Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held in the Board Room of the County Administration Building, Parham and Hungary Spring Roads at 7:00 p.m., September 11, 2003, Display Notice having been published in the Richmond Times-Dispatch on August 21, 2003 and August 28, 2003.

Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson, Varina
Mrs. Lisa D. Ware, C.P.C., Vice-Chairperson, Tuckahoe
Mr. Allen Taylor, P.E., C.P.C., Three Chopt
Mr. C. W. Archer, C.P.C., Fairfield
Mr. Ernest B. Vanarsdall, C.P.C., Brookland
Mr. Richard W. Glover, Board of Supervisors, Brookland
Mr. Randall R. Silber, Assistant Director of Planning, Acting Secretary

Others Present: Mr. John R. Marles, AICP, Director of Planning
Mr. Ralph J. Emerson, Principal Planner
Mr. Mark Bittner, County Planner
Ms. Jean Moore, County Planner
Mr. Thomas Coleman, County Planner
Mr. Paul Gidley, County Planner
Mr. Seth Humphreys, County Planner
Ms. Debra Ripley, Recording Secretary

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

Mr. Jernigan - Good evening everyone. On behalf of the Henrico County Planning Commission and the Planning staff, we'd like to welcome you to our public hearing for zoning. For those of you who are not regular members, I will briefly go over how things work. When each case is called, I will ask if there is any opposition. If you have opposition to a case, just raise your hand and I will recognize you. When you are going to speak, you come to the podium. The hearings are audibly taped and you have to be at the microphone for us to pick you up. On cases where there is opposition, there is a 10-minute rule. The applicant has 10 minutes to present a case. The opposition has 10 minutes to speak against it. So, with that I will turn the meeting over to our Secretary, Mr. Silber.

Mr. Silber - Thank you, Mr. Chairman. We do have all members present. We do have a quorum and we can conduct business. The first on the agenda would be the review of those cases that have requested deferrals.

Mr. Emerson - Thank you, Mr. Secretary. On the agenda tonight you have no withdrawals and 12 deferrals. The first deferral item is on Page 1 of your agenda.

Deferred from the June 12, 2003 Meeting:

C-27C-02 RFA Management, LLC: Request to amend proffered conditions accepted with rezoning case C-32C-89, on Parcel 740-750-0178, containing 12.415 acres, located at the northeast intersection of Ridgefield Parkway and Glen Eagles Drive, the northwest intersection of Ridgefield Parkway and Eagles View Drive, and the southeast intersection of Eagles View Drive and Glen Eagles Drive. The amendment would change the maximum density allowed from 7,850 square feet per acre to 8,975 square feet per acre. The existing zoning is B-2C, Business District (Conditional). The Land Use Plan recommends Commercial Concentration.

Mr. Emerson - The deferral is requested to January 15, 2004.

Mr. Jernigan - Is there any opposition to the deferral of Case C-27C-02? No opposition. Mrs. Ware?
Mrs. Ware - I move that Case C-27C-02 be deferred to the January 15, 2004 meeting at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-27C-02, RFA Management, LLC, to its meeting on January 15, 2004.

Deferred from the August 14, 2003 Meeting:

C-25C-03 Henry L. Wilton for Wilton Companies LLC: Request to conditionally rezone from O-3C Office District (Conditional) to B-2C Business District (Conditional), Parcel 737-751-4601 and part of Parcel 737-751-4028, containing 11.495 acres, located at the northeast intersection of Ridgefield Parkway and dedicated John Rolfe Parkway right-of-way. Retail businesses with limited office uses are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Office.

Mr. Emerson - The deferral is requested to November 13, 2003.

Mr. Jernigan - Is there any opposition to the deferral of Case C-25C-03? No opposition.

Mrs. Ware - I move that C-25C-03, Henry L. Wilton for Wilton Companies, LLC, be deferred to the November 13, 2003 meeting at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-25C-03, Henry L. Wilton for Wilton Companies, LLC, to its meeting on November 13, 2003.

Deferred from the July 10, 2003 Meeting:

C-32C-03 William R. Cawthorn for Amir Zinat: Request to conditionally rezone from RTHC Residential Townhouse District (Conditional) to R-5C General Residence District (Conditional), Parcel 749-755-3834, containing approximately 3.33 acres, located on the south line of Three Chopt Road approximately 575 feet east of Cedarfield Parkway. A child care center or multi-family residences are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The R-5 District allows a density up to 14.52 units per acre. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, and Environmental Protection Area.

Mr. Emerson - The deferral is requested to the December 11, 2003 meeting.

Mr. Jernigan - Is there any opposition to the deferral of Case C-32C-03? No opposition.

Mrs. Ware - Then I move that case C-32C-03 be deferred to December 11, 2003 at the applicant's request.

Mr. Vanarsdall - Second.
Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

At the request of the applicant, the Planning Commission deferred Case C-32C-03, William R. Cawthorn for Amir Zinat, to its meeting on December 11, 2003.

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

Mr. Emerson - The deferral is requested to the October 9, 2003 meeting.

Mr. Jernigan - Is there any opposition to the deferral of Case C-43C-03? No opposition.

Mrs. Ware - I move that Case C-43C-03 be deferred to the October 9, 2003 meeting at the applicant's request.

Mr. Vanarsdall - Second.

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

At the applicant’s request, the Planning Commission deferred Case C-43C-03, Melvin Spain for Chuck Lessin, to its meeting on October 9, 2003.

Deferred from the August 14, 2003 Meeting:

**C-41C-03**  
*James W. Theobald for Don Smith:* Request to conditionally rezone from B-2C Business District (Conditional) to M-1C Light Industrial District (Conditional), part of Parcel 808-729-7538, containing 6.496 acres, located at the southeast intersection of Dabbs House and Creighton Roads. A mini-storage warehouse/self-storage facility is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration. The property is located in the Airport Safety Overlay District.

Mr. Emerson - The request for deferral is to November 13, 2003.

Mr. Jernigan - Is there any opposition to the deferral of Case C-41C-03? You have opposition to the deferral, ma’am?

Mr. Silber - Ma’am, what they have requested is that this be deferred for two months until November 13, 2003. Is your concern that you want to hear the case tonight or is your concern relative to this being put off to some future date?

Mr. Jernigan - Ma’am, would you come up to the microphone, please, and give us your name and address, please.

Ms. Covington Coleman -Dabbs House Road. It is relative to the constant deferral if you have community support that wants to hear it and wants to oppose it, and we see scheduling it, I know that it’s difficult for whoever has got to …Don Smith, but once I put it on my agenda, I try to be on top of it, so if you can schedule ahead next time (unintelligible)

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Mr. Jernigan - Do you know Mrs. Palmer?

Ms. Coleman - Yes.

Mr. Jernigan - OK. Mrs. Palmer and I have spoken, I have spoken to her two or three times. I am not saying she represents the neighborhood, but I know she represents a few of the neighbors there, and when she called me earlier I told her this case was going to be deferred so we could have another neighborhood meeting and make sure that we had everybody that was affected by this case to be there, and that is the reason that the applicant opted to do 60 days. So we will have plenty of time to get everybody together. I am going to call Mrs. Palmer probably next week and give her a date that the meeting will be.

Mr. Silber - Can we have your name and address and if you will give that to staff behind you, and we will make sure you are included with that.

Ms. Coleman - Thank you.

Mr. Jernigan - With that I will move for deferral of Case C-41C-03 to November 13, 2003, by request of the applicant.

Mr. Taylor - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-41C-03, James W. Theobald for Don Smith, to its meeting on November 13, 2003.

Mr. Emerson - The next item is on Page 3 of your agenda.

Deferred from the July 10, 2003 Meeting:

C-33C-02 Henry L. Wilton for WILHOOK, LLC: Request to rezone from B-3C Business District (Conditional) to R-3C One Family Residence District (Conditional) and B-3C Business District (Conditional), Parcel 804-736-0481, containing 10.415 acres (approximately 6.7 acres in R-3C; approximately 3.7 acres in B-3C), located at the northeast intersection of Mechanicsville Turnpike and Neale Street (Maplewood Farm). Commercial and single family residential developments are proposed. The uses will be controlled by proffered conditions and zoning ordinance regulations. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends Commercial Concentration. The site is also in the Airport Safety Overlay District.

Mr. Emerson - The deferral is requested to November 13, 2003.

Mr. Jernigan - Is there any opposition to Case C-33C-02? No opposition, Mr. Archer.

Mr. Archer - OK, Mr. Chairman, before I move on this and Mr. Wilton is here, I just want to remind him that the community is expecting another meeting prior to this being brought forward on November 13, 2003. And with that, Mr. Chairman, I move deferral of Case C-33C-02, Henry L. Wilton for WILHOOK, LLC, to the November 13, 2003 meeting at the request of the applicant.

Mr. Vanarsdall - Second.

Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The ayes have it. The motion passes.
At the request of the applicant, the Planning Commission deferred Case C-33C-02, Henry L. Wilton for WILHOOK, LLC, to its meeting on November 13, 2003.

Mr. Silber - Mr. Emerson, I just noticed that we are actually into the 8:00 portion of the agenda. So, the other files on the agenda need to be taken up after 8:00, and, in fact, I’d again like to announce this case after 8:00, in case someone has not arrived yet.

Mr. Emerson - We have on the Expedited Agenda two items.

Mr. Glover - Mr. Chairman, before you start, I want to make a statement that I usually make in Planning Commission meetings. Since I sit on the Board of Supervisors also, I request that it show on each case that I abstained for the evening, and I will get to vote on it when it comes to the Board of Supervisors.

Mr. Jernigan - Mr. Chairman, I also want to welcome Mr. Glover. He was back in the back talking when we opened the meeting, and we’d like to welcome our Board of Supervisors member, Mr. Glover.

Mr. Silber - Mr. Emerson, we do have one Expedited on the 7:00 portion of the agenda.

Mr. Emerson - Yes, sir, Mr. Secretary.

C-44C-03 Jay Weinberg for Staples Mill, LLC: Request to amend proffered conditions accepted with rezoning case C-17C-00, on part of Parcel 762-764-6451, containing approximately 8.92 acres, located on the west line of Staples Mill Road (State Route 33) at Warren Road. The applicant proposes to amend proffered conditions relating to building materials and size, access, and parking. The existing zoning is O-2C Office District (Conditional). The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

Mr. Silber - Really, now, at this point, if this item is on the Expedited Agenda, it means that this item has come forward, it has been reviewed by the County staff, everything has been found to be in order and staff is recommending approval. If there is no opposition tonight, the Commission will hear this with no further consideration or discussion. If there is opposition tonight, we will pull this and hear it in order. This was a method to try to move the meeting a little quicker on what are basically housekeeping items, and consider it as an Expedited Item.

Mr. Jernigan - Is there any opposition to Case C-44C-03?

Mr. Vanarsdall - Mr. Chairman, I recommend that Case C-44C-03, Jay Weinberg for Staples Mill, LLC, be recommended to the Board of Supervisors for approval as outlined in the Expedited Agenda.

Mr. Archer - Second.

Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

**REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because the amendment does not greatly reduce the original intended purposes of the proffers.

**ORDINANCE** - To Amend and Reordain Subsection (a) of Section 24-12.1 Titled ”Provisional uses permitted,” Section 24-51.1 Titled ”Provisional uses permitted” and Subsection (a) of Section 24-95 Titled “Additional requirements, exceptions and modifications” of the Code of the County of Henrico to Regulate Stage Towers and Scenery Lofts in Certain Districts.
Mr. Marles - Mr. Chairman and members of the Commission, as the Commission is aware, the Zoning Ordinance for the County regulates the height of structures within the various zoning districts within the County. In the R-1 One-Family Residence District, and in the A-1 District, schools and similar uses are limited to 45 feet in height. There are a number of exceptions to that height regulation, including structures and attachments that are allowed to go taller than the normal maximum permitted height, and those exceptions are listed in Section 24-95 (a) 1, which you do have a copy before you. That section includes such structures as smoke stacks, stage towers, scenery lofts, water tanks, sand pipes, windmills. It has been our experience recently, that one of these structures, and I am particularly referring to a stage tower, or scenery lofts, that was constructed near in a residential community has resulted in concerns because the height of the structure was out of scale with the surrounding residential community. This is actually a picture of the stage tower itself (referring to slide). I've got a couple of these pictures to show you. For those of you who don't know what a stage tower or scenery loft is, it is that structure in the back of the stage where they can raise the scenery as one piece, and store the scenery for the various scenes that occur during the course of a play or a performance. On June 10 of this year, the Board directed the Planning Office to prepare an ordinance amendment that would provide for the review of stage towers and scenery lofts on a case-by-case basis if they are to be taller than the 45 ft. height requirement. The proposed amendment before you this evening accomplishes that very simply. The amendment would basically delete stage towers or scenery lofts from Section 24-95 (a) 1, and again, that is the section that lists the structures which are exempt from the height requirement and would add stage towers and scenery lofts to the lists of uses requiring a Provisional Use Permit in the A-1 and R Districts. As the Commission is aware, the Provisional Use Permit process allows for uses to be looked at on a case-by-case basis, and for appropriate conditions to be added possible conditions include such items as setbacks, limitations on the height, etc. That does conclude my presentation, and again, it is a very straightforward amendment. We believe it does give us control over these types of uses, particularly where they are close to residential communities. And with that I will be glad to answer any questions.

Mr. Jernigan - Mr. Marles, how tall is the structures that we are looking at here?

Mr. Marles - This structure is 73 feet, 2 inches tall.

Mr. Jernigan - Are there any questions for Mr. Marles from the Commission?

Mr. Marles - Mr. Chairman, this is a public hearing. There might be someone in the audience who might want to comment on this, and staff is recommending approval.

Mr. Jernigan - Is there anyone in the audience who would like to speak on this? Nobody. OK. Mr. Silber.

Mr. Silber - Members of the Commission, there would be a recommendation on this ordinance amendment that would be made and passed on to the Board of Supervisors, and they would likely hold a public hearing on this in next four to eight weeks. So, it would be appropriate for the Commission at this time to take action on this ordinance amendment.

Mr. Jernigan - With that, I will make a motion that the “Provisional uses permitted,” Section 24-51.1 Titled “Provisional uses permitted” and Subsection (a) of Section 24-95 Titled “Additional requirements, exceptions and modifications” of the Code of the County of Henrico to Regulate Stage Towers and Scenery Lofts in Certain Districts be passed to the Board of Supervisors.

Mrs. Ware - Second.

Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mrs. Ware. All in favor say aye. All opposed say no. The motion passes.
The Planning Commission voted that “Provisional uses permitted,” Section 24-51.1 Titled “Provisional uses permitted” and Subsection (a) of Section 24-95 Titled “Additional requirements, exceptions and modifications” of the Code of the County of Henrico to Regulate Stage Towers and Scenery Lofts in Certain Districts be passed to the Board of Supervisors.

Deferred from the August 14, 2003 Meeting:

C-33C-03 Andrew Scherzer/Kristen Keatley for B K Katherman: Request to conditionally rezone from A-1 Agricultural District, RTHC Residential Townhouse District (Conditional) and R-6C General Residence District (Conditional) to O-2C Office District (Conditional), Parcels 749-754-5736 and 749-754-5769 and part of Parcel 749-754-2538, containing 6.813 acres, located on the south line of Three Chopt Road approximately 400 feet west of Gaskins Road and on the west line of Gaskins Road approximately 200 feet south of Three Chopt Road. A condominium office park development is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre.

Mr. Jernigan - Is there any opposition to Case C-33C-03? We have opposition. Ms. Moore.

Ms. Moore - Thank you, Mr. Chairman.

This request would consolidate three parcels, including a portion of the rezoning for the adjacent retirement facility approved in 1999 (C-10C-99). This portion of the site would affect three of the proffers attached with that case pertaining to density, the prohibition of access to Three Chopt Road, and development on the northern property fronting Three Chopt Road.

The approval of this rezoning request would essentially void these proffers for the northern portion of this site. The intent of proffers 10 and 15, which govern the adjacent retirement facility, was to reserve the property to allow a coordinated development with the adjacent properties in the future. There was concern that access to Three Chopt Road and other improvements on this portion would disrupt that potential. This request is in keeping with this intent.

The applicant has submitted revised proffers and a site plan dated September 11, 2003. The time limits would need to be waived in order to take any action of this project tonight.

Major aspects of the proffers include:

- One story office buildings with proffered elevations to ensure an attractive design on the facades facing the right-of-ways;
- The installation of sidewalks along Gaskins Road and Three Chopt Road;
- 35-foot minimum buffers with vegetation equivalent to a 25’ transitional buffer along Gaskins and Three Chopt Roads;
- Preservation of mature trees within wetland areas;
- Boulevard entry at Gaskins Road; and
- No access between the site and the adjacent retirement facility.

In response to residents’ concerns regarding traffic congestion at the Three Chopt/Gaskins Road intersection, the applicant has also proffered that a left turn lane to access the site from Three Chopt Road would be prohibited and daycare and school uses would not be included in the project.

Although the requested office use is not consistent with the Land Use Plan recommendation, an office development would be an appropriate use for the site. The site has direct access to Three Chopt and Gaskins Roads and the proposed use would provide a good transition to the adjacent retirement/nursing home facility and would provide more choice for office use within this area.
Staff supports this request.

That concludes my presentations, I’ll be happy to try to answer any questions you may have.

Mr. Jernigan - Are there any questions for Ms. Moore from the Commission? Thank you, Ms. Moore.

Mr. Scherzer - Good evening, Mr. Chairman, and members of the Commission. My name, for the record is Andrew Scherzer, Balzer and Associates, and I represent the applicant, who is also here tonight if you should have any questions. I’d like to thank Jean Moore for presenting the case tonight, as well as for all of the efforts she has made over the last three or four months that we have actually been working on this case. Mrs. Ware had done a yeoman’s job in trying to keep this thing moving in a forward direction and we thank her for her consideration tonight in terms of allowing us to even consider keeping this thing moving now that most of the issues that we feel were contentious in the process have been resolved, at least to our knowledge. I would also like to thank the number of neighbors that will be here tonight, and some of them may want to speak about some issues that may still give them concern or issues they want on the record, but we do feel that the process, certainly over the last few weeks, has pushed this case to the point where it is today, where staff supports it; we feel we have the general support of the neighborhood and we feel it really will be a successful part of this neighborhood and the community and the County in general. I’d like to reserve the rest of my time to rebut and deal with any issues that come up. And I thank you for your consideration tonight.

Mr. Jernigan - Are there any questions from the Commission? Thank you, Mr. Scherzer. OK. We will hear from Mr. Kofax.

Mr. Silber - Let me remind those present tonight, Mr. Chairman did this at the beginning of the meeting, that the Planning Commission has a policy that they feel to keep the meeting moving that they encourage people to be concise and to the point. The policy is that those making the presentation, the applicant, have 10 minutes to make their case and save some of that time for rebuttal, and those speaking in opposition have 10 minutes, that is collectively 10 minutes. The Planning Commission has the right to extend that and grant more time if they feel it is necessary, but we'd like to try to keep it to about 10 minutes.

Mr. Kofax - I am David Kofax and I am one of the guys at the Cross Keys area who has been active in anything that goes on in this area. I was chosen from the folks today to represent the community as a whole, probably for the shock value, in that we are not opposed in the sense of “Don’t approve it,” but we do have some comments to make relative to it.

I would like to thank Todd Lewis, who is following in my steps at Cross Keys as the other zoning guy, and hopefully you will see more of him than me. We've spent a lot of time working on this and learning how the system works. Our other neighbors, Richard will speak, Tammy and Duncan, who are there and many others were there. We've had about 20 at each of our neighborhood meetings. Also, I would like to thank Tim Foster, our resident, he is not a resident of our neighborhood, but he is there so often that he is part of our traffic engineering, and over the years he has certainly been beneficial, to let us know how traffic engineering studies work, how they apply, so we are pretty knowledgeable in that area, and Mrs. Ware, also, in particularly getting in and observing the meetings, so that we didn't have any confrontation type of things today and saying “Here's what works and here is what doesn't work on the site” – so we thank you for that.

We have come down to the point that the zoning, with respect to use and intensity of use, which is what is the basic issue here today, is acceptable, given what the proffers that you heard brought forward. So, not having the day care center and not having a left turn was certainly a big concern that the folks had.
My other comments pertain to, there are a few things in the staff report about the need for office, which I would debate, but it is not worth the debate, and also, for the representation on the proffers that were done with the retirement community, that, they were in conflict with what is being proposed today. I think what is being proposed today is about as good as we can get with those. There is one, and maybe the applicants can address this later, but I haven't seen the proffers for tonight, but it was read that one of them would not have a connection with the retirement community, and if that is governed by the other proffers on the other site, I think, so be it, and maybe address that, but I wouldn't think it would be appropriate to add that as a condition as a proffer on this one, because then you have to go through and change both proffers if it works out that it is a good thing to do. So, my suggestion would be that maybe the developer would want to pull that proffer back, so that he'd have freer hands in case that is a positive thing to work on later and work out. The only other point to make is that, particularly where the day care was, and that has been changed by office now, that was a 24-hour move and there may be some work to be done there, and we've raised some concerns about the intensity of the development on the site, but those are things we will look at when we get more site information, and we look forward to meeting with Mr. Katherman when it goes to the POD process, and I also want to thank Mr. Katherman for listening to the neighbors and to the District Commissioner and saying, “OK, we've got to drop the day care and the left turn.” Do you have any questions?

Mr. Jernigan - Thank you, Mr. Kofax. Are there any questions for Mr. Kofax from the Commission?

Mr. Silber - Let me clarify one point and the staff may need to clarify me if I am interpreting this wrong, but the proffer that you refer to, if you haven't seen it, is Proffer 18 and speaks to the proffer that is on the adjacent property, basically saying, if I am reading it properly, that the proffer next door would have to be amended to eliminate that access restriction before access would be allowed through this subject property.

Mr. Kofax - That is correct. That would be good wording.

Mr. Silber - That is the way that it stands now. I would like to look at that closer before that goes to the Board of Supervisors, but that is the way that it reads at this point.

Mr. Kofax - I have always supported having interconnectiveness between projects like this.

Thank you.

Mr. Jernigan - Thank you, sir. Who was next? Good evening.

Mr. Solari - Good evening. My name is Richard Solari and I live at 10805 Three Chopt Road, and if you are familiar with that address and the intersections of Gaskins and Three Chopt, I am one of the neighbors who will be most directly impacted by whatever development we end up with at that intersection. My objection tonight is basically in the procedural approach that was taken by the applicant. We did, in fact, have two community meetings and a number of the concerns we aired were addressed, however, I personally just found out about some substantive changes to this earlier today. They don't even have a copy of the amended proffers to hand out to us to look over it tonight, so I don't think it is fair to the neighbors to say, "Well, we took care of everything you wanted us to take care of, so go ahead and drop your opposition." I think a deferral for 30 days would be appropriate to give us time to look over those revised proffers and a drawing that has some detail. This little photo copy doesn't even have the roads labeled on it. I think we should be given more time to look over the new proposal as it stands now, instead of saying “You all go ahead and vote for approval.”

Mrs. Ware - There have been some changes to the proffers, but most of the proffers have stayed the same from the last meeting that we had. I believe that was last week. There is time between
now and the Planning Commission meeting and the Board of Supervisors meeting to look over these proffers again. This is the final word. The Board of Supervisors does have the final word, and I am sure that the applicant would be happy to give you a set of proffers. Do you have any extra set this evening? I have two sets. You can have a set of mine or Jean will have one that you can look over, but at this point I feel that it is best to go ahead and move on with the case.

Mr. Jernigan - Are there any questions for Mr. Solari from the Commission? Thank you, sir.

Mr. Scherzer - I would just like to say we thank you for your patience with us this evening over this process. It has been, there have been some ups and downs, but we do feel obviously that the progress that we've made, minor adjustments in terms of the wording, are fairly clearly understood, and we certainly welcome the opportunity to talk to anyone in the intervening time between the Planning Commission and the Board. However, changes were made at the request of the neighborhood, and obviously, some concerns of staff and Mrs. Ware, and we feel we are making the right changes for the right reason, and we do thank you for your patience and we do ask for a favorable recommendation this evening. I am available for any questions, and I thank you again for your patience.

Mr. Jernigan - Are there any questions for Mr. Scherzer? Thank you, sir? We have more opposition? How are you this evening?

Mr. Smith - My name is John Smith and I live in Raintree, and I am not familiar with the process, but our interest in Raintree is the impact of this development on the wetlands in that area and in the wetlands moving south into our area, along Deep Run Green and into Gregory's Pond, and so my question basically is, "Is there a point in this process where we can get involved?" I heard you mention preservation of wetlands, just like one of the proffers, but it is a complicated thing, and we need to know if we can get involved in this before it is a (unintelligible) and have some input.

Mrs. Ware - When they will be addressing those issues is at plan of development when they have more detailed information, and if you give your name to Ms. Moore, we will make sure that you are on a list to be contacted that is being reviewed.

Mr. Smith - All right. There is another point where we get to do that?

Mrs. Ware - There is another.

Mr. Silber - Mr. Smith, if I can maybe add to that, and Mrs. Ware did a good job in explaining the process, but basically what happens after tonight, if this is passed on, and ultimately the Board of Supervisors acts on the rezoning, then the use rights are in place, and they can develop that piece of property. But they have to come in with detailed engineering plans that shows how they are going to lay out this property. All of the information relative to drainage and wetlands and storm water runoff will be dealt with at that time, and your concern is a good concern, because there are extensive wetlands here, that flows into the floodplain and heads down towards Raintree, so your point is well taken, but at this point in time they are making the determination as to whether the use is appropriate at this location. Your involvement would come later at the time of plan of development review. So, if you could leave your name and address, we will make sure that you receive notification when that plan of development comes in.

Mr. Smith - OK.

Mr. Jernigan - Thank you, Mr. Smith. Mrs. Ware.

Mrs. Ware - I know that Mr. Solari has asked about the proffers, and the big changes that took place are the ones that were talked about at the last neighborhood meeting. There is no left-turn access. The proposed day care has been removed, and also the access from the assisted living facility has been
addressed. I know that we went over some other minor changes, additions and deletions at the meeting last, and those were made as well. The current zoning on this property is reflective of a large townhouse development from 1988 that was never constructed. The request provides coordinated development by combining three parcels, as well as a good transition to the adjacent retirement home facility. Office condo use will also help to disburse traffic in this area throughout the day. The project is in keeping with the development trends in the area, and it will be compatible with the design and use of the adjacent retirement facility, water treatment plant to the south, and other office uses to the east. Therefore, I move that Case C-33C-03 be sent to the Board of Supervisors with a recommendation for approval. Oh, I have to waive the time limits. I move that we waive the time limits.

Mr. Vanarsdall - Second.

Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall to waive the time limits. All in favor say aye. All opposed say no. The motion passes.

The Planning Commission voted to waive the time limits on the revised proffers and a site plan dated September 11, 2003.

Mrs. Ware - Now I move that Case C-33C-03 be sent to the Board of Supervisors with a recommendation of approval.

Mr. Vanarsdall - Second.

Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in favor say aye. All opposed say no. The motion passes.

REASON: Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request because it would provide for appropriate development of that site and the proffered conditions will assure a level of development otherwise not possible.

Mrs. Ware - When is the next Board meeting?

Mr. Silber - Ms. Moore.

Mr. Jernigan - All of our deferred cases weren't pulled through because we have a split agenda. One starts at 7:00 p.m. and the other starts at 8:00 p.m. We can't handle the other deferrals until the 8:00 p.m. hour.

Deferred from the August 14, 2003 Meeting:

C-35C-03 Gary Weinberger: Request to rezone from M-2 General Industrial District and M-2C General Industrial District (Conditional) to M-2C General Industrial District (Conditional) Parcels 818-707-0077, 818-707-3268, and 818-707-1322 containing approximately 31.2 acres located at the southwest intersection of Charles City and Miller Roads. The applicant proposes to construct additional parking and make other improvements to an existing truck terminal. The Land Use Plan recommends Heavy Industry. The site is also in the Airport Safety Overlay District.

Mr. Silber - Ms. Moore.

Ms. Moore - Thank you, Mr. Secretary.
Mr. Jernigan - Is there any opposition to Case C-35C-03? We have opposition. Ms. Moore, you may proceed.

Ms. Moore - This request, if approved, will permit Swift Transportation to construct an addition up to 30' in height for their existing truck terminal and fueling facility. The existing proffer limits height to 20 feet. This request also consolidates the existing proffers attached with Cases C-43C-94 and C-76C-97, which govern the site.

With the exception of building height, this request carries forth the existing proffers attached with the property. In addition, the applicant has provided new proffers including:

- Prohibiting the use of barb wire and gravel on the site; and
- Prohibiting the sale or dispensing of fuel to the general public.

At the time the staff report was drafted, there were two unresolved issues. One pertained to referencing the correct adjacent properties to implement the 50 and 35-foot buffers, so the intent of such screening would be maintained.

Secondly, the applicant did not submit a site plan referenced in Proffer #2.

The applicant submitted revised proffers which address these concerns. These proffers are dated September 5, 2003, copies of which you just received. In addition, the applicant has submitted a site plan showing the entire facility and the proposed addition.

The existing use, site layout and proposed addition to expand the truck terminal are in keeping with the 2010 Land Use Plan’s designation for Heavy Industrial and EPA on the site. In addition, the proposal would be harmonious with the surrounding development and would enhance the site design of this facility. Therefore, staff supports this request.

This concludes my presentation, I’d be happy to try to answer any questions you may have.

Mr. Jernigan - Are there any questions for Ms. Moore from the Commission?

Mr. Archer - Ms. Moore, these proffers are on time, right? They don’t need to be waived.

Ms. Moore - Yes, sir. They are on time.

Mr. Jernigan - Ms. Moore, how many parking places are we picking up out of this?

Ms. Moore - I don’t have that answer off the top of my head, but I can find out for you in a few minutes.

Mr. Jernigan - All right. Thank you. Is the applicant here? Sir, you can come up to the podium, please. How are you?

Mr. Weinberger - Good. My name is Gary Weinberger and I am vice president with Swift Transportation.

Mr. Jernigan - OK, sir. Would you like to reserve rebuttal time? You have ten minutes.

Mr. Weinberger - Yes, if there are any questions, I’d be happy to answer those.
Mr. Jernigan - Well, maybe you can answer this. How many parking places are we going to pick up on the POD?

Mr. Weinberger - I would have to look at my...

Ms. Moore - There are 83 existing and 102 would be new.

Mr. Jernigan - 102?

Ms. Moore - Yes, sir.

Mr. Jernigan - Thank you, Jean. I don't have any questions other than that. I know that it has been a long discussion and this case was probably looking good last month. It just was not advertised correctly, because we incorporated all of the land in, but if you don't have any statements, then I am going to hear from the opposition, and then I will let you rebut to him.

Mr. Weinberger - I understand.

Mr. Jernigan - Thank you, Mr. Weinberger. Sir, you may come up.

Mr. Henricus - Good evening. I am George Henricus and my Dad owns a piece of property out there. It is zoned M-1, and with more traffic coming out on Charles City Road, we are wondering how the impact to that is going to be or access in and out of that piece of property. You are going to end up adding 102 more spots out there. Is that going to impact us with a business coming in and out on Charles City Road? The other question I had is with these additional parking spaces. Are we going to end up having more water problems? In the past we have had over the years, out there, all the water that comes across from the Byrd Center comes across my Dad's property, and I am just kind of concerned – does the County know that this is an issue, and are we addressing that properly. And, the other thing I had, in the past, these fellows end up, they run their rigs all night long, and in the winter the fumes out there get pretty bad. Are we doing anything to take care of that. I mean, if you run a rig out there all night long and you walk out, that is all you are breathing are fumes, and are we addressing that?

Mr. Jernigan - First of all, I didn't hear your last name.

Mr. Henricus - Henricus. My Dad has run a business there for the last 25 years and, you know, it impacts us. If they end up putting too much traffic on Charles City Road where you can't get in and out of the place...

Mr. Jernigan - Well, one reason I am glad this case came along was to get them off of the road. If you are there now, you know the stacking problem that they are having.

Mr. Henricus - Yes, I understand that.

Mr. Jernigan - You know they are stacking on the road now. The police are having problems with it and all, and I am glad to see this, because it will get them in and off of the road, and have a place to park. That is the reason that I did want this case moved along. They want to put another building back there, and what happened on that, the current building height was limited to 20 feet. They wanted to go to 30 feet, and I had Mr. Weinberger, we incorporated so that the proffers that exist on the property now, the small four acres that they had went on the whole 31. Now, you are speaking of drainage. At the time of POD, when they compile the plan for this other building, that will be addressed through our Department of Public Works.

Mr. Henricus - Well, I am here for my Dad and looking out for his best interests.
Mr. Jernigan - But I am hoping this will make the situation, as far as the fumes,

Mr. Henricus - You know you've got 120 more rigs or what. How many more rigs are we talking about putting out there, running all night long.

Mr. Jernigan - Well, I don't know that we are going to have that much more, but we are not going to have them stacked out on Laburnum and Miller Road. They are going to be tucked in, away, and that is what we want to do. They may have some more trucks. I am not sure.

Mr. Silber - Mr. Chairman, let me suggest this, perhaps. I think the applicant can get back up in a few minutes to address the question on the number of trucks that would be at the site versus what is there now, and he can do that in a few minutes. I think what is important is there is a plan of development that has been submitted. It will be coming to the Planning Commission, I believe, later this month. Staff, correct me if I am wrong, but I believe it comes up later this month, so please find out when that comes up, review that plan and begin to become familiar with those issues. But the drainage aspects will be dealt with with that plan of development. Access and traffic that might come off of this property impacting Charles City Road and potentially your access, I think it may be best that you consult with the traffic engineer. He was here earlier. He is coming back for another case. If you can't reach him tonight, we will put you in touch with him, and you can speak to that.

The comments in the staff report say that there will be no impact from this site on the existing roads that would be overwhelming. We believe that should be taken care of.

Mr. Henricus - The thing I am trying to do, we are right there by Laburnum and Charles City Road, so what happens if we get too much traffic. I've got a funny feeling that it will get further and further and you will never be able to make that left-hand turn on Laburnum, you know.

Mr. Silber - Are you the first parcel that is zoned industrial on the south side of Charles City?

Mr. Henricus - Yes, sir. Right beside the Baptist Church.

Mr. Silber - That may be a valid concern. It looks like there would have to be a lot of stacking before it could impact your access, but that is a possibility.

Mr. Henricus - Right now, I don't want to end up losing my access to the road. That is my main concern. I don't want to see them come out there and extend the road so I can't come out of my property.

Mr. Jernigan - Your condition should get better rather than worse.

Mr. Henricus - I appreciate it.

Mr. Jernigan - Are there any questions of Mr. Henricus from the staff or the Commission? Thank you. All right. Mr. Weinberger.

Mr. Weinberger - Thank you and those are some legitimate questions. Your comment back here about the number of trucks is correct. We now, if you ever went in our yard on the weekend, we have exceeded the parking places. There are trailers, not necessarily tractors, parked in our driveways, and this will alleviate that. We now drop trailers at a lot of our customers. We don't have the space. It is mostly trailer drop parking situation. A standard, just as a point of information, on a full load truck area itself, we have 3 to 3.5 to 1 ratio trailers to trucks, so even if we filled this, 83 and 102, is that the total? Say we'd have 185 spaces, and they would never be more than 1/3 of that, tractors there. I don't know if that answers your question. We are not bringing any more equipment in other than trailers. As far as the
drainage goes, Mr. Henricus, I believe you are under the second lot over. Now, the drainage problem they've been talking about has been one that is not really his problem but the County's problem. Since 1994 when I first developed the five acres on the corner, it drains across his property off of Charles City Road, and then goes into a drainage pipe that goes under Laburnum and down wherever from there. We don't drain any water from his property. All of our water is contained in a pond that we have created at the rear of our property, which is on the piece that is currently developed, the M-2C piece, right against Laburnum. We drain all of our water there and then we made sure, as you well know, we built that up three or four feet behind his property on ours to prohibit any water from ever going out to his property. His problem is the water from Charles City Road drains across his property to that drainage ditch. Am I correct?

Mr. Weinberger - As far as fumes from the trucks, we have to idle them during the Winter time, but I can guarantee you that our equipment is State-of-the-Art as any equipment in use. You don't see any trucks that are old relics. All of our engines are the most clean burning engines that are made today. These are Detroit Cummings Engines. There are no better engines made. I mean, of course, you probably know that everybody is pushing for cleaner engines, whether it is in cars, trucks, whatever it may be, and when that gets there, we will be in line to buy those. They are just not available today.

Mr. Jernigan - Are there any questions for Mr. Weinberger from the Commission? All right. Thank you, sir.

Mr. Weinberger - Thank you.

Mr. Jernigan - Tom Coleman was one of the staff members that worked on this case and got everything brought around, and Tom, I want to thank you for your effort on this. I feel that even though we do have some problems down there, that this, over all, is going to be a better situation for you, and for the County as a whole. So, with that I would like to recommend approval of Case C-35C-03, Gary Weinberger Trucking Company.

Mrs. Ware - Second.

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

**REASON:** Acting on a motion by Mr. Jernigan, seconded by Mrs. Ware, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is appropriate industrial zoning in this area, it conforms with the recommendations of the Land Use Plan, and the proffered conditions will provide appropriate quality assurances not otherwise available.

**Deferred from the August 14, 2003 Meeting:**

**C-28C-03** **Abe L. Massad for A. F. Associates:** Request to conditionally rezone from B-1 Business District to B-3C Business District (Conditional), Parcel 764-752-9619, containing 1.02 acres, located at the northwestern terminus of Fountain Avenue (unimproved) approximately 275 feet west of Hungary Spring Road. A retail, sales, service and warehouse facility relating to a motorcycle and marine business is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration.

September 11, 2003  15
Mr. Jernigan - Is there any opposition to Case C-28C-03? No opposition. You may proceed, Mr. Emerson.

Mr. Emerson - Thank you, Mr. Chairman.

The applicant proposes to expand the existing Honda House for sales, service, and warehousing of motorcycle and marine products.

The proposed use is consistent with the Land Use Plan’s designation of Commercial Concentration for this site and with the adjacent commercial developments.

The addition would be developed at the rear of the existing Honda House. It would be adjacent to Fountain Avenue, which is unimproved right-of-way at this location. The applicant has filed a request to vacate this right-of-way, which is scheduled to be heard by the Board of Supervisors on October 14th, 2003.

The staff report notes several concerns and the applicant has submitted revised proffers dated September 8, 2003 addressing these concerns. Specifically, the applicant has revised:

- Proffer #3, which would prohibit check cashing/payday loan establishments and bowling alleys along with some other prohibited uses,
- Proffer #6 regarding visibility of items over any potential screening wall and outside storage, and
- Proffer #7 prohibiting access to Schrader Road.

In addition, the applicant has proffered an elevation, which is referenced in Proffer 8.

Staff recommends approval of this request.

If you have any questions or comments, I will be happy to try to answer them.

Mr. Jernigan - Are there any questions for Mr. Emerson from the Commission? Thank you, Mr. Emerson. Mr. Vanarsdall.

Mr. Vanarsdall - I don’t really need to hear from the applicant unless some of the other Commission members would like to ask some questions. First of all, I am glad that Honda House has decided to stay there and expand, and we have deferred this case once, so as Mr. Emerson said, they will go before the Board to vacate Fountain Avenue. The applicant has agreed to all of the things that we discussed, and I appreciate your getting them in to us Jack, Mr. Beam and Mr. Upshur. With that, I move that Case C-28C-03, Abe L. Massad for A. F. Associates be recommended to the Board of Supervisors for approval.

Mr. Taylor - Second.

Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in favor say aye. All opposed say no. The motion passes.

**REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission voted 5-0 to recommend that the Board of Supervisors grant the request because it conforms to the recommendations of the Land Use Plan, is reasonable in light of the Business District zoning in this area and the proffered conditions provide appropriate quality assurances.

Mr. Silber - At this time, Mr. Emerson, it would be fine to continue on with the deferrals.

**Deferred from the July 10, 2003 Meeting:**

September 11, 2003
C-33C-02  Henry L. Wilton for WILHOOK, LLC: Request to rezone from B-3C Business District (Conditional) to R-3C One Family Residence District (Conditional) and B-3C Business District (Conditional), Parcel 804-736-0481, containing 10.415 acres (approximately 6.7 acres in R-3C; approximately 3.7 acres in B-3C), located at the northeast intersection of Mechanicsville Turnpike and Neale Street (Maplewood Farm). Commercial and single family residential developments are proposed. The uses will be controlled by proffered conditions and zoning ordinance regulations. The R-3 District allows a minimum lot size of 11,000 square feet. The Land Use Plan recommends Commercial Concentration. The site is also in the Airport Safety Overlay District.

Mr. Silber - The Planning Commission took action earlier to defer this request. If there is someone here that was opposing, or wants to oppose deferral, we could reconsider that. If there is no opposition, I would argue that the motion and action stands. Is there anyone in opposition or has concern with C-33C-02? OK. Mr. Emerson, if you could run through the other deferrals on the 8:00 p.m. portion of the agenda.

Mr. Emerson - Yes, sir, Mr. Secretary. On Page 4 of the agenda is C-38C-03.

Deferred from the August 14, 2003 Meeting:

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

Mr. Emerson - The deferral is requested to the October 9, 2003 meeting.

Mr. Jernigan - Is there any opposition to the deferral of Case C-38C-03? No opposition. Mr. Archer.

Mr. Archer - Mr. Chairman, I move deferral of Case C-38C-03 to the October 9, 2003 meeting at the request of the applicant.

Mr. Vanarsdall - Second.

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

At the applicant’s request, the Planning Commission deferred Case C-38C-03, Andrew M. Condlin for Park Central Associates, L. C., to its meeting on October 9, 2003.

Deferred from the August 14, 2003 Meeting:

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

Mr. Emerson - The deferral is requested to the October 9, 2003 meeting.

Mr. Jernigan - Is there any opposition to the deferral of Case C-39C-03? No opposition. Mr. Archer.

September 11, 2003
Mr. Archer - Mr. Chairman, I move deferral of Case C-39C-03 to the October 9, 2003 meeting at the request of the applicant.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-39C-03, Andrew M. Condlin for Windsor Business Park, LLC, to its meeting on October 9, 2003.

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

Mr. Emerson - Deferral is requested to the October 9, 2003 meeting.

Mr. Jernigan - Is there any opposition to the deferral of Case C-46C-03? No opposition. Mr. Archer.

Mr. Archer - I move deferral of Case C-46C-03 to the October 9, 2003 meeting at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-46C-03, Andrew Condlin for Gregory A. Windsor, to its meeting on October 9, 2003.

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

Mr. Emerson - The deferral is requested to the October 9, 2003 meeting.

Mr. Jernigan - Is there any opposition to the deferral of Case C-47C-03? No opposition. Mr. Archer.

Mr. Archer - Mr. Chairman, I move deferral of Case C-47C-03, Andrew Condlin for Gregory A. Windsor, to the October 9, 2003 meeting, at the applicant's request.

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

At the request of the applicant, the Planning Commission deferred Case C-47C-03, Andrew Conlin for Gregory A. Windsor, to its meeting on October 9, 2003.

Deferred from the July 10, 2003 Meeting:
C-18C-03 James W. Theobald for Commercial Net Lease Realty Services, Inc.:
Request to conditionally rezone from B-3 Business District and A-1 Agricultural District to B-2C Business District (Conditional), Parcel 741-761-8112 and part of Parcel 741-761-8532, containing approximately 2.899 acres, located at the southeast intersection of W. Broad Street (U. S. Route 250) and Three Chopt Lane. A retail use is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office and Commercial Concentration.

Mr. Emerson - The deferral is requested to the November 13, 2003 meeting.

Mr. Jernigan - Is there any opposition to the deferral of Case C-18C-03? No opposition. Mr. Taylor.

Mr. Taylor - Mr. Chairman, I move deferral of Case C-18C-03 to November 13, 2003, at the applicant's request.

Mr. Vanarsdall - Second.

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

At the request of the applicant, the Planning Commission deferred Case C-18C-03, James W. Theobald for Commercial Net Lease Realty Services, Inc, to its meeting on November 13, 2003.

Deferred from the August 14, 2003 Meeting:
C-42C-03 William Shewmake for P & F LLC: Request to conditionally rezone from R-3 One Family Residence District to O-1 Office and B-3C Business District (Conditional), Parcels 761-754-2053 and 761-754-1763, containing approximately 1.0 acre (B-3C - .23 acre, O-1 - .77 acre), located on the east line of Skipwith Road approximately 360 feet north of N. Parham Road and approximately 520 feet south of W. Broad Street (U. S. Route 250). Office uses and parking for the adjacent Infiniti car dealership are proposed. The uses will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Office.

Mr. Emerson - The deferral is requested to the November 13, 2003 meeting.

Mr. Jernigan - Is there any opposition to the deferral of Case C-42C-03? Mr. Taylor?

Mr. Taylor - I move deferral of Case C-42C-03 to November 13, 2003 at the request of the applicant.

Mr. Vanarsdall - Second.

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

Mr. Emerson - Mr. Secretary, we have one remaining Expedited item. That is on page 6 of your agenda.
C-49C-03 North Atlantic Holdings, Inc: Request to amend proffered conditions accepted with Rezoning Case C-54C-89, on Parcel 761-754-4773, containing approximately 2.52 acres, located on the south line of W. Broad Street (U. S. Route 250) approximately 600 feet northwest of E. Parham Road. The amendment is related to the landscape and natural buffers. The existing zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial Concentration.

Mr. Jernigan - Is there any opposition to Case C-49C-03, North Atlantic Holdings, Inc.? No opposition.

Mr. Taylor - I move that Case C-49C-03 be approved on the Expedited Agenda.

Mr. Archer - Second.

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

REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request because the proffers continue to assure a quality form of development with maximum protection afforded the adjacent properties and it is not expected to adversely impact surrounding land uses in the area.

C-45C-03 Ken Baucom for David C. Circeo: Request to conditionally rezone from O-1C Office District (Conditional) to B-1C Business District (Conditional), Parcel 781-748-5100, containing approximately 0.882 acre, located at the southeast intersection of Oak Street and Lakeside Avenue (Lakeside Place). A dental office and hair salon are proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre.

Mr. Jernigan - Is there any opposition to Case C-45C-03, David C. Circeo? No opposition. Good evening, Mr. Bittner.

Mr. Bittner - Good evening commissioners and Mr. Chairman.

A rezoning application for O-1C was approved in 2000. The proposed hair salon would locate in part of this structure that has been built to house the dental office, and that is shown here (referring to slide).

The 2010 Land Use Plan recommends Urban Residential, and this request is not consistent with this designation.

However, this site is also designated as a Redevelopment Corridor in the 2010 Land Use Plan. This designation is intended to focus on opportunities for infill development and the need for improving the overall appearance of older nonresidential corridors.

This proposal appears to meet the intent of the Redevelopment Corridor designation.

The applicant has submitted revised proffers which should now be in front of you. These new proffers simply retain the proffers currently regulating the property and alter selected proffers to accommodate the hair salon. The altered proffers include the following:

(Proffer #4) Any barbershop or beauty salon on the site would not make appointments any later than 7:30 p.m. All other uses would cease operation by 7:00 p.m.
(Proffer #7) Permitted uses would be limited to only barbershops, beauty salons, and those uses first permitted in the O-1 district. This would accommodate the existing dental office.

(Proffer #9) has been clarified to state barbershops and beauty salons shall not exceed 1,500 square feet in size within the allowed total square footage of 8,500.

Staff also notes that selected requirements of the approved landscape plan for the dental office, notably a seeded lawn, do not appear to be completed at this time. Staff encourages the applicant to complete these items as soon as possible.

Staff recommends approval of this application. This concludes my presentation, I would be happy to try to answer any questions you may have.

Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you, Mr. Bittner. Mr. Archer, do you want to hear from the applicant?

Mr. Archer - I don’t believe it is necessary, Mr. Chairman. I did get a couple of phone calls, or at least one phone call from a person who represented another one, and they were not so much concerned about this case as they were with some activity that is occurring within the whole corridor. As most of you know, who have visited out there, there is a lot of preferential development out there along Lakeside that is improving that area. This is one of the more modern buildings out there. I don’t see that this additional operation would increase any exposure to the building, and it is a very well kept building. All of the parking is on the sides and the rear, and with that, I will recommend approval of Case C-45C-03.

Mrs. Ware - Second.

Mr. Jernigan - We have a motion by Mr. Archer and a second by Mrs. Ware. All in favor say aye. All opposed say no. The motion is passed.

**REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Ware, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request because it would permit infill development and the proffered conditions will provide appropriate quality assurances not otherwise available.

**Deferred from the August 14, 2003 Meeting:**

P-8-03 Gloria Freye for Doswell Properties, Inc.: Request for a provisional use permit under Sections 24-58.2(a) and 24-122.1 of Chapter 24 of the County Code in order to permit 24 hours of service to the general public for a proposed convenience store with fuel pump and restaurant (Great To Go – Store No. 3; POD-119-98), on part of Parcel 747-760-6472, containing 4,400 square feet, located at the northeast intersection of Dominion Boulevard and W. Broad Street (U. S. Route 250). The existing zoning is B-2C Business District (Conditional). The Land Use Plan recommends Commercial Concentration.

Mr. Jernigan - Is there any opposition to Provisional Use Permit P-8-03, Doswell Properties, Inc.?

No opposition. Ms. Moore.

Ms. Moore - Thank you, Mr. Chairman.

The item before you tonight is a request for a Provisional Use Permit, to allow a convenience store located at the northeastern corner of W. Broad Street and Dominion Boulevard to operate 24 hours a day. This would include fuel sales and a restaurant.
The 2010 Land Use Plan designates this site Commercial Concentration. The site is zoned B-2C and is improved with a bank and a convenience store. The request for a provisional use permit pertains only to the convenience store.

This case was deferred at the August 14, 2003 Planning Commission meeting to allow the applicant to meet with the Division of Police to conduct a security survey. This survey has been completed and the applicant concurs with the Police Division’s recommendations included in the conditions stated in the staff report. The Police Division has no objections to a 24-hour operation at this location.

Staff has since recommended the adherence to the Police report and is okay with a 24 operation.

Major aspects of the conditions include:

- Volume adjustment for outside speakers
- The prohibition of tinted windows and the placement of advertisements and other material on windows that would obstruct vision into the facility
- The installation of metal or solid core doors
- The installation of security cameras and video systems to monitor the entrance(s), parking area(s)

In addition, there is a condition that the applicant would comply with the recommendations of the security survey conducted by the Crime Prevention Unit of the Division of Police on August 14, 2003 and August 19, 2003.

With these recommendations, staff supports this request.

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

Are there any questions for Ms. Moore from the Commission? Thank you, Ms. Moore. Mr. Taylor, would you like to hear from the applicant?

I would if he is here. Mrs. Freye, I guess, would like to speak.

Good evening, Mr. Chairman and members of the Commission. My name is Gloria Freye and I am an attorney here on behalf of the applicant. We do thank Ms. Moore for that report and we thank the staff for working with us through this, letting us take the deferral last time so that we could get the security survey done. We thank you, too, Mr. Taylor, for meeting with us out on the property and looking at the security measures that have been put in place and that they have agreed to do with the security survey. We feel that this will be a benefit to the citizens in the area, particularly those in Innsbrook that operate around the clock, and Capital One across the street from this site. We were very glad when the Police did the inspection that they actually applauded the applicant for going beyond the security measures that had even been recommended, and with the conditions under this permit, that this facility will be safer than the other stores in the area that actually are already open 24 hours. So, we thank you for your consideration and we will be glad to respond to any questions you may have.

Are there any questions for Mrs. Freye from the Commission? Thank you, Mrs. Freye. OK. Mr. Taylor.

Mr. Chairman, I would just like to provide a few comments for the record. I did visit the site and I do want to remark that while I was at the site I was able to see some considerable safety and security provisions, rapid and positive lockdown procedures that are instantaneously available, very experienced managers that are available night time and day time, but the night time people are actually senior managerial officials. The site received a positive Police review. The site itself and the mechanical...
provisions show significant safety, hardware and site design. It is designed from the beginning as a facility that can be operated with automatic locks and some very quick closure in the area if there is any kind of difficulty. And I think the nature of the neighborhood available makes this facility adjacent to 64 and to travelers, and I think that is a positive benefit, and I think it is consistent with the facilities at other locations that I have seen, so I will recommend approval of P-8-03 for approval by the Board of Supervisors.

Mrs. Ware - Second.

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

REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Ware, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request because it is reasonable in light of surrounding uses and existing zoning on the property and when properly regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

 Deferred from the August 14, 2003 Meeting.

C-23C-03 Robert Atack: Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residential District (Conditional), Parcels 747-764-3839, 747-764-7729, and 747-764-9550, containing approximately 9.71 acres, located at the southeast intersection of Sadler Road and Thorncroft Drive. Single family subdivision is proposed. The applicant proffers a density not to exceed 2.3 units per acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units per acre.

Mr. Jernigan - Is there any opposition to Case C-23C-03, Robert M. Atack? We have opposition.

Mr. Bittner, you may proceed.

Mr. Bittner - Thank you, Mr. Jernigan.

The subject property is designated SR1 in the 2010 Land Use Plan. The applicant proposes a density up to 2.3 units per acre, which is within the recommended SR1 density range of 1.0 to 2.4 units per acre.

Most nearby land uses are single-family residential subdivisions, and much of the Sadler Road corridor is designated SR1 on the 2010 Plan. The established residential neighborhood along Thorncroft Drive is zoned primarily A-1 and characterized by minimum one-acre lots with 150-foot lot widths. The subject property serves as a gateway to the residents along Thorncroft Drive.

The proposed subdivision would be an appropriate use and density for the subject property. The applicant has also proffered some positive features, including:

• A minimum house size of 2,200 square feet,
• 30-year dimensional shingles,
• Exposed aggregate driveways, and
• Irrigated and sodded front yards.

In an effort to be consistent with other new development recently approved in the area, staff suggests the applicant address these remaining concerns:

1. Increasing all lot widths to 85'; and
2. Providing a limitation on the number of front-loaded garages.
On September 2, the developer hosted a community meeting for nearby residents to discuss their concerns. Primary concerns included traffic along Sadler Road, stormwater drainage from the subject property, and plans for bringing public water and sewer to the site.

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

Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you, Mr. Bittner. OK. Mr. Taylor, would we like to hear from the applicant?

Mr. Taylor - Yes, sir. I believe I would.

Mr. Silber - Mr. Parker, do you want to reserve some of your time? Some rebuttal time?

Mr. Parker - Please, if I may. I've got a short presentation, so any time I have remaining after my presentation I will have for rebuttal.

Good evening. My name is Phillip Parker, Vice President with Atack Properties. We have had a number of meetings recently with the various homeowners in the area. We discussed numerous issues along the lines of traffic, sanitary sewer, public water, storm drainage through the area. The primary concern that came up among all of that in the meetings has been the issue of covenants and restrictions of the existing A-1 parcel. Each individual parcel, when it was sold from S. B. Cox in 1963, had individual lot by lot deed covenants, and there was a lot of confusion related to that. I think that we have come to terms with that and resolved those issues. We worked diligently with staff and the adjoining owners in the area to resolve their concerns relative to this development. I believe the primary concerns that remain with the adjoining owners are relative to the improvements of Sadler Road and Sadler Road Relocated, which is a County project, which we are here to discuss tonight, and I believe most of the adjoining residents are anxious to hear what he has to say. We proffered a number of items on this property to make it an upscale development and upscale neighborhood and create a sense of community, and those upgrades include minimum dwellings of 2200 sq. ft. of finished floor area, attached garages for each home, minimum two-car garage width, brick or stone foundations that would include bay windows and chimneys, quality exterior products including at least half of the homes having brick front elevations to increase the potential aesthetics but increase diversity, 30 year dimensional shingle roofs, exposed aggregate sidewalk and driveways for each of the lots, standing seam metal roofs for all the bay windows and ornamental roofs on return A's, screening of ground mounted HVAC units with landscaping or fencing, sodded and irrigated front yards, brick or stone chimneys, not just the foundation but the entire chimney, two street trees of a minimum caliper of 2-1/2 inch per lot, to be installed within 25 feet of the public right of way. We are proposing a 1.3-acre common area essential to the neighborhood that will enhance the community aspect of this property. We will be putting a foot trail in. It is intended as a passive use to create a sense of community and allow neighbors to get to each others homes without having to cut through someone's yard. All the utilities installed will be underground and irrigated landscape entrance feature to be approved by the Director of Planning is being provided for this neighborhood, and a 25 ft. landscape buffer with no ingress and egress along Sadler Road. We've got a very short frontage along Sadler Road. That primary front is along Thorncroft, as well as recorded declaration of covenants and restrictions for the neighborhood and the establishment of a homeowner's association.

We feel, based upon all our efforts, including staff's efforts and the neighbors, that we have come to a point of consideration of this property that is a well developed piece of property, and I believe the homeowners in the area would tend to agree with that. They do have some questions on traffic that I am unable to answer, as the County is currently in the design process or beginning the design process of Sadler Road Relocated. With that, I will answer any questions that the Commission may have.

Mr. Jernigan - Are there any questions for Mr. Parker from the Commission? Thank you, Phil.
Mr. Taylor - I don't have any at this time, Mr. Chairman.

Mr. Jernigan - We have opposition. If you would like to come down, please. Good evening. First of all, state your name and address.

Amarish Jain - Amarish Jain. I live in Cedars at Innsbrook, address is 11108 Red Cedar Terrace, Glen Allen, VA, and I am mostly concerned, as the gentleman said, about the traffic on Sadler Road. I just wanted to give you a little background that the road is quite narrow and the number of developments that have been going on, that is a public safety issue for the residents traveling through as well as moving around that area. The County has approved Neil Farmer's residential development, Sadler Green, Sadler Grove, Sadler Glen, and now you are possibly approving this as well, which means that some of the neighborhoods that are going on actually have bigger roads than this Sadler Road, which is the main artery through this neighborhood, so I think I am just concerned about the reactive mode that the County has been in this regard. We need to have bigger roads before we can start to putting in this additional traffic.

In my estimate, it is approximately 400 homes, and you are looking at about times 2, at least 800 cars driving back and forth on such a narrow road, and in fact, some of the, like a McDonald's Farms, you have to leave six and add a little bit more space, but this one has actually a pot hole, and I came here because I am a victim of that small road. My tire got flat because of a pot hole. It is a huge pot hole and a big SUV ran us off of the road, and it cost me, AAA called and all that stuff, so my concern is let's be more active and get the projects on the Board. Is there funding available? What is the due date? Let's get it done before we approve this new development.

Mr. Jernigan - Are there any questions from Mr. Jain from the Commission?

Mr. Silber - Let me make one comment. If there is other opposition, I think we'd like to hear from all opposition before we call on the Traffic Engineer, but we do have Tim Foster, our Traffic Engineer here this evening, to address your concerns relative to Sadler Road. I will tell you that the County is aware of Sadler Road. We are sensitive to the issue regarding safety and safe movements of vehicles on that road. The County is preparing to award an engineering contract and in the process of engineering and before too much longer there would be construction out there, but that does take time. It is a number of years down the road. Mr. Foster will address those concerns at the end. Perhaps at this point we can hear from the rest of the applicants.

Mr. Jain - Would we have an opportunity to put up a point? We'd like to know of concrete plans and funding so that we are assured. We have heard this a long time. It has been over two years, so we are very concerned about this, and we want to know more about it.

Mr. Silber - Before you leave this evening, you will have information on the funding and the timing. That will come shortly.

Mr. Jernigan - Thank you. We had someone else to speak. Good evening.

Mr. Flippen - Good evening. My name is William Flippen and I live at 11171 Thorncroft Drive and I did have an issue with the property, because my covenants and stuff when I bought my house said that it could only be houses built, but if anything changed in my covenant, the whole neighborhood would have to agree to it, but since then I have found out that everybody in my neighborhood does not have the same covenants that I have on my property, so evidently as you went before Mr. Cox, he wrote whatever you wanted into your deed, and he let the rest of it kind of go by whatever, but anyway, that is another subject, but that has been addressed.

Now, we were concerned about the wetlands, the pond and stuff that is in this property, and they are supposed to be being addressed right now by the County, and we are also opposed to building a whole lot more out there until the roads are improved, and the developer told us the other night at a meeting we had

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that if they do develop this property, Sadler Road, being as bad as it is already, they would have to tear up
Sadler Road and close down part of it in order to get the sewer up to his piece of property, which, not only
is bad enough now, but as you start to tearing it up, which you have done this past year to put gas lines
and all down through there. To me, if you were going to tear it up, you should have put everything you
had down there at one time; the gas line, the water line, the sewer or whatever down the road if you are
going to develop it. And as a homeowner, a lot of my neighbors, if you are going to bring sewer and water
up to this property, I've been out there going on 39 years, and right after Innsbrook and all came out there
we were told by the County that we would eventually get sewer and water. Well, in 1979 they built the first
building in Innsbrook, and here it is 2003, and we ain't got no sewer and we don’t have no water. Not that
I particularly want it, but a lot of the neighbors in there, the wells have gone dry. They have to redrill new
wells and stuff of this nature and when the power goes off, with a well you don't have no water. You don’t
have any way of using the bathrooms and stuff like this, but if you do have County water at least you can
use the bathroom and all, and they are talking about building a new Sadler Road. It will affect a whole lot
of my neighbors, not me, because where they are talking about putting the new road doesn’t affect my
property, but it will affect my neighbors, and it is a concern about everybody that lives around there. All of
these housing projects and all the new building going on... (break in tape here – machine did not
switch tapes)

Mr. Silber - Down across from the current location that entire situation should be improved
with the parking area that they will be building, so that situation can be improved. If they are test driving
cars back to your neighborhood, we can make contact with them and encourage them again not to do that.
Relative to parking the vehicles, that should be improved when they make improvements across the street.

The water and sewer in that area, the sewer is currently in the Sadler Woods Subdivision, and certainly
water will be brought closer to you in this development, and you may want to talk to the applicant, and
perhaps the applicant can address that when he comes back up in a few minutes. Certainly there is
concern that Sadler Road being torn up with installation of water and sewer lines, that that may be the
case. I think we can get our Department of Public Works to coordinate with Public Utilities to address that
so that it is better coordinated. I appreciate that comment. I think that is a good one and we need to
coordinate those efforts.

The wetlands and the pond issue, I will ask Mr. Parker to answer when he comes up how his development
is going to deal with the wetlands and the pond.

Your questions on the covenants may be self addressed.

Mr. Flippen - Oh, yes, that has been addressed, but like I said, I thought it was a problem, but it
was my problem, but another thing, I'd like to address something to Carmax about these tractor trailers
that they park all out in the road and unload the cars. If you are going to unload the cars, you should pull
it off of the road onto their property and unload these cars, but they don't unload or load the first tractor
trailers I've ever seen. They all do it on the County road.

Mr. Silber - Again, that will be corrected when the County improvements are made, and they
will be building a storage lot, and they will have room to put all the tractor trailers in on their new storage
lot. So, that, hopefully, will be corrected.

Mr. Flippen - Thank you.

Mr. Jernigan - Thank you, Mr. Flippen. Was there anybody else that wanted to make a
comment?

Mr. Silber - We have about three or four minutes left, but the Commission can entertain
lengthening that, but that is about how much time we have of the 10 minutes.
Mr. Orbin - Good evening. My name is Larry Orbin. My address is 4420 Sadler Road. Thorncroft Road runs right directly in front of my property. My question is, when you find out about the sewer and water in the new development, I am trying to find out which way the water and sewer is coming from. I have asked this question more than one time. It does not seem like no one knows which way it will be coming, whether it is coming from over near Virginia Electric and Power Company or whether it is coming from further down Sadler Road, and I know that the gas line has been brought in front of my property, all the way down Broad, all the way down to the new development that they have now. So can anyone tell me exactly which way the sewerage and water is coming?

Mr. Silber - I think we will get the applicant to answer that.

Mr. Orbin - OK. Thank you very much.

Mr. Jernigan - OK. Thank you, sir. Mr. Foster, would you come up, please. We would like to hear from you now.

Mr. Foster - Yes, sir. For the record, I am Tim Foster, the Traffic Engineer. A couple of things. We did review this plan. There are approximately 22 houses that generates about 220 trips per day, which means a trip is one in and one out. That is two trips. At a crucial peak-hour time, 7 to 8 and 4 to 6, we will have about 13 leave the subdivision and 4 go in; in the afternoons we will have about 15 go in and 11 come out. When we looked at this and looked at how close it was compared to some of the other subdivisions, we do think that most of the traffic will go southbound and in looking at the low volumes during the peak hour and crucial times, we do feel comfortable with this case. Also, there will have to be some improvements on Thorncroft in front of the frontage of the property at the entrance there, so we will get a little bit better road on Thorncroft.

The Sadler Road project, I am going to give you some time frames. I wish I could give you dates. It is very difficult with road projects to give you exact dates because of different things that happen. We have received the engineering studies and proposals. We will be awarding the contract for engineering design in the latter part of October or November. Typically, when we do that, we will have the first public hearing with the citizens in 12 to 18 months after that process. It takes that long, because we don't know how long the environmental documents will take. We don't know how long some of the other items take. We do anticipate that we will have a public hearing either toward the end of 2004 or the beginning of 2005, so it does take about 12 to 18 months, depending on how much environmental work has to be done. That is usually the last thing and the thing that takes the longest. From that standpoint, typically from a public hearing stage, once we go to the public hearing, we could have one public hearing that may work, or we may have several. It really depends on what happens there, and that is a chance for the citizens to look at the plans and proposals and also for us to get back and change them. We do have the alignment of Sadler Road that was discussed. If you can see the hand, we are looking at the possibility of taking it behind these lots here (referring to slide). The reason we are doing that is when we looked at curves here, trying to straighten out this part of Sadler Road and some homes in here, we were getting very close into those houses, where behind it they are further away. We are looking at all options now. That plan will also include what we do with this portion of Sadler Road to make some improvements and also tie it in. I can tell you that we have funding for this project beginning after 2004, so there is funding in place for this entire project and we are moving forward with that. A lot of times we don't know when the funding is going to be in place, even if we have engineering funding, I am very pleased to say that we have funding in place for this project. Sadler Road is going through just about what every road in the County has gone through, growing pains, whether it is Three Chopt Road, Shady Grove Road or even Pump Road. They used to all be like Sadler Road. Even Hungary Road which is a nice four-lane road now, used to be just like Sadler Road, and that is the growing pains, and I am real pleased that I have a project in place and we are moving forward to construct Sadler Road. I know that it might have said it was started a couple of years ago.
ago. There are always funding issues, but we do have funding in place for this project and we are ready to
move forward with it.

Mr. Jernigan - Are there any questions of Mr. Foster from the Commission?

Mr. Taylor - Mr. Chairman, I think I have a couple of questions for Tim Foster, because we met
with the residents of the area a couple of times, and their concerns are about the alignment and Mr. Foster,
if you would, please define the alignment to show where it would come. Would it come from the
intersection of Ireland and Sadler and go over to Sadler in the triangle near Wonder Lane? Right?

Mr. Foster - Yes, sir. We are looking at the possibility and we have some studies of this, of
taking the road here, at Wonder Lane, and actually curving it around this way, and coming in behind here
(referring to slide) to look at that. We will also be looking at this alignment here, too, but when we looked
at the preliminary alignments, just drawing some alignments on a plan, we start to getting real close to all
of these houses...there are several houses here that front Sadler Road (referring to slide), and straighten up
these curves properly. We were getting very close to the front of these houses (referring to slide), so we
will be looking at both of them, but the plan that is more feasible is actually coming behind.

Mr. Taylor - When it was discussed at our meeting that we had with the residents, it was
exactly that alignment that would be the preferred alignment from the Wonder Lane over to Ireland Lane.
That would leave the present alignment of Sadler Road, it would become Old Sadler Road?

Mr. Foster - Well, we don't know what the name of it would be, but essentially it would be. We
would have more time for that and be sure that we don't leave just a piece of road down there. I think
with this public hearing process and also with our design process, we have to look to make sure that we
service that road, too.

Mr. Taylor - One of the concerns that came up, Mr. Foster, is drainage along Sadler Road along
Thorncroft Road, so the one concern is in doing that, I really feel that there needs to be some concurrent
improvements along Old Salder Road, as we finish up that project.

Mr. Foster - Yes, sir, and I will make sure that the Director of Public Works gets that
information and that when we go through this we will look at that, and we will be having public hearings
with the citizens in the area to make sure that what we are proposing is something that they want, too.
This is our first brush at it, if you will, and once we get some design plans, we will be going out for...

Mr. Taylor - There were other things that they brought up and I don't know if they were road
issues or traffic issues, and that is something that I didn't think, or had already been discussed, and that is
Carmax is using Sadler Road as a test track. They take the cars and it is right adjacent to it and they go
down Sadler Road. And I thought once upon a time we had an agreement with Carmax that they would
not use Sadler Road to test their vehicles. Is that correct or am I wrong?

Mr. Foster - It is my understanding that we did ask them and I have asked them before myself
not to use it.

Mr. Taylor - Do we have a record on file?

Mr. Foster - That I do not know. That one never came through me. Randy, are you familiar
with that?

Mr. Silber - I am not sure where it came through.
Mr. Taylor – What I think we at least need to do to help the people out – just with the volume
that we have now – is to send a letter and ask Carmax to do two things: one is, don’t use Sadler Road as a
test track. The other thing I would ask them to do is please don’t use trailer trucks on there. The other
report that we got is driving trailer trucks up and down there and parking and unload, and I think the new
facility that they have should preclude that kind of action, so I would ask that we send a letter with those
two points and see what we can do to reduce the impact on the people from that standpoint, while we are
in this. I hear what you are saying with the road and I think that is delightful, because there will be a four-
lane road.

Mr. Foster - Part of it will be and we are still looking at it. We are looking at it in this area here
(referring to slide) because this is where everybody is coming up to, and having a four-lane undivided road
here, once it gets to Wonder Road, it will go down to a (unintelligible) in there.

Mr. Silber - Mr. Foster, if I have added up the time period that you have given us, these 12
month periods, are you saying that we would be going to construction or completing construction in like 36
months or 48 months?

Mr. Foster - It would be more like going to construction. It really depends on the
environmental document, how quick that can be done, and then it would depend on the public hearing
process. If the public hearing process, as well, can be done, the process would be done 12 months after
the first one. If we have to go back to public hearing to make changes, it could be closer to 18 months, so
it really depends on the public hearing process after that. The good thing is the project is funded, and that
helps us move along, too.

Mr. Taylor - And with that same set of funding, let’s see, Mr. First Speaker, Mr. Flippen, he
brought up the fact that there are some significant drainage issues on and along Thorncroft, because of the
way the water goes over towards the lake, over towards Dominion Boulevard. Is there anything we can do
from a public works point of view to look at that drainage and improve it. I really think something in terms
of an added conduit or whatever could drain the water that they are apparently suffering from, after rains
and shortly after a period before it can settle in. Is there some kind of storm drain that we can get over
into the boulevard area, into the lakes over there? Is there anything we can do?

Mr. Silber - Mr. Taylor, I am not sure Mr. Foster can address drainage issues.

Mr. Foster - What I was going to say, Randy, is that Mr. Jennings of our Traffic Engineering,
was at the meeting the other night, and we have relayed that information to our design division and Mr.
Thompson, and I know they have somebody looking into that. So, I will follow up on that to see where we
are on that, but I do know we relayed two things, several things to them. One of the things was to get
road maintenance to go out and check the road and see what needs to be paved and if they are doing that,
and also the drainage situation, which we have relayed to our design section, Mr. Thompson, and I know
they have somebody looking into that. I don’t have the answers for that tonight, but I know that we did
relate that information to them.

Mr. Taylor - The other thing, as Mr. Flippen said, with regard to the water, he would hope that
there is some way that we can bring in some kind of water, because the people that live there have been
on wells, and some of them have called me, and the well has been giving out in the past couple of dry
years, and I tried to explain our normal process is to put the water in when we put the roads in, and where
we put the roads in terms of where we put the water, but in this particular instance, I think we’ve got the
opportunity coming from the Dominion Boulevard side, or coming from the Sadler Road side, and I wonder
if there is any way we can influence or provoke a study of just exactly what the alternatives are with the
way towards providing either with Mr. Parker’s project or separately, water lines that the residents could
hook into.
Mr. Foster - Yes, sir. What I would do is I would recommend, I would actually recommend that question to Randy to be able to contact our Utilities Department to see what kind of coordination could be done on that. That would be something...

Mr. Taylor - There were no people from Utilities there that night and this is the first time it has come up, and now with some of the problems that they are having, some of the wells frankly are going dry.

Mr. Foster - Yes, sir. I think that is something that since the developer has to bring water to the site that the Utilities Department can look into.

Mr. Taylor - I know he will bring it, and maybe one way or the other we can bring water to the site.

Mr. Jernigan - OK, Mr. Parker.

Mr. Parker - Mr. Taylor, I may have to answer your questions first, and then reply to some of the questions that were mentioned by...

Mr. Taylor - Mr. Parker, I wish you could answer all of my questions.

Mr. Parker - I'd like to.

Mr. Taylor - With regard to drainage, the first issue that has come up has been the issue of how drainage, how you will effect drainage in the way, and I would appreciate it if you would explain to everybody just what will happen and what your plans are in revising the marsh conditions that exist in there.

Mr. Parker - The property in question is bounded right here (referring to slide), Mrs. Robinson lives here, the Flippens live, I believe right here (referring to rendering). Thorncroft Road is high in this area, and then it begins to roll down and it gets to a low point in the (unintelligible) of Stonecroft Road, right at the Flippen's residence. Currently, there is a new residence constructed on this lot (referring to rendering) and this R-2A area which remains undeveloped for a reason. It is low, and that low sits right across Thorncroft Drive and then feeds down along behind the Thorncroft and Mrs. Robinson and the Resnick property is here (referring to rendering), and out this way over to Dominion Boulevard, then into the system that is in Innsbrook storm system into Innsbrook Lake. The Innsbrook Lake takes a drainage area almost all the way back up into this area (referring to rendering) and they designed it to carry that system, but the area that is the concern of the Flippens and Ms. Resnick and Mrs. Robinson is down along this area, back through here (referring to rendering), where they do have water standing in the back and each of these owners has had issues with the Corps of Engineers. Mr. Morrissey had issues with them as they were putting in the septic seals and Mr. Flippen had some issues when he was trying to put a driveway in. It is wet. It is low. That whole entire area is. The drainage on the subject property, however, there is a ridge that runs right along here, and the majority of that drainage comes down through the existing pond right here, then leads down through here, and goes on back through this way and ties into the storm system in this proximity of Dominion Boulevard. We will make the necessary road and drainage improvements required along Thorncroft Drive and our proposed property.

Mark, could you turn that one on for me? (Referring to rendering) You can see the common area is below the pond. I was going to try to show where the pond was. As you come in the Attack property, the existing property is the third and fourth lot and our proposal is to drain that pond, fill it with compacted fill and eliminate the standing water problem in that area. I have got the required permit from the Corps of Engineers and DEQ, and we are preparing those documents in order to go through that process, subject to the zoning. That would resolve a lot of the concerns in that area, but a lot of the drainage that comes through, behind the Flippens and the Rasnick's actually comes from back on the other side of Thorncroft.
and goes under an undersized culvert under Thorncroft and then moves down through the back of their property, where a lot of dead fall, debris resides. According to the Department of Public Works today, a different meeting that I was in, we discussed this, they have been out on that property and looked at it, the back areas of the Thorncroft property, and there are a lot of trees, brush, a lot of brush that has been dumped there from people cleaning their yards, etc. I don’t know exactly what the resolution is from Public Works, but they are working on a resolution in the area as a global issue, not relative to what we are proposing.

Mr. Loving questioned the location of sanitary sewer and public water to our subject property. Public water is at the Sadler Grove Subdivision, right at Wonder Lane. We would be required to bring a properly sized water line up Sadler Road to serve the parcels that front Sadler Road, as well as that property, and the size of that line would be based upon the Public Utilities review of the entire water system in that area. Availability for use to the adjoining owners of each of those roads, if that line comes up through and water is available, they will be able to make taps, set meters and have public water that will be made available. The location of that line would be determined by the Utilities Department, however, I can assure you that I would expect we would have that water line as close to the shoulder of the road as possible, because I know their positions on maintenance, etc. would be to minimize impact to that road today or in the future.

Regarding public sewer, we would prefer to bring it from the Sadler Woods development, where there is an existing man hole, to the terminus of the road in Sadler Woods. I can’t think of the street now, but that would sacrifice two off-site easements. I feel, I have been told that I will be able to obtain one of the easements by that owner, and the other I have not come to terms with yet, and I will be continuing efforts to resolve that easement. Should that easement not go through, we have spoken with the Utilities Department and sewer could be brought, if necessary, again from the Sadler Grove Subdivision. It would be on the opposite shoulder of Sadler Road, as the water line, thereby minimizing impact coming up to the property, and again, connections would be made available to those people that front the improvement. Further, any work in Sadler Road would be governed by the Department of Public Works, meaning as we come through and would open that road to build up the improvements, we would also be required to repair any damages and/or typically (unintelligible) other parts of the roadway as approved by the construction division of the Department of Public Works, with their work and the right-of-way permits. That is separate from the subdivision construction plan process required of the contractor to meet with the construction division to get that permit, and at that point in time it is determined by the Department of Public Works what improvements are required and we are obligated to do so.

I believe I have answered all the questions regarding the drainage, water, sewer, (unintelligible) Sadler Road, and I have discussed our intentions with the pond. It is an open water condition today. The property is currently vacant, and I think in the best interest of the County, removal of that pond would serve the entire area.

Any other questions?

Mr. Taylor - No. That sounds very good. It sounds to me, and I have expressed to the neighbors, that the more you do in terms of development, the more we work with the County, the better the situation will be for the people who are living there, both in terms of drainage, roads, wells and availability of utilities. Is that pretty much your sense, too?

Mr. Parker - I agree. I won’t call this a subdivision because it is not...

Mr. Glover - I am going to engineer this thing before you get through.

Mr. Parker - I’d like not to, but I agree with your statement. Yes, sir.
Mr. Jernigan - Mr. Parker, I have one question. I know you have some other things going on right now. What is your time frame if this is approved? What would you look at as a groundbreaking date?

Mr. Parker - If you want to look at it from that perspective, the earliest would be 12 months from today at the very earliest. The due process of going through the zoning process, the construction plan process, the subdivision process typically runs on an expedited process six months, but I would foresee no earlier than 12 months from today. But as it relates to traffic, staff recommends that this meets the criteria for the road system. This is 22 lots. A lot of the other subdivisions are 100 lots at a time.

Mr. Jernigan - OK. Thank you.

Mr. Taylor - Mr. Parker, one more issue with regard to lot width. Your lot width, what were the statistics again?

Mr. Parker - The average lot width is 85 ft. The minimum is 80. We have six lots that, I believe six, six lots that are 80 ft. in width and lots up to 130 plus feet in width. It is a very unique piece of property the way it sits, and with the environmental considerations of the property.

Mr. Taylor - One of the comments we have by staff is they hoped some of those lots could be widened. Is that a reasonable expectation that we might be able to hope for as we go forward?

Mr. Parker - Technically, I thought we had resolved that issue. I was surprised to hear it come up again tonight. We worked with staff diligently on that and expressed the issues relative to the minimum lot width. We have not six lots out of 22 that are under 85, 80 to 82 ft. in width due to the limitations of the site and I request approval as it is shown.

Mr. Taylor - We will expect you to do your best as you squeeze them out. OK. Thank you very much.

Mr. Jernigan - OK. Thank you very much, Mr. Parker.

Mr. Taylor - Mr. Chairman, I am ready for a motion. I move approval of Case C-23C-03, Robert Attack.

Mr. Archer - Second.

Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Archer. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request because it is reflective of the type of residential growth in the area.

AT THIS TIME THE COMMISSION TOOK AT 15-MINUTE BREAK, 9:00 P.M.

THE COMMISSION RECONVENED AT 9:15 P.M.

P-11-03 Glen Thompson for An Tu Nguyen: Request for a provisional use permit under Sections 24-58.2 and 24-122.1 of Chapter 24 of the County Code in order to increase the number of billiard tables from two (2) to four (4), on part of Parcel 768-742-4600, containing 1,629 square feet, located on the south line of Rigsby Road approximately 60 feet east of Pinehaven Road Pine Acres subdivisions. The existing zoning is B-2 Business District. The Land Use Plan recommends Office.
Mr. Jernigan - Is there any opposition to Provisional Use Permit P-11-03? No opposition. Ms. Moore.

Ms. Moore - The B-2 District permits up to two (2) billiard tables and allows operation of these tables until midnight. These regulations may be exceeded by the issuance of a provisional use permit. The existing and proposed use is not consistent with the Land Use Plan’s recommendation for Office use. However, it is consistent with the existing tearoom establishment and the commercial developments located within the vicinity of the site.

The establishment does not offer food or alcoholic beverages. To maintain an orderly operation, the applicant has agreed to several conditions, including:

- There would be a maximum of four (4) billiard and/or pool tables permitted on the site;
- The operator of the facility would work with the Crime Prevention Unit of the Division of Police to conduct a security survey;
- The windows of the facility would be kept clear of advertisements, posters, blinds or shades and other material to maintain visibility into the business; and
- No alcohol would be served on the premises.

With the approval of the conditions listed in the staff report, staff recommends approval of this application.

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

Mr. Jernigan - Are there any questions for Ms. Moore from the Commission?

Mr. Vanarsdall - Ms. Moore, if he were to decide to serve alcohol, then how would we get the other seven security issues in? Have you found out about it?

Ms. Moore - If requested, they would have to go through the Provisional Use Permit and with that, at that time, analyzed by the Police Division again.

Mr. Vanarsdall - When he went to the ABC Board to get the license, that automatically triggers that?

Ms. Moore - Right, and actually he’d have to go through this provision to get the Provisional Use Permit, prior to the ABC granting them such license.

Mr. Vanarsdall - OK, thank you. I don’t have any more questions.

Mr. Jernigan - OK, thank you, Ms. Moore. Mr. Taylor

Mr. Taylor - Is there anybody you want to hear from, Mr. Chairman?

Mr. Jernigan - There is no opposition.

Mr. Taylor - No opposition. All right. Then, I move approval of Case P-11-03, Glen Thompson for An Tu Nguyen, in accordance with the comments of the staff and their recommendations and their conditions in the staff report.

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

REASON: Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors grant the request because it is reasonable in light of surrounding uses and existing zoning on the property and when properly regulated by the recommended special conditions, it would not be detrimental to the public health, safety, welfare and values in the area.

Deferred from the August 14, 2003 Meeting:
C-24C-03 James Theobald for Springfield Land Development Group: Request to conditionally rezone from A-1 Agricultural District to B-3C Business District (Conditional), part of Parcels 730-766-8989 and 730-765-7288, containing approximately 16.0 acres, located between I-64 and West Broad Street (U. S. Route 250). An automotive sales development is proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Mixed Use. The site is also in the West Broad Street Overlay District.

Mr. Jernigan - Is there any opposition to Case C-24C-03? We have opposition. OK, Mr. Bittner.

Mr. Bittner - Thank you, Mr. Jernigan. This proposal would rezone 16 acres from A-1 to B-3C for development of an automobile dealership on the north side of West Broad Street at the Goochland County line.

The proposal could also allow additional outparcel retail development.

A revised site layout and building elevation were submitted earlier this week. They should be included in the packet just handed to you. We also have those new site plan elevations with us tonight.

The site is also within the West Broad Street Overlay District.

Staff does not support this application for several reasons including that it is not fully consistent with the Mixed-Use designation.

Staff would prefer a larger-scale project with more varied uses developed in coordination with adjacent properties.

This application would encourage individual parcel-by-parcel development of a strip commercial nature.

This proposal is also not consistent with the envisioned image for the West Broad Street Overlay District, which encourages a mixture of land uses with adequate buffering, screening and landscaping to help reduce the visual impacts of development.

The vision for this area, designated as a Special Strategy Area in the County’s Comprehensive Plan, is to provide a land use pattern that is more inclusive of large-scale coordinated projects.

This proposal fails to address a primary goal of the area to encourage “well-planned and coordinated large tract development.”

In addition, this application does not include any provisions to address necessary transportation infrastructure improvements created by the pressure of new development in this area.

For these reasons, staff cannot recommend approval of this application. I’d be happy to answer any questions you may have.
Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you, Mr.
Bittner. OK. Mr. Theobald. Good evening.

Mr. Theobald - Good evening.

Mr. Silber - Mr. Theobald, would you like to reserve some time for rebuttal?

Mr. Theobald - I believe two minutes, Mr. Silber. Thank you. Mr. Chairman, ladies and gentlemen,
my name is Jim Theobald. I am here this evening on behalf of Hayes Automotive Group requesting the
rezoning of approximately 13 acres from A-1 to B-3C consistent with mixed use designation of your Land
Use Plan.

This request is on West Broad Street near Short Pump Town Center, which comprises 1.4 million square
feet of retail uses. That is exactly where car dealerships need and want to locate if they are to grow and
prosper. If they can't locate here, I am not sure where they would be welcome. The Board of Supervisors
approved a nearly identical request for Dominion Chevrolet in Case C-27C-98, which is only four or five
parcels to the east of this site. The proffers in this case substantially those to the Dominion case. We have
set forth essentially the same list of use restrictions, but have further eliminated fast food restaurants and
check cashing businesses. We have proffered the concept plan that you see before you, which has been
prepared by Jack Shady, which is absolutely unique and designed to be more retail like in appearance
consistent with other retail development up and down Broad Street. What you see is a unique display of
cars in the oval section surrounded by landscaping out on Broad Street. The two green areas to the
corners are future potential outparcels that would further screen the field of parking behind them. You see
a unique business design that has a nice flow to it, and again, certainly consistent with other retail
development along Broad Street. We have proffered the same architectural standards in addition to
proffered elevations. Is that Exhibit B here, Mark? (Referring to rendering).

We have addressed the impact of repair and body work in our proffered conditions, the storage of vehicles.
We have addressed lighting, loading, hours of operation and building heights. We have also provided for a
connection to the East to the extent the desired East/West road becomes a reality. We have also restricted
direct access to our out parcel.

The County's Land Use Plan calls for mixed-use development for this property, which is subject to the West
Broad Street Overlay District. The mixed-use designation, of course, includes business and commercial
uses. If Dominion Chevrolet was said to be consistent with the Land Use Plan, and it was, I am not sure
why this request has been deemed to the contrary. Some apparently fear that a motor mile might develop
in this area, but I just don't think that is a valid reason to deny the zoning case. Our system does not
provide the opportunity to say one is OK but two is not, especially when the use is consistent with the Land
Use Plan. Who gets to decide just how many office supply stores, shoe stores or barber shops are enough
in Henrico County? Well, the answer is the market place does that. I honestly don't understand the
preoccupation with uses that might occur as stated in the staff report, as though car dealerships might be
vacating their existing premises. That is also not a reason to deny a rezoning request. Our businesses
should be encouraged to expand for the benefit of their owners, the customers and the County at large, but
the message set forth in the report is that the dealerships have to stay where they are, no matter what the
limitations. This request, coupled with the Edward Rose request that you will hear next for apartments, is
over 20 acres larger than that which comprised the Dominion Chevrolet and Summit property case. But,
somehow, in the staff report, that case was deemed to comply with the large tract development, goals and
policies of the Land Use Plan. But, as you just heard, for some reason this does not. And I don't know how
to explain that. I am not sure how development on this part of West Broad Street can be premature, when
you have approved and wholly supported over a million square feet of new retail a stone's throw away.

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Haynes will employ some 200 people at the proposed facility and has been a good corporate citizen in Henrico County for over 40 years. They expect growth sales in excess of 100 million dollars a year, with a 10 to 12 million dollar a year payroll. They currently pay Henrico County taxes in the form of personal property tax, real estate property tax, business license tax, rental tax and sales tax in the amount of some $320,000 per year, which number is expected to double if the new facility is approved. Their investment in land and buildings at the new site is expected to be in the neighborhood of some 10 million dollars, alone generating over $100,000 in real estate taxes. We will also participate in the extension of water and sewer to the site in order to provide necessary infrastructure at their expense, not the County’s. This is a reasonable request. The current A-1 zoning on this property not being a reasonable classification any longer, given area development. It is also consistent with the Land Use Plan and the approved zoning close by, and deserves your favorable recommendation to the Board of Supervisors. I would ask that you embrace this request and support a long-standing Henrico County business, as you have embraced others. I would be happy to answer any questions that you might have.

Mr. Jernigan - Are there any questions for Mr. Theobald from the Commission? Thank you, Mr. Theobald. Al, do you have anything?

Mr. Taylor - No, sir. I don’t have any questions and I have gone over the staff report.

Mr. Jernigan - Let me ask you one thing. I know they are a little tight there, but do they also own property next to Moore Cadillac?

Mr. Theobald - Yes, sir, they do, and I think we had gotten a POD approved on that site, but given some of the requirements of their franchise, that site is very narrow and very deep, and it is currently under contract with Moore Cadillac, who has been looking to expand as well. They are right beside and they can perhaps better utilize that site.

Mr. Jernigan - Do you know what the acreage is?

Mr. Theobald - I don’t recall. Just under 10 acres.

Mr. Jernigan - OK. Thank you. That is all I had. All right. We have opposition. Who would like to speak first? Come on down, please, sir. How are you?

Mr. Rick Grizell - I am doing fine, sir. My name is Rick Grizell and I live at 13200 Old Three Chopt Road, which is right down the road from this parcel towards the mall and everything.

It is not that I am in opposition to it, as much as I have questions, and one of the questions that I have is property values. And I think Mr. Bittner brought that up, the fact that when you have piece-meal properties like that, or properties put in, in that order and stuff, does that devalue the properties that say, would be behind the Haynes Auto place? Would that devalue that property, because it puts the car dealership between it and the Interstate. Would that devalue that property in any way? The other thing is that I had talked to Mr. Randy Silber, well, one time about something. I had been approached about some property that our family owns and things, and it was someone that was interested in a convention center site there on that area, which I thought was more conducive to that, because it would feed the restaurants and feed the mall. It would feed as far as the public anyway. If that area could be developed that way, the motels would be put along the 288 area and it would also feed off the Interstate, but you’d have a convention center site there that would be, I think, conducive to that area. It wouldn’t affect the density as far as the schools are concerned and things, and I just felt like a convention center site there would add value to the property and also add value to the mall. It would feed the mall and the restaurants and other things that are going to be put there.
I am concerned about the property values, and, of course, my family is concerned about it. If I can have a little bit more at ease, feel a little bit more at ease as far as what this is going to do to the property values in that area, and I think Mr. Bittner brought that up and I think that was a good thing to bring up, the fact that when you have...Randy had showed me the Master Plan and what it called for and things, and I thought the Master Plan had a lot of good thought with dividing up a road that was possibly submitted that was going to be dividing 64 and Broad Street, that would run, I think, parallel with that. Wasn't that correct? And I think that lends itself to taking a lot of traffic off of 250 and a lot of those things, and I think we have to look at all of those things. There is a boulevard. I think that makes good sense, but I am concerned about the property values and I am also concerned about the Master Plan for the whole area and what this does to the Master Plan. I think the Master Plan that I saw that Randy showed me had a lot of good thought put behind it, and I think it was more conducive to the area. Again, the only thing I was considering and had been approached about was a convention center site there, including our property, because it would feed the existing buildings, and where the County is going, and also bring revenue to the County, as far as more revenue, as far as sales and things like that, and it would be a continued people supply at that mall, and that was the only thing that I had to bring up. Thank you.

Mr. Jernigan - Are there any question for Mr. Grizell from the Commission? Thank you, sir. We have someone else to speak. Good evening.

Mr. James Bond - Good evening, Mr. Chairman, members. My name is James Bond, and my address is 3533 Grand Meadows Place, and I am president of the Grand Meadows Homeowners Association.

Our concern really addresses a lot of issues. We have had meetings with the neighborhood. We have talked to the neighbors and we have addressed this issue when it was one item, which included both the Haynes and the apartments. It has now been separated and I think Mr. Theobald referenced the other one. Now our concern was for both of those items and we will be talking about the other item when it comes up. We strongly support staff's recommendation. We feel there are a lot of issues to be resolved. We also, we are not necessarily opposed to Haynes, but anybody going out there, what we are concerned about is the development from Pouncey Tract to the County line. This is one part of it and if things don't fit, then they shouldn't be approved. It doesn't mean it shouldn't be declined, deferred, looked at, but they should fit the Master Plan, and it is very clearly evident that it does not. The staff recommendation clearly indicates that.

Our concern is one of residents. We are not talking about business to business. We are talking about the people that live in that community and what their concerns are. Again, for both items we are concerned about traffic. Traffic, again, for any of the developments going out there needs to tie into a Master Plan, not a piece-meal plan where we will do one item this week and one item next week. They need to really be tied together. Progress out there is going to come. We know that. But it needs to be done in a fashion that is conducive to the residents who live out there, and to the businesses who build there, and, in our opinion, where we are today is the best source for recommendations as to how that could proceed, your own staff's recommendation. They looked at it very carefully. They looked at it thoroughly. They have not waivered on their position since it first came up, the two deferments until now. Nothing has changed. Splitting the items still does not make it any better. So, again, our concern is for the entire area and we strongly urge you to support your staff's recommendation. Thank you.

Mr. Jernigan - Are there any questions for Mr. Bond from the Commission? Thank you, Mr. Bond. Did we have anybody else to speak in opposition? OK. Mr. Theobald.

Mr. Theobald - Two quick comments. If there is one thing that we aren't concerned about in this case as being a negative factor is property values in the West Broad Street Corridor. The West Broad Street Corridor is hot as a firecracker. There are certainly brokers in the audience that could, I think, sway Mr. Grizell's feelings as to what the property values will do out there. This will do nothing but continue to enhance property values in that area, and they are out of sight.
I respect Mr. Bond’s comments, but, frankly, it is consistent with the Plan. The Plan calls for mixed use development. Mixed use development calls for business, multifamily, meaning apartments, and office in this area, and if you can find many 55 acre tracts of land, which is the combination of the Haynes case and the Rose case on this section of West Broad Street anymore, good luck. You have to aggregate all of the parcels that are left. There are one or two-acre parcels, other than Pruitt’s Farm, so when you can find 55 acres in the Master Plan and zone it all at once, in my opinion, you can’t help but meet the large tract development standard in the Land Use Plan. It is consistent with the Plan and I hope that you will favorably consider this request? Do you have any questions? I would be happy to answer it.

Mr. Jernigan - Any questions for Mr. Theobald from the Commission?

Mr. Archer - Mr. Theobald, Mr. Bond, I believe it was, indicated that, I think I heard him say that it was not so much of not being in favor of the case as it is to adhering to concerns that are in the staff report. Do you see anything that can be done to come close to maybe what he is talking about? Changes or...

Mr. Theobald - Mr. Archer, in all candor, as I expressed, the staff report is directly opposite to the comments made in the Dominion Chevrolet and the Summit Properties case, so, what was OK in one case is suddenly now not OK in this case. The proffers are nearly identical in the two cases, the land use plan designation is the same in these two cases, and yet one was said to comply. This one does not. One was said to comply with large tract development. This one does not, and I don’t get it. I think they are being held to different standards. I don’t know what else I could proffer. I have asked staff specifically if there was anything else that I could proffer, and the answer was “It wouldn’t change the recommendation at this point” and I just don’t, frankly, buy the assumption set forth in the staff report. I don’t think those are reasons to deny zoning. I don’t think that they should be in the staff report.

Mr. Jernigan - Any more questions for Mr. Theobald? Sir, you will have to come to the podium.

Mr. Bond - When you get to the details as to who is deciding what is what, I would be a novice. We’ve got experts here and we’ve got an expert here. One, we’ve got two clear distinctions as to what is right. Staff is interpreting one way, if I am correct, and Mr. Theobald another. It seems to me that, you know, a staff recommendation, if it is not correct, needs to be corrected. If his is correct, then we need to correct...but they are not together. It seems we ought to be able to agree as to what that land use is, how it is defined, and go from there. It also seems to me that the County or staff and so forth has the right, if not the obligation, to change positions as we go through. If something was done one time, it doesn’t mean it could be done forever and ever and ever. We have to look at what is there, and what is the best use. So, if we have got a strong difference, which we do, between staff and the developer, maybe they just need more time to try to work it out, but to approve it against staff’s recommendations, because it does not accommodate any developer or any builder, doesn’t seem appropriate.

Mr. Jernigan - Thank you, Mr. Bond.

Mr. Silber - Perhaps I can address that. I am not sure that is something the applicant should try to address. Let me say this, that the area along West Broad Street from I-64 to the Goochland County line is an area of the County that is designated as a very special and unique area. We studied it some time ago and designated the area as a Special Strategy Area in the Comprehensive Plan and established a set of guidelines that was to guide development and establish a pattern of development that we determined was necessary, and that was going to be very high quality form of development. In addition to that, we established a special zoning overlay for this area, called the West Broad Street Overlay District, and that is in addition to the underlying zoning. It is an additional zoning layer on top of it, and that zoning classification has regulations and guidelines that goes along with that as well. The County amended its Land Use Plan to designate this area as a Mixed-Use development area, and I think that leads to some of
the confusion, because mixed-use can be thought of in many different ways. Mr. Theobald has described mixed-use by having a dealership and an apartment complex. He says there is my mix. I think that the County feels that we are looking at something different. We are looking at a larger scale development. We are looking for a larger mass. We are looking for a greater mix of uses, and I’d like to just read, for example, the definition in the Land Use Plan, the 2010 Land Use Plan for Mixed-Use Land Use. It reads: “An area where a combination of land uses, such as office, office service, business, multifamily residential, which could be condominiums, or townhouses), and high technology uses are planned and coordinated to achieve an overall balance among the various uses and where such development shall generally consist of large tract unified high-quality development, phased with a provision of necessary infrastructure improvements.” What we are looking for is a very high quality mixed-use project that will compliment the quality development that we have achieved in the area, and yes, we have a dealership and apartment complex in the area. But, now we also have a Short Pump Town Center, very high quality, and we think there is great potential here for this part of our County. When I say great, I am talking about extraordinary possibilities here, of a quality and mixed-use development that can interject pedestrian interaction and flow between developments, and I think that our expectations are higher than a dealership and apartment complex. It is not to say anything about these two particular businesses. We think these two businesses are outstanding businesses, and we want to continue to have them do business in Henrico County. We’d like to be able to accommodate them if we can, but I think in this particular situation, this is not what we are talking about of mixed use development. So I think, depending on how Mr. Theobald looks at it, it may be just a little bit different than the way we are looking at it, but staff does not feel that this complies with the intent of the Land Use Plan, nor the Goals and Objectives and Policies of the Comprehensive Plan, nor the guidelines established with the Special Strategy Area. So, for those reasons, the staff is recommending this not be approved.

Mr. Jernigan - All right. Mr. Taylor.

Mr. Taylor - Mr. Silber, that is really a hard act to follow, but I share your views. I worked with Mr. Theobald when we found the previous site and I thought it was a great place for Haynes Jeep, and yet, at this particular point in time, with this particular parcel, I share really many of the concerns expressed in the staff report. This area that we are talking about is an extraordinary parcel, a parcel of very high quality, unique quality. It is governed by the West Broad Street Overlay, and, very frankly, on that particular part of the County, Henrico County is running out of room. For this to be the County next door, it would be perhaps a mile away and a world apart. But, I have to say I share the same concerns expressed in the staff report. Approving this application would really encourage individual parcel by parcel, piece by piece development of a strip commercial nature. That is not what we want, and it is not consistent with the West Broad Overlay District as it was developed. The Comprehensive Plan sought to develop a large, important tract for specific reasons, as Mr. Silber described it, and this, we feel, will have the greatest impact on property values and in keeping with the Master Plan, and on this particular week, after we just looked, in the past week, at the opening of Short Pump Town Center, I think we all, who have shopped there, visited there, have a completely new appreciation of development in the West End, and just looking at the figures, I think the figures that I heard was for the first period, first cycle, they had made 18 million dollars, thousands of people, difficult to get a parking spot. Our lives in West Henrico County have really changed in the last week. Not that the last week changed it, because this is a project, Short Pump Town Center, has been a long time in coming, but really now that we realize the development that we see, we are really truly unique to have a facility of that type, and I think that it is incumbent on us to keep that development standard alive, and it is difficult to look back. In fact, there is no looking back on what we had before, but the application that we have really doesn’t include provisions for necessary transportation and infrastructure nor is it consistent with the West Broad Street Overlay, and these are all very critical issues, because of the fact that we are now seeing, as we look at the development that we have, we are looking at the end of the horizon as we look at the Goochland border, and we must be careful to maintain the same quality of development that we have at Short Pump Town Center as we begin to look west. And, furthermore, looking ahead we’ve got to work with our colleagues in Goochland and recognize and have them recognize what they need to do to support what we have done over here. And this says nothing about the new roads
that are going to come from Powhatan and points west, points south, with the opening of 288, so these issues are really very important matters that have significant implications for the future, and the infrastructure of the County, and with all of that said, and having worked very hard with Mr. Theobald on the last case in supporting Haynes Jeep, I cannot support this, and with that I recommend denial of Case C-24C-03.

Mrs. Ware - Second.

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

**REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Ware, the Planning Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **deny** the request because it would encourage individual parcel-by-parcel development of a strip commercial nature, it is not consistent with the vision of the Mixed-Use classification of the Land Use Plan nor the intent of the Special Strategy Area, and it does not include any provisions to address necessary transportation infrastructure improvements created by the pressure of new development in this area.

C-48C-03  **James Theobald for Edward Rose Properties, Inc.:** Request to conditionally rezone from A-1 Agricultural District to R-6C General Residence District (Conditional), part of Parcels 730-766-8989 and 730-765-7288, containing approximately 39.064 acres, located between I-64 and West Broad Street (U. S. Route 250). A multifamily residential development is proposed. The applicant proffers no more than three hundred seventy eight (378) residential units shall be constructed on the property. The R-6 District allows a density up to 19.8 units per acre. The Land Use Plan recommends Mixed Use and Environmental Protection Area. The site is also in the West Broad Street Overlay District.

Mr. Jernigan - Is there any opposition to Case C-48C-03? We have opposition. Mr. Bittner, you may proceed.

Mr. Bittner - Thank you, sir.

The site is vacant and designated Mixed-Use and Environmental Protection Area on the 2010 Land Use Plan. It is also within the West Broad Street Overlay District and adjacent to the previous case to the south. Staff does not support this application for many of the same reasons it does not support the adjacent automobile dealership rezoning.

Staff would prefer a larger-scale project with more varied uses developed in coordination with adjacent properties.

This proposal is not consistent with the envisioned image for the West Broad Street Overlay District, which encourages a mixture of land uses with adequate buffering, screening and landscaping to help reduce the visual impacts of development.

Staff also does not encourage the development of additional multi-family apartment units.

Relative to other jurisdictions in the region, Henrico County has a greater percentage of apartment-unit households. Staff does not see a current need for more.

Finally, this application does not include any provisions to address necessary transportation infrastructure improvements created by the pressure of new development in this area.
For these reasons, staff cannot recommend approval of this application. I’d be happy to answer any questions you may have.

Mr. Jernigan - Are there any questions from Mr. Bittner from the Commission? Thank you, Mr. Bittner. OK. Mr. Theobald.

Mr. Theobald - Mr. Chairman, if I could just reserve perhaps two minutes, I’d appreciate it. For the record, Mr. Chairman, ladies and gentlemen, my name again is Jim Theobald and I am here this evening on behalf of Edward Rose Properties, which is one of the nation’s largest and respected developers, owners and managers of multifamily communities. This is a request to rezone approximately 39 acres from A-1 to R-6C, consistent with the mixed-use designation of the Land Use Plan, which specifically includes multifamily housing as a desirable use. The R-6 category is being requested only if the property includes the joint access road, which you see on this site plan, which are sort of the bookends of the Haynes Dealership (referring to rendering). The idea there is that your Ordinance requires R-6 zoning in order to travel across that strip to access the B-3 as opposed to R-5. However, the density of this R-6 request is capped by proffered conditions that 9.5 units per gross acre, and we believe to be about 12.3 units per acre net of floodplain, which is well below the permitted R-5 density of 14.5 units per acre.

Inasmuch as the Board of Supervisors approved a nearly identical request for Dominion Chevrolet and Summit Properties, that being for a car dealership in front with out parcels, and apartments in the back in Case C-27C-98, which, again is about three or four parcels to the East. I must necessarily draw a comparison where appropriate in an effort to try to persuade you to afford my clients an equal opportunity to do business in Henrico County. This property is but a stone’s throw away from the 1.4 million square foot Short Pump Town Center, which was also approved by the County, and successfully opened just last week.

The apartments behind the Dominion Chevrolet case were approved at 14.5 units per acre, on a gross basis, versus the 9.5 units per acre, on a gross basis, in this request. We have similarly provided identical proffers to the Summit Properties case, but for certain issues that were unique to that case, just some drainage issues that impacted a particular neighbor in that other case. If we could go to the conceptual plan, please (referring to rendering), Mark. I am sorry. Let’s leave this up for just a minute. This plan shows a well designed laid out arrangement of our building. They have been spread out to take advantage of the various features applicable to this site in terms of some wetlands, some proposed water features. These units, the living space of all of these units face these amenities with the backs of these units toward the bedroom side that would overlook the parking that would be accessory to the building. This plan shows how we take advantage of the numerous water features that are existing and to be established on the site. We have some pictures of some existing projects, developed by Edward Rose in the Richmond area. (Referring to renderings) That is Trophy Club Apartments. If we can go to the next one, please. You can see that a trademark of Edward Rose Development is the use of water features for aesthetic impact as shown on these pictures, and there is one more, if you want to take off the first two. That is the clubhouse and pool area. Now, if we could have the elevations I would appreciate it. Thank you. The elevations, which have also been proffered, provide for a minimum of 45% brick. We have some materials here (referring to materials). There was no brick proffer, by the way, in the case for Summit Properties. We have limited the unit mix to mitigate the number of school-aged children and based on our experience, and other of our projects, we’d expect there to be approximately 25 elementary students, six middle school students and 10 high school students generated by this development of 378 units.

We have proffered a minimum of 60 covered parking spaces, minimum unit sizes of 750 sq. ft. for one-bedroom apartments and 950 sq. ft. for two-bedroom apartments, and 1340 sq. ft. for three bedrooms. There were no minimum square footages proffered in the Summit case. We have proffered amenities to include a swimming pool, tennis courts, clubhouse with a fitness room, and a business center and pedestrian walking paths.
Some of our unit amenities will include full size washer and dryer hookups, pre-wiring for multi-line high
speed data transmission, cable TV, and each unit has either a balcony or a patio. Some of these units will
have fireplaces, ceiling fans and vaulted ceilings in units at the upper levels. We have also proffered to
provide a connection to the County’s proposed access road running east toward Pouncy Tract Road should
it become a reality. Again, your Land Use Plan designates the area for mixed-use development and is
subject to the West Broad Street Overlay District. Mixed-use designation includes multifamily specifically in
combination with other uses, such as with the commercial project in the front. The West Broad Street
Overlay District does not regulate uses contrary to some of the implications in the staff report, but merely
provides additional quality development standards with which this project will comply. This development,
when combined with requests for the Haynes dealership, comprises some 55 acres of land, which, by any
definition, is a large tract of development, particularly when the parcels along West Broad Street are
typically only an acre or two in size. These proffered conditions assure a high-quality development,
consistent with, and in many cases exceeding the conditions for Summit Properties development. The
developers will provide all necessary infrastructure, extending water and sewer to the site, at no cost to the
County. We are consistent with the Land Use Plan, particularly as it was applied to the Dominion Chevrolet
and the Summit Properties case.

Staff has raised the question, “Do we need any more apartments?” Well, I don’t believe that that is an
appropriate basis on which to make a zoning decision. I would note that Richmond is 11th in the nation in
terms of corporate headquarters that locate here. From 1990 to 2000, Henrico County experienced an
increase in population of some 20%. It is expected to grow another 10% from 2000 to 2010. As you are
aware, with the opening of Short Pump Town Center, there is an influx of employment opportunities, which
should be good news for us all. This property is in the very heart of that area that is being developed.
These apartments are designed to primarily attract young, suburban professionals. There is also a distinct
increase in the number of single individuals, particularly in the 21-34 age bracket, who are seeking housing
in this particular area, according to the U.S. Census. The average occupancy for all apartments in this area
is approximately 93%. You should know that Edward Rose Properties is a family held company, who
develops, owns and manages his own portfolio. They rarely sell projects. The last project they sold was in
1986. The company was started over 80 years ago by one of the largest and most respected builders in the
country.

The economic impact of this development will be significant. The anticipated expenditure for this
completed project is in the range of 25 million dollars. This means approximately a quarter of a million
dollars a year in real estate taxes alone to Henrico County, not to mention the revenue generated from
employment due to construction and the building materials.

In summary, this request represents the development of the highest quality. It is consistent with your Land
Use Plan. It is consistent with the approved rezoning close by and I respectfully request your
recommendation of this case to the Board of Supervisors, and I’d be most happy to answer any questions.

Mr. Jernigan - Are there any questions for Mr. Theobald from the Commission? Thank you, Mr.
Theobald. All right. Mr. Bond, would you like to speak.

Mr. Bond - Yes, please. Thank you, Mr. Chairman. Again, for the record, my name is James
Bond. The address is 3533 Grand Meadows Drive. We have, again, our Association has looked carefully at
this and I guess, again, we strongly support staff’s recommendation as far as the best use. In listening to
some of the comments Mr. Theobald made, it looks like there have been some positive comparisons
between these apartments and the other apartments. Therein lies some of the problem. You don’t need
another apartment. His question was, “Who determines if you need apartments?” When I think, staff, in
looking at how the land is used, and the Planning Commissioner turns up what they approve the land use
for and makes that decision. It is not so much do we need apartments, but what is the best use of the land
that is available, and in this case, it is not apartments. If you do want to combine the impact, his numbers,
and I can’t question his numbers, although I would think they are probably a little bit low as far as

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elementary schools, but I will yield to his numbers of 25 elementary children going to the neighborhood
school. Well, that is 25 additional from the other apartments, and (unintelligible) growing, which means that
elementary school which is closest to the proposed apartments, and the boundary of that elementary school
is 64 to the Goochland line back up. So it means that all of that development in the additional apartments
is going to put additional pressure on the school system, to either have that school system expand, put in
trailers, or it is going to redistrict. So, there is a responsibility and someone who should say enough is
enough whether it is apartments or all of this. The school issues are very, very important issues. The
quality of the apartments is really not an issue. In fact, it is not the best use for the land, and, again, I
would go back to staff’s recommendation, if it is not the best use and it doesn’t fit, then let’s try to come up
with something that works better. Thank you.

Mr. Jernigan - Thank you, Mr. Bond. Are there any questions for Mr. Bond from the Commission?
Thank you. All right. Mr. Theobald.

Mr. Theobald - Just one final comment for the record, Mr. Jernigan. I would say that I do object
to the comments in the staff report in this and the other case suggesting that denial might be in order for
failure to pay the “voluntary cash proffers for infrastructure costs.” That is all I had to say. Thank you.

Mr. Jernigan - Thank you, Mr. Theobald. Mr. Taylor.

Mr. Taylor - All right, Mr. Chairman. My turn. As with the previous case, I share the concerns
with the application expressed in the staff report. This is the same as the last case, basically it is a land use
issue, and staff and I feel that the proposal is not consistent with the County’s vision for the West Broad
Street Overlay District. This vision encourages a mixture of land uses with adequate buffering, screening,
and landscaping to help reduce the visual impact of the development. Relative to other jurisdictions in the
region, Henrico County really has a greater percentage of apartment unit households and at the present
time it doesn’t seem to be a current need for more. At the same time, we have a need to conserve major
tracts of land for other purposes. In addition, this application does not include provisions to address the
necessary infrastructure and improvements created by the pressure of new development in the area,
particularly the planned bridge extending Gayton Road across Route 64, which is on the near horizon.
These are major issues, I guarantee you, but this is a week where we have seen dramatic changes in all of
our lives, and because these have such broad implications for the future and the provision of necessary
infrastructure in this section of the County, I must recommend denial of Case C-48C-03 to the Board of
Supervisors and I so move.

Mrs. Ware - Second.

Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware for denial. All in favor
say aye. All opposed say no. The case is denied.

REASON: Acting on a motion by Mr. Taylor, seconded by Mrs. Ware, the Planning Commission voted 5-0
(one abstention) to recommend that the Board of Supervisors deny the request because it is not consistent
with the vision of the Mixed-Use classification of the Land Use Plan nor the intent of the Special Strategy
Area, and it does not include any provisions to address necessary transportation infrastructure
improvements created by the pressure of new development in this area.

Mr. Silber - Both of those cases will be coming before the Board of Supervisors on October 14
at 7:00 p.m.

Mr. Jernigan - Thank you.
Mr. Silber - We have two quick remaining items, one involves a Discussion Item at the end of the agenda. It was not on the agenda yesterday. If you are referring to the agenda we faxed, it is not on that. It is on the September 11th agenda.

DISCUSSION ITEM: Consideration of change to the Planning Commission, Rules, and Regulations and Calendar relative to filing deadline for new applications for rezoning and provisional use permit requests.

Mr. Silber - This goes back to some of the discussion items that we had this evening following the session. This would speak to, and I've got a copy of the rules and Regulations and the Calendar. Whether the Commission just wants to take this under advisement and act on it at the next Planning Commission meeting, or if you would like to discuss it, that is fine, too. But, what we are suggesting is increasing the period between the filing deadline for rezoning application and provisional use permit to the time in which it would appear on the agenda. Currently, the Rules and Regulations say it is a six week period of time and staff is suggesting that this be changed to eight weeks. So, I have for you copies of that revision to the Planning Commission Rules and Regulations. You will note on Page 5 of the Rules and Regulations a very minor change, Page 5, No. 3, it is changed so that it says the applications must be received by the Planning Office at least eight weeks prior to the Commission's regular meeting.

Mr. Taylor - What page?

Mr. Silber - Page 5, Condition 3, and we have also revised for your consideration the calendar that would show those changes, filing deadlines, by moving them two additional weeks, so they are eight weeks from the meeting date. Now, this would start, if you so adopt this, at the January meeting, which have a filing deadline of November 20, 2003 for the January 15, 2004 Planning Commission meeting, just for rezoning and provisional use permits. Any thoughts or comments from the Commission?

Mrs. Ware - Can we take this under advisement and discuss it when we get together at the Plan of Development meeting?

Mr. Silber - That would be a good idea.

Mr. Archer - I concur with that.

Mr. Jernigan - Do we need a motion?

Mr. Silber - No. The remaining item involves two sets of minutes, the Work session Minutes of August 14, 2003 and Planning Commission Minutes of August 14, 2003.

Mr. Jernigan - Are there any corrections to the Work Session minutes of August 14?

Mr. Vanarsdall - If there are none, I move we approve them as written.

Mr. Taylor - Second.

Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor to approve the Work Session Minutes of August 14, 2003. All in favor say aye. All opposed say no. The ayes have it. The minutes are approved.

Mr. Jernigan - How about the Planning Commission Minutes of August 14, 2003? Are there any corrections?

Mrs. Ware - On Page 71, Line 2498, it should be "hosted" not "posted."
Mr. Jernigan - Are there any other corrections to the minutes?

Mr. Vanarsdall - I move we approve the minutes.

Mr. Taylor - Second.

Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in favor say aye. All opposed say no. The ayes have it. The minutes are approved.

Mr. Archer - Mr. Chairman, I move that we adjourn.

Mr. Jernigan - Second.

The Planning Commission adjourned its meeting at 10:09 p.m. on September 11, 2003.

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

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Randall R. Silber, Acting Secretary