

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and
3 Hungary Spring Roads at 6:30 p.m., on October 15, 1998, Display Notice having been
4 published in the Richmond Times-Dispatch on Thursday, September 24, 1998, and Thursday,
5 October 1, 1998.

6
7 Members Present: C. W. Archer, C.P.C., Chairman, Fairfield
8 Elizabeth G. Dwyer, C.P.C., Vice-Chairman, Tuckahoe
9 Ernest B. Vanarsdall, C.P.C., Brookland
10 Mary L. Wade, Three Chopt
11 David A. Zehler, C.P.C., Varina
12 James B. Donati, Jr., Board of Supervisors, Varina
13 John R. Marlles, AICP, Secretary, Director of Planning,
14

15 Others Present: Randall R. Silber, Assistant Director of Planning
16 David D. O'Kelly, Principal Planner
17 John Merrithew, AICP, Principal Planner
18 Allen D. Webb, Principal Planner
19 Mark Bittner, County Planner
20 Jo Ann Hunter, AICP, County Planner
21 Lee Yolton, County Planner
22 Mr. Jeff Perry, Environmental Engineer, Department of Public
23 Works
24 Judy Thomas, Recording Secretary
25

26 Mr. Archer - Good evening, everyone. Is the press here? Welcome, Wendy
27 Wagner from the Times-Dispatch. I'll turn the meeting over to our Secretary, Mr. Marlles.
28

29 Mr. John Marlles, Secretary - Thank you, Mr. Chairman. We have a quorum and can
30 conduct business. The first item on our agenda is the Subdivision of White Oak Technology
31 Park, Phase 2, Road Dedication.
32

33 **SUBDIVISION:**
White Oak Technology Park **TIMMONS for Henrico Industrial Development Authority,**
(Phase II - Road Dedication) **Meridian Industrial Trust, Inc. and Hewlett-Packard**
Company: The site is located along the east line of
Technology Boulevard approximately 2,400+ - feet north of
Portugee Road on part of Parcel 187-A-5, White Oak
Technology Park. The zoning is M-2, General Industrial
District. County water and sewer. (Varina) 0 Lots

34
35 Mr. Archer - Okay. Is there any one here to speak in opposition to, or for
36 White Oak Technology Park?
37

38 Mr. Marlles - Mr. O'Kelly will give the staff report.

39 Mr. David D. O'Kelly, Principal Planner - Thank you, Mr. Secretary. Mr. Chairman,
40 members of the Commission, the Subdivision plat, just for your information, is not being
41 displayed here. You do have copy in front of you.

42
43 Ms. Dwyer - Are you being picked up on the microphone, Mr. O'Kelly? Is it
44 just me? I couldn't hear you.

45
46 Mr. O'Kelly - The subdivision plat that is before you for approval is not being
47 displayed on the screen, but we need to use this particular display just to give you an overall
48 view of the project. But, the subdivision is the first item on the agenda.

49
50 The plat is for the dedication of an unnamed road, which will serve as one of the access points
51 to the Hewlett-Packard project, and the POD for that project follows next on the Commission's
52 agenda. This road will serve as a principle means of access to the plant. It also will serve
53 future development of the property, just south of the plant. So, there's additional acreage in
54 there that this road would serve in the future.

55
56 It's the developer's intent to apply for industrial access funds from the VDOT program to
57 assist in financing a portion of the road construction. As part of the project, and development
58 of the Hewlett-Packard site, Technology Boulevard would be widened by the developer from
59 its existing four lanes to just beyond the intersection with the new street. So, there would be a
60 widening of Technology Boulevard generally from this location to about in this location
61 (referring to slide), just beyond where the street intersects.

62
63 The staff completed its review of the subdivision plat. There are no unresolved issues. The
64 staff recommends approval, subject to the annotations on the plat, and the conditions listed on
65 your agenda. Of course, the construction plans and the final plat will be reviewed and
66 approved by the Director of Planning, prior to final approval. I'll be happy to answer any
67 questions. Mr. Charles Pike with J. K. Timmons & Associates is here to represent the
68 applicant.

69
70 Mr. Archer - Okay. Thank you, Mr. O'Kelly. Are there questions for Mr.
71 O'Kelly from the Commission? You must have explained this awfully well. Okay, there
72 being none, I suppose we need to hear from Mr. Pike.

73
74 Mr. Charlie Pike, TIMMONS - Mr. Chairman, my name is Charlie Pike, for the record, and
75 I represent the applicant in this case. We are in agreement with the County Staff's
76 recommendations and would encourage you to vote positive for this Subdivision.

77
78 Mr. Archer - Any questions for Mr. Pike by the Commission?

79
80 Mr. Zehler - No opposition, Mr. Chairman?

81
82 Mr. Archer - I asked for opposition and didn't see any, Mr. Zehler.

83

84 Mr. Zehler - I believe we all have been briefed on the Hewlett-Packard case in
85 the past 48 hours. It's going to be an addition to the community. I have additional comments
86 to make on the approval of the Phase 1 Master Plan. With that, I move the Subdivision, White
87 Oak Technology Park, Phase 2, road dedication be approved, subject to the annotations on the
88 plans and the following standard conditions 1 through 10.

89
90 Mr. Vanarsdall - Second.

91
92 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
93 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
94 abstained).

95
96 The Planning Commission granted conditional approval to Hewlett-Packard, Phase 1, Master
97 Plan, subject to the standard conditions attached to these minutes, and the following additional
98 conditions:

- 99
- 100 1. All requirements of Chapter 18, 19 and 24 of the Henrico County Code shall be met.
 - 101 2. Construction plans, including proposed erosion and sediment controls, shall be submitted
102 to the Planning Office at least 30 days prior to final approval.
 - 103 3. Construction shall not commence until the Director of Planning has granted final
104 approval of the plat; and until the construction plans including all erosion and sediment
105 control plans and agreements have been approved by the Department of Public Works
106 and the Planning Office. All erosion and sediment control agreements and bonds must be
107 submitted to the Department of Public Works prior to approval of the construction plans.
108 Eight (8) sets of revised plans shall be submitted by the design engineer or surveyor who
109 prepared the plans to the Department of Public Works for approval stamps and
110 distribution and one copy with all required information shall be simultaneously submitted
111 to the Planning Office for review.
 - 112 4. The owner shall enter into the necessary contracts with the Department of Public Utilities
113 for water.
 - 114 5. The owner shall enter into the necessary contracts with the Department of Public Utilities
115 for sewer.
 - 116 6. A copy of the letter from the Richmond Regional Planning District Commission giving
117 approval to the street names in this subdivision shall be submitted to the Planning Office
118 before the recordation plat is submitted for review.
 - 119 7. The plat shall be revised as shown in red on Staff plan dated October 15, 1998, which
120 shall be as much a part of this approval as if all details were fully described herein.
 - 121 8. This approval shall expire on October 14, 1999, unless an extension is requested in
122 writing stating the reason such extension is necessary. The request shall include the fee
123 and must be filed a minimum of two weeks prior to the expiration date.
 - 124 9. All water quality requirements for this development shall be complied with in
125 accordance with County standards.
 - 126 10. With the final dedication and construction of the road the applicant shall be responsible
127 for obtaining any necessary wetlands permit from the U.S. Army Corp of Engineers.

128 PLAN OF DEVELOPMENT
POD-112-98
Hewlett-Packard – White Oak
(Phase 1 and Master Plan)

TIMMONS for Henrico Industrial Development Authority, Meridian Industrial Trust, Inc. and Hewlett-Packard Company: Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct Phase 1, a 832,000 +/- square foot light manufacturing, assembly and distribution plant and related facilities and for approval of a master plan for future plant expansion totaling 1,207,000 +/- square feet. The 93.42-acre site is located along the east line of Technology Boulevard approximately 2,400 +/- feet north of Portugee Road on part of Parcel 187-A-5, White Oak Technology Park. The zoning is M-2, General Industrial District. County water and sewer. (Varina)

129
130 Mr. Archer - Okay. Is there any one here to speak in opposition or to speak in
131 any manner on the Plan of Development for Hewlett-Packard at White Oak? Mr. O’Kelly.
132

133 Mr. David D. O’Kelly, Principal Planner - Thank you, Mr. Chairman. The staff has been
134 diligently working on the plan review for this project for the last few weeks. I know, as Mr.
135 Zehler mentioned, some of the Commission have been briefed on the project and are familiar
136 with generally what the proposed project is and the plans.
137

138 Phase 1 of the development will consist of a lower level warehouse building which will
139 primarily be a receiving area for parts. The manufacturing building actually will be an
140 assembly operation where the parts are assembled into laser jet printers, and then the third part
141 of the building is a distribution warehouse involving the transportation, and distribution of the
142 laser jet printers once they’ve been completed.
143

144 The first phase of development is approximately 832,000 square feet. And 650 parking spaces
145 will be provided primarily for employees with some visitor parking.
146

147 This facility is a light manufacturing plant. Perhaps, a better description is that it is an
148 assembly and distribution center. I believe I’ve heard a figure of 100,000 printers a month
149 may be assembled and distributed from this location.
150

151 The process utilized in the Hewlett’s Packard’s manufacturing process does not involve the use
152 of any chemicals or hazardous materials, and there’s no refueling facilities provided as part of
153 this plan. The request for approval also includes on the master plan building additions and
154 future parking areas. The staff has found that the site is adequate to accommodate the future
155 development, and that it has been well planned.
156

157 To meet water quality requirements, there will be three BMP’s developed. Two will be located
158 behind the buildings and one generally in the front portion of the site.
159

160 The site will be well landscaped. And a considerable amount of existing trees will be saved
161 along the frontage of Technology Boulevard as well as other areas of the site.

162
163 The applicant has met several times with the White Oak Technology Park Development
164 Review Board and the comments, annotations and approval of the plans are reflected in the
165 plans before you and the application and the conditions recommended for approval of the
166 project.

167
168 The architecture of the visible portions of the buildings is very attractive. The buildings are to
169 be constructed of concrete panels. Some areas of the panels will be textured and an attractive
170 color scheme has been selected by the architect which will add to the quality of the project.
171 The applicant may want to describe the construction materials, and the quality of the building
172 in more detail.

173
174 Representatives of the County Administration have met with the developer and their
175 representatives to review their comments, recommendations and conditions. We are not aware
176 of any unresolved issues from a technical standpoint in regard to the master plan before you for
177 approval.

178
179 The staff has prepared and listed on your agenda a number of conditions associated with this
180 application. Many of these deal with, in addition to normal requirements, the aesthetics of the
181 project. They also deal with the handling of construction activities in trying to minimize the
182 impact of those activities on business neighbors and the community.

183
184 The applicant is in agreement with the conditions. I'll be happy to review any of those and
185 answer any questions. There are representatives here from other County agencies who are
186 familiar with the plan have been involved in the review. The County Managers Office staff is
187 also represented here and the Development Review Board. I'll be happy to answer any
188 questions, Mr. Chairman.

189
190 Mr. Archer - Thank you, Mr. O'Kelly. Are there questions from the
191 Commission or from any of the other staff people who might be able to answer?

192
193 Mr. Zehler - Dave, is there anything included to preserve any existing trees on
194 the site, or is the site going to be cleared?

195
196 Mr. O'Kelly - It is my understanding, Mr. Zehler, that probably 70 acres of the
197 site of the 94-acre site would be cleared. There will be perimeter natural areas that will
198 remain, principally along Technology Boulevard. I've heard a figure of 100 to 200 feet of the
199 natural area there will probably remain with this project. Perhaps, the engineers may want to
200 elaborate on that further?

201
202 Mr. Zehler - And there will be a landscaping plan submitted?

203
204 Mr. O'Kelly - Yes sir. It will be a landscaping plan for the entire site, as
205 required by Condition No. 9 of this approval.

206
207 Mr. Zehler - On No. 36, it says, "A detailed construction operation plan shall
208 be submitted for review and approval..." By whom? By the Planning Staff or the Planning
209 Commission?
210
211 Mr. O'Kelly - That will be, we hope, with your approval, tonight, and with
212 Condition No. 29, that those details would be left to approval by the staff administratively.
213
214 Mr. Zehler - Do we need to put that in there?
215
216 Mr. O'Kelly - I think that's covered in Condition No. 29, Mr. Zehler, which
217 refers to the Master Plan approval and the details for all construction activity would be handled
218 by the staff on an administrative basis.
219
220 Mr. Zehler - Okay. We just received a letter.
221
222 Mr. O'Kelly - Yes sir. I have a copy.
223
224 Mr. Zehler - You have a copy of it? Probably the main and most important
225 question is their thing that the public hearing is invalid because inadequate notice was given.
226 Were they given proper notices?
227
228 Mr. O'Kelly - Yes sir. If you'd give me a minute to refer to...
229
230 Mr. Archer - Mr. Zehler, everybody is not aware of this letter, so I think what
231 we'll do before Mr. Pike gives his part of the presentation is go ahead and have the Secretary
232 read the letter so we can have it in the record and note that an objection has been registered.
233 So, Dave, while you're looking that up John, if you'll just read that, please.
234
235 Mr. Marlles - Sure. Mr. Chairman, members of the Commission, late this
236 afternoon, the Planning Office did receive a letter faxed to our office from Mrs. Marilyn
237 Paschke, President, of the Varina Environmental Protection Group. The letter is addressed to
238 Mr. Merrithew and Commission members. "The Varina Environmental Protection Group
239 vigorously protects the plan of development regarding the Hewlett Packard site on the Elko
240 Tract.
241
242 We do not think the public hearing is valid because inadequate notice was given (less than a
243 week's notice), and not all the information is even available as yet.
244
245 We think the plan is premature. There are many things which have not yet been completed.
246 The county stated two years ago that they would do an environmental assessment, and wait for
247 the Army Corps approval before doing any further development, if the Army Corps would
248 approve of the Motorola-Seimens project. The ERI has only recently been completed, and is
249 not yet approved by the Army Corps. The project is also premature because there is no
250 stormwater management, nor other important environmental safeguards.
251

252 We will enter, in writing, more detailed objections within the next week. We are unable to
253 have a representative at the meeting tonight. Sincerely, Marilyn Paschke, President.”

254
255 Mr. Archer - Thank you, Mr. Secretary. I thought it would be good to go
256 ahead and read that into the record since Mr. Zehler has broached that question concerning
257 adequate notice, and also I had to ask if there was an objection, and no one was present that
258 objected. So, the time had passed that we had to do that. So, at least, we know where we are.

259
260 Mr. O’Kelly - Thank you, Mr. Chairman.

261
262 Mr. Archer - I apologize for interrupting you, but I thought we ought to do
263 that.

264
265 Mr. Zehler - I understand.

266
267 Mr. O’Kelly - The County Code for Plans of Development requires that notice
268 be mailed to adjacent and adjoining property owners at least 8 days prior to the public hearing.
269 On October 7th, I certified, as the Acting Secretary of the Planning Commission, that the
270 notices were properly mailed. They were mailed that afternoon at 2:30 p.m. to over 160
271 individuals who are adjacent to this property.

272
273 Mr. Archer - What was that date again, Mr. O’Kelly?

274
275 Mr. O’Kelly - October the 7th. Wednesday, October 7th.

276
277 Mr. Archer - Thank you.

278
279 Mr. Zehler - That’s all the questions I have, Mr. Chairman.

280
281 Mr. Archer - Okay. Any further questions for Mr. O’Kelly from the
282 Commission? Thank you.

283
284 Mr. O’Kelly - With that, Mr. Chairman, if I may, the staff would like to
285 mention, although working on a very aggressive schedule, how pleasant it has been working
286 with the applicant’s representatives and the development team that has been put together for
287 this project. They have been very responsive. Mr. Charlie Pike of TIMMONS, the lead civil
288 design engineer, representatives from Arco, the design building firm; the developer and owner
289 Meridian Trust and Hewlett-Packard are here to present their project and answer any
290 questions. Thank you.

291
292 Mr. Archer - Thank you, Mr. O’Kelly. Good evening, again, Mr. Pike.

293
294 Mr. Pike - Again, for the record, my name is Charlie Pike. I’m with the
295 firm TIMMONS. I am here to represent the applicant. In the interest of being brief, for the
296 rest of your agenda today, I think Mr. O’Kelly has essentially summed up the pertinent facts in
297 the case, and I think I’ll just say I’d like to answer any questions you might have. We, again,

298 have representatives from the developer and the contractor and from Hewlett-Packard here to
299 answer any questions the Commission may have. With that, I'll sit down, or stand here, and
300 try to answer your questions.

301
302 Mr. Archer - Thank you, Mr. Pike. Are there questions of Mr. Pike by the
303 Commission or from any other member of his contingent?

304
305 Ms. Dwyer - There were two other issues raised in the letter. For the record, I
306 think it would be wise to present those to you for response. One is a concern is there is no
307 BMP or stormwater management on the site planned. Why is that?

308
309 Mr. Pike - What we've submitted to you, tonight, is a master plan that, in
310 essence, shows how we plan to use the property. In order to do the proper engineering design
311 on the BMP, we would have to have completed a total stormwater drainage and grading plan
312 on the site. We are in the process of doing that. We haven't completed it. But we have
313 identified, and am certainly prepared to represent to you, tonight, is the locations in which we
314 propose to build these. I think you'll find the condition in the approval that, basically,
315 mandates that we have to do this. We're here to say that we certainly will do this. We have to
316 meet the current County standards for stormwater management, and we will, which will
317 involve building three BMPs on the site of substantial size and they will be wet ponds, and not
318 dry grass basins. They will be wet ponds.

319
320 Ms. Dwyer - At what point in the process will this be reviewed by the County?

321
322 Mr. Pike - I hope to have these plans to the County within the next two to
323 three weeks. We're in the process of working on the Erosion Sediment Control Plan which is
324 the first phase of doing this work. And we actually have submitted that to the County for final
325 review. And then we're actively pursuing the design and development of the plan that would
326 include the BMPs.

327
328 Ms. Dwyer - And it is my understanding that your property does not include
329 any wetlands?

330
331 Mr. Pike - The 93.42 acres that encompasses this particular project does not
332 include any wetlands.

333
334 Ms. Dwyer - The final issue I think that is raised in this letter has to do with
335 the Army Corps approval.

336
337 Mr. Pike - I'll let the representative from the County answer that for you.
338 They are much more in tune with that than I am.

339 Mr. Jeff Perry, Environmental Engineer, Department of Public Works - I am Jeff Perry,
340 Environmental Engineer, Department of Public Works. The letter, I guess, addresses a couple
341 of issues, I guess, you've raised Ms. Dwyer. For the record, I'll read from our Permit of
342 Predischarge Notification we sent to the Corps. "...Our agreement was the County will not
343 conduct or allow any construction or other land disturbing activities other than the White Oak

344 Semi-Conductor Plant site and associated infrastructure improvements to occur south of
345 Portugee Road where the more sensitive resources are currently known to occur until the above
346 described study is complete and the mitigation plan has been approved....” That’s the ERI and
347 I think that’s very important to note in your letter. This development is north of Portugee
348 Road. It’s not south of Portugee Road. So, we’ve fulfilled our commitment there. I might
349 also point out that we have completed—On May 14th we sent in the ERI to the Army Corps of
350 Engineers and that was our agreement that we would complete the Environmental Resource
351 Inventory and submit it to the Army Corps of Engineers. So, we also fulfilled that
352 requirement. In addition to that, as of October 9th, we received a letter from the Army Corps
353 of Engineers tentatively approving our mitigation plan. So, that also addresses that concern in
354 the letter. So, I feel like we’ve fulfilled all of our obligations.

355

356 Ms. Dwyer - Thank you.

357

358 Mrs. Wade - Mr. Perry, what are the two wetlands that are designated on this?

359

360 Mr. Perry - Excuse me?

361

362 Mrs. Wade - There looks as if there are two wetland areas that are on here.
363 What’s the status of them?

364

365 Mr. Perry - This one, right here (referring to slide)?

366

367 Mrs. Wade - Yes. And then to the left.

368

369 Mr. Perry - And this one back over here?

370

371 Mrs. Wade - Over there on the left.

372

373 Mr. Perry - That wetland area to your left will not be impacted by the project
374 and will not be owned by this development, nor will the wetlands you see here. The crossing
375 you see of those wetlands, that will be a County road and we will be meeting with the Army
376 Corps of Engineers in the near future to get a permit for that road. I won’t be impacted as part
377 of this development.

378

379 Mrs. Wade - Thank you.

380

381 Mr. Pike - Mrs. Wade, we’re not buying either one of those wetlands.
382 That’s not a part of the project. The property line runs along these wetlands right here
383 (referring to slide) like that.

384 Mrs. Wade - Quite a coincidence, though.

385

386 Mr. Pike - Well, it was done on purpose, because the County did not want to
387 sell it. So, it fits our needs that we’ve developed the project around it, so we don’t impact it.

388

389 Mrs. Wade - Okay. Thank you.

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Mr. Pike - We're not buying the buffers either in the back, so.

Mr. Archer - Any further questions?

Mr. Zehler - Mr. Chairman, it does appear that there is some interest by the Environmental Protection Group. It appears, here, tonight, that all of the issues that you see in this letter have been addressed. This property is a zoned piece of property. It meets all the ordinances and building code requirements for the property. I know that a lot of the residents who live down there thought that White Oak would always be woods and trees, but, unfortunately, its zoned for one of the specific uses that is being requested for tonight. I think its going to be a plus, not only for Henrico County, but for the Varina community, as well as for jobs. It will definitely be a plus for the neighborhood. With that, I would like to welcome Hewlett-Packard, not only to Henrico County, but most of all, to Varina, since that is our district. With that, Mr. Chairman, I move that POD-112-98 Hewlett-Packard, White Oak, Phase 1 and Master Plan, be approved, subject to the annotations on the plans, being 20 Amended, 23 through 40.

Ms. Dwyer - Second.

Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati abstained).

The Planning Commission approved POD-112-98 Hewlett-Packard, White Oak, Phase 1 and Master Plan, subject to the standard conditions attached to these minutes, and the following additional conditions:

- ~~18. DELETED - The property shall be developed as shown on the plan filed with the case and no changes or additions to the layout shall be made without the approval of this Commission.~~
20. AMENDED – Any future transfer of plan of development approval and ownership requires notification and approval of the Planning Office and the Planning Commission.
23. The subdivision plat for White Oak Technology Park (Phase II – Road Dedication) shall be recorded prior to the issuance of an occupancy permit.
24. The easements for drainage and utilities as shown on approved plans shall be granted to the County in a form acceptable to the County Attorney prior to any occupancy permits being issued.
25. The developer shall provide fire hydrants as required by the Department of Public Utilities in its approval of the utility plans and contracts.
26. Any necessary off-site drainage and utilities easements must be obtained in a form acceptable to the County Attorney prior to final approval of the construction plans by the Department of Public Works and Public Utilities.
27. Deviations from County standards for pavement, curb or curb and gutter design shall be approved by the County Engineer prior to final approval of the construction plans by the Department of Public Works.

- 436 28. Insurance Services Office (ISO) calculations must be included with the utilities plans and
437 contracts and must be approved by the Department of Public Utilities prior to the issuance
438 of a building permit.
- 439 29. The conceptual master plan, as submitted with this application, is for planning and
440 information purposes. All subsequent detailed plans of development, architectural plans
441 and construction plans needed to implement this conceptual plan may be administratively
442 reviewed and approved and shall be subject to all regulations in effect at the time such
443 subsequent plans are submitted for review/approval. Substantial deviations from the
444 proposed master plan and architectural plans, development and layout may require approval
445 of a revised plan of development by the White Oak Technology Park Development Review
446 Board and the Planning Commission.
- 447 30. A plan for temporary construction trailers and offices shall be submitted for review and
448 approval prior to issuance of a building permit.
- 449 31. The temporary construction office(s) and related improvements shall be removed from the
450 site on or before July 1, 1999, unless further extension of time is granted by the Director of
451 Planning.
- 452 32. Any temporary parking areas shall be properly compacted and maintained at all times.
- 453 33. The development and operations conducted on the property shall comply with the
454 restrictive covenants applicable to White Oak Technology Park.
- 455 34. The transportation, collection, storage and disposal of any hazardous materials shall be
456 handled in accordance with all applicable state and federal regulations.
- 457 35. The applicant shall be responsible for obtaining the necessary permits required for burning
458 during construction or for air emissions by the County of Henrico, Commonwealth of
459 Virginia Department of Environmental Quality or otherwise.
- 460 36. A detailed construction operation plan shall be submitted for review and approval to
461 include construction, materials, delivery, and building operations, vehicular access and
462 circulation and provide for an enforcement plan prior to the issuance of a building permit.
- 463 37. The developer shall provide a telephone number for citizen complaints during any
464 construction activity on site in order to respond to citizen concerns and complaints as
465 expeditiously as possible.
- 466 38. No construction vehicles shall use Portugee Road east of Technology Boulevard, Elko
467 Track Road or Elko Road during construction.
- 468 39. Rooftop mechanical equipment and other mechanical equipment shall be screened from
469 view. A plan indicating sight lines for screening roof top equipment from property lines
470 and adjacent development sites shall be submitted to the Planning Office for review and
471 approval prior to the issuance of a building permit.
- 472 40. All Water Quality requirements for this development shall be complied with in accordance
473 with County standards.

474
475 Mr. Archer - Mr. Secretary, we're pretty much on time. It's 7:05 p.m. and we
476 can move to our 7:00 o'clock portion of our agenda, and I think the first thing is Deferrals and
477 Withdrawals.

478
479 Mr. Marlles - Mr. Merrithew.

480

481 Mr. John Merrithew, Principal Planner - Thank you, Mr. Chairman. We do have a number
482 of deferrals this evening. Beginning on Page 4 of your agenda; this a Subdivision, Canterbury
483 on the James.

484
485 **SUBDIVISION (Deferred from the September 22, 1998, Meeting)**

Canterbury on the James Koontz-Bryant, P.C. for Wilton Development Corporation: The
(August 1998 Plan) 19.86-acre site is located on the southwest corner of River Road
and Parham Road on parcel 125-A-18A. The zoning is R-1, One-
Family Residence District. County water and sewer. (Tuckahoe)
11 Lots

486 They have requested a deferral until October 27, 1998.

487
488 Mr. Vanarsdall - Which one is that? I didn't hear you.

489
490 Mr. Merrithew - That's the subdivision, Canterbury on the James. It's on Page 4
491 of your agenda, I believe.

492
493 Ms. Dwyer - And this is at the applicant's request?

494
495 Mr. Merrithew - Yes ma'am. We received the fee this afternoon and the letter.
496 Mr. Archer - Have you found it, Mr. Vanarsdall? Is there any one here in
497 opposition to the deferment of Canterbury on the James to the October 27th meeting? No
498 opposition.

499
500 Ms. Dwyer - I move the Commission defer the Subdivision review of
501 Canterbury on the James to its October 27th POD meeting, at the applicant's request.

502
503 Mr. Vanarsdall - Second.

504
505 Mr. Archer - Motion made by Ms. Dwyer, seconded by Mr. Vanarsdall. All
506 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
507 abstained).

508
509 The Planning Commission deferred the Subdivision, Canterbury on the James, to its meeting
510 on October 27th meeting.

511 Mr. Merrithew - Mr. Chairman, preceding that, Mr. Vanarsdall, you and I are
512 having the same problem. POD-77-98.

513
514 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**
515 **(Deferred from the September 22, 1998, Meeting)**

POD-77-98
Park West

Balzer & Associates, Inc. for D. O. Allen Homes Inc.: Request for approval of a plan of development and special exception as required by Chapter 24, Sections 24-2, 24-12, 24-13.3 and 24-106 of the Henrico County Code to construct a zero lot line development for seniors with a private non-commercial recreation center. The 23.21-acre site is located on the south line of Hungary Road approximately 150 feet east of Lanver Lane on parcels 49-A-19, 20 and part of parcel 49-A-18. County water and sewer. (Brookland)

516
517 They have requested a deferral until October 27, 1998, as well.

518
519 Mr. Archer - Is any one here in opposition to deferment of POD-77-98 Park
520 West? No opposition. Mr. Vanarsdall.

521
522 Mr. Vanarsdall - I move POD-77-98 Park West be deferred to October 27, 1998,
523 at the applicant's request.

524 Mr. Zehler - Second.

525
526 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Mr. Zehler. All
527 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
528 abstained).

529
530 POD-77-98 Park West was deferred to October 27, 1998 at the applicant's request.

531
532 Mr. Merrithew - In the Three Chopt District, your next deferral is C-54C-98. I'm
533 sorry. This is a withdrawal. Glenn R. Moore for ESA Management, Inc.

534
535 **Deferred from the September 10, 1998 Meeting:**
536 **C-54C-98** Glenn R. Moore for ESA Management, Inc.: Request to amend
537 proffered conditions accepted with rezoning case C-12C-88 on Parcel 47-A-11A, containing
538 4.67 acres, located at the southwest corner of Dominion Boulevard and Sadler Road. The
539 current zoning is B-3C, Business District (Conditional). The amendment would delete or
540 revise proffers regarding numerous issues including site plan, elevations, building materials,
541 uses, and access. The Land Use Plan recommends Commercial Concentration development.

542
543 That case, again, has been withdrawn by the applicant.

544
545 Mr. Archer - No action necessary?

546
547 Mr. Merrithew - No action necessary. Yes sir. On the next Page C-61C-98.

548
549 **C-61C-98** Henry A. Shield: Request to conditionally rezone from B-2
550 Business District to R-6C General Residence District (Conditional), Parcel 115-A-6A,
551 containing 3.104 acres, located on the south line of Markel Road approximately 250' east of its
552 intersection with Byrd Avenue and on the north line of Fitzhugh Avenue approximately 180'

553 east of its intersection with Byrd Avenue. Apartments are proposed. The R-6 District permits
554 densities up to 19.80 units gross density per acre. The Land Use Plan recommends Office and
555 Environmental Protection Area.

556
557 They have requested a deferral until November 12, 1998.

558
559 Mr. Archer - Okay. Is there any opposition to the deferment of C-61C-98 to
560 the November 12th meeting? No opposition. Mrs. Wade.

561
562 Mrs. Wade - As I understand it, the nearby neighborhoods were informed of
563 the deferral request, so I don't believe any of them came this evening. I, therefore, I'm sorry
564 about the date.

565
566 Mr. Merrithew - November 12th.

567
568 Mrs. Wade - I move that Case C-61C-98 be deferred to November 12th at the
569 applicant's request.

570
571 Mr. Vanarsdall seconded the motion.

572
573 Mr. Archer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
574 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
575 abstained).

576
577 Mr. Merrithew - The next case is C-63C-98.

578
579 **C-63C-98** Glenn R. Moore for RealtiCorp, Inc.: Request to conditionally
580 rezone from A-1 Agricultural District, O-3C Office District (Conditional) and B-2C Business
581 District (Conditional) to B-3C Business District (Conditional), Parcels 47-A-59, 48-A-39 through
582 43, 48-A-43A and 43B, 48-A-55, and 48-A-58 through 66, containing 26.20 acres located on the
583 east line of Cox Road approximately 670' south of W. Broad Street. A mixed use commercial
584 development is proposed. The use will be controlled by proffered conditions and zoning
585 ordinance regulations. The Land Use Plan recommends Office and Commercial Concentration.

586
587 They have requested a deferral until December the 10th, 1998.

588
589 Mr. Archer - Okay. Is there any opposition to the deferment of C-63C-98?
590 No opposition. Mrs. Wade.

591
592 Mrs. Wade - I move Case C-63C-98 be deferred to the 10th of December at the
593 applicant's request.

594
595 Mr. Vanarsdall seconded the motion.

596

597 Mr. Archer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
598 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
599 abstained).

600
601 Mr. Merrithew - Thank you, Mr. Chairman. On my agenda, all of Page 7 is
602 deferred, but I'll go through each one. Still in the Three Chopt District:

603
604 **P-23-98 Gloria Freye for Triton PCS, Inc.:** Request for approval of a
605 provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the
606 County Code in order to construct, operate and maintain a communication tower up to 199' high
607 and related equipment and improvements, on part of Parcel 47-A-59, containing 2,500 sq. ft.,
608 east of Interstate 64 between Cox Road and Old Cox Road (3600 Old Cox Road). The site is
609 zoned A-1 Agricultural District.

610
611 They have requested a deferral until November 12th.

612
613 Mr. Archer - Is there any one here in opposition to the deferment of P-23-98 to
614 November 12th. No opposition. Mrs. Wade, again.

615
616 Mrs. Wade - As I understand it, some of these requests for tower locations are
617 for them to be able to provide some information that was requested by the County
618 administration; additional information about the towers?

619
620 Mr. Merrithew - I believe that's the case. Yes.

621
622 Mrs. Wade - Well, we seem to what to know more about the towers. I move
623 that P-23-98 be deferred to the 12th of November at the applicant's request.

624
625 Mr. Vanarsdall seconded the motion.

626
627 Mr. Archer - Motion made by Mrs. Wade, seconded by Mr. Vanarsdall. All
628 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
629 abstained).

630
631 Mr. Merrithew - In the Tuckahoe District, P-36-98.

632
633 **P-36-98 Paul Thompson for Rite Aid of Virginia:** Request for approval of
634 a provisional use permit in accordance with Sections 24-122.1 and 24-58.2(a) of Chapter 24 of
635 the County Code, in order to operate a retail pharmacy 24 hours a day on Parcel 100-A-21,
636 containing 1.289 acres, located on the south line of Patterson Avenue (Route 6) at its
637 intersection with Gayton Road (8935 Patterson Avenue). The site is zoned B-2 Business
638 District.

639
640 They have requested a deferral until November 12th.

641

642 Mr. Archer - Is there any one here in opposition to deferment of P-36-98? No
643 opposition. Ms. Dwyer.

644
645 Ms. Dwyer - I move the deferral of P-36-98 Rite Aid to our November 12th
646 meeting at the applicant's request.

647
648 Mr. Vanarsdall seconded the motion.

649
650 Mr. Archer - Motion made by Ms. Dwyer, seconded by Mr. Vanarsdall. All
651 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
652 abstained).

653
654 Mr. Merrithew - Thank you, Mr. Chairman. In the Varina District, P-28-98.

655
656 **Deferred from the September 10, 1998 Meeting:**

657 **P-28-98** Gloria Freye for Triton PCS, Inc.: Request for approval of a
658 provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the
659 County Code in order to construct, operate and maintain a communication tower up to 199' high
660 and related equipment and improvements, on part of Parcels 142-13-B-9 and 11, containing
661 2,500 sq. ft., located on the southwest line of Nine Mile Road, approximately 100' west of
662 Battery Avenue (St. Johns Catholic Church property, 813 W. Nine Mile Road). The site is
663 zoned R-2A and R-4 One-Family Residence Districts.

664
665 They have requested a deferral until November 12th.

666
667 Mr. Archer - Any one here in opposition to the deferment of P-28-98 to the
668 November 12th meeting?

669
670 Mr. Zehler - Hopefully, Mr. Chairman, between now and the 12th, this case
671 will go away. We have located a better site. With that, I move that case P-28-98 be deferred,
672 per applicant's request, to November 12th.

673
674 Mr. Vanarsdall seconded the motion.

675
676 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
677 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
678 abstained).

679
680 Mr. Zehler - Mr. Merrithew, if I may ask a question at this point, is there a
681 single issue that the County is looking for from these tower companies?

682 Mr. Merrithew - I'm afraid I'm not familiar with that.

683
684 Mr. Vanarsdall - A satellite has been invented.

685
686 Mr. Merrithew - I know, in this particular case, they were looking at an alternative
687 site to the north of Nine Mile Road.

688
689 Ms. Dwyer - Since they're all being deferred, I didn't know if it was an
690 overriding issue affecting all of the towers. Okay.
691
692 Mrs. Wade - There were requests for specific information from you all that,
693 perhaps, the group would be interested in hearing.
694
695 Ms. Gloria Freye - Two of the deferrals that we're requesting...My name is Gloria
696 Freye. I'm an attorney here on behalf of Triton PCS. Two of the deferrals that Triton is
697 requesting is because we are examining the possibilities of going on a County-owned water
698 tank. On the Cox Road location, there is more information that the County needs before an
699 answer can be given on that.
700
701 On the water tank in the Varina District, we think we can actually get a lease negotiated there
702 and we're working on that.
703
704 Mrs. Wade - As I understood it, they want more information about possible
705 interference, in general, and also a means of attaching the tower.
706
707 Ms. Freye - That interference study and the attachment design was really
708 specific to the water tank on Cox Road. The one on Cedar and Vine, we think, is going to
709 work out fine.
710
711 Mrs. Wade - Okay. Thank you.
712
713 Mr. Merrithew - Still in the Varina District, C-55C-98.
714
715 **C-55C-98** Roy B. Amason: Request to conditionally rezone from A-1
716 Agricultural District to B-3C Business District (Conditional), Parcel 260-A-36, containing 3.87
717 acres, located at the northeast corner of the intersection of New Market Road (Route 5) and
718 Long Bridge Road. A business use is proposed. The use will be controlled by proffered
719 conditions and zoning ordinance regulations. The Land Use Plan recommends Prime
720 Agriculture. The site is also in the Airport Safety Overlay District.
721
722 They have requested a deferral until November 12th. This is a part of the proposed Southerlyn
723 Mixed Use development.
724
725 Mr. Archer - Okay. Is any one here in opposition to the deferment of C-55C-
726 98?
727 Mr. Zehler - Mr. Chairman, I move that Case C-55C-98 be deferred to
728 November 12th per applicant's request.
729
730 Mr. Vanarsdall seconded the motion.
731

732 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
733 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
734 abstained).

735
736 Mr. Merrithew - Thank you, Mr. Chairman, the final case on the 7:00 o'clock
737 agenda is C-56C-98. This is the remainder of the Southerlyn proposal.

738
739 **C-56C-98 Roy B. Amason:** Request to conditionally rezone from A-1
740 Agricultural District to R-1C, R-2AC and R-4AC One Family Residence Districts (Conditional),
741 R-5C and R-6C General Residence Districts (Conditional), O-2C Office District (Conditional),
742 B-3C Business District (Conditional) and C-1 Conservation District, Parcels 240-A-17, 250-A-
743 48, 49, and 51A, and 251-A-4A, containing 607.68 acres, generally located along the east line of
744 Turner Road between New Market Road (Route 5) and Camp Holly Drive; along the north line
745 of New Market Road (Route 5) from Turner Road to Camp Hill Road and from Kingsland Road
746 to Long Bridge Road; along the northwest line of Long Bridge Road to its intersection with
747 Yahley Mill Road and along the west side of Yahley Mill to the Virginia Power easement. A
748 mixed use planned community is proposed. The R-1 District permits densities up to 1.74 units
749 gross density per acre. The R-2A District permits densities up to 3.23 units gross density per
750 acre. The R-4A District permits densities up to 5.62 units gross density per acre. The R-5
751 District permits densities up 14.52 units gross density per acre. The R-6 District permits
752 densities up to 19.80 units gross density per acre. The office and business uses will be
753 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
754 recommends Prime Agriculture and Environmental Protection Area. The site is also in the
755 Airport Safety Overlay District.

756
757 Mr. Merrithew - The applicant has requested a deferral until November 12th.

758
759 Mr. Archer - Is there any one here in opposition to the deferment of C-56C-98?

760
761 Mr. Zehler - Mr. Chairman, I move that Case C-56C-98 be deferred until
762 November 12th per applicant's request.

763
764 Mrs. Wade seconded the motion.

765
766 Mr. Archer - Motion made by Mr. Zehler, seconded by Mrs. Wade. All those
767 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati abstained).

768
769 Mr. Merrithew - Mr. Chairman, that's all I have on the 7:00 o'clock agenda.

770
771 Mr. Archer - I think, by now, some of the staff is opposed to some of these
772 deferments to November 12th.

773
774 Mr. Archer - It's going to be a long night.

775
776 Mr. Zehler - Mr. Chairman, just in case there are interested parties here, could
777 we just get a brief list of the 8:00 o'clock deferrals.

778
779 Mr. Archer - I think we can, if Mr. Merrithew has them ready.
780
781 Mr. Merrithew - On the 8:00 o'clock agenda, P-21-98 which is Gloria Freye for
782 Triton PCS, Inc. They have withdrawn a request in the Brookland District at Brookley Road
783 on the south side of RF&P Park. That tower request has been withdrawn.
784
785 C-46C-98 also in the Brookland District, Andrew Conclin for Alva E. Kimrey. This is
786 request for an M-2C rezoning on the west side of Old Washington Highway just north of its
787 intersection with Cemetery Road. They've requested a deferral to November 12th.
788
789 In the Fairfield District, C-40C-98 Robert Atack for Atack Properties. Residential rezoning in
790 the Magnolia Ridge Drive area. They have requested a deferral to November 12th.
791
792 C-57C-98 Agnes Moss, a one-acre rezoning at Oakleys Lane and Yates Lane. They have
793 requested a deferral to November.
794
795 P-37-98 Gloria Freye for Triton, PCS, Inc. communications tower on the west side Woodman
796 Road, south of Mountain Road. They've requested a deferral to November 12th. And that is
797 it, sir.
798
799 Mr. Archer - Okay. Thank you, John. Most certainly, any one who is here to
800 hear P-21-98, that case has been withdrawn. So, I think it would be safe for you to go home if
801 you want to. Okay.
802
803 Mrs. Wade - We've exceeded our maximum number just with deferrals.
804
805 Mr. Zehler - I was going to say, I'm not coming here in November. I'll see
806 y'all after Christmas.
807
808 Mrs. Wade - What did you say, eight new cases?
809
810 Mr. Merrithew - We have eight new cases in November, I believe, and there are
811 13 deferrals, so we're up there right now.
812
813 Mr. Archer - Mr. Secretary, are we ready to do the next case? Before we go
814 on, I wonder if I could ask Lee Yolton to come forward just a minute, please?
815
816 Lee, we just wanted you to stand up so we can take a good long look at you. For those of you
817 who may not know, tonight, will be Mr. Yolton's last night serving with the Planning Staff.
818 He is moving on to bigger and better things, we hope. Lee, I just wanted you to stand up
819 because, in the short time that I've been on the Planning Commission, I think I can truly say
820 that you are probably the consummate professional when it comes to doing staff reports. A
821 good example for everybody to follow you. Your reports are always clear and concise and
822 thorough and it's certainly just a byproduct of hard work. We do appreciate you, sir. If

823 anybody wants to acknowledge Mr. Yolton with a round of applause? You can make a speech
824 and we'll reserve five minutes for opposition.

825
826 Mr. Lee Yolton, County Planner - I'd just like to say, thank you very much, Mr. Archer,
827 Chairman, of the Planning Commission. It has been quite a pleasure to get to know each and
828 every member of the Planning Commission and I sure have had a lot of good experience
829 working with all of you. I know you have a busy agenda next month, and I'm real sorry I'm
830 not going to be here for that. Thank you very much for those kind words.

831
832 Ms. Dwyer - We'll miss you.

833
834 Mr. Vanarsdall - Lee, as I told you on the phone, when you get down to Hunton
835 and Gruntin, don't make a mistake and say, "County of Henrico." You've been there for a
836 long time now.

837
838 Mr. Yolton - Well, I'll have to remember where I come from, but I'll have to
839 sort of forget it, in a way. Thank you very much.

840
841 Mr. Archer - We wish you well. Okay, having dispensed with that, Mr.
842 Secretary, we'll move on to the next case.

843
844 **AMENDMENT TO CHAPTER 24 (ZONING) OF THE CODE OF THE COUNTY OF**
845 **HENRICO:**

846 An Ordinance to Amend and Reordain Article II entitled "Definitions" to add "Outside
847 storage" in the definitions enumerated in Section 24-3.

848
849 Mr. Marlles - The staff presentation will be by Mr. Allen Webb.

850
851 Mr. Archer - Mr. Webb, Good evening, sir.

852
853 Mr. Allen D. Webb, Principal Planner - Good evening, Mr. Chairman, ladies and gentlemen.
854 This a public hearing on a proposal to amend the code to insert a definition in the section of the
855 Code which provides definitions. It's the definition of "Outside Storage." This is a term
856 that's used in the Code, but not defined. The lack of a definition has resulted in some, shall
857 we say, disagreements.

858
859 A little chronology would be in order. This issue that's before you this evening really began
860 about five months ago, because back in early May, a tenant proposing to move into an office
861 building wrote to the Planning Office and asked for what's called a Zoning Conformance
862 letter. Many companies ask for these statements prior to moving. Financial institutions ask
863 for these type of statements from the locality when property is purchased or long-term leases
864 are involved. Essentially, it is a letter which states the zoning situation of the subject property,
865 and in all cases, indicates if there are any problems, and what is allowed. Essentially, it's a
866 summary, if you will, of the zoning conditions.

867

868 In responding to that request, the Zoning Conformance Officer indicated the property was
869 properly zoned. An office products company wanted to locate Villa Park. We said it was
870 properly zoned. However, we also pointed out to them, in all fairness, that the Office/Service
871 District doesn't permit the outside storage of equipment and merchandise and vehicles. And
872 went on to say that delivery vehicles and so forth would be considered stored if parked outside.
873

874 Well, apparently, that created some difficulties between the tenant and the landlord. I believe
875 the lease failed. So, Villa Park Associates, the owner, appealed the administrative decision
876 that parking constituted outside storage.
877

878 The appeal went before the Board of Zoning Appeals on July 23rd. The Board of Zoning
879 Appeals heard the arguments for and against the statement made in the Zoning Conformance
880 Letter. The Board finally agreed with the applicant that parking of vehicles outside was not
881 storage in the intent of the particular paragraph that was cited. And the Board further
882 mentioned that the lack of a definition in the Code created ambiguity and a problem and
883 suggested that the Code be amended to provide the needed definition.
884

885 That was in late July. In mid-August, the Board of Supervisors held a special meeting and the
886 matter was discussed. The option of a Code Amendment was also discussed and the Board
887 decided that the best way to approach the issue would be to amend the Code to clarify the
888 situation and rectify the omission of the definition.
889

890 So, on September 8th, the Board of Supervisors adopted a resolution initiating this Zoning
891 Amendment, and I'm here this evening to present it to you.
892

893 Now, in the chronology, I tried to also cover a lot of the substance of the issue. I'm going to
894 elaborate only a little more now. To begin, I need to point out that the Code requires that
895 parking for each development be on its property. I'll also point out in the Office/Service
896 District that outside storage is not permitted. I think I need to read that section to you just to
897 give you the frame of reference. It says: "There shall be no outside storage of equipment,
898 vehicles, materials, or supplies, except trash receptacles..." and then it goes on to describe
899 them. The important part is that it says that one cannot store equipment, vehicles, materials
900 and supplies outside. But there is no definition of outside storage. So, staff went to the
901 dictionary and defined what outside storage was. And staff held that overnight parking of
902 vehicles used by a service industry such as a delivery service, when left outside overnight, are
903 really not parked, but are stored, because they are not being used at that time. That rationale
904 prevailed through the letter and it guided us to tell the paper company that its vehicles could
905 not be stored outside overnight. They'd either have to be inside, or moved to an alternate
906 location.
907

908 Now, the Board of Zoning Appeals, when it heard this request in July, decided that was not a
909 proper interpretation of the Code in light of the intent of the section I read to you.
910

911 In its work session, the Board of Supervisors said, "Well, let's put outside storage into the
912 Code and define it, so everyone, therefore, will have an opportunity to read and view the
913 rules. It will be clear and out there for all to see." Page 4 of this little handout contains the

914 language that staff is proposing be inserted to the definition section of the Code to define
915 outside storage. Let me read it for you.

916
917 It simply says, "Outside storage means the leaving of any vehicles, equipment, materials or
918 supplies used in a business outside a fully enclosed building overnight, unless that business
919 operates 24 hours a day." That is the proposed definition for outside storage, which would
920 primarily affect the Office/Service District inasmuch as that district is unique in the Code in its
921 prohibition of overnight outside storage.

922
923 I've tried to briefly give you the background of this proposal and some of the arguments pro
924 and con, and to define outside storage. Are there questions that I could answer or is there
925 further discussion that you would like on this matter?

926
927 Mr. Zehler - Mr. Webb, what zoning classification is required for 24-hours
928 a day? Is that B-3 and above?

929
930 Mr. Webb - Yes sir. B-3 and above, including the industrial districts.

931
932 Mr. Zehler - So, if you would take a businessman who is in a B-1 and a B-2
933 zone, it says, "any vehicles," therefore, his customers, his clients cannot leave them parked
934 outside at night, based on the way this ordinance reads?

935
936 Mr. Webb - The B-1 and the B-2 don't have the prohibition. In discussing
937 this and developing the argument that was ultimately rejected, staff reasoned that parking lots
938 that we are normally accustomed to seeing and using are provided for temporary parking for
939 patrons and employees while they're doing business or working on the property. And if
940 materials are being kept there, or vehicles are being kept there at other times, they would be
941 considered stored.

942
943 Mr. Zehler - So, therefore, they'd be in violation based on this Ordinance?

944
945 Mr. Webb - In the O/S District, they would. Yes. Because there is that
946 prohibition of...

947
948 Mrs. Wade - It sounds like everywhere.

949
950 Mr. Zehler - That's only in the O/S District, not the B-1 and the B-2
951 Districts?

952
953 Mr. Webb - Yes. We feel that this is focused on this one district where
954 there seems to be a problem.

955
956 Ms. Dwyer - But outside storage is prohibited in other districts.

957
958 Mr. Webb - "Outside storage" per se unless its properly enclosed and
959 screened. Those types of provisions are made in the Code for providing for it.

960
961 Ms. Dwyer - I guess I'm concerned with Mr. Zehler's question, too,
962 because the definition is for "outside storage," not just outside storage in an O/S District.
963
964 Mr. Webb - Right.
965
966 Ms. Dwyer - So, this definition would apply to the entire code, because it
967 would be in the definition section. Is that right?
968
969 Mr. Webb - Yes.
970
971 Ms. Dwyer - So, it seems to me it may be broader than we originally
972 intended.
973
974 Mr. Webb - Our particular search of the Code indicates that the overnight
975 parking-type of thing that is mentioned in the Office/Service District is not repeated in other
976 districts. That district is unique in that particular type of prohibition. And so there are ways
977 to accommodate it in other portions of the code.
978
979 Ms. Dwyer - All right, but if we're defining outside storage as leaving any
980 vehicle outside a fully enclosed building overnight, then it seems to me that if a cleaners in a
981 shopping center had a delivery truck and they left it in the parking lot overnight, that would be
982 outside storage under this definition, so that would be prohibited.
983
984 Mr. Webb - Yes. That could be.
985
986 Mrs. Wade - If it were in B-1 or B-2.
987
988 Mr. Webb - If it were in B-1 or B-2. Those businesses operating 24 hours
989 would be excluded by the nature of their operation.
990
991 Mr. Zehler - But you're only hitting the B-3 and above classifications that
992 stipulate 24 hours?
993
994 Mr. Webb - Yes.
995 Mr. Zehler - We need to address the issue as far as the B-1s and the B-2s. I
996 think if we approve this the way this is written, then, basically, in your B-1 and B-2, I know
997 there's a big push on no drinking and no driving. A restaurant that sells alcoholic beverages;
998 someone gets intoxicated, leaves his car there, he's in violation. I think we need to fine tune
999 this where it maybe says, "Office/Service" or to exclude the small business with the B-1 or B-
1000 2, automobile repair shops, of that nature; tire stores, dry cleaners.
1001
1002 Ms. Dwyer - It does say, "used in a business." So, I think in your example
1003 of the patron who might leave their car overnight, that probably would not be included in this
1004 definition.
1005

1006 Mr. Zehler - Leaving any vehicles.
1007
1008 Ms. Dwyer - But that's use in a business, though.
1009
1010 Mr. Zehler - It doesn't say that. It says, "Outside storage" means leaving
1011 any vehicles.
1012
1013 Ms. Dwyer - "used in a business."
1014
1015 Mr. Zehler - Where does it say that? No. It goes down in the next
1016 paragraph and says that. I think we'd have an enforcement problem with that.
1017
1018 Ms. Dwyer - How could we narrow this so we wouldn't be prohibiting the
1019 odd delivery truck that might be in a B-1 or B-2 shopping center overnight?
1020
1021 Mr. Webb - Obviously, this would need to be restated, of course, and
1022 perhaps referenced to those districts that you would wish to exclude it, or the conditions of
1023 your exclusion be drafted into this with an exception statement that indicates what exceptions
1024 that you would like to see.
1025
1026 Ms. Dwyer - Well, I was going to say, I agree with what we're doing here,
1027 clarifying the outside storage and it sounds like this definition supports that with what staff...
1028
1029 Mr. Webb - I hear you saying it stops short of what it needs to do.
1030
1031 Ms. Dwyer - But it needs to be a little narrower so we're not prohibiting; I
1032 mean, I don't know how the rest of the Commission feels, but it seems to me we don't want
1033 the small business in the B-1 and B-2 District from being able to have a delivery truck parked
1034 on the premises.
1035
1036 Mr. Marlles - Mr. Webb, in your earlier comments, you say that the
1037 prohibition on outdoor storage is only referenced in the Office/Service District, according to
1038 our search of the Code?
1039
1040 Mr. Webb - This type of an exclusion with parking and everything seems to
1041 be unique to this district.
1042
1043 Mr. Marlles - So, currently, there isn't a prohibition on outdoor storage in
1044 our B-1 or B-2 Districts, according to your search of the Ordinance?
1045
1046 Mr. Webb - It would be permissible if it is developed in a proper way.
1047 There are certain types of storage that can be done. But, generally speaking, outside storage in
1048 shopping centers and things like this are very strictly controlled and have to meet some very
1049 stringent criteria. Essentially, its very difficult to store anything outside in the lower districts.
1050

1051 Mr. Marlles - I guess what I'm trying to get at, will this provision only apply
1052 to the O/S District, or will it apply to B-1 and B-2 Districts?
1053
1054 Mr. Webb - It should apply to the Office/Service. I can hear some
1055 questions as to whether or not it would, under certain circumstances, apply in the B-1 and the
1056 B-2.
1057
1058 Mr. Vanarsdall - I think where they had the violation or the misunderstanding or
1059 the interpretation was from Office/Service. Is that true? Didn't all this stem from
1060 Office/Service; a violation or something?
1061
1062 Mr. Webb - Yes sir, it did.
1063
1064 Mr. Vanarsdall - I think that's what it was, Mr. Marlles.
1065
1066 Mr. Webb - Yes sir. It came from an application in that district.
1067
1068 Mr. Vanarsdall - So, this is pertaining to Office/Service only?
1069
1070 Mrs. Wade - No.
1071
1072 Mr. Webb - Primarily. But there is concern that it hasn't been focused
1073 sharply enough to absolutely accomplish that goal.
1074
1075 Mr. Vanarsdall - Okay. I confused everybody else then.
1076
1077 Mr. Archer - Okay. Are there any further questions, or discussion on this?
1078 I feel that there is, Mr. Webb.
1079
1080 Mrs. Wade - I have a sort of related question, Mr. Webb. What's the status
1081 of "exposed" shall we say detached trailers on legs on the site?
1082
1083 Mr. Webb - I'm sorry, I didn't understand...
1084
1085 Mrs. Wade - Taking the truck off the front. The trailer just sits there
1086 outside the loading dock screening area.
1087
1088 Mr. Webb - I view that as storage of a trailer; it's being stored rather than
1089 just parked. Of course, if there is something in it, then you're storing merchandise within the
1090 trailer. But, I view it, it is just unhooked and left standing in a parking spot, it's basically
1091 being stored, not parked.
1092
1093 Mr. Zehler - How about on the street, Mr. Webb? Is that permissible,
1094 especially in an M-1 and M-2?
1095

1096 Mr. Webb - It's being done. And I think again, if it's unhooked and just
1097 left there, its being stored. It should be on the property of the business that is utilizing it.
1098 When you unhitch a trailer and leave it, I don't think it's a motor vehicle anymore, but is a
1099 stored trailer.
1100
1101 Mr. Zehler - Is there anything in the Ordinance that says that's permissible
1102 or in violation of the ordinance, either one of those two?
1103
1104 Mr. Webb - If you say that parking and storage is not permitted, or
1105 "storage," for example is not permitted on a public thoroughfare, yes, that should be on the
1106 property. So, by the reference to where it should be, you led yourself into saying that it can't
1107 be where the Code is silent on. In other words, you can't park it on the street because its no
1108 provision to allow you to do that.
1109
1110 Mr. Zehler - So, is that in violation of our Ordinance today?
1111
1112 Mr. Webb - I think it is. It is difficult to enforce, and it happens in a
1113 number of places, but its difficult to enforce. But the Planning Office does, inasmuch as it
1114 possibly can, attempt to get those people to move and store it properly on their property.
1115
1116 Mr. Zehler - If a complaint were filed, then would you follow through on it
1117 as far as if it's a violation of our Ordinance?
1118
1119 Mr. Webb - Yes sir. We would.
1120
1121 Mr. Zehler - I've got a whole list I'll send you tomorrow.
1122
1123 Mr. Marlles - Mr. Chairman, I'd like to make a suggestion, since there does
1124 seem to be some questions about how narrowly or broadly this particular amendment is
1125 focused that we defer this for a month to give staff an opportunity to study it and come back
1126 with something that, perhaps, addresses some of the questions that have been raised tonight.
1127
1128 Mr. Archer - You mean to November 12th?
1129
1130 Mr. Marlles - No sir. I don't think it's necessary to come back on November
1131 12th.
1132
1133 Mr. Vanarsdall - I second that suggestion.
1134
1135 Ms. Dwyer - I did find, Mr. Webb, I think part of the problem in the Code
1136 is that in B-1 and B-2, outside display is prohibited.
1137
1138 Mr. Webb - Yes.
1139

1140 Ms. Dwyer - And I think “outside display” and your definition of “outside
1141 storage,” have common ground that may cause some confusion. So, I think that’s where we
1142 might be getting stuck.
1143

1144 Mr. Webb - It could well be confusion about outside display. There are
1145 provisions for special arrangements to be made for outside display. But “storage” again is
1146 something else.
1147

1148 Mr. Vanarsdall - Do you need a motion for that, Mr. Chairman?
1149

1150 Mr. Archer - I think we probably do. Mr. Vanarsdall.
1151

1152 Mr. Vanarsdall - Then, I move that we defer the Outside Storage Amendment,
1153 Section 24-3 of Chapter 24 Zoning of the Code of the County of Henrico to November 12?
1154

1155 Mr. Zehler - Let’s go to December.
1156

1157 Mr. Archer - We better do it in December.
1158

1159 Mrs. Wade - How about the November POD.
1160

1161 Mr. Vanarsdall - At the POD meeting.
1162

1163 Mr. Webb - Okay, at the November POD meeting.
1164

1165 Mr. Vanarsdall - At Mr. Marlles request.
1166

1167 Mr. Archer - That would be the 17th of November, Mr. Vanarsdall.
1168

1169 Ms. Dwyer seconded the motion.
1170

1171 Mr. Archer - Motion made by Mr. Mr. Vanarsdall, seconded by Ms. Dwyer.
1172 All those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
1173 abstained). It’s the third Tuesday in November at the POD. Thank you, Mr. Webb. At least it
1174 will be in the daytime the next time.

1175 **C-48C-98** James W. Theobald for The Snyder-Hunt Corp.: Request to
1176 conditionally rezone from A-1 Agricultural District to R-2C, R-2AC, R-3C and R-4C One
1177 Family Residence Districts (Conditional), RTHC Residential Townhouse District
1178 (Conditional), R-5C, and R-6C General Residence Districts (Conditional), O-1C Office
1179 District (Conditional) and O/S-2C Office Service 2 District (Conditional), Parcels 18-A-11, 26-
1180 A-27A (pt), 30-32, 73, 27-A-3A, 5A, 6, 7, 8, 9A, 11 and 10 (pt.), and 37-A-1, 10, 11, 12
1181 (pt.),13 (pt.), described as follows:
1182

1183 PARCEL 1
1184 Beginning at a point on the south line of Twin Hickory Road, said point being 1,771.22' west
1185 of the west line extended of Nuckols Road; thence from said point of beginning and leaving the

1186 south line of Twin Hickory Road S 51° 46' 15" E, 298.00' to a point; thence S 49° 13' W,
1187 1,115.29' to a point; thence N 43° 59' W, 66' ± to a point in the centerline of an unnamed
1188 creek; thence along the meandering of the unnamed creek in a southwesterly and northwesterly
1189 direction, a distance of 970' ± to a point in Twin Hickory Road extended; thence continuing
1190 within Twin Hickory Road extended N 53° 45' E, 1,261' ± to a point; thence leaving Twin
1191 Hickory Road extended S 36° 15' E, 103.79' to a point on the south line of Twin Hickory
1192 Road; thence continuing along the south line of Twin Hickory Road N 53° 45' E, 89.17' to the
1193 point and place of beginning containing 14± acres of land.

1194

1195 PARCEL 2

1196 Beginning at a point in the centerline of Concept Road 27-1, said point being 655.73' north of
1197 the intersection of Road CC; thence continuing along the centerline of Concept Road 27-1 in a
1198 northerly direction along a curve to the left with a radius of 1,576.39' and a length of 137.57'
1199 to a point; thence N 20° W, 439.19' to a point; thence leaving the centerline of Concept Road
1200 27-1 N 54° 19' 05" E, 648' ± to a point in Twin Hickory Road and the centerline of an
1201 unnamed creek; thence leaving Twin Hickory Road extended in a southwesterly direction along
1202 the meandering centerline of an unnamed creek 544' ± to a point; thence leaving the centerline
1203 of the unnamed creek S 20° 20' W, 430' ± to a point; thence S 75° W, 550' to the point and
1204 place of beginning containing 12 ± acres.

1205

1206 PARCEL 3

1207 Beginning at a point at the intersection of the centerline of Road CC and the centerline of
1208 Concept Road 27-1; thence continuing along the centerline of Concept Road 27-1 N 1° 33' E,
1209 200.39' to a point; thence along a curve to the left with a radius of 1,576.39' and a length of
1210 455.34' to a point; thence leaving the centerline of Concept Road 27-1 N 75° E, 550' to a
1211 point; thence N 20° 20' E, 430' ± to a point in the centerline of an unnamed creek; thence
1212 continuing along a southeast and northeast meandering of an unnamed creek 427' ± to a point;
1213 thence leaving the centerline of an unnamed creek S 43° 59' E, 628' ± to a point; thence S
1214 45° 29' 30" W, 502' ± to a point in the centerline of said unnamed creek; thence continuing
1215 in a southwest direction in the meandering of the centerline of the unnamed creek 950' ± to a
1216 point in the centerline of Road CC; thence N 88° 27' W, 872' ± to the point and place of
1217 beginning containing 23 ± acres of land.

1218

1219 PARCEL 4

1220 Beginning at a point at the intersection of Concept Road 27-1 and Road CC; thence continuing
1221 along the centerline of Road CC S 88° 27' E, 477.97' to a point; thence leaving the centerline
1222 of Road CC S 45° 14' 45" W, 377.17' to a point; thence S 46° 41' 10" W, 438.05' to a point
1223 in the centerline of Concept Road 27-1; thence continuing along the centerline of Concept
1224 Road 27-1 in a northeast direction along a curve to the left with a radius of 1,864.32' and a
1225 length of 591.59' to the point and place of beginning containing 2.98 acres of land.

1226

1227 PARCEL 5

1228 Beginning at a point in the centerline of Road CC, said point being 477.97' southeast of the
1229 centerline of Concept Road 27-1; thence from said point of beginning and continuing along the
1230 centerline of Road CC S 88° 27' E, 394' ± to a point in the centerline of an unnamed creek;
1231 thence leaving the centerline of Road CC in a southerly direction along the meandering of the
1232 centerline of an unnamed creek 883' ± to a point; thence S 68° 58' 35" W, 460' ± to a
1233 point; thence S 81° 10' W, 1,126.28' to a point in the centerline of Concept Road 27-1; thence
1234 continuing along the centerline of Concept Road 27-1 N 38° 37' E, 45.59' to a point; thence
1235 along a curve to the left with a radius of 1,864.32' and a length of 614.50' to a point; thence
1236 leaving the centerline of Concept Road 27-1 N 46° 41' 10" E, 438.05' to a point; thence N
1237 45° 14' 45" E, 377.17' to the point and place of beginning containing 23 ± acres of land.

1238

1239 PARCEL 6

1240 Beginning at a point in the centerline of Concept Road 27-1, said point being 515.77'
1241 southwest of the centerline intersection of Road BB; thence leaving the centerline of Concept
1242 Road 27-1 N 81° 10' E, 1,126.28' to a point; thence N 68° 58' 35" E, 460' ± to a point in
1243 the centerline of an unnamed creek; thence following the meandering of the centerline of the
1244 unnamed creek in a southeasterly and southwesterly direction 1,066' to a point; thence S 29°
1245 38' 57" E, 173' ± to a point; thence S 36° 13' 30" E, 254.96' to a point on the north right-of-
1246 way line of Interstate Route 295; thence continuing along the north right-of-way line of
1247 Interstate Route 295 in a southwest direction along a curve to the left with a radius of
1248 11,609.16' and a length of 150.19' to a point; thence leaving the north right-of-way line of
1249 Interstate Route 295 N 18° 55' 39" W, 325.81' to a point; thence S 71° 04' 21" W, 50.00' to
1250 a point; thence S 18° 55' 39" E, 344.25' to a point on the north right-of-way line of interstate
1251 route 295; thence continuing along the north right-of-way line of Interstate Route 295 in a
1252 southwest direction along a curve to the left with a radius of 11,609.16' and a length of
1253 711.71' to a point; thence leaving the north right-of-way line of Interstate Route 295 N 69° 11'
1254 23" W, 203' ± to a point in the centerline of Allen's Branch; thence along the meandering
1255 centerline of Allen's Branch in a northwest direction 1,242' ± to a point in the centerline of
1256 Concept Road 27-1; thence continuing along the centerline of Concept Road 27-1 in a northeast
1257 direction along a curve to the right with a radius of 2,508.37' and a length of 122.18' to a
1258 point; thence N 50° E, 177.11' to a point; thence along a curve to the left with a radius of
1259 2,608.70' and a length of 518.29' to a point; thence N 38° 37' 00" E, 104.42' to the point and
1260 place of beginning containing 34 ± acres of land.

1261
1262 PARCEL 7
1263 Beginning at a point in the centerline of Concept Road 27-1, said point being 1,437.77' west of
1264 the intersection of the centerline of Road BB, thence from said point of beginning and
1265 following the meandering centerline of Allen's Branch in a southeasterly direction 1,242' ± to
1266 a point; thence S 69° 11' 23" E, 203' ± to a point on the north line of Interstate Route 295;
1267 thence continuing along the north line of Interstate Route 295 in a southwest direction along a
1268 curve to the left with a radius of 11,609.16' and a length of 1,108.55' to a point; thence
1269 leaving the north line of Interstate Route 295 N 51° 23' W, 1,192.93' to a point on the
1270 centerline of Concept Road 27-1; thence continuing along the centerline of Concept Road 27-1
1271 N 38° 37' E, 156.29' to a point; thence along a curve to the right with a radius of 2,508.37'
1272 and a length of 376.17' to the point and place of beginning containing 23 ± acres of land.

1273
1274 PARCEL 8
1275 Beginning at a point in the centerline of Concept Road 27-1, said point being 409.25' north of
1276 the intersection of the centerline of Road CC; thence from said point of beginning and leaving
1277 the centerline of Concept Road 27-1 S 89° 00' 01" W, 1,345' ± to a point in the centerline of
1278 an unnamed creek; thence following the meandering centerline of the unnamed creek in a
1279 northerly direction 839' ± to a point just north of twin hickory road extended; thence N 79°
1280 24' 15" E, 118' ± to a point; thence N 66° 08' E, 88.74' to a point; thence N 88° 22' E,
1281 205.01' to a point; thence S 84° 50' 50" E, 249.00' to a point; thence N 89° 08' E, 437.90' to
1282 a point; thence S 81° 20' 30" E, 150.07' across Twin Hickory Road Extended; thence N 54°
1283 19' 05" E, 80.83' to a point in the centerline of Concept Road 27-1; thence continuing along
1284 the centerline of Concept Road 27-1 S 20° E, 439.19' to a point; thence along a curve to the
1285 right with a radius of 1,576.39' and a length of 384.05' to the point and place of beginning
1286 containing 25 ± acres of land.

1287
1288 PARCEL 9
1289 Beginning at a point in the centerline of Concept Road 27-1, said point being 409.25' north of
1290 the intersection of the centerline of Road CC; thence from said point of beginning and
1291 continuing along the centerline of Concept Road 27-1 in a southerly direction along a curve to
1292 the right with a radius of 1,576.39' to a point and a length of 208.86' to a point; thence S 1°
1293 33' W, 200.39' to a point; thence along a curve to the right with a radius of 1,864.32' and a
1294 length of 735.91' to a point at the intersection of the centerline of Road BB; thence leaving the
1295 centerline of Concept Road 27-1 and continuing along the centerline of Road BB N 65° 50' W,
1296 391.63' to a point; thence along a curve to the left with a radius of 570.21' and a length of
1297 262.22' to a point in the centerline of an unnamed creek; thence continuing along the centerline
1298 of an unnamed creek in a northwesterly direction 1,299' to a point; thence leaving the
1299 centerline of an unnamed creek N 89° E, 1,345' ± to the point and place of beginning
1300 containing 23 ± acres of land.

1301
1302 PARCEL 10
1303 Beginning at a point on the north line of Twin Hickory Road Extended, said point being with
1304 the intersection of the centerline of Road AA: thence from said point of beginning and
1305 continuing along the centerline of Road AA in a southerly direction along a curve to the left
1306 with a radius of 1,050.44' and a length of 25.98' to a point; thence S 2° 08' E, 311.60' to a

1307 point; thence along a curve to the right with a radius of 2,822.32' and a length of 389.48' to
1308 the true point and place of beginning; thence from said true point and place of beginning and
1309 leaving the centerline of Road AA N 89° E, 545' ± to a point in the centerline of an unnamed
1310 creek; thence following the meandering of an unnamed creek in a southerly direction 1,299' ±
1311 to a point in the centerline of Road BB; thence continuing along the centerline of Road BB
1312 along a curve to the left with a radius of 570.21' and a length of 290.11' to a point; thence S
1313 58°40'W, 67.88' to a point; thence along a curve to the right with a radius of 616.02' and a
1314 length of 628.99' to a point; thence N 62° 50' W, 405.00' to a point at the intersection with
1315 the centerline of Road AA; thence continuing along the centerline of Road AA N 14° E,
1316 448.27' to a point; thence along a curve to the left with a radius of 2,822.32' and a length of
1317 405.23' to the true point and place of beginning containing 22 ± acres of land.

1318
1319 PARCEL 11

1320 Beginning at a point on the north line of Twin Hickory Road Extended, said point being the
1321 intersection of the centerline of Road AA with the north line of Twin Hickory Road Extended;
1322 thence from said point of beginning and continuing along the north line of Twin Hickory Road
1323 N 88° 52' 50" E, 270.14' to a point; thence N 79° 24' 15" E, 82' ± to a point in the
1324 centerline of an unnamed creek; thence in a southerly direction following the meandering of an
1325 unnamed creek 839' ± to a point; thence S 89° W, 545' ± to a point in the centerline of Road
1326 AA; thence continuing along the centerline of Road AA along a curve to the left with a radius
1327 of 2,822.32' and a length of 389.48' to a point; thence N 2° 08' W, 311.60' to a point; thence
1328 along a curve to the right with a radius of 1,050.44' and a length of 25.98' to the point and
1329 place of beginning containing 8 ± acres of land.

1330
1331 PARCEL 12

1332 Beginning at a point on the south line of Shady Grove Road, said point being 0.55 mile east of
1333 the east line of Pouncey Tract Road; thence from said point of beginning and continuing along
1334 the south line of Shady Grove Road N 85° 39' 41" E, 241.75' to a point; thence along a curve
1335 to the left with a radius of 252.85' and a length of 169.22' to a point; thence leaving the south
1336 line of Shady Grove Road N 81° 41' 45" E, 82.43' to a point; thence N 88° 52' 50" E, 30.02'
1337 to a point on the centerline of Road AA; thence continuing along the centerline of Road AA in
1338 a southerly direction along a curve to the left with a radius of 1,050.44' and a length of 25.98'
1339 to a point; thence S 2° 08' E, 311.60' to a point; thence along a curve to the right with a
1340 radius of 2,822.32' and a length of 794.71' to a point; thence S 14° W, 448.27' to a point;
1341 thence leaving the centerline of Road AA N 47° 17' 37" W, 608.03' to a point; thence N 6°
1342 29' 30" E, 1,058.23' to the point and place of beginning containing 16.498 acres of land.

1343
1344 PARCEL 13

1345 Beginning at a point on the south line of Shady Grove Road, said point being 0.55 mile east of
1346 the east line of Pouncey Tract Road; thence leaving the south line of Shady Grove Road S 6°
1347 29' 30" W, 1,058.23' to the true point and place of beginning; thence from said true point and
1348 place of beginning S 47° 17' 37" E, 608.03' to a point being the centerline intersection of
1349 Road AA and Road BB; thence continuing along the centerline of Road BB S 62° 50' E,
1350 405.00' to a point; thence along a curve to the left with a radius of 616.02' and a length of
1351 53.76' to a point; thence leaving the centerline of Road BB S 22° 10' W, 299.00' to a point;
1352 thence S 8° 50' E, 409.58' to a point; thence S 81° 10' W, 544' ± to a point in the centerline

1353 of Allen's Branch; thence continuing along the meandering of the centerline of Allen's Branch
1354 in a northwesterly direction 865' ± to a point; thence leaving the centerline of Allen's Branch
1355 S 82° 25' W, 438' ± to a point; thence N 17° 58' 15" E, 180.72'; thence N 23° 22' 30" E,
1356 673.92' to a point; thence N 69° 25' 20" E, 329.94' to the true point and place of beginning
1357 containing 27 ± acres of land.

1358

1359 PARCEL 14

1360 Beginning at a point in the centerline of Concept Road 27-1 at the intersection of Road BB;
1361 thence from said point of beginning and continuing along the centerline of Concept Road 27-1
1362 in a southwesterly direction along a curve to the right with a radius of 1,864.32' and a length
1363 of 470.18' to a point; thence S 38° 37' W, 45.59' to a point; thence leaving the centerline of
1364 Concept Road 27-1 S 81° 10' W, 1,290.55' to a point; thence N 8° 50' W, 409.58' to a point;
1365 thence N 22° 10' E, 299.00' to a point in the centerline of Road BB; thence in an easterly
1366 direction along the centerline of Road BB with a curve to the left with a radius of 616.02' and
1367 a length of 575.23' to a point; thence N 58° 40' E, 67.88' to a point; thence along a curve to
1368 the right with a radius of 570.21' and a length of 552.33' to a point; thence S 65° 50' E,
1369 391.63' to the point and place of beginning containing 20.962 acres of land.

1370

1371 PARCEL 15

1372 Beginning at a point in the centerline of Concept Road 27-1, said point being 515.77'
1373 southwest of the centerline intersection of Road BB; thence from said point of beginning and
1374 continuing along the centerline of Concept Road 27-1 S 38° 37' W, 104.42' to a point; thence
1375 along a curve to the right with a radius of 2,608.70' and a length of 518.29' to a point; thence
1376 S 50° W, 177.11' to a point; thence along a curve to the left with a radius of 2,508.37' and a
1377 length of 122.18' to a point; thence leaving the centerline of Concept Road 27-1 in a westerly
1378 direction along the meandering centerline of Allen's Branch 1,420' ± to a point; thence
1379 leaving the centerline of Allen's Branch N 81° 10' E, 1,834' ± to the point and place of
1380 beginning containing 16 ± acres of land.

1381

1382 PARCEL 16

1383 Beginning at a point at the intersection of the centerline of Concept Road 27-1 and the
1384 centerline of Road DD; thence from said point of beginning and continuing along the centerline
1385 of Road DD N 26° W, 242.73' to a point; thence along a curve to the left with a radius of
1386 1,016.66' and a length of 488' ± to a point in the centerline of Allen's Branch; thence leaving
1387 the centerline of Road DD and continuing along the meandering centerline of Allen's Branch in
1388 a northeast and east direction 1,729' ± to a point in the centerline of Concept Road 27-1;
1389 thence continuing along the centerline of Concept Road 27-1 in a southwest direction along a
1390 curve to the left with a radius of 2,508.37' and a length of 376.17' to a point; thence S 38° 37'
1391 W, 156.29' to a point; thence along a curve to the right with a radius of 1,816.26' and a length
1392 of 804.64' to the point and place of beginning containing 16 ± acres of land.

1393

1394 PARCEL 17

1395 Beginning at a point in the centerline of Road DD, said point being 730.29' northwest of the
1396 centerline of Concept Road 27-1; thence from said point of beginning and continuing along the
1397 centerline of Road DD in a westerly direction along a curve to the left with a radius of
1398 1,016.66' and a length of 804.79' to a point; thence S 81° 10' W, 857.97' to a point; thence
1399 leaving the centerline of Road DD N 5° 22' 20" W, 267.90' to a point; thence N 84° 37' 40"
1400 E, 1,209.37' to a point; thence N 63° 22' 45" E, 723' ± to a point in the centerline of Allen's
1401 Branch; thence following in a southeast and southwest direction 1,049' ± to the point and
1402 place of beginning containing 14 ± acres of land.

1403

1404 PARCEL 18

1405 Beginning at a point on the east line of Pouncey Tract Road (Route 271), said point being 0.53
1406 mile south of Shady Grove Road; thence from said point of beginning and leaving the east line
1407 of Pouncey Tract Road N 84° 37' 40" E, 497.51' to a point; thence S 5° 22' 20" E, 267.90' to
1408 a point; thence S 81° 10' W, 100.00' to a point; thence S 08° 31' E, 84.64' to a point; thence
1409 S 81° 36' W, 390.33' to a point on the east line of Pouncey Tract Road (Route 271); thence
1410 continuing along the east line of Pouncey Tract Road (Route 271) N 7° 16' 05" W, 379.27' to
1411 the point and place of beginning containing 3.941 acres of land.

1412

1413 PARCEL 19

1414 Beginning at a point in the centerline of Concept Road 27-1 at the intersection of the centerline
1415 of Road DD; thence from said point of beginning and continuing along the centerline of
1416 Concept Road 27-1 in a westerly direction along a curve to the right with a radius of 1,816.26'
1417 and a length of 531.63' to a point; thence S 80° 46' 15" W, 584.13' to a point; thence leaving
1418 the centerline of Concept Road 27-1 N 1° 43' 45" W, 147.99' to a point; thence S 82° 34' 45"
1419 W, 199.73' to a point; thence N 46° 34' 45" W, 593.87' to a point; thence N 67° 11' 10" E,
1420 156.63' to a point; thence N 26° 32' 30" W, 173.52' to a point; thence S 63° 21' 30" W,
1421 139.70' to a point; thence N 13° 17' 30" W, 119.78' to a point; thence S 63° 21' 40" W,
1422 322.02' to a point; thence N 8° 31' W, 230.68' to a point; thence N 81° 10' E, 100.00' to a
1423 point in the centerline of Road DD; thence continuing along the centerline of Road DD N 81°
1424 10' E, 857.97' to a point; thence along a curve to the right with a radius of 1,016.66' and a
1425 length of 1,292.35' to a point; thence S 26° E, 242.73' to the point and place of beginning
1426 containing 30.307 acres of land.

1427

1428 PARCEL 20

1429 Beginning at a point on the centerline of Concept Road 27-1, said point being 1,970.22' west
1430 of the intersection of the centerline of Road BB; thence from said point of beginning and
1431 leaving the centerline of Concept Road 27-1 S 51° 23' E, 1,192.93' to a point on the north
1432 right-of-way line of Interstate Route 295; thence continuing along the north right-of-way line of
1433 Interstate Route 295 in a southwest direction along a curve to the left with a radius of
1434 11,609.16' and a length of 601.11' to a point; thence S 38° 44' 35" W, 908.97' to a point;
1435 thence S 39° 13' 29" W, 275.89' to a point; thence along a curve to the right with a radius of
1436 1,065.92' and a length of 307.94' to a point; thence leaving the north right-of-way line of
1437 Interstate Route 295 N 2° 06' 30" W, 456.37' to a point; thence N 83° 35' 45" W, 1,195.02'
1438 to a point; thence N 01° 49' 45" W, 928.30' to a point in the centerline of Concept Road 27-1;

1439 thence continuing along the centerline of Concept Road 27-1 N 80° 46' 15" E, 584.13' to a
1440 point; thence along a curve to the left with a radius of 1,816.26' and a length of 1,336.27' to
1441 the point and place of beginning containing 71.764 acres of land.

1442
1443 Mr. John Marlles - Mr. Merrithew will be giving the presentation.
1444

1445 Mr. Archer - That was a mouthful. Is there any one here in opposition to C-
1446 48C-98? No opposition. Mr. Merrithew.

1447
1448 Mr. Merrithew - Thank you, Mr. Chairman. I think, before I forget all those
1449 zoning categories, I will advise you this case has been modified. It no longer includes M-1C
1450 Light Industrial. It now includes O/S-2C Office/Service 2. It no longer includes B-3C or B-
1451 2C. It no longer includes R-5AC or R-4AC, I believe I'm correct in saying that.

1452
1453 Ms. Dwyer - There's no R-4?

1454
1455 Mr. Merrithew - There's no R-4AC. No R-5AC. Mr. Chairman, this case has
1456 come under a significant amount of scrutiny over the past few months. It is a large and
1457 significant proposal to create a mixed-use community on approximately 425 acres, as you can
1458 see from the map, and a large area of land between Pouncey Tract Road and Nuckols Road. I
1459 can't get it all on the map and still have it large enough for you to see all the land use bays
1460 inside it.

1461
1462 The current proposal includes a number of single family zones. I would point out the R-2, R-
1463 2A, R-3, and R-4 Single Family categories, represent approximately 250 acres of property. If
1464 you look at the single family detached by itself, the density in that area is approximately 4.08
1465 units per acre. That would be the single family and townhouse areas.

1466
1467 The overall proposal is to develop a maximum of 1,400 residential units, and approximately 71
1468 acres of O/S 2 which is estimated to amount to approximately 700,000 square feet of
1469 Office/Service uses, including light industrial uses on the property.

1470
1471 This area is planned by the County for a combination of things. The bulk of the site is planned
1472 for Suburban Residential 1 and Suburban Residential 2 development which has a recommended
1473 maximum density of 3.4 net units per acre. There is also Office and Light Industrial
1474 designation to the southwest corner of this site. Obviously, with Shady Grove Middle School
1475 being situated here (referring to slide) designated for Government use, and also to the north of
1476 the site, we now have approved property here for a high school site; and I'm just going to put
1477 the dots in the general location and a second site for a library and park, multiple use facility.

1478
1479 So, we have a number of public facilities planned for this area, and this development intends to
1480 take advantage of those amenities.

1481
1482 As this case was originally submitted, staff had a number of concerns, particularly the density
1483 of the project. It ranged in the earlier discussions anywhere from 4.5 units an acre or about 6
1484 units an acre which was well above the 3.4 units an acre recommended by the Plan. The

1485 applicant has responded to staff's concern. They have, in addition to eliminating some of the
1486 higher density single family districts and reducing the amount of multi-family development
1487 proposed on the site, they have increased, I guess you would say, to some extent the size of the
1488 lots and the quality of the single family lots. Have we handed out the proffers? We have not
1489 have we? Were they delivered to them? Okay.

1490
1491 You will note that the single family districts each have a density cap which is less than what is
1492 permitted by the Zoning Ordinance. You will also note they have increased the lot widths in
1493 several of the districts, particularly the R-2A and R-3 Districts to 85 feet in width; again, as a
1494 step to assure the County of a commitment towards quality development in the residential.

1495
1496 The applicant has also responded to a concern by staff about the amount of industrial land that
1497 was proposed with this project, particularly up against the Shady Grove Elementary School.
1498 This area in here (referring to slide) was originally proposed for industrial development, and
1499 they have changed that to residential, including R-4 density residential in this area. They have
1500 limited the Industrial to the southwest corner, as I said before, about 71 acres of property.

1501
1502 Staff also had a concern about a piece of B-3 property originally proposed on Pouncey Tract
1503 Road. They have responded by requesting an O-1C zoning on that property; an Office 1
1504 zoning on that property.

1505
1506 Also, B-2C was originally proposed, at this location, in the project. That would have been
1507 their town center component. They have removed that as well. Not at staff's request, but I
1508 believe because of other reasons in the design of the project.

1509
1510 I would point out on the Pouncey Tract O-1C, there are no design commitments, or
1511 commitments toward design of the building in that area. There is an O-1C piece of property
1512 that has always been planned for a daycare or an office development, and they have proffered
1513 to make that a building of residential character and a limit up to two stories on the building for
1514 this internal site. It's likely to be a daycare center. But on the outside site on Pouncey Tract,
1515 there are no design proffers associated with it.

1516
1517 I believe the applicant will probably want to go through, in more detail, about the design
1518 qualities and features of this project. So, I would simply like to point out that this proposal
1519 does include several benefits for the County. It does have the effect of consolidating a number
1520 of smaller properties into a comprehensive and coordinated community, with an overriding
1521 design concept. Snyder-Hunt, or H. H. Hunt now, has shown their ability to manage a large
1522 project like this and provide for quality design controls in their other projects in the area.

1523
1524 This project also includes, or takes advantage of the fact, the County has committed to provide
1525 schools and other services in this area. It is good planning to encourage development as close
1526 to your public facilities as possible. And this does seem to take advantage of that.

1527 Finally, the proffers that have been included in this case, and you've seen the proffers related
1528 to residential and to the other uses in terms of house size, lot width, pedestrian trails,
1529 landscaping along the streets and in the medians of the streets and so on, does provide for a
1530 level of quality that is comparable, if not raising the bar, with development in this area of the

1531 County. However, this project also has costs for the County. Despite some cuts in the
1532 residential density, the project density still exceeds what is recommended by the
1533 Comprehensive Plan. It still exceeds, to a degree, what is anticipated for development in this
1534 area by the Utilities Department. However, I would point out that Utilities feels that it can be
1535 accommodated.

1536
1537 This project does continue to include 378 multi-family rental apartments, which is not
1538 supported by the plan, and which has not been supported by recent County policy and
1539 discussion.

1540
1541 Finally, the project does not include a phasing schedule which would assure us that
1542 development occurs in a reasonable rate and that the non-residential component, the O/S 2
1543 component occurs along with the residential component. From the physical point of view, the
1544 benefit of a mixed use development as if all components of a mixed use development occur at
1545 reasonably the same time, or phased with each other. That is not committed to in this
1546 particular case. However, overall, the case is vastly improved from its original submittal.
1547 They have addressed a number of concerns, if not all of the concerns, that staff has raised.
1548 And we feel, we can recommend approval of the application as it stands now. I'd be glad to
1549 answer any questions.

1550
1551 Mr. Archer - Thank you, Mr. Merrithew. Are there questions for Mr.
1552 Merrithew by the Commission?

1553
1554 Mrs. Wade - So, with the change from the M-1 to the O/S 2, what's the status
1555 of the retail?

1556
1557 Mr. Merrithew - They have maintained a 10,000 square foot cap on the retail
1558 component, although the O/S 2 would allow, I believe, a 20 percent Office component in a
1559 10,000 square foot building.

1560
1561 Mrs. Wade - It has to be in a larger building. It has to be more than 20
1562 percent.

1563
1564 Mr. Merrithew - I believe its 20 percent, and the smallest building they can locate
1565 in, is a 10,000 square foot building. And it has to be in another building. That's right.

1566
1567 Mrs. Wade - Thank you.

1568
1569 Mr. Archer - Any one else?

1570
1571 Ms. Dwyer - Mr. Merrithew, you mentioned this development is over 400
1572 acres and it is taking advantage of a library, park and a school that the County taxpayers are
1573 providing. I'm wondering if a development on this scale, are they contributing anything to the
1574 needed infrastructure, or I guess, the needed services that the County will have to provide for
1575 all of the people who will be living on these 400 some acres such as a school, or a park, or
1576 anything?

1577
1578 Mr. Merrithew - Thank you for bringing that up. I do this to Jim all the time. I
1579 leave out key points so that he gets real mad at me before he gets up to the podium. They are
1580 proposing, of course, and will have to bring utilities and transportation improvements to the
1581 area, which are in our plans, but certainly not been finalized, phased or scheduled by the
1582 County.

1583
1584 In addition, the R-2C parcel, and this gets a little bit tricky. They have shown you an R-2C
1585 parcel that they have proffered certain size houses on that parcel. However, it is going to be
1586 dedicated to the County as an elementary school site. Those discussions with the School Board
1587 have been ongoing and I believe they are very close to an agreement, if not reached an
1588 agreement, on that site. They, themselves, are providing an elementary school site, plus
1589 bringing the utilities into this area, and the road improvements.

1590
1591 In terms of other commitments for parks, or anything like that inside, they have made a
1592 commitment to an internal pedestrian, and bikeway system, but they have not suggested any
1593 internal park or recreational spaces or other amenities like that, although I think they normally
1594 do include some of that in their project.

1595
1596 Ms. Dwyer - So no recreation association or park land to be as a town center,
1597 they totally dropped the town center idea?

1598
1599 Mr. Merrithew - Well, they've dropped the commercial town center idea. The
1600 County could not accept the proposal for a roundabout traffic system there which would have
1601 been sort of a monumental feature, visual amenity, at least, I think. But, otherwise, no, they
1602 have not committed to any public park facilities for their project.

1603
1604 Mr. Zehler - Have we seen any layout of designs as far as roads are
1605 concerned?

1606
1607 Mr. Merrithew - We've seen the layout for the roads and its been reviewed by the
1608 Department of Public Works. They probably have a better grasp than I have here to show you
1609 and certainly a new one. This is Concept Road 27-1 running through the property which will
1610 eventually connect over to Pouncey Tract at Bacova. It will be the main thoroughfare through
1611 this project. They also have Twin Hickory running this way up here and then running through
1612 and connecting to Shady Grove. That improved section all the way out to Pouncey Tract as
1613 well. Those are the main roads. Coming from the south, Shady Grove will connect to Twin
1614 Hickory here and then there will be a collector road which runs through the neighborhood
1615 connecting back to Concept Road 27-1. Hopefully, Jim has a plan that we can throw up on the
1616 Board for you. Those roads have been reviewed by the Department of Public Works and the
1617 staff and the Department of Public Works can recommend approval of this case with certain
1618 improvements, including left turn lanes and signalization at probably obvious points throughout
1619 the project.

1620
1621 Mr. Archer - Any further questions for Mr. Merrithew before the applicant
1622 comes up? Thank you, sir.

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Mr. Merrithew - Thank you.

Mr. Archer - I had asked if there was opposition to this case, and I didn't note any. Let me ask again. Is there any opposition? Mr. Theobald.

Mr. James W. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald. I'm here this evening on behalf of the H. H. Hunt Company, formerly Snyder-Hunt. This is a request to rezone approximately 426 acres of land for the creation of Henrico County's most innovative and exciting large-tract planned mixed-use community to be know as Twin Hickory.

Those adjectives really embody (gap in tape) significant large tract, the opportunity to anticipate needs and create communities, which is consistent with one of the most important goals of the County's Land Use Plan versus piecemeal development. Planned, the planning process involved here determining the needs of residents and providing for those on a community level. A place where people live, work and play. That planning effort includes issues ranging all the way from the up front infrastructure, which Mr. Merrithew touched upon, to high tech internet opportunities, potentially connecting residents with schools and county facilities. Mixed use, from single-family detached homes, empty-nester attached housing opportunities, a multi-family community, retirement living, day care, office and highly restricted light industrial. Twin Hickory is truly a mixed use community. A mix of residential and industrial acreage also reflects one of the most critical aspects of the County's Land Use Plan, resulting in a balanced tax base.

Innovative: Sometimes innovation must draw heavily on the past. Twin Hickory is a community where schools and parks and libraries, neighborhood shopping and recreational amenities will all be within one-half mile walk or bike ride on pedestrian access ways.

Twin Hickory represents the aggregation of some 19 different parcels of land, which stretches from the new Shady Grove YMCA on Nuckols Road to Interstate 64 on the south, and from Pouncey Tract Middle School and Striker Park on the west to I-295 on the east.

The design for Twin Hickory reflects a number of existing influences; the most significant of which is the amount of frontage along Interstates 295 and 64, a major Virginia Power transmission line which bisects the property; and the existence of Pouncey Tract Middle School, Striker Park and the new YMCA, together with exciting plans for Henrico County's newest high school, park and library at the intersection of Shady Grove Road and Twin Hickory Road extended.

Rather than merely planning our 426 acres of land, we really looked at a 1,000-acre grid of community-based amenities within which to design our community. Our proffered conditions are extensive and are built upon the same foundation which have resulted in the award winning communities of Wellesley and Wyndham.

We're proffered greenbelts along all major roads which would include our most important amenity; that being our pedestrian access ways.

1669 We've committed to provide that these access ways, which will include bicycle paths in all
1670 major project areas and along all of our main roads connecting all of our neighborhoods.

1671
1672 We've further committed to provide to you a Conceptual Access Way Master Plan with the
1673 submission of our first subdivision plat or Plan of Development.

1674
1675 As with both Wyndham and Wellesley, we've agreed to provide landscaping in the grassy
1676 medians of Twin Hickory Road and Concept Road 27-1.

1677
1678 We've limited our overall density to no more than 1,400 residential units over this 426 acres of
1679 land.

1680
1681 We have provided separate density caps and minimum square footages for all of our residential
1682 categories.

1683
1684 Our proffers dealing with owner/occupied units reflect the standards set by Wyndham.

1685
1686 Restrictive covenants will require paved driveways; sodded and irrigated front yards; brick
1687 stoops and standard mailbox design.

1688
1689 Lots in the R-2A and R-3 categories have been proffered to have a minimum lot width
1690 increased to 85 feet.

1691
1692 Our proffers applicable to the R-5-zoned land bring forward the same conditions that resulted
1693 in the quality multi-family communities of the carriage homes at Wyndham and Cameron at
1694 Wyndham.

1695
1696 We have required a certain amount of covered parking, on-site amenities, and an overall cap
1697 on the total number of multi-family units permitted.

1698
1699 Our R-6-zoned parcel has been proffered to provide a high quality assisted living facility to
1700 compliment the mixed-use nature of Twin Hickory.

1701
1702 The previously requested M-1 parcel along I-295 and 64 have been amended to seek the new
1703 O/S 2 classification with its higher development standards and less intensity of use.

1704
1705 The amount of ancillary retail in the 72 acres of Office/Service-2 continues to be restricted by
1706 the Office/Service 2 ordinance, but has been capped at no more than 10,000 square feet of
1707 space in the aggregate over the entire 72 acres of the O/S 2 zoned property.

1708
1709 The County's Land Use Plan for the area comprising Twin Hickory, as Mr. Merrithew
1710 suggested, shows a mix of Rural Residential, Urban Residential, Suburban Residential 2, Light
1711 Industrial and Environmental Protection Area.

1712
1713 By definition, the Land Use Plan represents a little bit of a cookie cutter approach, not unlike
1714 Henrico's Zoning Ordinance. But I believe the textual discussion and the Goals and Objectives

1715 and Policies of the Land Use Plan are, perhaps, more consistent with the concept of Twin
1716 Hickory than the map. While we are in an expansion area where County services are
1717 suggested to be somewhat limited, we have demonstrated, and I believe Mr. Merrithew has
1718 enunciated the large number of community amenities uniquely present or planned by Henrico
1719 in this part of the County.

1720
1721 We have satisfied various County departments over our ability to provide appropriate water,
1722 sewer, and transportation networks.

1723
1724 Another one of your Plan's goals is to promote balanced growth. One of the objectives is to
1725 link jobs and housing so as to avoid sprawl and discourage building.

1726
1727 Another essential goal of the plan is to maintain orderly growth and efficient development,
1728 "encouraging large-tract and mixed use development which promotes economies of scale,
1729 energy conservation, and efficient use of infrastructure revenues."

1730
1731 Another goal is to provide residential opportunities that accommodate a variety of housing
1732 types for all people.

1733
1734 Accordingly, I believe that the planning principles represented by Twin Hickory are, in fact,
1735 consistent with your Land Use Plan, and, perhaps, embody the goals and objectives, therefore,
1736 like no other community before it.

1737
1738 As you know, H. H. Hunt builds communities. They don't just grade roads, sell lots, and
1739 move on, they create and nurture fully integrated communities. Last year, the Wyndham
1740 Homeowners Association was voted the best community association in America. It has won
1741 accolades in local media surveys as the best new community consistently from 1994 through
1742 1998; and the best neighborhood for kids in 1997.

1743
1744 H. H. Hunt has been the instigator in a community resources task force which coordinates the
1745 availability of various community resources and facilities in that area. They've undertaken to
1746 develop a task force to make Twin Hickory a "smart" community.

1747
1748 Having met with Wayne Nesbit of Motorola-Seimens regarding opportunities for fiber optic
1749 networks and the creation of an intranet that could link the Twin Hickory community with
1750 County schools, libraries, etc. Go on-line, punch up your homework, Download a term
1751 paper.

1752
1753 Twin Hickory is a community that will have street lights; street trees; walkways. With those
1754 amenities accounting for over \$1 million of investment alone.

1755
1756 The average price of homes in Twin Hickory will be between \$175,000 and \$250,000, with the
1757 overall range being from \$130,000 to \$300,000.

1758
1759 Creation of regional storm drainage facilities is another public amenity that will provide
1760 opportunities to coordinate drainage and water quality throughout the watershed.

1761
1762 Twin Hickory represents a truly exciting opportunity for Henrico County and its citizens. And
1763 for all of the foregoing reasons, I would respectfully request that you recommend approval of
1764 this case to the Board of Supervisors. I'd be delighted to answer any questions that you might
1765 have.

1766
1767 Mr. Archer - Are there questions for Mr. Theobald from the Commission?

1768
1769 Mrs. Wade - From the beginning, Staff and I shared the concern about the
1770 phasing. Do you have any idea when the O/S component where are the jobs are to be
1771 developed related to the rest of the project?

1772
1773 Mr. Theobald - I don't have a firm timeline, but the community will develop,
1774 basically, beginning up from the YMCA area and I would envision that this road, the extension
1775 of Twin Hickory Road, as a four-lane road, will be constructed in its entirety really as a first
1776 phase and, perhaps, a portion of Concept Road 27-1 down into this area (referring to slide)
1777 where some of the regional BMPs are located. So, the path of development will start where
1778 existing infrastructure can be linked.

1779
1780 The next phase, as we envision it, would likely be from this area back down in through here.
1781 That will be the opportunity when access will be most readily available to this portion of the
1782 site. We don't know exactly what the future holds over here in terms of being able to access
1783 directly out here. It's certainly our hope that will become a reality. We have the alternative
1784 road system backup up to Pouncey Tract. We don't really envision a significant amount of
1785 distribution-type industrial activity here, which was the reason why we were willing to drop to
1786 the O/S-2 which your new Ordinance suggests is more of a high tech environment, and so
1787 compatible with the road structure. So, Mrs. Wade, I'm not going to try to fool you and
1788 suggest that part is coming on first. But, I think its coming on probably, initially, in the
1789 second phase of development. I understand the physical impacts of the phasing, but the
1790 physical reality of development of the project like this; once the infrastructure is to that point,
1791 then it will undoubtedly move.

1792
1793 Mrs. Wade - Well, there have been so many different sets of proffers with this.
1794 There have been multi-meetings I know in the last six months and goodness knows how long
1795 before that. Oftentimes they resulted in different proffers.

1796
1797 Mr. Theobald - We've had lots of helpful input on this case. Yes.

1798
1799 Mrs. Wade - ...which is, in a way, one reason why I don't have more
1800 questions, because I've had the opportunity to be involved in a lot of these discussions. It
1801 seemed to me somewhere in the M-1, there was a 100-foot setback from the Concept Road,
1802 which now will only be 40 with the O/S 2.

1803
1804 Mr. Theobald - The O/S 2 concept is one of heavier perimeter landscaping, with
1805 some flexibility on internal design. So, we will meet the standards of the new O/S 2

1806 Ordinance. We've actually included a few additional proffers in that regard, but it's a much
1807 different product, really, than the M-1.

1808
1809 Mrs. Wade - Will, you, in fact, include any recreational areas?

1810
1811 Mr. Theobald - We have not, initially, intended to provide active recreation areas
1812 within the bounds of the property, although, Mr. Schmidt, who is with us this evening, and
1813 Mr. Tyler and I, have recently discussed the possibility of, perhaps, providing a pool facility
1814 within the community, as an amenity. I'm not sure about that. But in terms of opportunities,
1815 of course, you have the new YMCA back up in this area (referring to slide), and then this
1816 would be the County's newest park/library/high school/ elementary school, along with Striker
1817 Park, the middle school, target golf, etc. So, we're surrounded by community-type
1818 recreational opportunities, all of which would be linked by the pedestrian access way, and I
1819 think the provision of some of the recreation areas will just come a little later in the concept
1820 design phase. But there is not one designated on this plan at this point.

1821
1822 Mrs. Wade - At buildout, the population of this could pretty well fill up the
1823 park, depending on what goes there. I know they're working on discussions now about how to
1824 develop that park. Did I hear you say, 14 per acre?

1825
1826 Mr. Theobald - 1,400 residential units capped/ 378 multi-family units capped.

1827
1828 Mrs. Wade - Which comes out then to about what kind of density overall?

1829
1830 Mr. Theobald - Well, we have an overall total project density of about, you can
1831 calculate this 100 ways...

1832
1833 Mrs. Wade - With or without the apartments?

1834
1835 Mr. Theobald - Well, with 1,400 units, including apartments, we're looking at
1836 about 4.0 or 4.0 and a fraction. If you took single family, detached, meaning just the R-2, R-
1837 2A, R-3, R-4, you would, based on our density internal caps, you would have some 666 units
1838 over about 230 acres, or 2.9 units per acre. If you took the project density and you threw out
1839 the apartment project, you would get 3.47, just to give you a feel for how our numbers sort of
1840 work.

1841
1842 Mrs. Wade - What was the total density?

1843
1844 Mr. Theobald - 1,400 units.

1845
1846 Mrs. Wade - Per acre?

1847
1848 Mr. Theobald - It's at about 4.0, inclusive of all residential units.

1849
1850 Mrs. Wade - Okay. As I understand it, the Utilities Plan is predicated upon,
1851 what eight units per acre, so you are well below that.

1852
1853 Mr. Theobald - The Land Use Plan suggested an overall of about 3.4 in some
1854 areas and higher in others. I would suggest to you that, certainly, a portion of the Land Use
1855 Plan in this are represented as much of a holding pattern to see what would develop. Because,
1856 certainly, I don't think anyone would suggest some of the Suburban Residential designations as
1857 being ultimately appropriate against I-295 and Interstate 64.
1858
1859 Mrs. Wade - It's accurate to say, at this point, that traffic and the utility studies
1860 have been completed, and studies and approved by Public Works and Public Utilities?
1861
1862 Mr. Theobald - That's correct.
1863
1864 Mrs. Wade - Of course, some of that original Land Use Plan density and things
1865 was predicated upon not, necessarily, having adequate road, initially.
1866
1867 Mr. Theobald - That's an excellent point, because the County, obviously, has its
1868 own plans and timetable for extending, or not extending, infrastructure, such as roads, and
1869 utilities and schools. And, of course, we must, bring our own roadway system, our own
1870 sewer, provide substantial BMP facilities, and so we're providing the infrastructure to take
1871 care of, not only our community's needs, but to those of the general community. We've also
1872 discussing with the School Board. And have, I believe, finalized, in principle, if not in ink,
1873 we are swapping some small portion of land behind Short Pump Middle that is beyond this
1874 creek line that is really unusable from a development standpoint from their perspective,
1875 because they would have to bridge it for a portion of this site, and are, basically, donating the
1876 balance of the site to the School System for the construction of an elementary school, in
1877 exchange for Schools participation along with H. H. Hunt, and extension of some of the
1878 infrastructure. So, we sort of bring our own with us. In app propo of your comment. Then I
1879 think the Land Use Plan might take on different characteristics all together.
1880
1881 Mrs. Wade - What I said, basically, about the park site being studied, as I
1882 understand it, its recommended currently for sort of a passive-type of park. They're
1883 considering other options, I suppose, for that. They usually get the community involved in
1884 making those decisions.
1885
1886 Mr. Theobald - It's a large park site next to the high school and behind the
1887 proposed library.
1888
1889 Mrs. Wade - Thank you. That's everything I have.
1890
1891 Mr. Theobald - You're welcome.
1892
1893 Mrs. Wade - Your case has changed quite a bit since it was first submitted.
1894
1895 Ms. Dwyer - So, the only R-2 parcel is the parcel that's slated to become the
1896 school?
1897

1898 Mr. Theobald - That's right.
1899
1900 Mrs. Wade - You notice that?
1901
1902 Mr. Theobald - It's never been hidden.
1903
1904 Ms. Dwyer - So, the rest of it is primarily R-3 and R-4, multi-family?
1905
1906 Mr. Theobald - R-2A, R-3, R-4; the townhouse development is capped, has a
1907 density and we've proffered the products would be similar to Morgans Glen and a few others.
1908 In Wyndham, those are an "empty nester" product. We have, I think, three school-age
1909 children in that entire project in Wyndham.
1910
1911 Ms. Dwyer - I guess my concern is that, I think one of the reasons the County
1912 encourages large-tract development is so that there can be coordinated design and so that
1913 amenities that may be important to have in a residential development such as this could be
1914 provided with a large tract. But, other than the pedestrian walkways, I don't see that you're
1915 providing any recreational amenities at all. I believe you answered Mrs. Wade's question...I
1916 think that seems to me to be an oversight with this many people and this large a development
1917 to have and not contribute a park or a...
1918
1919 Mr. Theobald - We're contributing a school site, Mrs. Dwyer, and we're
1920 contributing miles of road and sewer.
1921
1922 Ms. Dwyer - And, well, we're going to have a lot of people. I mean we're
1923 hearing so much on the Commission that people are lamenting the demise of open spaces. I
1924 guess that's one thing I don't see here, is open spaces for the benefit of the 1,400 families that
1925 would be here. I mean it looks like, perhaps, the zoning map might look if each parcel were
1926 purchased and developed individually. I mean the only coordination that I really see is the
1927 pedestrian walkways. Could you enlighten me that there's something else there that will make
1928 this you know...
1929
1930 Mr. Theobald - Well, certainly, when you take 426 acres with ten or twenty
1931 different developers, they'll be no coordination in terms of design, homeowner's association,
1932 amenities, who puts in pedestrian access ways; whether they'll ever match up or not. This is
1933 an opportunity to take over 400 acres, developed by one developer, a developer who has a
1934 proven tract record in Henrico County. What you see is what you get. You know you will get
1935 a quality community here. I think the fact that there are community facilities available, that
1936 they should not be penalized for having public schools, and parks in close proximity. That is
1937 why people are going to want to live here. There will be people, like there are in all the
1938 County schools, using ball fields, open fields, and the park on a regular basis. It seems
1939 somewhat redundant to dedicate land for a park in the center of this 400 acres, when the
1940 County has just purchased well over a 100 acres for the same use.
1941
1942 Ms. Dwyer - Of course, the park will be serving a broader area than this
1943 particular site. As Mrs. Wade mentioned, 1,400 families might fill up that park. I guess it

1944 just seems to me that there's a lack of open space and recreational space that I would expect in
1945 a 400 some acre residential development.

1946

1947 Mr. Theobald - Well, of course, not all 400 acres is residential.

1948

1949 Ms. Dwyer - Primarily.

1950

1951 Mrs. Wade - This isn't the first time he's heard that.

1952

1953 Ms. Dwyer - It's not?

1954

1955 Mrs. Wade - I mean enjoying the County amenities. But we live in older
1956 areas, and, perhaps, have to help to contribute to...

1957

1958 Ms. Dwyer - Congestion.

1959

1960 Mr. Archer - Any other Commission members have questions or comments?

1961

1962 Mr. Theobald - Thank you.

1963

1964 Mr. Archer - Thank you, Mr. Theobald. All right, Mrs. Wade, are we ready?

1965

1966 Mrs. Wade - All right. We've come so far with this, I'd be reluctant to delay
1967 at this point. I think Ms. Dwyer's points are well taken. As I say, we've discussed this a
1968 number of times, Mr. Theobald, with certain amenities; recreation, open spaces within your
1969 product, other than the wetlands there at the bottom. Perhaps, that's something you want to
1970 continue to think about between now and the Board meeting. The traffic and utility studies
1971 have been approved. It meets generally the mixed use planned community goal of the
1972 Comprehensive Plan. The density falls within the bounds of the Comprehensive Plan. And,
1973 certainly, the large tract development is a plus. It would be certainly more complicated if all
1974 of those pieces were trying to develop individually. Therefore, I would move that Case C-
1975 48C-98 - I don't think we have to waive proffers?

1976

1977 Mr. Merrithew - No. We don't.

1978

1979 Mrs. Wade - ...48C-98 be recommended to the Board for approval.

1980

1981 Mr. Archer - Is there a second?

1982

1983 Ms. Dwyer seconded the motion.

1984

1985 Mr. Archer - Motion made by Mrs. Wade, seconded by Ms. Dwyer. All those
1986 in favor say aye—all those opposed by saying nay. The vote is 4-1 (Ms. Dwyer voted no, Mr.
1987 Donati abstained).

1988

1989 Mrs. Wade - Did everybody vote?

1990

1991 Mr. Archer - Yes ma'am.

1992

1993 REASON: Acting on a motion by Mrs. Wade, seconded by Ms. Dwyer, the Planning

1994 Commission voted 4-1 (one nay, one abstention) to recommend that the Board of Supervisors

1995 accept the proffered conditions and grant the request because it conforms with the objectives and

1996 intent of the County's Comprehensive Plan; and the proffered conditions will assure a level of

1997 development otherwise not possible.

1998

1999

2000 Mr. Archer - Mr. Secretary, before we move on, if Mr. Merrithew would give

2001 us the 8:00 o'clock deferrals now?

2002

2003 Mr. Merrithew - Yes sir. Mr. Chairman, on the 8:00 agenda in the Brookland

2004 District, P-21-98.

2005

2006 **Deferred from the August 13, 1998 Meeting:**

2007 **P-21-98 Gloria Freye for Triton PCS, Inc.:** Request for a provisional use

2008 permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in

2009 order to construct, operate and maintain a communication tower up to 199' high and related

2010 equipment and improvements, on part of Parcel 22-A-15, containing 2,500 sq. ft., located

2011 between the northern terminus of Brookley Road and the southern side of RF&P Park (10820

2012 Brookley Road). The site is zoned A-1 Agricultural District.

2013

2014 Mr. Archer - What page are we on, John?

2015

2016 Mr. Merrithew - I'm on my Page 8, sir.

2017 Mr. Archer - Thank you, sir. That was the withdrawal.

2018

2019 Mr. Merrithew - That was the withdrawal—the communications tower on Brookley

2020 Road is withdrawn. Requires no action. The next case C-46C-98.

2021

2022 **Deferred from the September 10, 1998 Meeting:**

2023 **C-46C-98 Andrew M. Condlin for Alva E. Kimrey:** Request to conditionally

2024 rezone from R-2A One Family Residence District to M-2C General Industrial District

2025 (Conditional), Parcel 31-A-17 and part of Parcels 31-A-14 and 15, containing 4.818 acres,

2026 located 233' west of Old Washington Highway approximately 30' north of its intersection with

2027 Cemetery Road. Storage for an adjacent steel fabrication yard is proposed. The use will be

2028 controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan

2029 recommends Light Industry development.

2030

2031 They've requested a deferral until November 12th.

2032

2033 Mr. Vanarsdall - Which one is that?

2034

2035 Mr. Archer - That's C-46C-98.

2036
2037 Mr. Merrithew - C-46C-98 Old Washington Highway.
2038
2039 Mr. Archer - Is there opposition to deferment of C-46C-98 to the November 12th
2040 meeting? No opposition. Mr. Vanarsdall.
2041
2042 Mr. Vanarsdall - Mr. Chairman, I move that C-46C-98 be deferred to November
2043 12, 1998 at the applicant's request.
2044
2045 Mr. Zehler seconded the motion.
2046
2047 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Mr. Zehler. All
2048 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
2049 abstained).
2050
2051 Mr. Merrithew - Thank you, Mr. Chairman. In the Fairfield District, Page 9 on
2052 my agenda: C-40C-98.
2053
2054 **Deferred from the September 10, 1998 Meeting:**
2055 **C-40C-98** Robert M. Atack for Atack Properties, Inc.: Request to
2056 conditionally rezone from R-3AC and R-2AC One Family Residence Districts (Conditional) to
2057 RTH Residential Townhouse District (Conditional), part of Parcels 23-A-72A and 32-A-94,
2058 containing 18.08 acres, located adjacent to the western terminus of proposed J.E.B. Stuart
2059 Parkway and north of the terminus of Proposed Magnolia Ridge Drive. Townhomes or
2060 condominiums for sale are proposed. The RTH District permits densities up to 9.0 units gross
2061 density per acre. The Land Use Plan recommends Suburban Residential 1 development, 1.0 to
2062 2.4 units net density per acre and Suburban Residential 2, 2.4 to 3.4 units net density per acre.
2063 They've requested a deferral until November 12th.
2064
2065 Mr. Archer - Is there opposition to the deferment of C-40C-98 to the
2066 November 12th meeting? I move deferment of C-40C-98 to the November 12th meeting at the
2067 applicant's request.
2068
2069 Mr. Vanarsdall seconded the motion.
2070
2071 Mr. Archer - Motion made by Archer, seconded by Mr. Mr. Vanarsdall. All
2072 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
2073 abstained).
2074
2075 Mr. Merrithew - Mr. Chairman, again, in the Fairfield District C-57C-98.
2076
2077 **Deferred from the September 10, 1998 Meeting:**
2078 **C-57C-98** Agnes S. Moss: Request to conditionally rezone from A-1
2079 Agricultural District to R-3AC One Family Residence District (Conditional), Parcel 147-A-77,
2080 containing 1.0 acre, located at the southeast corner of the intersection of Oakleys Lane and
2081 Yates Lane. A residential subdivision is proposed. The R-3A District permits densities up to

2082 4.59 units gross density per acre. The Land Use Plan recommends Suburban Residential 2,
2083 2.4 to 3.4 units net density per acre.

2084
2085 They've requested a deferral until November 12th.

2086
2087 Mr. Archer - Is there any one here in opposition to deferment of this case to
2088 November 12th, C-57C-98? I move deferment of C-57C-98 to November 12th at the applicant's
2089 request.

2090
2091 Mr. Vanarsdall seconded the motion.

2092
2093 Mr. Archer - Motion made by Archer, seconded by Mr. Mr. Vanarsdall. All
2094 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
2095 abstained).

2096
2097 Mr. Merrithew - Thank you, Mr. Chairman. The next case in the Fairfield
2098 District again. P-37-98.

2099
2100 **P-37-98** Gloria Freye for Triton PCS, Inc.: Request for approval of a
2101 provisional use permit in accordance with Sections 24-95(a) and 24-122.1 of Chapter 24 of the
2102 County Code in order to construct, operate and maintain a communication tower up to 199' high
2103 and related equipment and improvements, on part of Parcel 41-A-24, containing 2,200 sq. ft.,
2104 located on the west side of Woodman Road approximately 1450' south of its intersection with
2105 Mountain Road. The site is zoned A-1 Agricultural District.
2106 They've requested a deferral until November 12th.

2107
2108 Mr. Archer - Is there anyone here in opposition to deferment of P-
2109 37-98 Triton PCS, Inc. to November 12th? I move deferral of P-37-98 to the November 12th
2110 meeting at the applicant's request.

2111
2112 Mr. Vanarsdall seconded the motion.

2113
2114 Mr. Archer - Motion made by Archer, seconded by Mr. Mr. Vanarsdall. All
2115 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
2116 abstained).

2117
2118 Mr. Merrithew - Mr. Chairman, that is the last of the deferrals this
2119 evening that I'm aware of.

2120
2121 Mr. Archer - Thank you, Mr. Merrithew. I'm sure by the time we
2122 hear some of these cases in November, it will be November 13th, well past Midnight.

2123
2124 **C-59C-98** E. Delmonte Lewis for Greensprings, Inc.: Request to
2125 conditionally rezone from A-1 Agricultural District and R-3AC One Family Residence District
2126 (Conditional) to R-3AC One Family Residence District (Conditional) and C-1 Conservation
2127 District, part of Parcels 38-A-30D and 30E, described as follows:

2128
2129 PARCEL A
2130 Beginning at a point in the north line of Toston Lane said point 180.49' east of the east line of
2131 Killiam Court from said point of beginning N. 48° 08' 30"E., a distance of 127.12' to a point;
2132 Thence N. 48° 30' 40" E., a distance of 271.69' to a point; Thence N. 82° 27' 26" E., a
2133 distance of 60.63' to a point; Thence S. 48° 30' 40" W., a distance of 321.88' to a point;
2134 Thence S. 48° 08' 30" W., a distance of 160.85' to a point; Thence S. 37° 22' 30" W., a
2135 distance of 130.61' to a point; Thence S. 36° 38' 45" W., a distance of 201.35' to a point;
2136 Thence S. 89° 24' 20" E., a distance of 500' to a point; Thence S. 45° 40' 05" E., a distance
2137 of 220.76' to a point; Thence S. 0° 53' 13" W., a distance of 323.04' to a point; Thence S.
2138 60° 40' 33" W., a distance of 378.28' to a point; Thence S. 37° 40' 20" W, a distance of
2139 717.79' to a point; Thence N. 54°58' 34" W., a distance of 67.59' to a point; Thence N.
2140 54°57' 59" W., a distance of 548.30' to a point; Thence N. 33° 15' 59" E., a distance of
2141 765.76' to a point; Thence N. 33° 19' 20" E., a distance of 305.26' to a point; Thence N. 36°
2142 38' 45" E., a distance of 211.89' to a point; Thence N. 37° 22' 30" E., a distance of 133.72'
2143 to a point; Thence N. 48° 08' 30"E., a distance 35.74' to a point in the north line of Toston
2144 Lane and the point of beginning, containing 20.67 acres.

2145
2146 PARCEL B
2147 Commencing at a point where the north line of Toston Lane intersects the eastern line of
2148 Killiam Court; Thence along the north line of Toston Lane a distance of 180.49' to a point;
2149 Thence S. 48° 08' 30" W., a distance of 35.74' to a point; Thence S. 37° 22' 30" W., a
2150 distance of 133.72' to a point; Thence S. 36° 38' 45" W., a distance of 211.89' to a point;
2151 Thence S. 33° 19' 20" W., a distance of 305.26' to a point; Thence S. 33° 15' 59" W., a
2152 distance of 765.76' to a point; Thence S. 54° 57' 59" E., a distance of 548.30' to a point;
2153 Thence S. 54° 58' 34" E., a distance of 67.59' to a point and place of beginning. Thence from
2154 said point of beginning N. 37° 40' 20, E., a distance of 717.79' to a point; Thence N. 60° 40'
2155 33" E., a distance of 378.28' to a point; Thence S. 83° 10' 40" E., a distance 277.10' to a
2156 point; Thence S. 35° 01' 12, W., a distance of 963.93' to a point; Thence S. 35° 19' 39" W.,
2157 a distance of 225.05' to a point; Thence N. 54° 58 '34" W., a distance of 440.00' to a point
2158 and the place of beginning. containing 9.91 acres.

2159
2160 Mr. John Marlles - The Staff presentation will be by Mr. Lee Yolton.

2161
2162 Mr. Archer - Is any one here in opposition to this case? Opposition was
2163 indicated. Mr. Yolton, please.

2164
2165 Mr. Lee Yolton, County Planner - Mr. Chairman, members of the Commission,...

2166
2167 Mr. Archer - Lee, you do have some more after this one, don't you?

2168
2169 Mr. Yolton - Yes. I do. It could be quite a ways from now, too. Mr.
2170 Chairman, members of the Commission, as mentioned, this is a request for rezoning from the
2171 A-1 Agricultural District to the R-3A District for about two-thirds of this site and from the A-1
2172 District to the C-1 Conservation District for about one-third of the site. The portion of the site

2173 that's requested for the R-3A District includes proffered conditions that address the size of the
2174 homes, and other aspects of home construction.

2175
2176 This request was heard by the Commission at its meeting in September. And since that time,
2177 there is one additional proffered condition that has been added to the request. This is included
2178 as Proffer No. 3 on the revised proffer sheet that was just distributed to you.

2179
2180 The new proffer addresses saving trees on the site during construction. The Commission
2181 would not need to waive the time limit to accept the new proffer, since this was received from
2182 the applicant several days ago.

2183
2184 As mentioned, this case was heard by the Commission in September, and there are no
2185 significant changes to the request since that time. To summarize, staff supports the requested
2186 rezoning of this property. The Land Use Plan designates the property for Suburban
2187 Residential 2 development, and this proposal is well within the density recommended by the
2188 Land Use Plan. Staff feels that the proffers ensure that the proposed future development will
2189 be compatible at this location. So, given these considerations, staff feels the proposal achieves
2190 a level of quality and compatibility that justifies approval of this request. Mr. Chairman, with
2191 that, I'd be happy to try to answer any questions that the Commission may have.

2192
2193 Mr. Archer - Thank you, Mr. Yolton. Are there questions for Mr. Yolton
2194 from the Commission?

2195
2196 Mr. Vanarsdall - Why was it deferred if there's no changes in it?

2197
2198 Mr. Yolton - Well, for one reason, Mrs. Wade was not here at the September
2199 meeting. There was some opposition to this request. So, I think, as a matter of courtesy, it
2200 was deferred to allow the developer to meet with the neighbors, and to try to resolve the
2201 concerns that were expressed at the last meeting.

2202
2203 Mr. Vanarsdall - They met with everybody and didn't have any changes?

2204
2205 Mrs. Wade - Basically. Yes.

2206
2207 Mr. Vanarsdall - Thank you.

2208
2209 Mr. Archer - Any further questions for Mr. Yolton?

2210
2211 Ms. Dwyer - Mr. Yolton, you mentioned in your staff report that the Tolston
2212 Lane connection is needed not only for the Greensprings Subdivision, but, at least, is important
2213 for the Lexington Subdivision, which has 150 homes on a single point of access at this point.
2214 Is that right?

2215
2216 Mr. Yolton - That's correct. There is an emergency access point within the
2217 Lexington Subdivision that was provided as a second point of access. But it's really, in staff's
2218 opinion, inadequate. If you've ever seen it, it requires driving through somebody's yard back

2219 across an area that has a cable locked across a narrow gap for the trucks to get through. Staff
2220 does not feel that it is adequate and it would be much better to have a permanent second point
2221 of access.

2222
2223 Ms. Dwyer - And since Fort McHenry Parkway, now, has been removed from
2224 the Major Thoroughfare Plan, that's not an option?

2225
2226 Mr. Yolton - That's correct.

2227
2228 Ms. Dwyer - And its our policy to have 50 homes on a single point of access.
2229 Is that correct?

2230
2231 Mr. Yolton - Our policy is 50 homes on one point of access.

2232
2233 Mrs. Wade - One issue that's been discussed that's not included in the case is
2234 about requiring paved driveways by proffer. How does staff view that?

2235
2236 Mr. Yolton - We prefer that, if the paved driveways are desired, that be
2237 included as part of the restrictive covenants for the subdivision. One of the problems that
2238 we've had in the past is that, if there's a proffered condition for a paved driveway, and its
2239 during the middle of winter and someone wants to move into a brand new home, but the
2240 construction company cannot pave the driveway during the middle of winter because its too
2241 cold. We get into a problem with issuing a temporary Certificate of Occupancy. So, that has
2242 caused problems in the past. For that reason, we prefer that, if the paved driveways are
2243 specified, they be specified within the restrictive covenants.

2244
2245 Ms. Dwyer - Thank you.

2246
2247 Mr. Archer - Any further questions?

2248
2249 Mrs. Wade - Not for him.

2250
2251 Ms. Dwyer - Thank you.

2252
2253 Mr. Archer - Any further questions?

2254
2255 Mrs. Wade - Not for him.

2256
2257 Mr. Archer - Thank you, Mr. Yolton.

2258
2259 Mr. Yolton - Thank you.

2260
2261 Mr. Archer - Mrs. Wade, I suppose you need to hear from the applicant?

2262
2263 Mrs. Wade - Yes, please, definitely.

2264

2265 Mr. Archer - Mr. Secretary, I believe you better explain the time rules since
2266 we do have some opposition.

2267
2268 Mr. Marlles - Yes, Mr. Chairman. The time limit rule will be in effect,
2269 tonight. Both the applicant and the opponents will have a total of 10 minutes to present their
2270 views. The applicant may wish to defer some portion of that 10 minutes for rebuttal.

2271
2272 Mr. Archer - Did you hear that?

2273
2274 Mr. Delmonte Lewis - I'm aware of those. Yes sir.

2275
2276 Mr. Archer - Mr. Lewis, before you start, let me remind the folks who are in
2277 opposition, if there is one or two among you who think you have the feeling of the entire
2278 neighborhood at heart, we'll hear from you. We'll try to hear from everybody, if we have to,
2279 but we just want to make you aware of the time rules, so you won't use up all your time.
2280 Thank you. Mr. Lewis.

2281
2282 Mr. E. Delmonte Lewis - Mr. Chairman, members of the Commission, my name is
2283 Delmonte Lewis. I'm here representing Greensprings, Inc. This zoning case, as Mr. Yolton
2284 said, came before you last month and was deferred simply because Mrs. Wade was out of the
2285 country, and we felt it was fair for her to hear the case.
2286 The reason for this is to continue the development of Greensprings or Woodbury Subdivision.
2287 There's been two other zoning cases on this property; and one of them was heard in 1992.
2288 The most recent one was in 1995 that was approved by the Board of Supervisors after
2289 recommendation by this Commission.

2290
2291 The case that we have before us, tonight, is identical to the last case which was heard and
2292 approved in 1995. Proffered conditions are the same that are relative to this case, such as
2293 house sizes, materials, and things like that. It's identical to the last case that you approved.

2294
2295 I would, rather than taking a lot of time and going through the case again, that most of you
2296 have heard and I have met with Mrs. Wade. We haven't met the people in Lexington
2297 Subdivision. I've been in contact with one person in our Subdivision that, apparently, has
2298 corresponded with other people. I think the major concern is the access. So, Mr. Chairman, I
2299 will take the rest of my time for rebuttal and I'll answer any questions that you may have.

2300
2301 Mr. Archer - Thank you, Mr. Lewis. Is there any question for Mr. Lewis
2302 from the Commission?

2303
2304 Mrs. Wade - You said, you'll be using the same covenants that you have in
2305 Greensprings?

2306
2307 Mr. Lewis - I said they will be the same proffered conditions. The
2308 Declaration of Covenants have to be redrawn, because now we'll be required to do it by the
2309 County because we have a BMP that's required. So, the restrictive covenants will be redrawn,

2310 but, typically, they will be similar to the restrictive covenants that we have on the other
2311 sections.

2312
2313 Mrs. Wade - Okay. You mentioned the BMP. It seemed to me that drainage
2314 was an issue that came up, perhaps, at the hearing either last month or when the neighbors got
2315 together. What is the situation regarding the drainage?

2316
2317 Mr. Lewis - The drainage is coming from Lexington Village moving to the
2318 east through our property. We certainly will have to take care of that drainage and have that
2319 all approved through the Department of Public Works. The drainage, then, traverses through
2320 our property and goes into a flowing stream which is to the east property line that has a
2321 floodplain on it. That creek is in the eastern portion of the part that we're asking for C-1.
2322 So, the drainage will be taken care of. We've taking the drainage from the Subdivision called
2323 Lexington.

2324
2325 Mrs. Wade - Because, as I recall, somebody in Lexington, who backs up to
2326 this, was concerned about the wet yard.

2327
2328 Mr. Lewis - I believe, Mrs. Wade, its possible that the person who spoke
2329 about that has a yard that has some wetlands in it that are shown on the plat not to be
2330 disturbed, possibly, because there are some wetlands associated with Lexington. Some of the
2331 lots do have wetlands on them that cannot be disturbed. Our property has some wetlands on it,
2332 but we don't intend to disturb also.

2333
2334 Mrs. Wade - Now, what about construction traffic? Say, you're approved
2335 here, how is your construction traffic going to get into the site? It has rather limited
2336 possibilities.

2337
2338 Mr. Lewis - We will be happy to put a barricade at Toston Lane so that our
2339 construction traffic cannot go through the Lexington Subdivision. I will state that we will do
2340 that, as we have done on some subdivisions before.

2341
2342 Mrs. Wade - Then it would have to go down through Greensprings and
2343 Woodbury.

2344
2345 Mr. Lewis - It would have to come through Woodbury entrance. That's fine.
2346 We are the developer and those people understand this part is going to be developed. They've
2347 always known that we had to develop the back part. But we will work that out with Public
2348 Works. I think we worked it out before, in a subdivision in Mrs. Dwyer's district—
2349 Rockstone. What we did there, we barricaded it until we got so many lots. Then we agreed to
2350 take it out, or the County could take it out any time that they wanted to.

2351
2352 Mrs. Wade - Now, is your BMP going in the 10 acres, then?

2353
2354 Mr. Lewis - In the C-1. Yes ma'am.

2355

2356 Mrs. Wade - So, approximately how much do you think would be devoted to
2357 the BMP?
2358
2359 Mr. Lewis - The BMP will probably take up an acre or an acre an a half.
2360 Then we propose to construct a playing field, if you want to call it that. It's a field for
2361 recreation that they can play ball on. And that will be approximately two acres.
2362
2363 Mrs. Wade - Yes. I know you've mentioned that several times. So, I've
2364 wondered if you may be should wait and get some kind of idea from the community about what
2365 they'd like to have or rather they'd rather have the trees?
2366
2367 Mr. Lewis - We'll certainly work with the community on that. The people
2368 I've talked to in Greensprings; or the person I've talked to in Greensprings says that would be
2369 welcomed. So, we'll certainly work with them on that.
2370
2371 Mrs. Wade - Thank you.
2372
2373 Mr. Archer - Any further questions?
2374
2375 Mrs. Wade - One other thing, the minimum floor area proffered is the same as
2376 the other subdivision; your subdivision?
2377
2378 Mr. Lewis - Is the same as in Woodbury that you approved in 1995. Yes.
2379
2380 Mrs. Wade - And this is "finished floor area"?
2381
2382 Mr. Lewis - "Finished floor," that's correct.
2383
2384 Mrs. Wade - And what are the size of most of the homes in Woodbury and
2385 Greensprings?
2386
2387 Mr. Lewis - Most of the homes in Woodbury are 2,000 square feet and 2,200
2388 and some of them 2,500.
2389
2390 Mr. Archer - Any other questions? Thank you, Mr. Lewis. Okay. We'll hear
2391 from the opposition.
2392
2393 Mr. Lewis - Mr. Chairman, there might be a person here who might want to
2394 speak in favor of the case, because I spoke with a Betty... and I don't know if she's here or
2395 not. I believe she is back there. Whether she does or not, I thought I'd bring it to your
2396 attention.
2397
2398 Mr. Archer - Would you care to speak, ma'am?
2399
2400 Lady from Audience - (Comments unintelligible—not at microphone).
2401

2402 Mr. Archer - Okay. Thank you so much.

2403
2404 Ms. Genise Vincent, President of the Homeowners Association, Lexington Community -
2405 Members of the Planning Commission, first I'd like to thank Mr. Lewis for, at least, lending
2406 us his ear in hearing the issues that we brought to him, and Mrs. Wade for also being present
2407 to hear what we had to say. Our community continues to express its opposition to the rezoning
2408 of this particular area under proposal. Our reasons are as follows: First of all, the west end
2409 has continued to be placed in a position where its growing, its growing, its growing, and then,
2410 after its grown, they look at it and see that the roads are not wide enough for homeowners who
2411 are living in the area. It's happened out in the far end of Henrico County, near Short Pump.
2412 We live in an area where, if another subdivision is put in, our roads cannot be widened. At
2413 this time no traffic studies have been conducted to identify what would be the impact of
2414 building another subdivision, and then bring the flow of traffic up Ft. McHenry Parkway.

2415
2416 We talked with Mr. Lewis, and there are significant differences in the developer restrictions
2417 within our communities. Mr. Lewis expressed to us that he is not willing to incorporate the
2418 changes in the covenants or the developer requirements for the subdivisions to maintain
2419 continuity between our subdivisions.

2420 We talked with the State of Virginia regarding the mine shafts that are located on this property.
2421 Currently now, with the problem of the road sinking on Broad Street, the Virginia traffic
2422 division informed us that, to correct that problem, they would need to have access to the
2423 opening of the mine shaft which is located behind the homes located in our subdivision. And,
2424 now, the proposal is to build in that area. They're not going to have access to the opening of
2425 that mine shaft. It is for that reason, we feel that a bigger area needs to be maintained to allow
2426 that access, because right now we have homeowners living in there, and the State of Virginia
2427 has been back there going into that mine shaft with huge trucks. It's, basically, in their
2428 backyards.

2429
2430 We do not feel that the developer has sufficiently responded to inquiries regarding the
2431 drainage. Right now, we have homeowners here from both Lexington and Greensprings who
2432 have expressed the problems that they're having drainage in their homes right now. Mr.
2433 Lewis has been kind enough to inform us that he has a lot to do with the development of the
2434 Lexington Subdivision as well, in communications with Mr. Pruitt. But Lexington
2435 homeowners continue to have drainage problems in the neighborhoods, and the developers
2436 have not been willing to address that. The developers for Lexington and Greensprings have
2437 not addressed those drainage issues.

2438
2439 And unless they can identify what will happen with the flow of water going out of the
2440 Lexington Subdivision to this new area, I do not believe that any development should occur in
2441 that area. They're going to build homes on it. And Mr. Lewis' defense has been with us that
2442 the water flows out of Lexington to this new area that he's going to be building on. Well, in
2443 order to do that, he has to make some change to the flow of water, and we don't know what
2444 that change is going to be at this time, as he indicated prior to me getting up here. I don't
2445 think it would be fair to any homeowner to have them making changes to the area behind their
2446 home and we not know what those changes are going to be.

2447

2448 The schools in our area are not ready for an increase in children within the schools. We
2449 currently have trailers out there where kids are being taught in trailers. And the Springfield
2450 Road will be even less easy to travel on because they are planning the construction to widen
2451 Springfield Road. Well, that is going to bring all of that traffic into our subdivision.

2452
2453 Recently, we noted in the newspaper that Hanover County Supervisors recently voted to slow
2454 development and building to preserve some of the rural aesthetic qualities of their community
2455 to continue to attract homeowners. We know that Henrico County competes to a certain extent
2456 with Hanover County for homeowners, and, therefore, for tax dollars. It would be nice if we
2457 could be able to continue to compete with them and keep good citizens within our community.

2458
2459 Now, I would like to address some of the things that Mr. Lewis presented. One is regarding
2460 the second access within our subdivision. The homeowner who has that access road has
2461 expressed to me, on numerous occasions, they have no problem with that secondary access
2462 that's within our community. And, by placing a secondary access in Lexington, in the back of
2463 the subdivision, it offers no benefit to us, because we would not travel to the back of our
2464 subdivision through two other subdivisions to get to the main road which is in the opposite
2465 direction.

2466
2467 The problem with the driveways that Mr. Lewis expressed has not been a problem with
2468 Lexington. We have homeowners who moved in during the big winter storm that we had a
2469 few years back, and, yes, some of them had to delay the paving of their driveways, but it is
2470 not much. It did not hinder any of our homeowners from being able to enjoy their homes and
2471 driveways.

2472
2473 Mr. Lewis expressed that he was not willing to add similar restrictions to the covenants for the
2474 proposed subdivision.

2475
2476 I believe that these issues, and given the fact that we've had homeowners to also send letters to
2477 some of the members of the Planning Commission; and we also have members of Greensprings
2478 that are also here who are in opposition to this, I'd like to ask that the Planning Commission
2479 please decline this proposal. Thank you.

2480
2481 Mr. Archer - Thank you, Ms. Vincent. Does the Commission have any
2482 questions for Ms. Vincent?

2483
2484 Mrs. Wade - Just a comment. I read that about the rural area, too, and their
2485 large size lots. But my impression is, with Hanover, that they're not trying to encourage
2486 residents, they need more business and industrial zoning in order to support the residents. But,
2487 perhaps, we seem to interpret that article differently. And, this, of course, doesn't really
2488 compare to the rural areas in some of the surrounding counties. This, is, basically, an infill
2489 parcel.

2490
2491 Now, tell me about the mine shafts now? You said, the Highway Department, VDOT, has
2492 been working back there?

2493

2494 Ms. Vincent - Yes.
2495
2496 Mrs. Wade - Would you take that pen there and point on the screen. Show us
2497 where the trucks have been working, you said.
2498
2499 Ms. Vincent - (Referring to slide) In here. Along in there. They said that is
2500 where the opening of the mine shaft is.
2501
2502 Mrs. Wade - Okay. Thank you. How are they getting there?
2503
2504 Ms. Vincent - They're driving through the wooded area getting in there. There
2505 is a slight clearing to get back in there. They've had huge trucks in there.
2506
2507 Mrs. Wade - But they're not actually getting on the adjoining lots or doing any
2508 damage or anything?
2509 Ms. Vincent - They're not doing any damage to the lots that are within the
2510 Lexington Subdivision. No. But, they're, basically, right outside the backyards of those
2511 homeowners.
2512
2513 Mrs. Wade - I understand. Thank you.
2514
2515 Mr. Archer - Any other questions of Ms. Vincent from the Commission?
2516 Thank you, Ms. Vincent. How much time left, John, for the opposition?
2517
2518 Mr. Marlles - For the opposition; three minutes.
2519
2520 Mr. Archer - If there is another person who would like to add something? You
2521 have a little over three minutes, sir, if you'd like to reserve some of it.
2522
2523 Mr. Creighton Davis - Members of the Planning Commission, I want to say that I do not
2524 envy your job, because, tonight, you have to make a decision, yes or no. Someone is going to
2525 be a winner and some one is going to be a loser. And I would like to see a "win-win" strategy
2526 together, and I don't think we've got one, tonight, at the moment. I don't think Mr. Lewis has
2527 compromised in any way to try to address some of the issues that we have. Yes, we don't
2528 want the road to open on Tolston. Maybe that's a possibility that we don't have a choice on.
2529 We would like to see a second access. We do have a second emergency access, which Denise
2530 has mentioned; an access that we're willing even to improve on.
2531
2532 But the issue here, tonight, is not really the road, but the development and the rezoning of this
2533 piece of property. We have concerns about the development that is going in this area. There
2534 is Springfield Road that is under consideration being developed. We would like to be able to
2535 see, and I think I can also speak for some of the other subdivisions, is development, at least, in
2536 this area be suspended until Springfield Road is completed. Because once this development
2537 goes, which Mr. Lewis says will start immediately over the course of the next few months, we
2538 have expectations of 70 new homes going in this area; traffic coming into this area;

2539 construction traffic coming into this area. At the same time, Springfield Road is under
2540 consideration for construction. That's dangerous. We do have concern about that.

2541
2542 Issues have not been addressed along Tolston Road about sidewalks. I haven't seen anything
2543 from Mr. Lewis' plan about putting in sidewalks. Again, that's dangerous.

2544
2545 Issues such as covenants. We asked for compromises. Covenants that at least protect the
2546 properties in both subdivisions. Covenants that would allow our properties to mirror the
2547 properties coming up next. What is so hard about those covenants? Again, no compromise.
2548 So, I ask that we suspend this, or at least decline this proposal until we have a chance to really
2549 review this. I think, also, the other communities, Mr. Lewis has said he's talked to the other
2550 communities. That's only one person. He has not talked to anybody I think who represents
2551 the majority of individuals in here that expressed those same issues. Drainage. Same issues of
2552 traffic. Same issues of what's going on with the development of Springfield Road, and also the
2553 issues of the mine shafts. I think these issues need to be addressed before we can agree to this
2554 proposal. Thank you.

2555
2556 Mr. Archer - Thank you, sir. Any questions before he takes his seat? Thank
2557 you, sir. We have about a minute left if there's another person who wants to speak.

2558
2559 Mrs. Shavon Nolan - I'm Co-Chair of the Social Committee for the Lexington
2560 neighborhood. I live on the corner of SprayCourt and Ft. McHenry. The traffic that we get
2561 through there right now is tolerable since our construction has decreased. And, especially,
2562 since we have the "No Outlet" sign. Before that sign was put up, traffic through there was
2563 horrible. I live right on that street. I have small children. My neighbors have small children.
2564 The average age of a child on our street is only about four. I don't think that our secondary
2565 access back on Brenton is a problem. As he said, we are willing to improve it, if that is
2566 necessary to make that be an acceptable second access. But to put through Tolston would only
2567 increase our traffic and decrease the value of our homes. When Ft. McHenry was proposed to
2568 go through, my husband and I, even though we had only lived in that home for one year were
2569 very willing to put our house on the market and leave. And I think if this road goes through,
2570 that will also have to be a consideration. There will be people cutting through to get to work
2571 in the morning. People cutting through to get their kids around to schools. And through again
2572 at lunch. Then the afternoon schools for the 2:30 buses, and people cutting through at work at
2573 the end of the day. Never mind people getting through on the weekends so they can get to the
2574 facilities on Broad Street.

2575
2576 I don't think this is really good for our community. We do well as we are. We might be a
2577 little over the single access, but I'm right on the corner. I see all the traffic that comes
2578 through. We can spot somebody that doesn't live there because they come through and they
2579 turn right around and leave again. I just don't see how this is going to help us at all,
2580 considering that Mr. Lewis is not willing to at least give some consideration to what we need
2581 to keep our home values up and to keep our children safe. I think it should be declined at this
2582 time. Thank you.

2583
2584 Mrs. Wade - How does the school bus get in and out of your neighborhood?

2585
2586 Mrs. Noland - Our school bus meets on the corner across from my home.
2587 Comes in. I can show you on here (referring to slide). The bus comes up through here and
2588 then right here there's a bus stop. Right there across from my home. There's the back of the
2589 neighborhood, and turns around and comes up here and then turns and leaves the
2590 neighborhood.
2591
2592 Mrs. Wade - And where does it go then? Do you know?
2593
2594 Mrs. Noland - There's another; I know that the stop before ours, when they're
2595 coming home in the afternoon is up here in these apartment complexes on Gaskins.
2596
2597 Mrs. Wade - Okay. Thank you.
2598 Mr. Archer - Thank you, ma'am.
2599
2600 Mrs. Noland - Thank you.
2601
2602 Mr. Archer - Mr. Lewis, I think you have quite a bit of time left for rebuttal, if
2603 you care to come forward. How much time?
2604
2605 Mr. Marlles - Eight minutes.
2606
2607 Mr. Lewis - Mr. Chairman, I'd like just to comment on the issues they
2608 brought out. As far as traffic is concerned, there's a report in here that talks in reference to
2609 traffic. I'd also like to point out that I talked with the County and with VDOT, and the
2610 contract has been let for the construction of Springfield Road. That is due to start, according
2611 to what Mr. Ancher Madison with the County told me, next month, or no later than early
2612 Spring of next year, with the completion in 2002 totally.
2613
2614 In reference to the drainage, the drainage is coming through our property. We are down hill
2615 from Lexington. There's no way that we can do anything but accept their drainage and do
2616 something with it. We're not going to stop it up. We're not going to flood them. We can't
2617 do that. We are controlled by the Corps of Engineers relative to the wetlands. So, we have to
2618 work with that because that's Government criteria.
2619
2620 Restrictive covenants: We have never said that we were not going to have restrictive
2621 covenants in this subdivision. We certainly are. I told these people that we would review their
2622 restrictive covenants, and we would accept them as much as we could. But you know, as well
2623 as I, that you can't take the restrictive covenants from one subdivision and mirror them into
2624 another one per se. We have restrictive covenants now, basically, that is what they'll say with
2625 the exception of one thing. And I talked with Gene Brunson with Pruitt, who monitors these
2626 covenants for them. And she said, the only thing she could see was the paved driveway. So,
2627 we will have restrictive covenants in here, and they will be recorded prior to the recordation of
2628 the next section.
2629

2630 The second point of access seems to be the big problem. We will, as I said, barricade that
2631 from construction traffic at the time we're doing construction in our subdivision. And as far as
2632 the VDOT trucks being in our property, they have never gotten permission from our client to
2633 go onto their property. What I think maybe some people have seen, we've had a total
2634 geotechnical report done on this property. That has been submitted to the County. Results of
2635 it. To achieve that report, we had boring people back there with large trucks drilling holes,
2636 and it was Dovoreck drilling holes back there. They may have seen those, but I'm not aware
2637 that any VDOT trucks have ever been back there.

2638
2639 There is a shaft that has been completely sealed. It was inspected by the Bureau of Mines.
2640 That's the only shaft on there. We are not showing that as part of a lot. It's not within a road.
2641 Sidewalks: No we don't intend to put sidewalks there. I don't think there are sidewalks in any
2642 subdivisions in that area, to my knowledge, except probably the townhouses. I'm not sure.
2643 You know, I hear all of the complaints. If you drive through Greensprings and Woodbury,
2644 and you drive through Lexington, I dare say that you could tell me who has the house that
2645 looks any different. I mean, they both look very similar.

2646
2647 It's a situation where "I'm here and I want to close the door." That's not fair, because in this
2648 Country, we have certain rights, as long as we abide by the laws, and those laws of the
2649 Subdivision Ordinance and the Zoning Ordinances. This is the proper use of this. If it wasn't,
2650 I wouldn't be here. You wouldn't be listening to me.

2651
2652 I ask you, is the proper use "apartments" or is it "townhouses?" No. Its single family
2653 residential. And that's what we are here to decide today. If you don't think that's the proper
2654 zoning classification for this development, then you vote, No. But I submit to you that is the
2655 proper classification. It's shown that way on the Comprehensive Plan that has been approved.
2656 So, I ask the Commission that you do send this to the Board of Supervisors with a positive
2657 vote. Thank you. Any other questions?

2658
2659 Mrs. Wade - You don't know about any mine shaft activity on your property?

2660
2661 Mr. Lewis - No ma'am. Absolutely not. Just like I said, Mrs. Wade, we
2662 have done a test boring on every lot in this proposed subdivision. Some places we put four
2663 holes where the house is going to be. That report has been submitted to the County. That's
2664 the reason for the 10 acres. It's so potted back there with exploratory holes that we just feel
2665 like we couldn't do any development back there.

2666
2667 Mrs. Wade - And the timing of this project would be what? You mentioned
2668 the road.

2669
2670 Mr. Lewis - If you look at 20 lots a year which is aggressive compared to
2671 what we have been so far, we're talking about completion maybe about 2002, 2003. So, the
2672 timing is right in line as I see the report for the school system and the road network. Even
2673 though the traffic studies say that the roads in this area can take the traffic we're proposing for
2674 the lots.

2675

2676 Mrs. Wade - You remember when the Lexington zoning case came up, the
2677 reaction of the people over there on Innsbrook Road and Throncroft and Riverdale? They
2678 were extremely unhappy at the prospect of having this subdivision because...
2679

2680 Mr. Lewis - I did the zoning case that's the part that's R-3A. Mr. Pruett did
2681 the R-4. The cases were heard at the same time. I delayed my case for 30 or 60 days, I can't
2682 remember, until both of them could be heard at the same time. We had to work very closely
2683 with our neighbors. They didn't want this development. We showed them a plan and it was
2684 approved. I think it was a good plan, as I do, I think this is a good plan.
2685

2686 Mrs. Wade - Although some of their houses are not as large, their lots seem to
2687 me are bigger. Well, they would have had to have been before the water and sewer came out
2688 there.
2689

2690 Mr. Lewis - That's correct.
2691

2692 Mrs. Wade - And also, I expect, with the emergency access there between
2693 those two houses that they were all assured up in that area that there was not going to be
2694 another access to the subdivision through there.
2695

2696 Mr. Lewis - We had to work very hard to get that emergency access at that
2697 time the zoning case was being heard if you recall.
2698

2699 Mrs. Wade - No. I hadn't been back there and looked at that in quite awhile I
2700 suppose since that cul-de-sac was built in Lexington. But after I finally found it, I was
2701 surprised to find that, indeed, it comes through somebody's yard and down the curb. It's not
2702 like any other access that I've seen in the County.
2703

2704 Mr. Lewis - It's put in especially for emergency uses.
2705

2706 Mrs. Wade - Yes. I understand.
2707

2708 Mr. Lewis - ...with the idea that Ft. McHenry some day would go through,
2709 because it was on the Major Thoroughfare Plan at that time. And we were also required, in
2710 our last Planning Commission approval of our last section of Woodbury, we could not develop
2711 any more until we made that tie.
2712

2713 Mrs. Wade - I know you're sticking with your commitment in that regard.
2714 Thank you.
2715

2716 Mr. Zehler - Mr. Lewis, does Lexington have sidewalks?
2717

2718 Mr. Lewis - I don't believe so.
2719

2720 People from Audience - Yes. We do.
2721

2722 Mr. Lewis - I'm sorry.
2723
2724 Mr. Zehler - Thank you.
2725
2726 Mrs. Wade - I would expect, then, that it is the exception in the area.
2727
2728 Mr. Lewis - It is. The only time that the County has ever asked for
2729 sidewalks, and they have not asked for it in this case, is within a walking distance of a school
2730 on a major road.
2731 Mrs. Wade - I was about to ask how far they are from the school up there.
2732 Well, it is about a mile from the school.
2733
2734 Mr. Lewis - Well, we can't get to it because of Ft. McHenry.
2735
2736 Mrs. Wade - Oh. You could walk, though.
2737
2738 Mr. Lewis - Well.
2739
2740 Mrs. Wade - Are there sidewalks all over the subdivision, or just on the main
2741 street on Ft. McHenry?
2742
2743 Mr. Lewis - Just on Ft. McHenry. So, that's the reason for it.
2744
2745 Mrs. Wade - That probably falls into the school area, if you're within a mile,
2746 although they don't walk any more.
2747
2748 Mr. Lewis - I drove through there, and I didn't observe there were sidewalks
2749 in all of the subdivision.
2750
2751 Mrs. Wade - Yes. I know. I didn't either. But it is because of the proximity
2752 to the school. Okay. Thank you.
2753
2754 Mr. Archer - Thank you, Mr. Lewis. Any further discussion by the
2755 Commission? Mrs. Wade, I believe we're ready.
2756
2757 Mrs. Wade - It's hard sometimes for people to understand, and it doesn't often
2758 make sense, necessarily, as far as our roads and our schools are concerned and our growth.
2759 Invariably, the growth tends to stay ahead, at least to a certain extent, than some of the other
2760 services. I think the County does a better job than many in keeping up, and certainly our
2761 planning for that. You're right, Mr. Lewis, has added much to his commitment. There's no
2762 reason to think that it's going to be any less than what's gone into Greensprings and
2763 Woodbury. We don't need to talk about the access at this point. I have not encouraged,
2764 certainly, any kind of proffer that would indicate there would not be access, because any
2765 proffer like that always concludes with, "unless required by a body of the County..." Now, it
2766 maybe that you're talking with your Board member in the meantime, he may feel that access is
2767 not necessary. Planning-wise, I think it would be a good idea to have it. One of you

2768 mentioned the fact that traffic goes up and then comes back. I lived on a dead end street once;
2769 and yes, we got twice as much traffic as people were going up and back. So, perhaps, that
2770 might help eliminate some of that if you had another way to get out of there. I have a definite
2771 comfort level that it will be compatible with what you have and what's there. And, let me see
2772 if there's anything else you mentioned. I can't argue with the engineer about the drainage. I
2773 don't know whether you have talked to Public Works, Design Division, Drainage people about
2774 your problems there or not, but you might do that and get somebody from the County to come
2775 look at it from the Public Works Department. He's also going to have to be sure he's not
2776 building over any mine shafts, and I'm still not sure what's going on in terms of work, as far
2777 as that's concerned. It's a little hard to tell. Anyway, at this point, I think this meets our
2778 goals of the Land Use Plan, the density is right. So, I move, therefore, that Case C-59C-98 be
2779 recommended for approval to the Board.

2780
2781 Ms. Dwyer seconded the motion.

2782
2783 Mr. Archer - Motion made by Mrs. Wade, seconded by Ms. Dwyer. All those
2784 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati abstained).

2785
2786 REASON: Acting on a motion by Mrs. Wade, seconded by Ms. Dwyer, the Planning
2787 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors accept the
2788 proffered conditions and grant the request because it is reasonable; it reflects the type of
2789 residential growth in the area; and the proffered conditions will provide appropriate quality
2790 assurances not otherwise available.

2791
2792
2793 **C-62C-98 Jay M. Weinberg for Summit Properties Partnership, L.P.:**
2794 Request to amend proffered conditions accepted with rezoning case C-27C-98 on Parcels 36-A-
2795 45, 46, and 47, and part of Parcel 36-A-43, containing 35.18 acres, located at the northeast
2796 intersection of W. Broad Street (U.S. Route 250) and Old Gayton Road. The proposed
2797 amendment relates to road reservation, architectural treatment and orientation of the outparcel on
2798 the site. The site is zoned R-5C and R-6C General Residence Districts (Conditional), and B-3C
2799 Business District (Conditional).

2800
2801 Mr. Marlles - Mr. Merrithew will be giving the staff presentation.

2802
2803 Mr. Archer - Thank you, Mr. Secretary. Is there any one here in opposition to
2804 C-62C-98?

2805
2806 Lady from Audience - I'm not in opposition but (comments unintelligible-not at
2807 microphone).

2808
2809 Mr. Archer - We'll get to you, ma'am. Thank you so much. Mr. Merrithew.

2810
2811 Mr. Merrithew - Thank you, Mr. Chairman. Several months ago, the Board of
2812 Supervisors approved Case C-27C-98 to permit multi-family apartments, an auto dealership, and
2813 several smaller retail operations on outparcels on a 35-acre tract at the intersection of Gayton

2814 Road and Broad Street. During the Board's last hearing on this case, several matters arose
2815 which could only be resolved by amending the proffers. Rather than delaying the case further,
2816 the Board approved the case, with an agreement with the applicant, that the applicant would
2817 submit proffer amendments to resolve those outstanding issues or to incorporate the agreements
2818 that had been reached at the Board hearing into the proffers.
2819

2820 The first part of this case, tonight, deals with the amendments that are being submitted tonight to
2821 complete agreements that were made with the County. Those proffers, four and five, deal with
2822 the dedication of right of way for both North Gayton Road extended, and for an on ramp at a
2823 potential interchange with I-64.
2824

2825 Previously, the applicant had agreed to reserve right of way for a period, I think, of ultimately
2826 10 years, and in that 10-year period, if the County got approval for the project, the applicant
2827 would then dedicate the right of way. While in discussion with the Board and the County
2828 administration, the applicant has agreed to change that proffer so as to dedicate the right of way
2829 up front, so that the County would have control of the property immediately upon the issuance of
2830 a CO or prior to the issuance of a Certificate of Occupancy for the first use on the site, and
2831 would have the right to use that property for a period of, at least, 10 years; fifteen years in
2832 order to begin construction. And Mr. Weinberg may be able to speak to that in a little more
2833 detail. So, the first two proffer amendments Nos. four and five deal with an agreement with the
2834 County on the dedication of right of way.
2835

2836 The last statement in Proffer 15 was amended at the request of staff at the Board of Supervisors
2837 public hearing. This is a significant proffer in our minds that it gives the Planning Commission
2838 discretion over the architectural design and finish of the outparcel buildings on the property.
2839 More discretion than you normally have in a Plan of Development. Staff's concern and the
2840 County's concern, and of course, the Board's concern was that those outparcels will set a
2841 significant tone for the level of quality for much of the development around them. It was felt
2842 there should be a high quality, high standard development on that corner. It should not be a
2843 typical franchise building. And, in order to avoid that potential, the applicant agreed to give the
2844 Commission more discretion at POD.
2845

2846 Proffer 16, with regard to the use restrictions; there was a concern raised that the corner
2847 outparcel, I think I will try to switch to the document camera here. This is W. Broad Street
2848 down this side of the property, just off the drawing. This corner parcel, we feel, it is important
2849 to construct a use that requires a building of some sort that blocks the view of some of the
2850 parking to traffic coming from the south and from the west. That is why we had this extra
2851 concern about the architectural design. But also, in terms of restricting the uses, there was a
2852 concern that corner parcel could be used as an additional automobile dealership. So, the
2853 applicant, in response to that, came back with an amendment to Proffer 16 which would prevent
2854 new or used vehicle sales on the outparcels to prevent the dealership from simply expanding on
2855 that lot or from another dealership coming onto that lot.
2856

2857 I'd like to skip Proffer 17 for a second and go to No. 27. Another step to work toward a better
2858 design on the corner outparcel was to provide that any building on that parcel would be oriented
2859 towards W. Broad Street and towards North Gayton. It's not intended to dictate the footprint of

2860 the building, but the applicant has agreed to proffer that the building would be oriented towards
2861 the front, and the parking would be to the side or the rear of the building; hopefully, to the
2862 extent that we can, hidden from the view from Broad Street.

2863
2864 A second part of this application arose after it was first submitted to you, and that was a
2865 modification to the footprint of the conceptual design for auto dealership. The drawing I've
2866 shown up on the screen is what is being proposed, this evening, illustrating three smaller
2867 buildings on the auto dealership property. This would be, it's my understanding. I don't
2868 necessarily believe this is fixed. This would be a Chevrolet dealership. This is a second
2869 dealership building here, and then a body shop, paint shop, toward the rear of the property.
2870 Originally, there was one building on the dealership property that ran from back here (referring
2871 to slide), all the way up and I believe a little bit further forward of these two buildings. So, it
2872 was one large building.

2873
2874 The staff, in reviewing this change...breaking the "large box" dealership into three smaller boxes
2875 is, perhaps, a more desirable arrangement for the property. It brings it to a smaller more
2876 pedestrian scale-type of structure and would provide for a more comprehensive, coordinated
2877 design of the overall lot, to avoid the "big box" retail appearance that we see in other parts of
2878 the area. So, staff is not opposed to the change in the concept plan to allow three structures
2879 rather than the original one structure.

2880
2881 I think the changes that have been proposed before you this evening, most of the changes reflect
2882 agreements that were reached with the Board of Supervisors during their original review. None
2883 of the changes have a substantial effect on the original intent of the rezoning. We do not feel
2884 they change the quality of the original rezoning. We believe, in fact, the concept plan change
2885 being recommended for the dealership parcel is an improvement. So, we are able, tonight, to
2886 recommend this application to you. I'd be glad to answer any questions.

2887
2888 Mr. Archer - Thank you, Mr. Merrithew.

2889
2890 Mrs. Wade - We're being asked to accept the site plan also conceptual...?

2891
2892 Mr. Merrithew - This conceptual plan, yes. That's right. They're also two exhibits
2893 that are shown illustrating the location of the buildings on the corner outparcel on North Gayton
2894 and W. Broad. I don't have those blown up on the screen. I can do that. I believe, I'm correct,
2895 that the elevation is also part of the application. I will take a minute to put that up on the screen.

2896
2897 Mrs. Wade - This has been a very complex case with a lot of features, and much
2898 has happened to it since it passed through here the last time.

2899
2900 Mr. Merrithew - This is the elevation that is included with the application. There
2901 are two buildings. I don't think I can move this around too much. This would be the smaller of
2902 the two buildings, and this is the larger of the two buildings over here (referring to slide). They
2903 would be connected by a wall, I believe, in the middle. I think Mr. Weinberg can probably
2904 describe it in a little more detail, if you need that description.

2905

2906 Mrs. Wade - On No. 15, the Architectural Treatment proffer, it mentions the
2907 color and subject to approval at POD review. Also, the design, architecture of any buildings on
2908 the outparcels. Does that mean, if they came in with a pink building, and we thought a blue
2909 building would be better, we could turn it down?

2910
2911 Mr. Merrithew - That was the intent of the proffer change. That's correct. That the
2912 Commission have a broader discretion of a pink building, or a pink building with the wrong
2913 pitch of roof or what have you. You could deal with the architectural design of that building. I
2914 think that goes beyond what you can normally, comfortably get into in discussions at the POD
2915 stage.

2916
2917 Mr. Archer - Are there other questions for Mr. Merrithew?

2918
2919 Mrs. Wade - This, too, has received a lot of attention. It does get confusing
2920 some times when you get proffer amendments on the proffers.

2921
2922 Mr. Jay M. Weinberg - Mr. Chairman, members of the Commission, I am Jay Weinberg,
2923 and I represent Summit Properties. I believe Mr. Merrithew has pretty well exhausted the
2924 explanation of the changes to the proffers. Four of the six amendments emanate really from
2925 agreements that were made with the Administration and the Supervisor from the District either
2926 during, and following the hearing before the Board of Supervisors, and the change in the
2927 elevation of the building and the layout plan of the building has been deemed to be an
2928 improvement over what was there before. I don't know that necessarily that had to be amended.
2929 I think the language was flexible enough. But we decided out of an abundance of precaution to
2930 go ahead and submit that.

2931
2932 I believe that Mr. Merrithew has very accurately explained our four amendments. But to make
2933 sure there is no confusion with regard to the ramp, we had originally agreed to reserve the ramp,
2934 at such time, for a period of 10 years, if the Board obtained the requisite approvals from VDOT,
2935 and what not, to build a ramp up onto I-64. The Administration preferred that we go ahead and
2936 dedicate the land for the ramp before we get a Certificate of Occupancy on any parcel. And that
2937 dedication, unless the County received requisite approvals to build within 10 years, or commence
2938 construction within 15 years, then there would be an automatic reversion of that proffer back to
2939 the owners of the then adjoining property. That was the Administration's preferred method of
2940 handling it. We had no objection to it. So, just to make sure you fully understand that. I'll be
2941 happy to answer any questions or Andy Condlin, who represents Ted Linhart, the Dominion
2942 Chevrolet franchisee, I'd be happy to answer any questions if you have any.

2943
2944 Mr. Archer - Thank you, Mr. Weinberg. Are there questions by the
2945 Commission?

2946
2947 Ms. Dwyer - I have a question about that provision you just mentioned; the ten
2948 or fifteen years?

2949
2950 Mr. Weinberg - Yes ma'am.

2951

2952 Ms. Dwyer - Does that mean it must be approved in 10 years and construction
2953 must begin within 15 years?
2954
2955 Mr. Weinberg - That's correct. You have to jump both hurdles.
2956
2957 Ms. Dwyer - So, it's really an "and" instead of an "or," there?
2958
2959 Mr. Weinberg - Right.
2960
2961 Ms. Dwyer - Should we change that then?
2962
2963 Mr. Weinberg - Let me see. We're talking about Proffer No. 5.
2964
2965 Ms. Dwyer - Right. It says, "if for any cause or reason such ramp is not
2966 approved within 10 years, and construction of the ramp doesn't commence within 15 years..., " I
2967 don't know what the Board wanted, but just to be clear about...
2968
2969 Mr. Weinberg - "If for any cause or reason whosoever, such ramp is not approved
2970 for construction within 10 years, or the construction of such ramp does not commence within 15
2971 year..." Excuse me. "Or" is proper. I'll change it to "and" if you prefer.
2972
2973 Mrs. Wade - "Not completed."
2974
2975 Mr. Weinberg - No. If such ramp is not commenced within 15 years.
2976
2977 Mrs. Wade - "Commenced?"
2978
2979 Mr. Weinberg - Yes. You must not be reading from the last amended version.
2980
2981 Mrs. Wade - Okay. It's something newer than the 7th. then.
2982
2983 Ms. Dwyer - So, in other words, it could be approved within 10 years, but if
2984 they didn't begin constructing it...
2985
2986 Mr. Weinberg - It reverts back in the 15th year. They have to both, one, approve
2987 it, and number two, commence construction.
2988
2989 Mr. Merrithew - As is, typical, we are handing out my proffers late.
2990
2991 Mr. Weinberg - But I sent copies of these to everybody.
2992
2993 Mrs. Wade - I think we get a new set of proffers every day before the hearing.
2994
2995 Mr. Weinberg - It's immaterial to me. I'd be happy to put an "and" there.
2996

2997 Ms. Dwyer - These are the ones you sent us, Mr. Weinberg. We already have
2998 these.
2999
3000 Mr. Weinberg - You would prefer to have the word, "and" there? I'm happy to do
3001 it.
3002
3003 Ms. Dwyer - It's either/or.
3004
3005 Mr. Weinberg - If you fail to do either of those two things, a or b, it's an automatic
3006 reversion.
3007
3008 Ms. Dwyer - Okay. Let's leave it at "or" then. I think you're right.
3009
3010 Mrs. Wade - I think it's received quite bit of attention before...
3011
3012 Mr. Weinberg - I don't think I could change it without Mr. Hinson's approval at
3013 this point, or Mr. Hazelett's.
3014
3015 Mrs. Wade - I was afraid, even, to touch that one.
3016
3017 Ms. Dwyer - The other question I had, on No. 15 when we were granting the
3018 Commission this authority, it says, "The design and architecture shall be subject to approval at
3019 time of POD review..."
3020
3021 Mr. Weinberg - Why didn't I put a period there?
3022
3023 Ms. Dwyer - No. I guess I'm wondering, you have to approve it generally to
3024 POD approval.
3025
3026 Mr. Weinberg - You know. I agree with you. Staff feels as though I'm really
3027 breaking new ground here. I felt you always had this authority. If you haven't had it, you
3028 sure exercised it. And I drafted it with a period after the word, "review." The administration
3029 preferred I have a standard, and they asked me if I would agree to the balance of it.
3030
3031 Mrs. Wade - So, he acknowledges that if he comes with a pink building and we
3032 wanted blue, he's in bad shape? I was going to ask you to summarize this, because I know
3033 when I read it...
3034
3035 Mr. Weinberg - I can summarize it I think fairly easily if you'd like for me to.
3036
3037 Mrs. Wade - Please.
3038
3039 Mr. Weinberg - Basically, what I'm saying is, a building on the outparcel must
3040 either be of all brick or substantially of all brick. Brick must be the primary material or it
3041 must be of materials and colors which are architecturally compatible with the dealership
3042 building on the principal parcel. And in either event, the design and architecture of such

3043 buildings constructed on the outparcels are subject to approval at the time of Plan of
3044 Development review; taking into consideration exterior signage and lighting.

3045
3046 Mrs. Wade - The dealership parcel includes the same...

3047
3048 Mr. Weinberg - Well, the dealership parcel proffers what you see in front of you.
3049 I mean that's proffered. We either are architecturally compatible with those materials and
3050 colors or we have an all brick building. But in either case, you've got the right to decide
3051 whether or not that is compatible colors and so forth.

3052
3053 Mrs. Wade - So, this is a part of the case, you say?

3054
3055 Mr. Weinberg - Most certainly. That's an exhibit to the case. Both of these are
3056 exhibits to the case. This is "Exhibit A" and this one is "Exhibit B".

3057
3058 Mrs. Wade - Well, this is accepted that it is a part of the case that applies
3059 acceptance of course of the...

3060
3061 Mr. Weinberg - I'm sorry. I didn't hear you, Mrs. Wade.

3062
3063 Mrs. Wade - If this is a part of the case, then, and we approve it, that applies
3064 acceptance of this rendering—elevation?

3065
3066 Mr. Weinberg - Substantially, that elevation.

3067
3068 Ms. Dwyer - "Exhibit B" is conceptual in nature?

3069
3070 Mr. Weinberg - Yes.

3071 Ms. Dwyer - So, this is not a commitment then to this layout, the "Exhibit F"
3072 layout?

3073
3074 Mr. Weinberg - I think this, let's read it then, if we have doubt about it, because I
3075 thought it was reasonably clear, but let's take a peek at what it actually says. On the
3076 conceptual plan, it says, "The dealership parcel shall be developed generally consistent with
3077 the layout plan entitled, "Dominion Chevrolet, Henrico County, prepared by Edward H.
3078 Winks, James D. Snowa, Architects, dated October 5th. Attached hereto is Exhibit B which
3079 layout plan is conceptual in nature and may vary in detail." What do I mean by that? I think
3080 if you wanted to put six buildings on there, that's not abiding by it. On the other end, if you
3081 want to slip one, one or two feet one way or the other to preserve trees or for some reason, I
3082 think that's substantial compliance. The exact locations, footprints, and configurations, sizes
3083 and details of the buildings and roads are illustrative and may be revised and updated from
3084 time to time for engineering or regulatory reasons, or other reasons approved at the time of
3085 Plan of Development review." You don't have to approve any of those changes. But, you
3086 know, I guess the tug here is, staff wants as much flexibility; that is the Department of Public
3087 Works and the Department of Transportation; Utilities and Works want as much flexibility as
3088 they can get. The Planning staff wants as much certainty as they can get; and yet, I feel, you,

3089 as a Commission have to have the ultimate say. So, I guess what we're saying is, this is
3090 substantially what's going to be built there. There may be some wiggle here and there in a
3091 road or something, but it is not going to be substantially different, because it's got to look
3092 substantially like this. But, if I move a building six inches or six feet on 15 acres of land, I
3093 think its counterproductive to say you've got to come back before the Commission and waste
3094 more of the Commission's time.

3095
3096 Mrs. Wade - Well, we would agree with that, but we still have the authority,
3097 then, over the color is what this says, which I still find sort of strange.

3098
3099 Mr. Weinberg - I think you have the authority as long as you act in a reasonable
3100 way. The law implies "reasonableness." I don't think you can make me put a pink building
3101 with yellow polka dots next to that building. I don't think you would, so, therefore, I don't
3102 have a problem with it.

3103
3104 Mrs. Wade - And I think I asked a question about rental trucks.

3105
3106 Mr. Weinberg - Yes. And I agreed with you. On Proffer No. 16, subparagraph
3107 (j), it says, "New or used vehicle sales" and I will agree to add, "or rentals on the outparcel."
3108 Basically, they're prohibited. So, whoever has the pink copy, I'll initial it.

3109
3110 Mrs. Wade - So, do we need to waive the time limit here?

3111
3112 Mr. Weinberg - Well, I guess you will for this one change. But actually, I
3113 distributed them last week. John, I'll just put it on this one, if it's okay.

3114
3115 Mrs. Wade - So, we have "Exhibit A", and two "F's". And I gather once we
3116 have approved the conceptual plan, we then may begin to do site preparations?

3117
3118 Mr. Weinberg - That's right. We can request approval to do some site grading.
3119 But, we'll come back to you for a POD before we do any actual construction.

3120
3121 Mrs. Wade - Okay. Thank you.

3122
3123 Mr. Weinberg - Thank you.

3124
3125 Mr. Archer - Thank you, Mr. Weinberg. I believe there was someone who
3126 wanted to make a comment, not necessarily in opposition?

3127
3128 Ms. Marsha Pressel - Mr. Chairman, Commission members, my name is Marsha
3129 Pressel. And I speak on behalf of three families who are adjacent to, or in close proximity to,
3130 this project. These families, Chris and Susan Brown, Carlton and Laura Brown, and Marsha
3131 and Larry Pressel do not oppose these amended proffers. However, we do request that the
3132 County do us the courtesy of notifying us of any filing for application by the developer or the
3133 owners regarding this property, including any site grading before POD. Any application to
3134 disturb the land up stream from our pond or our property within our watershed. As adjacent

3135 landowners, its vitally important we be fully informed in order to be certain that our pond on
3136 our property be protected from any adverse impact. And we would like to have that notice so
3137 that our engineer could review those plans on our behalf. We will submit this request in
3138 writing within a week. Thank you.

3139
3140 Mrs. Wade - They don't have to get notification from us if the applicant
3141 would. They just want somebody to tell them. The County isn't required to do that. But this
3142 is the initial site preparation.

3143
3144 Mr. Andrew Condlin, Williams, Mullen on behalf of Dominion Chevrolet - I can only speak
3145 to the dealership parcel. We've committed to in the previous case that we'd notify them and
3146 I'll continue that commitment, notifying them of any permits or applications that we make with
3147 the County.

3148
3149 Mrs. Wade - Okay. Thank you.

3150
3151 Mr. Weinberg - The reason its being done on the whole site, and the POD will be
3152 a unified site. They will get notice of each of those things.

3153
3154 Mrs. Wade - On the grading and site preparation?

3155
3156 Mr. Merrithew - Are you committing to notifying them?

3157
3158 Mr. Weinberg - Yes. Andy has agreed, and I've agreed on behalf of our
3159 respective clients, in addition to whatever notices they have might from the County.

3160
3161 Mrs. Wade - All right. Thank you.

3162
3163 Mr. Archer - Is that satisfactory, ma'am?

3164
3165 Ms. Pressel - Yes. Thank you, very much.

3166
3167 Mr. Archer - Okay. I don't believe there was any opposition. Mrs. Wade.

3168
3169 Mrs. Wade - We're not talking about the whole case here, just these proffers
3170 that have been requested to be amended. Okay, I think we have to waive the time limit to
3171 accept the one amendment of the proffer that was submitted just a few minutes ago.

3172
3173 Mr. Archer - All right.

3174
3175 Mrs. Wade - That is Item J under Proffer 16.

3176
3177 Mr. Archer - We're ready for a motion.

3178
3179 Mrs. Wade - I move the time limit be waived to accept the amendment to the
3180 proffers.

3181
3182 Ms. Dwyer seconded the motion.
3183
3184 Mr. Archer - Motion made by Mrs. Wade, seconded by Ms. Dwyer to waive
3185 the time limit. All those in favor say aye—all those opposed by saying nay. The vote is 5-0
3186 (Mr. Donati abstained).
3187
3188 Mrs. Wade - I know these are the result of a lot of work between the County
3189 and the road people, and the neighbors and everybody to come up with these final
3190 commitments here regarding the roads and the future of the roads in the area. I also know the
3191 drainage in the area is a problem, and they indicate that both owners of the property; attorneys
3192 have indicated that they will notify the neighbors before any disturbance or site preparation
3193 begins. Therefore, I move that Case C-62C-98 be approved, which is the amended proffers
3194 which include apparently Exhibits A, and B, Conceptual site plan, two F's, no C and no D.
3195
3196 Mr. Weinberg - They were addressed at (comments unintelligible).
3197
3198 Mrs. Wade - That's the trouble when you're dealing with a part of the case.
3199 Anyway, I recommend that Case C-62C-98 be recommended to the Board for approval.
3200
3201 Ms. Dwyer seconded the motion.
3202
3203 Mr. Archer - Motion made by Mrs. Wade, seconded by Ms. Dwyer. All those
3204 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati abstained).
3205
3206 REASON: Acting on a motion by Mrs. Wade, seconded by Ms. Dwyer, the Planning
3207 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors accept the
3208 amended proffered conditions imposed with C-27C-98 because the proffers continue to assure a
3209 quality form of development with maximum protection afforded the adjacent properties; and the
3210 changes clarify proffers with interpretative problems.
3211
3212
3213 **C-64C-98** Foster & Miller, P.C. for Brookhollow of Virginia: Request to
3214 amend proffered conditions accepted with rezoning case C-31C-97 on part of Parcels 37-3-A-
3215 2B and 47-4-A-2, containing 5.71 acres, located at the northeast corner of Brookriver Drive
3216 and S & K Drive in the Brookhollow subdivision. The proposed amendment relates to retail
3217 use. The site is zoned M-1C Light Industrial District (Conditional).
3218
3219 Mr. Marlles - Ms. Nancy Gardner is going to be giving the staff presentation.
3220
3221 Mr. Archer - Thank you, Mr. Secretary. Is there opposition to C-64C-98?
3222 Mrs. Gardner.
3223
3224 Ms. Gardner - Good evening. This is a request to amend one proffer associated
3225 with Candlewood Suites, a 122-unit hotel in the Brookhollow Subdivision. The proffer relates
3226 to changing roofing materials. The POD was approved with a standing seam metal roof. The

3227 applicant would prefer to do shingle. Having no basis to object to the proffer amendment,
3228 staff recommends approval, and I'd be happy to take any questions.

3229
3230 Mr. Archer - Thank you, Ms. Gardner. Are there questions for Ms. Gardner?

3231
3232 Mrs. Wade - Have you seen the sample of the material?

3233
3234 Ms. Gardner - No. I have not.

3235
3236 Mr. Phillip Parker, Foster & Miller - I represent the applicant. Prior to discussing the
3237 material, I'd like to make one clarification. This amendment to this proffer would affect not
3238 only the Candlewood Suites Hotel, as proposed currently, but the remaining two acres to the
3239 rear. It encompasses the remaining acreage of the proffer amendment. Specifically, it would
3240 affect this entire property (referring to slide). The Candlewood Suites runs approximately
3241 from here down (referring to slide). So, there is a remaining development to the north that
3242 would back against I-64. That's how the original proffer was written as well. This is an
3243 amendment to the original proffer.

3244
3245 Mrs. Wade - So, whatever came there, would be the same style back there?

3246
3247 Mr. Parker - Exactly. The original proffer that was written was very
3248 restrictive. It was either a flat top roof or a standing seam roof. One or the other. The intent
3249 behind it, as evidenced from the other proffers of the original case, was to have a high quality
3250 upstanding development. Our intention, with the panel that was presented to you, is for a
3251 minimum 30-year warranted shingle, architectural texturing, which falls under a high quality
3252 standard. It's one of the highest end roofing materials that's currently available. So, we are
3253 following the original spirit of the proffer, however, we're giving a little more leeway than an
3254 "A" or "B" choice.

3255
3256 Ms. Dwyer - Why a 40-year dimensional shingle rather than a 30?

3257
3258 Mr. Parker - I don't know that they have that now.

3259
3260 Ms. Dwyer - This says 40.

3261
3262 Mr. Parker - Thirty is what the manufacturer had told me is why I had
3263 requested 30. I did not even notice the 40 on it, to be perfectly candid.

3264
3265 Ms. Dwyer - If it's a commercial building, I would think you'd want, you'd
3266 know, the highest quality. Will it be around in 40 years?

3267
3268 Mr. Parker - Let me make sure that particular material type is the 40 year?
3269 That is what they desired. That material type is specifically what is desired.

3270
3271 Mrs. Wade - This says, "any hotel construction on the property?" It doesn't
3272 say, just anything constructed on the property.

3273
3274 Mr. Parker - Yes ma'am. That's correct. It could potentially be another hotel
3275 behind it the way the proffer is written.
3276
3277 Mrs. Wade - But a hotel is the only thing to which this proffer would apply.
3278
3279 Mr. Parker - Yes ma'am.
3280
3281 Mrs. Wade - Okay. Maybe I overlooked, or had forgotten you only had part
3282 of the site. Okay.
3283
3284 Mr. Parker - This panel is not specifically clear as to whether this exact color
3285 comes in that 40 year. However, I see no problem with agreeing to a 40 year warranty on it.
3286 So, we can agree to 40 years.
3287
3288 Mrs. Wade - A 40-year warranty. Okay. If you find out this exact
3289 information you could mention to the Board.
3290
3291 Mr. Parker - But I don't see any problem with the 40-year requirement.
3292
3293 Mrs. Wade - Okay. Then you'd have to amend the proffer.
3294
3295 Mr. Parker - We don't intend to. This should be the final amendment to the
3296 proffer.
3297
3298 Mrs. Wade - I mean you hope to do it.
3299
3300 Mr. Parker - Okay. I thought you were talking about going back to 30. We
3301 will amend it to 40 years, tonight, if you'll waive the requirement.
3302
3303 Mrs. Wade - Well, you can do that before the Board meeting then.
3304
3305 Mr. Parker - That's fine. We can have that done. Any other questions?
3306
3307 Mrs. Wade - No. None from me.
3308
3309 Mr. Archer - Any further questions? Mrs. Wade.
3310 Mrs. Wade - We approved this POD in June, and I found notes they indicated,
3311 even then, they wanted to amend the proffer for roof materials. And I think that, basically,
3312 residential-types of buildings look just as good if you have a good, sturdy, durable shingle as
3313 sometimes with metal, depending on what else is around. But, anyway, I would move then
3314 that Case C-64C-98 be recommended to the Board with the understanding that Proffer 10 will
3315 be changed to require a minimum of 40-year warranty for the shingles.
3316
3317 Ms. Dwyer seconded the motion.
3318

3319 Mr. Archer - Motion made by Mrs. Wade, seconded by Ms. Dwyer. All those
3320 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati abstained).

3321
3322 REASON: Acting on a motion by Mrs. Wade, seconded by Ms. Dwyer, the Planning
3323 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors accept the
3324 amended proffered conditions imposed with C-31C-97 because the changes do not greatly reduce
3325 the original intended purpose of the proffers; it is not expected to adversely impact surrounding
3326 land uses in the area; and it was determined to be reasonable.

3327
3328
3329 **C-66C-98** David T. D. Warriner for Beverly Health and Rehabilitation
3330 **Services:** Request to amend proffered conditions accepted with rezoning case C-68C-96 on
3331 Parcel 21-A-8, containing 12.553 acres, located on the north side of Mountain Road
3332 approximately 680' east of Tiller Road. The proposed amendment relates to placement of a trash
3333 compactor, screening wall and gates. The site is zoned R-6C General Residence District
3334 (Conditional).

3335
3336 Mr. Marlles - Mr. Lee Yolton will be giving the staff presentation.

3337
3338 Mr. Archer - Is there any one here in opposition to C-66C-98? No opposition.
3339 Mr. Yolton, I believe this is your last one.

3340
3341 Mr. Yolton - This is it. This is the last one. Mr. Chairman, members of the
3342 Commission, as mentioned, this is a request to amend a proffered condition accepted with the
3343 rezoning case that was approved 1996. The site is Crump Manor Nursing Home, located on
3344 Mountain Road, adjacent to the Meadow Farm Park.

3345
3346 As noted in the staff report, the staff recommended some modifications to the amended proffer
3347 language that was originally submitted by the applicant. Attached to your staff report, there is a
3348 letter from the applicant's representative dated September 22nd, with proposed alternative
3349 language for the proffer amendment. And what is being handed out to you to now is the same
3350 language retyped on the proffer form for an amended proffer. And the form is dated October
3351 14th. Therefore, even though the Commission has seen the revised proffer language, technically,
3352 the Commission would need to waive the time limit to accept the new proffer, since it was just
3353 put into the proper format and received yesterday.

3354
3355 The amended proffer, now before you, addresses the buffer strip around the perimeter of the
3356 nursing home. A 25-foot landscaped strip was proffered in 1996 all the way around the
3357 perimeter of the site.

3358
3359 As you probably know, an assisted living facility currently is under construction on this site, and
3360 for a number of reasons, the 25-foot buffer along the rear of the site has been a technical
3361 nuisance to accommodate during the new construction.

3362
3363 For instance, an offsite stormwater retention pond requires that a portion of the buffer strip,
3364 along the rear of the property, be cleared and graded. Also, there are large heating and air-

3365 conditioning units in this strip that were there when the proffer was accepted originally. Now,
3366 the applicant is going to place an additional dumpster pad that's partially within this buffer area
3367 to accommodate the waste generated from the new facility.
3368

3369 Since the nursing home is adjacent to the County park, the rear of the site is heavily wooded with
3370 mature trees that already provided an effective buffer. For this reason, County staff supports the
3371 amended proffer language that would eliminate the proffered buffer strip along the rear of the
3372 site. The rest of the perimeter of the site would continue to require a landscaped buffer area.
3373 Also, a landscape plan that shows appropriate plantings along the rear of the site would still be a
3374 requirement for the occupancy. Staff feels, therefore, that the amended proffer language is
3375 appropriate in this instance. So, Mr. Chairman, with that, I'd be happy to try to answer any
3376 questions the Commission may have.
3377

3378 Mr. Archer - Thank you, Mr. Yolton. Are there questions for Mr. Yolton from
3379 the Commission?

3380
3381 Ms. Dwyer - Are there existing encroachments on the front and side buffers?
3382

3383 Mr. Yolton - I don't believe there are. No.
3384

3385 Ms. Dwyer - I guess I'm wondering why that's mentioned if we're eliminating
3386 the rear buffer and that's where the improvements are. Then why do we have "...all existing
3387 improvements will be grandfathered..."? I'm assuming that meant because there's already the
3388 HVAC equipment within the rear buffer that's why that was in there, eliminating the rear
3389 buffer...
3390

3391 Mr. Yolton - The applicant, I think, has an answer for that.
3392

3393 Mrs. Wade - I think it's the phraseology.
3394

3395 Ms. Dwyer - Right. And likewise will the storm drainage facility be in the side
3396 or front buffer?
3397

3398 Mr. Yolton - No. It will be in the rear buffer.
3399

3400 Ms. Dwyer - So, will utilities, storm drainage facilities, pedestrian walkways, or
3401 service driveways be interfering with the front and side buffer?
3402

3403 Mr. Yolton - Not that I'm aware of, but I think this is a contingency. Basically,
3404 it's the same language that applied to the buffer area around the perimeter of the site. Except
3405 that now, instead of also including the rear of the property, that language would only apply to the
3406 front and sides.
3407

3408 Mr. Archer - Okay. Any other questions of Mr. Yolton? Thank you, sir.
3409

3410 Mr. Yolton - Thank you.

3411
3412 Mr. Warriner - Mr. Chairman, members of the Planning Commission, my name is
3413 David Warriner, representing the applicant, Beverly Enterprises. To answer your question,
3414 there are some other existing encroachments just partially. There are a couple of site lights that
3415 are may be two feet into the side buffer on the existing parking lot, which is not being disturbed.
3416 In addition, there's an Eagle Scout project that's in that buffer that was built several years ago,
3417 that we're planning not to disturb and we're planning to leave that in place also. It accesses the
3418 County park through the Beverly site. As far as the front buffers and the side buffers are not
3419 affected in any way by this change. It's just the rear where we were having all of the problems.
3420 We ask you recommendation for approval.

3421
3422 Mr. Archer - Any questions for Mr. Warriner? Thank you, sir. Mr.
3423 Vanarsdall.

3424
3425 Mr. Vanarsdall - I move we waive the time limit on the proffers.

3426
3427 Mr. Zehler seconded the motion.

3428
3429 Mr. Archer - Motion made by Vanarsdall, seconded by Mr. Mr. Zehler to
3430 waive the time limit. All those in favor say aye—all those opposed by saying nay. The vote is
3431 5-0 (Mr. Donati abstained).

3432
3433 Mr. Vanarsdall - I recommend Case C-66C-98 to the Board of Supervisors for
3434 approval.

3435
3436 Ms. Dwyer seconded the motion.

3437
3438 Mr. Archer - Motion made by Vanarsdall, seconded by Ms. Dwyer. All those
3439 in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati abstained).

3440
3441 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Ms. Dwyer, the Planning
3442 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors accept the
3443 amended proffered conditions imposed with C-68C-96 because the changes do not greatly reduce
3444 the original intended purpose of the proffers; and it is not expected to adversely impact
3445 surrounding land uses in the area.

3446
3447
3448 **C-67C-98** Ralph L. Axselle, Jr. for SMP Limited Partnership: Request to
3449 conditionally rezone from B-1 Business District to B-2C Business District (Conditional),
3450 Parcels 50-13-A-1, 2, and 4, and part of Parcel 50-13-A-3 (Staples Mill Plaza), described as
3451 follows:

3452
3453 Beginning at a point, said point being the intersection of the east line of Hungary Spring Road
3454 with the east line of Staples Mill Road, Thence along the east line of Hungary Spring Road,
3455 North 20 degrees 44 minutes 44 seconds East for a distance of 23.90 feet to a point; Thence
3456 along a curve to the left having a radius of 540.00 feet and an arc length of 130.88 feet, being

3457 subtended by a chord of North 13 degrees 48 minutes 08 seconds East for a distance of 130.56
3458 feet to a point; Thence along a curve to the left having a radius of 766.25 feet and an arc
3459 length of 25.40 feet, being subtended by a chord of North 05 degrees 54 minutes 33 seconds
3460 East for a distance of 25.40 feet/to a point; Thence along a curve to the left having a radius of
3461 20.00 feet and an arc length of 10.44 feet, being subtended by a chord of South 58 degrees 03
3462 minutes 43 seconds East for a distance of 10.32 feet to a point; Thence along a curve to the
3463 right having a radius of 87.42 feet and an arc length of 31.02 feet, being subtended by a chord
3464 of South 62 degrees 51 minutes 00 seconds East for a distance of 30.86 feet to a point; Thence
3465 South 52 degrees 41 minutes 03 seconds East for a distance of 100.51 feet to a point; Thence
3466 North 33 degrees 42 minutes 00 seconds East for a distance of 127.00 feet to a point; Thence
3467 South 84 degrees 49 minutes 54 seconds West for a distance of 87.50 feet to a point; Thence
3468 North 87 degrees 18 minutes 23 seconds West for a distance of 97.52 feet to a point; Thence
3469 North 06 degrees 36 minutes 30 seconds East for a distance of 1.34 feet to a point; Thence
3470 along a curve to the left having a radius of 790.00 feet and an arc length of 45.2 feet, being
3471 subtended by a chord of North 04 degrees 58 minutes 10 seconds East for a distance of 45.19
3472 feet more or less to a point in the centerline of Hungary Creek (said point also being the
3473 western end of a tie line); thence eastwardly along the centerline of Hungary Creek, 292 feet
3474 more or less to a point (being defined by a tie line of North 87 degrees 54 minutes 11 seconds
3475 East for a distance of 318.76 feet to a point on the eastern property line); Thence South 56
3476 degrees 18 minutes 00 seconds East for a distance of 496 feet more or less to a point (451.00'
3477 from survey tie line); Thence South 33 degrees 42 minutes 00 seconds West for a distance of
3478 306.27 feet to a point; Thence South 80 degrees 55 minutes 11 seconds West for a distance of
3479 23.17 feet to a point; Thence South 33 degrees 42 minutes 00 seconds West for a distance of
3480 389.76 feet to a point on the east line of Staples Mill Road; Thence along the east line of
3481 Staples Mill Road, North 33 degrees 25 minutes 40 seconds West for a distance of 229.96 feet
3482 to a point; Thence along a curve to the right having a radius of 3744.29 feet and an arc length
3483 of 393.66 feet, being subtended by a chord of North 30 degrees 24 minutes 57 seconds West
3484 for a distance of 393.48 feet to a point; Thence North 08 degrees 36 minutes 30 seconds West
3485 for a distance of 47.93 feet to a point, and being the point of Beginning. Together with and
3486 subject to covenants, easements, and restrictions of record. Said property contains 7.87 acres
3487 more or less, also being lots 2, 4 and a portion of 3, block A, Staples Mill Plaza.
3488

3489 Mr. Marlles - Mr. Bittner will give the staff report.

3491 Mr. Archer - Thank you, sir. Is there any one here in opposition to C-67C-98?
3492 No opposition. Mr. Bittner.

3494 Mr. Bittner - Thank you, Mr. Chairman. This application is necessary because
3495 the applicant wants to put a take-out ice cream store on the site, and that requires B-2 zoning.
3496 The applicant's requesting rezoning of the entire shopping center because he desires uniformity
3497 throughout the site, and consistency with the adjacent B-2 property to the southeast. Staff feels
3498 this is a logical approach. Staples Mill Plaza is approximately 70,000 square feet in size, and
3499 architecture is consistent throughout the site, including outparcel buildings.

3500
3501 Revised proffers have been submitted, and just been handed out to you. A time limit waiver
3502 would be required, because the applicant added two new proffers today. The revised set of

3503 proffers addresses the issues associated with the proposal. They now state that the new
3504 Brewsters Ice Cream Store will be compatible with the architecture of the existing buildings on
3505 the site.

3506
3507 This is vital, because the existing three buildings have the same exterior materials, styling and
3508 color. The applicant has assured that this architectural character will not be disrupted. The
3509 revised proffers also provide quality development assurances similar to those contained on the
3510 adjacent B-2C property. Several additional uses that could have negative impacts have also
3511 been prohibited; including sign painting and printing shops, hotels and motels, including
3512 extended stay hotels, and also recreational facilities, including such uses as bowling alleys,
3513 theaters, and skating rinks. Staff feels that these new proffers address the issues associated
3514 with this proposal, and recommends approval of this application.

3515
3516 Before I open it up for any questions, I've got some more information on this proposal. What
3517 we're looking at now on the screens is a aerial photograph of the site, being viewed with our
3518 new Arc Info GIS Geographic Information System. And we just wanted to put this up here to
3519 try and showcase a little bit and display what the capabilities are. Just for your information,
3520 this is Staples Mill Plaza right here. I'm going to zoom in on it. When we get a little bit
3521 closer, I think you'll be pleasantly surprised at the detail. Well, it might take a little time. I
3522 don't know what the problem is here. Well, so much for our grand plans.

3523
3524 Mr. Marlles - Mr. Bittner, you might want to try and continue with your
3525 presentation and come back next month.

3526
3527 Mr. Bittner - I've concluded the presentation.

3528
3529 Mr. Zehler - Mr. Chairman, I have to ask the question? Are we back to
3530 waiving the time limits again?

3531
3532 Mr. Archer - I'm sorry, sir.

3533
3534 Mr. Zehler - Are we back to waiving time limits again? I see this is the
3535 second case we're going to waive time limits.

3536
3537 Mr. Vanarsdall - I was thinking the same thing.

3538
3539 Mr. Zehler - I thought we had eliminated that problem. It appears it's coming
3540 back.

3541
3542 Mr. Archer - I hope it doesn't turn into a trend, Mr. Zehler.

3543
3544 Ms. Dwyer - Mr. Bittner, I just had one proffer, in the packet and then there
3545 are 11 that's been submitted tonight. You said, there were two new...

3546
3547 Mr. Bittner - Right. If you'll look on Page 2, the ones that are handwritten.
3548 Those were added today. The rest of them were actually on the 13th, which was 48-hours ago.

3549
3550 Ms. Dwyer - Oh, okay.
3551
3552 Mr. Bittner - But those last two were just added today.
3553
3554 Mrs. Wade - But these replace all the previous ones on the whole site; the
3555 whole shopping center?
3556
3557 Mr. Bittner - There are no proffers on the site right now. They originally
3558 came in with one proffer that would have limited the uses. What they have done is
3559 incorporated the proffers on Staples Mill Plaza. They're compatible with the B-2C property to
3560 the southeast, the adjacent property. That's vacant property which is going to be developed,
3561 I'm fairly certain, in the near future.
3562
3563 Mr. Zehler - Would you read that for me, what this says, what's handwritten
3564 in there?
3565
3566 Mr. Bittner - Letter G. what it says is, "Hotels, including extended stay hotels,
3567 motels and motor lodges, Letter H. Sign printing, and painting shops." What "I" is, is
3568 "recreational facilities as described in Section 24-58.1(s) of the zoning ordinance.
3569 Recreational facilities include such things as, movie theatres, bowling alleys, and so forth.
3570
3571 Mr. Zehler - Thank you.
3572
3573 Mrs. Wade - Well, there are some old ones in here that have a light type.
3574
3575 Mr. Bittner - There are some that are on the adjacent vacant property that have
3576 not been incorporated onto this site, mainly because this is a developed site. The lights there
3577 now on the site are between 25 and 30 feet tall what I estimate.
3578
3579 Mr. Vanarsdall - Mark, would you tell Mr. Zehler why we had to waive the time
3580 limit. Mr. Axselle had these proffers in well ahead of time. I called Mark and asked him,
3581 "Hotels, motels, motor lodges," does that include "extended stays?" He said, the best
3582 recommendation would be to write it in and include "extended stay" motels. So, that's what
3583 he did. And the other thing he wrote in, (I), otherwise, we wouldn't have to waive the time
3584 limit, because he had them in.
3585
3586 Mr. Zehler - I know there are exception to the rules, Mr. Vanarsdall. I
3587 thought we pretty much eliminated it, and it's a big help to all of us.
3588
3589 Mr. Vanarsdall - It seems like we don't have a real category for "extended stays."
3590 Is that what you're talking about?
3591
3592 Mr. Bittner - Right. It's not specifically described in the Zoning Ordinance.
3593 So, I thought, just to be safe, just simply state it.
3594

3595 Mrs. Wade - It's a hotel.
3596
3597 Mr. Bittner - Well, there is some discussion as to whether it's a hotel or a
3598 residence. I don't know if that question has been answered yet from the Zoning Ordinance
3599 standpoint. So, we want to be clear.
3600
3601 Mr. Archer - Okay. Are there further questions for Mr. Bittner?
3602
3603 Mr. Bittner - No G.I.S. questions, please.
3604
3605 Mr. Archer - I don't think there was any opposition.
3606
3607 Mr. Vanarsdall - Unless somebody wants to ask Bill Axselle, Jr., I don't need to
3608 hear from him?
3609
3610 Mr. Andy Condlin - This isn't video taped is it? My name is Andy Condlin. I just
3611 want to make two points. I had nothing to do with the presentation and that's not my
3612 handwriting (referring to G.I.S. glitch). Mr. Axselle did ask me to make a point. I think Mr.
3613 Vanarsdall already made it, that the two changes that were made were just requested, I believe,
3614 yesterday. Otherwise, we would have met the time limits. It's not our practice, obviously, to
3615 break the Planning Commission's rules, not without good cause.
3616
3617 Mr. Vanarsdall - Thank you.
3618
3619 Mr. Condlin - And that's my presentation.
3620
3621 Mr. Archer - Any questions for Mr. Condlin? Thank you, Mr. Condlin. Mr.
3622 Vanarsdall.
3623
3624 Mr. Vanarsdall - I want thank Mark Bittner for all the help he gave me on this,
3625 with Mr. Axselle. I want to thank Mr. Axselle for doing what Mark asked him. I make a
3626 motion to waive the time limit on C-67C-98.
3627
3628 Mr. Zehler seconded the motion.
3629
3630 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Mr. Zehler. All
3631 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
3632 abstained). The time limits are waived.
3633
3634 Mr. Vanarsdall - I move C-67C-98 be recommended to the Board of Supervisors
3635 for approval.
3636
3637 Ms. Dwyer seconded the motion.
3638

3639 Mr. Archer - Motion made by Mr. Vanarsdall, seconded by Ms. Dwyer. All
3640 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
3641 abstained).

3642
3643 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Ms. Dwyer, the Planning
3644 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors accept the
3645 proffered conditions and grant the request because it is reasonable; it is appropriate business
3646 zoning in this area; and the proffered conditions should minimize the potential impacts on
3647 surrounding land uses.

3648
3649

3650 **Deferred from the September 10, 1998 Meeting:**
3651 **C-14C-98 James Thornton for Virginia Center, Inc.:** Request to
3652 conditionally rezone from O-3C Office District (Conditional) to M-1C Light Industrial District
3653 (Conditional), part of Parcel 24-A-8D, described as follows:

3654
3655 Begin at a point on the east line of Interstate Route 95, 1250' south of the centerline of the
3656 Chickahominy River; Thence in an easterly and or southerly direction along a 100 year flood
3657 plain the following seventy-seven (77) courses;

- 3658
3659 1) S. 87° 21' 49" E - 49.56', 2) S. 83° 21' 56" E., 75.11'; 3) S. 87° 24' 48" E., 55.54', 4)
3660 S. 66° 38' 50" E., 56.45'; 5) N. 80° 37' 01" E., - 60.00', 6) S. 60° 47' 32" E., 39.53'; 7)
3661 S. 47° 21' 50" E., 51.24', 8) S. 34° 28' 17" E., 29.94'; 9) S. 22° 56' 28" E., 45.22'; 10)
3662 S. 4° 14' 15" W., 86.63'; 11) S. 7° 21' 13" W., 80.75', 12) S. 6° 11' 20" W., 86.31';
3663 13) S. 7° 07' 40" E., 51.29', 14) S. 3° 07' 36" E., 55.00'; 15) S. 16° 13' 26" E., 64.66';
3664 16) S. 14° 28' 29" E., 59.51'; 17) S. 34° 11' 04" E., 40.28'; 18) S. 60° 27' 10" E.,
3665 53.29'; 19) S. 51° 35' 47" E., 49.51'; 20) S. 62° 43' 50" E., 50.67'; 21) S. 46° 26' 44"
3666 E., 72.00'; 22) S. 25° 15' 29" E., 62.80'; 23) S. 28° 53' 04" E., 66.96'; 24) S. 46° 21'
3667 43" E., 65.00'; 25) S. 48° 18' 58" E., 80.50'; 26) S. 56° 29' 51" E., 40.58'; 27) S. 66°
3668 43' 13" E., 72.14'; 28) S. 72° 03' 42" E., 56.97'; 29) S. 63° 15' 31" E., 57.15'; 30) S.
3669 46° 03' 11" E., 59.02'; 31) S. 38° 03' 24" E., 68.85'; 32) S. 83° 16' 38" E., 50.25'; 33)
3670 N. 79° 01' 47" E., 52.93'; 34) N. 77° 03' 11" E., 53.08'; 35) S. 87° 52' 29" E., 64.51';
3671 36) S. 86° 32' 14" E., 70.09'; 37) S. 87° 34' 53" E., 60.13'; 38) S. 89° 17' 11" E.,
3672 50.71'; 39) S. 85° 54' 18" E., 53.67'; 40) S. 73° 45' 16" E., 77.37'; 41) S. 40° 00' 35"
3673 E., 63.71'; 42) S. 55° 41' 30" E., 76.01'; 43) S. 49° 25' 02" E., 74.06'; 44) S. 68° 30'
3674 31" E., 71.14'; 45) S. 58° 56' 23" E., 64.09'; 46) S. 8° 52' 01" E., 52.29'; 47) S. 45°
3675 38' 50" E., 87.33'; 48) S. 8° 21' 50" E., 43.93'; 49) S. 1° 58' 02" E., 76.64'; 50) S. 33°
3676 16' 44" E., 71.14'; 51) S. 6° 40' 54" E., 66.27'; 52) S. 14° 27' 39" W., 50.43'; 53) S.
3677 37° 38' 58" W., 51.66'; 54) S. 61° 44' 43" W., 53.10'; 55) S. 10° 50' 18" W., 51.07';
3678 56) S. 67° 43' 37" W., 70.80'; 57) S. 69° 00' 25" W., 61.42'; 58) S. 45° 53' 43" W.,
3679 53.61'; 59) S. 26° 37' 00" W., 67.17'; 60) S. 18° 44' 45" W., 57.14'; 61) S. 0° 08' 17"
3680 E., 67.05'; 62) S. 1° 34' 42" E., 65.06'; 63) S. 0° 08' 22" E., 71.77'; 64) S. 12° 30' 01"
3681 W., 78.66'; 65) S. 10° 15' 20" W., 58.37'; 66) S. 15° 39' 40" W., 73.98'; 67) S. 24° 52'
3682 55" W., 43.18'; 68) S. 29° 18' 13" W., 64.14'; 69) S. 44° 52' 03" W., 47.79'; 70) S. 4°

3683 49' 13' W., 20.13'; 71) S. 27° 33' 35" W., 83.54'; 72) S. 7° 22' 38" W., 56.80'; 73) S.
3684 6° 44' 57" W., 59.76'; 74) S. 10° 28' 00" E., 68.30'; 75) S. 16° 37' 52" E., 74.88'; 76)
3685 S. 13° 47' 46" E., 35.65'; 77) S. 29° 33' 10" W., 34.60' to a point on the north property
3686 line of land belonging to the Links Corp.; Thence along said line S 60° 08' 37"
3687 W., 183.22' to a point in the center of a creek; Thence along said creek, in a westerly
3688 direction, 499' ± to a point; Thence N. 13° 47' 09" W., 26.85' to a point; Thence S. 76°
3689 12' 51" W., 70.35' to a point on the east line of Interstate Route 95; Thence along said line
3690 the following three(3) courses; 1) N. 13° 38' 39" W., 1419.31', 2) along a curve to the
3691 left having a radius of 7734.44' for a length of 1527.35', 3) N. 19° 16' 00" W., 463.00' to
3692 the point and place of beginning, less and except two parcels designated as the "Pump
3693 Station" parcel and the "GTE" parcel, and containing 61.74 + - acres as more particularly
3694 shown on a composite map dated Jan. 21, 1998 as EXHIBIT "A".
3695

3696 Mr. Marlles - Mr. Merrithew will be giving the staff report.
3697

3698 Mr. Archer - All right. Thank you, Mr. Secretary. Is there any one here in
3699 opposition to C-14C-98? Mr. Merrithew.
3700

3701 Mr. Merrithew - Thank you, Mr. Chairman. This application has been before you
3702 since March of this year. It is a proposal to rezone 60 acres of property, currently zoned O-
3703 3C, to M-1C Light Industrial (Conditional). The property is located on the east side of I-95,
3704 north of Virginia Center Parkway. It has one point of access out to Virginia Center Parkway.
3705 Although it is unusual, the County Traffic Engineer has indicated that one point of access for
3706 development on this site. We have estimated that we have the potential for between 500,000
3707 and 800,000 square feet of light industrial use on this property.
3708

3709 Since the last meeting with the Planning Commission, the applicant has made some minor
3710 modifications to the proffers. The proffers you had in your staff report have been just
3711 modified grammatically in a couple of instances with the handout that you received tonight.
3712 They should, essentially, be the same proffers.
3713

3714 I would like to point out that this area is planned for Office, primarily because Virginia Center
3715 had proposed that development and had zoned the property as such with their first planning
3716 effort. However, as planned for Office, the M-1 designation does not correspond with that
3717 plan, and is not supported by the 2010 Land Use Plan. At the same time, having said that, this
3718 would be a conversion of an economic development site for Office to another economic
3719 development use, which would be office and light industrial or flex industrial. And that, in,
3720 itself, is supported by the goals and policies of the Comprehensive Plan. Although it does not
3721 directly correspond to the Land Use map, it is supported by some of the policies regarding
3722 economic development in the County.
3723

3724 The changes that the applicant has proposed are probably 99 percent in response to discussion
3725 they have had with the neighborhood, and with staff in several meetings. I'd like to just
3726 quickly run through those.
3727

3728 First of all, the applicant, in response to the principle concern I think in this situation which is
3729 truck traffic, as proposed, that they would have distribution businesses and warehousing where
3730 no Certificate of Occupancy would be issued for a single user engaged in those functions,
3731 having access to more than 10 loading docks for the purpose of warehousing distribution. Yes
3732 ma'am.

3733
3734 Ms. Dwyer - Does that mean if a company has 10 loading docks anywhere in
3735 the Country, then they're excluded? I'm not real clear about what this means.

3736
3737 Mr. Merrithew - This is an intent, and is dealing only with the loading docks on
3738 the property.

3739
3740 Ms. Dwyer - ...on the property. Okay.

3741
3742 Mr. Merrithew - I hadn't looked at it nationally, but if there's some rewording, we
3743 could do that. The intent here, and this is, at least, in part, a recommendation of staff, an
3744 effort to reduce the potential for one or two very large users to come in like a Wal-Mart
3745 warehousing distribution center, and install a building with 30 or 40 or however many loading
3746 docks. If we can limit the number of loading docks for individual users, then theoretically,
3747 we'll reduce the tractor trailer traffic and the size of trucks likely to use the facility. That's
3748 one effort that staff is looking into.

3749
3750 The applicant has also amended the proffers for No. 1 to limit the height of warehousing
3751 distribution operations to 30 feet. Again, that was a concern for the neighbors about the
3752 visibility of that type of use from adjoining properties.

3753
3754 In Proffer 3, the applicant is addressing building materials concerns. Staff has always looked
3755 at this property as the front door to the County for people driving down I-95, and have been
3756 very much concerned about how the property would appear from I-95. For that reason, there
3757 are a number of proffers dealing with the screening and location of loading and fleet parking,
3758 and outside storage and the design and appearance of the fronts and sides of buildings that are
3759 facing I-95.

3760
3761 In Proffer 3, they have amended the proffer to try to be more explicit about the coordination
3762 between different buildings on the site by stipulating that the buildings will be architecturally
3763 compatible in materials and colors. At the same time, its not deemed to require that all the
3764 buildings be finished in the same material or the same color. So, it will take a little bit of
3765 subjective analysis to determine compatibility, if you're allowed to use different materials and
3766 different colors on a building by building basis.

3767
3768 We're not sure that is the tightest and clearest way of dealing with that issue, but it was staff's
3769 intent to try to get some compatibility and coordination over the entire site.

3770
3771 On Proffer No. 10, is another proffer dealing with the truck traffic issue. And, I think you
3772 will hear that the major concern of the neighborhood and the adjoining properties is truck
3773 traffic and safety associated with truck traffic. Proffer 10 limits truck traffic activity to and

3774 from the site to the hours 7:00 a.m. to 7:00 p.m., trying to avoid evening truck traffic when,
3775 apparently, a good number of people in the neighborhood are jogging and walking along that
3776 stretch of Virginia Center Parkway.
3777

3778 And then in Proffer No. 11, the applicant has agreed to submit a traffic study upon the
3779 construction or proposal for a building that would result in more than 250,000 square feet of
3780 floor area being built on the site. They would submit a traffic study so that we could
3781 determine that the safety at the intersection of Virginia Center Parkway continues to be
3782 appropriate. If there's a need for a signal light, the applicant will support that; will contribute
3783 towards that signal light. In any event we get an opportunity to study the safety situation
3784 before we reach full build out on the property.
3785

3786 Staff, from the original submittal, felt that, although this application did not comply directly
3787 with the Land Use Plan, it was supported by some of the economic development goals of the
3788 plan.
3789

3790 The County is, basically, trading one employment use for another type of employment use.
3791 The office uses that could go on this site could generate substantially more overall traffic than
3792 what could be generated by a light industrial development on the same property. We saw that
3793 as a benefit. However, at the same time, it is a valid argument that there would be an increase
3794 in industrial truck traffic, and that is a serious concern out there. However, overall, staff is
3795 prepared to recommend approval of the case. I would be glad to answer any questions.
3796

3797 Mr. Archer - Thank you, Mr. Merrithew. Are there questions for Mr.
3798 Merrithew by the Commission?
3799

3800 Ms. Dwyer - In Proffer 1, there's a limitation in height, but that only applies to
3801 three uses. We could have a request for a taller building; 8-story office building?
3802

3803 Mr. Merrithew - That's right. Apparently, in the neighborhood meeting I
3804 attended, there was not as much concern for a taller office building, for example. The concern
3805 seemed to focus on the distribution/warehousing facility.
3806

3807 Mrs. Wade - Under the current O-3, are taller buildings allowed?
3808

3809 Mr. Merrithew - Buildings can go to 8-stories or 110 feet in the O-3 District.
3810

3811 Mrs. Wade - There's no prohibition in the former case?
3812

3813 Mr. Merrithew - Only adjacent to an "R" District, and they are surrounded by C-
3814 1.
3815

3816 Mrs. Wade - Okay. Thank you.
3817

3818 Mr. Archer - Any further questions? Thank you, Mr. Merrithew,
3819

3820 Mr. Merrithew - Thank you.

3821
3822 Mr. Archer - Before the applicant comes forward, in reading through the
3823 minutes from the August meeting, I noted that we indicated the next time this case was brought
3824 back, it would be for "Decision only." Then again, it was deferred in September, because
3825 Ms. Shifflett and Mr. Thornton have been trying to have some more meetings with the
3826 neighborhood in order to see if they could shed some light on their concerns. So, if its
3827 agreeable with the rest of the Commission members, since we did have some meetings, and
3828 you all have been waiting here all night, I will allow three minutes for each side; if the
3829 Commission agrees to do that, to hear any new information that might be applicable, if that's
3830 agreeable with you, Mr. Thornton.

3831
3832 Mr. James D. Thornton - Mr. Chairman, members of the Commission, my name is Jim
3833 Thornton. I'm an attorney representing Virginia Center, Inc. in this rezoning application. Mr.
3834 Merrithew did a good job touching on the changes to the proffers that you have before you. I
3835 won't go through those again, other than to mention, the purpose behind the limitation on the
3836 loading dock doors was to try and provide some assurance. Its very difficult to assure a
3837 quality development without eliminating all the uses that people would not find objectionable.
3838 I think the people have been happy with the development on the west side of Interstate 95 with
3839 the Bergen-Brunswig, with the Tech park, and with the maintenance warehouse. The
3840 maintenance warehouse has seven dock doors. Bergen-Brunswig also has seven doors. The
3841 tech park has 13 dock doors, but they are split up among several users. And experience has
3842 been that we have not had complaints about the truck traffic generated by those users.

3843
3844 Real quickly, I would compare this case to one that you approved just a couple of hours ago
3845 with Office/Service uses; 70 acres; frontage on a major interstate; developed by a developer
3846 with a proven tract record of quality commercial development; served by a heavy duty road;
3847 four-lane divided median by a road that does go through some residential property. That
3848 would be the Twin Hickory project.

3849
3850 I think if you compare these two projects, it compares very favorably with it and goes beyond
3851 it. With material proffers, with tighter retail limitations, with height limits, with limited hours
3852 on truck traffic, and with setbacks on loading areas; fleet parking, outside storage to protect
3853 the view from the interstate that you don't find in the Twin Hickory project. So, although the
3854 property does not comply with the Comprehensive Plan, as Mr. Merrithew said, it does
3855 comply with many of the goals and objectives; and it is uniquely situated to this use. It's quite
3856 far from the Pittston property. It's almost a half mile from the nearest residential property.
3857 It's proffered from the Pittston property by the golf course; by the undeveloped O-3 that you
3858 see there by a strip of C-1. So, we think this is a good use for this location, and I respectfully
3859 request approval, and if I have any time left, I'd like to save it for rebuttal.

3860
3861 Mr. Archer - Thank you, Mr. Thornton. Is there any one who would like to
3862 represent the opposition? Mr. Fisher.

3863
3864 Mr. Carl Fisher - Good evening, I am Carl Fisher, Director of Real Estate for the
3865 Pittston Company. We're in the neighborhood. I've expressed before the Commission before,

3866 our opposition, and we continue to express our opposition to this proposal. I'd like to take just
3867 one issue with the amended proffers.

3868
3869 While the applicant has limited the number of truck dock doors, the way its worded, and
3870 certainly the way that you could do it, is that, if they put in multiple tenants in the number of
3871 buildings, they could have up to 250 truck dock doors, just by the way they have limited to
3872 strictly users. If you had 20 users and 500,000 square feet, you could end up with 250 truck
3873 dock doors and with corresponding traffic. So, I don't think they have done anything, in my
3874 view, that has limited or tried to accommodate the neighborhood.

3875
3876 We believe, however, that this is still a fundamental change in the Land Use Plan. When we
3877 moved in, we expected for it to be O-3. We'd like it to continue to be O-3. We would
3878 respectfully request that you reject their application. Thank you.

3879
3880 Mr. Archer - Thank you, Mr. Fisher.

3881
3882 Mr. Wayne Lenin - I live at CrossPointe. It's may be a half mile away from our
3883 homes, but the entrance, actually, is several hundred feet down the road. That's where
3884 residents, or the children are walking; people are jogging. People are riding bicycles, that
3885 kind of thing passed this entrance. Our biggest concern is the truck traffic. Limiting the docks
3886 to 10 per user sounds good. However, if there's users per building, you can do the math, like
3887 Mr. Fisher did. We could have up to 250, or may be even more loading docks. How many
3888 trucks does it equate to in a day, I don't know. But our residents out there, typically, during
3889 the day, not between 7:00 at night to 7:00 in the morning when there would be no truck traffic.
3890 I think when the brunt of the traffic comes, that's when people are going to be meeting these
3891 trucks. That's our main concern is the safety of residents; the children. And secondary to
3892 that, but still very important, is having industrial within several hundred feet of our homes.
3893 And we would, respectfully, ask that the Commission deny this request. Thank you.

3894
3895 Mr. Archer - Thank you, sir. You have about 30 seconds.

3896
3897 Mr. Chris Tutsluf - I'll be moving into the Virginia Center area in the Crosspointe in
3898 the Fairway homes. In the last few months, I've moved from Stonewall Manor to Cameron.
3899 And the entrance there at Route 1 and Virginia Center Parkway needs to be analyzed
3900 sufficiently. We know that Route 1 was expanded in between Parham Road to I-295 to a
3901 three-lane road on each side to accommodate traffic in that area. This will increase the traffic
3902 on the north side of I-295, and it needs to be analyzed also. I have witnessed over four
3903 accidents since moving to Cameron at the beginning of September, with significantly serious
3904 accidents at that location of Virginia Center Parkway and Route 1. I would ask the Board to
3905 consider that risk to public safety as a Number 1 factor. The Number 2 factor is industrial into
3906 the area that I would like to have my home be. I moved there to live next to a golf course, not
3907 trucks, quite honestly. I would be very disappointed to see that. I ask you to reject that upon
3908 my points that I have made today. Thank you for your time.

3909
3910 Mr. Archer - Thank you. Mr. Thornton, I believe you reserved some time for
3911 rebuttal, a minute and a half. They took a little extra. We'll give you some too.

3912
3913 Mr. Thornton - Just to respond to a couple of points raised. It is mathematically
3914 possible to have 250 dock doors. I would question, and you would to, whether a 25,000
3915 square foot user would have a use for 10 dock doors. It is mathematically possible though.

3916
3917 The entrance, the access road entrance to Virginia Center Parkway is several hundred feet
3918 from Crosspointe. It's also true that road there goes down a grade and around a curve. That
3919 entrance is not visible from Crosspointe. Virginia Center Parkway was designed and built as
3920 an industrial road. It was built to industrial specifications. The proffers that are on the
3921 property now limit construction on the property when traffic on Virginia Center Parkway
3922 reaches 2,500 cars per hour. We're, obviously, nowhere near that and we'll come nowhere
3923 near it. But, I bring that up to point out that this was always intended to be a high volume
3924 traffic road.

3925
3926 As far as the entrance to Route 1, that is in the process of being expanded. I think that will
3927 help alleviate some of the traffic problems you see at the intersection of Virginia Center
3928 Parkway and Route 1. But, again, this project will also help to alleviate the potential from a
3929 volume standpoint of traffic, both by the numbers of vehicles per day, and also the timing of
3930 those vehicles as they will tend to be more throughout the day than at the rush hours as you
3931 would have with an office development. Thank you.

3932
3933 Mr. Archer - How much time do I have?

3934
3935 Mr. Vanarsdall - As long as you want, Mr. Chairman.
3936 Mr. Archer - Well, this case has been extremely difficult. And not because of
3937 any lack of effort that any party has put in to try to make this work, including Mr. Merrithew,
3938 folks from the opposition, Mr. Thornton, Ms. Shiflett. Even Supervisor Thornton has
3939 attended a meeting concerning this.

3940
3941 We deferred this in August to have a meeting to see if we could come closer together, and, I
3942 honestly believe we probably got further a part than we were in the beginning.

3943
3944 Ms. Shiflett and Mr. Thornton have held quite a few meetings to try and get some input from
3945 the neighborhood, and to try and negotiate with the neighborhood to see if the problems could
3946 be resolved, or at least the perception that the problem could be resolved. I just don't think
3947 we've gotten anywhere.

3948
3949 The biggest fear seems to be that of truck traffic travelling on Virginia Center Parkway, and
3950 the fact that it would curtail the activities of people who would like to walk along Virginia
3951 Center Parkway. They feel it would also contribute to their not being safe in doing that.

3952
3953 Mr. Merrithew has expressed the point that the Office use will probably involve almost twice
3954 as much traffic as the M-1. But, relying on the fact that most of this traffic would probably be
3955 truck traffic, or at least, that's the perception, that did not seem to put a dent in the
3956 community's concern.

3957

3958 I've gotten quite a few letters, cards, and phone calls, and faxes from a lot of people, both
3959 residential and commercial, who have some station in that area. All of them seem to have the
3960 concern that they relied on the Land Use Plan, as a vehicle for some guidance as to where they
3961 were going to live or work, whatever the case may be. And that they feel that this would be a
3962 betrayal of that process. And, in listening to that argument, and I also have to be as fair to
3963 Virginia Center as I can. I think Virginia Center has been an excellent corporate citizen for
3964 Henrico County. I don't think we need to discount that fact. But in listening to that argument,
3965 its hard to make this pass the test of one of our basic fundamentals; that being of trying to
3966 make our cases contribute to the health, safety, and welfare of the community at large. I don't
3967 know how this may be resolved by the time it gets to the Board. Mr. Thornton and I have
3968 talked as late as 3:00 or 4:00 o'clock this afternoon, trying to come up with a way to resolve
3969 this. I just don't think we've been able to do it. So, for that reason, my motion is to
3970 recommend denial; recommend to the Board that we deny this case.

3971
3972 Mr. Vanarsdall seconded the motion.

3973
3974 Mr. Archer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
3975 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
3976 abstained).

3977
3978 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
3979 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors deny the
3980 request because it would have a detrimental impact on the adjoining residential neighborhood;
3981 does not conform to the recommendation of the Land Use Plan nor the Plan's goals, objectives
3982 and policies; and it failed to include the proffered conditions deemed necessary to lessen the
3983 impact of B-3 zoning on the area.

3984
3985
3986 **C-68C-98** Neil Farmer for William L. Baker: Request to conditionally rezone
3987 from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels
3988 31-A-39 and 40, described as follows:

3989
3990 Beginning at a point on the north line of Mountain Road said point being 439.01' east of the
3991 intersection of the northern line of Mountain Road and the eastern line of Bluebell Drive;
3992 thence from said point of beginning N 42° 45' 00" E, a distance of 359.35' to a point; thence
3993 N 46° 44' 00" W, a distance of 198.06' to a point; thence N 43° 16' 30" E, a distance of
3994 616.94' to a point; thence S 46° 43' 30" E, a distance of 242.72' to a point; thence N 49° 30'
3995 00" E, a distance of 21.84' to a point; thence S 45° 45' 00"e, a distance of 196.92'; thence S
3996 39° 25' 00" W, a distance of 871.04' to the north line of Mountain Road; thence along the
3997 north line of Mountain Road, a distance of 325.88' to the point of beginning, containing
3998 approximately 8.6 acres.

3999
4000 Mr. Marlles - Ms. Jo Ann Hunter will give the staff presentation.

4001
4002 Ms. Jo Ann Hunter - Good evening.

4003
4004 Mr. Archer - Is there any one here in opposition to C-68C-98? We have
4005 opposition.
4006

4007 Ms. Hunter - This request is to rezone an 8.6 acre parcel from A-1 to R-2AC for
4008 a single family residential development. The proposed use is consistent with the 2010 Land Use
4009 Plan, and is consistent with surrounding development. Laurel West Subdivision to the west is
4010 zoned R-2A and Mountain Glen to the south is zoned R-2AC.
4011

4012 The applicant has submitted a conceptual plan, but has not proffered it. It shows an 18 lot
4013 subdivision, with a BMP on the front of the property, adjacent to Mountain Road. Staff had
4014 concerns with the screening of the BMP from the roadway. The applicant has addressed this
4015 concern by submitting proffers on Tuesday, so the time limit does not need to be waived. And
4016 they've been handed out to you this evening, and added Proffer No. 6, which included a 25-foot
4017 buffer along Mountain Road, to be measured from the ultimate right of way.
4018

4019 The staff strongly encourages the connection of the roadway to Rudwick Road, which is Laurel
4020 West Subdivision. Laurel West Subdivision is 141 lot subdivision with only one entrance. The
4021 applicant has indicated a willingness and a desire to make this connection. However, it is not
4022 proffered.
4023

4024 Other proffered conditions submitted with the application ensure that the new construction will
4025 be compatible with surrounding development, in terms of house size and quality construction
4026 materials. Proffers include a minimum house size of 1,700 square feet and foundations and
4027 chimneys of brick or drivit.
4028

4029 Staff believes this is a suitable request and supports the proposal. I'd be happy to answer any
4030 questions.
4031

4032 Mr. Archer - Thank you, Ms. Hunter. Are there questions by the Commission
4033 for Ms. Hunter?
4034

4035 Mrs. Wade - Do you know why on No. 4 about the model home?
4036

4037 Ms. Hunter - They used the same proffer for the R-2A Mountain Glen across the
4038 street. That was in that one also.
4039

4040 Mr. Zehler - Is this just addressing for the model home, or does this mean that
4041 the rest of them are that way too?
4042

4043 Ms. Hunter - No. 4 is just the model home, but Nos. 2 and 3 are for all of the
4044 lots.
4045

4046 Mrs. Wade - That doesn't tell what the homes will be built out of.
4047

4048 Ms. Dwyer - Will the BMP be inside the 25-foot buffer?

4049
4050 Ms. Hunter - No. The only thing in the buffer would be additional landscaping
4051 or fencing.
4052
4053 Ms. Dwyer - Okay. "...except to the extent for utility easements, drainage
4054 easements, roads, or other purposes requested at time of POD review." That might leave the
4055 door open, then, for the BMP to be in the buffer. Is that right? Because sometimes its
4056 considered a utility, isn't it?
4057
4058 Mr. Archer - Yes. I think you're right.
4059
4060 Ms. Dwyer - Is that correct, Mr. Marlles?
4061
4062 Mr. Marlles - I'm sorry, Ms. Dwyer. I didn't hear that.
4063
4064 Ms. Dwyer - It looks to me, when I'm reading the new Proffer 6, that the
4065 wording would allow the BMP to be in the 25-foot buffer.
4066
4067 Mr. Marlles - I would interpret it that way.
4068
4069 Mr. Archer - I think the sentence, "...except to the extent necessary for utility
4070 easements, so forth..." kind of negates the purpose that we're trying to accomplish. Is that what
4071 you're saying, Ms. Dwyer?
4072
4073 Ms. Dwyer - Well, yes.
4074
4075 Mr. Archer - Okay.
4076
4077 Ms. Dwyer - It seems to run counter to the purpose of the buffer.
4078
4079 Mr. Archer - Okay. Any further questions? Thank you, Ms. Hunter. We need
4080 to hear from the applicant.
4081
4082 Mr. Neil Farmer - Mr. Chairman, members of the Commission, my name is Neil
4083 Farmer. I am the contract purchaser and proposed developer of this project. I am requesting to
4084 rezone to R-2A. I guess I'll be glad to answer any questions, and I'll reserve some time at the
4085 end for any questions or rebuttal. But, basically, I based the application on the surrounding
4086 adjacent subdivisions. The proffers that I made were similar to the Mountain Glen project,
4087 which is right across the street. Some of the proffers, like the one you were commenting on, the
4088 "model home," that's a proffer that was modeled after theirs to take care of some of the
4089 residents that had been in that neighborhood.
4090
4091 The intent is for the BMP to be in the area that's designated on the conceptual plan there, and to
4092 have a 25-foot buffer from Mountain Road to screen the BMP from Mountain Road. The
4093 wording was taken off of a proffer from another rezoning case from Henrico County. So, if it's
4094 legally not correct, it's my fault, but I took that off something that you approved or accepted a

4095 year or two ago that I could show you. So, you've got it in some other proffer that's already
4096 been through the system.

4097
4098 I did not proffer the conceptual plan, but I stated to Jo Ann and the staff that I would state for
4099 the record that it is my intention to develop the property in accordance with its conceptual
4100 plan. We have done nothing other than a tentative layout, which this is. We've done, you
4101 know, surveys and actual dimensions of the property. So, I can't say this can be done
4102 verbatim. But this is the intent to have the road to connect to Rudwick Drive and connect to
4103 Laurel West which would be better for traffic and drainage and everything else.

4104
4105 Some of the residents may have some questions about drainage. The property does drain
4106 through our property. Laurel West does not have curb and gutter, which this project would
4107 and would probably make their drainage situation better. Any questions?

4108
4109 Mr. Archer - Mr. Farmer.

4110
4111 Mr. Farmer - Yes.

4112
4113 Mr. Archer - Do see any reason why the language at the end of Proffer No. 6
4114 couldn't be deleted so that the proffer; it would have a little teeth in it if you deleted the last
4115 sentence, because the last sentence, as Ms. Dwyer said, kind of just opens it up to almost
4116 anything. I understand the fact that it might have been copied from another proffer...

4117
4118 Mr. Farmer - About the utilities and such?

4119
4120 Mr. Archer - "...except to the extent necessary for utility easements..." And
4121 that's just saying, if you need a utility easement, then that negates the proffer.

4122
4123 Mr. Farmer - Well, we have enough footage, according to my engineer. Now,
4124 I'm not an engineer, but when I was writing the proffer over with Jo Ann, I got my engineer
4125 on the phone who was here earlier, Delmonte Lewis, and you know his reputation whatever.
4126 He told me that we have enough footage to have a 25-foot buffer. But that we're also going to
4127 need to have drainage easements on the front of the property running down Mountain Road, to
4128 get the drainage off of the property. So, we're probably going to need to put some storm
4129 sewer pipe or some other utility easements right on the road there. If you drive down
4130 Mountain Road right now, there's a swale and a ditch there. We're going to need to get the
4131 drainage off of there. So, therefore, I would need a utility easement that would have to be put
4132 there. There are some Virginia Power lines. There are C&P lines there also.

4133
4134 To determine whether this project was feasible, I had to get Virginia Power to go out there and
4135 call Miss Utility and stake the power lines, and I had to go out and get an engineer to locate
4136 where the C&P lines were to see if there was enough area between Mountain Road and where
4137 the BMP was going to be to actually get the drainage off of this property to get it to drain from
4138 this property from Mountain Road off into, you know, there's another culvert on the next
4139 adjacent property. We've got to get the drainage off of that property and off of this property
4140 onto the next outfall.

4141
4142 Mr. Marlles - Sir, would you be willing to proffer that the BMP would not be
4143 located within the 25-foot buffer?
4144
4145 Mr. Farmer - Yes.
4146
4147 Mrs. Wade - But you don't have room to move the buffer back behind these
4148 easements, is what you're talking about?
4149
4150 Mr. Farmer - Well, the easements would be between Mountain Road and, I
4151 think it goes back eight feet. Then we've got a 25-foot buffer. I think we had...
4152
4153 Mrs. Wade - So, you're talking about 8 feet, plus the 25 feet?
4154
4155 Mr. Farmer - Right. I just don't have the dimensions on here. We haven't
4156 done an actual survey or whatever. So, the BMP, like, you know in a lot of subdivisions, the
4157 BMPs are large. This takes up a huge area which is fine. We've got a 25-foot buffer that
4158 we're also going to have. So, if I'm allowed to put some type of easements in the 25-foot
4159 buffer, the parcel is wooded. The area, in question, is heavily wooded. It's got a big stand of
4160 trees on it. I know Jo Ann has been out and inspected the site. It's in a natural state right
4161 now. If the 25-foot buffer wording that we've got on there leave it in a pretty much natural
4162 state, my easement that I would need for possible utilities would be in front of that on the
4163 shoulder between Mountain Road and right on the first part of the property. So, I guess, what
4164 I've got to do is, actually, take some measurements to make everything, you know, satisfied
4165 for the County. I don't have any problem with the concept.
4166
4167 Mr. Archer - I think, Mr. Farmer, that our biggest concern is, as Mr. Marlles
4168 states, that the BMP not be located in the buffer.
4169
4170 Mr. Farmer - Within the buffer? That's correct.
4171
4172 Mr. Archer - I think utility easements can be pretty well hidden. So, were you
4173 aware, sir, that there was opposition to this case?
4174
4175 Mr. Farmer - No. I was not.
4176
4177 Mr. Archer - I was not either. Well, don't let me interrupt you.
4178
4179 Mr. Farmer - I was not aware there was any opposition to this case. Mr.
4180 Baker, that owns the property right now, is not here and told me that he was not going to be
4181 present, but he's spoken to a few of the neighbors and had gotten their blessings. They did not
4182 have any problems. And I was not aware of any opposition. So.
4183
4184 Mr. Archer - Right. That was the indication that I had gotten from you when
4185 we talked last.
4186

4187 Mr. Farmer - If there's any questions or any time for rebuttal, I'd like to
4188 reserve that.
4189
4190 Mr. Archer - Okay.
4191
4192 Mr. Archer - We'll do that, sir.
4193
4194 Mr. Zehler - Mr. Farmer, could you please explain "All dwellings shall be
4195 principally constructed over crawl space." On "All dwellings shall be principally constructed
4196 over crawl space," what does "principally," mean when you're putting that in there?
4197
4198 Mr. Farmer - Well, I guess it means, principally, primarily. My crawl space is
4199 not built on slab, you know, on a foundation with block foundation.
4200
4201 Mr. Archer - Did you get this proffer also from another case?
4202
4203 Mr. Farmer - Yes. The one right across the street.
4204
4205 Mr. Archer - I was thinking that probably to mean, if a house was a tri-level or
4206 bi-level, the portion that would be in contact with the ground certainly couldn't have a crawl
4207 space in it. That's what I'm thinking he meant. That's the way I perceived it. I'm like you.
4208
4209 Mr. Zehler - I was waiting to hear him say, "garages."
4210
4211 Mr. Archer - Okay.
4212
4213 Mrs. Wade - I thought this was just another way of saying what we do say with
4214 garages and utility rooms. You mean everything but that?
4215
4216 Mr. Zehler - Your intentions are the houses all to have crawl spaces, except
4217 for bi-levels, tri-levels, or garages?
4218
4219 Mr. Farmer - That's correct.
4220
4221 Mr. Archer - So, the portion that's not in the ground would be over a crawl
4222 space?
4223
4224 Mr. Farmer - That's correct.
4225
4226 Mr. Archer - Anyone else have any more questions? I don't have any right
4227 now. I may after I hear from the opposition. Thank you, Mr. Farmer. Any one here to speak
4228 for the opposition?
4229
4230 Mr. Milton Jones - Good afternoon, I live in the Laurel West Subdivision. A couple
4231 of concerns I have is the drainage. He spoke there was no curbing in Laurel West. There is
4232 curbing in Laurel West. The problem we have there now is that the storm drains are very,

4233 very far apart. And this particular property has a lot of spring wells, or whatever you might
4234 call them. Water bubbles in this property all the time. We had a couple homes on Bluebell
4235 Drive that the land stays wet all the time no matter how hot it is. I was told one neighbor had
4236 to do the expense himself to go in and put the storm drainage in this property to get the water
4237 off of it. So, my contention is that these new homes that's going to be built adjacent to Laurel
4238 West, the biggest concern is going to be the drainage. And on Mountain Road, drainage
4239 coming off of Mountain Road into, there's one storm drain at the entrance of Laurel West.
4240 So, I'm concerned. Where are you going to dump this water?

4241
4242 Mr. Archer - Mr. Jones, is the property in question, is that above the land in
4243 Laurel West? Is it lower or higher?

4244
4245 Mr. Jones - Yes.

4246
4247 Mr. Archer - It's higher?

4248 Mr. Jones - It's higher.

4249
4250 Mr. Archer - ...than Laurel West? So, drainage would naturally run in your
4251 direction, is that what's you're saying?

4252
4253 Mr. Jones - Yes.

4254
4255 Mr. Archer - Okay. You live on Cannon?

4256
4257 Mr. Jones - I live on Cannon. And Rudrick is just the back of Cannon, which
4258 will be probably going to enter into Rudrick.

4259
4260 Mr. Archer - Are there any other concerns that you all have other than this
4261 drainage question?

4262
4263 Mr. Jones - Well, the biggest concern was the drainage, which, in turn is the
4264 storm drain and the drainage and also the size of the homes and type. But they covered all that
4265 sufficiently.

4266
4267 Mr. Archer - I believe the square footage here is a little bit higher than the
4268 average is in Laurel West.

4269
4270 Mr. Jones - Right.

4271
4272 Mr. Archer - Okay. Mr. Farmer, can you respond to the question about the
4273 drainage?

4274
4275 Mr. Farmer - I'm not an engineer, but I know that the staff of Henrico County
4276 would certainly make sure in the POD process and the plan improvement process that the
4277 drainage works adequate. When I looked at the property, my engineers told me the same thing
4278 that these people are concerned about, that seeing that the property could drain is the biggest

4279 problem. So, I've spent some money with the engineers out there draining it. They've told
4280 me that it can get drained. We would take the drainage from their subdivision. This has a
4281 depression right in the middle of the property that we would have to fill and get it to drain our
4282 property. The way it drains, you can see the BMP is on the front of the property. So, that's,
4283 obviously, the direction it drains, because Delmonte indicated to me that the only place that the
4284 BMP could go was right in the front corner of that property, which indicates that's where the
4285 drainage goes. We also have to take it out through the curb and gutter and storm sewer system
4286 right in front of the BMP. At the corner of the property, there's another outfall there in the
4287 shoulder of the road. And that's where we've got to get it to drain to get it out to Mountain
4288 Road. So, that's my layman's interpretation of the drainage. I know that my engineers have
4289 told me that it would drain. And if it doesn't drain, then they've got their Errors and
4290 Omissions Insurance. And I've spent some money for them telling me that it will drain. And I
4291 know that Henrico County Public Works Department will make sure that it drains before they
4292 approve the plans. Your department is the last step in that link. I've spent some money with
4293 the consulting engineers telling me that it will drain. I have faith in them, and I don't think
4294 they would have gone the extra mile telling me to spend the extra money, and the elevations.
4295 And we have located, you know, Virginia Power and C&P out there to make sure we could get
4296 it to drain in the shoulders from Mountain Road to there. We got on the phone and worked out
4297 that last recommendation of the staff with the buffer there. Delmonte indicated as long as we
4298 needed a utility easement, which was, basically, a drainage easement for storm sewer to go
4299 right in that shoulder in the road, there, then we'd be okay. So, that was the No. 1 concern
4300 that, you know, my engineers told me was drainage also.

4301
4302 Mr. Archer - Mr. Secretary, do we have anybody from staff here who you
4303 think can answer that question that might make the residents feel a little bit more comfortable
4304 with the answer. I understand what Mr. Farmer is saying. It seems like its up to us to make
4305 sure that the drainage does occur properly before we allow a subdivision to be built. But is
4306 there anybody here who can answer that, that would give the residents a little more level of
4307 comfort?

4308
4309 Mr. Marlles - I would ask the Assistant Director of Planning, Mr. Silber, to try
4310 to address that question.

4311
4312 Mr. Archer - Mr. Silber.

4313
4314 Mr. Randall R. Silber, Assistant Director of Planning - The County, reviewing the
4315 subdivision plat, will have its drainage engineers review all the appropriate drainage
4316 requirements. It will be required, at the time of development of the property, that they do
4317 have a positive flow off of the lots and it does flow into the storm drainage system and it will
4318 be captured and, hopefully, taken away from your subdivision. That is reviewed, very
4319 carefully, at the time when we review the subdivision plans. I would encourage you to
4320 participate in that process, as much as you can, when those plans come forward. But that is a
4321 technical requirement the Planning Commission, typically, does not get involved with. But the
4322 Department of Public Works Drainage Engineers will review it carefully.

4323

4324 Ms. Dwyer - Mr. Silber, sometimes citizens actually meet with the Drainage
4325 Engineers of the County and have their questions answered. Is that possible?
4326
4327 Mr. Silber - Yes ma'am. I would think, in this case, if there is concern, I
4328 think it would be advisable for the adjacent property owners to get with the Department of
4329 Public Works and explain your concerns so that this doesn't become an issue after development
4330 of the property.
4331
4332 Mr. Archer - Does that make you feel any more level of comfort, Mr. Jones?
4333
4334 Mr. Jones - Yes. It does. (Comments unintelligible - not at microphone).
4335
4336 Mr. Archer - I understand.
4337
4338 Mr. Jones - Laurel West sets below, which is the subdivision that we're in.
4339 The subdivision that he's planning is above. Because when you come down Mountain Road,
4340 (Comments unintelligible - not at microphone).
4341
4342 Mr. Archer - Well, the thing, I guess, that Mr. Silber is trying to explain to
4343 you is that a part of the process is that they have to show there is a positive draining before
4344 they can be allowed to continue with the subdivision. It's not something we take lightly. It's
4345 something that we take very heavily, to be honest with you. But I just want to make sure that
4346 you all have a level of confidence and that you also participate when the subdivision plans are
4347 brought. They'll have to come before us for approval also, that you meet with the developer
4348 and make sure that this is done to your satisfaction as well as nearly legally as we can do it.
4349 But I just want you to feel comfortable with that answer. I don't want you to go away just
4350 thinking we're trying to skip the answer to your questions that you brought up to us. Is that
4351 satisfactory with everyone? Okay. Yes sir. Would you like to come down and identify
4352 yourself.
4353
4354 Mr. Andrew Scush - I live on Bluebell Drive. My understanding was that this
4355 developer was going to leave 25 feet between my property and the new one he's going to
4356 build. I just want to make sure that's correct.
4357
4358 Mr. Archer - Between your property...?
4359
4360 Mr. Scush - Between the end of my property and the new one he's building.
4361 He's going to leave the wooded...
4362
4363 Mr. Archer - The 25-foot wooded buffer?
4364
4365 Mr. Scush - Yes.
4366
4367 Mr. Archer - Mr. Farmer, can you speak to that, sir?
4368
4369 Mr. Zehler - Where's your property?

4370
4371 Mr. Farmer - (Referring to slide) This is the subdivision right here. Which one
4372 of the house are you?
4373
4374 Mr. Zehler - Where is that dead end street?
4375
4376 Mr. Farmer - Right there.
4377
4378 Mr. Archer - Can you all help us out with what we're looking at?
4379
4380 Mrs. Wade - He doesn't live on Mountain Road.
4381
4382 Mr. Zehler - I can answer that question. It's not typical to buffer residential
4383 from residential.
4384
4385 Mr. Farmer - To answer that question, he lives in one of these houses that back
4386 up to where it says, it looks like Lot 7 or this lot right here. I do not plan to have a buffer. I
4387 just have always been told, I guess I've developed probably 18 to 20 subdivisions in Henrico
4388 County. And people, over the past you know, 15 years, have told me that the County does not
4389 get into buffers between two residential subdivisions, putting fences between subdivisions. So,
4390 I guess my answer is, "No." There will be building setbacks you know which will be a
4391 natural buffer. He'll have his backyard and the people who live in these houses will have their
4392 backyard. They'll be neighbors and people will put swing sets and everything else in there.
4393
4394 Mr. Archer - Mr. Farmer, if I may interject to say to the gentleman. The
4395 County does not have a requirement that there has to be a buffer between residential
4396 properties. There is a required rear yard setback. And he will have to live by that required
4397 rear yard setback, but we don't buffer residential properties from one another. It's something
4398 we just can't do. We can't require that, but we appreciate your concern. Thank you, Mr.
4399 Farmer.
4400
4401 Mr. Farmer, I have one more question I wanted to ask you. You've proffered a minimum
4402 house size of 1,700 square feet. Is that finished floor space?
4403
4404 Mr. Farmer - Yes sir. I do not have "finished floor space", but I will make it
4405 "finished floor space", so that is no problem.
4406
4407 Mr. Archer - And the other question had to do with the connection with
4408 Rudwick Road, and I understand that's something that you want to do, but you didn't proffer
4409 to do.
4410
4411 Mr. Farmer - I will state it, for the record, that I would like to intend to
4412 connect Rudwick Road.
4413
4414 Mr. Archer - Would you say that a little more positively?
4415

4416 Mr. Farmer - I intend to connect Rudwick Road after I've done all of the
4417 engineering studies that indicate I can do such. If it's anyway possible, I intend to do so. I
4418 want to do it.
4419
4420 Mr. Archer - There's a stub there. Okay.
4421
4422 Mr. Farmer - It behooves me. I get one more lot.
4423
4424 Mr. Archer - Okay.
4425
4426 Mr. Farmer - And it helps the drainage that they want also. If I don't do that,
4427 I'd have to cul-de-sac it. That's the only alternative. Delmonte Lewis told me that he wanted
4428 to connect the road. Their subdivision is about 30 years old. They've got manholes which are
4429 further apart than is required to build subdivisions nowadays. So, me connecting to their
4430 drainage system right now will help them. I'm not an engineer and I'm not a drainage
4431 engineer, but Delmonte said that when we do it, we've got to do some cutting and filling,
4432 which I'm also not an engineer, which answers their question about one property being higher
4433 and lower than the other. There's a depression in the middle of this property we've got to cut
4434 and we've got to have compacted fill. It was a problem. It's going to cost a lot of dollars to
4435 get this to drain and to get it built. It's not a normal subdivision. It's a small subdivision. So,
4436 I intend to connect the road. I have just really not done any surveys of the property.
4437
4438 Mr. Vanarsdall - Mr. Chairman, you need to get that in writing, eventually,
4439 because Mr. Farmer could sell the property the day after tomorrow.
4440
4441 Mr. Archer - Yes. I was going to suggest, Mr. Farmer, that probably,
4442 regardless of what we do it, will have to be done between now and the time the Board meets.
4443
4444 Mr. Farmer - Okay. That's fine.
4445
4446 Mr. Archer - The Secretary will make sure that is recorded so that we...
4447
4448 Mr. Farmer - That's fine. I'll spend the money and get the engineering surveys
4449 done. I'm going to promise something I can deliver. That's the only reason I didn't do it with
4450 Jo Ann was because I said the same thing to Mr. Vanarsdall. I indicated I didn't know 100
4451 percent at the time. I don't right now, but, in the next 30 days, I will.
4452
4453 Mr. Archer - All right. Any further questions for Mr. Farmer by the
4454 Commission?
4455
4456 Mrs. Wade - You're intending also to amend No. 1?
4457
4458 Mr. Farmer - To "finished floor space?" Yes ma'am.
4459

4460 Mr. Archer - I don't have any more questions if nobody else does. We were
4461 unaware there was any opposition at all on this case, but I am glad the opposition did come out
4462 and apprise us of some things that we weren't aware of.
4463

4464 I have been out and I have visited the site. I've talked with Ms. Hunter as late as this
4465 afternoon about any problems that might arise. I think, for the most part, Mr. Farmer has
4466 answered the questions that have come up tonight. I would warn you, sir, you might have to
4467 tweak this a little bit by the time the Board meets on it. But, as for now, I move to
4468 recommend C-68C-98 to the Board for approval.
4469

4470 Mr. Vanarsdall seconded the motion.

4471 Mr. Archer - Motion made by Mr. Archer, seconded by Mr. Vanarsdall. All
4472 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
4473 abstained).
4474

4475 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
4476 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors accept the
4477 proffered conditions and grant the request because it is reasonable; it is appropriate residential
4478 zoning at this location; and it reflects the Land Use Plan and future use and zoning of the area.
4479

4480
4481 Mr. Archer - Mr. Jones, stay in touch with me, please, sir. Okay, what is the
4482 next thing on the agenda, Mr. Secretary?
4483

4484 Mr. Marlles - Approval of Minutes for August 13, and September 10, 1998.
4485

4486 Acting on a motion by Ms. Dwyer, seconded by Mrs. Wade, the Zoning Minutes of August
4487 13, 1998 were approved as corrected:
4488

4489 Page 71, Line 3383 - ...Copies of letters one wrote to the other.

4490 Line 3420 - With that, I move for deferral until the September meeting.

4491 Page 83, Line 3977 - or were some of you on the Committee.

4492 Page 85, Line 4080 - I want to set the record straight as to what he planned to do.
4493
4494

4495 Acting on a motion by Ms. Dwyer, seconded by Mrs. Wade, the Zoning Minutes of September
4496 10, 1998 were approved as corrected.
4497

4498 Page 11, Line 515 - It seems like Mr. Archer asked Mr. Archer a question.

4499 Page 46, Line 2190 - Mr. Winston Read.
4500

4501 DISCUSSION: Set work session for November 17, 1998 to discuss Development Timetables
4502 Project after regular POD meeting.
4503

4504 Mr. Marlles - Mr. Chairman, Ms. Harper has asked us if we would be willing
4505 to set a work session following our POD meeting on November 17th. That is to discuss the
4506 development time tables project.
4507

4508 Mr. Vanarsdall - November 17th?
4509

4510 Mr. Marlles - November 17th, right.
4511

4512 Mr. Vanarsdall - What is it we're going to do?
4513

4514 Mr. Marlles - Well, I think the Commission has been briefed previously about
4515 the status of the development of this timetables project. I think is a further update of that
4516 project. There have been a number of work groups that have completed their work and made
4517 reports to the County Manager. I think he's somewhat anxious to bring the Commission up to
4518 speed and kind of close out that project. I believe we would also be provided with lunch. It
4519 would be up in the County Manager's Conference Room. So, if that makes any difference.
4520 Of course, its up to the Commission.
4521

4522 Mr. Archer - What is your pleasure?
4523

4524 Mr. Marlles - We can do it over lunch.
4525

4526 Ms. Dwyer - I move that we set a work session to discuss the Timetables
4527 Project after our POD meeting on November 17th.
4528

4529 Mr. Vanarsdall seconded the motion.
4530

4531 Mr. Archer - Motion made by Ms. Dwyer, seconded by Mr. Vanarsdall. All
4532 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
4533 abstained) to set a work session on November 17th with lunch after the POD meeting.
4534

4535 **RESOLUTION:** Initiation of a Major Thoroughfare Plan Amendment - MTP-2-98 - Delete
4536 Concept Road 171-1 between Williamsburg Road and Charles City Road.
4537

4538 Mr. Marlles - The next item on the agenda is a Major Thoroughfare Plan
4539 Amendment - MTP-2-98 to delete Concept Road 171-1 between Williamsburg Road and
4540 Charles City Road. Mr. Bittner is going to give a short presentation.
4541

4542 Mr. Bittner - Actually, I'm not going to give a presentation. Just answer any
4543 questions you may have.
4544

4545 Mr. Vanarsdall - Go ahead, Mark.
4546

4547 Mr. Bittner - I'm not going to make a presentation, like I said. I'll just answer
4548 any questions you may have about it. All this would do is just initiate the study process.
4549

4550 Ms. Dwyer - So, we're asking you to study this?
4551
4552 Mr. Bittner - Asking us to study the request to remove Concept Road 171-1
4553 from the Major Thoroughfare Plan.
4554
4555 Mr. Zehler - So move on the motion.
4556
4557 Mr. Vanarsdall seconded the motion.
4558
4559 Mr. Archer - Motion made by Mr. Zehler, seconded by Mr. Vanarsdall. All
4560 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
4561 abstained).
4562
4563 Mr. Marlles - Mr. Chairman, members of the Commission, the last item on the
4564 agenda, tonight, is earlier this year, the Commission did approve a calendar for 1999. We
4565 realized that one of the dates of the Commission meeting was on a holiday; November 11th.
4566 Staff is recommending that you re-approve your calendar for the upcoming year with, instead
4567 of November 11th, going with November 9th.
4568
4569 Mr. Vanarsdall - Which should be Tuesday.
4570
4571 Mr. Marlles - Correct. That would be Tuesday.
4572
4573 Mr. Zehler - It's the second Tuesday.
4574
4575 Mr. Archer - What is your pleasure?
4576
4577 Ms. Dwyer - We'll have a zoning meeting on a Tuesday?
4578
4579 Mrs. Wade - Well, that's election day. Is there any problem with that?
4580
4581 Mr. Archer - Is it Election Day?
4582
4583 Mrs. Wade - Well, it looks like it. Or is Election Day the first Tuesday after
4584 the first Monday?
4585
4586 Mr. Archer - I believe it's the first Tuesday, Mrs. Wade.
4587
4588 Ms. Dwyer - I move we adopt the 1998 schedule that amends the rezoning
4589 meeting for November, 1999 to the 9th instead of the 11th.
4590
4591 Mr. Vanarsdall seconded the motion.
4592
4593 Mr. Archer - Motion made by Ms. Dwyer, seconded by Mr. Vanarsdall. All
4594 those in favor say aye—all those opposed by saying nay. The vote is 5-0 (Mr. Donati
4595 abstained).

4596
4597 Acting on a motion by Ms. Dwyer, seconded by Mr. Zehler, the Planning Commission
4598 adjourned its meeting at 11:30 p.m. on October 15, 1998.

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4607

C. W. Archer, C.P.C., Chairman

John R. Marlles, AICP, Secretary