

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building, Parham and  
3 Hungary Spring Roads at 7:00 p.m., on November 10, 1999, Display Notice having been  
4 published in the Richmond Times-Dispatch on Thursday, October 20, 1999, and Thursday,  
5 October 27, 1999.

6  
7 Members Present: Elizabeth G. Dwyer, C.P.C., Chairwoman, Tuckahoe  
8 Ernest B. Vanarsdall, C.P.C., Vice-Chairman Brookland  
9 C. W. Archer, C.P.C., Fairfield  
10 Debra Quesinberry, Varina  
11 Mary L. Wade, Three Chopt  
12 John R. Marlles, AICP, Secretary, Director of Planning

13  
14 Members Absent: James B. Donati, Jr., Board of Supervisors, Varina

15  
16 Others Present: Ms. Angela N. Harper, Deputy County Manager  
17 Timothy Foster, Traffic Engineer, Public Works  
18 Randall R. Silber, Assistant Director of Planning  
19 Elizabeth S. Via, Principal Planner  
20 Mark Bittner, County Planner  
21 Lee Householder, County Planner  
22 Jo Ann Hunter, County Planner, AICP  
23 Eric Lawrence, County Planner, AICP  
24 Judy Thomas, Recording Secretary  
25

26 Ms. Dwyer - We've just completed several work sessions upstairs in which we  
27 were considering changing ordinances to improve development standards for multi-family  
28 development and increase buffers along roadways, and also to handle some of the  
29 telecommunication towers that are currently being presented to the County for approval. We'd  
30 like to begin our meeting this evening with a call to order, and then we will hear another  
31 proposed zoning and subdivision ordinance issue before we get started with our cases.

32  
33 We apologize for the technical difficulty. Apparently, some gremlin outside of the room has  
34 relieved us of some of our computer power this evening. So, we're going to try to limp along  
35 and do it the old fashioned way. So, please bear with us as we proceed. Okay, Mr. Secretary,  
36 do we have a quorum?

37  
38 Mr. Marlles - We do, Madam Chairman. The first item on the agenda is the  
39 requests for deferrals and withdrawals. That will be presented by Mrs. Jo Ann Hunter.

40  
41 Ms. Dwyer - Good evening, Ms. Hunter.

42  
43 Ms. Jo Ann Hunter, County Planner Good evening, Madam Chairman, members of the  
44 Commission. We only have one deferral on tonight's agenda. It can be found on the top of  
45 Page 2. It's the first case in the Brookland District.

46  
November 10, 1999

47 **Deferred from the September 9, 1999 Meeting:**

48 **C-47C-99 Ralph L. Axselle or Andrew M. Condlin for Penrose**  
49 **Corporation:** Request to amend proffered conditions applicable to the Parham Place Office Park  
50 and accepted with rezoning case C-113C-85, on Parcel 52-A-5, containing 20.11 acres, located on  
51 the south line of Old Hungary Road at the intersection of Hungary Road and Benham Court and  
52 also fronting on the north line of E. Parham Road. The proposed amendments are related to  
53 access to Hungary Road and buffer area on the property. The Land Use Plan recommends  
54 Office.

55  
56 They have requested a deferral to the December 9<sup>th</sup> meeting.

57  
58 Ms. Dwyer - Okay. Thank you, Ms. Hunter. Is there any one in the audience  
59 in opposition to the deferral of Case C-47C-99 Penrose Corporation? Seeing no opposition to the  
60 deferral of that case, we're ready for a motion.

61  
62 Mr. Vanarsdall - I move C-47C-99 be deferred to December 9<sup>th</sup> at the applicant's  
63 request.

64  
65 Mr. Archer seconded the motion.

66  
67 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mr. Archer to defer  
68 the case. All those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mr.  
69 Donati absent). The motion carries. Thank you, Ms. Hunter. Okay, next item, Mr. Secretary.

70  
71 **Deferred from the October 27, 1999 POD Meeting:**  
72 **Zoning and Subdivision Ordinance Amendments related to the "Development Timetables"**  
73 **project.**

74  
75 Mr. Marlles - This is actually "For Decision Only," Subdivision Ordinance  
76 amendments related to the Development Timetables Project. We do have Ms. Harper, Deputy  
77 County Manager, to present this to the Commission.

78  
79 Ms. Angela N. Harper - Good evening, I really had not anticipated making a presentation  
80 tonight because of the deferral "For Decision Only." I understand you have received the  
81 information which we received from the County Attorney regarding some of the questions.

82  
83 The Draft that it up for your consideration tonight is dated August 26<sup>th</sup>, 1999.

84  
85 Ms. Dwyer - Are there any questions by Commission members on this issue?  
86 We thank you, Ms. Harper. We've had a number of work sessions on this issue. We've had at  
87 least two public hearings, and I know Ms. Harper has help several additional public hearings,  
88 both in the Eastern Government Center and in the Western Government Center to review all of  
89 the issues associated with this proposed Ordinance Amendment. Do I have a motion on this  
90 amendment?

91  
92 Mr. Vanarsdall - I move that we approve it.

93 Ms. Dwyer - Is there a second?  
94  
95 Mr. Archer seconded the motion.  
96  
97 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mr. Archer. All  
98 those in favor say aye—all those opposed by saying nay. The vote is 4-0 (Mr. Donati absent).  
99  
100 Lady from Audience - Wait a second. What's going on with this? (Comments  
101 unintelligible.)  
102  
103 Ms. Dwyer - Well, ma'am. I'm not sure why you're confused. This is a vote  
104 now "For Decision Only," on this particular ordinance amendment. This ordinance amendment  
105 has been subject of, I believe, two public hearings with this Commission and an additional two  
106 public hearings that Ms. Harper has held on both ends of the County. We had deferred this case  
107 "For Decision Only," was it last month in October. We had extensive public hearings on that and  
108 we do not plan to, nor do we intend to have additional public discussion this evening.  
109  
110 If you have additional concerns that you've not been able to raise in at least four of the public  
111 hearings, prior this evening, I would recommend that you attend the Board of Supervisors  
112 meeting at which this Ordinance Amendment will be considered, and a public hearing will be held  
113 and the public input will be accepted.  
114  
115 Lady from Audience - (Comments unintelligible. Lady was not interested in this case.)  
116  
117 Ms. Dwyer - Oh. Okay. We have a motion to accept this Ordinance  
118 Amendment by Mr. Vanarsdall. It has been seconded by Mr. Archer. All in favor of the motion  
119 say aye—all those opposed by saying nay. The motion carries. Thank you, Ms. Harper. Next  
120 item.  
121  
122 **VARINA:**  
123 **C-61C-99 Neil Farmer for Willbrook LLC:** Request to conditionally rezone  
124 from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels  
125 216-A-55 and 100, containing approximately 22 acres, located at the northern terminus of Henry  
126 Ward Boulevard and on the south line of Britton Road approximately 1,954 feet (0.37 mile) east  
127 of its intersection with Darbytown Road. A single-family subdivision is proposed. The  
128 applicant proposes no more than twenty-three (23) residential lots to be developed on the  
129 property. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density  
130 per acre. The site is also in the Airport Safety Overlay District.  
131  
132 Mr. Marlles - The staff presentation will be given by Mr. Lee Householder.  
133  
134 Ms. Dwyer - Good evening, Mr. Householder. Is there any one in the audience  
135 in opposition to Case C-61C-99 Willbrook LLC? We do have opposition. We will get to you in  
136 a moment. We'll hear from staff first.  
137  
138 Mr. Lee Householder, County Planner - Okay. Thank you, very much.

139 Ms. Dwyer - Thank you.

140

141 Mr. Householder - The subject request would rezone 22 acres from A-1 District to R-2AC  
142 One Family Residence District (Conditional) that we noted. It is located at the northern terminus  
143 of Henry Ward Boulevard. Properties to the north of this site are zoned A-1. There are  
144 currently five residential homes that front on Britton Road, and there is vacant land also north of  
145 Britton Road. To the south, we can see the adjacent property is the Ward Elementary School,  
146 and remaining properties to the east, west, and south are also zoned A-1.

147

148 Recently, as in the past 2 years, there have been two rezoning requests in this vicinity. Both  
149 cases were south of Darbytown Road. Case C-49C-97 zoned 21 acres along the west line of  
150 Doran Road from A-1 to R-2AC, and the Whispering Pines Subdivision was approved and homes  
151 are being constructed on this site. The other case was Case C-20C-99 which 31 acres were zoned  
152 at the southeast corner of Doran and Darbytown Roads. This was also zoned to R-2AC. The  
153 Windsor Oaks is a proposed subdivision on this site, and it is currently under review in the  
154 Planning Office.

155

156 The R-2A District allows a minimum lot size of 13,500 square feet and a minimum lot width of  
157 80 feet. The applicant, in this case, has proffered that there will be no more than 23 residential  
158 lots developed on this site.

159

160 This single-family residential use is consistent with what the 2010 Land Use Plan says, and the  
161 proffered number of houses falls within the 1.0 to 2.4 unit range.

162

163 The applicant has also proffered brick or stone foundations, no slab construction, and no  
164 cantilevered chimneys. The applicant has also indicated that 50 percent of the houses will have  
165 garages built on the side or rear.

166

167 The applicant has also submitted, but not proffered, a preliminary layout for this site which is  
168 being depicted on the screen right now. This shows the 23 lots with one lot, which would not be  
169 along the cul-de-sac fronting on Britton Road to what would be the southwest of this picture.  
170 Also pictured, which is important to this case, in, basically, this quadrant of the diagram, is a 3.9  
171 acre piece of open space that, since the writing of my report, the applicant has proffered to me to  
172 create an open space area with access and construct a walkway to this site. Staff feels, while this  
173 is beneficial to the community, it seems it might be on land that would be otherwise  
174 undevelopable and we're not sure what kind of amenity would actually be placed on this space  
175 because of the topographic features. I don't know what it would be used for other than preserved  
176 as tree preservation.

177

178 Also, Staff is concerned the applicant has not provided a stub street to adjacent properties to the  
179 west of this parcel. And we think that this would be beneficial to have a stub street to the west in  
180 order to ensure proper traffic flow.

181

182 Although this request generally conforms with the 2010 Plan, we feel that, since it is within the  
183 Expansion Area of the 2010 Land Development Guide which is characterized by limited public  
184 utilities and services, we feel that R-2 zoning would be more appropriate. And that an R-2A

185 zoning that would be north of Darbytown Road may set a precedent for future zoning decisions in  
186 the area.

187  
188 In addition, I received a letter from a citizen, whom, I'm not sure could be here tonight. It was  
189 Rachel and Larry Robinson who reside on the property right there (referring to slide), if you can  
190 see that. They are concerned about some possible drainage difficulties on their property, and  
191 they're also concerned that its too dense for the area, and they would like to see larger lot sizes.

192  
193 At this point, I think this case can still be substantially improved, and I'd be glad to take any  
194 questions you may have.

195  
196 Mrs. Quesinberry - Would you point that out? I'm having trouble with this T.V. screen  
197 here.

198  
199 Mr. Householder - It would be the third lot to the east from Henry Ward Boulevard.  
200 You have the school, and then you have another lot. It's the third lot over from Henry Ward  
201 toward you from me would be their property which actually backs upon a cul-de-sac lot.

202  
203 Mrs. Quesinberry - Thank you.

204  
205 Ms. Dwyer - Mr. Householder, this little finger that is shown on this particular  
206 plan, is that depicting flood plain?

207  
208 Mr. Householder - Yes.

209  
210 Ms. Dwyer - The floodplain then appears on Lots 6 through 12?

211  
212 Mr. Householder - Well, 5 would be to the south. It hits 6 a little bit and then 7, 8,  
213 and 9, all the way around. You're correct.

214  
215 Ms. Dwyer - And, so you're still concerned that there's no stub to the west and  
216 that the density is still too high—the R-2?

217  
218 Mr. Householder - Those are the two primary issues in this case, yes, that have been  
219 unresolved.

220  
221 Ms. Dwyer - Thank you. Okay, any other questions by Commission members  
222 by Mr. Householder?

223  
224 Mr. Vanarsdall - Yes. You said something had been promised, but not proffered?  
225 What was that?

226  
227 Mr. Householder - I said the layout. It has been given to us, but it has not been  
228 proffered that they will do exactly what you see on the screen.

229  
230 Mr. Vanarsdall - Why is that?

231 Mr. Householder - Most likely, I think the applicant would do something in this  
232 manner. That's probably the only way you can develop the property.

233  
234 Mr. Vanarsdall - Okay. Thank you. I have no more questions.

235  
236 Ms. Dwyer - Any other questions by Commission members? Will the applicant  
237 come forward, please? While the applicant is coming forward, Mr. Secretary, if you would  
238 explain to the audience what the Commission's rules are regarding time limits for hearing of cases  
239 in opposition?

240  
241 Mr. Marlles - Sure. Ladies and gentlemen, it is the Commission's policy that  
242 when there's opposition to a case to give 10 minutes to the applicant to present his case. The  
243 Commission also gives 10 minutes to the opponents to present their concerns. The 10 minutes  
244 does not include any time responding to questions by Commission members.

245  
246 Generally, it is a good idea for the applicant to reserve some time for rebuttal; usually two  
247 minutes. It's also a good idea for the opponents to use spokespersons who can summarize the  
248 issues and concerns. That makes the best use of the available time.

249  
250 Ms. Dwyer - Thank you, very much. Would you like to reserve some time for  
251 rebuttal, sir?

252  
253 Mr. Neil Farmer - Yes. I would for any questions or rebuttal at the end.

254  
255 Ms. Dwyer - And, how much time would you like to reserve?

256  
257 Mr. Farmer - As much time as you need. Five minutes would be fine. Three  
258 minutes.

259  
260 Ms. Dwyer - This comes out of your 10 minutes. So, whatever you'd like to  
261 have.

262  
263 Mr. Farmer - Three minutes.

264  
265 Mr. Vanarsdall - You want the whole 10 minutes?

266  
267 Mr. Farmer - Probably. This isn't going to be too long.

268  
269 Ms. Dwyer - If you could identify yourself for the record, please?

270  
271 Mr. Farmer - Members of the Planning Commission, my name is Neil Farmer.  
272 And I'm the developer of the proposed single family subdivision. As you can see from the  
273 report, I'm requesting to rezone 22 acres from A-1 to R-2AC single family residential, with one  
274 of the proffers stating that there will be no more than 23 lots.

275  
276 This request is within the density range of 1.0 to 2.4 units per acre of the Suburban Residential 1

277 Land Use Plan designation. I have submitted proffers which will ensure quality development.  
278 I've also submitted, for your review, a tentative plan, which shows a maximum of 23 lots and a  
279 3.9-acre open space in the northeast corner of the property to be used as a recreational acre for  
280 homeowners in this subdivision.

281  
282 This was the recommendation of the Varina Beautification Committee. I have met with them and  
283 discussed this. And, I, or my engineers, had talked to most of the neighbors over the telephone,  
284 except for a few people who had unlisted phone numbers.

285  
286 I have also given a letter to an adjacent property owner, which is not a proffer, but I gave him a  
287 letter promising a 20-foot buffer on the border of this property.

288  
289 The average yield for the total acreage in this subdivision is 1.05 lots per acre. The subdivision  
290 will have water and sewer. This subdivision will drain. My engineers have talked to some of the  
291 adjacent property owners and they have assured me that drainage will not be a problem. The  
292 Department of Public Works of Henrico County assures that all subdivisions drain, and they're  
293 very stringent on their requirements.

294  
295 This single-family residential use is consistent with the 2010 Land Use Plan, and the proffered  
296 numbered houses fall within the 1.0 to 2.4 unit range. Therefore, I respectfully request that you  
297 grant this applicant. I'd be glad to answer any questions.

298  
299 Ms. Dwyer - Any questions for Mr. Farmer by Commission members? No  
300 questions? You have eight minutes left for rebuttal, sir, if you'd like it.

301  
302 Mr. Farmer - About the only thing I could tell you; Lee addressed the 3.9-acre  
303 open space. It is an odd shaped configuration of land. The Varina Beautification Committee  
304 wanted to leave it as an open space for neighbors to use that as a picnic area or whatever. He said  
305 he didn't know what else I could do with it. Well, I could incorporate it into one of the lots, or  
306 sell it to somebody or give it to somebody. So, there are some other uses to it.

307  
308 The stub street, in my past dealings with Henrico County, have been that that's kind of a Planning  
309 Commission issue. That the Planning Commission members are agents of the Board of  
310 Supervisors and that's something that you have the authority to address at POD level, along with  
311 most of the drainage problems. So, that is something that I'd be glad to, you know, address and  
312 work with the staff and the Department of Public Works.

313  
314 The property will drain, will have storm sewer, and so the drainage in this area will be better than  
315 it is now. I understand some of the neighbors have said that's a swamp in there. When you put  
316 in a subdivision with storm sewer, it usually drains it out and dries it out. Everything flows from  
317 the western property down to Deep Licking Creek, I believe, where you're asking about the  
318 floodplains in there. The property will drain better.

319  
320 Those were about the only concerns that, you know, Lee and I had discussed, or whatever. So, if  
321 there are any other questions, feel free to call me back later if you have anything else.

322

323 Mrs. Quesinberry - I just have one more before you go.  
324  
325 Mr. Farmer - Yes ma'am.  
326  
327 Mrs. Quesinberry - On the open space...  
328  
329 Mr. Farmer - Yes ma'am.  
330  
331 Mrs. Quesinberry - The 3.9 acres, are you proposing a homeowners association?  
332 Whose going to...  
333  
334 Mr. Farmer - Yes ma'am. It will be a homeowners association. It will be a 16-  
335 foot easement running between two of the lots to get to it. The homeowners that buy houses in  
336 this subdivision will be a member of a homeowners association, which will maintain that. They  
337 will, you know, all own that.  
338  
339 Some of the neighbors in my discussions with them have, you know, had some concerns and fears  
340 that this was going to be government subsidized housing or substandard housing. I read to them  
341 the proffers about no slab construction and told them my game plan for this. I'm not a home  
342 builder. I'm a developer and will sell the lots at a price where most of the homes will be in the  
343 \$145,000 to \$165,00 price range. So, this is not any, you know, government subsidized housing.  
344 Not that there's anything wrong with that, but this is, you know, a lot more expensive than that.  
345 The prices of lots and land down there have increased everything.  
346  
347 Mrs. Quesinberry - You've done enough engineering that you know that you can get 23  
348 lots in there? Is it conceivable that you would actually end up with less?  
349  
350 Mr. Farmer - I have done enough engineering to know that I can get 22 lots in  
351 there. The 23<sup>rd</sup> lot, which is the one lot on Britton Road, that's one in question. I'm having a soil  
352 scientist do a percolation test to see if it can have a well and septic tank on it. If not, you know,  
353 we will work with the County to see if we can put a pump in to get it to your sewer system. I  
354 have enough studies to know that there are 22 lots that are available for water and sewer, and  
355 development of the 23<sup>rd</sup> lot is in question. So, that's why I've proffered a maximum of 23 lots.  
356 So, there's no way there can be no more than that unless I get R-4 zoning or whatever. That's  
357 not going to happen.  
358  
359 Mrs. Quesinberry - Yes sir. That's not going to happen.  
360  
361 Ms. Dwyer - And why have you not proffered the site plan for the subdivision  
362 plan that you presented?  
363  
364 Mr. Farmer - I will be glad to proffer the site plan. I didn't know that was  
365 usually in past dealings. I had thought that was something like addressed at the POD level, or  
366 whatever. But, I don't have a problem proffering that. Believe me, that's what its going to look  
367 like. And I'll give you my word now, and I'll proffer by the time the Board meets. That's what  
368 its going to look like. That tentative plan has already been filed with the Planning Commission.



369 It's already been submitted. So, I'll be glad to proffer if that's something that's needed. But that  
370 plan right there has already been submitted to the County for review.

371  
372 Ms. Dwyer - Will you include the open space area, yourself, or leave that up to  
373 the homeowners?

374  
375 Mr. Farmer - I don't know. I honestly don't know. It's a combination of open  
376 and wooded right now. What I'm going to do is talk to the first few people who move in there  
377 and see whether they want it open, or whether they want it, you know, cleared enough for a  
378 picnic area or something. You know the Varina Beautification Committee wanted it left in a  
379 natural state the way it is right now for children and people who take walks through there  
380 whatever. Three point nine acres is a pretty good piece of land which I'd hate to take the trees off  
381 of it. But if it means shaping it up or getting dead or diseased trees off of there, I'd be glad to.

382  
383 Ms. Dwyer - I think that's an important issue, because a lot of times  
384 homeowner's associations don't have the wherewithal to get all of that done. Underbrush needs  
385 to be cleared and dead trees removed. That would be the thing to do.

386  
387 Mr. Farmer - It would not be a burden on the homeowners association. Nobody  
388 is going to be able to sell the houses and the homeowners association is going to say, "What's this  
389 going to cost me or whatever?" I'm envisioning, you know, \$25 a year, \$50 a year homeowners  
390 association minimum. And they will not have any burden of cutting down trees or timber or  
391 anything like that. So, I will do whatever it takes to get it a presentable case, because I want to  
392 sell the lots to builders and individuals.

393  
394 Ms. Dwyer - I know cases in which land, and I don't know if this piece qualifies,  
395 but land that maybe in a swampy area is dedicated to a homeowners association. They really  
396 found it was not useable for any substantive recreational activities. And, so, it simply became a  
397 burden and a liability.

398  
399 Mr. Farmer - Right.

400  
401 Ms. Dwyer - That's something we want to avoid.

402  
403 Mr. Farmer - I totally agree with you. I did not have it as an open space in my  
404 original tentative when I met with the Varina Beautification Committee. And I believe it was  
405 about ten to twelve of their members. They requested open space because they want to have  
406 more open spaces in this area. It really did not matter to me. I had intended to, you know, just  
407 hold on to it for the future and do something with it. Sell it to a couple of neighbors or  
408 incorporate it into one of these lots. This was their one request of me was to have an open area  
409 for the homeowners association.

410  
411 So, I'll be glad to work with you, or you know that committee on whatever they want to do with  
412 it. But I will not, you know, leave it in a state that it is a burden to anybody.

413  
414 Ms. Dwyer - I'm all for open space. I just want to make sure it doesn't become

415 a liability to the homeowners.

416

417 Mr. Farmer - We'll get that straight by the time the Board of Supervisors hearing  
418 is.

419

420 Ms. Dwyer - Will you make some specific commitments about how the open  
421 space will be turned over, about what state the open space will be turned over?

422

423 Mr. Farmer - Yes ma'am.

424

425 Ms. Dwyer - Any other questions by Commission members of Mr. Farmer?

426

427 Mrs. Wade - You mentioned the stub street is a decision at subdivision. Where  
428 would it go?

429

430 Mr. Farmer - Excuse me, Mrs. Wade?

431

432 Mrs. Wade - Where would you see a stub street going?

433

434 Mr. Farmer - Lee had suggested a stub street on the western part of the property  
435 at the far end. Do you have it there in front of you (referring to slide)? Yes ma'am. At that cul-  
436 de-sac. That's where he had suggested it go to.

437

438 Mrs. Wade - Which would mean one fewer lot, is that what you're saying?

439

440 Mr. Farmer - Excuse me?

441

442 Mrs. Wade - Which would mean one fewer lot? Could you work around that?

443

444 Mr. Farmer - Possibly. I had discussed with Lee, that, you know, that was  
445 something we could bring up. He had wanted me not to have any flag lots or stem lots. And I  
446 told him I did not have any flag lots or stem lots on this tentative. If we do stub a street in there,  
447 then I know that's something the County does not like. I said that's a possibility we may have to  
448 do is one of the reasons this tentative you know may change.

449

450 The properties that are next to the subject property are not landlocked so they have access on  
451 Britton Road. So, there is really no Planning standpoints as to stub the property. And when you  
452 get a stub into adjacent property, sometimes you know, some people express some concerns that  
453 people dump leaves and trash and everything and park it there where they don't do that at cul-de-  
454 sacs because they're in somebody's yard. But the adjacent property to the west of that does have  
455 access and its not landlocked and does not need a stub street to service it from anything else.

456

457 Mrs. Wade - We do try when we can to connect subdivisions.

458

459 Mr. Farmer - Yes. These are three-acre parcels, there, though, I believe. It's  
460 not a subdivision.

461 Mrs. Wade - Well, not yet. Okay.  
462  
463 Mrs. Quesinberry - That structure that's on the western end that's shaded, is that the  
464 BMP?  
465  
466 Mr. Farmer - No ma'am. That's wetlands and/or floodplain. This subdivision  
467 does not have a BMP, because its so small and is only 23 lots. It's such a small subdivision; it  
468 does not require a BMP. This will not have a BMP.  
469  
470 Ms. Dwyer - Mr. Farmer, as far as the stub street goes, just to pursue that again,  
471 it looks like there is one parcel here that is landlocked without a stub street. And, also, these lots  
472 that are shown are zoned A-1. They are very large. So, if this area, say bordered by Henry  
473 Ward and Darbytown and Britton Roads, if that were developed for residential, then, most likely,  
474 those lots would not be extremely long, and so they would need some other access other than  
475 Britton Road, Darbytown and Henry Ward. There would need to be some internal street there. I  
476 think that's the reason we'd like to see a stub street.  
477  
478 Mr. Farmer - I know you hadn't done the research my engineer had done and I  
479 had done. The property that you're referring to, they are two different parcels there. They are  
480 owned by the same person.  
481  
482 Ms. Dwyer - They may not always be.  
483  
484 Mr. Farmer - Yes. I know. In this case, it is. So, they do have access off of  
485 Britton. They're not landlocked. So, I thought of the same thing. We discussed the same thing  
486 with Lee. That one property down there is not landlocked.  
487  
488 Ms. Dwyer - Nevertheless, I think it would be in compliance with County policy  
489 to allow access. Not have cut off access to the internal portion of this sort of triangular area  
490 bordered by Ward, Darbytown, and Britton.  
491  
492 Mr. Farmer - Okay.  
493  
494 Ms. Dwyer - Did I understand you to say, you're willing to have a stub street?  
495  
496 Mr. Farmer - I'm not an engineer. I haven't looked at it. I'm not prepared to do  
497 that tonight. I thought we would address that by the time we get to the Board of Supervisors or at  
498 the POD level which is normally, in my past years of addressing things like streets and stub  
499 streets at POD level, when its actually the tentative or whatever. Because I know you're an agent  
500 of the Board of Supervisors and that's your authority as Planning Commission members to know;  
501 have final say on the POD. And that's something that can certainly be addressed then and always  
502 has been done with me in the past. I've gotten to the Planning Commission POD approval and  
503 I've changed stub streets to cul-de-sacs and vise versa. So, that's why I have not addressed it  
504 now because I thought it would be done later.  
505  
506 Mrs. Wade - Actually, that's at subdivision.

507 Mr. Farmer - Subdivision approval. You're correct.  
508  
509 Ms. Dwyer - Any other question for Mr. Farmer? Okay. Thank you, sir. We'll  
510 hear from the opposition now. All those who are in opposition to the case, please come down and  
511 stand or sit near the podium so that you'll be available to speak. Again, we do have a 10-minute  
512 time limit. So, if you'd be mindful of that so that we can share the time with others. How many  
513 speakers do we have in opposition to this case? Two or three, four? If you could tell us what  
514 your name is.  
515  
516 Mr. Louis Boone - My name is Louis Boone and I live at 7080 Palovitch Lane, which  
517 the map does not even show. My property butts right smack up to the proposed site here. In the  
518 rear of my property, its like a swamp. I don't know how you can build houses in a swamp.  
519 Deerlick Creek runs directly behind my house. I don't know who drew this plan, but I think they  
520 need to look at some kind of overlay of the land.  
521  
522 Mrs. Quesinberry - Can you generally point where your property is on this screen?  
523  
524 Mr. Boone - Since the map doesn't really show my road, its hard for me to  
525 really tell you. It's either - it doesn't even show our road on this map.  
526  
527 Ms. Dwyer - We have Deerlick or is it Deerlicking Creek? Deerlicking on here.  
528 We have Deerlicking Creek on this map, so we can get a general idea of where you live. On the  
529 other side of the creek, right?  
530  
531 Mr. Boone - It is quite deceiving the way this map is drawn, I'll tell you. Well,  
532 like I say, the back of mine, I didn't realize as much of the property fronted Britton Road, well  
533 the houses here. See, by my recollection, I live directly behind Henry Ward School. I don't  
534 know how this map shows it like this, but something is not in order. I don't know what it is  
535 because I can see the light from the school from my house. And if I was that far away, I couldn't  
536 see the light from the school. So, I don't know what's going on here. The creek runs right  
537 behind Henry Ward School. And I really don't see that and that is all low land and so forth.  
538 That's my first objection.  
539  
540 My second objection, I wasn't notified by letter or what have you, until I got a call and someone  
541 asked me did I object. And since I didn't know anything about what was going on, I didn't know  
542 really how to object to it.  
543 \  
544 My next objection would be the added traffic to this school road right here. I wished the Board  
545 members would go by there on a morning and afternoon and before they make a decision on this  
546 situation here, and look at the traffic and traffic jam you have there when the kids are going to  
547 school and when they're coming from school.  
548  
549 Mrs. Quesinberry - Mr. Boone, I hate to interrupt you. You're referring to Henry  
550 Ward at the intersection of Darbytown?  
551  
552 Mr. Boone - At Darbytown Road. Yes.

553 Mrs. Quesinberry - Okay. Go ahead, sir.

554  
555 Mr. Boone - They honestly almost need a stoplight there now. And I would  
556 really hate to see any added traffic, you know, added in that area. So, that's one of my other  
557 objections.

558  
559 The final one is, when I moved down here, I moved from a subdivision to get back in an  
560 agricultural area. And I surely didn't want a subdivision built behind me. I thought, with the  
561 creek back there and so forth, I said, "Well, I won't have any problem with my neighbors around  
562 me." I figured we were pretty well set. You know, I don't want to make too many more moves  
563 in my life at this time. I thought we were kind of settled. But with this going behind, I reckon  
564 I'll have to move on down to Charles City, somewhere and try to get 100 acres in the middle of a  
565 field somewhere. So, that's, basically, my main comments.

566  
567 Ms. Dwyer - Thank you, Mr. Boone. Any questions of Mr. Boone by  
568 Commission members? Next speaker.

569  
570 Mr. Eugene Hicks - Hello. Board. My name is Eugene Hicks. I have petitions from  
571 people on Darbytown Road and Britton Road that are in opposition to this. We were told there's  
572 hardly any opposition to this. And, as you can see, there's signatures there, and no one hesitated  
573 signing it for me. And I live on 3393 Britton Road, which my property will have approximately  
574 two lots adjacent to it. And I just wondered, has anyone walked this land that we see up here?  
575 Yes. It is wetlands. And, yes, it stays wet.

576  
577 Where we're talking about this wonderful recreational park area, I wish you would come down  
578 there when we've had a rain. When we had a hurricane last September, Britton Road, at the  
579 curve where this driveway is tentatively to go, it was four foot of water. And I want to know,  
580 when this extra drainage is created, where is he going to handle that water? That is one of my  
581 concerns. And another one of my concerns is, "Why must we rezone from agriculture?" It  
582 doesn't really fit the area. So, what if its across at Doran? What is adjacent on Britton Road, we  
583 are agriculture. We want to stay that way. So, why not have the lots that adjoin us to be that  
584 way? And if you saw Sunday's paper, it's a plea from the Varina residents in subdivisions as  
585 well as people living in agriculture. They said, "Growth swallowing up the small town feel."  
586 Here is a lady that's lived in Varina 65 years. Here's one that has lived here five years in a  
587 subdivision. And they said, Varina native in her name and then go with the new lady. And they  
588 said, "They want to slam the door on suburban growth."

589  
590 And we know we can't stop it, but I wish if we could, at least, keep it agriculture and have one  
591 house per acre. That is my plea. And, like I said, I just ask you to walk the land before you  
592 vote. Because if you could see how much is wetland, I don't see how most of it you could dig a  
593 footing on. So, that's my main concerns. And I'm a lifetime Varianian and Varina is in my heart  
594 and most of us, we have people that have signed the petition that have been in the Varina area not  
595 very long and some of them have been in the area for a lifetime. So, it's a variation of people.  
596 We really want to keep it agricultural. I appreciate you listening.

597  
598 Ms. Dwyer - Thank you, Mr. Hicks. Are there any questions of Mr. Hicks by

599 Commission members?  
600  
601 Mrs. Quesinberry - Mr. Hicks, you're not opposed to developing this parcel, if I heard  
602 you correctly? But you are proposed to rezoning this to R-2AC?  
603  
604 Mr. Hicks - Yes ma'am. If it has to be developed, we will have to deal with  
605 that, but we would love for it to stay as agriculture, A-1.  
606  
607 Mrs. Quesinberry - Now, you know, with agriculture A-1, there are other uses that  
608 could go in there by right?  
609  
610 Mr. Hicks - Yes.  
611  
612 Mrs. Quesinberry - Trailers are one thing that come to mind. So, I'm just pointing that  
613 out.  
614  
615 Mr. Hicks - Well, like I say, if its to be developed, I wish you would just look  
616 at the land how wet it is.  
617  
618 Mrs. Quesinberry - Right. And I understand that. Have you had an opportunity to talk  
619 with the applicant about the engineering and...  
620  
621 Mr. Hicks - Well, yes, that's really quite odd. Some of the people, my dad for  
622 one, has spoke to the engineer that's developing the land. And, of course, you know, they're  
623 telling us, at this point, that there's no bother, there's no worry. But, they haven't seen it when  
624 its wet and when we've been flooded. So, it is a lot of concern. And, when you get these  
625 additional drainoffs, where is this water going to go? That is our main concern. At the curve of  
626 Britton Road, right where this wonderful park is going to be supposedly, it was three to four feet  
627 of water there at hurricane Floyd. And, so where is that water going to go when it meets with the  
628 other water? That is our concern.  
629  
630 Ms. Dwyer - Just as a point of information, Mr. Hicks, there are several zoning  
631 classifications that are less dense than the R-2A. We have R-O, R-OA, R-1, R-1A, and R-2. So,  
632 you may not need to argue it needs to stay agricultural, necessarily. There are other residential  
633 zonings that you may find appropriate...  
634  
635 Mr. Hicks - Well, if it gets to that point, I just wish, at this time, you could  
636 walk the land and just look at the wetness of it and so forth. As I said, I don't really feel like it  
637 blends with the area to change it when all the homeowners have at least an acre or more of land  
638 that its adjoining. And I don't feel like, when you have that in back of you, you have this  
639 subdivision, it really doesn't blend. We can't help what Doran Road has, because that is not  
640 adjacent to Britton Road.  
641  
642 And the gentleman who spoke earlier about the Roberts. Larry Roberts and his wife, Rachel, I  
643 went to visit them tonight. And, yes, they are very upset with the water, because they still have  
644 water problems that come from the Henry Ward School. And with the adjacent water of this,

645 they don't know if they'll be flooded out. So, that was their great concern is the water. So, thank  
646 you again.

647  
648 Ms. Dwyer - Any questions for Mr. Hicks? Thank you, sir. Next speaker.

649  
650 Ms. Gloria Foster - Yes. My name is Gloria Foster. And I'm one of the adjacent  
651 properties. And I want to also speak, the same as Mr. Hicks did about the drainage, because the  
652 curve that he's addressing where the water is, comes back on my property. And this 3.9 acres of  
653 land that's supposed to be the open space, that is where a lot of this flooding takes place. And  
654 that would cause; and I am the one that is adjacent to that property; the entire piece of that. And  
655 it would back up the water to me. I mean there's no place for it to go. And it doesn't have to be  
656 Hurricane Floyd for that to flood. You can check with the Henrico County Police Department.  
657 We have to have high water signs put up every time we have a heavy thunderstorm, because the  
658 land is very low in those areas. And the curve that's addressed right here (referring to slide),  
659 where the open space, as you can see Britton Road turns right there if you're looking at your  
660 map. And that particular piece of property is downhill and then uphill from my property. And,  
661 so it does flood my property considerably when, as I said, just a heavy thunderstorm will do that.

662  
663 So, we are very, very concerned about this, because we don't have sewer on Britton Road or any  
664 storm drains to handle any of this kind of thing. And most of the land that's behind that is, as  
665 some of the other residents have said, is just swampy area that you can't even walk across that  
666 you don't sink into the dirt. So, we're just trying to understand how that plays into all of this.  
667 Because with the proposed I-895 going through there, we're already going to have some more  
668 problems with drainage coming in that direction. Coming down the hill to that creek, and now,  
669 this property, and any of the water, you know, that's coming back as a part of that will also be a  
670 part of the concern. Thank you.

671  
672 Ms. Dwyer - Any questions for Ms. Foster by Commission members?

673  
674 Mrs. Quesinberry - No. Thank you, ma'am.

675  
676 Ms. Dwyer - Next speaker.

677  
678 Ms. Renee Scott - Hi Board. My name's Renee Scott. I live at 3345 Britton Road. I  
679 can really reiterate what all of my neighbors have said. I've been living in Varina for seven  
680 years. And I'm not a native. I used to live in the West End. Now, I live out here. Britton Road  
681 is getting bombarded with all kinds of issues. We've got some sort of rock quarry going in.  
682 We've got the I-895. I guess the rock quarry is helping build that bridge there. And now our  
683 concerns are the water.

684  
685 A concern that has not been brought up is the traffic on Britton Road. It's 1,100 cars a day  
686 standing now. This is just going to have more cut through traffic. Like I said, Mr. Boone was  
687 speaking. You know it used to be very rural out there. We're getting bombarded with all kinds  
688 of new stuff and I think just adds to it.

689  
690 Mrs. Quesinberry - Ms. Scott, from the layout that we're looking at that there's one lot

691 that faces Britton Road from this proposed development.  
692  
693 Ms. Scott - Correct.  
694  
695 Mrs. Quesinberry - The other 22 are going to have access on Henry Ward Boulevard,  
696 not Britton Road.  
697  
698 Ms. Scott - But the one lot question is right beside 3345 Britton Road. And all  
699 the other houses will be backed up to my property.  
700  
701 Mrs. Quesinberry - The reason I'm asking is, I'm trying to make sure that's your  
702 primary concern is the traffic, because I'm not making the connection with the other Lot 22  
703 accessing Henry Ward Boulevard.  
704  
705 Ms. Scott - Well, I think that neighborhood back there will cut through to  
706 Britton Road to go to Charles City to go to the bases.  
707  
708 Mrs. Quesinberry - You think they're going to come around and get on Britton? Okay.  
709 I wanted to understand.  
710  
711 Ms. Scott - Absolutely.  
712  
713 Mrs. Quesinberry - Okay.  
714  
715 Ms Scott - There's tons of traffic on that road now. I just read something back  
716 here. It surprised me. It said, "1,100 a day." And I know with another subdivision, I don't  
717 know if that will double. That road is cut through. I mean, we have dump trucks coming down  
718 there now hauling really heavy material. And my house shimmies when it comes by. And I'm  
719 not even talking about that. I'm talking about car traffic. It's just a lot of extra traffic and it's a  
720 problem that they would put this so close to that elementary school. Thank you.  
721  
722 Ms. Dwyer - So, you have a copy of the staff report? You mentioned earlier you  
723 read something about...  
724  
725 Ms. Scott - I have a copy of the map, but it doesn't look like that one.  
726  
727 Ms. Dwyer - Thank you. Is there any one else to speak in opposition to this  
728 case? Would the applicant like to come forward? You have 6 minutes and 30 seconds for  
729 rebuttal.  
730  
731 Mr. Farmer - Yes ma'am. I'd just like to state that I have tried my best to design  
732 this subdivision as per zoning which was consistent with the Land Use Plan, and the 2010 Land  
733 Use Plan, proffering a maximum number of lots to fall in this category. I'd also like to state that,  
734 my engineer, Delmonte Lewis, who has been doing business in Henrico County for probably 30  
735 years, has met with a couple of these neighbors about the drainage issues. And he's talked to a  
736 number of other ones on the phone. And he has been out there on the site. I've been on the site.



737 It's not the prettiest piece of property, but its cut over timber. When it gets developed, it will be  
738 better than it is right now. So, I think, in developing subdivisions in Henrico County, the  
739 Department of Public Works ensures that the drainage does work for subdivisions and its very  
740 expensive to put in drainage systems. I think the drainage in the subdivision in here will take care  
741 of these people's problems. If it doesn't, you know, people who live on adjacent properties will  
742 be very good at calling the County and developers and making sure that its done.  
743

744 Henrico County has inspectors who come out and inspect everything to make sure that it gets  
745 done and developed properly. I think that the drainage issue is something that definitely could be  
746 worked out. It is the very first thing I looked at when I looked at buying the property to see if we  
747 could drain it and see if we could sewer it. So, that was the very first thing that we looked at.  
748 Any other questions?

749  
750 Ms. Dwyer - Any questions for Mr. Farmer?

751  
752 Mrs. Quesinberry - Mr. Farmer, it just seems to me that we have some adjacent  
753 residents that still probably, and I know I could probably use, additional information that really  
754 this meeting tonight is not appropriate to provide. Specifically, some engineering information  
755 with Mr. Delmonte Lewis and whoever else you have.  
756

757 Drainage in this area is a big issue. I know, particularly, there's a couple that Mr. Hicks  
758 mentioned that are experiencing drainage problems since the construction of Henry Ward School,  
759 even today. And, you're correct. The County does come in and correct those problems. And  
760 they're working on them today, and they're not corrected. So, they do have some ongoing  
761 drainage issues. There's a lot of concern that they're going to get worse.  
762

763 So, I think that's still kind of an open issue. I guess, what I'm asking you is, if you would  
764 consent to, perhaps, considering deferring this case and getting a meeting together with the  
765 citizens and myself and Mr. Lewis so that we could look at a couple of things; one, being some of  
766 these drainage issues to see if there's any way to alleviate any of those concerns.  
767

768 And, the other thing is a concern of mine. And, that is, that setting a precedent for R-2AC north  
769 of Darbytown Road concerns me in an area that really has been, and continues to be, quite rural.  
770 As an offline discussion, I'd like to see if you would consider alternate zoning, perhaps, R-2.  
771 And if that would be a possibility. Would you consent tonight to further discussions?  
772

773 Mr. Farmer - Well, if that's what you'd like, make everybody happy, make the  
774 residents happy, I'd be glad to defer it to what, December 9<sup>th</sup>, is when the next meeting is of the  
775 Planning Commission?  
776

777 Mrs. Quesinberry - Mr. Secretary, is that true? Let me look it up for you.  
778

779 Mr. Archer - It is the 9<sup>th</sup>.  
780

781 Mr. Farmer- I think that's what they deferred the first case to.  
782

783 Mrs. Quesinberry - Yes.  
784  
785 Mr. Farmer - That's fine. I think we'll be glad to meet with you and Delmonte  
786 Lewis, who can answer any questions about drainage or whatever. You know, I'm just sorry,  
787 you know, developers are looked on as somebody that's always wanting more density. I did this  
788 zoning case within the, you know, confines of the Land Use Plan or whatever. If I do talk to you  
789 about doing it R-2, there're going to be some people that aren't going to be happy unless it's A-1.  
790  
791 Mrs. Quesinberry - Yes. And I understand that. And I did appreciate what you've  
792 done, because you've done a lot of nice things with trying to ensure quality and trying to provide  
793 some open space and different things. But we very often have a hard time getting developers to,  
794 you know, ante up...  
795  
796 Mr. Farmer - Okay. I will request a deferral until December 9<sup>th</sup>, if that's  
797 agreeable to you.  
798  
799 Mrs. Quesinberry - If you'd just contact the neighbors that are interested and find a  
800 place and contact me, then we'll meet again, and see if we can come to some resolution.  
801  
802 Mr. Farmer - No problem.  
803  
804 Mrs. Quesinberry - Okay. Thank you.  
805  
806 Ms. Dwyer - Okay. Are we ready for a motion to defer?  
807  
808 Mrs. Quesinberry - Yes. I'd like to move that this case be deferred to December 9<sup>th</sup> at  
809 the applicant's request.  
810  
811 Mr. Vanarsdall seconded the motion.  
812  
813 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall.  
814 All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati absent).  
815 The motion carries and the case is deferred to December 9<sup>th</sup>.  
816  
817 Man from Audience - I have one question. Could you just briefly explain what the R-2  
818 would be?  
819  
820 Ms. Dwyer - I think maybe it would be helpful if you discuss that at the meeting  
821 that you have. I'm sure that one of the planners or Mrs. Quesinberry would be glad to go into  
822 detail with that for you. There are many facets to a zoning classification, and probably this is not  
823 a good time to get into that right now. Thank you, sir. All right, Mr. Secretary, next case.  
824  
825  
826 **C-62C-99** **Laraine Isaac for H. W. Owens, Inc.:** Request to conditionally  
827 rezone from A-1 Agricultural District to R-3AC One Family Residence District (Conditional),  
828 Parcel 146-A-13, described as follows:

829 Beginning at a rod on the North line of Dabbs House Road, 63.19' West of Robcum Drive;  
830 thence, along Dabbs House Road, S84°51'27"W a distance of 441.40', to a rod; thence  
831 S31°36'10"W a distance of 55.31', to a rod; thence, leaving Dabbs House Road, N78°05'33"W  
832 a distance of 1017'+, to a point in the centerline of a creek; thence in a northeasterly direction  
833 along the centerline of the creek a distance of 1210'+, to a point; thence S72°37'55"E a distance  
834 of 475.0'+- to an old stone; thence S13°15'08"W a distance of 181.50' to a rod; thence  
835 S73°37'32"E a distance of 89.33', to a rod; thence N13°15'08"E a distance of 181.50', to a rod;  
836 thence S76°44'52"E a distance of 395.18', to a pipe; thence S8°57'15"W a distance of 658.11',  
837 to the point of BEGINNING; containing 21.57+ - acres.  
838

839 Mr. Marlles - The staff presentation will be given by Lee Householder.  
840

841 Ms. Dwyer - Is there any one in the audience in opposition to Case C-62C-99 H.  
842 W. Owens, LLC.? No opposition. Okay, Mr. Householder.  
843

844 Mr. Householder - Okay. I'm going to try to do a little better job describing, considering our  
845 situation with the maps. This property lies on the north line of Dabbs House Road west of  
846 Robcum Drive. It's, basically, an upside down L feature in the center of the map. The request  
847 is to rezone about 21.568 acres from A-1 to R-3AC. The property to the north and east was  
848 rezoned from case C-38C-96 to R-3AC in August, 1996, and its currently the Stoney Creek  
849 Subdivision. It was approved, and homes are currently under construction. This is Stoney Creek  
850 up there (referring to slide). Also, to the west, we have R-3AC directly to the west of the  
851 property. And it was zoned in 1998, C-74C-98. To the south, the Henrico County Government  
852 Complex. Directly, abutting it is, basically, the maintenance yard. And, also, further to the  
853 south, is some more R-3AC right here, which we'd just like to show you.  
854

855 In this case, the R-3AC District permits densities of up to 3.44 dwellings per acre. The applicant  
856 has proffered to develop no more than 45 lots. This results in a density of 2.0 units per acre.  
857 Therefore, we feel like this request is consistent with surrounding zoning and density  
858 requirements of the 2010 Plan.  
859

860 An interesting feature on this property is a historic structure called the "Fetig House." It was  
861 built in 1892, and it sits currently on the subject property right at the corner there right in that  
862 space (referring to slide). It was owned by the Hallwood family and it's a farm site there between  
863 1825-1850. There is also a cemetery located there. It's that little box right there (referring to  
864 slide) cemetery located on the site for the Hallwood Family.  
865

866 Parks and Recreation have given us their comments on this case, and they've had a chance to  
867 survey the Fetig property and document it. And their only request, at this point, is for the  
868 applicant to provide access to the cemetery, and also for any artifacts that may be uncovered in  
869 the excavation or the grading of the property that it will be turned over to Parks and Recreation.  
870

871 The applicant has addressed a portion of this request by proffering a pedestrian access easement to  
872 the cemetery site.  
873

874 The proffers have been revised since the staff report was passed out to you. Most notably,

875 changes have been that they prohibit homes from fronting on Dabbs House Road, with the  
876 exception of the Fetig House, which they're unsure they're going to preserve at this point or not.  
877 But, if that property is left, it does front Dabbs House, so they're saying, all others except for that  
878 one.

879  
880 They also proffered to initiate the process of rezoning to C-1 the 100-year flood plain, which is  
881 notably on the back to the west portion of the property. They proffer to initiate that before a final  
882 subdivision approval. But there are still many issues that we have identified in our staff report  
883 that have yet to be resolved.

884  
885 Most notably, the Concept Road 140-1, which kind of traverses the property in that fashion. Staff  
886 recommended that they would dedicate right of way, proffer dedication of this right of way. The  
887 applicant has indicated that they would be willing to do this, but Department of Public Works is  
888 not completely sure where the road is going to go at this point. And they have not been able to  
889 give them a centerline that would allow us to see exactly what they would need to proffer.  
890 Mostly likely, it would run the south portion of the property, but the applicant would like to know  
891 more about the location of this before moving forward. So, that's another unresolved issue.

892  
893 Also, development standards of this proposal are not consistent with the development standards of  
894 surrounding properties. The applicant has only proffered that the front portions of foundations  
895 will be brick, and they also prohibited slab foundation construction as in other cases surrounding.  
896 They have not proffered that chimneys would match the foundation and they have not proffered  
897 that they would not be cantilevered, which is standard to surrounding properties.

898  
899 Staff recommended a 25-foot landscape buffer along Dabbs House Road to be constructed. That  
900 would be in addition to side or rear setbacks. The applicant has only proffered a 15-foot buffer  
901 that is not in addition to the setbacks. Staff feels that these issues could be addressed and this case  
902 can be substantially improved.

903  
904 I did forget to show an exhibit which is a non-proffered layout, similar to the last case, which this  
905 would be Dabbs House here (referring to slide). This is how they may envision the proposed  
906 road coming into the property. But, there isn't enough evidence suggests that it would not even  
907 impact that property at this point. So, I'll take any questions that you have.

908  
909 Ms. Dwyer - Any questions for Mr. Householder by Commission members?  
910 Thank you. Will the applicant come forward, please?

911  
912 Ms. Laraine Isaac, Engineering Design Associates - Laraine Isaac with Engineering Design  
913 Associates.

914  
915 Ms. Dwyer - Would you like to make a presentation or respond to comments by  
916 the staff, Ms. Isaac?

917  
918 Ms. Isaac - I'm going to make a very short presentation, and some response to  
919 the staff comments. This request is consistent with the Land Use Plan. After receiving the staff  
920 report, and several meetings with the staff, meeting with Mrs. Quesinberry, meetings with the

921 developer, revised proffers were submitted. These proffers address the rezoning of the floodplain  
922 to C-1 Conservation District; the providing of 50-foot rights of way in the subdivision, access to  
923 the cemetery, buffers along Dabbs House Road, and having no new homes fronting on Dabbs  
924 House Road.

925  
926 I don't believe that the dedication of the Concept Road will present any problem. But we need to  
927 find out where it is going first. Once we obtain the centerline information from Public Works, we  
928 will be able to deal with that issue. Also, a subdivision will have to be approved by the  
929 Commission, and you'll have the right to require dedication at that time.

930  
931 Of course, I think we're going to get this resolved very quickly. I have met with Todd Eure of  
932 Public Works. It is going to shift further to the south. We will probably have to do a dedication  
933 along existing Dabbs House Road in order to get the angle right on the Concept Road. But the  
934 Concept Road will probably just nick the property. It will go onto the County property and come  
935 back onto the property before you back where the floodplain is. It will have a reverse curve in it,  
936 so it can meet up with Creighton Road. As I said, dedication is not a problem. We would just  
937 like to know what we're dedicating.

938  
939 In response to the staff comments, I would like to offer some revisions to the proffers we've  
940 already submitted. We are willing to proffer that there will be no cantilevered chimneys. And  
941 that brick foundation will extend not only on the front, but the sides of the houses.

942  
943 Ms. Dwyer - So, are you proposing then to remove the word, "front," in Proffer  
944 2?

945  
946 Ms. Isaac - I can't find my copy of the proffers. I got them.

947  
948 Mrs. Wade - When did you get the staff report, Ms. Isaac?

949  
950 Ms. Isaac - I believe it was a week ago.

951  
952 Ms. Dwyer - We don't usually like to wait until open public hearing to be  
953 amending proffers.

954  
955 Ms. Isaac - Sometimes it can't be helped.

956  
957 Ms. Dwyer - All right, so you want to remove the word, "front" from Proffer 2,  
958 and what was your other proposed change?

959  
960 Ms. Isaac - "No cantilevered chimneys."

961  
962 Ms. Dwyer - Where would that be in what proffer?

963  
964 Ms. Isaac - We would have to add that.

965  
966 Ms. Dwyer - It would be an additional proffer?

967 Ms. Isaac - It would be an additional proffer.  
968  
969 Ms. Dwyer - Anything else?  
970  
971 Mrs. Wade - (Comments unintelligible.)  
972  
973 Ms. Isaac - No. I would also have another proffer change that I would like to  
974 add. In that, there would be with Proffer No. 4. In addition to that, we would proffer that one  
975 and a half story houses with a minimum square footage of 1,350 square feet, and two-story homes  
976 would have a minimum square footage of 1,500 square feet.  
977  
978 Mrs. Quesinberry - What was the one and a half minimum?  
979  
980 Ms. Isaac - One thousand, three hundred, fifty?  
981  
982 Ms. Dwyer - Is that finished floor area?  
983  
984 Ms. Isaac - Yes.  
985  
986 Ms. Dwyer - Are there any questions for Ms. Isaac by Commission members?  
987  
988 Mrs. Quesinberry - Just for my own benefit on that concept road. Getting back on that.  
989 If it runs off of that curve on Dabbs House Road, how is that going to affect the layout here?  
990 Will you have to change this conceptual layout?  
991  
992 Ms. Isaac - There may be changes to it because we were showing it as an 80-  
993 foot right of way. My meeting with Todd Eure informed me that its going to be 60 to 66-foot  
994 right of way. So, not only is it moving, for the most part, off of the property, it's getting  
995 narrower. We need the centerline information.  
996  
997 Mrs. Quesinberry - I guess my next question is for Lee. Do we need to address that in  
998 some way to say, the applicant is willing to dedicate right of way. But how do you do that when  
999 you don't know exactly where the right of way is?  
1000  
1001 Mr. Householder - I don't think we can at this point, unless we decided to do it  
1002 between now and the Board to rule tonight, or wait. The reason why we haven't gotten it, from  
1003 what I was told by Public Works, is the gentleman who does those calculations, he's been out for  
1004 a week. So, we would have had it worked out. One reason we believe it may be further south is  
1005 by what the applicant has told us. It may be true. I don't know. We haven't looked at it to know  
1006 where its going to go.  
1007  
1008 Mr. Marlles - Mrs. Quesinberry, it does sound like something we can handle  
1009 between now and the Board.  
1010  
1011 Mr. Householder - Or it can be done at subdivision time.  
1012

1013 Mrs. Quesinberry - That's what I needed to know. Thank you.  
1014  
1015 Ms. Dwyer - Any other questions for Ms. Isaac?  
1016  
1017 Mrs. Wade - Ten is remaining, staying with the 15-foot buffer?  
1018  
1019 Ms. Isaac - Yes.  
1020  
1021 Ms. Dwyer - That will not be in addition to this required setback?  
1022  
1023 Ms. Isaac - No. We don't have the depths to provide, in addition to the rear  
1024 yard setback.  
1025  
1026 Ms. Dwyer - Any other questions by Commission members? Mrs. Quesinberry.  
1027  
1028 Mrs. Quesinberry - I'm ready for a motion. I'd like to recommend approval of C-62C-  
1029 99 H. W. Owens, LLC.  
1030  
1031 Mrs. Wade - What about the proffers?  
1032  
1033 Ms. Dwyer - Excuse me, Mrs. Quesinberry. We do need to waive...If you could  
1034 specify in your motion exactly what proffer amendments you're accepting as a part of your  
1035 recommendation. It would be good to have it in the record.  
1036  
1037 Mrs. Quesinberry - Okay.  
1038  
1039 Mr. Householder - In the past couple cases that I've done, we revised the proffers in  
1040 between. I would recommend that, because we're actually working on some brick foundation  
1041 language for proffers in the future we're recommending. I can note that and make sure it gets  
1042 revised between now and the Board.  
1043  
1044 Ms. Dwyer - Okay. So, then the other option available to you, Mrs.  
1045 Quesinberry, is to state your understanding of what the applicant will do between now and the  
1046 Board and leave it to the applicant, in fact, to get that in writing between now and the Board.  
1047  
1048 Mrs. Quesinberry - Mr. Householder, the proffers that we have dated November 8<sup>th</sup> do  
1049 not need to be waived? Is that correct?  
1050  
1051 Mr. Householder - They came in within the time limit.  
1052  
1053 Mrs. Quesinberry - Okay. And I'd like to make a motion that we recommend approval  
1054 for C-62C-99 H. W. Owens, LLC., with the attached proffers 1 through 10 dated November 8<sup>th</sup>,  
1055 and with the understanding that there will be some additional proffers developed between now  
1056 and the time of the Board meeting that will address specifically no cantilevered chimneys; brick  
1057 foundations around the entire perimeter of the dwellings; additions to Proffer No. 4 that will  
1058 address the square footage of one and a half stories and two-story dwellings. I think that's it.

1059 Mr. Vanarsdall seconded the motion.

1060

1061 Mrs. Wade - I have to say I'm not comfortable voting for this with the proffers  
1062 in the current state. So, I'll have to say no.

1063

1064 Ms. Dwyer - Motion made by Mrs. Quesinberry, seconded by Mr. Vanarsdall.  
1065 All those in favor say aye—all those opposed by saying nay. The vote is 4-1 (Mrs. Wade voted  
1066 no, Mr. Donati absent). The motion carries 4 to 1. This case will then proceed to the Board with  
1067 recommendation for approval.

1068

1069 REASON: Acting on a motion by Mrs. Quesinberry, seconded by Mr. Vanarsdall, the Planning  
1070 Commission voted 4-1 (one nay, one absent) to recommend that the Board of Supervisors **accept**  
1071 **the proffered conditions and grant** the request because it conforms to the recommendations of  
1072 the Land Use Plan; and it would permit development of the land for residential use in an  
1073 appropriate manner.

1074

1075

1076 **C-63C-99 Walter L. Hooker for Rotunda Corp.:** Request to amend  
1077 proffered conditions accepted with rezoning case C-65C-98 on Parcel 93-A-62 and part of Parcel  
1078 93-A-63, containing 5.41 acres, located on the east line of Bethlehem Road approximately 560'  
1079 south of its intersection with Dickens Road. The proffer amendment increases the proposed  
1080 number of lots from thirteen to fourteen. The Land Use Plan recommends Suburban Residential  
1081 2, 2.4 to 3.4 units net density per acre.

1082

1083 Mr. Marlles - Mr. Mark Bittner will be giving the staff presentation.

1084

1085 Ms. Dwyer - Good evening, Mr. Bittner.

1086

1087 Mr. Mark Bittner, County Planner - Good evening.

1088

1089 Ms. Dwyer - Is there any one in the audience in opposition to C-63C-99  
1090 Rotunda Corporation? No opposition. Mr. Bittner.

1091

1092 Mr. Bittner - Thank you, Madam Chairman. This application would amend the  
1093 proffers for C-65C-98 to allow an increase in the number of permitted lots from thirteen to  
1094 fourteen. The R-3AC zoning of the property is consistent with the first section of Dickens Glen  
1095 to the north, and is also consistent with the upper limit of the Suburban Residential 2 designation  
1096 of the property. The existing number of permitted lots, just 13, is actually below the suggested  
1097 density range of the 2010 Plan. Thirteen lots on five and one-half acres equals 2.35 net units an  
1098 acre. The proposed increase to 14 lots would equal 2.5 net units per acre, which is within the  
1099 density range of the 2010 Plan suggestion.

1100

1101 C-65C-98 contains a proffered subdivision plan showing 13 lots and a BMP lot. A new  
1102 proffered plat has been prepared by the applicant showing the requested 14 lots and a BMP lot.  
1103 The revised plat includes the following items that were also part of the original plat:

1104



1105 They are: Access from the Dickens Glen Lane stub road to the north; a new stub road being  
1106 established at the southern border of the property; and no driveway access for new lots along  
1107 Bethlehem Road.

1108  
1109 This revised plat is acceptable because it incorporates the same elements as the previous plat.  
1110 Staff also feels that the increase in lots from 13 to 14 is acceptable because it is within the  
1111 suggested density range of the 2010 Plan. Staff recommends approval of this application. I'd be  
1112 happy to answer any questions you may have.

1113  
1114 Ms. Dwyer - Any questions for Mr. Bittner by Commission members?

1115  
1116 Mr. Vanarsdall - ...this was the BMP that was going to be up beside Bethlehem  
1117 Road between Lots 14 and 13. They ran into a problem there and moved it back between Lots 1  
1118 and 2. And, in doing so, they had an extra left over, so they requested to build on that lot,  
1119 which is better than having an empty lot there to grow up in weeds. So, that's what caused all  
1120 this. I have no more questions. I don't believe that was a question was it?

1121  
1122 Ms. Dwyer - It was a statement. So, the BMP has simply been moved from the  
1123 Bethlehem Road more interior to the center?

1124  
1125 Mr. Vanarsdall - Right. Its in the back there. Unless some of you have a question,  
1126 I don't need to hear from the applicant.

1127  
1128 Ms. Dwyer - Any questions that Commission members have of the applicant in  
1129 this case? I don't believe so, Mr. Vanarsdall. So, we are ready for a motion.

1130  
1131 Mr. Vanarsdall - I move C-63C-99 be recommended to the Board of Supervisors  
1132 for approval. I don't believe I have any kind of conditions or proffers on it. That's my motion.

1133  
1134 Mrs. Quesinberry seconded the motion.

1135  
1136 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry.  
1137 All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati absent).

1138  
1139 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Quesinberry, the Planning  
1140 Commission voted 5-0, (one absent) to recommend that the Board of Supervisors **accept the**  
1141 **proffered conditions and grant** the request because it was determined to be reasonable; and it  
1142 will not materially affect the overall proffers originally accepted with C-65C-98.

1143  
1144  
1145 **C-64-99 Henry L. Wilton for Dickens Place, LLC:** Request to rezone  
1146 from M-1C Light Industrial District (Conditional) and R-3 One Family Residence District to C-1  
1147 Conservation District, part of Parcel 93-A-45B, described as follows:

1148  
1149 Beginning at the intersection of the northern line of Indigo Road extended with the western line of  
1150 Falmouth Street extended; thence S17°36' 17"W 27.20' to the point of beginning; thence along a

1151 curve to the left having a radius of 206.79', a length of 56.74', and a chord bearing S8°56'48"W  
1152 a distance of 56.56' to a point; thence S01°05'11"W 167.19' to a point, thence along a curve to  
1153 the right having a radius of 162.53', a length of 179.30', and a chord bearing S32°41'22"W a  
1154 distance of 170.34' to a point; thence S64°17'33"W 60.00' to a point; thence along a curve to the  
1155 right having a radius of 657.14', a length of 29.21' and a chord bearing S65°33'57"W a distance  
1156 of 29.21' to a point; thence N43°31'57"W 629.78' to a point, thence N64°54'00"E 204.93' to a  
1157 point; , thence S19°21'45"E 326.64' to a point; thence N85°50'09"E, 132.92' to a point, thence  
1158 N32°30'25"E 111.00' to a point, thence N72°23'48"E 63.70' to a point; thence N17°36'12"W  
1159 155.81' to a point; thence S49°21'35"E 156.43' to the point of beginning, containing 2.915 acres.

1160

1161 Mr. Marlles - The staff presentation will be made by Mr. Bittner.

1162  
1163 Ms. Dwyer - Is there any one in the audience in opposition to C-64-99 Dickens  
1164 Place, LLC?

1165  
1166 Mr. Bittner - I believe there was opposition.

1167  
1168 Ms. Dwyer - There was?

1169  
1170 Mr. Bittner - I think I saw someone raise their hand.

1171  
1172 Ms. Dwyer - Are you in opposition, sir?

1173  
1174 Mr. Goodwin - Yes.

1175  
1176 Ms. Dwyer - Okay. Thank you. I wasn't aware of that when you just stood up.  
1177 Go ahead, Mr. Bittner.

1178  
1179 Mr. Bittner - Thank you, Madam Chairman. This site is located at the southern  
1180 end of Dickens Place and Perl Road. The property, in question, wraps around the southern  
1181 side of the park at Dickens Place Office Warehouse, and is adjacent to the western side of  
1182 Falmouth Street.

1183  
1184 The Park at Dickens Place was rezoned under C-62C-97. Since the original rezoning, a plan of  
1185 development has been approved and construction of the project has commenced. The Park at  
1186 Dickens Place will eventually have three office/warehouse buildings.

1187  
1188 The area, in question, is designated Commercial Arterial and Suburban Residential 2 on the 2010  
1189 Land Use Plan.

1190  
1191 Even though the property, in question, is designated for commercial and residential  
1192 development, most of it is floodplain. Some of it also contains wetlands. Normally, these  
1193 areas are designated Environmental Protection Area on the 2010 Plan. However, the exact  
1194 location of these floodplain and wetland areas was not determined until 1997 when the POD  
1195 for the property was prepared. Because the property in question is environmentally sensitive,

1196 C-1 is the logical zoning. For this reason, staff recommends approval of this application. I'd  
1197 be happy to answer any questions you may have.

1198 Ms. Dwyer - Any questions for Mr. Bittner by Commission members?  
1199

1200 Mr. Vanarsdall - I will add, as Mr. Bittner said, this was part of the rezoning  
1201 originally, and Mr. Wilton promised to do this, and he's living up to his promise tonight.  
1202

1203 Mrs. Wade - Who will be responsible for maintaining this?  
1204

1205 Mr. Bittner - The property owner would still be responsible for maintaining it.  
1206

1207 Ms. Dwyer - Any questions for Mr. Bittner? Thank you. Would you like to  
1208 hear from the applicant, Mr. Vanarsdall?  
1209

1210 Mr. Vanarsdall - Pardon?  
1211

1212 Ms. Dwyer - Would you like to hear from the applicant?  
1213

1214 Mr. Vanarsdall - Can we just hear from him first? Maybe he just has a question.  
1215

1216 Ms. Dwyer - Okay. Sir, would you come forward? Thank you. If you would  
1217 state your name, please?  
1218

1219 Mr. M. M. Goodman, 2306 Golden Road - My name is M. M. Goodman. I live at 2306  
1220 Golden Road, which is a little up the street from that property. Apparently, you haven't seen  
1221 that piece of property. It's nothing but a little triangle with a ditch behind that runs through  
1222 between Westmoreland and Reed Road. It has stagnant water in it and all kinds of garbage being  
1223 thrown in it, and people driving by.  
1224

1225 To put anything on that property, is like putting a tent up in Windsor Farms. I don't think  
1226 they'd allow that. Somebody's tried to develop that, and the poor people on Falmouth Street  
1227 facing to the west have Dickens Place with industrial businesses right in their backyard with no  
1228 buffer, no fence, nothing.  
1229

1230 Somebody stuck in a little development on Dickens Road, called Dickens Glen with one way in;  
1231 one way out. It's a heck of a traffic jam over there, because most people use that to go between  
1232 Broad Street and Bethlehem Road. And we've got enough in there. I noticed here, on C-63C-  
1233 99 where they want to put that development in on Bethlehem Road, there's only going to be one  
1234 way in; one way out with that. If you go down a little further to Libbie, there's another place on  
1235 the same side that has the development in there with a few houses with one way in; one way out.  
1236

1237 If you come through there in the evenings, and you see the traffic, it's a mess. Somebody  
1238 designed Dickens Road four lanes to go out to Broad Street be accessible to I-64. But most  
1239 people go out the back way towards Staples Mill. And if you ever tried getting back out that  
1240 way, you've got two lanes with a back up all the way almost to I-64. I'd recommend that you  
1241 wouldn't put nothing on there. It's not worth it. It's a mess. And, that's it.

1242  
1243 Mr. Vanarsdall - Sir, we don't intend to put anything on there. This is going to be  
1244 zoned to exactly what it is now, so, won't anything ever be on it.  
1245  
1246 Mr. Goodman - I was under the impression they were going to put some  
1247 apartments up on there.  
1248  
1249 Ms. Dwyer - Could we be clear about which part, Mr. Vanarsdall, and which  
1250 part is the M-1 from the map? Maybe Mr. Bittner could outline.  
1251  
1252 Mr. Goodman - All I know, it's a little triangle as you come around the bend where  
1253 Indigo Road comes in.  
1254  
1255 Mr. Bittner - Maybe you can see on this. This is the plan of development for  
1256 the Park at Dickens Place. There are three buildings which are going to be built eventually on  
1257 the site; two which, I believe, area already constructed. This is the area we're talking about  
1258 tonight (referring to slide).  
1259  
1260 Mr. Goodman - Yes.  
1261  
1262 Mr. Bittner - Which would be zoned to C-1 which is Conservation which  
1263 nothing can be built on it. So, this would remain as it is.  
1264  
1265 Mr. Goodman - Somebody is already putting something up on here where the old  
1266 (unintelligible) Center was.  
1267  
1268 Mr. Bittner - Well, these buildings are under construction. This is the area  
1269 we're talking about (referring to slide).  
1270  
1271 Mr. Goodman - I'm talking about this area right here (referring to slide). Isn't that  
1272 what you're going to?  
1273  
1274 Mr. Bittner - No. We're talking about across the street.  
1275  
1276 Ms. Dwyer - Mr. Bittner, on this map the C-1 is not marked.  
1277  
1278 Mr. Bittner - No. This is the Plan of Development map from the Park at  
1279 Dickens Place. That shows it bordering the C-1.  
1280  
1281 Mr. Vanarsdall - Right.  
1282  
1283 Mr. Bittner - I pointed it out on the zoning map.  
1284  
1285 Mr. Goodman - Okay. This right over here where you're going over here, right  
1286 abutting against a house over there. Will that be facing out to Falmouth?  
1287

1288 Ms. Dwyer - I'm sorry. What is your question, sir?  
1289 Mr. Goodman - That little strip where the arrow is pointing on.  
1290  
1291 Ms. Dwyer - Yes. The triangle?  
1292  
1293 Mr. Goodman - Will that be facing out to Falmouth, won't it?  
1294  
1295 Ms. Dwyer - Well, I think its going to stay where it is.  
1296  
1297 Mr. Vanarsdall - It will be facing just like its facing now.  
1298  
1299 Ms. Dwyer - But nothing will be built on it.  
1300  
1301 Mr. Goodman - Okay.  
1302  
1303 Mr. Vanarsdall - Thank you for your interest. Appreciate it.  
1304  
1305 Ms. Dwyer - Okay.  
1306  
1307 Mrs. Wade - Perhaps, the applicant can tell us exactly how he intends to keep  
1308 this parcel?  
1309  
1310 Ms. Dwyer - Okay. Will the applicant come forward, please? Sir.  
1311  
1312 Mr. Archer - He's gone, Madam Chairman.  
1313  
1314 Mr. Henry Wilton - My name is Henry Wilton. This is, basically, a housekeeping  
1315 issue, as Mr. Vanarsdall said. In regard to rezoning the unused portion of the property, we  
1316 zoned it all, at one point, to M-1. And with the commitment to come back and the unused  
1317 portion of the property not used for M-1 will become C-1 Conservation.  
1318  
1319 I think the gentleman thought, we actually on our side of the property, we took half of it. The  
1320 adjacent property took the other half. And that's part of the conversion to the C-1 property.  
1321 And the rest of it is M-1 property. I think there was R-3 left over there, too, that we threw in,  
1322 so we would have the C-1 all the way around our project.  
1323  
1324 There will be no access coming out to Falmouth. I think that was his comment. I think that was  
1325 what he was worried about...  
1326  
1327 Ms. Dwyer - The question was raised then, "How will this parcel be treated as  
1328 part of this development?"  
1329  
1330 Mr. Wilton - Well, the parcel is wetlands. Basically, the Army Corps will not  
1331 let us go ahead and touch it. It is used as a filtration of that water that comes through the  
1332 property and does help with the Chesapeake Bay Act. When we did the drainage study, we got  
1333 credit for some of that. We also enlarged the pipes going through there, because there were

1334 some drainage problems and, we, basically, at the same time, corrected a lot of those drainage  
1335 problems too. But, that property will remain as it is, as you see it today. We will clean it up if  
1336 there is a problem with it, certainly. We own it and its our responsibility. It's owned by  
1337 Dickens Place LLC. And we own the project and will continue to own the project. In fact, my  
1338 office will be there around mid-January. So, if there is a problem, certainly, I'm right there.

1339  
1340 Mrs. Wade - You're going to put your office here, are you?

1341  
1342 Mr. Wilton - Yes ma'am.

1343  
1344 Mrs. Wade - Are you going to keep the trash picked up, because he indicated it  
1345 was a mess?

1346  
1347 Mr. Wilton - I think along that road people do that sometimes. But, certainly,  
1348 yes, we'll keep it manicured and nice and clean. If I see him out there, I'll speak to him and get  
1349 his name.

1350  
1351 Ms. Dwyer - I believe it was Mr. Grummen?

1352  
1353 Mr. Wilton - Grummen? Okay.

1354  
1355 Mrs. Wade - Goodman.

1356  
1357 Mr. Wilton - I'll find him and contact him just to let him know what's going on.

1358  
1359 Mr. Vanarsdall - Thank you, Hank.

1360  
1361 Ms. Dwyer - Are there any other questions by Commission members on this  
1362 case? No questions. Ready for a motion?

1363  
1364 Mr. Vanarsdall - I move C-64-99 be recommended to the Board of Supervisors for  
1365 approval.

1366  
1367 Mrs. Quesinberry seconded the motion.

1368  
1369 Ms. Dwyer - Motion made by Mr. Vanarsdall, seconded by Mrs. Quesinberry.  
1370 All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati absent).

1371  
1372 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mrs. Quesinberry, the Planning  
1373 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors **grant** the request  
1374 because it is reasonable, it conforms to the recommendations of the Land Use Plan; and it  
1375 conforms with the objectives and intent of the County's Comprehensive Plan.

1376  
1377  
1378 **Deferred from the October 14, 1999 Meeting:**

1379 **C-13C-99** **Ralph L. Axselle for Wilton Development Corp.:** Request to  
1380 conditionally rezone from A-1 Agricultural District and C-1 Conservation District to R-2C One  
1381 Family Residence District (Conditional) and C-1 Conservation District, Parcel 74-A-20,  
1382 described as follows:

1383  
1384 Beginning at a point in the eastern right of way line of Wilkinson Road and the northern right of  
1385 way line of Old Sellars Way, said point being the southwesterly corner of the herein described  
1386 parcel of land. Thence along the eastern right of way of said Wilkinson Road on a curve to the  
1387 left with a Radius of 2903.92' a central angle of 03°-35'-23" and a length of 181.94' to a point at  
1388 the intersection of the eastern right of way of Wilkinson Road and the eastern right of way of  
1389 Diane Lane. Thence along the eastern right of way line of said Diane Lane N 09°-36'-00" E  
1390 605.81' to a point, Thence on a curve to the left with a Radius of 5754.60' a central angle of 06°-  
1391 26'-45" and a length of 647.40' to a point, Thence N 03°-09'-15" E 72.55' to a point, Thence  
1392 leaving said right of way S 62°-16'-15" E 226.28' to a point, Thence N 03°-38'-45" E 416.00' to  
1393 a point, Thence with the southern line of Chickahominy Bluffs" the following courses and  
1394 distances: S 62°-16'-15" E 246.40', S 67°-13'-40" E 222.56', S59°-33'-20" E 693.00', S 68°-36'-  
1395 10" E 940.92', S 37°-40'-50" E 293.52', S 51°-57'-15" E 330.00', S 49°-47'-35" E 207.23', S  
1396 27°-40'-00" E 854.14' to a point at the southwest corner of Chickahominy Bluffs and the  
1397 northwest corner of the land now or formerly Chickahominy Investors LLC. Thence along the  
1398 western line of said Chickahominy Investors LLC. S 41°-04'-45" E 550.30' to a point, Thence S  
1399 21°-07'-30" E 785.97' to a point, Thence S 19°-21'-30" E 659.54' to a point, Thence S 19°-22'-  
1400 18" E 137.46' to a point in the line of said Chickahominy Investors LLC and the northeast corner  
1401 of the land now or formerly L.G.A. Associates, Thence with the northern and eastern line of said  
1402 L.G.A. Associates: S 75-43'-57" W 1405.23' to a point, Thence N 30-58'-26" W 748.43' to a  
1403 point, Thence N 31°-01'-50" W 191.40' to a point, Thence continuing along the eastern line of  
1404 said L.G.A. Associates and the eastern line of the land of the County School Board of Henrico the  
1405 following courses and distances: N 21°-54'-20" W 352.44', N 29°-31'-50" W 188.92, N 30°-38'-  
1406 00" W 168.80', N 08°-06'-50" W 277.73', N 08°-17'-40" E 120.29', N 14°-43'-00" W 256.04',  
1407 N 02°-00'-49" E 664.57' to a point in the northern right of way line of Old Sellars Way, Thence  
1408 with the northern right of way line of said Old Sellars Way N 83°-40'-44" W 740.68' to a point,  
1409 Thence with a curve to the left with a Radius of 1334.51' a central angle of 17°-03'-13" and a  
1410 length of 397.21' to a point, Thence S 79°-16'-03" W 786.94' to a point, Thence with a curve to  
1411 the right with a Radius of 25.00' a central angle of 88°-55'-26" and a length of 38.80' to the point  
1412 of beginning, containing approximately 162 acres.

1413  
1414 Mr. Marlles - The staff report will be presented by Ms. Jo Ann Hunter.

1415  
1416 Ms. Dwyer - Good evening, Ms. Hunter. Is there any one in the audience in  
1417 opposition to C-13C-99 Wilton Development Corp.? We do have opposition.

1418  
1419 Mr. Vanarsdall - Is there any one in here that is not in opposition?

1420  
1421 Ms. Dwyer - Okay. Ms. Hunter.

1422

1423 Ms. Hunter - Thank you. This subject request would rezone 162 acres from A-1  
1424 and C-1 to R-2C and C-1 to allow approximately 175 single-family dwellings on 111 acres which  
1425 would be a density of 1.58 units per acre. The remaining 51 acres are floodplain and will remain  
1426 zoned C-1, and would not be developed.

1427  
1428 The R-2 request is consistent with the Suburban Residential 1 designation for the property of the  
1429 2010 Land Use Plan. The density is also consistent with surrounding neighborhoods. The  
1430 applicant has significantly revised this request since its original submittal.

1431  
1432 The original request was for R-2AC Controlled Density development with a proposed 262 homes.  
1433 The case was later modified to an R-2C Controlled Density with a proposal of 225 lots. Most of  
1434 the surrounding development is zoned R-2 and staff worked with the applicant to address  
1435 compatibility issues with adjacent subdivisions, and the applicant withdrew the controlled density  
1436 request.

1437  
1438 Westmeath Lane and Abbotsford Way, which are here and here, (referring to slide), in  
1439 Chickahominy Bluffs stub into the property. Chickahominy Bluffs currently has 139 homes with  
1440 one point of access.

1441  
1442 The applicant has proposed to prohibit these roadway connections. Establishing a roadway  
1443 connection to Chickahominy Bluffs and surrounding neighborhoods are vital to efficient  
1444 circulation and emergency access in the immediate area. Connection to Chickahominy Bluffs is  
1445 desirable.

1446  
1447 Neighbors in Chickahominy Bluffs have expressed concerns with the intersection of Diane Lane  
1448 and Wilkinson Road. You can see it here (referring to slide). Diane Lane comes along like this.  
1449 This is Wilkinson Road. So, it currently comes in at a 45 degree angle, and then you've got a  
1450 "T" intersection here with Old Sellers Way. The neighbors consider this a very dangerous  
1451 situation with the 45 degree angle and the separation with Old Sellers Way.

1452  
1453 The Traffic Engineer had indicated that this subdivision could be built with no changes to this  
1454 intersection. However, in order to address the neighborhood concerns, the applicant is pursuing  
1455 purchasing this corner piece here (referring to slide). It is actually a Parks and Recreation County  
1456 facility softball field. They'd be purchasing about 1.5 acres on the corner of this property, and  
1457 then they would request vacation of the road which is another half acre.

1458  
1459 The road would then come in at a "T" intersection like this (referring to slide), instead of here at  
1460 this 45-degree angle. This would, then, have an impact on these two homes at Three Fountains  
1461 North, and the applicant has indicated they would work with the property owners and put either a  
1462 fence or landscaping, what ever they choose.

1463  
1464 Ms. Dwyer - Before you move that, may I just ask a question? What would be  
1465 vacated under this proposal?

1466  
1467 Ms. Hunter - This is Diane Lane. It comes in here (referring to slide). Right  
1468 now, it comes in at a 45-degree angle. They would be purchasing this area from the County,



1469 would be the park facility. They would vacate Diane Lane here and it would come in at a "T"  
1470 there. You may see it better on this colored elevation. It would come in like that now, instead of  
1471 at a 45-degree angle. Currently, it continues and comes in right about here (referring to slide).

1472  
1473 Mrs. Wade - How much of Klear Field are they buying?

1474  
1475 Ms. Hunter - An acre and a half.

1476  
1477 Mr. Archer - Now, she said, "Klear Field." This wouldn't disturb Klear Field,  
1478 would it?

1479  
1480 Ms. Hunter - It would not disturb any of the softball fields. You can actually see  
1481 the backstop right here. They had originally talked about possibly relocating the fields, but they  
1482 have found they don't need to. What they would be proposing would be to put a 25-foot buffer  
1483 here and then a solid board-on-board fence there to protect any balls or children coming out onto  
1484 the new Diane Lane relocated.

1485  
1486 They've estimated that the backstop would be about 25 feet from the proposed fence. And they  
1487 would also need to relocate some parking and things like that. That would all be worked out with  
1488 the Parks & Recreation Department.

1489  
1490 Ms. Dwyer - Backstop for the basketball courts?

1491  
1492 Ms. Hunter - Softball. I think they're called, "backstops." The applicant has  
1493 submitted several proffers to assure a quality development. The applicant has proffered irrigated  
1494 landscaping along Diane Lane, underground utilities, a phasing proffer of 35 permits per year to  
1495 address the school planner's concern. All visible portions of houses and chimneys will be  
1496 constructed on foundations made of brick or stone. And the applicant has also proffered  
1497 restrictive covenants that includes a landscaping package of \$600 for each lot, 2,400 square feet  
1498 average house size. That's up from 2,200 in the proffers in your staff report. They've proffered  
1499 the landscaping exhibit for the Diane Lane buffer which is shown on the screen now. Curb and  
1500 gutter; commitment to the Diane Lane/Wilkinson Road relocation; and any lot adjacent to  
1501 Chickahominy Bluffs shall be an average of 24,000 square feet.

1502  
1503 The revised application is a considerable improvement from the original submittal. The R-2  
1504 request with a minimum lot size of 18,000 square feet, and a density of 1.58 units per acre is  
1505 compatible with the adjacent neighborhoods, and is consistent with the 2010 Land Use Plan.

1506  
1507 Staff encourages the applicant to provide a connection to Chickahominy Bluffs. Staff supports  
1508 this proposal.

1509  
1510 Ms. Dwyer - Thank you, Ms. Hunter. Any questions for Ms. Hunter by  
1511 Commission members? Have no questions. Thank you very much. Would the applicant come  
1512 forward, please? Good evening.

1513

1514 Mr. Ralph L. Axselle, Jr. - Madam Chairman, ladies and gentlemen of the Planning  
1515 Commission, my name is Bill Axselle. I'm the counsel for Hank Wilton, Wilton Development.  
1516 Hank's with me tonight and Sandy Verna from his office who is going to assist with some of the  
1517 exhibits.

1518  
1519 I will tell you that we have worked for 10 months literally with the North Chamberlayne Civic  
1520 Association. We've made considerable improvements in the case. We came very close to an  
1521 agreement prior to tonight. While we were here, we have, in fact, reached an agreement. I thank  
1522 John Mizell, their counsel, and Mr. Pettigrew, the head of that group will indicate that to you at  
1523 the appropriate time.

1524  
1525 I'm still going to walk through the case for your benefit and the benefit of the folks here, but I  
1526 think we're in agreement on all points. Collectively, we and they would have a disagreement  
1527 with the staff recommendation that Westmeath be connected through.

1528  
1529 The proffers are rather detailed and we would ask the time limit be waived. We had a meeting on  
1530 Monday with Mr. Archer and Ms. Hunter, and the neighbors. We sent electronically a draft of  
1531 the proffers. Some changes had been made, but they're all changes that we've shared with each  
1532 other. Everybody is all aware of so nobody is caught by surprise. And Mr. Archer and the  
1533 neighbors certainly are aware, I think, of everything's going on.

1534  
1535 Very quickly, let me tell you this is an exhibit that I prepared to illustrate things to you. The  
1536 Land Use Plan calls for this property to be single family residential. That's, obviously, what's  
1537 being proposed. The Land Use Plan calls for a density of between 1.0 and 2.4 units per acre.  
1538 That's what the Land Use Plan for Henrico County says it could be used for. And we are  
1539 proposing a 1.58 density of units per acre.

1540  
1541 And, how we reached that is, the four nearby subdivisions, and they range from about 1.34 units  
1542 per acre; Chickahominy Bluffs, up to Three Fountains North, 2.1 units per acre. And, so this is  
1543 the average of those four subdivisions. This is the calculations on which the neighbors and we  
1544 have been discussing matters. And so, we've taken the same density, that's the density in the  
1545 neighborhood and we have matched that. And, obviously, the R-2 zoning that we're requesting is  
1546 the same R-2 zoning that's on Chamberlayne Hills, Chickahominy Bluffs, Three Fountains North,  
1547 and Wilkinson Estates.

1548  
1549 The next one shows you a comparison of the lot size and the house size as to what's required.  
1550 The four subdivisions are existing subdivisions. And, as approved by Henrico County, they  
1551 require a lot of 18,000 square feet. Our proposal is to also have an 18,000 square foot lot. So,  
1552 our lots are the same size as the ones the County requirements for the other subdivisions.

1553  
1554 We have reached an agreement that the lots that abut Chickahominy Bluffs will average 24,000  
1555 square feet. The reason we reached that is, the lots in Chickahominy Bluffs, they're on their side  
1556 of the property line, they average 24,000 square feet. So, lots in our subdivision, which would be  
1557 on the other side of the property line will also be an average of 24,000 square feet.

1558

1559 The County requirements for those four subdivisions range mainly 1,500 square feet. The houses  
1560 are larger, but that's what the County requirement is, 1,500 square feet on those four  
1561 subdivisions. We have proposed a range in our subdivisions of between 1,800 and 2,800. The  
1562 1,800 would be closer to the Wilder Middle School, the soccer fields, the 2,800 will be abutting  
1563 Chickahominy Bluffs. On the whole subdivision is will average 2,400 square feet.

1564  
1565 A couple of things that we've put into to try to address some concerns and I think they've been  
1566 well accepted. The model home that will be on the property will be 2,600 square feet or more.  
1567 Fifteen of the first 35 homes will have at least 2,600 square feet. And, again, the lots that are  
1568 adjacent to Chickahominy Bluffs, they will have 2,800 square foot homes on them. So, again, the  
1569 same premise. The lots in Chickahominy Bluffs on their side of the property line, they average  
1570 2,800 square feet. The houses on our side of the property line will also be 2,800 square feet, and  
1571 it will be a 30-foot tree preservation area also along there.

1572  
1573 Now, this has been sort of the point of contention. But, I won't go through this because we have  
1574 reached an agreement. And, one of the points we were making, and we did have a difference of  
1575 opinion, but we were fortunate to resolve it is that, if you look at Chickahominy Bluffs, when it  
1576 was zoned, the developer was required to have houses of 1,500 square feet, but he built 2,955;  
1577 Chamberlayne Hills, 1,500; he built 2,641; Three Fountains North, and so forth.

1578  
1579 So, you can see that each of the subdivisions, they built larger than what they were required to.  
1580 That's today's standard. That's today after sunrooms have been built, and additions and so forth.  
1581 And, so what we are requiring by these proffers is that our minimum average, at the time the  
1582 houses are built, will be 2,400 square feet. And so the minimum average for homes in our  
1583 subdivision will be 2,400 square feet. And we think that compares favorably as you see the  
1584 averages are above. The averages of the four subdivisions "as built" now, after 20 or 30 years is  
1585 2,493. We'll be 2,400 at the completion of the build out of our subdivision.

1586  
1587 Again, we have a number of conditions. It's a little out of sequence, but its important. The  
1588 2,800 square foot home will go all the way back on all of Chickahominy Bluffs, including the  
1589 parts of that zoned A-1 owned by Doctor Pryor and Doctor Boshier through what is Lot 85 on this  
1590 tentative plan filed with the case.

1591  
1592 Now, going back, these are a couple of provisions that are in our development standards that are  
1593 now required for Chickahominy Bluffs and so forth. We think you can see the things they have  
1594 here, we've limited the number of lots.

1595  
1596 This is along Diane Lane beside our subdivision. This is what it will look like. It will have a  
1597 double edge of evergreens. A heavy vinyl three-board fence, a decorative fence. And that's a  
1598 part of the proffer.

1599  
1600 If you'd go to the next exhibit (referring to slide), it talks about Diane Lane right now accesses  
1601 into Wilkinson Road at a 45-degree angle. It is not the safest of access points. It also has the  
1602 affect that its very easy just to come off Wilkinson Road, take a right on Diane and go over to  
1603 Route 301 in that fashion.

1604

1605 So, while Diane Lane, is designed as a collector, it serves that purpose, it carries a lot of traffic.  
1606 So, the neighbors asked us if we could find a way to change that intersection. The County Traffic  
1607 Engineer indicated they have those plans but they have no money, and its not in the near future.  
1608 What we've done is change the configuration so that this will be the entrance to the subdivision  
1609 off of Wilkinson Road. And if you can go to the next one. This map shows you best and it's the  
1610 same one that Jo Ann had used. Diane Lane comes in from your left, which would be from the  
1611 Chamberlayne Hills/Chickahominy Bluffs standpoint. You normally would go straight on down  
1612 over to the right to Wilkinson Road. That will be, we hope. We've asked the County to vacate  
1613 the rest of that road. They will then swap with us the land on this side, the right side, if you will,  
1614 of the new road, and we will put a 25-foot buffer and fencing in two places on the left side and  
1615 fencing on the right.

1616  
1617 The advantage from the neighbors standpoint is that, instead of Diane Lane coming straight to  
1618 Wilkinson, where people will shoot right up Diane Lane, Diane Lane will now access into  
1619 Sterling Forest Road which will be entrance of our subdivision. And, so, people will have to  
1620 come into the subdivision for a little bit, take a left to get on Diane Lane. This was appealing to  
1621 the neighbors, because the Traffic Engineer, Tim Foster, indicates that it would decrease traffic  
1622 on Diane Lane by 60 percent. It will, in fact, put the traffic on Wilkinson, but that road was  
1623 designed for that purpose.

1624  
1625 So, that's what we did, at the request of the neighbors. It is subject to the County's concurrence  
1626 for swapping off the land at Kleer Field and so forth. It will wind up costing us a net of about  
1627 \$100,000. But, we think it will be a nice entrance for our subdivision, and a nice change for the  
1628 neighborhood.

1629  
1630 I won't go through the other things that Ms. Hunter had mentioned, but I think that you'll see  
1631 there are a lot of conditions in this subdivision that are not required, but may exist in the other  
1632 subdivisions.

1633  
1634 Now, let me address, in conclusion, the one point in which there are still some disagreement.  
1635 The disagreement, at this point, is between the staff on one side, if you will, and us, and North  
1636 Chamberlayne Civic Association on the other side.

1637  
1638 We filed our case. We said, in a proffer, that we would say there'd be no access to  
1639 Chickahominy Bluffs Subdivision from Westmeath. We've said all along, we don't want that.  
1640 I'll explain to you why. The staff feels that there should be an access point. I think you'll hear  
1641 from the folks at North Chamberlayne that's not something they want.

1642  
1643 I'll give you five reasons, if you will, that it should not require these two subdivisions to connect:  
1644 First off, the Traffic Engineer, Tim Foster, the County of Henrico's Traffic Engineer says that  
1645 our subdivision meets all County requirements as far as access without the cut through. We've  
1646 got enough access points on Old Settlers Way. We don't have to have the cut through for our  
1647 subdivision.

1648  
1649 Chickahominy Bluffs has existed 30 years. It was platted and approved by the County. It did not  
1650 have to have the cut through. And, so, we've got two subdivisions, neither one of which need

1651 this to be legally in compliance with Henrico County requirements, and, thus, we don't think you  
1652 should force that cut through. We recognize there are some policy reasons why the staff  
1653 recommends that, but, in this practical situation, we do not think it has any merit.

1654 The second point is, the Chickahominy Bluffs, if you've been back in there, is a very nice  
1655 neighborhood. It's sort of secluded back there by itself. It's been in existence for over 30 years,  
1656 and some of the people who live there are older than I will tell you that they have not seen any  
1657 point at which the access for Chickahominy Bluffs has ever been blocked. It has, for the first  
1658 block or two, a divided entrance with a median. In other words, there's no problem to be solved.  
1659 And, so the staff's solution is a solution for a problem that we think does not exist.

1660  
1661 Thirdly, the two subdivisions have been designed at different times 30 years apart. And the  
1662 subdivision of Chickahominy Bluffs was sort of a pipe stem where it's a long road and it connects  
1663 you know to Diane Lane. It's one long road, primarily, with some side streets.

1664  
1665 Our subdivision, because of the 30 years difference and the design difference, is more a feeder  
1666 cul-de-sac collector-type road. So, by connecting the two, you're connecting two designs of  
1667 subdivisions that are inconsistent. We think that's not necessary.

1668  
1669 Fourth, I'm told that there's some blind spots, two or three rather difficult blind spots in  
1670 Chickahominy Bluffs that we should not accentuate by adding any more traffic. I'm not going to  
1671 tell you that all the 175 homes from the subdivision will go through Chickahominy Bluffs. But,  
1672 some will, and its not necessary to do that.

1673  
1674 I've explained it from sort of the Chickahominy Bluffs side, why they don't need it. I'll tell you  
1675 from our side, we don't need it, but it also then puts through the middle of our subdivision a  
1676 minor collector that will cost us some lots that could throw more traffic through our subdivision,  
1677 and we don't find that something that we would like, especially when it is very, very important to  
1678 understand Chickahominy Bluffs is fully compliant with County requirements at the time it was  
1679 platted. They don't need the entrance. We don't need the entrance. And we would ask that you  
1680 not follow the staff recommendation. We hope that you would approve the case with the  
1681 amended and agreed proffers. We hope you will waive the time limits at the appropriate time.  
1682 I'd be glad to respond to any questions.

1683  
1684 Ms. Dwyer - Thank you, sir. Let me just ask the Commission, as a point of  
1685 procedure, in light of the number of people we have in opposition. Would you like to extend the  
1686 usual 10-minute time period to 15 minutes for each party?

1687  
1688 Mr. Archer - I'm in agreement with that, Madam Chairman.

1689  
1690 Ms. Dwyer - We'll go ahead and do that if that's all right with you, Mr. Axselle,  
1691 as well. You have one minute left for rebuttal. We'll give you six minutes left for rebuttal.

1692  
1693 Mr. Axselle - I hope I won't need it. Thank you.

1694 Ms. Dwyer - Well, if you do, its available.

1695  
1696 Mr. Vanarsdall - Mr. Axselle.

1697  
1698 Mrs. Wade - Is it time for questions?  
1699  
1700 Ms. Dwyer - Yes. It is time for questions.  
1701  
1702 Mrs. Wade - Suppose a child in Chickahominy Bluffs had a friend who lived in  
1703 this subdivision. Would he be able to ride his bike over to visit?  
1704  
1705 Mr. Axselle - He would not be able to ride his bike, but he can push his bike  
1706 through the little woods there like kids do. They could walk back and forth. There would be no  
1707 required fencing and so forth. I don't think that's going to be an impediment.  
1708  
1709 Mr. Vanarsdall - Mr. Axselle, we've been "up and down the latter" on that type of  
1710 boulevard. You said you talked to Tim Foster, and he didn't say, no?  
1711  
1712 Mr. Axselle - To this plan that's up here now?  
1713  
1714 Mr. Vanarsdall - Yes.  
1715  
1716 Mr. Axselle - He actually said that what we had proposed earlier, before we  
1717 reached an agreement with the neighbors, was agreeable. He was in the meetings for this, and he  
1718 said that this would work. Now, that's subject to the final engineering. But, he said, and I think  
1719 I'm correctly quoting him. He said that this would help, in a sense that it would improve the  
1720 Diane Lane/Wilkinson Road access. It would cut the traffic on Diane Lane. It's still subject, and  
1721 everybody knows, its subject to the final agreement with the County on swapping the land and  
1722 everything. But we've committed to do certain things on Kleer Field that will help that.  
1723  
1724 Mr. Vanarsdall - Thank you. I don't have any more questions.  
1725  
1726 Ms. Dwyer - Any other questions for Mr. Axselle by Commission members?  
1727 Mrs. Wade, did you have a question?  
1728  
1729 Mrs. Wade - He'd have to go through somebody's yard, in other words?  
1730  
1731 Mr. Axselle - Under that, he would. But these are nice folks. They don't mind  
1732 people coming through their back yard.  
1733  
1734 Mrs. Wade - A lot of people don't mind, and then there are some that do.  
1735  
1736 Mr. Archer - Madam Chairman, the opposition does have Counsel. There he is.  
1737  
1738 Ms. Dwyer - Mr. Foster is here, I believe, if any Commission members have  
1739 questions specifically related to this situation.  
1740  
1741 Ms. Dwyer - For those standing in the back, we do have seats up front if you'd  
1742 like to sit down. I'm told there's a table in the back that has collapsed in the past. We ask you

1743 not to sit on the table. A public service announcement here. All right, the opposition is forward.  
1744 Would you state your name for the record, please?

1745  
1746 Mr. John Mizell - Madam Chairman, members of the Commission, my name is John  
1747 Mizell. I'm an attorney with Spinella, Owens, and Shaia Law Firm. I come before you this  
1748 evening representing the residents of North Chamberlayne Civic Association, actually, to support  
1749 the rezoning case, as amended, with proffers, tonight. And it may be a little bit awkward  
1750 procedurally. And, I know there are many folks from the community who have come tonight  
1751 because they felt that the proposal had not quite met our requirements. And we appreciate that  
1752 support. And in something a little bit unusual. We hear about courthouse settlements, but we  
1753 kept negotiating, even tonight. And, I think we have succeeded in coming to an agreement with  
1754 the additional proffers that Ms. Hunter outlined earlier.

1755  
1756 If we need to accentuate those for the benefit for the folks in the audience, we can try to do that,  
1757 but at this point, I would say we consulted with the leadership of North Chamberlayne, and these  
1758 additional proffers do make the case acceptable. As far as the parameters of North Chamberlayne  
1759 Civic Association, it represents approximately 400 households focused in the vicinity of Route  
1760 301 and Wilkinson Road.

1761  
1762 The boundaries are generally Parham Road on the north, Upham Creek on the south,  
1763 Chickahominy River on the east, Route 1 on the west. And, in the early stages of the case, our  
1764 Association participated in a coalition of concerned citizens, and appointed representatives to a  
1765 steering committee that included Three Fountains North and Wilkinson Estates.

1766  
1767 At this point, I would say, generally, that, especially, the plans submitted by the developer for a  
1768 realigned Diane Lane directly into Wilkinson, is a significant improvement that will help  
1769 minimize the impact on the traffic that of necessity would be generated from the development of  
1770 this magnitude.

1771  
1772 Other things like school impact have been taken care of by phasing in earlier proffers. As Mr.  
1773 Axselle stated earlier, the one remaining point of emphasis for us now is that there be no  
1774 connections between Chickahominy Bluffs and the new subdivision.

1775  
1776 I have a number of things outlined here. There's not much else that I have here that he hadn't  
1777 already said. I'll just mention a couple things close akin to that. We are aware that staff has the  
1778 concern about this. We ask your consideration for this joint request from the developer and the  
1779 neighborhood.

1780  
1781 Some 20 years have gone by with Chickahominy Bluffs existing with one means of access. The  
1782 County Traffic Engineer stated at a recent meeting that the proposed new development does not  
1783 need a connection to the stub roads in Chickahominy Bluffs for the development of this new  
1784 subdivision. In view of the multiple access points to Wilkinson Road and Old Sellers Way, the  
1785 residents of Chickahominy Bluffs do not want the connection. It's, basically, an issue of safety  
1786 and security.

1787

1788 We had several folks from the community who wanted to speak briefly on several issues. I think  
1789 the remaining one about the connection, we can reduce those numbers of brief comments or  
1790 presentations. But, at this point, I'd like to call on Tom Henry from the community to make  
1791 some additional observations about this issue of connector.

1792 Ms. Dwyer - Any questions for Mr. Mizell by Commission members? No  
1793 questions. Our next speaker is Mr. Henry.

1794  
1795 Mr. Tom Henry, 8324 Fullham Ct. - Thank you. My name is Tom Henry and I live at 8324  
1796 Fullham Court. I wanted to speak to the addition that we're talking about the stub roads into  
1797 Chickahominy Bluffs. I can see the desire of the County to want to have a tie in between  
1798 communities, as we see these two developments coming together. But we have to remember if  
1799 we're talking about "apples and apples," that's one thing. We are not talking about "apples and  
1800 apples" here. We're talking about "apples and oranges."

1801  
1802 Chickahominy Bluffs was designed 30 years ago as a sprawling meandering development of 139  
1803 homes. All the driveways front onto the roadway in front of the home. The Wilton development  
1804 is quite different. Here 175 homes are built in dead-end cul-de-sacs, and empty onto a  
1805 subdivision major collector. Tying the two areas together eliminates the virtual gated community  
1806 aspects of Chickahominy Bluffs, and makes Chickahominy Bluffs Drive a minor collector out of  
1807 the Bluffs for the new development adding hundreds of cars to our subdivision. No longer do we  
1808 enjoy the "one-way in, one-way out" feature that has existed for 30 years without any problems.

1809  
1810 Chickahominy Bluffs was not designed to be a minor collector road, as it has 32 driveway  
1811 openings and six cross streets in a half mile of a curving length that has two blind curves on it.  
1812 This combined with several blind curves, makes this a major safety concern for the residents of  
1813 the neighborhood. Both the children and the older people that are now living in that 30-year old  
1814 neighborhood.

1815  
1816 But the committee thought that we might just be paranoid until earlier this week when we were at  
1817 a meeting with Mr. Archer and his staff. When Mr. Wilton was asked, who is a very expert  
1818 community developer, as you see here tonight, to comment on the idea submitted by a resident of  
1819 Three Fountains North about extending Diane Lane from here (referring to slide) and bringing it  
1820 into Old Sellers Way.

1821  
1822 Mr. Wilton immediately got up and went to the plot plan and stated, "Not only can I not tolerate,  
1823 I will not tolerate a minor collector road cutting through my development." At that point, all of  
1824 our paranoia went away, because Chickahominy Bluffs is exactly the same kind of situation, and  
1825 we could not tolerate, will not tolerate a minor collector through Chickahominy Bluffs.

1826  
1827 What we feel is, if this is tied, and at the time we were talking, both at Abbotsford Way into the  
1828 development, it would bring cars down into Chickahominy Bluffs. It would also bring cars out of  
1829 here, out of Weatmeath, down to Chickahominy Bluffs, to enter onto Diane Lane. This road with  
1830 the curves, and the blind curves, and the six cross streets, and 32 driveways would be a disaster  
1831 for the folks living in Chickahominy Bluffs. And, so, therefore, we ask the Planning Commission  
1832 to amend your normal policy of recommending connector roads into the Chickahominy Bluffs.  
1833 Thank you.



1834

1835 Ms. Dwyer - Good evening.

1836

1837 Dr. William Young - I'm Dr. William Young. I'm a resident of Chickahominy Bluffs.  
1838 My property abuts on the plan of development. I'm here, today, as a father of eight. I chose this  
1839 community because it was a good place to raise my children. But, I'm deeply worried about  
1840 some of the possibilities with regards to the development. I understand that we have come to  
1841 some terms at the eleventh hour tonight, and we'll have a chance to go through those things and to  
1842 make sure that everything is done on the "up and up."

1843

1844 I'm here also to explain that the four communities; Chamberlayne Farms, Chickahominy Bluffs,  
1845 Three Fountains North, and Wilkinson Estates share several amenities which bond us socially.  
1846 We have a pool, a civic center. We have Kleer Field and Three Lakes Park.

1847

1848 My children and others frequently access these sites by foot or by bicycle. As you know, there  
1849 are no curbs or sidewalks in this area. So, the street acts for vehicular traffic as well as  
1850 pedestrian traffic.

1851

1852 I'm deeply concerned of any increased danger to my children or others if the development goes,  
1853 as planned, and if there is, indeed, a connection to the Chickahominy Bluffs Road. Currently,  
1854 these quiet streets see only one or two cars say every five or ten minutes. I'm pretty sure that  
1855 volume will increase substantially if this is allowed to go through.

1856

1857 I'm not sure if you recognize it, but Kleer Field was named in honor of a young boy from the  
1858 community who was killed on his bicycle as he was struck by a car on his way home. And I  
1859 dread the thought of Chickahominy Road being made a minor collector for this planned  
1860 development.

1861

1862 As was mentioned, there are blind spots. As it is, today, there is still some danger. And, I  
1863 always instruct my children to be very careful of those areas. So, I'm here to ask how much  
1864 danger do I, as a father, or any father or mother in this community; what we have to accept for  
1865 the interest of development? How much change do we have to accept as an existing member of  
1866 this community to accommodate residents who aren't even here yet?

1867

1868 As a father, I have a problem with the safety. And I think that any father, any new resident in the  
1869 residential area would also have the same problems and concerns that I have. We're no different.  
1870 So, I would like to think that the idea of planning is to make things better. And, I don't think that  
1871 we need to create a heaven for someone who doesn't even live here at the expense of creating a  
1872 hell for the people who are already here. So, I think the people here, tonight, are here out of  
1873 concern. We originally received a letter from the attorney stating that they're planning a  
1874 development which will be comparable to Chickahominy Bluffs. When we received a map, we  
1875 saw 262 homes squeezed in on the proposed development. That was the second letter that came  
1876 by. That caused an uproar in the community.

1877

1878 We had a civic association meeting. Well over 150 attended. Mr. Archer was present. Frank  
1879 Thornton was present. And, I think everyone there got a flavor for the emotion that was there.

1880 We are proud of our community. We gravitated to it because it had certain characteristics and  
1881 we'd like to see those characteristics remain. I don't think I'm speaking just for Chickahominy  
1882 Bluffs, Chamberlayne Farms, Wilkinson Estates, Three Fountains North. We're all included in  
1883 this meeting that I'm referring to. Thank you very much.

1884  
1885 Ms. Dwyer - Does the Commission have any questions for Doctor Young? No  
1886 questions. We do have power in our computers now, I believe. So, the maps that you see on the  
1887 screen would be accurate, and people on the podium should be able to point out the areas that  
1888 they're talking about. Do we have any other speakers in opposition to the proposed case? Please  
1889 come forward. All speakers must speak only at the microphone so we can record your  
1890 comments. If there are any other speakers, please come toward the podium so that you will be  
1891 prepared to speak at your turn. Please come forward.

1892  
1893 Mr. William Hughes - Good evening. My name is Williams Hughes. I'm from Three  
1894 Fountains North. I've heard all the comments and we have been together on several meetings.  
1895 But we're in opposition where they are planning on emptying the new driveway out into  
1896 Wilkinson.

1897  
1898 As you can see, Three Fountains North, and Capistrano Drive is not even shown on this map.  
1899 And the amount of traffic that will be going into this new subdivision will cause to be a problem  
1900 for those coming out of Capistrano Drive onto Wilkinson.

1901  
1902 When the County built the Three Lakes Park, instead of bringing in a new road, they came in on  
1903 Susaluda. And now we're going to cause more traffic jams right there at Capistrano Drive. So,  
1904 we need to really consider this when they are planning that outlet there. And think about those on  
1905 Three Fountains North. Even though we are a small subdivision, we need to be considered in  
1906 these matters too, not just Chickahominy. I have nothing against Chickahominy, but we are  
1907 living in this area together. It's going to be much more traffic. And consider those on the other  
1908 side, too. That's all I have to say about it.

1909  
1910 Ms. Dwyer - Thank you, sir. Are there any questions for Mr. Hughes by  
1911 Commission members? Mr. Hughes, I have a question.

1912  
1913 Mr. Hughes - Yes.

1914  
1915 Ms. Dwyer - As best I can determine from putting these maps together that this  
1916 access point, if its enacted, as proposed, would not correspond to Capistrano. Is that right?

1917  
1918 Mr. Hughes - Yes. I think if you look...

1919  
1920 Ms. Dwyer - Down the road...

1921  
1922 Mr. Hughes - ...at the homes, I think its about the second or third home right up  
1923 from Capistrano Drive to the backyards.

1924

1925 Ms. Dwyer - It seems like probably the same amount of traffic is going to come  
1926 onto Wilkinson whether the access point is there or somewhere else. Do you see more traffic  
1927 coming out onto Wilkinson with this configuration?  
1928 Mr. Hughes - Well, if there's blockage right there going into this new  
1929 subdivision, they would cut into Three Fountains North to get around it.  
1930  
1931 Ms. Dwyer - To get around?  
1932  
1933 Mr. Hughes - The traffic. This is something we don't know yet. You know, we  
1934 can use foresight and say its no problem, but there will be problems along Wilkinson Road.  
1935  
1936 Ms. Dwyer - I see. So, maybe they would go through the neighborhood to get  
1937 around any kind of traffic jam that might be at Wilkinson and the new Diane Lane.  
1938  
1939 Mr. Hughes - Yes. It's possible. We find that, also, with the Three Lakes Park,  
1940 they come through Three Fountains North.  
1941  
1942 Ms. Dwyer - Is that the only way to get to Three Lakes Park?  
1943  
1944 Mr. Hughes - No. They can go to Susaluda, but instead of making another road,  
1945 they use that other entrance into Three Fountains North; Susaluda.  
1946  
1947 Ms. Dwyer - Right.  
1948  
1949 Mr. Hughes - They did not consider us, then, and they might overlook us on this  
1950 point also.  
1951  
1952 Ms. Dwyer - But there's not access to the park now from Susaluda?  
1953  
1954 Mr. Hughes - Yes. That's the only way into it. Not unless you come in on  
1955 Capistrano and go...  
1956  
1957 Ms. Dwyer - Okay. That's the way I've come. Thank you, sir. Are there any  
1958 other questions for Mr. Hughes? Okay. Any other speakers? Come forward, please.  
1959  
1960 Mr. Ed Holstrom - My name is Ms. Dwyer - Holstrom, and my family live at 8315  
1961 Fulham Court. I guess, before I make a comment, I have a question. The staff recommendation  
1962 for the connector roads is to facilitate emergency vehicles and service? Is that correct?  
1963  
1964 Ms. Dwyer - Well, that was one reason.  
1965  
1966 Mr. Archer - Well, that was a part of it. Yes.  
1967  
1968 Mr. Holstrom - I'd like to share with you that, in looking at where the connectors  
1969 would be, I really don't feel that there would be an advantage to putting those connectors there.  
1970 Last winter, we unfortunately had a scare at my home. We had, what turned out to be, a minor

1971 fireplace fire, but we weren't sure what we were dealing with. We called 911 and Henrico  
1972 County Fire Department was there instantly. And, again, having that as a practical experience  
1973 and in looking where they're talking about putting connectors, I really don't see where the  
1974 connectors would greatly improve the response time of any emergency vehicles. And, as has  
1975 been stated, tonight, I think the dangers that they bring would far outweigh any few seconds that  
1976 might be gained. I don't think that time would be gained at all. So, I just wanted to share that  
1977 with you as a practical matter. Thank you.

1978  
1979 Ms. Dwyer - Thank you, sir. Any questions for Mr. Holstrom? No questions.  
1980 Any other speakers? All right, would the applicant come forward and use his rebuttal time?

1981  
1982 Mr. Axselle - Very briefly. As you can tell, and rightfully so, this is a nice  
1983 community that is very proud of their neighborhoods. We've worked together and against each  
1984 other for the last 10 months. But, we come together with what, I think, is a very good and sound  
1985 proposal that will be a benefit to the community and Henrico County.

1986  
1987 Now, we've also come together with our belief that two traffic adjustments would be appropriate.  
1988 I'll not reiterate the points I made earlier. But it would, in fact, re-enforce the fact that the  
1989 connection to Chickahominy Bluffs is not required for our subdivision, and is not needed, if you  
1990 will, for the Chickahominy Bluffs Subdivision. And, the difference in the configuration, the  
1991 difference in the time in which the subdivisions come on line, I hope that you would not require  
1992 that. We strongly, strongly urge you not to follow that staff recommendation. I do like the part  
1993 of the staff recommendation where they recommend the approval of the zoning case, however.

1994  
1995 Let me address Mr. Hughes' point. We also thought it was helpful to try to improve the access to  
1996 Diane and Wilkinson. I think anybody would say that a road that comes in at a 45-degree angle is  
1997 not the best configuration from a safety standpoint. This would bring it in at a 90-degree angle.

1998  
1999 The traffic from the new subdivision is going to be the same volume, whether this change is made  
2000 or not. The point is, is that then it will come out not a 90-degree angle to Wilkinson, at a much  
2001 safer point than it would otherwise. Otherwise, it would come out on Diane and Wilkinson and  
2002 so forth. So, actually, its an improvement from the standpoint of the safety of the community.  
2003 And, also, has the potential of decreasing the Diane Lane traffic significantly which benefits the  
2004 community.

2005  
2006 Now, we do recognize that right now Diane Lane comes in adjacent to Wilkinson Road across  
2007 from two houses on the other side of Wilkinson Road and Three Fountains North. And, so what  
2008 has happened is, fences have been put there. We have committed to put landscaping and fencing  
2009 behind the two homes this new improved intersection would come behind. That would be part of  
2010 our obligation.

2011  
2012 The homes that are there along Three Fountains North, fortunately, that years ago, the developer  
2013 or neighbors, I don't know which, planted tall evergreen trees. And some of them have grown up  
2014 fairly high. Some of them are full all the way from bottom to top. But there's a good little row  
2015 of evergreens along Wilkinson Road. So, what we would be doing is supplementing that rather  
2016 nice vegetation there with additional plantings on those two lots and fencing on those two lots.

2017  
2018 I went by this weekend and looked at them. One of them has a lot of trees. The other one has a  
2019 decent number of trees. And, we think that it can work, just as its worked all these years behind  
2020 two other homes in Three Fountains North, but it will be an improved intersection, much more  
2021 safe. So, we would be glad to work with the County, and, obviously, Three Fountains North in  
2022 resolving it. But, I think, overall, both of those points are improvements to the traffic in the area.  
2023 I would ask you to approve the case and not to change the proffers, but maintain the proffer  
2024 which prohibits access through Chickahominy Bluffs. Thank you very much.

2025  
2026 Ms. Dwyer - Any questions for Mr. Axselle?

2027  
2028 Mrs. Quesinberry - I have one, Mr. Axselle, before you walk away. This proposal to  
2029 change the intersection of Diane Lane and Wilkinson Road, is that something that you would  
2030 propose to pursue early in the phasing of this development, or something that you would do in  
2031 later phasing?

2032  
2033 Mr. Axselle - It would be done at the onset. Proffer 13, I think it is, requires us  
2034 to as soon after zoning, timely, pursue that and to go forward at the initial subdivision approval  
2035 stage. So, we would have to do that at the very onset.

2036  
2037 Ms. Dwyer - Any other questions? No questions from Commission members,  
2038 are we ready for a motion?

2039  
2040 Mr. Archer - Not quite, Madam Chairman. We need to hear from Mr. Foster.

2041  
2042 Ms. Dwyer - Okay.

2043  
2044 Mr. Archer - Mr. Foster, before we go forward with the motion, you have been  
2045 quoted many times, tonight. But I would like for you to give us some guidance as to the traffic  
2046 engineer's take on why stub roads exist, and the two points of access, so forth. You know what  
2047 I'm talking about.

2048  
2049 Mr. Timothy Foster, Traffic Engineer - Yes sir, Mr. Archer. For the record, I am Tim Foster,  
2050 the Traffic Engineer. We have a policy in the County that is, if you have a subdivision that has  
2051 50 units or more, they require two points of access. That's been a policy for at least 10 years that  
2052 I've been here. It's been a policy much longer than that for those who have been on the Planning  
2053 Commission longer than that.

2054  
2055 We look at two points of access for two reasons: one to try to give the emergency vehicle access,  
2056 which was mentioned earlier an alternate way to get into a large subdivision. Obviously, the  
2057 more traffic we have on the road, the more houses we have on a road, the potential of something  
2058 happening increases. That's why we require it after 50 units.

2059  
2060 From a traffic engineering standpoint, the odds of having an entrance blocked, and then a fire or  
2061 something further back in the subdivision are quite slim, but it has happened in the County. And  
2062 we think one time is too many. That's one of the reasons we look at two points of access.

2063  
2064 The second reason is we do like to have neighborhood circulation. Traffic can initially cut  
2065 through a neighborhood, but neighborhoods can share without having to go out onto another road.  
2066 In the 10 years that I've been coming to Planning Commissions, four of those as Traffic  
2067 Engineer, six of those as Assistant Traffic Engineer, I never once not recommended stub streets to  
2068 be continued through. Stub streets were built to be connected in subdivisions. That's why I  
2069 recommend them now. That's why new subdivisions have them now. That's why old  
2070 subdivisions have them. And we've connected older subdivisions than even this with stub streets  
2071 in the past. That recommendation is one that Public Works is very strong about and will continue  
2072 to do so. Thank you.

2073  
2074 Ms. Dwyer - Mr. Foster, you were also quoted as saying, "stub streets were not  
2075 necessary." What you were saying is the number of access points necessary for emergency  
2076 purposes, as far as the policy for having connections between neighborhoods, it doesn't comply  
2077 with this."

2078  
2079 Mr. Foster - The point is, that the new subdivision that's being proposed does  
2080 satisfy our two points of access. Therefore, the new subdivision would not require additional  
2081 access to satisfy our requirements. The older subdivision with over 100 plus on one point of  
2082 access is what drives that from our standpoint. It's more than 50. If the subdivision had 60 lots,  
2083 we would be making the same recommendation.

2084  
2085 Ms. Dwyer - Okay. Thank you, sir. Any other questions for Mr. Foster? Are  
2086 we ready for a motion, Mr. Archer?

2087  
2088 Mr. Archer - I think so, Madam Chairman?

2089  
2090 Mrs. Wade - May I ask Mr. Axselle one more thing, please?

2091  
2092 Mr. Archer - Oh, sure. Go ahead.

2093  
2094 Mrs. Wade - Mr. Axselle, what's the sidewalk situation here? These hatched  
2095 marks I can't see on the plan very well.

2096  
2097 Mr. Axselle - There are no sidewalks incorporated, if I remember correctly.

2098  
2099 Mrs. Wade - Along Diane and Old Sellers, are those sidewalks? What are the  
2100 hatch marks?

2101  
2102 Mr. Axselle - Let me ask Mr. Brown? No. They're not.

2103  
2104 Mrs. Wade - You don't have any sidewalks. Okay. Okay. Thank you. No  
2105 pedestrian ways of any kind? Thank you.

2106  
2107 Mr. Archer - Mr. Foster, I did have one more question. You don't have to get  
2108 up. You can answer, "Yes", from your seat. The gentleman from Three Fountains North

2109 indicated some possible conflict from where Capistrano is from the proposed new intersection. In  
2110 your judgement, is that a far enough distance to allow for backup?

2111  
2112 Mr. Foster - I think it would be better if I answered it in a little bit more detail.

2113  
2114 Mr. Archer - Come on up.

2115  
2116 Mr. Foster - As far as the realignment of Diane Lane, that is something we have  
2117 looked at for several years because of the skewered intersection of Diane Lane. If Diane Lane is  
2118 realigned successfully, that, actually, puts it about 600 to 700 feet from Capistrano, which exceed  
2119 very much our standard. What it also does, though, is takes Diane Lane away from Old Sellers  
2120 Lane, which, actually, makes traffic flow better in the area, because we don't have two  
2121 intersections that are right on top of each other.

2122  
2123 Mr. Archer - Okay.

2124  
2125 Mr. Foster - Therefore, in a sense, it helps traffic flow in the area, because  
2126 we're spreading the intersections out instead of having two of the more significant intersections  
2127 close by.

2128  
2129 Mr. Archer - Okay. Thank you, sir. That's all I have, Madam Chairman.

2130  
2131 Ms. Dwyer - Any other questions by Commission members for any one? No  
2132 other questions. Are we now ready for a motion?

2133  
2134 Mr. Archer - Madam Chairman, I had quite a few notes, of course, because we  
2135 hadn't reached agreement until we got here tonight, and I'm happy to say that we have. But, I do  
2136 have to address the issue concerning the stub street, because I can tell that's a burning issue with  
2137 the community.

2138  
2139 One of the larger responsibilities that the Commission has is to be an advocate for health, safety,  
2140 and welfare of the community. And when we use that word, "community," you have to include  
2141 the entire community, and to also include the proposed residents of the proposed subdivision.

2142  
2143 Mr. Axselle and Mr. Mizell both know that very well from having dealt with previous zoning  
2144 cases. Even, tonight, if you were here earlier, we had a question come up about a stub street in  
2145 one of our earlier zoning cases.

2146  
2147 And I say that, because I don't believe its within the purview of this Commission to recommend  
2148 anything that would be against the health, safety, and welfare of any resident, regardless of  
2149 whether he lives in the proposed community or in the old community. Someone has to be their  
2150 advocate, even though they're not there yet.

2151  
2152 We often have this question come before us about stub streets. And, in fact, we had it at a work  
2153 session, not too long ago. A question came up as to how we can better deal with letting people  
2154 know exactly what a stub street is and why it exists.

2155  
2156 Now, Mr. Henry has stated there are 32 driveways fronting onto Chickahominy Bluffs, I suppose  
2157 from the far end, back out to Diane Lane. I didn't count them all, but I was down there just  
2158 yesterday.

2159  
2160 And, I guess what I'm driving at is, right now, on the proposed plan, there are two means of  
2161 stubbing into Chickahominy Bluffs; one, at the far end, and one at Westmeath. And, you  
2162 understand that this Commission makes a recommendation to the Board. And, the Board, of  
2163 course, has the final say on how this will finally play out.

2164  
2165 It does not appear, in looking at the engineered subdivision, as drawn, that it would make a lot of  
2166 sense for any of the residents who live back in the back part of this proposed subdivision, some of  
2167 which wraps around behind the school, to use any of those cut throughs just as a way to get out to  
2168 Diane Lane. And, anybody who lives back there, has to eventually get to Diane Lane or  
2169 Wilkinson Road to go anywhere, unless they want to visit somebody in Chickahominy Bluffs.

2170  
2171 So, for that reason, you know, I feel as though my recommendation should support the staff's  
2172 recommendation with one caveat that I would be in favor of eliminating one of the stub roads. It  
2173 probably would make sense to eliminate the one closest to the far end of Chickahominy Bluffs and  
2174 use Westmeath. That way, you wouldn't have to drive by 32 driveways, but a significantly less  
2175 number to get to Diane Lane.

2176  
2177 Ms. Dwyer - Let's please have order and let Mr. Archer finish his motion.

2178  
2179 Mr. Archer - My motion is to recommend approval of this case to the Board with  
2180 the one point of access, and eliminating the proffers, and I think its expressed in Proffer No. 1,  
2181 and Proffer No. 8, Paragraph B, under "Covenants," pertaining to the stub street. When this gets  
2182 to the Board level, they may see it differently. But, again, it is not within the purview of this  
2183 Commission or the staff to make a recommendation that goes against the health, safety, and  
2184 welfare of the entire community. I understand that you all disagree with that. We have to be  
2185 their advocates, as they have no one else at this point in time.

2186  
2187 Ms. Dwyer - We have a motion by Mr. Archer. Is there a second to that motion.

2188  
2189 Mr. Vanarsdall seconded the motion.

2190  
2191 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All  
2192 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati absent).  
2193 The motion carries.

2194  
2195 Mrs. Wade - Do we have to waive the time limit?

2196  
2197 Mr. Archer - Oh, I'm sorry. Madam Chairman

2198  
2199 Ms. Dwyer - We'll redo the motion then on the time limits.

2200



2201 Mr. Archer - I'll also move to waive the time limits on the new proffers as  
2202 presented tonight, the latest set.

2203  
2204 Ms. Dwyer - All right, motion by Mr. Archer...

2205  
2206 Mr. Vanarsdall seconded the motion.

2207  
2208 Ms. Dwyer - Seconded by Mr. Vanarsdall, to waive the time limits for the  
2209 proffers. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr.  
2210 Donati absent). The motion carries.

2211  
2212 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning  
2213 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors **accept the**  
2214 **proffered conditions and grant** the request because it is reasonable; it conforms to the  
2215 recommendations of the Land Use Plan; and it continues a similar level of single family  
2216 residential zoning as currently exists in the area.

2217  
2218  
2219 The Commission will take a 10 minutes recess. Mr. Secretary, call the next case.

2220  
2221 Mr. Marlles - Madam Chairman, I do want to take this opportunity, I was  
2222 negligent at the beginning of the meeting to introduce another one of our new staff members.  
2223 Seth, would you stand up for a second? Seth Humphreys has actually been on our staff for  
2224 awhile, although I have not had the opportunity to introduce him to the Planning Commission.  
2225 He comes to us from Hanover County. He is working in the Comprehensive Planning Division.  
2226 He's our resident demographer, statistician, data person, but we're real pleased to have Seth on  
2227 our staff.

2228  
2229 Ms. Dwyer - What things do you demogrify?

2230  
2231 Mr. Vanarsdall - What is his last name?

2232  
2233 Ms. Dwyer - Humphreys.

2234  
2235 Mr. Vanarsdall - Seth Humphreys.

2236  
2237 Ms. Dwyer - If we have any questions about statistics in Henrico County, or  
2238 Hanover, you're the guy to call?

2239  
2240 Mr. Humphreys - Not Hanover.

2241  
2242 Ms. Dwyer - We're glad to have you on board.

2243  
2244 **C-65C-99 Donald L. Strange-Boston for Steven and Dody Tribble and**  
2245 **Charles W. Sanders, Jr. and J. Sanders:** Request to conditionally rezone from B-3C Business  
2246 District (Conditional) and R-4 One Family Residence District to B-3C Business District

2247 (Conditional), Parcels 52-A-55 and 56 and part of Parcels 52-A-53 and 54A, containing 1.5706  
2248 acres, located on the west line of Mountain Road approximately 275 feet north of its intersection  
2249 with North Run Road. Any permitted B-1 use, B-3 Office/Warehouse and Overnight Respite  
2250 Care for Adults are proposed. The use will be controlled by zoning ordinance regulations and  
2251 proffered conditions. The Land Use Plan recommends Commercial Arterial and Suburban  
2252 Residential 2, 2.4 to 3.4 units net density per acre.

2253  
2254 Mr. Marlles - The staff presentation will be given by Mr. Mark Bittner.

2255  
2256 Ms. Dwyer - Is there any one in the audience in opposition to Case C-65C-99  
2257 Steven and Dody Tribble?

2258  
2259 Mrs. Wade - When did you get the proffers, Mr. Bittner?

2260  
2261 Mr. Bittner - They are dated the 1<sup>st</sup> of November, I believe. So, there would be  
2262 no need to waive the time limit on them.

2263  
2264 Mrs. Wade - It would be helpful, you know, if we had these ahead time, either  
2265 from you or from the applicant.

2266  
2267 Mr. Bittner - Well, they only added one proffer, and I'm going to outline that  
2268 tonight.

2269  
2270 Ms. Dwyer - It would also help to have, when we get last minute proffers or  
2271 amended proffers like this, to have new ones underlined and old language struck through. I  
2272 believe that's a requirement of our...

2273  
2274 Mr. Bittner - I can go into now what the new proffer is. The very last proffer  
2275 was added and I highlighted that. What they did is they proffered the same architectural design  
2276 on the Tribble Electrical Building adjacent to this site. That is the only change to these proffers.

2277  
2278 Ms. Dwyer - Well, you can start at the beginning, if you want.

2279  
2280 Mr. Bittner - Thank you, Madam Chairman. The intended uses for this  
2281 property are an adult day care with respite care and an office/warehouse. However, the  
2282 proffers also state that the site could be used for just offices, or for any use permitted in the B-  
2283 1 Business District.

2284  
2285 The surrounding property is characterized by single-family homes, and assorted business and  
2286 office establishments. Single-family subdivisions sit south and west of the site. Several  
2287 business and office establishments are north of the site in a cluster around the Mountain  
2288 Road/Greenwood Road intersection. You can see some of those right here (referring to slide).  
2289 This is looking north from the site up on Mountain Road. The Tribble Electric building is  
2290 adjacent to the site's northern border. And we also have a picture of that right here.

2291

2292 As I said, the applicant has proffered the same architectural proffer that this building had. And  
2293 staff feels this is a very attractive site and a nice looking building with brick construction.

2294  
2295 This property is designated Commercial Arterial and Suburban Residential 2. The portion of the  
2296 property fronting Mountain Road is designated "Commercial," while the rear portion is  
2297 designated "Residential."

2298  
2299 The proposed adult day care use could serve as a transitional use between the office/warehouse to  
2300 the north and residences to the south and west. However, a conceptual plan submitted by the  
2301 applicant, which we have here—This conceptual plan, which was submitted by the applicant, after  
2302 composition of the staff report, would sit on Parcel 55, which is the northern most parcel of this  
2303 rezoning. Parcel 56, to the south, would be intended to be an office/warehouse use. This  
2304 conceptual plan would result in the adult day care being located between two office/warehouse  
2305 operations.

2306  
2307 Staff has several concerns with this application. The primary concern is the proposed intensity of  
2308 development. This proposal would put an adult day care and office/warehouse operation on 1.5  
2309 acres of property. This limits how the site could be laid out. In this case, the adult day care  
2310 could be located within 15 feet of the office/warehouse, and the BMP facility would lie along the  
2311 Mountain Road frontage of the property.

2312  
2313 A project description of the adult day care operation indicates that gardening and outdoor  
2314 activities would take place on this site. However, no space for this has been provided on the  
2315 conceptual site plan. The staff suggested the applicant consider developing this property as only  
2316 an adult day care or office/warehouse, but not as both.

2317  
2318 Another concern is the compatibility of the proposed uses. The adult day care would mainly serve  
2319 clients who are developmentally disabled. It could also serve Alzheimer's patients. Staff is  
2320 concerned about locating such an operation among, and in close proximity to, office/warehouse  
2321 uses. Hazardous situations could potentially be created for the adult day care clients. In addition,  
2322 staff has a concern with the exact nature of uses that would locate on this property.

2323  
2324 Although the applicant intends to develop an adult day care and office/warehouse, the proffers  
2325 would also permit B-1 Business uses to locate on the site. This means that several types of  
2326 businesses could locate within 15 feet of the adult day care, including banks, convenience stores,  
2327 laundromats, commercial parking lots, restaurants, and service stations.

2328  
2329 Staff is concerned that the nature of these uses or the amount of traffic they generate could create  
2330 dangerous situations in such close proximity to the adult day care. The applicant should consider  
2331 limiting the types of uses that could be developed on this property.

2332  
2333 If the applicant could address these concerns outlined tonight, staff could possibly recommend  
2334 approval. Because of these concerns, however, staff cannot recommend approval of this  
2335 proposal. Therefore staff recommends deferral of this request to give the applicant a chance to  
2336 address these issues. I'd be happy to answer any questions you may have tonight.

2337

2338 Ms. Dwyer - Any questions for Mr. Bittner by Commission members?  
2339  
2340 Mr. Archer - Well, maybe I better ask the applicant. That's okay. Thank you.  
2341  
2342 Ms. Dwyer - Mr. Bittner, on this map, that's on our screen, the proposed Office  
2343 Warehouse would be one use. Is that Lot 56?  
2344  
2345 Mr. Bittner - Yes.  
2346  
2347 Ms. Dwyer - Okay. The parking lot that's shown toward the north, that's not a  
2348 part of this property that we're considering tonight?  
2349  
2350 Mr. Bittner - You see the adult day care?  
2351  
2352 Ms. Dwyer - Right.  
2353  
2354 Mr. Bittner - To the left, you'll see a sort of dotted dashed line.  
2355  
2356 Ms. Dwyer - Yes.  
2357  
2358 Mr. Bittner - That is the end of the property we're considering tonight. That's  
2359 Parcel 55.  
2360  
2361 Ms. Dwyer - It's hard to read. So, Parcel 53 is not being considered? That's  
2362 also with the dotted...  
2363  
2364 Mr. Bittner - Parcel 53, let me go back here.  
2365  
2366 Ms. Dwyer - It looks like Parcel 21 is parking spaces that would serve this  
2367 facility, but is not a part of the property we're considering tonight?  
2368  
2369 Mr. Bittner - I'm just trying to verify exactly where Parcel 53 is. Looking at the  
2370 map here. Okay, yes. This is a part of Parcel 53 here. Actually, part of Parcel 53 is involved in  
2371 this rezoning, but this part, which is on the bottom left side showing that parking area is not  
2372 involved in the rezoning.  
2373  
2374 Ms. Dwyer - All right, what part is?  
2375  
2376 Mr. Bittner - (Referring to slide), down along this line here. Back through here.  
2377 Up to here and then here and over is being rezoned tonight.  
2378  
2379 Ms. Dwyer - Right. And could you show me the outline of Parcel 53?  
2380  
2381 Mr. Bittner - It's a fairly odd shaped parcel. I'm not sure I could draw it  
2382 exactly. Let me look at the zoning map here.  
2383

2384 Ms. Dwyer - I see. It includes that sort of triangular parcel and then goes  
2385 straight across.  
2386  
2387 Mr. Bittner - Right.  
2388  
2389 Mr. Archer - I don't think the end of that is on this map.  
2390  
2391 Ms. Dwyer - Well, I think, actually, it includes that triangular part to the right.  
2392 Yes. Part of Parcel 53 is included, tonight, and part is not. This parking lot is not included in the  
2393 rezoned; parcel tonight is included on this plan to meet parking requirements for the day care?  
2394  
2395 Mr. Bittner - I haven't looked at the site plan that closely. I don't know if its  
2396 needed to meet parking requirements or not.  
2397  
2398 Ms. Dwyer - And nothing is proposed for that triangular portion? Why is that  
2399 segregated? Do we know?  
2400  
2401 Mr. Bittner - Not precisely. No. They have proffered no access to North Run  
2402 Road, which would be off to the right, which staff feels is a positive thing.  
2403  
2404 Ms. Dwyer - Thank you. Any other questions for Mr. Bittner?  
2405  
2406 Mrs. Wade - This say, "Adult Respite Care," residential-type of care?  
2407  
2408 Mr. Bittner - No.  
2409  
2410 Mrs. Wade - Is somebody going to be there during the week?  
2411  
2412 Mr. Bittner - The applicant probably could give you more details. But the reason  
2413 this would require the "B" zoning, is that it would not have a full time residential component  
2414 associated with it, similar to say, a group home. There would be a manager there, of course, but  
2415 there would not be anyone living there permanently 24 hours a day. But there would be people  
2416 coming to stay overnight for three days, four days, possibly a week.  
2417  
2418 Mrs. Wade - Would the manager be there all the time?  
2419  
2420 Mr. Bittner - Yes. There would be someone there all the time, I would assume,  
2421 but there would be no one living there as their dwelling or permanent residence.  
2422  
2423 Ms. Dwyer - So, basically, staff's position is these are incompatible uses, except  
2424 for...  
2425  
2426 Mr. Bittner - The incompatibility is an issue because of the intensity of this  
2427 development. I was just discussing this with the applicants back there. It's possible, we feel, if  
2428 they were to acquire more property, or to utilize more property for these uses that we could

2429 support it. We'd have to look at it again, but we just think that this is too much for 1.5 acres of  
2430 property.

2431  
2432 Ms. Dwyer - Are there other questions for Mr. Bittner?

2433  
2434 Mrs. Wade - And about the lighting, this implies concealed sources...foot  
2435 candles.

2436  
2437 Ms. Dwyer - Why wouldn't this be treated more like a nursing home, or some  
2438 sort of...

2439  
2440 Mr. Bittner - This is a very unique type of use we haven't encountered before.  
2441 When looking at what it is this respite case would be, again, it's people coming to stay overnight  
2442 for a few days. Albeit, they are special clientele, it is not exactly like, say a Holiday Inn. We  
2443 felt it was most like a hotel or motel, because people were coming to stay over and there was not  
2444 a permanent resident on site to maintain or manage the operation, as opposed to a "group" or a  
2445 "family" home.

2446  
2447 Ms. Dwyer - But it is residential, and this, you know, "B" zoning doesn't  
2448 acknowledge that. Rooming house or boarding house, I'm just throwing out a question.

2449  
2450 Mr. Bittner - I looked at that. In this case, they say they could accommodate up  
2451 to 12 people in the respite care. A rooming house could only allow up to nine.

2452  
2453 Ms. Dwyer - Okay.

2454  
2455 Mrs. Wade - And what happens with that triangular piece, did you say?

2456  
2457 Ms. Dwyer - We don't know.

2458  
2459 Mr. Bittner - This one here?

2460  
2461 Mr. Archer - Parcel 53, yes.

2462  
2463 Mr. Bittner - There's no proposal for that part of this case. They could develop  
2464 it, but they could not access to North Run Road.

2465  
2466 Mrs. Wade - What's it zoned now?

2467  
2468 Mr. Bittner - I believe it is zoned R-4 and B-3. Part of it is B-3 and part of it is  
2469 R-4.

2470  
2471 Mrs. Wade - Thank you.

2472  
2473 Mr. Bittner - Part is B-3C and part is R-4.

2474

2475 Mrs. Wade - Thank you.  
2476  
2477 Ms. Dwyer - Any other questions for Mr. Bittner? Do we have a pending  
2478 question?  
2479  
2480 Mr. Archer - No. I had a question for the applicant.  
2481  
2482 Ms. Dwyer - Okay. Would the applicant come forward please. Good evening.  
2483  
2484 Mr. Donald Strange-Boston - Madam Chairman, members of the Commission, I'm Donald  
2485 Strange-Boston, representing the property owners on this project. I'd like to start by explaining  
2486 the respite care concept. I hope I know a little bit about it, and can do this accurately for you.  
2487  
2488 The facility is intended to be the second unit for an adult day care organization. It already  
2489 operates a facility on Staples Mill, close to Wistar. And a need has been identified, a strong  
2490 need, in the County for respite care for those folks that are clients during the day care operation,  
2491 have a problem with their caregiver at night, either through incapacity, or they may have to go  
2492 out of town, and then, what do you do with these folks who need special care? And, so for one,  
2493 or two, or three nights, an overnight facility is needed to provide temporary housing. And it  
2494 would have to be somebody that was an appropriate; it couldn't be the public coming in to spend  
2495 the night. It's not a motel. It's not a continuing "by the month" rooming house, or by the week.  
2496 It would be two or three nights, and there's staff there and the required licensed ratio of  
2497 caregivers to people.  
2498  
2499 There will be no Alzheimer's' patients. They require special facilities and special staff and  
2500 special training, which, at this time, the Company does not have, and does not plan to offer. So,  
2501 these will be adult day care folks, under the auspices of whatever agency may have brought them  
2502 in, or whatever private source that they may have. But the identified need to have emergency  
2503 place them for two or three nights if their caregiver is incapacitated is really the concern. We  
2504 could have gone ahead with the day care facility, but for that, and feel that's a very needed  
2505 component.  
2506  
2507 The site density is sort of a problem for us, because the coverage is fairly small. As you can  
2508 see, its under 30 percent. There's nothing in the Code that identifies this type of a facility.  
2509 There are two or three different types that have come, I guess, since the Code was formulated.  
2510  
2511 We have adequate parking for this proposed use; actually better than that. And, we thought it  
2512 might be good to have even additional parking. That's why we showed for the lot, we showed  
2513 the section over on the left. It isn't needed for our particular day care use, but we thought that  
2514 would be a good idea. We'd like to have additional parking as much as they could have.  
2515  
2516 So, where we are is trying to get a proposed respite care component into a adult day care  
2517 facility. And that's why we're here. Otherwise, we could have built the day care facility as it  
2518 was.  
2519

2520 Now, we're 15 feet in this sketch from the lot line. That's not the building. That's the lot line.  
2521 And our concern is being able to identify what density is required. We can't find anything that's  
2522 formally established. We can't find any studies that say that it should be a certain percentage  
2523 coverage, because it just doesn't list this building type. So, we'd be glad to work with the staff  
2524 further, and try to arrange--Mr. Tribble and his wife, Dodie, own the three lots to the left. So,  
2525 the intervening one between Tribble Electric and the proposed day care center with a single  
2526 family house in the middle there is also owned by them. That's a rental family house.

2527  
2528 So, we might be able to adjust the density, adding more land to this, depending on reaching a  
2529 conclusion with the Planning Staff as to where it should go. We really don't know. We thought  
2530 that we were adequate in terms of coverage. And we thought we were adequate in circulation. I  
2531 guess it's a judgement call at this point.

2532  
2533 Ms. Dwyer - Any questions for Mr. Strange-Boston?

2534  
2535 Mr. Vanarsdall - Don, Proffer No. 7(a), staff says that would be hard to enforce,  
2536 the term, "crisis use." Who would determine what the crisis would be?

2537  
2538 Mr. Strange-Boston - The operator of the day care center.

2539  
2540 Ms. Dwyer - Is this licensed by the State?

2541  
2542 Mr. Strange-Boston - Yes.

2543  
2544 Ms. Dwyer - As in "temporary, over night?"

2545  
2546 Mr. Strange-Boston - Yes.

2547  
2548 Ms. Dwyer - What is that called?

2549  
2550 Mr. Strange-Boston - It's under Social Services.

2551  
2552 Ms. Dwyer - What is this facility called under State requirements?

2553  
2554 Mr. Strange-Boston - I'm not sure what the classification. Possibly, Mrs. Seward, the  
2555 operator, can answer that question. May I ask her to come up and answer your question?

2556  
2557 Ms. Dwyer - Just for my information because this is a new animal.

2558  
2559 Mrs. Lynn Seward - What is it licensed for?

2560  
2561 Ms. Dwyer - Could you come forward and speak at the microphone and identify  
2562 yourself. We are recording the proceeding.

2563  
2564 Ms. Seward - Lynn Seward. I'm CEO of Adult Care Services, a non-profit adult  
2565 day care program. Would you ask the question again to me, please?



2566 Ms. Dwyer - I was curious how this was classified under State regulations?  
2567

2568 Ms. Seward - It's regulated by the Department of Mental Health and Retardation  
2569 and Substance Abuse Services as adult day support and respite program. And it can be further  
2570 defined as emergency respite. It's strictly for emergency, temporary placement when the  
2571 caregiver has to be hospitalized or is in crisis and the adult that is vulnerable has no care.  
2572

2573 Ms. Dwyer - Is there a limit to the period of time a person can stay here?  
2574

2575 Ms. Seward - Not that I know of. There's a limit to how many days you can get  
2576 reimbursements. Perhaps, that's how they limit it.  
2577

2578 Ms. Dwyer - Under Medicare?  
2579

2580 Ms. Seward - Right. And we're intending it "for weekend only." So, it would  
2581 be Friday night, Saturday night, and Sunday afternoon." The family would pick up the client.  
2582

2583 Ms. Dwyer - Thank you. Any other questions?  
2584

2585 Mr. Archer - Mrs. Seward, I know you probably told me the other day when we  
2586 met, but where is there another one of these?  
2587

2588 Mrs. Seward - St. Joseph's Villa, in Henrico County, operates a fabulous respect  
2589 program. In Chesterfield, Camp Baker, through ARC. Both of them have very long waiting  
2590 lists. And we have been asked—we were originally going to build is an Adult Day Care  
2591 program. But we were asked by the State, and, particularly, by the County Department Mental  
2592 Retardation CSB here, that they needed overnight respite desperately. And that's why we  
2593 developed that concept into the program. It's heavily staffed, monitored, licensed, etc.  
2594

2595 Ms. Dwyer - I'm familiar with the St. Joseph's Villa program.  
2596

2597 Mrs. Wade - Of course, Camp Baker and St. Joseph's Villa are entirely different  
2598 environments.  
2599

2600 Ms. Dwyer - Right.  
2601

2602 Mrs. Seward - Yes. That's right.  
2603

2604 Mrs. Wade - Were you looking into Woodman Road sometime ago?  
2605

2606 Mrs. Seward - Woodman Road, no. There's another alternative adult day care  
2607 program on Woodman Road.  
2608

2609 Mrs. Wade - You hadn't applied for rezoning over there?  
2610

2611 Mrs. Seward - No. No. We've never done that.

2612 Ms. Dwyer - I don't sense any concern for the use, or any question that there's a  
2613 need for the use. I think our concerns have to do with the compatibility of the uses that we have  
2614 in the Code. Thank you.  
2615  
2616 Mrs. Seward - Yes.  
2617  
2618 Ms. Dwyer - Are there any other questions?  
2619  
2620 Mr. Vanarsdall - And the operating hours; I asked Don awhile ago. I ask you now.  
2621 Staff recommends this proffer should be removed, this "crisis use" because it would be  
2622 impossible to enforce. Is that important to you to keep that in there?  
2623  
2624 Mrs. Seward - "Crisis use?"  
2625  
2626 Mr. Vanarsdall - You have in Proffer No. 7(a) that it would be from 7:00 p.m.  
2627 Friday, through 7:00 a.m. Monday with occasional crisis use for overnight during the week.  
2628  
2629 Mrs. Seward - It's not as critical to have it during the week. It's the weekend that  
2630 is really critical, according to what the County and the other...  
2631  
2632 Mr. Vanarsdall - The staff recommends that be removed.  
2633  
2634 Mrs. Seward - I was referring to the Community Service Board that does  
2635 emergency placement for families. Are you asking me, all of the sentence or just a part of the  
2636 sentence?  
2637  
2638 Mr. Vanarsdall - I'm just reading what the report...  
2639  
2640 Mrs. Seward - Right. Okay.  
2641  
2642 Mr. Vanarsdall - Defining a "crisis use," and enforcing it would be nearly  
2643 impossible. Staff says this proffer should be removed. I just wondered how important it was to  
2644 you?  
2645  
2646 Mrs. Seward - Having the overnight respite is critical for the concept and also for  
2647 the affordability of the building.  
2648  
2649 Mr. Strange-Boston - I don't know how do you define "crisis?"  
2650  
2651 Mr. Archer - I think that's what the problem is, in terms of enforcing the  
2652 proffer. It would be difficult to define what a crisis is. I think that's staff concern with having  
2653 this proffer included.  
2654  
2655 Mrs. Seward - If we could provide some information with "crisis," I mean we do  
2656 assessment. We can give detailed information.  
2657

2658 Mr. Archer - That might help. I'd have to ask Mr. Bittner. If somebody could  
2659 specify what would be included in a "crisis," but we don't know.

2660  
2661 Mr. Bittner - Our recommendation was just remove the proffer entirely, because  
2662 what it does now, it, basically, says it could be open 24 hours.

2663  
2664 Mr. Vanarsdall - Right.

2665  
2666 Mr. Bittner - You know, we could try and define "crisis," but you're talking  
2667 about a matter of seconds or minutes. We can't get anybody out there to decide whether it's a  
2668 crisis or not. So, I would just say remove it all together. Knowing that they could be open at  
2669 any time, but, I feel they wouldn't have a lot of activity during the week. Maybe on occasion. I  
2670 just don't see how the staff could enforce anything like that proffer.

2671  
2672 Mrs. Seward - That's fine for us not to have 24 hours. We don't intend to do  
2673 that.

2674  
2675 Ms. Dwyer - I think what Mr. Bittner is saying that, this may be definable and  
2676 workable from a Social Services standpoint. From a land use standpoint, we don't want to get in  
2677 the business of determining whether or not a crisis has occurred and people are legitimately there  
2678 under this proffer. It would be better to go ahead and just say, this proffer really does permit  
2679 you to be open 24 hours a day, seven days a week. Go ahead and say that. So, that from a land  
2680 use perspective...

2681  
2682 Mr. Bittner - Well, actually, the zoning, which is B-3, would allow 24-hour  
2683 operation anyway. Again, I would just take it out completely. You don't have to explain it  
2684 further. Just remove it.

2685  
2686 Mr. Vanarsdall - Thank you.

2687  
2688 Ms. Dwyer - Proffers can limit.

2689  
2690 Mr. Bittner - Can limit.

2691  
2692 Ms. Dwyer - The need here is to be open 24 hours a day, 7 days a week, if  
2693 necessary.

2694  
2695 Mr. Strange-Boston - As necessary. Right.

2696  
2697 Ms. Dwyer - You mean, its possible that would be necessary. So, if that's  
2698 permitted, then we don't want to restrict it and get into the business of deciding what's a crisis  
2699 and what is not as far as land use.

2700  
2701 Mr. Strange-Boston - Right.

2702  
2703 Ms. Dwyer - Are there any other questions by Commission members?

2704 Mr. Archer - Madam Chairman, I don't have any other questions concerning the  
2705 adult day care center. And, as you indicated, I don't think that's what the problem the staff has  
2706 with this consideration tonight. And, Mr. Strange-Boston, I would assume that it would be  
2707 proper to defer this case so we can kind of clean up this land use issue. I think that's really what  
2708 staff's concern is. It's a very busy type of operation to have combined into one place. And we  
2709 need to work on that some. So, if you're willing to do that, I think we can cut this short a little  
2710 bit tonight by having you defer it to another time.

2711  
2712 Mr. Strange-Boston - All right, sir. Next meeting.

2713  
2714 Ms. Dwyer - December 9<sup>th</sup>.

2715  
2716 Mr. Vanarsdall - Did you make a motion?

2717  
2718 Mr. Archer - I'm going to, but our caseload isn't too heavy? I don't guess it is,  
2719 is it? The motion is to defer this case, at the applicant's request, to the December 9<sup>th</sup> meeting.

2720 Mr. Vanarsdall seconded the motion.

2721  
2722 Ms. Dwyer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All  
2723 those in favor of the motion to defer, say aye—all those opposed by saying nay. The vote is 5-0  
2724 (Mr. Donati absent). The motion carries.

2725  
2726 Mr. Strange-Boston - We don't have a collector road with a lot of driveways.

2727  
2728 **C-67C-99 Dewey C. Reynolds for Wilbur and Marie Z. Pruett:** Request to  
2729 amend proffered conditions accepted with rezoning case C-44C-93, on Parcel 35-A-24 and part  
2730 of Parcel 35-A-27, containing approximately 8.0 acres, located on the east line of N. Gayton  
2731 Road approximately 320 feet north of its intersection with Causeway Drive. The amendment is  
2732 related to fencing in the landscape strip. The Land Use Plan recommends Suburban Residential  
2733 2, 2.4 to 3.4 units net density per acre and Environmental Protection Area.

2734  
2735 Mr. Marlles - The staff presentation will be by Ms. Jo Ann Hunter.

2736  
2737 Ms. Dwyer - Good evening, Ms. Hunter. Is there any one in the audience in  
2738 opposition to C-67C-99 Dewey C. Reynolds? No opposition.

2739  
2740 Ms. Hunter - This proposal would amend Proffer 7 of Case C-44C-93  
2741 Sedgemoor Oaks Subdivision, located along North Gayton Road. The proffer requires a 15-foot  
2742 landscaped strip along North Gayton Road, in addition to the minimum required setbacks and  
2743 require any fencing to be placed at least 10 feet from the right of way.

2744  
2745 The fence has been installed and placed on the right-of-way line and is currently in violation of  
2746 the proffers. That's a picture of the fence on the screen. The applicant is requesting to delete  
2747 the language that requires the fence to be set back 10 feet from the right way and to allow the  
2748 fence to remain in its current location.

2749

2750 This request is inconsistent with the Ordinance Amendment that was reviewed by the  
2751 Commission tonight; to require roadway buffers adjacent to minor or major arterials and major  
2752 collectors as designated on the Major Thoroughfare Plan.

2753  
2754 The Ordinance proposes that fencing be located at least 25 feet from future right-of-way lines.  
2755 There has been a concern by the Planning Staff and the Planning Commission that we are  
2756 “fencing in” our roadways. A thoroughfare buffer with fencing that is set back a minimum of  
2757 15 feet will help to improve the appearance of this roadway corridor.

2758  
2759 This property is also located in the West Broad Street Overlay District, and is not consistent with  
2760 the goals of this District to reduce the visual impacts of development. While the applicant has  
2761 provided a 15-foot buffer along N. Gayton Road, due to the location of the fence at the right-of-  
2762 way line, the buffer has no benefit. In effect, the buffer has become part of someone’s lot.

2763  
2764 If the fence were relocated, as required by the existing proffers the 15 feet from the right-of-  
2765 way, staff does not support this request and would recommend that the fence be removed or  
2766 relocated to 15 feet as intended in the original proffers. I’d be happy to answer any questions.

2767  
2768 Ms. Dwyer - Are there any questions for Ms. Hunter?

2769  
2770 Mrs. Wade - What is the future of Gayton proposed to be in this area?

2771  
2772 Ms. Hunter - The ultimate right-of-way? Four lane, I don’t know what the  
2773 right-of-way width is.

2774  
2775 Ms. Dwyer - Does this curb and gutter reflect ultimate widening of North  
2776 Gayton? Is this five feet from the curb now?

2777  
2778 Ms. Hunter - It’s probably more like three.

2779  
2780 Ms. Dwyer - Okay.

2781  
2782 Mrs. Wade - It, eventually, is intended to go over I-64, on the other side of  
2783 Broad, so it will be – I don’t know what the classification is, in terms of the Thoroughfare Plan,  
2784 but its going to be used more and more as time goes on as a major facility.

2785  
2786 Ms. Dwyer - It looks like there is provision here for an additional lane. I’m  
2787 wondering if that’s the ultimate right of way for N. Gayton?

2788  
2789 Ms. Hunter - I believe that would be the acceleration lane for the subdivision.

2790  
2791 Ms. Dwyer - I didn’t think we had acceleration lanes in Henrico.

2792  
2793 Ms. Hunter - I’m not sure.

2794

2795 Ms. Dwyer - We don't know? Any other questions for Ms. Hunter? Mrs.  
2796 Wade, would you like to hear from the applicant?

2797  
2798 Mrs. Wade - I think he has a case to make.

2799  
2800 Ms. Dwyer - All right.

2801  
2802 Mr. Dewey Reynolds - ...And I also have the handouts that were used on the overhead,  
2803 so whatever might be more helpful. If the handout is sufficient, that will work fine. Good  
2804 evening, I am Dewey Reynolds, a resident of Henrico County, and the reason for the proffer  
2805 amendment is to resolve the placement of the fence that I had negotiated for Mr. and Mrs.  
2806 Pruitt, in Sedgemoor Oaks, which is a small 19 lot subdivision zoned by Lewis and Marie  
2807 Pruitt in 1993. In July of 1998, Mr. Pruitt asked me to help he and Mrs. Pruitt in getting the  
2808 neighborhood underway, because no construction had begun at that time. The fence in  
2809 question, as you will note on the handout, is approximately 370 feet long. It is of top quality  
2810 material, workmanship, and it is a \$6,000 investment to the Pruitts. It consists of French  
2811 Gothic post tops, which are in 3 feet of concrete and placed with posts on the lot side of the  
2812 fence, which gives the better view to the traffic. The fence was erected in such a manner that  
2813 it minimized the natural setting of the road side. I knew that there was a 15 foot planting  
2814 easement, because initially we put a berm in to provide some buffer. That, due to the  
2815 restrictions and slope of the berm, was totally ineffective and had no impact whatsoever to  
2816 provide the kind of setting that we wanted there, so we took the berm out and after the fence  
2817 was installed became aware of even though it was in the required planting easement it did not  
2818 conform to the 10 foot removed from the right-of-way requirement, and consequently then,  
2819 this request has come to you this evening. On the handout that you see, I have noted where the  
2820 fence is, and, of course, the picture that you saw had a much better view of what the actual  
2821 situation there was. On page 2 of the handout, it does indicate what kind of flavor we are  
2822 having, providing in, let me change handouts with you.

2823  
2824 Mr. Vanarsdall - I didn't hear you say what Page 2 was.

2825  
2826 Ms. Dwyer - A picture of the house.

2827  
2828 Mr. Reynolds - Page 2, that is a view of Lot 11, which is almost completed  
2829 construction. The price of that property is \$289,950. All of the lots in the subdivision have been  
2830 priced by Jimmy Zigler. The average home will be between 2,700 and 3,000 square feet and  
2831 ranging from \$275,000 and \$310,000 to \$315,000. On the third page, the next page, you will see  
2832 some pictures that I took, not quite as clear and graphic as what you have seen from staff, but it  
2833 does give the view in the top two. You will notice at the top left-hand view would indicate what  
2834 the driver headed north on North Gayton would visualize and the traffic traveling south on North  
2835 Gayton would visualize that top right, as where the fence lies. The bottom gives a perspective of  
2836 the travel lane in relationship to the fence and there is a 32 foot distance between the fence and the  
2837 center line of the highway. The next and last page indicates the inside of the fence where the lots  
2838 exist and taken from either end of the fence would indicate the trees would be impacted if the  
2839 fence had to be removed. It will take out 18 to 20 of those trees and would do a great deal of  
2840 damage to the root system in a number of these trees. It causes each family of the three affected

2841 lots a loss of approximately 1,000 square foot use of the lot itself, and it does, by removing some  
2842 of the trees and so forth, would eliminate some of the natural environment that we have attempted  
2843 in every case to provide and minimize the impact. I walked with Virginia Power through their  
2844 easement when they went through the woods to put the utilities in and we moved between trees as  
2845 much as possible to minimize the impact. As it stands, the fence presently does provide safety  
2846 and peace of mind for the homeowners and for their children. It provides privacy for the  
2847 residents and it does maintain a balance between the present natural environment, the safety and  
2848 the well being of all of the residents of Henrico County. The mission statement for Henrico is  
2849 that "In partnership with citizens, the Henrico County is dedicated to enhancing the quality of life  
2850 for all of our residents." I really feel that if we can leave the fence where we have it, it would  
2851 minimize the impact on the Pruitts and the financial aspect of it and also still provide those things  
2852 that the attempt is for the mission statement to provide for the safety and well being of the  
2853 residents of Henrico County. So, I respectfully recommend your approval, request your  
2854 approval, of this zoning amendment.

2855  
2856 Ms. Dwyer - Thank you, Mr. Reynolds. Are there any questions of Mr.  
2857 Reynolds by Commission members?

2858  
2859 Mrs. Wade - Do you know how it got put in this location in the first place?

2860  
2861 Mr. Reynolds - Mrs. Wade, that was my decision at the time, when the fence was  
2862 being erected. I did not read the proffers before telling Mr. Minor where to put the fence. It is  
2863 my error and I, of course, regret having done that. But, I came into the picture after the fact and  
2864 sometime from the subdivision being rezoned, 1993 to 1998. But when the Pruitts asked me to  
2865 help them with the subdivision, I became a major player in all aspects of the subdivision, and that  
2866 was one of the major aspects of where it went. I became aware of that mistake after the fence had  
2867 been installed, paid for, and viewed.

2868  
2869 Ms. Dwyer - Any other questions by Commission members?

2870  
2871 Mr. Vanarsdall - No. That was the question I had. How did the fence get up to start  
2872 with? You answered it. Thank you. I don't have anything else.

2873  
2874 Ms. Dwyer - Mr. Reynolds, I think the fence is probably a nice idea for all  
2875 reasons that you stated. I guess I am wondering that if it were moved, why would you have to cut  
2876 trees down. As long as it is 10 feet away from the right of way, you do have some play in there.  
2877 You could move the fence through the trees, if necessary.

2878  
2879 Mr. Reynolds - Well, the last page of your handout indicating what is on the screen  
2880 there, is the primary portion of where the fence will be placed. The opening between where you  
2881 see the fence and the trees is only a few feet. It is much less than 10 feet. This particular fence  
2882 that we have here, of course, would have to be put in a very straight line and parallel to the  
2883 roadway. Otherwise, it would not appear proper at all. And, in doing so, it would impact the root  
2884 system and would require taking out a number of the trees through that particular expanse. If you  
2885 noted back on the second or third; the second, it would be the third page of your handout that had

2886 the fourth pictures, you see where we have saved as many trees as possible even putting in the  
2887 underground utilities that were parallel to North Gayton.  
2888

2889 Ms. Dwyer - Any other questions of Mr. Reynolds? Was there opposition to this  
2890 case? I have forgotten now whether I asked. Is anyone in opposition?  
2891

2892 Mr. Reynolds - I talked to a couple of the neighbors and people that have traveled  
2893 on North Gayton and one of the people that I sold a home to, and they have indicated how nice  
2894 the fence looked. Of course, they would tell me that. But, they had talked to the neighbor and  
2895 there was no indication that they had any problem with the fence at all.  
2896

2897 Ms. Dwyer - Thank you, sir. Any other questions? Ms. Hunter, did you have a  
2898 comment?  
2899

2900 Ms. Hunter - I just wanted to respond to your earlier question. Mr. Silber has  
2901 indicated that the right-of-way at North Gayton Road was discussed at the Board meeting last  
2902 night with the zoning case across the street, the future right of way is 66 feet, and it does appear  
2903 that the back curb is the ultimate right of way.  
2904

2905 Mr. Vanarsdall - Does appear what, Ms. Hunter?  
2906

2907 Ms. Hunter - That this curb here is the ultimate right of way.  
2908

2909 Ms. Dwyer - Any other questions by Commission members?  
2910

2911 Mr. Archer - One question, Madam Chairman. Whose responsibility is it for the  
2912 maintenance and upkeep of the fence once it is installed?  
2913

2914 Mr. Reynolds - It will become the homeowners' responsibility. The particular  
2915 fence that we have here is of top grade quality. The fence is in 3 feet of concrete, and you will  
2916 note, if you look carefully, it is of convex top type and it is on 2 x 4's backing, and hopefully  
2917 there will not need to be any maintenance on that fence for many, many years. It is comparable  
2918 to other fencing along North Gayton Road that has been placed in terms of the quality and, as a  
2919 matter of fact, we used the same fence contractor.  
2920

2921 Ms. Dwyer - Okay, Mrs. Wade. Are you ready for a motion?  
2922

2923 Mrs. Wade - All right. I'll tell you why we are here about the fence, Mr.  
2924 Reynolds. It is because we have a zoning case across the street from here, and I was out there  
2925 looking at the zoning case, and looked across the street and saw the fence, and thought that  
2926 probably there was a proffer that applied in this case because we are getting many proffers that  
2927 indicate the fence should not be within so many feet of the right of way and the curb. Because  
2928 although you say, from your point of view, it enhances the quality of life for our residents, many  
2929 of our residents are complaining now about our roads being, what is the term, we are "fencing in  
2930 our roads". They go on Gaskins. They go on Ridgefield, and don't like often what they see, and  
2931 that is the reason for the proffer in the first place. So, I am the one who looked, and I probably



2932 should have told you this earlier. But, by the time I realized that I should have told you, you had  
2933 already filed this case, the amended proffer. So, we have actually a couple of issues here. One is  
2934 that we are very particular about our proffers because generally people depend on them and we  
2935 recommend amendment of them under most unusual circumstances. And, as I said, and as Ms.  
2936 Hunter mentioned, we even are doing a policy, a County policy, or formulating a policy to even  
2937 amend the ordinance that fences will not be at the curb line. And, this, as we pointed out, is  
2938 going to be a busy road in the future. And, as fences go, yes, it is a nice looking fence, but it  
2939 also, as you mentioned, is in the Overlay District, which is interested in high quality and visual as  
2940 well as many other aspects. Goodness knows, I am in favor of trees, but I think that there would  
2941 still be some left here. And, so for all of those reasons, basically, I just can't recommend this to  
2942 the Board that this proffer be amended. So, therefore, I recommend that C-67C-99 be  
2943 recommended for denial.

2944  
2945 Mr. Vanarsdall seconded the motion.

2946  
2947 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr. Vanarsdall.  
2948 All in favor of the motion say aye--all opposed say nay. The vote is 5-0 (Mr. Donati absent).  
2949 Thank you sir.

2950  
2951 REASON: Acting on a motion by Mrs. Wade, seconded by Mr. Vanarsdall, the Planning  
2952 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors **deny** the request  
2953 because the applicant failed to meet his burden to show that the requested changes are in the best  
2954 interests of the welfare and future of the community; and it conflicts with the intent of the W.  
2955 Broad Street Overlay District.

2956  
2957  
2958 **C-68C-99 Glenn R. Moore for Retlaw 100, LLC:** Request to amend  
2959 proffered conditions accepted with C-19C-94, C-56C-94 and C-49C-96, on part of Parcels 18-A-  
2960 15A, 21 and 22B, containing 19.23 acres, located at the southwest intersection of Nuckols Road  
2961 and Old Nuckols Road. The amendment is related to outparcel restrictions. The Land Use Plan  
2962 recommends Commercial Concentration and Environmental Protection Area.

2963  
2964 Mr. Marlles - The staff report will be given by Mr. Eric Lawrence.

2965  
2966 Ms. Dwyer - Good evening, Mr. Lawrence.

2967  
2968 Mr. Eric Lawrence, County Planner - Good evening.

2969  
2970 Ms. Dwyer - This is your first time up this evening. Is there anyone in the  
2971 audience in opposition to C-68C-99? No opposition. Mr. Lawrence.

2972  
2973 Mr. Vanarsdall - May I ask a question before he starts? What is the date of what we  
2974 were just handed out?

2975  
2976 Mr. Lawrence - That was received today.

2977

2978 Ms. Dwyer - Because I was faxed something dated the 9<sup>th</sup>, so this is more recent  
2979 than what I was faxed? Okay.  
2980  
2981 Mr. Lawrence - This is today. What was handed out to you was received today.  
2982  
2983 Ms. Dwyer - So now we have three sets? Did you get something in the mail or  
2984 faxed to you?  
2985  
2986 Mr. Archer - I got a fax today, Madam Chairman.  
2987  
2988 Mr. Vanarsdall - Well, what is the date of this paper that you just handed out?  
2989  
2990 Ms. Dwyer - The 10<sup>th</sup>.  
2991  
2992 Mr. Lawrence - You can ignore everything but what we just handed you.  
2993  
2994 Ms. Dwyer - Of course, we have already read the other copies.  
2995  
2996 Mrs. Wade - This is different from the one I got in the door?  
2997  
2998 Mr. Vanarsdall - I don't know why you all don't put dates on things.  
2999  
3000 Ms. Dwyer - The one I was faxed was dated yesterday. Is it the same?  
3001  
3002 Mr. Lawrence - It has got to be different because it was revised again today.  
3003  
3004 Ms. Dwyer - Okay, I didn't get one today. I got one yesterday. We'll muddle  
3005 through this.  
3006  
3007 Mr. Vanarsdall - A day without a proffer from Mr. Moore is like a day without  
3008 sunshine.  
3009  
3010 Mr. Lawrence - Thank you, Madam Chairman. This application is a request to  
3011 amend the proffered conditions of an approximately 20 acre B-2C site. This site is located at the  
3012 entrance of the planned Twin Hickory community and it is just adjacent to the, I guess it is  
3013 actually a part of the concourse at Wyndham on Nuckols Road. The applicant has made this  
3014 request because they would like to delete a proffer, which addresses the number of outparcels  
3015 allowed on the site. Currently, that number is limited to four outparcels, and they have indicated  
3016 a desire to have more than that. It appears that the outparcel condition is intended to assure that  
3017 the site be developed in a coordinated manner and that entrances onto the adjoining roadway be  
3018 minimized, in effect, creating a shopping center environment compatible with the qualities that  
3019 reflect the Wyndham community. The Wyndham community and the proposed Twin Hickory  
3020 community both are in the vicinity of the site. The applicant has indicated an interest in slightly  
3021 modifying the shopping center's configuration enabling a commercial center design more similar  
3022 to a village concept versus the traditional strip shopping center that we commonly see.  
3023

3024 With the village center concept, the large multi-tenant building would be de-emphasized and a  
3025 number of smaller buildings would be placed on the property instead. It is staff's feeling that a  
3026 village concept should be smaller buildings placed around the perimeter of the property. Parking  
3027 would be centralized internally, and we would also encourage a unique feature that gives it a  
3028 sense of community, a sense of identity. Staff is supportive of this village-type concept and de-  
3029 emphasizing the single large structure and staff realizes the necessity to remove parcel limitations  
3030 to accomplish such a design goal.

3031  
3032 Staff suggests that a number of elements be addressed to assure that the development of this site is  
3033 in character with the high quality of developments of the surrounding community. Such elements  
3034 that staff feels should be addressed include the site layout, the buffering against the adjoining  
3035 residences, solidification of the greenbelt along the roadways, and establishing signs that  
3036 complement the other commercial signs that are in the area.

3037  
3038 The applicant has submitted a couple of revised proffers. The latest one was handed out to you  
3039 this evening in attempt to address staff's concerns. I will point out that, obviously, we received  
3040 the most recent proffers today, so we have to waive the time limit should you feel these proffers  
3041 are appropriate.

3042  
3043 Looking at what we submitted today, there was concern over the greenbelt. The existing proffers  
3044 that we have, which were adopted in 1994, discuss a 30-foot greenbelt from the existing right of  
3045 way. When you take into consideration the Public Works Department's need of plans to expand  
3046 Nuckols Road in the turn lanes, and actually, this is what the right of way needs. Your greenbelt  
3047 would be shrunk down to approximately eight feet, so you have lost 20 feet to accommodate the  
3048 road widening. So, that was one of staff's concerns. And, with the revisions they have provided  
3049 a 30-foot greenbelt along most of the Nuckols Road frontage. Because of their planting, they feel  
3050 that the greenbelt would be reduced to about 20 feet and now you grow closer to the Nuckols –  
3051 Twin Hickory intersection. What is proffered is 30 feet from the ultimate right of way of  
3052 Nuckols and then the last 300 feet toward the Twin Hickory Lane would be a 20-foot ultimate,  
3053 with additional landscaping to beautify the area. Staff acknowledges that this is a fine attempt to  
3054 address our concerns, but we need to push for the need to maintain a 30-foot green belt. They  
3055 have provided a buffer against the Avery Green Subdivision, which satisfies our initial concerns.

3056  
3057 As far as the number of outparcels, they wish to increase the number of outparcels from four to  
3058 six. Staff feels that this would be appropriate, so long as the site is laid out appropriately, which  
3059 leads us to the last one, and that was submitted. This is the master plan that we received to  
3060 indicate where the parcels would be. The importance of it is that it breaks down the strip center,  
3061 if you will. There is not a single large building out back. I didn't keep track. I guess there is  
3062 one, two, three, four, five... maybe seven or eight buildings on this master plan.

3063  
3064 Conceptually, it is making grounds to what staff feels in important to break it down to create a  
3065 village concept. We feel with the village concept, the building should be along the perimeter and  
3066 there shouldn't be parking between the buildings, and roads in that the parking should actually be  
3067 interior of the site. Essentially, it provides a place for you to come and park and walk around a  
3068 little village. Also, it beautifies. As you are driving down the street, you are not looking at

3069 parking lots, per se, but you are looking at the sides of buildings. And the County's policy is that  
3070 we encourage you to not have blank building space in the road.

3071  
3072 What that does is, it creates a nice scenic environment and, similarly, to the characteristics of  
3073 coming down out of Wyndham and Twin Hickory area.

3074  
3075 We'd also encourage a center identity, whether it is a thing like a fountain or a plaza, just  
3076 something to bring identity to the shopping center. But the master plan doesn't address those  
3077 issues.

3078  
3079 I will point out that they have added a proffer that addresses the signage. Essentially, the  
3080 detached sign shall be monument in style so that we don't have detached high standing signs out  
3081 there.

3082  
3083 The applicant has made strides to address our concerns and we certainly appreciate his efforts, but  
3084 there are still a few things. The greenbelt 30 feet from the ultimate right of way, and the master  
3085 plan still concerns staff a little bit, but we are looking in the right direction. And staff feels, if we  
3086 can come to some kind of an agreement, and get these issues resolved, then staff would be  
3087 supportive of the amendment. With that said, I would be happy to answer any questions, and Mr.  
3088 Moore is here representing the applicant.

3089  
3090 Ms. Dwyer - Any questions for Mr. Lawrence?

3091  
3092 Mrs. Wade - Mr. Lawrence, I go to a lot of Planning meetings, conferences all  
3093 over the country, and every place and hear planners talk about the village concept. Do we have  
3094 an example of this in our area?

3095  
3096 Mr. Lawrence - I have been trying to visualize one. One was mentioned to me  
3097 earlier. It is not quite the village concept that I've envisioned, but I guess it is the Short Pump  
3098 Crossing. Gayton Crossing is probably a good example. You have Ukrop's at the Short Pump  
3099 Crossing. I think that is the shopping center. That sort of thing is what I had in mind versus our  
3100 standard. I don't want to say Broad Street Shopping Centers, but a standard shopping center  
3101 where you have a strip building in the back and a bunch of outparcels along the road. That is the  
3102 complete opposite of what I would envision as the village concept.

3103  
3104 Ms. Dwyer - Is this site plan proffered?

3105  
3106 Mr. Lawrence - What we have before us right now is, that is part of the proffer, I  
3107 believe; the proffered conceptual master plan. Yes.

3108  
3109 Ms. Dwyer - Where is that? I guess we want to change the proffer to create a  
3110 concept. I think what we are looking for is to understand what the new concept is.

3111  
3112 Mr. Lawrence - We have had discussions. Actually, in the middle of tonight's  
3113 meeting, I spoke with the applicant and tried to convey the thoughts that have been expressed to  
3114 me by members of the staff, and talking to Mrs. Wade about it. It is one of those things that is

3115 hard to grasp, communicating what we have envisioned as appropriate out there, and the applicant  
3116 is trying to understand it, and this is the product they feel achieves it. It does not hit staff right  
3117 quite yet, but I think that there is grounds being made toward it.

3118  
3119 Ms. Dwyer - I think we are capable of grasping it if we have enough  
3120 information.

3121  
3122 Mr. Lawrence - Okay.

3123  
3124 Ms. Dwyer - Any other questions for Mr. Lawrence? While Mrs. Wade is  
3125 thinking about that, what did you say about turn lanes, when we were talking about the greenbelt.  
3126 Will that be diminished by a turn lane?

3127  
3128 Mr. Lawrence - In the present form that was accepted with the 1994 case, it says the  
3129 30 foot would be from the existing right of way. That means that, if there is a road widening in  
3130 the future, if there are turn lanes, that comes out of that 30 foot.

3131  
3132 Ms. Dwyer - Now, they are saying ultimate right of way?

3133  
3134 Mr. Lawrence - Right. If the proffer is accepted as it is written now, the turn lanes,  
3135 in the future, will not bite into the greenbelt. The 30-foot greenbelt will be preserved.

3136  
3137 Ms. Dwyer - In addition to the turn lane? The turn lane will not reduce the  
3138 buffer?

3139  
3140 Mr. Lawrence - That is my understanding. Correct.

3141  
3142 Mrs. Wade - Except, that, at some point, it goes down to 20?

3143  
3144 Mr. Lawrence - In this area, the applicant felt that the 30 feet wouldn't  
3145 accommodate their plans, so they proffered a 20-foot buffer. I'm sorry, a 20-foot greenbelt with  
3146 additional landscaping to go in here and compensate for the difference.

3147  
3148 Mrs. Wade - Well, it is out of the conceptual plan now. Is this significant  
3149 enough that if they came in and tried to do something or proposed doing something quite different  
3150 from this...?

3151  
3152 Mr. Lawrence - What Mr. Moore pointed out is that they actually have not  
3153 proffered this plan. They have proffered the entrances. I was mistaken. This is the conceptual  
3154 master plan.

3155  
3156 Mrs. Wade - This is the concept?

3157  
3158 Mr. Lawrence - It is not in stone yet.

3159

3160 Mrs. Wade - Well, I thought one reason we delayed the POD was so we could  
3161 get some kind of a master plan, but I am not sure how significant that it is. We had at POD time  
3162 the entrances, then these great big chunks of undetermined land around. So, are we back to that  
3163 again?

3164  
3165 Mr. Lawrence - I believe so.

3166  
3167 Mrs. Wade - First of all, they came in and they wanted unlimited outparcels.  
3168 Now, they say, "Well, six would do." But, there is nothing to prevent still arranging them in  
3169 other ways. This might be livable if they could come up with something significant in say, a focal  
3170 point, and something attractive. We would like this to be superior to a number of things on  
3171 Broad, no matter how hard we have tried. Some of them are not quite as pleasing as they might  
3172 be, but we'd like to have something better. But anyway, we will hear what Mr. Moore has to  
3173 say.

3174  
3175 Ms. Dwyer - I have a question, but I think I will save it for the applicant. Any  
3176 other questions for Mr. Lawrence? Okay, thank you. Mr. Moore.

3177  
3178 Mr. Moore - Ms. Dwyer, ladies and gentlemen and members of the  
3179 Commission, my name is Glenn Moore and I am an attorney, and I am here tonight on behalf of  
3180 Retlaw 100, LLC, which is the owner of this property. They bought the property approximately  
3181 a year ago from Snyder-Hunt. I want to point out, and I think everyone is aware of this, but I  
3182 want to re-emphasize is that, what we are talking about here is amending the proffered conditions  
3183 on a case; the property which has been zoned several years ago. We are not talking about a new  
3184 zoning case. We are also talking about a zoning case where the commitments to quality were  
3185 achieved when the property was initially rezoned are significant, and I want to summarize some  
3186 of those. One, of course, is that there was a commitment to greenbelt along all road perimeters.  
3187 At least 35 percent of the space that is covered by this rezoning case, the land covered by this  
3188 rezoning case must be open space. There is a commitment to quality building materials. And,  
3189 with respect to the outparcels, the architecture of the outparcels must be compatible with the main  
3190 shopping center building. There is a density limitation of a maximum of 8,000 square feet per  
3191 acre, which I think, you will agree, is a fairly modest type of development, or density of  
3192 development on this parcel. And, outparcels are limited, as reflected on the plan, you now see on  
3193 the screen. That is the plan that was submitted. It is not proffered, but it was submitted as part  
3194 of the 1994 zoning case.

3195  
3196 To show how, at that time, how the owner contemplated development of this property, and  
3197 finally, the signage must also be coordinated. We have taken that a step further with a proffer  
3198 that you have before you tonight.

3199  
3200 Now, basically, if you look at the plan you see on the screen, you will see what was  
3201 contemplated, at that time, is a long, typical strip shopping center building against the back or  
3202 upper boundary of the property you see on the screen, which is where you now have residential  
3203 development.

3204

3205 What we are proposing to do, if you look back at the plan that has been submitted as part of this  
3206 case, is break up that building; not have a solid massive building along the back and move some  
3207 of the building away from the back boundary and away from the residences. Because of the type  
3208 of development concept, you need to increase the number of outparcels.  
3209

3210 I want to emphasize again the quality and quantity of development has not changed. All of the  
3211 development controls that were put into place in the early zoning cases are to remain in place,  
3212 except that we are asking for two more outparcels and I would submit to you that that does not  
3213 take away from the quality of the development.  
3214

3215 Now, further, in exchange for those two outparcels, in effect, it is an exchange. The staff has  
3216 recommended some changes to the proffers which we have largely responded to. We submitted  
3217 to a wider green belt on the roadway. The 1994 proffer reflects an agreement that was entered  
3218 into with Henrico County in 1989. And, that is somewhat unusual, I agree, in that, there is a  
3219 proffer that measured the width of buffer areas or green spaces from existing right of way and not  
3220 from ultimate right of way. And, I would acknowledge that, typically, you find buffers are  
3221 measured from newly created right of ways. In this area of the County, that practice has not been  
3222 followed I am told. We were requested to agree to the wider, the 30-foot greenbelt, from the  
3223 ultimate right of way. What that, basically, means, along most of frontage of this property, that  
3224 means an increase of 12 feet for the buffer. At the entrances it is a little more than that. As Ms.  
3225 Dwyer, I think asked about, as far as the entrances go, that we actually go a little bit more than 12  
3226 feet. But, if you get closer to Twin Hickory Road, and the reason we are reducing that buffer to  
3227 20 feet is that we are actually being asked to either dedicate or reserve up to 24 feet. And that is  
3228 why we need to go down to just the 20-foot buffer, which we have agreed to supplement with  
3229 landscaping.  
3230

3231 Secondly, we have agreed to a 50-foot buffer, adjacent to the residences, which will be  
3232 landscaped in accordance with the plan approved at the time of landscape plan review. We have  
3233 limited the number of driveways to no more than what is shown on that plan. And we have  
3234 agreed that the freestanding signs will be monument-type signs, as is typical for commercial  
3235 development in this area.  
3236

3237 And, finally, we have this concept in having more outparcels and less development toward the  
3238 residential part of the property and residential area to the west. It means that we have moved  
3239 commercial development further from residential areas.  
3240

3241 Now, I would submit to you, that the exchange of two additional outparcels for these additional  
3242 commitments that we now agreed to in the proffers will result in a better development on this  
3243 property for the surrounding community and for the County as a whole. I will be happy to  
3244 answer any questions that Commission members may have.  
3245

3246 Ms. Dwyer - Okay, any questions by Commission members?  
3247

3248 Mrs. Wade - Would you explain what you said a minute ago and what is it about  
3249 this case and the concept that you showed us, the last one, that prohibits it from turning out to  
3250 look like this?

3251 Mr. Moore - What prohibits it?  
3252  
3253 Mrs. Wade - What is it that keeps it from being like this essentially?  
3254  
3255 Mr. Moore - Well, we've got a wider buffer area. We've got...  
3256  
3257 Mrs. Wade - Except under this case, you could put six outparcels instead of four.  
3258  
3259 Mr. Moore - But I don't see where that takes away from the quality of the  
3260 development. The outparcels have to have the same compatible type of architecture. And we are  
3261 not asking for any more square footage; the same amount of square footage that was in the out  
3262 parcel and part of the shopping center building. I think, by taking the building, or some of the  
3263 square footage further from the residences, that that is an improvement for those in the vicinity of  
3264 the shopping center.  
3265  
3266 Mrs. Wade - I agree with all of that. But it is the other one that you are,  
3267 basically, planning to do. Why aren't you willing to submit it? We all agree that some  
3268 adjustments were made...  
3269  
3270 Mr. Moore - My client bought this property, and they are doing essentially what  
3271 the developers at Innsbrook have done. And that is, take a piece of land and develop it and they  
3272 sell parcels. I can tell you what is going to be before you in a POD a week from now. If you  
3273 look at that, Parcel 1, Parcel 2, and the small building over on Twin Hickory Road, all of that is,  
3274 basically, set in stone. That is going to be before you as a POD. How the rest of the property  
3275 will develop, we know where the entrances are going to be. We know where the buffers are, but  
3276 we are not exactly sure, for example, that we are going to have a building of that size at the  
3277 corner of Old Nuckols and Nuckols Road. It depends on who buys that site. All of that comes  
3278 back before you for Plan of Development just like it would under the existing zoning case.  
3279  
3280 Mrs. Wade - I know it will. But, I am wondering if there is any kind of  
3281 objection we might have to what you are proposing at the POD?  
3282  
3283 Mr. Moore - All I am proposing is two additional outparcels in exchange for  
3284 commitments that are currently in place.  
3285  
3286 Ms. Dwyer - I think your concern, Mrs. Wade, is that the village concept is  
3287 being presented as what is going to be built here. And, yet, there is nothing in the new set of  
3288 proffers that defines or clarifies that that will happen.  
3289  
3290 Mrs. Wade - We don't want to hold up the POD, and this is what was submitted  
3291 with the POD, and this is why we asked that it be deferred along with the zoning case, so we  
3292 could clarify just what it is.  
3293  
3294 Mr. Moore - The land that is shown on that POD plan where you see the  
3295 building, the contract purchaser of that property spent quite a bit of money doing the engineering  
3296 to develop precisely what you see on that portion of the property, which is, at least, a third of it, I



3297 would say. So, on that much of it, you know what is going to be built. The rest of it, we're not  
3298 certain how the uses are going to be built. But we can agree to where the entrances will be. That  
3299 there will be no more entrances than that. That there will be buffers, and we will adhere to the  
3300 other elements of quality that exist on this land that has been zoned for several years. I'm not  
3301 asking to have the property rezoned. I am simply asking for some minor modifications in the  
3302 proffers.

3303  
3304 Mrs. Wade - Which is from four outparcels to what you are asking for?

3305  
3306 Mr. Moore - Right.

3307  
3308 Mrs. Wade - Unlimited outparcels, but, anyway, we could go ahead with  
3309 whatever it is we need to do to be able to approve the POD the next time.

3310  
3311 Mr. Moore - On the basis of that plan which is the POD. That plan is in  
3312 compliance, I believe, with the existing zoning. That is the intention of that plan.

3313  
3314 Mrs. Wade - We will still have the case before us for the proffer change.

3315  
3316 Mr. Moore - Correct, which shouldn't affect what is being proposed for that  
3317 particular plan of development.

3318  
3319 Mrs. Wade - All I am asking is something that is going to look more like Plan B  
3320 than Plan A, and I don't see that. But, we can go ahead and work with the POD that you are  
3321 talking about here. All of that, at least, commits that part, the more traditional shopping center.

3322  
3323 Mr. Moore - At this point, Mrs. Wade, really I can't, because of the uncertainty  
3324 as to how the property will develop. Tonight, I cannot commit to anymore in the way of layout  
3325 of the building. I just don't know exactly how they are going to lay it out. I don't know how the  
3326 purchasers are going to want to build their buildings on the site. We are willing to lend ourselves  
3327 to the maximum of six outparcels.

3328  
3329 Mrs. Wade - I think we had better stick with four outparcels than six.

3330  
3331 Mr. Moore - Well, that certainly is the decision that the Commission could  
3332 make.

3333  
3334 Mrs. Wade - Well, I would like to have more information because we make that  
3335 final decision, but we can go ahead and do what we need to do to approve the POD next week.  
3336 We'd have to use this as the basis for our master plan.

3337  
3338 Mr. Moore - I believe that is right.

3339  
3340 Mrs. Made - Okay.

3341

3342 Ms. Dwyer - Mr. Silber may have some suggestions or ideas about how to  
3343 extricate ourselves from this impass.

3344  
3345 Mr. Silber - Some of these concepts, Mr. Moore may be aware of. But I think  
3346 you understand where the Commission is going. I am just not so sure that we couldn't achieve it  
3347 by proffered conditions to bring about this type of concept without locking you into a plan that  
3348 later he couldn't live with. And you may be able to proffer that there will be no parking between  
3349 buildings and Nuckols Road. So, for the most part, the parking would be to the rear. And  
3350 bringing about a centralized parking arrangement, not necessarily locking you into some design  
3351 and bringing about an arrangement of buildings that forces buildings up front and parking in the  
3352 rear. That is the type of thing that would give the staff and Planning Commission more  
3353 assurances about how that this might end up. You said this layout reflects the current zoning?

3354  
3355 Mr. Moore - That is the intent of that plan.

3356  
3357 Mr. Silber - Is it the 50 foot buffer in the back?

3358  
3359 Mr. Moore - Yes. It does.

3360  
3361 Mr. Silber - That reflects, then, the proposal.

3362  
3363 Mr. Moore - Yes. It does reflect that.

3364  
3365 Mr. Silber - Do the driveway configurations line up with what you showed on  
3366 the master plan?

3367  
3368 Mr. Moore - Yes.

3369  
3370 Mr. Silber - Is it necessary to have two driveway points on Nuckols Road? Can  
3371 you get by with one?

3372  
3373 Mr. Moore - But, keep in mind, there is a median in Nuckols Road there, and I  
3374 believe that the entrances have been cleared with the Traffic Department in connection with this  
3375 plan of development.

3376  
3377 Mr. Silber - They may find it suitable, from a traffic standpoint, to have two.  
3378 But, the concept we are trying to bring about, a village concept, where people feel comfortable  
3379 coming and parking and walking among that retail center, you may not need two. There is no  
3380 crossover and there is no reason to exit at the left.

3381  
3382 Mr. Moore - That is possible, I suppose.

3383  
3384 Mrs. Wade - It is going to be hard to get out of here and go left anyway.

3385  
3386 Mr. Moore - You can't take a left. There is no median there.

3387

3388 Mrs. Wade - I think we can talk about those things between now and the next  
3389 zoning meeting.  
3390  
3391 Mr. Silber - Yes, ma'am. I think we could do that.  
3392  
3393 Mr. Wade - And, see if we could work with them. I asked you once who your  
3394 engineer was. As far as I can tell, you have a land planner, or just an engineer who is doing  
3395 shopping centers?  
3396  
3397 Mr. Moore - Hankins and Anderson is the engineer, and Neil Rankins is the land  
3398 planner on this. These plans, from the POD standpoint, this is the second or third submittal.  
3399  
3400 Mrs. Wade - Now, I have talked to Mr. Rankins, who was the architect. Is he a  
3401 planner, too?  
3402  
3403 Mr. Moore - I think he is; a land planner.  
3404  
3405 Mrs. Wade - What I am trying to do here, so they can go ahead with their POD,  
3406 next week for the building as shown, which would fit into the other plan, too, for the beginning  
3407 building. Of course, when they do the land, when they clear, they are going to want to put the  
3408 driveways in. Our meeting is the 17<sup>th</sup> and zoning meeting is the 9<sup>th</sup> of December, so we can talk  
3409 some more about our conflicting ideas about this general development of the shopping center. It  
3410 is going to be, as has been pointed out, a major entrance into the Twin Hickory; the Old Twin  
3411 Hickory project down the road there, as well as highly visible going towards Wyndham when you  
3412 come up the interstate. So, I think we agree that we all want a nice looking job as well as an  
3413 efficient and economical job. So, I guess we really don't need to do anything. But, would you be  
3414 willing to defer to the December meeting?  
3415  
3416 Mr. Moore - You all could certainly defer it.  
3417  
3418 Mrs. Wade - Well, do you want us to act on it the way it is tonight?  
3419  
3420 Mr. Moore - We would agree to a deferral of the zoning case.  
3421  
3422 Ms. Dwyer - Are you ready for a motion, Mrs. Wade?  
3423  
3424 Mrs. Wade - Well, if we have to act on it the way it is tonight...  
3425  
3426 Ms. Dwyer - Would the applicant come forward for a brief statement? Come  
3427 forward and ...  
3428  
3429 Mr. Read Goode, Jr. - My name is Read Goode, Jr. and I am a regional partner and  
3430 principal broker with RealtiCorp. We have been working on this site for quite some time, not  
3431 only with the staff but the people in Wyndham. I want you to understand a few things about our  
3432 company and how we operate. RealtiCorp does not do anything vertically. We build buildings.  
3433 We, simply, are the land developers. We try to reach a point in a deal where you all are happy,

3434 the users are happy, and the community is happy. This is a situation unlike Broad Street and a lot  
3435 of other places where you have a professional organization. The H. H. Hunt organization has  
3436 spent a lot of time and money on this property out here and everything we have done, we have  
3437 run by them to make sure that they approve it. It is a very vocal community.  
3438

3439 There is no opposition to this case. There are two things we have focused here on and that is, and  
3440 I've made a mistake by getting the zoning at the same time as the POD. It has been confusing,  
3441 but I think we would agree to a deferral here and work out some of the things we have talked  
3442 about tonight. I think we can make some headway with those. But, I think I can agree to a  
3443 deferral as long as we can have some action on the POD next week and that doesn't get hung up  
3444 next week. I know you don't know until it comes to that time, but I will defer to Glenn.  
3445

3446 Mr. Moore - We will request a deferral.  
3447

3448 Mrs. Wade - All right, fair enough. We can go with what we have then. The  
3449 reason we did this is because we put the POD off because we had to have a conceptual plan in  
3450 order to meet the former proffer on the land for the POD. That is why it has gotten put off. But,  
3451 I think, you know, proposed, and/or agreed to in public, is certainly where we started. And, until  
3452 we look at it a little longer, we can still do something.  
3453

3454 Mr. Moore - Good enough.  
3455

3456 Mrs. Wade - So, I move, therefore, then that Case C-68C-99 be deferred until  
3457 the December 9<sup>th</sup> and we will get these things all worked out before then at the applicant's  
3458 request. Thank you.  
3459

3460 Mr. Vanarsdall seconded the motion.  
3461

3462 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mr. Vanarsdall.  
3463 All in favor of deferring the case to December 9<sup>th</sup> say aye--all opposed say nay. The motion is 5-  
3464 0 (Mr. Donati absent).  
3465

3466 **C-69C-99 James W. Theobald for Duma & Associates, L.C.:** Request to  
3467 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District  
3468 (Conditional), Parcel 20-A-13, described as follows:  
3469

3470 Commencing at a point of intersection of the western line of Staples Mill Road and on the  
3471 southern line of Interstate Route 295; thence along and following Interstate Route 295 N. 76° 59'  
3472 23" W., 700.05' to the point of beginning; thence S. 39° 34' 16" E., 488.36' to a point; thence  
3473 S. 86° 23' 40" W., 224.80' to a point; thence N. 12° 31' 20" W., 400.00' to the point of  
3474 beginning, containing 1.019 acres.  
3475

3476 Ms. Dwyer - Is there any one in the audience in opposition to Case C-69C-99?  
3477 No opposition. Mr. Lawrence.  
3478

3479 Mr. Lawrence - Thank you, Madam Chairman. Application C-69C-99 is a request  
3480 to rezone a little over an acre from A-1 to R-2AC. And, once rezoned, this parcel would be  
3481 incorporated into an adjoining residential development; a development, which would enable the  
3482 recent approval of C-32C-99 and C-33C-99 on the subject parcel, is located in the middle of the  
3483 C-32C-99 case. You might consider it a hole in the middle of a donut.

3484  
3485 Essentially, it is bordered by 295, Staples Mill, and, actually, goes all the way down and includes  
3486 the lakes down Springfield Road. That is the overall development. So, you can see the one-acre  
3487 parcel is just in the middle of it.

3488  
3489 With the approval of this application, and the property's incorporation into the surrounding larger  
3490 development, the net dwelling units per acre will approach 2.4, which is compatible with the  
3491 Land Use Plan's recommendation to the SR-1 District.

3492  
3493 The applicant has proffered to utilize the same conditions that were accepted with C-32C-99, and  
3494 has submitted a proffered layout to incorporate the subject parcel into the larger development.  
3495 These proffered conditions address items such as brick foundations, minimum lot widths of 80  
3496 feet and natural buffers against I-295. Staff encourages well thought and planned development  
3497 and incorporation of this parcel into the larger development is appropriate. Therefore, staff  
3498 recommends approval of this application as submitted.

3499  
3500 Ms. Dwyer - Thank you. Any questions of Mr. Lawrence by Commission  
3501 members?

3502  
3503 Mr. Vanarsdall - I just wonder. I guess this would be a question for Mr. Theobold.  
3504 But, I wondered, when we rezoned this, why this one little sliver was left out?

3505  
3506 Mr. Lawrence - It is my understanding the property owner was not ready to sell at  
3507 that point, until they realized they were sitting in the middle.

3508  
3509 Mr. Vanarsdall - I wondered what they were holding out for? That is the only  
3510 question I had.

3511  
3512 Ms. Dwyer - Any other questions by Commission members? I have one question  
3513 for Mr. Theobold.

3514  
3515 Mr. Vanarsdall - I doubt if we need him for one acre, do we? Same zoning...

3516  
3517 Mr. Theobold - Madam Chairman, ladies and gentlemen, I am Jim Theobold here,  
3518 on behalf of Duma & Associates, and I think you have seen the prior layout. This was the plan  
3519 with the Winters parcel, which was not under contract at the time. You all approved the R-2A  
3520 zoning in this area. You can see we are missing the Winters piece. And, you can see the layout  
3521 in the red network. And, you can see how it improves with the addition. And, we have merely  
3522 incorporated, by reference, all of the prior proffers that were accepted by the Board in its  
3523 approval of this case. And, frankly, with that, I am happy to answer any questions.

3524

3525 Ms. Dwyer - My question has to do with the proffers that you proposed. And I  
3526 followed you until you got to "and thereby bound by the proffers applicable thereto". It didn't  
3527 quite seem to fit, so I was curious as to what is bound by the proffers?  
3528

3529 Mr. Theobald - Let's see here. This was language that we have concocted with  
3530 staff over the years for situations like this where we are trying to convey that we wish that it to be  
3531 considered as though it had been zoned along with the initial piece and, therefore, spread all of  
3532 the proffers accordingly.  
3533

3534 Ms. Dwyer - I know what the purpose is. What is, "thereby"?

3535

3536 Mr. Theobald - That this one acre will also be bound by those proffers.  
3537

3538 Ms. Dwyer - So, "...thereby the property...", and "...the property is thereby  
3539 bound by the proffers." That phrase just did not make sense to me. Does it make sense to you?  
3540

3541 Mr. Theobald - Yes, ma'am.  
3542

3543 Ms. Dwyer - I know it is attorney talk.  
3544

3545 Mr. Theobald - At least one Assistant Director of Planning created the language, as  
3546 well, but he is being very quiet at the end of the day.  
3547

3548 Mr. Silber - It also made sense earlier in the day.  
3549

3550 Ms. Dwyer - Well, it didn't make sense to me earlier in the day. I know what  
3551 you are trying to do here. The phrase, "and thereby bound by the proffers," but I think that it is  
3552 not clear what the "thereby" and the "thereto" refers to in the sentence. But, I am not going to  
3553 press that point, but it does get confusing. I think it is unclear what you are referencing and the  
3554 sentence construction does not seem to fit. But, anyway, we can all assume we have a meeting of  
3555 the minds about what you are trying to do here. But, maybe we can look at that language before  
3556 we replicate it in the next case. Any other questions by Commission members?  
3557

3558 Mrs. Wade - A lot happens to these cases between the time we got them and the  
3559 time they were finally voted on. Is Exhibit A available to the Planning Commission?  
3560

3561 Mr. Theobald - There was a bit of a gap between when you acted and  
3562 recommended approval to the Board, but we had proffered the layout at the time that the  
3563 Commission considered the case, because we had tied Mr. Bain's property together with the  
3564 Duma piece.  
3565

3566 Mr. Silber - Actually, what changed the most was the piece closer to Staples  
3567 Mill. It was R-5A when you saw it, and it was R-2, and this piece pretty much stayed the same.  
3568

3569 Mrs. Wade - I was surprised to see, when I looked at Exhibit A, and see how  
3570 there was no provision for any kind of landscape except for along the piece on Springfield Road,  
3571 but...

3572  
3573 Mr. Theobald - There were proffers along Springfield Road for quite a significant  
3574 piece as approved by the Board. All you are looking at attached to this staff report were the  
3575 Duma proffers approved. This was the Duma piece, okay, like this (referring to slide). It went  
3576 like R-2A. This is Mr. Bain's piece that was approved at the same time, and he does have a  
3577 significant 45 feet of green space along here. So, that is why you are seeing that.

3578  
3579 Mrs. Wade - But these have combined, which is the way they should be. Okay,  
3580 thank you. All right, anybody else?

3581  
3582 Ms. Dwyer - Are there any other questions or are we ready for a motion?

3583  
3584 Mrs. Wade - This does, obviously, improve the layout of the subdivision, and so  
3585 that this can be developed as a coordinated whole, here, I move, therefore, that Case C-69C-99  
3586 be recommended for approval.

3587  
3588 Mrs. Quesinberry seconded the motion..

3589  
3590 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mrs.  
3591 Quesinberry. All in favor of the motion say aye--all opposed say nay. The vote was 5-0 (Mr.  
3592 Donati absent). The motion passes.

3593  
3594 REASON: Acting on a motion by Mrs. Wade, seconded by Mrs. Quesinberry, the Planning  
3595 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors **accept the**  
3596 **proffered conditions and grant** the request because it is reasonable; and it represents a logical  
3597 continuation of the one-family residential development which exists in the area.

3598  
3599  
3600 **C-70C-99 James W. Theobald for Brandywine Operating Partnership,**  
3601 **L.P.:** Request to conditionally rezone from A-1 Agricultural District to O-2C Office District  
3602 (Conditional), Parcels 18-A-25 and 25A, described as follows:

3603  
3604 Beginning at a point on the eastern right of way line of Twin Hickory Lane at its intersection with  
3605 the northern right of way line of Nuckols Road, said point being the true point of beginning;  
3606 thence along the eastern right of way line of Twin Hickory Lane N. 44° 56' 30" E., 787.50' to a  
3607 rod found; thence S. 64° 40' 10" E., 358.63' to a rod found; thence S. 44° 54' 22" W., 981.94'  
3608 to a rod found on the northern right of way line of Nuckols Road; thence along the northern right  
3609 of way line of Nuckols Road along a curve to the right having a radius of 1585.02' for a length of  
3610 150.26' to a point; thence along a curve to the right having a radius of 1585.02' for a length of  
3611 177.98' to a point; thence N. 05° 07' 12" E., 24.22' to the true point of beginning, containing  
3612 6.97 acres.

3613  
3614 Mr. Marlles - The staff presentation will be given by Mr. Lawrence.

3615 Mr. Lawrence - Thank you, Madam Chairman. Application C-70C-99 is a request  
3616 to rezone approximately seven acres from A-1 to O-2C. The applicant proposes to construct an  
3617 office building and a bank office. The site is designated on the 2010 Land Use Plan for office  
3618 use. Therefore, the submission is in conformance with that aspect of the Land Use Plan. As you  
3619 can see, we are actually catty-cornered from an earlier case, so you generally know the location  
3620 of this property.

3621  
3622 The O-2C classification is an appropriate transitional use for this location with the surrounding  
3623 uses. You have got some B-2 just to the north. You've got some "Office/Service" to the north.  
3624 I am looking northeast and we've got A-1 for the Turner property. And you've got the church to  
3625 the south, if you will.

3626  
3627 It is felt that the O-2 classification is an appropriate transitional use with various uses surrounding  
3628 the site. The O-2 District serves as a good transition from the B-2; the church, and also from the  
3629 B-2 and the YMCA up the road going in this direction, if you will, to the Wyndham Forest  
3630 Development.

3631  
3632 Staff identified a number of issues, which were discussed in the staff report. The applicant has  
3633 addressed a number of these issues, and we have circulated, tonight, the revised proffer  
3634 statement. I will quickly go over what was addressed through the revised proffers and what was  
3635 addressed by the initial proffers to get an idea of what is happening here.

3636  
3637 Staff had a concern with the buffer against the Turner property, which would be at the northern  
3638 side of the property here. Accordingly, the applicant has addressed it through the revised proffers  
3639 to provide a 50-foot buffer against the Turner property. Within this buffer there would be  
3640 Leyland Cyprus trees and a chain-link fence. Essentially the Turners had indicated they would  
3641 like a buffer that was similar to that provided across Twin Hickory on the Concourse at Wyndham  
3642 development. Over there they used Leyland Cyprus trees to act as a visual relief buffer. The  
3643 applicant addressed that. They indicated that they would like a chain-link fence to provide  
3644 security, to keep people from accessing their property. So that, too, is proffered.

3645  
3646 The greenbelt along Nuckols Road and Twin Hickory Road was considered. And the applicant  
3647 provided a 20-foot greenbelt along the ultimate right of way for Twin Hickory and a 30-foot  
3648 greenbelt along the existing Nuckols Road right of way.

3649  
3650 As discussed earlier, it is staff's belief that the measurement should be from the ultimate right of  
3651 way, not from the existing. What that does is that it maintains the greenbelt. You don't lose it to  
3652 turn lanes. You don't lose it to the planned road expansions. They have also proffered the  
3653 conceptual site layout. I don't know if you all got a copy of that. I will put it up under the light.

3654  
3655 Mrs. Wade - Is this still an accurate representation?

3656  
3657 Mr. Lawrence - The building?

3658  
3659 Mrs. Wade and Mr. Lawrence discuss the building layout.

3660



3661 Ms. Dwyer - It is not as large as the....  
3662  
3663 Mr. Lawrence - They proffered the conceptual layout, which illustrates the bank at  
3664 the front along the Nuckols area, and the office building would be set back along there. There  
3665 would be a 50-foot buffer area from the Turner property. There is currently an easement to  
3666 access the church property. The way the buffer has been written, I believe this is correct, if I am  
3667 reading it right; 25 feet with landscaping and the access road could be placed in the second 25  
3668 feet, 50 feet, period. So, there would be 50 feet there with the landscaping and the security  
3669 fence.  
3670  
3671 They have proffered a detached monument sign and limited site coverage, and they have proffered  
3672 to provide pedestrian sidewalks between Twin Hickory. Staff feels that the sidewalks should also  
3673 be provided along Nuckols in anticipation of future growth. But, at this time, that has not been  
3674 proffered. Staff firmly believes that the greenbelt should be maintained at least 3 feet from the  
3675 ultimate right of way on Nuckols Road. That sidewalk shall be provided on Nuckols Road. And,  
3676 with that said, we feel the application is appropriate with the Land Use Plan. And, if staff's  
3677 concerns can be addressed, the application would be appropriate for approval. I'd be happy to  
3678 answer any questions, and the applicant is here this evening.  
3679  
3680 Ms. Dwyer - Are there any questions of Mr. Lawrence?  
3681  
3682 Mrs. Wade - When did we get the latest?  
3683  
3684 Mr. Lawrence - Monday.  
3685  
3686 Mrs. Wade - The 8<sup>th</sup>?  
3687  
3688 Ms. Dwyer - Any questions for Mr. Lawrence? Would the applicant come  
3689 forward, please?  
3690  
3691 Mr. Jim Theobald - Madam Chairman and ladies and gentlemen, again, my name is Jim  
3692 Theobald. I am here this evening on behalf of Brandywine Operating Partnership, a local  
3693 principal of which is Charles MacFarlane. And, as you may know, the Richmond team, headed  
3694 by Charles of Childress-Klein Properties has joined forces with Brandywine earlier this year.  
3695 That team that has sort of formalized is responsible for the Class A developments that you have  
3696 come to know as the original Westerre Office Building, North Run, Parham Forest, Villa Park,  
3697 and the Arboretum, to name a few.  
3698  
3699 This is a request to rezone approximately seven acres of land from A-1 to O-2, consistent with the  
3700 County's Land Use Plan, and on this property they plan to construct a 3-story, class A office  
3701 building, of brick and glass construction, and a branch bank on the corner.  
3702  
3703 The site is catty-cornered from the 20-acre proposed shopping center previously discussed this  
3704 evening. It is across Nuckols Road from the new Shady Grove YMCA. It is across Twin  
3705 Hickory from additional B-2 and O/S zoned land, and beside Mount Vernon Baptist Church and

3706 the property owned by Mr. and Mrs. Andy Turner, who have valiantly stayed this evening, along  
3707 with my friends, the Parkers.

3708  
3709 Brandywine also owns and controls the development of the piece across Twin Hickory, and that  
3710 will result in their ability to coordinate the design and landscaping around the north side of this  
3711 intersection. This building, what Mrs. Wade was holding up, is being designed to match and  
3712 exceed the level of quality of the existing office buildings within the Concourse at Wyndham.  
3713 The structure has been buffered to be brick and glass, and will be similar in design to the building  
3714 before you. This is, actually, a rendering out of their brochure for the Overlook. These materials  
3715 are a little different. Ours, on this site before you, will be of brick and glass.

3716  
3717 Other proffers do provide for greenbelts along the roadways, a buffer fence and plantings along  
3718 Mr. and Mrs. Turner's property, and that is a full 50-foot buffer, from Mr. Turner's boundary  
3719 line to anything else, the access drive, parking, or anything. We submitted that to Mr. Turner  
3720 and have made that a part of the proffer. Accordingly, that access easement shifts a little further  
3721 away from his property line to serve the church. We do have the ability to accomplish that under  
3722 that recorded easement.

3723  
3724 We have also provided for pedestrian access along Twin Hickory and restrictions on uses, height  
3725 of lighting, coverage and signage. This site has been under some pressure for years. Although it  
3726 never got as far as you all for it to be developed for retail use, it was given some of the zoning  
3727 that had occurred on the other two corners. This proposal, however, for a Class A office building  
3728 and branch bank is consistent with the Land Use Plan. And, I think provides for a more  
3729 appropriate transition and quality development on what I think is a significant infill piece. Your  
3730 staff has found this request to be reasonable as a whole and consistent with the Land Use Plan.  
3731 And, with that, I would respectfully request that you recommend approval of this case to the  
3732 Board of Supervisors. I'd be happy to answer any questions.

3733  
3734 Ms. Dwyer - Any questions of Mr. Theobald by Commission members?

3735  
3736 Mrs. Wade - What can you tell us about the greenbelt?

3737  
3738 Mr. Theobald - Ah, the greenbelt, yes, indeed. Well, the greenbelt. We have used  
3739 the same proffer in this case as we have used since the beginning of Wyndham. That being, 30  
3740 foot in width from the existing right of way line. And the 30 foot of greenbelt is something that  
3741 we are continually asked to provide in all cases to be like the Snyder-Hunt Wyndham proffer.  
3742 But somehow people forget the other side of that initial commitment. And that was our  
3743 agreement with the County, which I negotiated with Mr. Hazelett when he was Director of Public  
3744 Works, which is on record, and which you are welcome to see.

3745  
3746 It, basically, provides that Nuckols Road was planned and was constructed both by Snyder-Hunt  
3747 and the County as a four-lane divided road, but initially designed to be a six-lane thoroughfare.  
3748 And the idea was to set your box culverts and your utilities to sort of anticipate that eventuality.

3749  
3750 But, part of that discussion, and I am reading from page 3 of this agreement, was that the  
3751 permanent right of way for such widening strips shall be permitted to be taken from the greenbelt

3752 areas adjacent to Road AA, which is now Nuckols Road. So, what we have done here has merely  
3753 been absolutely consistent with the miles of Wyndham proffers for the greenbelt, although on  
3754 Twin Hickory, because Twin Hickory is merely a 45-foot right of way currently, and used to be  
3755 60, it is appropriate for the greenbelt to be calculated from the ultimate right of way line along  
3756 Twin Hickory and we have provided that.

3757  
3758 This proffer is identical to the proffer on the other side of the street where you saw the retail,  
3759 which is 30 feet from existing, and 25 feet from the ultimate right of way at Twin Hickory. What  
3760 we are prepared to offer to try to give you some downside, I guess, risk. The problem is, we  
3761 don't know, today, how much right of way the County is going to demand from us. That  
3762 intersection is under design currently. And looking like, as you are coming from I-295, it is  
3763 looking like two left-turn lanes to turn left to the "Y" to go down to the Twin Hickory  
3764 development. Two or three through lanes to create an ultimate six-lane crossing, and potentially a  
3765 right-hand turn lane to go on to Twin Hickory up toward the Parkers and the Turners.

3766  
3767 Mrs. Wade - So, basically we are going to wind up with what?

3768  
3769 Mr. Theobald - Well, I would suggest, based on our conversation earlier, Mrs.  
3770 Wade, so that you don't end up with no greenbelt, and, of course, given the tapers, you may get  
3771 more in some places and less in others. Amending this language "to provide that it is 30 feet  
3772 from the existing right of way, that in no event would it ever be less than 20 feet in width from  
3773 the ultimate right of way". Therefore, we can achieve, I think, protecting everybody's  
3774 downside. So, you know you are going to get some green space, and we know that we are not  
3775 going to be halfway into our site and then have to add 30 feet on to that.

3776  
3777 Mrs. Wade - Is that what it says?

3778  
3779 Mr. Theobald - No. No. I need to add that this evening. You and I talked about  
3780 4:00 today, so I didn't feel like sending in more paper and risking your wrath. So, I figured it  
3781 would be easier to try to amend this evening, so...

3782  
3783 Mrs. Wade - You are guaranteeing at least....

3784  
3785 Mr. Theobald - A minimum of 20 feet from the ultimate right of way.

3786  
3787 Mr. Silber - Mr. Theobald, when is that road, that right of way going to be  
3788 determined relative to this project? Do you know when your POD comes in?

3789  
3790 Mr. Theobald - When the POD comes in, sure. Right now, what is happening is, I  
3791 know that Hunt is working on Twin Hickory and RealtiCorp is working on the shopping center  
3792 piece, and Brandywine will shortly be working on the other side of Twin Hickory. And I know  
3793 that Webb Tyler, on behalf of H. H, Hunt, is in conversation presently about the design of that  
3794 intersection.

3795  
3796 As you may remember from the Twin Hickory case, the design of that intersection was driven in  
3797 part by you all not desiring a road to be cut to the south and bypassing the County's proposed

3798 high school and park site. So the cross section at Twin Hickory was bulked up to handle the  
3799 distribution of traffic. That is why you are looking at as many lanes as you are, but we would be  
3800 happy to add that and guarantee into this language.

3801  
3802 Mrs. Wade - I thought Snyder-Hunt didn't own this parcel.

3803  
3804 Mr. Theobald - This parcel has been owned by Tommy Nuckols.

3805  
3806 Mrs. Wade - That agreement was made. Mr. Foster told me they expect to start  
3807 working on the light over there.

3808  
3809 Mr. Theobald - I am sure that will be good news to everybody on Twin Hickory,  
3810 and, ultimately, the warrants are finally there for that light. And the cost of that light is being  
3811 borne again, by agreement with the County, that I put together at the same time of the right of  
3812 way dedication, formed primarily by Hunt. And I think they have negotiated some participation  
3813 by the YMCA and, perhaps, others to whom they have sold property.

3814  
3815 Mrs. Wade - Now, were you able to find out anything about the utilities?

3816  
3817 Mr. Theobald - The sewer comes from the rear. It is not in Nuckols Road, and the  
3818 water line is in Nuckols Road. I am not exactly sure where it is. I believe it is on the YMCA  
3819 side, though, based on the earlier discussion.

3820  
3821 Mrs. Wade - Okay, you are not supporting sidewalks on Nuckols?

3822  
3823 Mr. Theobald - No. I think what we saw the necessity being is access for the kids  
3824 and the residents in the Wyndham Forest area up Twin Hickory trying to get to the "Y" and the  
3825 elementary school and the proposed library, etc., and acknowledged that we needed to provide  
3826 pedestrian access, or they are going to be cutting through your parking lot anyhow. And we  
3827 might as well provide it. But, in terms of, if you will remember the aerial that was up there  
3828 showing the church and everything else, that would be a sidewalk to nowhere across the front. It  
3829 is certainly something if it was to be ultimately some sort of organized trail that made sense or  
3830 something. I suppose that we'd try to weave one in there, but for now, I think we are prepared to  
3831 commit to get people to where we know people are going to be, and we know where they want to  
3832 go.

3833  
3834 Ms. Dwyer - How many people want to walk to church?

3835  
3836 Mr. Theobald - Well, they might.

3837  
3838 Mrs. Wade - It was a little strange that you're prohibiting a funeral home when it  
3839 is right next door to a cemetery and a mausoleum. Anyway, any other questions of Mr.  
3840 Theobald?

3841

3842 Mr. Silber - Mr. Theobald, is it difficult to modify your concept plan to show  
3843 the 50 foot buffer adjacent to the Turners with no confusion as to where the driveway is. I heard  
3844 you say that it would be 50 feet, and if it were to be a driveway...

3845  
3846 Mr. Theobald - We could do that between now and the Board, can't we, Charles?  
3847 That is not a big deal. What I would do is No. 3, the greenbelt proffer where we say "...will be  
3848 provided 30 feet in width adjacent to the existing right of way line of Nuckols Road...". I think I  
3849 would add "...but would in no event be less than 20 feet in width from the ultimate right of way  
3850 line of Nuckols Road," and I will add that to the County's copy and initial it.

3851  
3852 Ms. Dwyer - What is the distance between the office building and the church  
3853 property adjoining? The setback of the building?

3854  
3855 Mr. Theobald - Do you know, Charles, off hand? We could try to scale it here, if  
3856 you like.

3857  
3858 Mrs. Wade - It is a long way from anything on the church property. It is  
3859 probably 50 feet from the property line of the church. If you look at the aerial, you can see the  
3860 orientation of the physical development of the church.

3861  
3862 Ms. Dwyer - It would be fairly close to the church building then, it looks like.

3863  
3864 Mr. Theobald - No, the office building is in smack center pretty much of the  
3865 property, and this is the current church structure. I know they have a master plan to do all  
3866 different things on that site, with a cemetery in the back.

3867  
3868 Ms. Dwyer - I assume the church has seen this?

3869  
3870 Mr. Theobald - Charles has met with Dr. Runyon who was pleased to support the  
3871 request.

3872  
3873 Ms. Dwyer - It looks close to me. Looks like, to me, it might be a little bit close  
3874 to the church property. One other question I had relates to Proffer #7. Are we talking about  
3875 dumpsters here?

3876  
3877 Mr. Theobald - Yes. It would be the trash enclosure area.

3878  
3879 Ms. Dwyer - Trash receptacles?

3880  
3881 Mr. Theobald - Yes. It could be a dumpster.

3882  
3883 Ms. Dwyer - So, there is no mention of materials matching the building that you  
3884 normally see in Class A building?

3885  
3886 Mr. Theobald - That is not a problem.

3887

3888 Ms. Dwyer - Any other questions for Mr. Theobald? Ready for a motion?  
3889  
3890 Mrs. Wade - All right. We have this proffer here that we have to waive the time  
3891 limits on, Proffer #3 regarding the greenbelt.  
3892  
3893 Mr. Theobald - It was suggested you might want to make sure my friends in the  
3894 audience, in fact, are not opposed, out of fairness to the assembled.  
3895  
3896 Ms. Dwyer - Is anyone opposed to the proffer?  
3897  
3898 Mr. Theobald - No. They saw the folks sitting here and I wanted to make sure that  
3899 you had asked.  
3900  
3901 Ms. Dwyer - I think I asked twice. Are you opposed to the case?  
3902  
3903 Mr. Silber - When you make that change on the proffer, I need the original.  
3904 Your preference. I will hand delineate both if you like.  
3905  
3906 Mrs. Wade - I move we waive the time limit for the proffers.  
3907  
3908 Mr. Archer seconded the motion.  
3909  
3910 Ms. Dwyer - Are you satisfied, Mrs. Wade, with what they are changing?  
3911  
3912 Mrs. Wade - Yes.  
3913  
3914 Ms. Dwyer - All right. Motion by Mrs. Wade. Seconded by whom? By Mr.  
3915 Archer. All in favor of the motion say aye--all opposed say no. The vote is 5-0, (Mr. Donati  
3916 absent). The motion to waive the time limits is carried.  
3917  
3918 I'd like to ask you one question, Mr. Theobald. Is the portion of the office building that faces the  
3919 church, is that going to be the back of the office building, or will it have a presentation...  
3920  
3921 Mr. Theobald - It is going to be the back of the office building, but the proffer  
3922 requires the use of the same materials and treatment on all four sides. I will get out of the way of  
3923 staff here and make this change.  
3924  
3925 Ms. Dwyer - All right, Mrs. Wade. Do you have a motion on the case?  
3926  
3927 Mrs. Wade - Yes. I was looking for the letter from Mr. MacFarlane to the  
3928 church indicating he has met with him and he thanks him for his expressions of support and so  
3929 forth, and nobody has heard anything to the contrary. So, I guess the church is agreeable. They  
3930 are usually agreeable to most anything. Okay, I move, therefore, that it certainly does agree now  
3931 with the Land Use Plan. It is a transitional use between what the retail is going to be across the  
3932 street and the heavy artery and adequate buffer has been supplied for the neighbors. They will be  
3933 improving the road. It is on this busy intersection now. We, of course, are not getting quite the

3934 greenbelt that we'd like, but I know they are being asked to take a lot there for the road  
3935 improvement. And it is a bank and office building and not a high intense retail use that is going  
3936 in there, and we know what we are dealing in. I think we are pretty specific about what is going  
3937 on here, and what is going on this property. So I am comfortable with the representation that has  
3938 been made. So, I move that Case C-70C-99 be recommended for approval with the amended  
3939 proffers.

3940  
3941 Mrs. Quesinberry seconded the motion.

3942  
3943 Ms. Dwyer - We have a motion by Mrs. Wade and a second by Mrs.  
3944 Quesinberry. All in favor of the motion say aye--all opposed say nay. The vote is 5-0 (Mr.  
3945 Donati absent). The motion is carried.

3946  
3947 REASON: Acting on a motion by Mrs. Wade, seconded by Mrs. Quesinberry, the Planning  
3948 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors **accept the**  
3949 **proffered conditions and grant** the request because it is reasonable; and it conforms to the  
3950 recommendations of the Land Use Plan.

3951  
3952  
3953 **C-71-99 Nazir A. Chaudhary for South Gaskins Retirement LLC:**  
3954 Request to rezone from R-6C General Residence District (Conditional) to C-1 Conservation  
3955 District, part of Parcel 58-A-35B, described as follows:

3956  
3957 Parcel 1:  
3958 Beginning at a point on the W. line of Gaskins Road 0.15 +- miles south of Three Chopt Road;  
3959 thence along a curve to the left having a radius of 3859.72' and arc length of 1117.57' to the  
3960 Point of Beginning for Parcel #1; thence N. 62° 50' 47" W., 24.66' to a point; thence N. 20°  
3961 24' 44" E., 31.6' +- to the intersection of a 100 year flood plain; thence heading east along said  
3962 flood plain as it meanders 31.5' +- to a point on the W. line of Gaskins Road; thence along and  
3963 following Gaskins Road along a curve to the left having a radius of 3859.72' and arc length of  
3964 17.8' +- to the Point of Beginning of Parcel #1, containing 0.01 +- acres.

3965  
3966 Parcel 2:  
3967 Thence continuing from the Point of Beginning of Parcel #1 N. 62° 50' 47" W., 24.66' to a  
3968 point; thence N. 20° 24' 44" E., 741.30' to a point; thence N. 27° 21' 33" E., 88.02' to a point;  
3969 thence N. 20° 05' 11" W., 101.96' to the Point of Beginning of Parcel #2; thence N. 35° 18' 03"  
3970 E., 29.7' +- to the intersection of said flood plain; thence heading southeast along said flood  
3971 plain as it meanders 67' +- to a point; thence N. 20° 05' 11" W., 44.1+-' to the Point of  
3972 Beginning of Parcel #2, containing 0.02 +- acres.

3973  
3974 Parcel 3  
3975 Thence continuing from the Point of Beginning of Parcel #2 N. 35° 18' 03" E., 48.38' to a point;  
3976 thence N. 23° 47' 41" W., 145.18' to a point; thence N. 11° 08' 21" E., 164.25' to a point;  
3977 thence N. 48° 09' 13" E., 99.20' to a point; thence N. 27° 11' 34" E., 216.13' to the Point of  
3978 Beginning of Parcel #3; thence N. 43° 22' 34" E., 20.8' +- to the intersection of said Flood

3979 Plain; thence heading southeast along said flood plain as it meanders 87' +- to a point; thence N.  
3980 27° 11' 34" E., 69.4' +- to the Point of Beginning of Parcel #3, containing 0.004 +- acres.

3981  
3982 Parcel 4  
3983 Thence continuing from the Point of Beginning of Parcel #3 N. 43° 22' 34" E., 103.02' to a  
3984 point; thence N. 10° 32' 20" W., 211.11' to the Point of Beginning of Parcel #4; thence N. 16°  
3985 18' 44" W., 149.24' to a point; thence N. 04° 01' 08" W., 183.66' to a point; thence N. 30° 31'  
3986 42" E., 76.87' to a point; thence S. 09° 46' 48" E., 7.8' +- to the intersection of said flood  
3987 plain; thence heading southeast along said flood plain as it meanders 585' +- to a point; thence  
3988 N. 10° 32' 20" W., 169.8' +- to the Point of Beginning of Parcel #4, containing 0.4 +- acres.

3989  
3990 Mr. Marlles - Staff report will be given by Ms. Jo Ann Hunter.

3991  
3992 Ms. Dwyer - Is there anyone in opposition to Case C-71C-99? No opposition.  
3993 Ms. Hunter, I don't know that you need to make a presentation except that I have a question  
3994 about the three little spots that you recommend be excluded.

3995  
3996 Ms. Hunter - Okay. Sounds good to me.

3997  
3998 Ms. Dwyer - Does there need to be a proffer amendment for that? Does it need  
3999 to be...

4000  
4001 Ms. Hunter - No. The list of proffers says that they just have to apply for the C-  
4002 1 zoning. We aren't required to accept the C-1 zoning.

4003  
4004 Ms. Dwyer - So we can just accept C-1 zoning for the largest portion?

4005  
4006 Ms. Hunter - And that would be this one portion here. It is .04 acres. The other  
4007 parcels are so small, .004, .002 and .001. That mapping would be very difficult and very  
4008 confusing, and they are limited by their development potential due to their size.

4009  
4010 Ms. Dwyer - Would the Commission like for Ms. Hunter to explain the case?

4011  
4012 Mrs. Quesinberry - Not really.

4013  
4014 Mr. Archer - Nothing personal, Ms. Hunter.

4015  
4016 Ms. Hunter - It is made clear in the staff report.

4017  
4018 Mr. Archer - You did an excellent job.

4019  
4020 Ms. Dwyer - It is so controversial. All right. Any questions? If there are no  
4021 questions, I move for the approval of C-71C-99 accepting only the .4 acre parcel for the C-1  
4022 Conservation District zoning and excluding the very minimal parcels as recommended in the staff  
4023 report.

4024



4025 Mrs. Wade seconded the motion.  
4026  
4027 Ms. Dwyer - We have a motion by Ms. Dwyer, seconded by Mrs. Wade. All in  
4028 favor say aye--all opposed say no. The vote is 5-0 (Mr. Donati abstained). The motion carries.  
4029  
4030 Mr. Archer - Madam Chairman, would someone announce the applicant's name,  
4031 so in case they ask me.  
4032  
4033 Ms. Dwyer - Dr. Chaudhary.  
4034  
4035 Mr. Silber - I didn't hear any negative votes on that. Is that correct?  
4036  
4037 REASON: Acting on a motion by Ms. Dwyer, seconded by Mrs. Wade, the Planning  
4038 Commission voted 5-0 (one absent) to recommend that the Board of Supervisors **accept the**  
4039 **proffered conditions and grant** the request because it is reasonable; and it conforms to the  
4040 recommendations of the Land Use Plan.  
4041  
4042  
4043 Ms. Dwyer - All right, we have a work session for the 9<sup>th</sup> at 6:00 p.m. on the  
4044 West Broad I-64 Land Use Study. Do I have a motion on the Work Session? Are we getting  
4045 dinner?  
4046  
4047 Mr. Silber - Yes.  
4048  
4049 Ms. Dwyer - Do I have a motion?  
4050  
4051 Mrs. Quesinberry - That is on the 9<sup>th</sup>? I move we have a Work Session on December 9  
4052 at 6:00 p.m. on the West Broad Street Land Use Study to include dinner.  
4053  
4054 Mr. Archer seconded the motion.  
4055  
4056 Ms. Dwyer - Motion by Mrs. Quesinberry, seconded by Mr. Archer. All in  
4057 favor say aye--all opposed say nay. The motion carries. The vote is 5-0 (Mr. Donati absent).  
4058  
4059 Acting on a motion by Mrs. Quesinberry, seconded by Mr. Vanarsdall, the minutes of August  
4060 12, 1999 were approved.  
4061  
4062 Acting on a motion by Mrs. Wade, seconded by Mrs. Quesinberry, the minutes of October 14,  
4063 1999 were approved.

4064  
4065  
4066  
4067  
4068  
4069  
4070  
4071  
4072  
4073  
4074  
4075  
4076  
4077  
4078  
4079

There being no further business, acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission adjourned its meeting at 12:15 a.m. on November 11, 1999.

---

Elizabeth G. Dwyer, C.P.C., Chairwoman

---

John R. Marlles, AICP, Secretary