

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 13, 2005, Display Notice having been published in the  
4 Richmond Times-Dispatch on September 22, 2005 and September 29, 2005  
5

6 Members Present: Mr. Ernest B. Vanarsdall, C.P.C., Chairperson, Brookland  
7 Mr. C. W. Archer, C.P.C., Vice Chairman, Fairfield  
8 Mr. Tommy Branin, Three Chopt  
9 Ms. Bonnie-Leigh Jones, Tuckahoe  
10 Mr. David A. Kaechele, Board of Supervisors, Three Chopt  
11 Mr. Randall R. Silber, Director of Planning, Secretary  
12

13 Members Absent: Mr. E. Ray Jernigan, C.P.C., Varina  
14

15 Others Present: Mr. Ralph J. Emerson, Assistant Director of Planning  
16 Ms. Jean Moore, Principal Planner  
17 Mr. Lee Tyson, County Planner  
18 Ms. Rosemary Deemer, County Planner  
19 Mr. Thomas Coleman, County Planner  
20 Ms. Nathalie Neaves, County Planner  
21 Ms. Ann B. Cleary, Recording Secretary  
22

23 Mr. Vanarsdall - Good evening everybody. The Planning Commission will now come to  
24 order. I appreciate all of you being here tonight, particularly on a rainy night. I am going to  
25 turn this meeting over to our Director and Secretary, Mr. Silber.  
26

27 Mr. Silber - Good evening. Thank you, Mr. Chairman. I appreciate that. Mr.  
28 Jernigan is out today so one of our Planning Commissioners is not here this evening, but we do  
29 have everyone else present. We do have a quorum so we can conduct business. The first item  
30 of business would be to consider any deferrals we have on the agenda. We have three requests  
31 for deferrals filed by the applicant. Ms. Moore, can you tell us about those, please?  
32

33 Mr. Vanarsdall - Good evening, Ms. Moore.  
34

35 Ms. Moore - Good evening. The first is in the Varina District on page 1 of your  
36 agenda.  
37

38 **C-62C-05 Mary Street Associates:** Request to conditionally rezone from R-4 One  
39 Family Residence District, M-1C Light Industrial District (Conditional) and C-1 Conservation  
40 District to R-5AC General Residence District (Conditional), Parcels 832-719-2212 and 832-718-  
41 1235, containing approximately 23.6 acres, located on the east line of Broad Water Creek and  
42 the south line of Meadow Road. The applicant proposes an age-restricted single family  
43 residential subdivision. The R-5A District allows a minimum lot size of 5,625 square feet and a  
44 density of 6 units per acre. The use will be controlled by zoning ordinance regulations and  
45 proffered conditions. The Land Use Plan recommends Planned Industry and Environmental  
46 Protection Area. The site is in the Airport Safety Overlay District.  
47

48 Ms. Moore - The deferral is requested to the November 10, 2005 meeting.  
49

50 Mr. Vanarsdall - Is anyone in the audience in opposition to this case being deferred? No  
51 opposition.  
52

53 Mr. Archer - Mr. Chair, I move deferral of Case C-62C-05, Mary Street Associates, in

54 the Varina District, to the November 10, 2005 meeting at the applicant's request.

55

56 Ms. Jones - Second.

57

58 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Ms. Jones. All in favor say  
59 aye. All opposed say no. The ayes have it. The motion passes.

60

61 At the request of the applicant, the Planning Commission deferred Case C-62C-05, Mary Street  
62 Associates, to its meeting on November 10, 2005.

63

64 **Deferred from the September 15, 2005 Meeting.**

65 **C-50C-05 Molland Spring/Atack Properties:** Request to conditionally rezone  
66 from A-1 Agricultural District to R-2C One Family Residence District (Conditional), Parcel 762-  
67 768-2433, containing approximately 6.56 acres, located on the west line of Staples Mill Road  
68 approximately 1,350 feet north of Meadow Pond Lane. The applicant proposes a single-family  
69 subdivision of no more than ten (10) lots. The R-2 District allows a minimum lot size of 18,000  
70 square feet with a maximum gross density of 2.42 units per acre. The use will be controlled by  
71 zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban  
72 Residential 1, 1.0 to 2.4 units net density per acre.

73

74 Ms. Moore - The second is on page 2 of your agenda. It is in the Brookland District.  
75 It is C-50C-05. The deferral is requested to the November 10, 2005 meeting.

76

77 Mr. Vanarsdall - Is anyone in the audience in opposition to the deferment of this case?  
78 This is C-50C-05. No opposition. I move that Case C-50C-05 be deferred to November 10, 2005,  
79 at the applicant's request.

80

81 Mr. Archer - Second.

82

83 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Archer. All in favor say  
84 aye. All opposed say no. The motion passes.

85

86 At the request of the applicant, the Planning Commission deferred Case C-50C-05, Molland  
87 Spring/Atack Properties, to its meeting on November 10, 2005.

88

89 Ms. Moore - The third is in the Three Chopt District, also on page 2 of your agenda.

90

91 **Deferred from the September 15, 2005 Meeting.**

92 **C-53C-05 D. L. Strange-Boston for Robert R. Bock, LLC:** Request to  
93 conditionally rezone from C-1C Conservation District (Conditional) and M-1C Light Industrial  
94 District (Conditional) to M-1C Light Industrial District (Conditional), Parcel 751-758-8362,  
95 containing 1.413 acres, located on the north line of Mayland Drive approximately 230 feet west  
96 of Gaskins Road. The applicant proposes a car wash. The use will be controlled by zoning  
97 ordinance regulations and proffered conditions. The Land Use Plan recommends Planned  
98 Industry and Environmental Protection Area.

99

100 Ms. Moore - The deferral is requested to the November 10, 2005 meeting.

101

102 Mr. Vanarsdall - In the Three Chopt District, anyone in the audience in opposition to the  
103 deferment of this case, C-53C-05? No opposition. Mr. Branin.

104

105 Mr. Branin - Mr. Chairman, I move to defer Case C-53C-05 to the November 10, 2005  
106 meeting at the request of the applicant.

107  
108 Ms. Jones - Second.  
109  
110 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Ms. Jones. All in favor say  
111 aye. All opposed say no. The ayes have it. The motion passes.  
112  
113 At the request of the applicant, the Planning Commission deferred Case C-53C-05, D. L. Strange-  
114 Boston for Robert R. Bock, LLC, to its meeting on November 10, 2005.  
115  
116 Ms. Moore - Mr. Chairman, that concludes my report for deferrals and withdrawals.  
117  
118 Mr. Vanarsdall - Thank you, Ms. Moore.  
119  
120 Mr. Silber - No requests for deferrals by the Planning Commission this evening?  
121 Apparently we have no request for items on the Expedited Agenda. Is that correct?  
122  
123 Ms. Moore - We did have one, but that will be heard.  
124  
125 Mr. Silber - OK. Thank you very much. Moving on to those items to be heard this  
126 evening.  
127  
128 **Deferred from the September 15, 2005 Meeting**  
129 **C-48C-05 Cameron Palmore for Randy Gibson:** Request to conditionally  
130 rezone from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcel  
131 762-771-2433 and Part of Parcel 762-771-7035, containing 7.532 acres, located on the south line  
132 of Old Springfield Road approximately 430 feet east of Springfield Court. The applicant proposes  
133 a single-family residential subdivision with the maximum density not to exceed 2.0 lots per acre.  
134 The R-2A District allows a minimum lot size of 13,500 square feet with a maximum gross density  
135 of 3.22 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units  
136 net density per acre.  
137  
138 Mr. Silber - This is in the Brookland District.  
139  
140 Mr. Vanarsdall - Anyone in the audience in opposition to this case? All right. Good  
141 evening, Mr. Tyson.  
142  
143 Mr. Tyson - Mr. Chairman, Mr. Kaechele, members of the Commission, Mr. Secretary.  
144 Good evening. This is a request to rezone approximately 7.5 acres to permit construction of a  
145 single-family residential subdivision. The applicant has submitted but not proffered a conceptual  
146 layout of the development for 16 lots. The property is located on the south line of Old  
147 Springfield Road. Parcels, zoned A-1 and R-2AC, are to the east of the site. The Mountain  
148 Spring development, which is also zoned R-2AC, is to the west and south of the site. Springfield  
149 Subdivision is across Old Springfield Road to the north.  
150  
151 The Land Use Plan recommends SR-1, Single Family Residential use for this parcel. The  
152 proposed project is consistent with the use recommended in the 2010 Land Use Plan, as is the  
153 proposed density of 2.0 units per acre.  
154  
155 The applicant has submitted a proffer statement dated October 13, 2005 that has been handed  
156 out to you and contains many assurances of quality development.  
157  
158 In addition to the proffered density of 2.0 units per acre, the applicant is proffering brick or stone  
159 foundations, minimum finished floor area of 2,000 square feet, three-foot roll face curb and

160 gutter, brick steps or stoops for the main entrances to the dwelling and all homes will have  
161 garages. Front loaded garages will be recessed at least two feet from the front line of the homes.  
162 Street trees will be provided and no direct access would be provided to Old Springfield Road.  
163

164 The applicant held a community meeting on August 10, 2005. This case was deferred from the  
165 August 11, 2005 meeting to permit the applicant to address density and access issues. The  
166 applicant has lowered the requested density to 2.0 units per acre.  
167

168 The proposed use and density are in keeping with the Land Use Plan and staff recommends that  
169 the application be forwarded to the Board of Supervisors with a recommendation for approval.  
170

171 This concludes my presentation, I would be happy to try to answer any questions you may have.  
172

173 Mr. Vanarsdall - Any questions for Mr. Tyson by Commission members?  
174

175 Mr. Archer - Mr. Tyson, have we satisfied ourselves that the three-foot roll face curb  
176 and gutter is sufficient and does what we want it to do?  
177

178 Mr. Tyson - I believe so. The applicant has mirrored the three-foot roll face from  
179 adjacent developments and that is certainly preferable to the earlier roll face, I think it was two  
180 feet, that presented a number of issues.  
181

182 Mr. Vanarsdall - That is where roll face got its bad name, because it was two feet, and it  
183 gave a bump like this, and the three-foot won't do that.  
184

185 Mr. Archer - OK. That is all I need to know.  
186

187 Mr. Vanarsdall - Good question though.  
188

189 Mr. Archer - I expect we will probably be seeing a lot more of it. I just wanted to be  
190 sure we are happy with it.  
191

192 Mr. Silber - Mr. Tyson, let me ask a question. On a couple of the elevations that  
193 have been shown, you mentioned that there is a proffer that indicates that garages must be  
194 recessed. I think you said three feet from the front plane of the house.  
195

196 Mr. Tyson - Yes.  
197

198 Mr. Silber - As I flip through these elevations, it looks as though some of these don't  
199 appear to be in compliance with that proffer.  
200

201 Mr. Tyson - These have not been proffered. These elevations have not. They  
202 submitted these in an effort to show what the general description of the houses, the general  
203 elevations of the houses would be. I don't believe any of them show brick either, which the  
204 applicant has also proffered. This is typical of the house construction that the developer builds,  
205 but they have not been proffered.  
206

207 Mr. Silber - OK. As long as I understand. It looks like that one right there (referring  
208 to rendering) doesn't look like it is recessed beyond the front of the house. You know, these  
209 would not comply with that proffer.  
210

211 Ms. Jones - And it looks like the proffered recess is two feet and not three feet. Is  
212 that right?

213  
214 Mr. Tyson - Yes.  
215  
216 Ms. Jones - OK.  
217  
218 Mr. Vanarsdall - Any more questions of Mr. Tyson? Thank you, Mr. Tyson.  
219  
220 At Board time we are going to get those elevations. We had some last minute changes and that  
221 is the reason we have to waive the time limit on the proffers. I don't need to hear from the  
222 applicant unless some of the other commissioners want to. I am ready for a motion. This is a  
223 mirror case of the one we had last month. Yes, sir. Come to the mike. How are you this  
224 evening?  
225  
226 Mr. Wayne Stiles - Fine. My name is Wayne Stiles. I live in the Old Springfield area. I  
227 would just like a clarification of when the proffers come out just a few minutes before the  
228 meeting, that doesn't do the citizens a whole lot of good. I wanted to make sure that I heard  
229 correctly that one of the proffers was that there would be no access to Old Springfield Road.  
230  
231 Mr. Vanarsdall - That is right. Let me verify that. There shall be no more than one  
232 entrance off Old Springfield Road and there shall be no lot with direct entrance off Springfield  
233 Road. I think that is just a house there.  
234  
235 Mr. Tyson - The proffer is that there would be one access to Old Springfield, but  
236 there would be no direct access from a house or from a lot to Springfield.  
237  
238 Mr. Vanarsdall - Right. They had to have one, because that is the only way they can get  
239 out.  
240  
241 Mr. Stiles - Well, there again, we had some similar problems to last month's where  
242 we have a major access problem that I think needs to be addressed before the rezoning takes  
243 place.  
244  
245 Mr. Vanarsdall - We had that come up last month at the Mountain Road, which is a  
246 mirror case to this.  
247  
248 Mr. Stiles - Right. The Holladay case.  
249  
250 Mr. Vanarsdall - And we can't take care of that until the subdivision and plan of  
251 development time.  
252  
253 Mr. Stiles - I think we got the cart before the horse, gentlemen.  
254  
255 Mr. Vanarsdall - Well that is what the group said on the other one, and thank you. All  
256 right. I move that we waive the time limits on the proffers on C-48C-05.  
257  
258 Mr. Archer - Second.  
259  
260 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Archer. All in favor say  
261 aye. All opposed say no. The motion passes.  
262  
263 Now, I move that Case C-48C-05, Cameron Palmore for Randy Gibson, be recommended to the  
264 Board of Supervisors for approval.  
265

266 Mr. Archer - Second.  
267  
268 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Archer. All in favor say  
269 aye. All opposed say no. The ayes have it. The motion passes.  
270

271 REASON: The Planning Commission voted 4-0 (one abstention) to recommend the  
272 Board of Supervisors **grant** the request because the proposed use and density conforms to SR-1  
273 (Suburban Residential 1) recommendation of the Land Use Plan, it represents a logical extension  
274 of single-family development in the area, and the proffered conditions will provide appropriate  
275 quality assurances not otherwise available.  
276

277 **C-63C-05 Retail Merchants Association of Greater Richmond:** Request to  
278 conditionally rezone from O-2 Office District to O-3C Office District (Conditional), Parcel 772-735-  
279 2049, containing 2.24 acres, located at the southeast intersection of Willow Lawn Drive and  
280 Monument Avenue. The applicant proposes to lease space in an existing building for business  
281 school. The use will be controlled by zoning ordinance regulations and proffered conditions. The  
282 Land Use Plan recommends Office.  
283

284 Mr. Vanarsdall - Is anyone in the audience in opposition to C-63C-05, Retail Merchants  
285 Association of Greater Richmond rezoning? No opposition. Good evening, Mr. Coleman.  
286

287 Mr. Coleman - Good evening, Mr. Chairman and members of the Commission. The  
288 applicant submitted revised proffers, which do not require waiving the time limit.  
289

290 This request would rezone 2.24 acres at the southeast corner of Monument Avenue and Willow  
291 Lawn Drive from O-2 to O-3C. The Retail Merchants Association proposes to develop classroom  
292 space in their building to accommodate Longwood College's offering of an MBA program with a  
293 concentration in retail.  
294

295 The property is designated Office on the 2010 Land Use Plan.  
296

297 The subject property is adjacent to single family dwellings to the south and east and to the 5100  
298 Monument Avenue condominium building across Monument Avenue to the north. The area to  
299 the west is the former location of Keswick Gardens, which have been razed, and will be the  
300 future home of a new residential community.  
301

302 Due to the small size of the property and the close proximity to the adjacent dwellings, staff had  
303 expressed concerns about parking in the staff report. The applicant has demonstrated sufficient  
304 parking would be provided to accommodate all vehicles on site, and in addition, indicated the  
305 Retail Merchants and Longwood University would cooperate to prevent off-site parking on  
306 adjacent residential streets.  
307

308 The applicant offered several proffers to further regulate the uses at this location including:  
309 1. Several objectionable uses are prohibited, and business school uses would be limited to a  
310 maximum of 2,000 square feet of area.  
311 2. The hours for business school classes shall be limited to between 7:00 a.m. and 10:00 p.m.  
312

313 Additional proffers shall regulate exterior building modifications, the site plan, HVAC equipment,  
314 trash receptacles, signage, parking lot lighting, and other items.  
315

316 The existing office building is a longstanding use at this location. Conducting business school  
317 classes would be an appropriate extension of Retail Merchants Association operations and would  
318 remain consistent with the Land Use Plan recommendation. Staff recommends approval of this

319 request.  
320  
321 This concludes my presentation. I would be happy to answer any questions.  
322  
323 Mr. Vanarsdall - Any questions for Mr. Coleman?  
324  
325 Ms. Jones - Mr. Coleman, would they be coming back for landscape and lighting  
326 reviews at all?  
327  
328 Mr. Coleman - No, the alterations would be interior. They have indicated that there  
329 may be some limited improvements to the site. It is unlikely that that would come back before  
330 the Planning Commission.  
331  
332 Mr. Vanarsdall - We don't need a POD on this.  
333  
334 Mr. Coleman - No, sir.  
335  
336 Ms. Jones - The reason I asked was because with the proximity to the neighborhood  
337 from the extra vehicular traffic that will be there at night, there has got to be some attention  
338 paid to concealing of headlight glare and this kind of thing, and I would expect that would be  
339 done possibly with landscaping.  
340  
341 Mr. Coleman - There are mature landscapings on the site. They may show up. They  
342 don't show up very well on here (referring to rendering).  
343  
344 Ms. Jones - But you think that is sufficient for the purpose?  
345  
346 Mr. Coleman - They are in place.  
347  
348 Mr. Vanarsdall - Ms. Jones, I asked Leslie News to go over there, which she did. She  
349 said she usually passes it on the way home and she said she didn't see where any landscaping  
350 needed to be done. They keep it so neat and so forth, and all of the parking will be inside the  
351 lot. One thing I wanted, you don't have a proffer that says the hours, but you said it would be  
352 from 7:00 a.m. to 10:00 p.m., but Longwood College, the lady that is head of Business and  
353 Economics says it will only be offered in the evenings and on Saturdays.  
354  
355 Mr. Silber - Mr. Vanarsdall, there is a proffer 6 that speaks to hours.  
356  
357 Mr. Vanarsdall - Oh, is it? I thought we took that out of there.  
358  
359 Mr. Silber - My copy is still in here and it says hours of operation for the trade or  
360 business school classes shall be limited to 7:00 a.m. to 10:00 p.m.  
361  
362 Mr. Vanarsdall - That was in there and I thought it was out. I am glad it is in there,  
363 though. It is all right.  
364  
365 Mr. Silber - I actually have a question on that. Under the use restrictions, Mr.  
366 Coleman, we have struck or the applicant has struck "or trade school" taking out "or trade" but in  
367 that proffer on hours of operation it still says trade. Should that be removed?  
368  
369 Mr. Coleman - Let me talk to the applicant about having that removed.  
370  
371 Mr. Vanarsdall - I thought we removed it because it sounds like the whole building, it

372 sounds like the hours of the whole building. Well, it does and it says trade business.  
373  
374 Mr. Silber - It specifically says trade or business school classes.  
375  
376 Mr. Vanarsdall - It should say business, no trade involved in it.  
377  
378 Mr. Silber - I think it should be consistent with the use restrictions. It should  
379 probably just say the hours of operation for business school classes.  
380  
381 Mr. Vanarsdall - Yes. We can strike that out.  
382  
383 Mr. Silber - Mr. Coleman, we might just want to have the applicant do that this  
384 evening. Just striking those two words.  
385  
386 Mr. Vanarsdall - Yes, because he is right back there. You don't mind striking out trade  
387 and initial it? We took the trade out of everything else that was in there to begin with. For the  
388 Commission's benefit, this is Longwood University, and it may say it in the write up, but that is  
389 what it is and they need the 2,000 square feet, but yet we are rezoning the whole 2.24 acres, so  
390 it made it kind of sticky the way we had to word the thing. Before I make the motion, I want to  
391 mention about these two letters. We have a letter written to Mr. Tom Coleman from William  
392 Baxter, who is the President and CEO of Retail Merchants. I won't read the whole letter. It is  
393 talking about the parking. I am reading this because we can pick it up back there and it will be  
394 on the record, and this is about the parking, that the parking will be only on the property and  
395 won't go out into the neighborhood. And then there is another letter saying the same thing and  
396 talking about the evening and Saturday hours from the College of Business and Economics, Dean  
397 of Longwood College in Farmville. So they are very aware of, that was probably the main or only  
398 problem we had was parking. We didn't want it to get out into the street. And I think Mr.  
399 Coleman and Mr. Emerson figured it out. Tom, I appreciate your help on this and Mr. Emerson,  
400 yours, too. With that I move that Case C-63C-05 be recommended to the Board of Supervisors  
401 for approval.  
402  
403 Mr. Archer - Second, Mr. Chair.  
404  
405 Mr. Vanarsdall - Motion made by Vanarsdall and seconded by Mr. Archer. All in favor say  
406 aye. All opposed say no. The motion passes.  
407  
408 REASON: The Planning Commission voted 4-0 (one abstention) to recommend the  
409 Board of Supervisors **grant** the request because it is reasonable and conforms to the  
410 recommendations of the Land Use Plan.  
411  
412 Mr. Silber - This request is also on page 2 of your agenda. This is in the Three  
413 Chopt District, deferred from the August 11, 2005 meeting.  
414  
415 ***Deferred from the August 11, 2005 Meeting***  
416 **C-43C-05 Bill Axselle for Andronikas Moudilos:** Request to conditionally rezone from A-1  
417 Agricultural District to B-2C Business District (Conditional), Parcel 735-763-7898, containing  
418 approximately 5.0 acres, located on W. Broad Street (U. S. Route 250) approximately 1,650 feet  
419 east of N. Gayton Road. The applicant proposes commercial/retail uses. The use will be  
420 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan  
421 recommends Mixed Use. The site is in the West Broad Street Overlay District.  
422  
423 Mr. Vanarsdall - Is anyone in the audience in opposition to this case? No opposition. All  
424 right, Ms. Deemer. Good evening.



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Ms. Deemer - Good evening. This project is to rezone approximately five acres to develop commercial and retail uses. The project is considered to be a component of the larger Breeden Town Center West rezoning, approved in April of this year. The Land Use Plan designates the area as mixed use and the request is partially consistent with the 2010 Land Use Plan. The area also falls within the West Broad Street Overlay District and the district was created to provide additional requirements for development in order to reduce traffic congestion, avoid distracting visual clutter and preserve the aesthetic values of the district. The proposed request is generally consistent with the West Broad Street Overlay District.

The applicant has submitted proffers dated October 12 that you have been provided that include a conceptual plan of the development. Major aspects of the proffers include a 50-foot buffer along West Broad Street, prohibited approximately 20 uses otherwise permitted by-right in the B-2 zoning district, including but not limited to flea markets, funeral homes, gun shops, restaurants with drive-thrus, hotels/motels and gas stations. Coordinated signage and storm water management with the Yimmer and Breeden properties and exterior elevations generally compatible to the submitted concept drawings that you see before you.

The property is integral in providing an attractive and cohesive development to this area just west of Short Pump Town Center. The proposed uses may be appropriate provided they are developed in a coordinated fashion with the adjacent Short Pump Town Center and Town Center West. During consideration of Town Center West, the subject property was included in its overall master plan, which depicted a separate drive apart from parking areas. Additionally, while the proffers provided general language for amenities, such as plazas, side walks and a gazebo, it is unclear how these would be implemented and to what degree. To that end, staff recommends the following: To provide a better network of driveways. Currently, the primary access from West Broad Street is a parking aisle. As shown on the master plan for Town Center West, the area would be better served by a separate drive aisle. Secondly, to demonstrate how pedestrian connectivity between this project and the highly pedestrian oriented Town Center West project to the west would be provided. Thirdly, to address the setback requirements for shopping centers and delineate it appropriately on the proffered concept plan. As currently shown, this parcel must meet the same 50-foot shopping center setbacks that Short Pump Town Center and Town Center West have already met. This will provide consistency and continuity and preserve the aesthetic values as required as part of the West Broad Street Overlay District. If the applicant could address these issues, staff could support this request.

This concludes my presentation and I would be happy to try and answer any questions that you may have. Time limits would have to be waived on the proffers.

Mr. Vanarsdall - Any questions for Ms. Deemer by Commission members? Thank you, Ms. Deemer.

Mr. Silber - So Ms. Deemer, the issues that staff still has at this point relate primarily to or solely to the site layout and the connection of the driveways, the pedestrian connections, and the setbacks?

Ms. Deemer - Yes, sir.

Mr. Silber - If they modify at some point this layout, that would primarily address staff's concerns.

Ms. Deemer - Yes, sir.

478 Mr. Vanarsdall - Any other questions? All right. Mr. Branin, you want to hear from Mr.  
479 Axselle, don't you?

480  
481 Mr. Branin - I would.

482  
483 Mr. Vanarsdall - Good evening, Mr. Axselle.

484  
485 Mr. Axselle - Mr. Chairman, ladies and gentlemen of the Commission, Bill Axselle on  
486 behalf of Mr. Moudolis and Blackwood Development, which is the contract purchaser of this  
487 property.

488  
489 As Rosemary said, this property is between Short Pump Town Center and Town Center West,  
490 which has been referred to generally as the Breeden property, heretofore. It is, in fact,  
491 consistent with the Land Use Plan, consistent with the zoning being sought as B-2. The property  
492 on the east is B-3 and to the east and north as B-2, and so we have part of this case. We took  
493 basically the same proffers that are on the Breeden case and included them with only  
494 modifications, because we do not have residential on this small piece of property. We took the  
495 same elevations, the same signage and everything exactly from the Breeden case. In the staff  
496 report there was concern with and they wanted to understand that we were developing this in  
497 coordination with or at least in cooperation with the Breeden property. And it is, in fact, a  
498 cooperation, and we shared with them and the proffers provide that we shall have an  
499 agreement, which is already in place, for vehicular access coordination, pedestrian access  
500 coordination, design for drainage facilities, the utility easements and dedicated signs. For  
501 example, at the rear of this property on the northern end, there is a BMP that is shared. The  
502 roads and everything connect and so forth. The detached signage is another one; we will have  
503 our signage on their sign and so forth. So, we have complied and staff earlier had made some  
504 comments about the landscaping.

505  
506 The revised plan is before you, and I think that issue has been addressed. Probably the one  
507 issue and all the issues that Mr. Silber has questioned and implied, all of them deal more with  
508 site issues rather than Land Use issues. And we think we have shown the pedestrian access.  
509 You can't see it on the plans too well, but it is, in fact, there, and the drive aisle, keep in mind  
510 that when the Breeden case came before you, this property was not part of that case. And so,  
511 anything that they showed on the property they didn't own, was obviously not binding on this  
512 property, and so we have generally complied with it, and there is an issue that probably needs to  
513 be discussed per the staff, and that is the drive aisle that is coming in, whether it should parking  
514 along it or not. We think it has the advantage that it actually prevents it from being a cut  
515 through in area that has more speed to it. But that is an issue we can continue to discuss.

516  
517 The one issue that probably is with the staff and it has been most difficult for us to yet reach an  
518 understanding, and that is the building on the eastern side of the property. It is a fairly small  
519 site and when the Short Pump Town Center was zoned, this property was zoned A-1, and so they  
520 had to have a setback and so forth. Right now, if you go out to Short Pump Town Center and  
521 you go in the western-most entrance, the property, which would be in the lower right of this  
522 diagram before you (referring to rendering) is the bank. If you remember there is a bank and  
523 then behind the bank, you come back and you drive in and that is where this building will be,  
524 next to that. The second parcel in is the BMP. We have done a conceptual master plan. We  
525 recognize that after more engineering is done we will need to discuss the setback. The County  
526 Ordinance says that property zoned B-2, which this would be, adjacent to property zoned B-3,  
527 does not have to have any setbacks. But we are prepared to address that as we go further in  
528 this process. We were not aware until today that there were some thoughts that this may be  
529 considered a shopping center. It is not common ownership. It is a coordinated, but it is not a  
530 shopping center I think in the traditional sense, but, again, I think, as Mr. Silber said, we will

531 work out as we proceed on. Mr. Branin has indicated to us that that is an issue, and the building  
532 setback is an issue we need to address and we will. I don't know how yet, but we will.

533

534 Mr. Branin - Mr. Axselle, on of the drive aisles, I would like you guys to proceed  
535 further in trying to get more concise, and get a better layout, (unintelligible) your final plan.  
536 Also, the building is of great interest to me, because of maintenance as well as security for that  
537 building with safety, that being fire.

538

539 So, I am going to be very interested in knowing how you guys resolve that.

540

541 Mr. Axselle - We understand that and we will do so.

542

543 Mr. Silber - Also, I guess, Mr. Axselle, I didn't mean to interrupt you, Mr. Branin, but  
544 the zoning cases before us involve 4.67 acres, close to 5 acres, but it actually does not include  
545 that extreme eastern portion of the property that actually was rezoned previously when the  
546 Breeden piece was rezoned. So, that is already zoned B-2C. So, the master plan that is shown  
547 on the screen right now actually includes some property that was previously rezoned. So, that,  
548 when Breeden had the master plan completed, simply for their property, they didn't contemplate  
549 how that strip would be used. When we asked them to incorporate for potential use of the  
550 Moudilos piece and this extra strip, they did show development across that strip of land in the  
551 form of a driveway and parking areas. I think it is worth the Commission noting that what is  
552 before us tonight in rezoning of this property is not, in fact, that eastern strip, because that is  
553 already zoned B-2. I would like to continue to work with the applicant and Mr. Branin to try to  
554 resolve some of the site issues associated with this layout.

555

556 Mr. Axselle - What Mr. Silber said is accurate. The Breeden property, if you will, has  
557 the eastern so many feet around this property, and there is an agreement in place where that  
558 property will be acquired by the Moudilos property/Blackwood Development property, so it will  
559 be, in fact, one piece, and that is the reason it is shown in this fashion. That doesn't take away  
560 from the fact the need to address these issues further.

561

562 Mr. Vanarsdall - Any other questions?

563

564 Mr. Kaechele - Mr. Chairman, I would also like to state that having met with Mr. Axselle,  
565 the applicant and the developer, I have agreed to work with them and the staff prior to the  
566 Board's hearing this case to address these concerns of the staff and the site plan.

567

568 Mr. Vanarsdall - That is great. Thank you. Thank you, Mr. Kaechele. All right, ready for  
569 a motion?

570

571 Mr. Branin - I am ready. First, I'd like to move that we waive the time limits on the  
572 proffers for C-43C-05.

573

574 Ms. Jones - Second.

575

576 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Ms. Jones. All in favor say  
577 aye. All opposed say no. The ayes have it. The motion passes.

578

579 Mr. Branin - Mr. Chairman, I move that we recommend Case C-43C-05 to the Board  
580 of Supervisors for approval, contingent upon staff's recommendation and concerns being  
581 addressed between now and the Board of Supervisors public hearing.

582

583 Mr. Archer - Second, Mr. Chair.

584  
585 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say  
586 aye. All opposed say no. The ayes have it. The motion passes.  
587

588 REASON: The Planning Commission voted 4-0 (one abstention) to recommend the  
589 Board of Supervisors **grant** the request because it reflects the Land Use Plan and provides for a  
590 uniformed development in keeping with the planned and existing uses and zoning of the area,  
591 and the proffered conditions will assure a level of development not otherwise possible.  
592

593 Mr. Vanarsdall - Before we do the next case, go back to the Retail Merchant's case. I  
594 wanted to acknowledge the two gentlemen, the one from Retail Merchants and then Rick Tennis  
595 who helped on the case, and I wondered, he was excellent in handling and agreeing to things,  
596 and I wondered how he knew so much about it. He just recently got off the Ashland Planning  
597 Commission. So, he was one of us, so to speak.  
598

599 **C-27C-05 Pouncey Tract Properties, LLC:** Request to conditionally rezone from  
600 A-1 Agricultural District, B-3C Business District (Conditional) and M-1C Light Industrial District  
601 (Conditional) to B-2C Business District (Conditional), Parcels 740-765-2150 and 740-765-7084,  
602 containing approximately 10.1084 acres, located at the southeast intersection of Twin Hickory  
603 Lake Drive and Pouncey Tract Road. The applicant proposes a neighborhood retail shopping  
604 center. The use will be controlled by zoning ordinance regulations and proffered conditions. The  
605 Land Use Plan recommends Office, Commercial Concentration, Light Industry and Environmental  
606 Protection Area. The site is in the West Broad Street Overlay District.  
607

608 Mr. Silber - This was deferred from the Commission's September 15, 2005 meeting.  
609

610 Mr. Vanarsdall - Anyone in the audience in opposition to C-27C-05? Any opposition to  
611 Pouncey Tract Properties, LLC? No opposition. Ms. Deemer, again.  
612

613 Ms. Deemer - The applicant proposes to rezone, as Mr. Silber said, approximately 10  
614 acres to develop a neighborhood retail shopping center. The Land Use Plan designates the area  
615 as Office, Commercial Concentration, Light Industrial and Environmental Protection Area. The  
616 request is partially consistent with the 2010 Land Use Plan and the area also falls within the West  
617 Broad Street Overlay District.  
618

619 The applicant has submitted proffers dated October 13, 2005, which have been provided to you,  
620 that include a conceptual plan of the development. The main access would be on Pouncey Tract  
621 Road, buildings would be set back a minimum of 70 feet to accommodate 25 feet of dedicated  
622 right of way and the required 35 foot buffer along Pouncey Tract Road. Other major aspects of  
623 the proffers include that buildings shall have exposed exterior walls predominantly of brick with  
624 EIFS split-faced block, cementitious, vinyl or composite type siding or a combination of the  
625 foregoing, utilized as accent materials. In addition, buildings would be generally consistent in  
626 style with the development at Bellegrade Shopping Center, shown in the photos before you.  
627 Additionally, the applicant proposes to prohibit 26 uses which are otherwise permitted in the B-2  
628 District, including but not limited to flea markets, funeral homes, gun shops, bars, check cashing  
629 establishments, and automotive sales, repairs and towing services. The parcel is, in effect, the  
630 gateway to the Twin Hickory community. The proposed proffers and uses would be in keeping  
631 with the area and would be in keeping with the strategies of the West Broad Street Overlay  
632 District. While the request is not consistent with the Office and Light Industrial Land Use  
633 designations of the plan, the request is in keeping with the development trends in the area.  
634

635 In addition, approximately six acres of the property is zoned either M-1C or B-3C, and this  
636 development would remove the potential of more intense uses which could adversely impact the

637 area. The applicant held a community meeting on September 7, 2005, at Short Pump Middle  
638 School, and approximately six citizens attended. Generally, comments were supportive.

639  
640 Staff does have unresolved issues regarding the uses. Staff believes restaurants with drive-thrus  
641 and service stations would not be appropriate on this site. If the applicant could address these  
642 issues, staff could be supportive of this request.

643  
644 This concludes my presentation and I would be happy to answer any questions you might have.  
645 Additionally, time limits would have to be waived on these proffers.

646  
647 Mr. Vanarsdall - Any questions for Ms. Deemer by Commission members? No questions,  
648 Ms. Deemer. Mr. Branin, do you want to hear from Mr. Theobald?

649  
650 Mr. Branin - Yes, sir.

651  
652 Mr. Vanarsdall - Good evening, Mr. Theobald.

653  
654 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald and I am  
655 here this evening on behalf of Pouncey Tract Properties and this case, as well as the one we  
656 have in a few with Prospect Homes represent an interesting opportunity to set a new vision for  
657 this portion of Pouncey Tract Road. That vision actually began back in March when Mr. Marshall  
658 was still a Planning Commissioner and we initially met with Mr. Kaechele, members of the County  
659 administration, and continued those meetings with Mr. Branin.

660  
661 But what you see in this area is essentially Interstate 64, Pouncey Tract Road, the current Target  
662 Golf site, which is the subject of a case here shortly. This is what is known as the limo parcel  
663 and then we have in white the VDOT Maintenance Facility back behind up against Parson's Walk  
664 in Twin Hickory, and then an M-1 zoned parcel owned by Pouncey Tract Properties along with  
665 some B-3. This B-3 piece was the subject of a car wash request a number of months ago that  
666 caused so much controversy, and I am pleased that we don't have any opposition here this  
667 evening for this request, nor did we have any at the neighborhood meeting. This area is highly  
668 impacted. This industrial zoning occurred back in 1985 when Mr. Nuckols' Radiator Shop was  
669 relocated from Pump and Broad and intended to be placed on this industrially zoned property. It  
670 is currently occupied by some inventory parking for Victory Nissan; I believe a radiator lube and  
671 tune facility, as well as a doggie day care type facility.

672  
673 In 1995 the little piece in this corner (referring to rendering) was zoned B-3 and that B-3 permits  
674 essentially the tire and battery facility as well as motor vehicle repair. The M-1 zoning on the  
675 back, while it excludes a lot of retail uses and indoor recreational uses, literally all other M-1 uses  
676 are permitted. This new request results in a neighborhood-oriented shopping center, one that  
677 found favor with the folks who attended the Twin Hickory meeting. It is designed to essentially  
678 be developed for a bank, a drug store and small retail shops. We have filed a number of  
679 proffered conditions to assure quality development, not the least of which is the facility is  
680 designed to look like the Bellegrade Shopping Center, and today we added a proffered condition  
681 relating to the phasing of development, which is a topic that Mr. Kaechele had raised with me, as  
682 well as Mr. Branin, relating to the Pouncey Tract Road improvements.

683  
684 As you know, this is part of a VDOT project that is funded, one that is intended to begin in the  
685 Spring, and will result in the bridge being increased to four lanes in width. Pouncey Tract Road  
686 will be a five lane section all the way up to Twin Hickory Lake Drive, which is what you see here  
687 on this portion of the screen (referring to rendering) and in order for development to be  
688 consistent with the pace of those road improvements, we have agreed that we could do about a  
689 third of our development, which is about 30,000 square feet, until such time as those road

690 improvements were completed, which I understand is to be Spring of 2008, or December 31,  
691 2008, whichever is earlier, and we put that sunset provision in there just in the event that for  
692 some reason VDOT didn't come through. So, we have provided that measure of allowing the  
693 traffic to grow consistent with the road improvements. What this has resulted in, in terms of the  
694 townhouse request that you will hear momentarily on the Target Golf site and the neighborhood  
695 retail request in this area is continued pressure on VDOT to relocate its maintenance facility,  
696 something that Mr. Kaechele has been very active, along with Mr. Branin, if encouraging is the  
697 right word and it is not, has been a stringent advocate of VDOT finding another solution, and Bill  
698 Janus, the delegate for this area is also actively involved in trying to find a solution, and with the  
699 advent of these requests, a couple of developers are actively pursuing trying to meet the terms  
700 that VDOT has proposed to actually relocate them. So, I believe what we have started here is  
701 more than the first step, but maybe two out of three steps, to resolve this situation with the  
702 VDOT maintenance facility. With that, I would be more than happy to answer any questions.

703  
704 Mr. Vanarsdall - Any questions for Mr. Theobald?

705  
706 Mr. Branin - Oh, I've got lots. Mr. Theobald, the staff has brought to your attention  
707 as well as to mine the question of gas stations and fast food restaurants, and I have seen your  
708 elevations and your proposed buildings. Are you considering entertaining or have any thoughts  
709 of putting either a gas station or a fast food, and I know the reason why staff is concerned is  
710 because of the increase of traffic, and the pressure on both Twin Hickory Drive and Pouncey  
711 Tract.

712  
713 Mr. Theobald - We don't have any users locked into this site at all. We do not intend to  
714 have a fast food restaurant, although the fast food restaurant definition has gotten a little  
715 slippery with people like Starbucks looking for...

716  
717 Mr. Branin - No, and I would be happy to even close that down to drive-through. It  
718 is in some of our visions that the other side of the bridge has plenty of fast food drive-thrus and  
719 this side shouldn't, so can you foresee?

720  
721 Mr. Theobald - No. We are not looking to do a freestanding fast food establishment but  
722 for the possibility of the kinds of things like the Starbucks, specialty type drive-throughs, but not  
723 the McDonald's and not the Burger Kings.

724  
725 Mr. Branin - OK. All right. I'd like to make a comment that I think other than using a  
726 Chesterfield County Shopping Center as your model, I think what you all are doing is great and  
727 keeping the door open to the development and helping to generate the moving of the VDOT is  
728 great, and I know myself and Mr. Kaechele will continue to do that. Hopefully, Mr. Nuckols and  
729 Mr. Thompson will be actively pushing to get them out as well. I'd like you, before this gets to  
730 the Board, to come up with some sort of proffer or agreement that won't be a gas station,  
731 especially a gas station, or a large chain fast food.

732  
733 Mr. Theobald - There is no intent to have a full service gas station on there. I suppose  
734 there is the possibility of a convenience store with gas. I assume you are distinguishing between  
735 the automobile gas station and the possibility of a convenience store with gas.

736  
737 Mr. Branin - I would want to look at that, and I'd like you to consider not having a  
738 convenience store gas station as well. I know they do over in Southside in that shopping center,  
739 but again, the concern will be traffic that it would generate. The original visioning meeting was  
740 all about creating a village, which I think you guys are doing a fantastic job. Your choice for  
741 brick and your architecture is fantastic.

742

743 Mr. Theobald - We will work on this, Mr. Branin.  
744  
745 Mr. Branin - Thank you, sir.  
746  
747 Mr. Kaechele - Mr. Theobald, on your site plan, maybe we could bring that back up.  
748  
749 Mr. Theobald - Sure.  
750  
751 Mr. Kaechele - The entranceway off from Pouncey Tract is generally designed for right-  
752 in and right out. Is that right?  
753  
754 Mr. Theobald - This is going to be limited to a right in only. We will not be permitted to  
755 have a right out given its proximity to this intersection. The full access point will be on the VDOT  
756 road back here and then into the site this way (referring to rendering), and then we have a right  
757 in, right out over here on Twin Hickory Lake Drive, but this is just too close to come back out at  
758 this intersection. We have already been in discussion with Mr. Foster about that.  
759  
760 Ms. Jones - I have a quick question as well. This being a neighborhood center, the  
761 sidewalks, I can't quite tell, but are they still on the site plan?  
762  
763 Mr. Theobald - Sidewalks are on the site plan. I am glad you brought that up, Ms.  
764 Jones, because we have proffered to provide those. Frankly, I think I am going to need to revise  
765 that condition, because we discovered that the VDOT road plan includes sidewalks on both sides  
766 of Pouncey Tract Road from the bridge all the way to Twin Hickory Lake Drive, and those really  
767 ought to be put in consistent with all the work and the curb setting and everything of that rather  
768 than us put them in and then tearing them out and putting them back in again. So, probably  
769 between now and the Board, I am amending some proffers. I think you will see that come out,  
770 but those are on the VDOT plan and I reconfirm that today.  
771  
772 Mr. Silber - Mr. Theobald, you had mentioned coordinating all of this development  
773 maybe in the future with the VDOT property and other properties in the area. On the subject  
774 property there are some existing uses and you made mention of some of those existing uses.  
775 Can you tell the Commission or inform us the ultimate use or continued use of those businesses  
776 on the property, or do you see those being abandoned and the site developed all at one time?  
777  
778 Mr. Theobald - I believe what will happen is that with the phasing limitation, we will  
779 likely develop these three uses first and then some or all of the existing industrial uses would  
780 likely remain until we are able to develop that portion of the property. They have leases. As you  
781 know, the bulk of it is basically inventory parking of cars and there really are only two other  
782 active users. It is our obvious interest, in going through this process, to get rid of those folks,  
783 but since we have been asked to limit the progress of development, I don't believe it would be  
784 logical for us to scrape the site, send those rent paying users away, and then only be able to  
785 develop a third of the site while we wait.  
786  
787 Mr. Silber - At the same time, it may be difficult to encourage the redevelopment of  
788 the area when there are still some industrial users on the backside of that property.  
789  
790 Mr. Theobald - Well, it is obviously an evolutionary process. We've got two or three  
791 years of VDOT working on the roads and that's two or three more years before we can get to  
792 this back piece, and when we do, we will be able to deal with those users and looking ahead to  
793 the burn off of those leases. So, you know, we are not going to fix this area overnight, but I can  
794 promise you this will get done before VDOT gets done.  
795

796 Mr. Silber - I didn't know if you would be willing to consider proffering the removal  
797 of those businesses in the back at some point in time, maybe when you, what were some of the  
798 dates tied in here, January 2008, or some period where you can commit to having those  
799 businesses cease. It is something we might want to talk more about, because I don't know  
800 exactly how that would be phrased and I don't know what type of leases you have with those  
801 pieces of property either.  
802  
803 Mr. Branin - Upon completion of the lease?  
804  
805 Mr. Kaechele - You could coordinate it with VDOT moving as well. That is going to be  
806 important. Because that could happen earlier.  
807  
808 Mr. Theobald - It could, and those folks do have leases. It is not like I can tell them to  
809 go tomorrow.  
810  
811 Mr. Silber - No, I don't think so.  
812  
813 Mr. Vanarsdall - All right. Anymore questions?  
814  
815 Mr. Branin - Thank you, Mr. Theobald.  
816  
817 Mr. Vanarsdall - Thank you. Ready for a motion.  
818  
819 Mr. Silber - I think you do have to waive the time limits.  
820  
821 Mr. Branin - Mr. Chairman, I move that the time limits be waived for proffers for C-  
822 27C-05, Pouncey Tract Properties.  
823  
824 Mr. Archer - Second.  
825  
826 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say  
827 aye. All opposed say no. The ayes have it. The motion passes.  
828  
829 Mr. Branin - With that, I move that we recommend C-27C-05 to the Board of  
830 Supervisors for approval, keeping in mind the concerns that we have addressed this evening.  
831  
832 Mr. Archer - Second.  
833  
834 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say  
835 aye. All opposed say no. The motion passes.  
836  
837 REASON: The Planning Commission voted 4-0 (one abstention) to recommend the  
838 Board of Supervisors **grant** the request because it is reasonable, the business use is compatible  
839 with surrounding development, and the proffered conditions will assure a level of development  
840 not otherwise possible.  
841  
842 **C-55C-05 Wilton Development Corp.:** Request to conditionally rezone from A-1 Agricultural  
843 District to UMU Urban Mixed Use and R-6C General Residence District (Conditional), Parcels 730-  
844 765-7288, 731-766-8757, 731-766-6068, and 730-766-8989 containing approximately 69.8 acres  
845 (UMU - 58.2 acres and R-6C - 11.6 acres), located between the north line of West Broad Street  
846 (U.S. Route 250) and the south line of Interstate 64 at the Gochland County line. The applicant  
847 proposes condominiums and commercial/office uses in the UMU district, and age restricted,  
848 owner-occupied residential units in the R-6C district. The R-6 District allows a maximum gross



849 density of 19.8 units per acre. The proposed UMU will contain up to 562 residential units and up  
850 to 200,000 square feet of commercial/office space. The uses will be controlled by zoning  
851 ordinance regulations and proffered conditions. The Land Use Plan recommends Mixed Use and  
852 Environmental Protection Area. The site is in the West Broad Street Overlay District.

853

854 **P-11-05 Wilton Development Corp.:** Request a Provisional Use Permit for the Master Plan for  
855 the proposed Waterford UMU, on Parcels 730-765-7288, 731-766-8757, 731-766-6068, and part  
856 of 730-766-8989 containing approximately 58.2 acres, located between the north line of W.  
857 Broad Street (U.S. Route 250) and the south line of Interstate 64 at the Goochland County line.  
858 The applicant proposes condominiums and commercial/office uses in the UMU district. The  
859 applicant is also proposing to exceed the maximum single-building floor area design criteria of  
860 10,000 square feet, and is proposing to permit buildings up to 85' in height. The Land Use Plan  
861 recommends Mixed Use and Environmental Protection Area. The site is in the West Broad Street  
862 Overlay District.

863

864 Mr. Vanarsdall - All right. Any one in the audience in opposition to C-55C-05, the first  
865 case by Wilton, and since we have the companion case, I will ask if there is anyone in opposition  
866 to P-11-05? All right. Good evening, Mr. Tyson.

867

868 Mr. Tyson - Mr. Chairman, Mr. Kaechele, members of the Commission, Mr. Secretary,  
869 this request consists of two applications, a request to rezone the property to Urban Mixed Use  
870 designation and R-6C for an age-restricted development, and an application for master plan  
871 approval. Unlike other UMUs that you have considered, a Land Use Plan amendment is not  
872 required, because the 2010 Land Use Plan already recommends mixed use for these properties.

873

874 The proposed development is divided into four Land Bays and the applicant has provided the  
875 following land bay summary. The total size of the proposed UMU is 58.2 acres. Land Bay 1  
876 consists of 50,000 square feet of commercial space and 60 dwelling units. Land Bay 2 would be  
877 150,000 square feet of commercial space and an additional 60 dwelling units. Land Bays 3 and 4  
878 would be 182 dwelling units and 260 dwelling units respectively, for a total of 562 dwellings.

879

880 The applicant has proffered that a minimum of 20% of the building square footage on the site  
881 would be developed for commercial space. The UMU district regulations require a minimum of  
882 25% of the floor area be devoted to such uses, unless otherwise approved by the Board of  
883 Supervisors.

884

885 All of the dwelling units would be owned in condominium. No apartments would be permitted  
886 on-site unless they were contained within a building used primarily for commercial uses.

887

888 The applicant has submitted two alternate Master Plans and has proffered that the development  
889 will be in general conformance with either Master Plan or a combination of either of the two.

890

891 Under this Master Plan, the property would be developed with two access points to West Broad  
892 Street and three points of connection to properties to the east. The main, boulevard entrance  
893 along West Broad Street would include 2-story "Main Street"-style buildings, public sculptures,  
894 and a 50-foot wide buffer along West Broad Street to screen proposed parking areas. Larger  
895 retail spaces would be constructed along the perimeter of this area. A village square, proffered  
896 at a minimum of 1 acre in size, would serve as the focal point along this entrance.

897

898 The interior space of the project would be "Main Street" in style and composed of buildings up to  
899 5 stories in height to accommodate commercial spaces on the ground floors with condominium  
900 units above. The applicant has proffered that all first floor spaces on the North side of "Main  
901 Street" would be devoted to commercial uses. On-street parking, street trees, and textured

902 crosswalks further enhance the “downtown” feel of the space.  
903  
904 The residential component of the project is primarily provided by 3-4 story townhouse-style units  
905 constructed in the core of the property, and 5-story condominium units constructed to the rear of  
906 the property. The townhouse style would be either two or three bedroom units. The finished  
907 floor area would be 1200 and 1500 square feet, respectively. In the rear buildings, one-bedroom  
908 condominiums would be 850 sq. ft. in size, two bedroom condominiums would contain 1200  
909 square feet of floor area, and three bedroom units would be a minimum of 1700 square feet in  
910 floor area. Open spaces are scattered throughout the development, and a 2,400 square foot  
911 community pool and recreation center has been proffered.  
912  
913 This Master Plan, 1-A, is a later iteration and is largely the same with respect to the core of the  
914 site, however, the West Broad Street buildings are massed together.  
915  
916 The applicant has proffered that the buildings constructed on site would be substantially similar  
917 to these renderings. Staff supports the concept that is submitted.  
918  
919 The applicant has further proffered that the primary entrance along West Broad Street would be  
920 substantially similar to this rendering. (Referring to rendering)  
921  
922 Signage within the development would be unified in design and would be similar in concept to  
923 these examples.  
924  
925 The applicant has also requested approval of 11.6 acres of R-6C, General Residence zoning, to  
926 permit the development of an age-restricted, 60-unit condominium project. These units will be a  
927 minimum of 1700 square feet in floor area and will be served by two-car garages. An STC rating  
928 of 54 will be maintained between all units. There will not be any on-site amenities; however, the  
929 residents will be able to drive to the pool and clubhouse proposed with the adjacent UMU.  
930  
931 Urban Mixed Use districts are intended to be urban in character, containing a mixture of uses,  
932 and a well-defined sense of place that is designed around pedestrian movement, “walkability”,  
933 and interaction among residents and visitors. These goals can be accomplished by having well-  
934 identified and carefully placed public spaces, buildings that are close to the street and which  
935 encourage foot traffic, and buildings which are vertical in orientation. The applicant has provided  
936 some of these elements, particularly in the core of the property; however, issues remain  
937 outstanding.  
938  
939 The West Broad Street uses are generally not pedestrian oriented. Many of the buildings are  
940 isolated by large, generic parking lots that are too typical of suburban land use. This could be  
941 addressed by building vertically and incorporating parking areas in the buildings themselves or  
942 through structured parking. The condominium units along I-64, too, are isolated from the project  
943 and are suburban in style and orientation. No design guidelines have been submitted by the  
944 applicant. Street cross sections, illustrations of scale and perspectives, architectural element lists  
945 or descriptors would all help identify the “sense of place” that UMUs are intended to have. Staff  
946 remains uncomfortable relying solely on four renderings (one of which has not been provided)  
947 for identifying this important element of the project. The UMU district regulations require both a  
948 Traffic Impact Study and a Fiscal Impact Study in order to assess the overall effect of the  
949 project. Both of these studies were submitted by the applicant on September 21, 2005. Staff  
950 and VDOT are still reviewing the Traffic Impact Study. The Finance Department has completed  
951 its review and has determined that the project has a net fiscal impact that is positive. Finally,  
952 staff is concerned that there is a general lack of integration of the uses on the site.  
953  
954 The subject properties are highly visible and are literally at the western gateway to the County.

955 They represent a unique chance to create a new "downtown" space from the ground up, and the  
956 applicant has presented an application that contains many positive elements; however,  
957 opportunities still exist to improve the application and create a project more in keeping with the  
958 County's vision for the corridor. The applicant is required to obtain a PUP for master plan  
959 approval. We have submitted suggested conditions to you. There are five of them. I would be  
960 happy to go over them in detail if you'd like. Two of them generally deal with the 35,000 sq. ft.  
961 of floor area for a single user and one recommends approval of the requests for buildings in  
962 excess of 85 feet north of Main Street.

963  
964 I'll be happy to answer any questions you may have.

965  
966 Mr. Vanarsdall - Any questions for Mr. Tyson by Commission members?

967  
968 Ms. Jones - I have a few questions. This is a lot to consider. It may be in these  
969 new proffers that we have just received, and I haven't been able to read them as you have been  
970 talking, but public use of open space, trails, bike paths, these kinds of things, have these been  
971 addressed?

972  
973 Mr. Tyson - They have proffered that there will be pedestrian trails, bike paths, those  
974 sorts of elements throughout the site. They aren't shown on the open space plan that they had  
975 submitted, but they have been in discussion with staff about that. We have tried to encourage  
976 pedestrian access and "walkability" and they have taken steps to address that.

977  
978 Ms. Jones - The other concern I have is with the Urban Mixed-Use guidelines. This  
979 is a very exciting style of project and it certainly would be exciting for western Henrico. The big  
980 expanses of parking areas that are envisioned here as one enters the project. Has there been  
981 real discussion about going vertical with parking as opposed to those big lots?

982  
983 Mr. Tyson - There have been discussions. Yes. The applicant may be able to  
984 address your concerns more than staff can.

985  
986 Ms. Jones - I will ask. I will ask the rest of my questions to the applicant. I won't  
987 put you on the line.

988  
989 Mr. Vanarsdall - Any other questions for Mr. Tyson?

990  
991 Mr. Archer - Mr. Tyson, you did indicate that staff and VDOT are still considering  
992 Traffic Impact? Are we able to go forward without having that information, particularly VDOT?

993  
994 Mr. Tyson - A traffic impact study is required as part of the submission and they  
995 have met that requirement. Once the application is received or the Traffic Impact Study is  
996 received, VDOT typically takes 45 days in which to do their analysis and respond, and we have  
997 not heard from VDOT nor from Traffic Engineering.

998  
999 Mr. Silber - Mr. Archer, I think that ideally it would be best to have input from Traffic  
1000 Engineers and VDOT on the Traffic Impact Study that has not been completed. I think anything  
1001 that comes out of their findings would need to be addressed by the applicant before we'd be  
1002 recommending anything to the Board of Supervisors on that matter. This is a six-lane facility.  
1003 There may be turn lanes, signals required, improvements along the frontage of this road, and if  
1004 so, we would expect the applicant to address those.

1005  
1006 Mr. Vanarsdall - Aren't we required to get a Traffic Study on a UMU?

1007

1008 Mr. Silber - Yes, they have done it, Mr. Vanarsdall. They have completed it and  
1009 submitted it to the County, and the County has not completed its review.  
1010  
1011 Mr. Kaechele - Mr. Chairman, there was some discussion with the Manager and with  
1012 Public Works about this Traffic Impact Study and the fact that it is going to take time and that  
1013 could be addressed before the Board acts on this case, along with a number of other issues, and  
1014 rather than hold that up, we've agreed that we'd incorporate that before it comes before the  
1015 Board of Supervisors. But, you also mentioned the fiscal impact study has been analyzed and  
1016 that is completed.  
1017  
1018 Mr. Silber - It is complete. Yes, sir.  
1019  
1020 Mr. Kaechele - And that is favorable.  
1021  
1022 Mr. Silber - And that is favorable. Yes, sir.  
1023  
1024 Mr. Vanarsdall - Thank you, Mr. Tyson. All right. Mr. Branin. You want to hear from the  
1025 applicant, don't you?  
1026  
1027 Mr. Branin- Yes, sir. If I said no, Ms. Jones would want to.  
1028  
1029 Mr. Vanarsdall - Good evening, again, Mr. Axselle.  
1030  
1031 Mr. Axselle - Mr. Vanarsdall, ladies and gentlemen of the Commission, Bill Axselle. I  
1032 am here on behalf of Wilton Development, which is the contract purchaser and will be the  
1033 developer of this property.  
1034  
1035 I am going to tell you right from the start, so I won't forget it, that on the PUP Case, which is the  
1036 second case, which does require approval under conditions that you impose, we are agreeable to  
1037 the suggested condition that deals with the size of the uses and the height, just so I won't forget  
1038 that. We agree with those suggested conditions.  
1039  
1040 You remember that old movie, "Cool Hand Luke" where the warden says to Paul Newman  
1041 repeatedly that what we have here is a failure to communicate, I can't quite do the accent.  
1042  
1043 Mr. Archer - I remember that well.  
1044  
1045 Mr. Axselle - And that is not what we have here. We have communicated well and  
1046 long and hard and we are still communicating. I think there is in some respects a failure in the  
1047 sense of slightly different perspectives from the staff and from the developer, and I think it is  
1048 important we kind of understand those.  
1049  
1050 The Land Use Plan that the Board approved talks about this area being mixed-use, and it says  
1051 and I quote, "in an area where a combination of uses," and I am putting together phrases, "are  
1052 planned and coordinated, large tract, unified, high quality development and necessary  
1053 infrastructure improvements." And you will see, and I think you realize that this, in fact, is mixed  
1054 use. It is retail. It is office. It's apartments. It's town-house style condominiums. It is garden  
1055 style condominiums, and it has the public feature. So, I don't think the County staff would  
1056 disagree with that. We originally filed the case with a "B" Zoning and an R-6 Zoning, and after  
1057 the discussions with the staff. The case was then amended, thus causing some of the delay, to a  
1058 UMU classification.  
1059  
1060 And, I think we need to understand, and those of you who have been around a while

1061 understand, that the UMU is an urban mixed use. It was written for urban areas and the classic  
1062 case, if you will, is the Rockett's Landing. In the County Ordinance the UMU District is intended  
1063 to encourage redevelopment and reinvestment in commercial and industrial areas. This is not an  
1064 urban area. It is not redevelopment. It is green field development at the westernmost edge of  
1065 Henrico County, but the County has chosen, and I think rightfully so, to use the UMU in a  
1066 number of cases. They recognize the Ordinance written for one purpose was used in Wilton  
1067 Farms with flexibility and variety, was used in Highwoods with flexibility and variety.  
1068

1069 The Short Pump Expanded Vision, we have the good fortune to be the first case under the  
1070 Expanded Short Pump Vision, would call for all of this area to be UMU, and I say good fortune in  
1071 quotes. But, the point is that we do believe that the UMU, the classic UMU as found in the  
1072 Ordinance, has to be varied to reflect the area and the particular conditions. Mr. Kaechele  
1073 referred to this case as a hybrid UMU and it is, just as Walton Farms, if you will, was a hybrid  
1074 UMU. Now, where we perhaps differ with the staff on a couple of perspectives is that I do not  
1075 disagree with the Short Pump Expanded Vision. I think it is good, but right now there is not a  
1076 single UMU use in this area of Broad Street, and so to come in and pop in something that the  
1077 market has not chosen heretofore to go to, I suggest presents some problem.  
1078

1079 If you look at the existing uses along Broad Street, and I know staff has obviously changed that,  
1080 but the market is reflective of a lot of variety there. You've got the Short Pump Town Center  
1081 across the street. You've got the Promenade with smaller shops, and you've got out parcels.  
1082 You've got some larger uses and smaller uses, and so I think you'll see in a moment when I hand  
1083 out a document that we've agreed with the staff on about 90% of the issues, but the 10% that  
1084 remain are ones that come, I think, out of those differences. There is another difference, and  
1085 this is the westernmost property in Henrico County. Goochland County has approved on the  
1086 property just to our west a Wawa, and so we think that is going to have a little bit of an impact  
1087 on this property and also, perhaps most importantly, the staff feels very strongly that this is what  
1088 we should have in this area. Someone who is a property owner or the developer has to consider  
1089 what the market will and will not allow, and so what we have done in the case today is try to  
1090 mesh the two together.  
1091

1092 The case is a better case than we filed originally because of the staff's urging. It is a better case  
1093 because the developer has shown some flexibility and has made some commitments that I think  
1094 are very important. But I wanted to set forth what I think are probably the basis for a little  
1095 difference in perspective. If I could, Mr. Tyson, if you could maybe pass these out.  
1096

1097 This is a listing of some of the issues which we've agreed and some that we don't, and I will tell  
1098 you that you will see that about 15 or 16 on which we've agreed, but the four at the bottom, and  
1099 one of those, quite frankly, now we do have no agreement on. That is the size of the single  
1100 uses. We have agreed to the mixed use, which is what the Land Use Plan calls for and with the  
1101 uses that we talked about. We have agreed to use the UMU and the style of those buildings that  
1102 you saw, what we refer to as the federal style. If you could maybe, Mr. Tyson, get that back up  
1103 (referring to rendering), this type of use is required by the proffers to be on all portions of the  
1104 UMU property, whether the use is retail, office, townhouses, townhouse-style condominiums, or  
1105 garden-style condominiums, we must be in general conformance with this exhibit and I think that  
1106 will help insure that there will be tremendous compatibility.  
1107

1108 Along Broad Street, I think Mr. Tyson pointed out to you one thing that the County staff felt they  
1109 didn't want to have somebody come down Broad Street, look in and see a whole massive parking  
1110 lot, so we have put buildings and an entrance feature at the front, and that has been proffered  
1111 and we are committed to that. It is not a strip, and the gentlemen in the back, if you could  
1112 maybe put this up here, this is one of the two plans (referring to rendering). There are two and  
1113 as Mr. Tyson said, they can be developed. You can see, we don't think this is striped because it

1114 has got buildings right at the primary entrance as the staff requested. It has got buildings on the  
1115 side. It has got buildings in the back and then, as you can see, going from an east west to the  
1116 Village Square is what we call "Main Street." We believe there is probably another Main Street in  
1117 Richmond, so we are probably not going to use that name, but it is indicative of what we have all  
1118 agreed is the right way to proceed, and it will have a Main Street type of feel.

1119  
1120 The retail on the south side will be two-stories or two-stories in appearance. It will have direct  
1121 access to the Main Street. In the north side, the mixed use will be three to five stories and the  
1122 first floor to be non-residential. The townhouse style condominiums will be three to four stories  
1123 and then the condominiums at the rear will be five stories. We have provided three access  
1124 points to the east, ensuring that the property developed to our east will have a coordinated  
1125 development. The Village Square is obviously a large public gathering area, and there are other  
1126 pedestrian gatherings around. The pedestrian walkway, the clubhouse with pool, the streetscape  
1127 features. The staff has indicated and correctly so that that exhibit has not been completed. It  
1128 was not a requirement of the submission. The staff has asked for and Higgins and Gerstenmaier  
1129 is preparing that. We have it in the proffers as Exhibit 6, and it will be provided, I think, by the  
1130 21st of October, well before the Board of Supervisors.

1131  
1132 The signage is committed in the retail area and we provided vehicular and pedestrian access to  
1133 the R-6. Now, one of the primary areas that we have not been able to agree on, they had asked  
1134 that we include the R-6 age restricted in the upper left-hand corner in the UMU. This is  
1135 Tuckahoe Creek going between the UMU and the R-6, age restricted. It is about 10 acres that  
1136 separate the two, and we just don't think the coordination, that the similarity can be made  
1137 between the two. If you are in an age-restricted area, you may not want the same feel and the  
1138 same look. One of our meetings was with Mr. Kaechele on his birthday, and he was the subject  
1139 of some joking about his being a test for the age restricted use. We don't think that fits the  
1140 federal style and so, also, the remaining portion of the property to the west is in Goochland  
1141 County, and owned by the Pruitt family, and probably will be subject to getting proper contracts  
1142 in place to be developed in the same fashion.

1143  
1144 The County would like very much us to use parking decks, to have three or four-story parking  
1145 decks to support the condominium. There is not, in my knowledge, a single parking deck in  
1146 Henrico County that supports residential uses. To just require that, we don't think is appropriate.  
1147 We don't think the market would support it, and if the market is there, then we will do it. They  
1148 have asked us to go even for taller in buildings and more square footage, and the County would  
1149 like to maximize the return, if you will, on this property, and that is a very proper motive, and I  
1150 assure you that Wilton Development has the same motive. The question is, what will the market  
1151 bear?

1152  
1153 We are having three to four story townhouses, which I think is very unusual in this area. We are  
1154 having five-story condominiums that are garden style and that we don't know of any that are  
1155 that tall, so we've gone about as far as we can that we feel the market will allow, and the last  
1156 item, before I saw the PUP report, we were concerned about efforts to limit the size of the single  
1157 retail user. We do, in fact, support what the staff has now suggested. We do think it is  
1158 pedestrian oriented, but you are going to need a car to get there, for obvious reasons. The  
1159 vertical height, I think I have addressed. We don't think the rear is, as Mr. Tyson said, I don't  
1160 think the rear condominiums are isolated. They will be walking trails and people will, in fact, use  
1161 this as their neighborhood. The traffic impact study has been completed and will be available  
1162 before the Board, and we are aware, as Mr. Silber said, that the traffic report may require certain  
1163 types of improvements to be made on Broad Street, the turning lanes, the signal, and so forth,  
1164 and that is something that we will have to address. The fiscal impact study was done and  
1165 reviewed and concluded that it will have been a positive fiscal impact.

1166

1167 We've got mixed use, we've got office retail, condominiums, apartments, all in the same building  
1168 potentially. The market will decide the degree of integration. We just can't force that from a  
1169 proffer standpoint. And, Mr. Tyson mentioned that creating a new downtown, and this may be, I  
1170 think this area has become the retail and office/downtown of our Richmond area. I am just not  
1171 sure that you can dictate by proffers that have a downtown look and a downtown feel. We have  
1172 gone as far as we think the market will allow us. That is the reason for the difference in a couple  
1173 of points.

1174  
1175 Mr. Chairman, I have gone on a bit, but this is an important case because it is the first case. It is  
1176 an important case because of where it is located, and I am trying to set the stage that we are  
1177 willing to do and glad to do UMU. It has certain advantages for us, but we cannot do the classic  
1178 UMU that the ordinance was designed for. Mr. Chairman, I'd be glad to entertain any questions.

1179  
1180 Mr. Vanarsdall - Any questions for Mr. Axselle by Commission members?

1181  
1182 Mr. Kaechele - Mr. Axselle, you probably saw the editorial in today's paper concerning  
1183 Short Pump as the retail center of the Richmond area, and though it does not refer to you and  
1184 your development, I agree that there is a legitimate question about the market and timing for  
1185 UMU and the general transition to urban mixed use. That transition hasn't occurred and so there  
1186 are legitimate questions concerning that, but I think you've come a long ways in meeting the  
1187 staff objective while still reserving some more conventional options, so you've done a lot of work  
1188 on this and there is more to be done.

1189  
1190 Mr. Axselle - Yes, sir.

1191  
1192 Ms. Jones - I have a question about the height of the buildings. Is it addressed in  
1193 here, up to 85 feet is what you are requesting?

1194  
1195 Mr. Axselle - If you look at the line about two-thirds down, there is the Main Street.  
1196 It is the east west connector over to the Village Center. Beyond that to the north, it can be up to  
1197 85 feet. On the south side, which would be towards Broad Street, they would not, and that is to  
1198 allow the five-story condominiums and the mixed use.

1199  
1200 Ms. Jones - Has the issue with the Fire Department been worked out with the special  
1201 equipment needed to service buildings of that height?

1202  
1203 Mr. Axselle - Yes. I think we've all given the County Fire Department heart failure with  
1204 not this case but with the Rockett's Landing case, and they went up with a lot of County officials  
1205 and saw what Arlington and Alexandria, how they addressed buildings this tall, and I think they  
1206 can do that. But they will have to make arrangements, but yes. They have highlighted that as  
1207 an issue and I think that will be easier to address here than perhaps in the Rockett's Landing, but  
1208 even there it is being addressed.

1209  
1210 Ms. Jones - They use special equipment. I do think the concept of a UMU is  
1211 wonderful. The whole question of whether this is the place and this is the time is another one,  
1212 but as a development, this has some features. My initial reaction was that this is not a classic  
1213 UMU as defined, but perhaps this is more what this area needs. My question that I gave to Mr.  
1214 Tyson, but should rightfully have given to you was about public use of the open space that is  
1215 going to be incorporated in here. Will there be a dedicated effort to make sure that there are  
1216 public spaces as well as the private spaces like the club and this kind of thing.

1217  
1218 Mr. Axselle - Actually, all of the areas with the exception of the clubhouse, which will  
1219 be for residents and their guests, all of the spaces will be opened to the public. You can't see on

1220 the plan, but there are areas where there will be benches. The Village Square has certain  
1221 features that it is required to have and there will be pedestrian trails. We, in fact, for a number  
1222 of reasons, we think people who live in the townhouse-style condominiums and the garden-style  
1223 condominiums will walk over to restaurants and people who come and shop can take advantage,  
1224 too, of those areas, and so we think it is a feature that actually enhances it, so the proffers do  
1225 require that.  
1226  
1227 Mr. Vanarsdall - All right. Any more questions for Mr. Axselle? If not, we will entertain a  
1228 motion. Mr. Branin.  
1229  
1230 Mr. Branin - Mr. Chairman, I move to waive the time limits for proffers on Case C-  
1231 55C-05.  
1232  
1233 Mr. Archer - Second.  
1234  
1235 Mr. Vanarsdall - Just a minute. Did you have a question, sir? You have to come down to  
1236 the microphone. Good evening.  
1237  
1238 Mr. Rick Rizelle - My name is Rick Rizelle and our family owns the property, the 30 acres  
1239 just east of that project, and the main road is where it where it has said Main Street on there.  
1240 That was a concern that our family was talking about because it winds up, it ends on this side,  
1241 on the east side, right there. It ends right there at our hayfield right there at the corner of our  
1242 property, and then would join really our driveway. (Referring to rendering). It is right there.  
1243 That is the main road, I assume, that is the Main Street that you all were talking about. We  
1244 were concerned about where that was going and how that was going to be stopped right there.  
1245 I had talked with Seth earlier about the Master Plan down there at Henrico and he said that was  
1246 a proposed road that they'd like to have split 64 and 250 and bring it all the way over to the  
1247 mall. Is that correct?  
1248  
1249 Mr. Silber - Yes. Basically what that road would do would be a road that would  
1250 parallel Broad Street and would relieve Broad Street. It is similar to what is being planned from  
1251 North Gayton Road east over to the Short Pump Town Center. It is going to be a similar type of  
1252 a private drive that runs through these properties and alleviates some traffic on Broad Street, so  
1253 that is what is proposed here, and as the property to the east develops, you are involved with  
1254 the property, I guess, to the east?  
1255  
1256 Mr. Rizelle - Right.  
1257  
1258 Mr. Silber - Then as that property develops we'd be looking for that same road to be  
1259 extended through that property and tie into North Gayton Road.  
1260  
1261 Mr. Rizelle - That, I assume, is a two-lane type road?  
1262  
1263 Mr. Silber - I believe this is divided. I believe it is four lanes, four-lane divided.  
1264  
1265 Mr. Rizelle - And that will continue all the way across?  
1266  
1267 Mr. Silber - Yes, sir.  
1268  
1269 Mr. Rizelle - And as far as this right here, that will be tied into it. It will not be  
1270 stopped right there for any reason or anything.  
1271  
1272 Mr. Silber - No. It is proposed to be a private drive, a private road that is proposed



1273 to be stubbed into this property line and continued on as development occurs.  
1274  
1275 Mr. Rizelle - That means I have to move my cattle, doesn't' it?  
1276  
1277 Mr. Kaechele - It won't be extended until you develop yours.  
1278  
1279 Mr. Branin - Why would you have to move your cattle?  
1280  
1281 Mr. Rizelle - No, I am (unintelligible).  
1282  
1283 Mr. Archer - Mr. Branin, are you prepared to make a motion?  
1284  
1285 Mr. Branin - Yes, sir.  
1286  
1287 Mr. Archer - OK.  
1288  
1289 Mr. Branin - Did you have any other questions?  
1290  
1291 Mr. Archer - I had a couple of questions I wanted to ask. Looking at the sizeable  
1292 impact of this and it is obviously good. Mr. Kaechele has had meetings to discuss this and I am  
1293 just curious. Mr. Kaechele did indicate that there was some other traffic considerations that  
1294 could be made by Board time. Are you all comfortable enough with this to make a decision on it  
1295 tonight to give it to the Board and then take it from that level, or...  
1296  
1297 Mr. Branin - Mr. Archer, the original plan that was submitted was vastly different than  
1298 this, and I would commend the developer for being very flexible and we have asked them to  
1299 change everything from architecture to road placement to building size, and in some cases have  
1300 asked them to go larger, while they feel smaller is better, which is rare for a developer to go that  
1301 direction. There are still a couple of concerns with the traffic and the landscaping. The  
1302 developer has agreed to address these as the analysis of the traffic is presented, and Mr.  
1303 Kaechele has voiced to myself, as well as the developer, that these things need to be addressed  
1304 before it gets to the Board, and I feel pretty confident with as much time and work as we have  
1305 put into this that the developer will come through.  
1306  
1307 Mr. Archer - Well, that is essentially what I was trying to find out.  
1308  
1309 Mr. Kaechele - Mr. Silber, I believe the traffic department received the State analysis,  
1310 have they not?  
1311  
1312 Mr. Silber - I am not aware they have received the State analysis. The traffic impact  
1313 study has been completed. It is under review. I am not aware they have received VDOT's  
1314 comments. Mr. Kaechele, they may have. I am just not aware of it.  
1315  
1316 Mr. Kaechele - That was my impression and the Manager indicated that staff would  
1317 have to work all weekend to complete their report, and he said that we'll have time between  
1318 Commission meetings to look at that report and make sure it fits and works.  
1319  
1320 Mr. Archer - Well, I really was just trying to ascertain that, realizing that this is a two-  
1321 step process, that we have done as much as we can do at this level before we make a decision  
1322 on it, and if Mr. Kaechele is comfortable with the Board being able to handle it from this point,  
1323 then...  
1324  
1325 Mr. Kaechele - There are a lot of details and information that has to be approved or

1326 recommended by staff, and we are assuming that will take place before the Board will hear it.  
1327  
1328 Mr. Branin - And if it hasn't been done, then it will be stopped at that point until it  
1329 has been addressed.  
1330  
1331 Mr. Archer - OK. Thank you, sirs.  
1332  
1333 Mr. Vanarsdall - All right. Any more questions? I believe you already have a second on  
1334 your motion.  
1335  
1336 Mr. Silber - Mr. Chairman, I think there was a motion made to waive the time limits  
1337 and accept the proffered conditions. I believe Mr. Archer seconded that motion.  
1338  
1339 Mr. Archer - I thought we carried that motion. That gentleman's question must have  
1340 come up.  
1341  
1342 Mr. Branin - It was seconded, but it wasn't voted on.  
1343  
1344 Mr. Vanarsdall - All right, why don't we start over then?  
1345  
1346 Mr. Branin - I would love to.  
1347  
1348 Mr. Vanarsdall - I don't mean your part. Motion was made by Mr. Branin and seconded  
1349 by Mr. Archer. All in favor say aye. All opposed say no. The motion passes.  
1350  
1351 Now, the motion.  
1352  
1353 Mr. Branin - With that, Mr. Chairman, I move the Planning Commission forward  
1354 application C-55C-05 to the Board of Supervisors with the recommendation for approval,  
1355 contingent on the traffic study recommendations and landscaping recommendations being  
1356 addressed.  
1357  
1358 Mr. Archer - Second.  
1359  
1360 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say  
1361 aye. All opposed say no. The motion passes.  
1362  
1363 REASON: The Planning Commission voted 4-0 (one abstention) to recommend the  
1364 Board of Supervisors **grant** the request because the proposed uses are consistent with the  
1365 mixture of residential, commercial and business uses envisioned with the Mixed Use designation,  
1366 would provide for unified large tract development, and the proffered conditions will assure a level  
1367 of development not otherwise possible.  
1368  
1369 Mr. Silber - And we then need that motion for the consideration of P-11-05.  
1370  
1371 Mr. Branin - Mr. Chairman, I move that the Planning Commission forward application  
1372 P-11-05 to the Board of Supervisors with the recommendation for approval subject to the  
1373 resolution of the conditions recommended by staff.  
1374  
1375 Mr. Archer - Second.  
1376  
1377 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Mr. Archer. All in favor say  
1378 aye. All opposed say no. The motion passes.

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REASON: The Planning Commission voted 4-0 (one abstention) to recommend the Board of Supervisors **grant** the request because it is reasonable and when properly developed and regulated by the recommended conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

**C-66C-05 Prospect Homes of Richmond, Inc.:** Request to conditionally rezone from M-1C Light Industrial District (Conditional) to RTHC Residential Townhouse District (Conditional), Parcel 740-764-5065, containing approximately 11.933 acres, located on the east line of Pouncey Tract Road (State Route 271) approximately 300 feet north of its intersection with Interstate 64. The applicant proposes to develop no more than seven (7) residential townhouse units per acre. The maximum density in the RTH District is nine (9) units per acre. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Light Industry. The property is within the West Broad Street Overlay District.

Mr. Silber - This is in the Three Chopt District.

Mr. Vanarsdall - Is anyone in the audience in opposition to C-66C-05, Prospect Homes?  
No opposition.

Good evening, Mr. Coleman, again.

Mr. Coleman - Mr. Chairman, Members of the Commission. The applicant submitted revised proffers, which do not require waiving the time limit.

The applicant is requesting to rezone the former Target Golf site on Pouncey Tract Road from M-1C to RTHC to develop town homes. This 11.93 acre parcel was rezoned industrially in 1995 to permit development of the now closed Target Golf facility.

The property is designated Light Industry on the 2010 Land Use Plan and is within the Far West Broad Street Corridor Special Strategy Area.

The site is also within the West Broad Street Overlay District (WBSO). This overlay district includes additional zoning regulations and design standards, such as:

- (1) A min. 35-foot streetscape buffer would be required along Pouncey Tract Road;
- (2) This buffer must be irrigated and would contain supplemental landscaping over-and-above the amount otherwise required; and
- (3) On properties zoned for multi-family residential use, HVAC equipment, loading docks, and trash containers would be screened from view.

The applicant submitted a proffered lot layout showing 49 lots and provided additional proffers that include several positive features, including:

- One hundred percent (100%) of the front and side exterior walls would be brick or stone exclusive of selected architectural elements;
- A minimum unit size of 2,000 square feet of finished floor area;
- A 25-foot buffer would be provided adjacent to Twin Hickory planted to the Transitional Buffer 25 standard;
- All units would have a minimum one-car garage; and
- The applicant also submitted proffers regulating foundations, chimneys, driveways, protective covenants, street lighting, underground utilities, hours of construction, sound

1432 suppression measures, BMP's, and other items.  
1433  
1434 Considering development patterns in this area, and the merits of redeveloping this site for a non-  
1435 industrial use, townhouses may be acceptable at this location. If the applicant could  
1436 satisfactorily address the following issues, staff could be more supportive of this request:  
1437  
1438 First, this area serves as a gateway to the Northwest area of the County. As this area continues  
1439 to develop, coordinated development is one critical component to facilitate high quality  
1440 development. Toward this end, staff recommends the site design of the subject property allow  
1441 for possible interconnection with the future redevelopment of the abutting VDOT site.  
1442  
1443 Secondly, due to the volume of traffic on Pouncey Tract Road and future traffic from new  
1444 development, Public Works requested a Traffic Impact Study for this request and the pending  
1445 application for C-27C-05, which was heard earlier this evening. At this time, the Traffic Engineer  
1446 and VDOT have not completed their review and recommend this case be deferred until Public  
1447 Works can review and approve the Traffic Impact Study.  
1448  
1449 And finally, the School Administration determined this development would cause additional  
1450 overcrowding at Twin Hickory Elementary School.  
1451  
1452 Properly designed and regulated, townhouses could be appropriate at this location. However,  
1453 due to the concerns about site design, the pending review of the traffic study, and school  
1454 capacity, staff recommends deferral of this request until these issues can be satisfactorily  
1455 addressed.  
1456  
1457 That concludes my presentation. I would be happy to answer questions.  
1458  
1459 Mr. Vanarsdall - Any questions for Mr. Coleman? All right. Do you want to hear from the  
1460 applicant, Mr. Branin?  
1461  
1462 Mr. Branin - Yes. May I hear from the applicant?  
1463  
1464 Mr. Vanarsdall - Good evening, again, Mr. Theobald.  
1465  
1466 Mr. Theobald - Good evening, Mr. Chairman, ladies and gentlemen.  
1467  
1468 Mr. Branin - Mr. Theobald, can I ask you a couple of questions which you can  
1469 address, so you don't have to do the whole overview. You can address these and possibly not  
1470 even go through everything. There are two concerns that I'd like you to talk about,  
1471 interconnection with the proposed area in the future. If you look at unit 6, I believe, zero up  
1472 right in that area. (Referring to rendering) Is it possible to provide a possible stub into there?  
1473  
1474 Mr. Theobald - There is a possible stub right here. Yes, sir.  
1475  
1476 Mr. Branin - OK. Thank you. And the second one, as we discussed in the first case  
1477 that you presented this evening, the phasing or these becoming occupied prior to the Pouncey  
1478 Tract reconstruction.  
1479  
1480 Mr. Theobald - As you may recall, Mr. Branin, our discussion about that issue was  
1481 related to the retail part, but this one even at full build out only produces like 400 trips in a 24  
1482 hour period. So, this is not phased and they will build town homes in phases based on market  
1483 demand, but this generates such a drop in the bucket when it comes to Pouncey Tract Road that  
1484 the traffic report suggested that no phasing really needed to be considered on this part at all. It

1485 was really all the traffic is on the retail part. The retail part was some 5,400 average daily trips  
1486 and the VDOT parcel was like 1,000 trips. This is at full build out, but 400 trips over a 24-hour  
1487 period, so it was not necessary to phase this one.  
1488  
1489 Mr. Kaechele - Well, the traffic report says there are 23,000 trips a day going on  
1490 Pouncey Tract today. Are they concerned about the construction phase of Pouncey Tract Road?  
1491  
1492 Mr. Theobald - Sure. By the time they develop their plans, their POD, and start to build,  
1493 Pouncey Tract is going to be torn up in that period, or they may have some units going up during  
1494 that time, and there may even be some occupied. It really is going to be some kind of a mess in  
1495 there, as you know.  
1496  
1497 Mr. Branin - The concern we are voicing is that.  
1498  
1499 Mr. Theobald - That would be a mess for the owner, but I mean it is not going to put a  
1500 traffic burden on the road if you've got 23,000 trips a day versus 400, assuming all the units  
1501 were actually there.  
1502  
1503 Mr. Branin - With the developers plan of development and occupancy, and the  
1504 estimate that VDOT does what they say they are going to do, the completion of Pouncey Tract,  
1505 can you shed some light on that timing for us?  
1506  
1507 Mr. Theobald - The Pouncey Tract Road improvements are anticipated to be completed  
1508 by Spring of 2008. Even if we go to the Board in November, it takes 45 to 60 days to put  
1509 together POD plans. It takes another four months to get those approved. By the time you begin  
1510 constructing and occupancy, you are going to be clearly at that point. I mean, it is a two-year  
1511 road project extensively, and we are going to be not too shy of doing that, even at full tilt.  
1512  
1513 Mr. Kaechele - Well, we are hoping that the bridge project will come at the beginning of  
1514 that project and if that is under construction at the time your units are on the market, the buyer  
1515 will be scared away.  
1516  
1517 Mr. Theobald - That is not going to be very desirable in all candor.  
1518  
1519 Mr. Kaechele - The buyers will have to know that. OK.  
1520  
1521 Mr. Branin - That is all the questions I have, Mr. Chairman.  
1522  
1523 Mr. Vanarsdall - Any more questions? All right, thank you, Mr. Theobald. Ready for a  
1524 motion.  
1525  
1526 Mr. Branin - Mr. Chairman, I move the Planning Commission forward application C-  
1527 66C-05, Prospect Homes, to the Board of Supervisors with a recommendation for approval with  
1528 the amended proffers.  
1529  
1530 Ms. Jones - Second.  
1531  
1532 Mr. Vanarsdall - Motion made by Mr. Branin and seconded by Ms. Jones. All in favor say  
1533 aye. All opposed say no. The motion passes.  
1534  
1535 REASON: The Planning Commission voted 4-0 (one abstention) to recommend the  
1536 Board of Supervisors **grant** the request because it is appropriate residential zoning at this  
1537 location and the proffered conditions would provide for a higher quality of development than

1538 would otherwise be possible.

1539

1540 **C-60C-05 Bradford J. Brady and Pamela J. Brady:** Request to conditionally  
1541 rezone from R-5 General Residence District to R-0C One Family Residence District (Conditional),  
1542 Parcel 732-755-3210, containing 1.65 acres, located at the northwest intersection of Causeway  
1543 and Lauderdale Drives. The applicant proposes to construct a detached garage for an existing  
1544 single-family residence. The R-0 District allows a minimum lot size of 1 acre with a maximum  
1545 gross density of 1.0 units per acre. The Land Use Plan recommends Multi-Family Residential and  
1546 Environmental Protection Area.

1547

1548 Mr. Silber - This request is in the Tuckahoe District.

1549

1550 Mr. Vanarsdall - Is there left in opposition to this case? No opposition?

1551

1552 Ms. Neaves - Thank you, Mr. Chairman, members of the Commission, Mr. Kaechele,  
1553 Mr. Secretary.

1554

1555 The applicant is requesting the rezoning to permit the construction of detached accessory  
1556 structures for an existing single-family dwelling.

1557

1558 The 2010 Land Use Plan recommends Environmental Protection Area and Multi Family Residential  
1559 for the subject property. While the request is inconsistent with this designation, it is reasonable  
1560 in light of the site's unique features, including location and existing use, which make it  
1561 improbable that the parcel would ever be developed for multi-family use.

1562

1563 The subject property is essentially an island, bounded by Lauderdale and Causeway Drives to the  
1564 east and south, and Wilde Lake to the north and west. The property is currently occupied by a  
1565 single-family dwelling and detached accessory building. The applicant is requesting this rezoning  
1566 in order to increase the amount of square footage permitted for detached accessory structures in  
1567 keeping with the existing family use. In the R-5 District, 525 square feet of floor area for  
1568 detached accessory structures is permitted, while the R-0 District permits up to 3,000 square  
1569 feet.

1570

1571 The applicant has been issued a building permit to build a detached garage, shown here,  
1572 (referring to rendering) which is currently under construction. The applicant wishes to construct  
1573 an additional detached garage, shown here on the concept sketch (referring to rendering). This  
1574 drawing is not proffered, and the final location and size of the garage have not yet been  
1575 determined.

1576

1577 The applicant has proffered a 25-foot setback along Causeway Drive, and has also proffered to  
1578 take all reasonable precautions to protect trees and vegetation within this setback. Staff is  
1579 supportive of the applicant's proffers. Also, staff notes that, based on the location, surroundings,  
1580 size and existing development of the subject property, a multi-family use would most likely never  
1581 be developed and an R-0 district is a more reasonable designation. Moreover, the current R-5  
1582 zoning district uniquely restricts the use and development of this property, as compared with any  
1583 other typical 1.65-acre parcel developed with a single-family dwelling. For these reasons, staff  
1584 supports this request, and recommends that the Commission forward this request to the Board of  
1585 Supervisors with a recommendation of approval.

1586

1587 This concludes my presentation, I would be happy to try to answer any questions that you may  
1588 have. The applicant is also present to answer questions.

1589

1590 Mr. Vanarsdall - Any questions for Ms. Neaves?

1591  
1592 Mr. Silber - Mr. Vanarsdall asked if there were any questions.  
1593  
1594 Mr. Vanarsdall - Are there any questions for Ms. Neaves?  
1595  
1596 Ms. Jones - Not of Ms. Neaves, but I would like to hear from Mr. Brady.  
1597  
1598 Mr. Silber - Ms. Neaves, I have one question, please. There is proffer one that  
1599 speaks to a 25-foot setback adjacent to Causeway Drive. I have two questions. One is, as you  
1600 can see on this aerial, Causeway Drive is the one that runs off to the left. There is a ramp, right-  
1601 turn lane, that provides access to Causeway. Where are we in interpreting this 25 feet to be  
1602 when we say Causeway?  
1603  
1604 Ms. Neaves - I believe that it is at the end of the radius.  
1605  
1606 Mr. Silber - OK. So, about where you have that marker. Is that the applicant's  
1607 understanding, too, or we can ask him when he gets up here. OK. Secondly, isn't there an  
1608 existing structure that may already be encroaching into that 25 feet?  
1609  
1610 Ms. Neaves - Yes, there is. It is an existing structure and the proffer could be  
1611 tweaked a little bit before the Board meeting to ensure that that structure is allowed to stay.  
1612  
1613 Mr. Silber - OK, and the applicant is agreeable to that? OK. I wanted to know if it  
1614 has been discussed with him. Thank you.  
1615  
1616 Mr. Kaechele - What is that structure?  
1617  
1618 Mr. Silber - Can you put the other slide up? This structure right here (referring to  
1619 rendering), Mr. Kaechele, is already within that 25-foot setback.  
1620  
1621 Mr. Kaechele - What is that?  
1622  
1623 Mr. Silber - That is a tool shed. So, the 25-foot setback would not apply to that  
1624 existing tool shed. OK. Thank you.  
1625  
1626 Mr. Vanarsdall - Good evening.  
1627  
1628 Mr. Brady - Good evening, Mr. Chairman, and members of the Commission.  
1629  
1630 Ms. Jones - Good evening, Mr. Brady. How are you?  
1631  
1632 Mr. Brady - I had no prepared remarks, so if you want to go direct to questions, we  
1633 can do that. I believe many of the points I would have raised have already been raised.  
1634  
1635 Mr. Vanarsdall - Ms. Jones knows what she wants to ask you.  
1636  
1637 Ms. Jones - It is nice to meet you Mr. Brady. You have a unique property here and  
1638 the reason I asked to speak to you is just because I wanted to confirm some things. This case  
1639 has come to us through the BZA and has kind of been a circuitous route and I thought it was  
1640 helpful to talk about just a few points. I am happy that Mr. Silber raised the issue of the tool  
1641 shed. Just for clarity's sake and because this will be part of the rezoning, I would like for you,  
1642 before this goes to the Board, just to work with Ms. Neaves for some wording that would address  
1643 that being all right but no more encroachment into that 25-feet, because that, apparently, was

1644 the biggest issue for the BZA.  
1645  
1646 Mr. Brady - Certainly.  
1647  
1648 Ms. Jones - And I did want to ask you, your garage that is already under  
1649 construction, since it is not there yet, exactly, just the building materials, how much visibility will  
1650 there be for that from Causeway, do you think?  
1651  
1652 Mr. Brady - Surely. I took a picture this afternoon for you.  
1653  
1654 Ms. Jones - This is almost like we coordinated this.  
1655  
1656 Mr. Brady - I took this picture from Causeway Drive, from the opposite side of  
1657 Causeway Drive, looking across Causeway at the building. The construction of the building is out  
1658 of insulated concrete forms, and if you are familiar with insulated concrete forms, in their current  
1659 stage, they are Styrofoam, so they are bright white. So this is about as ugly as the building will  
1660 get and about as obnoxious as it will get, and as you can see, this is looking across Causeway  
1661 Drive. You will first notice that the terrain rises significantly up above Causeway, approximately  
1662 six to seven feet there to the grade. The grade then drops down to the building so that that  
1663 building is actually recessed about, well currently down to the footers it is almost seven feet to  
1664 the footers, as it is right now. So, a significant portion of that building is set into the grade.  
1665 That is the finished elevation height, as you see it right now, so that concrete is scheduled to be  
1666 poured on Monday and then the roof structure will go right on top of that. The roof structure will  
1667 match the existing roof structure on the house, and that is a concrete Hendricks-style roof, so it  
1668 will be a multicolored dark gray, which will fit right into the blendings of that surrounding there,  
1669 and the building exterior will also match the house, which is kind of taupe colored Dryvit, as well  
1670 as stone.  
1671  
1672 Ms. Jones - And there is another garage planned at some point in the future, which I  
1673 am assuming will be in similar style and also visible from Causeway. Do you think?  
1674  
1675 Mr. Brady - That is correct. I have finally brought two pictures and we could have  
1676 coordinated this and it wouldn't have been much better. The original request was to put in an  
1677 approximately 2,000-sq. ft. garage. I am looking towards my retirement in the not too distant  
1678 future and I have started collecting cars, which my wife is thrilled about, because it keeps me out  
1679 of the house and kitchen. The original request was to put a location for those (unintelligible)  
1680 there. Because of the 25-foot setback that was requested and part of the conditions on the  
1681 zoning variance, there was not enough size to put that garage in, without encroaching on several  
1682 large specimen trees on the property, which we did not want to do. The result of that was to  
1683 break the garage into two smaller garages. We lost a little bit of economies of scale as a result  
1684 of that and we are having to duplicate efforts, such as HVAC-type of equipment and things like  
1685 that. But if you go back, this is what the existing garage attached to the property looks like right  
1686 now and the proposed garage will look basically almost identical to that, because it will be right  
1687 across from it. The feel is that, you can't see the rest of the house here, but we tried to create  
1688 kind of an English Manor type look to it and the idea here was to create kind of a motor court  
1689 that you all can see in English countryside type homes. So, that is the two garages opposite  
1690 each other to get that kind of motor court look. If we can go back to the original overhead site  
1691 view (referring to rendering), where it says proposed garage, the garage to the right, the  
1692 building to the top is the one that is under construction right now, of which you saw that first  
1693 picture. The building to the right next to the tool shed across from the existing home is the  
1694 proposed garage, which we haven't even drawn the plans up for yet, and what we will be looking  
1695 at. That is just a smaller two-bay garage there.  
1696



1697 Ms. Jones - All right. Well, I will tell you that is an ambitious building program for  
1698 accessory structures. I wish you well with your retirement hobby. Thank you. I don't have any  
1699 further questions.  
1700  
1701 Mr. Brady - If I may add, I believe the zoning before allowed for five townhouses,  
1702 five at 525 square feet, which is 2,625 square feet. I have worked with Mr. Blankinship and he  
1703 has run the numbers based on the lengths of the roadways there, and he has reported to me  
1704 that even though the zoning would allow up to 3,000, this particular site would only allow up to  
1705 2,625 square feet. So, it is actually keeping in with the existing zoning for the multifamily. We  
1706 would have, in effect, the same exact amount of accessory building footage.  
1707  
1708 Ms. Jones - All right. Well, I appreciate the explanation. Thank you.  
1709  
1710 Mr. Brady - You are very welcome.  
1711  
1712 Mr. Vanarsdall - Any more questions? If not, we will entertain a motion.  
1713  
1714 Ms. Jones - All right. I recommend that we forward Case C-60C-05, Bradford J.  
1715 Brady, to the Board of Supervisors, with a recommendation for approval.  
1716  
1717 Mr. Branin - Second.  
1718  
1719 Mr. Vanarsdall - Motion made by Ms. Jones and seconded by Mr. Branin. All in favor say  
1720 aye. All opposed say no. The ayes have it. The motion passes.  
1721  
1722 REASON: The Planning Commission voted 4-0 (one abstention) to recommend the  
1723 Board of Supervisors grant the request because the site is improved with a single-family  
1724 dwelling and the request is appropriate zoning at this location, it would not be expected to  
1725 adversely affect the pattern of development and land use in the area, and it is not expected to  
1726 have a precedent setting effect on the zoning in the area.  
1727  
1728  
1729 Mr. Vanarsdall - And that is the end of the broadcast tonight, as they say in England on  
1730 the radio.  
1731  
1732 Mr. Silber - That is the end of the rezoning cases. We have a set of minutes for  
1733 your consideration. These would be the September 15, 2005 minutes.  
1734  
1735 Mr. Archer - Mr. Chairman, I know that there was one correction that I saw, page 22,  
1736 line 1139. It should be the Maplewood Farms Civic Association instead of Maybrook.  
1737  
1738 Mr. Vanarsdall - Maplewood?  
1739  
1740 Mr. Archer - Maplewood.  
1741  
1742 Mr. Silber - One word, Maplewood.  
1743  
1744 Mr. Vanarsdall - Anybody else have any?  
1745  
1746 Ms. Jones - Yes, sir. Page 32, line 1704, not breaking faith is what that was  
1747 supposed to be, not space.  
1748  
1749 Mr. Archer - I am sorry. What was that line number again?

1750  
1751 Ms. Jones - Line 1704 on page 32, not breaking faith. Space is supposed to be faith.  
1752  
1753 Mr. Vanarsdall - OK.  
1754  
1755 Ms. Jones - Page 33, line 1766, Mr. Axselle's comment about "I have enjoyed  
1756 working with Ms. Jones so we have married the issue." That actually should be narrowed.  
1757  
1758 Mr. Archer - I kind of like married in there.  
1759  
1760 Ms. Jones - Just for the record. I have another one. I am sorry. Page 41, line 2180,  
1761 the application, it is s just numbers that are transposed. It should be 106 in height, not 160.  
1762 That was the cell tower that was 100 feet, plus the six-foot lightening rod.  
1763  
1764 I am so sorry, but I have one more.  
1765  
1766 Mr. Vanarsdall - Get them all.  
1767  
1768 Ms. Jones - Well, I do read these. Page 42, line 2217, the word loose and look  
1769 actually are lose. We lose capacity and we lose signal strength.  
1770  
1771 Mr. Silber - Two times?  
1772  
1773 Ms. Jones - Yes. And then on line 2220, the last word is our, instead of out. And  
1774 the last correction I have is at the bottom of that page at 2256. It is a lightening rod. Not a  
1775 road.  
1776  
1777 Mr. Silber - Thank you very much. We appreciate you reading them.  
1778  
1779 Mr. Vanarsdall - All right. We need a motion.  
1780  
1781 Mr. Archer - I move that the minutes be approved as corrected.  
1782  
1783 Ms. Jones - Second.  
1784  
1785 Mr. Vanarsdall - Motion made by Mr. Archer and seconded by Ms. Jones. All in favor say  
1786 aye. All opposed say no. The ayes have it. The minutes are approved.  
1787  
1788 Mr. Secretary, do you have anything?  
1789  
1790 Mr. Silber - No, sir. I have nothing tonight.  
1791  
1792 Mr. Vanarsdall - Does anyone else have anything before we go?  
1793  
1794 Mr. Archer - I would like to thank the Secretary for enlightening us on the Federal  
1795 Migratory Bird Treaty Act.  
1796  
1797 Mr. Silber - It is my pleasure.  
1798  
1799 Mr. Archer - I thought I knew most of that.  
1800  
1801 Mr. Silber - Did you learn something from that, Mr. Archer?  
1802

1803 Mr. Vanarsdall - I don't think Ms. Hamilton will be back anytime soon.  
1804  
1805 Mr. Silber - Ms. Hamilton called our office on Tuesday afternoon and indicated that  
1806 she was going to be attending the Board meeting. She didn't attend on Tuesday, but I suspect  
1807 she will be coming to public hearings and voicing her concerns.  
1808  
1809 Mr. Branin - Mr. Chairman, I think it would be prudent if Ms. Hamilton does attend  
1810 more Planning Commission meetings, to ask Ms. Hamilton to take five minutes, go ahead and  
1811 say what she wants to, if she will restrain from having a problem with every case that is  
1812 presented. You know what I am saying? Give her five minutes to get it out of her system and  
1813 then we move forward with all of the rest of the cases.  
1814  
1815 Mr. Vanarsdall - The last time she pretty well did that, but it seemed like you couldn't  
1816 follow the pattern of what she - she would raise her hand, but you couldn't follow the pattern of  
1817 which one she would come up here for.  
1818  
1819 Mr. Kaechele - Mr. Secretary, did you consider sending her a copy of the Attorney's  
1820 opinion?  
1821  
1822 Mr. Silber - I have been talking to Joe about that. Joe didn't want to do that.  
1823  
1824 Mr. Kaechele - He didn't?  
1825  
1826 Mr. Silber - Joe said that was his opinion, that he shared that with the Board of  
1827 Supervisors, and that client-attorney privilege and he did not want to share that, but he did  
1828 indicate that I could share it with her. I don't know if he wants me to share his version of it or  
1829 just talk to her about it.  
1830  
1831 Ms. Jones - I would suggest that engaging the conversation would be a problematic  
1832 thing just from the start, but we have the answer if ever the question is asked.  
1833  
1834 Mr. Silber - Yes. I personally would like to be able to give it to her, but Mr.  
1835 Rapisarda had a concern with that.  
1836  
1837 Mr. Archer - Well, I just appreciate the fact that at least I know we are not in  
1838 violation of it, because it is difficult to engage her in conversation, because she seemed to have a  
1839 lot more knowledge about it than we did with emphasis on the word seemed.  
1840  
1841 Mr. Branin - I would also like to commend Natalie on her first case. God knows she  
1842 did a good job, and I am still not doing a good job.  
1843  
1844 Ms. Jones - I would like to apologize to Natalie for making her stand up and go  
1845 through this. I'd like to move that we adjourn.  
1846  
1847 Mr. Archer - I second the motion for adjournment, Ms. Jones.  
1848  
1849 Mr. Vanarsdall - Motion made and seconded. We are adjourned.  
1850  
1851 The meeting adjourned at 9:13 p.m.  
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Ernest B. Vanarsdall, CPC, Chairman

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Randall R. Silber, Secretary