

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 October 15, 2009. Display Notice having been published in the Richmond
5 Times-Dispatch on September 24, 2009 and October 1, 2009.
6

Members Present: Mrs. Bonnie-Leigh Jones, Chairperson (Tuckahoe)
Mr. Ernest B. Vanarsdall, C.P.C., Vice Chairman (Brookland)
Mr. E. Ray Jernigan, C.P.C., (Varina)
Mr. Tommy Branin, (Three Chopt)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary

Members Absent: Mr. James B. Donati (Varina)
Board of Supervisors Representative

Also Present: Ms. Jean Moore, Assistant Director of Planning
Mr. James P. Strauss, CLA, Principal Planner
Mr. Livingston Lewis, County Planner
Mr. Roy Props, County Planner
Mr. Benjamin Sehl, County Planner
Ms. Jamie Sherry, County Planner
Ms. Lisa Taylor, County Planner
Mr. Ben Blankinship, Zoning Division Manager
Ms. Sylvia Ray, Recording Secretary

7

8

9 Mrs. Jones - I'd like to call this meeting of the Planning
10 Commission to order, and ask that you rise and **Pledge Allegiance to the Flag.**

11

12 Good evening. Welcome to the Rezoning meeting for the Planning Commission.
13 We're happy you're here with us this evening, and look forward to a productive
14 evening. We have a public hearing, followed by a full agenda of cases.

15

16 I would like to say that Jim Donati, the Supervisor from the Varina District, who
17 normally sits with us on the Planning Commission this year, won't be with us this
18 evening. However, all of our Commissioners are here and we can conduct
19 business.

20

21 I hope that you would take a moment to please mute or turn off your cell phones
22 as a courtesy to others, please. I don't believe we have media with us this
23 evening. Okay.

24

25 With that, I'd like to turn the meeting over to our Commission Secretary, Mr.
26 Emerson.

27

28 Mr. Emerson - Thank you, Madam Chair. The first item on your
29 agenda tonight is Requests for Withdrawals and Deferrals. Those will be
30 presented by Mr. Jim Strauss.

31
32 Mr. Strauss - Thank you. Good evening, members of the
33 Commission. Staff is aware of one deferral tonight. It's in the Brookland District
34 on page 3 of the agenda. It's C-23C-09, Nobility Investments, LLC. This is a
35 request to amend proffered conditions accepted with rezoning case C-11C-07,
36 and the applicant is requesting deferral to the November 12, 2009 meeting.

37
38 **(Deferred from the September 10, 2009 Meeting)**

39 **C-23C-09** **Mayur Patel for Nobility Investments LLC:** Request
40 to amend proffered conditions accepted with Rezoning Case C-11C-07, on
41 Parcel 767-747-9248, located on the north line of Glenside Drive approximately
42 355 feet west of Bethlehem Road. The applicant proposes to amend Proffer 15 to
43 require landscaping instead of a screening wall adjacent to a proposed hotel. The
44 existing zoning is B-2C Business District (Conditional). The Land Use Plan
45 recommends Commercial Arterial and Office.

46
47 Mrs. Jones - Is there anyone with us tonight in opposition to the
48 deferral of this case?

49
50 Mr. Vanarsdall - Madam Chair, I move that C-23C-09, Mayur Patel for
51 Nobility Investments, LLC, be deferred until November 12, 2009, at the
52 applicant's request.

53
54 Mr. Archer - Second.

55
56 Mrs. Jones - We have a motion by Mr. Vanarsdall, a second by Mr.
57 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
58 passes.

59
60 At the request of the applicant, the Planning Commission deferred C-23C-09,
61 Mayur Patel for Nobility Investments, LLC, to its meeting on November 12, 2009.

62
63 Mr. Emerson - Madam Chair, I believe that completes all the
64 withdrawals and deferrals that staff has tonight, unless the Commission has
65 anything they would wish to enter at this time.

66
67 Mr. Vanarsdall - Yes sir, I have one.

68
69 Mrs. Jones - All right.

70
71 Mr. Vanarsdall - This is on page 2 at the bottom.

72
73 **(Deferred from the September 10, 2009 Meeting)**

74 **C-20C-09** **Tom Kinter for David R. Gibbs and Clyde S.**
75 **Taylor:** Request to conditionally rezone from A-1 Agricultural District to R-3C
76 One-Family Residence District (Conditional), Parcels 759-765-5522, 759-765-
77 7424, 759-765-8939 and 759-765-7456, containing 6.807 acres, located on the
78 east line of Francistown Road at its intersection with Nuckols Road. The
79 applicant proposes a single-family detached residential subdivision with no more
80 than fourteen (14) units. The R-3 District allows a minimum lot size of 11,000
81 square feet and a maximum gross density of 3.96 units per acre. The use will be
82 controlled by zoning ordinance regulations and proffered conditions. The Land
83 Use Plan recommends Suburban Residential 2, density should not exceed 3.4
84 units per acre, and Environmental Protection Area.

85
86 Mr. Vanarsdall - I recommend deferral on C-20C-09, Tom Kinter for
87 David R. Gibbs and Clyde S. Taylor, at the Commissioner's request.

88
89 Mrs. Jones - Is there anyone with us who is in opposition to the
90 deferral of case? There is no opposition.

91
92 Mr. Jernigan - Second.

93
94 Mr. Vanarsdall - Motion by Mr. Vanarsdall, seconded by Mr. Jernigan.
95 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

96
97 Mr. Emerson - Madam Chair, would that be to November the 12th as
98 well?

99
100 Mrs. Jones - Mr. Vanarsdall, November the 12th?

101
102 Mr. Vanarsdall - November 12th.

103
104 Mrs. Jones - Yes.

105
106 At the request of the Commission, the Planning Commission deferred C-20C-09,
107 Tom Kinter for David R. Gibbs and Clyde S. Taylor, to its meeting on November
108 12, 2009.

109
110 Mr. Emerson - If there are no other deferrals to be brought forth by
111 the Commission, the next item on the agenda is expedited items. We have one of
112 those tonight, and that will also be presented by Mr. Strauss.

113
114 Mr. Strauss - Thank you. There is one case requesting expedited
115 approval tonight. It's in the Three Chop District on page 1 of the agenda. This is
116 C-26C-09, KCA/Holloway, L.C. The request is to rezone from R-3C One-Family
117 Residence District to C-1C Conservation District in order to comply with Proffer
118 10 of the original rezoning case. This proffer requires that areas in the 100-year

119 floodplain be rezoned to the Conservation District. Staff is recommending
120 approval. We're not aware of any opposition.

121

122 **C-26C-09** **Rick Melchor for KCA/Holloway, L.C.:** Request to
123 rezone from R-3C One-Family Residence District (Conditional) to C-1C
124 Conservation District (Conditional), part of Parcel 750-774-6038, containing
125 approximately 1.8 acres, located along the Chickahominy River beginning at a
126 point approximately 200 feet to the northeast of Riverplace Court and extending
127 approximately 475 feet southeast through the proposed Martin's Ridge
128 subdivision. The use will be controlled by zoning ordinance regulations and
129 proffered conditions. The Land Use Plan recommends Environmental Protection
130 Area.

131

132 Mrs. Jones - Is there anyone with us in opposition to C-26C-09,
133 Rick Melchor for KCA/Holloway, L.C.?

134

135 Mr. Branin - Madam Chair, I'd like to move that C-26C-09, Rick
136 Melchor for KCA/Holloway, L.C., be approved on the expedited agenda.

137

138 Mr. Vanarsdall - Second.

139

140 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall.
141 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

142

143 **REASON:** Acting on a motion by Mr. Branin seconded by Mr.
144 Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the
145 Board of Supervisors **grant** the request because it reflects the Land Use Plan
146 and future use and zoning of the area, and it conforms with the objectives and
147 intent of the County's Comprehensive Plan.

148

149 Mr. Emerson - Madam Chair, that takes us to the first item on your
150 agenda tonight, which is the public hearing on Subdivision and Zoning Ordinance
151 Amendments. This public hearing is on amendments to revise the County
152 subdivision and zoning ordinances to comply with recent changes enacted by the
153 General Assembly. You will recall that on September 8th, you held a joint work
154 session with the Board of Supervisors to review these proposed amendments to
155 the zoning and subdivision ordinances. This presentation will look very similar to
156 you, as essentially, these are mandated by the General Assembly, so therefore
157 there haven't been any changes since they were first presented to you. With
158 that, this will be presented by Mr. Ben Blankinship.

159

160 Mr. Blankinship - Thank you, Mr. Secretary. Good evening, Madam
161 Chairman, members of the Commission.

162

163 Mrs. Jones - Good evening.

164

165 Mr. Vanarsdall - Good evening.
166
167 Mr. Branin - Good evening, Mr. Blankinship.
168
169 Mr. Blankinship - The bad news is we're dropping a 28-page
170 amendment on you this evening. But the good news, as Mr. Emerson said, is
171 that you have already been walked through these in a work session, and they are
172 all state-mandated changes.
173
174 Mr. Branin - It's a light night. We have all night. And I'm sure
175 everyone in the room is very interested.
176
177 Mr. Blankinship - All right, then, let's get started. I will say Mr. Foster,
178 the Director of Public Works, and Ms. News, the Division Manager for
179 Development Review and Design, are here with us this evening. Two-thirds of
180 this presentation was theirs, so if you have any detailed questions on their
181 portion of the presentation, I'll ask them to help.
182
183 Mr. Vanarsdall - You have a lot of staff over there to answer questions.
184
185 Mr. Blankinship - Yes sir. We brought the whole bullpen with us this
186 evening.
187
188 *Dam break inundation zones is one of the three major areas of this package of*
189 *amendments. There's a new law that took effect this past year, so actually this*
190 *one is already in effect and we've been working with it since July 1st, although I*
191 *don't believe we've had any requests for any mapping of dam break inundation*
192 *zones.*
193
194 The new law requires that wherever you have dams or impounding structures
195 that meet certain qualification, the owner of that dam is responsible for preparing
196 a dam break inundation zone map, which is a map of the zones that would be
197 inundated if the dam broke. It's one of those things that's easier to read
198 backward than forward. It does not apply to developments with one or two
199 residential units, or to agricultural production. Once that map has been drawn
200 up, the Virginia Department of Conservation and Recreation (DCR), they're
201 responsible for certifying existing dams every six years. So, our anticipation is
202 that as each new structure comes up for recertification, they'll be looking for
203 these maps to be done.
204
205 If a developer proposes a subdivision or some other development downstream
206 from that dam in the area that would be inundated if the dam broke, then the
207 County is required to forward the request to DCR and ask them to determine
208 whether the proposed development would change the classification of the dam.
209 The hazard level that DCR classifies the dams under doesn't depend so much on
210 the dam as it does on what's downstream of the dam. A large dam that has

211 nothing both farmland below it could be a low hazard dam, but a smaller dam
212 that has apartments below it is a higher classification. It's the downstream
213 development that really drives the classification. So, DCR would then have to
214 determine whether the proposed development would change the hazard
215 classification of the dam. If it does, then we relay that information to the
216 developer, and he is required to submit an engineering study of that dam to DCR
217 before the development downstream is approved by the County. Before actually
218 beginning the work on the development, the developer has a choice. He can
219 either change his plans so that it won't have an impact on the classification of the
220 dam, or he can pay half the cost that's necessary for the upgrades to the dam.
221 So, if you have an impounding structure, there's an area below that if the dam
222 broke that area would be flooded, the developer comes in proposing
223 development in that area, he has two choices. He can either redesign his plan so
224 that the development is not in the dam-break, inundation area, or he can pay half
225 the cost of upgrading the dam to the new hazard classification.
226

227 That is the short version of that amendment. We went over the long version of it
228 already. And as I said, Mr. Foster is here if you have any detailed questions.
229 We'll do our best to handle those.
230

231 The second major portion of this presentation has to do with the review timelines
232 and extensions of validity for subdivision plats.
233

234 Mr. Jernigan - Mr. Blankinship, before we go any further, because
235 we do have a few people in the audience, the calculations for dam breakage? So
236 everybody will know, is it if we were to get 38 inches of rain in a 24-hour period?
237

238 Mr. Blankinship - There are several different classifications. And yes,
239 that's the highest of them. In the most significant category of hazard, the dam
240 has to be able to withstand—No, no. It doesn't have to be able to withstand it.
241 The inundation zone is based on what it would be like if the dam broke on a day
242 that three tropic storm Gaston's hit us one after the other.
243

244 Mr. Jernigan - And the calculations take in to one cubic foot of flood
245 downstream? In other words, when you calculate it, they will figure how much
246 you would get of one foot of water. Was it one cubic foot of water?
247

248 Mr. Blankinship - I'm not sure.
249

250 Mr. Emerson - Perhaps we might want to get Mr. Foster to come
251 forward.
252

253 Mr. Foster - Thank you, Mr. Emerson. Mr. Jernigan, you're
254 correct. The probably maximum flood that you're speaking of is the 38 inches in a
255 24-hour period. That's considered the 2500-year storm, or a .04% chance of
256 happening. But there are still three other criteria that has to be looked at, too.

257 The sunny day, which is if it's just a nice day, sunny day, and the dam breaks,
258 what's the inundation there. A spillway design flood without the failure, so if the
259 spillway floods over but the dam doesn't fail. And the, of course, if the spillway
260 floods over and the dam fails. We do believe that the one foot you're talking
261 about is the rise of water one vertical foot.

262

263 Mr. Jernigan - One cubic foot.

264

265 Mr. Foster - One vertical foot up.

266

267 Mr. Jernigan - Okay. Thank you, Mr. Foster.

268

269 Mrs. Jones - Mr. Blankinship, just a quick question before we move
270 off of the dam. As the developer considers his plan, knowing that he has one of
271 two choices in order to handle the situation, if he puts aside half of the cost of the
272 necessary upgrades to the dam, the other half of the cost would be borne by the
273 owner of the dam?

274

275 Mr. Foster - It would be expected to be borne by the owner of the
276 dam. One thing to consider is before this law went into effect, the dam owner had
277 100% of that cost. So, the other 50%, even though it sounds like suddenly the
278 50% cost is the dam owner, it was 100% before this law went into effect.

279

280 Mrs. Jones - And that would have to be done—Is there a timeliness
281 element written into the—

282

283 Mr. Foster - From my understanding—as I say this, I'll look back to
284 my experts behind me—it's six years. It goes into a fund and it'll stay there for
285 six years. Between that six years, the dam owner's going to have to have the
286 dam recertified within that six-year timeframe.

287

288 Mrs. Jones - Six years. I couldn't remember from my previous
289 conversation. Okay. All right. I don't know how much this costs, but I know we
290 have to do this and I'm just hoping this doesn't come up but so often.

291

292 Mr. Foster - Exactly. One of the other things is there is some
293 assistance that dam owners can get from DCR, low-cost loans and that sort of
294 thing. They'll have to get their dam certified every six years, just as they do now.

295

296 Mrs. Jones - Okay, thank you.

297

298 Mr. Blankinship - All right. Moving on to review timelines and extension
299 of validity. The General Assembly has enacted new provisions, and these go
300 back more than just one year. There are two- or three-years' worth of changes
301 that are being rolled together here. They fall into two categories: the timelines

302 for review, and the periods of validity, including a special extension of approval
303 that I'll get to in a moment.

304
305 Under the timelines for review, the new provisions were an attempt by the
306 General Assembly to speed up the process for certain commercial and industrial
307 developments. I'm not sure where in the state this came from, but apparently
308 other people have been experiencing issues with commercial and industrial
309 subdivisions getting held up for long periods of time. So the State requires
310 everybody to adopt these new timeframes. I say that because we don't believe
311 that they're going to have much of an effect on us because we're already
312 meeting these timelines for the most part.

313
314 The changes do limit the review of resubmitted plans to deficiencies that were
315 identified previously, and new deficiencies caused by correction. So when a
316 developer submits plans, we're supposed to catch all the problems, all the
317 deficiencies on the one round of reviews. If he comes back making those
318 changes, we're supposed to be able to move forward, not keep going back for
319 another bite at the apple each time new plans are resubmitted, unless there are
320 changes from the corrections that cause other areas of concern that would then
321 have to be corrected.

322
323 These are not applicable to construction plans or major revisions of plans; they're
324 just applicable to the POD that's reviewed and approved by the Commission.

325
326 Mr. Vanarsdall - Mr. Blankinship, when it says, "seek to speed up the
327 process," does that mean that it's not what it should be?

328
329 Mr. Blankinship - Well, if Henrico County were the cause of this, then I
330 would say yes, it's not what it should be. I know there are other places in the
331 State where 18 months or 2 years is not unusual to get commercial plans
332 approved. I don't know this for a fact, but my best guess is that the General
333 Assembly was addressing some of those other issues. But they addressed it with
334 general statewide legislation, so we all have to amend our ordinances to take it
335 into account. As I said, in most cases, if not all cases, we're already meeting the
336 timelines that they are proposing on us.

337
338 Moving on to periods of validity after plans are approved. Submission of a final
339 plat within one year extends the validity of a preliminary plat for five years.
340 Normally, your preliminary plat or conditional subdivision plat is approved for a
341 period of one year, but then once the developer comes in and submits a final
342 plat, it extends the preliminary plat for five years. Then the recordation of any
343 portion of the final plat extends the validity of the underlying preliminary plat for
344 five years, and that's five years from the date of recordation of the most recent
345 plat. So as long as the developer continues to bring in final plats and record
346 them, he continues to add five-year periods to the validity of the preliminary pat.

347

348 The General Assembly this past session adopted a one-time extension of validity
349 to address the housing crisis. This is very broadly worded. It takes in POD's,
350 subdivision plats. It also takes in Conditional Use Permits and Provision Use
351 Permits, and under certain circumstances, proffers are also grandfathered under
352 this. Essentially, any approval that was outstanding and valid as of January 1st of
353 this year is automatically extended to July 1, 2014. If you haven't noticed it
354 already, you'll notice that very soon on your agendas. Whereas you would
355 normally see a lot of subdivision plats up for renewal year after year, if it was
356 valid January 1st of this year, it's automatically been pushed out to July 1, 2014.
357 Any other associated plans or permits that are directly connected with an
358 extended plat or plan is also extended by that same legislation. Again, whether
359 we put that in our Code or not, whether we like it our not, that's what the General
360 Assembly has given us to work with as a way of helping the homebuilders and
361 everyone else deal with the current crisis.

362
363 Moving on to sort of the miscellanea at the end of this large amendment, there
364 were several small changes that, again, have accumulated of the years in the
365 State Code, so that our County Code no longer tracks exactly with the State
366 Code. While we were doing this package of amendments, we added several of
367 these other items so that we could bring the two codes into parallel. Several of
368 them have to do with nonconforming structures. Enlargement of a building that is
369 conforming as to use, but not to some other zoning requirement, is being
370 simplified and made easier for somebody to—if you have a house, for example,
371 that's in a residence district but it's too close to the front yard line, and you want
372 to build an addition on the rear of the house, it simplifies that kind of thing.
373 Restoration of nonconforming structures that are damaged by an act of God, or a
374 flood. A lot of this came up after Hurricane Isabel. Houses that are flooded, it's
375 now a simpler process to rebuild them. Also damage by accidental fire is now
376 treated as an act of God.

377
378 There were several very minor changes in the powers and duties of the Board of
379 Zoning Appeals. I've given you three examples there. Notices can be mailed by
380 first-class mail instead of certified mail. That changed in the State Code some
381 years ago, and we've been doing it that way, but our County Code has not
382 reflected that change. Also a more recent change to some of the wording in the
383 finding that the Board of Zoning Appeals has to make in order to grant a
384 variance. The words, "approaching confiscation," were taken out of that
385 paragraph. And so that the BZA may consider the conditions of adjacent
386 property when they're evaluating a variance request. That was added to the
387 State Code a few years ago and we just hadn't gotten around to adding it to ours.
388 We had been considering it, of course, it's just now is the time to clean up the
389 language. The BZA has the specific authority to impose conditions on special
390 exceptions, including the duration of the permit. Again, we've been doing it, but
391 we're just bringing the two codes into parallel. Finally, if a variance is granted,
392 the property is treated as a conforming property, not as nonconforming property.

393

394 Finally, there's one very minor change under Family Divisions. Where the Code
395 now defines a member of the immediate family as natural or legally-defined
396 offspring, spouse, grandchild, grandparent, or parent of the owner, the State
397 Code has added stepchild and sibling to that list.

398
399 That is the end of my presentation. If you have any other questions on—
400

401 Mrs. Jones - Does anyone have questions for Mr. Blankinship?
402 This is a public hearing, and we would welcome any comments or questions from
403 the public at this time. You're not all glazed over out there, are you? All right.
404 By means of a motion?

405
406 Mr. Emerson - Yes ma'am, Madam Chair. I would suggest a motion
407 recommending approval of the subdivision zoning ordinance amendments as
408 presented.

409
410 Mr. Vanarsdall - I so move.

411
412 Mr. Archer - So second.

413
414 Mrs. Jones - All right. We have a motion by Mr. Vanarsdall to
415 approve the amendment changes as presented. We have a second by Mr.
416 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
417 passes.

418
419 Thank you very much. You've done a lot of work on this, and I know you've had a
420 lot of folks working with you. This is an involved process, and we thank you for
421 your input and the work sessions you've conducted.

422
423 Mr. Blankinship - Thank you, Madam Chair.

424
425 Mr. Emerson - Madam Chair, that takes us to the next item on your
426 agenda, which is also on page one.

427
428 **C-25C-09** **Joshua O'Connor for Hightech Signs:** Request to
429 amend proffered conditions accepted with Rezoning Case C-5C-97, on part of
430 Parcel 747-759-8591, located at the southwest intersection of W. Broad Street
431 (U. S. Route 250) and Cox Road (Colonnades West Shopping Center). The
432 applicant proposes to amend proffers related to sign height. The existing zoning
433 is B-2C Business District (Conditional). The Land Use Plan recommends
434 Commercial Arterial.

435
436 Mrs. Jones - Good evening, Ms. Taylor. Before you start, is there
437 anyone with us who objects to case C-25C-09, Joshua O'Connor for Hightech
438 Signs? There is no objection. All right.

439

440 Ms. Taylor - Thank you, Madam Chair.

441

442 This is a request to amend proffers accepted with rezoning case C-5C-97 related
443 to the height of attached signage. The proposal would allow Ross, Dress for
444 Less, a new tenant in the Colonnades West Shopping Center, to have attached
445 signs 54 inches in height.

446

447 The shopping center consists of 14.73 acres and is located at the southwest
448 intersection of West Broad Street and Cox Road. The property was rezoned
449 from O-3 and O-3C to B-2C via case C-22C-95. As part of this rezoning case,
450 the applicant proffered the type of attached signage allowed. These proffers
451 required attached signs be harmonious in architectural treatment and design;
452 composed with individual letters and lighted from an internal source; not be
453 exposed neon; and limited in height depending upon the distance from W. Broad
454 Street. The closer a building to West Broad Street, the lower the attached
455 signage height and vice versa.

456

457 In 1997, rezoning case C-5C-97 amended C-22C-95 with regards to the attached
458 signage. It allowed two buildings, Building D—which was the former Comp USA
459 store and is now the Ross, Dress for Less Store—and Building E—which was the
460 former Office Max store—an additional attached sign 42 inches in height oriented
461 towards Cox Road.

462

463 The current proposal would further amend C-5C-97 to allow attached signs on
464 Building D, the Ross, Dress for Less store, to be 54 inches in height and face
465 Cox Road and West Broad Street.

466

467 Other stores within the shopping center would still be held to the proffers
468 accepted with C-5C-97 and C-22C-95.

469

470 Staff believes the existing proffered heights, orientation, and allowable attached
471 square footage provide for adequate signage and visibility for Building D, and
472 finds no justification or merit for the requested increase in signage height.
473 Approval of this request may encourage other tenants within the shopping center
474 to seek similar proffer amendments for attached signage, thus diminishing the
475 standards for cohesive and uniform signage throughout the shopping center.
476 Therefore, staff does not support this request.

477

478 This concludes my presentation. I will be happy to answer any questions

479

480 Mrs. Jones - Questions for Ms. Taylor?

481

482 Mr. Branin - Madam Chair, I have none for Ms. Taylor. I'd like to
483 give the applicant an opportunity to speak.

484

485 Mrs. Jones - Sure. Thank you, Ms. Taylor.

486
487 Ms. Taylor - Thank you.
488
489 Mrs. Jones - Would the applicant please come forward? We
490 record these proceedings, so if you don't mind coming to the microphone and
491 just telling us your name.
492
493 Mr. Swartz - My name is Greg Swartz. I'm here with Hightech
494 Signs today on behalf of Bill Moore and Associates.
495
496 Mr. Branin - Mr. Swartz, first I'd like to say, welcome to the Three
497 Chopt District. I'm glad Ross, Dress for Less has moved into the District and
498 filling a store that has been empty for quite a while now. Welcome. Welcome to
499 Henrico in the Three Chopt District.
500
501 Mr. Swartz - Thank you. On behalf of Ross, they're simply looking
502 for larger signage, which is their national standard. The 54-inch letter size has
503 been used around the country, along with the trademark, Dress for Less.
504
505 The proffer is 12 years old. From my communication with a zoning official here in
506 Henrico, it was noted that the proffer was used to stop development to the west,
507 which is now much out of date. The same property, as noted, allows larger
508 letters as you move away from West Broad, which is the large through-fare there,
509 which would bring most clientele to the store. Right now they have a 24-inch
510 letter, which is fairly ineffective compared to the 54, which they would like to
511 propose. The store is very large at 25,000 square feet. At the 54-inch channel
512 letter height, you would still be using just over half of the allotted square footage
513 based on the zoning regulations for that property.
514
515 Mr. Branin - Have you been to the Shoe Carnival?
516
517 Mr. Swartz - No.
518
519 Mr. Branin - Do you know where it's located?
520
521 Mr. Swartz - No.
522
523 Mr. Branin - You don't? You've never seen it? Have you ever
524 been in this shopping center?
525
526 Mr. Swartz - This evening, yes.
527
528 Mr. Branin - Did you see the CVS?
529
530 Mr. Swartz - No.
531

532 Mr. Branin - You didn't see anything but the Ross. This is a very
533 successful shopping center. Most of the stores that have been there have been
534 there since they day they opened. It does very well. I understand that your
535 national sign size is of a particular size, but I can't see where it would be
536 necessary to change the size of the lettering for this one store at this time. If you
537 could stand there and say every one of the stores that have been in this
538 shopping center have failed because the lettering is just too darn small, I would
539 say I understand that, and let's change it. But that's not the case, sir.

540
541 Mr. Swartz - Right.

542
543 Mr. Branin - Although it may be the national, lots of national chains
544 come into Henrico County and change their whole building—not just the lettering,
545 but their whole building—to meet our standards and criteria. So, I just can't see
546 where this is necessary, which may end up causing multiple stores to go to the
547 expense of changing to compete with your sign. I just can't see where we need to
548 do it.

549
550 Mr. Swartz - Ross' take on this is they just want it to be as effective
551 as possible. Comp USA's sign was much larger then Ross' sign. They're not
552 trying to be unreasonable. The size of the sign is harmonious with the size of the
553 building at 26,000 square feet. There's plenty of frontage along West Broad and
554 Cox to allow that size sign. They're having a hard time seeing why you wouldn't
555 allow it.

556
557 Mr. Branin - Tell them to give me a call.

558
559 Mr. Swartz - Okay. Again, this is their first step in a variance
560 process, if that's necessary.

561
562 Mr. Branin - Okay.

563
564 Mrs. Jones - The Comp USA sign that you referenced met the
565 requirements of the proffer.

566
567 Mr. Swartz - I can't say for sure. We removed the sign, but we did
568 not produce or install that sign. It was larger than the proffer allowed.

569
570 Mrs. Jones - You're telling me that the Comp USA sign did not
571 meet the standards of the proffer?

572
573 Mr. Swartz - It may have on paper, but that's not what was
574 installed.

575
576 Mr. Branin - Ms. Taylor?

577

578 Ms. Taylor - Yes sir.
579
580 Mr. Branin - Was the Comp USA sign not within—
581
582 Ms. Taylor - I believe it was, sir, but I can check the sign permit. I
583 have it back on my desk.
584
585 Mr. Branin - Okay.
586
587 Ms. Taylor - I'm pretty sure it was, but I can check for sure and let
588 you know.
589
590 Mr. Branin - I'm pretty positive it was.
591
592 Mrs. Jones - Ms. Taylor, while you're up at the podium, we did
593 discuss the other day the small "Ross" on the Broad Street frontage.
594
595 Ms. Taylor - Yes ma'am.
596
597 Mrs. Jones - The applicant has not made signage on that part of
598 the building as large as they could, correct?
599
600 Ms. Taylor - They are allowed 24 inches, but they are still allowed
601 334 square feet of sign area. They're still allowed that much sign area. They
602 haven't utilized that.
603
604 Mrs. Jones - There is plenty of sign area still to be used, it seems
605 fairly clear to me. There's square footage to be used, and there are guidelines as
606 to the height. But there is still a lot yet to be utilized. Unless there's a compelling
607 reason that I'm not hearing, I don't understand why this request has been made.
608 Thank you.
609
610 Mr. Swartz - They feel that the Ross is not large enough. You
611 could certainly put "Ross" on the building ten times to meet the maximum square
612 footage allotted for the building. They simply want two signs. Back to the issue
613 you brought up earlier, only put "Ross" on the side and not the complete tag line
614 because Ross has taken this as temporary signage, and wants larger signage.
615 They didn't want to invest the money putting, "Dress for Less" in the property
616 height to fit next to the 24-inch "Ross" when they planned to put a larger sign
617 there later.
618
619 Mr. Branin - Thank you. Anybody have any questions?
620
621 Mrs. Jones - Any more questions?
622

623 Mr. Branin - Madam Chair, as you can tell, the way I feel about
624 changing the proffer for larger letters, I just don't find it necessary. So, I would
625 like to move that case C-25C-09, Joshua O'Connor for Hightech Signs—

626
627 Mrs. Jones - Just a moment.

628
629 Mr. Emerson - Public comment. You brought the applicant up and
630 then—

631
632 Mrs. Jones - Excuse me. Mr. Emerson keeps me straight up here.
633 Are there any other comments or questions from the public? All right.

634
635 Mr. Branin - So, like I was saying—Madam Chair, I'd like to move
636 that case C-25C-09, Joshua O'Connor for Hightech Signs, move forward to the
637 Board with a recommendation of denial.

638
639 Mr. Vanarsdall - Second.

640
641 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall.
642 All in favor say aye. All opposed say no. The ayes have it; the motion passes.

643
644 **REASON:** Acting on a motion by Mr. Branin seconded by Mr.
645 Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the
646 Board of Supervisors deny the request because it does not meet the original
647 intent of the proffers and would set an adverse precedent for the adjacent
648 development and West Broad Street corridor.

649
650 **C-27C-09 Andrew M. Condlin or Jennifer D. Mullen for**
651 **Towne Center-West, LLC and Towne Center West Shoppes, LLC:** Request to
652 amend proffered conditions accepted with Rezoning Case C-49C-04, on Parcels
653 735-764-4742, 736-764-1136, 736-764-0871, 736-764-3961 and part of Parcel
654 734-764-9340 located on the north line of W. Broad Street (U.S. Route 250)
655 approximately 1,100 feet east of N. Gayton Road, approximately 500 feet north
656 of W. Broad Street approximately 1,100 feet east of N. Gayton Road, and
657 approximately 675 feet north of W. Broad Street approximately 1,775 feet east of
658 N. Gayton Road. The applicant proposes to amend Proffer 20 related to exterior
659 elevations and building materials. The existing zoning is B-2C Business District
660 (Conditional). The Land Use Plan recommends Commercial Arterial. The site is
661 in the West Broad Street Overlay District.

662
663 Mrs. Jones - Is there anyone with us this evening in opposition to
664 case C-27C-09, Andrew M. Condlin or Jennifer D. Mullen for Towne Center-
665 West, LLC and Towne Center West Shoppes, LLC? No opposition. Good
666 evening.

667
668 Ms. Sherry - Good evening. Thank you Madam Chair.

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The subject parcels are located within Towne Center West and are currently vacant. Case C-49C-04 rezoned the subject property to B-2C to allow the development of Towne Center West.

The applicant is requesting to amend Proffer #20 of C-49C-04 in order to construct a restaurant on the property along West Broad Street with stone as the predominate material instead of brick as was required by the original case.

The architectural elevations proposed for development along West Broad Street may be appropriate; however, to ensure consistency with the original application and the West Broad Street Overlay District, the applicant is encouraged to integrate additional building materials and design elements used throughout Towne Center West for continuity. Additionally, each façade should be articulated with architectural features such as windows and varied building materials, especially for those facades visible from West Broad Street.

The applicant is also requesting to amend the proffer to allow stone, in addition to brick, to be used to meet the minimum percentage of building material throughout the development and to allow the minimum percentage of brick for buildings to be reduced or varied upon approval of the Planning Commission at time of Plan of Development review.

This request should not reduce the overall quality of development if other proffers remain unaltered. Staff is generally supportive of this request, but given the flexibility already proposed with the other aspects of this request, and to maintain consistency with the buildings already constructed on the property, staff believes the minimum requirement for masonry materials on buildings should be maintained.

This concludes my presentation I would be happy to answer any questions. Thank you.

Mrs. Jones - Do we have questions for Ms. Sherry? All right. Would you like to hear from the applicant?

Mr. Branin - Sure. I have some questions in the next case. They're both adjoining cases, so.

Mrs. Jones - I'm sure Mr. Condlin will be happy to—

Mr. Branin - I'm sure.

Mr. Condlin - Madam Chair, members of the Commission, Mr. Branin, Andy Condlin from Williams Mullen. I'm real surprised that Mr. Axselle didn't come up to oppose the case just because I was presenting it. Jamie did,

715 obviously, an excellent job. The real reason we're doing the application is for
716 Olive Garden, to bring them in. If you've been out to Towne Center West, you
717 realize that they've done a fantastic job. They're much consistent with what we're
718 doing in these elevations. They are trying to provide for the Olive Garden, and
719 additional development with the stone, again, subject to the POD requirements,
720 or certainly within the hands of the Planning Commission. With that, I'll be happy
721 to answer any questions on this, or if you would like to go to the next case, we
722 can just discuss that one as well.

723
724 Mr. Branin - No, we'll just—

725
726 Mr. Condlin - Okay, we'll stick here for now and follow protocol.

727
728 Mr. Branin - I have nothing further.

729
730 Mrs. Jones - Mr. Condlin, just to make sure that I understand your
731 reason for not wanting to, [inaudible; fades out] the percentage of masonry.

732
733 Mr. Condlin - Well, the percentage, instead of just brick, we added
734 stone, again, because—I'll put up my elevations,...(refers to slide). Obviously,
735 there's a lot of stone there. And again, trying to create that transition between the
736 other buildings and this building as well. Our thought was instead of having to do
737 a proffer amendment every time, we could come back at the time of POD, to
738 [unintelligible] at the time of the Planning Commission, alter that percentage as
739 necessary. There's anywhere from 35 to 50% required depending on where you
740 are in the building and where you are on the site. It was just a procedural issue.
741 Again, it's still subject to the Planning Commission's discretion to reduce it or not.
742 We still have to meet it if we can't satisfy your standards. It was just one step less
743 to go through. We just thought it was a lot easier. It has nothing to do with this
744 particular restaurant or otherwise. Just so we're not continually having to come
745 back.

746
747 Mrs. Jones - But you would potentially have the ability to come
748 back and present something without masonry at all.

749
750 Mr. Condlin - Yes.

751
752 Mr. Branin - Madam Chair, that's why they had it phrased coming
753 back for POD. At zoning, if they had come in with something and then by the
754 time it hits POD they want to increase stone or decrease stone because of
755 architects, which change things quite often, Mr. Condlin, staff, and myself said as
756 long as we have the option at POD to change it—

757
758 Mr. Condlin - Or to say no, quite frankly.

759

760 Mrs. Jones - Okay. I just wanted to confirm that that's exactly what
761 we were doing.

762 Mr. Condlin - Yes. Yes ma'am. Thank you.

763
764
765 Mrs. Jones - Thank you. Anybody else have questions?

766
767 Mr. Branin - Are you ready? Madam Chair, I'd like to move that C-
768 27C-09, Andrew M. Condlin or Jennifer D. Mullen for Towne Center-West, LLC
769 and Towne Center West Shoppes, LLC, move forward with a recommendation
770 for approval with conditions stated, and for projects of this type.

771
772 Mr. Jernigan - Second.

773
774 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Jernigan. All
775 in favor say aye. All opposed say no. The ayes have it; the motion passes.

776
777 **REASON:** Acting on a motion by Mr. Branin seconded by Mr.
778 Jernigan, the Planning Commission voted 5-0 (one absent) to recommend the
779 Board of Supervisors grant the request because the changes do not greatly
780 reduce the original intended purpose of the proffers and continue to assure
781 quality form of development.

782
783 **C-28C-09 Andrew M. Condlin or Jennifer D. Mullen for**
784 **Towne Center-West, LLC:** Request to conditionally rezone from R-6C General
785 Residence District (Conditional) to B-3C Business District (Conditional), part of
786 Parcel 734-764-9340, containing approximately 4.85 acres, located
787 approximately 325 feet north of W. Broad Street (U.S. Route 250) approximately
788 1,100 feet east of N. Gayton Road. The applicant proposes commercial uses.
789 The use will be controlled by zoning ordinance regulations and proffered
790 conditions. The Land Use Plan recommends Commercial Arterial. The site is in
791 the West Broad Street Overlay District.

792
793 Mrs. Jones - Is anyone with us this evening in opposition to C-28C-
794 09, Andrew M. Condlin or Jennifer D. Mullen for Towne Center-West, LLC? All
795 right. Ms. Sherry?

796
797 Ms. Sherry - Thank you.

798
799 This property is part of Towne Center West, which was originally zoned to B-2C
800 via case C-49C-04 to allow for retail uses. In 2006, a portion of the Towne
801 Center West—the area subject to this request—was rezoned to R-6C to allow
802 multi-family development with retail on the ground floor. Development of this
803 project has never commenced and the applicant now wishes to rezone the
804 property to B-3C.

805

806 The applicant has submitted many of the same proffers accepted with C-49C-04,
807 including restricting the uses to allow those in the B-2 district. The applicant has
808 also proffered a site plan, a landscape buffer plan, and architectural elevations
809 which demonstrate connectivity and continuity with the overall Towne Center
810 West development.

811
812 The B-3 zoning would permit extended hours and outdoor dining without the
813 approval of a provisional use permit. Staff originally had some concerns with the
814 request as it pertains to hours of operation for businesses and signage. However,
815 the applicant has submitted revised proffers, which you have just received, that
816 address these concerns identified in the staff report.

817
818 Specifically, the revised proffers now clarify that all uses would be subject to
819 operating between the hours of 5 a.m. to 2 a.m., except for any outdoor dining
820 areas, which would be limited to 7 a.m. to 10 p.m. While this would permit
821 extended hours, it would be consistent with hours typically conditioned with
822 provisional use permits.

823
824 Additionally, the applicant has now limited the signage on the property to that
825 which is allowed within the B-2 zoning district. The applicant has also clarified
826 that landscaping and trees would be provided along the main entrance which is
827 consistent with the original proffers of C-49C-04.

828
829 Returning this property to commercial uses would be appropriate at this location
830 and would be consistent with the rest of the development within Towne Center
831 West.

832
833 The requested uses would also be consistent with the 2026 Comprehensive
834 Plan's recommendation for Commercial Arterial. Therefore, staff supports this
835 request.

836
837 This concludes my presentation. I would be happy to answer any questions.

838
839 Mrs. Jones - Thank you, Ms. Sherry. Do we have questions?

840
841 Mr. Branin - Ms. Sherry, you've stated it, but I'm going to have it
842 stated again. Changing the zoning would allow for different signage. We're trying
843 to maintain the same signage throughout the project complete.

844
845 Ms. Sherry - Correct.

846
847 Mr. Branin - They have agreed to that.

848
849 Ms. Sherry - That is correct.

850

851 Mr. Branin - That was a big concern for us. The other big concern
852 of ours was the signage and also the—
853
854 Ms. Sherry - Hours of operation?
855
856 Mr. Branin - *Hours of operation.* The reason why we're going for
857 this is so we don't have PUP's every time it comes in for outdoor dining. By
858 restricting the hours now throughout, we're not leaving any open holes or any
859 loopholes for a hair salon that wants to operate 24 hours, or so forth. Right?
860 We're tight.
861
862 Ms. Sherry - Correct.
863
864 Mr. Branin - I have no further questions.
865
866 Mrs. Jones - Would you like to hear from the applicant?
867
868 Mr. Branin - As much as Mr. Condlin would like to come up and
869 speak, I don't find it necessary, unless someone else would like him to.
870
871 Mrs. Jones - We've had a lot of discussions about hours and
872 changes. It's becoming quite the topic for every meeting. Towne Center West
873 has developed quite nicely, hasn't it?
874
875 Mr. Branin - Yes it has. Madam Chair, I'm hoping that this time
876 this zoning sticks, and we get something put out there in that front pod, because
877 we've changed it, what, two times now. I think this time being the third time may
878 be the charm. All right. May I make a motion?
879
880 Mrs. Jones - You may.
881
882 Mr. Branin - Thank you. Madam Chair, I'd like to move that C-28C-
883 09, Andrew M. Condlin or Jennifer D. Mullen for Towne Center-West, LLC, move
884 forward with a recommendation for approval with the conditions provided, and
885 the additional conditions provided this evening. That's it.
886
887 Mr. Vanarsdall - Second.
888
889 Mrs. Jones - Motion by Mr. Branin, seconded by Mr. Vanarsdall.
890 All in favor say aye. All opposed say no. The ayes have it; the motion passes.
891
892 Mrs. Jones - Before we start the next case, time limits need to
893 waived on case C-28C-09.
894
895 Mr. Branin - Madam Chair, I apologize for that; I should have
896 called that out first. I was so excited, I forgot. Madam Chair, I'd like to move for

897 waiving the time limits on the conditions for C-28C-09, Andrew M. Condlin or
898 Jennifer D. Mullen for Towne Center-West, LLC.

899
900 Mr. Vanarsdall - Second.

901
902 Mrs. Jones - Motion to waive time limits by Mr. Branin, seconded
903 by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the
904 motion passes.

905
906 **C-3C-09 Ralph L. "Bill" Axselle, Jr. for Staples Mill**
907 **Marketplace, LLC:** Request to conditionally rezone from R-3 One-Family
908 Residence District to B-2C Business District (Conditional), Parcels 767-757-8360
909 and 767-756-9991 and part of Parcel 767-757-6317, containing approximately
910 28.914 acres, located between the southwest line of Staples Mill Road (U. S.
911 Route 33), the east line of Hungary Spring Road, and the north line of Lucas
912 Road. The applicant proposes commercial uses. The uses will be controlled by
913 zoning ordinance regulations and proffered conditions. The Land Use Plan
914 recommends Commercial Concentration and Office.

915
916 Mrs. Jones - Is there anyone here in opposition to this case? All
917 right. Good evening, Mr. Sehl.

918
919 Mr. Sehl - Good evening, Madam Chair.

920
921 As the secretary stated, this request would rezone just under 29 acres from R-3
922 to B-2 to develop a shopping center. The site is located directly across Staples
923 Mill Road from the recently developed Staples Mill Square shopping center, and
924 is adjacent to the recently widened and improved Hungary Spring Road.

925
926 The applicant has submitted proffers, recently revised and distributed to you this
927 evening, that commit to a number of quality guarantees, as well as regulations on
928 the operation of the proposed shopping center. The conceptual plan shown here
929 has also been provided for informational purposes.

930
931 This plan shows a development consisting of two large tenant spaces, one of
932 which is intended to be a grocery store with associated fuel pumps. Other tenant
933 spaces would be provided, as well as several outparcels adjacent to Staples Mill
934 Road. This pattern of development is similar to that of Staples Mill Square. Two
935 entrances would be provided on Staples Mill Road, one of which would be
936 located at a recently installed signal. One access point would also be provided to
937 Hungary Spring Road. Access to Lucas Road has been prohibited in the
938 proffers.

939
940 Other major aspects of the proffers include: A 25-foot landscaped buffer along all
941 road frontages. This buffer would be enhanced along Lucas Road with extra
942 evergreen plantings, areas of berming, and a fence; a transitional buffer 25 would

943 be required adjacent to all residential properties, and this required buffer has also
944 been enhanced for areas adjacent to Goodwill Baptist Church, which is located in
945 this area; all buildings would be architecturally compatible and constructed
946 primarily of brick, stone, EIFS, pre-cast concrete, or glass; and a commitment
947 has also been provided to construct the traffic improvements recommended in
948 the traffic impact study submitted by the applicant and reviewed by VDOT and
949 the Department of Public Works.

950
951 Other proffers address items such as parking lot lighting, signage, use
952 restrictions, and hours of trash pickup and parking lot cleaning.

953
954 Since the issuance of the staff report, a community meeting was held with the
955 residents of Lucas Road. In response to this meeting, the applicant provided the
956 revised proffers given to you this evening. Staff notes the proffers could be
957 enhanced by connecting the fencing shown on this proffered exhibit with the
958 recently proffered fence along Lucas Road. The fence would extend to this
959 location and along here, is what staff is recommending. This would ensure a
960 reduction in cut-through pedestrian traffic through adjacent residential properties.

961
962 Given this concern, staff does note that overall, the proffers should provide for a
963 high-quality development in keeping with recent developments in the area, as
964 well as the site's commercial concentration designation on the 2026 Plan. The
965 request is consistent with other non-residential development in the area and
966 provides for a logical arrangement of uses based on adjacent zoning and
967 development patterns.

968
969 Staff could fully support this request if the applicant were to address the noted
970 concerns regarding fencing. Staff is generally supportive of this request at this
971 time.

972
973 That concludes my presentation. I would be happy to answer any questions.

974
975 Mrs. Jones - I have a quick question. Does "attention-getting
976 devices" in the proffers include moveable message boards? It's Proffer 11.

977
978 Mr. Sehl - Mrs. Jones, this proffer is similar to that that was
979 proffered across Staples Mill Road by the same developer.

980
981 Mr. Emerson - No it would not prohibit.

982
983 Mr. Sehl - It would not, no sir.

984
985 Mr. Emerson - It would not permit—or it would not prohibit message
986 boards. That's correct.

987
988 Mrs. Jones - The question is, is that a desirable thing.

989
990 Mr. Sehl - All I can speak to is that these proffers are consistent
991 with—There was a rezoning case for the majority portion of Staples Mill Square,
992 as well as an access road that happened several years later. That was the most
993 recent rezoning case, and this proffer would be consistent with that proffer.

994
995 Mrs. Jones - All right. Are there other questions for Mr. Sehl?
996

997 Mr. Vanarsdall - I don't have any. I'd like to hear from Mr. Axselle.
998

999 Mrs. Jones - All right.
1000

1001 Mr. Axselle - Madam Chairman—
1002

1003 Mr. Vanarsdall - I don't have any specific questions at the moment. I
1004 thought maybe you could give a short review to the rest of the Commission.
1005

1006 Mr. Axselle - I will. Thank you all very much. Bill Axselle with
1007 Williams Mullen. With me today is Chuck and Bobby Marchetti. They have been
1008 developers of shopping centers in Henrico County for more than 40 years. Back
1009 then their father, and then them. Malachi Mills is the engineer who's with us.
1010

1011 As staff pointed out, the proposed commercial use on this property is
1012 immediately across from two comparable shopping centers on Staples Mill Road.
1013 It is in the Comp Plan for Commercial Concentration. We have worked out all of
1014 the details, until this issue came up just recently on the fencing. Also, with us
1015 tonight is Jim Mason. Jim Mason is the representative of Goodwill Baptist
1016 Church. They abut our property. Malachi, and Bobby, and I have met with them.
1017 We have enhanced the buffering, the transitional buffering, put in fencing and
1018 other things. They're included in the proffers. Jim can speak, or I can say that
1019 they are very supportive of the case as it is.
1020

1021 The only issue that came up recently was we had a meeting that Mr. Vanarsdall
1022 and Mr. Glover hosted with the Lucas Road neighbors. We dealt with the church
1023 and some of the neighbors, but the property facing Lucas Road is sort of the
1024 back entrance to Hermitage High School and some—a very limited number—of
1025 long-time residential homes there. We met with them here about ten days ago.
1026 They had two issues. One was the buffer, so the 25-foot transitional buffer, we
1027 doubled the plantings, the large evergreens, the same thing that we had done
1028 with the church. We provided a fence, a six-foot-tall PVC-coated fence, and
1029 attached to that, a mesh cover. So, the same thing we had done with the church.
1030 There are two homes right across from a portion of the property owned by Mr.
1031 Chenault and his son, respectively. In that part of the buffer, there would be a
1032 three- to five-foot berm. Those folks, we sent them the commitment we will do,
1033 we sent them the proffers; none of them are here tonight. I can't say that I've

1034 talked to them and they're comfortable, but the fact that they're not here would
1035 hopefully indicate that.

1036
1037 The issue to which Mr. Sehl commented is that the fencing will go along the back
1038 of *Goodwill Baptist Church*. We don't have to put a fence where the building—
1039 their building is pretty close to the property line. And then it goes on down, and
1040 then the fencing will be along Lucas Road in the fashion I just described. This
1041 does leave a gap, if you will, along the property of Mr. Olivera. Bobby has spoken
1042 with him. He's indicated that he's comfortable the way it is. To fill the gap, we
1043 would need to put a fence behind his property, and his home is far in front of the
1044 property, so you don't really need the buffering. Then you'd have to put the
1045 fencing along the side of his property. We have not had a chance to talk to him
1046 since staff brought this up. I think staff's concern is having security, a tight fence.
1047 Where the other fences were both for security and buffering, I don't think you
1048 need it for buffering in this particular instance. That's an issue we will need to
1049 look at with Mr. Olivera and with the staff between the Planning Commission and
1050 the Board. We will do that. I think the thought was let's go on forward tonight
1051 because we have a little bit of timeline. A portion of it is ready to start next
1052 summer. We'll need to get the zoning and everything locked in.

1053
1054 I'll be glad to respond to any questions or anything else you need.

1055
1056 Mr. Vanarsdall - You mentioned that this was not an issue the other
1057 evening.

1058
1059 Mr. Axselle - It was not.

1060
1061 Mr. Vanarsdall - Did you talk to Mr. Olivera?

1062
1063 Mr. Axselle - Mr. Marchetti talked to him that night after the
1064 meeting. He indicated he was happy with the case and so forth. This is
1065 something we will look at. Actually, to get to the rear of the shopping center, you
1066 have to go through a BMP, which will have fencing around it, and then down
1067 about 15 feet. So it may or may not be necessary, but we'll discuss that in the
1068 next couple weeks.

1069
1070 Mr. Vanarsdall - Thank you.

1071
1072 Mr. Axselle - Thank you very much.

1073
1074 Mrs. Jones - Mr. Vanarsdall, do you wish to address electronic
1075 moveable message signs at all?

1076
1077 Mr. Vanarsdall - No.

1078
1079 Mrs. Jones - Okay.

1080
1081 Mr. Jernigan - They're ten seconds anyway.
1082
1083 Mr. Emerson - They're regulated.
1084
1085 Mr. Jernigan - They're regulated at ten seconds.
1086
1087 Mr. Vanarsdall - One thing Mr. Axselle did not bring up that I'd like to
1088 bring up, since Marchetti's back there. You didn't bring up about bringing the
1089 water to the neighborhood. I thought that was a very honorable thing to do.
1090 Those people over there don't have water.
1091
1092 Mr. Axselle - The folks on Lucas Road have County-provided
1093 sewer, but they do not have water. Their water is at Staples Mill Road and at
1094 Hungary Spring Road. When we talked to them way back, they asked us if we
1095 could bring water to their home. We actually can't do that, but we have
1096 committed in the plan that we will bring it from the Staples Mill Marketplace to
1097 Lucas Road at a midpoint, so thus they will have a closer proximity to be able to
1098 use the County provision. Mr. Mawyer with the Department of Public Utilities was
1099 there to help explain that policy to them. Quite frankly, it's a really good County
1100 policy. We were joking afterwards, we wish they would do the same thing for the
1101 developers, but the amount of money you have to pay, you obviously can't do
1102 that. Some will probably take advantage of that, but that will be up to them.
1103
1104 Mr. Vanarsdall - Do you remember Mr. Mawyer cautioned everyone
1105 that the connection fees will go up in January. If you're thinking about doing it,
1106 try to take advantage between now and January 1. Thank you.
1107
1108 Mr. Axselle - Thank you, Mr. Vanarsdall.
1109
1110 Mrs. Jones - Any more questions or comments? Okay.
1111
1112 Mr. Vanarsdall - Thank you for all the work you did on this, Mr. Sehl.
1113 And Mr. Axselle, thank you, and Mr. Marchetti, and Mr. Mills. I think this is going
1114 to complement the shopping center across the street where McDonald's is, and
1115 Target, and so forth. The other night at the community meeting, people seemed
1116 to be very pleased. Traffic, of course, is always number one in everything we do,
1117 but this won't put that much of a burden. In fact, I was out there yesterday
1118 afternoon when school let out. I don't think I could see the end of the line there
1119 on Lucas Road. This is in accordance with the Land Use Plan, and it's in
1120 accordance with what we now call the Vision, Goals, Objectives, and Policies; we
1121 used to call it Goals and Objectives, and Policies. Staff recommends it. It was a
1122 strong, good proffer. I think it's going to be a good place. For those who don't
1123 know what this is going to be, the first thing is there's going to be a Kroger, a
1124 large Kroger grocery store.
1125

1126 With that, I recommend C-3C-09, Ralph L. "Bill" Axselle, Jr. for Staples Mill
1127 Marketplace, LLC, to be approved by the Board of Supervisors.

1128
1129 Mr. Branin - Second.

1130
1131 Mrs. Jones - Motion by Mr. Vanarsdall, seconded by Mr. Branin. All
1132 in favor say aye. All opposed say no. The ayes have it; the motion passes.

1133
1134 **REASON:** Acting on a motion by Mr. Branin seconded by Mr.
1135 Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the
1136 Board of Supervisors grant the request because the business use is compatible
1137 with surrounding development and it conforms to the Comprehensive Plan's land
1138 use recommendation.

1139
1140 Mr. Emerson - Madam Chairman, that takes us to the next-to-last
1141 item on page 3 of your agenda, which is approval of minutes from your
1142 September 10, 2009 meeting.

1143
1144 Mrs. Jones - All right, let's get these minutes out here. We have
1145 minutes for Thursday, September 10, 2009. Are there any corrections, changes,
1146 additions?

1147
1148 Mr. Vanarsdall - I saw Mr. Branin said "myself" instead of "me," but I
1149 can't find what page it is now.

1150
1151 Mr. Branin - I said it, and I'm okay with it.

1152
1153 Mrs. Jones - If no one has changes or corrections to the minutes,
1154 I'll entertain a motion.

1155
1156 Mr. Archer - I recommend approval of the minutes.

1157
1158 Mr. Vanarsdall - And I second it.

1159
1160 Mrs. Jones - All right. Motion by Mr. Archer to approve the minutes,
1161 seconded by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes
1162 have it; the motion passes.

1163
1164 Mr. Jernigan - Are you talking about Mr. Branin's outburst?

1165
1166 Mrs. Jones - We're not talking about that; we've approved the
1167 minutes. All right? I will now entertain a motion for adjournment, unless there is
1168 something else.

1169
1170 Mr. Branin - No. No, no, no, no. So moved.

1171

1172 Mr. Archer - Second.

1173

1174 Mrs. Jones - Motion for adjournment by Mr. Branin, seconded by
1175 Mr. Archer. All in favor say aye. All opposed say no. The ayes have it; the
1176 motion passes.

1177

1178 The meeting adjourned at 8:04 p.m.

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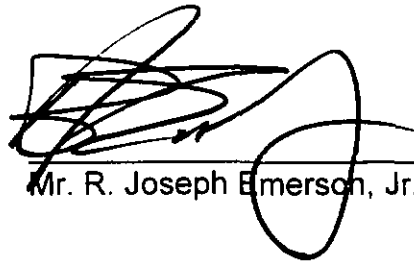
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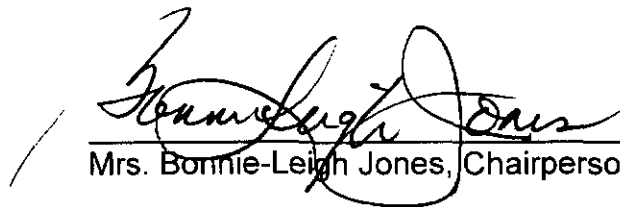
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 12/07/09

Mr. R. Joseph Emerson, Jr., Secretary



Mrs. Bonnie-Leigh Jones, Chairperson

