

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia, held in
2 the Board Room of the County Administration Building, Parham and Hungary Spring Roads at
3 7:00 p.m. on October 10, 2002, Display Notice having been published in the Richmond Times-
4 Dispatch on September 19, 2002 and September 26, 2002.

5
6 Members Present: Mr. Allen Taylor, P.E., C.P.C., Chairperson, Three Chopt
7 Mr. E. Ray Jernigan, C.P.C., Vice Chairperson, Varina
8 Mr. C. W. Archer, C.P.C., Fairfield
9 Mr. Ernest B. Vanarsdall, C.P.C., Brookland
10 Mrs. Lisa D. Ware, Tuckahoe
11 Mr. Frank J. Thornton, Board of Supervisors, Fairfield
12 Mr. John R. Marlles, AICP, Secretary, Director of Planning

13
14 Others Present: Mr. Randall R. Silber, Assistant Director of Planning
15 Mr. Joe Emerson, Principal Planner
16 Mr. Lee Householder, County Planner
17 Mr. Mark Bittner, County Planner
18 Ms. Jean Moore, County Planner
19 Mr. Tom Coleman, County Planner
20 Mr. Seth Humphreys, County Planner
21 Mr. Paul Gidley, County Planner
22 Ms. Audrey Anderson, County Planner
23 Ms. Debra Ripley, Recording Secretary

24
25 Mr. Taylor - Good evening, ladies and gentlemen. It is 7:00 p.m. and we will
26 begin our rezoning meeting for the month of October, and I will turn the meeting over to our
27 Secretary, Mr. John Marlles.

28
29 Mr. Marlles - Thank you, Mr. Chairman. Good evening, members of the Planning
30 Commission. I would note that we do have a full commission here tonight. The first item on the
31 agenda is a public hearing on the Sandston Special Strategy Area amendment to the Henrico
32 2010 Comprehensive Plan. This is an amendment to the Comprehensive Plan in order to
33 incorporate the Sandston Special Strategy Area, strategies and design guidelines in the 2010 Land
34 Use Plan. This proposed Special Strategy Area would replace the existing RC-9 Redevelopment
35 Corridor in the Land Use Plan Development Guide, and I will turn it over to Mr. Householder, who
36 will make the presentation.

37
38 Mr. Householder - OK. Thank you, Mr. Marlles, members of the Commission. Like Mr.
39 Marlles said, this is a presentation of the Special Strategy Area Amendment for Sandston, which
40 would amend the 2010 Comprehensive Plan. Some background on this, before I get into the
41 specifics, this was a result of the Commercial Area Study for Sandston, which was completed in
42 March of this year. The Study offered a conceptual plan and recommended actions for achieving
43 stability and cohesive appearance in the Sandston Commercial Area. One of the immediate action
44 recommendations of the Plan was to amend the Special Strategy Area of the Comprehensive Plan
45 to guide parking requirements, pedestrian access, and landscaping. The proposed amendment is
46 three components of the actual Comprehensive Plan and amends the Land Development Guide on
47 Page 33. It would amend the, it would add a special strategy and guidelines to the existing RC-9
48 and it would change the index of the Special Strategy Areas by types toward the end of that

49 section of the Comprehensive Plan. The 2010 Land Development Guide is where the RC-9 area
50 falls, which this would amend and calls it the Sandston Commercial Area. Boundaries of this are
51 Williamsburg Road, east of Early Avenue, and west to Nine Mile Road. The purpose of the area is
52 to recognize Sandston's history, while capitalizing on its proximity to new development areas, to
53 build on the character of the existing community, identify new opportunities for growth, and at
54 the same time maintain the integrity of the community. The strategies are as follows:

- 55
- 56 1. To establish a non-profit community based group to oversee the plan's
57 implementation, meaning commercial area study.
- 58 2. Establish strong physical gateways to Sandston, winged by a coherent streetscape
59 design.
- 60 3. Improve Sandston's public infrastructure and reinforce the small town character of
61 Sandston to a pedestrian focus core, with sensitive building infill and renovation.
- 62 4. Retain the existing and recruit appropriate businesses to Sandston.
- 63 5. Also recruit complimentary uses for infill parcels within the area, and uses should be
64 encouraged that serve neighborhood residents, attract commuters, area employers
65 and others residing in nearby areas.
- 66 6. The consolidation and reconfiguration of parking should also be encouraged to
67 improve circulation and provide additional parking spaces for businesses in Sandston
68 and sensitive building infill guidelines should be established that recognize the
69 importance of retaining and enhancing the pedestrian character of the Sandston
70 community.

71

72 That is it for the strategies and now we get into more specifics, which are the design guidelines,
73 and I am sure you will remember that we did present these to you at a work session last month.

74

75 First on the guidelines are pedestrian-scaled lights, ornamental trees, benches, decorative trash
76 cans and landscaping are encouraged throughout the area. Gateways should be established that
77 have directive signage with accent landscaping, and new developments are encouraged that
78 reflect the character of Sandston. Signs should also be reconfigured and made uniform, more
79 uniform, for new land existing businesses, and pedestrian-friendly atmosphere shall be
80 maintained. Specifically, with regard to parking and creation of bump outs around on-street
81 parking spaces would help reinforce the shopping district nature, and the core of Sandston. This
82 would also relate to new shared parking areas we think should be developed with sensitivity to
83 retaining the small town character of the area, and the reconfiguration of existing parking areas,
84 with new paint lines and landscaping in some instances can create more parking and create a
85 better circulation for businesses in the area. This would also be complemented by driveway
86 consolidation, which would, hopefully, result in few conflict points in the Sandston Area.

87

88 That is a quick review of the proposed amendment to the 2010 Plan. As a result, since this is a
89 direct recommendation of the Study of Sandston, staff feels this is a recommended course of
90 action and I would answer any questions that you may have this evening.

91

92 Mr. Vanarsdall - Mr. Householder, I think in our Work Session, I believe it was Mr.
93 Jernigan that said that with the businesses, I guess it goes back to the old saying, "If you build a
94 better mouse trap, that people knock at your door." Do you think you'd have any trouble getting
95 the businesses to do all those things this report said?

96

97 Mr. Householder - We think a key element of this is the organization of Sandston,
98 including businesses and members of the surrounding community. We are doing the best that we
99 can to encourage the businesses to come together and take some of these recommendations of
100 the plans, and it would really require an investment on their part, and we hope to create
101 partnerships with the County to help implement some of these ideas, but a lot of this does lie in
102 the hands of the community to see that it is implemented.

103
104 Mr. Vanarsdall - Thank you. You didn't answer anything, but thank you anyway.

105
106 Mr. Jernigan - Mr. Householder, we were discussing one thing, too, and I am not
107 sure that we cleared it up. There are some tax incentives that can help along in this?

108
109 Mr. Vanarsdall - There is a tax abatement program for multi-family, but I don't think
110 any commercial redevelopment in the area. I am not up to date on the specifics of that program.
111 Mr. Marlles, you might be able to help me with that.

112
113 Mr. Marlles - Mr. Jernigan, last year the Board of Supervisors did approve what is
114 called the Parcel Tax Abatement Program that is available to qualified multi-family and
115 commercial property owners. Basically, for property owners that qualify, it freezes the
116 assessment that would normally increase their taxes for improvements to the property for a
117 specified period of years. That is one of the programs that the County currently has in place to
118 encourage reinvestment over commercial structures and areas.

119
120 Mr. Jernigan - OK.

121
122 Mr. Taylor - Are there any more questions for Mr. Householder? Is there
123 anyone in the audience who would like to add anything new to Mr. Householder's comments or
124 your own views on the Study?

125
126 Mr. Jernigan - Lee, don't leave yet. I don't know how many people are out here
127 from Sandston, if any, but this is the book that Mr. Householder did, and it is a very in-depth
128 study into the Sandston area, and he received an award for it from the National Association of
129 County Officials, which is a pretty tough group, and this Study came up right in the top. So,
130 congratulations, Lee. (Applause)

131
132 Mr. Householder - I don't want to take all of the credit. We did hire a consultant for
133 this plan and other staff members in the office helped out quite a bit, so they should be
134 congratulated as well.

135
136 Mr. Taylor - Well, we will congratulate them. Do you realize that if it didn't turn
137 out well, you would have been the person...

138
139 Mr. Jernigan - Yes, we would have come after you.

140
141 Mr. Taylor - Everything has a little risk with it.

142
143 Mr. Jernigan - Thank you.

144

145 Mr. Taylor - I guess we need a motion, Mr. Jernigan.
146
147 Mr. Jernigan - Mr. Marlles, do we need to include the RC-9 Designation.
148
149 Mr. Marlles - Yes, sir, and you would be making this as a recommendation to the
150 Board of Supervisors.
151
152 Mr. Jernigan - Mr. Chairman, with that I would like to make a motion to approve
153 the Sandston Special Strategy Area Amendment, RC-9, to the 2010 Land Use Plan, and
154 recommend approval, and send it to the Board of Supervisors for their approval.
155
156 Mr. Vanarsdall - Second.
157
158 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to
159 approve the Sandston Special Strategy Area Amendment and send it to the Board of Supervisors.
160 All in favor say aye. All opposed say no. The motion passes.
161
162 Mr. Taylor - Before we go on, I believe we have Mr. Dovi from the press. Just
163 wanted to recognize Chris tonight for all of his hard work and coverage. And with that, Mr.
164 Secretary, I believe we go to Requests for Withdrawals and Deferrals.
165
166 Mr. Marlles - Yes, sir, and those will be handled by Mr. Emerson this evening.
167
168 Mr. Taylor - Good evening, Mr. Emerson.
169
170 Mr. Emerson - Yes, sir, Mr. Chairman, tonight on your agenda you have requests
171 for six deferrals, one withdrawal, one expedited item, and that leaves eight cases to be heard.
172 Your first deferral is Case C-57C-02.
173
174 **C-57C-02 Koontz-Bryant, P.C. for J. Stefan Cametas:** Request to
175 conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District
176 (Conditional), Parcels 831-720-3959 (156-A-74B, 1790 Meadow Road) and 831-721-8011 (156-A-
177 71), containing approximately 38.6 acres, located on the north line of Meadow Road
178 approximately 2,054 feet east of Hanover Road. An 88 lot single-family subdivision is proposed.
179 The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan
180 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental
181 Protection Area. The site is also in the Airport Safety Overlay District.
182
183 Mr. Taylor - Is there any opposition? No opposition?
184
185 Mr. Jernigan - Mr. Chairman, I make a motion to defer Case C-57C-02 to the
186 November 14, 2002 meeting by request of the applicant.
187
188 Mr. Vanarsdall - Second.
189
190 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All
191 in favor say aye. All opposed say no. The motion passes.
192

193 At the request of the applicant, the Planning Commission deferred Case C-57C-02 Koontz-Bryant,
194 P.C. for J. Stefan Cametas, to its meeting on November 14, 2002.

195

196 **C-60C-02 Robert M. Atack for Hunton Estates Development, Inc.:**

197 Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence
198 District (Conditional), Parcels 763-772-8743 (21-A-16, 3936 Mountain Road) and 764-772-3888
199 (21-A-4), containing approximately 19.2 acres, located on the north line of Mountain Road
200 approximately 160 feet east of Old Mountain Road. Single-family residential subdivision is
201 proposed. The applicant has proffered a density of no more than sixty (60) units. The Land Use
202 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

203

204 Mr. Emerson - The deferral is requested to November 14, 2002.

205

206 Mr. Taylor - Is there anyone in the audience opposed to the deferral of Case C-
207 60C-02?

208

209 Mr. Emerson - We have opposition, Mr. Chairman.

210

211 Mr. Taylor - All right. We will then take that off the Expedited Agenda.

212

213 Mr. Vanarsdall - No, we don't take it off of anything. It is a deferment. I would like
214 to know if one of you or all of you come down and let me know what the reason is. This is just to
215 defer the case to improve it greatly. I would like to know why you would be against that.

216

217 Mr. Taylor - This is not to oppose the case. This is just to enable us to have the
218 deferral. Ma'am, if you would, please come down to the microphone and provide your name for
219 the record and we will answer your question.

220

221 Ms. Hudnall Davis - My name is Hudnall Davis. Spelled Hudnall. We are all a little
222 concerned about more development in an area that is already kind of stressed to the limits for the
223 infrastructure it can handle. We have got some traffic concerns, and we've got some other areas
224 that are lying near to this area that we feel also will be slated soon for some type of development,
225 and we are a little concerned about it.

226

227 Mr. Vanarsdall - Well, Mr. Davis, this is to defer it until November 14, at which time
228 if something does not happen we will hear it. We'll hear the case, and at that time, it will be
229 greatly improved. All this is here tonight is to defer it.

230

231 Mr. Davis - Well, I guess my concern, and I guess everyone in the audience's
232 concern is you get closer to the holidays, and our ability to appear here will be diminished.

233

234 Mr. Vanarsdall - I understand that and we are in the same boat because it is our
235 holiday, too. But, what this is, this would be unfair to the applicant, because they are the ones
236 that are requesting the deferment. We are not requesting it. I am just honoring the deferment.
237 He has asked for the deferral, and it would be the same as if the community wanted to defer it.

238

239 Mr. Davis - OK. Well, I guess we are all a little uncertain about what to do,
240 since we are very unrehearsed in this area, but we are residents in this area and we are not going

241 to try and let something fly by that we haven't got some say in, if we can. And if there is a point
242 where we can get together with this developer, and maybe tweak it before it even comes to the
243 Board (sic), I'd be happy to do that.

244
245 Mr. Vanarsdall - That was the other thing I wanted to announce to you and I am
246 glad that you are here. On the 24th of this month, October 24, I believe it is a Thursday night. It
247 is a Thursday night at the Glen Allen School at 7:00 p.m. and the developer will be there. You all
248 will be notified by letter or flyer. 7:00 p.m. on the 24th. And the developer will be there and tell
249 you what he wants to do and you all can tell him what you don't want him to do.

250
251 Mr. Davis - Well, I would just like him to come and try and get out of our
252 neighborhood by 8:00 in the morning with us, and that is all I want him to do. I think he'd change
253 his mind.

254
255 Mr. Vanarsdall - Someone else called me and told me about the traffic.

256
257 Mr. Davis - There are a few minor things that could make a major difference, I
258 believe.

259
260 Mr. Vanarsdall - The way the case was filed was too many homes to begin with.

261
262 Mr. Davis - Right. It exceeded what 22.4 called for.

263
264 Mr. Vanarsdall - And we didn't like the zoning classification, so he agreed to work on
265 it, and he agreed to defer it, so we will meet back here on the 14th.

266
267 Mr. Davis - That will be wonderful.

268
269 Mr. Vanarsdall - I appreciate it. Don't forget the meeting notice and I will see that
270 all of you all get one.

271
272 Mr. Davis - Thank you, sir. With that, Mr. Chairman, I move that Case C-60C-
273 02 be deferred to November 14, 2002, at the applicant's request.

274
275 Mr. Taylor - Second. Motion made by Mr. Vanarsdall and seconded by Mr.
276 Taylor. All in favor say aye. All opposed say no. The motion passes.

277
278 At the request of the applicant, the Planning Commission deferred Case C-60C-02, Robert M.
279 Atack for Hunton Estates Development, Inc. to its meeting on November 14, 2002.

280
281 ***Deferred from the September 12, 2002 Meeting:***
282 **C-23C-02 Richmond Federal Credit Union:** Request to conditionally
283 rezone from O-1 Office District to O-2C Office District (Conditional), Parcel 783-762-9359 (43-2-
284 1-11 & 12), containing 0.8305 acre, located at the northwest intersection of Brook Road (U. S.
285 Route 1) and New York Avenue (Biltmore Subdivision). A bank (credit union) branch of the
286 Richmond Federal Credit Union is proposed. The use will be controlled by proffered conditions
287 and zoning ordinance regulations. The Land Use Plan recommends Office and Environmental
288 Protection Area.

289
290 Mr. Emerson - Mr. Chairman, the next item for deferral is C-23C-02. The deferral
291 is requested to November 14, 2002.
292
293 Mr. Taylor - Is anyone opposed to this deferral? No opposition.
294
295 Mr. Archer - Mr. Chairman, this case involves a site that is very difficult as it
296 has been presented and to date the proffers have not been able to address this difficulty, and I
297 don't know that they will, but in deference to the applicant, we will allow the deferral to
298 November 14, 2002 at the applicant's request.
299
300 Mr. Vanarsdall - Second.
301
302 Mr. Archer - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All
303 in favor say aye. All opposed say no. The motion passes.
304
305 At the request of the applicant, the Planning Commission deferred Case C-23C-02, Richmond
306 Federal Credit Union, to its meeting on November 14, 2002.
307
308 ***Deferred from the August 15, 2002 Meeting:***
309 **C-26C-02 Andrew M. Condlin for Dr. George Oley:** Request to
310 conditionally rezone from R-2 One Family Residence District to O-1C Office District
311 (Conditional), part of Parcel 754-747-5266 (79-A-71B), containing approximately 0.19 acre,
312 located at the southwest intersection of Michael Road and Fawn Lane (south line of Michael
313 Road approximately 150 feet east of N. Parham Road). Additional parking for an existing dental
314 office is proposed. The use will be controlled by proffered conditions and zoning ordinance
315 regulations. The Land Use Plan recommends Office.
316
317 Mr. Emerson - The deferral is requested to April 10, 2003.
318
319 Mr. Taylor - Is there anyone in the audience opposed to this deferral?
320
321 Mr. Vanarsdall - Is anyone here on behalf of the case?
322
323 Mr. Taylor - Mr. Condlin.
324
325 Mr. Vanarsdall - Oh. You live right on Michael Road, don't you? I recognized you.
326
327 Mr. Taylor - Then I will move deferral of Case C-26C-02 to April 10, 2003, at
328 the applicant's request.
329
330 Mr. Jernigan - Second.
331
332 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in
333 favor say aye. All opposed say no. The motion passes.
334
335 At the request of the applicant, the Planning Commission deferred Case C-26C-02, Andrew M.
336 Condlin for Dr. George Oley, to its meeting on April 10, 2003.

337
338 Mr. Vanarsdall - Mr. Chairman, I would like to say that, before Mr. Condlin gets out
339 of the building, I think it was the right thing to do, because we had been deferring it from
340 month to month and haven't been able to work out anything, so I think by April of next year
341 that we will be able to put it to bed.
342
343 Mr. Taylor - Mr. Vanarsdall, I do too. That gives us six months to figure out
344 how to do it.
345
346 Mr. Vanarsdall - I just hope that Mr. Condlin is still with Mr. Axelle then, and the
347 other thing I wanted to say was, did the neighborhood know this was being done?
348
349 Mr. Condlin - Yes, sir. I sent them a letter and talked to them.
350
351 Mr. Vanarsdall - Good. The reason I asked that is because they said that they had
352 been notified at the 11th hour on that other case next door.
353
354 Mr. Condlin - No, I am not in that other case.
355
356 Mr. Vanarsdall - No. Good. You ought to be glad. Thank you.
357
358 **Deferred from the September 12, 2002 Meeting:**
359 **C-49C-02 Jack R. Wilson, III:** Request to conditionally rezone from O-3C
360 Office District (Conditional) to B-2C Business District (Conditional), Parcel 749-761-3214 (48-5-
361 A-12A), containing 2.905 acres, located on the north line of Innslake Drive approximately 400
362 feet east of Cox Road (4051 Innslake Drive). A hotel/motel (signage) is proposed. The use will
363 be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
364 recommends Office.
365
366 Mr. Taylor - Is there anyone in the audience opposed to the deferral of Case C-
367 49C-02? No opposition. I move that Case C-49C-02, Jack R. Wilson, III, be deferred as
368 requested to December 12, 2002.
369
370 Mr. Vanarsdall - Second.
371
372 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in
373 favor say aye. All opposed say no. The motion passes.
374
375 At the request of the applicant, the Planning Commission deferred Case C-49C-02, Jack R.
376 Wilson, III, to its meeting on December 12, 2002.
377
378 Mr. Taylor - I might say, after the fact, this is an opportunity for Mr. Wilson to
379 work with the staff to see if there is some way that he can get relief from the sign ordinance
380 short of rezoning, and I think that is appropriate.
381
382 Mr. Vanarsdall - That was November 14th, wasn't it?
383
384 Mr. Emerson - December 12, 2002.

385
386 **C-61C-02** **William H. Shewmake for North Atlantic Holdings, Inc.:**
387 Request to amend proffered conditions accepted with Rezoning Case C-54C-89, on Parcel 761-
388 754-4773 (59-A-84A), containing approximately 2.52 acres, located on the south line of W.
389 Broad Street (U. S. Route 250) approximately 600 feet northwest of E. Parham Road. The
390 amendment is related to the landscape and natural buffers on the property. The existing
391 zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial
392 Concentration.

393
394 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
395 Case C-61C-02? No opposition. This case is going to enable, like the previous case in Brookland,
396 to enable a little bit closer attention to the conditions that exist and ways of bringing some relief
397 for the case. So I will move that Case C-61C-02 be deferred as requested by the applicant to
398 November 14, 2002.

399
400 Mr. Vanarsdall - Second.

401
402 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in
403 favor say aye. All opposed say no. The motion passes.

404
405 At the applicant's request, the Planning Commission deferred Case C-61C-02, William H.
406 Shewmake for North Atlantic Holdings, Inc. to its meeting on November 14, 2002.

407
408 Mr. Emerson - Mr. Chairman, that completes your deferrals. You now have a
409 withdrawal.

410
411 **Deferred from the September 12, 2002 Meeting:**

412 **C-11C-02** **Webb L. Tyler for Parham Road Self-Storage, LLC:** Request
413 to conditionally rezone from A-1 Agricultural District to M-1C Light Industrial District
414 (Conditional), Parcel 748-770-8794 (19-A-27); 11140 Ford's Country Lane, containing 6.668
415 acres, located on the east line of Ford's Country Lane approximately 440 feet east of its
416 intersection with Nuckols Road and New Wade Lane. A mini-storage facility is proposed. The
417 use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use
418 Plan recommends Office/Service.

419
420 Mr. Taylor - Is there anyone in the audience who is opposed to the withdrawal
421 of Case C-11C-02? This is a case that the applicant requested be withdrawn because it simply
422 doesn't meet the Planning requirements.

423
424 Mr. Vanarsdall - It doesn't need any action by us.

425
426 Mr. Taylor - I just wanted to explain what we were doing.

427
428 Mr. Emerson - No action is necessary by the Commission. Mr. Chairman, you have
429 one expedited item.

430
431 **C-59C-02** **Francis Run Associates:** Request to conditionally rezone from
432 A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 759-764-

433 1468 (39-A-11A, 4870 Francistown Road), containing 0.963 acre, located on the west line of
434 Francistown Road approximately 580 feet north of Thomasville Lane. Single-family subdivision
435 is proposed. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use
436 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

437
438 Mr. Marlles - Mr. Chairman, if I could explain to the audience what items on the
439 expedited agenda mean. These are items for which the staff is recommending approval. There
440 are no outstanding issues, and there is no known citizen opposition. If there is citizen opposition,
441 these items can be taken off the expedited agenda.

442
443 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-59C-02
444 being heard on the expedited agenda? No opposition. Mr. Vanarsdall.

445
446 Mr. Vanarsdall - Before I make the motion, I usually see Mr. Youngblood here,
447 who is here tonight, but he has a very distinguished guest with him named Harry Snipes, so I
448 appreciate you taking time away from television to come out here. I move that Case C-59C-02,
449 Francis Run Associates, be approved on the expedited agenda, and recommended to the Board
450 for approval.

451
452 Mr. Jernigan - Second.

453
454 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All
455 in favor say aye. All opposed say no. The motion passes.

456
457 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan, the Planning
458 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
459 request because it continues a similar level of single family residential zoning as currently exists
460 in the area.

461
462 **C-64C-02 J. Thomas O'Brien, Jr. for The Tetra Company, LLC:** Request
463 to conditionally rezone from R-3C One Family Residence District (Conditional), RTH Residential
464 Townhouse District, and R-5 General Residence District to R-3C One Family Residence District
465 (Conditional) and R-5C General Residence District (Conditional), Parcels 806-704-4472, 807-
466 705-5743 (6250 Midview Road), and 807-705-5501 (6280 Midview Road), containing
467 approximately 54.70 acres (R-3C = 28.90 acres, R-5C = 25.80 acres), located on the west line
468 of Midview Road at Habersham Drive. Single family and Multi-family development is proposed.
469 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

470
471 Mr. Marlles - The staff report will be given by Mr. Lee Householder.

472
473 Mr. Taylor - Is there anyone who is opposed to Case C-64C-02? No opposition.
474 Go ahead.

475
476 Mr. Householder - OK. Thank you, Mr. Chairman, and members of the Commission. I
477 would like to first give you a little background of this request.

478
479 In March 2002, the County of Henrico did initiate a rezoning of a portion of these properties
480 that were RTH and R-5 to R-3. This was Case C-16-02 and proposed to rezone the subject

481 properties to a single-family use to be more compatible with the existing single-family uses that
482 currently surround the subject property. The Planning Commission recommended C-16-02 for
483 approval on March 14, 2002.

484
485 The case was then deferred by the Board of Supervisors to permit discussions between County
486 staff and the owner of the subject property. As a result of these discussions, the owner of the
487 property has submitted this rezoning request to address staff concerns about the development
488 of multi-family uses in this area. This request also has a companion case that will be heard after
489 this, C-63C-02, which proposes to rezone a nearby property from B-3 to B-3C.

490
491 The applicant has submitted proffers and exhibits separated by zoning classification, R-5C and
492 R-3C, and I will go over each of those individually. I also handed out proffers that have been
493 submitted to you, and they are black lined to show you the changes. There is no reason to
494 waive the time limit with this, and there is also an exhibit attached that has been slightly
495 modified, which I will go over with you.

496
497 As far as the R-5C portion of this request, 25.8 acres, the applicant is proposing to develop 332
498 market rent non-subsidized apartment units on the portion of the property proposed for R-5C.
499 They have submitted this Conceptual Layout for the entire property that shows the apartments
500 in this area, (referring to rendering). This also has two access points on Midview Road and an
501 emergency access point in this area (referring to rendering). The applicant has proffered to
502 provide buffers on the property as follows:

- 503
- 504 • 100' landscape buffer will be provided along Midview Road in this area (referring to
505 rendering)
 - 506
 - 507 • 50' landscape buffer will be provided along the southern and western property lines,
508 which would be these areas between the R-5 and R-3C (referring to rendering).
 - 509
 - 510 • 35' landscape buffer along the northern property lines.

511
512 In addition, they would provide:

- 513
- 514 • Six-foot high fence with brick piers along this western and southern line between the
515 proposed R-3C and R-5.

516
517 Other proffers that they have proposed for this development provide for a mix of apartment
518 units in the development. Specifically, they have committed to build a maximum of thirty (30)
519 percent one-bedroom units and a maximum of thirty (30) percent three bedroom units. They
520 have also proffered minimum square footages for each type of unit, one bedroom, two
521 bedroom and three bedroom.

522
523 They have also given us this elevation showing the architectural style of the proposed
524 apartment buildings and they have provided an annotated layout plan as an exhibit that
525 specifies certain buildings that will have 100% brick facades, which is this exhibit, (referring to
526 rendering). The darkened areas, if you can see them, are where they would have 100% brick
527 on these buildings, which would be the most visible units in this development. Other proffers,
528 to quickly go over include that they would have:

- 529
- 530 • Increased Open Space
- 531
- 532 • Reduced Parking Lot Lighting
- 533
- 534 • Brick Foundations
- 535
- 536 • Sound Suppression
- 537
- 538 • Street Trees Throughout
- 539
- 540 • Recreation Areas
- 541

542 Staff feels these and the other proffers offered will ensure a quality apartment development on
543 this portion of the subject property.

544

545 As for the R-3C portion of this property, it contains 25.8 acres. They have proffered to limit the
546 density to 78 lots. This Conceptual Site Plan is the same one that was proffered in the
547 apartments, and as you can see (referring to rendering) this is the single-family portion of that
548 request. This is the existing Varina Station neighborhood down here and it would have one
549 connection through this neighborhood.

550

551 The change from your staff report is that this connection at Champagne Way is no longer there,
552 and that was proffered out and prohibited. Other proffers for the R-3C portion include 1,800
553 sq. ft. building for two story buildings and 1,500 sq. ft. for ranch styles and no more than 20%
554 of the dwellings in this proposal shall have less than 1,800 sq. ft. of floor area. Other proffers
555 to quickly go over include:

- 556
- 557 • Brick Foundations
- 558
- 559 • Street Trees
- 560
- 561 • Traditional or Colonial architectural design
- 562
- 563 • Every one will have an attached, at the minimum one-car garage.
- 564
- 565 • Uniform mailboxes shall be provided
- 566
- 567 • Proffer # 17 - Monument entrance signage and attractive landscaping will be
568 provided at the entrance.
- 569
- 570 • Each home shall have a paved driveway.
- 571

572 I went over some of the other proffer changes. Some were minor and technical in nature, and
573 you can see them highlighted in the handouts.

574

575 Overall, staff feels this proposal is a reasonable development compromise on the subject
576 property. The current zoning, as it is now, would allow as many as 626 units compared to 410

577 units as proffered with this request. This request also represents an improved land use
578 relationship by placing single-family homes next to Varina Station and providing additional
579 buffering from the proposed R-3C development. Although this request is not entirely consistent
580 with the 2010 Land Use designation of Suburban Residential 1, we feel that the applicant has
581 provided many additional assurances as to the type and quality of the development to justify a
582 departure from the recommendations of the Land Use Plan.

583
584 Because the existing zoning is predominately for multi-family residential uses, staff feels that a
585 high quality multi-family development combined with a lower density residential single-family
586 development would be substantial improvement over the existing zoning. Staff recommends
587 approval of this request. I will answer any questions that you may have.

588
589 Mr. Taylor - Any questions from the Commission? No questions? Mr. Jernigan.

590
591 Mr. Jernigan - Before I make a motion on this, I've got a couple of statements.
592 Mr. O'Brien, did you want to come up and say something?

593
594 Mr. O'Brien - My name is Tom O'Brien. I am the attorney representing the
595 Tetra Company, LLC. I am here and happy to answer any questions that you may have. The
596 staff and the administration have worked very hard with the developer of this property to try to
597 reach an effective and quality compromise that we think is a good land use for the property.

598
599 Mr. Jernigan - I was not going to ask you that, because Mr. Householder stole a
600 little bit of your fury there. He pretty much went over that case. What I wanted to say, and
601 most of you probably don't know, this is a case that is three years and nine months old, so it
602 has been a long run, and it has had a few speed bumps through the process, I guess we will
603 call them, but I do want to say that it shows what resolved from the neighborhood, and Ms.
604 Judith Roberts is in the audience, who I guess we will call the Joan of Arc of the Varina Station,
605 and my hat is off to her for really sticking to what you all believe in, and it has been a long
606 fight. And then on the other hand, Tetra Corporation, Tetra Company now, has come up with a
607 quality design, which I think is going to be one of the nicest out there. The neighborhood is
608 happy. I think Tetra is happy, and I guess the relationship between Tetra now that we have
609 worked with you a little bit, we understand each other a little better. And I am assuming that
610 you will probably be representing them from now on, so we kind of know where we stand. But I
611 will say that this development has come a long ways from what it was, and at this point I know
612 the Varina Station people and the neighbors are happy, and the County is happy, and I am
613 happy. So, with that, I will make a motion, Mr. Chairman, to approve zoning Case C-64C-02
614 and forward it to the Board of Supervisors for approval.

615
616 Mr. Vanarsdall - Second.

617
618 Mr. Taylor - And the proffers? We just waive the time limit on the proffers?

619
620 Mr. Jernigan - We didn't have to waive them, did we?

621
622 Mr. Taylor - No, we did not have to waive them. There is no need to waive
623 them. Motion made by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor say aye. All
624 opposed say no. The motion passes.

625
626 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
627 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
628 request because the proffered conditions provide for a higher quality of development than
629 would otherwise be possible and it would permit development of the land for residential use in
630 an appropriate manner.

631
632 Mr. Marlles - Mr. Chairman, as Mr. Householder mentioned in his previous
633 presentation, Case C-63C-02 is a companion case to the case that was just acted upon by the
634 Commission.

635
636 **C-63C-02 J. Thomas O'Brien, Jr. for Dakota Associates, LLC:** Request
637 to conditionally rezone from B-3 Business District to B-3C Business District (Conditional), Parcel
638 807-706-8112 (1799 Bickerstaff Road), containing approximately 2.985 acres, located at the
639 southwest intersection of Oakland, Midview and Bickerstaff Roads. A business use is proposed.
640 The use will be controlled by proffered conditions and zoning ordinance regulations. The Land
641 Use Plan recommends Commercial Concentration.

642
643 Mr. Marlles - Staff report again will be given by Mr. Householder.

644
645 Mr. Taylor - Good evening, again, Mr. Householder.

646
647 Mr. Householder - Good evening. The property is currently vacant and located at a
648 prominent intersection and serves as an entrance way to rural and suburban residential
649 subdivisions to the south and west of the area. The property has residential uses located to the
650 south and west.

651
652 As I mentioned this request is a companion case, and as a result of discussion between County
653 staff and the owner of the subject property, the owner has submitted this rezoning request to
654 address staff concerns about possible adverse impacts on unrestricted B-3 commercial uses in
655 the area.

656
657 The land use plan recommends commercial concentration for this property, which is merely
658 reflective of the existing B-3 zoning on the subject property. The applicant has not indicated a
659 specific user for this property, as they don't have one at this time, but they have submitted
660 several proffers that we feel will help to ensure quality development on this site. I will quickly
661 review some of the proffers which include:

- 662
- 663 ▪ A limit on the uses that would be allowed on the subject property. A pretty significant
664 amount of uses have been prohibited.
 - 665
 - 666 ▪ A 30' natural or landscaped area and a six-foot fence will be provided along western and
667 southern property lines in this area (referring to rendering) to buffer the single-family
668 residential zoned uses and existing uses.
 - 669
 - 670 ▪ A 20' landscaped area along the right-of-way line of Old Oakland Road.
 - 671

672 The applicant also submitted proffers that provide for screening of mechanical equipment,
673 dumpster screening, parking lot lighting limited to fifteen (15) feet, building height limited to
674 thirty-five (35), and monumental style signage not to exceed ten (10) feet in height.
675

676 Staff feels that this request represents a substantial improvement over the existing unproffered
677 B-3 zoning of the subject property. The applicant has provided many additional quality
678 assurances on the subject property. Therefore, we recommend approval of this request. I will
679 answer any questions you have.
680

681 Mr. Taylor - Is there any opposition to this case? C-63C-02. No opposition.
682 Anybody would like to comment? No comments, Mr. Jernigan.
683

684 Mr. Jernigan - Well, for those of you who don't know, this companion case,
685 Dakota, which is another Tetra. See what happens when you work a case that comes out so
686 easy as the last one did. Well, the last one didn't come out easy, but we settled it out, they
687 thought it was so good that they decided they would take a piece of unrestricted B-3 and
688 conditionally rezone it, and this borders up close to the neighborhood, or will be right next to
689 the neighborhood that is going in, but anyway, now there will be B-3 there, but it will be
690 conditional and you will be able to pick and choose what goes in there, something decent for
691 the community. So thank you, Mr. O'Brien, and tell Gil I said thanks. With that, Mr. Chairman, I
692 would like to make a motion to approve zoning case C-63C-02, and forward it to the Board of
693 Supervisors for their approval.
694

695 Mr. Vanarsdall - Second.
696

697 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to
698 approve Case C-63C-02. All in favor say aye. All opposed say no. The motion passes.
699

700 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning
701 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
702 request because the proffered conditions would provide for a higher quality of development
703 than would otherwise be possible and the proffered conditions should minimize the potential
704 impacts on surrounding land uses.
705

706 Ms. Judith Roberts - I am Judith M. Roberts and I have been at this podium for three
707 years and as you said, nine months, and I just want to thank the Commission because you
708 worked with us. You kept us informed. You were always so encouraging and I always, because
709 I am a retired public educator, I always think about the children who are coming behind, and
710 one of the reasons why we fought this so is that we wanted to be able to have a public record
711 for our records that we never gave up and you never left us. And I want to thank you and we
712 are going to celebrate this. It probably will be raining when we do it, but we are going to
713 celebrate, and when I see somebody coming with a torch, I am going to run, because you said
714 I am Joan of Arc. Thank you very much. I appreciate this.
715

716 Mr. Taylor - Thank you, Ms. Roberts.
717

718 **Deferred from the September 12, 2002 Meeting:**

719 **C-51C-02 Laraine Isaac and/or Robert Nelson for Hugh W. Owens:**

720 Request to conditionally rezone from R-2 and R-4 One Family Residence Districts to O-2C Office
721 District (Conditional), Parcels 769-745-9272 (93-A-2, 6501 Old Bethlehem Road), and 770-745-
722 1768 (93-A-3A, 6500 Old Bethlehem Road), containing approximately 2.58 acres, located at the
723 northeast intersection of Interstate Route 64 and Bethlehem Road. An office development is
724 proposed. The use will be controlled by proffered conditions and zoning ordinance regulations.
725 The Land Use Plan recommends Environmental Protection Area and Urban Residential, 3.4 to
726 6.8 units net density per acre.

727
728 Mr. Marlles - The staff report will be given by Mr. Householder.

729
730 Mr. Taylor - Is there anybody in the audience who is opposed to Case C-51C-
731 02? OK. When we get there we will ask you to step forward. Mr. Householder.

732
733 Mr. Householder - Thank you, Mr. Chairman and members of the Commission. This
734 request would rezone this site to O-2C for an office development. The applicant has proffered
735 not to allow a number of uses typically allowed in O-2 Office Districts, including banks, savings
736 and loan establishments; employment services or agencies, child care centers, and funeral
737 homes.

738
739 The existing land uses nearest to this site are single-family residential subdivisions including
740 Greendale Manor, Greendale Forests (referring to rendering) and Still Meadow Subdivision in
741 this vicinity (referring to rendering). This would be the first non-residential zoning on the east
742 side of Bethlehem Road, between Glenside Road and Interstate 64. It is somewhat isolated,
743 however, from nearby residential dwellings.

744
745 The 2010 Land Use Plan designates this property primarily for Environmental Protection Area
746 (EPA) with a small area of the northern tip designated for Urban Residential development. This
747 request is not consistent with this recommendation, however, the EPA designation is general in
748 nature and there may be portions of this site that could be developed outside of this EPA
749 designation.

750
751 Approximately 70% of the site lies within either the 100-year floodplain or the 100-foot required
752 buffer of the Chesapeake Bay Resource Protection Area (RPA). Because of this, the site is
753 severely limited in development area, which results in few design alternatives. The RPA lines
754 follow this right here (this being this proposed building – referring to rendering right there).

755
756 The applicant provided a revised conceptual plan for this development (referring to rendering).
757 The plan shows a proposed 2-story (35 feet) office building and parking area (which is dark in
758 this area). Let me see if I can zoom that a little. This would be the parking along the entrance
759 drive (referring to rendering).

760
761 Staff feels the applicant's conceptual layout could be improved. Parking spaces are
762 disconnected from the office building and are lined up on the steep slopes along the proposed
763 roadway. Access to the site is difficult when approaching from the south on Bethlehem Road
764 considering you have to make a tight hairpin turn back down the driveway.

765

766 The applicant has also provided an architectural exhibit that has been given to us and proffered
767 the building materials as shown on this exhibit.

768
769 The applicant has provided additional detail and proffers that would ensure that this would
770 incorporate quality aspects typically found in office developments and meet the County
771 development standards and requirements. However, due to the development constraints of the
772 site and inconsistency with the recommendations of the 2010 Land Use plan, staff does not
773 view this request favorably. If the proposed use were deemed to be acceptable, staff would
774 recommend the applicant continue to explore different design alternatives. This may include a
775 possible reduction of building size, and I will answer any questions that you may have.

776
777 Mr. Taylor - Any questions from the Commission for Mr. Householder?

778
779 Mr. Vanarsdall - I was going to ask you, but these proffers are dated October 1st.

780
781 Mr. Householder - They are. They were passed out. That is OK. There is no reason
782 to waive the time limit, and the only addition was the last proffer, that is underlined, which
783 would prohibit access from Old Bethlehem Road and Copeland in this area.

784
785 Mr. Vanarsdall - I don't have any questions.

786
787 Mr. Taylor - There is opposition. I will ask Mr. Secretary if he will discuss rules
788 for the opposition, and then we will get the applicant.

789
790 Mr. Marles - It is the policy of the Commission, when there is opposition in a
791 case, to grant 10 minutes to the applicant to make his presentation and his remarks. He can
792 reserve some portion of that 10 minutes for rebuttal. It is also the policy of the Commission to
793 grant 10 minutes to the opponents of the case. It is often a wise idea to have a spokesperson
794 present the views. The 10 minutes for both the applicant and the opponents in the case do not
795 include time answering questions from the Commission. And, as secretary, I do keep the time
796 and we will notify you when your time is close to expiring.

797
798 Mr. Taylor - So if you would please, just among yourselves, determine who
799 would like to speak in that amount of time. Laraine, when you are ready, we will start the
800 clock.

801
802 Ms. Isaac - Good evening. My name is Laraine Isaac with Engineering Design
803 Associates. Mr. Gidley is passing out aerial photograph that we have shown the approximate
804 location of the proposed office development superimposed on it. This aerial gives you an idea
805 of the relationship of the building, the parking, to the land around it. This is a small infill site
806 and the cost to develop it as a single-family lot is prohibitive. And being adjacent to the
807 interstate is less than desirable for residential uses. Directly across Bethlehem is the Paragon
808 Park Development, which is zoned B-2. To the south of that development, across the
809 interstate, is Brookland Office Park. The photograph shows portions of the parking lot of those
810 developments. The proposed 6,000 sq. ft. office is a modest development compared to the
811 existing office developments in the area. To the north of our site, you can see the existing
812 residential area shown in blue. Those houses are 400 ft. from the proposed building, and the
813 houses to the east, which can just be seen, are 600 ft. from the proposed building. Last week I

814 met with more than 30 of the adjacent neighbors, and three issues to emerge from that
815 meeting. Traffic is one issue. The Traffic Engineer has determined that there is adequate site
816 distance at the entrance, and that this project would generate only 154 trips a day. This is a
817 very small number, considering that Bethlehem Road currently carries 4,200 vehicles a day. Of
818 course, the final construction plans must meet all requirements of Traffic Engineer and provide
819 safe ingress and egress to the site.

820
821 Another issue coming out of the meeting was flooding. As you can see from the photo
822 (referring to rendering), this development is quite small. The plan of development process
823 requires that adequate erosion control measures be provided during construction, and it is also
824 during that process that storm water run-out is calculated and the adequacy of Upham Brook to
825 handle the additional run-off is determined. The Department of Public Works will not let any
826 development on this site contribute to flooding of any downstream areas.

827
828 The third issue I am aware of is one of buffering. As you can see from the photo, the area
829 around this site is heavily wooded. Because the proposed building is adjacent to an RPA, the
830 existing vegetation will be left on about 70% of the site. I honestly do not believe that this
831 proposed development will not have any visual impact on the neighborhood, and should not
832 increase the noise heard from the interstate. This site does present some challenges, but I
833 think that the office that is proposed is appropriate for the area and that the POD process will
834 ensure that all requirements of the County are met. I will be happy to answer any questions.

835
836 Mr. Vanarsdall - Ms. Isaac, I am trying to find out where on here - I know where it
837 is - where is Copeland and where is Old Bethlehem Road?

838
839 Ms. Isaac - There are five houses directly north of this site.

840
841 Mr. Vanarsdall - Can you show the Commission on the map?

842
843 Ms. Isaac - (Referring to rendering) That is Copeland. That is the intersection
844 of Old Bethlehem and Copeland.

845
846 Mr. Vanarsdall - That is Old Bethlehem and Copeland?

847
848 Ms. Isaac - Right.

849
850 Mr. Vanarsdall - And we have some people that live on Copeland. They are the
851 only ones really close to it.

852
853 Ms. Isaac - This is the closest residential and those are 400 ft. from the office.
854 There are five houses facing Copeland.

855
856 Mr. Vanarsdall - Thank you. That is all the questions I have.

857
858 Mr. Archer - Ms. Isaac, the 6,075 square feet, is that the total area or the area
859 of the footprint?

860

861 Ms. Isaac - No, that is total. It is two-story, so half of that would be on each
862 floor. The building the way that we have proffered it would not be taller than a two-story
863 house.
864
865 Mr. Taylor - Ms. Isaac, would the distance from the building to the housing,
866 that is 400 feet?
867
868 Ms. Isaac - Yes, 400 feet.
869
870 Mr. Taylor - Is that, it looks on here like that is fairly heavily treed.
871
872 Ms. Isaac - It is. I was on site yesterday. We have flagged the limits of
873 clearing and I went out to double check what our field crews had done, and you cannot see the
874 existing housing to the east or to the north from the site.
875
876 Mr. Taylor - Are those well-established trees between the houses and the
877 office building?
878
879 Ms. Isaac - Yes, they are.
880
881 Mr. Taylor - What would you gauge to be their approximate height? Are they
882 pretty tall or are they kind of scrubby?
883
884 Ms. Isaac - No, no, these are tall trees. This is an area that has just been left
885 and we've got Upham Brook, which is to the north of the site. These trees will remain, so it is a
886 good buffer.
887
888 Mr. Taylor - The building proposed is two-story. How many feet is that? I am
889 not sure you mentioned that or maybe I missed it.
890
891 Ms. Isaac - We are showing 22 feet to the roof line.
892
893 Mr. Taylor - I see in the proffers it is limited to 31.
894
895 Ms. Isaac - Right, so we have 22 feet to the roofline and then the 35 ft. is
896 measured half the distance to the top of the roof.
897
898 Mr. Taylor - Now, is that visible from the houses? Have you checked that?
899
900 Ms. Isaac - As far as I know, it is not going to be visible. It is kind of hard to
901 tell when you can't see through the woods to see where the ground level is to know exactly
902 what you are looking at.
903
904 Mr. Taylor - And that is not only true of the woods, but one has to cross a
905 stream to get to it.
906
907 Ms. Isaac - Right. And the site is also lower than Bethlehem Road, so I, you
908 might be able in winter to see it a little bit. It is very hard to say when you've got leaves on the

909 trees. But I think 400 feet is so far away, that even if you could see anything through the
910 woods, it would be minimum. You might see some color.
911

912 Mr. Taylor - Thank you. I have no further questions.
913

914 Mr. Archer – Ms. Isaac, considering the constraints on the property, is any of
915 the land around it developable?
916

917 Ms. Isaac - No. Other than what we have shown to be an office and parking,
918 because of the limits of the RPA, we cannot encroach in that area. We cannot clear in that
919 area. So, we are developing only that portion that can be developed, and we are right up
920 against the interstate in order to do that.
921

922 Mr. Vanarsdall - Ms. Isaac, I am having trouble seeing on here what I want to see,
923 but I see it on here. I see the field that belongs to Still Meadows.
924

925 Ms. Isaac - Yes. That is common area to the east.
926

927 Mr. Vanarsdall - I don't see it on here. Oh, OK. I knew it was hidden somewhere.
928 I just knew it would take somebody with a degree to get that there.
929

930 Ms. Isaac - OK, there on the right-hand side are the houses at the end of the
931 cul-de-sac in Still Meadow.
932

933 Mr. Vanarsdall - Bring the Commission up to date on what that is and what they
934 are looking at, because it is very difficult. Where the pencil is is Old Bethlehem Road and
935 Copeland Road and you go down in there and there are some houses affected. Not the ones
936 you see, that are down not affected, but they are down in there. Then, if you look at that open
937 space, which I call a field, you go to the end of the property which stops before you get to the
938 field, and between the end of the property line and the houses you see all the way across that
939 field – open space – is about a football and a half or two football fields wide, so I just wanted
940 you all to be able to understand where it is if you haven't seen it.
941

942 Ms. Isaac - That area directly east of the site is in common area with Still
943 Meadows Subdivision, and because it is common area, it would not be able to be developed.
944

945 Mr. Vanarsdall - Well, in the beginning I thought that land belonged to the County,
946 but then Mr. Householder told me it belonged to Still Meadows Subdivision, so really it is no
947 man's land. Nobody wants to cut the grass on it.
948

949 Ms. Isaac - Right now it is heavily treed, also.
950

951 Mr. Vanarsdall - Thank you. I just wanted to clear that up.
952

953 Mr. Taylor - Any other questions from the Commission? Thank you, Ms. Isaac.
954 We will reserve some time for rebuttal, and we will ask the people who are opposed if they are
955 ready to step forward. And if you are opposed, again let me repeat, you have 10 minutes for
956 the team for each of you, so however you want to assemble and distribute the 10 minutes, that

957 is up to you all. But 10 minutes will be the max, and Mr. Marles will be the timekeeper. So, if
958 we could start with the opposition comments, we'd appreciate it. And if you would, sirs, just
959 provide your name for the record.

960
961 Mr. Gray Corbett - Good evening. My name is Gray Corbett. I am Vice-President of
962 the Greendale Civic Association. We did meet with the developer last week, and we had a lot of
963 issues. We were very verbal, maybe a little bit too verbal sometimes, but we are very
964 concerned about encroachment of business and to the residential side of Bethlehem Road. As
965 Ms. Isaac did state, there were a number of issues that we were concerned about. The
966 additional traffic: not only do we have Paragon Office Buildings right across the street, but you
967 have an elementary school about a block away, which adds to the traffic concerns. There is the
968 only one access. It has got a blind spot as you are coming down that hill. We have got a
969 concern about that. The water runoff: drainage and erosion. You've got a driveway with 28
970 parking spaces and if you've ever seen that piece of property, you're already going downhill.
971 We've got concerns about the property values. If it is rezoned and this could just be the first
972 step for rezoning Bethlehem Road on that side, because there are other parcels on the same
973 side of Bethlehem Road that would encroach and we don't want that either. We have already
974 addressed the wetland issues. It is a small piece of property, most of it is in the wetlands, and
975 we just don't want that to be disturbed. We have got concerns about the buffer zones. If any
976 of the trees are taken down, it is going to be an increase in the noise. With me I also have one
977 of my neighbors that lives in the area and I would like for him to go ahead and speak at this
978 time.

979
980 Mr. Vanarsdall - Mr. Corbett, show us on the map where your house is.

981
982 Mr. Corbett - My house is not on this particular map.

983
984 Mr. Vanarsdall - OK, thank you.

985
986 Mr. Corbett - I am representing the Civic Association.

987
988 Mr. Jernigan - Mr. Corbett, you said there was additional property there that
989 could be developed. Where is it?

990
991 Mr. Corbett - I said that there is additional – as you go up on Bethlehem Road
992 nearer to Glenside, there are some other pieces of property that we feel like if this is rezoned,
993 there is a good possibility that the owner of that property will try for rezoning, also, and it backs
994 up to the residential right there in the Greendale Civic Association properties.

995
996 Mr. Vanarsdall - Are you speaking of the corner property?

997
998 Mr. Corbett - That is one piece of property, yes, sir.

999
1000 Mr. Taylor - Is it on this map?

1001
1002 Mr. Vanarsdall - That piece of property is at the corner of Bethlehem and Glenside,
1003 and it where the C Store is on the corner. That property across the street is already zoned by
1004 Richmond Honda, West Broad Honda, and on the corner, I had heard a library was going there,

1005 but they said that was a rumor, and then across the street, all the way up the street on the left
1006 is the Paragon Office Building.

1007
1008 Mr. Corbett - And now the gas station is also there.

1009
1010 Mr. Vanarsdall - Yes, the C Store on the corner. So all of that will go business no
1011 matter what we do tonight. That corner will never be a residence. I say never like I know
1012 something about it. You would not think that it would be. You would not consider it.

1013
1014 Mr. Corbett - Any other questions?

1015
1016 Mr. Taylor - No. Thank you, Mr. Corbett. We will just enjoy hearing from your
1017 associates.

1018
1019 Mr. Corbett - All right. Thank you.

1020
1021 Mr. Taylor - Sir, if you would, please give your name for the record.

1022
1023 Mr. Dave Hudson - Yes, I am Dave Hudson. I live on Copeland Road. I am the
1024 President of the Greendale Association, and, you know, what I am concerned about is this
1025 building might be 400 feet away, but the parking lot is probably going to be about 200 feet
1026 away, and the cutting down of the trees, the buffer. It is already noisy there. And I am really
1027 concerned about that, the noise. I am also concerned about the zoning being changed up
1028 Bethlehem Road, like Mr. Gray said. My house is this house right here (referring to rendering).
1029 I am the middle house there on Copeland Road (referring to rendering), and we have a
1030 problem with some flooding right through there, not at my house but in the creek, and it is a
1031 flood zone, and it is wetlands and we are concerned about the water, the additional water that
1032 is going to be running off and the erosion, and on Bethlehem Road coming up to that piece of
1033 property there is a hill and then on the property also, it is slanting down, going back the other
1034 way, too. So you have almost got two hills. What I am saying is, you've got the water that will
1035 be going straight down and then going back down Bethlehem Road, also. And you know, I
1036 think that my house, I will be able to see the parking lot from there, because the building might
1037 be 400 feet away, but I am estimating the parking lot might be 200 to 250.

1038
1039 Mr. Marlles - Mr. Hudson, I think this has been touched upon earlier, but just to
1040 assure you, if this development is approved through our plan of development review process,
1041 the Department of Public Works would be reviewing this development to insure that it meets all
1042 of our storm water retention requirements. Also, we do have an Erosion and Sediment Control
1043 Ordinance in the County that is designed to control erosion from sites that are developed. But,
1044 that is not normally something that the details of which we get involved with at the rezoning
1045 stage, but I do want to assure you that the County does have standards for storm water run off
1046 and those are enforced as part of the development review process.

1047
1048 Mr. Hudson - Yes. OK. Well, we are concerned about that very much so,
1049 because of the flooding there in the creek, because we get a lot of runoff that comes down
1050 through there, and the additional runoff, it is very unlikely that it is going to be able to hold
1051 that. That is one of our concerns.

1052

1053 Mr. Vanarsdall - Mr. Hudson, did you know that if you; down in there where they
1054 want to put this, you can't see your house. You can't see anything.
1055
1056 Mr. Hudson - Well...
1057
1058 Mr. Vanarsdall - Let me explain this. He is, a creek divides him from this project.
1059
1060 Mr. Hudson - From my house, I will be looking up at an elevation probably on
1061 an angle of let's say, 30 degrees, from my eye level up to the parking lot.
1062
1063 Mr. Vanarsdall - It would be up, yes. This is sort of like down in a hole.
1064
1065 Mr. Hudson - And actually the parking lot, I believe, is going to be a little lower
1066 than the road, but I could probably see the entrance from my house when the leaves are off of
1067 the trees and I can definitely see the parking lot there.
1068
1069 Ms. Ware - I just want to be clear. When you say development up Bethlehem
1070 Road that you are concerned about, you are talking about towards Paragon Place?
1071
1072 Mr. Hudson - Yes, ma'am. But on the same side of Bethlehem Road, the one
1073 that I live on, on that side, not the Paragon side, but the other side is residential all the way up
1074 to Glenside and Bethlehem from that point, from I-64 up Bethlehem Road to Glenside, all that
1075 on that side is residential area, and that is what we would like to keep it.
1076
1077 Mr. Jernigan - Mr. Hudson, it is not on the map, so are we looking at a half a
1078 mile?
1079
1080 Mr. Hudson - Probably about that. Maybe 3/8's of a mile.
1081
1082 Mr. Vanarsdall - You are looking at three or four blocks.
1083
1084 Mr. Hudson - A little over a quarter of a mile, for sure. From here up to, what is
1085 this, Glenside right here? And all this on this side is residential (referring to rendering).
1086
1087 Mr. Taylor - Are there any more questions for Mr. Hudson? Thank you, Mr.
1088 Hudson.
1089
1090 Mr. Hudson - Thank you. I appreciate it.
1091
1092 Mr. Taylor - The residents have four and a half minutes, if anyone else would
1093 like to speak, you may, within the 10 minutes that are allotted. As you come down, please
1094 identify yourself for the record.
1095
1096 Mr. John Balesa - Hello, gentlemen. My name is John Balesa and I live at 6804
1097 Locus Street. My wife and I bought that house on Locus Street 23 years ago.
1098
1099 Mr. Taylor - Could you point out that house – where it's at. Is it on the sheet
1100 there?

1101
1102 Mr. Balesa - Right up there in the left corner (referring to rendering). It is
1103 6804 Locus Street.
1104
1105 Mr. Taylor - What is the approximate distance between your house and the
1106 site?
1107
1108 Mr. Balesa - Approximately about half a mile.
1109
1110 Mr. Taylor - Half a mile? Go ahead.
1111
1112 Mr. Balesa - And again I state the concern that we would like very much to
1113 remain in the neighborhood and, therefore, the only objection to the site is that we don't want
1114 rezoning. We want to keep it R for residential. Because it will open up other parts of property
1115 around the adjacent neighborhood that will be much more accessible to other developers,
1116 because if this is passed, I am pretty sure that the rest of them will be much easier to do so.
1117
1118 Mr. Vanarsdall - What would you like to see him do with the property? It is two
1119 and a half acres.
1120
1121 Mr. Balesa - As you remember, Dick Glover was in that evening and he
1122 proposed the sale of the property was \$29,000, and he said, "Well, why don't you just buy the
1123 piece of property?" and I was for that, because 450 houses there and if everybody dash out
1124 \$50, that bought the property and we leave it as it is. Let the birds sing in there and leave it
1125 natural. Why do we have to worry about developers of every square inch in a County when this
1126 is undesirable, and as Mr. Householder said, it is wetlands and I can see that this will be
1127 developed and a lot of disturbance will occur in there. I can assure you of that. It is no such a
1128 thing as a building can up. You must go down there and see this piece of property. On a map
1129 you can virtually just see the outline you cannot see it, but if you walk down there, I am pretty
1130 sure you will all have a very good understanding of what we talk about as the residents.
1131
1132 Mr. Vanarsdall - Do you want to show them on the map where your house is?
1133
1134 Mr. Balesa - My house? It is not there. It is a half a mile away. Mr. Taylor
1135 asked me that question earlier.
1136
1137 Mr. Vanarsdall - I don't have any questions, Mr. Chairman.
1138
1139 Mr. Taylor - All right. Thank you, Mr. Balesa. We appreciate it. Did you finish
1140 your comments, sir?
1141
1142 Mr. Balesa - Yes, sir.
1143
1144 Mr. Taylor - We have three minutes if someone else would like to speak from
1145 the neighborhood, you may. We would ask you to do the same thing, if you would, at the
1146 microphone. State your name for the record.
1147

1148 Ms. Jennifer Crisp - My name is Jennifer Crisp - C R I S P, as in Paul. I don't have
1149 any other further comments. I think that the gentlemen have certainly represented the views
1150 that were brought to our Association meetings. I did want to let you know that we are also
1151 residents on Copeland Road. We are the second house from the left and we are located right
1152 next to Mr. Hudson.
1153
1154 Mr. Vanarsdall - You are on Copeland?
1155
1156 Ms. Crisp - Yes.
1157
1158 Mr. Vanarsdall - I thought you were.
1159
1160 Ms. Crisp - I just wanted to make sure that you understood that there were
1161 other supporters on Copeland that were not in favor of the project. Thank you.
1162
1163 Mr. Jernigan - Ms. Crisp, I have a question for you. If you owned that property,
1164 what would you want to do with it?
1165
1166 Ms. Crisp - Actually, that came up at our Association meeting and I wish that
1167 I could provide you with an answer. I do. I understand, but I think we are reasonable people.
1168 I think we understand that this gentleman has a piece of land that he would like to profit from.
1169 That is why he bought it. Unfortunately, that piece of land just isn't very good for much of
1170 anything. I respect the engineering firm for certainly coming forward and trying to propose
1171 something, but quite frankly, as I am a layperson, I have no knowledge of that, but it just
1172 doesn't look like much to begin with. I understand his frustration, but as a homeowner near
1173 that area, that is why I bought there, because there wasn't anything across the street from me.
1174
1175 Mr. Jernigan - Well, it is a tough area to put a house, and then it would be right
1176 next to an interstate. OK. I mean, I just wanted your feelings on that. That's OK. Thank you.
1177
1178 Ms. Crisp - You are welcome.
1179
1180 Mr. Taylor - Thank you Ms. Crisp, and I think we may have two minutes if
1181 there is someone else who'd like to speak on the record. We need not do the whole 10
1182 minutes. We can stop here, but if you would like to talk, if you would come down and identify
1183 yourself, we'd be happy to hear your view.
1184
1185 Mr. Grayson Griffith - Yes. My name is Grayson Griffith. As I understand the dilemma
1186 here, first of all, we have a very odd shaped piece of property. My main concern is the cost it
1187 would cost the County to accommodate this plan. Something will probably have to be done
1188 about the traffic going into there. If you are coming west on Bethlehem Road, you are going to
1189 have to make a very sharp hairpin turn to get onto the driveway going down there, and if you
1190 are going east on Bethlehem, you are going to have to, perhaps, yield or hold up some traffic
1191 going in the other direction, or possibly going to the school, and/or Paragon Place. That is quite
1192 busy in the morning. There is a steep drop-off right off of Bethlehem Road going down to the
1193 property itself and it looks like something will have to be done about that. My main concern is,
1194 what is it going to cost the County to accommodate this project? And in talking to Mr. Glover at
1195 a meeting last week, he said it is too expensive to put a house down there. It would be

1196 cheaper or more efficient to put an office. Looks like some extra accommodation will have to
1197 be done to do this. I don't know exactly what. What if there is a problem with the drainage,
1198 and that is going to cost the County some money, and if it is going to be a small office if it goes
1199 in, how much is the County going to get back on this?
1200
1201 Mr. Marlles - Mr. Griffith, the cost of making those improvements on site would
1202 be borne by the developer, not the County.
1203
1204 Mr. Griffith - OK. That was my main concern, what it would cost. Is it going to
1205 be any additional cost to the County?
1206
1207 Mr. Marlles - I can't see any costs directly to the County, sir, for developing the
1208 site anyway. The parking areas, the drainage, all of that would have to be done by the
1209 applicant or the developer.
1210
1211 Mr. Griffith - OK. That was my main concern. Thank you.
1212
1213 Mr. Taylor - Thank you. We are pretty much out of time now and I hope
1214 everybody has had an opportunity to speak.
1215
1216 Mr. Vanarsdall - Ms. Isaac, are you going to proffer this? Did you say you were
1217 going to proffer this?
1218
1219 Ms. Isaac - I can. We had proffered the materials. I will be happy to proffer
1220 the colors to give a little latitude in the footprint when we do the POD.
1221
1222 Mr. Vanarsdall - You can't proffer this picture either, because you don't know
1223 Public Works would do. This is the side next to his house that they don't need to disturb.
1224
1225 Ms. Isaac - I can proffer that the property won't be disturbed. We were there
1226 when it was brought out in the opposition that there are wetlands. We cannot disturb that
1227 under threat of fine and jail sentences. I'd be happy.
1228
1229 Mr. Vanarsdall - Why don't you proffer that and probably this rendering somehow,
1230 and we will go from there.
1231
1232 Ms. Isaac - I will be happy to add the additional proffers and we can do that.
1233 If the Planning Commission approves this tonight, I can work with Mr. Householder.
1234
1235 Mr. Vanarsdall - I won't ask you to do this side, because I know they have to
1236 disturb that. Just the other side.
1237
1238 Ms. Isaac - We had an expert photographer, Mr. Householder.
1239
1240 Mr. Marlles - Ms. Isaac, you have five minutes and 15 seconds for rebuttal.
1241
1242 Ms. Isaac - Well, I think a lot of things the opposition mentioned that I had
1243 touched upon. The entrance has been approved with our preliminary plan by the Traffic

1244 Engineer meeting site distance and, of course, with the engineer's plans, we will have to
1245 provide whatever improvements to Bethlehem Road that are needed. Runoff will be severely,
1246 will be looked at critically by Public Works, as we are not allowed to flood downstream areas.
1247 This is all part of the POD process. I think one of the biggest problems for the residents to the
1248 north is that they see this as precedent setting, and to go into their neighborhood in the middle
1249 of a block and rezone a house or a dentist office or whatever is spot zoned, and this
1250 Commission and Board do not approve of spot zoning. What we are asking for is an infill site.
1251 It is consistent with the zoning. On the other side of Bethlehem, it is consistent with the
1252 zoning. On both sides of the interstate. Mr. Hudson says that he thinks he will be able to see
1253 the parking from his house. I have walked the site. You can't see his house from the site. We
1254 are using the existing driveway and the proposed parking will go between that existing
1255 driveway and Bethlehem Road. I honestly do not believe he will be able to see the parking
1256 from his house after the development has occurred. As I said, 70% of the site has to be left in
1257 its natural state. So I really think that this zoning request is consistent with what is in the area.
1258 I do not think it will have any adverse impact on any of the residential property to the north or
1259 to the east. If you have any other questions, I will be happy to answer them.

1260
1261 Mr. Archer - Ms. Isaac, did you say that you had identified a potential user, or
1262 you have not at this point?

1263
1264 Ms. Isaac - No. I have not been told of the user, but I know we have
1265 proffered out a lot of people who won't be there. Also, because of the site restraints, it will not
1266 be a medical office facility to the best of my knowledge, because of the parking requirements
1267 are so much higher for medical facilities. And, of course, that generates more traffic. This
1268 would be a general office, insurance company...

1269
1270 Mr. Archer - So generally you would anticipate multi users, not just one?

1271
1272 Ms. Isaac - Two users, probably one for each floor.

1273
1274 Mr. Taylor - And generally you would expect the normal business week, open
1275 five days a week, 9 to 5? No nights?

1276
1277 Ms. Isaac - If it is night hours, if one person had to work late, but not hours
1278 of operation. No, this is a general office building, 8 to 5.

1279
1280 Mr. Taylor - Anymore questions from the Commission? Thank you, Ms. Isaac.

1281
1282 Mr. Archer - Mr. Chairman, I would like to ask staff a question, if I may.

1283
1284 Mr. Taylor - Please. Please ask the staff.

1285
1286 Mr. Archer - Mr. Householder, in reviewing your summary, you didn't say yes
1287 and you didn't say no. Staff does not review this request favorably. In light of those
1288 comments, can you think of any additions that could be made to this that would improve what
1289 has already been presented?

1290

1291 Mr. Householder - I think some of the things that Mr. Vanarsdall asked for and
1292 proffered for will obviously enhance it by proffering the elevation, as shown. Also, proffering to
1293 not disturb some of the site, which they probably won't disturb anyway. I think mostly we are
1294 concerned with the layout and we are just wishing that there was just a way to get the parking
1295 around the building, as opposed to just along a driveway. If you notice, all those lines are topo
1296 lines. So you are on a very steep slope, so it is going, it seems like an awkward way to access
1297 the site. They are the engineers, so they are telling us that is the only real way to make this
1298 work. I am wondering if you could put a building down in here (referring to rendering) while
1299 maybe, I don't know, but that is where the topo is. It is hard to get the building. So, we just
1300 wish that there was a better way to show this layout. There may not be. We are also
1301 concerned that it is EPA on the Land Use Plan, but it is designated at a time when we look at it
1302 from a more general standpoint that we know there are wetlands in the RPA and floodplains, so
1303 we kind of designated it more generally in that area, and they have proven that there is an area
1304 outside of the environmentally sensitive area that could be developed.

1305
1306 Mr. Taylor - I certainly agree that the extension walkway or whatever it is
1307 between the parking and the building is unusual. Is there any possibility, have you discussed
1308 with the architect the possibility of moving that over close to the parking area, or making it a bit
1309 more compact?

1310
1311 Mr. Householder - We haven't gotten into that detail. This latest layout is an
1312 improvement over the first layout that we saw, so we did see this as an improvement over the
1313 original case, but I think that it is possible that it could be done closer to the parking area.
1314 Some of these spaces are quite a distance from, if you are way back here, you walk all the way
1315 downhill to get to the building. But once you get to this point here (referring to rendering),
1316 there would be a covered walk. And you always have to walk a distance in a big parking lot to
1317 get to a building. I don't think that is a major concern.

1318
1319 Mr. Taylor - That is not an option.

1320
1321 Mr. Householder - That is right.

1322
1323 Ms. Ware - I just want to be very clear that from where this piece of property
1324 is located on our map in the staff report that there is really nothing else between that and the
1325 neighborhood, or Copeland Road, that is developable? Right?

1326
1327 Mr. Householder - That is correct. Between the neighborhood to the north there is
1328 no other area outside of the RPA buffer that basically encompasses the entire area, because
1329 that creek runs through the site, basically, and it is right along here (referring to rendering). So
1330 that is – it is a very large buffer between the neighborhood that will remain.

1331
1332 Ms. Ware - And the SR-1 over to the right is the field that Mr. Vanarsdall was
1333 talking about, right, that is part of a commons area?

1334
1335 Mr. Householder - That designation reflects the fact that it is actually part of the
1336 subdivision, so it is considered to be residential in nature even though it is vacant.

1337
1338 Mr. Archer - Thank you, Mr. Householder.

1339
1340 Mr. Vanarsdall - Are you ready for a motion, Mr. Taylor?
1341
1342 Mr. Taylor - Yes, I am, if there are no further questions.
1343
1344 Mr. Vanarsdall - I have been with this thing a pretty good while and some of the
1345 neighbors I know. Let me give you a story, I wish that we would have had the meeting down
1346 in that bottom and you all would understand it more. Several years ago a developer wanted to
1347 put an office/warehouse over in there, and we had about 100 people in the library against it. It
1348 wouldn't work, and that went away, and we thought that was the end of it. Then, the
1349 subdivision, which is not on the map, or not up there now, the subdivision across the field that I
1350 referred to, the same developer went over there and developed the subdivision called Still
1351 Meadows. And he left that open space because for some reason he couldn't develop it. This
1352 piece we are talking about tonight was left out entirely. And so that is why, unless it ended up
1353 the way it did, it ended up nothing. The reason it is zoned residential is because it was in with
1354 the rest of it. And so it was left like that. After that, we had a developer want to put an office
1355 down there and he was going to have an attorney and two secretaries. And the environmental
1356 people, where he wanted to put it, it was in environmental and in the flood plain, so he
1357 withdrew the case. So every time this happens we think this is the end of it. And it is never
1358 going to be the end of it. And the man owns the land and has owned it for years and can't do
1359 anything with it. So, here we have this case file and when I heard about the case file, I said,
1360 "It is the most ridiculous case I ever heard. Anybody want to put an office in a creek." But then
1361 when Mr. Householder and his staff wrote the staff report and answered to Mr. Archer, which I
1362 thought was a good question, Chris, it wasn't good and it wasn't bad. And they wrote the
1363 report and I agree with the report because he wrote it trying to help the developer, because we
1364 certainly have the chicken and the egg here. You can't go down to the environmental people of
1365 the County or the Corps of Engineers, nobody will go down in there and go to a whole lot of
1366 expense and then when the person doesn't know what is there, and then turn around and say
1367 you can't do it. So we have to have it rezoned first before you can ever do it. He is not sure
1368 what he is going to run into, and that is why the report was written, to point out to him about
1369 the steep hills, the flood plain, the wetlands, and all of this. So we kept on working on it, and
1370 we had the traffic people out there twice. It is the proper site distance that the County
1371 requires. He does not need a turn lane if you go through, because the school doesn't have a
1372 turn lane and nothing else along there.
1373
1374 When we had the community meeting, I believe Mr. John Balesa kept saying it was spot zoning.
1375 It is far from spot zoning. There is no way, if this was rezoned, there is no way we would have
1376 to rezone the houses, because of that, because it is just not spot rezoning. You can't imagine
1377 where it is. One afternoon Mr. Householder and I went over there and I have been over there
1378 twice since, as recent as yesterday, and when you get down in there, in fact I took a can of the
1379 orange paint that staff uses when they are marking trees, and marked where the building is
1380 going to be, and you would think you were 100 miles in the woods. You can't see anything.
1381 You can't see their house. You can look across that field and see the Still Meadows Subdivision,
1382 but like I said earlier, it is two football fields wide, and the proffer says they are going to leave
1383 the buffers in the present state. That takes care of that. So, when the case was filed we had a
1384 three-story building and 6 proffers and proffered out three uses they wouldn't use. Now we
1385 have it, through the work of Ms. Isaac and through the work of Lee Householder, and I had a
1386 little bit to do with it, and we have 1, 2, 3, 4, 5, 6, 7, 8, 9. We have nine uses proffered out in

1387 the O-2 District. It is hardly anything left that it could be used for. Then we had the trash pick-
1388 up and the parking lot cleaning put on there, and they lowered it to two stories instead of
1389 three. And then I decided to call the owner myself and talk to him, because I needed a better
1390 feeling about it. And my main question to him was have you ever had – I asked him how long
1391 he had owned the property, and he told me, and in those number of years have you ever had
1392 anyone inquire about putting a house down there. He said yes, one time. A man and his wife
1393 and kid from a northern state came and was interested in it. We went down in the bottom and
1394 I told him he'd have to get a septic tank from the County if they would OK it, and if he didn't, it
1395 would take him \$38,000 to run sewer and water in there, and he said he never heard from him
1396 again. I said if you had told me that you'd never have heard from me again either.

1397
1398 So, we've got two and a half acres there that the owner has the right to develop, and they
1399 don't know what it is good for. I feel like staff does, that it is going to be very difficult to ever
1400 develop, and I am not trying to tell you all it won't be developed, so don't misquote me, but it is
1401 going to be difficult because it is probably going to be too expensive. But anyway, that is
1402 where we stand now. Ms. Isaac is going to proffer the part, oh, the last thing, I called the
1403 owner back and said, would you mind proffering Old Bethlehem Road and Copeland Road.
1404 Traffic had mentioned something about if you couldn't come out to Bethlehem Road, maybe
1405 you could come out on Old Bethlehem and Copeland, and that is down in there where we
1406 showed you earlier where the pencil was, and where some of them live. And he said, I don't
1407 know why you want that. It will cost me a half a million dollars to put a bridge across the
1408 creek. I can't use. There are wetlands over there. I can't come out there. So how about doing
1409 it for the people's sake and he said OK and he did that. So, I know the neighborhood is not
1410 going to like what I am going to recommend, but I feel like that this is, I feel like I am doing
1411 you a favor. I don't think you will ever get a developer that will proffer out all of those uses
1412 and make a building this small for this use, and I think you could get a whole lot worse. This is
1413 about the third or fourth piece of property since I have set on the Commission that we have
1414 had in the District that comes back to haunt you. Most of them we have been able to put to
1415 rest. So, for that reason I am going to recommend this case to the Board for approval, Case C-
1416 51C-02.

1417
1418 Mr. Taylor - I will second that. Motion made by Mr. Vanarsdall, seconded by
1419 Mr. Taylor. All in favor say aye. All opposed say no. The motion passes.

1420
1421 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning
1422 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1423 request because it would not be expected to adversely affect the pattern of zoning and land use
1424 in the area and the proffered conditions will assure a level of development not otherwise
1425 possible.

1426
1427 Mr. Vanarsdall - I do appreciate you all coming and I appreciate your presenting
1428 the case, and Mr. Marlles, when is the Board meeting?

1429
1430 Mr. Marlles - Mr. Vanarsdall, that meeting is on November 12.

1431
1432 Mr. Vanarsdall - November 12th. Thank you.

1433

1434 Mr. Taylor - I presume if anybody in the neighborhood still has questions on it,
1435 they can address Mr. Vanarsdall, feel free to address Mr. Vanarsdall or the staff. Thank you
1436 very much.

1437
1438 **Deferred from the September 12, 2002 Meeting:**

1439 **C-52C-02 Don Blake for Joseph M. Coleman:** Request to conditionally
1440 rezone from R-3 One Family Residence District to M-1C Light Industrial District (Conditional),
1441 Parcel 770-753-9193 (61-4-1-3, 8503 Staples Mill Road, Boudar Gardens), containing 0.44 acre,
1442 located on the east line of Staples Mill Road (U. S. Route 33) approximately 46 feet north of
1443 Heisler Avenue. Light manufacturing is proposed. The use will be controlled by proffered
1444 conditions and zoning ordinance regulations. The Land Use Plan recommends Light Industry.

1445
1446 Mr. Marlles - The staff report will be given by Mr. Paul Gidley.

1447
1448 Mr. Taylor - Is there anyone in the audience who is opposed to Case C-52C-
1449 02? No opposition, Mr. Gidley. Proceed.

1450
1451 Mr. Gidley - Thank you, Mr. Chairman, Mr. Secretary, members of the Planning
1452 Commission.

1453
1454 This case is C-52C-02, a proposal to rezone approximately 0.44 acre from R-3 to M-1C in order
1455 to relocate an existing engraving business into larger quarters.

1456
1457 The subject property is located on the east side of Staples Mill Road, approximately 46 feet
1458 north of its intersection with Heisler Avenue.

1459
1460 The Land Use Plan calls for this site to be Light Industry and this M-1C zoning is in accordance
1461 with that.

1462
1463 There are new proffers that have been submitted, as recently as this afternoon, so you will
1464 need to waive the time limit on those. You should have them in front of you.

1465
1466 As you are probably aware, the property is near here, just east of Staples Mill between Staples
1467 Mill and the railroad tracks, just south of Parham Road, most of that is currently light
1468 industry/warehouse type uses in there and some automotive. However, this particular property
1469 was residential for a number of years, and so it stayed as its existing R-3 zoning. Only recently
1470 was it purchased and torn down, and thus the applicant has come in to rezone the property.

1471
1472 Since the surrounding property is M-1 zoning with the exception of O-2C zoning across Staples
1473 Mill Road, this request would appear reasonable. Staff's primary goal has focused on making
1474 sure the use planned for the site would not be detrimental to the area and that it reflected the
1475 improved quality that the local representatives and staff have been working to achieve for the
1476 Staples Mill Road corridor.

1477
1478 While the applicant has worked with staff to address many of the concerns that we did have,
1479 there are one or two items that we still would like to see addressed. One is a concern that a
1480 6,000 square feet building might be a little bit too large on this site, especially when you figure
1481 in the parking requirements and the need to provide appropriate buffers. That is something that

1482 will be addressed at POD, but it is a concern that we felt should be raised at this point, and at
1483 least let the applicant know. The landscape buffer that they have proffered is ten (10) feet up
1484 along Staples Mill Road. Code does require 10 feet, so all they are really doing is proffering
1485 what is already required. We would rather see it expanded a little bit, perhaps to 15 feet or so,
1486 especially in light of the fact that Roma's across the road went with 20 feet on their recent
1487 rezoning case. That being said, if the applicant could address these concerns, staff could
1488 support this case.

1489
1490 Are there any questions that I could entertain?

1491
1492 Mr. Taylor - Any questions from the Commission? No questions. No
1493 opposition. Mr. Vanarsdall.

1494
1495 Mr. Vanarsdall - Unless some of the other Commission members have something
1496 to ask the applicant, I don't need to talk to them. Thank you, Paul.

1497
1498 Mr. Taylor - Thank you, Mr. Gidley.

1499
1500 Mr. Marlles - Mr. Vanarsdall, just as a reminder, we do need to waive the time
1501 limits on the proffers.

1502
1503 Mr. Vanarsdall - Thank you. I appreciate you getting these together for us. We
1504 changed the proffers so many times, and they had to go back and forth, he about wore the
1505 applicant out, so I want to ask a question, Mr. Marlles. It reads funeral homes, mortuaries, and
1506 should say and crematories or undertakers. So, like I said, I am not going to ask him to get
1507 this, because the owner is not here tonight, so I am not going to ask Mr. Blake to get that
1508 changed. Can you bring that to the Board's attention when it comes up?

1509
1510 Mr. Marlles - Yes, sir.

1511
1512 Mr. Vanarsdall - And the other thing is, is a commercial tower the same thing as a
1513 communication tower?

1514
1515 Mr. Marlles - It might be a typo. It sounds like to me it should be
1516 communication tower.

1517
1518 Mr. Vanarsdall - It was supposed to be. So, we can get that changed, also, if you
1519 think you need it at Board time.

1520
1521 Mr. Marlles - Yes.

1522
1523 Mr. Vanarsdall - And with that I make a motion that we waive the time limits on C-
1524 52C-02.

1525
1526 Mr. Taylor - Second. Motion made by Mr. Vanarsdall and seconded by Mr.
1527 Taylor. All in favor of waiving the time limits say aye. All opposed say no. The motion passes.
1528 The time limits are waived.

1529

1530 Mr. Vanarsdall - And I recommend C-52C-02 to the Board for approval.
1531
1532 The Planning Commission voted to waive the time limits on Case C-52C-02, Don Blake for
1533 Joseph M. Coleman.
1534
1535 Mr. Taylor - Second. All in favor say aye. All opposed say no. The motion
1536 passes.
1537
1538 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning
1539 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1540 request because business zoning is appropriate in this area.
1541
1542 **C-58C-02 Mr. & Mrs. Bruce T. Regester:** Request to conditionally rezone
1543 from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel 754-
1544 763-6626 (38-A-39, 4525 Springfield Road), containing 0.8083 acre, located on the east line of
1545 Springfield Road (State Route 157) at its intersection with Argonne Drive. Single-family
1546 subdivision is proposed. The applicant has proffered a density of two (2) lots. The Land Use
1547 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
1548
1549 Mr. Marllles - The staff report will be given by Mr. Gidley.
1550
1551 Mr. Gidley - Thank you Mr. Chairman, Mr. Secretary, and members of the
1552 Planning Commission.
1553
1554 This case is C-58C-02. It is a proposal to rezone 0.8083 acres of land from A-1 to R-2AC for the
1555 purpose of constructing two single-family residences.
1556
1557 The subject property is located at 4525 Springfield Road, which is between the existing Craig's
1558 Mill Subdivision on the north side and St. Michael's Church on the south side.
1559
1560 The Land Use Plan calls for this area to be designated Suburban Residential 1, which is 1-2.4
1561 units/acre. This zoning request is slightly above that, but less than the surrounding properties.
1562 Again, to the north of this site is Craig's Mill Subdivision, also extending over to the east, to the
1563 south is St. Michael's Church, and to the west is the R-3A zoned Olde Springfield Subdivision.
1564
1565 New proffers were received today. You should have copies of these right now, and you will
1566 need to waive the time limits on those. With the surrounding subdivisions and the existing
1567 church, this residential rezoning request would appear reasonable to staff. Our main goal has
1568 been to make sure that the proposed homes on the site will be of similar quality to those found
1569 in the adjacent Craig's Mill Subdivision.
1570
1571 To this end, many of the proffers that the applicant has submitted are similar to those in Craig's
1572 Mill. These include requirements such as brick foundations, a minimum finished floor area of
1573 1,600 square feet, and a fifteen (15) foot landscape buffer along Springfield Road.
1574
1575 In addition, the applicant has proffered that a minimum of 30% brick will be used for the
1576 exterior portion of each home, and that there will be a maximum of two lots, but with only one
1577 access point onto Springfield Road.

1578
1579 As a result of these proffers, staff feels that the homes built will be of similar if not slightly
1580 higher quality than the surrounding neighborhoods.
1581
1582 However, one point I would like to make, staff has pointed out to the applicant that given the
1583 configuration of this parcel, it would appear that only one buildable lot is possible at the present
1584 time. In order to create a second buildable lot, the applicant will probably need to acquire an
1585 adjacent .363-acre site, which is presently owned by VDOT. VDOT has indicated a willingness
1586 to work with the applicant towards this end, and by acquiring this corner property that you see
1587 right here (referring to rendering), that will improve the applicant's frontage and also his
1588 buildable area for a second lot. Nonetheless, given the surrounding residential zoning and
1589 surrounding neighborhoods and church, staff does feel this rezoning request is reasonable and
1590 can recommend approval. Are there any questions that need to be answered?
1591
1592 Mr. Taylor - Are there any questions from the Commission?
1593
1594 Mr. Vanarsdall - This is dated the 10th, today, too. Isn't it?
1595
1596 Mr. Gidley - Yes, sir. Those came in today.
1597
1598 Mr. Vanarsdall - Are Mr. and Mrs. Regester here?
1599
1600 Mr. Gidley - Yes, sir.
1601
1602 Mr. Vanarsdall - I know who you are but I didn't put the name on it. Wait a
1603 minute; I didn't mean to get him up here now. I am sorry, Mr. Chairman. Paul, are you
1604 finished?
1605
1606 Mr. Taylor - That is quite all right.
1607
1608 Mr. Vanarsdall - I thought I was Chairman there for a minute. I am sorry.
1609
1610 Mr. Taylor - That is quite all right, Mr. Vanarsdall. Do you want to have him
1611 speak?
1612
1613 Mr. Vanarsdall - I just wanted to ask him a question.
1614
1615 Mr. Taylor - Please, sir, if you would. Step up to the microphone and identify
1616 yourself for the record, and if you would like to speak you have, it looks like you have part of 10
1617 minutes.
1618
1619 Mr. Regester - Yes, I am Bruce Regester. It is all e's in Regester.
1620
1621 Mr. Vanarsdall - I just wanted to ask you a question for curiosity. Are you going
1622 to, if you had that VDOT property, as Mr. Gidley said, you could have two lots. Are you going
1623 to pursue that and try to get it, because they are willing to sell it, and I don't know how much it
1624 costs.
1625

1626 Mr. Regester - Yes. I have a letter here that indicated they are going to, they
1627 don't wait. It is a maintenance issue.
1628
1629 Mr. Vanarsdall - So do you plan on coming back later with the other lot?
1630
1631 Mr. Regester - Yes, sir. Well, it is R-2A. I mean, my goal is just to get this off of
1632 the table. I would like to take a moment just to say something. I know a couple of the
1633 neighbors are here and Mr. Gidley has helped me.
1634
1635 Mr. Vanarsdall - You say the neighbors are here? Is there any opposition to this?
1636
1637 Voice from the audience - No opposition. Just curious to know what is going to be out
1638 there.
1639
1640 Mr. Regester - Long term planning, it is my understanding on this particular area
1641 was, this is the Planning Commission's 1990 paper work. From that lot back to Hanes Jeep
1642 used to be a lot of residential property.
1643
1644 Mr. Vanarsdall - Right. I remember that.
1645
1646 Mr. Regester - There isn't any. I have been recommended that this is residential,
1647 and 20,000 cars a day passing that property. It is 25 acres on the other side of the church that
1648 is going to be townhouses. Right? Ryan Townhouses at basically \$200,000 a piece. I just
1649 wanted to footnote this thing that I want to do the highest and best use here, and it is hard for
1650 me to tell you that is what I am doing, but this is what I have been recommended to do, R-2A.
1651
1652 Mr. Vanarsdall - OK.
1653
1654 Mr. Regester - Twenty thousand cars a day and that is 1990 paper work. That is
1655 just, I think it should be in this century, the planning that we have taken this R-2A off of. This
1656 is 2002, and again from there back to Hanes Jeep, all of the homes have been eliminated, yet
1657 my recommendation is residential, which I am honoring. I am not here to create a problem. I
1658 am honoring that but I just want to know that you all are backing me. That is the best plan.
1659
1660 Mr. Vanarsdall - I was trying to help you out, I just didn't know if you know if
1661 VDOT would sell or not.
1662
1663 Mr. Regester - I think they would pay me to take it.
1664
1665 Mr. Vanarsdall - What VDOT will do is first thing they will do is ask the neighbors
1666 do they want it.
1667
1668 Mr. Regester - They can't have it, because there is not enough there to put on an
1669 open market, and I am the parent track.
1670
1671 Mr. Vanarsdall - All right, well, you answered my question and I appreciate it and
1672 we will go on with this lot. Thank you. Do you want to come on down and tell us what you
1673 need?

1674
1675 Mr. Taylor - You have the opportunity if you want, but if you don't want to it is
1676 fine.
1677
1678 Mr. Vanarsdall - I move we waive the time limits on this Case C-58C-02.
1679
1680 Mr. Archer - Second.
1681
1682 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Archer to
1683 waive the time limits on Case C-58C-02. All in favor of waiving the time limits say aye. All
1684 opposed say no. The motion passes.
1685
1686 The Planning Commission voted to waive the time limits on Case C-58C-02, Mr. & Mrs. Bruce T.
1687 Regester.
1688
1689 Mr. Vanarsdall - I move that Case C-58C-02 be recommended to the Board of
1690 Supervisors for approval.
1691
1692 Mr. Archer - Second.
1693
1694 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All in
1695 favor say aye. All opposed say no. The motion passes.
1696
1697 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning
1698 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1699 request because it continues a similar level of single family residential zoning as currently exists
1700 in the area.
1701
1702 **THE COMMISSION TOOK A 10-MINUTE BREAK AT THIS TIME.**
1703
1704 **THE COMMISSION RECONVENED AT THIS TIME.**
1705
1706 **Deferred from the September 12, 2002 Meeting:**
1707 **C-54C-02 Neil P. Farmer for Willbrook, LLC:** Request to conditionally
1708 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional),
1709 Parcels 748-766-2289 (47-A-23, 4741 Sadler Road), 748-766-1856 (27-A-24, 4711 Sadler
1710 Road), 747-766-9196 (27-A-25, 4729 Sadler Road), and 748-767-3704 (28-A-31), containing
1711 approximately 18.6 acres, located on the southeast line of Sadler Road at Trexler Road. A
1712 single-family residential development is proposed. The applicant has proffered to develop no
1713 more than thirty-three (33) lots on the property. The Land Use Plan recommends Suburban
1714 Residential 1, 1.0 to 2.4 units net density per acre.
1715
1716 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.
1717
1718 Mr. Taylor - Is there anybody in the audience who is opposed to Case C-54C-
1719 02? All right, we have ten minutes for you as we proceed. Go ahead, please, Mr. Bittner.
1720

1721 Mr. Bittner - Thank you, Mr. Taylor. We have passed out some new proffers,
1722 which are dated today. You may notice that they are not signed. However, the original set of
1723 proffers in the file is signed and I will cover what the changes in the proffers are in my
1724 presentation. They would need to be waived, as well.

1725
1726 This case was deferred by the applicant to allow time to address issues raised by adjacent
1727 property owners to the east. These property owners are seeking preservation of landscaping
1728 along their rear property lines.

1729
1730 The applicant and the residents have discussed this issue and staff's understanding is that in
1731 regards to preservation of landscaping, an agreement has been reached.

1732
1733 The applicant has revised the proffers to address the residents' concerns. These new proffers
1734 include covenant language prohibiting the removal of trees greater than 3-1/2 inches in
1735 diameter without permission from the Architectural Review Committee or the Homeowners
1736 Association.

1737
1738 In addition, all trees 3-1/2 inches or greater in diameter within 20' of the eastern property line
1739 shall not be removed during the initial development of the proposed subdivision.

1740
1741 Also, any easement crossings within this tree-save area shall be generally perpendicular to
1742 minimize potential loss of vegetation. Now, in addition, just tonight on Page 2, and to the very
1743 last proffer, Proffer #17, the applicant has added some new language, which is not on your
1744 version, but I will cover it right now. He has added a phrase to state that easements within the
1745 said 20-foot buffer area shall cross in a generally perpendicular fashion so as to avoid damage
1746 to the area. He has also added a final sentence that would say, "Acceptable plantings to be
1747 installed prior to any certificate of occupancy." Staff feels that this language is acceptable.

1748
1749 In summary, we feel the proposed zoning and use are appropriate considering its similarity to
1750 the surrounding area. Staff, therefore, recommends approval of this application. I'd be happy
1751 to answer any questions you may have.

1752
1753 Mr. Vanarsdall - Do you have one that is signed and dated?

1754
1755 Mr. Bittner - Yes, sir. I do.

1756
1757 Mr. Archer - Mr. Bittner, what was the last sentence you read that was tacked
1758 on to #17?

1759
1760 Mr. Bittner - It would state "acceptable plantings to be installed prior to any
1761 certificate of occupancy."

1762
1763 Mr. Taylor - Are there any other questions of Mr. Bittner from the
1764 Commission?

1765
1766 Mr. Marlles - Mr. Bittner, if I could ask you a question. You did read the
1767 proposed change to Proffer #17. The last sentence that indicates acceptable plantings to be

1768 installed prior to any certificate of occupancy. Who would determine whether those plantings
1769 are acceptable?

1770
1771 Mr. Bittner - The County would, in this case. The proffers require the
1772 submission of a landscape plan for the area in question. We would have to insure that that
1773 plan was complied with prior to any certificate of occupancy being issued for any house in the
1774 subdivision.

1775
1776 Mr. Marlles - The applicant may want to respond to this, but I think often, or
1777 typically, we would use the Director of Planning or someone should make that determination.

1778
1779 Mr. Bittner - Well, the language does state regarding, in the version that you
1780 have it says the "landscape plan as deemed appropriate by Director of Planning," in Proffer
1781 #17.

1782
1783 Mr. Marlles - OK, that is fine.

1784
1785 Mr. Taylor - That does not relate to the width of the buffer must be 20 ft. at
1786 least I guess, but it would relate to what was planted in the buffer, the type of trees, the type
1787 of density, the density of the trees?

1788
1789 Mr. Bittner - Yes.

1790
1791 Mr. Taylor - That was one of the issues that we discussed at some length with
1792 the residents to make sure that there was screen planted between them and the adjacent
1793 neighbors. Are there any questions from the Commission on behalf of the Commission? No
1794 questions. Thank you, Mr. Bittner. I think we will hear from the opposition. I saw two hands.
1795 Same rules apply. Sir, if you would, in either case you have ten minutes.

1796
1797 Mr. Hershey - My name is Dave Hershey and I live in the Cedars, and I had
1798 some additional concerns other than just the proffers that have been brought forward. One of
1799 the things is, I don't know if you are familiar with that particular area, but Sadler Road there, at
1800 best I would say is a country road. And based on the housing that is currently going in there
1801 with what is being proposed, we are looking at about 100 houses to be built there very shortly.
1802 And, to the best of my recollection, every household has about two cars, so we are looking at
1803 approximately another 200 cars a day on Sadler Road. I know myself; I was run off the other
1804 day. I mean, take a drive down it, and experience it for yourself. It is not a safe road in its
1805 current condition. Another thing is school. I have lived in The Cedars for 10 years. I have two
1806 kids, both in elementary school. One is in the third grade and one in the fourth grade, and next
1807 year they will be if plans go like they are going right now, they will be in their third elementary
1808 school. That is not real good for kids. They have bounced around like that so, anyway, I am a
1809 little concerned about the education. With what I have seen happen in the past, and what is
1810 going to happen in the future, you know. We go in, we make a group of friends, and then all of
1811 a sudden they are gone. Another thing is the noise.

1812
1813 Mr. Taylor - Let me hold you at this point if I might. And we will stop your
1814 clock and start mine. They have gone from one school to another school?

1815

1816 Mr. Hershey - They started out in Shady Grove Elementary, they are now at
1817 Twin Hickory Elementary, and next fall I think it is Maggie Walker, which is being built in
1818 Wyndham Forest, and they are being transferred to that school. So they will be in fourth and
1819 fifth grade next year, their third elementary school, as well as all of the rest of the kids there in
1820 the Innsbrook area.

1821
1822 Mr. Taylor - Well, really, each of those schools is an excellent school as are
1823 most of Henrico, but I do agree that it is hard to bounce kids around. Having served in the
1824 military, I think the kids get homogenized after a while. Is there anybody here from Schools
1825 that can address that? Now that they are at Maggie Walker, are they going to stay there a
1826 while?

1827
1828 Mr. Hershey - Maggie Walker is due to open up next fall.

1829
1830 Mr. Taylor - It is due to open. It is a brand new school and that, hopefully, will
1831 end their vagabond existence.

1832
1833 Mr. Hershey - Well, as far as elementary school now, who know what is going to
1834 happen with high school?

1835
1836 Mr. Taylor - They are going to Twin Hickory School and Twin Hickory High
1837 School. Right?

1838
1839 Mr. Hershey - We are at Short Pump Middle School and currently we are
1840 supposed to go to the new high school, Deep Run, but chances are pretty slim that they are
1841 going to end up there based on the growth in that area.

1842
1843 Mr. Taylor - We are sympathetic with the moving, I am sure, but we have
1844 such a great reputation that almost all of the schools are good, and each have their personality.

1845
1846 Mr. Hershey - And each has a certain group of kids and then you establish those
1847 friendships and then you get removed to someplace else, so anyway, this is just one of my
1848 concerns having children. Another thing, noise. We are real close to 295 corridors there. We
1849 are talking about taking down 18 acres of woods there behind us, so I know noise is a real
1850 issue over at Twin Hickory and soon I am sure we will have the same problem as over where
1851 we are at, and I've heard that we are going to be putting up houses. That will somewhat block
1852 the noise off. I know sound bounces off my house. It doesn't stop anything, so I am sure that
1853 noise is going to be an issue, too. So, anyway, that pretty much does it. The primary thing
1854 though is the road. I really think we need to take a look at Sadler Road, because if something
1855 is done with that maybe to accommodate the traffic, it might be more likely suitable for
1856 development, but at this point I think you are asking for trouble if you go ahead and put all of
1857 these houses back there.

1858
1859 Mr. Taylor - I agree that Sadler Road is difficult, and as development
1860 progresses now; for instance, Mr. Tyler and the development he has been doing, I drove it
1861 again today. I drive it pretty frequently. I am delighted to see that they took the tree out from
1862 the middle of the road practically. That one bad corner is gone. So, improvements are being
1863 made and theoretically they will continue as development continues along there.

1864
1865 Mr. Hershey - We have no idea what kind of time frame we are talking about.
1866 We may have to live with that for the next several years and, quite honestly, the people that
1867 live in those subdivisions are the ones that are going to have to drive it every day. You know,
1868 we can come in and get this thing through, but we are the ones that are ultimately going to be
1869 suffering the consequences of the decision that is made here tonight.
1870
1871 Mr. Taylor - I must remind you that the County uses the developers as part of
1872 their development responsibilities to improve the road, so as the developers, develop the roads,
1873 get improved, and as long as we keep that pace and we keep that relationship, I would hope
1874 that we would continue to look for roads that are better and better and better able to handle
1875 the quality.
1876
1877 Mr. Hershey - I think you've got to do a little bit more than hope, because when
1878 Sadler Woods went back in there, I think that was one of Mr. Farmer's developments and it
1879 went in almost three years ago. There has been no improvement in that road since that time,
1880 so how long do we have to wait?
1881
1882 Mr. Taylor - I thought I saw some road construction there to remove that tree
1883 not too long ago, and you know, the tree that was right adjacent to the road.
1884
1885 Mr. Hershey - That is probably just one of several. It is still a road where some
1886 areas may be 10 feet wide, if we are lucky, and we've got gullies on each side of it. It is
1887 nothing to get run off that road. Somebody is going to get hurt badly, so I think we are just
1888 asking for trouble. Like I saw if you put an additional 200 cars potentially a day on that road,
1889 something is going to happen.
1890
1891 Mr. Taylor - Well, as I say, I am hoping that as development proceeds the
1892 improvements proceed and they proceed at pace, I know that the roads people are interested
1893 in that, and with regard to the noise. Is the noise a constant or is it improving now that they
1894 have built some houses between the development on the east side of Sadler, and the houses
1895 are in the west, so they shield, they kind of shield that sound a little bit.
1896
1897 Mr. Hershey - No. They don't shield anything.
1898
1899 Mr. Taylor - You can still hear the sounds?
1900
1901 Mr. Hershey - Yes, and you take, and your best natural buffer is going to be a
1902 tree. We're talking about taking out 18 acres of trees. So, it is an issue now, but it will only get
1903 worse. Thank you for your time.
1904
1905 Mr. Taylor - Thank you, Mr. Hershey. Is there anyone else who would like to
1906 speak in opposition to this project?
1907
1908 Mr. Ed Presario - Ed Presario, The Cedars Homeowners Association President. The
1909 Association isn't in opposition. Neil has been very willing to work with us and making the
1910 language of the proffers amenable to the majority of the homeowners, so just speaking on
1911 behalf of the majority; there is general agreement with the wording within the proffers, as well

1912 as in the landscaping. Just to reiterate, however, what Dave Hershey mentioned, there are a
1913 couple of other neighbors who are as concerned with the roads as Dave is. That is it.
1914
1915 Mr. Taylor - Thank you, Mr. Presario. We recognize the problem with the
1916 roads, and as I say, hopefully, as we proceed we will proceed with the improvements.
1917
1918 Mr. Jernigan - How many people are you representing?
1919
1920 Mr. Presario - Ninety-eight.
1921
1922 Mr. Jernigan - Thank you.
1923
1924 Mr. Taylor - I want to thank you and your association and the community for
1925 all the support they've lent here. Thank you. Ma'am, if you would please come down and give
1926 your name for the record.
1927
1928 Ms. Celestine Gray - Good afternoon. I am Celestine Gray. I am not in opposition, but
1929 I would like to know the entrance of the home and the type of homes that are being built on
1930 Sadler, because it is directly in front of me.
1931
1932 Mr. Taylor - You would like to know the type?
1933
1934 Ms. Gray - Yes, do you have the pictures of the homes and the way they are
1935 going to enter from Sadler Road into the development?
1936
1937 Mr. Vanarsdall - It seems like the applicant could answer that, Mr. Chairman.
1938
1939 Mr. Taylor - Yes. We will ask the applicant to answer that.
1940
1941 Mr. Vanarsdall - We kind of got the cart before the horse.
1942
1943 Mr. Taylor - We have got the cart before the horse. We have to hear from the
1944 opposition first. And I should have asked Neil. I will call upon right after we hear from the
1945 applicant.
1946
1947 Ms. Gray - Also, I would like to support the gentleman about the narrowness
1948 of Sadler Road. People that are moving in near are not use to driving on country roads. I stay
1949 on my side and they stay in the middle. So I wish you would do something about it.
1950
1951 Mr. Taylor - Let me have Mr. Farmer come up and then I will get back to you.
1952 Thank you. I apologize for that oversight.
1953
1954 Mr. Farmer - That is all right. It is no problem. Members of the Planning
1955 Commission, for the record, my name is Neil Farmer. I guess the answer to your question for
1956 Ms. Grays' benefit the, I will show her a copy of a tentative, which I had given to Mark Bittner,
1957 which indicates 32 lots and the homes, a little bit of the cart before the horse, but the homes
1958 are proposed to be Colonial two-story homes. Is there anything else? I will show you this out
1959 in the hall.

1960
1961 Mr. Jernigan - Mr. Farmer, you said 32 lots?
1962
1963 Mr. Farmer - Yes, sir. Mark is going to actually put it on the screen, I think.
1964
1965 Mr. Taylor - Ms. Gray wanted to see a map relative to her home. Can we
1966 show that up there?
1967
1968 Mr. Farmer - She is, I think, right across the street. And this is St. Anthony's
1969 right here.
1970
1971 Mr. Taylor - Ms. Gray, can you see your location on that map?
1972
1973 Mr. Farmer - You can come up here if it is OK with the Planning Commission.
1974
1975 Mr. Taylor - Can you see on that map where you live? Come on up where you
1976 can see.
1977
1978 Ms. Gray - I know where the property is that he is going to develop, and that
1979 is in the front....
1980
1981 Mr. Farmer - Here, I've got something from the staff here that will show you
1982 you are right here (referring to rendering). This is Mr. Shire's property and you are right here
1983 (referring to rendering). Right?
1984
1985 Ms. Gray - Yes, right in front of the, right across the road from the property.
1986 And where will you enter from?
1987
1988 Mr. Farmer - Right here. Right on Mr. Davis' property actually. Right though
1989 here. This is what it looks like, right in here. So it will be closer to the Allmans, I believe their
1990 name is, that live right up here. Right up in here (Referring to rendering).
1991
1992 Mr. Taylor - Mr. Farmer, what we might do, after we, you can show Ms. Gray.
1993
1994 Mr. Vanarsdall - You want to know the materials and everything you are going to
1995 use, and did you hear him say it was going to be Colonial?
1996
1997 Mr. Taylor - Do you have the elevations?
1998
1999 Mr. Farmer - No. I don't have any elevations or pictures of the houses or
2000 whatever. I will be glad to get with Ms. Gray before the Board of Supervisors and show her
2001 some houses that are similar in other subdivisions we have done, and tell her where to go, and
2002 I will give her copies to take home with her.
2003
2004 Mr. Taylor - Will that be fine, Ms. Gray?
2005
2006 Ms. Gray - Yes, sir.
2007

2008 Mr. Taylor - Do you have any other comments, Mr. Farmer?
2009
2010 Mr. Farmer - No, I do not, unless there are any other questions of the
2011 Commission.
2012
2013 The Planning Commission voted to waive the time limits on Case C-54C-02, Neil P. Farmer for
2014 Willbrook, LLC.
2015
2016 Mr. Taylor - Any questions?
2017
2018 Mr. Thornton - I have a question, Mr. Chairman. Mr. Farmer, how much will
2019 these homes sell for?
2020
2021 Mr. Farmer - Well, I do not know right now. I would guess right now in today's
2022 market they are probably going to be starting at \$280,000 to \$310,000.
2023
2024 Mr. Thornton - Thank you.
2025
2026 Mr. Taylor - Thank you, Mr. Farmer.
2027
2028 Mr. Farmer - You are welcome.
2029
2030 Mr. Taylor - First I want to start out by thanking the neighborhood association
2031 for their good will and support and patience in working with us. Oh, I am sorry. Go ahead, Mr.
2032 Hershey.
2033
2034 Mr. Hershey - Ed said he was representing the Association at The Cedars, which
2035 he was then. If the people in The Cedar had their choice, they would oppose the development
2036 all together. But they are agreeing to the proffers that have been brought forth because they
2037 don't think there is any way that we can beat this thing. So they are trying to make something
2038 out of nothing. But anyway, if they had their choice, they would oppose it, and so I thought I'd
2039 throw that in.
2040
2041 Mr. Taylor - Thank you, Mr. Hershey. I understand that we will see this project
2042 again at the POD stage, so we will have the opportunity to make sure that beyond the zoning
2043 stage we are able to make what changes and what concessions we need to get the zoning
2044 right. There will be lots of details I think that will have to be looked at as we go forward, so I
2045 don't want you to think this is the end of the process, and we don't get another opportunity to
2046 look at the types of trees that are going in and address many of the concerns that are in
2047 advance of zoning.
2048
2049 Mr. Thornton - Mr. Chairman, may I ask a question?
2050
2051 Mr. Taylor - Yes, sir.
2052
2053 Mr. Thornton - Does the Planning Commission have a policy or does the Planning
2054 Commission have an expressed interest relative to trees, relative to the fact that when you have
2055 subdivisions, do we make sure in the planning process, probably this is mostly to staff, I guess,

2056 that we try to, maybe Mr. Marlles can answer this. Do we make sure that we always try to
2057 mediate to keeping as many trees as possible?

2058
2059 Mr. Marlles - As a general principal, the answer to that is yes, Mr. Thornton. Of
2060 course, what we try to do is get that type of commitment in the form of proffers, but as a
2061 general principal we do try to preserve as many trees as possible on a site.

2062
2063 Mr. Thornton - And are we assertive with that, Mr. Marlles?

2064
2065 Mr. Marlles - I believe we are, Mr. Thornton.

2066
2067 Mr. Thornton - OK, thank you.

2068
2069 Mr. Taylor - Mr. Thornton, if I just may, on behalf of the Planning Commission,
2070 substantiate what Mr. Marlles said. Each of these projects has a separate landscape and
2071 lighting plan, and at the landscaping stage, I think all of us have had the great fortune of
2072 working with the staff and staff has been excellent in looking at trees, vegetation, and how it is
2073 going to look. I think I have been very satisfied with the treatment they have with regard to
2074 landscaping, and I think that is universal among the Commission. Are there any comments
2075 from the Commissioners? Any other comments, questions?

2076
2077 Mr. Taylor - On this particular one, the Secretary advises me that I must have
2078 a motion to waive the time limits, so I will move to waive the time limits on the proffers.

2079
2080 Mr. Vanarsdall - Second.

2081
2082 Mr. Taylor - Motion made by Mr. Taylor, seconded by Mr. Vanarsdall to waive
2083 the time limits on the proffers. All in favor say aye. All opposed say no. The motion passes.

2084
2085 Now for the basic motion, I move approval of Case C-54C-02.

2086
2087 Mr. Vanarsdall - Second.

2088
2089 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Vanarsdall. All in
2090 favor say aye. All opposed say no. The motion passes.

2091
2092 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning
2093 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
2094 request because it reflects the type of residential growth in the area and it conforms to the
2095 Suburban Residential 1 recommendation of the Land Use Plan.

2096
2097 Mr. Marlles - This case will also come up on November 12 on the Board's
2098 agenda at 7:00 p.m. in this room.

2099
2100 Mr. Taylor - Thank you for coming.

2101
2102 **Deferred from the September 12, 2002 Meeting:**

2103 **C-55C-02** **Dr. P. Brad Zubowsky:** Request to conditionally rezone from O-
2104 1C Office District (Conditional) to B-1C Business District (Conditional), Parcel 736-774-2105 (9-
2105 A-36C), containing 1.492 acres, located at the southwest intersection of Pouncey Tract (State
2106 Route 271) and Nuckols Roads. A veterinary hospital is proposed. The use will be controlled by
2107 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends
2108 Suburban Residential 1, 1.0 to 2.4 units net density per acre.

2109
2110 Mr. Taylor - Is there anyone in opposition to this case?

2111
2112 Ms. Moore - Good evening, Commissioners and Mr. Chairman. This site is
2113 comprised of approximately 1.5 acres and is currently vacant. It is a triangular shaped parcel
2114 bounded by Pouncey Tract Road to the north and east and Old Pouncey Tract Road along the
2115 west.

2116
2117 There are several single-family subdivisions along the north and south of this property.

2118
2119 The 2010 Land Use Plan recommends Suburban Residential; however, the site was zoned O-1C
2120 in 1999. Support for this rezoning was in part due to the property's irregular shape and
2121 location, which hindered its development for residential projects. Plan of Development 19-01
2122 was also approved to allow the construction of a two-story, 8,000 square foot office building on
2123 the property; however, the office was never constructed.

2124
2125 The applicant proposes to locate a veterinary hospital on this site. Since veterinary hospitals
2126 are not permitted in Office Districts, the applicant is seeking to rezone the property to B-1
2127 Conditional.

2128
2129 This case was to be heard at the September Planning Commission meeting, but was deferred by
2130 the applicant in order to hold a public meeting with adjacent residents. Dr. Zubowsky, the
2131 applicant, held this meeting on September 26, 2002.

2132
2133 As proffered, planning staff supports the project based on several factors:

- 2134
- 2135 • The project would be a maximum of 6,000 square feet in area and one-story in height
2136 which is substantially less in size than the previously approved office building.
 - 2137
 - 2138 • The property would only be used for a veterinary hospital, which would be more service
2139 than commercial in nature.
 - 2140
 - 2141 • Access to the site would be provided from Old Pouncey Tract Road only.
 - 2142
 - 2143 • The design of the building will be constructed with high quality materials and would be
2144 residential in character. There would be a 20' wide landscaped buffer around the
2145 perimeter of the project.
 - 2146

2147 These conditions, as stated, are included in the proffers in your staff report.

2148
2149 In addition, the applicant also provided information based upon his current practice on
2150 Quiocassin Road. Based upon 14 years at his current facility, the high-end number of clients

2151 has been about 60 per day. The operation of this animal hospital would be substantially the
2152 same.

2153
2154 The staff report refers to issues pertaining to grammatically corrections to the proffers and
2155 window treatment along the facades of the building. These concerns have been addressed and
2156 are reflected in the proffers before you.

2157
2158 Therefore, as proposed, staff supports the project.

2159
2160 That concludes my presentation, I will be happy to try to answer any question that you may
2161 have.

2162
2163 Mr. Taylor - Ms. Moore, do we have an elevation of that?

2164
2165 Ms. Moore - No, not at this time. One was presented at the public meeting for
2166 the neighborhood, I should say, and it will be Colonial brick, very high quality, and the applicant
2167 could probably address that a little bit better than I could.

2168
2169 Mr. Taylor - All right. Thank you very much. Any questions from the
2170 Commission? Can we hear from the applicant? Dr. Zubowsky. We have an overhead. Can
2171 everybody see that? Can we put it on the overhead projector? It might be easier. You can put
2172 that over there, too, and they can project that, I believe. Can we not project the elevations
2173 present? Too big?

2174
2175 Dr. Zubowsky - I think it is too big, sir. I am going to go ahead and begin if that
2176 is all right with you. My name is Dr. Brad Zubowsky. I am a veterinarian in the Tuckahoe
2177 District, and I think you for allowing me to speak in front of you this evening. I have been in
2178 my current practice for a 14-year period, as Jean said. I apologize. I don't have elevation
2179 drawings. Just briefly why. To design a veterinary hospital like the one that is pictured here at
2180 9218 Quioccasin Road took me a three-year period to design. I used an architect from Kansas
2181 City that only designs veterinary hospitals for their appearance, their soundproofing, their
2182 sterility, and safety to the staff as well as the patients, which are on four legs. So to design it,
2183 and as far as knowing where windows would be placed would be a little bit difficult, but I have
2184 proffered that the windows will be on all four sides of this building. Space to give adequate
2185 soundproofing to wherever kennels would be placed, indoor kennels when I say that, the brick
2186 building would be all brick like my current building. I would like to even, I am very proud of the
2187 building. I have won two awards. One from the County and one from the City of Richmond for
2188 our building in the past four years, and I would like to make this new proposed site better than
2189 9218 Quioccasin Road. I have a very good staff, four veterinarians practice in my facility along
2190 with 16 other lay staff, all residents of the area in the Henrico District. They are all from this
2191 area. I am, unfortunately, the only northerner that came down, and I do apologize for that.
2192 But, is there anything I could answer? Hours I have given. We do practice Monday through
2193 Friday and Saturday mornings from 7:30 a.m. until 12:00 noon. My current facility at Quioccasin
2194 is open Sunday mornings. We are a veterinary hospital from 9 until 12, but I proffered that this
2195 hospital would not be open Sundays, only half days on Saturday. We are open from 7:30 a.m.
2196 until 6:00 p.m. Those are my hours of operation. We have 30-minute appointments, so clients
2197 come and go every 30 minutes for a total of 60 or 65 per day. So, therefore, from a traffic
2198 standpoint I really tried to show the traffic department that we would actually be a very low

2199 impact on traffic, and the appointments would come and go on a 30-minute interval.
2200 Therefore, there is no rush hour at our facility. Is there anything that I could answer in more
2201 detail that you would have about a veterinary hospital? Unfortunately, I still think veterinarians
2202 are looked down upon a little bit. We have to go into business, where every other medical
2203 facility can go into an office use. We are a personal service that services the community. We
2204 are very actively involved in the community through the schools by attending at least three
2205 career days a year for the middle schools. We also give tours on Saturday mornings to a lot of
2206 the pre-school and school children that we do have two-week periods with a lot of the schools
2207 where they have career opportunities to spend a day with the veterinarians, some up to a
2208 week, and shadow them, and, hopefully, we encourage future professionals. That concludes my
2209 presentation.

2210
2211 Mr. Taylor - Dr., one thing that you haven't mentioned that you did mention
2212 when we met at Twin Hickory Elementary was the fact that this building is totally enclosed.
2213 There are no animals outside, no barking.

2214
2215 Dr. Zubowsky - It is by Code, just like my hospital that was completed in 1994, a
2216 completely indoor facility, but going beyond no animals. The only time animals are coming and
2217 going. They do have to go out and we have a grass area that is nicely landscaped at the
2218 Quioccasin Hospital, beautifully treed areas, and we do have to take our patients out to void,
2219 but those areas are kept immaculate. There would be no difference than somebody's backyard
2220 for their private pet, but, again, that is only done during certain hours. There are no animals
2221 left outdoors, only animals coming and going, in either car carriers or on leashes to the hospital.

2222
2223 Mr. Vanarsdall - Where did you say your office is now?

2224
2225 Dr. Zubowsky - I am 9218 Quioccasin Road. I am across from the Division of
2226 Motor Vehicles on Quioccasin Road, sir.

2227
2228 Mr. Vanarsdall - Does Dr. Mary Whitfield work with you?

2229
2230 Dr. Zubowsky - No, no, sir. Dr. Evans, Dr. Mortimer and Dr. Leopold are in my
2231 hospital, sir.

2232
2233 Mr. Vanarsdall - I was thinking where you are was at Three Chopt Veterinary.

2234
2235 Dr. Zubowsky - No. They are at Three Chopt and Pemberton, sir.

2236
2237 Mr. Vanarsdall - That is right. Thank you.

2238
2239 Mr. Taylor - Thank you, Doctor. I think the Secretary, you've got 10 minutes,
2240 but I think we have a few minutes left over for you. We will go ahead and hear from the
2241 opposition. Sir, if you would, please come up and for the record, state your name.

2242
2243 Dr. Kevin Connelly - Thank you, Mr. Chairman, and members of the Commission. My
2244 name is Dr. Kevin Connelly and I am here representing the homeowners of Cambridge
2245 Association, which is a subdivision across the street from the proposed site. We just wanted to
2246 express our concerns about the rezoning and the commercialization of that area. If we can go

2247 back to the original picture, we agree that the site is a strange plot of land, triangular in shape.
2248 All the land currently surrounding that area is zoned either A-1 or R-2C and is residential.
2249 There are currently homes along here. Again, this is zoned A-1, and then Cambridge here,
2250 Cross Creek over here, and other newer subdivisions down the road this way (referring to
2251 rendering). We were concerned that whatever develops, this area will sort of set a pattern for
2252 future development in the area. As the homeowners in this area, looking at the 2010 Plan, this
2253 area was zoned to be SR-1, Suburban Residential, and we didn't see a need for
2254 commercialization of this property as the surrounding communities have ample businesses
2255 within a two-mile radius of this area. Again, our concerns are that if this area is rezoned
2256 business, it is going to be the site that sets further commercialization of adjoining properties,
2257 and any non-residential development on Nuckols Road should be defined to the Shops at Twin
2258 Hickory or the Concourse at Wyndham Office Park. Thank you very much. Questions?
2259

2260 Mr. Taylor - No. I might say that, in response to that, when we looked at this
2261 sometime ago, we rezoned it to office building, and our thought at that time was that the
2262 operation of a normal office is different from a business, and it is towards the residential end
2263 with a professional office. And that proposed development was not successful, and now it
2264 seems to me that the use that we are putting this to, were it not for the peculiarities of a
2265 veterinarian having to go to a different type of business for an office, whereas he cannot take
2266 his office in an office, he has to take his office in a business. As I look at those, I really say this
2267 is an office, it just has to go in this area because of the nature of his business, the nature of his
2268 clientele, and I have talked to Mr. Kaechele. We met at Twin Hickory Elementary, and it is our
2269 absolute promise that commercial activity along those areas is not going to occur, but as
2270 planned in the Land Use Plan, to be reserved for residential. It is agricultural now and I have
2271 his assurance and you have my assurance that we are going to maintain the residential nature
2272 of that character. Along Pouncey Tract, there are some commercial activities now that are
2273 almost grandfathered because some of them date almost back to, I don't know how far they go
2274 back, but I think they were probably existing in Robert E. Lee days, and you have my
2275 assurances that this would only come up for this type of zoning, because of a peculiarity that
2276 we face with a veterinary office, and there is no change in our thought now. There was no
2277 change in our thought when we did it the first time, so you have our assurance of that.
2278

2279 Dr. Connelly - And as homeowners, we prefer Dr. Zubowsky's plan over the
2280 previous office plan, the two-story plan.
2281

2282 Mr. Taylor - I think it will be much better than the previous in view of the
2283 hours and the control of it. And I think his success on Quiocasin argues well for the future.
2284

2285 Dr. Connelly - Our concern was that, you know, this being the further
2286 commercialization of all - a lot of land is out there that is zoned A-1.
2287

2288 Mr. Taylor - I realize that, doctor, and I want to thank you for all of your help
2289 and input in this thing and the opportunity to meet with you, and to give you again our
2290 assurance that this is the way we will do it. The other issue is with the landscaping plan and the
2291 plan of development. You will see that with the elevation of the houses, the elevation of the
2292 building, so we will have another opportunity to review that.
2293

2294 Dr. Connelly - I appreciate that. Thank you.

2295
2296 Mr. Taylor - You are welcome, sir. And with that, Mr. Secretary, I will move
2297 approval of Case C-55C-02, Dr. Brad Zubowsky.

2298
2299 Mr. Jernigan - Second.

2300
2301 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in
2302 favor say aye. All opposed say no. The motion passes.

2303
2304 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning
2305 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
2306 request because it is not expected to have a precedent setting effect on the zoning in the area
2307 and it would provide for appropriate development on an otherwise irregular shaped lot.

2308
2309 **C-62C-02 James W. Theobald for Aspect Properties:** Request to
2310 conditionally rezone from A-1 Agricultural District to RTHC Residential Townhouse District
2311 (Conditional), Parcel 757-753-0896 (69-A-72), containing approximately 7.5 acres, located on
2312 the east line of Mayland Drive approximately 100 feet southeast of Tuckernuck Drive.
2313 Residential townhouses for sale are proposed. The applicant has proffered a density of no
2314 more than forty-five (45) units. The Land Use Plan recommends Office.

2315
2316 Mr. Marlles - The staff report will be given by Ms. Jean Moore.

2317
2318 Ms. Moore - Good evening Commissioners and Mr. Chairman.

2319
2320 This request would rezone 7.5 acres on the north side of Mayland Drive from A-1, Agricultural
2321 to RTHC. The applicant wishes to construct up to 45 townhouse units for sale.

2322
2323 The site is slightly irregular and is currently vacant and wooded. The surrounding area is
2324 predominantly made up of multi-family uses. To the east and southeast there are several office
2325 uses.

2326
2327 The 2010 Land Use Plan recommends Office and, therefore, the proposed rezoning is not
2328 consistent with this designation. Staff believes that there is a viable future for office uses on
2329 this site, but also recognizes that the proposed rezoning is consistent and would be compatible
2330 with the surrounding residential uses.

2331
2332 The applicant has submitted proffers with this application. Major aspects of the proffers
2333 include:

- 2334
- 2335 • Townhouses that would range from 1,450 to 1,800 square feet in size.
 - 2336 • A high quality design using 75% of brick material for front facades and for all facades
2337 facing right-of-ways and interior drives.
 - 2338 • A 30' wide landscape buffer along Mayland Drive.
 - 2339 • Passive recreational areas to the western portion of the site and within the front buffer
2340 area.
- 2341

2342 Since the completion of the staff report, the applicant has revised the proffers to include the
2343 submitted elevations, as shown on the screen before you. The revised proffers are dated
2344 October 3, 2002, and you should all have a copy of those.

2345
2346 The applicant is proposing a vinyl-clad fence in conjunction with shrubs and trees along portions
2347 of the northern and eastern property lines. This would assist in preventing cut through
2348 pedestrian traffic from the neighboring residents and students attending Tucker High School.
2349 The applicant also included the recreational area within the front buffer area to address staff
2350 concerns pertaining to providing a more centralized recreational area for the residents.

2351
2352 Finally, the applicant has included pedestrian oriented amenities such as decorative lighting,
2353 landscaping and accent trees along the front sidewalks adjacent to the parking areas. These
2354 elements will be further reviewed during the plan of development phase and alleviates staff
2355 previous concerns in regards to providing a more uniform streetscape.

2356
2357 Overall, staff supports the project. Since the project would be consistent and harmonious with
2358 the adjacent residential uses, it would also provide a variety of housing mix which is now
2359 predominantly rental. Staff does support the project.

2360
2361 Finally, I will leave you with this. This is just a conceptual (referring to rendering). This has
2362 not been proffered as a conceptual layout of the site.

2363
2364 That concludes my presentation. I will be happy to answer any questions you may have.

2365
2366 Mr. Taylor - Ms. Moore, do we have, we don't have a landscaping plan that
2367 goes on top of that yet, do we?

2368
2369 Ms. Moore - Not at this stage.

2370
2371 Mr. Taylor - I thought we had seen one. I guess I had seen one when we had
2372 the staff/developer. Thank you very much. Is there anyone in opposition to Case C-62C-02? No
2373 opposition. I guess we will hear from Mr. Theobald.

2374
2375 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald
2376 and I am pleased to be here this evening on behalf of Aspect Properties, Dick Bass and Kevin
2377 Spector are the principals of Aspect Properties, and are with me this evening. This is a request
2378 to rezone approximately 7-1/2 acres of land. It is a bit of a challenging parcel of land on
2379 Mayland Drive to RTHC. The property is across from English Hills Apartments and is also next
2380 to Harbor Village Apartments, close to Tucker High School Athletic Field, as I think you saw on
2381 the aerial, and some office property to the east on Mayland Drive. This really is a perfect
2382 transitional use, owner-occupied townhomes in the midst of about 800 multifamily units. The
2383 conceptual plan elevations that you have seen, I think, suggest the high quality attention that
2384 has been given to this product. The elevations have been proffered. Our other proffers, Ms.
2385 Moore has adequately summarized. They do feature 75% brick on the front façade and any
2386 sides facing rights-of-ways or internal driveways. We have capped our density at 45 units,
2387 which equates to a density of 6.08 units per acre, and addressed square footage, buffering. We
2388 have also, at the suggestion of staff, included some recreational – passive recreational areas.
2389 Let's see if we can – hopefully in this area long the front towards the driveway to the left, just

2390 to the right of that. This pen is not working too well here, but there we go. (Referring to
2391 rendering). In that area, and then also we have some pedestrian access ways that will go
2392 behind the BMP. The BMP is proffered to be an amenity, a water feature, and some additional
2393 areas down there that perhaps people can utilize some benches or a gazebo, or for walking
2394 their dogs, etc. We have limited the height of our lighting from 15 feet in height provided for
2395 some sidewalk streetscape features between the sidewalks in front of the units, and the units,
2396 and I will tell you that it is a little hard to see on here, but not all of what is green is our
2397 property. There are a couple of odd-shaped pieces directly behind here. That is the piece that
2398 I have the dot on now is contracted to be purchased by Aspect Properties. A little piece in
2399 between the dot and the townhomes is owned by some 21 heirs, and we are working in an
2400 effort to try to purchase that piece. You will note a proffer that suggests the layout has been
2401 designed so that if we get hold of this piece, we can accommodate the coordinated
2402 development of those pieces into this plan. So that is our hope. It may be that we can,
2403 hopefully, clean up the title issues, the ownership issues to that piece, and pull it all together,
2404 but we have allowed for that, and we have provided staff with a plan that actually shows how
2405 that could be accessed and accommodated. We have notified all of the adjacent property
2406 owners and are not aware of any opposition. We have not received any calls or letters. I did
2407 receive one e-mail from a gentleman who owns one of the office buildings to the east, Mr.
2408 Bradshaw, supporting our request, and with that I'd be happy to answer any questions.

2409
2410 Mr. Taylor - Are there any questions from Mr. Theobald from the Commission?
2411 No questions.

2412
2413 Mr. Theobald - Thank you.

2414
2415 Mr. Taylor - Mr. Theobald, I have just a couple of comments if I might. First, I
2416 want to thank you for the opportunity to meet with you the other day, and we had the
2417 pedestrian niceties you've included and the amenities, and the water feature with the BMP and
2418 the trails. And I thank you very much for the affirmative response and I look forward to seeing
2419 that at the POD, but I thank that goes a long way towards improving this site, and I think it is
2420 going to be a nice adjacency for Tucker High School. I appreciate your professionalism, and
2421 Mr. Spector, too, for bearing with us as you do that.

2422
2423 Mr. Theobald - I appreciate your comments.

2424
2425 Mr. Taylor - Any other questions from the Commission? Then while Mr.
2426 Theobald, our *Richmond-Times Dispatch* feature lawyer of the week a few weeks ago, I will
2427 move to approve Case C-62C-02.

2428
2429 Mr. Jernigan - Second.

2430
2431 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan. All in
2432 favor say aye. All opposed say no. The motion passes.

2433
2434 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Jernigan, the Planning
2435 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
2436 request because it reflects the type of residential growth in the area and it would not adversely
2437 affect the adjoining area if properly developed as proposed.

2438
2439 **APPROVAL OF MINUTES:** Work Session Minutes September 12, 2002
2440 Planning Commission September 12, 2002
2441
2442 Mr. Taylor - Are there any corrections to the two sets of minutes?
2443
2444 Mr. Archer - Mr. Chairman, I move approval of the minutes of the Work
2445 Session and Planning Commission.
2446
2447 Mr. Taylor - I second that motion. Motion made by Mr. Archer and seconded
2448 by Mr. Taylor to approve minutes of September 12, 2002 Work Session and the Planning
2449 Commission meeting of September 12. All in favor say aye. All opposed say no. The minutes
2450 are approved.
2451
2452 Mr. Marlles - Mr. Chairman, I did have only one announcement just to inform
2453 the Commission that on Tuesday evening at the Board meeting, the Board did approve the
2454 Changeable Message Signs Ordinance Amendment that was recommended by the Commission.
2455 It is slightly different than what the Commission recommended, but the ten-second interval,
2456 which I think was the main recommendation of the Commission, was intact in that amendment.
2457 But there are a couple of other changes to it, but I can go into that at another meeting. I did
2458 want to let you know that that Amendment was approved by the Board.
2459
2460 Mr. Taylor - One thing that we discussed and I wonder if it was approved is
2461 the fact that those things come at a reasonable angle, instead of all of these different ones.
2462
2463 Mr. Marlles - That was part of the Amendment.
2464
2465 Mr. Taylor - I move we adjourn.
2466
2467 Mr. Vanarsdall - Yes, I will second it, but technically we don't have to do that. It is
2468 not in the bylaws or rules and regulations. But that is OK. We always do it. I second it.
2469
2470 Mr. Taylor - Motion made for adjournment at 10:05 p.m. by Mr. Taylor and
2471 seconded by Mr. Vanarsdall.
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Allen Taylor, P.E., Chairman
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John R. Marlles, AICP, Secretary
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