and
452 if we can obtain governmental approval without this emergency access, we would not access
453 Snowmass Terrace either. There is maybe a line of demarcation here. Snowmass Terrace adjoins
454 The Meadows community, specifically Snowmass Road adjoins The Village at Innsbrook, so there is
455 a little bit of a difference in the two communities, but I hope that clarifies your concern, Ms. Moore.

456

457 The only other two points I would make is that on Proffer #21, we proffered that the buildings will
458 not be substantially taller than the adjacent single-family homes at The Meadows, as depicted in
459 our Exhibit A, which is our front elevation, and also in Proffer #22, that we are committing to
460 remove the existing residences, pool, pool house and associated out buildings and dilapidated fence
461 on the property prior to 12/31/03. Our development plan really doesn't call for us to be on this site
462 probably until summer of 2004, but to help clean up some of the aesthetics, once we take title to
463 the property, we will make arrangements for demolition permitted and have the existing properties
464 and buildings torn down. That is my presentation. I will be glad to answer any questions.

465

466 Mr. Jernigan - Thank you, Mr. Atack. Are there any questions for Mr. Atack from the
467 Commission?

468

469 Mrs. Ware - I have a question. You said that your exhibits show more than 30 to 40%
470 brick, then why not proffer more brick?

471

472 Mr. Atack - We have been working on these architectural plans, Mrs. Ware, for some
473 time, and we have not finalized them, and so until we get those completely resolved, what we
474 wanted to proffer is a minimum, which is what we are suggesting, of 35% brick. That far exceeds
475 any of the existing 600 single-family homes or condominiums in the area, but that is our minimum
476 proffer, and we do expect by the time we get to the POD to be much more specific on that.

477
478 Mr. Vanarsdall - At what point in time do you plan to do that, before it goes before the
479 Board?
480
481 Mr. Atack - No, sir. I think we would do that prior to the POD.
482
483 Mrs. Ware - Then there is no guarantee on the percentage of brick.
484
485 Mr. Atack - Yes, ma'am. Mrs. Ware, the guarantee is that we will have a minimum of
486 35% brick. In our proffered condition, we have proffered a minimum of 35% brick. Staff would
487 like for us to proffer 50% brick, but we are not able to do that at the present.
488
489 Mr. Jernigan - Are there any other questions for Mr. Atack from the Commission?
490
491 Mr. Taylor - Let me follow up on that question of the percentage of brick, because I
492 think we have been discussing that considerably as to whether it would be 35% or in excess of
493 35%, and our hope was, of course, that it would be something that was in excess and something
494 that I hoped we could handle either sometime between now and the POD. In any case, what we
495 have arranged and discussed with Mr. Atack is that depending on whatever the brick percentage is,
496 that the percentage of brick would be strategically placed so that it would be highly visible and
497 aesthetic so that it would be toward visible parts of the area from the road. And the other thing,
498 have you made any decisions on the roof material or is that something we will just wait for the
499 POD?
500
501 Mr. Atack - We have been asked just recently to evaluate the actual roof material,
502 what type of composition roof it would be. The Four Seasons Condominiums, which we built in
503 1985, had a cedar shake roof, a product at the time that we thought was superior. Unfortunately,
504 it is more superiorly priced than superior in quality, but we are continuing to evaluate the best
505 architectural and aesthetic roof to put on this.
506
507 Mr. Taylor - That is satisfactory to me, because I think that your observation on cedar
508 shake is probably well taken, and I think that there are substitute materials that are, frankly,
509 superior to that as a good material. Mr. Atack, would you please characterize for everybody's
510 understanding the nature of the buffer that will exist between The Meadows and the houses.
511
512 Mr. Atack - The nature of the buffer, Mr. Taylor, is this. This property was originally
513 owned and is currently owned by the Estate of the Coles family. Mr. Coles at one time had cattle
514 on this property and what is interesting is there is very, very little underbrush on this property, but
515 there are some very nice stately trees that are existing, and I will digress at this moment and
516 mention that in one of our proffers we are proffered to remove two of those diseased and dead
517 stately trees, but there are some very nice magnificent trees on the property, and we intend to
518 leave as many of those as we can. With regard to the specific buffer that backs up to The
519 Meadows residence on this site, we are proffering a minimum of 75 feet. We had done a tentative
520 layout or evaluation on the site, and that area may be even closer to 90 feet when it is actually
521 designed. What we have drawn and provided to staff is an actual exhibit that shows from Higgins-
522 Gerstenmaier's landscape architecture, who physically went on the site, identifying materials that
523 would be added, and in fact, our commitment is to have those plantings installed in the Fall of this
524 year, so that we would be able to have the advantage of an additional year's growth, even though
525 we will probably be closer to 12 months from the actual construction.
526
527 Mr. Taylor - With regard to the nature of the trees, some of those are over two feet in
528 diameter.
529

530 Mr. Atack - Yes, sir, I apologize. If I may elaborate, one thing we will voluntarily do
531 and provide for at the POD hearing, this is our actual tree inventory on the site. What we will do is
532 tag the existing trees, and we will do an overlay with the existing trees and the existing buildings
533 that are on the site, so that when you look at the POD in the existing building and the trees on an
534 overlay, you will get a much better perspective of how these buildings will fit on the site, as well as
535 the trees that you will be able to save. Sorry to interrupt your train of thought, but I think that
536 might have been of interest to you, sir.
537

538 Mr. Taylor - No, my concern is, and I represented to the neighbors, we'd make every
539 effort that we could to save the capital trees and work the location of the building around those. In
540 fact, we have, Mr. Atack and I have talked separately, that we would try to take a look at the
541 various possibilities of where to locate the building, so that not only does it reflect the best sound
542 attenuation features along Nuckols Road, but that the major trees are saved and the site pad
543 chosen for the buildings are, make maximum use of those particular large trees and incorporate
544 them within the overall landscape plan.
545

546 Mr. Atack - Yes, sir. That is correct.
547

548 Mr. Taylor - Mr. Chairman, I don't have any further questions for Mr. Atack at this
549 time.
550

551 Mr. Jernigan - I have one. Mr. Atack, it seems to me that I can feel that some of the
552 people may not be happy with 35% brick. Let me ask you this.
553

554 Mr. Atack - Excuse me, Mr. Jernigan. Is that a statement or a question?
555

556 Mr. Jernigan - That is a feel. You get sometimes and it just vibrates through your body,
557 so what I am thinking is, do you think there is a possibly that you could proffer more brick on those
558 houses that front Nuckols Road?
559

560 Mr. Atack - Sir, we obviously, have the ability on a voluntary proffer basis to proffer
561 any part of compatibility of building materials, and I apologize to take that opportunity to be
562 somewhat sarcastic. I appreciate that feel. The staff, obviously, feels very strongly about this
563 point. I disagree, professionally with the staff, and politely with the staff. We developed the
564 majority of all of the 600 houses and condominiums in this area of the residential communities at
565 Innsbrook. Physical matching of brick does not guarantee quality. When we built the Four Seasons
566 Condominiums, the president of The Innsbrook Corporation took a similar approach and we
567 satisfied once an architect was able to present that package to him. Now since then, that
568 community, which was built in 1985, is somewhat antiquated by today's architectural terms, and I
569 believe, Mr. Jernigan, by the time we get back to the POD, and it might even be advantageous, and
570 we will be glad to voluntarily provide this, and have our architect meet with the staff and elaborate
571 as to where and why and how you came up with the specific design.
572

573 Mr. Jernigan - Well, the only thing I was thinking, when you ride up and down Nuckols
574 Road, there is a lot of brick out there, and we don't want to slight anybody.
575

576 Mr. Atack - Mr. Jernigan, not to disagree with you sir. There is very little brick in any
577 of the residential houses on Nuckols Road. There is a tremendous amount of brick on the Nuckols
578 Road Corridor and every single one of the many office buildings, so I do appreciate that fact.
579

580 Mr. Nuckols - Well, you know, this is the time that we have to get these things at
581 zoning, because you don't have to do it at POD, and that is the reason we are looking for it now.
582

583 Mr. Atack - Yes, sir. I appreciate that and that is why we are warranting a minimum
584 of 35% brick.
585
586 Mr. Jernigan - OK, thank you, sir.
587
588 Mr. Atack - Thank you, sir.
589
590 Mr. Jernigan - Any other questions for Mr. Atack?
591
592 Mr. Taylor - Well, let me just add a post script to that. I think Mr. Atack engaged in
593 sentiments at the podium that the five-story brick houses would be placed closer together, and
594 putting them in a position so that they show to advantage. I feel the same way about the quality
595 of the roofing materials, that you should choose, be it cedar shake or something that really looks
596 attractive from all of the angles, and particularly from Nuckols Road, in addition to The Meadows,
597 from The Meadows side. Although based on the width of the buffers on The Meadows side, I
598 recognize that the trees in there, some of those houses are going to be just minimally visible, I
599 would think.
600
601 Mr. Atack - Yes, sir. I might comment to Mr. Jernigan. We contemplated and thought
602 about the exposure on Nuckols Road. This is an interesting site, because what we have, in
603 fairness, is two areas of legitimate concern; one is Nuckols Road and one is the aesthetic effects
604 from The Meadows, the residential community behind it, and what the staff and Mr. Taylor have
605 requested, and that is one of the reasons that I believe that this is going to best be made at the
606 POD time, is that we evaluate reduction of brick or percent of brick in some of the buildings, and
607 increase in percent of brick based on the very issue that I think you alluded to, and that is site
608 distance from Nuckols Road. So that is the scenario that may very well be able to come to fruition
609 to change the brick configuration so that you do 50% areas or more than 50% on some exposures
610 of the building. Is that fair to say, Mr. Taylor, along the lines of which you are concerned?
611
612 Mr. Taylor - Yes, sir. I think that is fair, but I am aware of Mr. Jernigan's sentiments
613 and the sentiments from the Commission which are basically the same thing. The more brick the
614 better, particularly where it shows, and I think that is our position now, and that is going to be the
615 position as we go forward, and I would just ask you to recognize that and do what we can to move
616 the brick around so it has the best effect, because I recognize that the position of the building are
617 still, as you and I discussed, a little bit soft, because we really want to take a look at where we put
618 the building so we maximize the tree save area. I think the trees in there are old. They are
619 beautiful. They really deserve a lot of respect, and we need to do what we can to conserve them.
620 Not only is the break with The Meadows, but just because I think it is the right conservation step,
621 and depending on how that goes, and if we move the brick around where it doesn't show anyway,
622 it will show to a better effect, we will pick up a roofing material that is contemporaneous with
623 modern technology and durable, and that will help. So, these are things that we would achieve, I
624 think, between now and the POD, and in terms of what Mr. Atack is saying, we have gone over this
625 and I have his assurance, but by the time we get to the POD, we will have this brick issue resolved.
626 We will have the location resolved, and I trust that we will come up with the best mix.
627
628 Mr. Jernigan - I am not going to beat a dead horse, but when we are speaking of
629 building, and you say all those commercial buildings are brick, this is a big building. Saying that, it
630 is not just eight houses. That is the reason I am saying what I am saying is just on those roads,
631 those fronts that are on Nuckols Road, they will have more visibility than what the rest of them will
632 have. I mean, if they want to do 35% in the back that is fine. I just think up on Nuckols Road
633 where you are going to be a little more visible, high roof line and all, that it needs to have a little
634 better appearance.
635

636 Mr. Taylor - That is right, Mr. Jernigan, and to capitalize on that statement, this is
637 really what we have discussed, the moving around of the brick units so that it does show the best
638 effect, and the best choice of material.

639
640 Mr. Jernigan - Any more questions for Mr. Atack? Thank you, sir.

641
642 Mr. Atack - Thank you, Mr. Jernigan.

643
644 Mr. Jernigan - All right, we have opposition. Would you come up, young lady? Would
645 you state your name for the record, please.

646
647 Ms. Debra Stool - My name is Debra Stool and I serve as the president of The Meadows
648 Association. We are the adjacent property in question and I appreciate the opportunity to speak
649 with you all this evening. I do have a prepared statement, so I hope it doesn't sound too canned,
650 but we are extremely interested in the outcome of these proceedings. Our neighborhood has spent
651 considerable time examining issues related to this petition, and some of the homeowners who have
652 worked on this effort are in attendance this evening. Back onto our active involvement, I
653 approached the real estate agent for the petitioner as soon as the sale pending sign was posted on
654 the property. We have been actively involved in the discussion of the property's status ever since.
655 We have had numerous meetings with Mr. Atack, as well as a meeting with Jean Moore. Although
656 our initial preference for the use of this property would not have included condominiums, we would
657 have much preferred to see a single-family development that could, perhaps, be annexed into our
658 neighborhood. We have worked with the petitioner and the County to try to fully understand the
659 petition and our potential response to that petition. We respectfully request that if condominiums
660 are to be built on the property commonly known as The Coles, that they are the highest quality in
661 appearance and materials. We hope much consideration is given to preserving the capital trees
662 and that the view to Nuckols, which is our view to Nuckols, and the view from Nuckols, is to be
663 preserved.

664
665 To clarify our position, we sent a letter to the petitioner, copying various County officials, and
666 detailing our concerns. We have now reached agreement with the petitioner on many elements of
667 the application, including landscaping, lighting, what is to happen with the existing residents,
668 among other things. We continue to have concerns that we would like to have the County hear
669 and support. First with respect to density of the proposed development, we have researched
670 similar developments in our District and found that the typical density is 3.5 to 5.2 units per acre.
671 The developments that I am referring to are the Club Commons @ Wyndham, Belmont Park @
672 Twin Hickory, Park Terrace, Ashton Park @ Wyndham, English Oaks @ Wellesley, Pemberton Oaks
673 and also the Four Seasons. Our request is to limit the density to 40 units, which would provide an
674 upper range of 5.2 units per acre. The current request would be for nine units on the buildable
675 acreage. We feel that our request is, perhaps, generous, concerning the shape and the topography
676 of the property, and the fact that 1+ some acres is unbuildable on the flood plain. At this point we
677 understand that Mr. Atack has proffered the density to be 56 units, and we feel strongly that this
678 proposal is too dense. Again, the County's own planning precedence in our District supports our
679 position and we request similar consideration.

680
681 The second most important issue to our neighborhood concerns the distance between our property
682 line and the constructed element of the development. We have invested considerable energy in
683 meeting with and defining with the petitioner and his agents what distance would be acceptable to
684 the adjacent homeowners. During this meeting, the engineer measured on the proposed plan the
685 specific plan for each homeowner to ensure their understanding. At that time, the minimum
686 distance on the conceptual plan was approximately 90 feet from the most shallow part of the plan.
687 That was the southeastern part and a maximum of 200 feet on the wider part closer to Cox Road.
688 However, the current application effect will reflect only a 75-foot minimum, and we are

689 disappointed that this does not match the expectation that was set in the meeting with the
690 homeowners.

691

692 In addition, one of the current proffers states that the exact location, footprints, etc. are illustrated
693 and may be revised and updated. We would like assurance that the conceptual drawing scale and
694 placement will not alter significantly from the homeowners' current expectations. To make myself
695 clear, we do not want the development any closer to our homes than the conceptual plan shows.

696

697 In closing, we'd like to thank Jean Moore for her help. She has really guided us through this. We'd
698 like to thank Mr. Allen for keeping us informed, even today that there might be some changes to
699 what we had talked to Mr. Attack two days ago about. We'd also like to thank Mr. Attack for
700 listening to our concerns and making himself available. The homeowners of The Meadows have
701 made diligent efforts to understand and respond to the current application for development of the
702 subject property. We have made substantial progress in resolving concerns between the
703 homeowners and Mr. Attack, and we request that our final concerns be incorporated into the zoning
704 approval.

705

706 Thank you very much.

707

708 Mr. Jernigan - Thank you. Are there any questions for Ms. Stool from the Commission?
709 Thank you, ma'am. Is there anybody else that wants to speak in opposition? OK. Come on, one of
710 you come on up now. You have six minutes.

711

712 Mr. Tim Seamore - My name is Tim Seamore and I am the Treasurer of The Meadows
713 Homeowners Association and I guess my question is to Jean Moore and you fellows, because I
714 guess my logic if you could pop up a picture that shows a development up the front of Nuckols, I
715 guess my logic is that when a parcel like this comes up and there is only one shot of getting it right,
716 why isn't there an de-acceleration lane off of Nuckols Road. I mean, I am just, my logic says that
717 Nuckols Road is already very heavily traveled and in the process of being expanded to four lanes
718 through there, so why wouldn't we put a de-acceleration lane coming in off of Nuckols Road, so
719 that the traffic wouldn't be as affected? It is just a suggestion, I think, logically. And then my
720 other concern, and maybe I missed this, but we have always been concerned about access off of
721 Snowmass Road, and personally I want to make sure that it can't be accessed off of Snowmass
722 Road now or later, because I think I heard Jean Moore say that they are leaving the door open for
723 that, if later on if access off of Snowmass Road becomes obtainable, that it could be done.
724 Because if you look at this architectural drawing, you will notice that there is an emergency
725 entrance already sited on this particular plan, if you see that, and that looks to me like a cut for a
726 road. So, my concern is that there is never any access off of Snowmass Road, because when I
727 hear that, I hear the door open for that to happen later on. But, you know, I would just like to
728 have somebody address the fact that of why there isn't a de-acceleration lane proposed, and that is
729 it.

730

731 Mr. Jernigan - Are there any questions for Mr. Seamore? Ms. Moore, would you come
732 back up, please.

733

734 Ms. Moore - I will try to answer as best I can. In response to the first question with
735 the de-acceleration lane, as you know Nuckols Road is currently undergoing a road improvement.
736 It is being widened, and Mr. Attack has worked with Public Works and it is unknown exactly where
737 the entrance is, but I understand it is slated to be where it is in the project working with already
738 de-acceleration road that I understand is going to be in place. But I don't have the particulars, but
739 I can guarantee you that will be looked at in Public Works. They often recommend de-acceleration
740 lanes where it is warranted, so that will be part of the process in the plan of development phase.

741

742 In answer to your second question,
743
744 Mr. Vanarsdall - Before you finish the second one, what you are telling everybody is that
745 you don't know whether or not there will be a de-acceleration lane or not.
746
747 Ms. Moore - I know that...
748
749 Mr. Vanarsdall - Usually Public Works does state that up front.
750
751 Ms. Moore - Right. I would rather defer that to Public Works, because they have the
752 details of it, but I understand they are talking about that and it would have to be installed if it is
753 required.
754
755 Mr. Jernigan - OK.
756
757 Ms. Moore - To the access at Snowmass, this has evolved, I think, with our discussions
758 with the residents who were really opposed to any kind of access. After our discussion and
759 concerns that no access could actually increase traffic going through the residential area because
760 there would be no way to make a u-turn or a left-hand turn from the entrance. Considering that
761 we would like to have that option open in case that becomes warranted or in case the residents
762 would want it in the future. Because the site plan is proffered, an amendment to the proffers for
763 the site plan or an access would have to come back to the Planning Commission for approval, just
764 because the site plan is being proffered today.
765
766 Mr. Seamore - Ms. Moore, is that access being provided for emergency access reasons
767 only, or as a secondary means of access into the site.
768
769 Ms. Moore - This would be a secondary means. Like I said, staff has actually backed
770 off of that. We talked to Public Works. One entrance they thought would be fine, but, again, the
771 residents might feel more cars might come through the residential areas. We'd like to keep that
772 option open just in case a second entrance is warranted.
773
774 Mr. Taylor - Please come up to the microphone and identify yourself.
775
776 Mr. Seamore - May I say, which residents are you referring to?
777
778 Ms. Moore - That would be the residents living south to this subdivision.
779
780 Mr. Jernigan - We can't pick you up for the record if you are back there.
781
782 Mr. Seamore - I am Tim again.
783
784 Ms. Moore - And for the record I will just say real quickly, Public Works would not
785 approve any kind of access to Snowmass Terrace.
786
787 Mr. Seamore - The main problem is Snowmass Road. Because the main artery is
788 Snowmass Road, not Terrace, so this confusion with Snowmass Road and Terrace needs to be
789 clarified right away, because Snowmass Road is now being used as a cut through from Nuckols
790 Road all the way back through to West Broad Street. It comes out by Universal Ford on Village
791 Drive – Innsbrook. Well, anyway, that particular road, just so you guys know, you can go from
792 Nuckols Road down Snowmass and weave your way all the way back through and get on Cox Road
793 and West Broad Street right now. That is why I have been up in arms about this Snowmass Road
794 access all along, because it is an accident waiting to happen. And just saying that I've been a real

795 estate broker since 1990, I've been a certified appraiser for nine years, and I've been in the real
796 estate business since 1985. You know, I definitely know when I see a problem, and that is a
797 problem. The other thing I'd like to say is that Bob has been really easy to work with and I think
798 we are all lucky to have a developer that will at least listen and sit down and talk to you.
799

800 Mr. Vanarsdall - Have you read these proffers?
801

802 Mr. Seamore - I have read a lot. So I don't know what you are reading here.
803

804 Mr. Vanarsdall - Let me read you the one that we are talking about. "There shall be no
805 vehicular access to Snowmass Terrace except for secondary emergency access." Have you read
806 these proffers?
807

808 Mr. Seamore - Snowmass Terrace? I am talking about Snowmass Road. Because that is
809 the main access. If you look on this particular schematic, you will notice that Snowmass Road is
810 the main access, and that is where, I don't know if it was a typo.
811

812 Mr. Jernigan - It was a typo. Ms. Moore corrected that.
813

814 Mr. Seamore - Right. But we have to make sure that we understand that Snowmass
815 Road is the road that can be utilized to get to Cox Road, West Broad Street and just so everybody
816 knows, Prudential just got bought by Wachovia. Wachovia's main building is right across the street
817 on Nuckols Road, OK? And we have five Capitol One Office Buildings across the street right now.
818 So, there is some major traffic there.
819

820 Mr. Jernigan - But Ms. Moore did reflect that that was a typographical error, so we have
821 changed that to Snowmass Road.
822

823 Mr. Seamore - Well, I would just like to go on the record to clarify that that is the main
824 road that needs to be addressed.
825

826 Mr. Taylor - Thank you, Mr. Seamore.
827

828 Mr. Vanarsdall - Mr. Chairman, you said that this is Snowmass Road?
829

830 Mr. Jernigan - OK. Jean, didn't you know Snowmass Terrace, that it was supposed to be
831 Snowmass Road?
832

833 Ms. Moore - The proffer stated, that you have in front of you, "No access would be
834 provided on Snowmass Terrace."
835

836 Mr. Jernigan - But I thought you said that was to be corrected to Road.
837

838 Ms. Moore - It was reversed. I initially said Road – so it has been corrected, so as the
839 proffers are stated now, staff is OK with that. It is the residents here who are not.
840

841 Mr. Jernigan - Well, it is terrace or road?
842

843 Mr. Seamore - If I could ask Jean to show me Snowmass Terrace on something up there,
844 please.
845

846 Ms. Moore - Snowmass Terrace is right here (referring to rendering). Snowmass Road
847 is this right here (referring to rendering).

848
849 Mr. Seamore - Right and what you are saying is that there would be no access off of
850 Snowmass Terrace, which is not what we want. We want no access off of Snowmass Road or
851 Terrace.

852
853 Mr. Taylor - Mr. Seamore, I understand you don't want Snowmass Terrace and that is
854 out - O U T. With regard to Snowmass Road, I have talked to several of the residents and some
855 people think that is good and some people think that it is not good. Basically, lacking a need for
856 emergency access, by the present plan, and this will be in the record, is that that will not occur,
857 because right now Mr. Attack does not own that property and the chances of getting it are not that
858 great, and that is the good news. But the even better news is that because the emergency access
859 of vehicles is enabled by having two accesses, in the event there is some kind of a problem, it is
860 considered a safety issue. And the way to get around that safety issue may well be to work with
861 Mr. Attack and make sure that of the two lanes - one in and one out - that we satisfy the
862 requirements for two accesses or egresses by making both of those wide enough, so that we can
863 enable emergency vehicles to get in or out in the event of an emergency. And that will solve the
864 problem. We will have access to and from Nuckols for emergency access, emergency vehicles by
865 widening the road, but Snowmass Terrace and Snowmass Road access to those is out.

866
867 Mr. Seamore - What I hear you saying is that there is no access off of Snowmass Road
868 and Snowmass Terrace. I am in total agreement. But I would also like to note for the record that
869 on the left-hand portion of this property, to the left-hand corner, there is a low lying flood plain
870 area that is adjacent to the Four Seasons Condominium project, and if they needed to do a second
871 access area, this would be a logical choice for it for emergency purposes because #1, it is a low
872 lying flood plain area that can't be built on anyway, and if you look at the current configuration of
873 the road, it allows for that to happen right away. So if you are looking for a second way to get in
874 there, for emergency purposes, that is the very logical place to do it. But , once again, I'd like to
875 say that Bob has been wonderful to work with, but this Snowmass Road, the access of any of the
876 projects off of Snowmass Road is totally, in my opinion, ludicrous and any access off of Snowmass
877 Terrace, I think, would be counterproductive to us at The Meadows, but I think you are looking for
878 an accident if you let this project get access off of Snowmass Road.

879
880 Mr. Archer - Mr. Seamore, before you sit down. I am hearing two different ways, and I
881 am not sure I understand. I am hearing access to Snowmass Road and I am hearing you say
882 access off of Snowmass Road.

883
884 Mr. Seamore - Terminology, off, to, whatever, all I am saying is there shouldn't be an
885 entrance at all.

886
887 Mr. Archer - In either direction?

888
889 Mr. Seamore - In or out, no entrance off of Snowmass Road. If you look at the current
890 schematics, it shows no entrance right now off of Snowmass Road. What it shows is an emergency
891 exit off of Snowmass Terrace. OK. Snowmass Terrace is part of The Meadows, which is not the
892 main road, Snowmass Road. Again, Snowmass Road is the road that everyone uses to cut through.

893
894 Mr. Jernigan - Well, the good side of this is, that road is not on this map now, so it can't
895 go on. If it was to go on there, it would have to come back for review through Public Works before
896 anything could be done, and to the Planning Commission. So, right now, for the zoning for this,
897 that road is not in effect. OK. Thank you for your time. Anymore questions for Mr. Seamore?

898
899 Mr. Taylor - No, I think we might want to hear if there are any more questions or
900 comments?

901
902 Mr. Jernigan - I think we have one more gentleman back there, maybe two. How are
903 you, sir?

904
905 Mr. Lewis Baker - Fine, how are you all. I want to thank you. My name is Lewis Baker and I
906 am the secretary of the Village at Innsbrook Association. I want to thank Ms. Moore for her help. I
907 want to thank you guys for getting off Snowmass Court, where I live. It is a half mile away from
908 where I live. If we are going to get access through there, we've really got a problem. Our
909 concern, as always, has been the traffic on Snowmass Road, as the gentleman brought up. It has
910 increased almost exponentially in the last five years, and at certain points of the day, two times a
911 day at least, and at least twice a week, that section of Snowmass Road from the Nuckols Road light
912 down to Snowmass Terrace is two lanes, bumper to bumper, both ways, basically, people trying to
913 get in. So, if you bring any entrance out there, of course, that is going to be a total madhouse.
914 The second, the emergency entrance, I halfway agree with, as long as it is shut off in someway,
915 except for emergencies, because you and I well know, that where there is a will there is a way, and
916 where there is a way, somebody will. Second, we don't want any access off of Snowmass Road, no
917 access off of Terrace. We are concerned about access for construction where we come in, and one
918 that nobody has brought up at this point in time, but the, one of our major concerns is that right
919 out on Nuckols Road, automatically, if it is in that right acceleration lane, makes a right turn onto
920 Snowmass Road, and I don't know if there is anyway that you can channel that out into the lanes
921 at Nuckols Road, so they don't make an automatic right turn onto Snowmass Road.

922
923 I also agree that we would like a reduced density of housing, 56 condos, 2 per, 2 cars per condo
924 parking possibly, we are talking quite an increase in traffic.

925
926 Mr. Jernigan - OK. Any questions for Mr. Baker? Thank you. We have a minute and 13
927 seconds left, sir. Did you want to speak?

928
929 Mr. Tony Wilson - My name is Tony Wilson. I am also from the Innsbrook Group, and again
930 I am concerned. I just want to make it an absolute final request that it is clear to all of us here
931 tonight that it is in writing that there will be no access to Snowmass Road. I keep hearing people
932 talk about it, but we don't have the proffers, so we are not sure what it actually says, and we are
933 all speaking this, but when I walk out the door I want to make sure that we have agreed that it is
934 in writing that absolutely there is no access to Snowmass Road. I just want to be sure.

935
936 Mr. Jernigan - Right now it is Snowmass Terrace. But there is no road to Snowmass
937 Road now. And like I explained a minute ago, we can't just come in and put that road on. It is not
938 on the map. It would have to go through Public Works, and everybody.

939
940 Mr. Wilson - I guess it was the reference they said about it, the possibility that if it was
941 needed, we could do it, and we don't have those proffers in front of us here. So, I am just wanting
942 to make absolutely sure that the writing shows absolutely no access to Snowmass Road.

943
944 Mr. Jernigan - It does not say that, but it is not on the plans now, but I will tell you this.
945 After this conversation tonight, I don't think Mr. Attack is going to bring it up. Now, I can't say that
946 15 years down the road that Henrico County may say, "Hey, we need this." And this may come
947 from the County, but right now it is not proffered that that road will never join, but as of right now,
948 there are no plans for it. And like I said, I don't think anybody is going to be willing to bring it up.

949
950 Mr. Archer - Thank you.

951
952 Mr. Wilson - OK. Thank you, sir.

953

954 Mr. Marlles - Mr. Atack, you have four minutes for rebuttal.
955
956 Mr. Atack - Snowmass Road, Snowmass Terrace. Mrs. Stool, you are 100% correct.
957 The proffered conditions you have in your hand say that we will not access Snowmass Road nor
958 Snowmass Terrace. That was changed when we resubmitted it today. The proffer that you are
959 reading, Mrs. Stool, does say no access to Snowmass Road. The proffered condition you folks have
960 does not address that question. It only addresses, I will read it here, but we are going to get this
961 resolved before June 10, I promise you.
962
963 Mr. Jernigan - Let me ask you this. Why did it change on the two proffers?
964
965 Mr. Atack - It was a request by staff.
966
967 Mr. Taylor - Mr. Atack, can you put that back in the proffers.
968
969 Mr. Atack - Yes, sir.
970
971 Mr. Jernigan - Wait a minute, why did staff request it? Jean, why did staff request that
972 we take that off?
973
974 Ms. Moore - Basically, I guess, as you were saying, there are no entrance slated for
975 Snowmass now. It is not so much an issue or not, listening to the residents, but to include that
976 language on top of it, they are not providing an entrance, and then to say that there will never be
977 an entrance into Snowmass seems to limit opportunities that may actually come from the residents
978 later to provide that opportunity, if they want it, to provide access.
979
980 Mr. Glover - Mr. Chairman, can I ask, and I am not going to vote on this, but I'd like to
981 help clear this up, if you don't mind. If the applicant is agreeable to place that on the conditions
982 that there will be no ingress/egress to Snowmass Road, I think that would be a good idea, because
983 if you want to change it, he always has access to this Commission and the Board of Supervisors if
984 that need arises. But I think these people are asking for an absolute assurance, and I think we'd
985 be remiss if we didn't give it to them.
986
987 Mr. Jernigan - You had it on the proffer before. I know staff asked you to take it off.
988 Would you be willing to put it back on and in time, if things happen, then the County would have to
989 come to the Planning Commission and amend the proffer.
990
991 Mr. Glover - No, sir. The County wouldn't come to the Planning Commission. The
992 applicant would come to the Planning Commission, just as he is tonight. That way it assures these
993 people that there is no one in Henrico County that would change their mind and use a road. If he
994 puts it in a condition, it has to come back to a zoning case, and I would suggest that you do that,
995 because I have listened here for about 45 minutes, and we have batted it around and staff is right
996 in asking for it, quite frankly. They are looking for traffic circulation. So, you can't condemn staff.
997 They are doing their job. But, I think we do our job when we do what you want.
998
999 Mr. Atack - Yes, sir. That is what you asked me, Mr. Jernigan. We will change the
1000 proffered condition to restate, as Mrs. Stool, you have an exhibit that we provided you that there
1001 will be no access to Snowmass Road. This is, obviously, a very important issue, and we will have
1002 that changed prior to the Board of Supervisors' meeting. In fact, we will e-mail that out, and I
1003 would mention this. Those folks, Mr. Baker and you folks from the Cedars, I would like to suggest
1004 maybe after the meeting if you could give me the names and addresses and e-mails, we will put
1005 you on this same list and provide you this information that we have had with The Meadows
1006 residents. Again, for the record, one last time, Snowmass Road, we will proffer a condition that we

1007 will not access Snowmass Road or Snowmass Terrace unless it is required. Are there any further
1008 questions of me?
1009
1010 Mr. Vanarsdall - Since you have the authority to sign the proffer, can't you do that tonight
1011 while we are here?
1012
1013 Mr. Atack - I believe I can, Mr. Vanarsdall, and I will be happy to do so.
1014
1015 Mr. Vanarsdall - I would make that No. 18A then.
1016
1017 Mr. Glover - You are volunteering this proffer, I am sure?
1018
1019 Mr. Atack - Absolutely.
1020
1021 Mr. Jernigan - That is what I heard him say.
1022
1023 Mr. Glover - I wasn't trying to be funny. You see, proffered conditions aren't
1024 something that we as a County can impose. That has to be voluntary. And he volunteers it
1025 because there is a fear that he won't get anything.
1026
1027 Mr. Jernigan - Any more questions for Mr. Atack?
1028
1029 Mr. Taylor - There is one, Mr. Jernigan, while Mr. Atack is up here. If you would,
1030 address the density issue.
1031
1032 Mr. Atack - Yes, sir. I think that is a very fair question, and I think the density issue
1033 was one in which Mr. Baker even alluded to with regard to the, I believe that I recall, the
1034 consequences of density, and that is traffic. I think the concern is that the additional homes
1035 generating additional vehicular traffic trips per day is the concern for the density. Specifically, with
1036 regard to our density, we are proffering approximately 50% of what the Ordinance allows, but,
1037 more importantly, I think what should be taken into consideration is that these are condominiums
1038 that are flats on top of each other. Therefore, you can get a more efficient use of density. The
1039 actual site distance coverage of our entire property is approximately 35%, so it is a very low sight
1040 distance, site coverage ratio, excuse me, site coverage ratio with this type of product.
1041
1042 Mr. Jernigan - OK, thank you, sir.
1043
1044 Mr. Atack - Thank you.
1045
1046 Mr. Taylor - And in furtherance of that, I do want to point out that if you look at the
1047 elevations or the plan view that is up there, you can hardly say with those seven buildings, and that
1048 is probably not going to be the final arrangement, is not anywhere near something that one might
1049 call crowded, and I think that Mr. Atack has provided every opportunity to guard very diligently The
1050 Meadows from almost every view except the view of the magnificent trees that you have on the
1051 Cole property now. So, from The Meadows, you are going to see the building, if at all, because not
1052 only do you have the magnificent trees that are there, but he has proffered to put in additional
1053 landscaping along the entire boundary with a couple of lines of Leyland Cypress, so you are not
1054 going to be able to see under the trees and you are not going to be able to see through the trees,
1055 so, basically, he has really shielded visually the two developments.
1056
1057 Mr. Jernigan - I am sorry, sir. We are out of time. I'm sorry. I've got to stop it
1058 somewhere. Mr. Taylor, are you ready to entertain a motion?
1059

1060 Mr. Taylor - Yes, I am, after looking at this very hard and working with the neighbors
1061 and the neighborhood association, and I want to compliment, Deb Stool for a very diligent job of
1062 working with the neighbors and meeting after meeting after meeting, and I think you have
1063 collectively, the entire group, you have worked diligently to bring this development really into very
1064 sharp focus, and I think that is commendable. And I wanted to make that statement, but I really
1065 think that your efforts have resulted in a materially improved development, and looking at this
1066 development, and Mr. Atack and I discussed every facets that are really going to reassess
1067 themselves when we get to the POD, but at this particular stage, with what we have here, I am
1068 confident that it will result in a really attractive, very prominent facility, and one that will serve
1069 Henrico County well into the future.

1070
1071 Before I make my motion, we have to waive the time limits on the proffers and the modified site
1072 plan, so I will move for the waiver of the time limits on the proffers and site plan.

1073
1074 Mrs. Ware - Second.

1075
1076 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware to waive the
1077 time limits on the proffers. All in favor say aye. All opposed say no. The motion is passed.

1078
1079 The Planning Commission waived the time limits on the amended proffers for Case C-14C-03,
1080 Robert Atack for Atack Properties Inc.

1081
1082 Mr. Taylor - Now with regard to the basic motion, which is Case C-14C-03, I move that
1083 Case C-14C-03 be approved and sent on to the Board of Supervisors.

1084
1085 Mr. Archer - Second.

1086
1087 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Archer. All in favor
1088 say aye. All opposed say no. The ayes have it. The motion is passed.

1089
1090 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission
1091 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
1092 it would permit development of the land for residential use in an appropriate manner and it is
1093 reasonable in light of the multi-family and office zoning in the area. In addition, the project would
1094 not adversely affect the adjoining area if properly developed as proposed.

1095
1096 **Deferred from the April 10, 2003 Meeting:**
1097 **C-6C-03 Robert L. Stout for Gilbert E. Holt, Jr., Claudia T. Holt and Roberta**
1098 **J. Holt:** Request to conditionally rezone from A-1 Agricultural District to R-3C One Family
1099 Residence District (Conditional), part of Parcel 805-705-6565 (approx. 2.8 acres) and Parcel 805-
1100 705-5584 (approx. 0.767 acre), containing approximately 3.567 acres, located on the south line of
1101 Old Oakland Road approximately 600 feet west of Oakvale Street and adjoining the east line of the
1102 Old Oakland subdivision. A single-family residential subdivision is proposed. The applicant proffers
1103 no more than four (4) residential lots including the existing residence, will be developed on the
1104 property. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan
1105 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

1106
1107 Mr. Marlles - The staff report will be given by Ms. Moore.

1108
1109 Mr. Jernigan - Is there opposition to Zoning Case C-6C-03. We have opposition. Ms.
1110 Moore, hello again.

1111

1112 Ms. Moore - Hello. Good evening. The requested R-3C zoning would permit a
1113 maximum of four single-family residences on the 3.5-acre site. This would include the existing
1114 home located at the center of the site.

1115

1116 The 2010 Land Use Plan designates the subject site as Suburban Residential 1. The proposed
1117 single-family development and density of 1.12 units per acre are consistent with the 2010 Land Use
1118 designation.

1119

1120 Although the proposed project would be consistent with the recommended use and density for the
1121 area, staff has concerns regarding access and layout given the constraints of the site, including:

1122

- 1123 • The presence of a Resource Protection Area along the eastern portion of the site; and
- 1124 • The orientation of the existing residential structure to remain.

1125

1126 At the time the staff report was drafted, there were unresolved issues regarding home sizes,
1127 building materials, and screening to provide privacy between the existing and proposed homes. For
1128 instance, the proffers made no assurances that two-story buildings would be constructed nor did
1129 they provide quality features such as brick facades and garages. In addition, staff believes the
1130 resource protection area on the site should be rezoned to C-1, Conservation area.

1131

1132 The applicant has submitted revised proffers dated May 14, 2003, copies of which you just
1133 received. The time limit would have to be waived for the revised proffers in order to take any
1134 action on this project tonight. The revised proffers address most of staff concerns regarding
1135 building design and quality.

1136

1137 Specifically:

1138

- 1139 • Proffer 10 states (which is Old Proffer 11 in the Staff Report) the new homes proposed on
1140 lots 1–3 would be two-story with a minimum living area of 1,600 square feet of livable space
1141 and would have two-car garages.
- 1142
- 1143 • Proffers 11 and 13 elaborate further on the house design stating two of the three homes
1144 would have side-loading garages and 100% brick fronts.
- 1145
- 1146 • Proffer 14 states the homes would be constructed in substantial conformance with the three
1147 elevations noted as “Exhibit “B”, which is displayed on the screen.
- 1148
- 1149 • Proffer 15 states there would be a 6 ft. high maintenance free fence along the south lines of
1150 Lots 1-3 and the eastern property line of Lot 3 to provide privacy. This screen would be
1151 supplemented with vegetation as shown on Exhibit “A.” This would address staff’s previous
1152 concerns of utilizing Loblolly Pines as the primary source for screening.

1153

1154 Overall, the revised proffers would improve the quality of the development. However, staff believes
1155 the revised proffers do not address all of staff concerns. To enhance the quality and visual appeal
1156 of the homes, staff recommends the brick frontages wrap along the side elevations.

1157

1158 In addition, staff encourages C-1 zoning for the area encompassing the Resource Protection Area
1159 on this site. Due to these issues, staff does not support this application at this time.

1160

1161 This concludes my presentation. I would be happy to try to answer any questions you may have.

1162

1163 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission? All right.
1164 They didn't proffer to wrap the brick?

1165
1166 Ms. Moore - That is correct.
1167
1168 Mr. Jernigan - All right. We will address that when Mr. Stout comes up. Did you speak
1169 to Mr. Stout about the C-1, because it was on the initial?
1170
1171 Ms. Moore - Actually, I have spoken from day one about the conservation area. I think
1172 he can address that tonight. I believe he is prepared to do that.
1173
1174 Mr. Jernigan - Is everything else we discussed covered with the exception of the brick
1175 wrapping and the C-1?
1176
1177 Ms. Moore - Yes, sir.
1178
1179 Mr. Jernigan - OK, thank you. Mr. Stout.
1180
1181 Mr. Mike Roth - Mr. Chairman, members of the Commission, my name is Mike Roth and I
1182 am with the law firm of Spotts, Fain, Chappell and Anderson. I am here with Mr. Stout. I would
1183 just like to say this is my first opportunity to appear before the Commission.
1184
1185 Mr. Jernigan - First of all, you have ten minutes. Would you like to reserve rebuttal time?
1186
1187 Mr. Roth - I would reserve three minutes.
1188
1189 Mr. Jernigan - OK. Thank you, sir.
1190
1191 Mr. Roth - It is a pleasure to be here. I am going to make a few comments and then
1192 I will defer to Mr. Stout. There has been some concern by the adjacent property owners regarding
1193 an adjacent development. The applicant has met with the adjacent property owners and with the
1194 staff, and as Ms. Moore has pointed out, has addressed the proffers accordingly, so that there is no
1195 question about the type of homes that are going to be going in this development. They have been
1196 very specific about their homes being two stories, where the garages are going to be placed, and
1197 the fact that two of the homes will have brick fronts, and just yesterday proffered specific
1198 elevations and footprints for these homes. In that regard, we believe that the applicant has
1199 satisfied staff's concerns and I am going to defer to Mr. Stout to address the C-1 and Resource
1200 Protection Area issue.
1201
1202 Mr. Jernigan - Thank you.
1203
1204 Mr. Stout - Good evening, ladies and gentlemen. The reason he came with me is
1205 because I didn't think I was going to make it.
1206
1207 Mr. Jernigan - State your name for the record.
1208
1209 Mr. Stout - Robert Stout with Resource International. We prepared the plans and
1210 made the application for Mr. and Mrs. Holt. I didn't think I was going to be here this evening.
1211 That is why I walked in at the last moment. We have done extensive upgrading and/or
1212 modification per the request of the community and staff, and in discussions with you. To begin
1213 with, No. 1, the Conservation Area, we did not object to that, but it required us to resubmit the
1214 application for rezoning, so we are willing to allow that to be rezoned to C-2. We didn't apply for it
1215 with our initial rezoning. If we have to put it in a proffer, we have no objection to it being C-2, so
1216 that is why it wasn't made, but we have no objection to it, because it is a conservation area. One
1217 comment that I may have misunderstood, Jean, but the buffering goes along the rears from Lot 1

1218 through Lot 3, and not just Lot 1 and Lot 3. And that it also turns down Lot 3 to the corner of the
1219 house located or being proposed on Lot 3. So, we come around the corner down towards the
1220 driveway going towards Old Oakland Road. The last item was the bricks on the side.

1221

1222 Mr. Jernigan - I just wanted them to wrap around.

1223

1224 Mr. Stout - The wrap around on the sides, I couldn't get a confirmation from Mr. Holt
1225 on wrapping it around the sides. If it becomes an issue, I can get that resolved between now and
1226 the Board hearing. But right now, he has the brick fronts, which are substantially greater
1227 improvements than the abutting property located to the west, Old Oakland, and we will meet the
1228 integrity of the neighborhood and we are proffering the exact houses we are building, as opposed
1229 to just alluding to what we are building, and that is a substantial benefit to the community, because
1230 they know exactly what houses are going to be put on the property. With regard to the houses
1231 fronting on Old Oakland Road, there are houses directly to the west of this that also have access
1232 and front on Old Oakland Road, in the Old Oakland Subdivision. So, this would not be any different
1233 than the existing houses along the road. The road is not considered a collector road. It is a local,
1234 so, therefore, it meets the criteria for design and access. So, it is not an issue. And we will be glad
1235 to answer any questions.

1236

1237 Mrs. Ware - You said you didn't have confirmation from your client on the wrap around
1238 brick?

1239

1240 Mr. Stout - Yes, ma'am.

1241

1242 Mrs. Ware - Did you speak to your client about the wrap around brick?

1243

1244 Mr. Stout - Yes, ma'am.

1245

1246 Mrs. Ware - OK.

1247

1248 Mr. Jernigan - OK, are there any other questions for Mr. Stout from the Commission?
1249 OK, thank you, Mr. Stout. We have opposition. Jeremy, would you come up, please. Would you
1250 state your name for the record, please.

1251

1252 Mr. Jeremy Rowan - I live at 1540 Old Oakland Road. I own the several acres directly across
1253 the road from this proposed development. I want to say good evening, Mr. Chairman, and to the
1254 Board (sic) and Planners. You may know me. I was recently appointed to the Keep Henrico
1255 Beautiful Board this year, a member of the Varina Beautification Committee, and I am the member
1256 of several other civic groups in Varina, so I feel like I do have a stake in what we are proposing
1257 tonight, not just for myself as a homeowner, but I am also here on behalf of the Oakland Road
1258 Association, of other homeowners that live adjacent to these properties here, and I think I speak
1259 for them. I talked with them before hand and they know what I am going to say tonight, and I just
1260 have a little, well, actually, quite a bit I wrote down. I don't know how much time I am going to
1261 have, but...

1262

1263 Mr. Jernigan - You have ten minutes.

1264

1265 Mr. Rowan - OK. Should I try to reserve time to...

1266

1267 Mr. Jernigan - There is no rebuttal time for the opposition.

1268

1269 Mr. Rowan - I feel that these offered proffers that have been submitted to you are
1270 really just a distraction, a window dressing of what I feel is a bad proposal, and so do my

1271 neighbors. No matter how these homes are proposed or constructed or whatever configuration, it
1272 can't change the fact that Mr. Holt and Mr. Stout representing him want to build these homes on
1273 the front lawn of an existing home, and I wish that we had a visual that showed the existing home.
1274 Is that available? And the elevations from Old Oakland Road when you are looking upward? If this
1275 is passed, I feel like it sets an incredibly bad precedence. This would be telling developers in
1276 Henrico that it would be permissible to build on any parcel, even if it has already been developed.
1277 This isn't just an infill development. I feel like this existing home was sited and built over 50 years
1278 ago, when higher standards apparently applied than what today's standards are being applied for.
1279 The importance of this Commission here tonight, I feel like it is designed to protect certain
1280 minimum standards of building and planning, which are in place to protect people, tax payers and
1281 50 homeowners, etc. from exactly this sort of unsightly and detracting development. There are
1282 ethical and moral standards of good planning, which I feel should supersede this type of proposal.
1283 I do feel, also, that the public should be allowed some kind of assurance that when they buy
1284 property adjacent to an existing developed home, that this existing property standard will be
1285 maintained. Otherwise, this type of sneaky infill development will only hurt the property values
1286 existing adjacent properties, which are based on the current standards of what exists, allowing us, I
1287 also feel, will create an atmosphere of mistrust in the place of people like myself, in the community,
1288 and upon what appointed officials that are in charge of overseeing planning, although I do feel a
1289 good faith effort has been made with the County in terms of representing concerns that we've had.
1290 And I do appreciate the effort that has been put forth on that. But, my previous experience in
1291 dealing with Mr. Stout, personally, at Resource International, hired to represent the developer, Mr.
1292 Holt, have proven to me that I can't necessarily trust the words of what he is saying, because I
1293 have previous experience here. I have nothing personal against Mr. Stout, but I feel like promises
1294 of quality development were made previously with the Old Oakland Road Subdivision, which you
1295 can see on the left here, because he represented Mr. Reinfeld in that. Mr. Stout previously
1296 promoted a visual plan concept of this adjacent Old Oakland Road Subdivision, a plan that was
1297 proposed two-story Colonial style family homes, and this is not at all what was actually built. What
1298 was actually built were about 1,200 sq. ft. one-story ranch style homes, which a lot of people in my
1299 area have referred to as shoe boxes, because they are exactly the bare minimum that you could
1300 possibly get away with building by current standards in Henrico. The only exception being a brick
1301 foundation, that was proffered. I made the mistake of not following through or knowing, I learned
1302 in that process that it is the style of home and the square footage, and a two-story and all of that
1303 was not proffered. It didn't have to happen. And that is exactly what didn't happen, even though
1304 there was a conceptual plan shown, and it wasn't followed through. And I feel like that was in bad
1305 faith. Regardless of Mr. Stout's excuses on this, this is a fact, and this plan was put forth in public,
1306 in this very room, just over a year ago, and that is not what was built. So, I feel like I have
1307 problems trusting what might happen now. I have everything in writing what we talked about
1308 when we talked about size of brick and elevations, and I don't have the square footage of the
1309 second home. That has not been proffered, and it hasn't been proffered in writing exactly what
1310 type of screening material would be used or fencing, and the diameter of the trees or landscaping.
1311 I also feel like Mr. Stout made a previous promise to me personally that he would have absolutely
1312 no interest in representing Mr. Holt and his Dakota Group, because he knew of the bad experiences
1313 that myself and other civic groups have previously had, but to go with Dakota or Mr. Holt in
1314 negotiating the apartments which are now being built next to Varina Station. But the moment Mr.
1315 Stout was paid for his work on Old Oakland Subdivision, he went to work for Mr. Holt and Dakota
1316 anyway, and I feel like that breaks a promise that was made to myself and the members of the
1317 Varina Station committee. So, again, it forces me in a position where I have to be trusting in faith
1318 or something when I have previous experience that that didn't happen. And my conclusion is that
1319 the reason Mr. Holt bought this land was really, his own personal comments to me, was that this
1320 was in order to build a through road as a second point of access for those apartments, 800
1321 apartments, which I think most of you all are aware of that was talked about last year. These were
1322 neither wanted or needed in Varina, but we got them anyway. Mr. Holt got what he wanted. He
1323 got his apartments, as well as the townhomes, even more single-family homes, and I ask the

1324 County when is enough development enough. I mean we have had five family farms in the past
1325 three years that have been paved over with single-family houses, in a five-mile radius of where I
1326 live, and it just isn't going to end until every square inch apparently is developed.

1327

1328 I really feel like what we are talking about here tonight, building this home on the existing land is
1329 not about me. It is more about greed. And I appeal to the judgment of the Board of Planners (sic)
1330 here tonight that we need your help here to uphold some kind of minimum standards. My
1331 opposition isn't to the style of home, or being two-stories, or having brick foundation or brick front,
1332 it is the placement of the homes and where they are going to be situated, and the elevation of an
1333 existing home behind it, which we are ignoring here, a home that most people would consider a
1334 beautiful home, on a parkland setting, and I think it is a shame that, you know, we are talking
1335 about this development here tonight. But, I rather that home be knocked down altogether than
1336 have homes, new ones built on the site, where they would be situated properly, and not put in
1337 haphazardly after the fact wherever they might sit. So, I heard someone say earlier tonight on the
1338 Board (sic) about old beautiful trees deserving respect. Well, I also feel like this, the entire
1339 property is old and beautiful, and it also deserves respect, and my own property, we moved in 2-
1340 1/2 years ago, and I spent over \$60,000 restoring my home making improvements. I feel like I
1341 would be a fool to add a second story that I planned on, knowing the type of development that I
1342 have across the road, it is going to detract from my own property value, so I'd be making a bad
1343 investment there. But that is the place that I have been forced into.

1344

1345 I know I don't have much time left, but I also wanted to talk about what we have lived through for
1346 the past 2-1/2 years on Old Oakland Road. The development that is going on here, I'd like to talk
1347 about some of the things that we've been through, and we awaken 7 days at about 6:30 or 7:00
1348 a.m. by the sounds of bulldozers and backhoes, trucks and heavy equipment, everyday. As the day
1349 goes on, we listen to construction workers screaming, cussing at one another, while they are
1350 building these homes, at the top of their lungs. The sound of hammers and saws continues all day
1351 long until after dark, some nights until 11:00 p.m. when I've had to call the Police about it. Our
1352 road in the front of our home, on Old Oakland, was dug up on at least 10 occasions for water and
1353 sewer work to be done for water connections. The road has been blocked off this week for 8 hours
1354 a day for the past week, so we have no garbage collection or mail service, and this continued until
1355 they finish this work, and like I mentioned, our own water has been cut off on three different
1356 occasions, once for over five hours, and our electric, phone and cable service have also been cut
1357 through the line on Old Oakland Road, which interrupted our service on several occasions, just
1358 from sloppy excavation work. And they have a brain game with one another whether it is the Miss
1359 Utility or themselves at fault, but the end result is what I have to live with. I know they have a
1360 right to develop property they own or deal with it however they see fit, but I feel like myself as a
1361 homeowner, I should have some assurance that I can maintain some quality of life, and not be
1362 under constant surrounding of development. It is not going to end. Even when Old Oakland Road
1363 is finished, we are talking about three more. So I am going to continue to deal with this for
1364 another year or so. So, that is another thing. It is not just the homes themselves, but what we
1365 have to live with as a consequence of that development. It is not just the dotted line or written on
1366 a paper, it is something that is very real to us. When Mr. Stout is finished with this, and Mr. Holt
1367 has made his money on that, we live with the consequences of it, so I am here tonight to appeal to
1368 you to give us that kind of consideration. Thank you for your time.

1369

1370 Mr. Jernigan - All right, before you leave. Let me ask you something. First of all, with all
1371 due respect to Mr. Stout, and I have explained this to you before, that he worked for Ragsdale and
1372 that commitment was made to me, and he was following orders. What he was told was the same
1373 thing I was told, and he is as upset about the situation that happened next door as I am. That is
1374 the reason that I've got everything right here proffered out now, so we know. You may get me
1375 one time, but you don't get me twice. It is nailed right down here what we are going to have. It is
1376 going to be two-story, all three, they are going to be a minimum of 1,600 sq. ft. living space, and

1377 No. 1 and 3 homes are going to be 100% brick on the front. It may not be wrapped around yet,
1378 and it may not. That is just something that is a little extra that I like. But if I don't get it I am not
1379 going to go crazy. We are going to have brick on those. Now, in a way, and I know this is going
1380 to sound crazy, but I am trying to protect you on this, too, because these homes will be nice
1381 homes. They have proffered the elevations and this is going to be directly across from your house.
1382 There is also the possibility if this does not get approved, and we don't know that it will. It could
1383 get approved here and get shot down upstairs. They can come in and build one house, anything
1384 that they want, right directly in front of your house, and we have no say on it. All they have to do,
1385 it is a one acre lot. They can come in there and put 900 sq. ft. with nothing, and in the position
1386 that we are in right now, I would rather see you have three nice homes across the street from you.
1387 Now, I have told you before from the beginning, I am not excited about this plan. And I am not
1388 excited about it tonight. We've got a nice house in the back, and I would have rather left it that
1389 way, but the developer doesn't want to do that. And by law, he has a right to develop his property.
1390 My job is to get it to the best that I can, and that is what I want to do. Now, whatever I decide
1391 tonight, Mr. Donati may feel differently when it comes up to him, but I am trying, as I told you
1392 before, I am trying to get everything in here to protect you, and is there anything in here that we
1393 have talked about that you don't see in the proffers?
1394

1395 Mr. Rowan - No. 1, I think Ms. Moore mentioned that the No. 2 home doesn't list any
1396 minimum square footage. It says Lots 1 and 3 will have a minimum of 1,600 sq. ft.
1397

1398 Mr. Jernigan - No, it says it says Lots 1 through 3.
1399

1400 Mr. Rowan - OK. You know, like I said, I would rather see one, two, three.
1401

1402 Mr. Jernigan - Well, that locks in all three.
1403

1404 Mr. Rowan - I don't want to be under any misunderstanding, and it says Lots 1 and 3
1405 will have 100% brick fronts. That doesn't mention what kind of treatment Lot 2 house would have,
1406 and it mentions nothing about curbs or sidewalks or drainage issues there, because there is
1407 significant topography that slopes downwards into Almond Creek, and we already have flooding
1408 problems there, and when you are adding driveways and other things to the mix, it is just going to
1409 make it worse.
1410

1411 I am also very concerned about the area that is labeled Conservation and RPA that already exists
1412 there. I know, for a fact, on my property across from it, is a spring which percolates from the
1413 ground which people drink from shallow wells on Old Oakland Road. They drink everything that
1414 flows through that area, and during construction phases, right now there is a BMP pond, which
1415 collects from Old Oakland Road. What is going to happen with all of the construction on the road
1416 side for these three homes? There is not even enough room to put a BMP between those homes
1417 and Almond Creek. That would be within the zone that you couldn't build on. I don't know how
1418 that runoff is going to be contained.
1419

1420 Mr. Jernigan - It is not BMP after the ones that are in the front, that retention pond is
1421 gone. They will fill that, and that is where those other three homes will go from Old Oakland.
1422

1423 Mr. Rowan - But you don't understand what I am talking about. I'm talking about the
1424 property that is here, we're adjacent. The three homes and none of them being right beside
1425 Almond Creek. What is to stop that overflow going directly into Almond Creek and contaminating
1426 it?
1427

1428 Mr. Jernigan - Well, we have to get that from Public Works.
1429

1430 Mr. Rowan - Those are issues that I am very concerned about in terms of the water
1431 quality there, and if you can understand, and the only thing I wonder about is the, like I said, they
1432 talked about Pines, but I don't see anything written down here – specific type of vegetation and
1433 screen barrier they are going to build nor the type of fencing, and like I said, I can't take for
1434 granted anything. It has to be in writing. You can understand my misgivings.
1435
1436 Mr. Jernigan - Well, there are things I am asking you now, because I have tried to nail
1437 everything down here that I can. Now, it says on here that there will be a 6-foot high fence that
1438 will be provided along the southern boundary of Lots 1 through 3 and along the eastern property
1439 line of 3 to the rear corner of the proposed house. Now that is 6-foot fencing.
1440
1441 Mr. Rowan - Can you tell me what number that is on these proffers?
1442
1443 Mr. Jernigan - No. 15 on the new proffers.
1444
1445 Mr. Rowan - I only got this this morning myself. I haven't even had time to read it
1446 thoroughly. I had to go to work all day and then came here soon as I left work, so I don't even
1447 feel like I've been given a reasonable amount of time to look at this and really understand what it is
1448 that they are proposing.
1449
1450 Mrs. Ware - You wanted a fence. Correct? That was one of your concerns.
1451
1452 Mr. Rowan - No. Honestly, I don't know if a fence and this vegetation barrier make
1453 much of a hill of beans difference. I don't think it is still going to block the existing home that is
1454 there. I feel like we are ignoring that, acting like it does not exist. And I feel the principal thing I
1455 am against is building these homes on the front lawn of an existing home. If there is a way to
1456 situate behind it or beside it, I might be more attuned to go with that, but I cannot support
1457 something that is going to go in front. Like I said, I still feel like we are talking about semantics
1458 here, window dressing on it and essentially a bad plan.
1459
1460 Mrs. Ware - But didn't Mr. Jernigan say that they can build a house in front of the
1461 existing house.
1462
1463 Mr. Rowan - That is true, but not three homes. Right?
1464
1465 Mr. Jernigan - They can build one or three.
1466
1467 Mrs. Ware - They can build one – right smack in the middle of it.
1468
1469 Mr. Rowan - I mean, if they want to do that. The other thing I am concerned about is
1470 what happens to the existing home? There is no way that you are going to be able to sell that
1471 house with three houses on the front lawn. That house is going to be overlooking the back lawns
1472 of those homes that are constructed.
1473
1474 Mr. Jernigan - Well, they will have the tree buffering the fence, but that is Mr. Holt's
1475 problem. He is going to have to sell the house, and another thing, when you were talking about
1476 knocking it down. I did talk with staff today, and if there is anyway that we could eliminate that
1477 one house and put a cul-de-sac and put two and two, it wouldn't work. They just said that it
1478 wouldn't work.
1479
1480 Mr. Rowan - One suggestion that we made during that meeting was that significant
1481 improvements could be made to the existing home. It could be built with a second story. It could
1482 be vastly improved and made more attractive for a buyer with the land that is in tact. The reason it

1483 hasn't sold in the past two years is because of all what is going on on Old Oakland Road. It really
1484 hasn't had a fair shot in the market to sell as an entire property in tact.

1485

1486 Mr. Jernigan - Well, Jeremy, while I've got you here I will tell you. Like I said, I have
1487 hammered them down to as much quality as I can get on this. I mean I don't think we can get
1488 anything else in quality. It is 1600 sq. ft., two-story, brick on front on two of them. I am also, in
1489 talking with the people, in Old Oakland, the other three homes that are going to be there, I have
1490 expressed to them our conversation that we need some brick on that. Another thing, I found out
1491 today, because I was down there, the road work. It is County. That is not the developer. They
1492 had to put in a sewer line or something through there.

1493

1494 Mr. Rowan - I am not opposed to the work the County did, it was everything that we
1495 went through with Mr. Rice, who has been incredibly uncooperative and unhelpful in trying to meet
1496 us halfway. He knows for a fact that his people have, when they cut into the main water line, they
1497 let it pour out leaking for a day. We lost all of our water pressure. When we finally got it back, I
1498 had mud in my pipes for about a week. And let me tell you, you don't feel very good when you
1499 turn on the tap and brown dirt comes out. We've had a lot of problems with Mr. Ragsdale, who Mr.
1500 Stout represented, and I understand, after that is all said and done, Mr. Ragsdale can do whatever
1501 he wants, but my feeling was that Mr. Stout is a professional. He knows that these things could
1502 have been proffered to begin with and settled, but they weren't. And that is my main issue there.
1503 That is why we are here now, getting everything nailed down.

1504

1505 Mr. Jernigan - They are nailed down now, and that is what I told you I was going to do.
1506 We will have it in black and white and we've got it. Is there anything else that you want on here
1507 that you know?

1508

1509 Mr. Rowan - I don't see anything about what type of driveway they are going to have.
1510 Is it going to be concrete or asphalt or just gravel, because that is just going to add more stuff on
1511 Old Oakland Road.

1512

1513 Mr. Jernigan - Hard surface?

1514

1515 Mr. Rowan - Hard surface.

1516

1517 Mr. Jernigan - Is that in here, Jean? OK. We are going to need to add that in there.

1518

1519 Mr. Rowan - Because that is important to me, and I would like to see some kind of
1520 improvement of drainage there, that has some kind of actual curbing to channel water, rather than
1521 just letting it run through the lawn or a very big ditch.

1522

1523 Mr. Jernigan - That has got to come through Public Works. They can't dictate that,
1524 because Public Works has to make that call. OK.

1525

1526 Mr. Rowan - All right. Thank you.

1527

1528 Mr. Taylor - I had one other point that Mr. Jernigan made. Between those two houses,
1529 first there is a fairly good distance. Second of all, there is very substantial buffer on one side and
1530 there is nothing that would preclude the people in Lots 1, 2 or 3, from adding additional buffers if
1531 they don't like the view. Most of us who are relatively settled areas have other lot lines that are,
1532 houses that are closer to us in the rear or in the front than what we have right here.

1533

1534 Mr. Rowan - Sir, I would say if you lived in a community that had rural homes, and it is
1535 one thing to see a subdivision get approved on a field that isn't being farmed. It is another thing

1536 when houses are going to be built on the front lawn of your neighbor's home. I don't think
1537 anybody would be too happy to see that happen, and ruin the aesthetic value of the existing
1538 property that is there. I don't think anybody can say that that is an improvement on what is
1539 already there.
1540
1541 Mr. Jernigan - Jeremy, let me ask you one thing. You said you have construction out
1542 there seven days a week?
1543
1544 Mr. Rowan - Yes, sir. Saturdays and Sundays. And during the winter they were out
1545 there with their truck lights going when it is dark, and I had to call the police at 11:00 to get them
1546 to stop working, and I would like to see something proffered in here that says they are not going to
1547 work past 6:00 p.m. and they are not going to work before 7:00 a.m. Because, otherwise, there is
1548 nothing in Code that says when they can or cannot work.
1549
1550 Mr. Jernigan - Seven to 7:00 p.m. is the normal, 6 days, no Sunday. Robert, 7:00 a.m.
1551 to 7:00 p.m. Monday through Saturday, no Sundays. Could you all proffer that? Would you be
1552 willing to proffer that?
1553
1554 Mr. Stout - Probably. I can't guarantee you that the gas and electric company or
1555 somebody is not going to come out there.
1556
1557 Mr. Jernigan - No. We are speaking of your construction people. The power people
1558 aren't going to be out there on Sunday. I am speaking of your construction people, of Gill's
1559 construction people. All right, that is going to be an issue, and I am going to pass that along, so if
1560 you would so like, please put that in the proffers. If you would like to do that.
1561
1562 Mr. Rowan - Most people would think that was common decency, but apparently it
1563 doesn't hold true anymore.
1564
1565 Mr. Jernigan - No, it should have been on there before. You are right. OK. Thank you,
1566 Jeremy. Yes sir, you have rebuttal time.
1567
1568 Mr. Stout - I would like to start off with the plan that is right in front of you right now,
1569 and if notice, there is a rectangle in the front of the house. That is a legal lot in front of that house
1570 that could be built on right now, just as the plan.
1571
1572 Mr. Jernigan - Oh, I know.
1573
1574 Mr. Taylor - Could you bring me back to the site plan?
1575
1576 Mr. Stout - While she is addressing that, I am not going to really get into my morals
1577 and ethics, because I don't feel as though they are being well represented by an individual, and...
1578
1579 Mr. Jernigan - I am sorry, start over again.
1580
1581 Mr. Stout - I am just talking about the fact that my morals and ethics as to the Board.
1582 If I were half the things that Jeremy said I was I wouldn't be able to stand in front of you guys
1583 everytime I come in here. OK.
1584
1585 Mr. Jernigan - I know.
1586
1587 Mr. Stout - Now if you look at the plan that is in front of you, I need the site plan.
1588 The proffers indicate that the buffering would be in accordance with Exhibit A. Exhibit A is the site

1589 plan. I know it is hard to read, but if you look in the right-hand side, there is a chart there and it
1590 identifies all of the trees, the calipers, the height, and everything, if Mr. Jeremy would review that,
1591 that would resolve his issues on what kind of trees, how many trees are being planted, and also I
1592 have proffered, and as you see on the site plan there, there are street trees in addition to the
1593 screening and buffering, which was not a requirement. Also, down in the left-hand corner there is
1594 an elevation that is based off existing topography. It is based off of the existing house elevation,
1595 and it shows the two-story building being proposed in the front, and the site view that you would
1596 have from a second-story window, so that shows you the view that the people in the front would
1597 have. This has currently a circular driveway that goes around behind the house, and on Lot 1,
1598 what we are doing is we are taking advantage of that existing driveway and I don't know that we
1599 really made an emphasis of it, but that Lots 1 and 3 would be side loaded garages rather than front
1600 loaded, but we are going to use the existing driveway. That way we don't add an additional
1601 driveway and curb cut and have to rip that all out, and that saves on grading and sediment control.

1602

1603 No. 2 is the fact that the existing house, as it exists right now, there is no activities in the front yard
1604 and in most houses your activities occur in the rear yard, and that is why the emphasis was the
1605 buffering behind those houses, and to assist that when they are in the backyard that there is no
1606 bad use for the persons, so that would address that issue with regard to that.

1607

1608 With regard to grading, sediment control, road widening, water runoff, etc., they are all design
1609 issues and I address that part of subdivision and site development plans and building permits and
1610 are not usually addressed here, unless they are a part of the rezoning case. We would, indeed,
1611 meet all of those requirements. I would tell you that before the Board of Supervisors that there
1612 would be a proffer indicating hard surface driveways. It was intended. It was just overlooked in
1613 the aspect of putting it in the proffer. I know that we could also add into the proffer that the
1614 working hours would be 7 to 7, and no more than Monday through Saturday. That would not be
1615 our intent. And that I would address the fact that, and I have a copy of the site plan, that
1616 indicated from the last Old Oakland, that we did designate the types of houses, and they were put
1617 in there, and they were not proffered. The fact that Mr. Holt is proffering it shows the exact
1618 houses that are going to be built, the design, and it also indicates in here that they would be
1619 substantially built in that fashion, otherwise, we'd have to come back to you and ask you for a
1620 revised plan. So, we do have that kind of assurance, that it would be done.

1621

1622 There was one other point and I lost it. But, I think with that we are meeting every intent of the
1623 law and trying to meet all of the concerns of the neighborhood, the property does meet the Comp
1624 Plan, it does meet the zoning requirements, it does meet the area requirements, and with that we
1625 would ask for you all to consider what we are proposing and give it approval.

1626

1627 Thank you very much.

1628

1629 Mr. Jernigan - Robert, would you make sure that Mr. Rowan gets a copy of what you've
1630 got up on the screen there. I had showed you the side elevations before, but I am speaking of the
1631 screening material.

1632

1633 Mr. Stout - As you well know, we were working on these proffers until late last
1634 evening, and I submitted them to Jean at 4:30. I faxed a copy to Mr. Rowan first thing this
1635 morning when we got into work, so it wasn't like I was holding back on him.

1636

1637 Mr. Jernigan - Oh, I know that. I told him that you worked late on them. Just make sure
1638 he gets a copy of that and I appreciate that. Thank you. OK. The first thing, we need to waive
1639 the time limits on the proffers. So I will make a motion that we waive the time limits on the
1640 proffers on Case C-6C-03.

1641

1642 Mrs. Ware - Second.
1643
1644 Mr. Jernigan - We have a motion by Mr. Jernigan and seconded by Mrs. Ware. All in
1645 favor say aye. All opposed say no. The motion passes.
1646
1647 The Planning Commission voted to waive the time limits on the proffers for Case C-6C-03, Robert L.
1648 Stout for Gilbert E. Holt, Jr., Claudia T. Holt and Roberta J. Holt.
1649
1650 Mr. Jernigan - I make a motion to approve Zoning Case C-6C-03, Robert L. Stout for
1651 Gilbert E. Holt, Jr., Claudia T. Holt and Roberta J. Holt.
1652
1653 Mr. Vanarsdall - Second.
1654
1655 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in
1656 favor say aye. All opposed say no. The motion passes.
1657
1658 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
1659 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant
1660 the request because it conforms to the Suburban Residential 1 recommendation of the Land Use Plan
1661 and would be a logical continuation of the one-family residential development, which exist in the
1662 area.
1663
1664 **Deferred from the April 10, 2003 Meeting:**
1665 **C-8C-03 Laraine Isaac for Godsey Properties, Inc.:** Request to conditionally rezone
1666 from A-1 Agricultural District to R-3C One Family Residence District (Conditional) Parcels 755-768-
1667 1347 and 755-768-2764, containing 6.0 acres, located on the west line of Springfield Road at Olde
1668 Milbrooke Way. A single-family residential subdivision is proposed. The R-3 District allows a
1669 minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 2,
1670 2.4 to 3.4 units net density per acre.
1671
1672 Mr. Marlles - The staff report will be given by Mr. Paul Gidley.
1673
1674 Mr. Jernigan - OK. Do we have any opposition to Zoning Case C-8C-03? No opposition.
1675 Mr. Gidley, you may proceed.
1676
1677 Mr. Gidley - Thank you Mr. Secretary, Mr. Chairman, members of the Planning
1678 Commission.
1679
1680 This case is C-8C-03, a proposal to rezone approximately 6 acres of land from A-1 to R-3C. The
1681 site is located on the western side of Springfield Road, across from Olde Milbrooke Way.
1682
1683 There are new proffers since the staff report went out, copies of which you should now have. You
1684 will need to waive the time limits on these.
1685
1686 Since the original proffers were submitted, the applicant has proffered a total of 13 lots maximum,
1687 which is well within the density recommended by the Comprehensive Plan.
1688
1689 Briefly, some of the other proffers of note include:
1690
1691 • Houses will have a minimum finished floor area of 2,000 square feet
1692 • Hard surface driveways
1693 • Brick front porches or piers.
1694 • Promise to conduct soil borings for potential coal mine activity

- 1695 • Provision of garages for all residences, including at least 30% of which will be side or rear
1696 loaded

1697
1698 I appreciate the applicant's efforts in working to improve these proffers over those originally
1699 submitted. Staff's concerns have been addressed and we can recommend approval of this case.

1700
1701 Are there any questions I can answer?

1702
1703 Mr. Jernigan - Are there any questions for Mr. Gidley from the Commission? Thank you,
1704 sir.

1705
1706 Mr. Gidley - Thank you, Mr. Chairman.

1707
1708 Mr. Jernigan - Mr. Vanarsdall.

1709
1710 Mr. Vanarsdall - Since we don't have any opposition, does anyone want to hear from the
1711 applicant?

1712
1713 Mr. Jernigan - OK. Are you ready for a motion?

1714
1715 Mr. Vanarsdall - I move that we waive the time limits on the proffers on C-8C-03.

1716
1717 Mr. Taylor - Second.

1718
1719 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
1720 favor say aye. All opposed say no. The motion passes.

1721
1722 The Planning Commission voted to waive the time limits on the proffers for Case C-8C-03, Laraine
1723 Isaac for Godsey Properties, Inc.

1724
1725 Mr. Vanarsdall - This case has been improved quite a bit since it was filed. We deferred it
1726 last month and month before last we deferred it, so that we could have a community meeting, and
1727 we did have a community meeting. We had four speakers from the community and they were
1728 satisfied with the square footage of the homes. The square footage of the finished floors of the
1729 home was one of the concerns, so the applicant very nicely upped it from 1200 sq. ft. to 2000 sq.
1730 ft. of finished floor, and he changed the building materials. One of the things in Proffer 12 is the
1731 garages will have side or rear loaded garages. They also will have a regular 6 inch curb and gutter,
1732 and of all the homes that are being built and have been approved down Springfield Road, this
1733 square footage runs with those, 2000 sq. ft. is minimum, and some of them are 2400, and so Mr.
1734 Gidley worked very hard to get all of the things he suggested and the applicant very gladly
1735 incorporated all of the suggestions he gave him into proffers.

1736
1737 There will be a maximum of 13 lots, which comes out to 2.16 per acre. With that, I recommend
1738 approval to the Board of Supervisors C-8C-03.

1739
1740 Mr. Taylor - Second.

1741
1742 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
1743 favor say aye. All opposed say no. The motion passes.

1744
1745 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission
1746 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
1747 it complies with the recommendation of the Land Use Plan, it represents the continuation of one-

1748 family residential development which exists in the area, and the proffered conditions will provide
1749 appropriate quality assurances not otherwise available.

1750

1751 **AT THIS TIME THE COMMISSION TOOK A 15-MINUTE BREAK.**

1752

1753 **THE COMMISSION RECONVENED.**

1754

1755 **Deferred from the April 10, 2003 Meeting:**

1756 **C-71C-02 Robert Atack/F. Robert Loftis for Cedar Fork, LLC:** Request to
1757 conditionally rezone from A-1 Agricultural District and R-2A One Family Residence District to R-3C
1758 One Family Residence District (Conditional) 51.04 acres, Parcels 813-729-0099, 813-729-1810, 813-
1759 728-1795, 812-729-4468 and 812-729-5529, located on the west line of Cedar Fork Road at
1760 Tiffanywoods Lane. Up to 100 single-family residences are proposed. The R-3 District allows a
1761 minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 1,
1762 1.0 to 2.4 units net density per acre, and Suburban Residential 2, 2.4 to 3.4 units net density per
1763 acre. The site is also in the Airport Safety Overlay District.

1764

1765 Mr. Marlles - The staff report will be given by Ms. Jean Moore.

1766

1767 Mr. Jernigan - In the audience is there any opposition to Zoning Case C-71C-02? We
1768 have opposition. OK. Ms. Moore, you may proceed.

1769

1770 Ms. Moore - Good evening commissioners and Mr. Chairman. This item is a request to
1771 rezone the subject property to R-3C to allow the construction of up to 100 single-family dwellings.

1772

1773 If I can get help a little bit on the lectern to pull up this document (referring to rendering).

1774

1775 There are two Land Use designations on this site. The northern portion, which consists of
1776 approximately 17 acres, is designated SR1 in the 2010 Land Use Plan. The southern portion,
1777 consisting of 34 acres is designated as SR2. The density for this development would be two
1778 dwelling units per acre, which is consistent with density recommendations for SR1 and below the
1779 density range of 2.4 to 3.4 units per acre as recommended for SR2.

1780

1781 Staff believes the proposed single-family development is an appropriate use and density for the
1782 subject property. The applicant has also proffered many positive features, including:

1783

- 1784 • A site design that incorporates curved streets and attractive landscaped medians;
- 1785 • Brick or stone faced crawl foundations and brick entry steps for all homes.
- 1786 • Covered front porches for at least 30% of the homes;
- 1787 • Windows on all side elevations;
- 1788 • Two and one car garages for at least 75% of the homes;
- 1789 • Boulevard style entrances;
- 1790 • Tree lined residential streets; and
- 1791 • And proffered elevations for six home designs.

1792

1793 Staff had concerns noted in the staff report pertaining to the low number of side and/or rear loaded
1794 garages, the implementation of the 10 ft. buffer along Cedar Fork Road, and the implementation of
1795 lot sizes. The applicant submitted revised proffers dated May 13, 2003 to address these issues.
1796 These proffers did come in within a 48-hour period, therefore, the time limit would not have to be
1797 waived.

1798

- 1799 • Proffer 5 has been revised to clarify the percentage calculation and to increase the number
1800 of side/rear loading garages from 19 to 38. Staff believes this increase would improve the
1801 visual appearance along the residential streets and enhance the quality of the development.
1802
- 1803 • Proffer 16 states the 10 ft. landscape strip along Cedar Fork Road would be supplemented
1804 with bayberry/wax myrtle planted 5 ft. on center to create a hedge. This will be in addition
1805 to a white maintenance free fence along the entrance.
1806

1807 The applicant has not included percentages for lot widths. The R-3 District requires a minimum of
1808 80 ft. wide lots. The applicant intends to provide lot sizes up to 90 ft. in width to accommodate the
1809 side loading garages; however, as proffered, the lots could each be 85 ft. in width to meet this
1810 average. If the applicant could ensure the implementation of 90 ft. wide lots for at least 30% of
1811 this development, staff could support this project.
1812

1813 This concludes my presentation, I would be happy to try to answer any questions you may have.
1814

1815 Mr. Jernigan - Thank you, Ms. Moore. Are there any questions for Ms. Moore from the
1816 Commission?
1817

1818 Mr. Archer - Ms. Moore, there was something that was added to No. 5, wasn't it?
1819 What was that, 38?
1820

1821 Ms. Moore - Proffer No. 38?
1822

1823 Mr. Archer - No, I think you said that 38 garages would be...
1824

1825 Ms. Moore - Oh, I am sorry. Side loaded or rear loaded.
1826

1827 Mr. Archer - OK, I have got it. Is that a part of Proffer No. 5?
1828

1829 Ms. Moore - Yes, sir.
1830

1831 Mr. Archer - OK, thank you.
1832

1833 Mr. Jernigan - All right, Mr. Archer, would you like to hear from the applicant?
1834

1835 Mr. Archer - I believe we need to hear from the applicant. OK. We have opposition.
1836

1837 Mr. Theobald - Mr. Chairman, if I could reserve two minutes, please. Mr. Chairman and
1838 members of the Commission, my name is Jim Theobald and I am here this evening on behalf of
1839 Bob Atack and Rob Loftis. This is a request to rezone 51 acres from R-2A and A-1 to an R-3C
1840 category, with substantial proffered conditions. I think the most significant feature of this case is
1841 that perhaps its evolution in terms of how it has developed over time and the extent to which it
1842 exceeds area development, raising substantially the quality of new development in the area, while
1843 respecting the stable residential neighborhoods at its edges. At two dwellings per acre, this
1844 request, as Ms. Moore stated, is below the SR2 designation for a portion of the site, and is well
1845 within the SR1 designation that exists for the remainder. Accordingly, this request is consistent
1846 with the goals and objectives of the County's Land Use Plan.
1847

1848 By comparison, Mitcheltree Subdivision to our west is zoned R-2A and R-4, with an overall density
1849 of 2.89 units per acre, and Tiffany Meadows across the street is zoned R-4 and I believe R-3,
1850 perhaps, with an overall density of 2.99 units per acre vs. the two lots per acre that we have
1851 proffered. We have eliminated the R-5A zero lot line category that was part of this case previously,

1852 so the request is now all for an R-3 lot with significantly enhanced proffers. Those proffers do
1853 include a commitment to no more than 100 lots to be developed on the property. We have
1854 proffered that lot sizes would average 85 feet. As you know, the minimum lot size in an R-3 District
1855 is 80 feet. For your information, the average in Mitcheltree is 66 feet, so on an average basis we
1856 are at least 19 feet above our neighbors.

1857
1858 Square footage of homes has been proffered. Garages, we have increased, as suggested by Ms.
1859 Moore, and clarified that proffer. Architectural treatment has been proffered, 50% of the homes
1860 will have 50% brick on the fronts. We have proffered six different style of elevations that are made
1861 a part of this case that are in your package. We provided for paved driveways. We have
1862 eliminated any possibility of access to Mitcheltree Subdivision. All lots, there are not lots that
1863 directly access Cedar Fork Road, those lots being reverse frontage lots. We have proffered street
1864 trees, every 50 feet apart, so the plan that you saw before you does represent accurately the
1865 streetscape program, which is not often found in neighborhoods in any part of the County. The
1866 landscaping along Cedar Fork Road is designed to be aesthetically pleasing and includes a white
1867 vinyl fence. Our plan does show boulevard entrances, the impact of those street trees. Staff report
1868 suggests that the Transportation Department had no problem with the potential impact of traffic
1869 and that the area school can accommodate the expected number of school age children in this
1870 development.

1871
1872 I believe that all of the foregoing suggests that this raises the bar for quality development in this
1873 portion of the County. We are pleased to have worked to get to this point. It represents significant
1874 changes to these proffered conditions and I hope that with these changes that you will feel it
1875 appropriate to recommend approval of this case to the Board of Supervisors, and with that I would
1876 be more than happy to answer any questions.

1877
1878 Mr. Jernigan - Thank you, Mr. Theobald. Are there any questions from Mr. Theobald
1879 from the Commission?

1880
1881 Mr. Archer - Mr. Theobald, I have one question. Just an observation, I suppose. Ms.
1882 Moore, in her report did make mention of the fact, and you and I have discussed this before, about
1883 proffering a certain percentage of the lots being a certain size. We have not been able to reach that
1884 point at this point in time, and I suspect that somewhere along the line that is going to become a
1885 little bit deeper issue, and I think you need to just keep that in mind.

1886
1887 Mr. Theobald - I appreciate that comment. The difficulty of doing that at this point is
1888 obviously that in order to commit to x percent of lots being at least 90 feet in width, that you would
1889 have to literally do an engineered plan, meaning definitive topography, you'd have to totally
1890 delineate and have approved any wetlands on your site, and understand the impact of the
1891 Chesapeake Bay. All of that type of engineering is hard to pay for before you know if you are going
1892 to be successful with your rezoning, and so we all sort of guessed at this point, even to the extent
1893 of our density. And just to give you a sense of if you guess wrong, before you can do definitive
1894 engineering, if you have a lot price of about \$40,000 a lot, which is the lot price anticipated of
1895 these lots, and you guess wrong, and you end up with one at 89 feet and 6 inches, you have lost
1896 \$40,000, and you haven't saved anything on the cost of your roads or your sewer or the price of
1897 the land. What you have done is you have just watched \$40,000 evaporate, so what we try to do
1898 on these things is do the best that we can, and guaranteeing that you are going to get a quality
1899 development. I think that if you consider an 85 foot average lot width, which again is both above
1900 the minimum and substantially above the area, that you can be assured that it will be a quality
1901 development. If we are able to tighten it or improve it, Mr. Archer, as we move along, you know
1902 that we will try to do that, but I think we've moved a long way and certainly exceed the minimums
1903 in area development.

1904

1905 Mr. Jernigan - Any more questions for Mr. Theobald? Thank you, sir. All right. We have
1906 opposition. Would you like to come down and speak, sir? Good evening.

1907
1908 Mr. Carl Overton - Good evening. I am Carl Overton from Mitcheltree. We seem to have a
1909 problem with the development in eastern Fairfield, and I think a lot of it gets right back to
1910 presentation to the citizens by the developers that are representatives, and perhaps a couple of
1911 examples would help. There was a time when we were, we met with a potential developer or his
1912 representative, for a multi-story building adjacent to Mitcheltree. Fifty units, as I recall, and we
1913 asked whether it was rental or for sale with rental, and \$400 a month, which he referred to as
1914 "upscale." Upscale according to what? Compared with what? The lots that we are concerned with
1915 tonight have a drainage pond going through it. The County has issued pamphlets pertaining to
1916 mosquitoes and the Lyme disease, etc., asking us to empty our pet trays, and water, and make
1917 sure there is no standing water on properties, and so on, but the developers are permitted to build
1918 around these drainage ponds, and where there are no drainage ponds they are permitted to build
1919 them, lot size. Regular mosquito habitats.

1920
1921 The next problem which doesn't pertain to this one in particular is the high density and what
1922 appears to many as being directed towards the black population. As soon as the subdivision is
1923 started, as a matter of fact, before the bulldozers go in, the white neighbors in the general area are
1924 deciding to move out. I think there is poor PR on the part of the County, to change this picture.
1925 Like I said, the developers and their representatives are part of the problem, and, of course, the
1926 County must take its share of the blame, also. I found out, for example, that Henrico County is not
1927 a valid address, when it comes to getting insurance. I wanted to change my auto insurance and so
1928 I got up on the Net and Henrico. Uh huh. East End, West End, which seems to me a very poor –
1929 when an area loses its identity and this is because, unfortunately, we share a zip with one of the
1930 poorer areas of the City. That is unfortunate for many of us. They don't realize and don't want to
1931 know that we live in our subdivision and not in the City. At the redistricting meeting, one of them,
1932 which was at Nine Mile Road, the question came up about drainage at one of the subdivisions, and
1933 the County representative mentioned the fact that to correct it, now this was a subdivision that had
1934 been finished for a few years, and the County representative mentioned the fact that it would cost
1935 millions to correct. It would possibly have cost the developer thousands to do the job right, but
1936 what was done, of course, was at the OK of the County. Now, we feel that there is a lesser
1937 standard in Fairfield. These subdivisions are coming up and I can recall, not too many meetings
1938 ago, when we had a group who were pleading for preservation of space.

1939
1940 We have a different problem. We need some space and we need more diversity because we feel
1941 that what is going on, whether it is orchestrated or not, is what leads us to the sort of thing that
1942 happened in Election 2000 in Miami. It is a concern and we would like to have some kind of
1943 assurance that these, whatever it is, and I think in many cases, and I cannot prove, of course, is
1944 that the PR that goes with developing in the County is orchestrated so that while with the
1945 numbering system for real estate areas, of course, is part of it, because a certain district gets a
1946 number, and in time, as we found out, that, "Hey, OK, area so and so. We stay away." "Area so
1947 and so is too costly." But the point is there is a trend that makes it. This trend is leading to
1948 trouble. It has happened across the country, basically in your big metro areas, and I do not
1949 understand why. This is no longer the 1800s or the 1900s. This is the year 2000. We need a big
1950 change in thought, and more than thought, application. What is going on now is a good reason,
1951 is the reason why we do not have the type of development in the East End as you have in the West
1952 End. Anyone would think we don't need hospitals, or doctors, lawyers offices, the other services,
1953 not to mention retail. We are now finding out that the development across the County line is such
1954 now that more and more of us are not going across town to the West End to do the shopping, and
1955 definitely not going out to Virginia Center Commons any longer. There is no need to for many
1956 things. The County is doing itself harm because of the trend of development, which the people do
1957 not understand. All we do is invest in the County, and this is what happens in return, and it is no

1958 good. This is no good. The developers, this drainage pond, the developer or his representative,
1959 represented it as an attractive nuisance. Attractive? To whom? Little boys with fishing poles, yes.
1960 But not to homeowners. And here we are. We are stuck with this mosquito habitat. Let's say they
1961 are approved. The same thing is going to happen on the next or a couple of programs down the
1962 line. When it gets to there, we've got the same problem. The corner of Creighton Road and
1963 Laburnum, the drainage there is for the birds and it has been. That is why the lot stayed vacant so
1964 long. And now they have a drainage area on the verge of the development. It doesn't chase the
1965 mosquitoes away. I thought that I would make this general. The objections are not to housing, I
1966 want that understood. It is the method of development. A very good example which the County
1967 knows about to their sorrow was when they wanted to put warehousing across Creighton Road
1968 from us, next to a brand new elementary school. This is not development of the kind that would
1969 be allowed anywhere else.
1970
1971 Mr. Jernigan - Mr. Overton, your time has expired. You are going to have to wrap it up.
1972
1973 Mr. Overton - All right. I am through, and if you have any questions, I would be glad to
1974 answer.
1975
1976 Mr. Jernigan - Are there any questions for Mr. Overton from the Commission?
1977
1978 Mr. Archer - Was there anybody else? Did you use all the 10 minutes or what?
1979
1980 Mr. Jernigan - He used 10 minutes.
1981
1982 Mr. Overton - Most likely because when we get up here, the stop watches come out.
1983
1984 Mr. Archer - I will give you a little bit more time.
1985
1986 Mr. Overton - I don't need the more time.
1987
1988 Mr. Archer - No, but I need to ask you a couple of questions.
1989
1990 Mr. Overton - Oh, yes. Thank you.
1991
1992 Mr. Archer - When the staff report was given, or in terms of what this development is
1993 going to be, are you aware that the pond that you speak of is already there?
1994
1995 Mr. Overton - Oh, yes. It is already there.
1996
1997 Mr. Archer - So, in terms of that, it really doesn't have anything to do with this case,
1998 because it is already there. I don't think the developer is increasing the habitat of mosquitoes
1999 because the pond is already there.
2000
2001 Mr. Overton - No, but the pond was a part of a farm. There was no cluster of housing
2002 around it and all I am saying is if the County is concerned with stagnant water around and so on,
2003 why allow development around such a place. That is my only argument.
2004
2005 Mr. Archer - Mr. Overton, just to be fair. There are quite a number of developments in
2006 the County in all areas of the County that are built around lakes and ponds and it is considered to
2007 be an attractive feature in a lot of...
2008
2009 Mr. Overton - Lakes, yes.
2010

2011 Mr. Archer - This pond, is this a dead pond that you are talking about? Is it stagnant
2012 water? Is it fed by water?
2013

2014 Mr. Overton - Well, I wouldn't say exactly stagnant, but it is not what you would call a
2015 free flowing...
2016

2017 Mr. Archer - The other thing I want to ask you about, and you and I probably have
2018 talked about this before, or at least I have heard you mention it before. And this is an area, of
2019 course, which I am very sensitive to, but you mention the fact that there seems to be a general
2020 trend of directing high density toward black population.
2021

2022 Mr. Overton - Attracting them with housing, which is next to food, the greatest need on
2023 the planet.
2024

2025 Mr. Archer - Well, that is understood. Everybody deserves the right to own a home.
2026 And in this particular instance, we are talking about development that is of a standard that is a little
2027 big higher than what we have seen in the East End for quite some time.
2028

2029 Mr. Overton - You are right. My – our biggest drawback was – is this pond in relation to
2030 what the Government has to put out, and I am not speaking of just the local government now. The
2031 Government has put out a warning that they expect this summer to be worst than the past for
2032 Lyme disease.
2033

2034 Mr. Archer - And I am sensitive to that. Lyme disease is caused by deer ticks. I think
2035 you probably are thinking about West Nile Virus.
2036

2037 Mr. Overton - And West Nile.
2038

2039 Mr. Archer - That is OK. I understand what you are saying. But, you know, we can't
2040 do away with every body of water.
2041

2042 Mr. Overton - No. I understand that, but put some distance between, I won't use the
2043 word stagnant, because I know it is not actually stagnant, but like I said, it is not like it is a fast-
2044 flowing stream.
2045

2046 Mr. Archer - I understand. But I was just trying to make sure you were aware, and I
2047 am sure that you are, that this pond that you speak of does already exist. And in most cases,
2048 whether or not that pond was there, we would be required to provide some kind of a BMP, as
2049 a result of the Chesapeake Bay Act. And I also want to call attention to the fact that, you know when
2050 you speak of trying to encourage development that is of high quality, and I am sure you are aware,
2051 because you were here, that recently we denied a case very close to where this one is because of a
2052 lack of the quality of development. So, I say that to say we are making very strident efforts to try
2053 and improve this area.
2054

2055 Mr. Overton - I understand and my argument was not always with the quality of the
2056 houses themselves. I am talking basically now about environment, about to happen, and I had an
2057 example. I don't know, it is just that we have a lot of swamp land in this area. We knew that and
2058 we have the power lines and we have these things that are not attractive to housing, but we need
2059 housing. We know that. But, I don't know. It just seems that the quality to the extent of speaking
2060 in terms of time is not there. Hey, 14 years in my home, and you wouldn't believe what has
2061 happened in 14 years. You wouldn't believe it, because now at this stage of the game when we
2062 are trying to fix up and so on, we find that the sheet rock is this far from the ceiling, with a strip of
2063 sheet rock paper over it. Walls were painted. Because I papered the wall and have since taken the

2064 paper down, and decided to go back to paint. We find that when the paper came off, all of the
2065 paint came off. They didn't even put the base paint. It was never primed. You know, these sort
2066 of things. When I went into the attic for the first time, I found this much attic around the
2067 perimeter, and only about 8 to 10 inches at the access hole. This is the kind of thing. Yes, they are
2068 supposed to be inspected and so on and so forth, but this is part of the overall program. We are
2069 being shortchanged.

2070

2071 Mr. Archer - Well, Mr. Overton, and I don't mean to cut you off, but we've gone way
2072 beyond what we should have, but just to let you know that this is exactly what we are trying to do.
2073 When your house was built was way before my time here. We are trying to be as sensitive as we
2074 can toward having...

2075

2076 Mr. Overton - It was before your time.

2077

2078 Mr. Archer - Quite a bit before my time. I haven't been on this Board for 14 years, just
2079 six years. But, anyway, Mr. Chairman, this gentleman did want to say something, and, sir, if you
2080 can be brief.

2081

2082 Mr. Overton - Thank you very much.

2083

2084 Mr. Archer - You are welcome, Mr. Overton.

2085

2086 Mr. Humphrey Johnson –Mr. Chairman, members of the Commission, good evening.

2087

2088 My name is Humphrey Johnson and I am the President of the Mitcheltree Association. I will be
2089 brief. I just have some things I would like to ask about, the material and the construction of the
2090 proposed site. Could you let me know the 90 feet in width, could you be more specific, and the
2091 square footage – is it going to be like 1500, 1600, 1800 sq. ft., as well as you spoke of the garages.
2092 Is it going to be an attached garage or detached garage? Is it going to be brick all the way around,
2093 or brick front, or aluminum siding, as well as the cost. Thank you.

2094

2095 Mr. Archer - Thank you, sir. Mr. Theobald had some rebuttal time and I think he can
2096 answer most of those things in your time. OK. Can you, sir?

2097

2098 Mr. Theobald - In answer to Mr. Johnson's questions with regard to the exterior materials,
2099 we have said that a minimum of ½ of the homes basically will have 50% brick on the front. We
2100 have also said that no more than two homes with the same front elevations, as you see in these
2101 examples, will be built to one another. We said that at least 30% of all homes shall have a covered
2102 front porch. We said that any street facing side façade shall have a minimum of two windows,
2103 except for when that side also contains a garage or for some reason is prohibited by the Fire Code.
2104 The square footages of these homes, one-story homes have to be a minimum of 1600 sq. ft. of
2105 finished floor area. For homes other than one-story homes, they would have to have a minimum of
2106 1800 sq. ft. of finished floor area and at least 1/3 of those homes that are in excess of one-story
2107 would have to be a minimum of 2000 sq. ft. of finished floor area. The garages, at least 75% of
2108 the homes have to have at least a one-car garage, half of all garages provided have to be side or
2109 rear loaded, and a minimum of 50% of the garages would have to be two-car garages. The
2110 approximate prices of the homes, we believe these homes would start somewhere in the \$160 to
2111 \$170,000 area and rising up to probably \$180,000 or \$190,000, before any custom finishes. Lot
2112 prices are approximately \$40,000 per lot. I believe those were his questions.

2113

2114 Mr. Archer - OK. Does that answer your question, Mr. Johnson?

2115

2116 Mr. Johnson - The garages, are they attached or detached?

2117
2118 Mr. Theobald - Attached.
2119
2120 Mr. Archer - All garages are attached. Is that correct?
2121
2122 Mr. Theobald - Yes.
2123
2124 Mr. Archer - Thank you, Mr. Theobald.
2125
2126 Mr. Jernigan - Mr. Archer, does anybody else have a question?
2127
2128 Mr. Archer - I think that is it. All right, let's see if I can sum this up. Mr. Theobald, as I
2129 mentioned to you, there is one aspect of this that staff still has a little bit of a sticking point with,
2130 and that has to do with the percentages and I would suspect that whichever way it goes, when it
2131 reaches the level of the Board, you need to be prepared to speak to that. I think it is important
2132 enough that we do need to lend quite a bit of credibility to it.
2133
2134 For the information of my colleagues and those of you in the audience, this case has come a
2135 tremendously long way since it was first initiated and a part of it was initiated at R-5A, and that
2136 particular request was actually re-filed so that we could come, well, it has ended up being quite a
2137 bit below the density that is required by the Land Use Plan. We are very sensitive in this area to
2138 trying build quality products that will reflect what we think the eastern end of the County should
2139 look like, as opposed to any other part. There has to be a starting point. That is the reason we
2140 have denied some prior cases because we didn't think the quality was there.
2141
2142 In this particular instance, we think we are really moving in the right direction, and hoping that the
2143 work that is being done down here now can be something that can sort of be a lamp post for the
2144 future development to follow. So, with that reservation in mind, Mr. Theobald, and I would ask
2145 that staff please make Mr. Thornton aware of what we are talking about percentages, I will try to
2146 do it, but I might forget. I am getting a little older. But with that, I am going to move to
2147 recommend approval to the Board of Supervisors Case C-71C-02.
2148
2149 Mr. Vanarsdall - Second.
2150
2151 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
2152 favor say aye. All opposed say no. The motion passes.
2153
2154 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission
2155 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because
2156 it is an appropriate residential zoning at this location and it conforms to the recommendations of
2157 the Land Use Plan.
2158
2159 **C-9C-03 Skip Gelletly for EJD Associates, Inc.:** Request to conditionally rezone
2160 from B-3C Business District (Conditional) and O-2 Office District to RTHC Residential Townhouse
2161 District (Conditional) and B-3C Business District (Conditional), Parcels 809-729-7165 and part of
2162 Parcel 810-728-3075, containing 25.174 acres (RTHC - 18.115 ac.; B-3C - 7.059 ac.), located at the
2163 southeast intersection of Laburnum Avenue and Creighton Road. A townhouse and commercial
2164 development is proposed. The applicant proffers a maximum density of no more than 146 units to
2165 be developed on the site (The unit density shall not exceed 8.06 units/acre (146/18.115 acres).
2166 The RTH District allows a maximum density of nine (9) units per acre. The business use will be
2167 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
2168 recommends Semi-Public. The site is also in the Airport Safety Overlay District.
2169

2170 Mr. Marlles - The staff report will be given by Ms. Moore.
2171
2172 Ms. Moore - I promise this is my last time.
2173
2174 Mr. Jernigan - Is there any opposition to Case C-9C-03? We have opposition. OK. Ms.
2175 Moore, you may proceed.
2176
2177 Ms. Moore - This item is a request to rezone the subject property to B-3C to allow
2178 commercial development on seven acres fronting Creighton Road and Laburnum Avenue and RTHC
2179 on the remaining property to allow up to 137 townhomes for sale. Since the completion of the
2180 staff report, the applicant has submitted revised proffers dated May 13, 2003, copies of which you
2181 just received. We received these yesterday afternoon; therefore, the time limit on the proffers
2182 would have to be waived in order to take any action on this project tonight.
2183
2184 Staff had an opportunity to review the revised proffers and believes most of staff concerns have
2185 been addressed. Main aspects of the proffers pertaining to the townhouse development include:
2186
2187 • A reduction in the number of units from 146 to 137.
2188 • Recreational amenities that include a tennis court in a centralized area and pedestrian
2189 paths (Proffer 16).
2190 • Trees, shrubs and berms equivalent to a 35 ft. transitional buffer along Creighton Road.
2191
2192 And, if I may have the document to show the site plan please (referring to rendering).
2193
2194 • Trees within the common open areas adjacent to the tennis court and the front open lawn
2195 that would provide a minimum of 10% and 25% tree canopy coverage, respectively.
2196 • Boulevard entrance styles with a white decorative fence.
2197 • Attractive and well articulated architecture, which would include 50% brick frontages, 100%
2198 brick frontages on the side facades, and a minimum of two windows on the end units.
2199 • Detached garages for 25% of the total units.
2200 • Sidewalks within the interior of the development and public sidewalks along Creighton Road
2201 and Laburnum Avenue.
2202
2203 In addition, the applicant has included proffer No. 23, to incorporate approximately five (4.756)
2204 acres of the adjacent property as conservation area. This would be rezoned C-1 at the time of Plan
2205 of Development and would be tied to the project to create additional open space. As such, the
2206 density of the development would be decreased to 5.99 units per acre.
2207
2208 Proffers pertaining to the commercial development include:
2209
2210 • Restrictive use of the property, including but not limited to prohibiting automotive uses,
2211 liquor stores, payday loan establishments and any outdoor sales.
2212 • All buildings would be predominantly brick with gable roofs and all buildings would be
2213 compatible in design.
2214 • A 20 ft. wide buffer along Creighton and Laburnum Road would be supplemented with one
2215 large deciduous or evergreen tree and 12 shrubs for every 50 linear feet.
2216 • Proffered site design, which provides a low scale development that would be compatible with
2217 the adjacent neighborhoods and,
2218 • A decorative fence in addition to the required 35 ft. transitional buffer adjacent to the
2219 proposed townhouse development to the east.
2220
2221 Each of these proffers touch upon the concerns that were outlined in the staff report.

2222
2223 The subject property is designated as Semi-public and Office in the 2010 Land Use Plan. This is
2224 reflective of the proposed offices and service building facility for Virginia Electric and Power
2225 Company that was never constructed. Although this project is not consistent with the Land Use
2226 Plan designation, it is consistent with the actual zoning on the property, and perhaps would be less
2227 intensive than what is currently permitted on the property. In addition, the RTHC zoning would
2228 provide an appropriate transition to the single-family developments to the east and north, across
2229 Creighton Road.
2230
2231 Staff does have concerns regarding the number of drive-throughs on the site. Proffer No. 17 on
2232 Page 6 of the revised proffers states no more than two drive-through facilities would be provided
2233 on the site. Staff recommends the language include that no more than one fast food restaurant
2234 with drive through would be permitted.
2235
2236 Staff has a few other minor comments regarding the proffers. Proffer No. 5 on Page 2 should state
2237 a 6 inch curb and gutter. And Proffer 1 (i) on Page 4 should read flea markets and auctions rather
2238 than actions.
2239
2240 If the applicant could address the issues of fast food restaurant establishments with drive-throughs
2241 and make corrections to Proffers Nos. 5 and 1 on pages 2 and 4 respectively, staff could support
2242 this project.
2243
2244 That concludes my presentation and I will be glad to answer any questions that you may have.
2245
2246 Mr. Jernigan - Thank you, Ms. Moore. Are there any questions for Ms. Moore from the
2247 Commission? Thank you, ma'am.
2248
2249 Mr. Archer - I may have some, Ms. Moore, but I will reserve them until later.
2250
2251 Mr. Jernigan - Mr. Archer, would you like to hear from the applicant?
2252
2253 Mr. Archer - I am sure that we need to, Mr. Chairman.
2254
2255 Mr. Skip Gelletly - Good evening. I am Skip Gelletly, representing EJD Associates, Inc.
2256 Would you like for me to just roll?
2257
2258 Mr. Archer - Yes, sir.
2259
2260 Mr. Gelletly - All right.
2261
2262 Mr. Jernigan - You have 10 minutes. Would you like rebuttal time?
2263
2264 Mr. Gelletly - Yes, three minutes is fine.
2265
2266 Mr. Jernigan - OK. Thank you, sir.
2267
2268 Mr. Gelletly - The total property that we are involved with here is 37 to 38 acres which
2269 includes all of the land that wraps around the Eastern Henrico Library. The part that would be
2270 considered here this evening for rezoning, including the conservation represents about 29 of those
2271 acres. The land around the library portion of it would be zoned to or sold to the County. Another
2272 portion of it will be a gifted to the County by the developer and contract owner. Of the entire 38
2273 acres, a minimum of five but most likely about eight acres will ultimately be termed conservation.
2274 So, we start out the project with 20% conservation grounds before we even start the open area

2275 and the buffers and the setbacks. The project would be (unintelligible), because after discussions
2276 with the County we wanted to set up a little village, and that is really what we have done with the
2277 commercial. I will be glad to answer any questions on that.

2278
2279 The residential was another deal. We have been working with the Board and the Planning
2280 Commission and the staff and other staff before Jean came on board attempting to address all of
2281 the design criteria that would be responsible in a project like this in the East End. We started out
2282 with a plan similar to the Hunton Subdivision out on Staples Mill Road. We had the entire fronts
2283 completely redesigned with arch windows, more porches, more brick, and created a very attractive
2284 front, which we have proffered in what we are doing. We were asked to add garages to the
2285 project. We have added 25% of the residences who will have detached garages, and they are
2286 centrally placed throughout the project. They would be for sale with each individual home and/or if
2287 the economics did not turn out that that actually worked in the market place, they would be only
2288 rented to people who owned or purchased a home, so we are not trying to turn into any sort of
2289 business outside of a business right in the development. We have designed all of the rear yards of
2290 these things and the alley way that normally is created for the townhouse development, a minimum
2291 of 200% wider than normal and in some cases 400 and 500% wider than normal. We have
2292 blocked view from the driveway down these backyards with either shrubbery, a tennis court, and/or
2293 detached garages. We have added islands to divide up the number of parking spaces that are in a
2294 straight line. We have offset the buildings and increased the lot size to do that same thing. We
2295 put 20 ft. landscaped islands in between each of the buildings, and we have limited the number of
2296 units per building to five. We have worked with the County in addressing every possible facet of
2297 this thing before we got to you guys to request the zoning. We have already had our EPA. We
2298 have already delineated our wetlands. We already have a deal worked out with the Corps of
2299 Engineers. We are on the road to getting this thing done. If you have any questions, I will be glad
2300 to answer them.

2301
2302 Mr. Jernigan - Thank you, sir. Are there any questions for Mr. Gelletly from the
2303 Commission?

2304
2305 Mr. Archer - Mr. Gelletly, Ms. Moore mentioned some proffers that were defective. We
2306 need to get those corrected.

2307
2308 Mr. Gelletly - Yes. We have absolutely no problem with that. This has been an
2309 evolution that has come to a crescendo in the last few days, and if we missed one or two things
2310 and word check didn't find the right word, I apologize and we will fix it.

2311
2312 Mr. Archer - All right.

2313
2314 Mr. Glover - Did you volunteer that proffer?

2315
2316 Mr. Gelletly - Absolutely.

2317
2318 Mr. Glover - You said you didn't have any problem with it. You know, it isn't a matter
2319 of that. It is a matter of whether you volunteer it or not.

2320
2321 Mr. Gelletly - Our goal here was to produce...

2322
2323 Mr. Glover - I wasn't meaning whether you meant it or not.

2324
2325 Mr. Gelletly - I understand that, but our goal here was really to produce the nicest...

2326
2327 Mr. Glover - But it is a volunteered proffer? Is that right?

2328
2329 Mr. Gelletly - Yes. All of them are.
2330
2331 Mr. Archer - What Mr. Glover is saying is that we can't ask for a proffer.
2332
2333 Mr. Gelletly - I do understand that. The only one that I had a question on, in all
2334 honesty, is, because I thought everything else really worked with the project, was adding the
2335 sidewalk along Laburnum and Creighton Road.
2336
2337 Mr. Glover - But did they twist your arm?
2338
2339 Mr. Gelletly - Did my arm get twisted? I will put it this way. I told them if, in fact, that
2340 was the quality that they were going to require from all of the other developers in the area...
2341
2342 Mr. Glover - I asked did they twist your arm? Were you willing to give that proffer?
2343
2344 Mr. Gelletly - No. I was willing to give it.
2345
2346 Mr. Glover - It is important and I wouldn't press the issue, but you hear that sign that
2347 somebody has twisted your arm, it gives people out here fear. And you know what, so is the
2348 judge. So, you volunteered that proffer? Did you?
2349
2350 Mr. Gelletly - Yes.
2351
2352 Mr. Glover - Without anybody twisting your arm?
2353
2354 Mr. Gelletly - Without anybody twisting my arm.
2355
2356 Mr. Glover - Yes, sir. Thank you.
2357
2358 Mr. Jernigan - Thank you, sir. Are there any more questions from Mr. Gelletly? Thank
2359 you. All right. We have opposition. Before, you can come on down, but I want to say something
2360 before we start, that, with all respect to Mr. Archer, and we discussed this before, that with Mr.
2361 Archer, Mr. Thornton and me and Mr. Donati, that where the Fairfield and Varina Districts may
2362 have, over the years, got hammered up a little bit more than some other parts of town, but I know
2363 for a fact that Mr. Archer told me that those days were over. He has worked very hard to put
2364 together good cases, and he shot down cases that were no good, so he is watching out for you.
2365
2366 Mr. Johnson - I am glad to hear that, Mr. Chairman.
2367
2368 Mr. Jernigan - OK, Mr. Johnson.
2369
2370 Mr. Johnson - I am up here before you again as I am somewhat at a disadvantage on
2371 the project here, because this is the first time this week that I really heard of it, as President of the
2372 Association. I was informed of it at the last minute. Mr. Overton said they came over his house
2373 Saturday, and informed him about a meeting Monday in reference to this, and I feel all through the
2374 evening, while I have been sitting here, I have been hearing how the residents in other
2375 communities had input in the project, and our residents didn't have any input in this property, and
2376 adjacent to Mitcheltree. And I find it kind of right strange. I was here less than six months ago
2377 about some paying houses or apartments over on the other side of Harvie Road and Laburnum, if I
2378 am not mistaken, that this Planning Commission turned down, but I come here tonight to see this
2379 without any of the officers of the Mitcheltree Civic Association being informed. We have been in
2380 (unintelligible) on many occasions. It is well documented in the Mitcheltree Civic Association laws

2381 of POC, point of contact. My telephone number is up there where I can be contacted, where we
2382 may could have some town meetings like the developer in the past. I came out and met with her
2383 so we would know what the proposed project was that the County was looking at building in our
2384 area. We didn't get any of that. And I am just wondering why. So, that is why I said, I come here
2385 to you this evening on this project at a disadvantage. I cannot adequately speak on it, other than I
2386 know you talked about the (unintelligible), numbers, the traffic and all of that. I am not going to
2387 just get up here when I just can't speak on anything, because we just didn't have any whatsoever.
2388 I heard all the proffers and then proffers by the plan. I guess the staff over here, and all, but
2389 nothing from the residents, and this Board has diligently worked with us, and Mr. Archer. I have
2390 been treated fairly when we came before you all, but I don't see that in this case. And I hate this, I
2391 am hesitant to see a rush to judgment to put this through. I figured something was going on down
2392 there. I see the stakes that have been put out where somebody had come and surveyed the land.
2393 But now, I see for sure now. So, I am not going to prolong the evening. I just hope you all will do
2394 the right thing as you have been doing in the past, but you always have included the residents in
2395 the decisions that you have made. I didn't hear no one up here. Did they speak with the residents
2396 on the issue, or anything. (Unintelligible). Thank you all.

2397
2398 Mr. Archer - Mr. Johnson, before you go, Mr. Gelletly, how many meetings have you
2399 had down there total?

2400
2401 Mr. Gelletly - We have had three meetings total. I am sorry. When we got the first or
2402 second plan, we were given a list of the people that had expressed any kind of concern in the
2403 townhouse project that Roy Rogers had proposed. That included Gene Bowland on Harvie, Nancy
2404 Brown with the Mitcheltree Association, which we were given as their President, Raymond Garrett,
2405 Creighton Civic Association, Henry Page with Tiffany Meadows. We have met all of these people
2406 except for Nancy. Nancy never could make a meeting. We had the two. We got her e-mail. We
2407 got everybody's e-mail that we could. We put out mailers if you couldn't get an e-mail. We would
2408 mail the stuff out. We would call the people periodically to make sure that if they had any
2409 comments or they needed a meeting, anything that they could do. We stopped people, or people
2410 actually stopped us in the Uppies and the Rennie's over there and asked about it. We got their
2411 names. We got their phone numbers, and we called them to make sure that we could send them
2412 any information. The signs have been up a while. I don't think that is any excuse, but in all
2413 honesty, we have tried the whole gamut. For this meeting that we were requested, we had to have
2414 this past Monday. We called the information people and the information they had for the President
2415 of Mitcheltree, Mrs. Brown, we could not get them. We called and we had at least one person say
2416 they would go over to the new president and get him to the meeting, and this gentlemen right here
2417 came, and I understood him to be the interim representative. And it wasn't for lack of trying, I can
2418 say that. It wasn't for lack of trying.

2419
2420 Mr. Archer - Since the last time you and Ms. Moore and I met, there have been some
2421 substantial changes made, particularly in the proffered conditions, those that were introduced
2422 tonight. And there were two people at the meeting last Monday, and Mr. Johnson, you found out
2423 when? Last Saturday?

2424
2425 Mr. Johnson - If I may add, he said Roy Rogers. Now that project was in another area,
2426 if I am not mistaken.

2427
2428 Mr. Archer - The one that we were talking about was the townhouse project up next to
2429 - between the Amoco Station and the property that the church was going to build.

2430
2431 Mr. Johnson - Now, this where this site at? By the library, right?

2432
2433 Mr. Archer - That is right.

2434
2435 Mr. Johnson - OK, now see he didn't have no meeting prior to this either. He had
2436 meetings for the project next to the Amoco Service Station. He didn't call no meeting for this.
2437
2438 Mr. Archer - That was not his project. That was a different project.
2439
2440 Mr. Johnson - Right, but he made mention of Roy Rogers.
2441
2442 Mr. Archer - I think what he was trying to say was that he tried to contact the same
2443 people that he did when that case was brought by somebody else.
2444
2445 Mr. Johnson - OK, but the only thing that I am implying is that he said he had three
2446 meetings, and I don't know who he met with, but he didn't meet with anyone involved with the
2447 Mitcheltree Civic Association.
2448
2449 Mr. Archer - I know. I attended one meeting down there at Fairfield Library. Didn't
2450 you have a meeting at Fairfield? I think I attended one. And the church, was it Landmark
2451 Christian?
2452
2453 Mr. Gelletly- The A-frame church that sits up on the other side of Harvie Road.
2454
2455 Mr. Archer - Oh, yes. I know what you are talking about. I can't think of the name of
2456 it. The library wasn't available that day. Well, here is what I think we should probably do. Owing
2457 to the fact that we have had some substantial changes since the last time we talked, and these
2458 people have not had an opportunity to review what they are, how soon could you have a meeting,
2459 and how soon, sir, could you notify your neighborhood members to be able to attend one? How
2460 much time would you need?
2461
2462 Mr. Johnson - I would at least need a week because we'd have to do flyers and then we
2463 have to get them disseminated through there, so at least a week and a half, because we all work
2464 ourselves, and take that time off, and get the flyers together, and then you have to pay somebody
2465 in the community.
2466
2467 Mr. Archer - Well, let me propose this, Mr. Johnson. Forgive me for interrupting you.
2468 Mr. Gelletly, we need to be able to give these people an opportunity to see what these new plans
2469 look like, and I will not be here for the June meeting, and I do not want to miss this, so what I
2470 would like to do, if we can, and I don't like to defer zoning cases to POD, but I would like to defer
2471 this for two weeks to our POD meeting to give you an opportunity to meet with Mr. Johnson's civic
2472 association, and we can hear this then.
2473
2474 Mr. Gelletly - Would we still have the time to get it to the Zoning Meeting on June 10 if
2475 we did this?
2476
2477 Mr. Marlles - I believe so, yes.
2478
2479 Mr. Archer - Because, if we defer it until then, then I would have an opportunity to
2480 have some input on what decision is made on it at the POD session. How much time do we have
2481 until POD? We have got two weeks, just about.
2482
2483 Mr. Marlles - That date is May 28, 2003 and the meeting starts at 9:00 a.m.
2484
2485 Mr. Archer - In the meantime, Mr. Johnson, if you could get together with Mr. Gelletly
2486 and let him know who should be notified, and pick a place for the meeting, preferably the library, I

2487 think would be more convenient for you folks, and let's see if we can go through what has been
2488 proposed new and they will have an opportunity to have some input. Is that satisfactory, Mr.
2489 Johnson?
2490
2491 Mr. Johnson - Yes, sir.
2492
2493 Mr. Archer - Are you willing to defer for two weeks? All right? Thank you. Mr.
2494 Chairman, with that I move to defer this case until May 28, 2003, at the applicant's request.
2495
2496 Mr. Vanarsdall - Second.
2497
2498 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
2499 favor say aye. All opposed say no. The motion is passes.
2500
2501 At the request of the applicant, the Planning Commission deferred Case C-9C-03, Skip Gelletly for
2502 EJD Associates, Inc. until the Planning Commission POD meeting on May 28, 2003.
2503
2504 Mr. Marlles - The next item is the staff is requesting the Commission to set a Work
2505 Session on the Scott Road Study for May 28, 2003. I will be glad to take any questions on that.
2506 That is a Small Area Land Use Study that the staff has been working on for I'd say quite a few
2507 months, and we had a community meeting recently, so we feel like we are ready to present it to
2508 the Commission.
2509
2510 Mr. Taylor - Mr. Marlles, where is Scott Road?
2511
2512 Mr. Marlles - It is off of Parham Road in Henrico.
2513
2514 Mr. Taylor - In which district? In Three Chopt?
2515
2516 Mr. Marlles - Fairfield.
2517
2518 Mr. Jernigan - Mr. Archer, would you like to make a motion then since it is in your
2519 district?
2520
2521 Mr. Archer - I am sorry, Mr. Chairman. What was the date?
2522
2523 Mr. Jernigan - May 28, 2003 for the Work Session on Scott Road.
2524
2525 Mr. Archer - So moved.
2526
2527 Mrs. Ware - Second.
2528
2529 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mrs. Ware. All in favor
2530 aye. All opposed say no. The motion passes.
2531
2532 The Planning Commission voted to have a Work Session on the Scott Road Small Area Land Use
2533 Study on May 28, 2003.
2534
2535 Mr. Marlles - We have the approval of minutes for April 10, 2003.
2536
2537 Mr. Jernigan - And we need to have the approval of the minutes for April 10, 2003.
2538

2539 Mr. Archer - I had one small correction on Page 31, Line 1083 at the top, in search of
2540 words in the first line and in search of words are, because we said the word "their other enterprise
2541 site."
2542
2543 Mr. Jernigan - Any other corrections? Do we have a motion?
2544
2545 Mrs. Ware - I move that the minutes be approved.
2546
2547 Mr. Vanarsdall - Second.
2548
2549 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in
2550 favor say aye. All opposed say no. The motion passes.
2551
2552 Ms. Ware - I make a motion that we adjourn the meeting.
2553
2554 Mr. Jernigan - We have motion by Ms. Ware. The meeting is adjourned.
2555
2556
2557
2558
2559
2560

E. Ray Jernigan, C.P.C., Chairman
2561
2562
2563
2564

John R. Marlles, AICP, Secretary
2565