

1 Minutes of the regular monthly meeting of the Planning Commission of the County
2 of Henrico, held in the County Administration Building in the Government Center at
3 Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday, May 15,
4 2008. Display Notice having been published in the Richmond Times-Dispatch on
5 April 24, 2008 and May 1, 2008.

6

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

Members Absent: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)

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

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

10

11 Mrs. Jones - Good evening.

12

13 Mr. Vanarsdall - Good evening, Madam Chairman.

14

15 Mrs. Jones - On behalf of the Planning Commission and the
16 Planning staff, I'd like to welcome you all here this evening. This is the May 15,
17 2008 meeting for Rezoning and Provisional Use Permits. I'd like to welcome my
18 fellow commissioners. Mr. Glover, a special hello to you. Mr. Glover is our
19 representative from the Board of Supervisors for this year. We welcome him to the
20 Planning Commission for tonight's meeting.

21

22 Is there any member of the press here tonight? I guess nothing's happening
23 tonight then.

24

25 Mr. Branin - Everybody's checking on Rodney changing jobs.

26

27 Mrs. Jones - Okay. With that, I would like to turn the meeting over to
28 our secretary, Mr. Emerson.

29
30 Mr. Emerson - Thank you, Madam Chairman. Before we go into the
31 requests for deferrals, I would like to introduce to you a new member of our staff
32 Ms. Lisa Taylor. Lisa began with the Planning Department in a Planner 1 position
33 on May 12th. We're certainly happy to have her in the department. She's been with
34 the County for a year as an employee at the Permit Center where she assisted
35 customers with building and sign permits and intake of land use applications. Ms.
36 Taylor has previous experience as a Transportation Planner for the Virginia
37 Department of Transportation, and as Programs Coordinator for the Virginia
38 Housing Development Authority. She graduated from Virginia Commonwealth
39 University with a master's in Urban and Regional Planning. Again, certainly we're
40 happy to have her and we intend to keep her busy.

41
42 Mrs. Jones - Welcome.

43
44 Mr. Archer - Ms. Taylor, as I customarily say, that's the last
45 applause you'll hear.

46
47 Mr. Vanarsdall - Madam Chairman, I have an announcement.

48
49 Mrs. Jones - Yes.

50
51 Mr. Vanarsdall - Back in our control room we have two people who help
52 us run everything and one of them is named Sylvia Ray. Today is her birthday. I'm
53 not going to ask and I don't know how many years it is—just Happy Birthday.

54
55
56 Mr. Branin - Happy Birthday, Sylvia.

57
58 Mrs. Jones - Enjoy. Thank you for not asking us all to sing. All right.

59
60
61 Mr. Emerson - With that, Madam Chairman, we will move forward with
62 the requests for deferrals and those will be presented by Ms. Jean Moore.

63
64 Mr. Glover - Madam Chairman, before we start, I'd like to disclose
65 that I do not vote on zoning cases. I abstain because it is a recommendation by
66 the Planning Commission and it comes to the Board of Supervisors for a final
67 decision. I abstain here and vote there.

68
69 Mrs. Jones - So noted for the record. Thank you.

70
71 Ms. Moore - Thank you, Mr. Secretary. The first deferral request is
72 in the Brookland District on page 1 of your agenda. It is C-64C-06. The applicant

73 is Wistar Creek, LLC. The site is located on the south line of Wistar Road
74 approximately 142 feet west of Walkenhut Drive. This is a request to conditionally
75 rezone from R-3 to RTHC where a residential townhouse development is
76 proposed. The deferral is requested to the July 10, 2008 meeting.

77

78 Deferred from the March 13, 2008 Meeting.

79 **C-64C-06 Jennifer D. Mullen for Wistar Creek, LLC:** Request to
80 conditionally rezone from R-3 One-Family Residence District to RTHC Residential
81 Townhouse District (Conditional), Parcels 767-750-8298, 767-751-8651, 768-750-
82 0490, 768-751-0638, 768-751-2435, 768-751-4119, and 768-751-1362 containing
83 24.46 acres, located on the south line of Wistar Road approximately 142 feet west
84 of Walkenhut Drive. The applicant proposes a residential townhouse development
85 with a maximum of 100 dwelling units, an equivalent density of 4.08 units per acre.
86 The RTH District allows a maximum gross density of 9 units per acre. The use will
87 be controlled by zoning ordinance regulations and proffered conditions. The Land
88 Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per
89 acre, and Office.

90

91 Mrs. Jones - Is there any opposition to the deferral of C-64C-06,
92 Jennifer D. Mullen for Wistar Creek, LLC? No opposition.

93

94 Mr. Vanarsdall - I move that C-64C-06, Jennifer D. Mullen for Wistar
95 Creek, LLC, be deferred until July 10, 2008, at the applicant's request.

96

97 Mr. Archer - Second.

98

99 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All
100 in favor say aye. All opposed say no. The ayes have it; the motion carries.

101

102 At the request of the applicant, the Planning Commission deferred C-64C-06,
103 Jennifer D. Mullen for Wistar Creek, LLC, to its July 10, 2008 meeting.

104

105 Ms. Moore - Also on page 1 in the Varina District is case C-53C-07.
106 The applicant is The Terry Companies Six, LLC. The site is located between the
107 north line of N. Airport Drive, the east and south lines of N. Washington Street, and
108 the southern terminus of Delbert Drive. The request is to conditionally rezone from
109 A-1 to RTHC where a maximum of 154 semi-detached condominium units are
110 proposed. The deferral is requested to the June 12, 2008 meeting.

111

112 Deferred from the April 10, 2008 Meeting.

113 **C-53C-07 Andrew M. Condlin for The Terry Companies Six,**
114 **LLC:** Request to conditionally rezone from A-1 Agricultural District to Residential
115 RTHC Townhouse District (Conditional), Parcels 829-725-8000, 829-726-7956,
116 829-725-2031, 829-725-9496, 829-726-6419, 830-724-1497, 829-725-6657, 829-
117 725-2590 and 828-724-9181. The 46.8-acre site is located between the north line
118 of N. Airport Drive, the east and south lines of N. Washington Street, and the

119 southern terminus of Delbert Drive. The applicant proposes a maximum of one
120 hundred fifty-four (154) semi-detached condominium units, a density of 3.29 units
121 per acre. The RTH District allows a maximum gross density of 9 units per acre.
122 The use will be controlled by zoning ordinance regulations and proffered
123 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
124 units net density per acre. The site is in the Airport Safety Overlay District.

125

126 Mrs. Jones - Is there any opposition to the deferral of C-53C-07,
127 Andrew M. Condlin for The Terry Companies Six, LLC? No opposition.

128

129 Mr. Vanarsdall - I move that C-53C-07, Andrew M. Condlin for The Terry
130 Companies Six, LLC, be deferred until June 12, 2008, at the applicant's request.

132

133 Mr. Archer - Second.

134

135 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All
136 in favor say aye. All opposed say no. The ayes have it; the motion carries.

137

138 At the request of the applicant, the Planning Commission deferred C-53C-07,
139 Andrew M. Condlin for The Terry Companies Six, LLC, to its June 12, 2008
140 meeting.

141

142 Ms. Moore - On page 2 of your agenda is case P-7-08. The
143 applicant is Diamond Communications, LLC. This is a request for a Provisional
144 Use Permit in order to construct 146-foot high monopole telecommunication tower.
145 The site is located on the north line of Midview Road approximately 1,075 feet east
146 of New Market Road. The deferral is requested to the June 12, 2008 meeting.

148

149 **P-7-08 Gregory S. Tully for Diamond Communications,**
150 **LLC:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120
151 and 24-122.1 of Chapter 24 of the County Code in order to construct a 146' high
152 monopole telecommunications tower and related equipment, on part of Parcel 804-
153 702-0772, located on the north line of Midview Road approximately 1,075 feet east
154 of New Market Road (State Route 5). The existing zoning is R-3 One-Family
155 Residence District. The Land Use Plan recommends Suburban Residential 1, 1.0
156 to 2.4 units net density per acre.

157

158 Mrs. Jones - Do we have opposition to the deferral of P-7-08,
159 Gregory S. Tully for Diamond Communications, LLC?

160

161 Female - [Off mike.] [Inaudible.]

162

163 Ms. Moore - Yes ma'am. Staff has recognized several unresolved
164 issues with this. The applicant has requested deferral at this time and also on the
165 request of the Planning Commissioner for that district who is absent tonight.

166
167 Mrs. Jones - The deferral, Ms. Moore, is to—

168
169 Ms. Moore - The June 12, 2008 meeting.

170
171 Mrs. Jones - June 12th is when the case will be heard if it's deferred
172 tonight. Okay? All right.

173
174 Mr. Vanarsdall - All right. With that, I move that P-7-08, Gregory S. Tully
175 for Diamond Communications, LLC, be deferred until June 12, 2008 at the
176 applicant's request.

177
178 Mr. Archer - Second.

179
180 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All
181 in favor say aye. All opposed say no. The ayes have it; the motion carries.

182
183 At the request of the applicant, the Planning Commission deferred P-7-08, Gregory
184 S. Tully for Diamond Communications, LLC, to its June 12, 2008 meeting.

186
187 Ms. Moore - Also on page 3 of your agenda is P-8-08. The applicant
188 is Richmond 20MHz, LLC. The site is located on the west line of Varina Road
189 approximately 120 feet south of Mill Road. The request is for a provisional use
190 permit in order to construct a 194-foot high monopole telecommunication tower
191 and related equipment. The deferral is requested to the June 12, 2008 meeting.

193
194 **P-8-08 Gloria L. Freye for Richmond 20MHz LLC:** Request
195 for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and 24-122.1 of
196 Chapter 24 of the County Code in order to construct a 194' high monopole
197 telecommunications tower and related equipment, on part of Parcel 810-686-4444,
198 located on the west line of Varina Road approximately 120 feet south of Mill Road.
199 The existing zoning is A-1 Agricultural District. The Land Use Plan recommends
200 Rural Residential not exceed 1.0 units net density per acre. The site is in the
201 Airport Safety Overlay District.

202
203 Mrs. Jones - Is there any opposition to the deferral of P-8-08, Gloria
204 L. Freye for Richmond 20 MHz, LLC?

205
206 Female - [Off mike.] [Inaudible.]

207

208 Ms. Moore - Again, it's a similar situation. There are unresolved
209 issues in the staff report. The applicant has requested that it be deferred for one
210 month to work on those issues.

211
212 Mrs. Jones - Ma'am, I would suggest that you make sure that staff
213 has your name and can communicate with you about the case as it comes forward.

215
216 Mr. Vanarsdall - With that, I will recommend P-8-08, Gloria L. Freye for
217 Richmond 20 MHZ, LLC, be deferred until June 12, 2008, at the applicant's
218 request.

219
220 Mr. Archer - Second.

221
222 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All
223 in favor say aye. All opposed say no. The ayes have it; the motion carries.

224
225 At the request of the applicant, the Planning Commission deferred P-8-08, Gloria
226 L. Freye for Richmond 20 MHZ, LLC, to its June 12, 2008 meeting.

227
228 Ms. Moore - In the Fairfield District on page 2 of your agenda is
229 case C-44C-07. The applicant is Parham Road Properties and Majestic Properties,
230 LLC. The site is located along the north line of E. Parham Road and the south line
231 of Hungary Road to their intersections with Cleveland Street. This is a request to
232 conditionally rezone from R-4 (one-family) to O-2C (Office District) where office
233 uses and a bank are proposed. The deferral is requested to the July 10, 2008
234 meeting.

235
236 Deferred from the March 13, 2008 Meeting
237 **C-44C-07 Andrew M. Condlin for Parham Road Properties and**
238 **Majestic Properties, LLC:** Request to conditionally rezone from R-4 One-Family
239 Residence District to O-2C Office District (Conditional), Parcels 783-756-0592,
240 782-756-9598, -7785, -9285, 782-757-4814, and -5414, and part of Parcel 782-
241 757-3717, containing approximately 2.925 acres, located along the north line of E.
242 Parham Road and the south line of Hungary Road to their intersections with
243 Cleveland Street. The applicants propose office uses and a bank. The use will be
244 controlled by zoning ordinance regulations and proffered conditions. The Land
245 Use Plan recommends Office and Commercial Concentration

246
247 Mrs. Jones - Do we have opposition to the deferral of C-44C-07,
248 Andrew M. Condlin for Parham Road Properties and Majestic Properties, LLC? No
249 opposition.

250
251 Mr. Archer - Madam Chair, I move for deferral of C-44C-07, Andrew
252 M. Condlin for Parham Road Properties and Majestic Properties, LLC, to the July
253 10, 2008 meeting at the applicant's request.

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Mr. Branin - Second.

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

At the request of the applicant, the Planning Commission deferred C-44C-07, Andrew M. Condlin for Parham Road Properties and Majestic Properties, LLC to its July 10, 2008 meeting.

Ms. Moore - In the Three Chopt District on page 3 of your agenda is case C-8C-05, Fidelity Properties, Limited. The site is located on the west line of Sadler Road approximately 290 feet south of Wonder Lane. The request is to conditionally rezone from A-1 to RTHC, where a townhome development is proposed. The applicant is requesting that it be deferred to the November 13, 2008 meeting.

Deferred from the November 8, 2007 Meeting

C-8C-05 G. Edmond Massie, IV for Fidelity Properties, Ltd.:
Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 746-764-5580, containing approximately 4.54 acres, located on the west line of Sadler Road approximately 290 feet south of Wonder Lane. The applicant proposes a townhouse development not to exceed six (6) units per acre. The RTH District allows a maximum gross density of 9 units per acre. The proposed use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre

Mrs. Jones - Is there opposition to the deferral of C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd? No opposition.

Mr. Branin - Mrs. Chairman, I would like to move that C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd., be deferred to the November 13, 2008 meeting per the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd, to its November 13, 2008 meeting.

Ms. Moore - Also on page 3 is case C-19C-06, Fidelity Properties, Ltd. This site is located between the east line of Glasgow Road and the west line

300 of Sadler Road, approximately 600 feet north of Ireland Lane. This request is to
301 conditionally rezone from A-1 to RTHC, where a residential townhouse
302 development is proposed. The deferral is requested to the November 13, 2008
303 meeting.

304
305 Deferred from the November 8, 2007 Meeting

306 **C-19C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.:**
307 Request to conditionally rezone from A-1 Agricultural District to RTHC Residential
308 Townhouse District (Conditional), Parcels 746-763-2482, 746-763-2896, 746-763-
309 1769, and 746-764-3818 containing 10.79 acres, located between the east line of
310 Glasgow Road and the west line of Sadler Road, approximately 600 feet north of
311 Ireland Lane. The applicant proposes a residential townhouse development not to
312 exceed six (6) dwelling units per acre. The RTH District allows a maximum gross
313 density of 9 units per acre. The proposed use will be controlled by zoning
314 ordinance regulations and proffered conditions. The Land Use Plan recommends
315 Suburban Residential 1, 1.0 to 2.4 units net density per acre.

317
318 Mrs. Jones - For the record, I would like to clarify that the previous
319 vote was intended to be for C-8C-05, Fidelity Properties. I would like to have that
320 vote repeated for the sake of clarity.

321
322 Mr. Branin - I would like to move that C-8C-05, G. Edmond Massie,
323 IV for Fidelity Properties, Ltd, be deferred to the November 13, 2008 meeting, per
324 the applicant's request.

325
326 Mr. Vanarsdall - Second.

327
328 Mrs. Jones - Motion by Mr. Branin in reference to C-8C-05, and a
329 second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have
330 it; that motion carries.

331
332 Now we have before us C-19C-06, G. Edmond Massie, IV for Fidelity Properties,
333 Ltd. Is there opposition to this case being deferred? No opposition.

334
335 Mr. Branin - I would like to move that C-19C-06, G. Edmond Massie,
336 IV for Fidelity Properties, Ltd, be deferred to the November 13, 2008 meeting, per
337 the applicant's request.

338
339 Mr. Vanarsdall - Second.

340
341 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
342 in favor say aye. All opposed say no. The ayes have it; the motion carries.

343 At the request of the applicant, the Planning Commission deferred C-19C-06, G.
344 Edmond Massie, IV for Fidelity Properties, Ltd, its November 13, 2008 meeting.

345

346 Ms. Moore - The next request is P-10-07. The applicant is Richmond
347 Strikers Soccer Club, Incorporated. The site is located on the east line of Pouncey
348 Tract Road, approximately 900 feet south of Shady Grove Road. This is a request
349 for a Provisional Use Permit in order to construction a 144-foot high
350 telecommunication tower. The deferral is requested to the June 12, 2008 meeting.

352
353 Deferred from the March 13, 2008 Meeting

354 **P-10-07 Gloria L. Freye for Richmond Strikers Soccer Club,**
355 **Inc.:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120 and
356 24-122.1 of Chapter 24 of the County Code in order to construct a 144' high
357 telecommunications tower on part of Parcel 740-768-1098, located on the east line
358 of Pouncey Tract Road (State Route 271) approximately 900 feet south of Shady
359 Grove Road. The existing zoning is A-1 Agricultural District. The Land Use Plan
360 recommends Open Space/Recreation and Environmental Protection Area

362
363 Mrs. Jones - Do we have opposition to the deferral of P-10-07,
364 Gloria L. Freye for Richmond Strikers Soccer Club, Inc.? No opposition.
365

366 Mr. Branin - I would like to move that P-10-07, Gloria L. Freye for
367 Richmond Strikers Soccer Club, Inc, be deferred to the June 12, 2008 meeting per
368 the applicant's request.
369

370 Mr. Vanarsdall - Second.
371

372 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
373 in favor say aye. All opposed say no. The ayes have it; the motion carries.
374

375 Ms. Moore - The last request staff has received is on page 4 of your
376 agenda. It is case C-61C-07. The applicant is Centex Homes. This is a request to
377 conditionally rezone from A-1 to RTHC and B-2C (Business District). The site is
378 located on the west line of Pouncey Tract Road between Kain Road and Bacova
379 Drive. Condominiums, retail, and office uses are proposed. The deferral is
380 requested to the July 10, 2008 meeting.
381

382 Deferred from the March 13, 2008 Meeting

383 **C-61C-07 James Theobald for Centex Homes:** Request to
384 conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse
385 District (Conditional) and B-2C Business District (Conditional), Parcels 738-767-
386 5405, 738-766-9367, 739-766-3768 and 739-766-2504, containing approximately
387 32.99 acres (RTHC – 23.30 ac. and B-2C 9.69 ac.), located on the west line of
388 Pouncey Tract Road (State Route 271) between Kain Road and Bacova Drive.
389 The applicant proposes condominiums, retail and office uses. The maximum
390 density allowed in the RTH District is nine (9) units per acre. The uses will be
391 controlled by zoning ordinance regulations and proffered conditions. The Land

392 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
393 units net density per acre. The majority of the site is in the West Broad Street
394 Overlay District

395

396 Mrs. Jones - Is there opposition to the deferral of C-61C-07, James
397 Theobald for Centex Homes? There is no opposition.

398

399 Mr. Branin - I would like to move that C-61C-07, James Theobald
400 for Centex Homes, be deferred to the July 10, 2008 meeting, per the applicant's
401 request.

402

403 Mr. Vanarsdall - Second.

404

405 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
406 in favor say aye. All opposed say no. The ayes have it; the motion carries.

407

408 At the request of the applicant, the Planning Commission deferred C-61C-07,
409 James Theobald for Centex Homes, to its July 10, 2008 meeting.

410

411 Mr. Emerson - Madam Chairman, that takes us to the next item on
412 your agenda, which are requests for expedited items. In order to be considered on
413 the expedited agenda, staff must be recommending approval; the applicant must
414 submit a letter stating agreement with staff's recommendations, conditions, and so
415 forth; and there must be no known opposition. If there is opposition, the item will
416 be removed from the expedited agenda and heard in the order it appears on the
417 regular agenda. Any member of the Commission can also request the item be
418 removed from the expedited agenda. Ms. Moore will present the one item we have
419 tonight on the expedited agenda.

420

421 Ms. Moore - Thank you, Mr. Secretary. It is on page 2 of your
422 agenda in the Varina District. It is case C-19C-08, Steeple Lane Development,
423 LLC. The site is located between the east line of East Richmond Road and the
424 west line of N. Laburnum Avenue beginning approximately 1100 feet north of Nine
425 Mile Road. The request is to amend proffered conditions accepted with rezoning
426 case C-20C-06 where the deletion of Proffer #23 is proposed pertaining to
427 providing a stub road to the parcel to the north identified as GPIN number 809-
428 725-3662. Again, this has been requested to be expedited and there is no known
429 opposition to this request.

430

431 **C-19C-08 Steeple Lane Development, LLC:** Request to amend
432 proffered conditions accepted with Rezoning Case C-20C-06, on Parcel 809-724-
433 5973, located between the east line of East Richmond Road and the west line of
434 N. Laburnum Avenue beginning approximately 1,100 feet north of Nine Mile Road
435 (State Route 33). The applicant proposes to delete Proffer 23 pertaining to
436 providing a stub road to Parcel 809-725-3662 adjacent to the north property line.
437 The existing zoning is R-5AC General Residence District (Conditional). The Land

438 (Conditional). The Land Use Plan recommends Office/Service. The site is in the
439 Airport Safety Overlay District.

440

441 Mrs. Jones - Is there anyone here tonight with opposition to case C-
442 19C-08, Steeple Lane Development, LLC? There is no opposition.

443

444 Mr. Vanarsdall - Madam Chair, I move that C-19C-08, Steeple Lane
445 Development, LLC, be recommended to the Board of Supervisors for approval.

446

447 Mr. Branin - Second.

448

449 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All
450 in favor say aye. All opposed say no. The ayes have it; the motion carries on the
451 expedited agenda.

452

453 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr.
454 Branin, the Planning Commission voted 4-0 (one absent, one abstention) to
455 recommend the Board of Supervisors **grant** the request because the amendment
456 does not reduce the original intended purpose of the proffers, and the changes are
457 not anticipated to adversely affect adjacent properties.

458

459 Mr. Emerson - Madam Chairman, that takes you to your regular
460 agenda.

461

462 **P-9-08 Gloria L. Freye for New Cingular Wireless PCS,**
463 **LLC:** Request for a Provisional Use Permit under Sections 24-95(a)(3), 24-120
464 and 24-122.1 of Chapter 24 of the County Code in order to construct a 199' high
465 monopole telecommunications tower and related equipment, on part of Parcel 858-
466 699-7164, located on the east line of Elko Road (State Route 156) approximately
467 400 feet south of Portugee Road. The existing zoning is A-1 Agricultural District.
468 The Land Use Plan recommends Rural Residential, not to exceed 1.0 units net
469 density per acre, and Environmental Protection Area.

470

471 Mrs. Jones - Good evening, Mr. Props.

472

473 Mr. Props - Good evening. Madam Chairman, members of the
474 Commission, New Cingular Wireless is requesting to construct a 195-foot high
475 monopole style communication tower plus a 4-foot high lightening rod on property
476 located at 6935 Elko Road and adjacent to the CSX Railroad. The site is currently
477 zoned A-1 (Agricultural), requiring a Provisional Use Permit for towers exceeding
478 50 feet in height.

479

480 The 2010 Land Use Plan recommends Rural Residential and Environmental
481 Protection. Single-family subdivisions surround the property; however, the
482 proposed tower would be located on a large vacant parcel that adjoins a railroad
483 line and would be buffered by a mature wooded area.

484

485 This tower site would offer future co-location opportunities and serve to consolidate
486 additional communication providers. A balloon float and community meeting were
487 held. Staff has not received opposition on this request.

488

489 Staff had originally suggested a concealed antenna design, but based on the
490 balloon float and the site's fairly isolated location, a triangular array would have
491 minimal impacts. A revised set of conditions—removing Condition #12—has been
492 distributed.

493

494 In summary, the utilization of a triangular antenna platform would allow more co-
495 location opportunities and help consolidate the area's increasing tower location
496 demand. Staff supports this request with the revised 11 recommended conditions.
497 This concludes my presentation and I will be happy to any questions.

498

499 Mrs. Jones - I may have neglected to ask and I apologize. Is there
500 any opposition to P-9-08, Gloria L. Freye for New Cingular Wireless PCS, LLC?
501 Okay, there is no opposition.

502

503 Mr. Vanarsdall - Thank you.

504

505 Mrs. Jones - Does anyone have questions?

506

507 Mr. Vanarsdall - I don't need to talk to the applicant.

508

509 Mrs. Jones - You don't want to hear from the applicant?

510

511 Female - [Off mike.] Where is this proposed?

512

513 Mrs. Jones - Yes ma'am. Mr. Props?

514

515 Mr. Props - Elko Road, the railroad tracks, and this is the proposed
516 site (pointing to proposed site on overhead).

517

518 Mrs. Jones - If you'd like to come speak—

519

520 Female - [Off mike.] [Inaudible.]

521

522 Mrs. Jones - Ma'am? Ma'am? We are recording this, so if you'd like
523 to come on up to the podium, then we'll be able to hear what you're saying so that
524 it can be recorded for the minutes? If you wouldn't mind.

525

526 Mr. Vanarsdall - We'd like to hear what you have to say.

527

528 Mrs. Jones - Yes.

529

530 Mr. Branin - Ma'am, if you could also state your name for the record.

532

533 Ms. Taylor - My name is Crystal Taylor. I live in the Varina area. I
534 just wanted to know where the location of this tower was going to be. It seems to
535 be a high tower and I want to know why does it have to be so high and what is it
536 going to accomplish. It's saying also that it's going to have a residential—This is
537 what I'm reading into, that it's going to have residential where they are building, I
538 guess, homes for people. What's the tower for?

539

540 Mrs. Jones - This is a cell tower.

541

542 Mr. Vanarsdall - This is a cell tower for cell telephones. It's a
543 communications tower.

544

545 Ms. Taylor - For cell phones.

546

547 Mr. Vanarsdall - We'll be glad to have Ms. Freye, who is representing
548 the company, come down and explain it to you—

549

550 Ms. Taylor - Okay.

551

552 Mr. Vanarsdall - —so you can understand it more.

553

554 Ms. Taylor - is this near Williamsburg Road?

555

556 Mr. Vanarsdall - Down at the Elko track.

557

558 Male - [Off mike.] [Inaudible.]

559

560 Ms. Taylor - Okay. That's all I wanted to know. Thank you.

561

562 Mr. Vanarsdall - She'll be glad to talk to you about it, if you want more
563 information on it.

564

565 Ms. Taylor - No, thank you very much.

566

567 Mr. Vanarsdall - Thank you, Ms. Taylor. Anybody else?

568

569 Mrs. Jones - Mr. Vanarsdall, do you want the applicant to answer
570 anything in reference to that?

571

572 Mr. Vanarsdall - Well, she said she didn't need it.

573

574 Mrs. Jones - Okay. All right. Are there other questions from the
575 Commission?

576
577 Mr. Vanarsdall - With that, I recommend P-9-08, Gloria L. Freye for New
578 Cingular Wireless PCS, LLC, be sent to the Board of Supervisors for approval,
579 deleting Condition #12.

580
581 Mr. Branin - Second.

582
583 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All
584 in favor say aye. All opposed say no. The ayes have it; the motion carries.

585
586 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr.
587 Branin, the Planning Commission voted 4-0 (one absent, one abstention) to
588 recommend the Board of Supervisors **grant** the request because it would provide
589 added services to the community and the conditions should minimize the potential
590 impacts on surrounding land uses.

591
592 Mr. Branin - Ms. Taylor, the tower was recommended for approval.
593 It will now go from us to the Board of Supervisors next month. At which time, it will
594 either be approved, denied, or deferred. If the Supervisors find there is a problem
595 that needs to be worked through as were the earlier cell tower cases. If you could
596 get your name to any of those people over there (Planning staff) so they can make
597 sure you're updated on the other towers that you were interested in. Cell towers a
598 lot of times do get deferred over and over again while they're working issues out.
599 If that's the case, you won't have to drive over and then find out that it's deferred,
600 we'll keep you updated. Okay?

601
602 Ms. Taylor - [Off mike.] Thank you.

603
604 *Deferred from the March 13, 2008 Meeting*

605 **C-2C-08 Kim B. Kacani for HHHunt Corporation:** Request to
606 conditionally rezone from A-1 Agricultural District to R-3C One-Family Residence
607 District (Conditional) and RTHC Residential Townhouse District (Conditional),
608 Parcel, 734-781-9430, containing approximately 77.55 acres (R-3C 53.59; RTHC
609 23.96), located along the north line of Pouncey Tract Road (State Route 271), the
610 northwest boundary of the County at the Henrico/Goochland County lines, west of
611 Collinstone at Wyndham and Collinstone Manor at Wyndham subdivisions and
612 north of Bradford Landing at Wyndham and Bradford at Wyndham subdivisions.
613 The applicant proposes a single-family subdivision and detached condominiums
614 with a maximum of 193 units, and equivalent density 2.49 gross units per acre.
615 The R-3 District allows a minimum lot size of 11,000 square feet and a maximum
616 gross density of 3.96 units per acre. The maximum density allowed in the RTH
617 District is nine (9) units per acre. The uses will be controlled by zoning ordinance
618 regulations and proffered conditions. The Land Use Plan recommends Suburban
619 Residential 2, 2.4 to 3.4 units net density per acre, Environmental Protection Area,
620 and Rural Residential, not to exceed 1.0 unit net density per acre.

622

623 Mrs. Jones - Is there any opposition to C-2C-08, Kim B. Kacani for
624 HHHunt Corporation? There is opposition. Has someone been selected as a
625 spokesperson for your group? Okay. We'll go over the specifics of the rules of
626 discussion when there is opposition, but I would encourage you to make sure that
627 when you do speak, that you make points that haven't been made before so that
628 everything that you'd like to bring forward has time to be presented. I also would
629 like to ask if there are folks in the audience in support of this case. Have you all
630 selected someone to be a spokesperson for your group? Okay. You all will have
631 your opportunity to speak. Mr. Humphreys will present the case. Should we
632 review now or later the rules of opposition.

633

634 Mr. Emerson - We should probably review them now, Madam
635 Chairman. The Planning Commission does have rules that govern public hearings.
636 Essentially, the applicant is allowed 10 minutes to present the request and time
637 may be reserved for responses to testimony. Opposition is allowed 10 minutes to
638 present its concerns. Commission questions do not count into the time limits and
639 the Commission may waive the limits for either party at its discretion.

641

642 Mrs. Jones - Thank you.

643

644 Mr. Humphreys - Thank you, Mrs. Chairman.

645

646 As stated, this request is to rezone approximately 77.55 acres from A-1 to R-3
647 One-Family Residence District (Conditional) and RTHC Residential Townhouse
648 District (Conditional) to permit the construction of up to 193 single-family lots and
649 detached condominium dwellings.

650

651 The 2010 Land Use Plan designates the majority of the site Suburban Residential
652 2, with a recommended density range of 2.4 to 3.4 units per acre. Smaller portions
653 of the site are designated Rural Residential (not exceeding one unit per acre) and
654 Environmental Protection Area. The area designated Rural Residential would
655 accommodate access to the proposed subdivision. The conceptual plan does not
656 show any proposed lots on this area.

657

658 The applicant has proffered a maximum of 193 units, resulting in a density of
659 approximately 2.49 units per acre. This would include a maximum of 97 units on
660 the R-3C portion of the property and a maximum of 96 units on the proposed
661 RTHC zoned portion of the property. This density is consistent with the 2010 Land
662 Use Plan's SR-2 recommendation.

663

664 In response to staff's concerns, the applicant has submitted revised proffers dated
665 May 6, 2008, which have just been handed out to you. The applicant has
666 submitted and proffered a conceptual plan and an entrance feature design. The
667 revised proffers differ from the proffers in your staff reports in the following ways:

668 some minor typographical errors have been corrected; in addition to the previous
669 limits placed on construction hours, no exterior construction would be permitted on
670 Sundays; an addition to Proffer #13 states there would be no direct vehicular
671 access to Collinstone or Collinstone Manor; a new proffer, Proffer #14, states a
672 pedestrian access way as shown on the conceptual plan would be provided; the
673 minimum house sizes in neighborhoods A, B, and C have been increased to 2500,
674 2700, and 1750 square feet respectively; a vegetative screening would be added
675 at the end of the most southeastern cul-de-sac; and all units in Neighborhood C
676 would have a two-car garage, except for those originally constructed as models.

678
679 The case is consistent with the land use recommendations in the Comprehensive
680 Plan, would be a logical extension of single-family uses established in the area,
681 and is consistent with other quality developments recently approved in the County.
682 Staff supports this request.

683
684 This concludes my presentation and I'll be happy to take any questions.

685
686 Mrs. Jones - Are there questions for Mr. Humphreys from the
687 Commission? No questions? Mr. Branin, I see you probably would like to have
688 some folks come forward?

689
690 Mr. Branin - Yes ma'am. If I may, I'd like to have the applicant
691 speak, and opposition followed by people in favor. Then, if the attorney chooses
692 to, his rebuttal time.

693
694 Mrs. Jones - Mr. Rothenberg, are you going to reserve rebuttal time?

695
696
697 Mr. Rothenberg - Yes ma'am. I'd like to reserve three minutes.

698
699 Mrs. Jones - Okay, thank you.

700
701 Mr. Rothenberg - Madam Chairman, ladies and gentlemen, my name is
702 Chuck Rothenberg here on behalf of HHHunt, the developer of the award-winning
703 community of Wyndham.

704
705 This is a request to rezone approximately 77 acres of land adjacent to the
706 northwestern tip of Wyndham, bordered by Goochland County in the west and
707 Hanover County on the north. The request is to rezone from A-1 (Agricultural) to a
708 combination of RTH for 96 empty-nester detached condominiums and 97 single-
709 family homes. The request is consistent with the R-4 and R-3 zoning adjacent to
710 the west and south, as well as with the 2010 Land Use Plan. That plan suggests
711 an appropriate density of up to 3.4 units per acre, which would result in
712 approximately 263 units. Our request is for up to 193 units, resulting in a net
713 density of 2.49 units per acre.

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The plan and proffers before you this evening are a result of months of work and dialogue with representatives of the Wyndham Foundation Board and the Taskforce appointment by it. Consistent with the Wyndham Taskforce’s request, the new plan shows three distinct neighborhoods—Neighborhood A with 64 units, Neighborhood B with 33 homes, and Neighborhood C with up to 96 detached condominiums. The new plan increases the minimum lot width from 80 to 85, eliminates long rows of lots, provides walking trails to Collinstone Manor, and incorporates a cul-de-sac design creating fewer lots along the border with Bradford Landing.

We have significantly increased the minimum finished floor areas from the initial submittal. Neighborhood A, adjacent to Bradford Landing, has a minimum finished floor area of 2500 square feet; Neighborhood B, a minimum finished floor area of 2700 square feet; and the detached condominiums, a minimum of 1750 square feet of finished space. By letter to the Foundation’s Board, HHHunt has agreed to allow Wyndham residents to purchase the single-family lots prior to opening sales to builders. In response to concerns about impacts on amenities, HHHunt has agreed to pay a lump-sum payment of \$250,000 for additional amenities, which we believe will be used to construct an additional pool at the Swim and Racquet Club. HHHunt has also agreed to contribute \$500 rather than the current \$400 as a capital contribution per home to the Foundation. Inclusion of the empty-nester detached condominium product was the idea of the Task Force. It has the effect of increasing home style choices; reducing peak-hour traffic overall, in particular on Lynwood Drive; reducing the impact on schools; and reducing the impact on use of amenities.

Our proffered conditions can form various design elements with the extensive design guidelines and the quality evident throughout Wyndham. Hours of construction have been restricted from 7:00 a.m. to 7:00 p.m., Monday through Saturday, and construction traffic has been prohibited on Lynwood Drive.

In addition to the cap on homes and increased lot widths, we have also proffered a two-car garage minimum, street tree planting, and sodding and irrigation of front and side corner yards. The detached condominiums are also required to have at least a two-car garage.

There has been much discussion relating to schools. The original single-family plan would have produced 122 students, while the amended plan is expected to produce about 85 students according to data provided by Henrico County Schools. For your information, there is a new middle school at Nuckols Road and Concourse Boulevard that plans to open in the fall of 2010, a new high school on Staples Mill Road opening in the fall of 2010, and a new elementary school planned at Pouncey Tract Road and Quarry Hill Lane estimated to open in the fall of 2011.

760 Perhaps the issue most discussed has been traffic. The new plan containing the
761 empty-nester condos will result in fewer school-related trips on Lynwood Drive,
762 less peak-hour traffic, and less amenity traffic on Lynwood Drive. Lynwood Drive
763 has been shown as a stub road with a potential connection to the Cosby Property.
764 Since the subdivision was recorded in December of 1997, we provided the County
765 with a detailed traffic impact analysis, and both our consultant and the County's
766 traffic engineer has confirmed the adequacy of the local road network. Additional
767 traffic related proffers include prohibiting construction traffic on Lynwood Drive;
768 installing speed humps on Lynwood Drive at the request of residents and subject
769 to the approval by the County; and no connection to Lynwood Drive until after
770 Certificates of Occupancy have been issued for 50 homes. Our amenities include
771 a passive parking area and a pedestrian trail connecting to Collinstone Manor, in
772 addition to the financial contributions previously stated.

774
775 It would be our hope that street and subdivision construction might begin in the
776 spring of 2009, with the first home construction beginning in the fall of 2009. The
777 first homes could be completed as early as spring of 2010, with the new Middle
778 and High Schools scheduled to be opened that same fall. The following fall, the
779 new elementary school is scheduled to be opened, and we believe that the
780 community could be completely constructed in the 2014 to 2015 timeframe.

781
782 We have met with the Task Force and community on numerous occasions and are
783 pleased to have the support of the Wyndham Foundation and its Task Force. It is
784 appropriate for the parcel to be developed by Hunt consistent with the high
785 standards set by Wyndham, and for it to be a part of Wyndham. I respectfully
786 request that you recommend approval to the Board. I'm happy to answer any
787 questions.

788
789 Mrs. Jones - Thank you. Are there questions for Mr. Rothenberg?

790
791 Mr. Branin - I have several, but I think I'd like to move on and when
792 he comes back for the rebuttal, I'll put my questions in with the other people in the
793 room.

794
795 Mrs. Jones - Okay. All right, thank you.

796
797 Mr. Emerson - Mr. Rothenberg, you do have five minutes left, if you'd
798 like to reserve that.

799
800 Mrs. Jones - What I'd like to do is to ask those who are in opposition,
801 the spokespeople for you all, to come on down. I'm sorry?

802 Mr. Rothenberg - I believe there's a representative from the Wyndham
803 Foundation here who would like to speak in favor.

804

805 Mrs. Jones - Yes. The Commissioner has asked that the opposition
806 be heard and then the support. Those who are going to speak might want to
807 come on forward. All you need to do is to come to podium one-by-one and just
808 state your name for the record. Keep in mind that your combined time is 10
809 minutes total.

810

811 Mr. Berman - Good evening, my name is Dennis Berman. I'm a
812 resident of Wyndham and I am speaking on behalf of a group of concerned
813 residents who also live in Wyndham. First, I want to thank you all for allowing us to
814 speak tonight. I'm going to keep my presentation short so I can yield to the other
815 people that are speaking on this. They're passing out the materials right now that
816 are going to be on the screen as well, in case I speak so fast you can't hear what
817 I'm saying.

818

819 The reason why I'm here tonight is that we've already held three public forums, the
820 County has attended those, and we just have failed to resolve some of the major
821 issues that I'm going to go over tonight. It's the health, safety, and welfare of
822 Wyndham that we're talking about. Until they're resolved, we will recommend that
823 it is at least deferred.

824

825 Let me go through these slides. I'm not used to this setup here, but I'll do my best.
826 These are the five reasons why we're recommending deferral. They're basically
827 centered around traffic and safety, the density, the infrastructure, drainage, and
828 our amenities. I'm going to go into each of them quickly.

829

830 For traffic safety—I'm going to show a pictorial in a minute. Lynwood Drive, there's
831 no other road like it in Wyndham that is proposed to support 279 homes, the traffic
832 to and from them. It's just going to put a lot of cars on this street. Here's the picture
833 right here. This is HHHunt's own map. This is Lynwood and this is proposed
834 property. This shows existing homes in Bradford Landing. This is how thin
835 Lynwood Drive is compared to this boulevard entrance for Bradford. You're asking
836 this little road right here, which is already a blind intersection at points; it's a
837 dangerous intersection already and you're going to dump a bunch more cars on
838 there where kids play. There are no sidewalks. This is a picture of it, to make it real
839 for you all. In the background is the proposed property, where all those trees are
840 right now, at least for the time being. That's what the traffic will look like. These are
841 the people who live in that area. These are the people who are going to be directly
842 impacted.

843

844 The next item is the density. Again, we worked with HHHunt during these various
845 meetings and asked them to come back with a conceptual plan. One of the first
846 ones had 160 homes. We told them that we wanted the number closer to 145 to
847 be Wyndham-like. They came back with 193 instead.

848 This is the money slide. Those three columns represent the three neighborhoods
849 that HHHunt has been asked to model—the first Bradford, the next one Cherry Hill,
850 the next one Club Commons. The top row is if you walked around these

851 neighborhoods. This would be the minimum square footage—3000, 4500, 3200—
852 that you'd observe. The minimum. Many are much bigger than that. Down below
853 is the proffered, the current updated proffered—2500, 2700, and 1750. Some of
854 them are almost half the size of the homes that are in the communities that they're
855 supposed to be modeling. Again, this is not Wyndham-like.

857
858 This is an example of sticking 161 average-sized homes and lots. I didn't even
859 have room to stick the streets and you have houses already in the area that you're
860 supposed to enter in off Pouncey Tract. No green space. Went over all the
861 wetlands. I could barely fit 161 homes in there and they want to put 193. Again,
862 this is not Wyndham-like.

863
864 The third item is infrastructure. I won't spend too much time on it, but the County
865 has approved a lot of new neighborhoods. There is going to be a ton of traffic on
866 Pouncey Tract and Nuckols, and we just want to make sure the infrastructure is in
867 place when it's needed.

868
869 Finally, drainage. It's going to rain tonight. I ask any of you all to come in our
870 neighborhood and you will find standing water everywhere. It's because it was
871 never resolved over the last dozen years after HHHunt developed Wyndham.
872 They're asking to develop another section of Wyndham. We're concerned about
873 drainage there because it's in a floodplain. It's a 100-year floodplain. When that
874 floodplain floods—and it will, as it has over in the other counties—who is going to
875 be there to clean it up? It won't be HHHunt; it'll be the homeowners. I have
876 neighbors who have spent a ton of money replacing fallen trees and damaged
877 basements, for those who have basements. We're concerned about the drainage.
878 Here are some pictures. That yardstick, if you can see it, is measuring almost five
879 inches of water after a rain. As you can see, the sun was out when these pictures
880 were taken. This is just a small sample of some of the flooding that already exists.

882
883 Finally, the Wyndham amenities. We believe there is no clear designation that the
884 new people coming into these neighborhoods will be allowed to use our amenities.
885 Because it's not clear, we're concerned that people may take action against us for
886 not allowing them to use the amenities. So, we want time to have a vote in our
887 neighborhood. Not the Board, but the neighborhood reps need to vote to state that
888 they're allowed to use our amenities.

889
890 Now I'm going to introduce Blaine Garrett. Blaine's going to speak to what we
891 recommend and then we'll conclude. Thank you.

892
893 Mrs. Jones - Thank you.

894
895 Mr. Vanarsdall - Thank you.

896

897 Mr. Garrett - Madam Chair, Commission, thank you. I'm Blaine
898 Garrett. I live at 12413 Duncannon Place in Bradford of Wyndham. The traffic
899 concerns Dennis spoke of, we request that upon the issuance of the 51st
900 Certificate of Occupancy that HHHunt install four-way stop signs at the intersection
901 of Lynwood Drive and Bradford Landing Drive, and three-way stop signs at the
902 intersection of Lynwood Drive Extension as it intersects the first road crossing
903 within the proposed neighborhood.

904
905 As far as the density, we request that the proffers be amended in keeping with the
906 integrity of Wyndham as currently exists to include the following dwelling minimum
907 square footage requirements: Neighborhood A, not less than 3000 square feet;
908 Neighborhood B, not less than 4500 square feet; Neighborhood C, not less than
909 3200 square feet, the Bradford, Cherry Hill, and Club Commons respectively.

911
912 Proffered references to The Greens at Wyndham and Kelston Green should be
913 deleted. Neighborhoods A and B shall be amended to require that they do not
914 exceed 82 units. Neighborhood C will not exceed 62 units and shall also be age-
915 restricted.

916
917 Strained infrastructure. We encourage the County to support the health and safety
918 and welfare of our residents in advance of these re-zonings.

919
920 Improper drainage. We request that Hunt proffer all wetlands and floodplains as
921 they currently exist as C-1 Conservation.

922
923 Regarding concerns of the marketability of their project, we request that HHHunt
924 proffer the subject property to designate common areas for the construction of a
925 amenities including, but not limited to a pool, clubhouse, and playgrounds unless
926 HHHunt has reached and executed a binding agreement with Wyndham for
927 utilization of the existing amenities prior to commencement of construction.

928
929 Staff mentioned garages. We also recommend that HHHunt proffer the high
930 percentages of the garages in Neighborhoods A and B will be constructed with
931 side or rear entry. In regards to construction itself, we also recommend a proffered
932 condition to the effect that if the construction does not occur on cleared lots in a
933 reasonable amount of time, such lots shall be seeded over. I believe there was a
934 similar case with the townhouses at Twin Hickory.

935
936 Everyone here that agrees with this proposal and support it, I would like for them to
937 raise their hands in show of support.

938
939 We've seen changes with HHHunt's proposal since our last town hall meetings. If
940 these requests are not acceptable, we would like for this matter to be deferred until
941 Hunt has explored a more reasonable proposal such as 100% RTHC maintenance
942 free.

943
944 Thank you very much. I believe we may have a couple other people, if time
945 allows.

946
947 Mrs. Jones - That will be fine. Thank you, Mr. Garrett.

948
949 Mr. Vanarsdall - Thank you.

950
951 Ms. Mitscherlich - My name is Karen Mitscherlich and I live in one of the
952 neighborhoods in Wyndham.

953
954 Mrs. Jones - Excuse me. You have about two minutes, just to let you
955 know.

956
957 Ms. Mitscherlich - Okay. My concerns are more broad than just affecting
958 Wyndham. I'm concerned about the changes to the floodplain that affect multiple
959 areas up and down the Chickahominy River. Basically, changes to the floodplain,
960 homes that were not built in the floodplain are now going to be in the floodplain and
961 all the damage and devastation that those homeowners will face when it does flood
962 again. Changing the designation on paper doesn't change whether or not the
963 water will flow through the homes when it does flood. I'm also concerned about
964 additions to the Pouncey Tract volume of traffic, particularly at the intersection of
965 Broad, Pouncey Tract and Pump Roads, currently the busiest intersection in all of
966 Henrico County. This intersection is the only access that this entire area that's
967 being developed and which has more proposals and 600 homes yet to built being
968 built along it. Currently, this is the main access to reach stores like Wal-Mart,
969 Target, Ukrop's, Lowe's, Home Depot—all of the stores that these people will be
970 going to. The proposed Gayton Road extension is on the other side of Short Pump
971 down at Town Center. Currently, no one uses I-64 to reach the stores in this
972 intersection, so it's unreasonable to expect that these people would go to the
973 Gayton Road extension and come to this intersection that way either. I'm
974 concerned that it already takes multiple changes of the light to get through the
975 intersection and we're just adding more and more and more homes to this area
976 with no end in sight.

977
978 I believe the best way to mitigate these issues would be to just leave the zoning
979 as-is. Thank you.

980
981 Mrs. Jones - Thank you. Is there someone else who would like to
982 come forward and voice their opposition to this case? Okay. I'd like to call forward
983 those who would like to speak in support. Mr. Branin, is that suitable? If someone
984 would like to speak on behalf of this project, please do.

985
986 Mr. Combs - Good evening, Madam Chairman, members of the
987 Commission.

988

989 Mrs. Jones - Good evening.
990
991 Mr. Combs - My name is Vincent Combs. I'm the president of the
992 Wyndham Foundation Board of Directors. I'm here to speak in support of HHHunt's
993 request for rezoning and development of the Cosby tract. The Board has been
994 working for several months with County officials, HHHunt representatives,
995 Wyndham residents, and our own Community Task Force regarding the zoning
996 and construction of this new development. Wyndham homeowners have had an
997 opportunity to express their concerns with the Board and the developer through a
998 series of public town hall meetings, Wyndham Board meetings, neighborhood
999 meetings, and personal contact with every Board member. Throughout the
1000 process, HHHunt has collaborated with us and made several modifications to the
1001 plan to address our concerns. I believe they are committed to developing a project
1002 that will be an asset to our community. While the developer has agreed to provide
1003 traffic calming mechanisms, the current traffic engineering practices have left us
1004 both unable to envision additional methods that may further calm the traffic. I
1005 respectfully request while continuing to consider this project, that you help the
1006 developer and the Foundation create additional methods that will help calm the
1007 traffic as we work together to develop this new neighborhood. Thank you.

1009
1010 Mr. Vanarsdall - Thank you.
1011

1012 Mrs. Jones - Questions for the Mr. Combs?
1013

1014 Mr. Branin - Mr. Combs, how many members are there in the
1015 Association?
1016

1017 Mr. Combs - There are 1,623 houses, so you could have as many as
1018 3,000 people living there, easily. If you had an average of two homeowners per
1019 house, you're going to break 3,000 just with that.
1020

1021 Mr. Branin - Thank you.
1022

1023 Mrs. Jones - Would you like to have the applicant come forward?
1024

1025 Mr. Branin - The applicant, no. I would like to first ask the
1026 representative from Traffic to come up.
1027

1028 Mr. Jennings - Good evening. I'm the Traffic Engineer, Mike Jennings,
1029 for Henrico County.
1030

1031 Mr. Branin - Good evening, Mr. Jennings, how are you?
1032

1033 Mr. Jennings - How you are you doing, Mr. Branin?
1034

1035 Mr. Branin - We've been three times to the meetings. We have
1036 considered every aspect. You and I have tangled a couple of times on different
1037 philosophies and theories on what we could do with Lynwood. At every meeting,
1038 the people on Lynwood and the people in Bradford and the people of Wyndham
1039 say that Lynwood can't take the traffic. You are very familiar with the traffic study
1040 that was provided. You've reviewed it. I believe VDOT has now. In the last
1041 meeting, they hadn't yet reviewed it. Could you brief us on what VDOT is telling us
1042 and what you are telling us, being the County Traffic Department?

1043
1044 Mr. Jennings - Yes sir. Based on this development and the review by
1045 both me and VDOT, we feel that the adjacent road network can handle the traffic.
1046 The only intersection that is questionable is obviously the Pouncey Tract/Nuckols
1047 intersection, but VDOT has plans to install a traffic signal by the end of this year,
1048 which will relieve that intersection. Lynwood Drive is a standard subdivision street,
1049 which can handle the additional traffic. It's the same size street as Millstone
1050 Landing Drive. It's actually wider than Old Wyndham Drive and it's wider—

1052
1053 Female - [Off mike.] [Inaudible.]
1054

1055 Mr. Jennings - It's a standard 36-foot section face-of-curb to face-of-
1056 curb, which can handle the traffic.

1057
1058 Mr. Branin - Thank you. If this project does proceed forward to the
1059 Board and the Board does move forward with it, what traffic calming measures
1060 would the County recommend to the developer to put in?
1061

1062 Mr. Jennings - Basically, your typical stop signs at intersections, not
1063 three-way and four-way. Unfortunately, they cause—
1064

1065 Mr. Branin - Excuse me. Can you tell me why?
1066

1067 Mr. Jennings - Yes sir. Three-way and four-way stops, it's our policy to
1068 not allow them in the County because they cause more confusion than help.
1069 People get used to them and say, oh, the other person's going to stop so I'll just
1070 roll through the stop sign. They cause more problems than they help. This
1071 intersection with the existing Lynwood Drive and the new neighborhood is going to
1072 be a 90-degree intersection or T-intersection, so you'd have to go slow at that
1073 intersection anyway.
1074

1075 Mr. Branin - Using the screen and the little mouse that you have in
1076 front of you—If speed humps were the means that the neighborhood deems
1077 necessary, because I believe it's going to be up to the neighborhood—they're not
1078 going to go in prior to construction, but they are provided for if Bradford decides
1079 there is a problem and the County sees there's a problem and the developer will
1080 put them in. Where would the County recommend them?

1081
1082 Mr. Jennings - Mr. Branin, based on our standards, probably between
1083 Bradford Landing Drive and the new road up in their subdivision. We'd probably
1084 want two sets of speed humps along there. I don't know the overall length of that
1085 road, but we wouldn't put them any more than 600 feet apart.
1086
1087 Mr. Branin - The reason for that?
1088
1089 Mr. Jennings - If there's a speeding problem and you space them too
1090 far apart, they actually speed in between the humps, which we don't want to
1091 happen.
1092
1093 Mr. Branin - Okay. Those are the traffic questions I had.
1094
1095 Mrs. Jones - Is there anyone else that has questions for Mr.
1096 Jennings? I wasn't going to ask this, but I think I will. Is it possible here somehow
1097 to confirm the comparative widths of these streets that are under discussion here
1098 tonight?
1099
1100 Mr. Jennings - I have confirmed the widths of those streets.
1101
1102 Male and Female: [Off mike.] [Inaudible.]
1103
1104 Mrs. Jones - Okay. Folks, this is simply a question and he's
1105 confirmed that that's the case.
1106
1107 Mr. Jennings - Millstone Landing Drive does have sidewalks, but the
1108 actual street is the exact same width as Lynwood Drive. The only exception is the
1109 boulevard entrance right at Wyndham Lake Drive right next to the school. The rest
1110 of the street is the same width.
1111
1112 Mrs. Jones - Thank you.
1113
1114 Mr. Branin - There's always a method to my madness. You all still
1115 have time remaining and that's why I moved quickly so we didn't use up additional
1116 time. I figured there may be some comments. There's a reason why we're not
1117 following standard procedure. I do want you all's input and that's why I moved
1118 quickly to make sure that you guys had additional time.
1119
1120 Mrs. Jones - Would you like to bring forward the applicant or would
1121 you like to hear more from those in opposition?
1122
1123 Mr. Branin - I would like to hear a little more from opposition, if
1124 anyone has any comments.
1125

1126 Mrs. Jones - Would anyone like to come forward and continue their
1127 discussion or their concerns about this project? Please feel free; this is your time.
1128 If you'd like to, please come forward. Excuse me. Mr. Branin, should we add an
1129 additional several minutes? What would you like to do? Okay. Thank you. Go
1130 ahead.

1131

1132 Ms. Garrett - Janet Garrett. I live in Bradford and I have just a quick
1133 comment to share the point made about Millstone Landing and Lynwood Drive
1134 being the same width. One, they're not. Two, on Millstone Landing, there are no
1135 homes facing it directly. There are sidewalks, but there are no homes directly on
1136 that street. On Lynwood, if you look at it, you have homes right there, right on the
1137 street, no sidewalks whatsoever. There's a big difference, I think between those
1138 two roads and what they were intended to service. That's it.

1139

1140 Mr. Branin - Thank you. Madam Chairman, I'd be happy to hear
1141 from the applicant on their rebuttal.

1142

1143 Mrs. Jones - All right. If there is anyone else, you have a few
1144 minutes. Should we take that now? Okay. How many more minutes?

1145

1146 Ms. Boyd - Good evening, Board. My name is Veronica Boyd and
1147 I'm a representative of the Ivy Bend neighborhood of Wyndham. I just want to ask
1148 for a deferral of the vote for a number of reasons, one being tonight there was a
1149 school function at Shady Grove Elementary School that ran until 7:30 p.m. The
1150 Wyndham Foundation may come here saying they have the support of the full
1151 neighborhood, but the neighbors have not put this to a vote. A lot of the
1152 notifications of our neighborhood meetings came right before the meeting and the
1153 dates changed so much it was very confusing. As the neighborhood as a whole
1154 hasn't had a chance to get together collectively and put their support together or
1155 opposition, the Wyndham Board saying that they have our full support is not
1156 exactly accurate at this time. Thank you.

1157

1158 Mrs. Jones - Thank you.

1159

1160 Mr. Vanarsdall - I'd like to add at this point that the Planning
1161 Commission makes a recommendation to the Board of Supervisors. Our
1162 recommendation is made to them and they have the final decision. Whatever we
1163 do tonight, you still have another 30 days or more to get together and negotiate
1164 and so forth. What I'm saying is this is not the end tonight.

1165

1166 Mrs. Jones - If there is someone else who'd like to make a comment,
1167 we do have a little bit of time left.

1168

1169 Ms. Ward - Alyson Ward. I also live in Bradford. We talked about
1170 numbers with schools and that kind of thing. I'm not going to get into that. But just
1171 to give you a general idea, in Bradford alone, the 81 homes that there are, there

1172 are 162 children that live in those 82, 81—whatever it is—homes right there. These
1173 children have lived some up to 10 years. These driveways that go down Bradford
1174 Landing Drive are postage stamp driveways that lead to what will now become a
1175 main thoroughfare. I just ask you to reconsider for the safety of these kids. All it
1176 takes is one dead child to look back on and to think, could we have done it
1177 differently, could we have made it a one-way street down from the new
1178 neighborhood into to reduce the traffic to only part of day, or an emergency thing
1179 that they have the access if needed? Allow those people to go down and take the
1180 route to Pouncey Tract. The main concern, at least for myself and many of us in
1181 Bradford, is that traffic. I know it's a County standard, but these children have lived
1182 there for 10 years. It was not originally built that way and now we're going to
1183 change it into something that handles a much different volume. County standard or
1184 not, it's the standard that this neighborhood is used to.

1185

1186 Mrs. Jones - Thank you.

1187

1188 Mr. Vanarsdall - Thank you.

1189

1190 Mrs. Jones - All right. Either Mr. Theobald or Mr. Rothenberg?

1191

1192 Mr. Archer - Madam Chairman, before we move on, we've heard—
1193 at least I have in my notes here—three references—the Wyndham Foundation, the
1194 Wyndham Board of Directions, and the Wyndham Expansion Taskforce. I
1195 understand this group is independent of all of those. Do these three groups
1196 represent all of Wyndham?

1197

1198 Female - [Off mike.] No.

1199

1200 Mr. Archer - The Foundation and the Taskforce and what's the other
1201 one? The Board of Directors.

1202

1203 Mrs. Jones - Could you please come to the podium?

1204

1205 Mr. Branin - If you'll come down and state your name again.

1206

1207 Mr. Combs - The development is Wyndham and the development
1208 has been incorporated and is called the Wyndham Foundation. Then there is an
1209 elected Board of Directors for that Wyndham Foundation. In the course of this
1210 endeavor, we developed a taskforce of key people in the neighborhood to work
1211 with HHHunt. The development is Wyndham. It's incorporated and therefore it has
1212 a Board and that would be the Wyndham Board. We appointed a taskforce to work
1213 with HHHunt on the development. That would be the clarification for the three
1214 names. By the election of the Board, we represent the residents of Wyndham. The
1215 key word on "represent" in this matter, for example, is no, we clearly do not take
1216 the same position as everyone in Wyndham, but we have come here tonight to say
1217 as the Board on behalf of Wyndham, we think that is a thing that they're trying to

1218 thing that they're trying to do and they're trying to do best and they're working on it.
1219 We, too, have mentioned that we looked at traffic issues in regards to County
1220 engineering methods that we need help with. Does that answer the question?

1221

1222 Mr. Archer - It does, and I understand that you don't all take the
1223 same position. I guess what I'm just trying to find out is, is there representation in
1224 those boards or is it open to all of Wyndham?

1225

1226 Mr. Combs - Yes sir. The—

1227

1228 Several speaking - [Off mike.] [Inaudible.]

1229

1230 Mrs. Jones - All right, folks. We have to not call out answers from the
1231 floor. I'm going to ask that when he's finished explaining, if someone else would
1232 like to add a short explanation, you'll be able to do so.

1233

1234 Mr. Combs - There are annual elections in Wyndham in 40-some
1235 different neighborhoods. Each neighborhood elects a neighborhood rep. Annually,
1236 those reps vote to pick Board members. The homeowners and the neighborhoods
1237 of Wyndham are divided into four groups. We have a Board member for Group A,
1238 B, and C, and then there's a fifth member of the Board that's at-large. We function
1239 as a representative government very much like the Commonwealth or the U. S.
1240 Senate. We've been elected by designated reps from the populace to make
1241 decisions on behalf of the Foundation. There are things that clearly—according to
1242 our covenants—must be voted on by the reps and this is not one of those. We
1243 have talked with and listened to anything and everything the homeowners have
1244 had to say to us. With that input and given this knowledge of the situation that we
1245 have, as a Board representing the whole and the good of Wyndham, we believe
1246 it's something worth supporting. The problem is the word, "represent." Legally,
1247 electedly [sic], we do. But we do not, clearly, represent the position of every person
1248 in Wyndham on this matter or many others.

1250

1251 Mr. Archer - I can understand that.

1252

1253 Mr. Combs - Anything else?

1254

1255 Mrs. Jones - No.

1256

1257 Mr. Combs - Thank you.

1258

1259 Mrs. Jones - Would someone like to add to that?

1260

1261 Mr. Combs - [Off mike.] I will.

1262

1263 Mrs. Jones - Either or? Make it quick, please, yes.

1264
1265 Mr. Gnutowsky - I'd just like to make a comment. My name is Rob
1266 Natowski. I live in the Aubury neighborhood. I don't really want to get into too much
1267 of the zoning issue because I really haven't followed that too much, but I do think
1268 it's worth mentioning that up until about a year and a half ago, that range, there
1269 really were no elections for the Board of Directors in Wyndham. They may claim
1270 differently, but in fact, you had neighborhood representatives who just sort of self-
1271 appointed themselves. It was only when there was pressure put on the Board
1272 pointing this out and actually making an issue of it that they finally conceded that
1273 they needed to have membership meetings of some sort. The membership
1274 meetings that they have are meetings that are called like at 2:00 in the afternoon
1275 on a Wednesday when everyone's at work. What you have in Wyndham is really
1276 no effective democracy. Nobody in Wyndham that's a homeowner really has an
1277 opportunity to come to a meeting in those neighborhoods and discuss real issue
1278 nor have somebody really come to them and ask them for their vote.

1280
1281 Mrs. Jones - Okay.

1282
1283 Mr. Gnutowsky - I just wanted to point that out because there seems to
1284 be this impression that there's this Board of Directors that has all this
1285 overwhelming community support and that they're supporting this project. The
1286 project may have all kinds of merits, but the implication that the Board of Directors
1287 somehow carries every homeowner's best interest is not necessarily—
1288

1289 Mrs. Jones - I understand the point you're trying to make. I would
1290 like to point this out as a driving philosophy for the Planning Commission. We
1291 cannot become involved in the politics of the Association. We are here to evaluate
1292 this project, as you say, on its merits. We are not here to solve the, perhaps,
1293 arrangement in Wyndham that might need to be reviewed at some point and
1294 ironed out. We are here to analyze this case. I would be happy to entertain further
1295 comments, as long as they are not in reference to the political structure or inroads
1296 here that, unfortunately, seem to be in conflict with some of the Wyndham
1297 community.
1298

1299 Mr. Gnutowsky - In that case, I will sit down.

1300
1301 Mrs. Jones - Okay. Would you now like to have Mr. Rothenberg or
1302 Mr. Theobald?
1303

1304 Mr. Rothenberg - Madam Chair, Chuck Rothenberg once again. I may
1305 tag-team with Mr. Theobald, once he catches his breath.
1306

1307 Let me respond to a few of the points that were raised. The first one was traffic. I
1308 believe that Hunt has been very sensitive to the traffic generation. They took the
1309 taskforce's suggestion to add the empty-nester condos and that had the result of

1310 changing the distribution of traffic to get it off of Lynwood and avoid the traffic or
1311 some of the traffic that would be passing through Bradford.

1312

1313 The levels of service are A and B with this project, confirmed by our traffic study
1314 and approved by the County staff. Schools, as you know, are never built in
1315 advance of need. The County has a plan for addressing the needs of school-age
1316 children from this project and other projects, and they seem to be phasing in well
1317 with the timing for this project, and the interim capacity issues. To the extent there
1318 are issues like that, they could be addressed through the redistricting process as
1319 necessary.

1320

1321 The house sizes are all in excess of the proffered square footages for Bradford
1322 Landing and Collinstone. Those were proffered at between 1700 and 2000 for
1323 Bradford Landing, and Collinstone was 1500 to 1600. You all are familiar with
1324 Wyndham. We have a very substantial set of documents that govern Wyndham
1325 from the Declaration and Design Standards that have assured that Wyndham is an
1326 award-winning project with a very good amenity package, which we're contributing
1327 to for this project. Hunt is contributing \$250,000, which we believe would go
1328 towards the pool and recreational facilities. Somebody mentioned sidewalks on
1329 Lynwood. If the Wyndham Board decides to put sidewalks in that would certainly
1330 be unusual. I think that would be the only street of it's kind in Wyndham with
1331 sidewalks, but if that's where they decide to allocate those funds, I suppose that's
1332 up to the Board.

1333

1334 Somebody had mentioned the floodplain issue. The limits of the 100-year
1335 floodplain are not impacted by the development. The current FEMA-approved
1336 floodplain was based on inexact data and Hunt has provided the County with more
1337 precise data to reduce the floodplain boundaries. That revised plan is being
1338 considered.

1339

1340 I think that completes my rebuttal. I'm happy to answer any questions.

1341

1342 Mr. Branin - Thank you, Mr. Rothenberg. One thing you brought up
1343 was square footage. One thing the community brought up was square footage.
1344 Wyndham, as all these people will tell you, is a great place to live. They like the
1345 quality of life, they like the quality of design, they like the layout. That's what
1346 brought them to Wyndham. I have asked for square footages to be increased to
1347 ensure the quality is there, so we have neighborhoods that match up. I know that
1348 what you are putting in are minimums. Generally, as a given rule, you build larger.
1349 I know you've come up a whopping 100 square feet, at my request, per
1350 neighborhood. I would like to request that you do come up more, particularly in the
1351 condos. I think it's very low. I would hope, at a minimum, you would come up to
1352 2000 to 2100 feet. I know you probably have to confer with the Hunt people that
1353 are in the room, but we heard the request coming from the community. I've

1354 community. I've requested it several times. You guys did make a concession of
1355 100 feet. I've been told that you're going to keep hearing it, so I'm asking for larger
1356 condos.

1357

1358 Mr. Rothenberg - Mr. Branin, we have had a number of discussions about
1359 that and I believe that Ms. Kacani with HHHunt has authorized me to go to 2000
1360 feet. We can certainly incorporate that into the proffers between now and the
1361 Board.

1362

1363 Mr. Branin - Okay. If we have more traffic calming, I know in your
1364 proposal I believe you said that you would provide how many spend humps?

1365

1366 Mr. Rothenberg - Two.

1367

1368 Mr. Branin - Two. I would also like to request that we see that there
1369 are more because Traffic here tonight said that there could be more that are
1370 needed, I believe. Is that correct, Mike? So, if there are more that are needed, that
1371 the community deem necessary, I would hope that you would also revise that to
1372 more than two.

1373

1374 Mr. Rothenberg - I certainly think that Hunt will cooperate with that.

1375

1376 Mr. Branin - Okay. All right. That's all the questions I have right this
1377 second.

1378

1379 Mrs. Jones - I have one, if you don't mind.

1380

1381 Mr. Branin - I saw you put up your hand. That's why I said, "right this
1382 second."

1383

1384 Mrs. Jones - Let me just make sure I understand the facts as you've
1385 presented them, because I think they're important. The original condominium
1386 square footages, which you've just offered to increase to 2000, do you know what
1387 the Kelston Green models are for averages, and also The Greens? I know Club
1388 Commons is one of the largest of the offerings in Wyndham for the condominium,
1389 non-maintenance communities. I apologize for making you shuffle through your
1390 papers, but as a point of comparison.

1391

1392 Mr. Rothenberg - Unfortunately, I don't have those—

1393

1394 Mrs. Jones - Actually, our Director has just handed this to me.

1395

1396 Mr. Rothenberg - Excellent.

1397

1398 Mrs. Jones - Kelston Green, 1589 minimum and 2695 max. The
1399 average, close to 2000. The Greens, close to 2700 as a built average. Proffered

1400 minimum, 2069. So, we're talking about communities that are not dissimilar, a
1401 community that is not dissimilar to those, correct?

1402
1403 Mr. Rothenberg - I think that's right, yes ma'am.

1404
1405 Mrs. Jones - However, the neighborhood requested that those two
1406 communities not be referenced in the case.

1407
1408 Mr. Rothenberg - I'm not aware.

1409
1410 Mrs. Jones - Okay. I thought I heard someone say that. All right,
1411 we'll just leave that there. The design standards that you held up for the Wyndham
1412 Community, are they applicable to this project?

1413
1414 Mr. Rothenberg - Yes, they will be. This will be incorporated into the
1415 Wyndham project. That's the point, that Hunt is really in the best position to
1416 incorporate the project into Wyndham into an existing, very thriving, well-
1417 maintained community, and to continue to add onto a project that has really
1418 maintained its value and is a showcase for Henrico.

1419
1420 Mrs. Jones - All of the features that make everyone enjoy living in
1421 Wyndham will be part of this new community—the cohesiveness to the existing
1422 community, the amenities, the features, the design standards—this will be part of
1423 this new development.

1424
1425 Mr. Rothenberg - Yes ma'am.

1426
1427 Mrs. Jones - Thank you for clarifying that. All right. Mr. Branin?

1428
1429 Mr. Branin - I have no further questions.

1430
1431 Mrs. Jones - Do we have a moment for one or two more comments?

1432
1433
1434 Mr. Branin - Yes ma'am, we'll hear one.

1435
1436 Mrs. Jones - All right.

1437
1438 Mr. Branin - He's already halfway down and I think he'd punch me if
1439 I said no, so go ahead. He was up and running, so I'm not going to stop that.

1440
1441 Mr. Berman - I would never do that. Dennis Berman again from
1442 Wyndham. First off, the reason why I wanted to strike the other condominium units
1443 is that Club Commons is the one that we'd ask Hunt to design the Condominium
1444 Neighborhood C after, and per Seth Humphreys on your staff's report, the average
1445 of that community is over 3,000 square feet. So, the 2,000 that you got them to

1446 that you got them to bargain up to—thank you, but still not enough.
1447
1448 The other thing about the amenities—I'm not a lawyer, I assume that you are, I
1449 don't know—I see nothing that says these new people are allowed to go to our
1450 amenities. We would have to vote. The neighborhood reps in Wyndham would
1451 have to vote on a supplemental agreement. Not a Letter of Intent, but a
1452 supplemental agreement in order to state that anybody coming in could use the
1453 amenities. I'll give you an example.
1454
1455 Mr. Branin - Mr. Berman?
1456
1457 Mr. Berman - Yes sir.
1458
1459 Mr. Branin - The people in the room that have been dealing with me
1460 from the get-go, every time that you guys bring in association stuff, I have attended
1461 your meetings, as we were asked to come as a guest. I made it clear then that we
1462 cannot get involved in your association details. This is a zoning case we're
1463 covering. The association bylaws, we can't enter them in.
1464
1465 Female - [Off mike.] [Inaudible.]
1466
1467 Mr. Berman - If that was the case, annexation in a two-mile radius
1468 through 2010? That means HHHunt can say Twin Hickory can use our pool.
1469 Thank you.
1470
1471 Mrs. Jones - All right. Mr. Branin, do you have questions for anyone
1472 else?
1473
1474 Mr. Branin - No ma'am.
1475
1476 Mr. Glover - Madam Chairman, I want to enter just one thing.
1477
1478 Mrs. Jones - Please.
1479
1480 Mr. Glover - I received a five-page e-mail and it was requested that
1481 it be made a part of the minutes of this meeting. It's from a Mr. Tom Townsend. I
1482 think somebody should tell you that it needs to be made a part of the meeting. I
1483 received a copy of it personally, as well as all the rest of the Planning Commission.

1485
1486 Mrs. Jones - Yes, it is a part of the file.
1487
1488 Mr. Glover - Okay. I just want to be sure that it's in the public record
1489 also.
1490
1491 Mrs. Jones - It will be referenced as available to the file.

1492
1493 Mr. Glover - That's what I requested now.
1494
1495 Mrs. Jones - Okay. Thank you. We have one more comment, but
1496 we are getting—If it is a new topic, we will allow a comment, and then I think we're
1497 going to have to get on to the business of the decision.
1498
1499 Ms. Hazel Smith - My name is Harriett Hazel Smith. I live in Bradford
1500 Landing Way. My house will be immediately impacted by the new development. I
1501 live in a Club Commons house within Bradford Landing. My square footage is
1502 upwards of 3400. If that's what you're trying to use as your standing, you need to
1503 take a look at having that square footage increased. Secondly, I'm an early
1504 morning walker. I walk Millstone. I walk Lynwood every day. Millstone is about 1-
1505 1/2 times the size of Lynwood. Thank you.
1506
1507 Mrs. Jones - Thank you for your comments.
1508
1509 Mr. Branin - A comment to everyone that's in the room. As many of
1510 you know, this is the first step of a two-step process. We're just purely zoning. It
1511 goes from zoning to POD, POD to landscape plan. With this case, you will see it
1512 over and over and over again. This is a tough one. I've been working with you all.
1513 Ms. Rhodes, we talk daily. This case isn't done. I have had extensive discussions
1514 with the supervisor for the district. As you all know, he has been to all of the
1515 community meetings. I would recommend that after I make my motion there be
1516 another community meeting for the supervisor, if he so chooses. I would check
1517 with him because he may want to be refreshed from this meeting going forward.

1519
1520 With that, I'd like to move, Mrs. Chairman, that C-2C-08, Kim B. Kacani for HHHunt
1521 Corporation, move forward to the Board of Supervisors with a recommendation for
1522 approval.
1523
1524 Mr. Vanarsdall - Second.
1525
1526 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All
1527 in favor say aye. All opposed say no. The motion carries.
1528
1529 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
1530 Vanarsdall, the Planning Commission voted 4-0 (one absent, one abstention) to
1531 recommend the Board of Supervisors grant the request because it continues the
1532 zoning pattern in the area, conforms to the recommendations of the Land Use
1533 Plan, and the proffered conditions will assure a level of development not otherwise
1534 possible.
1535
1536 Mr. Emerson - Mr. Branin, that was with the agreed upon increase in
1537 square footage, correct?

1538
1539 Mr. Branin - Yes.
1540
1541 Mrs. Jones - In further business for the Planning Commission, we
1542 have minutes for approval.
1543
1544 Mr. Emerson - Yes ma'am. You do have next on your agenda the
1545 approval of the minutes from your April 10, 2008 Planning Commission meeting.
1546
1547 Mrs. Jones - This is the April 10, 2008 Planning Commission
1548 minutes. Anyone have corrections?
1549
1550 Mr. Archer - I do have a—
1551
1552 Mr. Vanarsdall - Can we get them to clear?
1553
1554 Mrs. Jones - All right.
1555
1556 Mr. Glover - Rap the gavel.
1557
1558 Mr. Archer - We're not finished yet.
1559
1560 Mrs. Jones - When you all clear, we'll continue. If you could do that
1561 quickly for us, please. Thank you.
1562
1563 Mr. Branin - If staff could be a little quieter over there.
1564
1565 Mrs. Jones - All right. We have before us the question of approval of
1566 the minutes of April 10, 2008.
1567
1568 Mr. Archer - I had a correction. It was on page 50, line 2241. The
1569 name should be Dr. Malatin and it shows Dr. Paleton.
1570
1571 Mrs. Jones - I missed that and thank you for that correction. I even
1572 think it's spelled differently.
1573
1574 Mr. Archer - It's M-a-l-a-t-i-n.
1575
1576 Mrs. Jones - Any other corrections? I'll entertain a motion.
1577
1578 Mr. Archer - I move the minutes be approved as corrected.
1579
1580 Mrs. Jones - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All
1581 in favor say aye. All opposed say no. The ayes have it; the motion carries. The
1582 minutes are approved as corrected.
1583

1584 Mr. Secretary, do you have some other things for us?

1585

1586 Mr. Emerson - Yes ma'am, just briefly. We do have the 2026
1587 Comprehensive Plan community open houses underway. I'll just note to you that
1588 we have had two—one at Short Pump Middle School and one at Godwin.
1589 Approximately 62 citizens have attended those meetings—44 at Short Pump and
1590 18 at Godwin. Of the individuals who attended, we had 40 that filled out citizen
1591 comment forms. The remaining open houses are Monday, May 19th at Wilder
1592 Middle School; Thursday, May 22nd at Ward Elementary; and Thursday, May 29th
1593 here at the Western Government Center. The times are 4:30 to 7:30.

1594

1595 Mrs. Jones - Thank you. Any more business to come before the
1596 Commission this evening?

1597

1598 Mr. Branin - I move for adjournment.

1599

1600 Mrs. Jones - I have a motion for adjournment.

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1602 Mr. Archer - So move, Madam Chairman.

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1604 Mrs. Jones - All right, so moved. We are adjourned.

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1606 The meeting was adjourned at 8:26 p.m.

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R. Joseph Emerson, Jr., Secretary

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Mrs. Bonnie-Leigh Jones, Acting Chairman