

1 **Minutes of the regular monthly meeting of the Planning Commission of Henrico, Virginia,**
2 **held in the Board Room of the County Administration Building, Parham and Hungary Spring**
3 **Roads at 7:00 p.m. on September 13, 2001, Display Notice having been published in the**
4 **Richmond Times-Dispatch on August 23, 2001 and August 30, 2001.**
5

6 Members Present: C. W. Archer, C.P.C., Chairperson, Fairfield
7 Elizabeth G. Dwyer, C.P.C., Vice-Chairperson, Tuckahoe
8 Ernest B. Vanarsdall, C.P.C., Brookland
9 Allen J. Taylor, C.P.C., Three Chopt
10 Eugene Jernigan, Varina
11 David A. Kaechele, Board of Supervisors, Three Chopt
12

13 Others Present: John R. Marlles, AICP, Secretary, Director of Planning
14 Randall R. Silber, Assistant Director of Planning
15 David D. O'Kelly, Principal Planner
16 Mark Bittner, County Planner
17 Thomas M. W. Coleman, County Planner
18 Lee Householder, County Planner
19 Debra M. Ripley, Recording Secretary
20 Todd Eure, Assistant Traffic Engineer, Public Works
21

22 Mr. Archer - The Planning Commission will come to order. Good evening everyone.
23 Mr. Secretary, before we begin, I am aware that there are people present who have been directly
24 affected by the events of last Tuesday and probably there are some here who I don't know about, and in
25 reality I think we have all been affected to some degree and I don't think life on earth will ever be again
26 the way we are used to seeing it, but anyway, on behalf of the Commission I would like to offer
27 condolences to those people who have been personally affected, and, then secondly, to the rest of all of
28 us. And we suffered a great loss that I don't think that we can measure. With that, Mr. Secretary, I will
29 turn it over to you.
30

31 Mr. Marlles - Mr. Chairman, we do have a quorum tonight. All of our Commission
32 members are here and present. The first item on the agenda is Request for Deferrals and Withdrawals,
33 and that will be handled by Mr. Mark Bittner.
34

35 Mr. Archer - Good evening, Mr. Bittner.
36

37 Mr. Bittner - Good evening. I would like to point out that we have gotten one more
38 deferral request beyond the three that you see on the list tonight. That is for the very first case on the
39 agenda, POD-42-01, Balzer and Associates for HHHunt Corporation and WSG Development Company.
40

41 **PLAN OF DEVELOPMENT (Deferred from the July 25, 2001, Meeting)**

POD-42-01 **Balzer & Associates, Inc. for HHHunt Corporation and WSG**
Spring Oak Retail - **Development Company:** Request for approval of a plan of
W. Broad Street and Spring development, as required by Chapter 24, Section 24-106 of the
Oak Drive the Henrico County Code to construct a one-story, 5,780 square foot
retail facility. The 0.71 acre site is located at the southeast corner of
W. Broad Street (U.S. Route 250) and Spring Oak Drive at 11591 W.
Broad Street on parcel 36-A-51. The zoning is B-1C, Business District
(Conditional). County water and sewer. **(Three Chopt)**

42
43 Mr. Bittner - They have asked for a two-week deferral until the September 26, 2001
44 Plan of Development meeting.
45

46 Mr. Archer - Thank you. Is there anyone here in opposition to the deferral of POD-
47 42-01? No opposition. Mr. Taylor.

48
49 Mr. Taylor - Mr. Chairman, I move deferral of POD-42-01, Spring Oak Retail, to
50 September 26, 2001, at my request.

51
52 Mr. Vanarsdall - Second.

53
54 Mr. Archer - Motion by Mr. Taylor and seconded by Mr. Vanarsdall. All in favor of the
55 motion say aye. Those opposed say no. The motion carries.

56
57 The Planning Commission deferred POD-42-01, Spring Oak Retail, West Broad Street and Spring Oak
58 Drive, to its meeting on September 26, 2001.

59
60 Mr. Bittner - The next deferral is Case C-49C-00.

61
62 **THREE CHOPT:**

63 **Deferred from the March 8, 2001 Meeting**

64 **C-49C-00 James W. Theobald for Tascon Group, Inc.:** Request to amend
65 proffered conditions accepted with rezoning case C-45C-99, on Parcels 58-A-3, 6 and 6A and part of
66 Parcels 58-A-4 and 5, containing approximately 38.3 acres, located on the north line of Three Chopt Road
67 at its intersection with Pell Street. The amendment would allow a condominium development in place of
68 a detached single-family development and assisted living facility. The Land Use Plan recommends Urban
69 Residential, 3.4 to 6.8 units per acre, and Environmental Protection Area.

70
71 Mr. Bittner - I'd like to point out there is a mistake on our list of deferrals. The
72 statement says it is deferred to October 11 and the applicant has requested a deferral to the March 14,
73 2002 Planning Commission meeting.

74
75 Mr. Kaechele - What is that, six months?

76
77 Mr. Bittner - I believe it is six months, but I am not sure. March 14, 2002. This is a
78 request to amend proffered conditions accepted with Case C-45C-99 containing approximately 38 acres
79 located on the north line of Three Chopt Road at its intersection with Pell Street. The amendment would
80 allow a condominium development in place of the detached single-family development and assisted living
81 facility.

82
83 Mr. Archer - All right. Is there anyone here opposed to this deferral? We have
84 opposition to the deferral. All right, Mr. Taylor. How do you want to handle this?

85
86 Mr. Taylor - Well, let's hear from the opposition, Mr. Chairman.

87
88 Mr. Archer - Do we want to do that? Is that OK, Mr. Secretary?

89
90 Mr. Marlles - We can find out if they have a question or if there really is opposition.

91
92 Mr. Archer - OK. Will someone from the opposition come forward to speak to the
93 issue, please?

94
95 Mr. David Kovacs - Hello. My name is David Kovacs and I have been before you several
96 times on this property before. We had extensive discussions six months ago at which time we objected
97 to the deferral at that point and time. This is the fourth time we have been here, and again this is
98 beginning to be like going to the dentist every six months for your check-up, and I think the pain is

99 getting worse as we keep coming back here. I wish you would remove the abscess that I have and
100 reject this deferral, and when a real proposal comes forward on this property, then have them file the
101 proper papers again and start up with a real case.
102

103 Just to reiterate the history on this, the request to amend the proffers was made in May, 2000. In June,
104 2000, I met with Mr. Taylor, your Planning staff, neighborhood people and the applicant. We pointed out
105 real concerns with the developability of the proposal and we were told by the attorney representing the
106 client at that time that time was of the essence, and there definitely would not be a continuation. The
107 staff report was written up containing our comments that we put forward and there was a request for
108 continuation made and it was granted in the first one. Just before the September 14th hearing, actually
109 on September 11th, the Planning staff received a fax stating that the site is more of a challenge to
110 develop its product than they originally thought and, therefore, they would like this time to explore
111 alternatives. A continuation was granted and the person that was involved with the project at that time
112 with the product as a developer is no longer with the project. Prior to the next scheduled hearing, a
113 request was filed to continue conducting engineering studies. At that hearing, we came forward and we
114 asked, "What are the ground rules for continuances," and we don't want to have to be back here in
115 another six months at the same place we were six months ago, and there was general discussion. There
116 was discussion about adequate progress being made, development plans going ahead but some problems
117 holding them up. Well, here we are six months later, myself will speak, Richard will speak, and we are
118 no further than we were the last time.
119

120 Mr. Archer - Mr. Kovacs, if I may interrupt you sir, I understand why you are
121 speaking. Perhaps Mr. Taylor could have the applicant come forward and we could request knowing why
122 we have to defer this again for this period of time.
123

124 Mr. Taylor - I think that is an excellent idea, Mr. Chairman.
125

126 Mr. Archer - Mr. Theobald.
127

128 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald I'm here
129 on behalf of the Tedesco family, the owners of this property. As you know the site is a challenging site
130 to develop and the original developer terminated his contract. We have been negotiating with a variety
131 of other potential purchasers of this site, all of whom would benefit greatly by being able to pick up this
132 application and amend it to the extent that it would require further amendment, and as such I think you
133 would be doing a courtesy and a favor to the property owner for him to keep the case alive so that he
134 doesn't have to sit out a year in order to bring back a substantially similar case and also has the benefit
135 of the filing fees that were not insubstantial in bringing this matter forward. I submit to you that
136 sometimes when we have had problems with deferrals I think there's a belief that you're trying to gain
137 some advantage over perhaps opposition. I assure you that's not the case. I believe that keeping this
138 matter on your agenda for another six months does nobody any harm whatsoever, and I believe that the
139 Tedescos would very much appreciate your consideration of this request. It's not like staff has had to
140 spend continued time on the matter, and we would appreciate being able to move forward with this
141 particular developer with whom I've had discussions as recently as two days ago.
142

143 Mr. Archer - Mr. Taylor do you have any questions for Mr. Theobald?
144

145 Mr. Taylor - I just would like to make a statement for Mr. Theobald. That the site
146 has proven in the past to be what we would call a challenging site particularly for the original use. Is
147 there relative reason to believe that the next significant use would be different enough from the original
148 premise that this would be an acceptable site for this project?
149

150 Mr. Theobald - I believe so. The uses that are being discussed are not greatly
151 inconsistent with the uses already permitted for the property, but would likely still require some

152 amendments to proffers. The case that was originally filed on behalf of Tascon Group, as you know from
153 recent cases that quad-style condominium products that they build has an enormous footprint on the
154 ground and on slab construction. And that foot, the size of that footprint made it difficult to work
155 through the areas that were sensitive on the site. Other types of development, such as more traditional
156 town homes, you know even assisted living facility can better work, I think, with the land than the large
157 footprints that were being contemplated by Tascon.

158
159 Mr. Taylor - Would the intensity of the use from the previous use that slab on grade
160 to the future use, which are separate foundations, would the net coverage of the site be greater less?

161
162 Mr. Theobald - I honestly couldn't tell you.

163
164 Mr. Taylor - Would we be perhaps benefited by a greater environmental sensitivity?

165
166 Mr. Theobald - I think anyone who is going to develop that site successfully, given the
167 limitations, is going to have to pay great deal of attention to those issues, so I believe the answer is yes.
168 I mean this new proposed contract purchaser has not completed any notion of a site plan, so I don't
169 want to mislead you that I've, that he's got a product ready to go with a site plan. But I believe that by
170 definition your statements got to be correct.

171
172 Mr. Taylor - Therefore, to help the Thedesco family you think we can...

173
174 Mr. Theobald - It would help them and I honestly don't think it hurts anybody to
175 approve this request.

176
177 Mr. Taylor - All right, thank you sir.

178
179 Mr. Archer - Mr. Theobald before you sit down, do you feel that by granting another
180 six month deferral that this will be more ready at that point and time or could it be done earlier?

181
182 Mr. Theobald - I think by the time somebody does, continues the extensive due
183 diligence and picks up a geotechnical studies that have been done, plans their project and rework with
184 neighbors, staff and you all again, that we probably won't be ready to come to a public forum for that
185 period of time. If I thought we could it in shorter period I certainly would have asked for that. so as not
186 to have to come back and ask you for more time.

187
188 Mr. Marlles - Mr. Chairman, this case has been deferred twice before for six-month
189 periods. One option that the Commission could consider is if you're inclined to grant another six-month
190 deferral, you could direct that that would be the last six-month deferral that you would be granting.

191
192 Mr. Archer - Thank you sir.

193
194 Mr. Theobald - Thank you.

195
196 Mr. Vanarsdall - In other words it's not likely that you would be, Mr. Theobald, not likely
197 you will be asking for another deferment at all, is it? I know you can't guarantee that at this hour.

198
199 Mr. Theobald - I can't image that I'm going to be able to impose on your good graces,
200 yet again in all candor, obviously, if the client asks me to come defer it, then I'm duty bound to come do
201 it, but I would hope that that would not be necessary. I certainly hear what you're saying.

202
203 Mr. Vanarsdall - Thank you.

204

205 Mr. Taylor - Mr. Theobald, is there anybody here from the Tedesco family tonight?
206
207 Mr. Theobald - No, sir.
208
209 Mr. Taylor - Thank you.
210
211 Mr. Archer - All right. Mr. Taylor.
212
213 Mr. Taylor - Mr. Chairman, if I could I would like for Mr. Kovacs again to come up to
214 the podium.
215
216 Mr. Archer - All right, Mr. Kovacs, are you still here?
217
218 Mr. Vanarsdall - And don't forget this is just a deferment, its not a hearing.
219
220 Mr. Archer - We need to move along.
221
222 Mr. Kovacs - Yes, sir.
223
224 Mr. Taylor - Having gone over this site and having heard these conditions, and I
225 understand and you'll understand probably by the two of us going over the area that there are some
226 specific environmental and some specific geological conditions that need to be taken into view and into
227 consideration if we are going to develop that site. Now with that and the fact that we had a slab on
228 grade before and it was a little more intense. I think they were thinking about this time, and in both
229 cases I would hope that there's significant opportunity for us to handle the environmental challenges that
230 we face. What then do you see would be the disadvantage of going ahead and granting the family a six-
231 month deferral?
232
233 Mr. Kovacs - I don't believe we know what's in front of us, or the Commission knows
234 what's in front of you. Mr. Theobald last time said, you know, it's the fees and its, as he said as I knew,
235 which I didn't know, that if it was withdrawn they would be denied for a year for coming back to submit a
236 proposal. Well later I read your code and it said a similar proposal. Well is it similar to what, is it similar
237 to the approved project, is it similar to the amended conditions that are before you today? Are there two
238 projects out there that a third project would be deemed considerable too? I think it's pretty realistic to
239 say that we're not going to see either one of the first two. so whatever comes again is going to be
240 substantially different from what's approved. I think you are better to clear the boards, so that the next
241 time you get a staff report says here's the proposal and here's what's going on, and we don't have to
242 deal with a lot of the past stuff and this intermediate stuff. I think you know we always say run
243 government like business. Two years it will be before this thing comes back. These mailings that go out,
244 putting the signs up, taking the signs down, sending mailings out, frustrations, I mean since I'm here,
245 yes, I'm frustrated. It doesn't hurt anybody you know, people in our neighborhood, you know, think
246 what does it mean to have a sign out, what does it mean to have a hearing if its going to be continued
247 again, its going to be deferred? The agent brings his request in today. Is it going to be deferred? Is it
248 going to be continued? We don't know what's going on with it. I'm frustrated, and you know I've been
249 here eleven times on this property, four times on this continuation. So yes, I'm hurt.
250
251 Mr. Archer - OK, Mr. Taylor, I guess we need to make a decision so we can get on
252 with the agenda.
253
254 Mr. Taylor - Mr. Chairman, in view of the past history and in view of the needs or the
255 finances lets say the economics of the Tedesco family, I'm going to move that we defer this for six
256 months at my request.
257

258 Mr. Archer - Did you want to add that this will be the last one?
259
260 Mr. Taylor - Yes sir, this will be the last until we, this will be the last time that we do
261 this.
262
263 Mr. Theobald - That would need to be at my request.
264
265 Mr. Taylor - All right.
266
267 Mr. Theobald - It needs to be at my request so you don't run out of time. I appreciate
268 your offer.
269
270 Mr. Taylor - All right.
271
272 Mr. Theobald - So you don't run out of time. We're going to have a problem if we do
273 that at your request. Please let me take it at my request
274
275 Mr. Taylor - Thank you. Mr. Theobald for presenting me from having problems. I'll
276 rephrase that. The fellow with the red tie will pay for it.
277
278 Mr. Vanarsdall - Was that a motion?
279
280 Mr. Taylor- That is a motion.
281
282 Mr. Vanarsdall - All right. I will second the motion.
283
284 Mr. Archer - Motion by Mr. Taylor and seconded by Mr. Vanarsdall. Those in favor of
285 the motion say aye. All opposed say no. The ayes have it. The deferral is granted one last time. Thank
286 you, Mr. Theobald. Thank you, Mr. Kovacs.
287
288 At the applicant's request, the Planning Commission deferred Case C-49C-00, James W. Theobald for
289 Tascon Group, Inc. to its meeting on March 14, 2002. The vote was 5-0. Mr. Kaechele abstained.
290
291 **P-10-01 Richard Moseley for American Tower:** Request for a provisional use
292 permit under Sections 24-95(a) and 24-122.1 of Chapter 24 of the County Code in order to construct and
293 operate a 150' telecommunications tower and related equipment on part of Parcel 235-A-17, containing
294 10,000 square feet (0.223 acre), located on the west side of Osborne Turnpike south of Cornelius Creek
295 and approximately 1,000 feet south of proposed I-895 right-of-way (under construction). The existing
296 zoning is A-1 Agricultural District. The Land Use Plan recommends Rural Residential, up to 1.0 units net
297 density per acre, and Environmental Protection Area.
298
299 Mr. Bittner - Mr. Chairman, the next application for deferral is on page 3 of your
300 agenda.
301
302 Mr. Archer - OK, and how long is the deferment requested for?
303
304 Mr. Bittner - Deferral is one month to October 11th.
305
306 Mr. Archer - All right. Is there anyone here opposed to the deferment of P-10-01?
307 All right, Mr. Jernigan.
308
309 Mr. Jernigan - Mr. Chairman, I make a motion that we defer P-10-01 until October 11th
310 by request of the applicant.

311
312 Mr. Taylor - Second.
313
314 Mr. Archer - Motion by Mr. Jernigan and seconded by Mr. Taylor. All in favor of the
315 motion say aye. Those opposed say no. The ayes have it. The motion is granted.
316
317 At the request of the applicant, the Planning Commission deferred Case P-10-01, Richard Moseley for
318 American Tower to its meeting on October 11, 2001. The vote was 5-0. Mr. Kaechele abstained.
319
320 **P-11-01 Ralph Axelle, Jr. for The American Legion, Dept. of VA, Inc.:**
321 Request for a provisional use permit under Sections 24-51.1(a) and 24-122.1 of Chapter 24 of the County
322 Code in order to use the property and existing building as a meeting place and offices for the Virginia Division
323 of the American Legion and the American Legion Auxillary, on Parcels 93-A-11, containing 3.558 acres,
324 located on the east line of Bethlehem Road approximately 170 feet north of Dickens Road. The existing
325 zoning is A-1 Agricultural District. The Land Use Plan recommends Government.
326
327 Mr. Bittner - The next and final deferral request for tonight is on page 4 of your
328 agenda. The deferral request is to the October 11, 2001 meeting.
329
330 Mr. Archer - All right, is there opposition to this deferment P-11-01? No opposition.
331 Mr. Vanarsdall.
332
333 Mr. Vanarsdall - Mr. Chairman, I move that P-11-01, Ralph Axelle, Jr. for American
334 Legion Department of Virginia, Inc. be deferred for 30 days to October 11th at the applicant's request.
335
336 Ms. Dwyer - Second.
337
338 Mr. Archer - Motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer. All in
339 favor of the motion say aye. All opposed say no. The ayes have it. The motion carries.
340
341 At the applicant's request, the Planning Commission deferred P-11-01, Ralph Axelle, Jr. for The
342 American Legion, Dept. of VA, Inc., to its meeting on October 11, 2001. The vote was 5-0. Mr. Kaechele
343 abstained.
344
345 Mr. Archer - All right. No withdrawals?
346
347 Mr. Marlles - No sir. Mr. Chairman, the next item on your agenda are items that are
348 requested for expedited approval. Mr. Bittner.
349
350 **C-52C-01 Foster & Miller, P.C. for Regional Development Co., LLC:** Request to
351 amend proffered conditions accepted with rezoning case C-48C-97, on part of Parcel 157-A-13, containing
352 15.179 acres, located on the north line of Meadow Road approximately 700 feet west of Taylor Road. The
353 amendment is related to Proffer 10, minimum lot widths. The Land Use Plan recommends Suburban
354 Residential 1, 1.0 to 2.4 units net density per acre.
355
356 Mr. Bittner - The first expedited agenda item is in the Varina District, it's at the
357 bottom of page 3 of your agenda, Case C-52C-01. The request would reduce the minimum lot width
358 from 75 feet to 73 feet.
359
360 Mr. Archer - OK. Is there opposition to this case, C-52C-01? No opposition, Mr.
361 Jernigan.
362

363 Mr. Jernigan - Mr. Chairman, I'll make a motion to approve Case C-52C-01. This was a
364 case where the County had to take some additional land for the road and this is just to straighten the
365 proffers out.

366
367 Mr. Vanarsdall - Second.

368
369 Mr. Archer - Motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
370 Those in favor of the motion say aye. Those opposed say no. The ayes have it. The motion carries. The
371 vote was 5-0. Mr. Kaechele abstained.

372
373 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Vanarsdall, the Planning Commission
374 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because the
375 change does not greatly reduce the original intended purpose of the proffer.

376
377 Mr. Bittner - Thank you Mr. Archer. The next expedited item is at the bottom of page
378 4 of your agenda.

379
380 **C-53C-01 Jack R. Wilson, III for Newco Properties, Inc.:** Request to
381 conditionally rezone from O-3 Office District to B-3C Business District (Conditional), part of Parcel 92-A-24,
382 containing approximately 0.255 acre (11,100 square feet), located at the Brookfield Office Park entrance on
383 the east line of West Broad Street (U.S. Route 250) at its intersection with Forest Avenue approximately 170
384 feet south of the I-64 exit and approximately 700 feet north of Dickens Road. A variable message sign is
385 proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land
386 Use Plan recommends Office.

387
388 Mr. Archer - All right. Is there anyone here who is opposed to this case, C-53C-01? I
389 see no opposition, Mr. Vanarsdall.

390
391 Mr. Vanarsdall - I move that C-53C-01, Jack R. Wilson for Newco Properties, Inc. be
392 recommended to the Board for approval on the expedited agenda.

393
394 Mr. Taylor - Second.

395
396 Mr. Archer - Motion by Mr. Vanarsdall and seconded by Mr. Taylor. All in favor of the
397 motion say aye. All opposed say no. No opposition. The motion carries. The vote was 5-0. Mr. Kaechele
398 abstained.

399
400 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission voted
401 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it would
402 not be expected to adversely affect the pattern of zoning and land use in the area.

403
404 **C-55-01 QMT for Gregory Windsor:** Request to rezone from R-2C One Family
405 Residence District (Conditional) and C-1 Conservation District to C-1 Conservation District, part of Parcel 64-
406 A-26, containing approximately 7.2 acres, located along the west line of the Chickahominy River and at the
407 south line of Faith Landmark Ministries. A conservation area is proposed. The Land Use Plan recommends
408 Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

409
410 Mr. Bittner - The third and final expedited item is on page 5 of your agenda in the
411 Fairfield District, case C-55-01 QMT for Gregory Windsor.

412
413 Mr. Archer - All right. Is there anyone here who is opposed to this case, C-55-01?
414 Seeing no opposition, I move approval of C-55-01.

415

416 Ms. Dwyer - Second.
417
418 Mr. Archer - Motion by Archer and seconded by Ms. Dwyer. All in favor of the motion
419 let it be known by saying aye. Those opposed say no. The ayes have it. Recommendation for approval is
420 granted. The vote was 5-0. Mr. Kaechele abstained.
421
422 REASON: Acting on a motion by Mr. Archer, seconded by Ms. Dwyer, the Planning Commission voted 5-0
423 (one abstention) to recommend that the Board of Supervisors **grant** the request because it conforms
424 with the objectives and intent of the County's Comprehensive Plan.
425
426 Mr. Bittner - We are ready to move onto public hearings.
427
428 Mr. Archer - Yes, sir.
429
430 Mr. Marlles - Yes, sir.
431
432 Mr. Bittner - All right.
433
434 Mr. Archer - Mr. Secretary, anything else to introduce?
435
436 **C-49C-01 Frederick D. Edwards for Mark E. Caskey:** Request to conditionally
437 rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional), part of Parcel 58-
438 2-A-10 and Parcel 58-2-A-11, containing 4.38 acres, located at the south east intersection of Pemberton
439 Road and Mayland Drive (Broad Acres Subdivision). Residential townhouses for sale are proposed. The
440 applicant proffers no more than 33 units to be developed on the property. The Land Use Plan recommends
441 Urban Residential.
442
443 Mr. Archer - Is there anyone here in opposition to this case? Mr. Bittner.
444
445 Mr. Bittner - Thank you, Mr. Archer. This property is partly wooded and fronts on the
446 eastern side of Pemberton Road. The county has acquired the right-of-way for extension of Mayland
447 Drive between Pemberton and the Culpepper Farms Apartments to the east. Some clearing has already
448 taken place along this future corridor. The applicant has submitted a conceptual layout plan for this site.
449 It shows entrances on both Pemberton Road and future Mayland Drive. The layout also shows 33 units
450 with 25-foot landscape buffers along both Pemberton and Mayland. A proffered building elevation has
451 also been submitted. It shows a very attractive design with colonial style elements. These elements
452 include brick building materials, dormer windows, and varying doorway and window designs. The
453 proffers submitted with this proposal provide many positive items including a minimum house size of
454 1,400 square feet and sound suppression measures between units. The proffers have also been revised
455 to address the comments in the staff report. We have passed those revised proffers out to you tonight.
456 The new proffers include the following: the 25 foot buffers along Pemberton and Mayland will now be in
457 addition to required setbacks, and the site plan already reflects this standard; brick building materials on
458 the fronts of units and the sides of units that face the street or interior driveway area have also been
459 proffered; ground-mounted project identification signage no more than 6 foot in height has been
460 provided; and the applicant has prohibited cantilevered chimneys, gas vent units and closets. In
461 summary, the proposed zoning is an appropriate use for this property. The current proffers do address
462 the comments in the staff report although the time limit would need to be waived to accept them. They
463 were submitted yesterday. Staff recommends approval of this application. I would be happy to answer
464 any questions you may have.
465
466 Mr. Archer - Thank you, Mr. Bittner. Are there questions from the Commission for
467 Mr. Bittner?
468

469 Ms. Dwyer - Mr. Bittner, the wet pond along Pemberton Drive, will that be an amenity
470 or a feature or will that simply be a wet pond?
471
472 Mr. Bittner - Well, it is a required BMP, but we have already suggested to the
473 applicant in the staff report that landscaping around that will be a key issue, that he should look carefully
474 at the POD stage because of it's fronting along Pemberton. It needs to be carefully designed to be
475 aesthetically pleasing.
476
477 Ms. Dwyer - So at this stage it's just going to be a functional BMP and we're
478 recommending landscaping to hide it from view from the public along Pemberton. It is going to be
479 treated as a water feature?
480
481 Mr. Bittner - We don't have all those details. Maybe the applicant has some more. I
482 don't think that we were suggesting it necessarily be hidden, but to just be enhanced and to be visually
483 attractive, although I think a lot of people would probably recognize it as a BMP facility.
484
485 Ms. Archer - All right, any further questions for Mr. Bittner? All right, we ready for
486 motion.
487
488 Ms. Dwyer - Mr. Taylor, I would like to hear about the applicant's plans for the pond.
489
490 Mr. Taylor - Is the applicant here? Would you please yield to Ms. Dwyer's request
491 and describe a pond or dry pond or wet pond or water feature?
492
493 Mr. Edwards - Hi, my name is Freddie Edwards, I'm with the JH Corporation
494 representing Mark Caskey and Bartley Pond the project. It's not our intention to hide the pond as a
495 normal type BMP, which is usually pretty unattractive, but to put a fountain in the pond, and to landscape
496 it extensively so that it becomes a water feature to the property, something that will draw people to walk
497 there, maybe, as opposed to a standard type common area that would be along the side or rear.
498
499 Ms. Dwyer - Would there be fencing around it or plans to do that?
500
501 Mr. Edwards - No.
502
503 Ms. Dwyer - No plans to do that.
504
505 Mr. Edwards - Landscaping and possibly somewhere to sit and a place to walk, possibly
506 to walk their dog or something like that. There are some migratory ducks that come there every year
507 that Mr. and Mrs. Bartley have enjoyed. So we don't want to do anything, obviously, to keep them from
508 coming back every year.
509
510 Mr. Taylor - But that pond basically has existed for a number of years, and it's not as
511 I see it, it's not terribly deep to pose a hazard of anybody in the neighborhood.
512
513 Mr. Edwards - No, it is not very deep. It is about 15" deep in the center and it's been
514 there, the property owners have been there 47 years; it's been there since they've owned the property.
515
516 Mr. Taylor - So you would be willing to attractively landscape it?
517
518 Mr. Edwards - Definitely. We intend to use it as a feature of the property, which is why
519 we call it Bartley Pond.
520
521 Ms. Dwyer - Thank you.

522
523 Mr. Archer - All right. Any further questions before he takes a seat? Thank you sir.
524 All right, Mr. Taylor.
525
526 Mr. Taylor - I move approval of Case C-49C-01
527
528 Mr. Archer - Mr. Taylor, I think we need to approve the, need to waive the time
529 limits.
530
531 Mr. Vanarsdall - Yes, waive the time limits on the proffers.
532
533 Mr. Taylor - I'll move to waive the approval of the time limits on the proffers.
534
535 Mr. Vanarsdall - Second.
536
537 Mr. Archer - Motion by Mr. Taylor and seconded by Mr. Vanarsdall. Those in favor of
538 the motion say aye. Those opposed say no. The ayes have it. The time limits are waived.
539
540 The Planning Commission approved waiving the time limits on Case C-49C-01, Frederick D. Edwards for
541 Mark E. Caskey. The vote was 5-0. Mr. Kaechele abstained.
542
543 Mr. Taylor - Mr. Chairman, I'll move approval of Case C-49C-01.
544
545 Mr. Vanarsdall - Second.
546
547 Mr. Archer - Motion by Mr. Taylor and seconded by Mr. Vanarsdall. Those in favor of
548 the motion say aye. Those opposed say no. The ayes have it. The motion is granted. The vote was 5-0.
549 Mr. Kaechele abstained.
550
551 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning Commission voted
552 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it reflects
553 the type of residential growth in the area, it complies with the adopted Land Use Plan, and the proffered
554 conditions assure a level of quality not otherwise possible.
555
556 Mr. Archer - This might be an opportune time to mention, and I've been asked to
557 and I think we need to reiterate this from time to time about having proffers submitted in a timely
558 fashion so that we won't have to waive the time limits on it. And as they say, a hint to the wise is
559 sufficient, so I'll leave it at that.
560
561 **C-50C-01 Balzer & Associates, Inc. for John W. & Luitgard H. Webb:** Request
562 to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional),
563 Parcel 18-A-16, containing approximately 14.7 acres, located on the east line of Shady Grove Road
564 approximately 525 feet south of Old Nuckols Road. A single-family residential subdivision is proposed. The
565 R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends Suburban
566 Residential 2, 2.4 to 3.4 units net density per acre, and Environmental Protection Area.
567
568 Mr. Marlles - The staff report will also be given by Mr. Bittner.
569
570 Mr. Archer - Thank you sir. Is there anyone present in opposition to Case C-50C-01?
571 All right, Mr. Bittner.
572
573 Mr. Bittner - Thank you, Mr. Chairman. This proposal would yield approximately 44
574 single-family homes. The site is mostly wooded and is in an area with much new and future

575 development. Directly south of the site is the future Shady Grove Park. Further to the south is the new
576 West Area High School. The Twin Hickory Planned Community is under development to the southeast.
577 To the north is the new Townes at Shady Grove Townhouse Development and to the west across Shady
578 Grove Road are two future single-family subdivisions, Mill Race and Hampshire South. The proffers
579 submitted with this proposal provide many quality items including underground utilities, brick or stone
580 foundations and minimum house sizes of 1,800 square feet for ranchers and 2,200 square feet for two
581 story dwellings. The proffers have also been revised to address the comments in the staff report. And
582 again, I would like to point out that the time limit would need to be waived on these as well. They were
583 submitted yesterday, also. The revised proffers include the following: a 25-foot greenbelt for landscaping
584 along Shady Grove Road. This greenbelt would be an addition to required building setbacks. It will also
585 include landscaping equivalent to transitional buffer 25 as defined in the zoning ordinance and BMPs
586 would also be prohibited within it. Cantilevered chimneys and closets have been prohibited and they will
587 have foundations matching the house foundation. A sidewalk along Shady Grove Road in front of the
588 subdivision has been provided and both the Hampshire South and The Townes at Shady Grove
589 developments will also have sidewalks along Shady Grove Road. Fencing within 15 feet of Shady Grove
590 Road has been limited to no more than 42" in height. A 20-foot pedestrian trail connection to Shady Grove
591 Park has been provided along the sites southern border. This connection will include a paved or graveled
592 footpath at least 5 feet in width. In summary, the proposed zoning is consistent with the Suburban
593 Residential II designation of the property. The new proffers provide several positive items and address the
594 issues in the staff report. Staff recommends approval of this application and I'd be happy to answer and
595 questions you may have.

596
597 Mr. Archer - Thank you, Mr. Bittner. Are there questions from the Commission?

598
599 Mr. Kaechele - The access to the new park site, does that run along the whole southern
600 line or is there a trail?

601
602 Mr. Bittner - The exact location of that would be determined at the subdivision stage.
603 What this is the POD for the park. The rezoning site is on this property up here (referring to slide).

604
605 Mr. Kaechele - OK.

606
607 Mr. Bittner - And you might see this dashed line (referring to slide), that is a planned
608 trail through the park and the idea would be to have a trail connection from that over to the subdivision.

609
610 Mr. Kaechele - OK.

611
612 Mr. Bittner - And as you are probably aware, we've done similar type facilities in Deep
613 Run Park.

614
615 Mr. Archer - All right. Any further questions? Mr. Bittner, were these proffers on time?

616
617 Mr. Bittner - No, the time limit would need to be waived. They came in yesterday.

618
619 Mr. Archer - No other questions from the Commission? Mr. Taylor, you have any
620 questions? Would you like to hear from the applicant?

621
622 Mr. Taylor - No sir, Mr. Chairman. I agree with Mr. Bittner that this is keeping with the,
623 this project is in keeping with the high quality nature development in the area. It's consistent in the
624 neighborhood with the other neighbors and it takes adequate recognition of the facilities that are in that area
625 and I think it's going to be another positive addition to Henrico real estate. So I will move approval of the, or
626 I wanted to waive the proffers in the case of C-50C-01.
627

628 Mr. Vanarsdall - Second.
629
630 Mr. Archer - OK. Motion to waive the time limit made by Mr. Taylor and seconded by
631 Mr. Vanarsdall. All in favor of the motion say aye. Those opposed say no. The ayes have it. The motion
632 is approved, and now the case.
633
634 The Planning Commission approved waiving the time limit for the proffers for Case C-50C-01. The vote
635 was 5-0. Mr. Kaechele abstained.
636
637 Mr. Taylor - So with that Mr. Chairman, I will move approval of the basic project,
638 Case C-50C-01.
639
640 Mr. Vanarsdall - Second.
641
642 Mr. Archer - Motion by Mr. Taylor and seconded by Mr. Vanarsdall. Those in favor of
643 the motion say aye. Those opposed say no. The ayes have it. The motion is granted. The vote was 5-
644 0. Mr. Kaechele abstained.
645
646 REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Vanarsdall, the Planning Commission voted
647 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is
648 appropriate residential zoning at this location, it complies with the Land Use Plan, the proffered
649 conditions assure a level of quality not otherwise possible, and it would provide greater access to
650 adjacent public facilities.
651
652 **Deferred from the August 9, 2001 Meeting**
653 **C-37C-01 Robert Stout for The Dakota Group, Ltd.:** Request to conditionally
654 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcel 192-A-20,
655 containing 8.254 acres, located on the west line of Midview Road approximately 70 feet south of Habersham
656 Drive and on the north property line of Varina Station Subdivision. Single-family residential development is
657 proposed. The applicant proposes no more than twenty (20) lots. The Land Use Plan recommends
658 Suburban Residential 1, 1.0 to 2.4 units net density per acre.
659
660 Mr. Marlles - Staff report will be given by Mr. Lee Householder.
661
662 Mr. Archer - Is there opposition to C-37C-01? We have opposition. Mr. Householder.
663
664 Mr. Householder - Mr. Chairman, it's my understanding that there is an intention to defer
665 the case from Mr. Jernigan.
666
667 Mr. Archer - OK, Mr. Jernigan.
668
669 Mr. Jernigan - I'm going to use my Commission deferral.
670
671 Mr. Archer - OK.
672
673 Mr. Jernigan - But Ms. Roberts is here. Do we normally hear opposition if the case is
674 deferred?
675
676 Mr. Archer - We don't necessarily need to when it's being deferred. We don't, no.
677
678 Mr. Jernigan - OK.
679
680 Mr. Archer - All right, then we'll need a motion.

681
682 Mr. Jernigan - I will make a motion that we defer case C-37C-01 to October 11th at the
683 request of the Commission.

684
685 Ms. Dwyer - Second.

686
687 Mr. Archer - Motion by Mr. Jernigan and seconded by Ms. Dwyer to defer at the
688 request of Commission. Those in favor of the motion say aye. Those opposed say no. No opposition.
689 Deferral is granted to October 11th.

690
691 The Planning Commission deferred Case C-37C-01, Robert Stout for The Dakota Group, Ltd. to its
692 October 11, 2001 meeting. The vote was 5-0. Mr. Kaechele abstained.

693
694 **C-51C-01 Laraine Isaac for Allen Brock:** Request to conditionally rezone from A-1
695 Agricultural District to M-1C Light Industrial District (Conditional), Parcel 172-2-2-26, containing 3.0 acres,
696 located on the north line of Charles City Road approximately 310 feet west of Glen Alden Drive (2372 Charles
697 City Road, Garden City Subdivision). A one-story office, shop and warehouse are proposed. The use will be
698 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends
699 Planned Industry. The site is also in the Airport Safety Overlay District.

700
701 Mr. Marlles - The staff report will also be given by Mr. Lee Householder.

702
703 Mr. Archer - All right. Is there opposition to C-51C-01? All right, Mr. Householder.

704
705 Mr. Householder - Thank you, Mr. Chairman, members of the Commission. This application
706 would rezone 3 acres from A-1 to M-1C. The subject property is a long narrow parcel with 200 feet of
707 road frontage along Charles City Road. Properties adjacent to this property also have a similar shape and
708 road frontage on Charles City Road. Other developments in vicinity of this request are industrial in
709 nature and they've been in developed in various stages over the last 30 years. The applicant in this case
710 is proposing a one-story workshop and warehouse for HVAC and plumbing business and they've
711 submitted this preliminary site plan that shows how the site may be developed with this being Charles
712 City Road here (referring to slide).

713
714 There are several aspects of this request that do not conform with the recommendations of the 2010
715 Land Use Plan and I'd like to go over those. First the 2010 land use plan recommends planned industry
716 for this location. Areas that are recommended for plan industry typically have industrial usages that have
717 high quality environmental standards, minimal impacts on adjacent uses. They function as a part an
718 interrogated development and they would require a large tract of land, larger than what's seen in this
719 case. Secondly, development intended for planned industry areas typically have one or more, one or two
720 major entrances to a project in an industrial park setting, and they have typically coordinated signage,
721 attractive entranceways, pad sites that would be serviced by an on-site road system. Staff feels a one-
722 story office workshop that is requested doesn't conform to this recommendation of the 2010 Plan. In
723 addition, staff feels that a lack of coordination with adjacent parcels would encourage additional access
724 points along Charles City Road. Charles City is a designated as a major arterial on the County's Major
725 Thoroughfare Plan, and we feel that access to this road should be limited and minimized when possible.
726 Staff, therefore, would recommend consolidated access that could serve several parcels at one point.
727 Also, because the request is between two adjacent residential rezoned properties, staff is concerned with
728 the impact upon these residential areas. In the staff report, staff points outs that there is a house, which
729 in the reports said it's on the western side and it is incorrect. It's meant to say that it's on the eastern
730 side right there (referring to slide). I mean it's on the western side; I'm left handed, so I get those
731 backwards sometimes. So to clear that up, there is a house that is close to the property line. When I
732 visited the site it appears that the house is occupied. But the applicant has told me it hasn't been
733 occupied for some time. But, nonetheless, it has been zoned residentially, and has potential for

734 residential development, and this property would only be setback about 25 feet. A building would only
735 be 25 feet from the property line. Overall, staff feels that the proposed use is not appropriate at this
736 time, and we feel that it would set a precedent for future uses on the north side of Charles City Road.
737 Staff encourages the applicant to coordinate the proposal with the adjacent properties to the east and to
738 the west, in order to create a higher quality development that is consistent with the 2010 Plan and this
739 would also reduce impact upon surrounding properties. At this point, staff recommends denial of the
740 request and I'll be glad to answer any questions you may have.

741
742 Mr. Archer - Thank you, Mr. Householder. Are there questions from the Commission
743 for Mr. Householder?

744
745 Mr. Jernigan - Mr. Householder did you say that is limited access, that Charles City
746 Road is limited access?

747
748 Mr. Householder - It's not required to be limited access, but being a major arterial it should,
749 we try to limit the access when possible. So by developing in one small point, it really encourages
750 another separate development here and here (referring to slide), so instead of having possibly one
751 access point you end up with three in this case.

752
753 Mr. Jernigan - All right, I guess we'd better hear from the applicant.

754
755 Mr. Archer - OK. Anybody else have questions before Mr. Householder takes his
756 seat?

757
758 Ms. Isaac - Good evening, Laraine Isaac, representing Allen Brock in this zoning
759 case.

760
761 Mr. Archer - Good evening.

762
763 Ms. Isaac - In this zoning case, Mr. Allen Brock, the owner of Lakeside Heating Air
764 Conditioning and Plumbing Service, is not a developer with the time and finances to put together a large
765 tract of property that he does not want and does not need. At a time when layoffs and business closings
766 are occurring, the County has the opportunity to have a new business relocate from the City. The
767 opportunity to turn a marginal piece of property into a productive tax generating property and the
768 opportunity to possibly stimulate interest in an area of the County that has been overlooked and
769 bypassed for over 20 years. Economic development is critical to any locality and it is especially critical in
770 areas such as Garden City Subdivision. But the County's Land Use Plan denies the property owners worth
771 in their individual properties because one owner cannot act independently, but must work with adjacent
772 neighbors even though their goals may be different.

773
774 From the County's tax records it appears that only one lot is owner occupied. If a rental property is
775 producing even a marginal income, there may not be an incentive to sell. There may also not be an
776 incentive to sell at a reasonable price considering the cost of capital improvements that will be required
777 to develop any property in this area. The staff report has failed to consider that the real estate market is
778 not dedicated by the County's desires, that the recommendation to acquire more property may not be
779 financially feasible, and that the Land Use Plan does not adequately reflect the reality of having several
780 property owners agreeing to a common end. The approval of this rezoning request will not have an
781 adverse impact on the surrounding properties, as there are no adjacent occupied dwellings and this
782 business will produce only about 22 vehicular trips a day. It will not be disruptive. With that I request
783 that the Commission review what is presently before them and recommend approval of the rezoning. I
784 would be happy to answer any questions and Mary Lou Paine, who represents the seller, is also here and
785 I would like to have the Commission hear from her at some point.

786

787 Mr. Archer - All right. Thank you, Ms. Isaac. Are there questions for Ms. Isaac from
788 the Commission?
789

790 Mr. Jernigan - Yes, I've got a few. Ms. Isaac, I spoke to you as soon as I new that we
791 had a problem on this property.
792

793 Ms. Isaac - Yes, we've had several conversations.
794

795 Mr. Jernigan - And I know that lot 27 and 28 is not for sale at this time and that's the
796 reason when I called you back I told you that you could become the main entrance.
797

798 Ms. Isaac - Right.
799

800 Mr. Jernigan - And we discussed at that time that if on that entrance if you moved your
801 building back some, and two-story it or give/make a building smaller to where we could use you as a
802 main entrance, and have stub roads running east and west, that would feed lots 27 and 28 and the lots
803 prior to that that, we could probably work a deal.
804

805 Ms. Isaac - Mr. Brock.
806

807 Mr. Jernigan - But we don't have that in black and white.
808

809 Ms. Isaac - Mr. Brock is willing to work with adjacent property owners on joint
810 access. At the time of plan of development, we will be happy to delineate where those access points will
811 be. His concern is one, the major one is safety to his employees and he wants to be sure that if joint
812 access is allowed through his property that whatever use is going to use his entrance is compatible with
813 his use and does not adversely affect the safety and welfare of his employees. Yes, he is very willing to
814 work with anyone who wants to develop adjacent property.
815

816 Mr. Jernigan - You understand why we want to do this?
817

818 Ms. Isaac - Yes, and Mr. Brock understands, also.
819

820 Mr. Jernigan - I agree with the county on this because we'll have curb cuts all up and
821 down there if we don't put a plan together. There's not much I can say about it. Do we, did you say we
822 have another speaker?
823

824 Ms. Isaac - Yes.
825

826 Mr. Archer - She has someone she would like to speak.
827

828 Ms. Isaac - The seller's, the representative for the seller is here and I would like for
829 the Commission to hear from her.
830

831 Mr. Jernigan - I'm going to hear from her again before we make a final decision on this
832 thing. Thank you.
833

834 Ms. Isaac - All right.
835

836 Mr. Jernigan - Thank you.
837

838 Ms. Paine - Hello, my name is Marylou Paine and I'm here to represent Mary
839 Molyneaux, the current owner, as her power of attorney. She is currently a resident in a nursing home,

840 95 years old, depending on Medicaid for her existence at the current time because the master plan
841 zoning has preempted her right to sell her property. I know that the planners had best of intentions
842 when they set up this planned industry zoning. Things don't always develop the way you want them to.
843 The best laid plans of mice and men and you know the rest of that. Though it wasn't intended at the
844 time, the net result of this zoning has been to confiscate from the owners access to their assets and from
845 Ms. Molyneaux. She has one asset. One asset only and that's the home. She has a 63 year old disabled
846 daughter who stands to gain nothing of her mother because the value on the property is so depressed,
847 even on the market now, because of the trials of going through the zoning process that the price we're
848 getting for the property is way below probably what it should be for commercial property. She has no
849 choice but to sell. Medicaid dictates that the property must be sold. She has no choice. The property to
850 the west is residential and has been abandoned. There are curtains on the windows, furniture in the
851 house, but it's been approximately ten years since anyone has lived in the house. In fact, the out
852 buildings are falling down. The owner is holding the property, waiting for the day when somebody will
853 come in and buy up the lot. The property all up and down from Glen Alden Drive up towards
854 Williamsburg Road has been setting for years and years with for sale signs on it. It's become a blighted
855 area. The houses are being torn down as they're vacated and fall down. The County dump is across the
856 road. You're talking about access and traffic, when there were dump trucks the county sent up and
857 down the road for years. I think that there comes a time when the planners have to reconsider the
858 impact on the citizens of what their Master Plan has set in place and this is an instance where the Master
859 Plan has out lived it usefulness, and owners are being denied access to their rights to use there assets to
860 mere existence. And I might just add that before Ms. Molyneaux went into the nursing home, with no
861 assets, she was left living in a home with no hot water. It was at great length that she was able to get
862 water from the county. The situation was desperate at the time she went into the nursing home, but she
863 couldn't sell her property the way it was, and we think that in this case Mr. Brock is a savior and we really
864 would like to see you give positive consideration to his request for rezoning. Thank you.

865
866 Mr. Jernigan - Ms. Paine, I have a question. You said the house next door is for sale on
867 lot twenty?

868
869 Ms. Paine - No, it's not for sale. But that's the owners intention is just to hold it until
870 it can be sold at some later date because she doesn't want to sell it now because there is no value in that
871 property for what it's potential could be.

872
873 Mr. Jernigan - You know, I'm not against her selling this property and I explained this
874 to Ms. Isaac. We just had to firm up an entrance. If she can sit there and tell me right now that they're
875 going to put two stub roads in, I'll ask for approval on it. But when I spoke to her the other day that's
876 the reason I gave her time before this Commission meet, that we could work out the fine lines and the
877 county is denying it because of this, is that if we don't have a plan there, then there'll be curb cuts all the
878 way up and down Charles City Road and it'll be chaos. You know, if we could have, cut it down to two
879 entrances, which Ms. Molyneaux's property be one of them.

880
881 Ms. Paine - Right.

882
883 Mr. Jernigan - Then I'm OK with that.

884
885 Ms. Paine - Well, I would hope that Mr. Brock and Ms. Isaac can work that out with
886 you. I can't address that. That's their situation.

887
888 Mr. Jernigan - I know, but I want you to know the County is not denying this, and we
889 would like to see you sell your property, but we've got to work this out with the developer.

890
891 Ms. Paine - OK. Thank you very much.

892

893 Mr. Jernigan - OK, thank you, ma'am.
894
895 Mr. Archer - Mr. Jernigan, do you think we need to defer this to work these issues out
896 or... Ms. Isaac, I'm sorry. I didn't mean to interrupt you, go ahead.
897
898 Ms. Isaac - Mr. Jernigan, Mr. Brock and I just been talking. He is willing to put your
899 tee intersection in. We will, I would like to reserve, I would like to submit a plan, if you recommend this
900 to go forward, showing at least that entrance area.
901
902 Mr. Jernigan - Yes, ma' am. I'd like to have it.
903
904 Ms. Isaac - To be made a part of case.
905
906 Mr. Jernigan - Yes, ma'am.
907
908 Ms. Isaac - I will do that.
909
910 Mr. Jernigan - Will coming in off of Charles City Road be wide enough for two tractor-
911 trailers to come in and immediately...
912
913 Ms. Isaac - It would have to meet the traffic engineers. We would meet his
914 requirements, come in and it will tee off ...
915
916 Mr. Jernigan - Two stubs.
917
918 Ms. Isaac - We will. We can have that entrance made part of the plan if you
919 recommend this plan to go forward.
920
921 Mr. Jernigan - OK.
922
923 Ms. Dwyer - May I ask a question, please?
924
925 Mr. Marlles - Ms. Isaac, are you agreeing to put that, or your client, in the form of a
926 proffer and a plan? Did I hear you say that?
927
928 Ms. Isaac - We will have the plan and proffer that plan so that it would be a two-
929 part between now and the Board meeting.
930
931 Mr. Marlles - OK. Between now and when the Board meeting is scheduled?
932
933 Ms. Isaac - Yes.
934
935 Ms. Dwyer - Mr. Secretary, would there be any additional statement required in the
936 proffer to insure that the adjacent property owners would actually have access to that tee access point?
937
938 Mr. Marlles - I think that that is important consideration Ms. Dwyer. We, of course,
939 can't do anything that requires those adjacent property owners to tie up to that road. But certainly
940 through the plan we can make sure that it extends to the adjacent, the side property lines, and that it is
941 accessible. But we really can't do anything, I think, that would be an offsite requirement on those
942 adjacent properties.
943
944 Ms. Dwyer - Well, I'm not talking about offsite. I'm talking about on this site.
945

946 Mr. Marlles - Right.
947
948 Ms. Dwyer - Is there a commitment on the part of this applicant to allow access no
949 matter what to adjacent property owners? Typically when we do this, it is in subdivisions we have stub
950 roads, but those are public streets, so there's not question that anyone who needs to have access to that
951 stub road can do it because it is a public street. This is not a public street. This is private property.
952
953 Mr. Marlles - Right.
954
955 Ms. Dwyer - So that's why I asked the question.
956
957 Ms. Isaac - There would have to be legal agreements between Mr. Brock and any
958 adjacent property owner. There would have to be matched; there would have to be joint access
959 agreements. I think that Mr. Brock is showing a great willingness to work with people. I think and I've
960 said this, that he's concerned about the safety of his employees and that it, any business to either side of
961 him be compatible. BFI is just down the street, and I think that if they wanted to come in develop next
962 to him to park garbage trucks that he would be very concerned about the use of his property and the
963 safety of his employees. But I think this is also something that's going to have to be worked out prior to
964 any rezoning case that comes before you, so that it's not something that's going to happen automatically
965 outside of your concerns.
966
967 Ms. Dwyer - I've two points to make about that. One is, I understand the concern
968 about what might be located on either side and that really is precisely what's staff's concern is. Staff is
969 saying too small a parcel to develop at this point; it's not right for rezoning. Certainly the owner could
970 sell it as it is. But if we are going to increase the zoning on this piece of property than maybe this is not
971 the right time to do that, precisely because we don't know what's going to go on either side and because
972 its such a small parcel.
973
974 Ms. Isaac - But...
975
976 Ms. Dwyer - May I finish? So that, I understand your argument and I don't blame
977 you, but I think that goes to support staff's concern about this rezoning at this point. The other question,
978 the other point is that if there's no commitment to allow access from the two adjacent property owners
979 than I'm not sure of what value for having that tee access point ultimately is.
980
981 Ms. Isaac - I think that if Mr. Brock is willing to build that tee he has shown a great
982 deal of saying, "Yes, I'm willing to work with it," and I think that no one can do anything without a
983 rezoning. And I think that he's become a pioneer in this section on Charles City that has been overlooked
984 for years. So, I think the kind of business he's operating is going to set the standard for what you will
985 probably approve on either side of him and that it be compatible with his development in terms
986 predominantly of safety.
987
988 Ms. Dwyer - Well, for example, one of the reasons we have proffers is because lots of
989 times ownership changes, and your client, say five years down the road, for some reason, sells the
990 property and the new owner hasn't made a commitment, a moral commitment to allow access to the
991 adjoining property owners. If its not in the proffers then the County's hands are tied, and there's no way
992 that the adjacent property owners can be, required, allowed to have access or there's no way the County
993 can enforce that. So that's my point.
994
995 Ms. Isaac - Well, you know, I understand your point, but if he would build the
996 property, we have a proffer in place showing joint access. Any rezoning would be, you could come and
997 say, you know this was provided, and that was the intent. And once the plan of development is
998 approved for his property that entrance would then physically be in place. I think that it is so difficult in

999 a case like this, when you have so many property owners, you cannot put the property together.
1000 Nothing has been done here for 30 years and Mr. Brock wants to bring a nice business from the City and
1001 I think maybe that will jump start some interest, and maybe there is a developer out there who wants to
1002 put some land together. But Mr. Brock is a business owner. He's not a developer and would like to come
1003 to Henrico County, and I've given you all the assurances I think I can and that Mr. Brock can give you at
1004 this time.

1005
1006 Mr. Jernigan - Well, I'm interested in seeing you put the business out there. We've just
1007 got to fall in the guidelines. Mr. Householder, from what Ms. Isaac has said, do you see any problems in
1008 coming off and putting two stubs headed east and west?

1009
1010 Mr. Householder - I think the two stubs would certainly be an improvement to this case. I
1011 can tell you that staff did not review this request in terms of possible approval. I would think staff would
1012 like more time to analyze some other quality elements on this that could even more enhance the
1013 property. I think the major concern is access and coordination and that can go together, but there are
1014 also concerns with I would say the landscaping and taking a closer look at the proposed site plan. Things
1015 like that. I think we could work with the applicant to even get a better quality product.

1016
1017 Mr. Jernigan - Do you think that you could review it before it comes before the Board of
1018 Supervisors?

1019
1020 Mr. Householder - Yes, sir.

1021
1022 Mr. Jernigan - Ms. Isaac on your word that you'll get a set of plans together that will
1023 show stubs, I will ask for approval of G-51C-01, with conditions that when it goes to the Board of
1024 Supervisors they will scrutinize it a little tighter.

1025
1026 Mr. Taylor - Second.

1027
1028 Mr. Archer - Motion made by Mr. Jernigan and seconded by Mr. Taylor. All in favor of
1029 the motion let it be known by saying aye. Those opposed say no. The vote was as follows:

1030
1031 Mr. Taylor, Mr. Jernigan,
1032 Mr. Vanarsdall Aye

1033
1034 Ms. Dwyer No

1035
1036 Mr. Archer No

1037
1038 The motion carries. The vote was 3-2. Mr. Kaechele abstained.

1039
1040 REASON: Acting on a motion by Mr. Jernigan, seconded by Mr. Taylor, the Planning Commission voted
1041 3-2 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is
1042 generally compatible with other uses in the area.

1043
1044 Mr. Kaechele - Mr. Secretary, just for the record and information of people here tonight,
1045 as the Board of Supervisors' representative to the Commission it's the practice of the supervisor not to
1046 vote on issues that come before the Board for final decisions. So, any if any of you have observed me
1047 not voting tonight, that's the reason. Thank you.

1048
1049 Mr. Archer - All right. The motion passed three to two. Mr. Secretary.

1050
1051 Ms. Isaac - Thank you.

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Mr. Archer - Thank you, Ms. Isaac.

Deferred from the August 9, 2001 Meeting

C-46C-01 **W. Gerald Yagen:** Request to conditionally rezone from R-3 One Family Residence District and O-2 Office District to O-3C Office District (Conditional), Parcels 60-A-74 and 61-A-36, containing approximately 3.9 acres, located on the north line of E. Parham Road approximately 240 feet east of Hermitage High Boulevard and Prince Henry Drive and approximately 130 feet west of Dixon Powers Drive. Office development is proposed. The use will be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends Office and Environmental Protection Area.

Mr. Archer - Is anyone here in opposition of C-46C-01? Mr. Householder.

Mr. Householder - OK, thank you, Mr. Chairman. The Planning Commission did defer this request from the August 9th meeting to allow time to work with the applicant to deal with issues that were discussed at great length at the last meeting. Since the last meeting the applicant has provided a layout, a preliminary layout, and they've also provided possible elevations for the site, but none of these exhibits have been proffered. We also have this possible façade that's been given to us by the applicant. The proffers that I passed out to you this evening address landscaping, and the proffer was revised to improve the language which staff feels over the last language that was accepted by staff.

With regard to the remaining issues in this case, access was still an outstanding concern with staff and that the applicant has indicated that there are no plans to coordinate access with the nearby Courthouse Commons project, which is right here (referring to slide). Staff feels this is still a Courthouse Commons have submitted in a letter that they do not want the other property to access through theirs. The other concern with this case still is the overall appearance of the structure. While staff feels that brick would be a quality building material, there are other developments in the Parham Road corridor that some of them being colonial in architecture, and they exhibit some neat features and attractive features in this area and this exhibit, while not proffered, it's simply a Borders Bookstore and it doesn't fit. We would prefer to see an exhibit that maybe is closer to what the intended product is on this site. Overall, the staff does feel this use conforms with the Land Use Plan because it is office and that the use itself would be consistent with existing office development, and if the applicant could address these concerns with access and the appearance of the structure, staff could recommend approval of this request. I will answer any questions that you have.

Mr. Archer - All right, thank you, Mr. Householder. Are there questions from the Commission? There was no opposition, was there?

Mr. Vanarsdall - Mr. Householder, you still have problems with the access that still have with the rendering as we talked today. Also the, what you just had on the screen was the Borders Bookstore. Do you like that, is that the type of?

Mr. Householder - I think it's difficult to, I like the appearance of the Borders itself, but it's difficult to take this and make it look, if it was an office I'm not sure. In taking in consideration with nearby Courthouse Commons, which is an very, very attractive office development and then if you take this façade, the applicant only needs to build one story and they are not really maximizing their potential use. They're really developing this master plan and I would say in a sound way that has limited impact on the site. But, this structure is rather plain, and if at all possible, like we had in other cases in this area, we think that the architecture should be significant.

Mr. Vanarsdall - Isn't this where we knocked off last month?

1104 Mr. Householder - We left off with landscaping, access and the appearance of the building,
1105 and they have addressed landscaping. And also there was the disposition of, there is a private road that
1106 runs where I'm moving this hand here (referring to slide), and we asked the applicant to investigate
1107 vacating that area (referring to slide). They have obtained a survey of the property and they have
1108 discovered that its been transferred in ownership to someone back in the 1930's and finding that owner
1109 will be very difficult. Staff is content that this issue can be addressed in the future and this case could go
1110 on without the disposition of this small parcel. So those were the issues of the last meeting, with the
1111 only two remaining being the access and the appearance.
1112

1113 Mr. Vanarsdall - It seems like I remember the last time that Mr. Blake said he would
1114 make the building 100% brick and now it's 90%. So let me finalize this. We have two issues; we don't
1115 have a rendering that he can proffer that you're satisfied with or me.
1116

1117 Mr. Householder - Correct.
1118

1119 Mr. Vanarsdall - And they haven't worked out the access?
1120

1121 Mr. Householder - Correct.
1122

1123 Mr. Vanarsdall - OK.
1124

1125 Mr. Householder - One comment I'll make on 100% brick is reasoning is for not wanting
1126 100%...
1127

1128 Mr. Vanarsdall - I have no more questions, Mr. Chairman.
1129

1130 Mr. Householder - Accents and things like that. I mean if you look at the accent on this
1131 building.
1132

1133 Mr. Archer - All right, any further questions from the rest of the Commission
1134 members?
1135

1136 Mr. Vanarsdall- I'd like to hear from the applicant.
1137

1138 Mr. Archer - All right, will the applicant come forward please? Good evening, Mr.
1139 Blake.
1140

1141 Mr. Blake - Paging Mr. Vanarsdall. Mr. Chairman, members of the Planning
1142 Commission, I'm Donald Blake and I'm here to represent Mr. Yagen, who is applicant, and of course the
1143 two owners of the property, one living in Colorado, one living in a nursing home in Richmond, who is
1144 incapacitated, and looking forward to selling this piece of land. As you know it's been for sale for a
1145 number of years and this is the best proposal we've had. People have wanted to put mini-warehouses on
1146 it, put a nursing home on it, put a day care center on it, and we've held out for office use because we felt
1147 that in the past those other uses would not be permitted.
1148

1149 To address Mr. Householder's concerns, and we've had a number of meetings on this and they've all
1150 been friendly discussions, and we tried to resolve all the issues. But we just can't resolve the access
1151 issue. It is impossible for the applicant or the landowners to resolve that. We discovered just recently
1152 that the 15-foot road that we thought was just an easement, is in fact a deeded piece of land, although
1153 the County records don't show that. But it was deeded in 1897 to two sisters and passed on; one sister
1154 died, the other sister lived and died in 1939 and passed it on to a son in 1939. And so we have a 15-foot
1155 less than a half-acre of land, a long narrow piece of land that actually belongs to someone. We know who
1156 used to own it back in 1939; if the gentleman is still living, he would be rather old by now, I guess. But

1157 that's something that the title people and the attorneys will try to figure out how to deal with. But I think
1158 that may involve a court situation to actually vacate that piece of property. None of us own the property,
1159 neither does Courthouse Commons doesn't own it and the two adjoining landowners don't own it.

1160
1161 In regards to access through Courthouse Commons, the pictures show that, how the buildings were laid
1162 out. The owners of Courthouse Commons are concerned that traffic through there would come through
1163 at an angle, take another angle, take another, make three turns to get out of Courthouse Commons and
1164 it would be a danger to the occupants of that office park and they have flatly refused to allow access to
1165 the property. Even if they did allow access that 15-foot road, you can't build across somebody else's
1166 property anyway. But that's an issue that the applicant nor the current landowners can address, it's
1167 impossible for them to address it at this time.

1168
1169 The issue about the appearance of the building, we had last month a rendering which I think most of you
1170 thought it was a pretty good rendering, but it needed a roof. So we went back to the drawing board and
1171 tried to figure out how could be put a roof on here. This building would be 153 feet long and 100 feet
1172 deep and you just can't put an A-roof like you would on a residential home on a one-story building that
1173 will look good. So we came up with the idea of a false roof, which the Borders does have, that would
1174 look from the perimeter to be a roof. It would hide the air conditioning units and so forth, which we
1175 proffered to do, and we think it will look good. We did proffer before a 90% brick and, Mr. Vanarsdall,
1176 you asked me if I would agree to 100% brick that you might approve it last time. The gentleman who's
1177 buying the piece of property will have about a 2 million dollar investment in this piece of property. His
1178 intention is to build a quality building. The people who are working on this project now plan to be
1179 involved with it all the way through the construction process. In fact, two of us who are involved live and
1180 work in Courthouse Commons, and we're involved in that project over there. So our intention is to make
1181 this building one that we as neighbors in Courthouse Commons can be proud of, but also that the County
1182 of Henrico, with a facility across the street, can be proud of and have a good facility. I've would ask that
1183 you approve this knowing that we've done due diligence and we can't get rid of that 15 foot road without
1184 probably going to court about it and its going to take many months to do that, and that you have good
1185 faith with us and let us have good faith with you to come up with a design between now and POD
1186 approval that'll be pleasing to all people, the County and to the adjoining property owner, Courthouse
1187 Commons. That's what I ask you to consider. I ask you to approve that, let us go forward with the next
1188 meeting and go forth with our POD work. The owner would like to develop this property in the spring
1189 time and to do that we just need to move forward and let him get his zoning closed on the property, pay
1190 for it. He'll invest almost 50 thousand dollars just in drawing the plans for the building. Engineering
1191 alone would be another 40 thousand dollars. So this man will invest over a half million dollars in the
1192 property before he even digs a building, digs a footing to build the building. This will be an expensive
1193 property and it'll be a pleasing asset to the County and I ask you to approve this tonight and let it go
1194 forward. I'll be glad to answer any questions.

1195
1196 Mr. Archer - Thank you, Mr. Blake. Are there questions for Mr. Blake from the
1197 Commission?

1198
1199 Mr. Vanarsdall - Mr. Blake, we left off last month on the same two issues that were
1200 phased tonight. You had thirty days to take care of those, yesterday afternoon you haven't done the
1201 rendering to my satisfaction, or to Mr. Householder, or staff. I asked you yesterday afternoon would you
1202 like to defer it to get it ready again for the Board. The Board is not going to pass on this without
1203 knowing what the building is going to look like. It's right across the street from here. We're not asking
1204 you like if it was a dozen buildings or something. I will pass it on to the Board, but not with a
1205 recommendation to approve. If the Commission wants to go against my wishes, that's OK. But I can't
1206 understand why you can't just do what everyone else does and just get us a rendering of what the
1207 building is going to look like, do the access. That's all that he asked you to do.

1208

1209 Mr. Blake - The access I already explained to you. We cannot, we can't deal with
1210 the access, we just cannot.
1211
1212 Mr. Vanarsdall - Do you want to defer it tonight?
1213
1214 Mr. Blake - Pardon?
1215
1216 Mr. Vanarsdall - Do you want to defer it again tonight? You made me use my deferment
1217 last time, so I can't defer it.
1218
1219 Mr. Blake - That's all right, Mr. Vanarsdall.
1220
1221 Mr. Vanarsdall - Do you want to defer it tonight, or do want us to action on it? That's all
1222 I'm asking.
1223
1224 Mr. Blake - But I'd like you to act on it. I think the man has a right to build a
1225 building and try to work with the County and POD and to come up with the best building. I just know he
1226 isn't going to build a building there that is going to be found objectionable by the County. So I would like
1227 to act on it and let the case go forward.
1228
1229 Mr. Vanarsdall - That's all the questions I had, Mr. Chairman.
1230
1231 Mr. Archer - Anyone else have any further questions?
1232
1233 Mr. Kaechele - Yes, Mr. Blake, did you just indicate that that legal question on the
1234 private road can or would be resolved prior to POD?
1235
1236 Mr. Blake - I don't know. We have discussed two methods of resolving that road,
1237 well, actually three. If we can find an heir to the road, then the heir can quit claim a deed and just be rid
1238 of it because the road has no value. If we can't find an heir, we would have the choice of asking the
1239 County, which maybe the simplest way, to have the County claim the property for lack of back taxes,
1240 with no tax been paid on it probably since 1897. It doesn't show up on the County records. So the
1241 County perhaps could take it for back taxes and then they could, the Board could vote to give part of the
1242 property to each landowner like you do a vacated street. That's one way it could be handled. That
1243 would take months to do that. Now the other way, and I know that the cases have happened in the past
1244 at Henrico County. I'm familiar with one that was recently handled this summer was to sue the last
1245 known heir and bring it to court, and then let the judge make disposition of the property. You can only
1246 do it those two days, well three ways if you could find an heir to the property who could sign off on it
1247 and a title insurance agency would have to recognize that person as an heir to the property. The three
1248 ways, but whatever way it is, I think it's going to take many months to do it, especially if you have to go
1249 to court about it.
1250
1251 Mr. Kaechele - But you are proffering that that would be done prior to POD right?
1252
1253 Mr. Blake - I had the proffer in there last month and I was advised to take the
1254 proffer out.
1255
1256 Mr. Kaechele - Oh, OK.
1257
1258 Mr. Blake - I'll be glad to put it back in there.
1259
1260 Mr. Kaechele - No, I didn't notice that it was taken out.
1261

1262 Mr. Blake - I think it was taken out...
1263
1264 Mr. Householder - I'll address the taking out of the proffer. It was recommended because
1265 the letter of intent was that they, the surrounding next-door property, was that they didn't want access
1266 anyway, and so it kind of removed this strip from being an issue in the case, and they did find out what
1267 the issues were with the strip. So it was recommended that it be removed at that time.
1268
1269 Mr. Archer - Thank you, Mr. Householder.
1270
1271 Mr. Blake - I'll be glad to put the proffer back in it because it is intended...
1272
1273 Mr. Kaechele - No, no.
1274
1275 Mr. Blake - It is intended to go forward and find out who owns the property and to
1276 clear it up.
1277
1278 Mr. Kaechele - After you acquire access to their property then that would become part
1279 of the landscape or whatever of the property.
1280
1281 Mr. Blake - It would become a buffer. As far as the Courthouse Commons people
1282 are concerned, we're just going to leave it there, as an initial 15 foot buffer or so.
1283
1284 Mr. Kaechele - That's just natural.
1285
1286 Mr. Blake - Just natural.
1287
1288 Mr. Archer - All right, are there further questions for Mr. Blake?
1289
1290 Mr. Taylor - I had one just because what I think we passed over quickly.
1291 Recognizing the limitations you have on trying to work with the owners, has anybody given thought to
1292 what the plan view would be though with the building footprint and the access from Parham?
1293
1294 Mr. Blake - The, it's a lot of green out there. How do you bring this thing back?
1295 (Referring to slide)
1296
1297 Mr. Taylor - Or basically, how the site will be used in those, I guess, that one down
1298 in the lower right hand corner, is that the troublesome piece? That is that dark shady green piece. The
1299 only access is, is right off of Parham, right.
1300
1301 Mr. Blake - Off Parham Road, that's correct. The reason, there's a logical reason
1302 that staff would like to see it to go through Courthouse Commons, so people could come out and make a
1303 left hand turn. Here they have to come down the street, they have to come out and make a right-hand
1304 turn and go somewhere else. What you have to do from Courthouse Commons during, twice a day
1305 during rush hour anyway. It's heavily green there, and we proffered a buffer there and agreed in the
1306 proffer to add additional landscaping to make it compatible with the landscaping at Courthouse Commons
1307 and with the County right across the street from it. We have, we're proposing a 153-foot building with
1308 100, that's 90% brick but, of course, we'll have a lot of glass in the building, but its juvenile building just
1309 belongs to the County of Henrico. It's almost across the street from it. This is where we build. We are
1310 better looking than the juvenile building would be, for sure. We just can't put an A-roof on it. All we can
1311 do is to try and find a way of putting a façade that looks like a roof. But to try to span 100 foot on a
1312 one-story, you can image a ranch home trying to make it something colonial, and having a 100-foot roof
1313 span. It just, it would actually be unattractive. But the way, the Borders was done with a false roof
1314 looks pretty good, and we chose that picture because we liked that roof. We thought it met the needs

1315 and the request of the County to put a roof on the building. So we went out to find a roof and said how
1316 can we build a fake roof that will cover the air conditioning and look good and be a transition from the,
1317 what the County has here is sort of a contemporary building, and then Courthouse Commons is a colonial
1318 building. We think a transitional building would be appropriate.

1319
1320 Mr. Taylor - But the elevation that you show really isn't a transitional building in my
1321 judgment.

1322
1323 Mr. Blake - The roof is, and then we're looking at that roof, and we brought the
1324 building, we had this building last time with a flat roof, for those of you who remembered...

1325
1326 Mr. Taylor - But that would be a long access, and I think what you're really looking
1327 at, at Parham is the shorter access. Do you have an elevation of what that shorter access would look like
1328 at this point?

1329
1330 Mr. Blake - No, I don't. But we'll have some more elevations. We'll be more precise
1331 by the time of the Board of Supervisors meeting.

1332
1333 Mr. Taylor - The point that's been raised is the architectural fit here with the adjacent
1334 Government Complex, and I think one of the things that might mollify some of the concerns that people
1335 have is if architecture that was provided be a Georgian or whatever really was a real nice fit, the
1336 landscaping was above par, to make up for the other limitations that we have on this site.

1337
1338 Mr. Blake - But we had some limitations on there because, there are some floodplain
1339 wetlands on there.

1340
1341 Mr. Taylor - I understand that, but what I'm saying is understanding all of those
1342 limitations, approving the project is somewhat a leap of faith given that it doesn't exactly match to the
1343 surrounding facilities over in the Government Complex.

1344
1345 Mr. Blake - I know and I think this a case where you ought to make a leap of faith.
1346 Let's trust this guy; let's trust this developer, and the people working on the project. They developed the
1347 property next-door, right next-door to it and it's a colonial. A little faith in here, it's a proposal that
1348 minimizes the use. You could build three times the size building. You can build a 45,000 square foot
1349 building in here. They only want 15,000 square feet and I don't want two stories. I want one story, so
1350 that people can walk from, without having to use the elevators or stairs, they can go from one end of the
1351 building to the other. That's all I want, and I'm willing to do it out of almost all brick and I'm willing to
1352 put a roof on it that would be compatible, but I don't want to put an A-roof because architecturally it's,
1353 you can't do it.

1354
1355 Mr. Taylor - I like quite agree, but I think you could come up with an elevation that
1356 was, that had all the limitations included and was compatible with the architecture across the street in
1357 keeping with Georgian context to kind of satisfy everybody at this point, given the other warts and hares.

1358
1359 Mr. Blake - I agree with you, too. I mean I'm the next door neighbor, so I been
1360 looking at this building to our regard, so I want it to look as well as it can look. I don't think that, you
1361 know, along Parham Road there's really probably aren't any properties along Parham Road that the
1362 County is ashamed of and we wouldn't want to be the first one, right across from the Government that
1363 the County of Henrico would be ashamed.

1364
1365 I know that we have between now and POD time, we have a number of months to work out a plan and,
1366 you know, we've got another 30 days between now and the Board of Supervisors to come up some
1367 elevations that maybe you can handle. I think it's, I understand the concerns of the Commissioners and

1368 the staff, and I appreciate Henrico staff. I've worked with Henrico County now for almost 30 years.
1369 Some of my first projects and I've always had a good relationship. We've always done things that have
1370 turned out well and they've looked out for the County and for the citizens and I'm a citizen. I think we
1371 will work this out between now and POD time and we'll have a building we're all proud of. I just want to
1372 move the case forward, let the man close on his property, and work on the POD and start a building in
1373 the spring of next year.

1374
1375 Mr. Archer - Thank you. Any further questions? All right. Mr. Vanarsdall.

1376
1377 Mr. Vanarsdall - I move that C-46C-01 be recommended to the Board of Supervisors for
1378 denial. I need a second.

1379
1380 Mr. Archer - Yes, sir.

1381
1382 Ms. Dwyer - Second.

1383
1384 Mr. Archer - Motioned by Mr. Vanarsdall and seconded by Ms. Dwyer. All those in
1385 favor of the motion let it be known by saying aye. Those opposed say no. The ayes have it. The motion
1386 is granted. The vote was 5-0. Mr. Kaechele abstained.

1387
1388 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Ms. Dwyer, the Planning Commission voted
1389 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because of
1390 accessibility issues associated with the site and because the proffered conditions did not assure a level of
1391 quality consistent with development in the surrounding area.

1392
1393 Mr. Vanarsdall - Thank you.

1394
1395 Mr. Blake - Thank you, gentlemen.

1396
1397 Mr. Archer - The Commission will take a brief recess. Let's reconvene at no later than
1398 8:50, please.

1399
1400 **THE COMMISSION TOOK A RECESS AT THIS TIME.**

1401
1402 **THE COMMISSION RECONVENED.**

1403
1404 Mr. Archer - The Commission will please come back to order. All right, Mr.
1405 Secretary.

1406
1407 **Deferred from the August 9, 2001 Meeting**

1408 **C-47C-01** **Atack Properties:** Request to conditionally rezone from A-1 Agricultural
1409 District and O/SC Office/Service District (Conditional) to R-5C General Residence District (Conditional) and
1410 RTHC Residential Townhouse District (Conditional), part of Parcel 12-A-4B, Parcel 12-A-5, and part of Parcel
1411 21-A-2, containing 33.719 acres, located on the north line of Hunton Park Boulevard approximately 700 feet
1412 northeast of Staples Mill Road (State Route 33). Apartments and townhouses are proposed. The R-5 District
1413 allows a density up to 14.52 units per acre. The RTH District allows a density up to 9 units per acre. The
1414 Land Use Plan recommends Office/Service and Environmental Protection Area.

1415
1416 **Deferred from the August 9, 2001 Meeting**

1417 **C-48C-01** **Atack Properties:** Request to conditionally rezone from RTHC Residential
1418 Townhouse District (Conditional) and O/SC Office/Service District (Conditional) to R-5AC General Residence
1419 District (Conditional), part of Parcels 13-A-24 and 21-A-5, containing 23.088 acres, located along the
1420 northwest line of Mill Road between Interstate 295 and Long Meadow Drive. A residential subdivision for

1421 older persons is proposed. The minimum lot size allowed in the R-5A District is 5,625 square feet. The Land
1422 Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Office/Service.

1423
1424 Mr. Marlles - The staff reports will be given by Mr. Mark Bittner.

1425
1426 Mr. Archer - All right. Thank you, Mr. Secretary. Is there opposition to C-47C-01? All
1427 right. Thank you. We'll get to you. Mr. Bittner.

1428
1429 Mr. Bittner - Thank you, Mr. Archer. As you know, these cases were heard at the
1430 previous Planning Commission Meeting in August, and at that meeting staff recommended approval of
1431 both applications. Staff continues to recommend approval of both cases tonight. No new information for
1432 either case has been submitted to staff. The proffers for both cases remain unchanged from what was
1433 reviewed in August with the exception of two minor modifications, and you should have those new
1434 proffers in front of you. For the apartment proposal, which is C-47C-01, the applicant has clarified that
1435 the proffers in question pertain to the R-5 portion of the property only. The RTH portion of the property
1436 would be subject to the original Hunton Properties proffers established in 1990. That RTH portion is this
1437 small strip right here on the edge of the property (referring to slide), which is adjacent to this townhouse
1438 development right here (referring to slide). The original Hunton proffers also apply to the adjacent RTH
1439 property to the north. Therefore what is happening is that the new RTH property would be subject to
1440 the exact same development standards as the existing.

1441
1442 For the Manor Homes application, which is C-48C-01, the proffers now include a minimum square footage
1443 for individual dwelling units. Each unit would have at least 2,000 square feet of floor area and each
1444 building would have at least 4,000 square feet of floor area. Staff has no objections to either of these
1445 modifications. The time limit would need to be waived to accept both sets of these proffers. As I said
1446 before, staff continues to recommend approval of both of these applications. I would be happy to
1447 answer any questions you may have.

1448
1449 Mr. Archer - All right, are there questions for Mr. Bittner from the Commission? Mr.
1450 Secretary, since we're hearing these together, should I have asked for opposition on both cases at the
1451 same time or, I guess, we need to handle them individually?

1452
1453 Mr. Jernigan - I would say so.

1454
1455 Mr. Marlles - I would ask if there is opposition to the second case.

1456
1457 Mr. Archer - Is there opposition to C-48C-01? So there is? I sorted of suspected
1458 there was. OK, then Mr. Vanarsdall, do we need to hear from the applicant?

1459
1460 Mr. Vanarsdall - Oh, yes, sir.

1461
1462 Mr. Archer - All right.

1463
1464 Mr. Marlles - Mr. Chairman, while the representative for the applicant is coming up to
1465 the podium, since there is opposition to this case, I would like to read the policy of the Commission when
1466 there is opposition to a case.

1467
1468 Mr. Archer - OK

1469
1470 Mr. Marlles - Ladies and gentlemen, when there is opposition to a case it is the policy
1471 of the Commission to grant 10 minutes to the applicant to present his or her case and for rebuttal, and
1472 10 minutes to the opponents to the case to present their concerns and issues. The 10 minutes does not
1473 include answering questions from the Commission. To make the most effective use of the 10 minutes,

1474 the opponents to the case may want to consider having a spokesperson or persons present the case and
1475 both parties should avoid repetition. Ms. Freye, would you like to leave some time for rebuttal?
1476
1477 Ms. Freye - Yes, sir, Mr. Marlles. I would like to follow the same approach that we
1478 used last time is allow about two minutes rebuttal and allow time for people to speak in support of the
1479 project. I think we allowed four minutes for the support for each case last time, and that seemed to
1480 work fairly well.
1481
1482 Mr. Marlles - OK. So two minutes for rebuttal plus four minutes for other supporters
1483 of the case?
1484
1485 Ms. Freye - Yes, sir.
1486
1487 Mr. Vanarsdall - Ms. Freye, you may have a couple of people here in favor of this case.
1488
1489 Ms. Freye - Yes, sir. Yes sir, we do and they would like to speak and so we want to
1490 make sure that if we have four minutes for each case that would be a total of eight minutes.
1491
1492 Mr. Vanarsdall - OK.
1493
1494 Ms. Freye - For them to speak as well. If you would, will you help me watch the
1495 time, I'd really appreciate it.
1496
1497 Mr. Archer - We'll make a good effort, Ms. Freye.
1498
1499 Mr. Freye - Mr. Chairman, members of the Commission, my name is Gloria Freye,
1500 I'm an attorney here on behalf of Attack Properties, the applicant. Mr. Attack is also here and will speak
1501 on these cases. As we explained last time, this property is part of the original Hunton zoning that was
1502 done about 10 years ago and involved over 400 acres and when it was owned by RF&P it was rezoned
1503 Office Service and Residential Town homes. There is residential town home development adjacent to
1504 Rock Springs Estates that's being underway now. What this case would do is rezone a portion of that
1505 property for R-5 to permit 300 apartments on that property that would be north of the Hunton Park
1506 Boulevard, which would leave most of the office service development on the southern part of Hunton
1507 Park Boulevard. It's important to note that this case will not change the proffers, the buffers that were
1508 approved with the prior case that were in the fence. That was approved in a prior case that protects
1509 Rocks Springs Estate.
1510
1511 This apartment project would be about a mile from the Rock Springs Estate development as the crow
1512 flies, and about three miles travel by car. So, in effect, what this apartment and multi-family rezoning
1513 would do is provide an even greater distance in buffer for single-family homes between them and the
1514 office service warehouses that could be developed south of Hunton Park Boulevard. This proposed
1515 development for apartments, residential use is much more compatible with the town homes and the
1516 residential character that's now taking place north of the Park Boulevard, Hunton Park Boulevard, than
1517 the office service. The other advantage of this zoning is that will actually generate less traffic and, of
1518 course, all that traffic will go out to Staples Mill Road. We do ask that you waive the time rule and allow
1519 the one change that was; well I guess it was actually two changes to the proffer that clarifies the proffers
1520 that are applicable to the apartments and the one that's applicable to the RTH. It's really just a
1521 clarification there.
1522
1523 We did spend some time at the last hearing going over all the proffers that addressed the concerns that
1524 were raised by staff that addressed the quality of the proposed development. And I will be glad to
1525 answer any questions about those, but I think that I'll let Mr. Attack speak to the quality of these
1526 apartments because I think it germane to the economics, the marketing, and that will effect the number

1527 of school children and some other concerns that the neighbors have commented on. I think that what I'll
1528 do at this point is let Mr. Atack take a few minutes to address that, and then we can move on to the
1529 Manor Homes.

1530
1531 Mr. Archer - All right. Good evening, Mr. Atack

1532
1533 Mr. Atack - Good evening Mr. Chairman, members of the Planning Commission, my
1534 name is Bob Atack. I'm the applicant before you this evening and to elaborate more with regard to our
1535 luxury apartment homes, what we have before you is two exhibits (referring to slide), one that shows an
1536 actual copy of the apartments, which is on your far left. To your right is our amenity package, which is a
1537 community center, which we have proffered would be a minimum of 5,000 square feet. There is outdoor
1538 swimming, tennis. Mr. Bittner has put up an example of one of the actual apartment buildings, but these
1539 apartments are truly luxury apartments. In fact what we have found is that there is a market of people
1540 who do not want to own a condominium, do not want to own a home, and will pay a premium for luxury
1541 home living. We expect that the rents will be approximately \$1,000 per month. We have done an
1542 extensive market study that these apartments will probably be as expensive if not the most expensive
1543 apartments built to date in Henrico County. Some of the amenities that they have are nine foot ceilings,
1544 crown molding, they have up fitted bathrooms with granite counter tops. A lot of units have garages and
1545 some of the units have attached garages. I think this elevation represents a very high quality community
1546 and speaks well of what our plans are as far as the specific product itself. And if you have any questions
1547 with regards to those apartments, I'll be glad to answer them.

1548
1549 Mr. Archer - All right. Are there questions for Mr. Atack from the Commission? All
1550 right. Ms. Freye.

1551
1552 Ms. Freye - Thank you. I would like now to address the next case that deals with
1553 the Manor Home proposal on the other part of this property. Mr. Atack is proposing to develop a 90-lot
1554 subdivision for Manor Homes that are aged qualified to 55 years and older. That's on the eastern side of
1555 the Hunton property on about 22 acres. To do this, the property does need to be rezoned to R-5A. The
1556 age restriction has been proffered and that requirement there will be a management company, a
1557 property management company that will be responsible for compliance with that requirement to meet the
1558 age qualification. Sixteen proffers have been filed with this case. Again we ask you to waive the time
1559 limit and accept the one proffer change that does proffer a minimum square footage of 2,000 square feet
1560 per unit or these buildings actually have the appearance of one building, so it would be 4,000 square feet
1561 per building. The proffers do say that if the access is to Mill Road then there would be no connection to
1562 Mill Road from Hunton Park Boulevard, so that there's no risk to the community that there would be
1563 office service traffic entering Mill Road. All that traffic would go out to Staples Mill.

1564
1565 Another important proffer is the 35-foot or hunt and setback or 100 foot buffer from Mill Road. There are
1566 residents that live immediately across Mill Road where it's very important to them to keep the natural
1567 vegetation, to keep the rural feel of Mill Road and the residential character. We've actually had people in
1568 the community say that every time this property goes through zoning it just gets better, and this is an
1569 example where instead of having office service, office buildings or service buildings or warehouses that
1570 could be as close as 100 feet to Mill Road and very visible and somewhat looming on Mill Road that you
1571 would have a residential community of very high quality and the natural vegetation along Mill Road. Plus
1572 we've proffered that 50% of the homes would have brick or stone fronts. The conceptual designs have
1573 been proffered, which Mr. Atack will go over and we've also proffered sound suppression measures
1574 between the units. The rezoning is an improvement for the reasons that I just stated. Having a
1575 residential community here actually protects the single-family development that's adjacent and uses Mill
1576 Road now, because it serves as a better buffer between them and the office service zoning that's there
1577 now. Rezoning the property to the Manor Home development would not have a negative impact on the
1578 adjacent properties, it is compatible, it has been studied very closely by the staff, and staff has concluded
1579 that the residential development of this type would be actually more compatible with residential

1580 development along Mills and the current zoning. The traffic projected on Mill Road as reported in the
1581 staff report because this is age qualified and because we have proffered the number of lots to 90 would
1582 be about 350 vehicles per day. Because the development is going to be age restricted that means that
1583 the cars that would be generated, the trips generated by this development, would not have an impact in
1584 the peak hours of 7 to 9 in the morning. The staff concluded that the roads are adequate to serve this
1585 development. There is a need for this type of development, there has in recent times been zonings for
1586 age restricted communities, but still in this area there is a need for this. There are waiting lists list and, as
1587 I understand it, one of the statistics is that every 8 seconds an American turns 50. So unless you have
1588 questions for me right now I'll turn this over to Mr. Atack and let him explain the product.
1589

1590 Mr. Archer - Another American turned 50 while you were coming up Mr. Atack.

1591
1592 Mr. Jernigan - I've aged just in the last few seconds.
1593

1594 Mr. Atack - We are very enthusiastic about this product because it does offer a high
1595 quality life style that compliments the existing residential community that this property abuts as opposed
1596 to the current Office Service zoning. I would say the biggest concern that we have had with our
1597 adjoining constituents, and for the record I would mention this makes our 4th public meeting. As well, I
1598 have met on five different occasions with residents in the community. But I believe that it would be fair
1599 to say the single biggest concern of the community has been access to Mill Road from our property. We
1600 are requesting that we be able to access Mill Road so that this community can be a part of the residential
1601 community along Mill Road, so that the residents who live here will be able to share in the same
1602 amenities, churches, recreations and parks that currently exist in a close vicinity to this site. I would say
1603 that is probably our single biggest point of debate with residents. Also, I think its fair and appropriate for
1604 me to clarify a question with regards to traffic. When we had our first meeting with the residents and we
1605 had filed our zoning case, the staff report reflected the approximate number of traffic increase based on
1606 the full development potential of this site. That number was 1500 units per day. That was prior to us
1607 proffering a maximum number of homes. We have since proffered that there will be no more than 90
1608 homes on this site, and as Mrs. Freye reiterated earlier, that reduces the traffic to less than 500 units of
1609 traffic per day. In addition, we did employ a traffic engineering company, DRW, to do a consulting and
1610 do a traffic study for us. We have had the study done and they have given us a summary of that report
1611 in which they also conclude that the traffic would be adequate for the roads, and with only one period of
1612 time causing a delay, and that would be during this time that school is open there would be a delay
1613 between 7:30 and 7:45 in the morning, and primarily between 7:40 and 7:45 a.m. I'll be glad to answer
1614 any questions that you may have.
1615

1616 Mr. Archer - Thank you Mr. Atack. Are there questions from the Commission?

1617
1618 Ms. Dwyer - I have one question about ownership. Will these be rental units or
1619 owner occupied?
1620

1621 Mr. Atack - These will be owner occupied, Ms. Dwyer.
1622

1623 Ms. Dwyer - OK. But that's not part of the proffer that they will be offered for sale or
1624 that's part of the future plan.
1625

1626 Mr. Atack - That is our plan, I'm not sure that, we've had a lot of experience in age
1627 qualified housing; just my the nature of this product it really wouldn't lend itself to being a rental unit.
1628

1629 Ms. Dwyer - Because of the cost?

1630
1631 Ms. Atack - Yes.
1632

1633 Ms. Dwyer - I can't read the floor plan from, my copy is a little fuzzy. There's one
1634 bedroom downstairs and two plus a study upstairs. Is that the floor plan?
1635
1636 Mr. Atack - There are a number of different floor plans, Ms. Dwyer. But yes, in
1637 some cases there's as many as two rooms upstairs, either an extra bedroom or an office or two, and
1638 sometimes as many as two baths upstairs.
1639
1640 Ms. Dwyer - But they all have first floor baths?
1641
1642 Mr. Atack - Yes.
1643
1644 Ms. Dwyer - OK.
1645
1646 Mr. Atack - Yes, I'm sorry. They'll have at least a one and a half full baths on the
1647 first floor.
1648
1649 Mr. Archer - All right. Any further questions from the Commission?
1650
1651 Ms. Dwyer - I have one more question about access. Proffer 5 says if access is from
1652 Mill Road no access other than emergency will be provided to Hunton Boulevard. So as I look at the plan
1653 in our packet, would Hunton Boulevard just stub at the property line?
1654
1655 Mr. Atack - That is correct. Yes ma'am.
1656
1657 Ms. Dwyer - Then how would the emergency access be configured?
1658
1659 Mr. Atack - Well the emergency access would have to be approved during the POD
1660 process, but there is what we believe access to that stub road through the back of the community. The
1661 maximum, excuse me, Ms. Dwyer, is 82 units without the emergency access.
1662
1663 Ms. Dwyer - Would you mind just showing me where the emergency access would
1664 come on this site plan that you have?
1665
1666 Mr. Atack - Certainly. You get access here, here (referring to slide). There's a
1667 number of different points. There would be access (referring to slide).
1668
1669 Mr. Vanarsdall - Do we have that portable mike? Excuse me, Mr. Atack.
1670
1671 Mr. Bittner - No, we don't have the portable mike.
1672
1673 Mr. Atack - I'm sorry. I'll to speak up Mr. Vanarsdall.
1674
1675 Ms. Dwyer - So what that means is you'd give up a lot for the emergency access
1676 according to this (referring to slide)?
1677
1678 Mr. Atack - That is a possibility Ms. Dwyer, but we believe that it won't be necessary
1679 because this would be a typical emergency access that would be done in pavers, with grass growing
1680 through, and then a permanent structure. Either it can be a gate, it could be a cable, or it could be a
1681 ballaster of some sort, but it could be available for emergency access but not for vehicular access.
1682
1683 Ms. Dwyer - So you might have it between two buildings?
1684
1685 Mr. Atack - Yes ma'am, it could be a 20-foot wide right-of-way.

1686
1687 Ms. Dwyer - And my last question is where is this right-of-way through here that
1688 you're trying to acquire, as you mentioned earlier? Would that change when you came, if you were able
1689 to acquire that and include that as part of this parcel, would that change the maximum number of units
1690 that you're proffered or...
1691
1692 Mr. Atack - No ma'am. That is currently owned by the State; we own both sides of
1693 it, so we would just simply petition the State and they would give the property owners on both sides,
1694 which would be us.
1695
1696 Ms. Dwyer - Right, but then if, once you acquired it would that change these proffers
1697 at all?
1698
1699 Mr. Atack - No ma'am.
1700
1701 Ms. Dwyer - You wouldn't add units or...
1702
1703 Mr. Atack - No ma'am.
1704
1705 Ms. Dwyer - You wouldn't change them? OK. Thank you that's all.
1706
1707 Mr. Atack - Thank you.
1708
1709 Mr. Archer - Anyone else have questions for Mr. Atack? Ms. Freye.
1710
1711 Ms. Freye - Mr. Chairman, could we allow persons to speak in support, if they'd like
1712 at this time?
1713
1714 Mr. Archer - Yes ma'am.
1715
1716 Mr. Marlls - Mrs. Freye, you have a total of five minutes and 21 seconds on case C-
1717 47C-01, and you have three minutes and 29 seconds on case C-48C-01.
1718
1719 Ms. Freye - Sounds good.
1720
1721 Mr. Elmore - My name is William Elmore and I have lived for 61 years approximately
1722 two blocks east of Mr. Atack's proposal. I have no objections to this; in fact, I am very much in favor of
1723 it. In the last few years there's been an awful lot of development going on in this community. Rock
1724 Springs, Chickahominy Branch and across the road from me, Hunton, and they're real, very high quality
1725 homes. It's a real nice community and I think what he is proposing here is in keeping with what the high
1726 quality of the neighborhood. Thank you.
1727
1728 Mr. Archer - Thank you, Mr. Elmore. Any questions for Mr. Elmore? Thank you sir.
1729
1730 Ms. Corson - Mr. Chairman, members of the Commission, my name is Barbara Corson.
1731 I live at 11754 Mill Road. I've only been living there for two years, but I am very familiar with Mr. Atack
1732 and his developments around Henrico County. They're all of highest qualities and standards. The
1733 housing proposal he has is a very attractive package from what I've seen in the drawings and it seems a
1734 much preferred, some of it, as far as the housing is concerned, it seems much preferred to office and
1735 warehousing which is zoned for that right now, that property along with the fact that he is planning on
1736 leaving the trees and buffers and keeping it a natural looking area, and I think we'd welcome to have an
1737 age-qualified community added to our neighborhood. It is a growth spurt in that road itself. We do have
1738 another subdivision being built right now, and there are plans to build a new middle school on that street

1739 coming up in a couple of years. So, change is inevitable, and I think that Mill Road now has to be
1740 prepared for the fact that we're going to grow. It's not just going to be a little country road anymore.
1741 But I very much support Mr. Atack's proposal. Thanks.
1742

1743 Mr. Archer - Thank you Ms. Corson.
1744

1745 Mr. Atack - Thank you.
1746

1747 Mr. Harris - Hello again, my name is Tallmadge Harris and my wife and I have lived
1748 on Mill Road for the past 16 years and, don't worry, I'm going to try not to be to redundant, but I'm just
1749 trying to make a few points. As I said in previous meetings, I strongly feel that residential housing is
1750 much more desirable to our area than warehouses. The County Planning department has intended for
1751 our area to be a residential corridor.
1752

1753 When my wife and I moved here Mill Road was predominantly rural. It has now become more and more
1754 suburban, and that's fine and we've expected that. But we feel that warehouses would detract from the
1755 area and negatively impact the character of the neighborhood. The traffic that's been mentioned in the
1756 past at Mill and Mountain Road is due to the school parents coming and going during a brief period of
1757 time. Having carried my daughter to that school, I feel that it's a part of the neighborhood, I almost feel
1758 like I've paid my dues. Now that she is out of the elementary school, I wait and just move on a few
1759 minutes later. Many of the opposition to this proposal had the opportunity to vote for residential or
1760 warehouses just a few years ago on another nearby project and chose warehouses. We moved into this
1761 area knowing it was going to change. Lets make that change an improvement. My wife and I and
1762 everyone we've talked to on Mill Road support this residential proposal. Thank you.
1763

1764 Mr. Archer - Thank you sir.
1765

1766 Mr. Harris - Thank you.
1767

1768 Mr. Archer - Is there anyone else to speak in favor of the proposal? OK, how much
1769 time is left, Mr. Secretary?
1770

1771 Mr. Marlles - Two minutes and five seconds on case C-47C and three minutes and 29
1772 seconds on Case C-48C.
1773

1774 Mr. Archer - All right, thank you. OK, then at this time we will hear from the
1775 opposition.
1776

1777 Mr. Kizer - Good evening, Mr. Chairman and members of the Commission. My
1778 name is Wade Kizer and I live at 11621 Chickahominy Branch Drive.
1779

1780 Mr. Archer - Good evening, Mr. Kizer.
1781

1782 Mr. Kizer - Good evening. I'm opposed to both cases that are here tonight. For the
1783 past six years the residents, the overwhelming majority of the residents of Rock Springs Estate, as well as
1784 Chickahominy Branch, have been opposed and fought the rezoning of this piece of property. Until
1785 tonight we've been successful in our fight. As Mr. Atack pointed out, one of the major points of
1786 contention about rezoning this property has always been access to Mill Road. The second point, in my
1787 opinion, has been the fact that we've also consistently against putting apartments on any part of this
1788 piece of this property.
1789

1790 With regard to access to Mill Road, Mill Road is a narrow winding two-lane road with a 45 mile per hour
1791 zone. It is congested already and that is due not only because of the homes that already exist on Mill

1792 Road and in that general area, but also because of Glen Allen Elementary School that sets at the
1793 intersection of Mill Road and Mountain Road. What we believe that the County has not heard us on yet is
1794 that not only is Mill Road presently congested, and going to be made even more congested by 90 manor
1795 homes that Mr. Attack wants to build, but we're not taking into account the fact that there are 175 new
1796 homes that Mr. Attack is building on the east side of Mill Road that have just been rezoned, and that's
1797 Hunton Estates. In addition to that 175 homes that will be additional traffic that's not already there, but
1798 is already zoned and is coming, there's a new county public middle school that's in that same piece of
1799 property that is due to be developed during the next several year, and it'll be that many more cars and
1800 that many more parents driving their children to school, as well as that many more school buses. In
1801 addition to the 175 new houses in Hunton Estates and the new middle school that is yet to be built, there
1802 are also approximately 75 new homes that have already been zoned but have yet to built on the west
1803 side of Mill Road, and those are in the back end of Rock Springs Estates. The lots have already been
1804 subdivided, foundations have been put in some of them, but for the vast majority they've yet to be built,
1805 and that traffic is yet to be taken into consideration. When we were here approximately a month ago, it
1806 was my understanding that one of the reasons that the developer asked this case to be continued was
1807 for the purpose of having a traffic study done. I have yet to see a traffic study. I did see a single page
1808 sheet tonight that appears to be a traffic count. There is a gentleman here that I think is from the
1809 County Traffic department. As I understand it, a traffic study is an in-depth study that would consider all
1810 of the traffic on the road, not just at one intersection of Mill Road but also at the other intersection near
1811 the railroad track, and to take into account all traffic not only just exiting Mill Road onto Mountain Road,
1812 but traffic going onto Mill from both Mountain Road as well as the other end at the railroad track. I've
1813 yet to see any traffic study. Perhaps Mr. Attack has one, but I didn't see it in the County file today, and I
1814 when I looked for it and I haven't seen any reference to it tonight, other than the single page what
1815 appears to be a traffic count. I would point out this, and that is approximately a year and a half ago Mr.
1816 Attack came to this same two neighborhoods and requested that we join him in asking for the rezoning of
1817 the acreage on the east side of Mill Road which is now going to be Hunton Estates and the 175 new
1818 houses and the new middle school. We dealt with him in good faith and to a large extent agreed that
1819 that would be a good change in zoning, and for the most part did not object to that rezoning. But we did
1820 that and we gave up for what we had fought long and hard for, that being the denial of access to Mill
1821 Road. We gave up two accesses to Mill Road on the east side of Mill when he came to us a year and a
1822 half ago because we believed that we were protected on the west side of Mill Road and that access at
1823 that time was not allowed, and it would continue to be denied. It's just a year and a half now since then,
1824 and now we're asking for access to the west side of Mill Road. We are against it and we dealt in good
1825 faith a year and a half ago, and we ask that the County do likewise with us now. We're not against, I
1826 think for the very large part of people that are concerned about this, are not against the project itself. I
1827 think it's a quality one. All we have asked is that it be turned around and that the access come down
1828 Hunton Parkway off of Staples Mill Road as opposed to off of Mill Road. It could be a win-win situation
1829 for everybody if that simple thing were done, and I think that Mr. Attack would have no trouble selling
1830 these units to people who are interested in buying them even if the access came off of Staples Mill Road.

1831
1832 Mr. Archer - All right.

1833
1834 Mr. Kizer - With regards to the apartments, we've always been against apartments
1835 in this area. There have until recently have been no apartments in this area. Recently zoning has been
1836 allowed on the west side of Staples Mill Road not far from this proposed project for 300 new apartments.
1837 If this project is allowed, it is going to give us 600 apartments in an area that heretofore has never had
1838 apartment houses. Lastly, I would just mention the buffer with regard to the manor houses. The buffer
1839 on Long Meadow Drive is 35 feet. The residents certainly don't believe that that is a wide enough buffer.
1840 What you are going to have is Long Meadow Drive 35 feet, which is very narrow, and then the next, the
1841 private road, which goes through the manor houses, and it's going to have the appearances of two
1842 parallel roads. We respectfully ask that you hear our concerns. As I said, we've been successful for the
1843 last six years, and we ask that you not change the zoning on this piece of property now.

1844

1845 Mr. Archer - Are there questions for Mr. Kizer before he takes a seat? All right, thank
1846 you sir. Did you have a question Ms. Dwyer?

1847
1848 Ms. Dwyer - No.

1849
1850 Mr. Archer - All right.

1851
1852 Mr. Paxton - Mr. Chairman, ladies and gentlemen, my name is David Paxton. My wife
1853 and I live at 11616 Chickahominy Branch Drive. I would like to speak to a couple of access issues on Mill
1854 Road, if I may. Although a lot of attention has been directed to the school at the intersection of Mill
1855 Road and Mountain Road, I'd like to direct your attention to how traffic flows on a portion of Mill Road
1856 and mainly the portion I'm indicating here with the light (referring to slide), as you proceed east bound
1857 on Mill Road crossing 295, that's a four lane divided road. As you approach the property (referring to
1858 slide), and the intersection where Mr. Attack proposes to have access, it reduces to a two-lane road and,
1859 specifically, if you are going eastbound the right lane merges into the left lane. Mr. Attack, by requesting
1860 access to Mill Road, is asking that you allow him to use the through lane of Mill Road into which traffic is
1861 being merged as a deceleration and stacking lane for vehicles entering his property. That I would submit
1862 is an inherently dangerous situation, and we can all speculate as to how dangerous something is and
1863 what may or may not result. But it would seem to me that since we're not dealing here with property
1864 that has an absolute right to access to Mill Road, its asking for a waiver of a prohibition, that it is
1865 incumbent upon the applicant to satisfy this body and the public that safety is not going to be unduly
1866 compromised. That has not been done. The traffic memo, I'm sorry, the traffic memo that the applicant
1867 referred to basically tells us nothing more about the traffic at this point then we knew 30 days ago.
1868 Specifically, what this, this does not refer to a study, if you will, it refers to a traffic count and what it
1869 does is refers to a count made on two different days at two different times down at the intersection of
1870 Mountain and Mill Road, approximately a mile away from where the applicant proposes to use the
1871 through lane as a merge is going on for deceleration and stacking. And all this does is looks at traffic
1872 going southbound, if you will, on Mill Road onto Mountain. At the time this count was being done, the
1873 traffic could have been bumper-to-bumper coming on Mountain Road and turning on to Mill Road mainly
1874 going in front of the access point that the applicant requests. The traffic could have been bumper-to-
1875 bumper coming the other on Mill Road and going to the school. The study, the count by definition, does
1876 not include any of the traffic coming out of the Chickahominy Branch in Rock Springs Estates area or
1877 coming in from that direction on Mill Road that goes to the school. All of that is excluded from this count
1878 and I'd submit to you that you truly know nothing more about traffic now then you did 30 days ago, and
1879 you're entitled to know more. You're entitled to the applicant preparing a real traffic study that looks at
1880 the proposed intersection that he is requesting and addresses issues over an engineers seal certified to
1881 the county such as whether using a through traffic lane during the course of a 45 mile an hour merge
1882 around a turn is consistent with county and other applicable governmental design criteria and whether its
1883 inconsistent with best engineering practice. Unless a traffic engineer certifies that to you, you're being
1884 asked to simply allow this to go on and wonder whether something will happen, and I think the applicant
1885 owes us all, more than speculation on that score.

1886
1887 On the second traffic matter, we're in a situation now where the applicant came come in again and again
1888 and request access to Mill Road. He's talking about getting some property from the state. We don't
1889 know when that would take place, how that will come before you in terms of another request for access,
1890 and I would submit that its time for the applicant to show his intentions regarding Mill Road by
1891 dedicating, for example, a one-foot wide conservation easement around the perimeter of the property he
1892 is applying for. That would in effect sterilize and preclude further access to Mill Road as a matter of law
1893 rather than a matter of good faith. If there's a need for a fire entrance to this property, then that portion
1894 of the one-foot strip could be dedicated to the county for fire purposes. On a less substantive but
1895 annoyance factor, the proffers refer to a 15-foot high sign. The entrance signage for Rock Springs is four
1896 feet, 10 inches high, Chickahominy Branch is six feet high, Hunton Estates' new sign is 11 foot eight. For

1897 reference, the wall over here at the projector is 12 foot, six, and the applicant is asking for two and a half
1898 feet more than that with no specification on width. That's ridiculous. Thank you.
1899
1900 Mr. Archer - Thank you Mr. Paxton. Are there questions for Mr. Paxton from the
1901 Commission members? Thank you sir.
1902
1903 Ms. Suffa - Good evening. My name is Linda Suffa. I live at 3330 Wood Book
1904 Lane. I've lived in the Glen Allen community for approximately 25 years. My concerns are traffic, the
1905 quantity to the population which would be quantity and quality, and what I would like to do is show you
1906 some brief pictures I've taken to kind of reiterate what the other folks are saying - realizing that perhaps
1907 at least one of two of you have not traveled in the community recently.
1908
1909 Mr. Archer - OK, we can put those up for you, ma'am, I believe.
1910
1911 Mr. Marlles - Ma'am, would you mind spelling your last name, just so we catch it on
1912 the record.
1913
1914 Ms. Suffa - It is S as in Sam u f f a.
1915
1916 Mr. Marlles - Thank you.
1917
1918 Ms. Suffa - It's a little different. This is a picture of Hunton Parkway (referring to
1919 slide). If you travel from the intersection up Staples Mill west on Staples Mill from Mountain Road, this is
1920 the dual-lane divided highway that will become Hunton Parkway/Hunton Boulevard that we've been
1921 speaking of. If you go to the next picture (referring to slide), this is actually the very first picture and
1922 what this shows you is at this point Staples Mill is a four-lane divided highway that then feeds into
1923 Hunton Parkway, which is to the far side where you see the stop sign. That's where Hunton Parkway
1924 feeds into Staples Mill Road. So it is four lanes divided feeding into a four-lane divided highway. This is
1925 a picture of the intersection (referring to slide) of Mountain Road that to, the feed in road here is Mill
1926 Road, which you see that its two lanes with the turning lane going into two lanes. You can tell this was
1927 unprepared and unpracticed.
1928
1929 Mr. Archer - You're doing real good.
1930
1931 Ms. Suffa - This is a picture of standing on Mountain Road looking at what is the
1932 beginning of Mill Road (referring to slide). There is a fire station to the far side where the van is sitting.
1933 This is taking that same intersection and looking at it from Mill Road (referring to slide). As you see, Mill
1934 Road is two lanes that feeds into Mountain Road, which is two lanes with the one little turning lane from
1935 a different perspective. This is a picture of Mill Road as you come over that hill that you saw (referring to
1936 slide). Glen Allen Elementary is to the side where the van is sitting (referring to slide). As you see, Mill
1937 Road goes down and then goes up over 295. There's an overpass there with a new residential
1938 community on the left. This is taken (referring to slide) on top of the overpass looking further down Mill
1939 Road. This is just a picture (referring to slide) of the east side of Mill Road and the property that is in
1940 question to be developed, of which I might even though with the restricted age community and the
1941 apartments that Mr. Attack is suggesting, there is still in this plan offices. Now if you look at this picture
1942 (referring to slide) and it's very difficult to see, where you see the steam shovel is Bekah Lane. Right
1943 diagonally across from that is where the entrance to the restricted age facility would be. In the distance
1944 (referring to slide), you see a small sign which is the entrance to Rock Springs Estates. This is the
1945 entrance to Rock Springs Estate (referring to slide), and it is at this point that Mill Road goes back to two
1946 lanes. This is where Mill Road starts into two lanes (referring to slide), as you see there's another new
1947 housing development that Mr. Attack is building to the right (referring to slide). Now in this development,
1948 there's going to be 147 new homes, and there's also proposed a middle school. This is about
1949 approximately 50 more feet down the road. As you see Mill Road is very narrow, its two lanes, and most

1950 places there is no shoulder. As you see in the next couple of pictures, this one it's also very, very curvy.
1951 This is the next curve (referring to slide); this is kind of like a virtual reality pictorial show down Mill Road
1952 (referring to slide). Obviously I don't work for National Geographic. Next one. This is the next curve
1953 and the next curve (referring to slide), and this is almost to the end, but as you see there's one last curve
1954 before you come to the railroad tracks. And the railroad tracks are sitting approximately 100 feet in front
1955 of the house that's right at the end of Mill Road (referring to slide). This is the first end of Mill Road, you
1956 cross over the railroad tracks and you come to the stop sign then it takes almost a 90 degree turn to the
1957 left, where you go another, I'll say 300 feet where there is another stop sign and it continues on to be a
1958 two-lane road through, up through Hanover County where it connects with 623, where there is another
1959 new housing development.

1960
1961 I just took some pictures of the neighborhood houses just to show you representative of the type of
1962 houses in the neighborhood. You can flip through these really quickly (referring to slides). Like I say this
1963 all back to the type of property that are adjoining or within a few feet of this property we're taking about.
1964 Like I say, the only other points I wanted to make is the fact that Mill Road is two lanes feeding into
1965 another two lanes road that is already very congestive with many new additions coming in the future.
1966 Staples Mill is a two-lane four-lane divided highway with Hunton Parkway being four lanes divided. The
1967 fact that the traffic survey is done is nice. I guess, I still have some questions about if 55-year-old
1968 individuals or shut-ins, I myself at 55, will have twins going into the first grade. I can tell you I don't plan
1969 on being retired, I certainly don't plan on sitting at home. My trips up and down Mill Road probably are
1970 close to 10 or 15 a day now, and I expect them to escalate, as the twins get older, and participate in
1971 neighborhood activities as my three older children did. I don't think the apartments are appropriate for
1972 this neighborhood, and I don't think Mill Road really can stand any more traffic activity then what is
1973 actually on it. Thank you for your time.

1974
1975 Mr. Archer - Thank you Ms. Suffa. Are there questions from the Commission?
1976

1977 Mr. Jernigan - I have one. You made a statement, maybe I heard you wrong. What
1978 did you say about offices a little while ago? There's going to be offices on this property?
1979

1980 Ms. Suffa - There still is in the plan, planned offices. There is, in this proposed plan
1981 there are apartments, there are town homes, there's this restrictive age community and there still are
1982 plans for office.
1983

1984 Mr. Bittner - I think I might be able to clarify that, Mr. Jernigan.
1985

1986 Mr. Jernigan - Clarify that for me, please.
1987

1988 Mr. Bittner - The overall Hunton property is about 400 acres and includes Office
1989 Service. This would be a piece of the original Hunton that they want to rezone. So there would still be
1990 some Office Service left over, which would basically be the south side of the new Hunton Park Boulevard
1991 backing up to interstate 295.
1992

1993 Mr. Jernigan - OK.
1994

1995 Mr. Archer - Are the offices a part of this zoning case?
1996

1997 Mr. Bittner - No sir, they are not.
1998

1999 Mr. Jernigan - That's a separate piece. That's what I was questioning, that's a separate
2000 piece of property.
2001

2002 Mr. Archer - I just wanted to clarify that. Any more questions for Ms. Suffa?

2003
2004 Ms. Dwyer - I'm wondering if the traffic engineer is going to be speaking tonight, I do
2005 have a couple of questions of him in light of some of the comments that have been made tonight. Mr.
2006 Vanarsdall, did you want him to come after the applicant finished or does it matter? Todd?
2007
2008 Mr. Vanarsdall - I guess right now would be just a good a time as any.
2009
2010 Mr. Archer - I might let you know that we do have, we have 46 seconds left for the
2011 opposing side.
2012
2013 Mr. Vanarsdall - Oh, you do.
2014
2015 Ms. Dwyer - Well, this wouldn't count against anybody.
2016
2017 Mr. Archer - No, no it wouldn't.
2018
2019 Mr. Vanarsdall - Since we were on traffic and roads this would be a good time to do this.
2020
2021 Mr. Archer - No I don't have any objection; I was just making that observation so
2022 they would know.
2023
2024 Mr. Eure - Good evening Mr. Chairman, members of the Commission. My name is
2025 Todd Eure. I'm the Assistant County Traffic Engineer.
2026
2027 Ms. Dwyer - Looking at our map, what is the status of Hunton Park Boulevard? Will it
2028 connect to Mill Road if the Commission does not; say the Commission did not vote to allow this C-48C to
2029 be built as designed so that it would cut off Hunton Park Boulevard? Would it then continue to Mill Road
2030 and then be a connection for the whole development or has that been nixed?
2031
2032 Mr. Eure - That's been nixed. Basically, Hunton Parkway is a long cul-de-sac, four
2033 lane divided cul-de-sac at this point.
2034
2035 Ms. Dwyer - Given the number of residential units and the office, is that road
2036 sufficient to carry all that traffic, given that's just one access to Staples Mill Road and no other access?
2037
2038 Mr. Eure - The road itself is designed to carry that much traffic and more because it
2039 is a four- lane divided facility with proper turn lanes. The intersection of Staples Mill and Hunton Parkway
2040 will have a traffic signal done in conjunction with VDOT. So access there will be as good as it can get.
2041 Obviously, the original conception was to have the road connect through, but that has been eliminated,
2042 so with what we have there, it will work as satisfactorily as possible under the circumstances.
2043
2044 Ms. Dwyer - Do we have a count of the number of residential units and the number
2045 of people who would be in the office buildings at full build-out for this area that would be served by this
2046 cul-de-sac?
2047
2048 Mr. Eure - I don't have those numbers with me. It is my understanding that the
2049 original traffic impact study was being revised to reflect the changes in zoning and anticipated
2050 development that has occurred there, but I've not reviewed that at this point. Actually I think it has been
2051 downgraded, if I'm not mistaken.
2052
2053 Ms. Dwyer - So when this when Hunton was really, originally designed there was a
2054 connection to Staples Mill and a connection to Mill, which would provide good circulation and good access

2055 if there were an emergency. Is that correct? No? OK, I'm getting nos. OK I just want to be straight on
2056 the history.
2057
2058 Mr. Eure - It's, in some respects it's sort of like Cox Road north of Nuckols except
2059 less intense. That's basically a long cul-de-sac with very intense development on both sides of it all the
2060 way back. I'm don't know what the length comparison is. They're probably comparable.
2061
2062 Ms. Dwyer - North of Nuckols you mean?
2063
2064 Mr. Eure - North of Nuckols. Yes. I'm sorry, with a traffic signal at the intersection.
2065 So, you know, it functions. Yes, it would nice if it connected through somewhere, else but at this point
2066 it's not an option.
2067
2068 Ms. Dwyer - Are there plans to widen Mill Road?
2069
2070 Mr. Eure - Yes ma'am. Mill Road is a minor collector in the County's Thoroughfare
2071 Plan. Ultimately it will be a four lane divided road from Mountain Road up north of 295, or east of,
2072 depending on how you interpret its orientation. I guess it starts out north south and turns east west.
2073 Beyond that point it will be a four-lane undivided roadway all the way up to intersection of Old
2074 Washington, with ultimately some improvements in that vicinity of Old Washington and Greenwood. So,
2075 yes, it is ultimately going to be improved and with development with the proposed apartment units or
2076 townhouse units and adjacent subdivisions, improvements are being done with those developments and
2077 then ultimately it will be the county's responsibility to come in and kind of fill in the gaps in front of
2078 residential portions.
2079
2080 Ms. Dwyer - So this would just occur with development? The widening of Mill Road?
2081
2082 Mr. Eure - At this point, yes ma'am. Just as with the frontage of these townhouses
2083 along Mill the developer would be required to do the full widening providing SA turn lanes, make any,
2084 provide any necessary left turn lanes and any proposed crossovers for access so that we don't have
2085 traffic turning into the development off of a merge lane as Mr. Paxton was indicating he thought was
2086 going to happen. So yes we would make the developer do all the necessary road improvements in his
2087 immediate frontage to accommodate the traffic.
2088
2089 Ms. Dwyer - I'm assuming that access from Hunton Park Boulevard to Mill is
2090 something that the neighborhood does not want.
2091
2092 Mr. Eure - That's my understanding yes, ma'am, and for that reason our
2093 recommendation is if the townhouses are to access off of Mill that there be no access provided to
2094 through Hunton Parkway, because at that point we would provide basically a cut-through connection
2095 that's not designed to handle the traffic that would use it. So, if that access is to be provided, we would
2096 request that it be emergency access only.
2097
2098 Ms. Dwyer - Thank you. That's all I had.
2099
2100 Mr. Archer - All right.
2101
2102 Mr. Vanarsdall - Aren't they going to do something along, in front of the school?
2103
2104 Mr. Eure - Yes, sir. There is currently a project underway to improve the school
2105 entrance driveway, widen that, as well as improve the onsite circulation within the school parking lot.
2106 That may not sound like its going to help traffic on Mill, but its our opinion that it will because if we can

2107 get traffic off of Mill quicker into the school site and circulate better within the site then we won't have
2108 the degree of back ups on Mill that we currently have, the school traffic.

2109
2110 Mr. Archer - All right, any further questions of Mr. Eure?

2111
2112 Mr. Taylor - Overall, I have just one capsule question. Noting all the proposed
2113 increases in subdivisions and different development, is it your view that the road capacities and the road
2114 improvements will take will be made a pace with this development, such that safety and capacity would
2115 be adequate?

2116
2117 Mr. Eure - Yes sir, it would be our opinion. One thing that I would like to add that
2118 goes to your question, we have heard a number of concerns about the intersection of Mill and Mountain
2119 as it currently operates, irregardless of any additional proposed traffic, and that's an intersection we are
2120 in the process of reviewing to determine what operational and safety improvements we can make there.
2121 We don't propose a traffic signal at this point. I will point out that in the future if a traffic signal is
2122 warranted there, then one would be installed. That would be done. We've monitored traffic as it grows
2123 and anticipate approximately a year ahead of time if a traffic signal is needed, and have it up and
2124 operational prior to its meeting federal warrants. In the meantime, we are going to look at the
2125 intersection and see what operational improvements we can make there. There's a possibility that we
2126 can use the existing pavement we have on Mill just north of Mountain and add an additional approach
2127 lane to Mountain Road to help congestion there, particularly in the morning. And that we will do,
2128 regardless of the outcome of this project.

2129
2130 Mr. Taylor - I recognize as we go along here there are some congested areas now. I
2131 just wanted the assurance that with the road, before you can build roads, we usually have a higher traffic
2132 count. So the higher and higher traffic count, the more of the road. The travel log that we had along
2133 Mill Road is, there is a few curves in there, and I think that's in need of modernization and widening. So
2134 my concerns would be alleviated somewhat, if we were assured, as members of the Commission, that
2135 road improvements either by the developer or by the County or whoever, by the state perhaps, would
2136 keep pace with the development such that a reasonable amount of safety could be assured over the
2137 course of the project, recognizing that eventually it'll get to another web, and it'll, roads will begin to
2138 develop where they have other outlets, other then the ones they have now. You think that, looking at
2139 the way roads develop is a good final opinion that we can keep up with the growth that we see here so
2140 that safety is maintained and we won't, we'll end up with a good road system for Henrico County during
2141 the pace of this project?

2142
2143 Mr. Eure - The short answer to your question is yes, the, I guess the, if I can
2144 elaborate on that slightly, into a certain degree development drives road improvements. It we don't
2145 have...

2146
2147 Mr. Taylor - I recognize that and that's the point. It drives it and then to keep pace
2148 with it, it's a question of, the chicken and the egg, you can't have one without the other and you'd like to
2149 keep the two of them together so that as the improvements are needed, the improvements are made,
2150 and safety is maintained and we get rid of that.

2151
2152 Mr. Eure - There would be improvements with the alignment of Mill as it is widened
2153 primarily to the north and east of this proposed site. That's where the majority of the curves are. The
2154 lower end, many, much of the widening is already in place, its kind of not consistently wide throughout
2155 there, so we can't use the pavement as efficiently as we'd like, and that probably would be the first
2156 section to be fully improved so that we would have a full four-lane section all the way from Mountain up
2157 through this area of development (referring to slide). I don't have a time frame at this point in time.

2158

2159 Mr. Taylor - Well, my experience in Henrico County in terms of watching the
2160 development and watching your ability to improve the roads as the development takes place, overall, in
2161 all the places I've lived it's about as good as I have seen.
2162
2163 Mr. Eure - Sir, its not perfect but its...
2164
2165 Mr. Taylor - I would liked to be assured with this project of this magnitude and scope
2166 that your good record would be maintained and certainly we would have the traffic improvements keep
2167 pace with development.
2168
2169 Mr. Eure - I think that would be our goal as well, and I will also point out that as I
2170 stated earlier, we would require the developer to do full improvements, anything and everything that we
2171 would feel is needed from a safety standpoint that we can legally require him to do.
2172
2173 Mr. Archer - OK, any further questions for Mr. Eure? As I said, the opposition does
2174 have 46 additional seconds if anybody cares to use it and of course Ms. Freye has a rebuttal.
2175
2176 Ms. Hawthorne - I can do that. I'm Carolyn Hawthorne. I live in Rock Springs Estates and
2177 I would like to ditto the previous concerns, but I purchased this home two years ago because it is a very
2178 low density, less than one home per acre area. So my concern is that the population density will triple or
2179 go to 6 times that with the proposal. Another concern is when we moved in, we were told we could not
2180 have a pumping station, the County would not provide one for us for sewage, and I wonder how they're
2181 going to handle that and why can they get one and we can't?
2182
2183 Mr. Archer - Thank you, ma'am. Perhaps Ms. Freye can refer to that when she does
2184 the rebuttal.
2185
2186 Ms. Freye - Mr. Chairman, I would like for Mr. Attack to respond to the question
2187 about the pumping station.
2188
2189 Mr. Archer - OK, thank you, ma'am. Mr. Attack.
2190
2191 Mr. Attack - The short answer is that the pumping station is being installed is being
2192 done by private funds. It's close to a three million dollar project that is being done by the private
2193 developer. So the County's, I don't think they had sewer scheduled for your area, originally, ma'am and
2194 this property necessitated its development. It could only be achieved by a pumping station, and so the
2195 developer is paying those entire expenses. That's the short answer.
2196
2197 Mr. Archer - Thank you, Mr. Attack.
2198
2199 Ms. Freye - Thank you, Mr. Chairman.
2200
2201 Mr. Archer - How much time do we have Mr. Secretary?
2202
2203 Mr. Marlles Five minutes and 34 seconds.
2204
2205 Ms. Freye - I can do better than that, too.
2206
2207 Mr. Archer - All right.
2208
2209 Mrs. Freye - One of the things I really appreciated in hearing your questions,
2210 particularly yours, Ms. Dwyer, is an understanding about the prior zoning and the concerns of the
2211 neighbors. It is real important to note that the prior zoning did not allow access to Mill Road for a very

2212 important reason, and that's because the development primarily was office service, warehouse, which
2213 would have involved both the type of traffic which would have been a lot of truck traffic, and then also
2214 the volume of office traffic that is generated with that type, so that Mill Road would not have been a
2215 compatible road for that type or that volume of traffic that that zoning would have required at that time.
2216 However, since then, as one of the residents spoke to, in 1999 there was a rezoning immediately to the
2217 east side that did allow some of that zoning to change to residential and that residential development is
2218 allowed access to Mill Road. So, the precedence for residential development to have access to Mill Road
2219 has been established. The traffic report did show, we think it did add some information here. It did
2220 show where the congestion problem is that the folks are so concerned about. It showed that that
2221 congestion is between 7:30 and 7:45 in the morning, and while there may be exceptions it not likely or
2222 the rule that the age-qualified folks that would be living in this development would be likely taking
2223 children to school then, and would not likely be on the road at that time of day. The County traffic
2224 engineer has looked at this. I think that he has recognized that there are general road improvements
2225 that are needed to Mill Road. We certainly understand and appreciate the frustrations that the residents
2226 have, but you've heard the County's own engineer testify that it would be safe and that the road can
2227 accommodate this development.

2228
2229 We feel that the apartments would not have a negative impact on the Rocks Spring, Chickahominy, Mill
2230 Road development at all. It's over towards Staples Mill. All the access would be to Staples Mill. It is
2231 three miles by car. It's really not a part of their area. And also, I think its note worthy that the
2232 objections are not about the residential development on Mill; it's just the access. And I think that the
2233 evidence before you supports that the road is adequate and is safe to accommodate that, particularly
2234 since its age restricted and because it is, the density has been out limited. So we ask you please to
2235 follow the recommendation of the staff and recommend approval of this to the Board of Supervisors for
2236 both cases. Thank you.

2237
2238 Mr. Archer - Thank you, Ms. Freye. Any questions from the Commission?

2239
2240 Ms. Dwyer - Ms. Freye, there was another comment other than traffic, relating to
2241 something other than traffic. One was the height of the sign and the other was a 35-foot buffer adjacent
2242 to Long Meadow and Rock Springs Estate, and I'm wondering if that 35 feet, so it's a two-part question,
2243 but I'm wondering if the 35-foot proffer is in addition to any required setback or if that's meant to be?

2244
2245 Ms. Freye - At this point, its worded just as a 35-foot buffer. It doesn't say in
2246 addition to setbacks. So, at this point, it's strictly is a 35-foot buffer.

2247
2248 Ms. Dwyer - So what is required? What is the minimum requirement?

2249
2250 Ms. Freye - What is the minimum requirement for a setback? I can answer the other
2251 part of your question about the sign. In all the meetings that we've had with residents they've never
2252 once had any issue about the sign proffer. That is something that we would be glad to work with them
2253 on and talk with them about between now and the Board now that we know that that is a concern. I feel
2254 like that is something that we certainly can dialogue with them about.

2255
2256 Mr. Archer - All right. Did we, I think they were looking for an answer for you Ms.
2257 Dwyer.

2258
2259 Mr. Marlles - Mr. Chairman, the minimum rear yard setback is 35' according to Code.

2260
2261 Mr. Archer - OK. Ms. Dwyer you hear that?

2262

2263 Ms. Dwyer - OK. So just so that I'm clear on this, the minimum Code requirement is
2264 35' and since this buffer is not in addition to the required setback then you're not giving any extra space.
2265 Is that correct?
2266
2267 Mr. Atack - Ms. Dwyer I would (unintelligible – mike not picking up the audience).
2268
2269 Ms. Dwyer - So what is the minimum legal requirement then between the road and
2270 the residents?
2271
2272 Mr. Atack - I'm not sure that be a front yard setback with the 35', probably 24'
2273 whatever the front yard setback is.
2274
2275 Ms. Dwyer - OK, I see. Is this site plan proffered?
2276
2277 Mr. Atack - No it's not proffered.
2278
2279 Ms. Dwyer So this is between the road?
2280
2281 Mr. Atack - The setback from the road would be 35', also.
2282
2283 Mr. Archer - It is 35 front and back.
2284
2285 Ms. Dwyer - OK.
2286
2287
2288 Mr. Jernigan - You've got 35' to the road, then you've got the road, then you've got
2289 another 35' setback to the house.
2290
2291 Ms. Dwyer - OK.
2292
2293 Mr. Archer - OK, Miss Freye, I had one question, just before we wrap up. One of the
2294 opponents, I think it might have been Mr. Paxton or Mr. Kizer indicated, I think, that it would be better
2295 satisfied with a reorientation of the layout, and since Mr. Atack indicated that it had not been proffered, is
2296 that possible or is the optimum layout as to what you all have looked at?
2297
2298 Miss Freye - We believe it is the optimum layout, considering the market that we are
2299 trying to attract to these residential homes. These are folks that are going to want to be a part of this
2300 community, the rural residential feel, and to have accessibility to that and not be segregated from the
2301 residential community. It, the proffer, is worded that says if the access is to Mill Road, there would not
2302 be the impact from Hunton Park Boulevard. There are just a lot of marketing reasons about why that
2303 makes sense, the precedence for access for residential access to Mill Road has been affirmed as recently
2304 as 1999, just across the road, and it doesn't seem that this property should be treated differently.
2305
2306 Mr. Archer - OK, I just wanted the information because I haven't heard anybody
2307 mention it.
2308
2309 Miss Freye - Thank you.
2310
2311 Mr. Archer - Thank you, Miss Freye. Are there any further questions for either side?
2312 All right. Are we done, Mr. Vanarsdall?
2313
2314 Mr. Vanarsdall - I start by waiving the time limit. I move that we waive the time limit on
2315 C-47C-01.

2316
2317 Ms. Dwyer - Second.
2318
2319 Mr. Archer - Motioned by Mr. Vanarsdall and seconded by Ms. Dwyer. All in favor of
2320 the motion say aye. All opposed say no. The ayes have it. The time limits are waived. The vote was 5-
2321 0. Mr. Kaechele abstained.
2322
2323 Mr. Vanarsdall - Now I have to waive the time limit on the next case C-48C-01.
2324
2325 Ms. Dwyer - Second.
2326
2327 Mr. Archer - Motioned by Mr. Vanarsdall and seconded by Ms. Dwyer. All in favor of
2328 the motion say aye. All those opposed say no. The ayes have it. The time limits are waived. The vote
2329 was 5-0. Mr. Kaechele abstained.
2330
2331 Mr. Vanarsdall - I see the hour is late and a lot of people have been here before we got
2332 here, so I won't be very long on my comments. I would first always just thank the people who came and
2333 spoke for and against. I appreciate that very much you coming out. And there is not a lot I can add to
2334 these comments that has not already been asked or said or stated. But I would like to give you a run
2335 down and where we are tonight. I jotted down some things here. We've had several meetings including,
2336 as you know, another public hearing last month on this case, both of these cases. Mr. Atack has
2337 responded to the issues by deferring the case last month for a traffic study. Traffic is the number one
2338 complaint that probably that I would guess that we hear from the Commission in any part of town. I
2339 wish there was a proffer that we could write that there would be no more traffic, but that's not possible.
2340 Around where I live and some of the people in the audience, the traffic out on Mill and Mountain would
2341 look like a horse and buggy to what we see, and I don't mean it should get any worse; I'm not trying to
2342 say that. My wife, Effie, and I went out to the intersection of Mill Road and Mountain last Monday. A
2343 comment was made by one of the citizens that probably nobody on this Commission knew anything
2344 about the traffic on Mill Road or where Mill Road was. So I said, well I am familiar with it and I will get
2345 more familiar with it. So we went out and stayed for a while and there was a lot of traffic through the
2346 intersection. But I'm told by the traffic, Todd Eure, that numbers don't necessarily mean as much as
2347 how long you wait to get through an intersection. Around 7:30, 7:40 or 7:45 p.m., it backed up at the
2348 most and not very long then, maybe eight to 10 cars, and school buses, of course, caused it to back up.
2349 Most of the people come from the school and took a right and went up Mountain to Staples Mill Road and
2350 then to 295, which is a good way to get out. Some traffic went down Mountain, most turned right and
2351 went up, but it, the backup was not bad as you think. I do not believe that the age restricted will cause
2352 that much early morning traffic; it should not. And if the present zoning, they talked about traffic on
2353 those roads, if the present zoning remains you will have in addition to automobiles, you'll have trucks and
2354 all kinds of different vehicles. I guess what I'm saying is that if you don't know it, this body does not go
2355 on what is popular or what is anything other than technical, and we have a very professional staff that
2356 reviews all of this before it ever comes to us. Its been said that we are the lightning rod for the Board
2357 of Supervisors. That means that we have to prepare the cases and send it to them. I don't know of
2358 anything else we can do on these two cases at the Commission level that we haven't already done. Mrs.
2359 Freye has worked closely with Mr. Atack, and they have improved the cases by adding and changing
2360 proffers, and Mr. Bittner has written a very favorable staff report in favor of both cases. The traffic
2361 department also had no problem with it. The Land Use Plan and the goals, objectives and policies, which
2362 we have to go by and want to go by and look at, they are both favorable on these two cases. And both
2363 projects are very upscaled and certainly more compatible with the residential layout and development
2364 then present zoning. And all the things that we look at as commissioners point to very favorable
2365 conditions, and I would like to see these passed on to the Board and then the things you all have talked
2366 about tonight, in addition to what is here, could be worked on. With that said, I would like to start with
2367 Case C-47C-01 and recommend to the Board of Supervisors to approve this case.
2368

2369 Mr. Jernigan - Second.
2370
2371 Mr. Archer - Motioned by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor
2372 of the motion say aye. Those opposed to the motion say no. The ayes have it. The motion passes. The
2373 vote was 5-0. Mr. Kaechele abstained.
2374
2375 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Jernigan, the Planning Commission
2376 voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it
2377 would be compatible with the type of residential growth in the area, the proffered conditions assure a
2378 level of quality not otherwise possible, and it adds a valuable component to the mixed development
2379 concept of the larger overall development.
2380
2381 Mr. Vanarsdall - The next case is C-48C-01. I would like to recommend to the Board of
2382 Supervisors to recommend approval for this case.
2383
2384 Mr. Taylor - Second.
2385
2386 Mr. Archer - Motioned by Mr. Vanarsdall and seconded by Mr. Taylor. All in favor of
2387 the motion say aye. Those opposed say no. The ayes have it. The motion passes. The vote was 5-0.
2388 Mr. Kaechele abstained.
2389
2390 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission voted
2391 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it would
2392 reinforce the residential character of the area and the proffered conditions assure a level of quality not
2393 otherwise possible.
2394
2395 Mr. Vanarsdall - I appreciate everyone coming out.
2396
2397 Mr. Archer - Mr. Secretary, when will the Board hear this case?
2398
2399 Mr. Marlles - Do you have a date, Randy?
2400
2401 Mr. Kaechele - October 9th isn't it? October 9th?
2402
2403 Mr. Archer - These cases will be heard by the Board of Supervisors at their next
2404 public hearing on October 9th.
2405
2406 Mr. Archer - All right, let's give everybody a second to clear out, Mr. Secretary. Well
2407 we can call the case. Lets go ahead and call another case. All right, we ready?
2408
2409
2410 **C-39C-01 James W. Theobald for JG Virginia, L.P.:** Request to conditionally
2411 rezone from R-5 General Residence District to R-6C General Residence District (Conditional) and B2C
2412 Business District (Conditional), Parcels 103-A-58 through 61, containing approximately 69.10 acres (R-6C
2413 – 52.6 acres; and B2C – 16.5 acres), located on the west line of Staples Mill Road (U.S. Route 33)
2414 approximately 60 feet north of Park Lane (Mayfield Subdivision). Multi-family and commercial retail
2415 development are proposed. The R-6 District allows a density up to 19.8 units per acre. The business will
2416 be controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan recommends
2417 Office/Service.
2418
2419
2420 Mr. Marlles - Mr. Householder will present the case.
2421

2422 Mr. Archer - Thank you, Mr. Secretary. Is there anyone here opposed to C-39C-01?
2423 We have opposition.

2424
2425 Mr. Householder - Thank you, Mr. Chairman. This request would rezone 52.6 acres from R-
2426 5 General Residence District to R-6 General Residence District, and it would zone 16½ acres from R-5 to
2427 B-2C Business District.

2428
2429 The property as shown here on the aerial map (referring to slide) is generally bounded by Staples Mill
2430 Road to the east, Bethlehem Road, Willow Place Shopping Center and Jordan's Branch Creek. Let me
2431 show it to you on the zoning map (referring to slide). With this, this would be Jordan's Branch down here
2432 and Bethlehem Road running up here (referring to slide). This request would be a major redevelopment
2433 project. The proposed redevelopment would include the demolition of 688 multi-family units. The
2434 applicant has indicated that the engineering studies show that a 60-year Suburban Apartments were
2435 wearing out and nearing the end of the useful life. They've also indicated the rehabilitation of the
2436 Suburban Apartments would not be economically feasible. As shown here, there are actually three
2437 complexes that make up this property, the Suburban Apartments, The Crestwood Apartments, and The
2438 Yorkshire Apartments would occupy all these areas here (referring to slide), with Crestwood here,
2439 Yorkshire, and then the remaining area and here being the Suburban Apartments (referring to slide).
2440 Currently zoned R-5, the applicant could, by right, demolish these units and construct 1,003 apartment
2441 units. Instead the applicant is requesting rezoning to provide retail development along Staples Mill, in
2442 this area (referring to slide), and have a higher density apartment project back here (referring to slide).

2443
2444 I would like to first go over the particulars of the B2C portion of the request. The Land Use Plan
2445 recommends Office Service, but staff believes there is merit to providing neighborhood oriented retail
2446 services that could serve the residents not only of the apartments but also other residents in the area.
2447 The applicant has submitted several proffers that we feel would insure quality development on the site
2448 that would be compatible with surrounding uses. These proffers include that they've limited substantially
2449 the B-2 uses on the site; they've provided for a 25' landscape buffer along Staples Mill Road; they've also
2450 addressed staffs concern with a big-box retail in this location by prohibiting what we would consider a
2451 big-box retail, and they've insured a coordinated architectural appearance along the subject property.

2452
2453 Now, to the R-6 portion of the request, which is 52.6 acres. It would be located just behind this B2C
2454 portion (referring to slide) and this existing zoning would allow 14.52 units per acre, whereas the R-6
2455 proposal would be 19.8. Based on 52.6 acres, this could be 1,041 apartment units constructed on this
2456 portion of the property. It is anticipated that in order to develop at this density, the applicant would have
2457 to have a mix of building types that would include anywhere from two to a four-story building. The
2458 applicant for this apartment portion has proffered to provide for a mix of unit styles with a maximum of
2459 35% one-bedroom units, and which would be a typo in staff report. I think that it said minimum and it
2460 should refer to a maximum of 35% one-bedroom and a maximum of 15% three bedroom units, which
2461 would provide for a variety of unit types. Also, in this case we have an exhibit, which I will bring up,
2462 which kind of gives a very basis conceptual view of the project. But it shows this four-lane road coming
2463 through the project which staff thinks is very important to provide access to the proposed site and would
2464 really make it a better quality development. There currently exist four roads within the complex and the
2465 applicant has indicated that when they demolish the units they will also vacate existing roads and put in a
2466 spine road, as its called in the proffers, as shown on this exhibit. As I said, the existing buildings are
2467 nearing the end of their usable life, which would require demolition, and this obviously would displace the
2468 current residents of the Suburban Apartments. The owner has indicated that relocation assistance will be
2469 provided to assist these residents of the current apartments. As in the B-2C portion of the development,
2470 the applicant has submitted proffers that staff feels would insure in quality development on the site,
2471 including a pedestrian access system throughout the major project areas of the development. They are
2472 going to have a clubhouse and recreational area for use of residents, which would be proffered to be
2473 built on the first phase of the project. The Proffer 16, they stated that any storm water management
2474 facility would be utilized as a water feature and become an integral part of the development. This is

2475 something staff worked for and is consistent with our multi-family design guidelines. The remaining issue
2476 in the staff report was the buffer area between the north and west portions of the property (referring to
2477 slide) and which are single-family residential areas. This proffer has been revised and handed out to you
2478 tonight and it now provides for a 35' side yard setback and a 40' rear-yard setback, which is a 5' increase
2479 from the previous proffer from the northern western property lines. Also, to address staff concerns with
2480 the buffer area with the size of the buildings for the three and four story buildings, the applicant has
2481 proffered 60' for a three-story building, and a minimum 100' setback for a four-story building. In essence
2482 in keeping the perimeters clear with the lowered buildings off the perimeter of the site, which was the
2483 intent that staff was trying to get at with those comments, so they now have addressed that concern.
2484 Additional proffers that we typically get with higher quality apartment complexes, dumpster screening,
2485 limited parking light lighting, sounds suppression measures, and quality building materials.

2486
2487 In summary, this request would be a major redevelopment opportunity for a site that has great potential.
2488 Although the request is not consistent with the 2010 Land Use Plan designation of office service, staff
2489 feels that the applicant has provided many additional assurances that to justify this type and quality, I
2490 think it would justify a departure from the recommendations of the Land Use Plan. Because the existing
2491 uses are multi-family in nature, staff feels that a high quality multi-family development project combined
2492 with the retail neighborhood services along Staples Mill would be a substantial improvement for this site
2493 and the appropriate redevelopment option. Staff recommends approval of this request, and I would be
2494 glad to answer any questions you have.

2495
2496 Mr. Archer - Thank you, Mr. Householder. Are there questions on the Commission?
2497

2498 Mr. Vanarsdall - I don't have a question for Mr. Householder, but I would like to mention,
2499 Mr. Chairman, that they asked if anyone was in opposition to the case. We also have some people here
2500 in favor of the case. I would like for everybody in favor of the case to raise their hand. Thank you.
2501

2502 Mr. Archer - Thank you.
2503

2504 Ms. Dwyer - Mr. Householder, I have a questions about the B-2 zoning. I think you
2505 stated in your staff report that this would be a neighborhood kind of retail service-oriented area. But B-1
2506 is usually what we think of when we think of neighborhood-oriented service areas. Also, being this close
2507 to all these apartments, B-2 is allowed to be open 24 hours a day and B-1 establishments have to close
2508 at midnight. So I'm wondering, especially given all the uses B-2 uses at have been proffered out, what is
2509 the rationale for B-2 as opposed to B-1 zoning?
2510

2511 Mr. Householder - I think the applicant probably address it better than I could because they
2512 have, obviously, some intentions for B-2 that I may not be aware of. But, in general, I know the
2513 automobile filling station with the convenience store was a, I think a use that it seems to be something
2514 they were looking forward to, which would require the B-2 designation. That's a guess as why they are
2515 looking for B-2.
2516

2517 Mr. Jernigan - And that's closing at midnight?
2518

2519 Ms. Dwyer - Yes, its 24 hours.
2520

2521 Mr. Archer - B-2 is 24 hours. Right.
2522

2523 Ms. Dwyer - B-2 is 24 hours.
2524

2525 Mr. Householder - B-3 is...
2526

2527 Mr. Jernigan - I'm thinking we...

2528
2529 Ms. Dwyer - Maybe I looked it up wrong.
2530
2531 Mr. Archer - B-3 is 24 hours.
2532
2533 Mr. Jernigan - You have to be B-3 to have 24 hours.
2534
2535 Ms. Dwyer - Let me check.
2536
2537 Mr. Vanarsdall - Mr. Secretary, I thought B-1 was community and B-2 was neighborhood.
2538
2539 Mr. Archer - B-2 is midnight, I believe.
2540
2541 Mr. Marlles - Right.
2542
2543 Mr. Archer & Mr. Marlles - B-3 is 24 hours.
2544
2545 Mr. Householder - I think B-2 allows for the provisional use to extend the hours.
2546
2547 Ms. Dwyer - Let me see.
2548
2549 Mr. Householder- My recollection is that is where the difference between the B-1 and B-2
2550 is.
2551
2552 Mr. Archer - I think the applicant can answer that
2553
2554 Mr. Vanarsdall - Mr. Theobald can answer that very easily.
2555
2556 Mr. Householder - I am sure he can.
2557
2558 Mr. Archer - Any further questions for Mr. Householder. All right, while Mr. Theobald
2559 is coming, I will reiterate what the secretary said concerning the rules for the time limits for the applicant
2560 and for the opposition. Ten minutes for each side, and Mr. Theobald would you like to reserve some
2561 time, sir?
2562
2563 Mr. Theobald - Two minutes please, Mr. Chairman.
2564
2565 Mr. Archer - All right.
2566
2567 Ms. Dwyer - Provisional use permit allows 24 hours in B-2.
2568
2569 Mr. Theobald - Correct. It would require me come back to the Commission and the
2570 Board of Supervisors, but not as a matter of right. Mr. Chairman, ladies and gentlemen, my name is Jim
2571 Theobald I'm here this evening on the behalf of JG Virginia LP and Gumenick Properties.
2572
2573 As Mr. Householder stated, this is a request to rezone approximately 70 acres of land from unrestricted
2574 R-5 to R-6 and B-2 with substantial proffered conditions. As you know, Suburban, Yorkshire, and
2575 Crestwood Apartments were constructed beginning in the late 40's and on into the early 60's. They
2576 certainly served an important role in initially providing housing for our returning veterans from World War
2577 II, but now some 40 to 50 years later they are just worn out to the extent that renovations are just not
2578 feasible. Gumenick Properties intends to replace the current structures with the highest quality
2579 apartments along with related neighborhood-oriented retail along Staples Mill Road. This, obviously,
2580 involves a long-term commitment to the site by the Gumenicks in the investment of over 60 million

2581 dollars by them in a location that has been designated by the County and its Land Use Plan as a strategic
2582 redevelopment area. As such, our plans are consistent with many of the County's goals, objectives and
2583 policies, as expressed in your Land Use Plan. Importantly, I think this request represents a significant
2584 opportunity. It's obviously a mature site. If you have been out there, its extraordinary well located with
2585 convenient access to West Broad Street and Interstate 64 and is almost equal distance between some of
2586 the exciting development that is occurring in the downtown Richmond area as well as out in the
2587 Innsbrook and Short Pump area. All the necessary infrastructure is in place and it's in an area that is
2588 undergoing redevelopment; witness the expansion of the Trigon Complex. Gumenicks' commitment to
2589 complete the redevelopment in a responsible and quality fashion, I think, is made all the more creditable
2590 by their successful redevelopment efforts at Crestview. But their vision for redevelopment is not just
2591 related to this site, but for the surrounding area as well, and that vision results from a strategic business
2592 plan that has been over two years in the making. As Mr. Householder indicated, the site is currently
2593 zoned R-5 unconditional, thus resulting in the potential to develop over 1,000 units, as a matter of right,
2594 without any written binding quality assurances. Now our request for our R-6 classification would allow us
2595 to develop approximately the same number of units net of the 16½-acre site slated for neighborhood
2596 retail. We had submitted nearly 30 written conditions that are binding and will run with the land. You've
2597 heard Mr. Householder summarize those. They do include such features as pedestrian access ways
2598 connecting all areas, provision of a primary access way bisecting the property, that being a four-lane
2599 spine road, underground utilities. We've limited the hours of trash pick up. We've agreed to rezone any
2600 areas that lie within the 100 year flood plan to a C-1 Conservation District. With regard to our apartment
2601 land, very importantly we have put minimum square footages on the different types of units to assure
2602 you that these are units to the highest quality. One-bedroom units have a minimum finished floor area of
2603 700 square feet, two-bedroom units minimum finished floor area of 925 square feet, and three bedroom
2604 units a minimum of 1,100 square feet of finished floor area. We have also limited the mix. This is
2605 important in terms of considering potential impacts on schools. The apartments will consist of a
2606 maximum of 35% one-bedroom units and a maximum of 15% three-bedroom units. There have been
2607 significant recreational amenities proffered, that being a clubhouse or multiple clubhouses, which will
2608 include a business center, swimming pool or pools and fitness facilities, and we have agreed to construct
2609 the clubhouse with the first phase of development.

2610
2611 We provided for sound suppression measures. We've committed that each unit will have a washer and a
2612 dryer, and be electrically wired to readily accommodate computers and modems. Mr. Householder has
2613 indicated our recent proffer amendment. It was filed Tuesday ahead of the deadlines. We will not need
2614 a waiver, increasing the building setbacks and dealing with taller buildings, trying to internalize those to
2615 our site.

2616
2617 Our storm water management facility must be designed as a water feature amenity. There is a rather
2618 large one planned on this site, and well landscaped so that it's an integral part of the development. We
2619 have limited our exterior materials, eliminated the use of cantilevered chimney. We have required any
2620 recreational vehicles, campers, etc. to be parked or stored or stored in designated areas rather than
2621 throughout the project at random, and limited the height of lighting.

2622
2623 Turning for a moment to the B-2 parcels, we have eliminated a significant number of otherwise permitted
2624 uses in the B2 area. Again, the hours of operation are limited to 6:00 a.m. to midnight. We have
2625 provided for a buffer along Staples Mill Road; provided a proffer to assure you this is not a site where a
2626 big-box retailer would be welcomed.

2627
2628 We've addressed such things as exterior materials, the height of lighting, also to the extent that there
2629 would be a convenience store fuel pumps provided that any such canopy lighting would be recessed, so
2630 as to conceal the direct source of light. Furthermore, we've limited the signage; the detached signage on
2631 the B-2 piece to be ground mounted in nature and not to exceed 15' in height and also provided that all
2632 landscape areas along the public rights-of-way would be irrigated.

2633

2634 In summary, I would like to assure you that Gumenick Properties has spent years in both strategic and
2635 land planning to get to this point. Along the way they have diligently informed their residents and
2636 neighbors of their plans. We have also worked very hard with your professional planning staff, Mr.
2637 Vanarsdall and Mr. Glover, to develop the written guarantees that you have before you this evening.
2638 Some are taking reference that this represents a very significant investment by Gumenick Properties and
2639 Henrico County. This redevelopment will result in significant job opportunities and enhance revenue to
2640 the County in the nature of both sales and property taxes. It is estimated that upon completion, the
2641 assessed value of the property and improvements will rise from its current level of approximately nine
2642 million dollars to well over 60 million dollars. We believe this request represents a significantly better
2643 alternative than the one that current exists. You've heard the saying that a rising tide lifts all boats.
2644 That's their vision for this area, and I would respectfully request that you recommend approval of this
2645 case to the Board of Supervisors. And I do note there are other people who would like to speak in favor
2646 of this case and I would be happy to answer any questions.

2647
2648 Mr. Archer - Thank you, Mr. Theobald. Are there questions for Mr. Theobald from the
2649 Commission?

2650
2651 Ms. Dwyer - Is your primary reason for requesting B2 as opposed to B1 because
2652 you want the convenience store option?

2653
2654 Mr. Theobald - That is one reason. Also B1 has a requirement that limits the square
2655 footage of retail users to 5,000 square feet, and sometimes your users, your inline users, even the
2656 neighborhood retail might require additional space.

2657
2658 Ms. Dwyer - I thought it was 10,000.

2659
2660 Mr. Theobald - I thought it was 5,000 in B-1.

2661
2662 Ms. Dwyer - No individual shops/shop found more than 10,000 square feet of floor
2663 area except when located within a shopping center. So you think you might something more than 10,000
2664 square feet?

2665
2666 Mr. Theobald - Sure. Grocery Store.

2667
2668 Ms. Dwyer - You could have two, the way the proffers are written you could have two
2669 big boxes on that property.

2670
2671 Mr. Theobald - I think if you look at the plans, Ms. Dwyer, if you could put the site plan
2672 back up for me, the little card plan (referring to slide), what you see is that the retail sites are actually
2673 divided into three sites, the largest of which is 10 acres and so it would, on ten acres of land you might
2674 get somewhere between 70,000 and 80,000 square feet. Your typical big box user these days are
2675 160,000 square feet, so you will not be seeing big boxes on these sites.

2676
2677 Ms. Dwyer - So what was the square footage again for that site, the maximum?

2678
2679 Mr. Theobald - It could be just a basic rule of thumb somewhere between 7,000 to
2680 10,000 square feet per acre developed. This is about a 10-acre site. So, you could have, I've never
2681 seen anybody get a 10,000 square feet per acre, so its probably 80,000 square feet average could be
2682 developed on that parcel, the size of a Ukrop's is 62,000/65,000 square feet for a grocery store, but your
2683 big-box retailers are a minimum of 120,000 to 165,000 square feet.

2684
2685 Ms. Dwyer - So you're not going to have a Wal-Mart, but you could have an 80,000
2686 square foot building?

2687
2688 Mr. Theobald - Could, sure could.
2689
2690 Mr. Archer - All right, any further questions from the Commission?
2691
2692 Mr. Kaechele - Have there been any layouts over the apartment units that would
2693 indicate you know the number of units or the density?
2694
2695 Mr. Theobald - No, sir, Mr. Kaechele. We have not done a layout. I think that if you
2696 multiply the potential density over the acreage you come out with some 1,041 versus the 1,003 units that
2697 could be developed as a matter of right on the entirety of the property and of the current zoning.
2698
2699 Mr. Kaechele - That's 19.8 or something like that?
2700
2701 Mr. Theobald - Yes, sir. That's exactly right.
2702
2703 Ms. Dwyer - Would these be three-story buildings to achieve that density?
2704
2705 Mr. Theobald - There'll be a mix of two, threes and possibly four-story buildings.
2706
2707 Ms. Dwyer - I have a question. Just for my information and what's proffered out in
2708 the list of B-2 uses that are proffered out, bars for establishments whose primary purpose is the sale of
2709 alcohol. What are the ABC rules? Are you familiar with the ABC rules about alcohol to food ratio?
2710
2711 Mr. Theobald A bit. I am and while I think that this language was perhaps a bit
2712 redundant in that regards, it was language that was important to both the commissioner and supervisor
2713 of the district to better state our intent as to the types of uses. I think that the ABC laws still require
2714 having at least 50% of your revenues be comprised of food sales in order to have a license to serve
2715 alcohol. We thought this accurately stated what we did not wish to occur on the site, and it seemed to
2716 work.
2717
2718 Mr. Archer - All right. Further questions for Mr. Theobald from the Commission?
2719
2720 Mr. Theobald - Thank you.
2721
2722 Mr. Archer - Thank you, sir.
2723
2724 Mr. Theobald - I believe we might have some proponents, Mr. Chairman.
2725
2726 Mr. Archer - Ok, how much time do we have left for that side, Mr. Secretary.
2727
2728 Mr. Marlles - Excluding the two minutes for rebuttal, two minutes.
2729
2730 Mr. Archer - OK. All right. Mr. Theobald you can select some one.
2731
2732 Mr. Vote - My name is Rick Vote. I live in the Britton Hills Farm neighborhood,
2733 which is approximately cater-counteracted to this proposed development, and I'm the President of the
2734 Britton Hills Farms Civic Association there. Britton Hills Farms is a neighborhood of approximately 80
2735 homes built in the 30's and 40's. Some of the people that live there have lived there since the homes
2736 were built; some of the people who have lived there have actually spent, lived in Suburban Apartments a
2737 few years after World War II. In speaking with the residents of our neighborhood, I have spoken with no
2738 one that is opposed to the development of this property. We spent some time with the Gumenick group
2739 of people that are developing this, and on behalf of the people of the neighborhood that I have spoken

2740 with, which is definitely the majority, we are very much in favor of this development. We feel that it will
2741 improve the quality of life of our neighborhood as well as the area around there by providing a much
2742 higher quality living space, a much more attractive living space. It will provide some very needed and
2743 convenient services in the retail area, and we don't believe that the, some people have had questions
2744 about traffic, and in looking at it the traffic is bad now. We don't think this is going to make it any worse.
2745 Other factors contribute to the traffic problem around that area, and also we just feel that aesthetically it
2746 will be a great improvement to not only our neighborhood but all of the surrounding neighborhoods in
2747 terms of property values, added conveniences to the stores, and the people that it will draw with Trigon
2748 putting up a new office. Is that my two minutes?

2749
2750 Mr. Archer - Yes sir, I'm afraid it is.

2751
2752 Mr. Theobald - Thank you very much.

2753
2754 Mr. Archer - Thank you, sir. OK, is that all of the time Mr. Secretary?

2755
2756 Mr. Marllles - Except for the two minutes for rebuttal, yes sir.

2757
2758 Mr. Archer - All right, so we'll hear from the opposition. Would someone like to be
2759 first?

2760
2761 Rev. Sykes - Members of the Planning Commission, business leaders and concerned
2762 citizens, I am Rev. Lisa Sykes, the United Methodist Minister, here in Richmond I'm appointed to Christ
2763 Church which is located near to Suburban Apartments. And I'm chair of Henrico Affordable Housing
2764 Partnership, which you'll refer to as HAP. As I speak we are an interfaith group including different
2765 religions and different denominations and we also include nonprofits and individual citizens. Our goal is
2766 to assure low-income wage earners of quality housing in safe neighborhoods with public transportation,
2767 with good schools and other necessities, such as near by jobs and medical care.

2768
2769 I am here tonight as chair of HAP to ask for a deferral on the rezoning request of JG Virginia LP, also
2770 known as Gumenick Properties for Suburban, Yorkshire, and Crestwood properties. We agree that these
2771 properties need to be redeveloped; we have questions about some of the elements of the proposed plan.
2772 I ask for a deferral for these following reasons. First if you look at the plans offered, there is a 37%
2773 increase in the residential density of the area. The proposal suggest a change from R-5 zoning, as you
2774 know, which permits 103 apartments on 69 acres to R-6 zoning which would allow 1,041 units on a much
2775 smaller 52 acres. I see no consideration of the burden of this density change on the road and the traffic
2776 patterns, or its effect on adjacent single-family homes. Second, the 2010 land use plan designates this
2777 area as retail office. This designation is obviously inconsistent with the intended redevelopment and
2778 there should be a delay to address a change in the Land Use Plan. Third, there are inconsistencies
2779 between the proposed plan and the multifamily development guidelines of Henrico County. The proffer
2780 has only recently been amended to include four-story buildings, and it's possible that these would be built
2781 adjacent to single-family homes around the outer perimeter when those sorts of buildings, the higher
2782 ones, are to be to the center of such a development. This stands in clear contradiction of a multifamily
2783 development guideline. I fear many of the current landowners and neighbors to this property are
2784 unaware of this fact. I think the height should be scrutinized and current neighbors consulted and plans
2785 made specific about the height and the placement of the building. Fourth, there is a lack of specifics
2786 regarding new road designations and the distribution of parking spaces in accordance with the multi
2787 family guidelines. This is also true of the buffer zone between the new commercial corridor along Staples
2788 Mill Road and the proposed R-6 zoning, and no mention is made of providing units which are accessible
2789 for the elderly and the disabled, which is, again, part of the guidelines of our county. Fifth, the report
2790 from the Division of Police Community Services suggest that no site plan was submitted with this case. It
2791 raises several concerns in regard to crime prevention through environmental design. Most at Henrico
2792 County out of a concern for its citizen's safety require a conceptual plan from the developer before

2793 granting approval in order to make sure that such significant issues as these are addressed. And finally,
2794 from the meetings HAP has had with the residents, I can attest to the fact that they are confused to as to
2795 what is happening. Different language groups relate different and conflicting facts about the
2796 redevelopment and there possible displacement. Many of the residents who are unfamiliar, perhaps, with
2797 our system of government are reluctant to advocate for themselves and some actually fear premature
2798 eviction should they speak out publicly. So it is a real issue in wanting to make the voices of the
2799 residents that we're thinking of displacing heard. Adequate attempts to ascertain the concerns of these
2800 residents and to insure that they clearly understand the choices and time line before them, I believe have
2801 not been made. These are law-abiding and tax-paying hard-working citizens. One of them had to go
2802 home to put her children to bed tonight, but she came with me. Her name is Rosa and she brought her
2803 five year old and her three year old. Many of the residents are not here and could not be here because
2804 they work more than one job. They have two or three jobs and they work in the evening. Should we
2805 endorse the displacement of 400 to 600 family units so casually without insuring they've been heard,
2806 especially understanding that there are special ethnic nuances that we want to consider with this
2807 community. As a pastor I'm here to speak for those who are unable or perhaps too fearful to come and
2808 speak for themselves. Do we not have a moral and ethical obligation to good tenants of these
2809 properties, some of them have lived there for 13 years, and to current residents of this County, who seek
2810 to keep not only there location but also there lives intact. A significant financial institution in Henrico
2811 County is ready to make a creative and generous investment in this redevelopment to and as a result in
2812 this County that would provide profit to the owners while avoiding the displacement of at least some of
2813 the current Suburban residents. This offer has been made known through Interfaith Housing and despite
2814 diligent attempts on the part of Interfaith and of HAP, the developers have been unwilling to even discuss
2815 it or even or actually articulate it. And while they are willing to discard such an immense gift to our
2816 community and provide for exclusivity and diversity we who are a part of HAP are not content to let this
2817 happen. And certainly some of our Bishops are in agreement with this stance. We ask only for a fair
2818 hearing with the Gumenick's and clear and complete communication to the residents who face
2819 displacement. We support Henrico County's identified goal to encourage the creation of housing for the
2820 elderly and the disabled and welcome the offer of this philanthropic investor to provide childcare on site
2821 as well as a recreational center. I am convinced that the profits at stake here, and I know I come from a
2822 theological bias, are more than monetary and the one who will profit the most from carefully considering
2823 these concerns is Henrico County itself and all of its citizens. At this time, just so everyone can know I
2824 would like to ask those who support HAP's request for deferral of the Gumenick's rezoning application for
2825 the Suburban, Crestwood and Yorkshire Apartments to please stand. Thank you.

2826
2827 Mr. Archer - Thank you, Rev. Sykes. Are you done now?

2828
2829 Rev. Sykes - Yes, I am.

2830
2831 Mr. Archer - Are there questions from the Commission?

2832
2833 Mr. Jernigan - I've got, what is the apartment count there now?

2834
2835 Rev. Sykes - We are aware that there are 600 families still on the premises. As to
2836 apartment count I probably should...688.

2837
2838 Mr. Jernigan - Thank you.

2839
2840 Ms. Dwyer - Could you give us some more information, you mentioned this
2841 philanthropic investor. Have they, are they willing to offer to purchase the property and then to build it?

2842
2843 Rev. Sykes - There are different possibilities there. I'd like to if I may grant the
2844 microphone to Pat Patterson of Interfaith Housing through whom this offer has come. He knows about it
2845 than I do. Thank you.

2846
2847 Mr. Archer - Thank you. How much time do we have left, Mr. Secretary?
2848
2849 Mr. Marlles - Two minutes and 20 seconds
2850
2851 Mr. Archer - Two minutes and 20 seconds for the opposition.
2852
2853 Mr. Patterson - My comments are very brief. I'm Pat Patterson, the Executive Director
2854 of Interfaith Housing Corporation, and I state simply that we've offered to work with Gumenick Properties
2855 to minimize the permanent displacement of current low income tenants of Suburban by either purchasing
2856 part or all of the area to be redeveloped in order to help stabilize as many families as possible or by
2857 partnering with Gumenick's and then a private lender to provide construction or permanent financing
2858 significantly below market rates to help make the apartments more affordable for low income families
2859 who reside there. The permanent the private lender has chosen to remain anonymous unless/until
2860 Gumenick Properties decides to talk specifics of how such a partnership might work. To these offers
2861 Gumenick has responded in writing that "we will not sale all or part of Suburban and we decline to meet
2862 further with you as we don't share common vision for Suburban" noting that they intend to get out of the
2863 low-income housing market all together. They have also erroneously inferred that our financing partner
2864 is the Government and the fact is that it is not the Government. I will state that. I wish that this were
2865 not the case, but I think regardless of the merits of our efforts my wishing can accomplish very little
2866 without a sincere desire from a party that owns Suburban to come to the table.
2867
2868 Mr. Archer - So, Mr. Patterson, are you'll saying that you've not have an opportunity
2869 to dialog with them at all?
2870
2871 Mr. Patterson - We've had a meeting with Gumenick Properties, and we had
2872 correspondence between us and Gumenick, yes.
2873
2874 Mr. Archer - OK.
2875
2876 Mr. Patterson - But we've had no opportunity to come together with Gumenick to talk
2877 specifically about how a redevelopment might occur with a private lending partner and the indication of
2878 Gumenick's is that really don't want to participate in that kind of a relationship.
2879
2880 Mr. Vanarsdall - Mr. Patterson, I think they made it very plain to you and the others in
2881 their letters that they didn't want to.
2882
2883 Mr. Patterson - That's correct.
2884
2885 Mr. Vanarsdall - Have any part of this and I don't think they want to come together. I
2886 think, I have a copy of the letter, and it's very plain and very nicely written, very politely written out, and
2887 I don't think you can expect them. It's their money.
2888
2889 Mr. Patterson - I don't disagree with you, sir. I notice there are many...
2890
2891 Mr. Vanarsdall - You live anywhere near the Suburban apartments?
2892
2893 Mr. Patterson - I did, I do not now.
2894
2895 Mr. Vanarsdall - You don't now?
2896
2897 Mr. Patterson - Correct.
2898

2899 Mr. Vanarsdall - Thank you.
2900
2901 Mr. Archer - Are there any further questions for Mr. Patterson from the Commission?
2902
2903 Mr. Patterson - Thank you.
2904
2905 Mr. Archer - Is there time enough, Mr. Secretary?
2906
2907 Mr. Marlles - Fifty-eight seconds.
2908
2909 Mr. Archer - OK, we've got about a minute if someone else would like to speak.
2910
2911 Ms. Rose - Yes, I'm Barbara Rose, a resident of Hanover County and also Vice Chair
2912 of HAP, Henrico Affordable Housing. Some technical things, besides the lack of consistency with your
2913 multi-family guidelines that were outline by Rev. Lisa Sykes, the proffers are also ambiguous and vague.
2914 They appear defective. Are they even enforceable? Examples, it proffers recreational facilities, but no
2915 standards, the tiny clubhouse, postage stamp pool, what will it be? The tree proffers, conditions on
2916 preservation where practical. Who decides that, they do. It's impossible to determine whether the road
2917 plan will be adequate and safe. There is no plan. That is not a proffered concept plan. And I'm really
2918 troubled when I look at the other presentations this evening. Unlike, for instance C-49C-01, we have no
2919 conceptual site plan. You don't know where the buildings are, but proffer 15 tells you that they're going
2920 to on the, adjacent to the residential, they may have four-story buildings, when your multifamily
2921 guidelines say otherwise. I think that the proffers are vague. I think its inconsistent with a multifamily
2922 guideline and I would ask that you defer this application until it can be made more complete and more
2923 consistent with the guidelines, and also to allow meeting with the current residence of Suburban and
2924 some of the neighboring single-family homes, which HAP will be glad to help to arrange. I thank you.
2925
2926 Mr. Archer - Thank you Ms. Rose. Are there questions?
2927
2928 Mr. Vanarsdall - Ms. Rose, what would the meeting with the Suburban residents prove?
2929 What would that accomplish?
2930
2931 Ms. Rose - Well, one thing that was mentioned relocation efforts.
2932
2933 Mr. Vanarsdall - You understand that we have nothing to do with the relocation of
2934 anyone and they have certainly, the Gumenick's, have certainly done it in a first-class manner.
2935
2936 Ms. Rose - Well...
2937
2938 Mr. Vanarsdall - They are going to pay for them to be moved
2939
2940 Ms. Rose - Mr. Vanarsdall, I would not, I'm sorry I don't agree that they have done
2941 it in a first class manner, but the residents are confused. They're saying we can relocate to Yorkshire,
2942 but maybe that will be torn down in two years.
2943
2944 Wait, one other thing the residents are saying is they're being told we can't relocate to any of the
2945 Gumenick's properties. Well, first we can relocate to the Gumenick property, but then we can't if we've
2946 been late on our rent once or twice, even though we have lived there ten years and paid our rent on
2947 time.
2948
2949 Mr. Vanarsdall - I understand.
2950
2951 Ms. Rose - So it's not such a great relocation package.

2952
2953 Mr. Vanarsdall - Ms. Rose I understand that. I accept the role that I am my brother's
2954 keeper, also. I understand where you are coming from, but you have to understand where we've going.
2955 We do not control people's products in the stores; we do not tell a private firm who is spending millions
2956 and millions of dollars on what they have to do and that is not the role of the Planning Commission of
2957 Henrico County.
2958
2959 Ms. Rose - I understand that, but it's very common that they meet with residents
2960 and neighbors around the community. They are going to redevelop, and I suggest they have met with
2961 Britton Hills, I think, at Britton Hills request, but they have not made a due diligence effort to meet with
2962 the others.
2963
2964 Mr. Vanarsdall - Britton Hills Farms asked them to come and speak to them because
2965 Britton Hills Farms is not inside of this compound, so to speak. And this is very much different.
2966
2967 Ms. Rose - Yes, but I would say that there are also technical issues that need to be
2968 addressed in addition, and I think that the government has to assure that the guidelines are met.
2969
2970 Mr. Vanarsdall - I don't need to ask you where you live, because I know you live as far
2971 from there as you can get.
2972
2973 Ms. Rose - I do not live that far from there.
2974
2975 Mr. Vanarsdall - OK, thank you.
2976
2977 Ms. Rose - Any other questions?
2978
2979 Mr. Archer - Any other questions for Ms. Rose. Thank you.
2980
2981 Ms. Rose - Thank you.
2982
2983 Mr. Archer - Mr. Theobald, I believe you have some rebuttal time left, sir.
2984
2985 Mr. Theobald - Mr. Chairman, one of the guiding principles in this redevelopment
2986 proposal is to do the right thing for our residents and helping their relocation. There is a significant list of
2987 assistance provided from having a company, a designated representative to help them in vacating their
2988 apartments and locating new ones, giving them a minimum of ninety (90) days notice before they're
2989 asked to vacate, refunding the entirety of their security deposit with accrued interest, providing some
2990 \$250 forwards moving expenses, waiving application fees if they want to move to other Gumenick
2991 properties, apartment complexes, providing \$175 to help with utility connection charges, waiving credit
2992 applications at other properties, providing them with a Sunday *Richmond Times Dispatch* to help look for
2993 other properties. These have all been outlined in written correspondence to the residents of these
2994 facilities.
2995
2996 Construction of new low-income housing is a very specialized niche involving subsidies, grants and the
2997 like, which the Gumenicks just do not feel qualified to pursue. I do want to assure you that the
2998 Gumenick properties does not disagree with the mission expressed by the affordable housing
2999 representatives. In fact, they actively support that mission through grants earmarked for the affordable
3000 housing community through the community foundation. We also don't take issue with the affordable
3001 housing advocates for viewing this request as an opportunity to advance that mission, however, our
3002 interest just do not intersect on this piece of property. Recent articles in the *Times Dispatch* have
3003 confirmed that Henrico County has the largest supply of affordable housing in the Metropolitan Area,
3004 second only to the City of Richmond. And so I would submit to you gentlemen, ladies that while the First

3005 Amendment is alive and well and has been very ably exercised this evening, so too is the Fifth
3006 Amendment, protecting the property rights of owners. I would be happy to answer any additional
3007 questions that you might have.

3008
3009 Mr. Vanarsdall - Mr. Theobald, I would like to ask you if, I would like to ask Mr. Chasen,
3010 or maybe you touched on it in your presentation, but I'd like for the benefit of the Commission, I'm
3011 getting a mixed feeling here it seems like we're trying to do something that's bad. I have never in my life
3012 heard of anyone being opposed to something that would be a better quality of life. Never. And I don't
3013 want the Commission, I'm familiar with the case, I don't want the Commission to think that we are
3014 treating people badly. This has never, and I want to repeat this, this has never been a moral issue or a
3015 moral case. This is a zoning case, just as the zoning cases you saw before you tonight, as Ms. Rose
3016 mentioned. It never was it never is, and we control certain things, but we don't control everything. We
3017 do defer cases and have meetings with people in the neighborhoods next door to something, behind
3018 something. This is just unbelievable to me. I would like to Mr. Chasen, if he would like to, or you, tell
3019 everybody here the organization or the way they contribute money to low housing income.

3020
3021 Mr. Theobald - I did just mention, Mr. Vanarsdall, that over two years ago they began
3022 gifting through the community foundation, which as you know is an umbrella organization that funnels
3023 money to various charitable causes throughout the community. So this was not a donation made 30 days
3024 ago in advance of this zoning case, but represents a sincere commitment on behalf of the Gumenick's to
3025 promote affordable housing. The question: Is one obligated as a matter of law to promote affordable
3026 housing on this piece of property, and as much as I think the advocates for affordable housing wish us to
3027 come to the table and agree with their point of view, that is not the business that the Gumenick's are in.
3028 It is their property and I would suggest to you that many of their comments suggesting that the density
3029 being inappropriate, the height and everything else, would disappear very quickly had we acquiesced to
3030 their request to joint venture with them to provide additional low income housing.

3031
3032 Mr. Kaechele - Mr. Theobald, I presume, is there some schedule for this? A project of
3033 this magnitude takes a lot of time and certain amount of phasing and certainly a lot of notice given to
3034 current residents. Is that right?

3035
3036 Mr. Theobald - Yes sir, we began this process in the spring with written notice to not
3037 only the residence of our apartment projects, but also to the surrounding neighborhoods, so that
3038 neighbors would know what was going on, and every time we deferred the case or amended the case
3039 those folks got, received additional notice. This is probably a five-year project all in all. It's a lot of land
3040 and the units would be demolished, you know, in phases. I think that in all candor, I think there is an
3041 interest in getting them down sooner rather than opposed to later, but they will not all come down, you
3042 know, on the same day. Both the demolition and the rebuilding would be phased, likely over a five-year
3043 period. Demolition to come much sooner, obviously.

3044
3045 Mr. Archer - Mr. Theobald, someone did mention the fact that there had been no site
3046 plan that had been proffered. Would you explain, because you have to at some point and time, in 60
3047 words or less, how the POD process works so that they will know what phase it comes in?

3048
3049 Mr. Theobald - Yes, sir. I will. As our land planning continues and, of course, the most
3050 important part in that is knowing what your zoning is so that you can adequately develop those plans,
3051 those plans as you wish to develop a portion of the project the County ordinance requires a plan of
3052 development be submitted showing basically final site engineering, all utilities, drainage calculations, etc.
3053 I would also point out that to the extent that buildings are requested to be three stories or four stories in
3054 height they will required a special exception to be approved by you at the time of plan of development.
3055 At that point you will know with precession the orientation of the buildings to surrounding properties, the
3056 appearance of the elevation of the buildings. Those are submitted to the Planning staff, they are
3057 reviewed, a report is prepared, the plan of development then comes back to this body for review and

3058 approval or denial with comment based upon the written policies of Henrico County pertaining to plans of
3059 development.

3060
3061 Mr. Archer - Thank you sir. I didn't mean to put you through all of that, but I just
3062 wanted to make sure everybody understood what that process was and to understand that we do have
3063 some control over how the property is developed once the zoning, if it is approved, is approved. Thank
3064 you, Mr. Theobald.

3065
3066 Mr. Vanarsdall - And I believe we discussed the fact that, first of all, I don't think there
3067 will be any four stories or maybe but there may be three stories, and we discussed the fact, and I talked
3068 to you on it or the staff has talked to you or Mr. Householder that the three-story buildings would be
3069 inside the ream. It would not be up against the single family dwelling there.

3070
3071 Mr. Theobald - Mr. Vanarsdall, what we clarified on Tuesday through our proffer
3072 submission was that to the extent we had any portion of the building adjacent to single-family residential
3073 that was three stories would have to be set back a minimum of sixty feet, and that to the extent that
3074 there were any four-story buildings they would have to be setback a minimum of 100 feet, thereby trying
3075 to internalize any height. You may have buildings that are, what I'll call a two three split that could be
3076 adjacent to the properties with somewhat reduced setbacks, but the idea would be to place the height on
3077 internal orientation rather than at the perimeters.

3078
3079 Ms. Dwyer - Mr. Theobald I'm a little, I mean I understand the desire for an
3080 improvement in the quality of the multifamily homes that would be placed here, but you know as some
3081 people observed, its typical for us to receive in a case like this although its not required to POD, its typical
3082 for us to receive a site plan so that we do have an idea of what the internal traffic patterns will be. We'll
3083 see how the business will back up against the residential and what kind of space we have allotted there
3084 and we also typically see elevations that show us what the retail businesses will look like as well as what
3085 the apartments would look like, and we don't have those in this case, so this case does seem a little short
3086 on quality details.

3087
3088 Mr. Theobald - Well I would disagree with that characterization of lacking in quality
3089 details. I think that you, as a matter of right, have an unrestricted R-5 parcel on which you can develop
3090 1,003 units without stopping here.

3091
3092 Ms. Dwyer - I understand that.

3093
3094 Mr. Theobald - Other than going straight to POD. So as the traffic we have shown and
3095 committed to provide this fine road connecting Staples Mill out to Crestwood, we have also shown the
3096 orientation of uses in a sense that we do have, obviously, a large BMP facility here (referring to slide), an
3097 existing shopping center along here (referring to slide), we know we have single-family residential to deal
3098 with here (referring to slide), and we're up against potential B-2 zoning there (referring to slide). So we
3099 have just not developed a site plan. There's not one lurking back in my office that I can mysteriously
3100 produce. We have not gotten down to that level of detail on a project of this magnitude. We'll begin
3101 working on that once we know exactly what our zoning is and the conditions accepted by the Planning
3102 Commission and hopefully the Board of Supervisors.

3103
3104 Ms. Dwyer - So you have no idea either of what the buildings will look like, you have
3105 no plans?

3106
3107 Mr. Theobald - No ma'am, but at these square footage minimum and with these
3108 proffers, they are designed to be Class A quality units. The materials are designed to be attractive. It
3109 sets in a great location, and I believe that you will be able to look at these units when they're built and
3110 be satisfied that they would meet your expectations.

3111
3112 Ms. Dwyer - Do we know what the number of units proposed will be?
3113
3114 Mr. Theobald - No, I can only tell you that they could be as many as 1,041 based on
3115 just the raw density calculations. But whether there would be fewer or substantially fewer I honestly
3116 cannot tell you.
3117
3118 Ms. Dwyer - Are there any plans to buy this church property that does...
3119
3120 Mr. Theobald - I have tried on many occasions and will continue to do so, but they seem
3121 to be happy where they are.
3122
3123 Mr. Archer - All right. Any further questions for Mr. Theobald? All right, thank you
3124 sir.
3125
3126 Mr. Theobald - Thank You.
3127
3128 Mr. Kaechele - Mr. Chairman before we vote, before the Commission votes, I will not
3129 vote, but I do understand that our concerns with this project but the overall, we all have to be aware that
3130 the County is encouraging redevelopment and particularly of our older communities throughout the
3131 County. We had a meeting prior to this meeting tonight on redevelopment of some of our older
3132 communities and commercial areas, as well, and I think anybody, the same questions and concerns were
3133 raised about Crestview, but anybody that visits Crestview now as opposed to five years ago would see
3134 and comment on vast improvement. And it's still a vital neighborhood and contributes to the Crestview
3135 Elementary School where we have many multicultural, multinational students speaking many foreign
3136 languages, and so the community still serves some of the same residents, and so that's the dilemma and
3137 that also is the objective of Henrico County to help redevelop older communities. And so we have to face
3138 these conflicts as a part of that objective.
3139
3140 Mr. Archer - Thank you Mr. Kaechele.
3141
3142 Mr. Vanarsdall - Thank you for explaining that Mr. Kaechele.
3143
3144 Mr. Archer - All right, Mr. Vanarsdall.
3145
3146 Mr. Vanarsdall - I would start off by saying that this is similar to two cases we had a
3147 while ago. And I want to say that and its been said, its been written, its been in the newspaper, it's well
3148 known and I want to say it again. Henrico County has more affordable housing than anyone in the
3149 Metropolitan Area. Henrico County has more affordable, probably low-income houses than anybody else
3150 in the area. The Brookland District that this is in has a lot of affordable housing; we've never turned our
3151 back on it. Some of you people who spoke don't live in the Brookland District, they don't live near
3152 Suburban and Suburban is almost in shambles now. When I was called to meet with Wayne Chasen and
3153 Jeff Gumenick and the others, I was very pleased to hear that they were going to start on that. And as I
3154 said, we're not trying to put anybody out on the cold. It is not our job; it is our job to look at the zoning
3155 and I want to compliment the Gumenick Corporation for wanting to make, to build a better mouth trap.
3156 They are going to spend a lot of money on it, and it's going to be a very much an improvement in
3157 everyway. As we speak, it is zoned R-5, they can put back exactly what's there now with no retail, no
3158 nothing, and it will be just newer lumber, mortar and brick. We do not have the right nor would we want
3159 the right to tell a private firm what to do with their money. And we do not have the right to turn down a
3160 case because of a moral issue or because we think it is not right. I understand where you are coming
3161 from and I appreciate you coming and expressing your opinion. I don't know of anything else to say on
3162 it other than it will certainly be an improvement and I think Mr. Kaechele said it all when he talked about
3163 the redevelopment of older communities. So, do I need to waive the time limits on these proffers?

3164
3165 Mr. Archer - I don't think we do Mr. Vanarsdall.
3166
3167 Mr. Vanarsdall - I move that C-39C-01 be recommended to the Board of Supervisors for
3168 approval.
3169
3170 Mr. Jernigan - Second.
3171
3172 Mr. Archer - Motion by Mr. Vanarsdall and seconded by Mr. Jernigan. All in favor of
3173 the motion say aye. All opposed say no. The motion passes. The vote was 4-1. Mr. Kaechele abstained.
3174
3175 The vote was as follows:
3176
3177 Mr. Vanarsdall Aye
3178 Mr. Taylor Aye
3179 Mr. Jernigan Aye
3180 Mr. Archer Aye
3181 Ms. Dwyer No
3182
3183 Mr. Vanarsdall - Thank you. Do you want to tell them when it will come before the
3184 Board?
3185
3186 Mr. Archer - October 9th is when the Board will hear this case.
3187
3188 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning Commission voted
3189 4-1 (one abstention) to recommend that the Board of Supervisors **grant** the request because the
3190 proffered conditions assure a level of quality not otherwise possible and it would provide an appropriate
3191 type of redevelopment.
3192
3193 ***Deferred from the August 9, 2001 Meeting***
3194 **C-11C-01 James W. Theobald for Daniel Corporation:** Request to conditionally
3195 rezone from R-2 One Family Residence District, O-2C Office District (Conditional), O/SC Office/Service
3196 District (Conditional), and PMD Planned Industrial District to O-3C Office District (Conditional), Parcels 53-
3197 A-69, 71, 74B, 75-79, 81-84, and 87, containing 59.48 acres, located on the north line of Parham Road at
3198 St. Charles Road and on the east line of Scott Road approximately 450 feet south of Level Green Lane
3199 (private.). An office park is proposed. The use will be controlled by zoning ordinance regulations and
3200 proffered conditions. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net
3201 density per acre, Office and Office/Service.
3202
3203 Mr. Marlles - Mr. Mark Bittner will present the case.
3204
3205 Mr. Archer - All right. Is there anyone here in opposition to C-11C-01? No
3206 opposition. Mr. Bittner.
3207
3208 Mr. Bittner - Thank you, Mr. Archer. Part of this site is designated a prime economic
3209 development site in the 2010 Land Use Plan. The site to the north of this property is also a prime
3210 economic development site. If this rezoning site is developed as proposed, it would serve as the front
3211 door to the development of the properties to the north. The Land Use Plan stresses the importance of
3212 these prime economic sites for business development and retention in Henrico County. The Land Use
3213 Plan states that these prime sites should be preserved and prevented from use by other types of
3214 development.
3215

3216 Revised proffers have been submitted by the applicant, which address most of the issues outlined in the
3217 staff report. The new proffers include the following: a 125' buffer along Parham Road has been
3218 provided. This is an increase from the previously proffered 75' buffer. This larger buffer is consistent
3219 with buffers established with Park Central and the Windsor Business Park, which are nearby
3220 developments. The applicant has also proffered that development of the property shall not preclude the
3221 possible extension of the main access road as a four-lane road to also serve parcels to the north. This
3222 main access road would come off Parham Road across from St. Charles Street. The applicant has
3223 discussed the possibility of providing a four-lane boulevard-type entrance with a landscaped median and
3224 we have a picture illustrating that potential (referring to slide). The applicant further plans on extending
3225 the four lanes to a certain point, and then perhaps narrowing the main access road to two lanes. They
3226 plan on preserving enough right-of-way to ultimately widen the entire main access road to serve potential
3227 future development to the north. The proffer also states that any green belts, buffers, or building
3228 setbacks shall be measured from the preserved four-lane right-of-way and not the initial two-lane
3229 roadway.

3230
3231 The applicant has also prohibited construction traffic from directly accessing the property from Scott Road
3232 along its western border. A 50' landscape buffer, which could include berms, has also been proffered
3233 along Scott Road. There is still one outstanding issue that staff feels the applicant should consider
3234 addressing. Staff had recommended that the applicant consider prohibiting hotels or motels without
3235 conference facilities on this property. Staff would not object to a hotel or conference facility on this site,
3236 however, hotels or motels catering mainly to interstate traffic should be discouraged. The applicant
3237 wants to preserve the possibility of developing high quality stand-alone hotels similar to those in
3238 Innsbrook. He is not seeking to cater mainly to interstate traffic. To achieve this, staff and the applicant
3239 have discussed a possible timing proffer that would require office development prior to any hotel
3240 development. The intent would be to set a high quality standard that would attract high quality hotels.
3241 No proffer addressing this matter has been submitted, however. Staff would prefer that this issue be
3242 addressed before the Planning Commission makes a recommendation on this case.

3243
3244 In summary, the amended O-3 request is more compatible with the 2010 Land Use Plan and with nearby
3245 development, and it is a significant improvement over the previous version, which included O-2, M-1 and
3246 R-5 zoning. If the applicant could address the office and hotel timing issue, staff could recommend
3247 approval of this application. I'd be happy to answer any questions you may have.

3248
3249 Mr. Archer - Thank you, Mr. Bittner. Are there questions from the Commission
3250 members for Mr. Bittner? Mr. Bittner, in looking at the cover letter that came with the second amended
3251 and restated proffers, it mentions clarification of the main road access to be potentially four lanes. How
3252 do you interpret that word potential?

3253
3254 Mr. Bittner - We would interpret it as meaning enough right-of-way would have to be
3255 preserved or not developed to allow four lanes of pavement to be built.

3256
3257 Mr. Archer - Ok, that's what I needed to hear. OK

3258
3259 Mr. Bittner - And I would also like to point out that the time limit would need to be
3260 waived to accept these proffers.

3261
3262 Mr. Archer - OK. All right. Are there any other questions from the Commission? All
3263 right. Need to hear from the applicant, Mr. Theobald.

3264
3265 Mr. Theobald - Mr. Chairman, ladies and gentlemen, my name is Jim Theobald and I'm
3266 here on behalf of Metropolitan Life Insurance Company and Daniel Corporation. This is a request to
3267 rezone some 60 acres of land from R-2, O-2C Office Service Conditional and PMD to O-3 with substantial
3268 proffered conditions for a Class A office park. You may recall that when this case was originally filed by

3269 Daniel Corporation, a request was to zone a portion, a significant portion of the property, for multi family
3270 use, also O-2 and M-1 uses. After experiencing significant opposition from neighbors, other groups and
3271 ultimately from staff, we substantially have modified our request. My meetings with Mr. Hinson and
3272 others suggested that this site was very a important prime economic development location and as such it
3273 should be developed in an O-3 fashion similar to Innsbrook, and of primary importance was to do so in a
3274 way that would not prejudice the opportunity to similarly develop the properties to the rear shown on
3275 here (referring to slide). It's a little hard to see, but Cobb Farms and Scott Property and other properties
3276 up north, which as you know Capital One, had some interest in acquiring before deciding to go to
3277 Goochland. So we took that message to heart. We filed a straight O-3 case; we provided proffered
3278 conditions that we believe accomplish the goals and objectives that were provided to me, not only by
3279 staff but by the County Manager's office. Those proffers you have seen. I think perhaps the most
3280 important being the main access road proffer, which was amended yet again this afternoon in order to
3281 provide additional clarity to the property owners to the north as well as clarify a point as to how one
3282 would measure green belts and setbacks, as requested by Mr. Bittner.

3283
3284 This is clearly an area that would be four lanes in terms of the amount of property reserved. It is
3285 designed to also serve parcels to the north. We have agreed as to sort an area within which we might
3286 intersect those, so that the road doesn't go to far to the right or the left. The land that we are reserving,
3287 we only need to develop probably, an initial four-lane entrance with the boulevard narrowing to two lanes
3288 and then extending that road to a certain point. That property is being basically reserved for purchase at
3289 the same price that the land for the office land would be selling for. At the time that either the county
3290 had an economically development prospect or the property owners to the north had plans to develop,
3291 and we've agreed to show the potential alignment with each different POD. With regard to the hotel
3292 issue, I think that, you know we've been asked to look beyond our 60 acres in developing our proffer.
3293 We've been asked to look at the larger area and, I think this is where the hotel issue maybe doesn't quite
3294 cut it in a sense that we would like the opportunity to develop a hotel. We're not comfortable with being
3295 restricted as to timing. Its not as though it's a 60 acre parcel that has not been developed with nothing
3296 around it so that you might end up with only a hotel. It is the potential to accommodate the million plus
3297 square feet of existing office space on both sides of this parcel that is already there to serve those office
3298 dwellers and visitors just like Innsbrook has been well served by the hotels there. I would like to point
3299 out to you too that in the zoning that exists for those adjacent properties, most of it is a combination of
3300 Office Service, M-1, etc. that hotels were not prohibited in those developments and so presuming they
3301 have the 50 acres required and still have room left could have also constructed one. So, I don't think this
3302 should be a big deal in the overall contacts of where we were, what we've done, what we've done to
3303 accommodate adjacent development and adhere to your desires. I mean we've given up the ability to
3304 zone this piece M-1 or Office Service, notwithstanding that the surrounding zoning is all of that. This is a
3305 substantially less intense zoning category that exists anywhere on that category. I would ask you to not
3306 tie us into a timing proffer, but let the market work and if a hotel, we do not have a hotel user by the
3307 way, but should a hotel be developed either simultaneously or before our first building goes up, it'll be
3308 there to help serve the million square feet of office that's already there. And with that I'd be happy to
3309 answer any questions.

3310
3311 Mr. Archer - Mr. Theobald, I'd first like to say that we had really come a
3312 tremendously long way since this case was first initiated and you are to be commended for that. I
3313 appreciate that.

3314
3315 Mr. Theobald - Thank you.

3316
3317 Mr. Archer - On the other hand, the issue that is before us tonight seems to have,
3318 has all come down to just one item, and that being the timing issue for the hotel. It may not be a
3319 burning issue for you, but obviously it's a burning issue for staff, and you know. I think you make a good
3320 argument in saying that the amount of office space that has already been developed lends itself to the

3321 fact that the hotel may be used based on the close proximity. And I'm sure you've presented this issue
3322 to staff before tonight. Have you not?
3323
3324 Mr. Theobald - I did this afternoon.
3325
3326 Mr. Archer - OK. Did you impress them very much?
3327
3328 Mr. Theobald - I don't want to bet a word with you, but I thought I made a little
3329 progress with Mr. Silber, but I just don't think you can deny the power of this location. For some
3330 reasons, the County wants to look at this as a great economic development site being at the crux of
3331 Interstate 295 and 64, and then in other ways, you want to put on blinders and only want to look at it as
3332 a 60-acre site in isolation of pristine vegetation unrelated to what's going on around it. We have
3333 substantially changed our zoning. We have provided for the ability for the County to achieve its dream
3334 and develop and having the properties to the north developed consistently, and I don't think its too much
3335 to ask to suggest that you not tie us down with the timing. There can only be one hotel on this site. You
3336 can only have one per 50 acres. OK, so there's only going to be one, and believe me its not going to be a
3337 Super 8 Motel directed to Interstate traffic to the jeopardy of this very valuable economic development
3338 site.
3339
3340 Mr. Archer - But you are saying that as of right now you don't have any takers for a
3341 hotel?
3342
3343 Mr. Theobald - Absolutely not.
3344
3345 Mr. Archer - What kind of assurance could you give us that of what the quality of the
3346 hotel would be? I mean, I hear you saying its not going to be a Super 8 and I understand you mean that
3347 I'm sure
3348
3349 Mr. Theobald - Yes, and I don't think we can put that in a proffer either.
3350
3351 Mr. Archer - I know. I wouldn't.
3352
3353 Mr. Theobald - And to be honest, Mr. Archer, if you look at Innsbrook, you have a mix
3354 of extended stay, a mix of limited service. One of the most popular facilities out there and nicest is the
3355 Hampton Inn in the front of Innsbrook. It's always full and that's a limited service hotel. They don't,
3356 they've got a small meeting room, they don't serve meals other than breakfast for the business traveler
3357 and those properties are just full, and I really thinks it's a situation where you have to have confidence in
3358 the market that said that the land is to expensive for anybody to put anything inferior there and their
3359 investment, Metropolitan Life Insurance Company, their investment in this property and their desire to
3360 sell all of it, not just two acres of it for a hotel is going to be driven and tightly controlled, so that you
3361 don't get a bad result there at the expense of the rest of the property. I mean I think the market works
3362 here. I think all the factors suggest that this can be accomplished without tying the hands of the
3363 developer.
3364
3365 Mr. Archer - And I understand that, and I'm really not all that interested in trying to
3366 compare this with Innsbrook, to be honest with you. But, as I said, it is an issue with staff and I guess
3367 their concern is probably the same as mine would be since we're allocating the property to office use that
3368 the first thing that could possibly be built there would be a hotel, and the rest of it may set for a while.
3369 We just don't know.
3370
3371 Mr. Theobald - And what if it did?
3372
3373 Mr. Archer - And it could be the other way around.

3374
3375 Mr. Theobald - Well, what if it did?
3376
3377 Mr. Archer - Well, what if it did? That's staff..
3378
3379 Mr. Theobald - Who would be staying there? What's wrong with that, though? I mean
3380 sometimes you've got to ask staff, what's really wrong with that? What's wrong with that result? If
3381 there's a million square feet of office space next door and you want to build a hotel there, why in the
3382 world at Parham Road and 95 shouldn't you be able to do that?
3383
3384 Mr. Archer - Well, I guess if you look at it from the concept, we've already got a
3385 million square feet of office space, and there are hotels that are not that far from where we're located.
3386 Those people obviously have something that they can do right now, and I'm looking at this from
3387 standpoint of assuming that your office space would be the major users of this hotel.
3388
3389 Mr. Theobald - Well, why not there?
3390
3391 Mr. Archer - I'm just trying to talk our way through this and try to help you along
3392 with the prudence of the staff.
3393
3394 Mr. Theobald - Well, I know. I just don't know the position is just that staff has put
3395 forth is well taken. I don't think it's based on anything that merits imposing those kinds of restraints on a
3396 developer. I think this will all happen in due course. I think that the economic interest of one of the
3397 largest property owners probably in the world, Metropolitan Life Insurance Company, will dictate the level
3398 of quality there. You've got the Bank of America occupying the old Best Products Headquarters facility as
3399 well as all the office buildings. They would like nothing more to have a nice up-scaled hotel for their
3400 business travelers. I don't know why with the potential result of a hotel there first should send shivers up
3401 anybody's spine. I mean, I honestly don't understand it.
3402
3403 Mr. Archer - OK, well I'll tell you what. First of all, does anybody else on the
3404 Commission have any comment or question to ask about that particular issue? That does seem to be the
3405 one issue. I don't view it as one that is a deal breaker or maker one way or the other, but it is of
3406 concern and quite naturally would be a concern when it comes to the Board, and quite naturally with the
3407 notes that I've taken tonight, I will discuss this in great detail with Mr. Thornton and I'll be fair enough to
3408 let him hear your side of the argument as well as mine, and, of course, you'll have the opportunity to
3409 present it at that point and time.
3410
3411 Mr. Theobald - And I will entertain additional discussions with my client as to whether or
3412 not there's a way to provide some quality assurances not related to timing.
3413
3414 Mr. Archer - You know, I think it would be tremendously helpful if you can do that.
3415 So I'm prepared to move on this, but I just wanted to make sure you did understand that one caveat.
3416
3417 Mr. Theobald - I do appreciate it.
3418
3419 Mr. Archer - Before we do go forward on this.
3420
3421 Mr. Theobald - Yes sir, I do.
3422
3423 Mr. Archer - OK, and I do intend to make it known. I just want to be honest with you
3424 on that, sir. All right. Any other questions? No comments? OK, I guess the first thing we have to do I'll
3425 now to waive the time limits on the proffers.
3426

3427 Mr. Vanarsdall - Second.
3428
3429 Mr. Archer - Motion by Archer and seconded by Mr. Vanarsdall. All in favor of the
3430 motion say aye. Those opposed say no. The ayes have it. The motion passes. The vote was 5-0. Mr.
3431 Kaechele abstained.
3432
3433 Mr. Archer - As for C-11C-01, again I'd like to compliment the applicant for how far
3434 along they've come with this case. They've been a little bit more contentious then most of you know
3435 about. But I will move for approval of C-11C-01 to be recommended to the Board.
3436
3437 Mr. Taylor - Second.
3438
3439 Mr. Archer - Motion by Archer and seconded by Mr. Taylor. All in favor of the motion
3440 say aye. Those opposed say no. The ayes have it. The motion passes. The vote was 5-0. Mr. Kaechele
3441 abstained.
3442
3443 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Taylor, the Planning Commission voted 5-0
3444 (one abstention) to recommend that the Board of Supervisors **grant** the request because it continues a
3445 form of zoning consistent with the area and the proffered conditions assure a level of quality consistent
3446 with existing developments in the area.
3447
3448 **C-54C-01 Andy Condlin for Gregory A. Windsor:** Request to conditionally
3449 rezone from A-1 Agricultural District to R-3C One Family Residence District (Conditional), Parcels 41-A-8
3450 and 20A and part of Parcel 31-A-77, containing 11.879 acres, located on the west line of Woodman Road
3451 approximately 1,900 feet north of Blackburn Road and approximately 1,100 feet south of North Run
3452 Creek. Single family residential is proposed. The R-3 District allows a minimum lot size of 11,000 square
3453 feet. The Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.
3454
3455 Mr. Marlles - The staff report will be given by Mr. Tom Coleman.
3456
3457 Mr. Archer - Is there anyone here in opposition to this case? Thank goodness. Mr.
3458 Coleman.
3459
3460 Mr. Coleman - Ok, new proffers were submitted which require waiving the time limit of
3461 accepting proffers.
3462
3463 Mr. Archer - Don't they all?
3464
3465 Mr. Coleman - They are being distributed to you now. The applicant is requesting to
3466 conditionally rezone an 11.879 acre piece of property from A-1 to R-3C to develop a single-family
3467 residential subdivision. The revised proffers include a conceptual plan. Indale Road or Road A on the
3468 conceptual plan is a minor collector on the County's Major Thoroughfare Plan and is incorporated into the
3469 proposed lot layout as a stub road terminating at the adjacent parcel to the west. It would also provide
3470 access for the potential development of the vacant parcel to the north. Woodman Road is a minor
3471 arterial on the Major Thoroughfare Plan. The applicant has proffered a 25' planting strip easement and
3472 30' building setback from Woodman Road, for the lots abutting Woodman Road. The applicant has
3473 committed to submitting a landscape plan for Planning Commission approval at the time of conditional
3474 subdivision approval. A conditional subdivision application for Woodman Trace Subdivision has been filed
3475 on the parcels to the south. The parcels to the north and west are undeveloped and the County's Central
3476 Maintenance Complex lies across Woodman Road to the east. The applicant has also proffered minimum
3477 finish floor areas of 1100 square feet for a one-story drawing, 1200 square feet for a one and one-half
3478 story or Cape Cod style dwelling and 1400 square feet for two-story dwellings, in addition to proffers
3479 addressing foundation treatments, density limitations, dormer requirements for one and one-half story

3480 dwellings, requirements for the planting strip easements and other development details. Residential
3481 development for this site is appropriate. The request of zoning change is compatible with the
3482 surrounding area and consistent with 2010 Land Use Plan. And the applicant has submitted proffers that
3483 address concerns identified in the staff report. Staff recommends approval of this request. I'd be happy
3484 to answer any questions.
3485

3486 Mr. Archer - Mr. Coleman, are we totally satisfied now with the right-of-way that
3487 would lead from, you know what I'm talking about, what we need to get to Woodman Road?
3488

3489 Mr. Coleman - Yes, concerning Woodman Road, yes.
3490

3491 Mr. Archer - From Indale to Woodman?
3492

3493 Mr. Coleman - Yes.
3494

3495 Mr. Archer - OK.
3496

3497 Mr. Coleman - Per staff's request, he put some requirements for landscaping strip in
3498 there and increased the setback off of Woodman Road.
3499

3500 Mr. Archer - OK. All right, does the Commission have any questions concerning this
3501 case?
3502

3503 Mr. Vanarsdall - Yes, I have one question. We're trying to figure out who signed that. It
3504 looks like hieroglyphics.
3505

3506 Mr. Archer - Are there any more questions about the case. Mr. Condlin, I don't have
3507 any questions for you unless you want to own up to signing these proffers.
3508

3509 Mr. Condlin - I will say for the record every other attorney in the city of Richmond that
3510 does zoning work had an opportunity to speak tonight at length, and I would like to take my opportunity
3511 tonight now. I don't represent Mr. Glyphic. I'm sorry I don't know Hieroglyphics.
3512

3513 Mr. Archer - We really appreciate that.
3514

3515 Mr. Condlin - Other than that I'll answer any questions you might have
3516

3517 Mr. Archer - I can defer this till next month if you want.
3518

3519 Mr. Condlin - No, no I'll be fine, anything you want, I'll be happy to answer any
3520 questions.
3521

3522 Mr. Archer - I don't have any. Does the Commission have questions for Mr. Condlin?
3523 OK, well the only question that I have is that I will again ask that we try to get our proffers in on time so
3524 we don't have to waive the time limit so much.
3525

3526 Ms. Dwyer - This would have been a good expedited case.
3527

3528 Mr. Archer - It would have been. And I appreciate your working and making these
3529 proffers compatible with what staff would like. With that I move for approval.
3530

3531 Mr. Coleman - Excuse me, we do have to waive the time limits on this, I just received
3532 them yesterday.

3533
3534 Mr. Archer - I was getting ready to move for approval, or I should say for waiver of
3535 time limits on the proffers.
3536
3537 Mr. Vanarsdall - Second.
3538
3539 Mr. Archer - Motion by Archer, seconded by Mr. Vanarsdall. All in favor say aye. All
3540 opposed say no. The motion passes. The vote was 5-0. Mr. Kaechele abstained.
3541
3542 Mr. Archer - I also move to recommend approval of C-54C-01.
3543
3544 Mr. Vanarsdall - Second.
3545
3546 Mr. Archer - Motioned by Archer and second by Mr. Vanarsdall. All in favor of the
3547 motion say aye. All those opposed say no. The ayes have it. The motion carries. The vote was 5-0. Mr.
3548 Kaechele abstained.
3549
3550 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning Commission voted
3551 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it reflects
3552 the Land Use Plan and future use and zoning of the area.
3553
3554 **AMENDMENT TO THE MAJOR THOROUGHFARE PLAN OF THE COMPREHENSIVE PLAN: MTP-**
3555 **2-01.**
3556 Proposed Deletion of Concept Road 47-1 between West Broad Street and Three Chopt Road.
3557
3558 Mr. Marlles - Mr. Bittner has a very short presentation for us.
3559
3560 Mr. Bittner - I can say nothing if you prefer that.
3561
3562 Mr. Archer - Are you finished, Mr. Bittner?
3563
3564 Mr. Bittner - Yes.
3565
3566 Mr. Archer - Any questions. Go ahead sir.
3567
3568 Mr. Bittner Thank you Mr. Archer. This proposed amendment would delete Concept
3569 Road of 47-1 in its entirety between West Broad Street and Three Chopt Road. Concept Road 47-1 runs
3570 between West Broad Street at its intersection with Brookriver Drive south to Three Chopt Road at its
3571 intersection with Barrington Hill Drive. It was planned to provide more direct access to West Broad
3572 Street and Interstate 64 from areas south of Three Chopt Road, as well as property between West Broad
3573 Street and Three Chopt Road. Elimination of 47-1 is proposed because the West Broad Street/I-64 Land
3574 Use Study was recently conducted on the property that would be served by it. And you are probably
3575 familiar with this graphic here (referring to slide); this is what was ultimately approved by the Board of
3576 Supervisors with Concept Road 47-1 superimposed on top of it. You'll probably recall that one of the
3577 recommendations of the Land Use Study was to have no direct access between West Broad Street and
3578 Three Chopt Road. The removal of Concept Road 47-1 from the MTP would be consistent with the
3579 recommendations approved by the Board of Supervisors relating to the West Broad Street/I-64 Land Use
3580 Study. The Department of Public Works also has no objection to this proposal. Therefore, staff
3581 recommends approval of this amendment and I would be happy to answer any questions you may have.
3582
3583 Mr. Archer - All right. Any questions for Mr. Bittner?
3584

3585 Ms. Dwyer - I just was trying to think of the conversation that we had about the hotel
3586 conference center and would there be access between the hotel and conference center and Broad and/or
3587 the access road?
3588
3589 Mr. Bittner - Yes, the intent would be from the access road running sort of through
3590 the middle of the property north to Broad Street. There would be driveways, roadways...
3591
3592 Ms. Dwyer - So how would we keep cut through traffic from using that?
3593
3594 Mr. Bittner - For the Pocahontas Middle School and Retirement Residential II areas,
3595 this plan would recommend no access from those to the access road or to the north.
3596
3597 Ms. Dwyer - That's right, I think.
3598
3599 Mr. Taylor - But it really would be no way one could go from West Broad Street south
3600 or north to Three Chopt Road the way we have approved the project.
3601
3602 Ms. Dwyer - Well, couldn't you come from Broad to the hotel to the access road to
3603 John Rolfe?
3604
3605 Mr. Bittner - Yes, you could.
3606
3607 Mr. Taylor - You could, but it would be difficult because you'd have to go through the
3608 hotel over the access road down John Rolfe and all the way back. This was kind of, actually hidden,
3609 when we did the study. I didn't realize this existed or we would have moved to delete it again because
3610 on a downside this road leads right into Barrington Hill Drive, which is an active subdivision, and it would
3611 be a cross connection from West Broad Street to a subdivision. So I move that the Major Thoroughfare
3612 Plan be amended and MTP-2-01 deleted.
3613
3614 Mr. Vanarsdall - Second.
3615
3616 Mr. Archer - Motion by Mr. Taylor and seconded by Mr. Vanarsdall. All in favor of the
3617 motion say aye. All opposed say no. The ayes have it. The motion is granted. The vote was 5-0. Mr.
3618 Kaechele abstained.
3619
3620 **An Ordinance** To Add Section 24-29.1 Entitled "Provisional uses permitted" to the Code of the County of
3621 Henrico and to Amend and Reordain Section 24-36.1 Entitled "Provisional uses permitted," To Allow B-1
3622 Uses in Multi-Family Structures In the R-5 and R-6 Districts.
3623
3624 **An Ordinance** to add new Sections 24-50.2:1 Entitled "Provisional uses permitted," 24-50.6:1 Entitled
3625 "Provisional uses permitted," and 24-50.11:1 Entitled "Provisional uses permitted," and To Amend and
3626 Reordain 24-55 Entitled "Provisional uses permitted," 24-58.2 Entitled "Provisional uses permitted," 24-
3627 62.2 Entitled "Provisional uses permitted," In Order to Add Requirements for Accessory Dwellings in
3628 Office and Business Districts.
3629
3630 Mr. Archer - You have an ordinance I believe.
3631
3632 Mr. Householder - Yes, we have.
3633
3634 Mr. Marlles - Several.
3635
3636 Mr. Householder - Yes, sir.
3637

3638 Mr. Archer - Two ordinances.
3639
3640 Mr. Marllles - Mr. Chairman these next two items we talked a little about the county's
3641 comprehensive revitalization strategy. These are actually two of the ordinance amendments that were
3642 recommended as part of that strategy. So again, we're kind of moving ahead with implementation of
3643 that strategy.
3644
3645 Mr. Archer - OK, Mr. Householder.
3646
3647 Mr. Householder - Yes. As you remember we did discuss these ordinances at the July 31st
3648 work session and as John just pointed out part of the revitalization strategy two of four ordinance
3649 amendments that were originally presented at the joint work session with the Board. These ordinances
3650 are intended to encourage redevelopment and provide flexibility in use and design of sites. The two
3651 ordinances are the multi-family mixed-use ordinance and the accessory dwellings in office and business
3652 districts ordinance. These were also reviewed by the Board a second time on the 24th of July and at that
3653 time the Board asked the Planning Commission to begin initiation of these amendments.
3654
3655 The first ordinance is the multi-family mixed-use ordinance. This would allow flexibility in our multi-
3656 family districts being the R-5 and R-6 districts. Office and retail uses would be permitted on the bottom
3657 two floors of multi-family structures. The intent is to encourage this in our redevelopment areas, but it
3658 would not be restricted to only redevelopment sites. The concept is to encourage taller multi-family
3659 structures that allow non-residential uses as a part of the site.
3660
3661 Specific requirements of the ordinance, I will try and quickly run through them. It would be a provisional
3662 use permit process. There would be no minimum acreage other than what is normally required for R-5
3663 and R-6. The buildings in order to use this would have to exceed two stories and they would allow these
3664 retail or office uses in the first or second story. Retail and office usage would be limited to 35% of the
3665 building floor area; setbacks would be the same as R-5 and R-6. Parking would be, if there is a
3666 combination of uses where there was shared parking, you could be up to a 50% reduction in the
3667 business or office use in the building. The multi-family use would remain the same as far as parking
3668 requirements and signs would be limited to not exceed 15% square feet per tenant. A quick exhibit, this
3669 kind of just conceptually shows what we are talking about (referring to slide) with the apartments on
3670 upper stories and retail or office below. Again 35% of the floor area would be retail or office.
3671
3672 The next ordinance, I'll quickly go over also, is the accessory dwellings in office and business districts
3673 which is kind of the inverse of the other ordinance. This intent is to allow residential units above
3674 commercial properties. This would mean that property zoned for business or office, typically in our
3675 maturing commercial corridor such as what we heard earlier in Sandston or Highland Springs or Lakeside,
3676 floors above these uses are usually underutilized and this could provide another source of revenue for
3677 these for these structures and would also bring people back to some of these places and we think it could
3678 bring new vitality to commercial areas.
3679
3680 The local business market would be enhanced because residents would live above the shop and may
3681 have more continuous usage in some of these areas. Specifically, this ordinance would also be a
3682 provisional use permit requirement, as would the other. It would allow up to four dwelling units on the
3683 floors or floor above these retail or office space and these units would have to have at least 500 square
3684 feet in size. Access to the units in the ordinance it says should have separate outside entrances or a
3685 common entrance shared with the business and additional parking would be required for each unit,
3686 although staff thinks it could be reduced to allow if shared parking was allowed. Another illustration
3687 shows what we are taking about (referring to slide). Again, four units of 500 square foot minimum in
3688 size. Another example we have, this is kind of a unique example but it could be used as far as a
3689 redevelopment process (referring to slide), as you see its before pictures of an existing service station,
3690 this was somewhere in Georgia or South Carolina where we got these photos off the internet. It was

3691 removed and replaced with a retail facility with residential space upstairs and its very attractive and it
3692 could encourage this type of redevelopment in the county.
3693
3694 Mr. Archer - Amazing transformation.
3695
3696 Mr. Householder - That will conclude my presentation on the two ordinance amendments
3697 that are proposed. And staff would recommend to the Commission approval of these, recommending
3698 your approval of the ordinances to the Board.
3699
3700 Mr. Archer - All right.
3701
3702 Mr. Householder - Any questions?
3703
3704 Mr. Archer - Any questions from the Commission for Mr. Householder. Mr.
3705 Householder, when there was a part that said that this would fit in a R-5 or R-6 with a PUP. Is that
3706 correct?
3707
3708 Mr. Householder - Yes, for the multi-family mixed used ordinance.
3709
3710 Mr. Archer - Now does that mean R-5, or R-6 with PUP or both with the PUP?
3711
3712 Mr. Householder - Both with the PUP. We had to amend each section of the Code to add
3713 that section.
3714
3715 Mr. Archer - OK.
3716
3717 Mr. Householder - To allow provisional use for these uses.
3718
3719 Mr. Archer - All right, any other questions? Comments?
3720
3721 Mr. Jernigan - I have a comment.
3722
3723 Mr. Archer - Go ahead.
3724
3725 Mr. Jernigan - Do you want to hear it?
3726
3727 Mr. Archer - Sure, why not?
3728
3729 Mr. Jernigan - I spoke with Mr. Marlles about this before where its showing that this will
3730 be great for the Sandston/Highland Springs area, I see problems with building codes on existing buildings
3731 now going in and adding a second story to apartments. It's not going to fall into Code. I think this is a
3732 great idea and I'm all for it, but I don't know that's its going to, on a single level building that's in
3733 Highland Springs or Sandston now you are not going to be able to go up and put something up top
3734 because its not going to fall into Code.
3735
3736 Mr. Householder - I would agree. I think the intention is for, I think there are a few
3737 buildings in the county that have another story that have the potential to be utilized and we are also
3738 doing this for redevelopment purposes so...
3739
3740 Mr. Jernigan - Redevelopment is great.
3741
3742 Mr. Householder - Encouraging that if someone did maybe tear a building down, this would
3743 be an option. And the provisional use permit aspect allows us to judge that on a case-by-case basis.

3744
3745 Mr. Taylor - And whether, if there were a case-by-case basis with regards to the
3746 Code, we could probably use today's methods and today's materials to stiffen the structure to the point
3747 that it really could provide something old, you know some multiple use where you had the two usages
3748 and it is compatible within the building. But I think the economics would really weigh against it, not only
3749 in some case where you really had a great demand for that kind of use would it become economically
3750 feasible. So in that regards I think it becomes almost self-policing.
3751
3752 Mr. Jernigan - Right. What I'm saying if you have a single level building now that
3753 requires 8" block, but if it were two level, it requires 12" block. Nobody is going to go in and add four,
3754 you know, and its not going to pass code with 8.
3755
3756 Mr. Archer - Then we couldn't do it.
3757
3758 Mr. Householder - I think in this example the before and after you can tell this gas station
3759 obviously probably could not have supported an extension (referring to slide).
3760
3761 Mr. Jernigan - That required a bulldozer.
3762
3763 Mr. Householder - Yes.
3764
3765 Mr. Taylor - But again, if the economics are right, and you want to do that, you could
3766 stiffen the skeleton with steel.
3767
3768 Mr. Jernigan - Well, I thought about that. But I don't think from the cost effectiveness
3769 of this point of view it would be cost effective unless somebody felt, for that particular purpose, the
3770 building is historic and they pick what they want to do they could go ahead and do it.
3771
3772 Mr. Jernigan - Yes, you would have to. I had thought of that, you could come around
3773 the outside of the building with steel and that would work.
3774
3775 Mr. Archer - I think that is the..
3776
3777 Mr. Jernigan - Like I say I'm not sure cost would be right.
3778
3779 Mr. Householder - Yes, and a place like Sandston today, the market probably would not
3780 support a complete steel enforced you know, putting that kind of money into that type of structure as
3781 Sandston is today. But in the future who knows?
3782
3783 Mr. Jernigan - You're busting the City.
3784
3785 Mr. Archer - All right, any further comments or questions. All right, what is the
3786 pledge of the Commission?
3787
3788 Mr. Taylor - I move Mr. Chairman that we adjourn.
3789
3790 Mr. Marlles - You can't do that.
3791
3792 Mr. Archer - Wait a minute.
3793
3794 Ms. Dwyer - I move that we approve the two ordinances as proposed.
3795
3796 Mr. Jernigan - Thank you, Elizabeth.

3797
3798 Mr. Taylor - Second.
3799
3800 Mr. Archer - We have a motion by Ms. Dwyer, seconded by Mr. Taylor to approve the
3801 ordinances. All in favor of the motion say aye. All opposed say no. The motion passes. The vote was 5-
3802 0. Mr. Kaechele abstained.
3803
3804 Mr. Archer - Do we need one for each one, Mr. Secretary?
3805
3806 Mr. Marlles - We should yes.
3807
3808 Mr. Archer - That was the first one.
3809
3810 Ms. Dwyer I move that we approve it as presented.
3811
3812 Mr. Taylor Second.
3813
3814 Mr. Archer - OK, motioned by Ms. Dwyer, seconded by Mr. Taylor. All in favor of that
3815 motion say aye. All opposed say no. The motion passes. The vote was 5-0. Mr. Kaechele abstained.
3816
3817 **DISCUSSION ITEM:** Set work session for Comprehensive Plan Amendment (Environmental Element)
3818 (September 26, 2001).
3819
3820 Mr. Marlles - Wait a second, at the bottom of the page there is a discussion item we
3821 have to set a work session for a comp plan amendment to our environmental element. Just in the way of
3822 background when our original land use plan was reviewed by the Chesapeake Bay Local Assistance Board
3823 They found it was determined to be consistent but they did have two recommendations that essentially
3824 have to be incorporated into the Land Use Plan by March 31, 2002. It requires amendments to the
3825 environmental element. We're asking you to set a work session on September 26th so we can brief you
3826 on those proposals, the proposed amendments to the environmental element. Mr. Chairman, is that
3827 going to be after the POD meeting?
3828
3829 Mr. Archer - I'm sorry.
3830
3831 Mr. Taylor - Is that going to be after the POD Meeting?
3832
3833 Mr. Archer - Yes, it would be if we set it for September 26th.
3834
3835 Ms. Dwyer - Isn't that going to be a busy meeting?
3836
3837 Mr. Archer - It will be, but we'll get rid of it.
3838
3839 Mr. Taylor - So we'll probably have to work right through lunch.
3840
3841 Mr. Marlles - We'll look at the timing. We may be able to provide lunch.
3842
3843 Mr. Archer - That's what I was hoping you would say.
3844
3845 Ms. Dwyer - Do we have other work session items that day?
3846
3847 Mr. Marlles - On that day, I don't think we do, do we Randy?
3848
3849 Mr. Archer - Yeah, I think we do have something.

3850
3851 Mr. Jernigan - What was your question?
3852
3853 Mr. Marlles - We have several other items. What else do we have on that agenda?
3854
3855 Mr. Householder - We have the residential setback ordinance amendments
3856
3857 Mr. Archer - What big a hurry are to do this?
3858
3859 Mr. Marlles - I think we are in a hurry on this one. We've got to get it done by March.
3860
3861 Ms. Dwyer - All right, we'll do it then.
3862
3863 Mr. Archer - Why don't we just go ahead and do it and get it over with. OK. You
3864 want to make a motion to set this.
3865
3866 Ms. Dwyer I move that we have a work session for the Comp Plan Amendment
3867 Environmental Element for September 26, 2001.
3868
3869 Mr. Archer - Motioned by Ms. Dwyer and seconded by Mr. Jernigan. All in favor of
3870 the motion say aye. Those opposed say no. It will be on September 26th.
3871
3872 Mr. Marlles - One last item.
3873
3874 Mr. Archer - One last item, gentlemen.
3875
3876 Mr. Marlles - Dave, you want to explain this resolution.
3877
3878 Mr. Archer - All right, what is the next item sir?
3879
3880 Mr. Marlles - This is a resolution to initiate a zoning ordinance amendment to establish
3881 new zoning district maps. We're switching over from our paper maps to digital base maps using our GIS
3882 System.
3883
3884 Ms. Dwyer - Will we not have any paper maps to look at until they come in?
3885
3886 Mr. Marlles - You can make copies of those paper maps
3887
3888 Ms. Dwyer - But you have to, you just look it up on the computer and then..
3889
3890 Mr. Marlles - That's where we're heading.
3891
3892 Ms. Dwyer - Can we access that from home?
3893
3894 Mr. Marlles - You certainly from a technically standpoint should be. I don't know if we
3895 are going to have it on the, do you know Dave if we are actually have it?
3896
3897 Mr. O'Kelly - No, I don't John, but Jim Uzel, our GIS Manager, is the project manager
3898 for this project and there will be a demonstration, Mr. Chairman, at the time of public hearing which we
3899 are suggesting by the adoption of the resolution will be October 11th. Mr. Uzel will give the Planning
3900 Commission a demonstration of the new mapping and all the features of that.
3901
3902 Mr. Archer - We've already got this thing

3903
3904 Mr. O'Kelly - So this paper tonight just merely introduces the process and establishes
3905 a public hearing on October 11th.
3906
3907 Mr. Taylor - All right, then a motion is in order?
3908
3909 Ms. Dwyer - Yes.
3910
3911 Mr. Archer - I would say so, Mr. Chairman.
3912
3913 Mr. Taylor - I'll move approval of the resolution to initiate its rezoning ordinance
3914 amendment to adopt a new digital maps.
3915
3916 Mr. Jernigan - Second.
3917
3918 Mr. Archer - Motion by Mr. Taylor seconded by Mr. Jernigan. All in favor say aye. All
3919 opposed say no. The ayes have it. The motion passes. The vote was 5-0. Mr. Kaechele abstained.
3920
3921 Mr. O'Kelly - I would mention, also, Mr. Chairman the nature of your September 26th
3922 POD meeting is a very heavy agenda. Currently there are 44 cases proposed on that agenda with two
3923 work sessions and a public hearing. We split the agenda to three different times. The first portion will
3924 begin at 9:00. We have a 10:00 portion, and we have the work session item scheduled for 11:00.
3925
3926 Mr. Archer - What ever it takes. This is a good Commission; we'll handle it.
3927
3928 Ms. Dwyer - Are there going to be a lot of expedited cases Dave?
3929
3930 Mr. O'Kelly - There will be some expedited cases. There are also some somewhat
3931 controversial cases as well.
3932
3933 Mr. Archer - Get them all out in one day. Are there minutes to approve Mr.
3934 Secretary?
3935
3936 Mr. Marlles - Yes, sir.
3937
3938 Mr. Archer - All right. Will someone make a motion to approve the minutes?
3939
3940 Mr. Archer - June 14th and July 12th and we also have August 9th.
3941
3942 Mr. Taylor - I move that we approve the minutes.
3943
3944 Ms. Dwyer - Second.
3945
3946 Mr. Archer - Which one?
3947
3948 Ms. Dwyer - All of them.
3949
3950 Mr. Archer - Can we do that? Can we approve all of them?
3951
3952 Mr. Marlles - Sure.
3953
3954 Mr. Archer - We just did. The minutes are approved. Motioned by Mr. Taylor and
3955 seconded by Ms. Dwyer.

3956
3957 Ms. Dwyer - All right.
3958
3959 Mr. Archer - Who has a motion for adjournment?
3960
3961 Ms. Dwyer - I move.
3962
3963 Mr. Vanarsdall - Second.
3964
3965 Mr. Archer - Motioned by Ms. Dwyer seconded by Mr. Vanarsdall. Let the record
3966 show the meeting adjourned at 11:57 p.m.
3967
3968
3969
3970
3971
3972 _____
3973 C. (Chris) W. Archer, C.P.C., Chairman
3974
3975
3976
3977 _____
3978 John R. Marlles, AICP, Secretary
3979