

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m., October 9, 2003, Display Notice having been published in the Richmond
4 Times-Dispatch on September 18, 2003 and September 25, 2003.

5
6 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson, Varina
7 Mrs. Lisa D. Ware, C.P.C., Vice-Chairperson, Tuckahoe
8 Mr. Allen Taylor, P.E., C.P.C., Three Chopt
9 Mr. C. W. Archer, C.P.C., Fairfield
10 Mr. Ernest B. Vanarsdall, C.P.C., Brookland
11 Mr. Randall R. Silber, Assistant Director of Planning, Acting
12 Secretary

13
14 Members Absent: Mr. Richard W. Glover, Board of Supervisors, Brookland

15
16 Others Present: Mr. Ralph J. Emerson, Principal Planner
17 Mr. Mark Bittner, County Planner
18 Mr. Thomas Coleman, County Planner
19 Mr. Paul Gidley, County Planner
20 Mr. Seth Humphreys, County Planner
21 Ms. Debra Ripley, Recording Secretary

22
23 Others Absent: Ms. Jean Moore, County Planner

24
25 **Unless otherwise indicated, Mr. Glover abstained from voting on all zoning cases.**

26
27 Mr. Jernigan - Good evening, everybody. Ladies and gentlemen, on behalf of the
28 Henrico County Planning staff and the Commission, we'd like to welcome you to our public hearing
29 for zoning. Tonight it looks like we have a light crowd, but for those of you that are not familiar
30 with the way our process works, when a case is called, I will ask if there is any opposition. If there
31 is, just raise your hand and you will have an appropriate time to come down and speak. When you
32 speak, please come to the podium. These hearings are audibly taped. You will have to be at the
33 podium for us to pick you up. If there is opposition, the applicant will have 10 minutes to present a
34 case. The opposition will have 10 minutes to speak against it.

35
36 Before I go any further, I see we have some students from Douglas Freeman High School with us
37 tonight, so we'd like to welcome you and it is your government class? Good deal. Sit back and be
38 comfortable.

39
40 Mr. Vanarsdall - How about you all taking notes tonight and show them to us when it is
41 over.

42
43 Mr. Jernigan - So, with that I would like to turn the meeting over to our Secretary, Mr.
44 Silber.

45
46 Mr. Silber - Thank you, Mr. Chairman, members of the Commission. We do have a
47 quorum. Mr. Glover will not be here tonight, but we do have the other five members of the
48 Commission, so we can conduct business. First on the agenda would be to hear the deferrals and
49 withdrawals. I think we have one of each. Mr. Emerson, if you can walk us through those.

50
51 Mr. Emerson - Yes, sir, Mr. Secretary. On Page 1 of your agenda you have the
52 withdrawal for tonight.

54 **Deferred from the September 11, 2003 Meeting:**

55 **C-43C-03 Melvin Spain for Chuck Lessin:** Request to conditionally rezone from
56 R-0 One Family Residence District to R-1C One Family Residence District (Conditional), Parcel 742-
57 738-9442, containing 3.0 acres, located on the west line of N. Gaskins Road approximately 996 feet
58 north of River Road. A single-family residential subdivision is proposed. The applicant proffers the
59 density shall not exceed a maximum of four (4) lots. The R-1 District allows a minimum lot size of
60 25,000 square feet. The Land Use Plan recommends Rural Residential, not exceeding 1.0 unit per
61 acre.

62
63 Mr. Emerson - This is a withdrawal and no action is necessary.

64
65 **C-52C-03 Mr. And Mrs. Hung Yim:** Request to conditionally rezone from A-1 Agricultural
66 District to B-3C Business District (Conditional), Parcel 735-763-5299, containing 1.922 acres,
67 located on the north line of West Broad Street (U. S. Route 250) approximately 1,450 feet east of
68 N. Gayton Road. A restaurant is proposed. The use will be controlled by proffered conditions and
69 zoning ordinance regulations. The Land Use Plan recommends Mixed Use. The site is also in the
70 West Broad Street Overlay District.

71
72 Mr. Emerson - The deferral is requested to your December 11, 2003 meeting.

73
74 Mr. Jernigan - Is there any opposition to the deferral of Case C-52C-03? No opposition.

75
76 Mr. Taylor - No opposition, Mr. Chairman. I move that Case C-52C-03 be deferred to
77 December 11, 2003, at the request of the applicant.

78
79 Mr. Vanarsdall - Second.

80
81 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
82 favor say aye. All opposed say no. The ayes have it. The motion is passed.

83
84 At the applicant's request, the Planning Commission deferred Case C-52C-03, Mr. And Mrs. Hung
85 Yim, to its meeting on December 11, 2003.

86
87 Mr. Silber - That completes the deferral items. We can move right into the agenda.

88
89 **C-50C-03 Alvin S. Mistr for Charles O. Davidson:** Request to conditionally
90 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels
91 747-767-7057 and 747-767-8072 and part of Parcel 747-767-4490, containing 8.59 acres, located
92 on the northwest line of Sadler Road approximately 450 feet northeast of its intersection with
93 Trexler Road. A single-family residential subdivision is proposed. The applicant proposes a density
94 of no more than twenty (20) lots. The R-3 District allows a minimum lot size of 11,000 square feet.
95 The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

96
97 Mr. Jernigan - Is there any opposition to Case C-50C-03? No opposition. Mr. Bittner, how
98 are you?

99
100 Mr. Bittner - All right, how are you, Mr. Jernigan?

101
102 Mr. Jernigan - Fine.

103
104 Mr. Bittner - This proposal would yield a density of 2.33 residential units per acre,
105 which is consistent with the Land Use Plan's recommended density of 1 to 2.4 units per acre.

106

107 The applicant has submitted revised proffers, which address some of the issues in the staff report
108 including the provision of the following:

- 109
- 110 • Brick or stone fronts for at least 50% of the homes in the subdivision;
- 111 • Standard 6" curb and gutter;
- 112 • Minimum lot widths of 85'; and
- 113 • Two-car garages on all homes with at least half of them having side or rear entries;
- 114

115 These proffers were received yesterday, therefore the time limit would need to be waived to accept
116 them.

117
118 A new conceptual layout has also been received showing 18 lots. The boundaries of this layout do
119 not appear to correspond to the proposed rezoning boundaries. The applicant should address this
120 discrepancy as soon as possible.

121
122 Even with the new proffers, however, there are some outstanding issues which the applicant should
123 consider addressing, including:

- 124
- 125 • The provision of additional setback or sound protection for any house adjacent to
- 126 Interstate 295;
- 127 • The provision of brick or stone piers under outside decks; and
- 128 • The provision of landscaping along Sadler Road equivalent to the standards for a 25-foot
- 129 transitional buffer.
- 130

131 If the applicant could address these items, staff could be more supportive of this request. This
132 concludes my presentation, I would be happy to answer any questions you may have.

133
134 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission?

135
136 Mrs. Ware - Wasn't there soundproofing on one of the other cases that backed up to
137 the highway?

138
139 Mr. Bittner - Yes, on a case coming up just a little further down on the agenda, C-53C-
140 03. They did have soundproofing in those homes as far as their proffers, and we have been
141 recommending with this case some sort of protection, whether it be an enhanced setback,
142 buffering, fencing, or something within the walls of the building itself. That issue has not yet been
143 addressed.

144
145 Mr. Silber - Mr. Bittner, did those lots on that other case you referenced, did those lots
146 have deeper setback, rear yards, or they were abutting the Interstate?

147
148 Mr. Bittner - I can pull that up.

149
150 Mr. Silber - I wasn't sure if it had been proffered previously or not. I thought that
151 along the interstate there, that there were some proffers that provided for deeper lots.

152
153 Mr. Bittner - This is some recent rezonings in the Sadler Road Corridor (referring to
154 rendering). The dark lines here. There are soundproofing proffers for these cases, and the case
155 that we were just discussing is in this area right here (referring to rendering). This is the interstate
156 along here (referring to rendering).

157
158 Mr. Silber - But you don't know whether there was a proffer that dealt with greater
159 setbacks adjacent to the interstate or not?

160
161 Mr. Bittner - There was a soundproofing in the building itself proffer. Not an enhanced
162 setback.
163
164 Mrs. Ware - I thought there was another case several months ago where there was
165 some soundproofing.
166
167 Mr. Taylor - I think we had several cases where this came up before, and I think that
168 the designer considered that he would increase the insulation for those units backing up to 295. I
169 know we did it for the Breeden Apartments over behind Dominion Auto, and it is a technology that
170 can be done and also a technology that is possible to orient the building so that you minimize the
171 flat surfaces that are parallel to the roadway. I am not sure on this one. These last three that we
172 had showed setback and a buffer along 295. You'd have to hear from the applicant on those.
173 They had discussed those three things with the applicant, though.
174
175 Mr. Jernigan - The applicant is here, so we can find out from him exactly what they are
176 going to do. All right. Any more questions for Mr. Bittner? Thank you, Mr. Bittner. Hi Spud. You
177 came up anyway. OK.
178
179 Mr. Mistr - Yes, I assumed you wanted to hear from me. I am Spud Mistr, Foster and
180 Miller, representing the applicant, Phase One Development, Charles O. Davidson. We did some
181 sketches on...this is with the issue with soundproofing, showing the light configuration, the backs of
182 the houses. It is a minimum of 170 feet, and this is not to the interstate. This is to the off-ramp
183 that goes to the back of these houses. As you can see from the layout (referring to rendering),
184 insuring what would happen, there are trees along the interstate. There will be some trees
185 remaining in the 40-foot buffer in the back, and then we would propose to landscape, in addition to
186 that. The reason the builder in this case had a problem with the proffer, is the proffer that has
187 been used in this area before. It is a proprietary proffer. In other words, the sub that puts the
188 insulation in the other houses uses this material. The sub that will be putting insulation in these
189 houses does not. And we are looking at some alternatives with insulation. We had some, but we
190 are not in a position this week to submit it, but next week, if we can find something that will meet
191 the R factor, we will submit that, also, along with it. We are considering it. It is just the specific
192 proffer that they asked us to do that we can't do, because our subs don't use that material. We
193 would like to do it with the setbacks we have shown on these sketches, Mark, if you want to hand
194 them out, and with additional landscaping along the rear property lines, in the buffer area and in
195 the setback area. That is what would happen if we put two trees, two deciduous trees, and then I
196 have another one which shows the one with three trees in it, and I believe between now and the
197 Board meeting we can work this out with the staff as to how the landscaping would be in the back.
198
199 Mr. Silber - This illustration shows 95 ft. actually from the centerline of the off-ramp to
200 the property line.
201
202 Mr. Mistr - To the right of way. That is correct.
203
204 Mr. Silber - At that point you have a 35 ft. buffer and then you are building a 35 ft.
205 setback.
206
207 Mr. Mistr - That is correct.
208
209 Mr. Silber - So, you said you would address that at some point in time with a proffer.
210
211 Mr. Mistr - With a proffer as to the detail on the landscaping and exactly what
212 landscaping we would want to do.

213
214 Mr. Vanarsdall - On this sketch, Mr. Mistr, the 95-ft. is to the right-of-way fence.
215
216 Mr. Mistr - That is correct. There is a 6-ft. fence that is along the interstate along the
217 right of way line.
218
219 Mr. Taylor - There are a couple of trees in there. In some of the areas there are trees
220 and in some there may not be. In general, there are trees of some nature, within the right of way.
221
222 Mrs. Ware - But there is no proffer in here?
223
224 Mr. Mistr - Not at this time, because we submitted the proffers, I thought it was
225 Tuesday afternoon or Wednesday morning. Mr. Bittner said he would rather discuss it as opposed
226 to submitting a proffer related to that today.
227
228 Mr. Vanarsdall - Well, Mr. Mistr, Spud, are you saying that you are going to use the
229 landscaping...
230
231 Mr. Mistr - We would prefer to use landscaping.
232
233 Mr. Vanarsdall - How many years would you have to wait before you couldn't hear it?
234
235 Mr. Mistr - I don't think it is going to be a problem the way that it is, but to address
236 the conditions of the staff, it is just like when I lived by the airport, I lived there about two weeks
237 and I heard planes. And after two weeks I never heard a plane go overhead. You get used to it.
238 Maybe some people are more sensitive. The only thing is, we have a soundproof system insulation,
239 but it is not the specific one that we were requested to proffer, and I told them when we got the
240 detailed information from the sub, we would consider doing that.
241
242 Mr. Vanarsdall - Mr. Secretary, somewhere we have, somebody has soundproofed the
243 houses that 295 is near, a few cases ago, wasn't it?
244
245 Mr. Silber - Yes. We have proffered conditions on some cases.
246
247 Mr. Vanarsdall - It is not landscaping, is it?
248
249 Mr. Silber - No. No. It is soundproofing within the building. We can look at different
250 options or maybe various ways of providing protection that is necessary, and we certainly will work
251 with the applicant between now and the Board meeting, if the Commission sends it on tonight, but
252 there are proffered conditions that the County has accepted that deal with the soundproofing within
253 the structure.
254
255 Mr. Vanarsdall - All right.
256
257 Mr. Archer - Mr. Mistr, the material that you are contemplating, would it yield the same
258 soundproof effectiveness of what they are proposing.
259
260 Mr. Mistr - I don't have that information yet. That is what we are trying to get. I
261 can't say.
262
263 Mr. Archer - You are just not sure?
264
265 Mr. Mistr - Right. I am not sure. Yes.

266
267 Mr. Jernigan - The regular contractor that they have been using does not have the sound
268 factor that we need, and he is looking into an alternative?
269
270 Mr. Mistr - The proffer that has been used before is a very specific material, which he
271 doesn't use, and we are trying to determine if the material he uses is an equal.
272
273 Mr. Jernigan - Do you think you can get this worked out?
274
275 Mr. Mistr - I hope we are going to have it worked out next week, yes.
276
277 Mrs. Ware - I think it is important.
278
279 Mr. Silber - Mr. Mistr, the plat that was on the screen earlier, you provided us with the
280 layout, shows some additional land associated with that, that is not a part of the rezoning case.
281 Can you explain the difference in the two plats?
282
283 Mr. Mistr - When we did the zoning, we thought the purchase was going to be right
284 down the wetland line, which was sort of a squiggly line, and then in negotiations with the owners,
285 they made it a straight line into the interstate.
286
287 Mr. Silber - OK. That may answer my question, but what I am talking about is the top
288 left-hand side of the slide shows additional land that looks as though it is a part of this rezoning
289 request. It is not. What is a part of the zoning request is what you basically have shown in lots.
290
291 Mr. Mistr - That is right. The point, I think it is .688 acres, that little triangle piece,
292 and all the wetland areas, are not being purchased.
293
294 Mr. Silber - OK, so we'd like to have a layout that shows only that portion that you are
295 rezoning, not additional land, so if you can modify this in the next week or two.
296
297 Mr. Mistr - The only reason we showed you that is to show what is there that we are
298 up against the wetlands. Yes, we can take that off.
299
300 Mr. Silber - You show the meets and bounds going all of the way around on that.
301
302 Mr. Mistr - That is because we are only purchasing a portion of a larger parcel. That
303 is the original parcel.
304
305 Mr. Silber - OK.
306
307 Mr. Mistr - But yes, we can give you that.
308
309 Mr. Taylor - Mr. Mistr, the other issue that staff brought up was brick and stone piers.
310 What was your resolution of that, please?
311
312 Mr. Mistr - We would prefer not to put brick and stone piers on a deck. The reason I
313 was given for doing that is, if somebody were to convert that to a sun room, that you could use the
314 piers. We can proffer that you can't build a sun room on the piers. If you build a sun room, you
315 are going to take the piers out anyway and build a foundation under it. I don't know of any cases
316 where you would just leave 4 x 4 piers that would normally go on a deck. I understand if a deck or
317 front porch was visible from the road, that you'd want brick piers on it, but a wooden deck in your

318 backyard, we don't feel like should have brick or stone piers on it, particularly if the house is not
319 brick or stone.
320
321 Mr. Taylor - So your resolution is that it is a deck and wooden piers are OK. If it were
322 something more substantial, you would use brick or stone.
323
324 Mr. Mistr - If it were going to be a sunroom, absolutely. But I think the question was,
325 not what the builder is going to build now, but what somebody might convert it to at a later date.
326 And it would never be envisioned that somebody would take the piers off of a deck and use that as
327 a foundation for a room addition to your house.
328
329 Mr. Taylor - Then that would be a subject of further staff review at any time of
330 construction or building permit.
331
332 Mr. Mistr - Right.
333
334 Mr. Taylor - I have no other questions.
335
336 Mr. Mistr - The issue about the buffer area, that is, I believe we have done what Mark
337 asked us to do. We had proffered a minimum 15' landscape buffer, and we are talking about Lot 1.
338 We show that the setbacks, I believe, are 10' minimum, 25' total, and we show the 25' plus the 10
339 yard side on Lot 1, so I think we have that proffer probably met. Again, I am not sure why we are
340 doing a transitional buffer in this case, but we are doing the setback off of Sadler Road, as required
341 by the Ordinance.
342
343 Mrs. Ware - I think it is the landscaping that they are asking be equivalent to the
344 transitional buffer.
345
346 Mr. Mistr - But you can do it, I believe you can do a transitional 25' in 15' if you beef
347 it up, can you not?
348
349 Mr. Jernigan - In the cul-de-sac, that you show in this property, you've got it tagged as
350 6.75 acres.
351
352 Mr. Mistr - Yes.
353
354 Mr. Jernigan - But on the zoning request it says 8.59.
355
356 Mr. Mistr - That is when they were buying more of the property.
357
358 Mr. Jernigan - So it is supposed to be 6.75?
359
360 Mr. Mistr - Yes.
361
362 Mr. Silber - I think that gets back to our bigger question about, "What are you
363 rezoning, and what is the part of this plat that seems to include more?" So, you will get that
364 straight for us?
365
366 Mr. Jernigan - I see what he is doing now, but the zoning request still had 8.5.
367
368 Mr. Mistr - The original application.
369
370 Mr. Jernigan - Are there any questions for Mr. Mistr from the Commission?

371
372 Mr. Taylor - Let me clarify that last point - the one we have on the screen now is the
373 6.75 acre plat?
374
375 Mr. Jernigan - Yes. What is says on the zoning request was originally they were going to
376 pick up that wetlands and it was 8.59, but now what they are buying is 6.75, so the zoning request
377 needs to be changed to 6.75.
378
379 Mr. Silber - I am not clear if that is the situation. The plat that is in the staff report is
380 the plat that they submitted for rezoning, and that plat says 8.59 acres, so now we have two points
381 of confusion. Spud, if you can refer to the plat that you submitted with the rezoning, can you
382 explain why it says 8.59 acres?
383
384 Mr. Mistr - I believe in looking at it, the 8.59 is probably correct, Randy. I will check
385 the 6.75 in the morning.
386
387 Mr. Silber - It looks to me as though the 8.59 is what you are requesting rezoning on
388 and it looks as though a portion of the urban property that you were picking up included more
389 acreage, but you are not rezoning all of that.
390
391 Mr. Mistr - The developer said he is purchasing the 8.47, is the actual number being
392 purchased. I am not sure where the 6.85, I didn't pick that up.
393
394 Mr. Silber - You said 8.47. Is it 8.59?
395
396 Mr. Mistr - Yes.
397
398 Mr. Silber - OK. I think we are straight on that.
399
400 Mr. Jernigan - Mr. Taylor, our Secretary has said that we are OK. I want to remind you
401 first that you have to waive the time limits.
402
403 Mr. Taylor - I move to waive the time limits on the proffers.
404
405 Mr. Vanarsdall - Second.
406
407 Mr. Jernigan - All right, we have a motion by Mr. Taylor and a second by Mr. Vanarsdall
408 to waive the time limits. All in favor say aye. All opposed say no. The ayes have it. The motion is
409 passed.
410
411 The Planning Commission voted to waive the time limits on Case C-50C-03, Alvin S. Mistr for
412 Charles O. Davidson.
413
414 Mr. Taylor - Mr. Chairman, I think the most prudent thing to do is move approval of
415 Case C-50C-03, but I would ask that the issues of the buffer along 295, the setback and
416 soundproofing be brought back to the Commission when we do subdivision.
417
418 Mr. Silber - Mr. Taylor, that is one way of doing it. I think what we may want to do is,
419 perhaps, ask that the applicant address this before it goes to the Board of Supervisors. He has
420 indicated he thinks he can do that.
421
422 Mr. Taylor - Well, then I will amend my motion to bring it to the Board of Supervisors.
423 Is that clear, Spud?

424
425 Mr. Mistr - Yes. We will get this resolved before then.
426
427 Mr. Taylor - Because I just think of the details that concern the Commission, and as
428 long as they are handled, I think the move to approve the basic case is sound, so Mr. Chairman,
429 that would be my motion.
430
431 Mr. Jernigan - We have a motion by Mr. Taylor. Do we have a second?
432
433 Mr. Archer - Second, Mr. Chairman.
434
435 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Archer. All in favor
436 say aye. All opposed say no. The ayes have it. The motion is passed.
437
438 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission
439 voted 5-0 (one absence) to recommend that the Board of Supervisors **grant** the request because it
440 conforms with the recommendations of the Land Use Plan and the project represents a logical
441 continuation of the one-family residential development which exists in the area.
442
443 **C-53C-03 William W. Johnson:** Request to conditionally rezone from A-1
444 Agricultural District to R-3C One Family Residence District (Conditional), part of Parcel 745-766-
445 3912, containing approximately 7.15 acres, located approximately 500 feet northwest of the
446 intersection of Sadler Grove Way and Greenbrooke Drive. A single-family residential development
447 is proposed. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan
448 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.
449
450 Mr. Jernigan - Is there any opposition to Case C-53C-03? No opposition. Mr. Bittner, you
451 may proceed.
452
453 Mr. Bittner - Thank you. This proposed development would be compatible with the
454 existing and recently approved developments surrounding the subject site. The applicant submitted
455 revised proffers dated October 3, 2003, copies of which you have just received.
456
457 The applicant has proffered an aggregate density of 2.2 units per acre when combined with the
458 adjacent subdivisions as shown on this slide. (Referring to slide) Again, these are the most recent
459 rezonings adjacent to the subject site, which is right in here (referring to slide). This proposal would
460 be consistent with the Land Use Plan's designation of Suburban Residential 1 for this property.
461
462 Other changes in the new proffers include:
463
464 • Proffer #4, which gives the Director of Planning the ability to approve building materials;
465 • Proffer #8, pledging standard curb and gutter where a lot fronts the street; and
466 • Proffer #11, which includes under the covenants a requirement for sodded and irrigated
467 front yards.
468
469 Staff had also asked for brick or stone foundations under bay windows and brick or stone piers
470 under decks. The applicant did not proffer these, preferring instead to remain consistent with the
471 adjacent rezonings, which do not have these items. Staff feels this is acceptable.
472
473 *Since staff's remaining concerns have been addressed with the newly revised proffers, we can now*
474 *recommend approval of this case.*
475
476 This concludes my presentation, I would be happy to try to answer any questions you may have.

477
478 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you,
479 Mr. Bittner. All right, Mr. Taylor.
480
481 Mr. Taylor - No questions from the Commission, sir?
482
483 Mr. Jernigan - There were no questions.
484
485 Mr. Taylor - Then, Mr. Chairman, I move approval of Case C-53C-03.
486
487 Mr. Vanarsdall - Second.
488
489 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
490 favor say aye. All opposed say no. The ayes have it. The motion is passed.
491
492 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning Commission
493 voted 5-0 (one absence) to recommend that the Board of Supervisors **grant** the request because it
494 conforms with the recommendations of the Land Use Plan and the project represents a logical
495 continuation of the one-family residential development which exists in the area.
496
497 **C-54C-03 Youngblood Properties, LLC:** Request to amend proffered conditions
498 accepted with rezoning case C-73C-01, on Parcel 741-747-4267, containing approximately 0.54
499 acre, located at the southwest intersection of Pump Road and Falconbridge Drive. The amendment
500 would reduce the width of the landscape buffer from 25 feet to a minimum of 17 feet. The existing
501 zoning is R-2AC One Family Residence District (Conditional). The Land Use Plan recommends
502 Suburban Residential 1, 1.0 to 2.4 units net density per acre.
503
504 Mr. Jernigan - Is there any opposition to Case C-54C-03? No opposition. Mr. Emerson.
505
506 Mr. Emerson - Good evening, Mr. Chairman. As noted, Case C-54C-03 is a request to
507 amend proffered conditions accepted with C-73C-01, relating to a landscape buffer width along
508 Pump Road. The request is regarding a single-family residence under construction at Falconrest
509 Subdivision. The subdivision was approved under C-73C-01. Proffer No. 6 of this case required a
510 25-foot buffer along Pump Road. Due to an error during the permit process, a portion of the
511 residence currently encroaches 8 feet into the existing side yard setback adjacent to Pump Road.
512 To rectify this, the applicant proposes to amend Proffer No. 6 to reduce the landscape buffer on
513 this lot. Pump Road is classified as a major collector road. The intent of the 25-foot buffer was to
514 provide an adequate distance and screening for the residences adjacent to this road. To mitigate
515 the proposed buffer reduction, the applicant has introduced proffered language, which is part of the
516 new proffer that you just received, or proffer amendment change since the report was done. To
517 install additional vegetation equivalent to a 10-foot transitional buffer adjacent to the side yard.
518 This would provide additional protection and privacy along this right of way and would be more in
519 keeping with the intent of the original buffer area. Staff recommends approval of this request, and
520 if you have any questions I will be happy to try to answer them.
521
522 Mr. Jernigan - Are there any questions for Mr. Emerson from the Commission? Thank
523 you, Mr. Emerson. All right. Mrs. Ware.
524
525 Mrs. Ware - I move that Case C-54C-03 be sent to the Board of Supervisors with a
526 recommendation of approval.
527
528 Mr. Vanarsdall - Second.
529

530 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in
531 favor say aye. All opposed say no. The ayes have it. The motion is passed.

532

533 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning
534 Commission voted 5-0 (one absence) to recommend that the Board of Supervisors **grant** the
535 request because the proffers continue to assure a quality form of development with maximum
536 protection afforded to adjacent properties.

537

538 Mr. Silber - The next case I would maybe call two consecutive cases. These are in our
539 minds companion cases. These would be cases C-38C-03 and C-39C-03. They will require
540 separate action by the commission, however. Again, both of these were deferred from the
541 September 11, 2003 Planning Commission meeting.

542

543 **Deferred from the September 11, 2003 Meeting:**

544 **C-38C-03 Andrew M. Condlin for Park Central Associates, L. C.:** Request to
545 amend proffered conditions accepted with Rezoning Case C-8C-95, on Parcels 790-759-6085 and
546 789-759-9448, containing 14.003 acres, located at the northeast intersection of E. Parham Road
547 and Park Central Drive (Park Central Business Park). The applicant proposes to reduce the Parham
548 Road buffer from 125' to 75'. The existing zoning is O-2C Office District (Conditional). The Land
549 Use Plan recommends Office

550

551 **Deferred from the September 11, 2003 Meeting:**

552 **C-39C-03 Andrew M. Condlin for Windsor Business Park, LLC:** Request to
553 amend proffered conditions accepted with rezoning case C-90C-97, on Parcels 791-760-1417, 791-
554 760-7833, 792-760-2349 and 792-760-3482, containing 18.877 acres, located on the north line of
555 E. Parham Road at Magellan Parkway (Windsor Business Park). The applicant proposes to reduce
556 the Parham Road buffer from 125' to 75'. The existing zoning is O-2C Office District (Conditional)
557 and M-1C Light Industrial District (Conditional). The Land Use Plan recommends Office and
558 Office/Service.

559

560 Mr. Jernigan - All right. These are companion cases, but I will ask if there is opposition
561 on each one? Is there any opposition to Case C-38C-03? Is there any opposition to Case C-39C-
562 03? We have no opposition. All right. Mr. Bittner.

563

564 Mr. Bittner - Thank you, Mr. Jernigan. This proposal is for the reduction of buffers
565 along the north side of Parham Road from 125' to 90'.

566

567 The applicants had previously requested a buffer reduction to 75,' but have amended their requests
568 to provide the larger 90-foot buffers.

569

570 The revised proffers would permit driveways and turn lanes to be located within the 90-foot buffer
571 area.

572

573 Also, parking areas on adjacent sites to the rear could intrude into the buffer up to 2', leaving at
574 least 88' of buffer area.

575

576 The purpose of these requests is to permit additional office development within the Park Central
577 and the Windsor Business Park office / service developments.

578

579 Staff does not object to the requested reduction to 90' because a significant buffer would be
580 preserved along the Parham Road frontage. The proposed intrusions also appear to be minor.

581

582 Staff recommends approval of these applications, and I would be happy to answer any questions
583 you may have.
584
585 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission?
586
587 Mr. Archer - Mr. Bittner, the proffers just handed out are the same ones I got
588 yesterday I was told.
589
590 Mr. Bittner - Yes. Two days ago, actually, I believe. There is no need to waive the
591 time limits.
592
593 Mr. Archer - OK. They were hand delivered. And they supersede the ones I got on the
594 1st, the 3rd and the 6th?
595
596 Mr. Bittner - Yes, they do
597
598 Mr. Archer - That is all I have.
599
600 Mr. Jernigan - Any other questions for Mr. Bittner? Thank you, Mr. Bittner. Well, Mr.
601 Archer.
602
603 Mr. Archer - All right. I guess we have to do the cases separately in terms of motions,
604 do we not?
605
606 Mr. Jernigan - Yes.
607
608 Mr. Archer - With that I will move for recommendation of approval of Case C-38C-03.
609
610 Mr. Vanarsdall - Second.
611
612 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
613 favor say aye. All opposed say no. The ayes have it. The motion passes.
614
615 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
616 Commission voted 5-0 (one absence) to recommend that the Board of Supervisors **grant**
617 the request because it was determined to be reasonable and because a significant buffer would be
618 maintained along the Parham Road frontage.
619
620 Mr. Archer - I recommend approval of Case C-39C-03.
621
622 Mr. Vanarsdall - Second.
623
624 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
625 favor say aye. All opposed say no. The ayes have it. The motion is passed.
626
627 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
628 Commission voted 5-0 (one absence) to recommend that the Board of Supervisors **grant**
629 the request because it was determined to be reasonable and because a significant buffer would be
630 maintained along the Parham Road frontage.
631
632 Mr. Silber - The next two cases also are companion cases. If you will allow me, I will
633 read both of these together as we did the last two. These are cases that were deferred at the
634 September 11, 2003 meeting.

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Deferred from the September 11, 2003 Meeting:

C-46C-03 Andrew Condlin for Gregory A. Windsor: Request to conditionally rezone from R-2 One Family Residence District to R-2AC One Family Residence District (Conditional), part of Parcel 791-759-1653, containing approximately 8.76 acres, located on the south line of E. Parham at the east line Franconia Road to the west line of Fredonia Road. A single family residential subdivision is proposed. The applicant proffers a maximum of 171 building lots including the acreage on the companion case C-47C-03. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends Office.

Deferred from the September 11, 2003 Meeting:

C-47C-03 Andrew Condlin for Gregory A. Windsor: Request to conditionally rezone from A-1 Agricultural District and R-2 One Family Residence District to R-2AC One Family Residence District (Conditional), part of Parcel 791-759-1653 and Parcels 792-759-3596 and 793-759-4718, containing approximately 90.3 acres, located on the southwest line of E. Parham Road at the east line of Fredonia Road to the north line of Chamberlayne Road (Route 301). A single-family residential subdivision is proposed. The applicant proffers a maximum of 171 building lots including the acreage on the companion case C-46C-03. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends Office and Environmental Protection Area.

Mr. Jernigan - Is there any opposition to Case C-46C-03? No opposition. Is there any opposition to Case C-47C-03? No opposition. Mr. Bittner, you may proceed.

Mr. Bittner - Thank you, Mr. Jernigan. I would like to bring this up, which is the latest proposed layout. This actually encompasses both cases, C-46 is on the extreme left and the bulk of the property is Case C-47C-03.

The 2010 Land Use Plan recommends Office for this area. While this proposal is not consistent with this, given the adjoining single-family neighborhood, this could be an appropriate use. This request also reflects the recommendation of the proposed Scott Road Study Land Use Plan. That Plan recommends this area be designated as SR-1 single-family residential.

The applicant has proffered many positive features, including:

- A minimum finished floor area of 1,800 square feet per house.
- The use of standard 6" curb and gutter.
- Hard surface driveways; and
- A tot lot with picnic tables, benches and play equipment.

Revised proffers were submitted on Tuesday October 7. Significant changes include the following:

- The maximum number of lots has increased from 171 to 173.
- Access to Colebrook Road has been prohibited; and Colebrook Road is right here (referring to slide) and actually the applicant has never shown any access on any of his development plans, so that does not change what he has proposed. He is just simply solidifying it with proffers.
- At least 60% of the homes will have a percentage of brick or stone on their front elevations.
- The end result of this is that at least one-quarter of the homes throughout the entire subdivision will have at least 20% brick or stone on their front elevations, and at least one-

687 third of all the homes in the subdivision will have at least 60% brick or stone on their front
688 elevations.

689
690 These revised proffers address the concerns noted in the staff report, therefore staff can
691 recommend approval of both of these applications. This concludes my presentation. I would be
692 happy to answer any questions you may have.

693
694 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission?

695
696 Mr. Archer - Mr. Bittner, what were those brick percentages again, please?

697
698 Mr. Bittner - At least 60% of all homes will have some brick; at least one-third of all of
699 the homes, which is overall 35%, will have at least 60% brick on the front. The remaining 25% will
700 have 20% brick on the front. You have to read it a couple of times, but it gets clear after that.

701
702 Mr. Archer - I read it a couple of times.

703
704 Mr. Vanarsdall - You all worked on that a long time, didn't you, Mark?

705
706 Mr. Jernigan - Are there any other questions for Mr. Bittner?

707
708 Mr. Archer - I can't explain it to you, but I know it when I see it.

709
710 Mr. Jernigan - Thank you, Mr. Bittner.

711
712 Mr. Archer - Does anybody else have any questions?

713
714 Mr. Jernigan - Mr. Archer, you have it.

715
716 Mr. Archer - OK. Well, this took a little bit of work and we deferred it from the last
717 meeting because there were some things the applicant didn't want to tighten up, and to his credit,
718 I think he did that. And I am ready to recommend approval. I've discussed this with Mr. Thornton
719 already, so I don't think he will change by the time we get to the next meeting, and all of these
720 proffers were in day before yesterday.

721
722 With that, I will move to recommend approval of C-46C-03, Gregory A. Windsor.

723
724 Mr. Vanarsdall - Second.

725
726 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
727 favor say aye. All opposed say no. The ayes have it. The motion is passed.

728
729 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
730 Commission voted 5-0 (one absence) to recommend that the Board of Supervisors **grant** the
731 request because it will continue a similar pattern of development as exist in the area and the
732 proffered conditions will assure a level of development otherwise not possible.

733
734 Mr. Archer - I move to recommend approval of Case C-47C-03, Gregory A. Windsor.

735
736 Mr. Vanarsdall - Second.

737
738 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in
739 favor say aye. All opposed say no. The ayes have it. The motion is passed.

740
741 **REASON:** Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
742 Commission voted 5-0 (one absence) to recommend that the Board of Supervisors **grant** the
743 request because it will continue a similar pattern of development as exist in the area and the
744 proffered conditions will assure a level of development otherwise not possible.
745
746 Mr. Silber - We do have one more item and that is the Planning Commission Minutes
747 for September 11, 2003.
748
749 Mr. Jernigan - Are there any corrections to the minutes of September 11, 2003? All right,
750 Mr. Taylor.
751
752 Mr. Taylor- I move that the minutes of September 11, 2003, be approved.
753
754 Mr. Vanarsdall - Second.
755
756 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall to
757 approve the minutes of September 11, 2003. All in favor say aye. All opposed say no. The ayes
758 have it. The motion passes.
759
760 The Planning Commission minutes of September 11, 2003 were approved.
761
762 Mr. Silber - One other item before you adjourn. We had promised you previously that
763 we would inform you of the approximate number of cases that you would have at your next
764 meeting so you can prepare for that and act accordingly on deferrals. I didn't tell you before the
765 meeting. perhaps I should have, but the agenda next month will be heavier. We have 11 new
766 cases and there are six deferrals, for a total of 17 cases in December. It will be a longer evening I
767 can assure you.
768
769 Mr. Jernigan - Before we adjourn, I wanted to say one thing. We are always looking for,
770 we've been having these little courses after the meeting to give us some points of interest, because
771 we have all these Acronyms for things in the County. Well, another thing I thought, this is just my
772 personal feeling, but I would like for a description of all major and minor arterials, the road system
773 in the County, how they get their designation, and which should be five or 10 minutes. But could
774 you put that on your list, so we can designate minor collectors, minor arterials, and what
775 designates that?
776
777 Mr. Silber - That is not a problem. Are you saying you want a briefing on this, do you
778 want a Work Session on this?
779
780 Mr. Jernigan - No. Just a briefing like we've been having after our POD meetings, where
781 you come in and just..
782
783 Mr. Silber - Do you want it after the next POD meeting?
784
785 Mr. Jernigan - Does everybody else concur?
786
787 Mr. Archer - I think there is some documentation that describes those. Seems like I
788 got some a few years back.
789
790 Mr. Vanarsdall - I think we already have all that.
791
792 Mr. Jernigan OK, then, where is it at, because I haven't read it.

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Mr. Archer - I think I have a copy in my briefcase.

Mr. Silber - What Mr. Jernigan is referring to is the County's adopted Comprehensive Plan, and the Comprehensive Plan has several elements. It has a Land Use Plan element, it has a Major Thoroughfare Plan element, which is the road plan, and we also have An Open Space and Recreation element. Under the Major Thoroughfare Plan, there are different road classifications, functional classifications, that classify roads from minor collector to major collector, minor arterial to major arterial, and each of these have varying right of way widths, have different design standards, and we certainly can have a little briefing after the next POD meeting. We can take you upstairs to the Conference Room and we can walk through this with you and it probably would take 10 or 15 minutes. We'd be happy to. It could be a part of the educational process, or we could do it right after.

Mr. Jernigan - I figured we could do it right after. Would all...are you all interested to know? Because I don't know the difference. I will admit that. OK.

Mr. Archer - Mr. Chairman, I move for immediate adjournment.

Mr. Vanarsdall - And Mr. Chairman, I second it.

The meeting was adjourned at 7:44 p.m.

E. Ray Jernigan, C.P.C., Chairman

Randall R. Silber, Acting Secretary