

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held
2 in the Board Room of the County Administration Building, Parham and Hungary Spring Roads at 7:00 p.m.,
3 May 13, 2004, Display Notice having been published in the Richmond Times-Dispatch on April 22, 2004 and
4 April 29, 2004.

5
6 Members Present: Mrs. Lisa D. Ware, C.P.C., Chairperson, Tuckahoe
7 Mr. Ernest B. Vanarsdall, C.P.C., Vice-Chairman, Brookland
8 Mr. C. W. Archer, C.P.C., Fairfield
9 Mr. John Marshall, Three Chopt
10 M. E. Ray Jernigan, C.P.C., Varina
11 Mr. Randall R. Silber, Assistant Director of Planning, Secretary
12 Mr. James B. Donati, Jr., Board of Supervisors, Varina
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 Mr. Seth Humphreys, County Planner
20 Ms. Samantha Brown, County Planner
21 Ms. Audrey Anderson, County Planner
22 Mr. David O'Kelly, Principal Planner
23 Mr. Michael Cooper, County Planner
24 Ms. Debra Ripley, Recording Secretary
25

26 Ms. Ware - Good evening and welcome to the May 13, 2004 Planning Commission meeting for
27 rezoning cases. Since we have no one here from the press to recognize, I believe, this evening, I will turn
28 the meeting over to the Secretary, Mr. Silber.
29

30 Mr. Silber - Thank you, Madam Chairman. All of the members of the Planning Commission are
31 present tonight, so we have a quorum and we can conduct business. The Commission has just finished a
32 work session upstairs considering a number of items and we are now starting the 7:00 portion of the public
33 hearing. We do have a number of deferrals this evening. Mr. Emerson, if you can tell us which ones those
34 are, and the length of those deferrals, please.
35

36 Mr. Emerson - Yes, sir, Mr. Secretary. The first deferral is on Page 3 of the Agenda.
37

38 **Deferred from the March 11, 2004 Meeting:**

39 **C-18C-03 James W. Theobald for Commercial Net Lease Realty Services, Inc.:**
40 Request to conditionally rezone from B-3 Business District and A-1 Agricultural District to B-2C Business
41 District (Conditional), Parcel 741-761-8112 and part of Parcel 741-761-8532, containing approximately
42 2.899 acres, located at the southeast intersection of W. Broad Street (U. S. Route 250) and Three Chopt
43 Lane. A retail use is proposed. The use will be controlled by proffered conditions and zoning ordinance
44 regulations. The Land Use Plan recommends Office and Commercial Concentration. This site is within the
45 West Broad Street Overlay District.
46

47 Mr. Emerson - The deferral is requested to the July 15, 2004 meeting. The request is to rezone
48 to B-2C, Business District.
49

50 Ms. Ware - Is there any opposition to the deferral of C-18C-03 in the Three Chopt District?
51

52 Mr. Marshall - Madam Chairman, I move that Case C-18C-03 be deferred to July 15, 2004
53 meeting at the applicant's request.

54
55 Mr. Vanarsdall - Second.

56
57 Ms. Ware - I have a motion by Mr. Marshall and a second by Mr. Vanarsdall. All in favor say
58 aye. All opposed say no. The motion passes.

59
60 At the applicant's request, the Planning Commission deferred Case C-18C-03, James W. Theobald for
61 Commercial Net Lease Realty Services, Inc., to its meeting on July 15, 2004.

62
63 **C-22C-04 James Theobald for Reynolds Development, LLC:** Request to conditionally
64 rezone from O-3C Office District (Conditional), B-3 Business District and M-1 Light Industrial District to O-3C
65 Office District (Conditional) and B-3C Business District (Conditional), Parcels 767-744-9052, 767-744-6325,
66 765-744-6557, 766-745-8230 and 767-745-5402, containing 71.028 acres (31.192 ac. – O-3C; 39.836 ac –
67 B-3C), located along the southeast intersection of I-64 and Glenside Drive and the southwest intersection of
68 I-64 and W. Broad Street (U. S. Route 250). An office, hotel and retail development is proposed. The use
69 will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
70 recommends Planned Industry and Government. The site is in the Henrico County Enterprise Zone.

71
72 Mr. Emerson - Deferral is requested to the August 12, 2004 meeting.

73
74 Ms. Ware - Is there any opposition to the deferral of Case C-22C-04 in the Three Chopt
75 District?

76
77 Mr. Marshall - Madam Chairman, I move that Case C-22C-04 be deferred to the August 12, 2004
78 meeting at the request of the applicant.

79
80 Mr. Vanarsdall - Second.

81
82 Ms. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor say aye.
83 All opposed say no. The motion passes.

84
85 At the request of the applicant, the Planning Commission deferred Case C-22C-04 James Theobald for
86 Reynolds Development, LLC to its meeting on August 12, 2004.

87
88 **Deferred from the January 15, 2004 Meeting:**

89 **C-27C-02 RFA Management, LLC:** Request to amend proffered conditions accepted with
90 rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located at the northeast
91 intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest intersection of Ridgefield Parkway
92 and Eagles View Drive, and the southeast intersection of Eagles View Drive and Glen Eagles Drive. The
93 amendment would change the maximum density allowed from 7,850 square feet per acre to 8,975 square
94 feet per acre. The existing zoning is B-2C, Business District (Conditional). The Land Use Plan recommends
95 Commercial Concentration.

96
97 Mr. Emerson - The deferral is requested to the August 12, 2004 meeting.

98
99 Ms. Ware - Is there any opposition to the deferral of Case C-27C-02, in the Tuckahoe District?
100 No opposition. I move that Case C-27C-02 be deferred to the August 12, 2004 meeting at the applicant's
101 request.

102
103 Mr. Vanarsdall - Second.

104
105 Ms. Ware - Motion made by Ms. Ware and seconded by Mr. Vanarsdall. All in favor say aye. All
106 opposed say no. The motion passes.

107
108 At the request of the applicant, the Planning Commission deferred Case C-27C-02, RFA Management, LLC,
109 to its meeting on August 12, 2004.
110

111 **Deferred from the March 11, 2004 Meeting:**

112 **C-56C-03 John W. Nelson, Jr. and Elizabeth N. Gottwald:** Request to conditionally
113 rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional) Parcel 802-696-
114 9269 and part of Parcel 803-696-6866, containing 41.758 acres, located on the east line of Osborne
115 Turnpike approximately 0.41 mile north of Tree Ridge Road and approximately 240 feet west of the western
116 terminus of Harmony Avenue. A single family residential subdivision is proposed. The R-2A District allows a
117 minimum lot size of 13,500 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
118 units net density per acre.
119

120 Mr. Emerson - The deferral is requested to the July 15, 2004 meeting.
121

122 Ms. Ware - Is there any opposition to the deferral of Case C-56C-03 in the Varina District?
123 There is no opposition. Mr. Jernigan.
124

125 Mr. Jernigan - Madam Chairman, I move for deferral of Case C-56C-03 to the July 15, 2004
126 agenda by request of the applicant.
127

128 Mr. Vanarsdall - Second.
129

130 Ms. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor say aye.
131 All opposed say no. The motion passes.
132

133 At the request of the applicant, the Planning Commission deferred Case C-56C-03, John W. Nelson, Jr. and
134 Elizabeth N. Gottwald, to its meeting on July 15, 2004.
135

136 **Deferred from the March 11, 2004 Meeting:**

137 **C-13C-04 J. Kevin Humphrey for Mike Fleetwood:** Request to conditionally rezone from
138 A-1 Agricultural District, M-1 Light Industrial District and M-2 General Industrial District to M-2C General
139 Industrial District (Conditional), Parcels 819-704-9284, 820-705-3941, 820-705-5372, 820-706-5002, 820-
140 705-6725 and 819-703-7057, containing 105.164 acres, located at the southwest intersection of Monahan
141 and Charles City Roads and the C&O Railroad. Light Industrial manufacturing with possible hotel/retail uses
142 are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The
143 Land Use Plan recommends Planned Industry. The site is in the Airport Safety Overlay District.
144

145 Mr. Emerson - The deferral is requested to the May 12, 2005 meeting, 12 months.
146

147 Ms. Ware - Is there any opposition to the deferral of Case C-13C-04 in the Varina District?
148

149 Mr. Jernigan - Madam Chairman, there has been a change on this case. Originally they were
150 going to defer this for 12 months, but after we consulted on some things, I am going to defer it to the July
151 15, 2004 meeting by the request of the Commission. So with that I will make a motion to defer Case C-
152 13C-04 to the July 15, 2004 meeting, by request of the Commission.
153

154 Mr. Vanarsdall - Second.
155

156 Ms. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor say aye.
157 All opposed say no. The motion passes.
158

159 The Planning Commission deferred Case C-13C-04, J. Kevin Humphrey for Mike Fleetwood, to its Meeting
160 on July 15, 2004.

161
162 Mr. Silber - Does that conclude the deferrals? No withdrawals, tonight? Is that correct?

163
164 Mr. Emerson - That is correct.

165
166 Mr. Silber - I believe we have two items on the expedited agenda. These are items that the
167 Commission, at this point, there are no outstanding issues. The staff is recommending approval of these
168 items. The Commissioner from that district is comfortable with the request and unless there is opposition
169 on these expedited items, they would be heard without public hearing. So, Mr. Emerson, if you can walk us
170 through those two expedited items, please.

171
172 Mr. Emerson - Yes, sir. Mr. Secretary.

173
174 **SUBDIVISION (Deferred from the April 21, 2004, Meeting)**

175
Hunton Meadows (April 2004 Plan) **Foster & Miller, P.C. for WWJ, L.C., Hunton Associates, L.L.C., RMA Hunton, L.C. and Atack/Eagle Hunton Meadows, LC:** The 19.423-acre site proposed for a subdivision of 39 single-family homes is located on the northern line of Mountain Road, approximately 100 feet east of the intersection of Old Mountain Road and Mountain Road on parcels 763-772-8743 and 764-772-1731. The zoning is R-2AC, One-Family Residence (Conditional) and R-2, One-Family Residence District. County water and sewer. **(Brookland) 39 Lots**

176
177 Ms. Ware - Is there any opposition to hearing this case on the expedited agenda, Hunton
178 Meadows (April 2004 Plan)? No opposition.

179
180 Mr. Vanarsdall - Madam Chairman, I move that we approve the Subdivision Hunton Meadows (April
181 2004 Plan), with the annotations on the plans and the following conditions Nos. 12 through 20.

182
183 Mr. Marshall - Second.

184
185 Ms. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in favor say aye.
186 All opposed say no. The motion passes.

187
188 The Planning Commission approved Subdivision Hunton Meadows, (April 2004 Plan), subject to the
189 annotations on the plans, the standard conditions for subdivisions served by public utilities and the following
190 additional conditions:

- 191
192 12. Each lot shall contain at least 13,500 square feet.
193 13. Any necessary offsite drainage easements must be obtained prior to approval of the
194 construction plan by the Department of Public Works.
195 14. The proffers approved as part of zoning case C-2C-04 shall be incorporated in this approval.
196 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
197 maintenance of the common area by a homeowners association shall be submitted to the
198 Planning Office for review. Such covenants and restrictions shall be in form and substance
199 satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision
200 plat.
201 16. Any future building lot containing a BMP, sediment basin or trap and located within the
202 buildable area for a principal structure or accessory structure, may be developed with
203 engineered fill. All material shall be deposited and compacted in accordance with the Virginia

- 204 Uniform Statewide Building Code and geotechnical guidelines established by a professional
 205 engineer. A detailed engineering report shall be submitted for the review and approval by the
 206 Building Official prior to the issuance of a building permit on the affected lot. A copy of the
 207 report and recommendations shall be furnished to the Directors of Planning and Public Works.
- 208 17. Building permits for no more than 6 lots shall be issued prior to the construction of a second
 209 point of access.
- 210 18. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-
 211 wide planting strip easement along Mountain Road shall be submitted to the Planning Office for
 212 review and approval prior to recordation of the plat.
- 213 19. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-
 214 wide planting strip easement adjacent to Interstate 295 shall be submitted to the Planning
 215 Office for review and approval prior to recordation of the plat.
- 216 20. The applicant shall work with the Planning Staff to finalize the proposed location and size of the
 217 reserved parcel prior to final approval of the subdivision.
 218

219 ***Deferred from the April 15, 2004 Meeting:***

220 **P-2-04 Ale House of Innsbrook, Inc.:** Request for a Provisional Use Permit under
 221 Sections 24-58.2(a), 24-58.2(d), 24-58.2(e) and 24-122.1 of Chapter 24 of the County Code to allow four
 222 (4) video games and one pool table in a restaurant with outdoor dining, along with extended operating
 223 hours for restaurant use and billiard parlor, containing 9,700 square feet (billiard parlor 900 square feet), on
 224 part of Parcel 747-760-9391, located at 4040 Cox Road (The Innsbrook Shoppes). The existing zoning is B-
 225 2C Business District (Conditional). The Land Use Plan recommends Commercial Concentration.
 226

227 Ms. Ware - Is there any opposition to hearing this case P-2-04 on the expedited agenda, in the
 228 Three Chopt District?
 229

230 Mr. Marshall - Madam Chairman, I move approval of P-2-04, Ale House of Innsbrook, Inc.
 231

232 Mr. Vanarsdall - Second.
 233

234 Ms. Ware - Motion made by Mr. Marshall and seconded by Mr. Vanarsdall. All in favor say aye.
 235 All opposed say no. The motion passes.
 236

237 **REASON:** Acting on a motion by Mr. Marshall, seconded by Mr. Vanarsdall, the Planning Commission voted
 238 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is
 239 reasonable in light of the surrounding uses and existing zoning on the property.
 240

241 Mr. Emerson - That concludes the expedited, withdrawals and deferrals for tonight.
 242

243 Mr. Silber - OK. Thank you very much.
 244

245 **FAIRFIELD:**

246 **C-20C-04 Eric L. Walker:** Request to conditionally rezone from A-1 Agricultural District to
 247 RTHC Residential Townhouse District (Conditional), part of Parcel 807-733-6105, containing 17.827 acres,
 248 located along the west line of N. Laburnum Avenue approximately 1,360 feet southeast of its intersection
 249 with Harvie Road. The maximum density allowed in the RTH District is nine (9) units per acre. The Land
 250 Use Plan recommends Office. The site is in the Airport Safety Overlay District.
 251

252 Ms. Moore - Good evening, Commissioners. Thank you, Mr. Secretary.
 253

254 Ms. Ware - Is there any opposition to this case? No opposition. Go ahead, Ms. Moore.
 255

256 Ms. Moore - The applicant has submitted two rezoning cases and if I could refer to Mr.
257 Secretary, would we like to hear both of these cases at once?
258

259 Mr. Silber - Yes. I think you reminded me of that earlier, but I forgot. Yes, why don't we call
260 both cases. They are across the street from one another and the request for rezoning is the same.
261

262 **C-21C-04 Eric L. Walker:** Request to conditionally rezone from A-1 Agricultural District to
263 RTHC Residential Townhouse District (Conditional), part of Parcel 807-733-6105, containing 18.563 acres,
264 located at the southeast intersection of N. Laburnum Avenue and Harvie Road. The maximum density
265 allowed in the RTH District is nine (9) units per acre. The Land Use Plan recommends Office. The site is in
266 the Airport Safety Overlay District.
267

268 Ms. Ware - Let me restate again. Is there anyone in opposition to C-20C-04 and C-21C-04,
269 both in the Fairfield District. There is no opposition. You may begin, Ms. Moore.
270

271 Ms. Moore - Thank you. As we explained, the applicant has submitted two rezoning cases, C-
272 20C and C-21C-04. We are proposing to hear both cases together since essentially they have the same
273 proffers and exhibits, and it will be developed as one project. They are splitting into two cases because
274 Laburnum Avenue divides the property. Together, this request would rezone 36.69 acres from A-1
275 Agricultural to RTHC, Residential Townhouse District (Conditional), to allow the development of townhouses
276 for sale. The RTH District permits up to 9 units per acre. Therefore, the potential number of units with this
277 development would be 327. The sites are designated as office in the 2010 Land Use Plan and is also
278 located within the Airport Safety Overlay District. The site is also listed as a prime economic development
279 site in the 2010 Land Use Plan. This request is not consistent with the designation in the Land Use Plan. In
280 addition, there are a number of existing and planned multifamily and townhouse developments within the
281 surrounding area. Staff has concerns this request will produce an over concentration of townhouse
282 development within this area. The cumulative effect of the multifamily development along Laburnum
283 Avenue and Creighton Road Corridor will further reduce the amount of available land suitable for office and
284 office-service development. This would also reduce the diversity of land uses and the diversity of the tax
285 based desired in this area. The applicant has submitted proffers dated March 22, 2004, and proffered
286 elevations, conceptual plan, and a planting plan. Major aspects of the proposed proffers include, but are
287 not limited to landscaping, which includes a transitional buffer along Laburnum, sod and irrigation in the
288 front yards, and foundation planting. Architectural treatments would include 50% brick on the front
289 elevations as shown on the sample elevations. In addition, there would be a minimum unit size of 1200 sq.
290 ft. with 25% of the units having a minimum of 1400 sq. ft. These exhibits are the same exhibits approved
291 with C-68C located south of the property on the east side of Laburnum. The agglomeration of townhouse
292 developments and cumulative effect of repetitive design would adversely affect the character on this
293 corridor. It would also diminish the opportunity to create a mixed tax base of support services in the area
294 as stated prior. In addition, staff has the following concerns regarding the submitted proffers and
295 elevations.
296

- 297 1. The proposed density is not in keeping with the density recently approved with similar townhouse
298 developments within the County and the immediate area. These recently approved requests are
299 more in keeping with six units per acre.
- 300 2. The Major Thoroughfare Plan shows a minor collector, Watts Lane, which is planned to transverse
301 in the middle of the site from North Laburnum east to Sandy Lane. The conceptual plan shows this
302 right of way, but the specification and language for construction is not provided.
- 303 3. There are other site design issues, including but not limited to the linear design of a project, the
304 lack of common space, garages and street trees.
- 305 4. Finally, there are various architectural and design feature issues, including but not limited to the
306 quality of façade materials, lack of provision for porches, the massing and over concentration of
307 townhouse units in a repetitive design.

308 5. It should also be noted that student enrollment, especially at the secondary level, is nearing
309 capacity. Henrico County Public Schools Department of Research and Planning states the schools
310 in the district would accommodate the potential enrollment generated by this request, but the
311 cumulative effect of growth in this area would require additional relief in the near future.
312

313 Overall, this plan is not in keeping with the Land Use Plan's designation for office, or as a prime economic
314 development site. Given the number of existing approved pending multifamily developments in this area,
315 the proposal would contribute to an over concentration of townhouse development. It could also set
316 another precedent for more multifamily development in the area. In addition, the request the area is slated
317 for is office uses. Therefore, staff cannot support this application and recommends denial of both C-20C-04
318 and C-21C-04. This concludes our presentation. I'd be happy to answer any questions you may have.
319

320 Ms. Ware - Are there any questions for Ms. Moore from the Commission? Mr. Archer, would
321 you like to hear from the applicant?
322

323 Mr. Archer - I think the applicant wants to speak.
324

325 Mr. Jim Theobald - Good evening, Madam Chairman, ladies and gentlemen. My name is Jim Theobald
326 and I am here this evening on behalf of Mr. Eric Walker. Mr. Walker is in business with Bob Attack's son.
327 They trade under the name of Attack-Walker Construction and Mr. Walker is the applicant in this case.
328 These cases have obviously not found favor with staff and, frankly, not with our meetings with Mr. Archer
329 nor discussions with Mr. Thornton. So why are we still here presenting this case? Well, Mr. Walker believes
330 that these cases have merit and they deserve at least to be discussed, rather than just withdrawing the
331 case and going home. The Land Use Plan for this area suggests that office use is appropriate and it has for
332 some time, and yet we have never seen any demand for office use in this portion of Laburnum Avenue, and
333 I doubt seriously that any of us would invest in property there for office development. The demand,
334 however, in that area is for owner-occupied affordable housing. Affordable housing in these times is
335 anything but affordable, based on what we all paid for our first homes, but the demand exists for people
336 trying to buy their first owner-occupied residence. Mr. Walker, in the best tradition of capitalism, is
337 attempting to fill that need in the east end and on Laburnum Avenue and obviously on a proffer along the
338 way. He has provided a number of substantial proffered conditions, which are an effort to mirror the case
339 that Bob Attack tried and that was approved next to Kingspoint Apartment. Those proffers include
340 significant landscaping along Laburnum Avenue and if you look at the map provided you will see the
341 amount of frontage that these two parcels constitute is significant and since every place is a gateway to
342 somewhere in Henrico County, this would provide a significant piece of landscaping and aesthetic
343 enhancement to this part of Laburnum Avenue. He has proffered at least 50% of the front shall be brick.
344 He has proffered the same elevations as in the case approved again next to Kingspoint Apartments. He has
345 proffered the size of the units to be somewhere between 1200 and 1400 square feet in size with guarantees
346 on percentages of those. He has also offered sidewalks, sodded yards, sound suppression standards,
347 passive recreational amenities as well as curb and gutter. I submit to you that the Land Use Plan
348 designation in this area is just not realistic. The market really ought to dictate what occurs on this site.
349 These cases are consistent with other development in that area and I think it is obvious that they exceed
350 the quality of many of the existing developments in that area, if not all. Often we pay homage to sprawl,
351 but we refuse to embrace density. We also salute the notion of affordable housing, but we eliminate small
352 lots in our ordinances and we push bigger and bigger lots and bigger and bigger homes. These cases have
353 merit if not perhaps in the world of Planning, then perhaps in the world in which we really live. I very much
354 appreciate your consideration of these points and I'd be happy to answer any questions.
355

356 Ms. Ware - Any questions for Mr. Theobald from the Commission?
357

358 Mr. Theobald - Thank you.
359

360 Ms. Ware - Thank you.

361
362 Mr. Archer – We have had several discussions on this and we have met with Mr. Walker last
363 week, but in any event I think this case has, my objection to the case has less to do with the townhouses
364 themselves than the fact that Ms. Moore indicated in her report. We have in this area simply been
365 inundated with townhouses and other multifamily-type residences, and I call your attention to Page 3, the
366 third paragraph, bottom line, some of the projects that Ms. Moore mentioned and this project would equal
367 to 813 townhouse units and 176 condominiums, and many of these projects have not been undertaken yet,
368 so we don't really know what it is going to look like when it all shakes out. Did everybody hear what I said?
369 Cause if you didn't I have got to say it again. In any event, based on the fact that there is very little office
370 or office/service space in that particular area now and the fact that we will have this abundance of
371 townhouse units, I think it would be somewhat unreasonable to approve another request for townhouses,
372 so based on that, my recommendation to the Board would be that these two cases be denied.

373
374 Mr. Archer - My recommendation for Case C-20C-04 is for denial.

375
376 Mr. Vanarsdall - Second.

377
378 Ms. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say aye.
379 All opposed say no. The motion passes.

380
381 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission voted
382 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because it does not
383 conform to the recommendations of the Land Use Plan nor the Plan's goals, objectives and policies and
384 would set an adverse zoning and land use precedent for the area.

385
386 Mr. Archer - My recommendation for Case C-21C-04 is for denial.

387
388 Mr. Vanarsdall - Second.

389
390 Ms. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say aye.
391 All opposed say no. The motion passes.

392
393 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission voted
394 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because it does not
395 conform to the recommendations of the Land Use Plan nor the Plan's goals, objectives and policies and
396 would set an adverse zoning and land use precedent for the area.

397
398 **Deferred from the April 15, 2004 Meeting:**

399 **C-18C-04 Gooss & Associates, AIA:** Request to conditionally rezone from R-3 One Family
400 Residence District and B-1 Business District to B-1C Business District (Conditional), Parcels 829-715-3035,
401 829-715-4034, and part of Parcel 828-715-8918, containing 0.71 acre, located at 325 and 335 E.
402 Williamsburg Road (U. S. Route 60) approximately 100 feet west of East Lake Drive. A restaurant and
403 shops are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations.
404 The Land Use Plan recommends Commercial Concentration and Suburban Residential 2, 2.4 to 3.4 units net
405 density per acre. The site is in the Airport Safety Overlay District.

406
407 Ms. Ware - Is there any opposition to Case C-18C-04 in the Varina District? There is no
408 opposition. Good evening, Mr. Bittner.

409
410 Mr. Bittner - Good evening, Ms. Ware. The 2010 Land Use Plan recommends most of this site
411 for Commercial Concentration. The applicant has proffered a modern building elevation that is generally
412 attractive in design.

413

414 It is important to note the location of this site within the Sandston Special Strategy Commercial Area. As a
415 result, staff suggests the applicant comply with as many of the Sandston Area's strategies as possible. To
416 that end, the applicant has submitted revised proffers, which would require waiving of the time limit
417 because they were submitted today. These revised proffers include:

- 418
- 419 • No more than one-quarter of the required parking spaces to be in front of the building;
- 420 • A pedestrian sidewalk, bench and waste receptacle along Williamsburg Road;
- 421 • Lighting consistent with the recommendations of the Sandston Area Study that will minimize glare on
422 the residential properties to the rear;
- 423 • The prohibition of several uses including check cashing/payday loan establishments; child care centers;
424 adult novelty stores; and convenience stores; and
- 425 • Screening equivalent to the ten-foot transitional buffer along the rear of the property.

426

427 In addition to these, staff believes the applicant should consider complying with the following items also
428 recommended by the Sandston Area Study:

- 429
- 430 • Utilizing a traditional architectural style more in keeping with the area;
- 431 • Locating all of the parking behind the structure or if need be beside, but not in front of the structure;
432 and
- 433 • Providing screening equivalent to a transitional buffer 25 along the adjacent residential neighborhood to
434 the rear.

435

436 If the applicant could address the concerns outlined tonight, staff could fully support this request.

437

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

439

440 Ms. Ware - Are there any questions for Mr. Bittner?

441

442 Mr. Jernigan - Mr. Bittner, item #1 said there would be no more than 1/4 of the required parking.
443 The building was moved up, so there won't be any parking in the front. One of the things that was in the
444 staff report before that you wanted moved, so everything in front of the building will be landscaped. So,
445 item #1 actually will go away.

446

447 Mr. Silber - Item No. 1 is a proffered condition, so you may be recommending this case
448 without proffer No. 1, Mr. Jernigan.

449

450 Mr. Jernigan - Well, yes. I mean, in the original staff report the building was set back and one of
451 the things that staff wanted was to move the building up 25 feet.

452

453 Mr. Silber - Right. I understand, but from a procedural standpoint, the applicant will have to
454 delete that proffer or else you can recommend it to the Board without that proffer.

455

456 Mr. Bittner - The building could be located with no parking in front under this proffer, because it
457 says no more than 1/4, so 0 is less than 1/4 and would comply with the proffer.

458

459 Mr. Silber - By deleting that proffer, it furthers the staff's objective.

460

461 Mr. Bittner - Yes, it does.

462

463 Ms. Ware - So, let me get this straight. The building has been moved up close enough to the
464 street so that there could not be any parking.

465

466 Mr. Bittner - That is right. I talked with Ted McGarry in the Planning office, who is working on a
467 plan of development, which is coming up at your May 26 meeting, and he told me yes, that right now the
468 intent is to move the building up as close to Williamsburg Road as possible. The exact location and exact
469 depth off of Williamsburg Road has not yet been determined, but that will be done soon. So, again, from a
470 procedural standpoint, leaving that proffer in will not prevent that from happening. Taking it out would
471 further...

472
473 Mr. Jernigan - That is fine. We will just leave it in.

474
475 Ms. Ware - And you don't want a proffer that would say there will be no parking.

476
477 Mr. Silber - It could be modified to say that.

478
479 Ms. Ware - There will be no parking in front of the building. And then there wouldn't be a
480 question.

481
482 Mr. Jernigan - We will ask the applicant when he comes up. He can clear that up. And he is
483 proffering putting a 6 foot fence on the back. And what did you want? You wanted a 25-foot buffer and
484 then a 10-foot area? The 25-foot...

485
486 Mr. Bittner - We suggested a buffer equivalent to a transitional buffer 25 as defined in the
487 zoning ordinance. And that would permit some deviations and alternatives, fencing options to reduce the
488 width. Right now they are proffering a 10-foot transitional buffer, which the standards are lower than a 25,
489 but it is still a buffer along there.

490
491 Mr. Jernigan - But 10-foot is Code?

492
493 Mr. Bittner - Yes.

494
495 Ms. Ware - But what you are suggesting is perhaps changing the fence type or height and
496 increasing the planting in order to create the buffer. Is that what you....

497
498 Mr. Bittner - We are suggesting the standards of a 25-foot transitional buffer. They have
499 proffered a 10-foot transitional buffer.

500
501 Ms. Ware - With the fence.

502
503 Mr. Bittner - Yes, with the fence.

504
505 Mr. Jernigan - OK, thank you, Mr. Bittner.

506
507 Ms. Ware - Would you like to hear from the applicant now?

508
509 Mr. Jernigan - Yes, please.

510
511 Mr. Larry Gooss - Madam Chairman, I am Larry Gooss with Gooss and Associates. I guess to
512 address the first question, the first proffer, we did move the building forward to approximately the 25 foot
513 line. At this point it is not an exact measurement and that is why the quota of the required parking
514 statement was left in as part of the original proffers. There may be one or two spaces to the side that
515 someone could define as being in front of the building, so I think it actually is not bad to keep that in. The
516 intention is not to put the parking in front, but to put it at 25 feet.

517
518 Ms. Ware - I need a little explanation on side being front.

519
520 Mr. Gooss - Williamsburg Road being the front façade?
521
522 Mr. Silber - I think that is a good point.
523
524 Mr. Jernigan - Of course, now, that is the first drawing. The building has moved up. Actually,
525 the front yard would be anything in front of the front, whether it is on the side or not. We will leave that
526 like it is and that will cover us up.
527
528 Mr. Gooss - One would normally interpret that as a line across in front of the building. The
529 other we have with the constraints of the site and the additional parking required for the restaurant use,
530 the 10 ft. buffer is what we need to stick to. We would love to give more of a buffer in the back, but we
531 just don't have the depth in the site to accommodate that.
532
533 Mr. Silber - OK, let me ask you this question and maybe you have already given it some
534 thought. When staff was saying a 25 ft. buffer, the code allows for a fence in that buffer to allow the
535 reduction in that vertical space. For example, with a 6 ft. fence you can reduce the buffer by twice the
536 height of the fence, so you can reduce the 25 feet down to 13 feet.
537
538 Mr. Gooss - We just don't have the space. Again, I would love to be able to accommodate
539 that.
540
541 Mr. Marshall - I thought it was a planting issue, that they wanted the 10 foot to stay, but they
542 wanted planting to the equivalent of a 25 foot.
543
544 Mr. Silber - I think if I heard Mr. Bittner...
545
546 Mr. Jernigan - I think Mr. Bittner wanted the 25-foot.
547
548 Mr. Marshall - He wanted the planting...
549
550 Mr. Jernigan - OK, but that was what I was saying. The plantings of a 25-foot in the 10-foot
551 buffer.
552
553 Mr. Marshall - Yes, that is what I think Mr. Bittner was talking about.
554
555 Mr. Jernigan - You want the 25-foot plantings in the 10-foot buffer?
556
557 Mr. Silber - I stand corrected. What staff is asking for additional landscaping within this 10-
558 foot area.
559
560 Mr. Gooss - And the further, I guess the final, what we believe we can provide, and I am not
561 going to get the wording exactly correct, but in a 10-foot transitional buffer, but if we have a 6-foot fence,
562 we can actually reduce that 10-foot depth by approximately three feet, about half of the height of the
563 fence, which brings it down to 7 foot, with plantings.
564
565 Mr. Silber - The minimum that you would be able to provide would be 10 feet. Within the 10
566 feet you would have to erect your fence.
567
568 Mr. Gooss - All right. I stand corrected.
569
570 Mr. Jernigan - What it is, it was supposed to be 25 and with the fence you can reduce it half,
571 which brings it down, and I think he calculated 13. What we are looking for is the difference between a 10-

572 foot plantings and 25 foot. Instead of having two trees, you may have three trees, and instead of three
573 shrubs you may have five shrubs. Are we OK with that?
574
575 Mr. Gooss - Yes, that is no problem at all.
576
577 Mr. Jernigan - All right. That is all I have.
578
579 Ms. Ware - Are there any more questions? Thank you.
580
581 Mr. Jernigan - All right. This case was deferred last month because...
582
583 Mr. Marshall - Are we going to have to add that as a condition now? The 25-foot plantings?
584
585 Mr. Silber - He will need to amend his application or proffer form by adding that in now or else
586 Mr. Jernigan could recommend this forward with him correcting that before the Board takes action.
587
588 Mr. Jernigan - Well, I think he proffered that he is willing to do that, so what we will do is, we can
589 just add that in as a proffer now.
590
591 Mr. Silber - He needs to write that in the file. The proffered condition that he is offering is not
592 like a condition that you can write yourself.
593
594 Mr. Jernigan - I know. He is offering it. But does he have to write it down before we vote on it?
595
596 Mr. Silber - I would prefer that he did that.
597
598 Mr. Jernigan - OK, can you do that Larry? Just see Mr. Bittner and on the form they will write
599 down it will be the 25 foot planting in the 10 foot buffer. OK. On this case, like I said, this was deferred last
600 month and there was a discrepancy because of the Sandston Study on the building design. I spoke with
601 the applicant and after reviewing the case, this building definitely is an asset to the Sandston community.
602 It may not fall in line with the Sandston study, but in this zoning case, this property is already zoned
603 business. The only piece of property that is being zoned is a small area right in the back for parking. By
604 right, they could build and not come for a rezoning case, but I think the building looks good. They have
605 met all of the proffers. They have given us the proffers that staff requested, so with that I am going to
606 make a motion to waive the time limits on case C-18C-04.
607
608 Mr. Marshall - Second.
609
610 Mrs. Ware - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All in favor say aye.
611 All opposed say no. The motion passes.
612
613 The Planning Commission voted to waive the time limits on Case C-18C-04, Gooss and Associates.
614
615 Mr. Jernigan - And with that I will move for approval of Case C-18C-04, Gooss and Associates.
616
617 Mr. Marshall - Second.
618
619 Ms. Ware - Motion made by Mr. Jernigan and seconded by Mr. Marshall. All in favor say aye.
620 All opposed say no. The motion passes.
621
622 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Marshall, the Planning Commission voted
623 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it continues a

624 form of zoning consistent with the area and it provides for a higher quality of development than would
625 otherwise be possible.

626

627 **C-23-04 Eugene A. Peay III:** Request to rezone from B-1 Business District to R-3 One
628 Family Residence District, Parcel 802-694-8618, containing 1.451 acres, located on the east line of Osborne
629 Turnpike at its intersection with Wilton Road. A single-family residence is proposed. The R-3 District allows
630 a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban Residential 1, 1.0 to
631 2.4 units net density per acre.

632

633 Ms. Ware - Is there any opposition to C-23-04 in the Varina District? No opposition.

634

635 Mr. Bittner. Thank you. The land at this intersection has been zoned B-1 Business for many
636 years. However, most of the properties have been grandfathered for use as single-family residences, a
637 non-conforming use.

638

639 The original home on this site has been torn down, resulting in the loss of its non-conforming status.

640

641 The Zoning Ordinance does not allow non-conforming uses to be reconstructed. Nonetheless, a building
642 permit for a new single-family residence was issued, and construction of that home is almost complete.

643

644 In an effort to bring the site into compliance with the County's zoning ordinance, the applicant has applied
645 to rezone the property to R-3, One-Family Residence.

646

647 Given the residential use of most of the adjoining properties, approval of R-3 zoning for this site could be
648 appropriate, especially since the 2010 Land Use Plan recommends residential development for this area. As
649 a result, staff can support this request.

650

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

652

653 Ms. Ware - Are there any questions for Mr. Bittner?

654

655 Mr. Jernigan - I don't have any questions for him.

656

657 Ms. Ware - Thank you. Would you like to hear from the applicant?

658

659 Mr. Jernigan - I just want to ask him one question. Please come up, sir. Just state your name
660 and address for the record.

661

662 Mr. Peay - My name is Robert Peay. I am the uncle of my nephew who is going to live in the
663 property. The property has been in our family since 1890 something, and what happened was he didn't
664 know that he shouldn't have torn the old house down prior to building the new one.

665

666 Mr. Jernigan - We are all right on that. I just want to ask you one question. You are going to
667 put only one house on this property?

668

669 Mr. Peay - One house.

670

671 Mr. Jernigan - OK, that is all I need to know.

672

673 Mr. Peay - It is a family piece of property and there had better not be anything else on it but
674 this one house.

675

676 Mr. Jernigan - Well, you built it in the middle of the lot, but I just wanted to make sure later you
677 weren't going to come back. With what you are doing, I am OK with, but I just wanted to make sure you
678 are not planning on putting another house in there.

679
680 Mr. Peay - No, sir.

681
682 Mr. Jernigan - OK, thank you. This is a pretty simple case. They tore a house down. They got a
683 building permit to build another one and it slipped through the cracks. They didn't know it, so it was an
684 honest mistake. They have stated for the record that they are not planning on building any other
685 residences on here. It will be a one single-family dwelling, so with that I am going to move for approval of
686 Case C-23-04 to the Board of Supervisors.

687
688 Mr. Vanarsdall - Second.

689
690 Ms. Ware - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in favor say
691 aye. All opposed say no. The motion passes.

692
693 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Archer, the Planning Commission voted 5-0
694 (one abstention) to recommend that the Board of Supervisors **grant** the request because it reflects the
695 type of growth in the area.

696
697 **P-4-04 Deborah Crowley for Omnipoint Communications CAP Operations LLC:**
698 Request for a Provisional Use Permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County
699 Code in order to allow construction of a 130' tall monopole communication tower with antennas at 130' RAD
700 center and an unmanned communication equipment platform at its base, on part of Parcel 819-725-1866,
701 containing a lease area of 4,500 square feet, located on the south line of Nine Mile Road (State Route 33)
702 between Forest Avenue and Knight Drive. The existing zoning is M-1C Light Industrial District (Conditional).
703 The Land Use Plan recommends Commercial Concentration. The site is in the Airport Safety Overlay
704 District.

705
706 Ms. Ware - Is there any opposition to P-4-04 in the Varina District? No opposition. Mr.
707 Bittner.

708
709 Mr. Bittner - Thank you again. The tower site is adjacent to the J and J Corporation, Newbridge
710 Square Shopping Center on Nine Mile Road, and the parcel is M-1C and designated commercial
711 concentration on the 2010 Land Use Plan. The tower is somewhat close to residentially zoned property to
712 the south and east. However, the tower meets required setbacks to these areas. Due to the combination
713 of existing walls, fences, and mature trees, the base of the tower and related equipment would be largely
714 screened from view from adjacent properties and rights-of-way.

715
716 The applicant has provided staff with sufficient information to evaluate this request including:

- 717
718 - a "letter of intent" to provide for the collocation of additional providers;
719 - a site plan demonstrating this request would meet setback requirements; and
720 - evidence there were no alternatives for collocation in the vicinity of this tower.

721
722 In summary, this site is not objectionable for a tower, and staff recommends approval of this application.

723
724 This concludes my presentation. I would be happy to answer any questions you may have.

725
726 Ms. Ware - Are there any questions for Mr. Bittner? No. Do you need to hear from the
727 applicant?
728

729 Mr. Jernigan - Not really. This is in an industrial area. We don't have any houses close by. I feel
730 this is proper. This is a good spot for a tower. We have these apartment over here, but they are out of the
731 range. They met the distance requirements. So, with that I will move for approval of P-4-04, Omnipoint
732 Communications CAP, to be sent to the Board of Supervisors.

733
734 Mr. Archer - Second.

735
736 Ms. Ware - Motion made by Mr. Jernigan and seconded by Mr. Archer. All in favor say aye.
737 All opposed say no. The motion passes.

738
739 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Archer, the Planning Commission voted 5-0
740 (one abstention) to recommend that the Board of Supervisors **grant** the request because it would provide
741 added services to the community and would create little or no impact on residential areas.

742
743 **RESOLUTION:** Henrico Government Center Expansion Site – Substantially In Accord with the
744 County Comprehensive Plan (Brookland District)

745
746 Mr. Silber - This requires a Substantially in Accord review by the Planning Commission
747 recommendation to the Board of Supervisors, and action by the Board.

748
749 Ms. Ware - Good evening, Ms. Moore.

750
751 Ms. Moore - Good evening. Thank you, and also for the record we are quantifying this as
752 Substantially in Accord 01-04.

753
754 At the request of the General Services Department, the Planning Office conducted a Substantially In Accord
755 Study to determine whether the proposed site for the Government Center expansion is substantially
756 reasonable in light of the Comprehensive Plan's recommendations for this area.

757
758 In March 2004, the County accepted the recommendations of Mosely Architects, who produced a study of
759 the programmatic needs of the County government. In their report titled **Government Center**
760 **Programming and Land Utilization Study**, they state population growth has caused increasing demand
761 for services provided by the agencies occupying the Juvenile and Domestic Relations Court and the Human
762 Services Building.

763
764 The operational requirements for space in these buildings have evolved and both buildings have become
765 inadequate in size and configuration. The long-term needs of these agencies are predicted to increase and
766 adequate space must be available to accommodate the required expansion for operational needs. It should
767 be noted the expansion would consist of administrative office uses and would not include an additional
768 detention area for juveniles.

769
770 Other County agencies not located on the Government Center campus have also been similarly affected by
771 the increased demand for services. One of the study's objectives was to develop a plan to accommodate
772 these agencies' current and future facility needs. The study identified an opportunity to expand the
773 government center on the east side of its current campus between Dixon Powers Drive and Staples Mill
774 Road.

775
776 The proposed expansion area that requires a substantially in accord finding encompasses twenty-two
777 parcels. It includes three parcels on the south line of E. Parham Road and extends south to encompass
778 most of the area bounded by Dixon Powers Drive, Hooper Road, Willis Road and Staples Mill Road.

779
780 The subject area also includes three parcels on the south line of Willis Road adjacent to Bliley Funeral Home
781 and the Human Services Building. The total acreage is approximately 22.75 acres.

782
783 The site is predominantly flat and includes vacant land and parcels with improvements. There are no
784 known floodplains on the site or other topographical constraints that may hinder development.
785

786 The subject area is predominantly zoned R-3, One Family Residence District, which permits detached single-
787 family homes. The area also encompasses land zoned O-2 Office District, O-2C Office District (Conditional)
788 and B-2C Business District.
789

790 The 2010 Land Use Plan recommends Suburban Residential 1 and Office for the subject area. The parcels
791 along the south line of E. Parham Road extending to the south line of Hooper Road are designated
792 Suburban Residential 1. The remaining parcels to toward the south are designated Office.
793

794 Section 15.2-2232A of the Code of Virginia, requires government uses to be located in areas designated for
795 Public Use, unless it can be determined the proposed uses are in substantially in accord with the
796 Comprehensive Plan.
797

798 The proposed uses for the County Government will consist of administrative offices, which staff believes is
799 in keeping with the portion of the area designated for Office in the 2010 Land Use Plan.
800

801 A small area on the north side of the subject site is designated for SR1; however, the development trends in
802 the vicinity show a transition from residential to office uses. The presence of the existing Government
803 Center also changed the landscape of this area, making residential development in this area less suitable or
804 likely.
805

806 Given the changes in the land use trends over the years, the proposed expansion would be a cost effective
807 and reasonable approach to continue to provide qualify facilities and services to the County's growing
808 population in the future.
809

810 Staff has determined, use of the subject site for the proposed Government Center expansion is not in
811 conflict with, or a significant departure from the Goals, Objectives and Policies of the Land Use Plan. In
812 addition, the proposed location for the government expansion would be consistent with the development
813 trends in the area and would support the goals and objectives of the Land Use Plan, including the goals to:
814

- 815 • maximize opportunities for service to the County's residents; and
- 816
- 817 • promote orderly growth and development of County facilities and services based on the needs of its
- 818 growing population.
819

820 Therefore, staff recommends the Planning Commission approve the resolution to find the Government
821 Center Expansion site is substantially in accord with the County's Comprehensive Plan.
822

823 This concludes my presentation, I would be happy to answer any questions you may have.
824

825 Ms. Ware - Are there any questions for Ms. Moore?
826

827 Mr. Silber - We do have tonight Mr. Bill Smith who is with the County's Department of General
828 Services and has more information and knowledge of this subject if the Commission has any questions of
829 him.
830

831 Mr. Marshall - Do they have plans for the actual building for this site? Is that what we are seeing
832 on there? Or is it just...
833

834 Mr. Smith - My name is Bill Smith and I am with the Facilities Management Division of General
835 Services. Mr. Marshall, the indication you see here is a land coverage plan. The way we started off with
836 this project is we knew that we had crowded conditions and the buildings that we have at that edge, and
837 we saw natural boundaries and natural expansion that could take place there. So, our problem was could
838 we find out what we really needed. There are two things that are driving the train here, one is the Human
839 Services Building, is about 30% short on space. The Juvenile Courts Building, JC&P, exclusive of detention,
840 not fooling with detention, but the JC&P project has been expanded. It can be expanded to its ultimate size
841 that we will need in 15 years. Beyond that it can't be expanded an inch, so it would be shortsighted to
842 continue along that path. So, what we have done basically is we have identified about a 70,000 sq. ft.
843 building. The round shaped building at the bottom is what we are calling a transition building. It is there
844 because the ultimate uses of that building require loading capabilities. We have surplus sales. We have
845 library use. We have community development ultimately going there. That is not its first use. Its first use
846 is to take those people that are packed into the Human Services Building and move like Recreation and
847 Parks over there, allowing us to work in Human Services. So, it is a programmed size building but it is not a
848 designed building. Similarly, the larger building in the center of the site is about 100,000 feet, representing
849 the ultimate size of the Juvenile Courts and Probation Facility, and what we would do with old JC&P, which
850 was just expanded, that would become home then to the Recreation and Parks group, who we first move
851 and temporarily house, and ultimately we would put them over there. So, it is a domino game that we'd
852 have to play in order to create space to have space to move in. So, the actual design has not been
853 prepared. The square footage is a very accurate programming forecast, and would take us 25 years, we
854 believe.

855
856 Mr. Vanarsdall - I have a question, Madam Chairman. Bill, usually on the schools and libraries, the
857 final plans, I don't mean final plans but usually we don't have preliminary plans for those either until the
858 land is acquired, do you?

859
860 Mr. Smith - No, sir.

861
862 Mr. Vanarsdall - That is what I thought. Thank you.

863
864 Mr. Smith - We would not want plans at this stage, anyway. We would to be found
865 Substantially in Accord first. Then we would move on with that.

866
867 Mr. Marshall - Right. Then you start buying.

868
869 Ms. Ware - Any more questions for Mr. Smith from the Commission? Thank you.

870
871 Mr. Vanarsdall - I move to approve Substantially in Accord 01-04 with the attached Resolution
872 prepared and submitted by staff. The attached Resolution is in this packet on the second page.

873
874 Mr. Marshall - Second.

875
876 Ms. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in favor say aye.
877 All opposed say no. The motion passes.

878
879 **APPROVAL OF MINUTES:** Planning Commission April 15, 2004

880
881 Mr. Archer - I have one correction, Mr. Secretary, on Page 24, Line 850, delete the word "is" in
882 front of exacerbate.

883
884 Mr. Vanarsdall - You know business is slow when Mr. Archer has time to read all of these minutes.

885

886 Mr. Jernigan - You must have a boring life if you sit over there and read those minutes all the
887 time.
888
889 Mr. Marshall - All of these deferrals are helping him out.
890
891 Mr. Vanarsdall - I move that the April 15, 2004 minutes be approved with the correction by Mr.
892 Archer.
893
894 Mr. Marshall - Second.
895
896 Ms. Ware - Motion made by Mr. Vanarsdall and seconded by Mr. Marshall. All in favor say aye.
897 All opposed say no. The motion passes.
898
899 The minutes of the April 15, 2004 meeting were approved by the Planning Commission.
900
901 Mr. Archer - I move for immediate adjournment.
902
903 Mr. Vanarsdall - I second it.
904
905 Ms. Ware - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All in favor say aye.
906 All opposed say no. The meeting is adjourned at 7:56 p.m.
907
908
909
910
911
912
913
914
915
916
917
918

Lisa Ware, C.P.C., Chairman

Randall R. Silber, Secretary