

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 November 8, 2007. Display Notice having been published in the Richmond
5 Times-Dispatch on October 18, 2007, and October 25, 2007.

6

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

Also Present: Mr. Ralph J. Emerson, Jr., AICP, Assistant Director of
Planning
Mr. David O'Kelly, Assistant Director of Planning
Ms. Jean Moore, Principal Planner
Mr. Seth Humphreys, County Planner
Ms. Rosemary Deemer, County Planner
Ms. Nathalie Croft, County Planner
Mr. Livingston Lewis, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Michael Kennedy, County Planner
Mr. David Conmy, County Planner
Ms. Sylvia Ray, Recording Secretary

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

9

10 Mr. Branin - Good evening. I'd like to welcome everybody to the
11 November 8, 2007, Planning Commission rezoning meeting for Henrico County.
12 I'd like to recognize Richmond Times-Dispatch reporter in the room, Will Jones—
13 there he is—and also our supervisor, who is coming near the end of our run this
14 year, Frank Thornton.

15

16 Mr. Secretary, you want to get us started?

17

18 Mr. Silber - Yes sir. Thank you, Mr. Chairman. We do have all
19 members of the Planning Commission present this evening. First on the agenda
20 would be consideration of withdrawals and deferrals. We don't have any
21 withdrawals, but there are seven deferrals on the agenda, which Ms. Moore will
22 tell us about.

23

24 Ms. Moore - Thank you, Mr. Secretary. The first is on page 1 of
25 your agenda in the Brookland District. It is case C-64C-07. The applicant is
26 Wistar Creek, LLC. The deferral is requested to the January 10, 2008 meeting.

27

28 ***Deferred from the September 13, 2007 Meeting***

29 **C-64C-06 Jennifer D. Mullen for Wistar Creek, LLC:** Request
30 to conditionally rezone from R-3 One-Family Residence District to RTHC
31 Residential Townhouse District (Conditional), Parcels 767-750-8298, 767-751-
32 8651, 768-750-0490, 768-751-0638, 768-751-2435, 768-751-4119, and 768-751-
33 1362 containing 24.46 acres, located on the south line of Wistar Road
34 approximately 142 feet west of Walkenhut Drive. The applicant proposes a
35 residential townhouse development with a maximum of 100 dwelling units, an
36 equivalent density of 4.08 units per acre. The maximum density allowed in the
37 RTH District is nine (9) units per acre. The use will be controlled by zoning
38 ordinance regulations and proffered conditions. The Land Use Plan
39 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and
40 Office.

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42 Mr. Branin - Is anyone in opposition to the deferral of C-64C-06,
43 Jennifer D. Mullen for Wister Creek, LLC? No one?

44

45 Mr. Vanarsdall - Mr. Chairman, I recommend approving the request
46 from the applicant for deferral of C-64C-06, Jennifer D. Mullen for Wister Creek,
47 LLC, to the January 10, 2008 meeting.

48

49 Mrs. Jones - Second.

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

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55 At the request of the applicant, the Planning Commission deferred C-64C-06,
56 Jennifer D. Mullen for Wister Creek, LLC, to its meeting on January 10, 2008.

57

58 Ms. Moore - Also on page 1 in the Varina District is P-8-07,
59 Richmond 20 MHZ LLC. The deferral is requested to the December 6, 2007
60 meeting.

61

62 ***Deferred from the September 13, 2007 Meeting***

63 **P-8-07 Gloria L. Freye for Richmond 20 MHZ, LLC:**
64 Request for a Provisional Use Permit under Sections 24-95(a), 24-120 and 24-
65 122.1 of Chapter 24 of the County Code in order to construct a 144' high
66 telecommunications tower on part of Parcel 829-712-4591, located on the west
67 line of Beulah Road approximately 195' north of Treva Road. The existing zoning
68 is R-3 One-Family Residence District. The Land Use Plan recommends OS/R
69 Open Space/Recreation. The site is in the Airport Safety Overlay District.

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Mr. Branin - Is anyone in opposition to the deferral of P-8-07, Gloria L. Freye for Richmond 20 MHZ, LLC? No one?

Mr. Jernigan - Mr. Chairman, with that, I'll move for deferral of P-8-07, Gloria L. Freye for Richmond 20 MHZ, LLC, to December 6, 2007, by request of the applicant.

Mrs. Jones - Second.

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

At the request of the applicant, the Planning Commission deferred P-8-07, Gloria L. Freye for Richmond 20 MHZ, LLC, to its meeting on December 6, 2007.

Ms. Moore - On page 3 of your agenda in the Three Chopt District is case C-8C-05, Fidelity Properties, Ltd. The deferral is requested to the May 15, 2008 meeting.

Deferred from the March 15, 2007 Meeting.
C-8C-05 G. Edmond Massie, IV for Fidelity Properties, Ltd.:
Request to conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), Parcel 746-764-5580, containing approximately 4.54 acres, located on the west line of Sadler Road approximately 290 feet south of Wonder Lane. The applicant proposes a townhouse development not to exceed six (6) units per acre. The maximum density allowed in the RTH District is nine (9) units per acre. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mr. Branin - Is anyone in opposition to the deferral of C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd? No one? Then I would like to move that C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd., be deferred to the May 15, 2008 meeting per the applicant's request.

Mr. Jernigan - Second.

Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion carries.

At the request of the applicant, the Planning Commission deferred C-8C-05, G. Edmond Massie, IV for Fidelity Properties, Ltd., to its meeting on May 15, 2008.

116 Ms. Moore - Following that is case C-19C-06, also Fidelity
117 Properties, Ltd. The deferral is requested to the May 15, 2008 meeting.
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119 ***Deferred from the March 15, 2007 Meeting.***

120 **C-19C-06 G. Edmond Massie, IV for Fidelity Properties, Ltd.:**
121 Request to conditionally rezone from A-1 Agricultural District to RTHC
122 Residential Townhouse District (Conditional), Parcels 746-763-2482, 746-763-
123 2896, 746-763-1769, 746-764-3818, and 746-763-7257 containing 12.54 acres,
124 located between the east line of Glasgow Road and the west line of Sadler Road,
125 approximately 600 feet north of Ireland Lane. The applicant proposes a
126 residential townhouse development not to exceed six (6) dwelling units per acre.
127 The maximum density allowed in the RTH District is nine (9) units per acre. The
128 proposed use will be controlled by zoning ordinance regulations and proffered
129 conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4
130 units net density per acre.
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132 Mr. Branin - Is anyone in opposition to the deferral of C-19C-06,
133 G. Edmond Massie, IV for Fidelity Properties, Ltd.? No one? Then I would like
134 to move that C-19C-06, G. Edmond Massie, IV for Fidelity Properties, Ltd., be
135 deferred to the May 15, 2008 meeting per the applicant's request.
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137 Mr. Archer - Second.
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139 Mr. Branin - Motion by Mr. Branin, seconded by Mr. Archer. All in
140 favor say aye. All opposed say no. The ayes have it, the motion carries.
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142 At the request of the applicant, the Planning Commission deferred C-19C-06, G.
143 Edmond Massie, IV for Fidelity Properties, Ltd. to its meeting on May 15, 2008.
144

145 Ms. Moore - On page 4 of your agenda is case C-40C-07. The
146 applicant is Boushra and Edna Hanna, and Donald and Shearin Whitehorn. The
147 deferral is requested to the December 6, 2007 meeting.
148

149 ***Deferred from the September 13, 2007 Meeting.***

150 **C-40C-07 Courtenay Fisher for Boushra and Edna Hanna**
151 **and Donald and Shearin Whitehorn:** Request to conditionally rezone from A-1
152 Agricultural District to R-2AC One-Family Residence District (Conditional), part of
153 Parcels 742-773-4344 and 742-773-5604, containing 7.127 acres, located on the
154 northeast line of Hames Lane approximately 1,550 feet north of its intersection
155 with Shady Grove Road. The applicants propose a single-family residential
156 development not to exceed a density of 2.0 units per acre. The R-2A District
157 allows a minimum lot size of 13,500 square feet and a maximum gross density of
158 3.23 units per acre. The use will be controlled by zoning ordinance regulations
159 and proffered conditions. The Land Use Plan recommends Rural Residential,
160 not exceeding 1.0 unit per acre, and Environmental Protection Area.
161

162 Mr. Branin - Is anyone in opposition to the deferral of C-40C-07,
163 Courtenay Fisher for Boushra and Edna Hanna, and Donald and Shearin
164 Whitehorn? No one? Then I would like to move that C-40C-07, Courtenay
165 Fisher for Boushra and Edna Hanna, and Donald and Shearin Whitehorn, be
166 deferred to the December 6, 2007 meeting, per the applicant's request.

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168 Mr. Vanarsdall - Second.

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170 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
171 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
172 motion carries.

173

174 At the request of the applicant, the Planning Commission deferred C-40C-07,
175 Courtenay Fisher for Boushra and Edna Hanna, and Donald and Shearin
176 Whitehorn, to its meeting on December 6, 2007.

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178 Ms. Moore - The next case is C-43C-07, John W. Gibbs, Jr. The
179 deferral is requested to the January 10, 2008 meeting.

180

181 ***Deferred from the September 13, 2007 Meeting.***

182 **C-43C-07 Gibson Wright for John W. Gibbs, Jr.:** Request to
183 conditionally rezone from R-2AC One-Family Residence District (Conditional) to
184 R-3C One-Family Residence District (Conditional), Part of Parcel 739-774-4564,
185 containing approximately 6.77 acres, located on the southeast line of Nuckols
186 Road at its intersection with Lower Wyndham Court. The applicant proposes a
187 single-family residential subdivision to construct 13 homes as part of the Grey
188 Oaks development which has a proffered aggregate maximum density of 1.8
189 units per acre. The R-3 District allows a minimum lot size of 11,000 square feet
190 and a maximum gross density of 3.96 units per acre. The use will be controlled
191 by zoning ordinance regulations and proffered conditions. The Land Use Plan
192 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and
193 Environmental Protection Area.

194

195 Mr. Branin - Is anyone in opposition to the deferral of C-43C-07,
196 Gibson Wright for John W. Gibbs, Jr.? No one? Then I would like to move that
197 C-43C-07, Gibson Wright for John W. Gibbs, Jr., be deferred to the January 10,
198 2008 meeting, per the applicant's request.

199

200 Mrs. Jones - Second.

201

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

204

205 At the request of the applicant, the Planning Commission deferred C-43C-07,
206 Gibson Wright for John W. Gibbs, Jr., to its meeting on January 10, 2008.

207

208 Ms. Moore - The last request we received is C-61C-07, Centex
209 Homes. The deferral is requested to the January 10, 2008 meeting.

210
211 **C-61C-07 James Theobald for Centex Homes:** Request to
212 conditionally rezone from A-1 Agricultural District to RTHC Residential
213 Townhouse District (Conditional) and B-2C Business District (Conditional),
214 Parcels 738-767-5405, 738-766-9367, 739-766-3768 and 739-766-2504,
215 containing approximately 32.99 acres (RTHC – 23.30 ac. and B-2C 9.69 ac.),
216 located on the west line of Pouncey Tract Road between Kain Road and Bacova
217 Drive. The applicant proposes condominiums, retail and office uses. The
218 maximum density allowed in the RTH District is nine (9) units per acre. The uses
219 will be controlled by zoning ordinance regulations and proffered conditions. The
220 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density
221 per acre. The majority of the site is in the West Broad Street Overlay District.

222
223 Mr. Branin - Is anyone in opposition to the deferral of C-61C-07,
224 James Theobald for Centex Homes? No one? Then I would like to move that C-
225 61C-07, James Theobald for Centex Homes, be deferred to the January 10,
226 2008 meeting, per the applicant's request.

227
228 Mr. Jernigan - Second.

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230 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
231 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
232 carries.

233
234 At the request of the applicant, the Planning Commission deferred C-61C-07,
235 James Theobald for Centex Homes, to its meeting on January 10, 2008.

236
237 Mr. Silber - No other deferrals? Deferrals by members of the
238 Commission? Hearing none, next on the agenda would be consideration of the
239 expedited items. There is one rezoning request on the expedited agenda
240 tonight. The expedited agenda is to handle those cases that are somewhat
241 minor in nature. Staff supports these rezoning requests and there is no known
242 opposition. If there is any opposition to a request, it would be pulled off the
243 expedited agenda and would be heard as it's found on the full agenda. My
244 understanding is there's one item on the expedited agenda tonight.

245
246 Ms. Moore - Yes. It's on page 3 of your agenda in the Fairfield
247 District. The applicant is C-59C-07, Norman C & Gloria J. McCowin. We have
248 not received any opposition to this case.

249
250 **C-59C-07 Norman C. & Gloria J. McCowin:** Request to
251 conditionally rezone from A-1 Agricultural District to R-2AC, One-Family
252 Residence District (Conditional), Parcel 790-746-1573, containing approximately
253 1.56 acres, located at the southeast intersection of North Road and Edgefield

254 Street. The applicant proposes an additional single-family residential lot. The R-
255 2A District allows a minimum lot size of 13,500 square feet and a maximum
256 gross density of 3.23 units per acre. The use will be controlled by zoning
257 ordinance regulations and proffered conditions. The Land Use Plan
258 recommends Urban Residential, 3.4 to 6.8 units net density per acre. The site is
259 in the Airport Safety Overlay District.

260

261 Mr. Branin - Is anyone in opposition to C-59C-07, Norman C. &
262 Gloria J. McCowin? No one?

263

264 Mr. Archer - Mr. Chairman, I move that C-59C-07, Norman C. &
265 Gloria J. McCowin, be forwarded to the Board with a recommendation of
266 approval.

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268 Mr. Jernigan - Second.

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270 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
271 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
272 carries.

273

274 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr.
275 Jernigan, the Planning Commission voted 5-0 (one abstention) to recommend
276 the Board of Supervisors **grant** the request because it continues a similar level of
277 single-family residential zoning as currently exists in the area and the proffered
278 conditions will assure a level of development compatible with surrounding
279 development.

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281 Ms. Moore - Thank you.

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283 Mr. Branin - Thank you.

284

285 Mr. Silber - Next on the agenda would be a public hearing to
286 amend the Urban Mixed Use District Regulation of the Zoning Ordinance to
287 permit residential uses in a floodplain. The Commission may recall this was
288 deferred at the last public hearing on October 24th for consideration at this
289 meeting. Mr. Kennedy is here to provide a short presentation and is prepared to
290 answer any questions the Commission might have.

291

292 Mr. Branin - Good evening, Mr. Kennedy, how are you this
293 evening?

294

295 Mr. Kennedy - I'm doing fine. Good evening, members of the
296 Commission.

297

298 On October 24, 2007, the Planning Commission held a public hearing on a
299 proposed amendment to the UMU, Urban Mixed Use District that would permit

300 residential uses in a floodplain, subject to certain design standards. At that time,
301 the Commission voted to defer making a recommendation to the Board of
302 Supervisors on a proposed amendment until tonight. I would like to remind you
303 that this amendment would only be for the UMU District, and that district requires
304 a master plan for approval of any use. It would have no impact on development
305 use of any residential properties in any other districts.

306
307 With that, I'm available to answer any questions.

308
309 Mr. Branin - Does anybody have any questions for Mr. Kennedy?

310
311 Mrs. Jones - I do. I'd like to just make sure that I'm clear. This
312 particular amendment is geared to one particular situation that's come to our
313 attention in Rocketts Landing. This could have an application to other UMU's in
314 the Varina District.

315
316 Mr. Kennedy – Yes it could.

317
318 Mrs. Jones - And it, potentially, could in any other district that has
319 frontage on the James River.

320
321 Mr. Kennedy – Right.

322
323 Mrs. Jones - It could have a UMU. Because of this—not because
324 there's anything that I find objectionable for this one particular situation that's
325 brought it to our attention—and to save ourselves from unintended
326 consequences, please explain just one time for me why this cannot be handled
327 on a case-by-case basis through a special exception or provisional use permit, or
328 something that doesn't require a change of the entire ordinance.

329
330 Mr. Kennedy – These rules for amendments to the Floodplain
331 Ordinance will require FEMA approval. FEMA doesn't want to give the County
332 that much latitude in granting special exceptions without them knowing, because
333 they're plotting insurance. So, they want to make sure that there are very
334 specific guidelines on what exceptions are permitted. In this case, some very
335 specific development standards are included in this ordinance reflecting access,
336 construction design, and limitations on where and when it can be done. So,
337 FEMA's comfortable with those exceptions, as they are very specific, and they
338 are specific to these districts. The County itself is also concerned about where it
339 can be and unintended consequences. Because of that, only in the UMU district,
340 limiting it to the UMU district, it limits to districts that require a master plan that be
341 approved by both the Planning Commission and the Board of Supervisors. So,
342 because of that, it gives us the extra level of control to make sure there is no
343 unintended consequence.

344

345 Mrs. Jones - My only concern is that this will now become a by-
346 right situation, as opposed to a special exception order.

347

348 Mr. Kennedy – In a sense, it is a special exception because every
349 UMU district requires a provisional use permit. So, it requires a specific
350 authorization of that master plan. So, in that sense, the Board and the Planning
351 Commission have the authority to not allow that in the master plan. There are
352 very specific controls that permit this in the UMU district. That's the reason staff
353 feels comfortable making this recommendation. It's very specifically controlled by
354 the master plan and by the Planning Commission and the Supervisors.

355

356 Mrs. Jones - Well, it's that extra level of control that probably is in
357 everyone's best interest. It's a big change to have an ordinance change of this
358 magnitude, but it's been pinned down as close as we can make it.

359

360 Mr. Kennedy – Yes it has.

361

362 Mrs. Jones - Okay. Thank you.

363

364 Mr. Branin - Does anyone else have any other questions for Mr.
365 Kennedy?

366

367 Mr. Thornton - Yes, Mr. Chairman. I also share in Mrs. Jones'
368 concern about his. Mr. Kennedy, I guess I want to ask you, in your professional
369 opinion, could there have been another way to have expedited this?

370

371 Mr. Kennedy – We don't think so, without raising questions with
372 FEMA with the integrity of our Floodplain Ordinance. We're trying to limit it to
373 very specific circumstances that we can examine and they can examine. There
374 are very limited circumstances that the County feels comfortable with permitting
375 in residential development in a floodplain. In this case, there is a lot of provisions
376 and restrictions provided in the ordinance for design standards; having 24-hour
377 access; having to have a large enough property to have management so that if
378 someone is on vacation, there is someone there. And also with having the
379 additional development below the residential development to make sure there is
380 an extra level of care so that even in an extreme flood, there's another level of
381 commercial development between residences and the flood elevation. There are
382 very limited circumstances that would fit that criterion in the UMU district. And the
383 additional level of control in the UMU district is that there would be a master plan
384 approval. So, staff and the Planning Commission has additional latitude to take a
385 look at those circumstances and make sure that they meet the health, safety, and
386 welfare requirements that we feel are appropriate in these circumstances.

387

388 Mr. Thornton - I always get concerned, though, when we have cases
389 like this coming up. My visceral intuitive sense tells me sometimes there may be
390 other factors that may compound these things. I don't mean to be disparaging to

391 any one of our federal agencies, but this agency has not shown itself to be as
392 responsible in the past, but that may be neither here nor there. I think my
393 concern is still special exceptions have merit, but it's something about this one
394 that I have reservations about. My concern and my visceral feeling has not quite
395 been stabilized by comments I've heard thus far. I guess what I'm going to have
396 to do is do a little bit more research on my own to answer my questions. I have
397 an uneasiness about our doing this.

398

399 Mr. Kennedy – And rightly so. Staff is very uneasy with making an
400 amendment to permitting residential development in the floodplain. That's the
401 reason why we crafted this so closely. In very, very few circumstances do we
402 feel safe in permitting people to put themselves at risk. In this case, they're really
403 not at risk. There's a very big difference between building this building, which is
404 attached on side to land that is out of the floodplain with emergency access, than
405 what a typical single-family would have, say, if you built a house at Virginia
406 Beach, where it could be totally surrounded by water and be an island to itself,
407 and also put that person at financial risk. In this case, we've crafted very carefully
408 that individuals aren't at financial risk, that it really is just the support of the
409 building. And those buildings are designed to withstand the water. They're
410 specifically required to do that. They're going to have big foundations so that
411 they're not at risk. The personal property is at least a story above flood elevation
412 so that they're personal property is not at risk. So, there's no health risk, no
413 personal risk, there's no personal property risk. It's in a very limited
414 circumstance that we feel it is appropriate. That's why staff has been so careful
415 about this, and that's why it's also limited to this district. The additional level of
416 review is that it has to come before the Commission. We feel very strongly that
417 we have to make sure that it's particular to each circumstance.

418

419 In this instance, the example that we use where it typically would be permitted
420 would be in this same building in this circumstance, you could permit a hotel and
421 have the same people living in it and it would be permitted. It's kind of an unusual
422 circumstance that it could be a hotel with kind of daily living, but not extended
423 habitation. On the other hand, a hotel would not have personal liability for
424 personal property of individuals. That's the additional level of control that staff
425 has kind of built into this ordinance recommendation, by making sure it's a story
426 above, to make sure there's an extra level protection for personal property as
427 well, so individuals would not be at risk. That's the only reason why staff can feel
428 save in making this recommendation. We've crafted very narrowly the
429 circumstance that we feel that it's appropriate, and it's one instance.

430

431 Mr. Thornton - Well, obviously, I appreciate the consensus of the
432 staff. I know we have an excellent staff, but I still have my feeling of uneasiness
433 about this. That's just personal. I appreciate your remarks on this issue.

434

435 Mr. Kennedy – Thank you, sir.

436

437 Mr. Jernigan - Mr. Thornton, as you know, I spoke to you about this
438 because I had some concerns myself. When we had the public hearing last time,
439 I asked for a deferral on the vote because I wanted to get a little more information
440 from the legal staff, talking to Mr. Tokarz and with staff. I guess the two trigger
441 words in there are "FEMA" and "the master plan." The Virginia Eye Institute has
442 the same situation as what this will have, where the parking deck is in a
443 floodplain. But that's commercial and right now, that's okay. This is the first case
444 we've had where there would be any residential. But the first residential is 16-1/2
445 feet above flood stage. Since our last hearing, I'm okay with it. I don't know if Mr.
446 Axselle is going to say anything, but I had discussed with you before. But right
447 now, I feel okay.

448
449 Mr. Vanarsdall - I'm the same way. I talked to Mr. Axselle and he sent
450 me a package. And you and I talked about it, too.

451
452 Mr. Branin - Okay. Does anybody else have any other questions
453 for Mr. Kennedy? Mr. Kennedy, you did a fine job. Thank you. Mr. Axselle, if you
454 wouldn't mind coming down here, because you're representing a building that
455 this ordinance will reflect.

456
457 Mr. Axselle - Mr. Chairman, ladies and gentlemen of the
458 Commission, Bill Axselle. I think Mr. Kennedy summarized it well. We have
459 looked at this issue. We've looked at the ordinance that the County has drawn.
460 Of all of the jurisdictions that make an exception, this is the most tightly drawn of
461 any that we've seen. And, as we indicated, to do it as a use permit or a special
462 exception would not meet compliance with the FEMA requirements. It would
463 actually not have all of the same conditions. So, they've drawn this in a way that
464 it's very, very, very narrowly drawn. And as indicated, this same building, if it
465 were commercial, if it were office, if it were a hotel, wouldn't need any of these
466 situations. And, as the information that was provided to you would indicate, the
467 floodplain in this area is at level 33. This particular first residential floor will be at
468 elevation 64. So, it's 31 feet above, where the residents are. The building is
469 constructed in a special fashion in accordance with these requirements. We'll
470 actually probably have to change a couple of things, but that's fine. It has all the
471 safeguards. The point I would make is that this has had to go through a master
472 plan, the UMU, and so forth. So, when a future UMU comes to you, you'll have to
473 look at the master plan and make a decision, should we allow something that
474 could be—And it must be consistence with this ordinance. I think it's actually the
475 best protection you could do. In this particular case, the flood is at 33 and the first
476 residential is at 64. And there are a lot of other provisions I could go through.

477
478 Mr. Jernigan - I made a mistake. The 16-1/2 feet was for the
479 commercial floor.

480
481 Mr. Axselle - That's right.

482

483 Mr. Branin - Does anyone else have any other questions for Mr.
484 Axselle? Would anybody like to see any of the renderings, or do you have them
485 with you?

486
487 Mr. Vanarsdall - Thank you, Bill.

488
489 Mr. Branin - All right. If there are no other questions, Mr. Jernigan,
490 I'm going to call on you to make the motion.

491
492 Mr. Jernigan - All right. Mr. Chairman, with that, I would like to move
493 for approval of the amendment to the Urban Mixed Use District Regulations for
494 Zoning Ordinance to permit residential uses within a floodplain.

495
496 Mr. Vanarsdall - Second.

497
498 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
499 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
500 motion carries.

501
502 Mr. Silber - This matter will be going to the Board of Supervisors.
503 A public hearing has been scheduled for November 27th. There will be a work
504 session with the Board of Supervisors next Tuesday.

505
506 ***Deferred from the September 13, 2007 Meeting.***
507 **C-29C-07 Caroline L. Nadal for Creighton & Laburnum LLC:**
508 Request to conditionally rezone from A-1 Agricultural District, B-2C Business
509 District (Conditional) and M-1C Light Industrial District (Conditional) to B-2C
510 Business District (Conditional) and M-1C Light Industrial District (Conditional),
511 Parcels 807-730-9116, 808-730-2377, 808-730-6309, 808-730-4825, 808-730-
512 3946, 808-730-3162, and 808-730-6227, containing approximately 27.04 acres
513 (B-2C 7.37 ac; M-1C 19.67 ac), located at the northwest intersection of N.
514 Laburnum Avenue and Creighton Road. The applicant proposes retail and
515 office/service uses. The uses will be controlled by zoning ordinance regulations
516 and proffered conditions. The Land Use Plan recommends Office/Service,
517 Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental
518 Protection Area. The site is in the Airport Safety Overlay District.

519
520 Mr. Branin - Is anyone in the room in opposition to C-29C-07,
521 Caroline L. Nadal for Creighton & Laburnum, LLC? No one.

522
523 Ms. Deemer - Good evening.

524
525 This request was presented to you in its entirety at your September 13th meeting
526 and was deferred to allow the applicant time to address several issues raised in
527 the staff report. The applicant has submitted revised proffers, which you have

528 just received. The time limits would have to be waived to take any action on that
529 item tonight.

530

531 To quickly recap, this application would permit office/service uses toward the rear
532 of the site and along Creighton Road and retail uses along Laburnum Avenue.
533 No prospective tenants have been identified by the applicant at this time.

534

535 The site currently permits office/service uses via case C-106C-89. This request
536 is substantially similar but proposes to relax development requirements for the
537 screening of loading areas and would rezone additional land at the corner of
538 Creighton Road and Laburnum Avenue to B-2C.

539

540 Staff believes the arrangement of buildings and the adjacent wooded areas
541 would effectively screen loading areas from view of the public right-of-way and at
542 the property line. In addition, the revised proffers address the main concerns
543 raised in the staff report. The applicant is committing to the proposed elevations
544 and has provided additional language to clarify that all building façades would
545 consist primarily of brick and glass instead of the previous wide range of
546 materials. The exception is that split-face block in addition to or in lieu of brick
547 may be permitted on the rear façades of the two buildings facing the wooded
548 area within a Resource Protection Area to the west.

549

550 In addition, the applicant has clarified that all buildings would have mansard,
551 gable, or hip type roofs, or the appearance of these roofs. Again, the exception
552 would be the buildings along the western RPA in which the proffers would allow
553 an open or flat roof along the rear façade facing the RPA. That would be these
554 buildings right here.

555

556 Staff believes that the project could be enhanced by reducing the amount of
557 parking area in front of the proposed retail buildings and by delineating more
558 pedestrian paths throughout the site, but staff is comfortable in supporting this
559 request tonight with the proposed proffer changes and elevations.

560

561 That concludes my presentation, I would be happy to answer any questions you
562 may have.

563

564 Mr. Branin - Thank you, Ms. Deemer. Does anyone have any
565 questions? Mr. Archer?

566

567 Mr. Archer - No, but I would like to hear from the applicant.

568

569 Mr. Branin - Will the applicant come down and state your name for
570 the record, please.

571

572 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim
573 Theobald, and I'm here this evening on behalf of Creighton & Laburnum, LLC.

574 This is a request to rezone approximately 27 acres in the northwest quadrant of
575 Laburnum and Creighton from M-1C, B-2C, and A-1, to 19+ acres of M-1C, as
576 well as 7.37 acres of B-2C.

577

578 This site was zoned back in 1990 and you see the zoning depicted in this
579 quadrant. The actual impact, I guess, of this case, when you cut through it all, is
580 to add this corner into the B-2 area. We've re-filed it on the whole of the property
581 in order to spread the enhanced proffers over the entirety of the site. What you'll
582 see with the site is, basically, an entrance off of Creighton, which we've pulled a
583 little bit back from this curve for site distance reasons, but coming in and trying to
584 create a focal point, an area in here to provide some sort of connection with the
585 retail. There are a number of pedestrian access ways. It's a little hard to see, but
586 you can see them drawn in here, as well as sidewalks along this higher property
587 perimeter.

588

589 I was asked to note for the record that regarding this pad site—which is included
590 in the zoning case—we are currently in discussions with the County and the FOP
591 to sell this site for an office building for their purposes. Given the sensitivity as to
592 land purchases in Henrico County, we wanted to be sure and let you know that
593 those discussions were ongoing. You should also know that this site is already
594 zoned B-2. In fact, it's less restricted than it would be if we receive favorable
595 approval of this request. So, if that deal is consummated, which I hope it will be
596 shortly, we would actually drop out that little pad site from the case just so that
597 the proffers of the office building would not necessarily be part of this shopping
598 center. As you see, it would be a wonderful addition to this development, in that it
599 provides that bookend of office development at the north end of the site, as well
600 as it helps kick off the office development to the rear.

601

602 We have spent a lot of time working with staff to get the materials and the roof
603 treatments consistent with the quality that exists in the area, Mr. Gelletly's
604 product, catty-corner, I believe, as you heard from Ms. Deemer, that we have
605 now achieved that.

606

607 Proffered conditions are extensive. The site plan elevations are all proffered, as
608 are screening, parking lot lighting, limitation on signs, significant buffer along
609 Creighton Road. We have prohibited the usual list of potentially inappropriate B-
610 2 type uses. This development will be primarily of brick, except as you heard
611 from Ms. Deemer. And those areas are against the floodplain. We do own the
612 RPA over there. It is wooded and hundreds and hundreds of feet from the
613 closest home. We've regulated the height of buildings. And in the back, it's
614 zoned M-1C because it's not enough acreage to meet a lot of the office/service
615 requirements. We've tried to incorporate those for the most part. We have also
616 offered a high quality mix of materials, again, predominately brick and glass on
617 those buildings as well.

618

619 So, we've been working on this diligently for over a year. We've met with
620 neighbors and I'm please that there's no opposition here this evening, nor was
621 there at the prior hearing. With that, I'd be happy to answer any questions that
622 you might have.

623

624 Mr. Branin - Does anyone have any questions for Mr. Theobald?

625

626 Mr. Archer - Mr. Theobald, could you put Exhibit A back up again,
627 please?

628

629 Mr. Theobald - Surely. The retail?

630

631 Mr. Archer - Yes. The green plan. The environmentally green plan.

632

633 Mr. Theobald - Yes sir.

634

635 Mr. Archer - As Ms. Deemer indicated in her remarks, the only
636 thing that they have that was outstanding was, perhaps, parking and more
637 pedestrian ways. You indicated that there are a lot. These are kind of tiny. Can
638 you just sort of point out to us where the pedestrian paths are?

639

640 Mr. Theobald - Sure. We have sidewalks all along the perimeter of
641 the property. You'll also see pedestrian access ways along the sides of these
642 buildings next to the curb line. They're all around these buildings and throughout.
643 And, of course, this little focal point area, which could be seating, benches,
644 etcetera, as well as, around these areas. This is our BMP. You'll see there's
645 another curb and sidewalk area in this. So, we tried to tie this, basically, together.
646 But the most significant, of course, is just the walkways along the major roads to
647 allow people from offsite, as well as some of the internal access ways.

648

649 Mr. Archer - That BMP looks like it's going to be wet, if it ever rains
650 again. Are there any features that will be incorporated?

651

652 Mr. Theobald - If it's wet, it has to be aerated, yes sir.

653

654 Mr. Archer - Okay. It will be aerated?

655

656 Mr. Theobald - Yes sir. It's a proffer. If it's a wet pond. If it turns out
657 the engineering suggests that it could be a dry pond, but I doubt that that's the
658 case. Nonetheless, we've covered that.

659

660 Mr. Archer - Okay. I ask that because there is a floodplain back
661 there, and a little ways down Creighton Road, there is a pond or a lake. I would
662 assume that there probably would be some water back there.

663

664 Mr. Theobald - Interestingly, Mr. Archer, this area back here goes
665 back to the County park land, and we may have some opportunities to do some
666 pedestrian connections through there to the park. It's been mentioned before at
667 our meetings with staff.

668
669 Mr. Archer - That would be a plus. All right. I don't have anything,
670 unless somebody else has a question.

671
672 Mr. Silber - I actually had a question, Mr. Archer. Mr. Theobald,
673 this actually, I guess, came up because I was dealing with another rezoning
674 request on Laburnum Avenue today and I see the same language is in this
675 proffer. It deals with the landscape buffer area along Laburnum and Creighton
676 Road. It says 25 feet in an area along the right-of-way lines, but then it provides
677 for exceptions for turn lanes, and, in fact, allows sidewalks in the buffer as well.
678 When you begin to take the turn lanes into the 25-foot buffer, and then the
679 sidewalk into that, it actually creates less space to plant in than what's required to
680 be a minimum by Code. This might be something we can talk about between now
681 and the Board of Supervisors, if this does go on tonight, but I'll like to talk to you
682 about the importance of leaving turn lanes in there as an exception.

683
684 Mr. Theobald - We can certainly discuss that. Obviously, it just
685 keeps shoving you back further and further and further when you do that, and
686 squeezes you in a little bit. But it's certainly something we'd be happy to talk to
687 you about between now and the Board.

688
689 Mr. Archer - Mr. Secretary, can you see any quick way to eliminate
690 that, or to alleviate it?

691
692 Mr. Silber - As far as the language on Proffer 11 or as far as the
693 site plan?

694
695 Mr. Archer - I was sort of looking at the site plan.

696
697 Mr. Silber - I think the site plan doesn't show any turn lanes.
698 When you do begin to apply turn lanes, right turn lanes on Laburnum or
699 Creighton, then it begins to encroach. It'll move into the—

700
701 Mr. Archer - It'll move into the buffer.

702
703 Mr. Theobald - Part of the reluctance to finely engineer what you see
704 over here is that you have some potential projects coming up on Creighton that
705 can straighten out this curve that we just don't really know the impacts of
706 because they haven't been designed. All of that is going to need to be worked
707 through.

708

709 Mr. Silber - What we might be able to do is to create an amount
710 not to be less than a certain amount. I think the way it's now worded—
711
712 Mr. Theobald - Or some additional height in screening if it—
713
714 Mr. Silber - If there's room to provide screening.
715
716 Mr. Theobald - Yeah. Oh sure, right.
717
718 Mr. Silber - I think we can work it out.
719
720 Mr. Archer - You can work on that between now and the Board
721 meeting?
722
723 Mr. Silber - Yes sir.
724
725 Mr. Archer - All right. That's all I have, unless somebody else has
726 something.
727
728 Mr. Branin - Does anybody else have any questions for Mr.
729 Theobald?
730
731 Mr. Theobald - Thank you.
732
733 Mr. Archer - Thank you, sir.
734
735 Mr. Branin - It's up to you, Mr. Archer.
736
737 Mr. Archer - All right, Mr. Chairman. We had a neighborhood
738 meeting to discuss this when it initially came out. Ms. Nadal did a good job of
739 convincing the neighborhood that this was something that could be feasible in
740 this area. The biggest thing we did was we got rid of the Wawa. From that point
741 on, I think we began to have some serious conversation. The biggest objection
742 we had at the previous meeting that we talked about this had to do with the fact
743 that the applicant was not willing to commit to building design until we could find
744 out what sort of tenant might go in. But we've seemed to have gotten past that
745 now. I think we're on the way to being able to approve this, with that caveat that
746 the Secretary indicated we need to talk a little bit more about—the turning lane—
747 between now and the Board of Supervisors.
748
749 So, with that, I move to waive the time limits on the proffers that were received
750 today.
751
752 Mr. Jernigan - Second.
753

754 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
755 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
756 carries.

757

758 Mr. Archer - I also move to send C-29C-07, Caroline L. Nadal for
759 Creighton & Laburnum, LLC, to the Board of Supervisors with a recommendation
760 for approval.

761

762 Mr. Jernigan - Second.

763

764 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
765 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
766 carries.

767

768 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the
769 Planning Commission voted 5-0 (one abstention) to recommend the Board of
770 Supervisors **grant** the request because it is reasonable and the proffered
771 conditions would provide for a higher quality of development than would
772 otherwise be possible.

773

774 Mr. Silber - The following are companion cases, and although I
775 believe staff will be presenting them as one, they will require separate action by
776 the Planning Commission.

777

778 **C-55C-07 Lakeside Town Center, LLC:** Request to
779 conditionally rezone from B-2C Business District (Conditional) to B-3C Business
780 District (Conditional), Parcel 780-749-9410, containing 2.732 acres, located on
781 the west line of Lakeside Avenue at Timberlake Avenue. The applicant proposes
782 to operate an outdoor farmers' market subject to the approval of a Provisional
783 Use Permit (P-18-07). The use will be controlled by zoning ordinance regulations
784 and proffered conditions. The Land Use Plan recommends Commercial
785 Concentration. The site is in the Enterprise Zone.

786

787 **P-18-07 Lakeside Town Center, LLC:** Request for a
788 Provisional Use Permit under Sections 24-62.2(g), 24-120, and 24-122.1 of
789 Chapter 24 of the County Code to operate a farmers' market permitted under the
790 category of an outdoor commercial flea market within a 4,500 square foot area,
791 on Parcel 780-749-9410, located on the west line of Lakeside Avenue at
792 Timberlake Avenue. The existing zoning is B-2C Business District (Conditional).
793 The property is subject to rezoning request C-55C-07. The Land Use Plan
794 recommends Commercial Concentration. The site is in the Enterprise Zone.

795

796 Mr. Branin - Okay. Is anyone in opposition to C-55C-07, Lakeside
797 Town Center, LLC? No one? Is anyone in opposition to P-18-07, Lakeside
798 Town Center, LLC? No one. Ms. Deemer?

799

800 Ms. Deemer - Okay. As the Chairman indicated, the applicant is
801 requesting to open and operate an outdoor farmers' market within the parking
802 area of Lakeside Town Center. The applicant has stated the farmers' market
803 would include vendors selling produce and would operate two days a week.
804 Because farmers' markets are not specifically defined in the County's zoning
805 ordinance, they fall under the category of "commercial outdoor flea markets,"
806 which are first permitted in the B-3 District with the approval of a Provisional Use
807 Permit. This presentation incorporates both of these requests.

808
809 The property was rezoned to B-2C in 2006 and the proffers accepted with that
810 case included a list of permitted uses, elevations, and other improvements for the
811 property. The applicant proposes to carry over many of these proffers with minor
812 changes.

813
814 Additional proffers would commit to prohibiting all uses first permitted in the B-3
815 District except for an outdoor farmers' market and limiting the area for such
816 market to 4,500 square feet within an existing parking lot. As you can see, this
817 area here of Lakeside Town Center. Proffers received yesterday address hours
818 of operation and signage to be consistent with the B-2 District.

819
820 The 2010 Land Use Plan recommends Commercial Concentration for the subject
821 site and the requests are consistent with that designation. In an effort to ensure
822 the use would be harmonious with surrounding development and would further
823 enhance the Lakeside Avenue corridor, staff is recommending the 11 conditions
824 contained in the staff report, which would govern the operation of the farmers'
825 market. Major aspects of the conditions include: limiting the number of days to
826 two days a week between May 1st and November 30th; restricting sales to
827 produce and processed foods regulated by the Virginia Dept of Agriculture and
828 Consumer Services; arts and crafts, alcohol, and prepared foods would be
829 prohibited; removal of all refuse including spoiled produce and boxes at the end
830 of each sales day; restricting live outside music or speaker systems; the
831 resurfacing and re-striping of the parking lot to clearly delineate parking; and, the
832 annual renewal of the Provisional Use Permit.

833
834 Overall, the use would be in keeping with the redevelopment efforts and
835 commercial development within the vicinity. However, staff believes a more
836 detailed plan of the market area should be provided in order to ensure safe
837 circulation between pedestrian and vehicular traffic, and to denote areas for
838 emergency access, refuse containment, and required parking. If the applications
839 warrant approval, staff recommends the conditions, including recommending
840 Condition #5, which would require the approval of a Plan of Development which
841 would include these requested site details.

842
843 That concludes my presentation. I'd be happy to answer any questions you may
844 have.

845

846 Mr. Branin - Does anybody have any questions for Ms. Deemer?
847
848 Mrs. Jones - I do. Are adult businesses prohibited?
849
850 Ms. Deemer - I believe they were prohibited. They are not permitted
851 in B-3.
852
853 Mrs. Jones - In the B-3. Okay. We're establishing a definition
854 here?
855
856 Ms. Deemer - No.
857
858 Mrs. Jones - Okay.
859
860 Ms. Deemer - No. We're not actually defining the farmers' market;
861 they fall under an outdoor commercial flea market. In this instance, they are
862 basically proffering and agreeing through conditions that it would be limited to the
863 sale of produce and prepared foods.
864
865 Mrs. Jones - Okay. So, by eliminating the word, "outdoor," we've
866 gotten around the prohibition on flea markets.
867
868 Ms. Deemer - "Outdoor commercial flea market," is part of the
869 definition. "Outdoor" is included because it will be held outdoors. It's just
870 differentiating between an indoor commercial flea market and an outdoor. Indoor
871 commercial flea markets are permitted in the B-2. They would continue to be
872 permitted here indoors, if Mr. Francisco opted to decide to have something inside
873 Lakeside Town Center.
874
875 Mrs. Jones - I guess I'm just getting confused on the proffers with
876 #1G. Okay. So, flea markets are prohibited, but indoor farmers' markets are
877 permitted.
878
879 Ms. Deemer - Correct.
880
881 Mrs. Jones - Okay. And there's no conflict there.
882
883 Ms. Deemer - Correct. If the applicant doesn't want to have a flea
884 market, but he would like to retain the right if at some point he so chose to have
885 an indoor flea market, which would be inside Lakeside Town Center.
886
887 Mrs. Jones - I got it. Thank you.
888
889 Mr. Jernigan - Ms. Deemer, how would we monitor this?
890
891 Mrs. Jones - Good question.

892
893 Ms. Deemer - Well, it would be open two days a week. We would be
894 assuming that one would be during a weekday and another time would be on the
895 weekend. Most of it would basically be operating on their own. If we were
896 getting complaints, we would have Community Revitalization, Community
897 Maintenance go out to check on some of the issues. That is another reason why
898 we established the final item in the list of conditions requiring that this be
899 approved annually, so that we can find out how everything's working, if we need
900 to tweak the location of it, or perhaps some of the items for sale, etcetera.
901
902 Mr. Jernigan - So, if they were selling other than produce, a
903 complaint would have to come from a citizen—
904
905 Ms. Deemer - Yes.
906
907 Mr. Jernigan - —to investigate. Okay.
908
909 Mr. Branin - Does anyone else have any other questions for Ms.
910 Deemer?
911
912 Mr. Archer - Ms. Deemer and I have talked it to death. I don't
913 know what else I could ask her.
914
915 Mr. Branin - As probably we all have. Mr. Archer, would you like to
916 hear from the applicant?
917
918 Mr. Archer - I think I would, Mr. Chairman.
919
920 Mr. Branin - Okay. Is the applicant present? When you come
921 down, please state your name for the record.
922
923 Mr. Francisco - Mr. Chairman, members of the Planning Commission,
924 my name is Peter Francisco. My wife Sharon and I are the managing owners of
925 Lakeside Town Center.
926
927 Mr. Branin - Okay, thank you, Mr. Francisco.
928
929 Mr. Archer - Mr. Francisco?
930
931 Mr. Francisco - Yes sir.
932
933 Mr. Archer - We met and discussed this, when, about a couple
934 weeks ago?
935
936 Mr. Francisco - Yes sir.
937

938 Mr. Archer - Since that time, I think we've come quite a ways
939 towards trying to achieve what we want to do here. I have had some phone calls
940 of support, I have had some letters of support, and I think I have a petition. I
941 received a phone call today from a young lady who actually lives on Lakeside,
942 and she was thrilled with what you want to do. We have to make sure we don't
943 disappoint her.

944
945 Mr. Francisco - You're right.

946
947 Mr. Archer - I mean that in the sense that one of the provisions in
948 the Provisional Use Permit is that we do have the opportunity to monitor this on
949 an annual basis to see how it's going. This is a sort of pioneering effort for us
950 here, and it's one that, if we do it, we want to make sure that we do it right. I was
951 out there earlier today and there are still a few things in the rear—I think you
952 know what they are—that need to be taken care of, and I think it's something that
953 can be easily done. The one thing that Ms. Deemer would like to see, and I'd like
954 to see you have at least by the time we move this to the Board, is a detailed plan
955 so we can be absolutely certain that if we pass this, that we'll know exactly where
956 the thing is going to be located on that lot, if for no other reason than public
957 safety. So, those are some things that I need for you to have in mind. The
958 annual review, I think, it makes this a lot more palatable than it would be without
959 it.

960
961 It appears that if we're going to do this, this site would probably be one that is
962 more suitable to it than any site that I've seen around at least in the Fairfield
963 District. I don't think there's too much more that we need to talk about, but I
964 would like you to take care of those items that I mentioned between now and the
965 time the Board meets on this.

966
967 Mr. Francisco - Yes sir.

968
969 Mr. Archer - And you did ask me to move it one way or the other,
970 and I think we can do it in a positive way.

971
972 Mr. Francisco - Thank you, sir.

973
974 Mr. Archer - So, do any of my colleagues have any questions
975 about this?

976
977 Mr. Branin - I think it's a great thing.

978
979 Mr. Archer - I want to hear something if you have it.

980
981 Mr. Jernigan - Are you going to have outside vending for food,
982 prepared food?

983

984 Mr. Francisco - Not prepared food, no sir.
985
986 Mr. Jernigan - No hotdogs, hamburgers?
987
988 Mr. Francisco - No sir.
989
990 Mr. Archer - All produce and so forth.
991
992 Mr. Jernigan - It's all produce.
993
994 Mr. Francisco - That's right.
995
996 Mr. Archer - Anybody else now? 'Cause this could impact all of us
997 at some point in the future.
998
999 Mr. Branin - I think the project's a good project, taking into
1000 consideration that it's something new and exciting to the County, but also I think
1001 it's going to be an asset to that part of the community.
1002
1003 Mr. Archer - Okay. I have no other questions, Mr. Francisco.
1004
1005 Mr. Francisco - Well, thank you. We do appreciate it.
1006
1007 Mr. Archer - And I know you will make that young lady happy by
1008 keeping this very neat.
1009
1010 Mr. Francisco - That's right.
1011
1012 Mr. Archer - Not just the first year, but all the years to come.
1013
1014 Mr. Francisco - We'll be the first to pull the plug if it does not work
1015 out—
1016
1017 Mr. Archer - We'll hold you to it.
1018
1019 Mr. Francisco - —to the satisfaction to the neighborhood. Thank you.
1020
1021 Mr. Vanarsdall - I know you have some support, because I had about
1022 five calls this afternoon.
1023
1024 Mr. Francisco - We had a lot of unsolicited help from the Times-
1025 Dispatch and Channel 8 and WTVR.
1026
1027 Mr. Vanarsdall - There was a good article in the paper this morning on
1028 it.
1029

1030 Mr. Francisco - And these fine ladies right here.
1031
1032 Mr. Branin - Thank you, sir.
1033
1034 Mr. Archer - Ms. Deemer, are these proffers on time, or does the
1035 time limit have to be waived?
1036
1037 Ms. Deemer - Yes, the time limit would have to be waived. And also
1038 I wanted to point out that in the Provisional Use Permit case, there was a
1039 Condition #10. If you felt comfortable moving this along, Condition #10 indicated
1040 that signage would adhere to the B-2 District. The applicant has already proffered
1041 that through case C-55C-07, so we could actually remove that condition as it
1042 moves forward, if so desired.
1043
1044 Mr. Vanarsdall - I saw that in there. I wondered what you were going
1045 to do with it.
1046
1047 Mr. Archer - Mr. Silber, we should probably delete it from the—Do
1048 I need to mention that in my motion?
1049
1050 Mr. Silber - I would.
1051
1052 Mr. Jernigan - Yes.
1053
1054 Mr. Archer - What was that, Proffer 10?
1055
1056 Mr. Silber - Condition 10.
1057
1058 Mr. Archer - Condition 10, I'm sorry. Okay. I guess we have to do
1059 these one at a time.
1060
1061 Mr. Silber - Yes sir.
1062
1063 Mr. Archer - Okay. My first motion would be to waive the time
1064 limits accompanying this case C-55C-07, Lakeside Town Center, LLC.
1065
1066 Mr. Vanarsdall - Second.
1067
1068 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
1069 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the motion
1070 carries.
1071
1072 Mr. Archer - All right. Then I will move to recommend approval of
1073 C-55C-07, Lakeside Town Center, LLC.
1074
1075 Mr. Vanarsdall - Second.

1076
1077 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
1078 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
1079 motion carries.

1080
1081 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the
1082 Planning Commission voted 5-0 (one abstention) to recommend the Board of
1083 Supervisors grant the request because it is appropriate business zoning in this
1084 area and the proffered conditions should minimize the potential impacts on
1085 surrounding land uses.

1086
1087 Mr. Archer - Finally, I will move to recommend P-18-07, Lakeside
1088 Town Center, LLC, to the Board of Supervisors with the deletion of Condition
1089 #10.

1090
1091 Mr. Vanarsdall - Second.

1092
1093 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
1094 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it, the
1095 motion carries.

1096
1097 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the
1098 Planning Commission voted 5-0 (one abstention) to recommend the Board of
1099 Supervisors grant the request because it would provide added services to the
1100 community and when properly developed and regulated by the recommended
1101 conditions, it would not be detrimental to the public health, safety, welfare and
1102 values in the area.

1103
1104 Mr. Branin - Mr. Francisco, thank you, and please do us proud.

1105
1106 Mr. Vanarsdall - Good luck, Peter.

1107
1108 **C-58C-07 Andrew M. Condlin for Emerald Land**
1109 **Development, LLC:** Request to conditionally rezone from A-1 Agricultural
1110 District and C-1 Conservation District to R-3C One-Family Residence District
1111 (Conditional), Parcel 815-721-3551, containing 60.51 acres, located between the
1112 south line of Oakleys Lane and the north line of the Southern Railway east of the
1113 Hechler Village subdivision. The applicant proposes a single-family subdivision
1114 with a maximum of one hundred forty (140) lots, an equivalent density of 2.31
1115 units per acre. The R-3 District allows a minimum lot size of 11,000 square feet
1116 and a maximum gross density of 3.96 units per acre. The use will be controlled
1117 by zoning ordinance regulations and proffered conditions. The Land Use Plan
1118 recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre, and
1119 Environmental Protection Area. The site is in the Airport Safety Overlay District.
1120

1121 Mr. Branin - Is anyone in opposition to C-58C-07, Andrew M.
1122 Condlin for Emerald Land Development, LLC? One, two, three, four, five. We've
1123 got five. Okay. Mr. Secretary, I'm going to take this moment so you can explain
1124 the rules of opposition and speaking.

1125
1126 Mr. Silber - Yes sir, Mr. Chairman. The Planning Commission's
1127 rules and regulation indicate that the applicant has 10 minutes to present their
1128 case. Some of that time they may save for rebuttal. The opposition, collectively,
1129 also has 10 minutes to present their opposition to the request. If the Planning
1130 Commission asks any questions during that time, that's not part of the 10
1131 minutes that you're allotted. If the Commission decides to allow more than 10
1132 minutes, they have the discretion to do that, but typically they try to stick to about
1133 10 minutes for each side.

1134
1135 Mr. Branin - Ms. Croft, good evening.

1136
1137 Ms. Croft - Good evening, and thank you, Mr. Chairman.

1138
1139 The subject property is mostly wooded and currently undeveloped. Residential
1140 uses border the site to the north across Oakleys Lane and to the west in the
1141 established Hechler Village subdivision. The Southern Railway right-of-way is to
1142 the south, and the developing Oakleys Center Industrial Park is to the east.

1143
1144 The 2010 Land Use Plan recommends Suburban Residential 2 (2.4 to 3.4 units
1145 per acre) and Environmental Protection Area for the site. The proposed
1146 residential use and density of approximately 2.3 units per acre, and the
1147 commitment to rezone any floodplain to a C-1 Conservation District are
1148 consistent with these recommendations. While the use would be appropriate for
1149 the site, careful consideration should be given to mitigate potential impacts from
1150 the developing industrial park to the east.

1151
1152 In order to ensure a quality development, the applicant has proffered many
1153 positive features including a conceptual plan. The plan indicates a tot lot would
1154 be centrally located and additional open space is shown on the northeastern
1155 portion of the site adjacent to Oakleys Lane. A 50-foot buffer would be provided
1156 along the eastern property line, and a 35-foot buffer would be provided along
1157 Oakleys. The property would be accessed by two entrances from Oakleys Lane,
1158 as well as connections with Dalglish Road and Orinda Drive in the adjacent
1159 Hechler Village subdivision.

1160
1161 Staff notes significant slopes along the northern and western perimeter could
1162 affect development of the property as shown on the plan, and requests the
1163 applicant provide clarification as to how the grade change would be addressed.

1164
1165 The Departments of Public Works and Public Utilities have noted right-of-way
1166 and easement issues which could alter the conceptual plan as well. The

1167 applicant is encouraged to continue working with the departments to resolve
1168 these issues.

1169

1170 Other major aspects of the proffers for the proposed development include:
1171 minimum finished floor area of 1,800 square feet; 100% brick or stone fronts for
1172 at least 15% of dwellings; an attached garage and foundation plantings for each
1173 dwelling; a prohibition on construction traffic through Hechler Village; and street
1174 trees along Oakleys Lane and all internal streets.

1175

1176 Generally, staff is supportive of this request. The proposed residential use and
1177 density are consistent with the Plan. The request would continue the single-
1178 family residential zoning existing to the west and the submitted proffers would
1179 provide appropriate quality assurances. Staff notes the request could be
1180 strengthened and enhanced if exterior elevations, a commitment to recessed
1181 front-loading garages, and more usable common area were provided. Staff also
1182 notes topography, right-of-way, and utility easement issues could affect
1183 development of the property as shown on the proffered plan.

1184

1185 The applicant is here tonight, and I am happy to take questions as well.

1186

1187 Mr. Branin - Thank you. Does anybody have any questions for
1188 Ms. Croft?

1189

1190 Mr. Archer - Ms. Croft, what was the third thing you mentioned just
1191 now? Exterior elevations, recessed garages and—

1192

1193 Ms. Croft - And more useable common area. There is a large
1194 chunk of common area on the northeast portion of the site, which is adjacent to
1195 Oakleys and the industrial park, and within a ravine. It really isn't a place where
1196 people want to gather.

1197

1198 Mr. Archer - Thank you so much.

1199

1200 Ms. Croft - Thank you.

1201

1202 Mr. Jernigan - Ms. Croft, what kind of road improvements were done
1203 along Oakleys Lane?

1204

1205 Ms. Croft - The Department of Public Works has indicated that
1206 they will be requesting additional right-of-way to correct or redesign the curve in
1207 Oakleys. It's a bit problematic right now. I believe it's right here. I believe the
1208 applicant has been in contact with Public Works to address this issue. Curb and
1209 gutter would also be provided. Additional right-of-way, I believe a 60-foot right-of-
1210 way ultimate is on Oakleys there.

1211

1212 Mr. Jernigan - Is the developer going to have to do road
1213 improvements, though? I mean, other than dedication, are they going to have to
1214 widen it?

1215
1216 Ms. Croft - I believe so. I can double-check the notes from Public
1217 Works. They will be required to dedicate right-of-way and provide for the
1218 installation of curb and gutter, pavement widening, and any necessary storm
1219 sewer along Oakleys Lane.

1220
1221 Mr. Jernigan - Okay, thank you.

1222
1223 Ms. Croft - You're welcome.

1224
1225 Mr. Thornton - Ms. Croft, Hechler Village is the existing subdivision
1226 on which this will be in close proximity. Some of the residents have asked
1227 questions from time to time. One of the questions that they pose is what effect
1228 does a new subdivision like this have on an existing subdivision. I think the
1229 questions was motivated by how it's going to affect the present housing that's
1230 there. Would you have any comment on that?

1231
1232 Ms. Croft - I have a couple of statistics. Hechler Village to the
1233 east. Well, the eastern portion of Hechler Village, let me put it that way. Hechler
1234 Village extends over here. But I looked at the portion clearly adjacent to the
1235 property. The average lot size in Hechler Village east, I call it, is approximately
1236 14,500 square feet, and the average home size is approximately 1230 square
1237 feet. The density is approximately three units per acre. The proposal on the
1238 subject property is for minimum home sizes of 1800 square feet and a density of
1239 2.3 units per acre. It seems to be less dense, and the home sizes are proffered
1240 to be a bit bigger, a bit larger than existing. Is that the sort of information you
1241 were looking for?

1242
1243 Mr. Silber - Mr. Thornton, it may be appropriate when the
1244 applicant comes forward to present this case to ask them the approximate value
1245 of the houses they're building, or the expected sale value of houses they are
1246 building. That might give you some indication as to how that might compare to
1247 what exists in the area. As Ms. Croft has indicated, the square footage of the
1248 homes they propose to build would be somewhat larger than what's adjacent to
1249 it. I would speculate that what they intend to build here probably will have higher
1250 housing values that what exists next door, but I think the applicant really should
1251 address that when he makes his presentation.

1252
1253 Mr. Thornton - Thank you.

1254
1255 Mr. Branin - Anyone else have any questions for Ms. Croft? No
1256 one. Mr. Archer, you would like to hear from the applicant.

1257

1258 Mr. Archer - Absolutely.
1259
1260 Mr. Branin - Absolutely. When you come down, if you'd state your
1261 name for the record, please.
1262
1263 Mr. Condlin - Mr. Chairman, members of the Commission, Andy
1264 Condlin from Williams Mullen. I'll reserve five minutes.
1265
1266 Mr. Vanarsdall - How are you tonight, Mr. Condlin?
1267
1268 Mr. Condlin - Nice to see you, Mr. Vanarsdall.
1269
1270 Mr. Branin - You want to reserve five minutes for rebuttal.
1271
1272 Mr. Condlin - Yes.
1273
1274 Mr. Condlin - Always trying to throw me off. Williams Mullen is
1275 representing Emerald Land Development. We have Mark Rempe and Mark
1276 Baker here from Emerald to answer any questions, technical questions that might
1277 come that otherwise we can't answer.
1278
1279 In one instance, this is a pretty straightforward case for a single-family
1280 development that sits among an already existing subdivision. Surrounding it,
1281 quite frankly, with an industrial site right here on the eastern side. On the other
1282 hand, it is, quite frankly, a little different in that we're actually proposing less
1283 density than what's called for in the land use plan. It's not very often I come
1284 forward with such a case where a land use plan is calling for a 2.5 to 3.4 units an
1285 acre, and we're actually providing for less than that. Slightly less, but still less. I
1286 like to highlight this because every once in a while, I have to go above it and
1287 usually catch grief for that as well. We're actually also, of course, proffering, I
1288 think, a lot of the guarantees that you'd expect for any high quality single-family
1289 home subdivision. Nathalie has already referred to a number of the proffers that
1290 we've provided, including the site layout and limiting it to 140 lots to limit the
1291 density. Every home will have a garage on it, but half of them will be two-car
1292 garages. Talking about a landscape package that includes around the home, but
1293 also includes a 50-foot buffer along where the industrial site is, and a 35-foot
1294 buffer along Oakleys Lane to protect that area. Also, something that we learned
1295 in one of our neighborhood meetings that folks were concerned about what
1296 they'd see across Oakleys, not wanting to look into the backyards of folks, and,
1297 of course, trying to protect the Oakleys Lane itself, in addition to the 35-foot
1298 transitional buffer guarantee, we're also adding into that buffer street trees along
1299 Oakleys Lane. A little something additional than just to make that a nice corridor,
1300 but also within the internal roads.
1301
1302 Nathalie had mentioned, and if I can—don't know who I should hand it to—one of
1303 the things that we're proposing because we got some comments in about the

1304 elevations, we will proffer the architectural elevations. We've given those to the
1305 staff. I can hand those out to you now, if you want, as well. That was one of the
1306 concerns that the staff had raised from that standpoint. I know that staff has
1307 those. We handed them out at the neighborhood meeting as well so folks could
1308 see that. We can now provide that, now that we've got some of those elevations.
1309

1310 Also it was mentioned about the question about the topography. Quite frankly,
1311 this does sit within a hole. There is a drop-off at the two stub streets that exist
1312 right there. It's somewhat off Oakleys Lane as well. Because of that drop-off,
1313 obviously we'll have to fill each of those entrances and drop them down into the
1314 site. The lots that are adjoining those road areas will also have to be filled and
1315 the grade brought up to that level as well, and slowly brought down. It's obvious
1316 that these issues have to be addressed through, I think, the subdivision process.
1317 We've talked to our engineers. They talked to Public Works as well to talk about
1318 how that could be achieved. Everybody seems to be comfortable, based on
1319 Balzer taking a look at that as well. So, from this standpoint, there doesn't seem
1320 to be any concern about those connections, being able to bring the grade up to
1321 that level.
1322

1323 The other concern that was raised was about this curve. I apologize. I thought
1324 we had it, but we didn't bring it with us. We have a rendering of how this curve
1325 will actually—Right now, it doesn't meet the County standards on Oakleys Lane.
1326 These lots have been designed—Again, through the conversations with Public
1327 Works, these lots have been designed, as shown on this concept plan, to be able
1328 to accommodate the necessary dedication and improvements that Public Works
1329 expected us to provide. That would be presented to you during the subdivision
1330 plan and approval process. We may lose one or two lots, if that's the case. But
1331 still, we have a maximum number of 140 lots, and according to the engineer,
1332 Balzer, those road dedications can occur and the improvements can be made
1333 and still achieve the lot count that we have here in this rendering that we've
1334 provided.
1335

1336 One of the questions, obviously, was the impact on the surrounding area. The
1337 surrounding area not only includes R-3 property, but does also have some R-4
1338 and R-5 property further back behind this A-1 along Oakleys Lane. We do think
1339 that we are going to have a positive effect on the overall home values. Obviously,
1340 any development that you'll see, that you'll hear about from, I think, some of the
1341 opposition that we've heard at the neighborhood meetings that we've had, is that
1342 there's a concern that when you add homes, you add traffic, you add impact. But
1343 our homes will be selling starting at least at \$225 to \$250 as a base price,
1344 obviously, with options available after that with upgrades. And, of course, they'll
1345 be increased as the time goes. But in today's dollars, the expectation would be
1346 somewhere around the \$250,000 range to start with. As Nathalie pointed out,
1347 those will be a minimum home size of 1,800 square feet with garages on each
1348 one. I've talked to a number of folks on the telephone that live in the area and
1349 that was something that they were very pleased with, I think, overall.

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Obviously, we believe that the proposal is consistent with the land use plan and we would ask that you recommend this to the Board of Supervisors.

Mr. Branin - Thank you, Mr. Condlin. Does anybody have any questions for Mr. Condlin?

Mr. Archer - Yes I do, Mr. Chairman. Mr. Condlin, I think you indicated to me, but I don't know if you did in your remarks, that you would be more definitive of what the tot lot would be.

Mr. Condlin - Yeah, and I've got—

Mr. Archer - Did you leave that out, or did I just not hear?

Mr. Condlin - No, I didn't go over that and I didn't hand it out. I didn't know if you wanted me to go over that specifically.

Mr. Archer - Just give us some indication.

Mr. Condlin - What we wanted to commit to on that tot lot was the detail that that would be constructed by the 35th home getting a Certificate of Occupancy. So, that's a quarter of the homes that we're proposing. That that tot lot would be provided and open and that it would include the play equipment and the benches and the trash receptacles.

Mr. Archer - Can you give me some indication what the dimensions of it might be?

Mr. Condlin - Of the tot lot itself?

Mr. Archer - Yes.

Mr. Condlin - Do we know that? You need your 80-foot wide lots. I don't have the dimensions. I apologize for that.

Mr. Archer - Okay. I think they're looking for it back there.

Mr. Silber - Are you talking about the area?

Mr. Archer - The area, yeah. I meant the area. It doesn't have to be exact, but just some idea. It'll be more than 4 by 6, I hope.

Mr. Condlin - I think you can see the dimension up there. It's going to be 14,000 square foot.

1396 Mr. Archer - Yeah, okay. That helps.
1397
1398 Mr. Condlin - That's the space of probably about 2-1/2, 2 to 3 lots,
1399 somewhere in that range.
1400
1401 Mr. Archer - One of the things that was mentioned in the staff
1402 report that they would like to see were exterior elevations, a commitment to
1403 recess garages, and more useable more common area. Can you address those
1404 three things?
1405
1406 Mr. Condlin - Sure. I have some renderings that we passed out to
1407 the staff and to the neighborhood meeting. I actually have a couple more here if
1408 you need them. They were presented at the neighborhood meeting. These are
1409 some of the renderings. I can commit, as well, to the, as we talked about with
1410 the tot lot—
1411
1412 Mr. Branin - Mr. Condlin, these renderings have been shown at
1413 the community meetings?
1414
1415 Mr. Condlin - Yeah, we had a board that showed the renderings.
1416
1417 Mr. Branin - The people in the audience, have you seen the
1418 renderings? You have? Would you like to see them? Can we put them up on
1419 the screen, please?
1420
1421 Mr. Silber - I think we can put them on the screen, yes.
1422
1423 Mrs. Jones - These are proffered elevations?
1424
1425 Mr. Condlin - I'm proposing to proffer them as of right now. We just
1426 received them the other night.
1427
1428 Mr. Branin - Do you have the one that has all of them on one
1429 page? Do you not have that one?
1430
1431 Mr. Archer - No, I don't have that one.
1432
1433 Mr. Branin - We don't have that page, we just have all the singles.
1434 While they're getting that up—We're having technical difficulties. Mr. Jernigan,
1435 you have some questions for Ms. Croft?
1436
1437 Mr. Jernigan - I have a question for Mr. Silber, but I will need Ms.
1438 Croft to bring up—But we're going to have to bring it up on the screen.
1439
1440 Mr. Branin - You can while they're working on it.
1441

1442 Mr. Jernigan - The GIS photo.
1443
1444 Ms. Croft - Topo, did you say?
1445
1446 Mr. Jernigan - The GIS photo of this case that showed Oakleys
1447 Lane. That's all right. Go ahead with what you're doing now and I'll ask the
1448 question later.
1449
1450 Mr. Branin - Okay, we've got the renderings up.
1451
1452 Mr. Silber - Mr. Condlin, are these renderings that you're
1453 proffering, or are these renderings—
1454
1455 Mr. Condlin - These are renderings that—I've got a proffer that I
1456 can hand out to you tonight. Nathalie and I talked about the language. It's a
1457 pretty basic proffer that we've otherwise had. We will be proffering this and I am
1458 committing to proffer it now. I told him that we would proffer these elevations
1459 specifically.
1460
1461 Mr. Jernigan - Are you proffering the elevation as it is, or are you just
1462 going to proffer that the homes will be similar to?
1463
1464 Mr. Condlin - Similar to these that are shown on here. Right now,
1465 to be quite honest, we're talking with Ryan Homes, but we don't have a contract
1466 with them. These are their renderings. If it becomes somebody else's, we don't
1467 want to commit specifically, but they will be consistent with these right here. And
1468 you can see, as well, that—Of course, as soon as they come up, we'll see it, but
1469 a lot of these also have the recessed garages, but not all of them do. I know it's
1470 been an issue in other jurisdictions as well. They have a design that they've
1471 already built. They know exactly how they're going to construct it with 2 by 4's
1472 that they need to do it. They don't like to have to vary that home design
1473 specifically. We found it's very difficult to accomplish that with contracts with the
1474 homebuilders as they come forward. We tried to show generally a consistent
1475 nature of the quality that we're going to have with these elevations. Again, we
1476 just got these earlier in the week. They were based on our discussions with Ryan
1477 Homes. We haven't committed to the recess specifically.
1478
1479 I think that's the only one we won't have. It's not very often I only have one issue
1480 that I disagree with staff on, but that's the one issue. Quite frankly, I've run into
1481 this with most builders in most jurisdictions that it's very difficult for them to meet
1482 that standard of having recessed garages away from the front of the building. A
1483 specific percentage.
1484
1485 Mrs. Jones - These are clearly nice homes and it's going to be a
1486 lovely development, but you have only a 50-foot buffer. You have a 50-foot
1487 buffer between here and the M-2 zoning?

1488
1489 Mr. Condlin - Yes.
1490
1491 Mrs. Jones - What else is going to be in that buffer besides
1492 vegetation? In addition to that, are you planning for any kind of fencing or other
1493 visual aids? What are you going to do?
1494
1495 Mr. Condlin - At this point, of course you have your backyard. But
1496 no, it'll just be the 50-foot transitional buffer requirement, which is typical between
1497 industrial and residential. It's going to be on our property since we're coming in
1498 after. So that we would have those protections for the neighbors at that point.
1499 That's what the code requires on the industrial side. That's why we propose it on
1500 the residential side. We thought that was sufficient from that standpoint. You
1501 know it's there. It is M-2 conditional. I apologize; I didn't look up the conditions.
1502 It's not like a concrete plant with a heavy—
1503
1504 Mrs. Jones - What is there now?
1505
1506 Ms. Croft - I'm not sure of the businesses, but there would be five
1507 buildings currently. With that case is proffered an additional 50-foot buffer.
1508
1509 Mrs. Jones - On their property.
1510
1511 Ms. Croft - Yes ma'am.
1512
1513 Mrs. Jones - Okay.
1514
1515 Mr. Vanarsdall - So, it'll be a total of 100?
1516
1517 Ms. Croft - Yes sir.
1518
1519 Mrs. Jones - And is that a natural?
1520
1521 Mr. Vanarsdall - I know when we get to the landscaping—I know we're
1522 not at that yet, but that should be all evergreen, shouldn't it?
1523
1524 Mrs. Jones - My only concern is—
1525
1526 Mr. Condlin - It's pretty heavily wooded, as you can see.
1527
1528 Mrs. Jones - Very different uses.
1529
1530 Mr. Condlin - You'll see where the property line is, it looks like
1531 they've already got the—I knew there was a buffer out there. I didn't realize it
1532 was already proffered or specific to that.
1533

1534 Mrs. Jones - Well, that is nice to know.
1535
1536 Mr. Condlin - That's a hundred foot. But it's pretty heavily wooded
1537 out there with a mix of trees.
1538
1539 Mr. Thornton- Mr. Condlin, would you put your mike up a little bit so
1540 we can hear you better?
1541
1542 Mr. Condlin - Yes sir.
1543
1544 Mr. Archer - Mr. Condlin, one thing I did want to note, and I know
1545 it's not a proffered condition tonight, but you need to think about it if this moves
1546 forward toward the Board for a POD or subdivision plan, is that we prefer to see
1547 standard curb and gutter.
1548
1549 Mr. Condlin - We have that proffered.
1550
1551 Mr. Archer - You do have it proffered?
1552
1553 Mr. Condlin - Yes sir.
1554
1555 Mr. Archer - Well, good man.
1556
1557 Mr. Condlin - Do you want me to find that for you?
1558
1559 Mr. Archer - No. If you say it's there, I take your word.
1560
1561 Mr. Condlin - We have it proffered. If we don't, it will be proffered.
1562
1563 Mr. Silber - It's #6.
1564
1565 Mr. Condlin - Between now and the Board, we have a couple of
1566 typos that need to be fixed up, but primarily to identify the recreation amenities
1567 and the tot lot that I just talked about, proffering these elevations that just had
1568 shown, subject to changes approved by the Director of Planning. Those will be
1569 two changes that we would request. And again, I brought written language, but
1570 they're so simple and typical, that I didn't think it was necessary to belabor that
1571 point otherwise. You'd also asked, I was just told, about how large was that tot
1572 lot. It's about a half an acre.
1573
1574 Mr. Silber - Mr. Condlin, you had spoken to the elevation change
1575 from Hechler Village and some of the other edges to this development. We
1576 understand they are somewhat substantial. I think we may even have a topo, and
1577 if we could put that up for a minute. I think one of the concerns that we have is
1578 that there is a significant drop as you head into the center part of your site. The
1579 layout that you're showing doesn't seem to reflect that elevational change. We

1580 really believe those lots that are adjacent to Hechler Village more than likely will
1581 be much deeper than you're showing to reflect the fill that will have to take place
1582 on those lots. Obviously, any connection you make to Hechler Village, those
1583 roads would have to taper back, and that would impact the lots adjacent to that
1584 connecting road.

1585

1586 Mr. Condlin - Right.

1587

1588 Mr. Silber - So, if there are any changes that can be made to that
1589 layout to more closely reflect the actual topography of the land, I'd like to see that
1590 made before it goes to the Board of Supervisors.

1591

1592 Mr. Condlin - I'm only relying on our engineer, which isn't here
1593 tonight. What I'd like to do, then, is maybe with Nathalie and someone else from
1594 the staff that would be reviewing the subdivision plans, talk about why Balzer
1595 thinks that can be done and how that'll occur. We can sit down and go over that,
1596 and if some changes need to be made, then certainly. It's going to be a reduction
1597 in the number of lots, if anything, at that point. We can do that immediately.

1598

1599 Mr. Silber - I would think it would be a reduction. If you would go
1600 back to the layout again. There are some lots that are fronting on Oakleys Lane.

1601

1602 Mr. Condlin - The front would be along this connector road back
1603 here off Oakleys Lane. Here's Oakleys Lane right here. There would be side
1604 yards there.

1605

1606 Mr. Silber - Does it back to Oakleys Lane?

1607

1608 Mr. Condlin - Back. And that's one of the reasons we put in the 35-
1609 foot buffer with street trees along Oakleys Lane. That's not part of the lot; it's a
1610 buffer that would be part of a common area.

1611

1612 Mr. Silber - Okay.

1613

1614 Mr. Vanarsdall - Mr. Chairman?

1615

1616 Mr. Branin - Yes.

1617

1618 Mr. Vanarsdall - Okay, nevermind.

1619

1620 Mr. Branin - Okay.

1621

1622 Mr. Jernigan - I'll wait till the end. I've got some questions for you,
1623 Randy, but we'll hear from the applicant.

1624

1625 Mr. Archer - I want to ask one more question, and maybe this is
1626 one I need to be asking to you, Mr. Secretary, or staff. On Proffer 4 on the
1627 dwelling orientation, "dwellings will not be situated on a lot in a manner where the
1628 front of one house fronts the rear of another, and no stem lots shall be
1629 permitted." Isn't that code anyway? I thought we had work sessions on it at one
1630 time, but I don't remember is whether or not we actually took it out of the Code or
1631 put it in the Code that you couldn't have one.
1632

1633 Mr. Silber - Yes sir, Mr. Archer. Stem lots are not permitted
1634 unless an exception is granted by the Planning Commission.
1635

1636 Mr. Archer - They would not need to have that language in this
1637 proffer.
1638

1639 Mr. Silber - Except that this is now stipulating that they will not
1640 come before you asking for an exception.
1641

1642 Mr. Condlin - I'll be honest with you, someone raised that question
1643 and so that's why we gave assurance, made sure that it would be put in the
1644 proffer that we wouldn't ask for that exception. That was a concern that was
1645 raised by telephone call.
1646

1647 Mr. Vanarsdall - We had that years ago, you remember, Chris?
1648

1649 Mr. Thornton - Just so everybody in the audience knows the
1650 terminology, Mr. Secretary, would you define a stem lot?
1651

1652 Mr. Silber - Yes sir, Mr. Thornton. A stem lot is a lot that comes
1653 off a public road in a very narrow fashion. It may only be about 20 feet wide and it
1654 goes back quite some distance, and then widens out to a normal sized lot. What
1655 that often creates is a house that sits behind another house, so you have one
1656 house looking into the backyard of another house. The County discourages that.
1657 We only allow it through a special exception, if you will. So, they have ruled out
1658 that possibility in lot design.
1659

1660 Mr. Branin - Also known as a flag lot.
1661

1662 Mr. Silber - That's correct.
1663

1664 Mr. Branin - Because it resembles a flag. Okay. Anybody else
1665 have any question for Mr. Condlin?
1666

1667 Mr. Archer - I don't have any, Mr. Chairman. And I know we have
1668 opposition, so we'll grant them some time, and then maybe we'll have—
1669

1670 Mr. Thornton - Before the opposition comes up, Mr. Chairman, I have
1671 a question that doesn't pertain to Mr. Condlin. This is something I've been
1672 noticing that I just want to bring forth to the Planning Commission. There have
1673 been a plethora of new subdivisions. And what I've been noticing, too, is that due
1674 to economic conditions, a lot of homes that a person has purchased, things
1675 happen, people lost their jobs. So, therefore, there is a lot more renting now of
1676 new homes in subdivisions. I guess my question is, and it doesn't pertain to this
1677 case necessarily, but is there anything that the local government can do about
1678 that, or is that just managed only by the system itself?

1679
1680 Mr. Branin - Meaning that is there any means that we can prevent
1681 properties becoming rental properties?

1682
1683 Mr. Thornton - Particularly if they're brand new homes like that. Is
1684 that a marketplace issue only?

1685
1686 Mr. Branin - Mr. Secretary, you can correct me. I don't think the
1687 County has any authority over that. That would be handled under a neighborhood
1688 association. They could do that in their covenants. But the County has no legal
1689 authority, do we?

1690
1691 Mr. Silber - No. We have no legal authority, Mr. Thornton, to do
1692 that. Anybody has the right, unless there are private covenants, to be able to
1693 rent their home. Unfortunately, depending on certain economic times, there may
1694 be more opportunities for people to, or need for people to rent homes. But that is
1695 not regulated locally. In fact, it probably is a violation of the Fair Housing Act, if
1696 the County tried to impose that regulation.

1697
1698 Mr. Condlin - You should check with building inspections, but it's
1699 our firm's opinion that while condominiums, for example, can be regulated so that
1700 there's no rental because it's a private agreements homeowners association.
1701 State government doesn't allow it and it is a violation in Virginia and Federal Fair
1702 Housing Acts. That's our opinion. You can't prohibit, from a local standpoint, an
1703 ordinance that would prevent renting. It would be a discriminatory act under that
1704 definition.

1705
1706 Mr. Branin - Thank you, Mr. Condlin. Okay, ladies and gentlemen,
1707 I'm sorry for the technical delays in the case. When you come down in
1708 opposition, please state your name for the record. We may ask where you're
1709 house is in coordination to this project. Okay? So, come on.

1710
1711 Mr. Payne - Mr. Chairman, Commission members, my name is
1712 William H. Payne. I'm a 37-year resident—

1713
1714 Mrs. Jones - I'm sorry.

1715

1716 Mr. Payne - Payne.
1717
1718 Mr. Jernigan - Thank you.
1719
1720 Mrs. Jones - Thank you.
1721
1722 Mr. Archer - Good evening, Mr. Payne.
1723
1724 Mr. Payne - Good evening, sir.
1725
1726 Mr. Branin - Mr. Payne, before you start, can I ask you a question?
1727
1728 Mr. Payne - Sure.
1729
1730 Mr. Branin - Do you live in the neighborhood adjacent to this
1731 project?
1732
1733 Mr. Payne - Yes.
1734
1735 Mr. Branin - Does that lake have a name?
1736
1737 Mr. Payne - The lake?
1738
1739 Mr. Branin - The lake.
1740
1741 Mr. Payne - Eastborn Lake.
1742
1743 Mr. Branin - What is it?
1744
1745 Mr. Payne - Eastborn Lake.
1746
1747 Mr. Branin - Okay. I asked my fellow commissioners, I said that is
1748 a heck of a big lake, what is the name of it. Eastborn Lake. Thank you, sir.
1749
1750 Mr. Payne - I'm a 37-year resident of Eastern Henrico County, and
1751 I reside at 5307 Dalglish Road in the Hechlers Village subdivision. Sir, to answer
1752 your question, Dalglish Road is one of the streets that they plan to open, this
1753 dead end. And they're planning to open it in regards to this property, if it's
1754 approved.
1755
1756 I'm here this evening on behalf of my neighbors, some of whom are here, whose
1757 names will appear on a petition that we are presently circulating, to be presented
1758 to the Board of Supervisors. Sir, if we can leave a copy with this Commission. It
1759 was our understanding that it had to have original signatures on the petition. If
1760 that's so, if we give you the one with the original signatures, we would not have

1761 original signatures to pass in to the Board. We're kind of in a Catch 22, but if you
1762 will advise, we will address that issue before we leave.

1763

1764 Mr. Silber - Mr. Payne, I don't think it has to be original
1765 signatures. If you have a copy, we will take that. Or, if you give us one that has
1766 the original on it, we can return it to you, or we can pass it on to the Board.

1767

1768 Mr. Payne - That's great. We'll leave you our originals, because
1769 we didn't make copies. If you'll return them prior to us going before the Board, as
1770 soon as necessary, then we will use it. Thank you.

1771

1772 Mr. Silber - We'll be happy to do that.

1773

1774 Mr. Payne - We are here this evening on behalf of those
1775 neighbors. We are speaking against the rezoning of property located at 4100
1776 Oakleys Lane, listed in the file as C-58C-07, from a designation of A-1 to a
1777 designation of R-3. We oppose this request for several reasons. First, the
1778 number of new housing developments in this immediate area within an
1779 approximate 1-1/2 square mile, there are seven housing developments presently
1780 under construction, and that's not counting this proposed construction in this
1781 community that we think will adversely impact us. The adverse impact that 140
1782 to 160 new homes proposed in this case before you will have on an already
1783 overcrowded school facility at all levels. Bringing in an additional 140 to 160
1784 families, or households, I should say, will greatly impact the school system.
1785 Schools are presently overcrowded. We understand there's a new elementary
1786 school presently being built on Laburnum Avenue, but that school was built
1787 because of the overcrowding at other schools. When you move students to
1788 address the present overcrowding, by the time that school opens with new
1789 developments coming up, that school will be overcrowded. We feel that our
1790 children should have the opportunity to be educated in an environment where
1791 they can get a facsimile of special attention, as opposed to one that they become
1792 just a number instead of a name in a classroom.

1793

1794 The adverse impact these new households will have on delivery of County
1795 services—fire, police, public utilities, public works. We have a real problem now
1796 when you call for services from the County. It is very poor. You call the police
1797 and you may see him a half hour later, you may see him an hour later. They may
1798 not even come. So, if we are going to open another subdivision adjacent to this
1799 one that's going to require the same area, the same police precinct, the same fire
1800 station ought to respond, we don't see anything that suggests that it's going to be
1801 advantageous to have this for those persons already living there.

1802

1803 Recreation. We don't have any recreation. I'm a 29-years, 9-month recreation
1804 professional. Henrico has the poorest recreation in the nation, as far as I'm
1805 concerned. And I've spoken around the Country on recreation, done workshops.
1806 And on three occasions. I presented at the national Recreation Association,

1807 which is a national professional association. Henrico's recreation leaves a lot to
1808 be desired. Our kids play in the streets. The impact of traffic with this proposed
1809 development is going to increase the traffic on Colwyck Drive from both ends,
1810 because now people can come from I'm going to say the southern end of
1811 Laburnum. They can come in to Dalglish Road to go into this new subdivision.
1812 They can now come in from Laburnum onto Colwyck Drive from the other end.
1813 And then there are going to be two additional streets opening up to Colwyck, and
1814 that will be Dalglish Road and Orinda Drive. So, there will be a great inflow of
1815 traffic. We're going to be bothered with that increased traffic all times of day and
1816 night, all kinds of noises. We experience a little of that now, but concerning noise
1817 at the dead ends and we can easily go out and see cars and get license plate
1818 numbers that you have if we suspect something going on. But now, those
1819 vehicles can come in and do whatever and go right on out. We have no chance
1820 to get around to see what's going on.

1821
1822 Our children play in the streets on Dalglish Road and Orinda Drive. The
1823 youngsters play in the street because they're pretty safe because the only
1824 vehicle that will be turning into those two streets are people who live there, and
1825 they're aware that children are there because they're a dead end. We don't
1826 know what's going to happen now when they open those two streets up to
1827 accommodate this new development.

1828
1829 I heard Mr. Condlin speak of tot lots in their plan. Tot lots in general, and pretty
1830 much nationwide, are useless. Tot lots are a place for deviant behavior, for
1831 people to hang out and do deviant kinds of behavior. You have the homeless
1832 hanging out in them, you have drug dealers. You have youngsters just hanging
1833 around doing nothing. You can take your survey and you'll find that tot lots are
1834 very, very underused. They are built and they are there, because tot lots are for
1835 little kids. We don't have anything for the kids 8, 10, 12, 15, 17 years old in
1836 Henrico County. We don't have a recreational facility they can go into, but yet
1837 we're bringing more families into this area that's already void of any kind of
1838 recreation for them. Building these tot lots is not something that we would take
1839 as convenient for us or beneficial to us. To me, it would be more like, I say, we
1840 should have something else to worry about.

1841
1842 I'm going to concede any time to Mrs. Wallace.

1843
1844 Mr. Branin - Mr. Payne, don't leave yet. Your time has stopped.
1845 Any time that we start asking you questions, your group's time is frozen. I have
1846 one question for you. You're recommending that tot lots are not provided.

1847
1848 Mr. Payne - I'm not recommending they not being provided, sir.
1849 What I'm saying is it appears that that's being put in like it's a bonus or it's
1850 something beneficial. I'm simply saying that the record on tot lots is they're
1851 underused and they're just areas that are there and they become gathering
1852 places for something other than what they were designed for.

1853
1854 Mr. Branin - Okay. I'm going to make a comment and then I'm
1855 going to ask my question, because you said they could be used for something
1856 else. My district is the Three Chopt District and I just had a case recently where
1857 the neighborhood was extremely upset because there wasn't any tot lots. We're
1858 trying to push for more and more community common areas for communities to
1859 gather, for children to play instead of having to play in the street. That part kind of
1860 confused me a little bit. What would you propose instead of tot lots?
1861
1862 Mr. Payne - That we have organized and supervised recreation
1863 facilities for the youngsters to go to.
1864
1865 Mr. Branin - Okay, so that—
1866
1867 Mr. Payne - When you have families, sir, that work, they're not at
1868 home all day to carry kids out and play on the tot lot.
1869
1870 Mr. Branin - Okay.
1871
1872 Mr. Payne - If we had recreation centers, I think that would be far
1873 more beneficial.
1874
1875 Mr. Branin - That comment would be more directed not to this
1876 development, per se, but to the County and as a whole.
1877
1878 Mr. Payne - All right, that's a fact.
1879
1880 Mr. Branin - That's a question. Are you recommending that this
1881 community build a community center, or are you recommending that the County
1882 provide more community centers?
1883
1884 Mr. Payne - Mr. Chairman, don't misinterpret my answer.
1885 Personally, I don't care who provides it, as long as we have it.
1886
1887 Mr. Branin - I hear you. Okay.
1888
1889 Mr. Vanarsdall - There's no way we could have misinterpreted that.
1890
1891 Mr. Payne - I guess, in reality, we would say we would want the
1892 County to build it, because it's not likely it would be done by a private
1893 organization.
1894
1895 Mr. Archer - Mr. Payne, are you aware that there is a planned
1896 recreation center for Laburnum Avenue about a mile from you all, 2008, 2009?
1897
1898 Mr. Payne - Yes sir. I believe Mr. Thornton—

1899
1900 Mr. Archer - It's been a pet project here for a long time.
1901
1902 Mr. Payne - He told me something about it and then he sent me
1903 something in writing that this was in the plans, yes. And on behalf of the
1904 community and to whomever is responsible for it, we thank you.
1905
1906 Mr. Archer - You can thank Mr. Thornton, sir.
1907
1908 Mr. Jernigan - Also, I'll add in there's going to be a park also, on
1909 Pleasant Street. I know it's in the planning stages. They have appropriated land
1910 for it, so I know that it in the works for a park there.
1911
1912 Mr. Branin - It's a long time coming. What we're happy to say is
1913 with the great work of Mr. Thornton, it is coming. To address the parks, we hear
1914 you and it's coming.
1915
1916 Mr. Payne - All right, sir. I would hope that—And I'm sure each of
1917 you hear me when I say our big concern is the schools and the traffic. The
1918 schools are probably the most important, that our children are not in overcrowded
1919 buildings and overcrowded facilities. Overcrowding often brings along with it
1920 understaffing. So, we get schools with classrooms with 30—And I'm saying this
1921 is what it is in Henrico Elementary. I don't have a child in there. Most of my
1922 children have completed school. But we have a classroom with 30, 32 kids and
1923 one teacher. That's unacceptable probably nationwide, but it's just a fact of what
1924 happens. So, along with the other facilities coming, we would hope that we don't
1925 do something to continuously overcrowd our schools, at all levels—high school,
1926 middle school, or the elementary.
1927
1928 Mr. Jernigan - Mr. Payne, I had a question for you. You said on
1929 police that it might take 30 minutes or an hour, and they might not come. Are
1930 you talking about a 911 call?
1931
1932 Mr. Payne - Yes. Any way you call. I don't use 911 if I have to
1933 call because I see a strange vehicle, I just call the non-emergency number.
1934
1935 Mr. Jernigan - Okay.
1936
1937 Mr. Payne - I suggest that call gets to them. You know, they don't
1938 come out at all on vandalism. You just make the report and you get a number.
1939
1940 Mr. Branin - And that's countywide.
1941
1942 Mr. Payne - Oh, that's citywide. I mean, it's probably all over, but
1943 again, you feel better when you can see a policeman. I don't see police cars in
1944 my community on general patrol. Don't want them constantly, but I like to see

1945 them every once in a while so anyone who is thinking about doing something
1946 illegal, a break-in or assault or something, will say, well, the policemen do patrol
1947 this area. You can't say that in my community.

1948

1949 Mr. Vanarsdall - Mr. Payne, do you know if you have a community
1950 officer?

1951

1952 Mr. Payne - I don't know of one. I've never seen one and have
1953 never been told. But I've not asked, either.

1954

1955 Mr. Vanarsdall - If you get a chance, you should call and ask if you
1956 have a community officer. They have community officers in every district in the
1957 County.

1958

1959 Mr. Payne - All right.

1960

1961 Mr. Vanarsdall - You can always get them. They give you their cell
1962 number and everything. We have had cases in the district where the police took
1963 a long time to come and sometimes they didn't show up. It's not often. Most of
1964 the time, they were pretty prompt.

1965

1966 Mr. Branin - Mr. Payne, I'm going to ask you take a little step just
1967 to your right. Ms. Vann? Can I get you up here please? Kim Vann is our
1968 connection to Henrico County Police. She advises us. Comment on tot lots?

1969

1970 Ms. Vann - Yes sir. I recognize a lot of the concerns that they
1971 may have. We certainly could work with them to make sure the tot lot was
1972 located in the most visible part of the subdivision where most of the residents
1973 would be able to see how the lot was being used. If people weren't around, you
1974 would have a lot of visibility from the roadways, that type of thing. So, I can
1975 understand if the lot is not in a very visible part where a lot of folks may not want
1976 to use it because they'd feel like they would not be seen and things could
1977 happen. It maybe also something we could work with them on what type of
1978 equipment they put in to the lot to make sure it is an age-specific use so that
1979 teenagers and others would not be drawn to that particular type of equipment,
1980 and wouldn't want to go there because they could see that it was very much
1981 limiting on what they may want to do.

1982

1983 Mr. Branin - Lighting?

1984

1985 Ms. Vann - That's always a tricky one. Depending on if they're
1986 going to have lighting on the streets. I know we don't have street lighting in
1987 Henrico, typically. But if they're going to have some street lighting and it is
1988 located in an area where you're going to have the lighting spill over anyways
1989 because it's a long street and very visible, then I think it would be beneficial. A
1990 lot of times, though—The standard that we use with parks typically in Henrico, if

1991 it's not an active park where you have softball, soccer, baseball, football and all
1992 that, don't light it because that's typically going to draw people. If it's lit, they
1993 think that it's open 24/7.

1994

1995 Mr. Branin - And last, Mr. Payne, if you wouldn't mind giving your
1996 phone number to Ms. Vann so she can find out who your community officer is for
1997 you—

1998

1999 Ms. Vann - I sure can.

2000

2001 Mr. Branin - —and call you and hopefully set up a meeting with
2002 your community and your community officer. You should know who that is and
2003 they should be active with you. She's the one to make sure it happens. Okay?

2004

2005 Mr. Payne - Yes sir. And lastly, we're not forgetting the comment
2006 about the services. It's not just police and fire and recreation, those sorts of
2007 things. I'm not sure who it is in Henrico County, Public Works or Public Utility.
2008 I've found some of them do different things. Snow removal. On my street, we
2009 are the snow removers. We shovel the street. We take a four-wheel drive and
2010 just ride up and down the street to get tracks in there so our neighbors can pull
2011 out. It's almost the last street that is cleaned. I understand they have to clean the
2012 main thoroughfares first. I understand that. But, if we're going to add more
2013 interior streets, we don't hear anything about more staff and more vehicles and
2014 more materials being provided to do that. So, all of that impacts us who already
2015 live there. It's slow now and if things don't change in terms of more vehicles,
2016 more materials, more staff, then it's just going to get worse.

2017

2018 Again, I thank you for your time and if there is some time left—

2019

2020 Mr. Jernigan - I wanted to say one thing to you, Mr. Payne. In our
2021 report here, they always give us a school report. On the middle school at
2022 Fairfield, they had 1,353 students and the capacity was 1,348. This was a 2006
2023 report. Since then, the new Eastern Area Middle School has opened down on
2024 Elko Road and taken some of the pressure off of Fairfield. According to this, this
2025 project should yield about 25 students.

2026

2027 Mr. Payne - It was approximately 500 students that moved. Mr.
2028 Stewart's wife is works there and she reported that to us at the meeting on
2029 Monday night, I believe it was. Approximately 500 students moved. So, you took
2030 500 out of Fairfield. But when we put 160 from—And I'm speaking of one
2031 development. If you remember, there are seven, not counting this development,
2032 that are coming up in that general area about a mile, 1-1/2 square miles. When
2033 those developments come, our schools will be overcrowded again. Five hundred
2034 came out of Fairfield in order to go to school over on Elko. But they'll all be
2035 overcrowded again, and that's out concern.

2036

2037 Mr. Jernigan - Thank you.

2038

2039 Mr. Payne - Thank you.

2040

2041 Ms. Wallace - Good evening. My name is Betty Wallace. I live at
2042 4183 Oakleys Lane. I'm opposed to this new development for several reasons,
2043 but I'll be brief and leave most of them to myself.

2044

2045 The biggest problem I have is on Oakleys Lane. I was told Monday night that the
2046 throughway predominately would be Oakleys Lane. Oakleys Lane is a narrow
2047 two-lane street. As it is, we have a problem with trucks coming through there
2048 with municipal waste, and I don't understand why. Where are they going and why
2049 are they there? I've called the County on a couple of occasions to try to get them
2050 banned from that street, but I've had no success.

2051

2052 Next to that, the school buses, when they come down that street, if we get two
2053 meeting school buses in that curve or anywhere past that curve, one has to yield
2054 and slide as close as possible to the edge of the pavement on the road. And I do
2055 say pavement, because there is no shoulder. The road just drops off. Either you
2056 would drop off into the woods or you would drop off past that, the lake. So, it's
2057 really a dangerous situation for large vehicles on that road. And with the school
2058 buses trying to go down there, it's creating a problem. To increase the density
2059 on that road would be a serious problem.

2060

2061 As it is, I know you all have better numbers than I do, but the cars on that road, I
2062 got the numbers the other day. As far as on Oakleys Lane, it's like 1,043 per
2063 day. That's the 2006 Traffic Report that I'm reading from. I'm sure from that
2064 point, there are more cars now because they have increased housing at the end
2065 of Oakleys Lane, which goes onto Holly. That's a new subdivision. And then you
2066 have a rental subdivision across Holly there.

2067

2068 I watch my child get on the bus in the mornings and the road is so narrow that
2069 the cars come around the bend so fast that they rarely have a chance to stop at
2070 the bus signals. A lot of them just go on past because there's nothing they can do
2071 because they've gone too fast. Right now, she's the only child getting on the
2072 bus, and she's getting on and off in the front of our driveway. You're proposing
2073 to bring all these houses that would have lots of kids getting on and off the
2074 buses. I see a problem there.

2075

2076 They had proposed to widen the curve part of that road, the developer, that is.
2077 However, I don't think it would sufficient. It's a good gesture, but not enough. The
2078 road needs to be widened all the way down, if you're planning on bringing this
2079 kind of density to the area. I can't figure out how—Your engineers, or you have
2080 engineers and you probably can do it better than I, but I can't see how they could
2081 widen it all the way down. They could widen it to a certain point, but then you

2082 have the brick mansion on one side, and as I said, the lake on the other. I don't
2083 know. It's going to come back in, so what's the point of widening it?

2084

2085 My real concern is when I purchased my home, the property across from me, the
2086 60 acres that they're proposing to develop, was listed as A-1, Agricultural. I also
2087 was told that it was a rock quarry, that it couldn't be developed because of the
2088 drop-offs in there and everything. But, low and behold, somebody comes and
2089 they're proposing 140 houses or more. One time it was 160, now it's 140; I'm not
2090 sure. I don't know how much research they have done. I end up being at a
2091 meeting for Oakleys Meadow, and I thought the meeting was this new
2092 development coming along, to find out that it was about another Oakleys
2093 Meadow that already exists. I'm like, okay, somebody didn't do the research
2094 here. We already have a Oakleys Meadow. I brought that to their attention I think
2095 on Monday night, and they said they could change the name. My thing is, like I
2096 said, when I purchased my property, or when my husband purchased that
2097 property—sorry honey—we thought it was A-1, Agricultural, and we thought we
2098 could live there in peace and harmony. And now they're proposing to drop this
2099 cluster of houses in front of me, which I will be opening my front door looking into
2100 their back door. I realize they told me that they would give me a buffer and they
2101 would give me trees and all this, but that's not giving me the peace and sanctity
2102 that I have now. I'm going to be confused and I don't like being confused. I don't
2103 like being around a whole lot of people, so that's why I'm nervous here.

2104

2105 Mr. Branin - You're doing a heck of a job, if you're nervous.

2106

2107 Ms. Wallace - Oh, well thank you. Basically, the thing with the
2108 schools, yeah, the numbers have dropped off in the middle school; however, like
2109 Mr. Payne indicated, before the development is completed, these schools—the
2110 new school, the elementary school—will be to its capacity. The numbers that you
2111 all have at the School Board are good. However, when I called the school
2112 counselors and spoke with the school counselors in those areas—the high
2113 school, the middle school, and the elementary—and I told them to proposal of the
2114 new development, they almost hit the floor. They were telling me that the
2115 numbers that the School Board sometimes are a little not accurate because the
2116 kids are constantly going and coming all during the year. They were like, we
2117 already have seven trailers at the middle school; we already have seven trailers
2118 at the elementary school; and they have a need for a second-grade class at the
2119 elementary school that they can't accommodate because they have no place to
2120 put another trailer. They're all trailered-out. The high school has ten trailers.

2121

2122 I hate to say that my kid feels kind of inferior when she goes to school because
2123 she's going to an older school and she leaves her neighborhood to go play tennis
2124 and she goes to a school that's well state-of-art. It's kind of a bad feeling to the
2125 kids in these areas where they keep refurbishing schools as opposed to
2126 rebuilding schools. We need new schools. We don't need these old schools

2127 refurbished. Not saying some education isn't better than none, so don't get me
2128 wrong there. Some is better than none, but they're being cheated.

2129

2130 With the development, I notice that there is a lot of cluster building going on, and
2131 my husband told me don't say this, but I'm like, baby, I don't know that they know
2132 this. I know right now as I speak, we're in a drought for the County. We're in a
2133 deficit for water. With all this clustered building going on, I see that this is like
2134 depleting the earth of trees, water, natural environment, so I'm wondering if
2135 anybody looked at that and see, you know, when are we going to stop before we
2136 don't have anything left?

2137

2138 That's all I have to say. If you ask me a question, I'm going to run.

2139

2140 Mr. Branin - Here it comes. Here comes the question.

2141

2142 Ms. Wallace - I'm ready.

2143

2144 Mr. Branin - Could you tell me exactly what type of waste vehicles
2145 are coming to your neighborhood?

2146

2147 Ms. Wallace - The trucks that I see, the one that really gripes me the
2148 most, he has "Municipal Waste" written on the truck. I don't understand, because
2149 the dump is like on Charles City Road or off Charles City Road. What I'm thinking
2150 is they're going to that industrial park and parking. You know how they park their
2151 vehicles and get in another vehicle, or well, he piggybacks. Is that what they call
2152 it when they take the trailer off? He piggybacks wherever he lives or whatever. I
2153 think they're using this street, this narrow little street as a throughway to avoid
2154 the traffic on Nine Mile Road or whatever to make their trip faster so they can get
2155 home. I'm not sure.

2156

2157 Mr. Branin - Is this a trash truck or is it a tractor-trailer?

2158

2159 Ms. Wallace - It is an 18-wheeler. And it's not just that one. There
2160 are several, but this one, I know he knows that he's getting under my skin,
2161 because every time he sees me, he waves. And I'm like, get out of here. My
2162 husband said, that's not your place. My husband has a hard time with me, you
2163 all can tell, right? Thank you for hearing me. I'm just saying, I don't want to open
2164 my door to this cluster. I wanted to be by myself. That's why I didn't buy into a
2165 subdivision. I feel like I should have that right. The other people that are in the
2166 neighborhood, they are retired people and they're pretty much set in their ways.
2167 They're used to the flow of traffic they have now. To give them more traffic, it will
2168 overwhelm these citizens, and I don't see the need for these houses. Like I said,
2169 there are houses going up everywhere. Not only is there not a need for them,
2170 the people can't afford them. The people that can afford these houses have long
2171 left the East End. The reason was, to go to new schools. Thank you.

2172

2173 Mr. Jernigan - Ms. Wallace, you know in the State Constitution, it
2174 says that people have a right to develop their property.
2175

2176 Ms. Wallace - Exactly.
2177

2178 Mr. Jernigan - As long as it's done in accordance with the standards
2179 of the localities. That's the reason that a lot of times you have development.
2180 Nobody really wants anything around them
2181

2182 Ms. Wallace - Right. Mr. Archer made me aware of that on Monday
2183 night. That's why I went to the part where my husband, again, told me don't say
2184 it. I went to the part about them depleting the trees, taking down all the trees, all
2185 the natural environment. If you ever notice when you go outside now, butterflies,
2186 you hardly ever see any butterflies anymore. Bumblebees. All of these things
2187 live in the trees that we're depleting.
2188

2189 Mr. Branin - Ms. Wallace, we are very aware and that's why I
2190 made the comment earlier about the tot lots and green space. Again, I'm in the
2191 Three Chopt District. Poor Ms. Jones never gets to do any cases because her
2192 whole district is built out. My district is almost the same way. I know the
2193 comment was made about us not having good parks, but we must be doing
2194 something right in Henrico County because our schools, our libraries, people to
2195 live here. We try to provide as much green space and as much community areas
2196 for new developments. And this is a new thing that you have people saying, our
2197 staff and our Commissioners saying, no, no, no, we need more green space in
2198 this development. We are trying to provide for that. And you guys in Fairfield and
2199 Varina are now experiencing what we in Three Chopt, Tuckahoe, and Brookland
2200 have been experiencing for many years.
2201

2202 Ms. Wallace - But I'm trying to stop it before I get angry.
2203

2204 Mr. Branin - And you're going to get more angry.
2205

2206 Ms. Wallace - Yeah, I understand.
2207

2208 Mr. Branin - They're buying the land and they're going to develop
2209 it.
2210

2211 Ms. Wallace - I understand.
2212

2213 Mr. Branin - And it's our charge to try to keep up. We have to keep
2214 up with schools, we have to keep up with parks, we have to keep up with roads.
2215 It's a tough charge we have.
2216

2217 Ms. Wallace - Okay. I can tell you a good thing, also, about that 60-
2218 acres. If you must develop it from A-1, then 60 acres would accommodate a nice

2219 high school. And we definitely need a high school. We're building elementary and
2220 middle schools, too, and I'm grateful for those. Those little people, elementary,
2221 little people, you can compact them. When you get in high school, you can't
2222 really compact those kids. They need space, and trailers don't accommodate.
2223
2224 Mr. Jernigan - You'll have a high school coming in 2011. The land's
2225 been appropriated.
2226
2227 Ms. Wallace - 2011?
2228
2229 Mr. Jernigan - Yes ma'am.
2230
2231 Ms. Wallace - Will it be completed?
2232
2233 Mr. Jernigan - That's when they're looking for completion. When we
2234 opened the new middle school, we bought enough property for a high school
2235 also.
2236
2237 Ms. Wallace - I'm grateful.
2238
2239 Mr. Jernigan - So, it's already in the plans.
2240
2241 Ms. Wallace - I'm grateful. I heard about that and then I heard also it
2242 had gotten scrapped. So, I wasn't sure which way it was going.
2243
2244 Mr. Jernigan - It has not been scrapped.
2245
2246 Ms. Wallace - Okay. Thank you.
2247
2248 Mr. Branin - And Ms. Wallace, you do such a great job, even
2249 though you're scared to death and you don't think you do. Please go to your
2250 school board meeting as well.
2251
2252 Ms. Wallace - I do.
2253
2254 Mr. Branin - And tell them the same.
2255
2256 Ms. Wallace - I do. I travel around with my daughter. Mr. Thornton
2257 encourages her to come out and listen. Thank you so much.
2258
2259 Mr. Branin - Thank you. She used up all the time, but we're not
2260 going to cut you off. Come on.
2261
2262 Mr. Storrs - Good evening. I'm not going to take any time at all on
2263 this. By listening to everything that's been going on—
2264

2265 Mr. Branin - I'm going to cut you off. You have to state your name.
2266
2267 Mr. Storrs - My name is Jonathan Storrs and I live at 5301 Orinda
2268 Drive.
2269
2270 Mr. Branin - Thank you, Jonathan.
2271
2272 Mr. Storrs - What I'm in opposition about tonight is the connecting
2273 of the two subdivisions through Orinda and Dalglish. When I bought into the
2274 community 11 years ago, it was just perfect. It's a dead-end street right now. As
2275 Mr. Payne stated, our kids do play on both Dalglish and Orinda. To bring forth all
2276 of these additional homes will definitely increase the traffic. It's really the only two
2277 areas that they have to play on that side of Colwyck, we would really like to keep
2278 that that way instead of adjoining our subdivision. As Ms. Wallace said, that is a
2279 retirement community pretty much now. To open that up into another subdivision
2280 will just create a lot more activity, as Mr. Payne brought forth, and traffic. We are
2281 concerned about the safety of our kids and we would like for them to have
2282 somewhere to play. Tot lots, as he said—I have three children and the youngest
2283 is 7. Tot lots really wouldn't do anything for them. I'm just asking if you could
2284 isolate from Oakleys and not come through on Orinda and Dalglish, if the
2285 subdivision does go forth.
2286
2287 Mr. Archer - Sir, if I could speak to that for just a moment. When I
2288 was at the community meeting the other night, someone mentioned the fact that
2289 at some point in time there was an emergency and the emergency vehicle was
2290 not able to access where they were trying to go because it didn't have street
2291 access. That's one reason why we try to make as many accesses as we can, so
2292 that regardless of what part of a subdivision you might live in, if you need an
2293 emergency service, they can get to you. Or if one particular street might be
2294 blocked for some reason, it doesn't preclude not being able to get to you from
2295 some point. That's one of the reasons why you notice we try to make as many
2296 entrances as we can feasibly make without being obtrusive from one subdivision
2297 to another. It's not something that we do haphazardly, to be honest with you.
2298 And I understand where you're coming from. I understand your point very clearly.
2299 My neighborhood used to be just like yours.
2300
2301 Mr. Storrs - I don't have any further statements right now.
2302
2303 Mr. Branin - Okay. Thank you, Mr. Storrs.
2304
2305 Mrs. Jones - Thank you.
2306
2307 Mr. Vanarsdall - Thank you.
2308
2309 Mr. Payne - [Off mike.] Can I take 30 seconds? I'd be remiss if—
2310

2311 Mr. Branin - You may, and you can have 27. But you need to do it
2312 from there.
2313
2314 Mr. Vanarsdall - You'll use up most of it getting to the mike.
2315
2316 Mr. Branin - And state your name again, please.
2317
2318 Mr. Payne - Thank you. I'm William Payne. I'd be remiss if we
2319 didn't thank Mr. Condlin. I believe I'm pronouncing the name correctly. They've
2320 been very, very good in coming out talking with us and explaining all of this. I just
2321 didn't want us to go away this evening not recognizing all that they've done, Mr.
2322 Archer and Mr. Thornton also.
2323
2324 Mr. Branin - Thank you, Mr. Payne. You did it in 25.
2325
2326 Mrs. Jones - Very nice.
2327
2328 Mr. Condlin - Can you give him another 25? I kind like how he
2329 ended. I think I'll also probably just take a minute or so.
2330
2331 Mr. Branin - Ms. Wallace used up your 5.
2332
2333 Mr. Condlin - That's fine. If her husband won't mess with her, I'm
2334 not going to mess with her. They've been a pleasure to deal with. They've been
2335 real honest and up-front. Generally, we tried to address all their issues that have
2336 been raised—sometimes, obviously, not to their satisfaction—but such things as
2337 the buffering along Oakleys Lane and dealing with some of those other issues
2338 that we're talking about. Some confusion as to the number of units because we
2339 dropped the number of units. We originally proposed 160 and have dropped it
2340 down to 140, for example. A lot of the issues that were raised are, obviously,
2341 larger than this one development. It's clear that they can't be addressed with this
2342 one development, and the question is trying to maintain. The stub road, for
2343 example, when we met with the staff and Public Works and Traffic, the question
2344 became, of course, connect the stub roads. Classic dilemma every time we have
2345 a stub road in a new development. We have two points of access on Oakleys
2346 and we have the stub road, so. We're trying to provide what everybody's doing.
2347 It's a blending and a balancing act among everyone as we go through.
2348
2349 I'll be happy to answer any questions. I don't know if there was any specifics that
2350 you wanted based on what they had brought up. Somebody mentioned about the
2351 mining. We did a Phase 1. There might have been some dirt removed from
2352 there, but there's been no mining activity. We've had the Phase 1 and had the
2353 soil studies, so we feel like we can build on there based on our preliminary
2354 information. I'll be happy to answer any questions that you have.
2355

2356 Mrs. Jones - Andy, the connections. For emergency purposes, are
2357 they required or necessary?

2358
2359 Mr. Condlin - No, I think we got—Well, there's the County rule you
2360 have to have two points of access. We have two on Oakleys Lane. Could we
2361 have one of those? Sure. We're willing to do that, but I have to tell you, every
2362 time we propose closing, we hear a different story from Traffic, a completely
2363 different story. You guys have heard that, too. They look at you and say no, you
2364 must connect those roads. It's a subdivision issue. If that's what you all what.

2365
2366 Mr. Silber - Ms. Jones, I think it's a public safety issue more so
2367 that what the developer is proposing. The County is very interested in seeing
2368 these connected, as we do all subdivisions. I really think this is not going to be
2369 any significant cut-through traffic in this case. Our traffic engineers will take a
2370 closer look at that. But I think from a public safety standpoint, and just integration
2371 of neighborhoods, I think it's sound planning.

2372
2373 Mrs. Jones - I just wanted to double-check the actual requirements,
2374 since they are set forth in the Code. And I know that we've had situations in my
2375 district and in some adjacent districts where neighborhoods do have different
2376 views of this. It's a difficult blend.

2377
2378 Mr. Silber - It is.

2379
2380 Mr. Condlin - There's a question about Oakleys Lane. Here's that
2381 curve right there. As you can see, we're on the inside of the curve. In talking with
2382 Public Works, that curve it going to be cured by making a nicer, easier slope as
2383 opposed to taking up that angle by our property. We're not going to be able to
2384 solve the traffic on Oakleys Lane otherwise, what's going up and down there.
2385 And the traffic engineer has reported that the surrounding roads, with the
2386 improvements, can handle the traffic that will be generated from this
2387 development.

2388
2389 Mr. Thornton – Mr. Condlin, several of the residents did express at
2390 least one reservation about tot lots. Is there any flexibility at all from the
2391 applicant that you represent that they could maybe look at the tot lot, and maybe
2392 instead of having a tot lot, to have maybe something better, or something in
2393 place of that that might accommodate the youngsters that are somewhat older?

2394
2395 Mr. Condlin - Certainly, but you use the term "better." In the eye of
2396 the beholder. I don't know what the standard is. I'd be happy to sit down with
2397 staff, police, Recreation and Parks to maybe come up with a better definition
2398 between now and the Supervisors. That's one of the things we've proposed to do
2399 in the proffers. But that's typical. That's what everyone else has done. It's a
2400 common gathering space. I know we use ours, even though our children are
2401 older. We have a three year old, but we have a 14 year old that still—

2402

2403 Mr. Thornton - I don't want to quibble with words here, but tot lots,
2404 we understand what that means. I'm saying it could be something, a facility or
2405 something for older children.

2406

2407 Mr. Condlin - I've seen pavilions. We were originally going to
2408 propose benches around the play set. You could have a small pavilion out there
2409 instead with an area that people can gather underneath. We've seen those and
2410 we've proposed some of those. I just don't know.

2411

2412 Mr. Thornton - For example, Mr. Condlin, instead of having—The
2413 typical tot lots are for tots. We all know the definition of that. Could there be,
2414 instead of that—I'm just envisioning now. Could there be maybe something for
2415 tennis, basketball courts, or something like that.

2416

2417 Mr. Condlin - I'll tell you, when we've proposed basketball courts
2418 and tennis courts elsewhere to some folks, the question became, that's a
2419 gathering place. That's a concern of older people from the neighborhood from a
2420 selling point. That's something we can look at. We can devise a place. I don't
2421 think from the expense of the tennis courts and who will maintain that and having
2422 to maintain the net and keep it up and that kind of thing, and the construction
2423 costs, we just, quite frankly, haven't looked at that. I certainly can talk to our
2424 client and we can entertain that.

2425

2426 Mr. Thornton - The reason I bring it up is that if this subdivision
2427 reaches fruition, it is a shock to the people who already reside there. I think that
2428 there is a principle wherein people who reside in a locality first—I think in
2429 localities like Henrico, and even developers, should take that into consideration
2430 and be flexible in our thinking and planning when it comes to things like this. Mr.
2431 Payne did bring up good issues. This whole idea about places for young people,
2432 you know, recreational type facilities, that's very critical today because the
2433 population is changing. I don't want to put the whole onus on you, but I'm just
2434 saying this is something that some developers might want to take a look at and
2435 have a little bit more creative thinking along those lines. To me, maybe that
2436 might be more of redemptive than having a tot lot; I don't know.

2437

2438 Mr. Condlin - Sure. And the tot lot is the typical, easy resolution of
2439 having some common open space.

2440

2441 Mr. Thornton - But not to the exclusion of the tot lot.

2442

2443 Mr. Condlin - Right. And then change is always difficult, and this is
2444 going to be a change to the typical patterns that they're used to. There is a fear
2445 of change, and we understand that. We'll just try to be creative. I'll just talk to
2446 Planning staff and see what other things that they can come up with that maybe

2447 we can make some commitments to address that concern. I think we can. I'm
2448 hopeful.

2449
2450 Mr. Silber - Mr. Thornton, along those lines, this is something that
2451 the County struggles with, as does the development community. You're planning
2452 a community here that is a residential community made up of lots and houses
2453 and streets. In this community, there will be common space, there will be open
2454 common space. But a lot of that is taken up with BMP's and storm water
2455 management facilities. What we don't want to do is have a developer come in,
2456 develop this land, sell the lots, the builder constructs the homes and leaves the
2457 common areas in a state that really can't be used or in a state that leaves the
2458 homeowners association with the burden of trying to do something with this.
2459 There is some real debate over whether it's best to improve some of this space
2460 as in tot lots or other recreational facilities. Sometimes I think a good solution is
2461 to leave an open field that is well graded, seeded or maybe sodded, some place
2462 where people can go kick a ball and throw a Frisbee, fly a kite, or do something
2463 in an open area. A tot lot can be a challenge to maintain, to make sure that what
2464 is left by the developer is something that has some longevity to it. We struggle
2465 with how best to leave these common areas so it is for the best usefulness of the
2466 people that will live there. We've also talked about perhaps developers leaving
2467 some form of a cash contribution, instead of making improvements, that later can
2468 be used by the homeowners association to provide the facilities that they think
2469 are appropriate.

2470
2471 We will work with Mr. Condlin and the developer to see if we can't come up with
2472 something that might work in this case. We were advocates of providing some
2473 form of open space or a tot lot or something that had some usefulness besides
2474 just storm water management facilities.

2475
2476 Mr. Thornton - Mr. Silber, I approve of that. We're on the same
2477 wavelength because there have been issues in the past of common areas being
2478 to the detriment of the persons who live in the subdivision.

2479
2480 Mr. Branin - Any other questions for Mr. Condlin?

2481
2482 Mr. Condlin - Thank you.

2483
2484 Mr. Jernigan - I need to make a statement. I wanted to talk Mr.
2485 Silber about this, but it's not directed at this case. It's nothing against this case,
2486 but I feel I need to say something about the road issue here. Mr. Silber, you
2487 remember about four years ago, Mr. Godsey—See that private property right to
2488 the east? You're smiling, so you must know what I'm going to say.

2489
2490 Mr. Silber - Go ahead and I'll let you ask your question.

2491

2492 Mr. Jernigan - In that discussion we have, they wanted Mr. Godsey
2493 to change that road and told him that road needed work before anything else
2494 could be done. Right up—That's the Mankin Mansion right there, right across the
2495 street from it. He had proposed a road and was going to build it to grade with
2496 gravel, two lanes. All the County had to do was pave it. Public Works said they
2497 wanted four lanes. He was building that road all the way up to the mansion and
2498 Public Works said that where that industrial park is right there, there shouldn't be
2499 anything else done, and anything that went in there, money should be
2500 appropriated from other projects that went in there. We turned around and
2501 approved more industrial uses in that and got no money for it to help widen
2502 Oakleys Lane. Nothing was done. And now we have another project. I'm reading
2503 right here, it says, "The adjacent roadway network could accommodate the
2504 additional traffic." I'm not griping, but what I'm saying is Mr. Godsey called me on
2505 this after those other places were approved for development in that industrial
2506 park and no money was put up, and no road improvements were done. He's
2507 going to be calling me on this. I just wanted it entered in the record that I think
2508 we're going to have to make some changes on the conditions for what he
2509 wanted. I can't see why he should have to put four lanes in there running up to
2510 Holly, when nothing else is being done up and down Oakleys Lane

2511
2512 Mr. Silber - Yes, Mr. Jernigan, I do remember many of those
2513 discussions. I think some of it relates to some of the policies of Public Works and
2514 the ultimate plans for Oakleys Lane. I think when Mr. Godsey came in with his
2515 plans to develop the property, Public Works was expecting him to build that
2516 portion of the realigned Oakleys Lane that was supposed to go through his
2517 property. I do remember the difficulty also with the floodplain and him trying to
2518 deal with that.

2519
2520 I don't disagree with you. We do now have another development. Oakleys Lane
2521 is no better at this point. Perhaps it could have been as a two-lane facility. I
2522 believe Public Works road plans call for this ultimately to be a four-lane road. So,
2523 there lies the problem. This developer would be required to make improvements
2524 across the frontage of Oakleys Lane, but not behind the limits of his
2525 development.

2526
2527 I think your point's well taken. I think we need to raise these concerns with Public
2528 Works again as development occurs in this area.

2529
2530 Mr. Vanarsdall - I agree with that. Mr. Jernigan, do you know if Mr.
2531 Godsey is still willing to do the two lanes he talked about?

2532
2533 Mr. Jernigan - Well, I'll find out. He was willing at that time to, I
2534 mean, bring it to grade, Chris. All the County had to do was just put the asphalt
2535 on it. They came back and told me it's gotta be four lanes.

2536
2537 Mr. Archer - I remember that.

2538

2539 Mr. Jernigan - I mean, I was—Well, I wasn't as bad as he was, but.
2540 Anyway. I think it's time for us to—I want an answer, I guess is what I'm looking
2541 for. I know I'm going to be getting a phone call on this one. That's all I have. I'm
2542 not beating up on anybody. I'm not talking against the project. I'm just trying to
2543 get a point across, I guess.

2544

2545 Mr. Branin - Okay. Does anybody else have any questions for the
2546 applicant? Staff? Mr. Secretary, anybody? Okay. Mr. Payne, I hope we
2547 addressed some of your comments. Ms. Wallace, you did a great job; thank you.
2548 I hope we addressed some of your comments. We didn't help at all. Mr. Archer,
2549 the ball's in your court.

2550

2551 Mr. Archer - I know that, sir, and thank you for those comments.
2552 Let me just say this about this particular case. I want to compliment the people
2553 from Hechler Village who came to that meeting Monday night and who are here
2554 tonight—because I asked them to come—on the professionalism with which you
2555 exhibited what you had to say tonight. There are things that you are angry about,
2556 but you didn't show your anger. Mr. Payne, your comments were very well
2557 taken, too, and I appreciate that. I don't hear that very often.

2558

2559 The case itself is not all that difficult, but it's difficult to hear from people—And
2560 this is the second time this week that I've had an opportunity to listen to the
2561 concerns that they have down there, because so much of what they talk about
2562 has to do with things that already exist that really doesn't have much at all to do
2563 with the proposed subdivision. The good thing is that Mr. Thornton was there
2564 Monday night. He did take note of your comments, as he said he would. And I'm
2565 sure he probably by now already talked to somebody about some of the things
2566 that you all mentioned.

2567

2568 I don't know what the answer is or if we'll ever have an answer for overcrowded
2569 schools or for traffic, because so far, there has been no moratorium placed on
2570 having children, there's been no moratorium placed on buying cars, there's been
2571 no moratorium placed on buying houses. In this county, for example, unless
2572 somebody, the Board or some governing body, puts a moratorium on building
2573 houses, we cannot preclude developers from doing what they do. We all get
2574 pinched a little bit when new stuff comes up. We're all creatures of habit. I lived
2575 in my house for eight years with nobody on either side. I was so happy, I cut the
2576 grass over there that didn't belong to me. I had this huge lot. And then all of a
2577 sudden, houses came up on both sides of me and I no longer had that huge lot. I
2578 didn't have to cut the grass anymore.

2579

2580 I understand, Ms. Wallace, how you feel about the privacy that you'll lose if this
2581 subdivision is built. The unfortunate thing is we can't just reach a point where we
2582 say to another person, I have mine now and you can't be next to me. I'm not
2583 trying to put that to you in a disparaging way, but that's the way it always is. This

2584 development is no different from the same developments that have go on
2585 everywhere else in the County. We have these same comments and arguments
2586 every time we approve a subdivision—the roads will be overcrowded, the schools
2587 will be overcrowded—and I don't know what the answer is. We're trying to keep
2588 up. I know Mr. Thornton has for some time been trying to get the financing—and
2589 he's finally achieved it—for the recreation center. It's something that's sorely
2590 needed. I think when it is completed, it will take a lot of strain off kids who don't
2591 have anywhere to go. Kids *and* adults.

2592
2593 The other thing is the argument that's always made about how to approach
2594 having stuff for teenage children. I'm not criticizing teenagers because they all
2595 are not the same. I have a community that I know very well that has a cul-de-sac
2596 and it has turned into Madison Square Gardens. Somebody put a basketball
2597 court down there. In fact, they made a full court. Kids come from all over the
2598 metropolitan area to play basketball down there and they can't rid of them.
2599 Nobody knows what to do. On the other hand, you'll hear some people say
2600 they'd like to have a basketball court for the children. The problem is, as Mr.
2601 Condlin mentioned, they become a nuisance after a while because people who
2602 are looking for a place to play basketball will come from everywhere. Then you
2603 won't be able to get rid of them.

2604
2605 So, some of these things are individual problems and some of them are
2606 collective, but you'll find that they're not the same in any two communities.
2607 People want different things for different reasons. Anyway, I filled my paper up
2608 with notes here.

2609
2610 In this particular instance, we started with 160 units and we're down to 140. And
2611 with what Mr. Silber mentioned about the challenging topography that we have
2612 where those two stub streets are, I suspect that the density may come down
2613 even more. In terms of the surrounding area, this is proposed to be a nice
2614 subdivision in terms of home value. The homes are actually are something that
2615 we've sort of been looking for. Mr. Thornton and I have been having a problem
2616 lately with so much multi-family going in Fairfield. We sort of got away from that,
2617 as least for a few minutes. There has also been an opportunity here to have
2618 housing that is good, decent housing for people who want to buy homes and live
2619 in Henrico without having to pay 5 and \$600,000 for them. That's something
2620 that's been a problem. I think you mentioned at one of our meetings about a
2621 policeman who was challenged because he had to live in this locality and he
2622 couldn't find a house to live in because he couldn't afford it. And we have seen
2623 in the last few months quite a few housing developments go up that are very,
2624 very expensive, more expensive than I could afford to live in. And I've even seen
2625 articles written in the paper about how some of the localities in the metropolitan
2626 area are becoming elitist because of the price that people have to pay for
2627 housing. The housing market isn't doing too well right now. A lot of people who
2628 bought houses are finding out they can't afford them. People who do real estate

2629 transactions, some of these creative finance people have sold folks houses that
2630 they cannot afford and they are losing them.

2631
2632 We don't have the authority to tell developers to stop developing. In looking at
2633 the staff report and what is available to service this unit, I can't find any reason
2634 that would stand up to deny this zoning case. So, having said all that, I know
2635 there are some things that will probably have to be worked out by the time we get
2636 to the subdivision plan. And if this is finally approved, you all will have another
2637 opportunity to look at how the layout is when the subdivision meeting is held.
2638 That's also a public hearing that will be held here. It's a daytime meeting. It
2639 gives you an opportunity to look at how the subdivision is to be planned. Maybe,
2640 Mr. Condlin, if it's approved, it would be nice to meet with you all again and get
2641 some input as to how that's done. I suspect the subdivision is going to have to
2642 change from the way it's presented now.

2643
2644 Having said all that, I move to pass C-58C-07, Andrew M. Condlin for Emerald
2645 Land Development, LLC, to the Board with a recommendation for approval.

2646
2647 Mr. Jernigan - Second.

2648
2649 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
2650 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
2651 carries.

2652
2653 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Jernigan, the
2654 Planning Commission voted 5-0 (one abstention) to recommend the Board of
2655 Supervisors grant the request because it conforms with the recommendations of
2656 the Land Use Plan, it continues a form of zoning consistent with the area, and the
2657 proffered conditions will assure a level of development otherwise not possible.

2658
2659 Mr. Silber - This will come up before the Board of Supervisors at
2660 their meeting on December 11th at 7:00.

2661
2662 Did you want the petition back that you submitted to us, or would you like us to
2663 make a copy of this for our files and we can return the original to you?

2664
2665 Mr. Payne - That would be fine.

2666
2667 Mr. Silber - Okay. Thank you.

2668
2669 Mr. Branin - Ms. Wallace, again thank you, and Mr. Payne, thank
2670 you.

2671
2672 **C-60C-07 Allen Twedt for Kalyan III Inc.:** Request to
2673 conditionally rezone from O-3C Office District (Conditional) to B-2C Business
2674 District (Conditional), Parcels 786-770-7883 and 786-770-9586, containing 3.575

2675 acres, located between the east line of Telegraph Road and the west line of I-95
2676 approximately 1,170 feet north of JEB Stuart Parkway. The applicant proposes
2677 increased signage for a hotel use. The use will be controlled by zoning ordinance
2678 regulations and proffered conditions. The Land Use Plan recommends Office.
2679

2680 Mr. Branin - Is anyone in the room in opposition to C-60C-07,
2681 Allen Twedt for Kalyan, III, Inc.? Okay, no. Ben?
2682

2683 Mr. Sehl - Thank you, Mr. Chairman, members of the
2684 Commission. The applicant is proposing to rezone two parcels totaling 3.58
2685 acres from O-3C to B-2C Business District (Conditional) to allow for increased
2686 signage for hotel uses that are currently under construction.
2687

2688 The 2010 Land Use Plan calls for office land uses at the site. The requested
2689 zoning is not entirely consistent with this designation; however, the hotels
2690 currently under construction are consistent with the requested business zoning.
2691

2692 The hotels on the site, which consist of a Comfort Suites and a Candlewood
2693 Suites, were approved for construction by POD-60-05. Hotels are a permitted
2694 use in the O-3C District, with one hotel being permitted for each 50 acres of
2695 office development. This plan shows the layout of the hotels on the property as
2696 approved with the plan of development.
2697

2698 The applicant has submitted revised proffers dated November 8th, which were
2699 distributed to you this evening. These proffers limit the use on the site to the
2700 hotels currently under construction. The proffers also limit signage on the
2701 property to the signage contained in these exhibits, two of which were distributed
2702 to you as color copies this evening. The proffers also prohibit changeable
2703 message signs and limit the height of any freestanding signage on the property
2704 to 15 feet. Time limits would need to be waived to take action on the revised
2705 proffers this evening.
2706

2707 The revised proffers address many of the concerns outlined in the staff report;
2708 however, staff does recommend that the applicant enhance the proffered sign
2709 exhibits by committing to monument style signage with a brick face, limited to
2710 eight feet in height to be consistent with recent hotel developments in the County.
2711

2712 Staff does note that B-2 zoning requires different development standards than O-
2713 3C zoning under which the hotels were approved. Specifically, transitional buffer
2714 requirements would need to be met on the northern and southern property lines,
2715 and a special exception would need to be granted by the Planning Commission
2716 for any structure on the property that exceeds 45 feet in height.
2717

2718 In conclusion, while the requested zoning is not entirely consistent with the 2010
2719 Land Use Plan designation for the property, the uses under construction are
2720 consistent with the requested business zoning and this request could be a logical

2721 extension of the adjacent business zoning for Virginia Center Commons. If the
2722 applicant were to address the concerns related to the height and quality of the
2723 freestanding signage on the property, staff could support this request.

2724
2725 I'll be happy to answer any questions you might have. The applicant's
2726 representative is here as well.

2727
2728 Mr. Branin - Okay. Does anybody have any questions for Ben?
2729 Ben, what would you estimate the height of that woman in that picture?

2730
2731 Mr. Sehl - I don't know. She looks somewhat petite. Five two?

2732
2733 [Mr. Twedt] - Five seven.

2734
2735 Mr. Sehl - Five seven? The applicant's representative has
2736 indicated five seven.

2737
2738 Mr. Branin - Thank you.

2739
2740 Mr. Branin - All right. Does anybody have any questions for Ben?
2741 Mr. Archer, would you like to hear from the applicant?

2742
2743 Mr. Archer - Absolutely, Mr. Chairman.

2744
2745 Mr. Branin - That's fantastic. Will the applicant come down and
2746 state his name for the record?

2747
2748 Mr. Twedt - Good evening Mr. Chairman and member of the
2749 Commission. My name is Allen Twedt, representing Kalyan Hospitality. I agree
2750 with everything here that the staff has put together, and I appreciate all their input
2751 and help, and Mr. Archer. I don't have any problem with converting that pedestal
2752 base to brick. The 15 foot—And actually, Ben, I thought staff was recommending
2753 10 feet in height. The main reason for these signs is really just to address the
2754 Interstate 95 traffic. I have photographs here of coming down the interstate. Is
2755 that it there, Ben? The property is immediately to the right of that highway sign
2756 right there. Where my car is parked, I'm standing approximately 200 feet from
2757 that sign. So, there's really no window there. What's happening? Okay. Oh, it
2758 started. Okay. So then as you get a little bit closer, you see the one building
2759 right there. That's the Candlewood Suites building. Again, this is going down the
2760 interstate 65 miles an hour, like the sign says.

2761
2762 Mr. Twedt - Okay. Now, this is right when you get to the window.
2763 What I want to do is position that sign so it's basically—And I have other
2764 photographs and the site plan to show you, too, but the property comes down to
2765 a "V" in this area. These signs would help us get identification from Interstate 95.
2766 As far as Telegraph Road, when I show you some other photographs, the signs

2767 aren't even really going to be that visible or noticeable from Telegraph Road as
2768 you're coming from Brook Road. It will be visible as you're coming southbound
2769 on Telegraph Road. This sign would be visible from there. But the main reason
2770 for these signs is for I-95. Okay? You're right alongside of it now and that's the
2771 Comfort Suites that sits back in there. And another shot of that, a close-up over
2772 there. Okay. This is standing—I'm standing on Telegraph Road here, looking
2773 towards the interstate. This is about the area where we would want the signs to
2774 be located down into that "V" portion of that lot. You can see a window there.
2775 Then here's from Telegraph Road. And where that white pickup is, just beyond
2776 that you see that big pile of concrete. Again, that would be about the location of
2777 these signs. So, from the setback from Telegraph Road, we're probably about
2778 100 feet back off of Telegraph Road. And that's just more of a close-up. Right out
2779 in front of that pickup there, that pile of dirt. Okay.

2780

2781 So, the interstate traffic, that's what we want. Sixty-five miles an hour, you're
2782 covering 95 feet in one second. So, you have about two seconds. This signage
2783 would be very helpful to us. I know that the staff thought with the buildings being
2784 the size that they are and allowing us more signage on the building that B-2 will
2785 allow, that the signage on the buildings would do what we want. But it really
2786 won't, because the trees are just so thick in that area it just blocks us out until
2787 you get right up on it. The signage right there close to the road would be very
2788 helpful.

2789

2790 Originally, I had proposed and asked that we take both signs, the Comfort Suites
2791 and the Candlewood Suites and put it on one structure. But because the lot is
2792 divided, one of the signs would be considered off-premise, which isn't allowed by
2793 the ordinance. I quizzed whether we could put the sign where it's straddling on
2794 the property and come up with some way to eliminate one of the sign structures
2795 and just have two signs on one structure. Then I've got everything right where I
2796 want it. Now what I've got to do is stagger the two signs, which is more
2797 expensive for us to do and it seems sort of nonsensical. But if we can't find a way
2798 to do it on one structure, two structures is all we're left with.

2799

2800 The Interstate 95 traffic for this type of business is very important. A lot of
2801 people make reservations, but there are also a lot of people going down the road
2802 and they're looking for a place to stay. I'm from the Midwest. I've been out here
2803 since 1990 and I was just amazed at how you could drive down the interstate and
2804 have no idea what was beyond that tree line. So, the signage in this situation
2805 would be very helpful to us. B-2 actually allows a 25-foot tall sign, a straight B-2.
2806 I've looked at it, I've surveyed it. I've been doing this for 30 years. I feel that the
2807 minimum that we could get by with would be the 15-foot tall sign. Otherwise, to
2808 go down to 8 feet—And I can understand 8 feet if we were just out there just
2809 wanting to address Telegraph Road traffic. But 8 feet isn't going to do us any
2810 good, because there's a hole down there. It just won't help us.

2811

2812 I'd be happy to answer any questions.

2813
2814 Mr. Archer - Mr. Twedt.
2815
2816 Mr. Twedt - Yes sir.
2817
2818 Mr. Archer - You see signs on the interstate that advertise
2819 businesses. Is it possible to use that, or have you done that, have you
2820 considered it?
2821
2822 Mr. Twedt - The VDOT signs?
2823
2824 Mr. Archer - I guess so.
2825
2826 Mr. Twedt - Yes.
2827
2828 Mr. Archer - They advertise what businesses exist at the next exit.
2829
2830 Mr. Twedt - Yes. There is VDOT signage. I'm not exactly sure
2831 how that becomes available. These people would probably seek that out. You're
2832 just sort of dependent on VDOT to put those signs up.
2833
2834 Mr. Branin - Mr. Twedt?
2835
2836 Mr. Twedt - Yes sir.
2837
2838 Mr. Branin - Are you emotionally tied to the design of this pedestal
2839 and sign?
2840
2841 Mr. Twedt - No. I'm open for any input.
2842
2843 Mr. Branin - Why wouldn't you put two separate pillars, one on
2844 each side of the property line, one crossway sign that's Candlewood, so the
2845 structure, basically, is one single structure, but in reality, it's straddling the line
2846 like you want to do instead of having sign and sign. Have sign and sign on the
2847 top pedestal, but the pillars come down.
2848
2849 Mr. Twedt - I think that's a good idea. I've been trying to find some
2850 clever way to do this.
2851
2852 Mr. Jernigan - You can't put them overtop of each other.
2853
2854 Mr. Twedt - Yes, side-by-side.
2855
2856 Mr. Jernigan - You can put them side-by-side.
2857

2858 Mr. Branin - It would be one structure. You'd have two separate
2859 pedestals. Your top would be one structure, but it would be divided in two. Do
2860 you understand what I'm saying?
2861
2862 Mr. Twedt - Yes sir. Ben, do you have the drawing of the first
2863 one? That's what I had originally proposed. But what you're saying is to put the
2864 Comfort Suites alongside of the Candlewood, instead of having them stacked like
2865 that.
2866
2867 Mr. Branin - Correct.
2868
2869 Mr. Twedt - They would be side-by-side.
2870
2871 Mr. Branin - Instead of having it stacked, have it side-by-side. If
2872 you do one complete structure as your pedestal, then what property does it
2873 belong to? But if you do your pedestal as pillars with the sign across.
2874
2875 Mr. Twedt - Yeah. Because the way the property line comes down
2876 through there. And there was a site plan. It was pretty hard to see, but the way
2877 that property line comes down to there, I think that we could accommodate that.
2878 Comfort Suites does have more of a box, more of a square kind of logo design.
2879 Comfort Suites, I'm not sure how much leeway I have with them. But if it's a
2880 matter of just being able to come up with a creative way to get the signage, I'm
2881 sure that, you know.
2882
2883 Mr. Silber - I think what you'd have to do is you'd have to make
2884 sure the entire message for Candlewood Suites was on their property and the
2885 entire message for Comfort Suites was on their property.
2886
2887 Mr. Twedt - Yes sir.
2888
2889 Mr. Archer - What height are we talking about if we do this?
2890
2891 Mr. Twedt - I've proposed here, you know, just in the spirit of
2892 compromise—Ideally, we wanted the 25 feet originally. But after finding out that
2893 the County only wanted 10 feet—But maybe I misunderstood. Eight feet. The
2894 15-foot, I feel that we could accomplish what we need to with the 15-foot.
2895
2896 Mrs. Jones - Mr. Twedt, did you say that you—I'm sorry, we were
2897 considering signs—that you would be on the VDOT signs or no?
2898
2899 Mr. Twedt - Well, if there's a VDOT sign available. There are
2900 placards that can be put onto those VDOT signs. To be honest with you, I don't
2901 know if those panels are out there existing right now. They have one for
2902 hotels—
2903

2904 Mrs. Jones - There's a lodging one, I'm sure, if there's a need for it.
2905 And here you have two hotels.
2906
2907 Mr. Twedt - Yeah. And that would be helpful because they usually
2908 put those back. Of course, you have that exit there. I'm not sure how they space
2909 those. It probably would be somewhere shortly after you get—What is that,
2910 Atlee/Elmont?
2911
2912 Mr. Archer - Yes.
2913
2914 Mr. Twedt - Right past there. So, that would be helpful to a
2915 certain degree, but again, because these are buildings are really covered up, I
2916 mean, you might get some glimpses of the Candlewood sign when there's no
2917 foliage on the trees, but with the foliage on the trees, it's almost totally blocked.
2918
2919 Mrs. Jones - Well, I would point out that that's a mixed blessing.
2920 It's a wonderful thing for the folks in the hotels not to have full view out onto the
2921 interstate, and it's nice for the folks on the interstate to have a little bit of greenery
2922 as they go down the road.
2923
2924 Mr. Twedt - I agree.
2925
2926 Mrs. Jones - Obviously, there's a mix here. I don't have an
2927 objection. I think going to the next level with some brick on the base and this
2928 kind of thing would be certainly nice no matter how the sign is constructed. I
2929 don't begrudge you the need to have signage. I mean, that's obviously very
2930 important. We'll have to see what we can work out. I'm not a sign designer. I
2931 can't help you at the moment. But surely there's a solution here somewhere.
2932
2933 Mr. Twedt - I'm very appreciative because it sounds like the staff
2934 is in agreement as far as the building-mounted signage. That will help us as far
2935 as once people get into that complex in that area. Before, it was limited to like
2936 postage-stamp size.
2937
2938 Mrs. Jones - My biggest concern is that the buffers are strong
2939 enough to keep this from uses, if it's B-2C, that we're not picking up right now.
2940
2941 Mr. Twedt - Any other questions from the Commission?
2942
2943 Mr. Archer - I have a couple questions.
2944
2945 Mr. Twedt - Yes sir.
2946
2947 Mr. Archer - I'm really not real excited about this 15 feet, and staff
2948 isn't happy about it either. I think the remarks they made were if the height of the
2949 sign could be reduced to 8 feet, staff could support this request.

2950
2951 Mr. Twedt - Yes.
2952
2953 Mr. Archer - And I could, too. Unconditionally. I'm trying to think.
2954 I was just talking with the Secretary to see, and I don't know that we've
2955 compromised a whole lot on this if we could not reach something in between 8
2956 and 15 feet. I don't really feel comfortable with going to 15 feet. It's not a policy
2957 that we generally adhere to and I don't want to start up one. I think the Tourism
2958 Department encourages VDOT to allow signs that advertise businesses. I
2959 believe they do.
2960
2961 Mr. Twedt - Oh, yeah. If there's no sign out there, I'm sure that
2962 eventually we can get one put up as far as the VDOT part of it.
2963
2964 Mr. Archer - Right.
2965
2966 Mr. Twedt - And that will be helpful.
2967
2968 Mr. Archer - Also, in looking at the foliage that you can see in the
2969 picture, who does that belong to? Who do those trees belong to?
2970
2971 Mr. Twedt - That's VDOT.
2972
2973 Mr. Archer - That's VDOT. A lot of looks like so much underbrush,
2974 to be honest with you. Seems like to me if it could be trimmed a little neater, it
2975 would do two things. One, it would make the side of the road look a little better,
2976 and two, it might give you what you need.
2977
2978 Mr. Twedt - Yeah, it's pretty—
2979
2980 Mr. Archer - You see that vine hanging down there? It's not all
2981 that attractive to me.
2982
2983 Mr. Twedt - Yeah. I think they probably cleared out what they're
2984 allowed. That's something I can check into a little bit more. As far as the 15 feet,
2985 and looking at in on the screen, I know that sounds big and looks big, but when
2986 you get out there in that area, I mean it shrinks it down dramatically.
2987
2988 Mr. Archer - I'm not trying to not be helpful, but—
2989
2990 Mr. Twedt - No, I appreciate your comments.
2991
2992 Mr. Archer - I'm concerned about that.
2993

2994 Mr. Twedt - Again, in doing this for 30 years, the kind of square
2995 footage—Staff doesn't have any problem with the square footage; it's just that
2996 height.
2997

2998 Mr. Archer - Right.
2999

3000 Mr. Twedt - But for this location, and even with the way it sits on
3001 Telegraph Road there, it sits down in a hole. So, from Telegraph Road, it's not
3002 going to appear to be that tall.
3003

3004 Mr. Silber - I think part of the problem was is that when we initially
3005 got into this rezoning case, we really thought the attached signs at the top, way
3006 up at the top, would be very visible from the interstate.
3007

3008 Mr. Twedt - Yes.
3009

3010 Mr. Silber - And we thought that would solve the issue. We
3011 expected monument signs really to be sort of ID signs that you could see from
3012 Telegraph Road. What's happened is, you've been given the right to have these
3013 attached signs up high, which really can be seen, we believe, and identify the
3014 hotels. Then you're asking for 15 feet. And not only is it 15 feet tall, but it's 15
3015 feet wide. So, as look across the front of his auditorium, 15 feet is quite wide. It's
3016 a broad sign. I don't know. I hate to tonight get into this negotiation on whether
3017 10 feet works or 12. I think there's more to this. Maybe it needs to be deferred
3018 so we can talk more about it.
3019

3020 Mr. Archer - I was thinking about the same thing, Mr. Secretary.
3021 We may be able to reach some kind of a reasonable compromise, but I'm really
3022 not comfortable with the 15 feet at this point. I don't think we've explored all the
3023 options yet.
3024

3025 Mr. Twedt - Mr. Archer, I'd be happy to take a mock-up prototype
3026 with a boom truck and hoist that thing up and get out there on Interstate 95 and
3027 take a look at it. I think you'd be surprised how small it becomes.
3028

3029 Mr. Archer - I'm not doubting what you say, but I'm hearing what
3030 Mr. Silber is saying about allowing the high sign, which should be visible at the
3031 top of the buildings.
3032

3033 Mr. Twedt - It's not from the interstate.
3034

3035 Mr. Archer - We're at 65 feet, right? How high is that sign going to
3036 be on the building?
3037

3038 Mr. Twedt - Well, let's see, I don't have the elevations. I think
3039 there are elevations in here, but—

3040
3041 Mr. Archer - We have to do a special exception to get the height
3042 you need anyway, right?
3043
3044 Mr. Twedt - The B-2 allows us a 25-foot tall sign. I think the
3045 building is the special exception, right, because it exceeds the 35 feet. I think the
3046 buildings are 45 feet tall, right?
3047
3048 Mr. Sehl - Yes, Mr. Archer, the Candlewood Suites is 45 feet tall.
3049 That's the one that's closest to I-95. So here you see the structure. It's at the
3050 top of the fourth floor, so you're probably 35 to 40 feet off the ground elevation.
3051
3052 Mr. Archer - Mmm-hmm.
3053
3054 Mr. Sehl - For that one. And then the Comfort Suites is a little bit
3055 further away from the interstate, and that's a 55-foot tall structure. You can see
3056 that that's located—
3057
3058 Mr. Archer - Is that the point of the signage there in red?
3059
3060 Mr. Sehl - Yes sir, yes sir. I think this is actually the rear of the
3061 structure.
3062
3063 Mr. Archer - And that structure is 10 feet taller than the other one,
3064 is that correct?
3065
3066 Mr. Sehl - Yes sir.
3067
3068 Mr. Silber - Mr. Sehl, can they put more attached signs on the
3069 building? Can they go larger with that sign?
3070
3071 Mr. Sehl - Mr. Twedt could probably answer as far as to if he's at
3072 the—I can't remember when we ran the exact length of the frontage of the
3073 building, the length of the building, how the square footage worked out.
3074
3075 Mr. Twedt - We could put larger signs on there, but the
3076 architecture of the building and the windows really doesn't allow us to. These
3077 things are all designed. The buildings, until you get right up there, as in those
3078 photographs, those buildings aren't visible from the interstate.
3079
3080 Mr. Jernigan - Let me ask you a question. You said a minute ago it
3081 sits down in a hole.
3082
3083 Mr. Twedt - Yes.
3084

3085 Mr. Jernigan - And you said it's 15 feet tall. Where are you
3086 measuring from? Are you measuring from—
3087
3088 Mr. Twedt - The 15 feet is measuring from road grade.
3089
3090 Mr. Jernigan - Okay. That's what I wanted to make sure.
3091
3092 Mr. Twedt - Yes sir.
3093
3094 Mr. Archer - Road grade, not ground level.
3095
3096 Mr. Twedt - Well—
3097
3098 Mr. Archer - Not ground level as the hotel sits.
3099
3100 Mr. Twedt - No, road. The County, they put their height limitations
3101 based upon road grade.
3102
3103 Mr. Silber - Are you talking about the building or are you talking
3104 about the freestanding sign?
3105
3106 Mr. Twedt - The freestanding sign.
3107
3108 Mr. Jernigan - That was the reason I asked that. Let's say it's going
3109 down in a hole like this. We're measuring from road grade straight across. So, if
3110 it's 15 feet up, it could be 25 feet altogether. Because if it goes down in the hole
3111 10 feet, it has to be 25 feet tall to be 15 feet above. Correct?
3112
3113 Mr. Twedt - That's correct. When that grading and all that gets
3114 level—That's going to be parking lot and parking lot lights out there. So yes, but
3115 that's the way the County regulates the height of the sign, from road grade.
3116
3117 Mr. Jernigan - When you were talking about it sitting down in a hole,
3118 that's the reason I wanted to clear up that what we're actually measuring from is
3119 the height of the road straight across, not the hole.
3120
3121 Mr. Silber - I need to check on the road grade measurement for
3122 freestanding signs. You may be absolutely correct. I'm just not certain that's how
3123 we measure it.
3124
3125 Mr. Twedt - Yes, you've got diagrams. It's stated in your
3126 ordinance.
3127
3128 Mr. Silber - I know that's true for buildings.
3129
3130 Mr. Twedt - No, for signage.

3131
3132 Mr. Silber - For signage as well.
3133
3134 Mr. Archer - Mr. Twedt, to be honest with you, I'm not real
3135 comfortable with this as yet. Maybe I could be made that way. For right now, I
3136 don't think we know enough detail to make a decision on this tonight. I think we
3137 need to defer it one time and see if we can't work out something in the interim.
3138
3139 Mr. Branin - None of use are real comfortable with this.
3140
3141 Mr. Twedt - Let me ask one thing. Because this hotel is getting
3142 ready to open right around the first of the year, is there any way that I could go
3143 ahead and get the building signage going so that he can at least have building
3144 signage when he opens, and then put the freestanding sign off under the
3145 deferment?
3146
3147 Mr. Silber - I think you need the B-2 zoning for even the attached
3148 signs. Is that correct, Mr. Sehl? What I was going to suggest is Mr. Twedt—
3149
3150 Mr. Sehl - Yes sir.
3151
3152 Mr. Silber - You may want to move sort of at your own risk. It
3153 sounds like from the Commission, there's acceptance to the attached signage
3154 situation. It's really the freestanding that's an issue. But, of course, this needs to
3155 go to the next level. The Board of Supervisors needs to act on this. You'd be
3156 moving at your own risk.
3157
3158 Mr. Twedt - I understand.
3159
3160 Mr. Branin - But I'd take that risk.
3161
3162 Mr. Twedt - Yeah. We've gotta get something up for when they
3163 open. They can't open without signage. It wouldn't be allowed.
3164
3165 Mr. Archer - You indicate, Mr. Secretary, that we could go ahead
3166 and put the signage up and then get approval—
3167
3168 Mr. Silber - No.
3169
3170 Mr. Archer - —or maybe get approval after?
3171
3172 Mr. Twedt - Hopefully by January, we should—I guess—
3173
3174 Mr. Archer - I wasn't thinking about taking that long to do it. I don't
3175 think we need that much time.
3176

3177 Mr. Silber - The Planning Commission's December zoning
3178 hearing is the 6th. So, the Board wouldn't hear it until the second meeting in
3179 January.
3180
3181 Mr. Twedt - And the second meeting in January is—
3182
3183 Mr. Silber - It's like the 28th.
3184
3185 Mr. Twedt - —like at the end of the month?
3186
3187 Mr. Silber - Yes. It's the fourth Tuesday of the month.
3188
3189 Mr. Twedt - Well, is there a way where we could do this where we
3190 just approach the freestanding signs separately and just talk about the building
3191 signage tonight?
3192
3193 Mr. Archer - Well, it hasn't been advertised like that. I don't think
3194 we can, can we?
3195
3196 Mr. Silber - We could defer this until next week.
3197
3198 Mr. Archer - That's an option. Sir, our Plan of Development
3199 meeting is next week. That one's early because of the Thanksgiving holidays.
3200 Normally it would be at least two weeks from now. Would you be willing to defer
3201 it until next Wednesday?
3202
3203 Mr. Twedt - Yes sir.
3204
3205 Mr. Archer - We'd have to work like the dickens to try to get
3206 something worked out with Mr. Sehl—
3207
3208 Mr. Sehl - I'd be happy to.
3209
3210 Mr. Archer - —and Mr. Silber, but—
3211
3212 Mr. Branin - So, all you have to say is, "I'd like to defer this to next
3213 week."
3214
3215 Mr. Twedt - I'd like to defer this until next week.
3216
3217 Mr. Branin - Okay. Now we can move on something.
3218
3219 Mr. Jernigan - How about if VDOT, if you could clean up some of the
3220 foliage around there. Do you think that would help you out any?
3221

3222 Mr. Twedt - Well, as far as making the buildings more visible, yes.
3223 And then that in turn would make the signage more visible, for the Candlewood
3224 anyway. I mean, I'll check on that. I just know that it's real tough to cut down
3225 trees along a federal highway.
3226
3227 Mr. Archer - Mr. Twedt, we, in effect, have two days. Because
3228 Monday, I'm told, is a holiday. So, you have Friday and Tuesday.
3229
3230 Mr. Twedt - Okay. And what to I need to do?
3231
3232 Mr. Archer - You need to make Mr. Sehl happy.
3233
3234 Mr. Archer - I'm sure that somebody on staff, Mr. Secretary, can
3235 work with this. I think we need to give it more study, I really do.
3236
3237 Mr. Twedt - All right.
3238
3239 Mr. Silber - We have other staff who will work on it.
3240
3241 Mr. Archer - We'll do our best, sir.
3242
3243 Mr. Twedt - We're going to be focusing in on trying to get
3244 something on the freestanding sign or? I guess I just want to know what's on my
3245 plate.
3246
3247 Mr. Silber - I think what's on your plate is the Commission is
3248 uncomfortable with 15 feet in height, especially if these are measured from the
3249 road grade. Because, in fact, these could be much taller than 15 feet. I would
3250 think you would want to give serious consideration on your freestanding signs to
3251 drop the height lower than what you're proposing, and propose a brick base.
3252 And I even question whether 15 feet across is somewhat large.
3253
3254 Mr. Twedt - I think the only way I can resolve that is if I were to do
3255 some kind of visual on site so you could look at it and say—Fifteen feet in here,
3256 that does seem big. I'll give that to you.
3257
3258 Mr. Silber - I think you need to provide us with what the
3259 elevational difference is between the road grade and where the sign is going to
3260 sit. What is that grade difference?
3261
3262 Mr. Twedt - All right.
3263
3264 Mr. Silber - Provide us that. I would strongly encourage you to
3265 drop this down to 10 to 12 feet, a brick base—
3266
3267 Mr. Twedt - Ten to twelve feet from road grade?

3268
3269 Mr. Silber - Ten to twelve feet in height. We need to know what
3270 the grade difference is between road grade and—
3271
3272 Mr. Twedt - I'll try and get that pinned down for us. Right now, it's
3273 real rough out there.
3274
3275 Mr. Silber - If you end up coming Wednesday and the
3276 Commission is not comfortable with it and it gets deferred until December, you
3277 know the situation you're going to be in as far as your timing.
3278
3279 Mr. Twedt - Right.
3280
3281 Mr. Silber - So, I'd give serious consideration to the concerns that
3282 you've heard tonight.
3283
3284 Mr. Twedt - Okay. Do you want me to show this idea of straddling
3285 the lot?
3286
3287 Mr. Silber - I think that's an alternative you could explore. Sign
3288 images or message has to be on the respective lot.
3289
3290 Mr. Twedt - Right. Okay.
3291
3292 Mr. Archer - Are we agreed?
3293
3294 Mr. Silber - I would suggest you turn something around and get it
3295 into staff by midday tomorrow. All right?
3296
3297 Mr. Archer - Do you think you can do that, sir?
3298
3299 Mr. Twedt - I believe so.
3300
3301 Mr. Archer - Okay. Let's think in terms of lowering the height.
3302
3303 Mr. Twedt - I understand, but at the same time—
3304
3305 Mr. Archer - We need to compromise somewhere in between.
3306
3307 Mr. Twedt - Yeah. Well, I was hoping that we had a good
3308 compromise, but I hear you.
3309
3310 Mr. Archer - We're not equally mad. A good compromise is when
3311 everybody is equally mad.
3312

3313 Mr. Twedt - If we were to be 8 or 10 feet from level grade, the top
3314 of sign would probably just be peeking over Telegraph Road because of the
3315 grade. But I'll get that all figured out and show you some examples.
3316

3317 Mr. Archer - Mr. Chairman, I move to defer until Wednesday, at
3318 the applicant's request.
3319

3320 Mr. Jernigan - Second.
3321

3322 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
3323 Jernigan. All in favor say aye. All opposed say no. The ayes have it, the motion
3324 carries.
3325

3326 At the request of the applicant, the Planning Commission deferred C-60C-07,
3327 Allen Twedt for Kalyan III, to its meeting on November 14, 2007.
3328

3329 Let's move to minutes.
3330

3331 Mr. Silber - Okay.
3332

3333 Mrs. Jones - They actually look pretty darn good.
3334

3335 Mr. Silber - The minutes for the October 11, 2007 meeting.
3336

3337 Mrs. Jones - Only one thing. Page 9, line 347. The word is,
3338 "whichever is less."
3339

3340 Mr. Silber - L-e-s-s.
3341

3342 Mrs. Jones - Yeah.
3343

3344 Mr. Silber - Okay. Any other comments?
3345

3346 Mr. Branin - Anyone? No one? Then I'll entertain a motion.
3347

3348 Mrs. Jones - I move the minutes be approved as corrected.
3349

3350 Mr. Archer - Second.
3351

3352 Mr. Branin - Motion made by Mrs. Jones, seconded by Mr. Archer.
3353 All in favor say aye. All opposed say no. The ayes have it, the motion carries.
3354

3355 Any other business?
3356

3357 Mr. Silber - I have one quick announcement to make. We have
3358 lost one of our staff. Mr. Lee Tyson has been promoted to the Director of the
3359 Permit Center. So, he is no longer in the Planning Department.

3360

3361 Mrs. Jones - Wow.

3362

3363 Mr. Silber - He's still with the County. He has just moved
3364 departments. He is with the Permit Center. So, Jean Moore is without a Planner
3365 III in that division.

3366

3367 Mr. Branin - And I heard you have a new Planner II?

3368

3369 Mr. Silber - We do. Yes we do. We also do have a new Planner II
3370 that's coming in to replace Tom Coleman. He will be, I guess, at the next zoning
3371 hearing. We can introduce you to him. But he may be familiar to—well, no one on
3372 here. But he did work with the County 20 years ago. I don't know if Mr.
3373 Vanarsdall knows him, Roy Props. He was in the Planning Department 20 years
3374 ago. He has gone out and done some planning on the private side and ran his
3375 own business for a while, and now is coming back to work in the same division
3376 that he left 20 years ago.

3377

3378 Mr. Vanarsdall - Who took Susan's place?

3379

3380 Mr. Silber - Susan Blackburn? That position is still vacant.

3381

3382 Mrs. Jones - Where did she go?

3383

3384 Mr. Silber - She took a position in King William.

3385

3386 Mrs. Jones - Oh.

3387

3388 Mr. Branin - Well, with that, I'd like to move to adjourn.

3389

3390 Mr. Archer - I'll second your motion, Mr. Chairman.

3391

3392 Mr. Branin - Motion made by Mr. Branin, seconded by Mr. Archer
3393 to adjourn

3394

3395 The meeting was adjourned at 9:59 p.m.

3396

3397

3398

3399

3400

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3402

Randall R. Silber, Secretary

3403
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3405
3406
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3408
3409
3410

Tommy Branin, Chairperson