

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 May 10, 2007. Display Notice having been published in the Richmond Times-
5 Dispatch on April 19, 2007 and April 26, 2007.

6

Members Present: Mr. Tommy Branin, Chairperson (Three Chopt)
Mr. E. Ray Jernigan, C.P.C., Vice Chairperson (Varina)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. Frank J. Thornton (Fairfield)
Board of Supervisors Representative
Mr. Randall R. Silber, Director of Planning, Secretary

Members Absent: Mrs. Bonnie-Leigh Jones (Tuckahoe)

Also Present: Ralph J. Emerson, Jr., AICP, Assistant Director of Planning
Ms. Jean M. Moore, Principal Planner
Mr. Lee Tyson, County Planner
Mr. Seth Humphries, County Planner
Mr. Thomas Coleman, County Planner
Mr. Livingston Lewis, County Planner
Mr. Jim Strauss, County Planner
Ms. Sylvia Ray, Recording Secretary

7 **Mr. Frank J. Thornton, the Board of Supervisors' representative, abstains**
8 **on all cases unless otherwise noted.**

9

10 Mr. Branin - Welcome to the 2007 Planning Commission Meeting
11 for Rezoning.

12

13 Mr. Archer - Good evening, Mr. Chairman.

14

15 Mr. Jernigan - Good evening, Mr. Chairman.

16

17 Mr. Branin - Thank you, Mr. Thornton, for coming this evening.
18 He's our Supervisor that sits on the Board. We don't have anyone here from the
19 press in the audience tonight. So, Mr. Silber, it's up to you.

20

21 Mr. Silber - Thank you, Mr. Chairman. I appreciate that. We have
22 one member of the Planning Commission who is not here with us this evening.
23 She is out for medical reasons. We do have a quorum and so we can conduct
24 business. First on the agenda would be consideration of withdrawals and

25 and deferrals. We do have one withdrawal and we have several deferrals for
26 which staff will tell us which those are and how long they're asking for the
27 deferral.

28
29 Ms. Moore - The first is a withdrawal and is on page 2 of your
30 agenda. It is C-4C-07, Twin Oaks Business Park. The applicant has withdrawn
31 this request; therefore, no action is required by the Commission.

32
33 ***Deferred from the April 12, 2007 Meeting.***
34 **C-4C-07 Todd M. Lynn for Twin Oaks Business Park, LLC:**
35 Request to conditionally rezone from A-1 Agricultural District to O-2C Office
36 District (Conditional), Parcel 814-710-0782, containing 2.505 acres, located at the
37 northwest intersection of Glen Alden Drive and Charles City Road (Garden City
38 subdivision). The applicant proposes a warehouse with limited office. The uses
39 will be controlled by zoning ordinance regulations and proffered conditions. The
40 Land Use Plan recommends Planned Industry. The site is in the Airport Safety
41 Overlay District.

42
43 Mr. Branin - Okay, thank you.

44
45 Ms. Moore - That concludes our withdrawals. The next are
46 requests for deferrals that we received. The first is a lighting plan. It's POD-63-06.
47 It is on page 1 of the agenda in the Tuckahoe District. The deferral is requested to
48 the May 23, 2007 meeting.

49
50 **LIGHTING PLAN (Deferred from the April 25, 2007 Meeting)**

51
LP/POD-63-06 **Purvis & Associates Inc. for Sliding Home LLC**
Wellness Center @ **and Ms. Paige Beale:** Request for approval of a
Starling – lighting plan, as required by Chapter 24, Section 24-
Starling Drive 106 of the Henrico County Code. The .403-acre site
is located on the west line of Starling Drive,
approximately 360 feet south of the intersection with
Quioccasin Road on part of parcel 752-744-2461.
The zoning is B-2C, Business District (Conditional).
(Tuckahoe)

52
53 Mr. Branin - Is anyone in opposition to the deferral of LP/POD-63-
54 06, Sliding Home LLC and Ms. Paige Beale? No one?

55
56 Mr. Archer - Mr. Chairman, I move for deferral of LP/POD-63-06,
57 Sliding Home, LLC and Ms. Paige Beale to the May 23rd meeting at the
58 applicant's request.

59
60 Mr. Vanarsdall - Second.

61

62 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
63 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

64
65 At the request of the applicant, the Planning Commission deferred LP/POD-63-
66 06, Sliding Home, LLC and Ms. Paige Beale to its meeting on May 23, 2007.

67
68 Ms. Moore - Also on page 1 in the Varina District is case C-3C-07,
69 The Tetra Group One, LLC. The deferral is requested to the June 14, 2007
70 meeting.

71
72 ***Deferred from the April 12, 2007 Meeting.***
73 **C-3C-07 The Tetra Group One, LLC:** Request to conditionally
74 rezone from A-1 Agricultural District, R-3 One-Family Residence District, R-5
75 General Residence District and B-3 Business District to R-3C One-Family
76 Residence District (Conditional), R-5C General Residence District (Conditional),
77 and B-3C Business District (Conditional), Parcels 836-714-2353, 835-714-7916,
78 836-712-7784, 835-713-1662 and 836-713-7564, containing approximately
79 79.769 acres (R-3C – 9.654 ac; R-5C – 9.305 ac; and B-3C – 60.810 ac), located
80 between the north line of E. Williamsburg Road, the south line of Old
81 Williamsburg Road, the east line of Dry Bridge Road and the west line of Old
82 Memorial Drive. The applicant proposes a mixture of uses including a single-
83 family development, age-restricted multi-family dwelling units, and general
84 business. The R-3 District allows a minimum lot size of 11,000 square feet and a
85 maximum gross density of 3.96 units per acre. The R-5 District allows a
86 maximum gross density of 14.52 units per acre. The uses will be controlled by
87 zoning ordinance regulations and proffered conditions. The Land Use Plan
88 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, Office
89 and Environmental Protection Area. The site is in the Airport Safety Overlay
90 District.

91
92 Mr. Branin - Is anyone in opposition to the deferral of C-3C-07, The
93 Tetra Group One, LLC? No one?

94
95 Mr. Jernigan - Mr. Chairman, I move for deferral of case C-3C-07,
96 The Tetra Group One, LLC, to June 14, 2007 by the request of the applicant.

97
98 Mr. Vanarsdall - Second.

99
100 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
101 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

102
103 At the request of the applicant, the Planning Commission deferred case C-3C-07,
104 The Tetra Group One, LLC, to its meeting on June 14, 2007.

105

106 Ms. Moore - On page 2 of your agenda in the Three Chopt District
107 is case C-7C-07. The applicant is Farmer Properties, Incorporated. The deferral
108 is requested to the June 14, 2007 meeting.

109

110 **C-7C-07 Andrew M. Condlin for Farmer Properties, Inc.:**
111 Request to conditionally rezone from A-1 Agricultural District to RTHC Residential
112 Townhouse District (Conditional), Parcel 747-773-6860, containing 5.204 acres,
113 located on the southeast line of Twin Hickory Road, approximately 800 feet
114 northeast of Nuckols Road. The applicant proposes a residential townhouse
115 development with a maximum of 28 units. The RTH District allows a maximum
116 density of 9 units per acre. The use will be controlled by zoning ordinance
117 regulations and proffered conditions. The Land Use Plan recommends Urban
118 Residential, 3.4 to 6.8 net units per acre.

119

120 Mr. Branin - Is anyone in opposition to the deferral of C-7C-07,
121 Andrew M. Condlin for Farmer Properties? No one? Then I would like to move
122 that C-7C-07 be deferred to the June 14, 2007 meeting per the applicant's
123 request.

124

125 Mr. Vanarsdall - Second.

126

127 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
128 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

129

130 At the request of the applicant, the Planning Commission deferred case C-7C-07,
131 Andrew M. Condlin for Farmer Properties to its meeting on June 14, 2007.

132

133 Ms. Moore - On page 3 of your agenda in the Tuckahoe District is
134 rezoning case C-21C-07, The Rebkee Company. The deferral is requested to the
135 June 14, 2007 meeting.

136

137 **C-21C-07 The Rebkee Company:** Request to conditionally
138 rezone from B-2C and B-3C Business Districts (Conditional) to B-2C Business
139 District (Conditional), Parcels 738-742-5943, 738-742-6844 and 738-742-9542,
140 containing approximately 2.59 acres, located on the north line of Patterson
141 Avenue (State Route 6) between Careybrook and Lauderdale Drives. The
142 applicant proposes a pharmacy and other retail uses. The uses will be controlled
143 by zoning ordinance regulations and proffered conditions. The Land Use Plan
144 recommends Commercial Concentration and Environmental Protection Area.

145

146 Mr. Branin - Is anyone in opposition to the deferral of C-21C-07,
147 The Rebkee Company? No one? Mr. Archer?

148

149 Mr. Archer - Mr. Chairman, I will move for deferral of C-21C-07,
150 The Rebkee Company, to the June 14, 2007 meeting at the applicant's request.

151

152 Mr. Vanarsdall - Second.

153

154 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
155 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

156

157 At the request of the applicant, the Planning Commission deferred case C-21C-
158 07, The Rebkee Company, to it's meeting on June 14, 2007.

159

160 Ms. Moore - Also on page 3 in the Brookland District is case C-
161 64C-06, Wistar Creek, LLC. The deferral is requested to the June 14, 2007
162 meeting.

163

164 ***Deferred from the March 15, 2007 Meeting.***

165 **C-64C-06 Jennifer D. Mullen for Wistar Creek, LLC:** Request

166 to conditionally rezone from R-3 One-Family Residence District to RTHC

167 Residential Townhouse District (Conditional), Parcels 767-750-8298, 767-751-

168 8651, 768-750-0490, 768-751-0638, 768-751-2435, 768-751-4119, and 768-751-

169 1362 containing 24.46 acres, located on the south line of Wistar Road

170 approximately 142 feet west of Walkenhut Drive. The applicant proposes a

171 residential townhouse development with a maximum of 130 dwelling units, an

172 equivalent density of 5.31 units per acre. The maximum density allowed in the

173 RTH District is 9 units per acre. The use will be controlled by zoning ordinance

174 regulations and proffered conditions. The Land Use Plan recommends Suburban

175 Residential 2, 2.4 to 3.4 units net density per acre, and Office.

176

177 Mr. Branin - Is anyone in opposition to the deferral of C-64C-06,
178 Jennifer D. Mullen for Wistar Creek? No one? Mr. Vanarsdall.

179

180 Mr. Vanarsdall - I move C-64C-06 be deferred to the June 14, 2007
181 meeting at the applicant's request.

182

183 Mr. Jernigan - Second.

184

185 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr.
186 Jernigan. All in favor say aye. All opposed say no. The motion carries.

187

188 At the request of the applicant, the Planning Commission deferred case C-64C-
189 06, Jennifer D. Mullen for Wistar Creek to its meeting on June 14, 2007.

190

191 Ms. Moore - The last request we've received for deferral is case C-
192 20C-07 on page 3 of your agenda. The applicant is Meridian Manor, LLC. The
193 deferral is requested to the June 14, 2007 meeting.

194

195 **C-20C-07 Meridian Manor, LLC:** Request to conditionally

196 rezone from O-3 Office District and O-3C Office District (Conditional) to R-6C

197 General Residence District (Conditional), and O-3C Office District (Conditional),

198 Parcels 763-756-4328, 763-755-1261 and 762-755-3882, containing
199 approximately 31.7 acres, located on the north line of E. Parham Road
200 approximately 510 feet west of Shrader Road and approximately 785 feet north of
201 West Broad Street (U.S. Route 250) on the east line of Hollybrook Avenue at
202 Lynn Avenue. The applicant proposes a gated community with up to 478
203 townhouse-style condominiums and multi-family apartments. The R-6 District
204 allows a maximum gross density of 19.8 units per acre. The uses will be
205 controlled by zoning ordinance regulations and proffered conditions. The Land
206 Use Plan recommends Office.

207

208 Mr. Branin - Is anyone in opposition to the deferral of C-20C-07,
209 Meridian Manor, LLC? Yes ma'am. Okay. I'm going to stop right there. Ma'am
210 we're going to ask you to come down and give us the reason why. State your
211 name for the record and then we'll proceed forward.

212

213 Mr. Vanarsdall - Good evening.

214

215 Ms. Farrell - Good evening, I'm Mary Farrell. I live at 2608
216 Hollybrook Avenue and I have for 16 years. I think that we were courteous
217 enough to show up tonight and I think that the decision on that should be made
218 tonight. I think that the people should have a right to speak.

219

220 Mr. Vanarsdall - The applicant has requested a deferral until June 14.

221

222 Ms. Farrell - Why?

223

224 Mr. Vanarsdall - The case is not ready. He doesn't have a case like we
225 asked him to get. There are a lot of complications on it, on the land and so forth,
226 and the fence they're going to put around it. They're going to put up a wall. Over
227 where you are in Hollybrook, there will be no entrance or exit there, no ingress or
228 egress at Hollybrook at all. The only thing there will be is for an emergency. You
229 won't have any traffic from it. It's going to be assisted living there, isn't it Lee?

231

232 Mr. Tyson - It'll be age restricted.

233

234 Mr. Vanarsdall - Age restricted, which will be either 55 or 62. Tonight,
235 this is only to defer it to the 14th of June and then we'll make a decision.

236

237 Mr. Branin - Ms. Farrell, I think—

238

239 Ms. Farrell - Will we have an opportunity to speak at that time?

240

241 Mr. Branin - Absolutely, ma'am. If you can give us some of the
242 opposing reasons this evening, then Mr. Vanarsdall can also work with the
243 developer to make sure that those are addressed before the 14th hearing.

244
245 Mr. Vanarsdall - Are you the head of the civic association?
246
247 Ms. Farrell - We don't have a formal civic association; we're just
248 neighbors.
249
250 Mr. Vanarsdall - The reason I ask you that—That's okay. I want you to
251 give Lee Tyson your name and address and phone number, and what we'll do—
252 Are all of you concerned with it? Okay.
253
254 Ms. Farrell - And these are only the people we were able to get in
255 contact with.
256
257 Mr. Vanarsdall - What we'll do is have a community meeting before
258 anything else is done on this.
259
260 Ms. Farrell - All right. Can I ask a question, too?
261
262 Mr. Vanarsdall - Certainly.
263
264 Ms. Farrell - Why were only the people on Hollybrook Avenue
265 given these envelopes with the plans? This affects the whole neighborhood. We
266 have people that live all over the place. It's a huge neighborhood. It's not just a
267 couple of houses behind Capital-Lincoln-Mercury. It's at whole little community.
268
269 Mr. Silber - The reason for that is because the state law requires
270 that the County notify all the immediately-adjacent property owners. We do that
271 my mail. If there is an association or somebody in common you want us to
272 contact, we can contact more. It becomes a real challenge trying to contact an
273 entire neighborhood, so we contacted adjacent property owners.
274
275 Ms. Farrell - It affects everybody in the neighborhood.
276
277 Mr. Branin - Could everybody that's here raise your hand so I can
278 get a count again?
279
280 Mr. Vanarsdall - When you say "everybody," it's the people over behind
281 Hollybrook is what you're saying.
282
283 Ms. Farrell - Sir, he only ingress—
284
285 [Person Off Mike] - [Unintelligible.]
286
287 Ms. Farrell - We're fine, Grove.
288

289 Ms. Moore - Mr. Chairman, if I may interject. We have a staff
290 member who is going to put a legal pad outside and if everyone could put their
291 name and telephone number and contact, then we'll make sure that we contact
292 you. And at the same time, Seth Humphreys can try to field some questions that
293 you do have. That will be right out there.

294

295 Mr. Vanarsdall - I guarantee you you'll be notified before we have a
296 community meeting, and we will have a community meeting long before we hear
297 this anymore.

298

299 Ms. Farrell - Okay. You asked me to address specific concerns.
300 That was one of the concerns, that the community didn't know about this. Another
301 concern is this is like a wildlife preserve. There's so much nature that lives in
302 those woods. There are so many different types of animals and birds, owls.

304

305 Mr. Vanarsdall - Okay. Well, we'll get into all that when we have the
306 community meeting. I appreciate your interest.

307

308 Ms. Farrell - Well, you asked me, so I'm telling you, sir.

309

310 Mr. Branin - Yes ma'am.

311

312 Mr. Vanarsdall - I say I appreciate your interest—

313

314 Ms. Farrell - Okay.

315

316 Mr. Vanarsdall - —and I appreciate all of your interest.

317

318 Mr. Branin - What I'll recommend, which I'm sure Mr. Vanarsdall
319 will do, is there will be a community meeting set up at a place close. Usually it's
320 at a County school.

321

322 Ms. Farrell - Thank you.

323

324 Mr. Branin - And you all can get together with the developer and
325 Mr. Vanarsdall, and review your questions and concerns.

326

327 Mr. Vanarsdall - We'll have everybody there.

328

329 Ms. Farrell - Thank you very much.

330

331 Mr. Vanarsdall - We often do this when we have opposition and we'll
332 be glad to do it.

333

334 Ms. Farrell - Thank you.

335
336 Mr. Vanarsdall - We want your input on it.
337
338 Ms. Farrell - Thank you very much.
339
340 Mr. Vanarsdall - Thank you, Ms. Farrell.
341
342 Mr. Branin - Now knowing that there's going to be a community
343 meeting so you will have an opportunity to sit down, are there any other concerns
344 to address before we move forward with the deferral?
345
346 Mr. Jernigan - You have to come down.
347
348 Mr. Vanarsdall - We have to get you on the microphone if you want to
349 say anything because this is being recorded.
350
351 Ms. Isham - Hi. My name's Lindy Isham. I live on Pine Grove Drive.

353
354 Mr. Branin - Hello, Ms. Isham, how are you?
355
356 Ms. Isham - Fine, how are you all? Who will set this community
357 meeting up and how will we be notified?
358
359 Mr. Branin - The staff member for this will be—
360
361 Mr. Vanarsdall - I'll tell you how we do it.
362
363 Ms. Moore - If you will put down your names and contact
364 information, we will give that to the case planner, who will also know about it, and
365 basically we will contact the developer. It's up to them to make that contact, but
366 we will help them with that and notify everyone regarding the time and the date,
367 hopefully in a timely manner. Mr. Vanarsdall will also attend that meeting.
368
369 Mr. Branin - One more thing. With that, the State law states the
370 adjoining properties. When you all get your notification, please tell your
371 neighbors because if you come in and say, "Well, we heard about it at the
372 meeting, but no one else did," we're going to tell you the same thing. We're only
373 going to make sure that those people are notified.
374
375 Ms. Isham - So, the people that aren't here to put on the list, we
376 need to get together as a community—
377
378 Mr. Branin - Yes ma'am.
379
380 Ms. Isham - —and make everybody aware.

381
382 Mr. Branin - Yes ma'am.
383
384 Ms. Isham - Okay. Thank you all.
385
386 Mr. Vanarsdall - Let me ask you a question. Evidently, you weren't
387 notified that this was going to be deferred tonight, either. Is that right?
388
389 [Person off mike] - That's right.
390
391 Mr. Vanarsdall - Okay. We'll take care of it. Appreciate you coming.
392 With that, Mr. Chairman, I move for deferral of C-20C-07 to the June 14, 2007
393 meeting at the applicant's request.
394
395 Mr. Jernigan - Second.
396
397 Mr. Branin - Motion was made by Mr. Vanarsdall, seconded by Mr.
398 Jernigan. All in favor say aye. All opposed say no. The motion carries. Ladies
399 and gentlemen, I'm sorry that you were not notified. Please attend the community
400 meeting so we can get your input.
401
402 At the request of the applicant, the Planning Commission deferred C-20C-07,
403 Meridian Manor, LLC, to its meeting on June 14, 2007.
404
405 Ms. Moore - Thank you.
406
407 Mr. Branin - Ms. Moore, thank you. I didn't get to say good evening
408 earlier.
409
410 Mr. Vanarsdall - All right, what do we have here?
411
412 Mr. Silber - We don't have anything on the expedited agenda, so if
413 I can refer you to page 2 of your agenda.
414
415 Mr. Branin - Mr. Secretary, if you would hold off for a minute.
416
417 Mr. Silber - Okay.
418
419 Mr. Vanarsdall - All right, Mr. Tyson.
420
421 ***Deferred from the April 12, 2007 Meeting.***
422 **C-15C-07 Andrew M. Condlin for West Broad Village, LLC**
423 **and West Broad Village II, LLC:** Request to amend proffered conditions
424 accepted with Rezoning Case C-12C-06, on Parcel 742-760-7866, located on the
425 south line of West Broad Street (U.S. Route 250), north of Three Chopt Road, at
426 the I-64 Interchange. The applicant proposes to amend Proffer 16 to increase the

427 the number of apartments for lease from 250 to 350 units. The total number of all
428 residential unit types (884) would remain unchanged. The existing zoning is
429 UMUC, Urban Mixed Use (Conditional). The Land Use Plan recommends UMU.
430 The site is in the West Broad Street Overlay District.

431

432 Mr. Tyson - Mr. Chairman, members of the Commission, Mr.
433 Thornton. The applicant is proposing to amend the proffers approved with
434 rezoning case C-12C-06, which permitted the development of the West Broad
435 Village UMU. Proffer 16 approved with case C-12C-06 limits the number of
436 apartments in the district to 250. The applicant is now requesting this limit be
437 increased to 350, of which no more than 12 apartments would be 3-bedroom
438 units and no more than 135 would be 2-bedroom units. The total number of
439 dwelling units remains capped at 884.

440

441 The 2010 Land Use Plan recommends Urban Mixed Use for the site, and the
442 proposed proffer amendment is supported by this designation.

443

444 The proposed amendment would not materially alter the previously approved land
445 uses or zoning of the property and the proffers continue to provide assurances of
446 a high quality development. Staff recommends the Planning Commission forward
447 this application to the Board of Supervisors with a recommendation for approval.

449

450 Mr. Branin - Thank you, Mr. Tyson. Does anyone have any
451 questions for Mr. Tyson?

452

453 Mr. Jernigan - I just have one. If they are increasing it from 250 to
454 350, did they knock off a hundred single-family?

455

456 Mr. Tyson - A POD for this was recently approved consisting of
457 545 townhouses and 89 condos over retail. What they've done is changed the
458 apartments over retail to condos over retail. They're changing the ownership only.
459 They're not increasing the number of units; they're changing the form of
460 ownership.

461

462 Mr. Silber - So Mr. Jernigan, the answer to your question is yes.
463 There is no net increase in the number of units. There are still 884 units max. So,
464 they're changing the mix, as Mr. Tyson said. They're reducing the number of
465 condominiums and increasing the number of rental units.

466

467 Mr. Jernigan - They're reducing the number of condos.

468

469 Mr. Silber - Yes.

470

471 Mr. Branin - Is anyone in opposition to C15C-07? No one. Okay.
472 Does anybody have any other questions for Mr. Tyson? None?

473

474 Mr. Jernigan - This lady right here.

475

476 Mr. Branin - Ma'am, come on down. You were slow on the draw
477 there; I was worrying about you.

478

479 Ms. Healy - Hi. My name is Amanda Healy and I live on
480 Careybrook Drive. I was here for one of the items that's been deferred, but I'm
481 curious whether we know what the rental rate for these apartments is going to
482 be?

483

484 Mr. Branin - Mr. Condlin?

485

486 Ms. Healy - Thank you.

487

488 Mr. Condlin - Mr. Chairman, members of the Commission, my name
489 is Andy Condlin from Williams Mullen representing the applicant in this case. To
490 answer the question, I will deviate a little bit from the answer you received
491 previously. The decision hasn't been made. I know you don't like me to disagree
492 with you, but the decision hasn't been made specifically as to condominium and
493 apartments. The difference was this building here, if you remember, has now
494 been eliminated and that was going to be the building with the 250
495 condominiums. The number of townhouses has actually increased, which are
496 owner occupied. But the combination of condominiums and then—These were
497 always intended to be apartments over here. This area on the new master plan
498 has actually been increased. There were about 116 apartments and 250
499 condominiums. We now have 340 combined, so the number is relatively about
500 the same between the two. It's just that we got rid of the condominiums and now
501 want the flexibility. The apartments are going to rent, if they're rental, on the
502 lowest end about \$900 a month for a studio. There are going to be a few studios;
503 I think there are five of them. Then the one-bedrooms are going to start at about
504 \$1,100 to \$1,200.

505

506 Mr. Branin - Does that answer your question, ma'am?

507

508 Mr. Condlin - I can take reservations now.

509

510 Mr. Branin - Thank you, sir. With that, I'd like to move that C-15C-
511 07, Andrew M. Condlin for West Broad Village, LLC and West Broad Village II,
512 LLC, move forward to the Board of Supervisors with the recommendation for
513 approval.

514

515 Mr. Jernigan - Second.

516

517 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
518 Jernigan. All in favor say aye. All opposed say no. The motion carries.

519

520 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
521 Jernigan, the Planning Commission voted 4-0 (Mrs. Jones absent) to recommend
522 the Board of Supervisors grant the request because the changes do not greatly
523 reduce the original intended purpose of the proffers and the proffers continue to
524 assure a quality form of development with maximum protection afforded the
525 adjacent properties.

526

527 Mr. Silber - The next request is on page 3. This is P-5-07, the
528 Wilton Companies.

529

530 **P-5-07 The Wilton Companies:** Request for a Provisional
531 Use Permit under Sections 24-58.2(a), 24-120, and 24-122.1 of the County Code
532 in order to extend hours of operation to 3:00 a.m. on Saturdays and Sundays for
533 a proposed Silver Diner in Wilton Square, on Parcel 748-760-6957, located at the
534 northeast intersection of West Broad Street (U. S. Route 250) and Cox Road.
535 The existing zoning is B-2C Business District (Conditional). The Land Use Plan
536 recommends Commercial Concentration.

537

538 Mr. Tyson - Mr. Chairman, Mr. Thornton. The subject property is
539 located on West Broad Street and Cox Roads in an area zoned predominately for
540 commercial uses. The Land Use Plan recommends Commercial Concentration
541 for the site. The proposed restaurant use is consistent the designations of the
542 Land Use Plan, and the use is permitted by right on the property; however, it is
543 subject to closing at 12:00 midnight.

544

545 A number of provisional use permits for extended hours of operation for
546 restaurants have been approved in the West Broad Street corridor; however,
547 none have been approved for operation until 3:00 a.m.; therefore, staff
548 recommends the hours of operation be limited to 2:00 a.m. on Saturday and
549 Sunday mornings. Hours of operation all other days would be as permitted in the
550 B-2 Business districts. If this request is determined to be appropriate, staff
551 recommends the request be subject to the conditions contained in your staff
552 report.

553

554 I will point out one amendment that is needed is item 7 which deals with the
555 revocation of the permit for cause. In your staff report, it says "24-hour" operation.
556 That should read, "Extended hours of operation have an adverse effect." That
557 would be the only amendment that I see is needed.

558

559 I would be happy to try to answer any questions. Again, there is a graphic
560 showing adjacent provisional use permits in the area and their hours of operation.

562

563 Mr. Branin - Does anybody have any questions for Mr. Tyson?
564 None. May I speak to the applicant?

565
566 Mr. Grattan - Good evening Mr. Chairman, members of the
567 Commission. I'm Stuart Grattan with Grattan Associates representing the
568 applicant.
569
570 Mr. Branin - Good evening, Stuart, how are you?
571
572 Mr. Grattan - I'm fine, how are you all?
573
574 Mr. Branin - I'm doing great. Thank you for asking.
575
576 Mr. Vanarsdall - Silver Diner, that's a good place to eat.
577
578 Mr. Grattan - We're looking forward to having it.
579
580 Mr. Branin - Speaking for the Three Chopt District, we're very
581 excited to have the Silver Diner here. Mr. Kaechele and I have discussed this a
582 bunch. He said he doesn't understand why anyone would need to be open until
583 3:00 in the morning and we went back and forth on it. There's a precedent there
584 that nothing's open past 2:00 already, so 3:00 is absolutely out of the question.
585 I'm going to approve 1:30. All right? If down the road we see that there isn't a
586 problem with that and you guys do need a later time, we will be open to go to
587 2:00. But the precedent has been set that there's nothing beyond 2:00. You're
588 looking at one that's open until 1:30 near you, and one that's open until 2:00 near
589 you. So, that's the time that we feel is a good viable time.
590
591 Mr. Grattan - One-thirty is new. I've had conversations with the
592 Wilton Companies after reading the staff report and we can accept 2:00. One-
593 thirty is new to me. I would like to ask that we consider it and have it approved at
594 2:00 with full knowledge that with #7, you all have the authority to shut it down.
595 There are a lot of [unintelligible] issues in there with monitoring and video
596 cameras. If the concern is safety, I believe the conditions address that.
597
598 Mr. Branin - Mr. Grattan, I understand your point and your point is
599 well taken. Number 7, to a certain extent, repeats what is allowed by the Code in
600 the authority that's given the Board of Supervisors anyway. On any use permit,
601 they have the cause to revoke a use permit. I think #7 is intended to put clear
602 emphasis on the fact that if there is any criminal activity or excessive police calls,
603 then it gives the County special right to go in and evaluate it on that issue. I want
604 the Commission to be aware that regardless of #7 being in here or not, the Board
605 of Supervisors has the right to have a show-cause hearing and to revoke a use
606 permit. The difference between 1:30 and 2:00 must be significant if you are
607 arguing for that additional 30 minutes.
608
609 Mr. Grattan - Well, the issue is this. The 3:00 request is from Silver
610 Diner and there's a negotiation going on between Wilton and Silver Diner to lease

611 his property to them. I've got a POD. So far, everybody's happy and moving
612 ahead, assuming that we can get it done at 2:00. I'm planning on filing a POD for
613 this and the remainder of that frontage on Broad Street tomorrow by the deadline.
614 So, there's a whole lot of time, energy, and money invested in this lease being
615 agreed to, and at this point, it's my understanding that the 2:00 has been agreed
616 to. One-thirty, I don't know if it would clear the whole deal, but there's a
617 possibility that it could.

618

619 Mr. Silber - Obviously, what comes out of the Planning
620 Commission is a recommendation to the Board of Supervisors. So, if Mr. Branin
621 and the Planning Commission deem that 1:30 is their recommendation that is a
622 recommendation that will go to the Board of Supervisors. The Board then has the
623 right to accept that or change it.

624

625 Mr. Branin - It's not in—

626

627 Mr. Grattan - Understood. Can I just ask, for you, what is the
628 difference between 1:30 and 2:00, and if there concessions that we can make
629 and additional conditions to get that and keep this time alive?

630

631 Mr. Branin - I don't think there are any concessions you can make.
632 Beyond 64, you can check and see there is nothing beyond 1:00 and that's pretty
633 much the direction we've started to go. You're getting 1:30 because of what's
634 already there and what has already been approved. Again, my recommendation
635 here is a recommendation. I'll be happy to sit down with you, your client, the
636 Wilton's and discuss it further with Mr. Kaechele afterwards. But the decision that
637 I'm going to make here this evening is my decision and recommendation.

638

639 Mr. Grattan - Fair enough.

640

641 Mr. Branin - Where you want to take it after that is up to you. I'm
642 sure Mr. Kaechele will be more than happy to discuss it further with you. If it's not
643 acceptable, then you can withdraw the case. That's your choice as well. Do you
644 have anything else to add?

645

646 Mr. Grattan - I don't. I understand your point. I'll run it up the
647 flagpole and see what happens.

648

649 Mr. Branin - You got it.

650

651 Mr. Grattan - Thank you.

652

653 Mr. Branin - Any other questions for the applicant? None? Okay.
654 With that, then, I would like to make a motion to approve—How am I going to—

655

656 Mr. Silber - Mr. Branin, the 7 conditions that are found in your staff

657 staff report are conditions that staff has recommended as a part of this provisional
658 use permit. These are not proffered conditions offered by the applicant, but staff
659 recommended conditions so I think you can just make recommendation to
660 approve based on—

661
662 Mr. Branin - Based on 1:30.

663
664 Mr. Silber - With modification of condition #1.

665
666 Mr. Branin - Then I would like to move that—

667
668 Mr. Tyson- Excuse me, I'm sorry. One second. You also need to
669 amend proffer 7 so it reads, "In the event that evidence indicates that extended
670 hours of operation," as opposed to "24-hour operation," because they haven't
671 requested a 24-hour operation.

672
673 Mr. Branin - Okay.

674
675 Mr. Vanarsdall - If you finish, I'll second it.

676
677 Mr. Branin - Thank you. Then I would like to move for approval for
678 P-5-07, the Wilton Companies, with a recommendation of approval to the Board
679 of Supervisors with the amended #7 and amending the time to a 1:30 a.m. closing
680 time.

681
682 Mr. Vanarsdall - Second.

683
684 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
685 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

686
687 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
688 Vanarsdall, the Planning Commission voted 4-0 (Mrs. Jones absent) to
689 recommend the Board of Supervisors **grant** the request with amended conditions
690 to permit operation until 1:30 a.m. because it is reasonable, and it would not be
691 expected to adversely affect public safety, health or general welfare.

692
693 Mr. Silber - In the Tuckahoe District, we have a case deferred
694 from the April 12, 2007 meeting. This is C-19C-07, John Adamson.

695
696 ***Deferred from the April 12, 2007 Meeting.***

697 **C-19C-07** **John G. Adamson:** Request to conditionally rezone
698 from R-1 One-Family Residence District to O-2C Office District (Conditional),
699 Parcel 742-742-7724, containing approximately 1.06 acres, located on the north
700 line of Patterson Avenue (State Route 6) at Otlyn Road. The applicant proposes
701 a professional office. The use will be controlled by zoning ordinance regulations

702 and proffered conditions. The Land Use Plan recommends Environmental
703 Protection Area.

704

705 Mr. Branin - Is anyone in opposition to C-19C-07, John G.
706 Adamson? None? Good evening, sir, how are you?

707

708 Mr. Lewis - Doing well, Mr. Chairman. Thank you.

709

710 Mr. Branin - Good. The floor is yours.

711

712 Mr. Lewis - This is a request to rezone a 1-acre parcel from R-1 to
713 O-2C to allow construction of an office building. The parcel is located on the
714 north line of Patterson Avenue approximately 1,000 feet east of Pump Road. The
715 Canterbury Subdivision borders the site's northern boundary, and office uses are
716 located both west and south of the subject property.

717

718 The 2010 Land Use Plan recommends Environmental Protection Area for the site
719 which is partially located in the 100-year floodplain along Cabin Branch, a
720 perennial stream. The request is not consistent with this designation; however,
721 half of the property lies outside the floodplain and has development potential.

722

723 To provide quality and compatibility assurances as well as to address issues
724 raised in the staff report, the applicant has submitted revised proffers dated May
725 7, 2007, which have just been handed out to you. These elevations and this
726 conceptual plan illustrating an 8,700 square foot building are proffered. Other
727 major aspects of the proffers include brick external wall construction,
728 supplemental evergreen landscaping along the southern property line, a 22-foot
729 wide landscaped buffer with a sidewalk along Patterson Avenue, limits on the
730 hours of construction and hours of lot maintenance, and commitment to prohibit a
731 list of incompatible uses of the property.

732

733 These quality assurances and impact mitigation commitments address staff's
734 previous concerns and should provide compatibility with adjacent properties.
735 Staff believes this request would be a logical continuation of the office
736 development pattern in the area, and is an appropriate use for this site; therefore,
737 staff supports the request.

738

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

740

741 Mr. Branin - Thank you, Mr. Lewis. Does anybody have any
742 questions for Mr. Lewis?

743

744 Mr. Archer - Mr. Lewis, as the rest of the Commission members
745 know, I'm handling this for Mrs. Jones because she was unable to be here
746 tonight. When you and I spoke earlier today, there had not been anything that

747 you had heard or any compelling reason to change your recommendation, so I
748 assume that since that time you've still not heard anything?

749
750 Mr. Lewis - That stands.

751
752 Mr. Archer - Okay. All right. That's all I have, Mr. Chairman.

753
754 Mr. Branin - Okay. No other questions for Mr. Lewis? Anybody
755 need to hear from the applicant? No one?

756
757 Mr. Archer - I don't believe so.

758
759 Mr. Branin - Mr. Archer, the ball's in your court.

760
761 Mr. Archer - All right. Bearing in mind to anybody who may be
762 present that might have some concern about this, this will be heard again by the
763 Board before it's finally approved. Based on the information that I have and
764 staff's recommendation, I move for a recommendation of approval of C-19C-07,
765 John Adamson.

766
767 Mr. Vanarsdall - Second.

768
769 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
770 Vanarsdall. All in favor say aye. All opposed say no. The motion carries.

771
772 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
773 Vanarsdall, the Planning Commission voted 4-0 (Mrs. Jones absent) to
774 recommend the Board of Supervisors grant the request because it represents a
775 logical continuation of office development in the area, and the proffered
776 conditions will provide appropriate quality assurances not otherwise available.

777
778 Mr. Silber - That concludes the zoning cases on your agenda
779 tonight. We do have a couple other remaining items. One is a discussion item to
780 set a public hearing on an amendment to increase the permitted height of
781 accessory structures in residential zoning districts. The Board of Supervisors
782 earlier this week passed a resolution directing the Director of Planning to bring to
783 the Planning Commission an ordinance amendment to consider increasing
784 accessory building heights. Currently, accessory buildings cannot exceed 15 feet
785 in height. There is some concern that's been expressed by some builders that
786 they're trying to build some accessory structures with different pitched roofs and
787 they're having a difficult time doing this with a 15-foot limitation. So, we will be
788 looking at this and bringing an ordinance amendment back to you. We're asking
789 that you set a public hearing for June 27, 2007.

790
791 Mr. Branin - June 27th at what time?

792

793 Mr. Silber - That would be the daytime meeting. We will probably
794 set it for 10:00. Your public hearing starts at 9:00. This would probably be set for
795 10:00 on June 27th. That's after your POD meeting on June 27th.

796
797 Mr. Branin - Any comments?

798
799 Mr. Vanarsdall - It says amendment. I'm confused. I thought we
800 already had that public hearing.

801
802 Mr. Jernigan - No. This is for accessory buildings, not for the house.

803
804 Mr. Silber - Yes sir, Mr. Vanarsdall. That is confusing; I'm glad
805 you pointed that out. There is an amendment going through already for residential
806 structures, dwellings. That has gone through the Planning Commission and
807 moved on to the Board of Supervisors. This is for accessory buildings.

809
810 Mr. Vanarsdall - Okay. That's why I missed it.

811
812 Mr. Silber - So that's the difference. It is confusing because it is
813 two separate ordinances and they're somewhat related.

814
815 Mr. Vanarsdall - If everybody's in agreement, I move that we hear this
816 on the 27th of June at 10:00 a.m.

817
818 Mr. Jernigan - I'll second that, Mr. Chairman.

819
820 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr.
821 Jernigan. All in favor say aye. All opposed say no. The motion carries.

822
823 Mr. Silber - Next on the agenda is consideration of waiving the
824 maximum number of new cases we can accept according to your rules and
825 regulations. I have a list of the latest submittals of rezoning requests that I'm
826 passing down to you. You'll note that there are 13 rezoning and provisional use
827 permits, a combination of 13 PUPs and zoning cases. Your rules and regulation
828 indicate that we can accept no more than 12 applications in any given month. In
829 this particular case, we're one over that maximum. We are recommending that
830 you waive your policy to accept all 13. We believe the staff can handle these and
831 if you believe you all can handle them, we would suggest you waive your policy to
832 accept all 13 applications. These would be processed and heard at the July
833 zoning hearing.

834
835 Mr. Archer - Mr. Secretary, this would be just for that meeting or is
836 this a permanent waiver of the regulation?

837
838 Mr. Silber - No, it would be just for that one meeting.

839
840 Mr. Archer - Okay.
841
842 Mr. Jernigan - Anytime we see 12.
843
844 Mr. Silber - That's correct. The rules and regulations say 9 new
845 zoning applications or 3 provisional use permit applications for a combination not
846 to exceed 12. In this case, there are 13, so it would be a one-time allowance or
847 waiver of your rules and regulations.
848
849 Ms. Moore - Mr. Secretary, to clarify—It's a little confusing, but
850 these actually would be for the June 14th meeting.
851
852 Mr. Silber - Okay, you're correct. It's listed at the top of the page
853 here. Okay. These are for the June 14th meeting.
854
855 Mr. Branin - Now that I know it's June 14th, I'm okay with it, Mr.
856 Secretary.
857
858 Mr. Silber - Oh, okay.
859
860 Mr. Branin - I was a little concerned—
861
862 Mr. Archer - You must be on vacation then.
863
864 Mr. Branin - Yes.
865
866 Mr. Jernigan - All right, do we need a motion?
867
868 Mr. Branin - Yes we do.
869
870 Mr. Jernigan - I'll make a motion that we waive the submissions of
871 twelve cases for the Planning Commission for the June 14th agenda.
872
873 Mr. Vanarsdall - Second.
874
875 Mr. Branin - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall.
876 All in favor say aye. All opposed say no. The motion carries.
877
878 Mr. Silber - Next is consideration of your minutes. This would be
879 the Planning Commission minutes for April 12, 2007.
880
881 Mr. Branin - Boy, it's a big one this time. Did anybody find any
882 problems?
883
884 Mr. Vanarsdall - Not I.

885
886 Mr. Branin - None?
887
888 Mr. Vanarsdall - In the minutes?
889
890 Mr. Branin - In the minutes.
891
892 Mr. Archer - Since Mrs. Jones isn't here, am I supposed to—
893
894 Mr. Branin - Mrs. Jones isn't here, would you please—
895
896 Mr. Jernigan - All right, let's hear it.
897
898 Mr. Archerl - I just read them and they look fine.
899
900 Mr. Branin - I'll entertain a motion to approve the minutes.
901
902 Mr. Archer - I move for approval of the minutes as written.
903
904 Mr. Vanarsdall - Second.
905
906 Mr. Branin - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All
907 in favor say aye. All opposed say no. The motion carries.
908
909 Mr. Silber - There's one other comment. This comment should
910 have come earlier in the meeting. We had a staff member that I think has already
911 left for the evening, but this is his last meeting, last Planning Commission
912 meeting, and that's Tom Coleman. Tom Coleman has accepted a position in
913 Goochland County, a planner in Goochland. I believe his last day is the 29th of
914 May. So, you still have time to conduct business with him, but this will be his last
915 Planning Commission meeting. I should have recognized him, but I didn't. He's
916 been with us 19 years.
917
918 Mr. Jernigan - Can we make a motion that he stays?
919
920 Mr. Branin - I would like to get in the minutes that Mr. Coleman will
921 be dearly missed because of his hard work and his knowledge.
922
923 Mr. Jernigan - I guess it's just going to another front. We'll look at it
924 that way. Moving on to another front.
925
926 Mr. Branin - We may have an opportunity in the Three Chopt
927 District to work with him in the near future since we're getting right up to the line.
928
929 Mr. Silber - I have no other comments at this point.
930

931 Mr. Branin - Well then, with that, I would like to adjourn the
932 meeting.

933
934 The meeting was adjourned at 7:42 p.m.

935

~~936~~

938

Randall R. Silber, Secretary

939

940

941

~~943~~

944

Tommy Branin, Chairman