

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., on November 9, 2000, Display Notice having been published in the
4 Richmond Times-Dispatch on Thursday, October 19, 2000, and Thursday, October 26, 2000.

5
6 Members Present: Ernest B. Vanarsdall, C.P.C., Chairman, Brookland
7 Debra Quesinberry, Vice-Chairman, Varina
8 C. W. Archer, C.P.C., Fairfield
9 Allen J. Taylor, C.P.C., Three Chopt
10 Elizabeth G. Dwyer, C.P.C., Tuckahoe
11 Patricia S. O'Bannon, Board of Supervisors, Tuckahoe
12 John R. Marlles, AICP, Secretary, Director of Planning

13
14 Others Present: Randall R. Silber, Assistant Director of Planning
15 Jo Ann Hunter, AICP, Acting Principal Planner
16 Mark Bittner, County Planner
17 Lee Householder, County Planner
18 Ann B. Cleary, Recording Secretary

19
20 Mr. Vanarsdall - Good evening, ladies and gentlemen. The Planning Commission will
21 now come to order. I want to, while it is on my mind, I want to welcome you here, and I want to
22 wish you a good holiday tomorrow. Those of you who are off, and those of you who are not off,
23 and wish you were, I hope you have a good day at whatever you are doing. And I want to wish the
24 staff well, because they have been working some kind of hard to get everything in order, and have
25 been shorthanded and so forth. So, with that, I will turn the meeting over to our Secretary and
26 Director of Planning, Mr. John Marlles.

27
28 Mr. Marlles - Good evening, Mr. Chairman, and members of the Commission. We
29 do have a quorum tonight and we can conduct business. The first item on the agenda is request for
30 withdrawals and deferrals and that will be handled by Mrs. Hunter.

31
32 Mr. Vanarsdall - Good evening, Mrs. Hunter.

33
34 Mrs. Jo Ann Hunter, Acting Principal Planner - Good evening, Mr. Chairman, and members of the
35 Commission. The first deferral tonight is the first case on the agenda, in the Three Chopt District.
36 It's P-12-00.

37
38 **Deferred from the October 12, 2000 Meeting:**

39 **P-12-00 Christopher King for Sprint PCS:** Request for a provisional use
40 permit in accordance with Sections 24-95 (a) (3) and 24-122.1 of Chapter 24 of the County Code in
41 order to construct and operate a 120 foot cellular communications tower and antenna, on part of
42 Parcel 49-9-A-3B, (North Carolina Furniture Company) containing 1,258 square feet, located on the
43 south side of West Broad Street (U. S. Route 250) approximately 250 feet east of its intersection
44 with Pemberton Road. The site is zoned B-2C Business District (Conditional).

45 Mrs. Hunter - The request is to defer to December 7, 2000.

47 Mr. Vanarsdall - Is any one in the audience in opposition to the deferment of P-12-00?
48 It is in the Three Chopt District. No opposition. Mr. Taylor.

49
50 Mr. Taylor - Mr. Chairman, seeing no opposition, I move that Case P-12-00 be
51 deferred at the request of the applicant.

52
53 Mrs. Quesinberry seconded the motion.

54
55 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All
56 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
57 abstained). Next case.

58
59 Mrs. Hunter - The second request for deferral is also in the Three Chopt District, on
60 Page 1; Case C-71C-00.

61
62 **C-71C-00 Henry L. Wilton for Wilton Development Corporation:** Request
63 to conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District
64 (Conditional), Parcel 10-A-15, located at the western terminus of Triple Lee Lane approximately
65 600 feet west of its intersection with Shady Grove Road and part of Parcels 17-A-9A and 10-1-2-10
66 (Bridlewood subdivision), located at the western terminus of Nuckols Road right of way dedicated
67 in Bridlewood subdivision, containing a total of approximately 22.2 acres. A single family
68 residential subdivision is proposed. The applicant has proffered that the maximum density of the
69 entire development shall not exceed 2.1 units per acre when added to the parcels in Case C-39C-00.
70 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and
71 Environmental Protection Area.

72
73 Ms. Hunter - The applicant is requesting a deferral to December 7, 2000.

74
75 Mr. Vanarsdall - Is any one in the audience in opposition to the deferment of this
76 case? This is C-71C-00? No opposition. Again, Mr. Taylor.

77
78 Mr. Taylor - Mr. Chairman, I move that Case C-71C-00 be deferred until
79 December 7, 2000, at the request of the applicant.

80
81 Mrs. Quesinberry seconded the motion.

82
83 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All
84 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
85 abstained). Next case.

86
87 Mrs. Hunter - The next case is on top of Page 3 of the agenda in the Brookland
88 District – Case C-36C-00.

89 **Deferred from the September 14, 2000 Meeting:**

90 **C-36C-00 Gloria L. Freye for McDonald's Corp.:** Request to conditionally
91 rezone from R-3 One Family Residence District to O-2C Office District (Conditional) and B-2C
92 Business District (Conditional), Parcels 61-A-2 and 31, containing 2.046 acres, located on the west

93 line of Staples Mill Road approximately 160 feet north of Parham Road and on the north line of
94 Parham Road approximately 170 feet west of Staples Mill Road (U. S. Route 33). A fast food
95 restaurant with drive through is proposed. The use will be controlled by proffered conditions and
96 zoning ordinance regulations. The Land Use Plan recommends Office.

97

98 Mrs. Hunter - The applicant is requesting a deferral to January 11, 2001.

99

100 Mr. Vanarsdall - Is any one in the audience in opposition to McDonalds? This is C-
101 36C-00, being deferred? I move that C-36C-00 be deferred to January 11, 2001, at the applicant's
102 request.

103

104 Mrs. Quesinberry seconded the motion.

105

106 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry. All
107 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
108 abstained). Next case.

109

110 Mrs. Hunter - Also, on Page 3 of the agenda, Case C-53C-00.

111

112 **Deferred from the October 12, 2000 Meeting:**

113 **C-53C-00 Henry L. Wilton for Wilton Development Corp.:** Request to
114 conditionally rezone from R-4 One Family Residence District to RTHC Residential Townhouse
115 District (Conditional), R-5C General Residence District (Conditional) and O-2C Office District
116 (Conditional), Parcels 82-A-14 through 18 & 20 and Parcels 82-7-A-2 & 9, containing 28.4 acres,
117 located on the west line of Staples Mill Road at its intersection with Dublin Street. Residential and
118 office uses are proposed. The RTH District allows a density of 9 units per acre. The R-5 District
119 allows a density of 14.5 units per acre. The office use will be controlled by proffered conditions and
120 zoning ordinance regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units
121 net density per acre.

122

123 Mrs. Hunter - The applicant is requesting a deferral to December 7, 2000.

124

125 Mr. Vanarsdall - Is any one in the audience in opposition to this case, C-53C-00? No
126 opposition. I move that Case C-53C-00 be deferred, at the applicant's request, to December 7, 2000.

127

128 Mrs. Quesinberry seconded the motion.

129

130 Mr. Vanarsdall - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry. All
131 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
132 abstained).

133

134 Mrs. Hunter - That is all of the deferred cases this evening.

135

136 Mr. Vanarsdall - All right. Does any one else have any deferments?

137

138 Mr. Marlles - Mr. Chairman, the next item on the agenda is expedited items, and I
139 do believe we have a number of those, as well. Mrs. Hunter.

140
141 Mrs. Hunter - Yes. The first case on the expedited agenda is at the bottom of Page
142 1 on the agenda. It is Case C-72C-00.

143
144 **C-72-00 James W. Theobald for H. H. Hunt Corporation:** Request to
145 rezone from R-4C One Family Residence District (Conditional), RTHC Residential Townhouse
146 District (Conditional), and R-5C and R-6C General Residence Districts (Conditional) to C-1
147 Conservation District, part of Parcel 26-A-31 and part of Parcels 27-A-6, 8 and 9A, described as
148 follows:

149
150 Parcel 1 R-4C to C-1
151 Beginning at a point at the centerline intersection of Old School Road and Twin Hickory Lake
152 Drive; thence continuing along a curve to the right in a western direction with a radius of 1864.32'
153 and a length of 58.03' to a point; thence S 38° 37' 00" W, 150.00' to a point; thence along a curve to
154 the right with a radius of 2608.70' and a length of 518.29' to a point; thence S 50° 00' 00" W, 177.11'
155 to a point; thence along a curve to the left with a radius of 2508.37' and a length of 122.18' to a point;
156 thence leaving the centerline of Twin Hickory Lake Drive N 82° 14' 48" W, 64.35' to the true point
157 and place of beginning on the 100 year flood plain; thence from said true point and place of
158 beginning and following the meandering of the 100 year flood plain in a western direction
159 2430.38'+ to a point; thence leaving the 100 year flood plain n 63° 22' 45" E, 192.82' to a point in
160 the centerline of western branch creek; thence following the meandering of the centerline of the
161 western branch creek in an eastern direction 95.79'+ to a point; thence following the meandering of
162 the centerline of the western branch creek 1327.94' in an eastern direction to the true point and place
163 of beginning and containing 5.22+ acres of land.

164
165 Parcel 2 RTHC to C-1
166 Beginning at a point at the centerline intersection of Old School Road and Twin Hickory Lake
167 Drive; thence continuing along a curve to the right in a western direction with a radius of 1864.32'
168 and a length of 58.03' to a point; thence S 38° 37' 00" W, 150.00' to a point; thence along a curve to
169 the right with a radius of 2608.70' and a length of 518.29' to a point; thence S 50° 00' 00" W, 177.11'
170 to a point; thence along a curve to the left with a radius of 2508.37' and a length of 122.18' to a point;
171 thence leaving the centerline of Twin Hickory Lake Drive N 82° 14' 48" W, 64.35' to a point on the
172 100 year flood plain and the centerline of the western branch creek, being the true point and place of
173 beginning; thence from said true point and place of beginning and continuing along the centerline of
174 the western branch creek in a western direction 1327.94'+ to a point on the 100 year flood plain;
175 thence following the meandering of the 100 year flood plain in an eastern and southern direction
176 1473.33'+ to the true point and place of beginning containing 3.00+ acres of land.

177
178 Parcel 3 R-6C to C-1
179 Beginning at a point at the centerline intersection of Old School Road and Twin Hickory Lake
180 Drive; thence continuing along a curve to the right in a western direction with a radius of 1864.32'
181 and a length of 58.03' to a point; thence S 38° 37' 00" W, 150.00' to a point; thence along a curve to
182 the right with a radius of 2608.70' and a length of 518.29' to a point; thence s 50° 00' 00" W, 177.11'

183 to a point; thence along a curve to the left with a radius of 2508.37' and a length of 122.18' to a point;
184 thence leaving the centerline of Twin Hickory Lake Drive N 81° 01' 52" E, 101.90' to a point on the
185 100 year flood plain being the true point and place of beginning; thence from said true point and
186 place of beginning and continuing along the meandering of the 100 year flood plain 1760.87' to a
187 point on the northern right of way line of Interstate Route 295; thence continuing along the northern
188 right of way line of Interstate Route 295 in an eastern direction along a curve to the right with a
189 radius of 11,609.16 and length of 88.48' to a point; thence leaving the northern right of way line of
190 Interstate Route 295 and following the 100 year flood plain in an eastern direction 234.94'+ to a
191 point on the northern right of way line of Interstate Route 295; thence continuing along the northern
192 right of way line of Interstate Route 295 in an eastern direction along a curve to the right with a
193 radius of 11,609.16' and a length of 101.55' to a point on the centerline of the western branch creek;
194 thence leaving the northern right of way line of Interstate Route 295 in a western direction along the
195 centerline of western branch creek 387.25' to a point; thence continuing along the centerline of the
196 western branch creek in a western direction 31.49'+- to a point; thence continuing along the
197 centerline of the western branch creek in a western direction 922.15' to the true point and place of
198 beginning containing 4.64+ acres of land.

199
200 Parcel 4 R-5C to C-1

201 Beginning at a point at the centerline intersection of Old School Road and Twin Hickory Lake
202 Drive; thence continuing along a curve to the right in a western direction with a radius of 1864.32'
203 and a length of 58.03' to a point; thence S 38° 37' 00" W, 150.00' to a point; thence along a curve to
204 the right with a radius of 2608.70' and a length of 518.29' to a point; thence S 50° 00' 00" W, 177.11'
205 to a point; thence along a curve to the left with a radius of 2508.37' and a length of 122.18' to a point;
206 thence leaving the centerline of Twin Hickory Lake Drive N 81° 01' 52" E, 101.90' to the true point
207 and place of beginning on the 100 year flood plain of western branch creek; thence following the
208 meandering of the 100 year flood plain in an eastern direction 1809.94'+- to a point; thence S 47°
209 00' 00" E, 266.19' to a point on the northern right of way line of Interstate Route 295; thence
210 following the northern right of way line of Interstate Route 295 in a western direction along a curve
211 to the left with a radius of 11,609.16' and a length of 236.94' to a point in the centerline of the
212 western branch creek; thence leaving the north right of way line of Interstate Route 295 and
213 following the meandering of the centerline of western branch creek in a western direction 387.25'+
214 to a point; thence continuing in a western direction 31.49'+- to a point; thence continuing in a
215 western direction 922.15'+- to the 100 year flood plain being the true point and place of beginning
216 containing 3.83 +- acres of land.

217
218 Mr. Vanarsdall - Is there any one in the audience in opposition to this case? This case
219 is C-72-00, James W. Theobald for H. H. Hunt Corporation, in the Three Chopt District. Any
220 opposition? Mr. Taylor.

221
222 Mr. Taylor - Mr. Chairman, I move that Case C-72-00 be approved on the
223 expedited agenda.

224
225 Mrs. Quesinberry seconded the motion.

226

227 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mrs. Quesinberry. All
228 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
229 abstained). Next case.

230
231 REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Quesinberry, the Planning
232 Commission voted 5-0, (one abstention) to recommend that the Board of Supervisors **grant** the
233 request because it conforms with the objectives and intent of the County's Comprehensive Plan.

234
235 Mrs. Hunter - On Page 2 of your agenda in the Tuckahoe District, C-74C-00.

236
237 **C-74C-00 Karen M. L. Whelan & Douglas A Jones, et al:** Request to amend
238 proffered conditions accepted with rezoning Case C-72C-89, on Parcels 99-14-A-3, 4, 5, 8, 16, 20,
239 21, 24, 31 and 35 (Gaslight Subdivision), containing approximately 4.78 acres, located off of
240 Gaslight Drive, Gaslight Court, Gaslight Place and Gaslight Terrace. The amendment is related to
241 the type of roofing materials allowed. The Land Use Plan recommends Suburban Residential 1, 1.0
242 to 2.4 units net density per acre.

243
244 Mr. Vanarsdall - Is there any opposition to this case, in the Tuckahoe District, C-74C-
245 00? No opposition. Mrs. Dwyer.

246
247 Mrs. Dwyer - I would like to just ask a quick question of Mr. Householder before I
248 make a motion.

249
250 Mr. Vanarsdall - Mr. Householder.

251
252 Mrs. Dwyer - Mr. Householder, as you know, this is a case in which there is a
253 proffer limiting roof materials, and a few people in the neighborhood did not want to continue to
254 have the cedar shake roof or, you know, wanted an alternative to that. And this has been an
255 anticipated problem, because I received calls from other subdivisions. And, this is not the best way
256 to go about doing it; that is, to have piece-meal zoning that appears as an individual homeowner or a
257 small group of homeowners comes forward. Is there a way to resolve this kind of an issue in a more
258 expeditious way?

259
260 Mr. Lee Householder, County Planner - We agree that it is piecemeal, and it is a problem and we
261 would like to come up with a way that would prevent it from happening. We haven't come up with
262 that way yet. We do have a meeting scheduled this week to actually discuss this very issue. It is
263 time consuming and one person at a time in a subdivision doesn't seem to make a lot of sense.

264
265 Mrs. Dwyer - I knew you were meeting about it. I thought maybe you already had.

266
267 Mr. Householder - No. We meet on Tuesday.

268
269 Mrs. Dwyer - Okay, great. I would be interested in what you come up with.

270
271 Mr. Householder - Okay. We'll let you know.

272

273 Mrs. Dwyer - Thank you.
274
275 Mr. Vanarsdall - All right, I need a motion, Mrs. Dwyer.
276
277 Mrs. Dwyer - I move that the Commission recommend for approval to the Board
278 Case C-74C-00, Karen M. L. Whelan and Douglas A. Jones, et al.
279
280 Mrs. Quesinberry seconded the motion.
281
282 Mr. Vanarsdall - Motion made by Mrs. Dwyer, seconded by Mrs. Quesinberry. All
283 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
284 abstained).
285
286 REASON: Acting on a motion by Mrs. Dwyer, seconded by Mrs. Quesinberry, the Planning
287 Commission voted 5-0, (one abstention) to recommend that the Board of Supervisors **grant** the
288 request because it is reasonable; and it would not adversely affect the adjoining area if properly
289 developed as proposed.
290
291 Mrs. Hunter - The next case is on Page 3 of the agenda. It is also in the Brookland
292 District. It's P-8-00.
293
294 **Deferred from the October 12, 2000 Meeting:**
295 **P-8-00 Heidi H. Parker for RCTC Wholesale Corp.:** Request for a
296 provisional use permit in accordance with Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the
297 County Code in order to extend the height of the existing tower, on part of Parcel 116-A-13,
298 containing 4,200 square feet of leased area, located on the east line of Westmoreland Street
299 approximately 400 feet south of its intersection with Jacques Street (2001 Westmoreland Street).
300 The site is zoned M-1 Light Industrial District. The Land Use Plan recommends Heavy Industry.
301
302 Mr. Vanarsdall - Is any one in the audience in opposition to this case, P-8-00? All
303 right. Before I make my motion, I want to thank Mrs. Hunter for the way she handled this case, and
304 Heidi Parker, the Attorney, who came down from Charlottesville tonight, and we appreciate your
305 doing that.
306
307 This tower is not located in a neighborhood, or next to a neighborhood, or anything of that nature.
308 But Mrs. Hunter saw that there were three other towers, and there is no need for a fourth one, and so
309 she asked the attorney, Ms. Parker, to consider that, and her company did. And I thank you for the
310 manner in which you handled that. I move that P-8-00, Heidi H. Parker for RCTC Wholesale Corp.
311 be approved on the expedited agenda.
312
313 Mrs. Quesinberry seconded the motion.
314
315 Mr. Vanarsdall - Motion made by Mr. Mr. Vanarsdall, seconded by Mrs. Quesinberry.
316 All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
317 abstained).
318

319 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Quesinberry, the Planning
320 Commission voted 5-0, (one absent) to recommend that the Board of Supervisors **grant the**
321 **requested revocable provisional use permit**, subject to the following conditions:
322

323 1. If the use of the tower for communication purposes is discontinued for 180 days, the tower and
324 all related structures shall be removed from the site within ninety (90) days. Within ten (10)
325 business days after written request by the County, the owner of the tower shall provide the County
326 with written confirmation of the status of the tower, the number and identity of users on the tower,
327 available co-location space on the tower and such additional information as may be reasonably
328 requested.

329
330 2. Application for a building permit to install the tower extension must be made within one year
331 after the Provisional Use Permit is granted by the Board of Supervisors, unless an extension of
332 time is granted by the Director of Planning upon written request by the applicant.
333

334 3. The applicant shall obtain approval from the Henrico County Planning Commission should the
335 FAA require the addition of standard obstruction marking and lighting (i.e. red lighting and orange
336 and white striping) to the tower. The applicant shall notify the Henrico County Planning Director
337 prior to making any changes to the original galvanized finish of the tower.
338

339 4. When site construction will be initiated as a result of this Provisional Use Permit, the applicant
340 shall complete requirements prescribed by Chapter 10 of the Henrico County Code. In particular,
341 land disturbance of more than 2,500 square feet will require that construction plans include a
342 detailed drainage and erosion control plan prepared by a professional engineer certified in the State
343 of Virginia. Ten (10) sets of the construction plans shall be submitted to the
344 Department of Public Works for approval.
345

346 5. If ownership of the lease is transferred to another provider, the applicant will need a Transfer of
347 Provisional Use Permit.
348

349 The Planning Commission's recommendation was based on the fact that it is reasonable in light of
350 the surrounding uses and existing zoning on the property; and it would not be expected to
351 adversely affect public safety, health or general welfare.
352

353 Mr. Vanarsdall - Any more?
354

355 Mrs. Hunter - That's it.
356

357 Mr. Vanarsdall - Mr. Secretary.
358

359 Mr. Marles - Okay, Mr. Chairman, the first case is in the Three Chopt District.
360 It's on top of Page 2 of your agenda. It's Case C-73C-00.
361

362 **C-73C-00 Neil P. Farmer for Willbrook, LLC:** Request to conditionally
363 rezone from A-1 Agricultural District and R-3 One Family Residence District to R-3C One Family
364 Residence District (Conditional) Parcels 29-A-22, 24A and 25, described as follows:

365
366 Beginning at a point in the west line of Meredith's Branch Drive at the northern terminus of said
367 road; thence from the point of beginning N39°59'26"E, 136.56' to a point; thence N50°28'59"W,
368 765.69' to a point; thence N38°12'07"W, 56.41' to a point; thence S42°12'26"W, 12.11' to a point;
369 thence N50°15'24"W, 399.83' to a point in the south line of Springfield Road (State Route 157);
370 thence along the south line of Springfield Road S31°25'50"W, 270' +- to a point; thence leaving said
371 road S50°04'10"E, 211.12' to a point; thence S31°25'50"W, 208.71' to a point; thence S50°04'10"E,
372 645'+ to a point; thence N31°25'50"E, 208.71' to a point; thence S50°00'32"E, 345+ - to a point;
373 thence N39°59'26"E, 125' to the west line of Meredith's Branch Drive and the point and place of
374 beginning. containing 10.2+- acres.

375
376 Mr. Marlles - The staff report will be given by Mrs. Jo Ann Hunter.

377
378 Mr. Vanarsdall - I want to recognize the press. I see Tom Lappas over here from the
379 Henrico Line, and I don't think anyone else is here. I appreciate your being here, Tom. All right.
380 Mrs. Hunter.

381
382 Mrs. Hunter - Thank you, Mr. Chairman. The subject request would rezone 10.2
383 acres from A-1, Agricultural District, and R-3, to R-3C, One-Family Residence District, for a
384 single-family subdivision. The property is located on the east side of Springfield Road and at the
385 southern terminus of Eli Place. Properties that surround the subject parcel are zoned R-3 or R-3C or
386 A-1.

387
388 The applicant has submitted revised proffers that have been handed out to you this evening, that
389 address all of the concerns identified in the staff report. The Land Use Plan recommends SR-1 with
390 densities ranging from 1.0 to 2.4 units per acre. The applicant has proffered that there will be no
391 more than 2.4 units per acre, showing consistency with the Land Use Plan.

392
393 The applicant's original proposal was for a cul-de-sac off of Springfield Road that you can see here
394 (referring to slide). We have worked with the applicant to coordinate this development with
395 properties to the north here, (referring to slide), which is an existing subdivision, and to the south.

396
397 The applicant came back with a revised layout that showed this (referring to slide), with a
398 connection to Eli Place to the north and a connection to Ellington Place, which currently has
399 conditional subdivision approval, but undeveloped. They took this and met with the neighbors, and
400 the neighbors said they would also like the connection to Springfield Road. And the applicant has
401 agreed, through the proffers, that he will then continue this road out to Springfield Road, instead of
402 cul-de-sacing it, and so the subdivision will have very good road circulation.

403
404 The applicant is also pursuing an alternative for stormwater management and trying to coordinate it
405 with the Springcreek Subdivision. This would be preferable to building another BMP on the
406 property. If this cannot be worked out, the BMP will be located at the rear of the subdivision near
407 Meredith Branch Drive, which is to the right of the screen (pointing to screen).

408

409 The applicant has also proffered a minimum house size of 1,800 square feet, right of way dedication
410 along Springfield Road, and a buffer along Springfield Road measured from the ultimate right of
411 way.

412
413 Overall, the R-3 request is consistent with the Land Use Plan and the applicant has addressed all of
414 the concerns. Staff supports this request.

415
416 Mr. Vanarsdall - Is there any opposition to this case? Is there any one here on behalf
417 of this case? All right. Any questions by Commission members? Mr. Taylor.

418
419 Mr. Taylor - Mr. Chairman, there was going to be somebody here from the
420 community.

421
422 Mr. Vanarsdall - The applicant is here also, isn't he?

423
424 Mr. Taylor - Yes.

425
426 Mr. Vanarsdall - Let's let him talk and then he will make notes of what you say.

427
428 Mr. Neil Farmer - Members of the Planning Commission, my name is Neil Farmer, and
429 I a member of Willbrook, LLC, which is requesting rezoning of this 10.2 acre parcel to R-3
430 Conditional. And I've submitted the proffers like Jo Ann Hunter indicated, which were
431 recommended by the staff. I will be glad to answer any questions that you have.

432 Mr. Vanarsdall - Any questions for Mr. Farmer? All right. Come down, sir. State
433 your name.

434
435 Mr. Chris Lynn - My name is Chris Lynn, and I reside at 5120 Hartwell Drive in the
436 Springcreek Subdivision, which is immediately north of the parcels of land being considered for
437 rezoning by Willbrook, LLC, and Mr. Neil Farmer.

438
439 I would just like to read a statement. "I would like for it to be known and made a part of the public
440 record that a meeting took place between some of the residents of Springcreek, and Mr. Farmer,
441 along with Allen Taylor of the Planning Commission. The purpose of this meeting was to gather
442 input for the best scenario for having these two communities exist side by side. We would like to
443 thank both Mr. Farmer and Mr. Taylor for the very professional manner in which they addressed
444 this issue.

445
446 The main topic of the meeting was the possibility of additional traffic in our neighborhood. It was
447 agreed by us, Mr. Farmer and Mrs. Hunter, that the best way to handle traffic issues would be for
448 the main entrance into the new subdivision come directly off of Springfield Road.

449
450 As planned, Eli Place would be a secondary entrance and would be extended to the proposed Elinor
451 Spring Subdivision. Mr. Farmer broached the subject of possibly sharing the BMP of Springcreek
452 Subdivision. Both parties agreed to await the results of the engineering review to see if this was a
453 possibility. If it is deemed possible, one of the proposals that was of interest to Mr. Farmer and
454 Springcreek was to allow his use of the BMP in return for a recreation area being designed into the

455 new community, and will be available for use by the residents of Springcreek, also. Additionally,
456 some consideration was given to adding this proposed development into the Springcreek
457 Community Association.

458
459 Once again, we would like to thank Mr. Farmer for his up front and professional handling of the
460 process. I also thank this Commission for affording me the opportunity to speak here tonight.
461 Thank you.

462
463 Mr. Vanarsdall - Thank you. Any questions by Commission members? Thank you
464 very much. Anyone else? Mr. Taylor.

465
466 Mr. Taylor - Mr. Chairman, I want to thank Mr. Farmer and Mr. Lynn for
467 working together within the neighborhood; both with the connection of the road to Springfield
468 Road, and the circulation improvements with connecting to Eli Place across the development, and
469 then working with the BMP.

470
471 We did have a very successful community meeting. It was very positive and I think improved both
472 the understanding of both the developer and the community in what we were trying to do. And I
473 think it has worked for the better in developing good circulation and extending the BMP. So, with
474 that, I will move approval of Case C-73C-00.

475
476 Mr. Vanarsdall - Excuse me, Mr. Taylor. You first have to waive the time limits for
477 the proffers because it is dated today.

478
479 Mr. Taylor - Of the proffers? Oh, I'm sorry. Mr. Chairman, I would move
480 approval of the conditional proffers that we have dated November 9, 2000.

481
482 Mr. Archer - Second, Mr. Chairman.

483
484 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in
485 favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). All
486 right, now the case.

487
488 Mr. Taylor - Mr. Chairman, I move approval of Case C-73C-00, Willbrook, LLC.

489
490 Mr. Archer seconded the motion.

491
492 Mr. Vanarsdall - Motion made by Mr. Taylor, seconded by Mr. Archer. All those in
493 favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon abstained). Next
494 case, Mr. Secretary.

495
496 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission
497 voted 5-0, (one abstention) to recommend that the Board of Supervisors **grant** the request because
498 it conforms to the recommendations of the Land Use Plan; it would permit infill development with
499 the proper connection for roads and other public facilities; and it continues a form of zoning
500 consistent with the area.

545 The apartment use is also not consistent with the Land Use Plan. The Urban Residential encourages
546 single-family homes, town houses, and zero lot line homes. The plan and the district encourage
547 home ownership and this project would be a rental community.
548

549 There are several vacant parcels in the immediate vicinity, and staff is concerned that the precedent
550 setting nature of this request this request could have if it was approved. It would impact the
551 adjacent density of nearby vacant properties.
552

553 While there is some merit to the concept of apartments for the elderly, staff still believes this is not
554 the optimum location. Staff continues to encourage the applicant to explore properties that are
555 already zoned for this use.
556

557 The applicant has addressed a number of staff's concerns, including age restriction, C-1, zoning of
558 flood plain, access, refuse screening, lighting and the limited hours of construction, and trash pick-
559 up.
560

561 Staff continues to be concerned with the treatment of the perimeter of the site. The applicant is
562 providing only the required building setbacks along the perimeter of the project. Staff continues to
563 recommend a larger setback adjacent to the single-family residences. The applicant has proffered
564 the plantings of the transitional 25-foot buffer requirements along Longdale Farms and Gay
565 Avenue, but they have not addressed a planted buffer along the VEPCO easement.
566

567 In summary, the requested zoning and apartment use is not consistent with the Lane Use Plan and
568 staff believes the current R-4 zoning is appropriate. Staff does not support this case.
569

570 Mr. Vanarsdall - Any questions for Mrs. Hunter by Commission members? All right.
571 Mr. Dicks, are you here? Good evening, Mr. Dicks.
572

573 Mr. Chip Dicks - How are you?
574

575 Mr. Vanarsdall - Fine. Thanks.
576

577 Mr. Dicks - My name is Chip Dicks, and I represent the applicant in this case.
578

579 Mr. Vanarsdall - You have some opposition over here.
580

581 Mr. Dicks - Okay. I think I've got a lot of folks here from the neighborhood that
582 are in support. The folks from the neighborhood who are in support, would you please stand?
583 Thank you very much.
584

585 Mr. Vanarsdall - Let me see if I can get this straight. You are all in support?
586

587 People in the Audience - Yes, we are.
588

589 Mr. Vanarsdall - We very seldom have anybody in support of something. Thank you
590 very much.

591
592 Mr. Dicks - What I would like to do, Mr. Chairman, if I could, is last meeting
593 there was an extensive hearing on this particular proposal. What I would like to do tonight is to
594 focus on the things where we haven't reached consensus with the staff, and suggest to you why we
595 think it is appropriate to vary from the Land Use Plan, if I could.
596

597 First of all, let me say that, you all sit here on zoning cases every month and you know that it is
598 unusual for a large group of citizens to come in and tell you that they support a particular project. I
599 will tell you that we have reached out to the community. We have tried to address the concerns that
600 the community has raised.
601

602 The community has expressed to us that they do not want single-family houses on this particular
603 property. We have gone back and done a little bit of calculation. You could build roughly 69
604 single-family houses on this property if you were to do some kind of townhouse development.
605 And if you figure that, what impact those single-family residences would have on schools and other
606 County services, we think that the proposal that we offer is one that, obviously, has the support of
607 the vast majority of the neighborhood. And, in addition to that, we think is compatible with the
608 overall area, and also compatible with the Land Use Plan in a couple of respects.
609

610 The primary issue, apparently, where we are not able to reach consensus, is with respect to density.
611 And, I guess, the difference is roughly 3.8 units per acre. And the question is, "Why should you
612 vary from what the density would be allowed according to the Land Use Plan?"
613

614 The first thing I'd suggest to you is that, one of the reasons that you would not normally want
615 apartments, and I think everyone of the neighbors that are here would tell you, that the apartment
616 proposal two years ago, they were vehemently opposed to that. And the reason was, that it looked
617 and felt like apartments.
618

619 What we've done in this case is we have worked with the neighbors to establish single-story type
620 structures.
621

622 So, when staff comes to you and says that, "Yes, in a normal circumstance, between multi-family
623 and single-family residences, you should have a 75 foot buffer." And I stand here tonight and tell
624 you that I think that is a good policy. But, I also tell you that, if a 75-foot buffer is imposed on this
625 particular project, what that means is, that we'd have to go back on the commitments that we made
626 to the citizens, and we'd have to build multi-story structures, at which point I think the citizens
627 would say to you that they are opposed to the project.
628

629 So I think what we've tried to do is to recognize that single-story structures certainly would be
630 compatible, and that is one of the reasons that I think that you can justify both the reduction of the
631 buffer and also an increase in density, because you have single-story structures. And also, I think
632 the age restriction is a major factor.
633

634 When you look, and staff has commented in the report, and also tonight, and I compliment the staff
635 and JoAnn Hunter, in particular, on the detail to which we have addressed different issues of this
636 plan, because we have gone into a great deal of detail.

637
638 One of the concerns is the question about the buffering. You go around the buffering. I would
639 suggest to you that there is a good solid public policy rationale for reducing the buffer from 75 feet
640 to 35 feet because this is not a multi-story structure. They are single-story structures compatible
641 with single-family residences. And, in many cases, where there are two-story residences, those
642 residences will be higher than the single-story residences than we are proposing for the site.

643
644 The second thing is with respect to the transitional buffer 25 requirements. Staff requested that we
645 accommodate those along Gay Avenue and also along the back, next to Lawndale Farms
646 Subdivision, and we have proffered those.

647
648 Staff also suggested that we do something with respect to the Virginia Power easement. And we
649 offered, and proffered in our revised proffers, that we would establish a buffer adjacent to the
650 Virginia Power lines. And I would suggest to you that we will be happy to add, tonight, the proffer
651 with respect to plantings in that particular buffer. Still, the buffer would be as we suggested, 25 feet
652 width from the Virginia Power easement.

653
654 I think you all have been out there and seen the property. There are a lot of other things around there
655 where there are no buffers, and we'd be creating and planting and buffering for this particular
656 property that doesn't exist, quite frankly, even with the single-family neighborhood. So, we are
657 happy to do that.

658
659 Staff had suggested that we not have lattice around the mechanical equipment. That is not an issue
660 either. We are happy to accommodate that request.

661
662 The other issues that staff raised, I think with respect to all of the other issues, I think we are in
663 accord with the staff. The only thing that we are at variance on, and there are really two issues as I
664 see it. One is the 75 foot versus the 35 foot buffer area. And, I think it is a solid public policy
665 rationale as I've indicated.

666
667 The second thing is, and that allows us to have single-story versus multi-story. The second thing is
668 that, with respect to the overall land use and the question of precedent, you know, there are other
669 vacant parcels. And we've gone and looked at those other vacant parcels. And there is vacant
670 multi-family property. But, you know what, the multi-family property is either out at different
671 places. It is either not suitable for seniors apartment community, because it does not have services
672 where they are needed.

673
674 This is in the middle of an area where there are services nearby. The seniors would be an addition, a
675 valuable addition to this particular neighborhood with Neighborhood Watch. We are bringing a
676 community club house to this neighborhood, which we have proffered to the neighbors that they can
677 use, on an as available basis.

678
679 We have proffered to them that we will do, as you see from the additional proffers, all of the kinds
680 of things that we will do for our residents to the extent that there is space available as we have
681 represented to the community that we will make those trips to The Pottery and those kinds of things
682 available for these residents, and Lawndale Farms and the existing neighborhood.

683
684 So, we think that this is a point in time where the citizens are requesting, and supporting this
685 particular approach, because they recognize that this is a parcel of land. It is going to be developed.
686 If its developed in accordance with the Land Use Plan, that is not what the neighborhood is telling
687 us, and I think telling you tonight, that they want to see for that particular parcel.
688

689 They recognize that Mr. Hutchinson is going to sell his property, and move back home and do
690 something else. So, this is something where they think, and, obviously, they are here, and a number
691 of them have written letters and made telephone calls and these kinds of things. This is a situation
692 where they feel like this is a good proposal, and that it would fit well with their neighborhood and
693 be a valuable addition. So it would be our hope that you'd act upon this tonight.
694

695 We have got some contractual limitations that require us to move the case forward. And we hope,
696 very much, that it would be with a favorable recommendation. And, we feel like we have addressed
697 the issues that staff has raised.
698

699 And I think, with respect to precedent, you are not establishing precedent for apartments on R-4
700 land that varies from the Land Use Plan. What you are saying is that, where you are going to build
701 a single-story type structure, where you are going to interface with the neighborhood in a single-
702 family residential area, and that where you are going to provide a reduced need for governmental
703 services, by income restriction or by senior restriction, by age restriction, that, under that
704 circumstance, in a very limited way, yes. If somebody else came in and had a demonstrated need
705 for a seniors apartment community in that area, yes, you'd have to take look at that. But, I would
706 suggest to you that it will probably be a pretty rare occasion where someone would come back in
707 with a single-story structure in that area and suggest that there is a need when, quite frankly, we
708 think that this community will fulfill a lot of that need in that particular area.
709

710 As I mentioned last time, to close, we think most of our residents are going to come within a five-
711 mile radius of this particular apartment community. And we are pleased to have the support of the
712 Lawndale Farms neighborhood, and we look forward to being a good neighbor with them. I would
713 be happy to answer any questions.
714

715 Mr. Vanarsdall - Any questions by Commission members for Mr. Dicks?

716
717 Mrs. Quesinberry - I just have a couple, Mr. Dicks...

718
719 Mr. Dicks - Please.
720

721 Mrs. Quesinberry - ...because I am concerned still, tonight, over some of the issues that
722 we have talked about. And, not the least of which is, encouraging additional apartment
723 development, in currently vacant land in this area, because this particular area really is designated
724 for Urban Residential and should be developed with, and the plan supports to encourage single-
725 family development and home ownership. There is already an over-abundance of rental apartment
726 community projects in this particular area.
727

728 Probably, the single most attractive thing about this complex is that it is designated for seniors. But,
729 you know, that aside, there is plenty of apartment communities in the area, and most of them have
730 one and two bedrooms. Most of them offer single level, you know, first floor, ground floor
731 apartments, and that sort of thing. So, there is plenty of apartments for anybody of any age that's
732 looking for apartments reasonably priced in the area. And, although you age restrict for a
733 community, you don't really offer much more than anyone else offers in any of other apartment
734 community in the way of any kind of amenities, or the tradeoff of the almost double the density that
735 the Land Use Plan would call for.

736
737 I know you say you have a resident manager, and everybody has a resident manager. And you also
738 say this person will coordinate services on an as-needed basis for the residents. And, I haven't
739 called every resident manager in all of the apartment communities around this neighborhood, but, I
740 bet if I did I'd find out, that they'd probably encourage and help their residents as well, and refer
741 them to services that are available from other sources and vendors that are not available on their
742 complex. So...

743
744 Mr. Dicks - I suggest to you, go ahead and finish. I'd like to comment on that.

745
746 Mrs. Quesinberry - I am just saying that resident managers in apartment complexes
747 certainly do customer service for their residents. And, you know, you might draw some lines on
748 how much they do. But I know they do customer service, because they don't have facilities
749 available at their complexes either. So, I still have some questions about some of that, and I am still
750 trying to look for some compelling reason why we would want to rezone land that is already
751 designated for single-family use, and that is in the neighborhood that it is in, and that is the way the
752 Land Use Plan supports the way it should be developed. I am looking for some real compelling
753 reason why we would want to do that in this area, when we already have abundant vacant land all
754 over Varina, all over Henrico, that is available for apartment complexes.

755
756 Mr. Dicks - Well, first of all, I would tell you that we have examined the
757 available land in the Varina District for a seniors apartment community. And it is our
758 determination, based upon the fact that the services are not readily available in all of those locations,
759 and quite frankly, based upon the price of some of the land, that it is cost prohibitive. And, by the
760 time you attempt to develop it for a seniors apartment community, it just doesn't work.

761
762 So, I will tell you that we have gone out and done that. Because why in the world would we come
763 before you tonight, or even submit an application if we hadn't gone out and examined the fact that
764 there are other available zoned multi-family. It would be easy. You just simply apply, and don't
765 have to go through rezoning. You deal with the conditions in the plan and be done with it.

766
767 So, I hear you, and I went out and looked, and they are not suitable for a seniors apartment
768 community. We did a detailed examination of that, and Ms. Joyner is here, and she did much of
769 that herself. So, I will tell you that we have done that.

770
771 The second issue is, yes, there are other apartments around. At the same time, they are family
772 apartments and there are lots of kids there. There are lots of situations where it is just like any other
773 community. It is not uniquely tailored to a seniors market.

774
775 What we try to do in terms of these amenities, and I would say to you, I have represented about 100
776 apartment units, as a lawyer. And I am not aware of any family apartment community, any family
777 apartment community that offers meals, wellness, physical activities, social activities, and
778 coordinated efforts for their residents. What most of them offer, because it is not a demand. It is
779 not a need that the residents want in most of those apartments.

780
781 So, I suggest to you that the seniors, who we think will be our residents, in terms of compelling
782 need, would not be able to get these services in these other apartment communities. And I'd suggest
783 to you that, when we talk about, yes, they would do customer service.

784
785 If you came to me and I was the resident manager of one of the adjacent apartment communities, I
786 would say to you, "Sure, if I could find this for you or that for you, whatever." But, I tell you, Mrs.
787 Quesinberry, I am busy right now.

788
789 I've got 300 other residents to do this, that, and the other for. If I have got a block of 25 or 50
790 residents that all need meal service or laundry service or some type of cleaning service, then the
791 likelihood is, that I am going to do a much better job facilitating and coordinating whether it is on a
792 third party basis or whether we include it as part of our package, or whether we add it as an
793 additional package that they can purchase. So, what we have tried to do here is to list those
794 amenities that we think are unique to seniors apartment communities for the most part.

795
796 Now, one of the reasons that we find a little bit of fuzz in the language, if that is what you are
797 looking at, I will tell you why the fuzz is there, and I addressed it last time. If, in some of our
798 apartment communities that are seniors apartment communities, sometimes residents want
799 organized exercise activities. Sometimes they don't. We don't want to proffer to you that we are
800 going to provide coordinated organized exercise activities, if our residents don't want them. If
801 they'd rather play bingo, then we will do bingo as long as it is permitted under the Ordinance and
802 the law, we'll do it.

803
804 So, those are the kinds of things that we say, and I have said in here that we will do as many of these
805 things, depending upon whether there is a sufficient desire on the part of the residents to do that.

806
807 Now, the question is, where is the compelling reason? No. 1, there is a compelling need which staff
808 recognizes, and I think everybody on this Commission recognizes, for seniors housing in the Varina
809 District. There is a compelling need for seniors housing in the Varina District. It is not being met.
810 You have existing land that is zoned multi-family. And I will tell you that from professionals who
811 do seniors housing for a living, they have looked at those parcels. And, if it was something we
812 could do, I tell you, we'd be there in a heart beat. But it is not something; none of those parcels
813 works for a senior community because the services are not readily available close by.

814
815 This piece of property, because it is surrounded by single-family houses, is a perfect area for seniors
816 housing because, by establishing single-story buildings, what we do is we interface in the
817 neighborhood. And, with the buffers and the trees and the other things, quite frankly, there'll be
818 greater buffers and trees between these houses and Lawndale Farms Subdivision and Gay Avenue,
819 and on the other side, on the Virginia Power easement, than it will be among neighbors. I mean,

820 they will be able to see each other in the neighborhood, but they won't be able to see us, for the most
821 part, with buffers are established at 35 feet. So, I think the 35 feet and transitional 25 plantings gets
822 you to where you need to be on a compelling basis.

823
824 The only issue that leaves you with is, the issue of density. And the question is, this is not double.
825 The idea is that this is not 12 units per acre. It is 10 units per acre; 10.7 units per acre versus 6.0
826 units per acre. That is where we are. If I walked in here with an application for 6.8, it would be
827 consistent with the Land Use Plan. And, so, the question is, "Okay, this is an area where you want
828 people to be able to buy homes." There are a lot of people in society, and a lot of people when they
829 get to a certain age, they simply don't want a hassle with owning a home. Or their husband has died
830 and they, basically, want to know that the maintenance person will come.

831
832 My mother is in that position. I think you and I talked about this when we first talked about the
833 case. That she would rather live in a seniors community and have the maintenance person be able
834 to come when something does not work than to stay in her home that she had lived in for 30 years
835 with my father.

836
837 So, you get to the point in life where you want those kinds of services, and you want to be able to
838 get those kinds of services from somebody who coordinates those, and that is what we proffer in
839 these proffers. So, I think that it is a unique situation. I think there is a demonstrated unique need
840 for seniors housing in the Varina District. I think this particular property is uniquely situated
841 because it is surrounded by single-family neighborhoods. And we've established, what amounts to,
842 pretty much a single-family kind of product; a single-story product. And, what we have tried to do
843 is be a good neighbor by opening up the things that we do to the seniors in the surrounding
844 community. So, I would suggest to you that, under some compelling need, I think we have done
845 that.

846
847 Lastly, the Land Use Plan is not zoning, as you well know. And we have had this debate in the
848 General Assembly before on whether it should or should not be. And the Land Use Plan is a guide.
849 And the guide is really there with the public participation process, with people trying to decide for
850 the future what kind of development should occur in their area. And what you are hearing tonight
851 from the citizens is that, "Yes, this may have been what the Land Use Plan designated", but they
852 support this particular proposal because they feel like this is a better neighbor for them than would
853 be what is allowed under the Land Use Plan. So, not that you always vote by referendum.
854 Certainly, the last couple of days of elections, who knows? But, at the same time, the citizens are
855 saying to you that they are comfortable that this is the kind of community that would support and be
856 a good neighbor to their existing community.

857
858 Mrs. Quesinberry - You are kind of repeating yourself, so let me just ask you a couple of
859 questions. I think we'll have a short answer.

860
861 Mr. Dicks - Okay. Go ahead.

862
863 Mrs. Quesinberry - What happens in 15 years when your management company no
864 longer has to retain ownership of this property?

865

866 Mr. Dicks - I think, in this particular project, that it is 30 years.
867
868 Mrs. Quesinberry - Where did I see 15?
869
870 Mr. Dicks - It is 15 years under the bonds. The staff put that in there. But under
871 this particular financing, it is 30 years.
872
873 Mrs. Quesinberry - You mean the same management company will keep ownership?
874
875 Mr. Dicks - This company has to own this apartment community for 30 years,
876 and they have their own management company to make sure that the quality is maintained
877 throughout the financing period. So, they will be here for 30 years. If you want to put that in the
878 proffer, we will be happy to put that in a proffer that they will own it for 30 years.
879
880 Mr. Vanarsdall - Do they have to own it for 30 years?
881
882 Mr. Dicks - They have to own it for 30 years under the financing.
883
884 Mrs. Dwyer - To follow up on that question, is there anything other than the proffer
885 that requires it to be a seniors housing development?
886
887 Mr. Dicks - Well, the proffer, as you know, runs with the land. So, in order for us
888 to...
889
890 Mrs. Dwyer - I know that it runs with the land, but we have known proffers to
891 change over time. So, I am just wondering, is there anything other than the proffers that requires
892 this to remain a 55 and older community.
893
894 Mr. Dicks - There would be, because the financing would require it. When we
895 get bond financing approved, it would be approved contingent upon the fact that we met the Federal
896 Fair Housing Law, which is included in here for seniors housing.
897
898 Mrs. Dwyer - The financing is not only income related, but also age related?
899
900 Mr. Dicks - That is correct. It would be for this. It would not be approved for a
901 family apartment community, because we are not applying for one. We are applying for seniors,
902 and, therefore, the financing would be approved contingent upon the fact that it would remain a
903 seniors apartment community for the term of the financing.
904
905 Mrs. Dwyer - And that would be for 30 years?
906
907 Mr. Dicks - That would be for 30 years. That's correct.
908
909 Mrs. Dwyer - And then at the end of 30 years, you could become a family
910 community, and it wouldn't have to continue to be a seniors community?
911

912 Mr. Dicks - At the end of 30 years, under the financing, it could, but the proffer
913 would still run with the land and it would be limited to a senior community. And my opinion would
914 be that Ripley-Heatwole at that point would have to come back, or if they sold the property at that
915 point, whoever the applicant would be, would have to come back and amend that condition.

916
917 Mrs. Dwyer - It is not inconceivable to me that, you know, in some period of time
918 the owner could come back and could sell it. For instance the new owner could come back and say,
919 "Well, we don't have much of a market now anymore for seniors, and we want to eliminate that
920 proffer." And that is not outside the realm of possibility.

921
922 Mr. Dicks - In this case, for 30 years, it can't happen.

923
924 Mrs. Quesinberry - That's 30 years if it continues to be financed, right? But, what if the
925 owners pay off the debt and it is not financed any longer?

926
927 Mr. Vanarsdall - We can't get you on tape unless you come down to the microphone,
928 please.

929
930 Mr. Dicks - This is Lou Joyner from Ripley-Heatwole Company.

931
932 Ms. Joyner - Hi. I am Lou Joyner from Ripley-Heatwole Company. Let me just
933 explain, and help Chip out here a little bit. The financing that we are going to obtain through the
934 Virginia Housing Development Authority, which we have talked about previously, will require
935 what called, "An Extended Use Agreement". That Extended Use Agreement will be recorded and
936 attached. In that use agreement, it is going to talk about the things that we are going to proffer to
937 VHDA. One of those things is a 30-year extended use. So that is going to run with the property
938 whether the loans are paid off or not.

939
940 Mrs. Dwyer - Okay.

941
942 Ms. Joyner - And I just wanted to add one thing with regard to services, which I
943 think Chip has explained very well. I wish I could take you to one of our senior communities and
944 show you what the services are really like, and the language that Chip was talking about, and why
945 we didn't want to be specific to specific services, he explained very well.

946
947 But we are going to have services, because we wouldn't have the seniors there without them. That's
948 why they are there. You are right. They could live in any apartment community they choose to, but
949 they would much rather live in these kinds of communities. And, one of the main reasons is
950 something that I can proffer to you tonight, and I didn't see it there in the proffers, but I have no
951 problem with it, and that is transportation. With every senior community that we have, we have an
952 18-passenger handicapped lift transportation van, free of charge to the seniors. The bus runs on a
953 schedule daily and takes them to doctor's appointments, shopping, takes their pets to doctor's
954 appointments, really, anything that they need. So, that would be one particular service that would
955 make it unique.

956

957 Mrs. Quesinberry - Okay. Thank you. One more thing, and we do have some
958 opposition, I don't know whether you saw it or not, Mr. Chairman, but I just wanted to, because I
959 don't think we are timing here. Our fault, not yours. In all of the cases that I have seen, and I will
960 ask some of the Commissioners, I don't think I have ever seen people that own their homes in a
961 single-family neighborhood come in and support a multi-family development right next door, unless
962 there is something else that they deem is going to develop next to them that would be in their minds
963 worse than the multi-family complex that they are considering.
964

965 And, if there is one person, maybe, in your group that would like to address that. And, the reason
966 that I asked that question, "What do they think would happen?" Because the current zoning would
967 allow about 35 single-family homes, not unlike the homes that they have, just a continual
968 development. And I am kind of wondering why that seems like such an awful proposition to these
969 homeowners, and they came out here tonight in the pouring rain to back you up on this multi-family
970 project. And, the reason that I asked you that, too, I did talk to a couple of the residents of
971 Lawndale Farms that called this week. Many left a message. But, I actually got to speak to a
972 couple of them. And it was very obvious to me that their support of this project really was the lesser
973 of two evils. I want to know what they think the other evil is.
974

975 Person from Audience - Henry Wilton.
976

977 Mrs. Quesinberry - I want one of you to come up here and tell me what you, because this
978 does not seem like a genuine support to me. It seems like a real contingency kind of support. And,
979 in my mind, I want to know, you know, what the other side of the coin is.
980

981 Mr. Dicks - Obviously, you need to hear from them, but the discussions and all of
982 the citizens association meetings that we've have had, were, basically, there were 35 single-family
983 homes, box-style homes as I think the citizens referred to them to me, or 69 townhouses, which is
984 exactly what the Land Use Plan would allow. And the expression that they indicated to me was,
985 they didn't want either one of those, that they preferred this over what the Land Use Plan would
986 allow. But hear from them. I think that is important.
987

988 Mrs. Quesinberry - I would like to hear from at least one of them.
989

990 Mr. Dicks - Okay. Please.

991 Mr. Tony McDonald - How are you doing? My name is Tony McDonald. I reside at 4805
992 Chardon Road. We have been through this with Henry Wilton where we threatened that he wanted
993 to build apartments. We were against apartments. We didn't want them.
994

995 Mr. Vanarsdall - I remember that.
996

997 Mr. McDonald - So he got some apartments built on the other side. Since those
998 apartments have been built, we have a neighbor of ours who has a farm. We have to dodge
999 pumpkins that's burst in the middle of the street. My truck has been spray painted since these
1000 apartments have been up.
1001

1002 Around our community, I went in a circle one night, and all of our trucks; Mr. B and B, he owns
1003 B&B Seafood. His van was spray painted. Now, this is after these apartments have been built;
1004 something we were totally against.

1005
1006 Now we come with a project; we asked them. We said, "Mr. Wilton, please, if you can't give us
1007 anything, we wanted some homes built on Mr. Hutchinson's property that will keep the value of our
1008 homes up." The Commission said that they couldn't do that. That wanted to go with Wilton with
1009 these apartments.

1010
1011 Now we come with single-family apartments for seniors. If we can have that, at least, we can get
1012 some peace in our neighborhood. That is all we are asking for. And I wish you were here asking
1013 Mr. Wilton those questions you are asking this guy about what is going on, because we couldn't get
1014 these questions from him. He lied to you all and told you that we went to dinner and said we
1015 wanted these apartments. We never wanted no apartments in our community. We wanted homes.

1016
1017 So, we accepted these apartments where we can have senior citizens live in our community. That
1018 way, we can be a part of them. Right up the street here, across from the Henrico County Jail, they
1019 have a senior's high rise. I went through there. It is wonderful in there. The seniors interact, they
1020 with the community. I am a Chaplain at the jail. Nothing would fill my heart more to be a part of
1021 the community. Not only me, but we have other residents who are going to give you a list of things
1022 that are going on in our community.

1023
1024 Mrs. Quesinberry - Mr. McDonald, before you back away there, I want to make sure that
1025 I understand what you are saying. You would support this project, as it is, because you think that if
1026 you don't have this developed that there is going to be some other kind of apartments that come into
1027 this parcel?

1028
1029 Mr. McDonald - Well, Henry Wilton, he threatened us.

1030
1031 Mrs. Quesinberry - Well, he is not here tonight, sir.

1032
1033 Mr. McDonald - Well, that is why we are letting you know. It is not that we just want
1034 anything. We want the land developed and what we want it developed to is homes. If not homes, at
1035 least, apartments for senior citizens.

1036
1037 Mrs. Quesinberry - That is what I really...

1038
1039 Mr. McDonald - That is what we want. We want homes, equal to our value, or we
1040 want apartments for seniors. We don't want apartments, like you said, for somebody to build them
1041 up, and then sell them 15 years from now, and they turn into subsidized government apartments.
1042 Then our neighborhood is shot. We don't want that.

1043
1044 Mrs. Quesinberry - Okay.

1045
1046 Mr. McDonald - We have a nice community now. We just want it developed and stay
1047 a nice community.

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Mrs. Quesinberry - Thank you. One more person, please.

Ms. Dale Kaufelt - My name is Dale Kaufelt, and I live at 4804 Mulford Road. And, it is not so much that we are scared of something else. No. 1, we need something over there for mature adults. There isn't anything. There is the Masonic Home, and I believe there is one other near the airport. Where they want to put this, you have Ukrop's. You have a Kroger's. You have Laburnum Medical Center. You have a Fire Department. Those are all things that senior citizens need, and it is very accessible to them.

No. 2, whether you put apartments or homes, where are you going to put the kids? I have three children in the east end county schools. According to the wonderful Bond Referendum that was just passed, there is no plans for building any schools in the east end. Montrose is already overcrowded. Jacob L. Adams already has trailers. Where are you going to put all of these children? This would eliminate that need. They are already overcrowded. And this is something that the community needs, would like, and would eliminate the overcrowding that we already have. And that is not being addressed by the School Board planning, because I have called and all I am being told is that they are watching it. We don't have any plans on expanding the schools, building any more elementary schools what is it, seven; nine years, however long that Bond Referendum went for. So, I am not really here to say I am scared of them building apartments. No, I really would prefer not. We have enough apartments surrounding our whole neighborhood. That is all they keep wanting to build, and if they build homes, that is a lot of kids.

Mrs. Quesinberry - Do you think 35 homes are going to crowd the schools?

Ms. Kaufelt - They already are now. It is already overcrowded. It already is. We have already had to have another teacher come in the school. My child now is in a class with 27. Each class has that many or more. They don't have any room. That's from the teachers. I have talked to the teachers. I have talked with the principal. I have talked to the School Board. And nobody can say, "Yes, Mrs. Kaufelt, if we build more houses, we going to build another school." They are not saying that. They are saying, "No, we don't have any plans on building any new schools." But, we are going to keep putting all those houses in there, and putting all of those apartments in there that will most likely going to have children. At least, all of the apartments that already surround us have a lot of children. So, if they are going to do that, then they need to come up with what they are going to do about the school situation before we build the houses and the apartments. We have already got apartments surrounding the subdivision. So this serves to me two needs, or eliminates one need.

I noticed on the agenda that they are planning on building more apartments across from Lakefield Mews; other apartments. Where are those children going to go to school? The principal can't tell me. The principal says, "I don't know. We don't have room." So, that seems like that is oblivious to anybody here. So, I don't know. Maybe somebody needs to come over to the east end and see what is going on in that part of it. So, to me, that is why this is a good idea. It is a need. And like I said, it is close to facilities that seniors need. It is good for Varina, because we don't have them. South side and the West End, there's plenty of assisted living.

1094 So, why put it all the way out in Varina where there isn't anything? There hasn't been anything built
1095 up out in Varina. So, it would not make any sense to put a seniors apartment where they are not
1096 close to grocery stores; where they are not close to the Fire Department; where they are not close to
1097 doctors. This is something, as you can see, that we are interested in.

1098
1099 Mrs. Quesinberry - Okay. Thank you.

1100
1101 Ms. Linda Maroney - I am Linda Maroney. I live at 4905 Mulford Road and I am also the
1102 coordinator for the Neighborhood Watch. To give you a little bit of background, yes, we have
1103 fought viciously against apartments. We have also fought with Henry Wilton over the kind of
1104 homes he wanted to build. We are not talking about homes of the quality that we currently have.
1105 We are talking about homes that he proposed that would be 900 square foot. We already have an
1106 example of homes he is building on Millers Lane. He has put 11 homes in a very small strip on
1107 Millers Lane. We don't want those kind of homes on this property.

1108
1109 If you can guarantee to us that you would never let anyone build any more than 35 homes, maybe
1110 we would consider it, and I am only saying maybe. But the idea of having 69 to 70 some additional
1111 homes on that property with access roads cut through to our neighborhood, which was originally
1112 part of his proposal, we are not for that. This development, we feel, as has already been said, is
1113 good for the County. It is good for our community. It is needed, and we feel that they are going to
1114 be the best neighbors we could have. If this property is developed, we no longer have to keep
1115 coming back every year or two to fight off developers that want to throw up little box houses or
1116 apartments that they want to turn into Section 8 housing. We want to keep our neighborhood at the
1117 quality that it currently is. Thank you.

1118
1119 Mr. Vanarsdall - Thank you.

1120
1121 Mrs. Quesinberry - I think we have some opposition, Mr. Chairman.

1122
1123 Mr. Vanarsdall - What?

1124
1125 Mrs. Quesinberry - I think we have some opposition.

1126
1127 Mr. Vanarsdall - Okay. Do we have some opposition to this case? All right.

1128
1129 Mrs. Quesinberry - Yes.

1130
1131 Mr. Vanarsdall - Do you want to come on down?

1132
1133 Mrs. Quesinberry - I need to hear from you.

1134
1135 Mrs. O'Bannon - If I can just ask a question. Mr. Marlles, I know usually, when we
1136 hear these cases, they are timed. I am just a little concerned that we have gotten off of what we
1137 usually do when we hear a case. It is our way to keep track of things and to allow people equal
1138 time. I mean, usually, we time the presentation and time the comments, and I am just concerned

1139 that we are going to go over a little bit. As we hear our next cases, I would appreciate if we get back
1140 to having things timed. Thank you.

1141
1142 Mr. Vanarsdall - All right, Ms. Paschke.

1143
1144 Ms. Marilyn Paschke - My name is Marilyn Paschke, and I am President of Varina
1145 Environmental Protection Group. The first thing is, it is that it is not consistent with the Land Use
1146 Plan. And, when the Commission goes outside of the Land Use Plan without compelling reasons,
1147 then it weakens our use of that Plan in the future. So, I suggest that we stay within the guidelines of
1148 the Land Use Plan.

1149
1150 This is going to be a restricted senior community, so it won't be open to everybody in Varina. The
1151 amenities that are being provided seem somewhat sketchy. I think there is a need for senior housing
1152 in Varina. I think we would welcome it in Varina, but I don't think this is the quality that we want
1153 for our first senior development.

1154
1155 They are places even over in Varina where there aren't a great deal of development that has doctors,
1156 fire houses, drug stores. So there is land available in a multitude of places that is already zoned and
1157 would handle this.

1158
1159 My one concern, when I first heard about this, was in a very dense area with a lot of apartments. For
1160 seniors, I would think safety would be one of their main concerns. Most of us get a little slower
1161 when we get older, and safety does become a major factor.

1162
1163 So, I thought the first thing that should be done for a good senior complex would be fencing the
1164 area. And, of course, I don't feel like the buffers are sufficient. The wetlands should be buffered to
1165 help keep the water clean. And, I agree with the staff, that we need more buffers around this
1166 community. It just seems awfully dense for a senior community even.

1167
1168 I am sorry. I have lost my train of thought. Excuse me. As far as safety is concerned, in addition to
1169 the fencing, we would prefer this to see a gated community for safety reasons. The gentleman that
1170 got up and spoke a while ago talked about some vandalism that occurs in the neighborhood.
1171 Sometimes seniors seemed to be targeted a little bit, because they aren't able to react as quick.

1172
1173 So, again I am concerned about the first senior designed community going into Varina and the
1174 quality of it. I do think that we could require, and keep our standards a little higher and I think the
1175 development community will meet them if we keep them high. Thank you.

1176
1177 Mrs. Quesinberry - Thank you, Mrs. Paschke.

1178
1179 Mr. Vanarsdall - Thank you, Mrs. Paschke. Any one else? Does anyone else have
1180 anything different? Then we have just about run out of time then.

1181
1182 Mr. Gene Dew - I am Gene Dew. I am here as an observer on another item, but I
1183 thought I was compelled to speak about the VHDA, the Virginia Housing Development Authority.
1184 They will not invest in something that is not going to be a viable situation. I have been involved

1185 with a senior community through the VHDA with the VHDA then supervising and administering
1186 the loan. In fact, I guess we were the first senior housing group to get financing through the
1187 Virginia Housing. And I am sure then that they will most definitely look after their investment they
1188 have in the properties that I was involved with. And I thought that I needed to say that to get it off
1189 of my chest.

1190
1191 Mr. Vanarsdall - Did you state your name, sir?

1192
1193 Mr. Dew - Sir?

1194
1195 Mr. Vanarsdall - Did you give your name?

1196
1197 Mr. Dew - Gene Dew, like dew on the grass.

1198
1199 Mr. Vanarsdall - Thank you. All right, Mrs. Quesinberry.

1200
1201 Mrs. Quesinberry - Did you want to make a further comment, Mr. Dicks?

1202
1203 Mr. Dicks - All I want to say is that we appreciate your consideration. I didn't
1204 understand that the lady that was in opposition was from the Lawndale Farms area.

1205
1206 Mrs. Quesinberry - No.

1207
1208 Mr. Dicks - But you know, you've heard from the citizens tonight. And we tried
1209 to address the issues that have been raised by staff. And we recognize that we are asking you to
1210 vary from the Land Use Plan. We think we have stated a compelling reason to do that, and some
1211 good reasons why. And, so I hope that you will act favorably. But, in any event, if you'd act on it
1212 tonight and send it to the Board, so we can move it forward, we would appreciate it. Thank you.

1213
1214 Mr. Archer - May I ask Mr. Dicks a question before you sit down?

1215
1216 Mr. Dicks - Please, sir.

1217
1218 Mr. Archer - As Mrs. Quesinberry said, this does present some unique situations.
1219 It is unusual for anybody to come out and speak up in favor of an apartment project.

1220
1221 Mrs. Quesinberry - Especially, in Varina.

1222
1223 Mr. Archer - That kind of takes us back a little bit. But, I wanted to ask a question
1224 with regard to the age restriction.

1225
1226 Mr. Dicks - Yes sir.

1227
1228 Mr. Archer - In reading the proffers, it states that, the term "senior person" shall
1229 mean at least one person who resides in the household must be at least 55 years of age for the
1230 single-family independent living residences. And I am just curious as to how do we describe single

1231 family and how many people; could there be a restriction on how many people could make up one
1232 family?

1233
1234 Mr. Dicks - Yes. To answer your question directly, this is the Federal law.
1235 Federal law and the State Code incorporated in the Virginia Fair Housing Act provides that you
1236 have one person in the household who is at least 55 years old. The demographics, as we discussed, I
1237 think last time, as I recall, but I forget. We talked about the fact that usually what happens is, you
1238 have a husband who is 57 or 58, and you have a wife who is maybe 53. And, so in that
1239 circumstance, generally the population, 95 percent of our population is when one of the parties is
1240 below 55, then that's is the situation.

1241
1242 Somebody asked me a question I think, last time, if there could be a theoretical example of a
1243 husband and wife, both aged 60, and then a son, who came back from college who was 25, and they
1244 had a two-bedroom apartment. Under the Federal law, with the occupancy schedules, could that 25
1245 year old live there? And the answer is, "yes". He could live there, but it would be kind of a boring
1246 place for him to live, and in a seniors community, with everybody doing senior-type activities. So,
1247 that is allowed under the Federal law. But, as a matter of marketplace, it simply doesn't happen.

1248
1249 Mr. Archer - Yes. I understand that.
1250 Mr. Vanarsdall - Mr. Archer, I think your question was how many people can make
1251 up a family.

1252
1253 Mr. Archer - Yes, that was a part of it. Is there a restriction. I assume all of these
1254 are one-family units? Is that correct? These are all considered to be one-family units?

1255
1256 Mr. Dicks - They are all one-family units. But the question is, how many persons
1257 per bedroom? There is a federal policy, adopted by HUD, that says that no more than two persons
1258 can occupy any bedroom. So, that is the maximum number that would be allowed.

1259
1260 Mr. Archer - All right.

1261
1262 Mr. Dicks - And that is true whether it's a seniors apartment community or
1263 whether it is a family apartment community, across the board.

1264
1265 Mr. Archer - I am sure you have addressed it before, but what happens if the 55-
1266 year old person, one 55 year old person, for whatever reason, is no longer a member of that
1267 dwelling. What happens, from a legal standpoint, to the obligations of the lease?

1268
1269 Mr. Dicks - What happens is, if the person 58 dies, and the people that are under
1270 age, they no longer have a right to live there. They lose their eligibility because they no longer meet
1271 the criteria.

1272
1273 Mr. Archer - Is that immediate?

1274

1275 Mr. Dicks - What happens is, we usually work with them. We notify them that
1276 they are no longer eligible. And, therefore, under that circumstance, usually it is a 30 or 60-day
1277 process, to transition them to some other house.

1278
1279 Mr. Archer - Okay. Thank you.

1280
1281 Mr. Dicks - Yes sir. Thank you.

1282
1283 Mr. Taylor - Mr. Chairman, can I ask a question while we have got Mr. Dicks up
1284 there?

1285
1286 Mr. Dicks - Please.

1287
1288 Mr. Taylor - We've discussed security some, and as I look over the general
1289 services on Page 3 and Page 4,

1290
1291 Mr. Dicks - Yes sir.

1292
1293 Mr. Taylor - Mrs. Paschke mentioned it, I don't see any provisions for security.
1294 The question that I have is, will there be a gated access, or will there be a full-time service for
1295 security, particularly in view of the neighborhood vandalism problem?

1296
1297 Mr. Dicks - The suggestion that we had with the Lawndale Civic Association
1298 was that we would participate in their Neighborhood Watch program as a starting point. And, what
1299 we also talked about, was the fact that there would not be access points between Lawndale and the
1300 other areas in this particular development.

1301
1302 Then, there was some question about whether a fence around the property would be appropriate,
1303 and some sort of gated community? And the consensus was that, it would make it look more like a
1304 stockade to put a fence around it and that the neighborhood wasn't particularly enamoured with that,
1305 and neither were we. We felt like there might be circumstances, and we had some discussion in the
1306 citizen meetings about whether there would be an appropriate pathway between this community and
1307 the Lawndale community, so that seniors could walk in both places and come and visit, and how
1308 would they get to the community room for activities if they had to go all the way out and all the way
1309 around and in the front entrance to this community.

1310
1311 So, some of those things I would suggest to you are going to be worked out at site plan. Now, as far
1312 as security guards, there is no plan to hire security guards. If we find that we need security guards,
1313 we have done that at other seniors apartment communities. So if we find that there is a need for
1314 that, that is something usually we have a Resident's Council at each one of our properties. And the
1315 Resident's Council, in consultation with the management, participates in how we make those
1316 decisions.

1317
1318 Mr. Taylor - Does the economic model for this project include the provision for
1319 security, though?

1320

1321 Mr. Dicks - At present, it does not include a security guard. That is correct.
1322
1323 Mr. Vanarsdall - Thank you.
1324
1325 Mr. Taylor - I have one more question.
1326
1327 Mr. Dicks - Yes sir.
1328
1329 Mr. Taylor - On item 14, there is a statement on floodplains.
1330
1331 Mr. Dicks - Yes sir.
1332
1333 Mr. Taylor - And it says, and I quote, "This development will not negatively
1334 impact any of the existing drainage problems in the Lawndale Subdivision. The applicant will
1335 design its on-site environmental facilities to the extent feasible without incurring substantial
1336 additional costs to do so to assist with solving the existing drainage problems in the Lawndale
1337 Subdivision." Could you describe the drainage problems in the Lawndale Subdivision and their
1338 potential impact on this project?
1339
1340 Mr. Dicks - My understanding is, and again, the citizens could tell you better than
1341 I, but there is a backup. And, what happens is, there's some flooding in the backyards and also in
1342 the basements of some of the homes. The concern expressed to us in the citizen meetings was that
1343 this project would, obviously, not negatively impact the existing problem that they had with backup.
1344 And what we committed to them was, that our project would not negatively impact, in any way,
1345 their existing problem.
1346
1347 They also asked if, somehow or other, in our environmental engineering design through site plan if,
1348 in working with the County's environmental engineering department, if we could come up with
1349 ways that would, without costing us a whole lot of extra money, if we could figure out ways that
1350 would help them solve their problem if we did Option A versus Option B. Then we would do
1351 Option A, provided it didn't cost us a whole lot more money. And so, all we've have tried to do
1352 here is be a good neighbor and make a commitment to the neighborhood that we would help them
1353 solve a problem, if we could, by doing something on site. We have not proffered, as you can see,
1354 and they understand clearly, we have not proffered to do anything off our site. We've only
1355 proffered to do things on our site that, perhaps, would improve their situation.
1356
1357 Mr. Taylor - But on your site there is no active drainage problem pre-existing?
1358
1359 Mr. Dicks - That is correct.
1360
1361 Mr. Taylor - Okay. Thank you.
1362
1363 Mr. Dicks - Yes sir.
1364
1365 Mr. Taylor - Mr. Chairman, that is all of the questions that I have.
1366

1367 Mr. Vanarsdall - Thank you, Mr. Taylor.
1368
1369 Mrs. Quesinberry - Anybody else?
1370
1371 Mr. Vanarsdall - All right, Mrs. Quesinberry, we will turn it over to you now.
1372
1373 Mrs. Quesinberry - Okay. Well, this is a really tough one folks; all of you who drove out
1374 in the driving rain from Lawndale Farms. Normally, we would not, on this Commission, be
1375 interested in rezoning property for apartments of any kind right next to a single-family
1376 neighborhood that is stable and established, and has zoning next to it that would support additional
1377 single-family homes.
1378
1379 In this business, you kind of have to be careful what you ask for, because you just might get it.
1380 And, changing zoning and putting apartments next to Lawndale Farms certainly opens up the
1381 potential for other land that is currently not developed to come back to this Commission and seek to
1382 develop in the style of apartments. So, just because you might get one small apartment complex
1383 that you could live with, I don't see anybody that spoke that is really in love with this. But I think the
1384 general consensus is you could live with it. You might get that, but then you don't know what else
1385 is going to be develop in adjacent properties that are currently undeveloped. So, it is kind of a tough
1386 situation, but I do understand your feeling. And, apparently, you feel very strong about it, since you
1387 came out tonight. And, with the past history and the current zoning, you most likely would get 35
1388 single-family homes next to you. But, it is also clear that you understand that those 35 homes may
1389 not be of the size and quality that you would like them to be. And I understand how you feel about
1390 that, as well.
1391
1392 I have real mixed emotions about this, and really, with a lot of hesitation, I will make a
1393 recommendation that we recommend approval to the Board of Supervisors for Case C-67C-00, HC
1394 One, L.P.
1395
1396 Mrs. Dwyer seconded the motion.
1397
1398 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mrs. Dwyer. All
1399 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
1400 abstained). Thank you.
1401
1402 Mrs. Quesinberry - We'd like to see a POD.
1403
1404 Mr. Archer - Provided the board passes it.
1405
1406 Mr. Marlles - Ladies and gentlemen, for those of you who were here for that last
1407 case, this will be heard before the Board of Supervisors on December 12, 2000, and the Board
1408 makes the final decision.
1409
1410 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mrs. Dwyer, the Planning
1411 Commission voted 5-0, (one abstention) to recommend that the Board of Supervisors **grant** the

1412 request because the proffered conditions should minimize the potential impacts on surrounding
1413 land uses.

1414

1415 Mr. Vanarsdall - All right, Mr. Secretary.

1416

1417 **C-76C-00** **Andrew M. Condlin for Gerald Salmon:** Request to conditionally
1418 rezone from A-1 Agricultural District to O-2C Office District (Conditional), Parcel 186-1-1-10,
1419 described as follows:

1420

1421 Starting at a point located on the eastern line of Memorial Drive, approximately .5 miles north of the
1422 northeastern corner of the intersection of Portugee Road and Memorial Drive; and then running
1423 along the eastern line of Memorial Drive 53.46', N. 18° 34' 15" E. to a rod, which is the point and
1424 place of beginning; and thence 279.0' along the eastern boundary line of Memorial Drive N. 18° 34'
1425 15" E. to a rod; and then leaving the eastern boundary line of Memorial Drive, 704.34', S. 74° 31'
1426 50" E. to a rod; thence 180.89', S. 10° 10' 15" W. to a rod; thence 140.95', S. 5° 45' 00" W. to a rod;
1427 thence 761.08', N. 71° 29' 00" W. to a rod located at the eastern boundary line of Memorial Drive,
1428 which is the point and place of beginning, containing 4.99 acres.

1429

1430 Mr. Marlles - The staff report will be given by Mrs. Hunter.

1431

1432 Mr. Vanarsdall - Any one in the audience in opposition to Case C-76C-00? Any
1433 opposition anywhere? No opposition. Mrs. Hunter.

1434

1435 Mrs. Hunter - Thank you, Mr. Chairman. The requested rezoning is to O-2C for a
1436 day care center.

1437

1438 Mr. Vanarsdall - Excuse me, Mrs. Hunter. Ladies and gentlemen, would you go
1439 ahead and go out into the lobby, please, and have your conversation. We have more of the meeting
1440 to conduct. Thank you. Yes ma'am, Mrs. Hunter.

1441

1442 Ms. Hunter - Thank you. The requested rezoning is for O-2C for a daycare center.
1443 The properties to the east and west are zoned M-1C and currently vacant. Cemeteries are located to
1444 the south and west of the property.

1445

1446 The 2010 Land Use Plan designates this property for Rural Residential. The 0-2 request is not
1447 consistent with the Land Use Plan recommendation. However, the nature of this area has changed
1448 substantially since adoption of this plan.

1449

1450 Considerable amounts of land in the vicinity have been rezoned to M-1C. With the recent
1451 development of the White Oak Semiconductor plant and the Hewlett-Packard plant, it is expected
1452 that additional industrial development will be planned for this area. The proposed O-2 zoning does
1453 appear to be consistent with the Williamsburg Road Study that the County is currently working on.

1454

1455 The applicant is currently operating a family day home on this property from his home. The house is
1456 approximately 3,000 square feet, and the day care center is located on the first floor, and the
1457 applicant lives on the second floor. The residential district allows up to 12 children in a home as a

1458 family day home. The applicant is proposing to expand the day care to allow infant care. The
1459 additional number of children requires the change in zoning.

1460
1461 Proffers limit the case to O-1 uses and O-2 accessory uses. The O-2 accessory uses are necessary to
1462 permit living accommodations within the building for a caretaker or manager.

1463
1464 The applicant has submitted revised proffers that address all of the staff's concerns. There is an
1465 extensive stand of trees along Memorial Drive, and the applicant has proffered a building setback of
1466 100 feet along Memorial Drive, and that they would maintain all trees within 20 feet of Memorial
1467 Drive that are six inches in caliper or greater. The applicant has also addressed reduced signage
1468 (end of tape). Regardless of whether it's a new building or not, he can have up to 60 children in his
1469 current facility.

1470
1471 Mrs. Quesinberry - As soon as he hits 25, then we have the full-fledged POD with all the
1472 building requirements?

1473
1474 Mrs. Hunter - Yes, and that would address things like parking area, and a paved
1475 driveway and those sorts of concerns.

1476
1477 Mrs. Quesinberry - All righty.

1478
1479 Mr. Vanarsdall - Any other questions for Mrs. Hunter? Do you want to hear from the
1480 applicant?

1481
1482 Mrs. Quesinberry - Mr. Condlin, do you want to say anything or not? I'm ready for a
1483 motion.

1484
1485 Mr. Vanarsdall - You better sit there while you're ahead.

1486
1487 Mrs. Quesinberry - We've got some opposition? Sorry. We have some opposition.

1488
1489 Mr. Andrew M. Condlin - I think I'd like to speak then. I'll reserve anything I don't use. Mr.
1490 Chairman, members of the Commission, my name is Andrew Condlin. I have with me, Gary
1491 Solomon, owner of the White Oak Early Learning Center.

1492
1493 While this is contrary, or not consistent with the Land Use Plan, it does comply with the
1494 Williamsburg Road Technology Boulevard Study, and is consistent, certainly, with the surrounding
1495 zoning and uses. I don't know if you can put up the zoning map for me. I certainly can't. Thank
1496 you.

1497
1498 As you can see, to the rear of this property, it is M-1C and O-3C, recently, rezoned I believe. And
1499 also along Memorial Drive along the same side, we've got a pet cemetery immediately adjacent
1500 along with cemetery offices just down the road. You can see the O-3C coming along Memorial
1501 Drive.

1502

1503 We feel, although this is not specifically consistent with the Land Use Plan, as Mrs. Hunter has
1504 stated, the area and the specific uses have changed. It is also consistent, as she said, with the study
1505 of the Williamsburg Road/Technology Boulevard area.

1506
1507 I believe we have met all jurisdictional prerequisites, and we ask you to follow the recommendation
1508 of that study, as well as the staff's recommendation to recommend this case to the Board of
1509 Supervisors. I'll be happy to answer any questions you may have at this time.

1510
1511 Mr. Vanarsdall - Are there any questions for Mr. Condlin? Thank you, Mr. Condlin.

1512
1513 Mr. Condlin - Thank you.

1514
1515 Mr. Vanarsdall - Mrs. Paschke, come on down.

1516
1517 Mrs. Quesinberry - Keeping you busy, tonight, Marilyn.

1518
1519 Mrs. Marilyn Paschke - Again, Marilyn Paschke, Varina Environmental Protection Group.
1520 Again, it is not consistent with the Land Use Plan. And there is a Williamsburg Road Technology
1521 Boulevard Study. It's in progress. It's not a part of the Land Use Plan. I don't think we should
1522 approve anything until that study is complete.

1523
1524 Again, I think every time we do this, that we weaken our opposition, our ability to say, "No" when
1525 we need to. So, I would add that we hold off on this until the Williamsburg Road/Technology
1526 Boulevard Study is completed. They're not looking at the land use.

1527
1528 The property that's zoned behind him; there are four different properties that have recently been
1529 rezoned. That took a couple of years to get it done. And there is a proffered business center. They
1530 are a very different type of thing.

1531
1532 Once this is zoned Office, it can be zoned a very different type of things could take place on the
1533 property. So, again, its not consistent with the Land Use Plan, and I thank you for your time.

1534
1535 Mr. Vanarsdall - Thank you, Mrs. Paschke.

1536
1537 Mrs. Dwyer - I wonder if I could inquire as to the status of the Williamsburg Road
1538 Technology Boulevard Study that I think was initiated years ago.

1539
1540 Mr. Bittner - Yes. Actually, it was on hold for a bit. We have reinitiated it. A
1541 task force was put together of citizens and landowners in that area. We actually had our first
1542 meeting on Monday of this week. We anticipate a second meeting of that task force in January.
1543 There is going to be a third meeting of the task force, as well, which will probably be two months or
1544 so after that. Then, of course, we would go into work session and public hearing process with the
1545 Planning Commission and then the Board of Supervisors.

1546
1547 Mrs. Dwyer - Okay. So that is within the next six months we should have a
1548 presentation to the Commission that we can vote on?

1549
1550 Mr. Bittner - Yes. I think that's conceivable.
1551
1552 Mrs. Dwyer - Less than that, 4 months or?
1553
1554 Mr. Bittner - That might be pushing it a bit, I think.
1555
1556 Mrs. Dwyer - Okay. So, the status is this task force is composed of citizens and
1557 landowners in the area and staff?
1558
1559 Mr. Bittner - Yes ma'am. As well as our consultant.
1560
1561 Mrs. Dwyer - Are we re-evaluating what was presented to us before? Or are we
1562 redrafting that?
1563
1564 Mr. Bittner - Yes. We are presenting the information that's already been compiled
1565 to the task force to get their reaction, because they are the people who live and work in the area. So,
1566 we wanted to get their perspective as well.
1567
1568 Mrs. Dwyer - Were they not consulted before?
1569
1570 Mr. Bittner - Not in a formal task force sense. Although there was some
1571 communication with the neighborhood out there. But this is a formal process that's been started.
1572
1573 Mrs. Dwyer - And why has it been on hold for a long time?
1574
1575 Mr. Bittner - For a variety of reasons, not the least of which, I think, is the State
1576 Fairgrounds case. I can't give you an exact specific reason.
1577
1578 Mrs. Dwyer - Okay. Thank you.
1579
1580 Mr. Vanarsdall - Thank you. Mrs. Quesinberry,
1581
1582 Mrs. Quesinberry - Yes. Although this case is not consistent with the current Land Use
1583 Plan, as Mrs. Hunter pointed out, there's been a lot of changes in this area. And, currently this
1584 property is surrounded by M-1, O-3, cemeteries, and the applicant is not making any changes
1585 currently to the structure as it exists. His only intention is to do daycare at this facility which is
1586 sorely needed, and as the area develops, is going to be needed even more.
1587
1588 I only have one question. I need to ask Mrs. Hunter real quick. Under the proffers that we just
1589 received in the permitted uses, "...Any use allowed in the O-1 Office District, and any accessory or
1590 permitted use in the O-2 Office District..." could we more tight about that, just in recognition of
1591 Mr. Salmon is only interested in doing daycare and he's certainly not interested in any O-1 or O-2
1592 uses.
1593

1594 Mrs. Hunter - I think we may want to check with the applicant to see if they're
1595 willing to just proffer that one specific accessory use.

1596
1597 Mr. Condlin - The only accessory use that we were concerned about was because of
1598 the size of the house. We only wanted to day care on the first floor. It seemed a waste to have half
1599 of a 3,000 square foot house sit empty, to be able to use that for living quarters. So, we could limit
1600 to the provision Section 24-50.8, Item B regarding living accommodations for a resident
1601 manager/caretaker and/or security guard employed on the premises.

1602
1603 That's fine. That's the only reason we pulled in the accessory uses.

1604
1605 Mrs. Quesinberry - Right. And that's what I wanted to find out if we could just spell that
1606 out in the proffers that the only use on this site would be for...

1607
1608 Mr. Condlin - Right.

1609
1610 Mrs. Quesinberry - ...for daycare as allowed in the O-1 District, and daycare accessory
1611 use, or however you want to say that, as allowed in the O-2 District to allow for caretaker/manager.

1612
1613 Mr. Condlin - So, what you're asking is, with respect to item A(ii) would be to
1614 specifically set out the provision, which I'm happy to do, with respect to the caretaker/security
1615 guard. If that's what you're asking?

1616
1617 Mrs. Quesinberry - Yes. I just want to make sure that its abundantly clear that that's
1618 what the applicant intends to do, is do daycare.

1619
1620 Mr. Condlin - Right.

1621
1622 Mrs. Quesinberry - And no other uses.

1623
1624 Mr. Condlin - Including any office use?

1625
1626 Mrs. Quesinberry - Well, except for the living quarters upstairs or office for the daycare.

1627
1628 Mrs. Hunter - She's talking about the O-2 accessory uses.

1629
1630 Mr. Condlin - Well, I think, actually, you're asking me to take out office uses
1631 generally. Is that correct?

1632
1633 Mrs. Quesinberry - Yes. Except for what's needed for that daycare. In other words, I
1634 wouldn't want some other kind of office to be up there.

1635
1636 Mr. Condlin - Well, I don't think, at this time, unless that's contingent on the case,
1637 at this point. But, I mean, its an O-1 Office use that's appropriate for residential areas. We'd hate
1638 to exclude that specific use if we can provide for it in the future, if there's a need for it. He does
1639 have potential plans in the future, if the business is going well, to provide for further daycare. I'm

1640 only concerned about the studio or office uses otherwise that are in the O-1 that I think are
1641 appropriate in this area. I guess I'm not prepared for it. I haven't discussed it with my client to offer
1642 out those. We can talk about that. That's the first time I've heard of this concern.

1643
1644 Mrs. Quesinberry - Okay. I just want to make sure we don't get something else in there,
1645 other than daycare, what's needed for the daycare.

1646
1647 Mr. Condlin - Yes ma'am.

1648
1649 Mrs. Quesinberry - Do you have other plans to do anything else?

1650
1651 Mr. Condlin - Not at this time, I mean, no ma'am. I guess for ten or fifteen years
1652 down the road when this area continues to change, I think everyone expects it to change. IN the
1653 same instance, I've had cases before this Commission with a daycare, we've had a separate building
1654 where we've had just daycare and a separate building specifically for the office use that was maybe
1655 larger than they necessarily needed. But there wasn't any day care in with the office and the entire
1656 office staff for that day care was in that separate office on the same property. That's just one
1657 indication where I can see that may occur in this instance as well on a similarly sized property.
1658 Again, I hate to preclude this applicant having the opportunity, again, because this has just come up
1659 to talk with the client as to that issue.

1660
1661 Mr. Marlles - Mrs. Quesinberry, staff understands your concern. However, I just
1662 want to point out, without a proffer, you could have other types of offices located on that site.

1663
1664 Mr. Condlin - But they would be limited to O-1 which normally, as it says in the
1665 purpose of the district, it is appropriate for residential areas and attractive surroundings.

1666
1667 Mr. Taylor - Mr. Director, wouldn't it be possible to take Item A and add
1668 something that says, "No conditional use permitted by special exception may be permitted on the
1669 property that is unrelated to child care." Wouldn't that take care of it?

1670
1671 Mr. Marlles - Mr. Taylor, it would, however, proffers have to be voluntarily
1672 offered on the part of the applicant.

1673
1674 Mr. Condlin - I guess I'm missing the point then. The issue being that, you're not
1675 just concerned about; you're just concerned about a general office building?

1676
1677 Mrs. Quesinberry - Yes. We're not interested in a general office building in that space
1678 right now, but realizing...

1679
1680 Mr. Condlin - I don't know how you call this, pause the case. If I could talk to my
1681 client and go to the next case potentially, give me an opportunity to talk to him. Again, this is the
1682 first time I've hard of that concern; having not been raised in the staff report and having not heard of
1683 it otherwise. We've met with all the neighbors. I understand the concern, but it hasn't been raised
1684 with the client. I can't commit to my client without talking to him?

1685

1686 Mr. Vanarsdall - You want to get together with him now? He's here with you.
1687
1688 Mr. Taylor - I can understand that, but the discussion seems to be everybody is all
1689 for allowing the use as a child care center, but they don't want it to wander off into some other use.
1690 So, it's a question of just making it clear that this is the purpose of the change is just to allow child
1691 care. So, anything unrelated to child care would not be permitted.
1692
1693 Mr. Condlin - Right. I understand that it's clear that we're allowed to have the
1694 accessory office provisions related to the child care use.
1695
1696 Mrs. Quesinberry - Right.
1697
1698 Mr. Condlin - We haven't discussed it before. It's the first time that I've heard of
1699 this issue.
1700
1701 Mr. Vanarsdall - Why don't you take a break and go out in the lobby and come back
1702 to it later. Is that all right, Mrs. Quesinberry?
1703
1704 Mrs. Quesinberry - Sure.
1705
1706 Mr. Vanarsdall - All right, the Commission will take a short break. We have two
1707 more case left besides this one.
1708
1709 **(After break).**
1710
1711 Mr. Condlin - I'm ready.
1712
1713 Mr. Vanarsdall - The Commission will now reconvene and we will now take up the
1714 case that we left off with. Mr. Condlin, Mr. Secretary.
1715
1716 Mr. Marlles - Yes sir.
1717
1718 Mr. Condlin - After conferring with my client, we would be willing to proffer and
1719 request to accept, as opposed to any use allowed in the O-1 District, change that to two things. One
1720 would be a child care center, as allowed in the O-1, and also offices related to such child care
1721 centers or educational purposes. The rationale for that being, there may be some testing in some
1722 office space use or some developmentally challenged children that may or may not be a part of this
1723 child care center for school-aged children.
1724
1725 The second item with respect to accessory uses; the accessory uses would be limited to those
1726 accessory uses permitted in O-1. And the one single accessory use allowed in O-2 that we're
1727 requesting, is for the record, prefaces Section 24-50.a(d) which we could provide for that. That
1728 would be the limitation of our uses.
1729
1730 Mrs. Quesinberry - Okay.
1731

1732 Mr. Condlin - I think that does it.
1733
1734 Mr. Vanarsdall - Does that take care of it, Mrs. Quesinberry?
1735
1736 Mrs. Quesinberry - Yes. That takes care of it for me. Sorry to cause such a fuss. Okay,
1737 I'm ready for a motion.
1738
1739 Mr. Vanarsdall - Go ahead.
1740
1741 Mrs. Quesinberry - I'd like to recommend approval to the Board of Supervisors for Case
1742 C-76C-00 Gerald Salmon, with proffers that we have tonight, which I believe we do not have to
1743 waive the time on. And the changes that Mr. Condlin just mentioned and he'll work out the
1744 language with the staff prior to the Board of Supervisors meeting.
1745
1746 Mr. Vanarsdall - Is that it?
1747
1748 Mrs. Quesinberry - That's it.
1749
1750 Mr. Archer seconded the motion.
1751
1752 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr. Archer. All
1753 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
1754 abstained).
1755
1756 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Archer, the Planning
1757 Commission voted 5-0, (one abstention) to recommend that the Board of Supervisors **grant** the
1758 request because it is reasonable; it would not adversely affect the adjoining area if properly
1759 developed as proposed; and it continues a form of zoning consistent with the area.
1760
1761 **C-77C-00 Charles H. Rothenberg for Palms Associates and H & M**
1762 **Investment Corporation:** Request to conditionally rezone from R-4C One Family Residence
1763 District (Conditional) to R-5C General Residence District (Conditional) Parcels 162-13-A-1 thru 10,
1764 161-29-B-1 thru 3, 162-13-B-4 thru 6, 162-A-6C and 6E, described as follows:
1765
1766 BEGINNING at a point on the northern right-of-way line of Gay Avenue 583.68' west of the
1767 western line of Millers Lane; thence along the northern right-of-way line of Gay Avenue N
1768 73°51'40" W 124.67' to a point; thence N 77°06'40" W 176.41' to a point which is the True Point of
1769 Beginning; thence N 77°06'40" W 609.39' to a point; thence leaving the northern right-of-way line
1770 of Gay Avenue N 12°53'20" E 447.61' to a point; thence N 78°25'36" W 387.00' to a point; thence N
1771 11°34'24" E 319.47' to a point; thence N 58°34'24" E 156.00' to a point; thence S 33°25'36" E
1772 318.00' to a point; thence S 64°25'36" E 127.00' to a point; thence S 76°57'39" E 373.72' to a point;
1773 thence N 06°15'11" E 27.93' to a point; thence S 83°44'49" E 180.00' to a point; thence S 06°15'11"
1774 W 188.31' to a point; thence S 16°48'34" W 481.20' to the True Point of Beginning, containing 11.91
1775 acres.
1776
1777 Mr. Marlles - The staff report will be given by Mr. Lee Householder.

1778
1779 Mr. Vanarsdall - Any one in the audience in opposition to this case? All right. Thank
1780 you. Mr. Householder.

1781
1782 Mr. Householder - Thank you, Mr. Chairman. This application proposes to rezone
1783 11.91 acres from R-4C to R-5C General Residence District. The proposal would extend the existing
1784 Lakefield Mews Apartments onto property to the south and west of the existing apartments. The
1785 applicant is proposing 120 units, which is proffered in No. 2, "multi-family rental development,"
1786 which equates to a density of about 10 units per acre.

1787
1788 The Lakefield Mews Apartments were originally zoned from R-4 to R-5C in July, 1986, and the
1789 proffers approved with the case limited the units to no greater than 190 units at that time. In May of
1790 1988, the R-5 zoning was expanded to allow for an additional 177 units. There are already 367
1791 apartment units within the complex. And with this request, there would be 487 units in this project,
1792 and an overall density of 10.82 units.

1793
1794 Surrounding zonings you can see by Lakefield Mews Apartments, R-5, the Edenwood Subdivision
1795 here (referring to slide). This is R-3 and A-1. A home there. And then the Gilbert Gardens
1796 Subdivision to the south, which is R-4.

1797
1798 The land use graphic shows approximately three acres of the subject property is designated for
1799 multi-family residential by the 2010 Land Use Plan. The remaining acreage is designated Suburban
1800 Residential 2, which permits densities of 2.4 to 3.4 net units per acre.

1801
1802 This request only conforms to this three-acre portion of the property designated multi-family
1803 residential. The apartment use, proposed for the remaining portion, is not consistent with the Land
1804 Use Plan or the policy of the Land Use Plan to encourage home ownership. The existing R-4
1805 zoning is currently consistent with this land use designation.

1806
1807 Based on the designation of the Land Use Plan, staff does not recommend this request for the entire
1808 subject property. I'll show you on the use map best. This area, basically, here surrounding the
1809 entrance of the community is what staff is recommending, which is an exhibit in the staff report, for
1810 the multi-family development, with the remainder of the area to remain the R-4C, which would
1811 conform to the Land Use Plan, and act as a transition area between the apartments and the single
1812 family uses to the west.

1813
1814 Staff believes that this would leave enough R-4 area to have a viable single-family project, and a
1815 multi-family project that was more compatible with the area.

1816
1817 In recent years vacant parcels in the vicinity of this request have faced development pressure from a
1818 variety of multi-family rezoning requests. Staff is concerned that approval of this request will
1819 significantly add to the number of apartments in this area. Staff also feels this would create a
1820 proliferation of rental apartments in an area that was originally designated for single-family home
1821 ownership by the 2010 Plan. Additional concerns that we have are the increase in peak hour traffic
1822 generated by this request, and the increase in school-aged children that would be generated.

1823

1824 In summary, the requested zoning is not entirely consistent with the Land Use Plan. Apartments,
1825 we do feel like, could be more appropriate on the portion that I just went over at the entrance to the
1826 existing complex. Staff feels that the remainder of the property already zoned is consistent with the
1827 Plan and should remain so. Staff does not recommend approval of this request. And I would be
1828 glad to answer any questions that you may have.

1829
1830 Mrs. Dwyer - Mr. Householder, I have a question.

1831
1832 Mr. Householder - Okay.

1833
1834 Mrs. Dwyer - I, too, share your concern about expanding multi-family in this area.
1835 I think we've all been concerned about that for sometime. What if you did not expand it to the left
1836 of the roadway, and just let the roadway be the dividing line between the multi-family and the
1837 single-family?

1838
1839 Mr. Householder - So, right here, only this area (referring to slide)?

1840
1841 Mrs. Dwyer - Yes.

1842
1843 Mr. Householder - That's reasonable. But, we just figured either side of the entrance to
1844 the community. Because you have multi-family entering through single family, we didn't think was
1845 entirely appropriate. So, we included the other side.

1846
1847 Mrs. Dwyer - I see your point, but I guess I'm guess I'm just thinking, too, that the
1848 roadway could also act as a dividing line if this were developed for single-family and you had
1849 internal streets. In your plan you have single-family backing up to multi-family. If you didn't allow
1850 it on the other side of the street, you'd have single-family backing up to a roadway, which was
1851 across the street from—I was wondering, as a planner, what your thoughts were, the relative merits
1852 of those two scenarios.

1853
1854 Mr. Householder - The idea was developed through staff in many conversations in
1855 trying to, I think, have a reasonable approach to this, considering the size of the request, and what
1856 we thought was reasonable. I think we just really felt like, just coming down a road and having
1857 multi-family people in single-family sharing the same access, it's a lot of traffic for a single-family
1858 use. But, I would agree with you, in that your recommendation holds us to the Land Use Plan more
1859 specifically.

1860
1861 Mrs. Dwyer - And, if the houses do not front on the roadway, but rather back up
1862 with some sort of a buffer, you know, then it seems to me, it could work.

1863
1864 Mr. Householder - I agree. I think it's a good idea. I would recommend that.

1865
1866 Mrs. Dwyer - Thank you.

1867
1868 Mr. Householder - Any other questions?

1869

1870 Mr. Vanarsdall - Any other questions?
1871
1872 Mrs. Quesinberry - Mr. Householder, the single family residences for the zoning
1873 surrounding Lakeview Mews Apartments, are they all resident-owned property?
1874
1875 Mr. Householder - From my understanding is that the bulk of the properties down here
1876 (referring to slide), are rental – single-family rental units. But, my understanding of this is,
1877 (referring to slide), this subdivision is much more owner occupied.
1878
1879 Mrs. Quesinberry - And that one, the one you're pointing to now is the one called
1880 Edenwood?
1881
1882 Mr. Householder - This is Edenwood. This is Gilbert Gardens (referring to slide).
1883
1884 Mrs. Quesinberry - Okay.
1885
1886 Mr. Vanarsdall - Thank you. All right, now, we'll hear from the applicant.
1887
1888 Mr. Marlles - Mr. Chairman, would you like for me to explain the rules for time
1889 limits?
1890
1891 Mr. Vanarsdall - Yes sir. Mr. Secretary will explain the rules.
1892
1893 Mr. Marlles - Ladies and gentlemen, it's the normal policy of the Commission
1894 when there is opposition to a case to provide 10 minutes to the applicant to make his presentation;
1895 also, 10 minutes for the opponents to express their concerns. That 10 minutes does not include
1896 answering questions from the Commission. Generally, it's a good idea for the applicant to reserve
1897 some time for rebuttal. Also, for the opponents to make the best use of that time, it usually is a good
1898 idea to appoint a spokesperson or persons to try to present the concerns for the case. Mr. Chairman,
1899 with that, I would suggest that we proceed. Mr. Rothenberg, would you like to reserve some time
1900 for rebuttal?
1901
1902 Mr. Charles H. Rothenberg - May I reserve three minutes, please?
1903
1904 Mr. Marlles - Yes sir.
1905
1906 Mr. Vanarsdall - All right, thank you. Go ahead.
1907
1908 Mr. Rothenberg - Mr. Chairman, members of the Commission, my name is Chuck
1909 Rothenberg. I'm an attorney here tonight on behalf of Palms Associates and H & M Investment
1910 Corporation, the owners and managers of Lakefield Mews Apartments. Kevin Tucker,
1911 Representative of those companies, is here tonight to help answer any questions you may have.
1912
1913 This is a request to rezone 11.9 acres from R-4C to R-5C, with substantial proffered conditions. If
1914 approved, this request would be an expansion of Lakefield Mews, an established market rate

1915 apartment community located north of Gay Avenue between the Edenwood Subdivision to the west
1916 and Honeybrook Apartments to the east.

1917
1918 As staff pointed out, this request is partly consistent with the Land Use Plan, which designates a
1919 portion of the property for multi-family use. While the remainder of the property is designated as
1920 Suburban Residential 2, I submit to you, that that designation does not represent the most
1921 appropriate use of the property. This is apparent if you research the uses in the area.

1922
1923 The majority of the detached houses in Gilbert Gardens on the south line of Gay Avenue are zoned
1924 R-4, just like the bulk of our property as known as SR-2 in the Land Use Plan, and are already rental
1925 units. Your applicant would prefer to expand the apartment community for the purpose of,
1926 basically, protecting its investment.

1927
1928 The applicant will control and provide maintenance of the apartments in efficient, consistent quality
1929 manner. That's something we will not be able to do if the property is developed for single-family
1930 detached houses.

1931
1932 The Land Use Plan is a guide. It very often makes sense, but I would encourage you not to look at
1933 it in a vacuum. There are other factors that play here. The actual use of the property across Gay
1934 Avenue makes it very difficult to develop a single-family detached community and expect that it
1935 will maintain its value. I believe that the Land Use Plan will actually have the opposite effect of the
1936 one you desire.

1937
1938 The expansion will economically justify the addition of a new clubhouse and swimming pool.
1939 That's something that we could not justify if the property is developed as single-family detached.

1940 There is simply no economy of scale to support additional recreational facilities without expanding
1941 the multi-family units.

1942
1943 Your applicants have invested approximately \$16 million in this project. They want to protect that
1944 investment by ensuring that the adjacent property is developed and maintained in a quality manner.
1945 The project has a proven tract record. In fact, Henrico County awarded Lakefield Mews a Henrico
1946 Beautiful Award in 1994 in recognition of its quality landscaping and buildings and grounds
1947 maintenance.

1948
1949 We believe that the proffered conditions will continue to ensure a high quality of development. The
1950 proffers incorporate most of the County's unadopted, at least, last version of the unadopted multi-
1951 family guidelines.

1952
1953 We have a cap on density at 120 units; 10 units per acre, with the balance of the property that's
1954 already multi-family is about 13.9 units per acre. So, there's a reduction there. Also, we've
1955 proffered additional recreational facilities, a pool and clubhouse. We've proffered significant
1956 landscape buffers 75 feet along Edenwood in addition to a 50-foot paper street along Edenwood
1957 that's never been constructed. That's right along here (referring to slide).

1958
1959 Now, I would also note, when we're talking about a transition in uses, that there is a substantial
1960 sized pond in this area (referring to slide). In addition to the 75-foot buffer and 50-foot road, you

1961 have a church here that provides transition along the front of the property. And, of course, there's a
1962 piece of property that's not a part of our case. It's owned by the Moores. So, there's actually a very
1963 small portion of the property that will have an apartment building located on, even within 150 to
1964 175 feet of Edenwood.

1965
1966 We've proffered a minimum 60 percent open space, heighten standards for construction of private
1967 roads within the community; HVAC screening, and sidewalks. We've also proffered a conceptual
1968 plan and elevations, exterior materials, restriction on access through Edenwood Subdivision and 15-
1969 foot parking lot lighting standards. All of these proffers are further assurance that the project will be
1970 continued to be developed and maintained in a quality manner.

1971
1972 We respectfully ask that you recommend this case for approval. I'd be happy to answer any
1973 questions.

1974
1975 Mr. Vanarsdall - Any questions for Mr. Rothenberg by Commission members?

1976
1977 Mrs. Quesinberry - Mr. Rothenberg, I just want to make sure we all understand on the
1978 Edenwood side on that border, you've got a 75-foot buffer, and you've got a conceptual road that's
1979 not going to be developed.

1980
1981 Mr. Rothenberg - Right. There's a 50-foot right of way that is outside of our property
1982 that's a paper street that's never been developed. And, I don't believe anybody has any intent to
1983 develop it. There's also a six-foot chain-link fence that my client installed back along with the
1984 original zoning case.

1985
1986 Mr. Vanarsdall - Any more questions?

1987
1988 Mr. Archer - Mr. Rothenberg, I just have one question.

1989
1990 Mr. Rothenberg - Yes sir.

1991
1992 Mr. Archer - And you may have said this and I missed it somewhere. You
1993 indicated that the establishing of this zoning would protect the investment that's currently there.
1994 How do you see development within the SR-2 designation being detrimental to the existing
1995 apartment complex?

1996
1997 Mr. Rothenberg - There are a couple of issues here. One is that, if the property is
1998 developed for single-family use and its zoned R-4 and its directly across the avenue from a number
1999 of homes that are single-family detached, but area rental units.

2000
2001 Mr. Archer - Right where you're pointing now (referring to slide).

2002
2003 Mr. Rothenberg - Yes. Mrs. Quesinberry has driven by there. She knows what that
2004 area is like. Once that property is sold, we don't control it anymore. That's right in our back yard.
2005 There's no consistency in maintenance. Lawns are mowed at random. It's very difficult to
2006 architecturally enforce what happens there and control the maintenance. As opposed to the existing

2007 project, if expanded, obviously, there's on-site maintenance crews, and its much more efficient to
2008 maintain the units because everything gets mowed at one time. Everything is landscaped at one
2009 time. There's a lot of integrity in the way that the property is maintained.

2010
2011 The other advantage to expanding, as I mentioned before, is that, you will allow my client to go
2012 ahead and add a recreational facility that we believe will further enhance the quality of the project
2013 and offer more modern facilities for the residents there.

2014
2015 Mrs. Dwyer - How many units are in your existing development?

2016
2017 Mr. Rothenberg - 367.

2018
2019 Mrs. Dwyer - 367. And what recreational opportunities are there for the people
2020 who live in these 367 houses?

2021
2022 Mr. Rothenberg - There's an existing clubhouse up in the northeast corner of the
2023 property? Kevin, is that the right location up there?

2024
2025 Mr. Kevin Tucker - Yes.

2026
2027 Mrs. Dwyer - No pool?

2028
2029 Mr. Tucker - But by adding another pool for only 120 units, obviously, you're
2030 decreasing the number of residents that could go to either facility.

2031
2032 Mrs. Dwyer - How about how many people live in each unit on average?

2033
2034 Mr. Rothenberg - I believe that there's a dichotomy in the residents there. You find a
2035 young family with pre-school kids. Actually, very few, statistically, families with school age kids; a
2036 lot of empty nesters. The units are appealing to empty nesters because, obviously, there's no
2037 maintenance involved. The units are townhouse units. So, you don't have to worry about neighbors
2038 above you or below you. You have a separate entrance, a doorway to your unit.

2039
2040 Mrs. Dwyer - So, we don't know, on average, how many occupy a unit?

2041
2042 Mr. Tucker - In the 367 units, we have 24 families with children. So, almost - I
2043 wasn't prepared for that. So, I don't know what it is.

2044
2045 Mr. Vanarsdall - We need to get you on the tape, if you don't mind. Give us your
2046 name and start over. Thank you.

2047
2048 Mr. Kevin Tucker - My name is Kevin Tucker. And I'm here representing the Palms
2049 Associates which owns and manages the existing Lakeview Mews Community. I wasn't prepared
2050 for really how many residents we have per unit. But, again, there's only 24 families in our existing
2051 367 units that have children in Henrico schools. And altogether, they have 34 kids. I mean, I would

2052 assume, its around two. We have a lot of one-bedroom apartments, and a lot of the older people live
2053 alone there.

2054
2055 Mr. Vanarsdall - Any more questions? Thank you. All right, the opposition. Who
2056 wants to be first?

2057
2058 Mr. John Rick - Members of the Commission, my name is John Rick. I'm an
2059 attorney. I represent Frank Jones, who is the owner of the Gilbert Gardens Rental single-family
2060 community across the street. And he is adamantly opposed to this proposal in any form, including
2061 the small part that's shown in the MFR Plan designation.

2062
2063 The history of the project is essentially what's bought him to this position. This property, when you
2064 go back through the quick recitation of the zoning history that you heard earlier from the staff, this
2065 property was originally zoned for multi-family on a far smaller portion of it in 1986. And then in
2066 1988, just two years later, they came back in and asked to have 15 more acres zoned so that it took
2067 the configuration that its in presently. They, specifically, in writing, and its in the county staff files,
2068 assured the residents of the Edenwood Subdivision that they would leave the remainder of the
2069 property, which is now in front of you for multi-family as single family.

2070
2071 They didn't make Mr. Jones that promise in writing. The infamous Mr. Wilton who was discussed
2072 earlier showed up in this case too.

2073
2074 Mrs. Quesinberry - Where is he tonight?

2075
2076 Mr. Rick - I don't know.

2077
2078 Mrs. Quesinberry - He ought to be here.

2079
2080 Mr. Rick - He certainly is taking a lot of hits.

2081
2082 Mrs. Quesinberry - Somebody call him up and tell him to get out here.

2083
2084 Mr. Rick - He and Mr. Jones will tell you this, himself, that he told Mr. Jones.
2085 "If you won't oppose this, I promise you that remaining piece will stay single family." Now, that
2086 wasn't put in a proffer and Mr. Jones isn't a real careful line reading lawyer. But the promise was
2087 made and he'll come up here and tell you that. We have evidence that it was made, because it was
2088 in writing to the people in Edenwood. And, now, here they are asking for more.

2089
2090 And my question to you is, using Mr. Rothenberg's own argument, "Why won't they come back in
2091 a little while and tell you they need a little more buffer, and protect our investment some more?" I
2092 mean, they've created this problem. They created it in 1988. And, I don't see any reason for you to
2093 change things. They made the promise. They ought to be stuck with their own promises.

2094
2095 I also hear a suggestion that this is really the senior community you thought you were getting in the
2096 other project; empty nesters who are moving up the line. I think they just want more units. That's
2097 all. It's attractive and they want to do it that way.

2098
2099 There are some detailed problems with this proposal. I respect your staff's planning thinking. But
2100 it really raises some problems. If you run an access down that road and start putting more
2101 apartments in there, this plan doesn't show it as well. But, you can see the little dotted lines
2102 (referring to slide). I would suggest to the staff and to the Commission that what you do is use the
2103 existing access road. And then the answer was, "Well, no you need two roads." And that makes
2104 some sense. But that's sort of a good way to just keep pushing you out by legitimate requirements
2105 so you have another road. And, then what's going to happen if they do develop the single-family?
2106 Another road again. And, so, you're getting this little piece of road cut up in little pieces, and
2107 you're getting lots of access coming out of there. One of them is directly across now from Gilbert
2108 Gardens.

2109
2110 And, so, they've got you in a box where they just keep pushing one more marker, and you keep
2111 getting forced into being reasonable. I think you could stop that by just saying, "No" to the whole
2112 thing right now.

2113
2114 Mr. Vanarsdall - Any questions by Commission members?

2115
2116 Mrs. Quesinberry - Mr. Rick, how many rental units does Mr. Jones have across the
2117 street there in Gilbert Gardens?

2118
2119 Mr. Rick - I'm told, Mrs. Quesinberry, its 83. I haven't counted them, but that's
2120 what I'm told.

2121 Mr. Vanarsdall - 83?

2122
2123 Mr. Rick - Yes sir.

2124
2125 Mr. Jones - 73.

2126
2127 Mr. Rick - 73. Mr. Jones is here and he's probably far better person to answer
2128 that than I am.

2129
2130 Mr. Vanarsdall - Yes sir, good evening.

2131
2132 Mr. Jones - Did you want to ask me some questions?

2133
2134 Mr. Vanarsdall - We found out the answer, Mr. Jones. Thank you. We found out the
2135 answer. Thank you. Appreciate it.

2136
2137 Mr. Jones - I have a letter from Ben Simon to Margaret Simmons of the
2138 Edenwood Subdivision and it states, "It is our intent to have the remaining 13 acres fronting Gay
2139 Avenue developed as single-family residences and not multi-family apartments." And the Planning
2140 Commission saw this letter. I was assured through Hank Wilton, who was helping them with the
2141 zoning that I wouldn't oppose anything if they didn't put any more than that. Then they came back
2142 and asked for greater density and that was given. And now they want to piecemeal again and take

2143 part of the 13 acres. We've got apartments coming out of our ears over there. They're everywhere.
2144 We don't need any more. If you have any questions to ask me, I'd be glad to answer them.

2145
2146 Mr. Vanarsdall - Thank you.

2147
2148 Mr. Jones - Thank you.

2149
2150 Mr. Vanarsdall - All right, Mrs. Paschke.

2151
2152 Mrs. Marilyn Paschke - I agree with Mr. Jones. I think the area is saturated with apartments.
2153 Approval of this will take the elementary school over capacity. I think there was something
2154 mentioned about 74 school aged children, but the figures that the staff developed show that this
2155 development, alone, would carry it over capacity. And I think they're two more in the process of
2156 being developed right now that it would also generate school children.

2157
2158 I have a concern with increased density and the sewer capacity. The staff states that, I like their
2159 corresponding decreases in land use. That we may be in trouble with the sewer shed. I very seldom
2160 hear about decreases before the Commission. And, I'm afraid that happens rarely. So, I do think
2161 density is a problem that we need to consider very carefully.

2162
2163 Again, its not consistent with the Land Use Plan. And that is a good guide, and was developed with
2164 a lot of thought. And we have County services to provide any time we allow new development.
2165 So, we have to also consider that. Thank you.

2166
2167 Mr. Vanarsdall - Thank you, Mrs. Paschke. Any one else wants to speak? Any one
2168 else? Mr. Rothenberg.

2169
2170 Mr. Rothenberg - Chuck Rothenberg for the applicant. First, let me respond to the first
2171 issue that Mr. Rick raised. I'd like to put up on the display here, if I can do it without breaking it. I
2172 believe this is the letter that Mr. Rick referred to. And in that letter it does say that my client would
2173 not develop the property for multi-family purposes.

2174
2175 The background of this is that, my clients, and this is before Mr. Tucker joined them. But the
2176 background of this is that my client met with the neighbors in Edenwood and said, "If you will
2177 support our case, we will agree to proffer all of this." And the neighbors in Edenwood came out and
2178 opposed it. That's what happened. So, what you see before you is the unsigned, uncountersigned
2179 letter from Ben Simon to Edenwood saying, this is what we'll do. They rejected that offer. They
2180 came out and opposed the case. Anybody can tell you who does any type of law that, if there is an
2181 offer, an rejection of that, there is nothing. There is nothing binding on the parties. We certainly
2182 don't feel contractually obligated or morally obligated to abide by something we offered to do in
2183 exchange for the support of the neighborhood, which was not forthcoming.

2184
2185 I certainly don't blame Mr. Jones for contesting this. If I owned his units across the street, I would
2186 be concerned, as well, that there was additional higher quality apartments coming into the
2187 neighborhood that would compete with my product.

2188

2189 Let me show you exactly what that area looks like. My blue marker isn't showing. But, here's our
2190 site (referring to slide), across Gay Avenue. There's the existing development up along here. All
2191 the green units directly across from our project are Mr. Jones' rental units. That's what's there.
2192 And, again, Mrs. Quesinberry has driven through there, and she can tell you that this is it.

2193
2194 The issue of school children, I think, is exactly opposite of what our experience tells us. As Kevin
2195 pointed out before, we have 367 units. There are 34 school-age children produced from those 367
2196 units. The County statistics show that there ought to be about 16.5 students per hundred, which is,
2197 obviously, a lot higher than the less than 10, I guess, per hundred that this project generates.

2198
2199 If the homes are developed for single-family detached, it would be about 38 of those. Based on the
2200 County statistics, they would generate about 36 homes per 100, which would be more than
2201 statistically and historically our units have generated. So, we'll actually end up with, I guess, 16 or
2202 18 students from single-family detached homes versus the 14 or 15 from the multi-family
2203 apartments.

2204
2205 Somebody made the comment that there are too many apartments in the area. These apartments,
2206 historically, have a very high occupancy rate. They are 97 percent occupied. The remaining 3
2207 percent is made of from the model units, and also the sales office. And, obviously, as folks move
2208 out of units, you always have a period of time during which the unit is being painted and carpeted.
2209 Really, 97 percent is a very good showing for any project. And, I think it demonstrates very well
2210 the quality of this one.

2211
2212 Mr. Marles - Mr. Rothenberg, you have about one minute remaining.

2213
2214 Mr. Rothenberg - Okay. I think that's it.

2215
2216 Mr. Vanarsdall - Thank you. All right, Mrs. Quesinberry.

2217
2218 Mrs. Quesinberry - Mr. Rothenberg, the proposed 120 units we've already talked about
2219 that this is a lower density than the existing property. And I know you had some elevations that I
2220 believe you did proffer or you can show. Right?

2221
2222 Mr. Rothenberg - I do have an elevation I'd be more than happy to show you. I believe
2223 that's the exact elevation that was proffered along with the case.

2224
2225 Mrs. Quesinberry - And that's the one that's proffered?

2226
2227 Mr. Rothenberg - Yes.

2228
2229 Mrs. Quesinberry - You've got 50 percent in aggregate of the brick used?

2230
2231 Mr. Rothenberg - Yes ma'am. Fifty percent of the units will have some portion of
2232 them brick. As you can see from the elevation, what they tried to do is provide architecturally
2233 separation a differentiation of the units, and brick is very helpful in doing that, as you can see on the
2234 rendering.

2235
2236 Mrs. Quesinberry - Okay. I'm ready for a motion, unless any one else has any questions.
2237
2238 Mr. Vanarsdall - No.
2239
2240 Mrs. Quesinberry - Okay.
2241
2242 Mr. Vanarsdall - Go right ahead.
2243
2244 Mrs. Quesinberry - Okay. Let me just say, on the way home, I'm sure lightning is going
2245 to strike me for having two apartment complexes come up on the same night with me saying
2246 anything favorable about either one of them. It's totally against my character. But, this is another
2247 unique situation here in this neighborhood where the current project, Lakeview Mews is a very high
2248 quality project, and, actually, is a king of shining star in the neighborhood. Regardless of what
2249 surrounds it, whether it be multi-family or single-family, it is high quality. There is quality
2250 landscaping throughout. It's neat, clean, quiet, and this new proposal for 120 additional units, as
2251 strange as it might sound, especially coming out of me, really is a project that would protect the
2252 existing investment, simply because the parcel, as it exists right now, situated with the existing
2253 multi-family, and then 70 or 80 rental units across the street that are a sight to behold would not
2254 support single family homes. I don't think that any one would develop them if they did. They
2255 really wouldn't sell. It really would not protect anybody's investment in that area.
2256
2257 But, the proposal for the extension of the current project with lesser density with the buffer around
2258 Edenwood, which is very substantial and, in fact, I've been back there, with the existing vegetation
2259 and the buffer, it screens fully. And, you cannot see through to where the proposed site will house
2260 future apartment buildings. It's really totally screened around there.
2261
2262 With the landscaping and the road frontage on Gay Avenue, this project really comes off very high
2263 quality. A really spectacular streetscape and view, and really adds a really nice value to this overall
2264 neighborhood, even though its multi-family, and its not something that I would ordinarily
2265 recommend anywhere in Varina, because we have plenty of it. But, its one of those things that
2266 really adds to the neighborhood instead of taking away from it in this case. So, I'd like to make a
2267 recommendation that we recommend approval for the C-77C-00 Palms Associates and H M
2268 Investment Corp. for this development.
2269
2270 Mr. Vanarsdall - I need a second.
2271
2272 Mr. Taylor seconded the motion.
2273
2274 Mr. Vanarsdall - Motion made by Mrs. Quesinberry, seconded by Mr. Taylor. All
2275 those in favor say aye—all those opposed by saying nay. The vote is 3-2 (Mrs. Dwyer, and Mr.
2276 Archer voted nay, Mrs. O'Bannon abstained).
2277
2278 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Taylor, the Planning
2279 Commission voted 3-2, (one abstention) to recommend that the Board of Supervisors **grant** the

2280 request because the proffered conditions would provide for a higher quality of development than
2281 would otherwise be possible.

2282
2283 Mr. Vanarsdall - Now, we're down to the last case.

2284
2285 **Deferred from the October 12, 2000 Meeting:**
2286 **C-68C-00 Cabell Evans for Virginia Lab Supply:** Request to conditionally
2287 rezone from O-2 Office District to M-1C Light Industrial District (Conditional), Parcel 94-A-6,
2288 described as follows:
2289

2290 Parcel A;
2291 Beginning at a point along the southern line of Dumbarton Road along a curve to the right, having a
2292 radius of 57.30' and a length of 70.51' to a point; thence S. 24° 30' 00" E., 1.84' to a point; thence
2293 along a curve to the left, having a radius of 71.62', and a length of 75' to a point; thence S. 84° 30'
2294 00" E., 20.15' to a point; thence leaving the southern line of Dumbarton Road along a curve to the
2295 right having a radius of 20', and a length of 14.16' to a point; thence S. 05° 30' 00" W., 249.34';
2296 thence S. 84° 30' E., 7.00' to a point on the western line of Byrdhill Road; thence along the western
2297 line of Byrdhill Road S. 05° 30' 00" W., 50.50' to a point; thence leaving the western line of
2298 Byrdhill Road, S. 89° 23' 20" W., 122.89' to a point; thence N. 00° 36' 40" W., 385.00' to a point;
2299 said point being the point of beginning.

2300
2301 Parcel B:
2302 Beginning at a point along the western line of Byrdhill Road; thence S. 05° 30' 00" W., 234.14' to a
2303 point; thence leaving the western line of Byrdhill Road; N. 84° 30' 00" W., 7.00' to a point; thence
2304 N. 05° 30' 00" E., 249.34' to a point on the western line of Byrdhill Road; thence along the western
2305 line of Byrdhill Road along a curve to the right, having a radius of 20.00' and a length of 17.26' to a
2306 point, said point being the point of beginning.

2307
2308 Mr. Marles - The staff report will be given by Mr. Mark Bittner.

2309
2310 Mr. Vanarsdall - Any one in the audience in opposition to this case? We have some
2311 people here about it, not necessarily in opposition. All right, go ahead, Mr. Bittner, when you get
2312 yourself together.

2313
2314 Mr. Bittner - We're passing out a fair amount of new material, which I'll cover
2315 right now. The plat for this case has been amended. I wanted to explain it really quickly. We're
2316 giving you a copy of it. A strip of O-2C zoning has been established along the Byrdhill Road
2317 frontage. The intent of that is to provide a buffer, as well as a transition and protection for the
2318 neighborhood to the east across Byrdhill Road.

2319
2320 You'll notice that it does not extend all the way to the southern edge of the property. The reason
2321 being, there's an entrance to the property that serves not only this site, but also properties to the rear.
2322 You cannot cross O-2 property to get to M-1 property. So, they maintain the M-1 zoning all the
2323 way up to Byrdhill on the southern corner of the site.

2324
2325 Mrs. Dwyer - I'm sorry, could you stop for just a minute. Are you talking about
2326 this?

2327
2328 Mr. Bittner - Yes. I am.

2329
2330 Mrs. Dwyer - That you just handed out to us?

2331
2332 Mr. Bittner - Yes.

2333
2334 Mrs. Dwyer - And that small strip along Byrdhill is O-2, Parcel B?

2335

2336 Mr. Bittner - Yes.
2337
2338 Mrs. Dwyer - And then there's a 50-foot section for an access?
2339
2340 Mr. Bittner - Right.
2341
2342 Mrs. Dwyer - Okay. Thank you.
2343
2344 Mr. Bittner - Some new proffers were also submitted today, so you would need to
2345 waive the time limit to accept them. There really aren't any major changes. The proffers
2346 incorporate the fact that part of this would be O-2. So, they list the allowed uses in two sections for
2347 O-1 and O-2. Also, they reference a landscape plan, which I'll get to real shortly, and talk about
2348 that.
2349
2350 But, the proffer would simply state that there would be a landscape plan, which, as I said, I'll cover.
2351 What this plan is (referring to slide) is a landscaping plan that was submitted by the applicant. And
2352 there are several comments or annotations that staff has made. We are suggesting some ways to,
2353 perhaps, enhance the plan. I will cover some of the major points here.
2354
2355 One is along the Byrdhill Road frontage. Right now, there is about a 7-foot wide landscaped strip.
2356 We estimate that strip could be widened to be about 14-feet along the Byrdhill Road frontage.
2357
2358 Their Plan also shows right now, it would only include Juniper landscaping covering, which is very
2359 low lying. Our traffic people said anything in this area has to be no taller than 30 inches, because of
2360 the sight distance requirements. We are suggesting that they incorporate some low lying shrubs to
2361 create variety, and mix up the kind of vegetation there. One of the shrubs they might consider is a
2362 Japanese Holly.
2363
2364 Also, you'll see some dark spots, which are areas that we consulted with our traffic engineer this
2365 morning, actually, on site. Those areas where trees could, perhaps, be planted. As you get to the
2366 most southern end of the site, if you keep the trees off of the frontage a little bit, they could be all
2367 right there. There's also a couple up near the corner, you can't see this (referring to slide), near
2368 where the first corner of the property is.
2369
2370 One thing our Traffic Engineer, and that was Todd Eure, did suggest, that these be trees that have
2371 not a large or expanse of canopy, and that the trunk also be clear of limbs so there could be some
2372 site distance through there as well.
2373
2374 There are two large potential landscape areas right along the Dumbarton Road frontage. You can
2375 see the first one that's right at the very corner of Dumbarton and Byrdhill. Then, there's also
2376 another one that bumps up right next to the northern side of the building.
2377 We think these are areas where you could do something very nice, very high quality. There's a lot
2378 of space, and somebody could be very creative. A landscape architect could design something very
2379 nice there.
2380

2381 There are a few other comments, including screening of the dumpster, and pulling landscaping
2382 away from the corner at Dumbarton and Byrdhill, again, at the suggestion of the Traffic Engineer,
2383 because there are a lot of trucks that come to that corner, and they clip that corner, and there's
2384 already some worn down dirt area. So, we wanted to pull it back just a bit so the shrubs or anything
2385 else that might be there is not run over by trucks.
2386

2387 The applicant has indicated to staff that they are willing to do everything shown on this plan, with
2388 one minor exception. And, that is, we have one note where it says to remove the fence; the existing
2389 chain-link fence along the western border. The applicant is okay with that. He just simply would
2390 rather not put it in proffers because they would like to preserve the potential to maybe add in
2391 another fence in the future, or some other material. But, again, they are in agreement with removing
2392 the chain-link fence that is there now. They're also in agreement with everything else shown on this
2393 plan. They told me they would incorporate it into a full-fledged landscape plan between now and
2394 the Board of Supervisors. And, if that is, indeed, the case, staff would be in a position to
2395 recommend approval of this case. And, with that, I'd be happy to answer any questions.
2396

2397 Mr. Vanarsdall - Any questions by Commission members for Mr. Bittner? I'd like to
2398 hear from Mr. Condlin. Thank you, Mr. Bittner.
2399

2400 Mr. Andrew M. Condlin - Mr. Chairman, members of the Commission, my name is Andy
2401 Condlin. I have with me the entire Shane family. I don't think we're missing any one, a couple of
2402 folks also here from the neighborhood.
2403

2404 If I could, we had some folks that weren't able to attend, but signed a letter. I believe there's a letter
2405 in the file, as well, from adjacent neighbors. I'll give those to Mr. Taylor to make a part of the file.
2406 Again, we simply asked them to put their address and their name on there, with their phone number,
2407 if necessary.
2408

2409 This property is a little over an acre, an existing abandoned building in need of some attention, as is
2410 the surrounding area. That property that Mr. Bittner is referring to, which, I guess, up in the top
2411 part, is actually owned by the County, as is along Byrdhill Road, in part. So, what we would be
2412 doing, we have proffered, would be entering into a landscaping and maintenance agreement with
2413 the Department of Public Works to provide some color, some greenery to this area that is really in
2414 kind of need of it.
2415

2416 It's an interesting area, in that a larger zoning map does create and it goes through quite a bit of M-1
2417 property between here and the railroad all along Byrdhill Road.
2418

2419 In addition to the landscaping, we have proffered for, and I believe that we've placed within the
2420 proffer to maintain the existing one-story brick, colonial building that you see there of about 17,500
2421 square feet. In addition to that, in addition to the brick exterior and the building size, we talked
2422 about some lighting limitations, the screening of the HVAC system, a public address system, truck
2423 delivery limitations, and things of that nature.
2424

2425 But, specifically, with respect to this plan, I don't want you to get the impression that this was a
2426 situation where the applicant was late in providing things. But, we only recently received these, for

2427 good reason, I think, because of some of the other matters that the traffic engineer was taking care
2428 of recently.

2429
2430 We didn't have an opportunity to change the plan. We'd be very happy to, and can to remain
2431 consistent with what you see here, with that one minor correction where it says, "Move fence, also
2432 put in proffers." Again, I didn't want to have to describe exactly where the fence was. It's already
2433 shown on the landscape plan. So, we thought we'd just go ahead and keep it on the landscape plan
2434 as its shown there is to remove fence in that area shown on the plan. I'll be happy to answer any
2435 questions you have at this time.

2436
2437 Mr. Vanarsdall - Are there any questions by Commission members for Mr. Condlin?
2438 You might want to tell what the use is going to be, Mr. Condlin.

2439
2440 Mr. Condlin - Yes sir. This property is currently zoned O-2. One of the problems
2441 with O-2 is the inability to have much, if any, storage warehouse space. Virginia Lab Supply is a
2442 locally owned, family company. They have been in business for 19 years with the owners having
2443 over 70 years of experience.

2444
2445 Virginia Lab Supply provides high tech laboratory testing equipment and supplies to other
2446 companies. It's the only such company in Virginia. It does not do any laboratory work of any kind,
2447 and that's not allowed per the proffers. It only provides equipment such as beakers, gloves, scales,
2448 filter paper, testing strips; things of that nature.

2449
2450 Clients include the County of Henrico, City of Richmond, folks at Whiteoak, restaurants. And they
2451 provide products from about 900 manufacturers. So, they are, essentially, a one-stop call for a lot of
2452 these businesses. And, what they do is, if somebody needs 20 beakers, or 20 testing strips, package
2453 them up, and send them out with UPS delivery, and they reorder those and fill their stock according
2454 to that. That's pretty much the nature of their business; again, needing more warehouse. And our
2455 uses have limited under M-1 to some specific office use, as its currently allowed, and then just that
2456 13,500 square feet in warehouse space. That's what it would be limited to.

2457
2458 Mr. Vanarsdall - Thank you. For the benefit of the other Commissioners, this building
2459 has been unoccupied for quite some time, over a year, year and a half, and the applicant, as Mr.
2460 Condlin said, could not use it as it is under O-2, and he needed M-1. So, we thought if we could
2461 make it more attractive. We had a community meeting, first of all, and two gentlemen here this
2462 evening, Mr. Howell and Mr. Fayed were there and some other people. And then we went to the
2463 County and asked them could they landscape that corner, which is always been very unattractive
2464 and cars parked there sometimes for sale. Trucks run over it. The county agreed to that. And, in
2465 the end, we came down the front part, which you see beside Byrdhill Road, approximately 14 to 15
2466 feet of that will remain O-2, and the rest of it will be M-1.

2467
2468 Andy mentioned they were late getting this together. We waited for Todd Eure because he was
2469 working on a most important situation that happened in the County, as all of you are aware of, and
2470 that's the Lauderdale Drive accident.

2471

2472 This morning, Leslie News and Todd Eure and Mark Bittner met over on the site, and did the layout
2473 of the landscaping. And, now, the applicant has agreed to it. This is the only chance we have to
2474 landscape this, probably, because there's no POD required. That's why it was most important.

2475
2476 So, with that said, I recommend; we have to waive the time limit.

2477
2478 Mr. Marlles - Waive the time limit. Yes.

2479
2480 Mr. Vanarsdall - Waive the time limits on the proffers. So, I move that we waive the
2481 time limits on this case, C-68C-00.

2482
2483 Mrs. Quesinberry seconded the motion.

2484
2485 Mr. Vanarsdall - Motion made by Mr. Mr. Vanarsdall, seconded by Mrs. Quesinberry.
2486 All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
2487 abstained).

2488
2489 And, now, on the case, itself, I recommend to the Board of Supervisors to approve this case with the
2490 proffers and, I know this is kind of hard, but with the annotations on the landscaping and layout.

2491
2492 Mrs. Quesinberry - Second. And, I'd just like to add, everything's been odd, tonight,
2493 so...

2494
2495 Mr. Vanarsdall - Everything's been what?

2496
2497 Mrs. Quesinberry - Everything's been odd, tonight. It's been consistently odd.
2498 Therefore, I second.

2499
2500 Mr. Vanarsdall - Motion made by Mr. Mr. Vanarsdall, seconded by Mrs. Quesinberry.
2501 All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mrs. O'Bannon
2502 abstained). Thank you. And, you're right, it has been. Thank you for coming.

2503
2504 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Quesinberry, the Planning
2505 Commission voted 5-0, (one abstention) to recommend that the Board of Supervisors **grant** the
2506 request because it is reasonable; and the proffered conditions will assure a level of development
2507 otherwise not possible.

2508
2509 Mr. Vanarsdall - Mr. Secretary, we have the minutes left.

2510
2511 Acting on a motion by Mrs. Dwyer, seconded by Mr. Taylor, the Zoning Minutes of October 12,
2512 2000 were approved as corrected:

2513
2514 Page 33 – Line 1421 – except not expect.

2515
2516 Mr. Vanarsdall - Mr. Secretary, do you have anything else?

2517

2518 Mr. Marlles - Nothing, Mr. Chairman. But I wasn't sure that I had notified the
2519 Commission that we have appointed Mrs. Hunter as Acting Principal Planner.

2520
2521 Mrs. Quesinberry - No. You didn't tell us.

2522
2523 Mr. Vanarsdall - That's great. That's good, JoAnn.

2524
2525 There being no further business, acting on a motion by Mrs. Quesinberry, seconded by Mr. Archer,
2526 the Planning Commission adjourned its meeting at 9:51 p.m. on November 9, 2000.

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2531

Ernest B. Vanarsdall, C.P.C., Chairman

2532
2533
2534

John R. Marlles, AICP, Secretary
2535