

1 Minutes of the regular monthly meeting of the Planning Commission of the
2 County of Henrico, held in the County Administration Building in the Government
3 Center at Parham and Hungary Spring Roads, beginning at 7:00 p.m. Thursday,
4 September 13, 2007. Display Notice having been published in the Richmond
5 Times-Dispatch on August 21, 2007 and August 28, 2007.

6

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

Members Absent: Mr. Frank J. Thornton (Fairfield)
Board of Supervisors Representative

Also Present: Mr. Ralph J. Emerson, Jr., AICP, Assistant Director of
Planning
Mr. David O'Kelly, Assistant Director of Plan Review and
Code Support
Ms. Jean Moore, Principal Planner
Mr. Ben Blankinship, Principal Planner
Mr. Lee Tyson, County Planner
Mr. Seth Humphreys, County Planner
Ms. Nathalie Croft, County Planner
Mr. Livingston Lewis, County Planner
Mr. Benjamin Sehl, County Planner
Ms. Audrey Anderson, County Planner
Mr. David Conmy, County Planner
Mr. Paul Gidley, County Planner
Ms. Sylvia Ray, Recording Secretary

7

8

9 Mr. Branin - Good evening. I'd like to reconvene the September
10 13, 2007 Planning Commission rezoning meeting this evening. We don't have
11 any press in the room this evening that I see, and we are absent a supervisor.
12 Mr. Thornton usually serves with us, but he had something else on his schedule
13 that conflicted with this evening. So, he will not be joining us this evening. Mr.
14 Secretary?

15

16 Mr. Silber - Yes sir. Thank you, Mr. Chairman. With the absence
17 of Mr. Thornton, we do still have a quorum, so we can conduct business. First on
18 the agenda would be consideration of withdrawals and deferrals. We do not
19 have any withdrawals tonight that I'm aware of, but we do have several deferrals.
20 Ms. Moore, if you could walk us through those, please.

21

22 Ms. Moore - Thank you, Mr. Secretary. The first is on page 2 of
23 your agenda. It is case P-10-07, Richmond Strikers Soccer Club, Incorporated.
24 The deferral is requested to the December 6, 2007 meeting.

25

26 ***Deferred from the July 12, 2007 Meeting.***

27 **P-10-07 Gloria L. Freye for Richmond Strikers Soccer**
28 **Club, Inc.:** Request for a Provisional Use Permit under Sections 24-95(a), 24-
29 120 and 24-122.1 of Chapter 24 of the County Code in order to construct a 157'
30 high telecommunications tower on part of Parcel 740-768-1098, located on the
31 east line of Pouncey Tract Road approximately 900 feet south of Shady Grove
32 Road. The existing zoning is A-1 Agricultural District. The Land Use Plan
33 recommends Open Space/Recreation and Environmental Protection Area.

34

35 Mr. Branin - Is anyone in opposition to the deferral of P-10-07,
36 Gloria L. Freye for Richmond Strikers Soccer, Inc.? No one? Then I would like
37 to move that P-10-07, Gloria L. Freye for Richmond Strikers Soccer, Inc., be
38 deferred to the December 6, 2007 meeting, per the applicant's request.

39

40 Mrs. Jones - Second.

41

42 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones.
43 All in favor say aye. All opposed say no. The ayes have it; the motion carries.

44

45 At the request of the applicant, the Planning Commission deferred P-10-07,
46 Gloria L. Freye for Richmond Strikers Soccer, Inc. to its meeting on December 6,
47 2007.

48

49 Ms. Moore - Also on page 2 is C-40C-07, Boushra and Edna
50 Hanna, and Donald and Shearin Whitehorn. The deferral is requested to the
51 November 8, 2007 meeting.

52

53 ***Deferred from the August 9, 2007 Meeting.***

54 **C-40C-07 Courtenay Fisher for Boushra and Edna Hanna**
55 **and Donald and Shearin Whitehorn:** Request to conditionally rezone from A-1
56 Agricultural District to R-2AC One-Family Residence District (Conditional), part of
57 Parcels 742-773-4344 and 742-773-5604, containing 7.127 acres, located on the
58 northeast line of Hames Lane approximately 1,550 feet north of its intersection
59 with Shady Grove Road. The applicants propose a single-family residential
60 development not to exceed a density of 2.0 units per acre. The R-2A District
61 allows a minimum lot size of 13,500 square feet and a maximum gross density of
62 3.23 units per acre. The use will be controlled by zoning ordinance regulations
63 and proffered conditions. The Land Use Plan recommends Rural Residential,
64 not exceeding 1.0 unit per acre, and Environmental Protection Area.

65

66 Mr. Branin - Is anyone in opposition to the deferral of C-40C-07,
67 Courtenay Fisher for Boushra and Edna Hanna and Donald and Shearin

68 Whitehorn? No one? Then I would move that C-40C-07, Courtenay Fisher for
69 Boushra and Edna Hanna and Donald and Shearin Whitehorn, be deferred to the
70 November 8, 2007, per the applicant's request.

71
72 Mr. Vanarsdall - Second.

73
74 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
75 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the
76 motion carries.

77
78 At the request of the applicant, the Planning Commission deferred C-40C-07,
79 Courtenay Fisher for Boushra and Edna Hanna and Donald and Shearin
80 Whitehorn to its meeting on November 8, 2007.

81
82 Ms. Moore - On page 3 of your agenda is case C-46C-07. The
83 deferral is requested to the October 11, 2007 meeting.

84
85 **C-46C-07 James Theobald for Attack Properties:** Request
86 to conditionally rezone from A-1 Agricultural District to R-3C One-Family
87 Residence District (Conditional), Parcel 750-773-1173 and part of Parcel 751-
88 773-4286, containing approximately 34.9 acres, located between the terminus of
89 Opaca Lane and the Chickahominy River. The applicant proposes a single-family
90 residential subdivision with a maximum of 90 units. The R-3 District allows a
91 minimum lot size of 11,000 square feet and a maximum density of 3.96 units per
92 acre. The use will be controlled by zoning ordinance regulations and proffered
93 conditions. The Land Use Plan recommends Rural Residential, not to exceed 1.0
94 unit per acre, Suburban Residential 2, 2.4 to 3.4 units net density per acre, and
95 Environmental Protection Area.

96
97 Mr. Branin - Is anyone in opposition to the deferral of C-46C-07,
98 James Theobald for Attack Properties? No one? Then I would like to move that
99 C-46C-07, James Theobald for Attack Properties be deferred to the October 11,
100 2007 meeting, per the applicant's request.

101
102 Mr. Jernigan - Second.

103
104 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
105 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion
106 carries.

107
108 At the request of the applicant, the Planning Commission deferred C-46C-07,
109 James Theobald for Attack Properties, Inc., to its meeting on October 11, 2007.

110
111 Ms. Moore - Next is C-47C-07, Gregory A. Windsor. The deferral
112 is requested to the October 11, 2007 meeting.

113

114 **C-47C-07** **Andrew M. Condlin for Gregory A. Windsor:**
115 Request to conditionally rezone from A-1 Agricultural District to R-2AC One-
116 Family Residence District (Conditional), Parcels 740-770-9386, 741-770-1920,
117 741-771-6359, and part of parcels 740-772-8110 and 741-770-0218, containing
118 approximately 20.81 acres, located on the north line of Shady Grove Road
119 approximately 590 feet west of its intersection with Twin Hickory Road. The
120 applicant proposes a single-family subdivision. The R-2A District allows a
121 minimum lot size of 13,500 square feet and a maximum gross density of 3.23
122 units per acre. The use will be controlled by zoning ordinance regulations and
123 proffered conditions. The Land Use Plan recommends Suburban Residential 1,
124 1.0 to 2.4 units net density per acre, and Environmental Protection Area.

125
126 Mr. Branin - Is anyone in opposition to the deferral of C-47C-07,
127 Andrew M. Condlin for Gregory A. Windsor? No one? Then I would like to move
128 that C-47C-07, Andrew M. Condlin for Gregory A. Windsor be deferred to the
129 October 11, 2007 meeting, per the applicant's request.

130
131 Mrs. Jones - Second.

132
133 Mr. Branin - Motion made by Mr. Branin, seconded by Mrs. Jones.
134 All in favor say aye. All opposed say no. The ayes have it; the motion carries.

135
136 At the request of the applicant, the Planning Commission deferred C-47C-07,
137 Andrew M. Condlin for Gregory A. Windsor to its meeting on October 11, 2007.

138
139 Ms. Moore - On page 4 of your agenda in the Brookland District is
140 C-64C-06. The deferral is requested to the November 8, 2007 meeting.

141
142 ***Deferred from the August 9, 2007 Meeting.***

143 **C-64C-06** **Jennifer D. Mullen for Wistar Creek, LLC:** Request
144 to conditionally rezone from R-3 One-Family Residence District to RTHC
145 Residential Townhouse District (Conditional), Parcels 767-750-8298, 767-751-
146 8651, 768-750-0490, 768-751-0638, 768-751-2435, 768-751-4119, and 768-751-
147 1362 containing 24.46 acres, located on the south line of Wistar Road
148 approximately 142 feet west of Walkenhut Drive. The applicant proposes a
149 residential townhouse development with a maximum of 100 dwelling units, an
150 equivalent density of 4.08 units per acre. The maximum density allowed in the
151 RTH District is 9 units per acre. The use will be controlled by zoning ordinance
152 regulations and proffered conditions. The Land Use Plan recommends Suburban
153 Residential 2, 2.4 to 3.4 units net density per acre, and Office.

154
155 Mr. Branin - Is anyone in opposition to the deferral of C-64C-06,
156 Jennifer D. Mullen for Wistar Creek, LLC? No one?

157 Mr. Vanarsdall - I move C-64C-06, Jennifer D. Mullen for Wistar
158 Creek, LLC be deferred until November 8, 2007, at the applicant's request.

159

160 Mr. Archer - Second.

161

162 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr.
163 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
164 carries.

165

166 Ms. Moore - In the Varina District, also on page 4 of your agenda,
167 is P-8-07, Richmond 20 MHZ, LLC. The deferral is requested to the November
168 8, 2007 meeting.

169

170 ***Deferred from the August 9, 2007 Meeting.***

171 **P-8-07 Gloria L. Freye for Richmond 20 MHZ LLC:**

172 Request for a Provisional Use Permit under Sections 24-95(a), 24-120 and 24-
173 122.1 of Chapter 24 of the County Code in order to construct a 144' high
174 telecommunications tower on part of Parcel 829-712-4591, located on the west
175 line of Beulah Road approximately 195' north of Treva Road. The existing zoning
176 is R-3 One-Family Residence District. The Land Use Plan recommends OS/R
177 Open Space Recreation. The site is in the Airport Safety Overlay District.

178

179 Mr. Branin - Is anyone in opposition to the deferral of P-8-07,
180 Gloria L. Freye for Richmond 20 MHZ, LLC?

181

182 Mr. Jernigan - Mr. Chairman, with that, I will move for deferral of
183 Provisional Use Permit case P-8-07, Gloria L. Freye for Richmond 20 MHZ, LLC,
184 to November 8, 2007, by request of the applicant.

185

186 Mr. Vanarsdall - Second.

187

188 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
189 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the motion
190 carries.

191

192 At the request of the applicant, the Planning Commission deferred P-8-07, Gloria
193 L. Freye for Richmond 20 MHZ, LLC to its meeting on November 8, 2007.

194

195 Ms. Moore - On page 5 of your agenda is case C-51C-07, WWLP
196 Development, LLC. The deferral is requested to the December 6, 2007 meeting.

197

198 **C-51C-07 Alvin S. Mistr, Jr. for WWLP Development, LLC:**

199 Request to conditionally rezone from A-1 Agricultural District to R-5AC General
200 Residence District (Conditional), Parcel 815-691-3804 containing 73.609 acres,
201 located on the west line of Strath Road approximately 580 feet north of Lammrich
202 Road. The applicant proposes a zero-lot line development with a maximum of
203 one hundred seventy-six (176) lots. The R-5A District allows a minimum lot size
204 of 5,625 square feet and a maximum gross density of 6 units per acre. The use
205 will be controlled by zoning ordinance regulations and proffered conditions. The

206 Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density
207 per acre. The site is in the Airport Safety Overlay District.
208
209 Mr. Branin - Is anyone in opposition to the deferral of C-51C-07,
210 Alvin S. Mistr, Jr. for WWLP Development, LLC?
211
212 Mr. Hall - Yes.
213
214 Mr. Branin - Yes? Okay. Mr. Jernigan, would you like to pull it or
215 would you like to get comments?
216
217 Mr. Jernigan - I'd like to have comments.
218
219 Mr. Branin - Okay.
220
221 Mr. Jernigan - Whoever wants to speak. You have to come down to
222 the podium, sir.
223
224 Mr. Branin - When you come up, if you could, please, state your
225 name for the record.
226
227 Mr. Hall - My name is Jerry Hall, and I'm here tonight for this,
228 for 7790 Strath Road. The reason I do not want this postponed is because I
229 called on Tuesday to make sure this was going to happen. I drove all the way
230 down from New Jersey in support of my dad. I'm sure the people here they
231 already know that we are against any kind of development at all. I'm here tonight
232 to find out what's going on.
233
234 Mr. Jernigan - All right. As I was explaining to some of your friends
235 outside, when a zoning case is filed, by law, it has to be advertised in the paper
236 and it has the date that it's coming, which was tonight. Now, as you saw, we
237 already have nine other cases that we deferred because the cases aren't ready
238 to go. This is pretty much standard procedure that we don't hear a case until it's
239 all put together. We haven't had a neighborhood meeting with the other
240 neighbors around, and the case just isn't ready. That's the reason Mr. Mistr is
241 deferring it until December.
242
243 Mr. Hall - Okay, but we have it in writing that we're going to
244 have a meeting here tonight, and I called to make sure that this was still going to
245 happen. I was assured that it was going to happen. I took two days off of work.
246
247 Mr. Jernigan - I don't know who you spoke to, but I know that the
248 deferral was filed earlier this week. Nathalie?
249
250 Ms. Croft - I think Tuesday afternoon, I believe.
251

252 Mr. Jernigan - Okay. Of course, a deferral is never a deferral until it
253 comes to the Commission, and we have to approve a deferral for it to happen.
254 Just because someone files for one, that doesn't mean that they get it. It has to
255 be approved by the Commission to defer it to a later date. That's just normal
256 procedure, what we do.

257

258 Mr. Vanarsdall - They may have told you that we were still going to
259 have the meeting, but didn't tell you that your case was going to be deferred.

260

261 Mr. Branin - Because it is on the agenda, the case is on the
262 agenda. Because it's on the agenda, unless it's withdrawn from the agenda, it
263 would still be on the agenda. If you called and spoke to someone in regards to
264 this particular case, they'll say yes, it is on the agenda. From what I'm
265 understanding from Mr. Jernigan, this case it not ready to be heard. There's still a
266 lot of work that needs to be done on it.

267

268 Mr. Hall - Okay, thank you.

269

270 Mr. Jernigan - Okay. Thank you for coming up, sir.

271

272 Mr. Branin - Now sir, what I'll also do is ask—Nathalie, this is your
273 case? I'd like you get this gentleman's e-mail address or phone number.
274 Because he is going to come all the way from New Jersey, notify him as the case
275 progresses, if it's going to be heard, when the neighborhood meeting's going to
276 occur and so forth. Okay? So in the future, sir, this won't happen; you won't
277 have to travel.

278

279 Mr. Jernigan - Two people had their hand up. Were there any other
280 comments?

281

282 Mr. Williams - I was just concerned about the infrastructure and
283 traffic.

284

285 Mr. Jernigan - First of all, we have to have you at the podium so we
286 can get your name and address. I can tell you that all that has to come later.
287 Once this case is reviewed by Public Works and everybody else, they have to
288 give their decision on it.

289

290 Mr. Williams - My name is Terry Williams. I'm at 2540 Lammrich
291 Road. The way that things are laid out right now, 176 is just unacceptable with
292 the road conditions, the infrastructure and everything. I know that all that has to
293 be in place later and all that and everything, too. Sixty houses on this particular
294 tract of land would be somewhat acceptable, but not 176.

295

296 Mr. Branin - Mr. Williams, it's in Henrico County, which is a lot
297 different than a lot of other locations. When it's a rezoning and it's going to

298 impact a neighborhood, we always have neighborhood meetings. Now, this case
299 got here before a neighborhood meeting would occur, and there will be a
300 neighborhood meeting where we, as Commissioners, rely on the input from the
301 surrounding communities. What you're saying—we hear now, and at the
302 community meeting, Mr. Jernigan will be right in there with you. There will be
303 staff there also taking notes, and all of it can be addressed then. The other
304 reason this case is being deferred is that it's not ready to get to us yet.

305
306 Mr. Williams - Okay.

307
308 Mr. Jernigan - And this is as I explained to you in the hall, that we
309 haven't had a neighborhood meeting yet. By law, when a case is filed, it has to
310 be advertised in the newspaper and we have to follow this process.

311
312 Mr. Williams - I just don't want it to go forward as it is.

313
314 Mr. Branin - I can guarantee you it's not going anywhere until we
315 have the neighborhood meeting.

316
317 Mr. Jernigan - All right, Mr. Chairman, with that, I will move for
318 deferral of case C-51C-07, Alvin S. Mistr, Jr. for WWLP Development, LLC, to
319 December 6, 2007, by request of the applicant.

320
321 Mrs. Jones - Second.

322
323 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mrs.
324 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
325 carries.

326
327 At the request of the applicant, the Planning Commission deferred C-51C-07,
328 Alvin S. Mistr, Jr. for WWLP Development, LLC, to its meeting on December 6,
329 2007.

330
331 Ms. Moore - I would like to read the same property description for
332 the next three cases proposed for deferral. On page 5 of your agenda, it begins
333 LUP-2-07, Rezoning Case C-52C-07 and P-17-07 for Gray Land Development.

334
335 **AMENDMENT TO THE HENRICO 2010 LAND USE PLAN MAP (LUP-2-07):**
336 The Planning Commission will consider an amendment to the Henrico County
337 2010 Land Use Plan Map to designate the Tree Hill Farm Site – comprised of
338 530.9 acres and generally bordered by the James River, Old Osborne Turnpike,
339 Osborne Turnpike, and Mill Creek as an Urban Mixed Use Development Area
340 (UMU).

341
342 Mr. Branin - I was panicking, to tell you the truth, because you
343 named so many so quickly. Is anyone in opposition to the deferral of Tree Hill?

344
345 Ms. Moore - I'll go through them. The first is actually an
346 amendment to the Henrico 2010 Land Use Plan and staff is recommending to
347 defer this to the October 11, 2007 meeting.

348
349 Mr. Branin - Okay. Is anyone in opposition to the deferral of
350 Amendment to the Henrico 2010 Land Use Plan Map (LUP-2-07) No one?

351
352 Mr. Jernigan - With that, Mr. Chairman, I would like to move for
353 deferral of amendment to the Henrico 2010 Land Use Plan Map (LUP-2-07) to
354 October 11, 2007, by request of the applicant.

355
356 Mrs. Jones - Second.

357
358 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mrs.
359 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
360 carries.

361
362 The Planning Commission deferred the Amendment to the Henrico 2010 Land
363 Use Plan Map (LUP-2-07) to its meeting on October 11, 2007.

364
365 Ms. Moore - The deferral for C-52C-07 is requested to the October
366 11, 2007 meeting.

367
368 **C-52C-07 Daniel K. Slone and Gloria L. Freye for Gray Land**
369 **and Development Company-Tree Hill, LLC:** Request to conditionally rezone
370 from A-1 Agricultural District and M-2 General Industrial District to UMUC Urban
371 Mixed Use District (Conditional), part of Parcel 797-706-5048, containing 530.9
372 acres, located between the James River and the west line of Osborne Turnpike
373 and Old Osborne Turnpike, generally located between McCoul Street and the
374 intersection of New Market Road and Osborne Turnpike. The applicant proposes
375 an urban mixed use development including office, commercial and civic uses and
376 a maximum of 2,770 residential units (including single-family, townhouse,
377 condominium, and multi-family units). The uses will be controlled by zoning
378 ordinance regulations and proffered conditions. The Land Use Plan
379 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and
380 Environmental Protection Area.

381
382 Mr. Jernigan - You've already asked for opposition, so. With that,
383 Mr. Chairman, I will move for deferral of case C-52C-07, Daniel K. Slone and
384 Gloria L. Freye for Gray Land and Development Company-Tree Hill, LLC, to
385 October 11, 2007, by request of the applicant.

386
387 Mrs. Jones - Second.

388

389 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mrs.
390 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
391 carries.

392
393 At the request of the applicant, the Planning Commission deferred C-52C-07,
394 Daniel K. Slone and Gloria L. Freye for Gray Land and Development Company-
395 Tree Hill, LLC to its meeting on October 11, 2007.

396
397 Ms. Moore - Next is P-17-07, which is the Provisional Use Permit
398 related to the master plan for the Town of Tree Hill. The deferral is requested to
399 October 11, 2007 meeting.

400
401 **P-17-07 Daniel K. Slone and Gloria L. Freye for Gray Land**
402 **and Development Company-Tree Hill, LLC:** Request for a Provisional Use
403 Permit under Sections 24-32.1(a), 24-32.1(b), 24-32.1(e), 24-32.1(g), 24-32.1(k),
404 24-32.1(l), 24-32.1(m), 24-32.1(p), 24-32.1(t), 24.32.1(u), 24-32.1(v), 24-32.1(w),
405 24-34.1(c), and 24-122.1 of Chapter 24 of the County Code, related to a Master
406 Plan for The Town of Tree Hill Urban Mixed Use development and to permit
407 certain uses and exceptions to permitted height, density, and design for uses
408 within the proposed UMU, on part of Parcel 797-706-5048, containing 530.9
409 acres, located between the James River and the west line of Osborne Turnpike
410 and Old Osborne Turnpike, generally located between McCoul Street and the
411 intersection of New Market Road and Osborne Turnpike. The existing zoning is
412 A-1 Agricultural District and M-2 General Industrial District. The property is also
413 subject to rezoning request C-52C-07. The Land Use Plan recommends
414 Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental
415 Protection Area.

416
417 Mr. Jernigan - Mr. Chairman, I will move for deferral of P-17-07,
418 Daniel K. Slone and Gloria L. Freye for Gray Land and Development Company-
419 Tree Hill, LLC, to October 11, 2007, by request of the applicant.

420
421 Mrs. Jones - Second.

422
423 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mrs.
424 Jones. All in favor say aye. All opposed say no. The ayes have it; the motion
425 carries.

426
427 At the request of the applicant, the Planning Commission deferred P-17-07,
428 Daniel K. Slone and Gloria L. Freye for Gray Land and Development Company-
429 Tree Hill, LLC to its meeting on October 11, 2007.

430
431 Ms. Moore - Mr. Chairman, we received one more request. It's on
432 page 2 of your agenda. It's case C-43C-07, John W. Gibbs, Jr. The deferral is
433 requested to the November 8, 2007 meeting.

434

435 **Deferred from the August 9, 2007 Meeting.**

436 **C-43C-07 Gibson Wright for John W. Gibbs, Jr.:** Request to
437 conditionally rezone from R-2AC One-Family Residence District (Conditional) to
438 R-3C One-Family Residence District (Conditional), Part of Parcel 739-774-4564,
439 containing approximately 6.77 acres, located on the southeast line of Nuckols
440 Road at its intersection with Lower Wyndham Court. The applicant proposes a
441 single-family residential subdivision to construct 13 homes as part of the Grey
442 Oaks development which has a proffered aggregate maximum density of 1.8
443 units per acre. The R-3 District allows a minimum lot size of 11,000 square feet
444 and a maximum gross density of 3.96 units per acre. The use will be controlled
445 by zoning ordinance regulations and proffered conditions. The Land Use Plan
446 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and
447 Environmental Protection Area.

448
449 Mr. Branin - Is anyone in opposition to the deferral of C-43C-07,
450 Gibson Wright for John W. Gibbs, Jr.? No one? Then I'd like to move that C-
451 43C-07, Gibson Wright for John W. Gibbs, Jr., be deferred to November 8, 2007
452 meeting, per the applicant's request.

453
454 Mr. Jernigan - Second.

455
456 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
457 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion
458 carries.

459
460 Ms. Moore - That concludes our received requests for deferrals.

461
462 Mr. Silber - Next on the agenda would be consideration of the
463 expedited items. These are items placed on the expedited agenda. These are
464 cases that are somewhat minor in nature. There are no outstanding issues,
465 according to the staff or the Planning Commission. These would be heard
466 without public presentation. If there is opposition to these cases, they would be
467 pulled off the expedited agenda and heard in the order in which they're found on
468 the full agenda. There are three items tonight on the expedited agenda. Ms.
469 Moore?

470
471 Ms. Moore - The first is in the Fairfield District on page 1 of your
472 agenda. It is case C-45-07, First Centrum of Virginia, Incorporated. Staff has
473 received no opposition to this.

474
475 **C-45-07 Caroline L. Nadal for First Centrum of Virginia,**
476 **Inc.:** Request to rezone from R-6C General Residence District (Conditional) to C-
477 1 Conservation District, part of Parcel 783-772-1148, containing approximately
478 3.1 acres, located on the west side of Brook Road (U.S. Route 1) at Presbytery
479 Court. The applicant proposes a Conservation Area. The use will be controlled

480 by zoning ordinance regulations. The Land Use Plan recommends
481 Environmental Protection Area.

482
483 Mr. Branin - Is anyone in opposition to C-45-07, Caroline L. Nadal
484 for First Centrum of Virginia, Inc.? No one?

485
486 Mr. Archer - Mr. Chairman, I'd like to move that case C-45-07,
487 Caroline L. Nadal for First Centrum of Virginia, Incorporated, be sent to the Board
488 of Supervisors with a recommendation for approval.

489
490 Mr. Vanarsdall - Second.

491
492 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
493 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the motion
494 carries.

495
496 Ms. Moore - Next is on page 3 of your agenda in the Three Chopt
497 District. It is P-15-07, Reynolds Holdings, LLC.

498
499 **P-15-07 Malachi Mills for Reynolds Holdings, LLC:** Request
500 for a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-122.1 of
501 Chapter 24 of the County Code to permit outdoor dining for a proposed
502 restaurant (Max and Erma's) at the Broad Street Retail Center at Reynolds
503 Crossing, on part of Parcel 767-744-9052, located at the northwest intersection
504 of West Broad Street (U.S. Route 250) and Forest Avenue (private). The existing
505 zoning is B-2C Business District (Conditional). The Land Use Plan recommends
506 Planned Industrial. The property is in the Enterprise Zone.

507
508 Mr. Branin - Is anyone in opposition to P-15-07, Malachi Mills for
509 Reynolds Holdings, LLC? Ma'am?

510
511 Ms. Kuester - [Off mike.] [Unintelligible.]

512
513 Mr. Branin - Okay. Would you come down and state your name?

514
515 Ms. Kuester - My name is Courtney Kuester and my address is
516 1916 Charles Street. I'm the head of the steering committee for Charles Glen.

517
518 Mr. Branin - Okay, Ms. Kuester.

519
520 Ms. Kuester - We are in support of what they're proposing with this.
521 We've just had some problems with construction on the Bon Secours building
522 with their hours. They've begun sometimes at 5:00, 6:00 in the morning, which
523 the hours are restricted to 7 a.m. to 7 p.m., Monday through Saturday. And they
524 have worked on Sundays. Things were very difficult in the beginning with
525 everyone starting to see this building go up, trees being gone, but it settled down

526 until the construction hours started really weighing heavy on either side of the
527 restricted times. Also, the steel construction on the 24-hour building has been
528 getting kind of obnoxious at night, as well as the traffic with the trucks late at
529 night. We had once spoken to you all about curtailing their entrance and exits
530 behind the neighborhood during the off-hours, the evening hours, early morning
531 hours so that we wouldn't hear the beeping of the backing up. We're really
532 starting to hear that and I just started getting comments on that this week, that
533 people have had problems with it and it just kind of hit a boiling point for them. I
534 just got e-mails in the past two days on that. And I've started hearing it and I'm
535 not up against the development.

536

537 Mr. Vanarsdall - I'm sorry, I didn't hear. What time of evening?

538

539 Ms. Kuester - For the 24-hour building, which is in the area where
540 the Bookbinder's, and Max and Erma's is, we're hearing that. I was told that
541 that's at probably around 9:00 at night and sometimes goes on into the late
542 evening with the vehicles and with steel work. I can't imagine what they're doing
543 at night, steel work wise, but they are. And then Bon Secours is starting early in
544 the morning and working on Sunday.

545

546 Mr. Vanarsdall - You were here in the beginning to talk about this.

547

548 Ms. Kuester - Yes.

549

550 Mr. Vanarsdall - And were promised something different, weren't you?

551

552 Ms. Kuester - We conceded the 24 hours to expedite the project
553 because this has gone on for quite some time working this out. But we did agree
554 that if we had any issues at all, that we would come back.

555

556 Mr. Branin - That you would bring it back to—

557

558 Ms. Kuester - And I have spoken with the Reynolds' about Bon
559 Secours. They have been quick to contact Hourigan and to contact the
560 Lingerfelt's, and I've been copied on those e-mails. However, it has not
561 improved.

562

563 Mr. Branin - Okay. Mr. Lewis? You're working on the case,
564 correct? Can you please contact Mr. Reynolds and request a meeting in the
565 evening with not only Mr. Reynolds and the community, but the construction
566 companies as well, and myself, and you, please.

567

568 Mr. Silber - Mr. Chairman, we probably can move immediately on
569 the hours of construction by contacting the contractor tomorrow. We can have
570 our inspector go out and make communication with the contractor who's working
571 out there so they are reminded of those hours and abide by those hours.

572

573 Mr. Branin - I know, Ms. Kuester, your neighborhood has been
574 very, very gracious to this project and have worked diligently with myself and
575 them as well. I had stated back then, if there is a problem, you need to bring it to
576 us so we can take care of the problem right away. So, Mr. Secretary, if you
577 would have the County staff go out and talk to them. But I would also like a
578 meeting so we can drive it home.

579

580 Ms. Kuester - That would be great.

581

582 Mr. Branin - Okay.

583

584 Ms. Kuester - Thank you.

585

586 Mr. Vanarsdall - Thank you.

587

588 Mr. Branin - Since there is no opposition, I would like to move that
589 P-15-07, Malachi Mills for Reynolds Holdings, LLC, be sent to the Board of
590 Supervisors with a recommendation for approval.

591

592 Mr. Jernigan - Second.

593

594 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
595 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion
596 carries.

597

598 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
599 Jernigan, the Planning Commission voted 5-0 (one absent) to recommend the
600 Board of Supervisors **grant** the request because it is reasonable in light of the
601 surrounding uses and existing zoning on the property.

602

603 Ms. Moore - The last one is also part of the Reynolds Crossing, P-
604 16-07. Staff has received no opposition to this request.

605

606 **P-16-07 Malachi Mills for Reynolds Holdings, LLC:** Request
607 for a Provisional Use Permit under Sections 24-58.2(d), 24-120, and 24-122.1 of
608 Chapter 24 of the County Code to permit outdoor dining for a proposed
609 restaurant (Bookbinder's) at the Broad Street Retail Center at Reynolds
610 Crossing, on part of Parcel 767-744-9052, located at the northwest intersection
611 of West Broad Street (U.S. Route 250) and Forest Avenue (private). The existing
612 zoning is B-2C Business District (Conditional). The Land Use Plan Recommends
613 Planned Industrial. The property is in the Enterprise Zone.

614

615 Mr. Branin - Is there any opposition in the room to P-16-07,
616 Malachi Mills for Reynolds Holdings, LLC? No one? Then I would like to move

617 that P-16-07, Malachi Mills for Reynolds Holdings, LLC, be sent to the Board of
618 Supervisors with a recommendation for approval.

619
620 Mr. Jernigan - Second.

621
622 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
623 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion
624 carries.

625
626 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
627 Jernigan, the Planning Commission voted 5-0 (one absent) to recommend the
628 Board of Supervisors grant the request because it is reasonable in light of the
629 surrounding uses and existing zoning on the property.

630
631 Ms. Moore - Thank you.

632
633 Mr. Branin - Thank you, Ms. Moore.

634
635 Mr. Silber - The next item on the agenda would be a Public
636 Hearing involving an ordinance amendment. This involves Section 24-95, titled
637 "Additional Requirements, Exceptions and Modifications." This amendment
638 would increase the maximum height of accessory structures in residential and
639 agricultural districts. Mr. Blankinship is here this evening to present this
640 ordinance amendment to the Commission.

641
642 Mr. Branin - Good evening, Mr. Blankinship.

643
644 Mr. Blankinship - Good evening, Mr. Chairman, Members of the
645 Commission. We held a work session on this not too long ago, so I'm sure it's
646 still fresh in your memories, but just to remind you, this is an amendment to the
647 County Code that would allow accessory structures in the rear yards of
648 residences to be taller than 15 feet. When the current zoning ordinance was
649 originally adopted in 1960, the height of accessory structures was limited to 12
650 feet. In 1987, that was raised to 15 feet to resolve longstanding problems that
651 had resulted in numerous variances. That language is taken out of the motion, I
652 believe. We do measure that building height to the mean height level between
653 the eave and the ridge, just as we do for a dwelling. That 15-foot height limit has
654 served us reasonably well for 20 years, but now we are more frequently seeing
655 requests for accessory structures taller than 15 feet. We had quite a few in the
656 Parsons Walk development, where they would have liked to go higher than 15
657 feet. They did manage to bring those into compliance with the 15-foot limit, but
658 we have also seen others. We see it more and more frequently, that builders are
659 coming in with plans that are measuring 17, 18 or 19 feet, and having to redesign
660 their building to come into compliance with the 15-foot limit. So, we have
661 proposed to you a change to allow accessory structures as high as 20 feet.

662

663 We did review the codes of several other local governments. Quite a few of them
664 do not even have a separate limit for accessory structures; it's just the same as
665 the limit for residences. As you see on the slide there, Fairfax County and
666 Hanover County both fall into that category, allowing heights up to 35 feet. In
667 Fairfax, they do require that the building be set back from the property line a
668 distance equal to its height. So, if you have a 35-foot accessory building, it has to
669 be 35 feet from the property line. There is some tradeoff there. But building a 20-
670 foot accessory structure would not pose any problems. Chesterfield County has
671 set the limit at 25 and Prince William at 18. We have proposed this amendment,
672 and you see the only change is at the bottom right-hand corner there where we
673 would be striking the number "15" and inserting the number "20" instead as the
674 height limit for accessory structures in the rear yards of one-family and semi-
675 detached dwellings.

676

677 That really concludes my prepared remarks. I'd be happy to try to answer any
678 questions.

679

680 Mr. Vanarsdall - What did you say about Parsons Walk?

681

682 Mr. Blankinship - Parsons Walk was one of the first areas where we
683 saw a lot of detached garages with various uses on a second floor, whether they
684 were game rooms, or storage that people didn't want a pull-down stair, they
685 wanted a full-blown staircase leading up.

686

687 Mr. Vanarsdall - When they surfaced, it was 12 feet?

688

689 Mr. Blankinship - Fifteen.

690

691 Mr. Vanarsdall - I know it's 15 now, but I thought it was 12 then.

692

693 Mr. Blankinship - No, I'm sorry. It was already 15.

694

695 Mr. Vanarsdall - So, they didn't have any problem with the pitch of the
696 roof.

697

698 Mr. Blankinship - They had to redesign a lot of those garages. They
699 originally came in taller and we had to redesign them down to 15.

700

701 Mr. Vanarsdall - I've been out there and it's a very nice way they fixed
702 it.

703

704 Mr. Blankinship - Yes sir.

705

706 Mr. Vanarsdall - The rec room or kids' room, but they can't sleep in it.
707 You can sleep in it, but you can't live in it.

708

709 Mr. Blankinship - You cannot have a separate dwelling unit in a
710 detached garage, no sir.
711
712 Mr. Vanarsdall - You can't.
713
714 Mr. Blankinship - You cannot.
715
716 Mr. Vanarsdall - I noticed in 24-95, it never mentions the use; it's
717 always the height and something else, setbacks. But there's no use in that
718 section.
719
720 Mr. Blankinship - Right. The use is regulated in other sections of the
721 Code. The only limitation on the use here is the word, "accessory," which carries
722 with it the definition of "accessory," which has to be something customarily
723 incidental to the primary use.
724
725 Mr. Jernigan - Now Ben, you said you can't live in them, but they
726 have a bathroom facility and an open space. Were any of those marketed that
727 they said you could have a bed in there?
728
729 Mr. Blankinship - We haven't caught anybody marketing them that way.
730 You are allowed to have a guesthouse, which cannot have separate facilities for
731 cooking and has to be occupied by guests, which we consider to be people there
732 on a short-term basis, not a regular recurring occupancy. But if you had family
733 coming down from another state or whatever, and they wanted to stay two
734 weeks, it may be convenient to have them in a room in a separate dwelling, and
735 you would want a full bath there, but not separate cooking facilities. You'd still
736 expect them to take their meals in the house.
737
738 Mr. Vanarsdall - What is the real definition of the "mother-in-law suite"?
739 That's what you just described, isn't it?
740
741 Mr. Blankinship - Well, our Code does not include any provisions for a
742 mother-in-law suite or the other terms for that same kind of arrangement. We do
743 get a lot of requests for building permits for people wanting to add a suite of
744 rooms that will sort of function as a separate dwelling unit. We work with the
745 applicants so that they can meet their needs without creating something that
746 could easily be converted to a second dwelling unit.
747
748 Mr. Vanarsdall - "English kitchen," is in a basement, right, that term,
749 "English kitchen."
750
751 Mrs. Jones - English basement.
752

753 Mr. Blankinship - I'm familiar with an English basement, which is a
754 basement that's less than four feet in the ground. An "English kitchen" is not a
755 term I know.

756
757 Mr. Vanarsdall - If we had a use on this, would that affect—Is this
758 going to be grandfathered? Would any of this affect Parsons Walk, for example?
759

760 Mr. Blankinship - Since it is an increase, there's not really an issue with
761 grandfathering because someone in Parsons Walk could come back and ask for
762 a taller garage.

763
764 Mr. Vanarsdall - That's what I mean. So, it would have no affect on
765 what we have now.

766
767 Mr. Blankinship - Right.

768
769 Mrs. Jones - Mr. Blankinship, the previous requirements obviously
770 made it very difficult to have a space on a second floor that would be comfortable
771 enough to use on any kind of long-term basis. This will not only meet the
772 aesthetic need for roof pitches, but it does open the question as to whether it will
773 be a more permanent space for whatever it's used for, because it will be a
774 comfortable space, you could have a much taller ceiling. Have you found the
775 requests for these kinds of things have been driven not really from aesthetics, but
776 from use, or is it more the developers would like to have a similar roof pitch to the
777 house that it goes with?
778

779 Mr. Blankinship - I think we've had some of both. There are some
780 where I think just the size of the building and the type of roof they want to put on
781 it was driving that. We have a request that's pending right now, waiting for the
782 outcome of this process, where the applicant redesigned a building in order to
783 meet the technical definition that we work with now. They would really like to go
784 back to their previous design, which we were forced to disapprove. They're just
785 waiting to see how this is going to go. I think even staff would agree with the
786 designer of that building that their original design is more attractive, and actually
787 the height that they're looking at is the same; it's just the way roof is designed. It
788 does go both ways. There have been, also, quite a few of these where some
789 sort of use on the second floor is the driving issue.
790

791 Mrs. Jones - Do you feel there's a need to address the correlation
792 between the accessory structures and the residences with which they'll be
793 paired? In other words, we've broken down the ordinance for residential
794 structures based on when homes were built and this kind of thing. Do you see
795 the same need for this?
796

797 Mr. Blankinship - No ma'am, I don't anticipate that.

798

799 Mr. Vanarsdall - I don't know if I understood your question. Could you
800 repeat that?
801
802 Mrs. Jones - Can you explain the ordinance, the recently changed
803 ordinance for the height of residential dwellings?
804
805 Mr. Vanarsdall - We raised it five feet.
806
807 Mr. Blankinship - That's right. That change is by right for any
808 subdivision that was approved after 1960.
809
810 Mr. Vanarsdall - Right.
811
812 Mr. Blankinship - For subdivisions approved prior to 1960, what we call
813 "exception lots," they would have to go through the provisional use permit
814 process to get that increased height. Part of their reason for doing that was the
815 older subdivisions tend to have smaller homes, and the concern was that you
816 might have two smaller, modest homes and in between them, someone would
817 build something 40-feet tall that would be out of character with the neighborhood.
818 I think Mrs. Jones is asking if we're concerned with the same thing here. There
819 is a limitation on the Code that all the accessory structures in a rear yard are
820 limited to 30% of the required rear yard area for the zoning district. I think that
821 makes us comfortable that we're not going to see substantially larger accessory
822 structures because that limit is not going to change.
823
824 Mrs. Jones - Just taller.
825
826 Mr. Blankinship - Right.
827
828 Mr. Vanarsdall - Are you aware of what Sheds USA have on the
829 market now, these big buildings that would be 20 feet or more, depending upon
830 what the foundation is? It looks like you could live in them if you fixed them the
831 way you wanted them. Are you aware of those?
832
833 Mr. Blankinship - I have seen brochures and so forth.
834
835 Mr. Vanarsdall - I showed you one tonight.
836
837 Mr. Blankinship - Yes sir.
838
839 Mr. Vanarsdall - I think that's why you'll find Prince Williams' was 18
840 feet. I'm surprised that Fairfax was 25 feet. These are these buildings that are
841 very tall and they have steps in them. It can have an upstairs and downstairs.
842
843 Mr. Branin - Does anyone else have any other questions for Mr.
844 Blankinship?

845
846 Mr. Jernigan - Are you finished?
847
848 Mr. Vanarsdall - I've finished with that part. I have a concern with it,
849 and have ever since it was brought up here that we were going to have this. I
850 have a concern. I would like to see something on here that says that it's not for
851 living purposes, or not a dwelling or something.
852
853 Mr. Silber - Just to clarify and emphasize, that restriction is
854 already in the Code.
855
856 Mr. Vanarsdall - I talked to Charlie Craddock, who is here tonight. I
857 don't think he had a problem with that, if it was on there. Of course, it would be
858 up to my colleagues whether we did that or not. Maybe he'll speak at the public
859 part.
860
861 Mr. Branin - Mr. Secretary, would you like to address that?
862
863 Mr. Silber - I think, Mr. Vanarsdall, your concern is that by raising
864 the height of these accessory structures, it may tend to lend itself to people living
865 in these units. I don't think there'll be any difficulty recommending to the Board of
866 Supervisors that language be added to this amendment to emphasize or
867 reemphasize the fact that these are not intended to be residential dwelling units,
868 because in the single-family district, you can only have one dwelling unit. I think
869 what Mr. Blankinship was saying is the ordinance already addresses that through
870 the definitions and through the reference that these are single-family districts
871 and, in fact, can only have a single-family residence.
872
873 Mr. Vanarsdall - Right.
874
875 Mr. Silber - If the Commission—
876
877 Mr. Vanarsdall - My only reasoning—if it was on here, that's
878 reinforcing it. My only reason for that is that this is going to be something new
879 when the Board passes it and it goes into effect. And people looking at this are
880 going to see that. If people are looking for it to live in it, that's going to pop up
881 immediately. So, although it's already in the other portion of the ordinance, it
882 could be on here and it wouldn't hurt anything.
883
884 Mr. Silber - We would somehow, Mr. Blankinship, have to craft
885 some language because there are references in the single-family zoning district
886 that deal with accessory uses, and you mentioned one before as living quarters
887 are permitted, but they cannot have kitchens. Living quarters, are—if you're
888 employed on the premises. A guesthouse is if you're there for a short time with
889 no kitchen. We would somehow have to address these other accessory uses that
890 are permitted in the single-family districts. If this is what the Planning

891 Commission recommends, and if this is what the Board wants, we need to deal
892 with a couple of the sections beside just this one section on accessory uses. Mr.
893 Blankinship, did you have a different way you think that would be addressed?
894

895 Mr. Blankinship - That's more or less the lines I was thinking along, yes
896 sir.
897

898 Mr. Vanarsdall - Mr. Blankinship is very familiar with that, because we
899 had one citizen that took the stove out and put it back so many times it wore out
900 the stove. He had to take it back to Sears and get another model. In fact, the
901 last time Ben called on him, he said, "Can you put this stove on wheels, because
902 I know the next time I come back, it won't be there."
903

904 Mr. Blankinship - It is an issue we struggle with quite frequently.
905

906 Mr. Branin - Does anyone else have any other questions for Mr.
907 Blankinship?
908

909 Mr. Archer - Either Mr. Blankinship or Mr. Silber. As a rule, when
910 we make modifications to the Code, do we always make an effort to make sure
911 that we're not redundant with language? I understand what Mr. Vanarsdall is
912 saying. If we state this in this ordinance, then it'll stand out and people will
913 understand it as soon as they read it. But if we don't, then they may not go back
914 and read the part of the ordinance that's already applicable. Do we always try
915 not to be redundant when we add language?
916

917 Mr. Silber - Not necessarily. I think the Code repeats language in
918 different areas of the Code, so I don't have a problem, necessarily, doing that,
919 repeating it so it can be picked up in a number of different places. I think we just
920 have to be careful that we're not committing to something that we later don't want
921 to commit to. The Code right now is somewhat cumbersome because it does
922 reference single-family uses, yet it allows living quarters for persons employed on
923 the premises, it allows guesthouses. So, it's not just as simple as you might think
924 just to say these accessory uses cannot be used for a residential purpose,
925 because we have to make sure that it still fits with the other Code sections. But
926 from a redundancy standpoint, Mr. Archer, I don't have a problem.
927

928 Mr. Archer - Not a problem. Okay.
929

930 Mr. Blankinship - We generally prefer a cross-reference rather than just
931 repeating—
932

933 Mr. Archer - Just repeating it, right.
934

935 Mr. Blankinship - —the language that's in another section.
936

937 Mr. Branin - Anyone else? Ladies and gentlemen, I know you've
938 been just excited to listen to this possibility, the change of this Code. This is a
939 public hearing, so I'm going to open the floor up. Does anyone have any
940 comments or questions? None? Okay. I'm not going to ask twice. Well, with
941 that, Mr. Secretary, we should move for a motion?

942
943 Mr. Silber - Yes. As the Chairman indicated, this is a public
944 hearing and it sounds like there are no comments. At this point, the Commission
945 can send this forward with your recommendation for approval. If you want to add
946 something, that would be acceptable. If you want to further study or evaluate
947 this, a deferral is always a possibility as well.

948
949 Mr. Vanarsdall - I make a motion to go forward with it to the Board of
950 Supervisors as it is with the 20-foot height, going from 15 to 20. I would like to
951 add the language. I don't know how we word this, just that you can't make it a
952 permanent resident's or even a resident's period. Motion.

953
954 Mr. Jernigan - Second.

955
956 Mr. Branin - Motion was made by Mr. Vanarsdall, seconded by Mr.
957 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion
958 carries. Mr. Blankinship, thank you for your time, sir.

959
960 Mr. Blankinship - Thank you.

961
962 Mr. Silber - The first rezoning request this evening is in the
963 Fairfield District.

964
965 ***Deferred from the August 9, 2007 Meeting.***

966 **C-29C-07 Caroline L. Nadal for Creighton & Laburnum LLC:**
967 Request to conditionally rezone from A-1 Agricultural District, B-2C Business
968 District (Conditional) and M-1C Light Industrial District (Conditional) to B-2C
969 Business District (Conditional) and M-1C Light Industrial District (Conditional),
970 Parcels 807-730-9116, 808-730-6309, -4825, -3946, -3162, -2377 and -6227,
971 containing approximately 27.04 acres (B-2C 7.37 ac; M-1C 19.67 ac), located at
972 the northwest intersection of N. Laburnum Avenue and Creighton Road. The
973 applicant proposes retail and office/service uses. The uses will be controlled by
974 zoning ordinance regulations and proffered conditions. The Land Use Plan
975 recommends Office/Service, Suburban Residential 1, 1.0 to 2.4 units net density
976 per acre, and Environmental Protection Area. The site is in the Airport Safety
977 Overlay District.

978
979 Mr. Branin - Is anyone in opposition to C-29C-07, Caroline L.
980 Nadal for Creighton & Laburnum LLC? No one? Good evening, Mr. Tyson.

981
982 Mr. Tyson - Thank you Mr. Chairman

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The subject site is located at the intersection of Creighton Road and Laburnum Avenue.

The applicant is proposing to rezone the property to permit development of an office/service development and a retail center. No prospective tenants have been identified by the applicant at this time.

The 2010 Land Use Plan calls for Office/Service, Environmental Protection Area, and a very small portion of Suburban Residential 1 land uses at this site. The proposed office/service use is in general conformance with the recommendations of the Land Use Plan. The proposed retail use is not supported by the Plan; however, a portion of the site proposed for the retail center is already zoned for the use.

The applicant has proffered a conceptual plan showing three buildings devoted to retail uses along the Laburnum Avenue frontage. A pad site for future development is also located along this frontage. Two entrances to the site would be provided from Laburnum Avenue. Two entrances would also be provided along Creighton Road.

The applicant is also proposing office/service uses for the site, and they would be contained within buildings located along a spine road and in multi-tenant buildings around a BMP interior to the site. According to the applicant, it is their intent that two of the office buildings would contain only office space with no ancillary warehousing or storage space, but they have not proffered that condition and have indicated they wish to remain flexible based on market conditions. The remaining spaces would contain a mixture of office space and accessory storage and warehousing accessible via roll-up doors.

In 1990, the subject property was rezoned from A-1 to M-1C and B-2C via case C-106C-89. The proffers accepted with that case limit the M-1C property to Office/Service District uses and the development standards therein. The proffers proposed by the applicant in the current case would also limit the uses to those permitted in the O/S district, but would not require the loading areas for warehousing and storage spaces to be concealed from adjacent properties through either a courtyard design or a wing wall, as is required in the office/service districts.

The applicant would also increase the amount of area devoted to retail uses by extending the current B-2C portion southeastward along Laburnum Avenue to the corner with Creighton Road. The applicant has proffered a prohibition on a number of potentially incompatible retail uses, has restricted the building heights in the B-2C portion of the site to 35 feet, and has limited the signage permitted to monumental-style signs no more than 8 feet in height.

1029 The applicant has proffered the buildings would be substantially similar to those
1030 depicted in these elevations. Building materials would be primarily brick, split-
1031 faced block, stone, and EIFS. All four sides of all buildings would be similar in
1032 materials. The office/service buildings would contain access doors to the storage
1033 spaces.

1034
1035 Other proffers relating to lighting, screening of HVAC and mechanical equipment,
1036 aerated BMP's, sidewalks, and a proffered landscape and lighting plan to be
1037 submitted at the time of Plan of Development are also pending.

1038
1039 The intent of the Office/Service zoning classification is to provide office/service
1040 and retail uses in a cohesive and unified manner. While the applicant has made
1041 some progress toward realizing this, staff remains concerned the applicant's
1042 conceptual site plan fails to take advantage of the site's potential.

1043
1044 For instance, staff would recommend pulling the retail spaces closer to Laburnum
1045 Avenue. Currently, the applicant is showing four rows of parking between the
1046 street and the storefronts. Staff would recommend moving some of this parking
1047 to the rear of the buildings and creating buildings with two frontages. The central
1048 area could then be developed into a hub for both tenants and customers. The
1049 applicant has already shown a pedestrian network on the concept plan and staff
1050 supports this effort; however, more sensitive treatment of the interior of the site
1051 could create a courtyard space where shoppers, tenants, and clients could dine
1052 or interact.

1053
1054 Staff is also concerned that only the retail portion of the site may be developed,
1055 contributing to a deficit in office space in this portion of the County. For that
1056 reason, staff has recommended a phasing plan be developed for the site. This
1057 would also further the intent of the Office/Service district by ensuring a mixture of
1058 uses that can support each other on the property.

1059
1060 The proposed zoning and uses are generally consistent with the land use
1061 designations contained in the Plan, and some of the uses are actually already
1062 permitted on the site. Both commercial and residential development activity is
1063 taking place in the vicinity, and the site presents a good opportunity to provide a
1064 mixture of uses in a unified, cohesive, coordinated setting. The applicant has
1065 addressed several of the staff concerns as expressed in the staff report;
1066 however, issues related to site design and building configuration and phasing of
1067 the development remain. Pending resolution of these issues, staff recommends
1068 deferral of this request.

1069
1070 I'd be happy to answer any questions you might have. The applicant's attorney
1071 and the applicant are also here as well.

1072
1073 Mr. Branin - Thank you, Mr. Tyson. Does anybody have any
1074 questions for Mr. Tyson? Mr. Archer, would you like to hear from the applicant?

1075
1076 Mr. Archer - I think we need to, Mr. Chairman.
1077
1078 Mr. Branin - Okay. If the applicant would come forward and state
1079 your name for the record.
1080
1081 Ms. Nadal - Good evening, Mr. Chairman, Members of the
1082 Commission. My name is Caroline Nadal. I am here on behalf of the applicant,
1083 Creighton & Laburnum, LLC.
1084
1085 Mr. Branin - Good evening, Ms. Nadal.
1086
1087 Ms. Nadal - If you'll give me just a moment, I will get my
1088 presentation together.
1089
1090 I'd like to speak to just a couple of things overall about this development that I
1091 would like to highlight, and then I'll turn to the specific issues that staff has raised
1092 as points where they don't believe we've quite reached their goals with respect to
1093 the site.
1094
1095 First of all, I'd like to say that we have worked extremely hard with the community
1096 and with the staff to develop this site in such a way that it is open, it is attractive,
1097 it is inviting, and it cohesively works. Per staff's recommendations, we have
1098 worked very closely with Mr. Tyson to open up the development, to have it be an
1099 inviting area. We do plan to make this a focal point between the two
1100 developments in order to facilitate the traffic between both the office/service
1101 portion and the retail portion. We've also worked very closely with the
1102 community to address their concerns. We had two community meetings and the
1103 community's concerns involved a previous request we had for 24-hour use, as
1104 well as, some questions about what the site would ultimately look like. We have
1105 managed to address the community's concerns. The community is happy with
1106 the proposed development, and even the president of the Mitcheltree Civic
1107 Association expressed his support at the last community meeting for this
1108 development.
1109
1110 The site is already zoned to do most of what we want to do with it. There are a
1111 number of proffered conditions that exist on the site currently. However, with the
1112 proposed proffered site plan and elevations, this is going to carry this
1113 development to a far superior quality than the way it's currently proffered. I think
1114 that staff and Mr. Archer and the community would all agree that what we're
1115 proposing tonight is going to serve the community and the County a lot better
1116 than the way it's currently zoned.
1117
1118 In addition, as Mr. Tyson mentioned, this is consistent to the extent we're
1119 showing office/service. It's consistent with the Land Use Plan. It's already zoned

1120 for retail; however, all three corners of the site at Creighton and Laburnum are
1121 already zoned retail. So, it's a natural retail corner.

1122

1123 I have a couple of points to make with respect to Mr. Tyson's comments. Let me
1124 start with the location of the retail buildings. Staff has asked us to pull those
1125 forward. First I'd like to point out that it's not a very large site. It's approximately
1126 seven acres that we're zoning commercial. There is a lot of frontage along
1127 Laburnum Avenue, so the four rows of parking aren't too terribly deep, and
1128 certainly much less deep than what is catty-corner on the other corner of
1129 Creighton and Laburnum, which is Mr. Gelletly site. That retail sits much farther
1130 back on the site than what we're proposing, so this is above and beyond what's
1131 already out there.

1132

1133 In addition, just a couple of marketing concerns with respect to pulling your retail
1134 all the way up to the front and having dual entrances in the front and the back.
1135 First of all, we want to invite the customers to enter through the front door with
1136 one entrance. That is facilitated by the way we've got the site plans set up now. If
1137 we pull them forward and have a dual entrance, that does create—We're
1138 proposing smaller retail uses here, and that creates a problem with smaller retail
1139 users. First of all, whenever you have two entrances to a retail facility, that
1140 creates security issues for the store. They now have to monitor two entrances
1141 into the store, in the rear and the front. In addition, a lot of the types of users that
1142 we would be looking to have might not lend itself to front and back entrances. If
1143 you think, for example, a dry cleaner who potentially go into the site, they need
1144 that back area for their work purposes. We are concerned that by pulling them
1145 forward and proffering a site plan that way, that we're going to limit ourselves in
1146 attracting users to the site. There is already a site right across the way where the
1147 retail is set much farther back. We've certainly pulled it a lot more forward than
1148 what our neighbor is doing. With four rows of parking, it's not this big sea of
1149 parking that is an eyesore to the site.

1150

1151 In addition, one thing about staff's comment on the smaller buildings that we
1152 intend to use for more of the traditional office uses, as you can see, the site plan
1153 doesn't show loading areas. I believe staff was simply concerned that there
1154 would be loading areas, rollup doors that would be visible to adjacent properties
1155 or within the site itself. We have proffered screening that any rollup doors would
1156 be screened from roadways or adjacent residential, so while it is not our intent to
1157 use those for anything other than traditional office uses, we're trying to maintain a
1158 little bit of flexibility there. In addition, there are office/service users that don't
1159 require rollup doors and we would put those users in those buildings.

1160

1161 Finally, I'd like to speak to the phasing issue that Mr. Tyson mentioned. This is
1162 not a huge development. I think the phasing argument works when you have a
1163 large development with different uses and that there is a concern—and I think a
1164 valid concern—that a part of that site is going to sit vacant for a significant period
1165 of time. With this site, the phasing doesn't work. It would upset the natural

1166 marketability of the site. While it's certainly true that we're probably going to be
1167 putting in the retail portion of the development first, we're hoping that the retail
1168 helps, and it should draw in the office/service users. We would be limiting
1169 ourselves by having a proffer saying something like we could only build out 60%
1170 or whatever of our retail, and then we'd have to build a third of our office/service.
1171 If we don't have users yet, that could halt the entire development. The bottom
1172 line is, the applicant and the owner of the property is the party with the most
1173 interest in developing the entire site. While we're not willing to commit in a
1174 proffer that we will phase in the development, I can assure you that there's no
1175 party in this room that is more interested in having this entire site developed than
1176 the applicant. I'm happy to take your questions.

1177

1178 Mr. Branin - Thank you, Ms. Nadal. Mr. Archer, do you have any
1179 questions for Ms. Nadal?

1180

1181 Mr. Archer - I certainly do.

1182

1183 Mr. Branin - You know, I kind of thought you may.

1184

1185 Mr. Archer - Ms. Nadal, you and I have discussed this quite a bit.
1186 At this point in time, we don't have any potential users, is that correct?

1187

1188 Ms. Nadal - Not at this time.

1189

1190 Mr. Archer - The other thing I need to mention, I believe, I think the
1191 Gelletly property that sits catty-corner across from this has some undeveloped
1192 outparcels that create that lag in front, instead of parking spaces.

1193

1194 Ms. Nadal - That is true. I understand that there are undeveloped
1195 outparcels.

1196

1197 Mr. Archer - This is tough. And the reason it is, is because in
1198 listening to Mr. Tyson's staff report, and the discussions that I've had with him,
1199 and you, too, we really think that this project is one that's doable. The problem is
1200 there are too many unanswered things that we don't know about. What you're
1201 asking us to do is sort of leave it open so that when these potential, would-be
1202 tenants come along, they'll be able to fit into whatever space happens to be
1203 available at the time. And that's a little frightening. So that the rest of the
1204 Commissioners know, initially, there was a Wawa that was scheduled for the
1205 corner. That was pulled back rather abruptly at the neighborhood meeting
1206 because it wouldn't fly. The initial neighborhood meeting was kind of long and
1207 well attended. I think we have satisfied the communities, that they would not be
1208 opposed to the site being developed. I believe at the second meeting, which I
1209 couldn't attend because I was out of town, only two people showed up. They
1210 were the heads of the two civic associations that were involved in this. They
1211 apparently have approved development for the site. But they don't, as we

1212 don't—We don't know what the physical capability of the site is going to be
1213 without a site plan that is, as Mr. Tyson said, either a phasing plan or one that
1214 provides a little bit more detail. We don't have that right now. I don't know how
1215 to get around it.

1216
1217 Ms. Nadal - I'd like to address a couple of those things. I really
1218 don't think that there are that many outstanding or unanswered issues. That is
1219 exactly why we proffered a site plan so that this site will develop in substantial
1220 conformance with this plan. Our unanswered question is who are the users?
1221 Well, that's the chicken and egg question, what we need to get the zoning, to get
1222 the users. Everybody wants to know who the users are when you're going
1223 through the zoning. That's what we're here. We do want to get the users. Like I
1224 said, we are absolutely, 100% committed to filling up this site with quality users.

1225
1226 Mr. Archer - I don't doubt that at all, Ms. Nadal. I think what you're
1227 telling us, you're telling us in good faith. It's just that it's a huge unknown that I
1228 don't think Mr. Tyson feels comfortable with. At that rate, I wouldn't feel
1229 comfortable passing this along to the Board because I think the same questions
1230 would come up at the time it got to that level. We need to try to work through this
1231 so that we can at least be close to where we think we're going to go before we
1232 move it. As it stands now, without having any known users, and without a
1233 phasing plan, we're just sort of at the mercy of whoever comes in there first as to
1234 how we go forward with this site.

1235
1236 Also, as was indicated in the staff report, a traffic impact study needs to be
1237 completed.

1238
1239 Ms. Nadal - It has been.

1240
1241 Mr. Archer - It has been?

1242
1243 Ms. Nadal - Yes.

1244
1245 Mr. Archer - Has it been submitted?

1246 Ms. Nadal - Yes. Actually, our site plan addresses the issues that
1247 are raised in that.

1248
1249 Mr. Archer - Okay. It's not unusual for us to have phasing plans.
1250 We don't like to use it as a tool to try and tie up the property, but it's not unusual
1251 for us to have phasing plans. They have worked before and worked quite well.
1252 Sometimes development might take a little longer, but in this particular instance,
1253 we have absolutely no idea who's going to come in. I know that happens a lot,
1254 but this particular corner is one that portends for good things, I think, for that
1255 particular area.

1256

1257 Ms. Nadal - I think it does. I think we've given you that, I really do.
1258 With the site plan, with the elevations, with the proffers I think we've given the
1259 County a lot without a user. Sometimes these things go through and we don't
1260 know who the users are.

1261
1262 Mr. Archer - I'm not blaming you. I think at this point, for me to
1263 want to pass this along to the Board as a recommendation for approval, it's just a
1264 little bit sketchy. I think with some more time, working with staff, you might be
1265 able to come up with a plan that is a little bit more amenable. We may not get
1266 everything that we want, but by the same token, you probably won't either.
1267 Here's what I'm going to recommend, and you and I talked about it. We don't
1268 want to move this with a recommendation for denial.

1269
1270 Ms. Nadal - Please no, please.

1271
1272 Mr. Archer - I think that there is a lot of this that can be done and I
1273 think we should defer it at least another 30 days, if not 60, to see if we can't
1274 come closer to the point where staff can make a recommendation. I don't want
1275 to make a recommendation to the Board without their recommendation. I don't
1276 think that would be wise to do.

1277
1278 Ms. Nadal - I think we can all agree—

1279
1280 Mr. Archer - Because you'd be up against the same thing at the
1281 next meeting that you are now.

1282
1283 Ms. Nadal - I think we can all agree that at the end of the day,
1284 everybody's going to get a better development with this case, as opposed to
1285 what is currently on the books with respect to the zoning.

1286
1287 Mr. Archer - I'm certainly not trying to cast any reflection on the
1288 way that you've worked this, because I think you've done well. The first
1289 neighborhood meeting was kind of difficult, and I can understand that. I don't
1290 think we're at the point now where I can make a recommendation for approval,
1291 although, I think we're working in that direction. If Mr. Tyson doesn't feel
1292 comfortable with staff making an approval recommendation, then I don't either, at
1293 this point. Their recommendation is for deferral and that's what mine is also.

1294
1295 Ms. Nadal - I appreciate it. I appreciate your time and I appreciate
1296 your assistance in working through these issues. I know I've bothered you
1297 significantly and loaded up your e-mails.

1298
1299 Mr. Archer - I think we can probably get there.

1300
1301 Mr. Branin - Does anyone else have any other questions for Ms.
1302 Nadal? None? Mr. Archer, I will entertain a motion.

1303
1304 Ms. Nadal - Thank you.
1305
1306 Mr. Archer - I'll tell you what, Ms. Nadal. You and I didn't discuss
1307 this, but I'll take this deferral and we'll move for deferral at the request of the
1308 Commission. Can we do it for 60 days instead of 30?
1309
1310 Ms. Nadal - I would prefer 30.
1311
1312 Mr. Archer - Would you really?
1313
1314 Ms. Nadal - Yes.
1315
1316 Mr. Archer - It's a freebie.
1317
1318 Ms. Nadal - I'm looking over at the applicant. Okay.
1319
1320 Mr. Archer - Okay. Well, you've got to work hard. Then I'll move
1321 for a deferral for 30 days until the next zoning meeting at the request of the
1322 Commission.
1323
1324 Mr. Vanarsdall - Second.
1325
1326 Mr. Branin - Motion made by Mr. Archer, seconded by Mr.
1327 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the motion
1328 carries.
1329
1330 At the request of the Commission, the Planning Commission deferred C-29C-07,
1331 Caroline L. Nadal for Creighton & Laburnum LLC to its meeting on October 11,
1332 2007.
1333
1334 ***Deferred from the July 12, 2007 Meeting.***
1335 **C-76C-05 Robert Atack for George M. Urban:** Request to
1336 conditionally rezone from A-1 Agricultural District to O-3C Office District
1337 (Conditional) and B-2C Business District (Conditional), Parcels 747-770-3395
1338 and 746-770-9777, containing 11.18 acres, located on the west line of Nuckols
1339 Road approximately 350 feet north of New Wade Lane and between the south
1340 line of Hickory Park Drive and the north line of New Wade Lane. The applicant
1341 proposes an office and hotel development. The uses will be controlled by zoning
1342 ordinance regulations and proffered conditions. The Land Use Plan recommends
1343 Rural Residential, Suburban Residential 2, 2.4 to 3.4 units net density per acre,
1344 and Environmental Protection Area.
1345
1346 Mr. Branin - Thank you, Mr. Secretary. Is anyone in opposition to
1347 C-76C-05, Robert Atack for George M. Urban? No one? Mr. Tyson, it's up to
1348 you again.

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Mr. Tyson - Thank you Mr. Chairman

This site is immediately adjacent to the Hickory Park office condos and has frontage on Nuckols Road, New Wade Lane, and Hickory Park Drive.

The Land Use Plan calls for Rural Residential and Environmental Protection Area for this site; however, recognizing the development potential of a site in such close proximity to a major transportation network, the Nuckols Road/I-295 Small Area Land Use Study recommends Office uses for the properties.

The applicant has proffered a conceptual plan showing three building locations on the site—two office buildings and one hotel. It is the staff’s position the subject properties and the surrounding properties should be developed in a coordinated and cohesive fashion that takes advantage of the properties’ location and access to the transportation network. To that end, in its report, staff noted the lack of connectivity to adjacent parcels as a concern. The applicant has addressed this concern by committing to vehicular access points to parcels adjacent to the south and west. The exact locations of these connections would be determined at the time of Plan of Development. Staff also expressed some concern with the proposed location of the hotel to the rear of the site.

The Nuckols Road/I-295 Small Area Land Use plan encourages office development at this location. The proposed hotel use could serve as a support service to the uses envisioned; however, the Office District regulations require a minimum of 50 acres for development of a hotel. In the alternative, the applicant has requested B-2C zoning for the hotel site, which has no such acreage requirement, but has proffered the only B-2 use permitted on the property would be the proposed hotel.

The applicant has submitted revised proffers to mitigate potential impacts and to ensure a quality development. In addition to the conceptual plan and the commitment to the inter-parcel access already mentioned, other features of the proffers include: A landscaped greenbelt 30 feet in width provided adjacent to Nuckols Road, and a landscaped greenbelt 25 feet in width provided adjacent to New Wade Land and Hickory Park Drive; at least 35% of the property taken as a whole would be used for open space; and the applicant’s landscape plan would include landscaping within the median adjacent to the site within Nuckols Road.

The applicant has proffered the buildings would be substantially similar to those depicted in these renderings. The materials would be consistent on all four sides of all buildings. Additionally, no office building on the property would exceed 70 feet in height. Staff encourages the applicant to consider committing to a hotel design that would permit two entrances so that if the property immediately adjacent to the west is developed for office use, the tenant spaces on that site would have access to that portion of the building.

1395

1396 The proposed zoning and use are consistent with the land use designations
1397 contained in the Nuckols Road/I-295 Small Area Land Use Plan. Staff notes
1398 there are minor cleanups needed on the conceptual plan, mainly dealing with
1399 spelling of road names; however, Staff recommends the Planning Commission
1400 forward this request to the Board of Supervisors with a recommendation for
1401 approval.

1402

1403 I'd be happy to answer any questions that you might have.

1404

1405 Mr. Branin - Mr. Tyson, did you say I do or do not have to waive
1406 time limits?

1407

1408 Mr. Tyson - I'm sorry. You do not.

1409

1410 Mr. Branin - Do not. Okay. All right. Does anyone have any
1411 questions for Mr. Tyson?

1412

1413 Mrs. Jones - Mr. Tyson, the building heights of offices cannot
1414 exceed 70. What about the hotel?

1415

1416 Mr. Tyson - There is no proffered height limitation; however, their
1417 conceptual plan is showing 105 rooms, probably not more than three stories.

1418

1419 Mrs. Jones - Three?

1420

1421 Mr. Tyson - That's not been stated, but I don't think it would be
1422 much taller.

1423

1424 Mr. Branin - Anyone else have any other questions for Mr. Tyson?
1425 Okay. May I hear from the applicant for just one thing? Ms. Nadal, I'm not going
1426 to ask you to do a presentation; I don't think it's necessary. Mr. Attack, you'll
1427 probably be able to answer this, if Ms. Nadal can't. I think it's a great project, but
1428 there is land behind this project, and in previous meetings, I had asked for some
1429 sort of stub parking lot, some sort of entrance so if land is obtained in the future,
1430 and it is developed as more office space, office park, that there would be some
1431 interconnectivity. The rendering doesn't show that. Is that possible? Are you
1432 willing to do that? Is there a reason why it's not on here today?

1433

1434 Ms. Nadal - It's actually in a proffer. We just added it, that we
1435 would provide access to—

1436

1437 Mr. Branin - Which proffer is that?

1438

1439 Mrs. Jones - Sixteen.

1440

1441 Mr. Branin - Sixteen. See, that's the problem with getting proffers
1442 late. Well, that takes care of my concern.

1443

1444 Ms. Nadal - Also, to answer Mrs. Jones' earlier question about the
1445 hotel, the Code requires a 45-foot limitation, so it certainly wouldn't be above
1446 four, but I think it's going to three stories.

1447

1448 Mrs. Jones - I just wanted to make sure I hadn't missed something
1449 in the revised proffers.

1450

1451 Mr. Branin - Does anyone else have any other questions? No?
1452 Okay. Well, then, I move for approval of C-76C-05, Robert Atack for George M.
1453 Urban.

1454

1455 Mr. Vanarsdall - Second. I was waiting for you to say, "to the Board of
1456 Supervisors." Second.

1457

1458 Mr. Branin - With a recommendation for approval for the Board of
1459 Supervisors. Motion made by Mr. Branin, seconded by Mr. Vanarsdall. All in
1460 favor say aye. All opposed say no. The ayes have it; the motion carries. Thank
1461 you, Mr. Vanarsdall.

1462

1463 **REASON:** Acting on a motion by Mr. Branin, seconded by Mr.
1464 Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the
1465 Board of Supervisors **grant** the request because it is reasonable, it would provide
1466 for appropriate development, it would assist in achieving the appropriate
1467 development of adjoining properties, and the proffered conditions will provide
1468 appropriate quality assurances not otherwise available.

1469

1470 **C-48C-07 Gloria L. Freye for Cadence Capital**
1471 **Investments:** Request to conditionally rezone from R-3 One-Family Residence
1472 District to B-2C Business District (Conditional), Parcels 769-756-6351, -6059,
1473 and -5766, containing 1.3815 acres, located at the northwest intersection of
1474 Staples Mill (State Route 33) and Old Staples Mill Roads. The applicant
1475 proposes a commercial development. The uses will be controlled by zoning
1476 ordinance regulations and proffered conditions. The Land Use Plan
1477 recommends Commercial Concentration.

1478

1479 Mr. Branin - Is anyone in opposition to C-48C-07, Gloria L. Freye
1480 for Cadence Capital Investments? No one? Mr. Tyson, it's you again.

1481

1482 Mr. Tyson - It is me again. Thank you Mr. Chairman

1483

1484 The subject site is located at the intersection of Staples Mill and Old Staples Mill
1485 Roads. The applicant is proposing to rezone three parcels for development of a

1486 retail center. This site is immediately adjacent to, but not part of, the Staples Mill
1487 Square shopping center.

1488
1489 The 2010 Land Use Plan calls for Commercial Concentration land uses at this
1490 site and the proposed use is consistent with this designation.

1491
1492 The applicant has proffered a conceptual plan showing a building totaling 9,687
1493 square feet of floor area with accessory parking. The site would have two access
1494 points, one each on Old Staples Mill and Staples Mill; and a 25-foot landscaped
1495 buffer—proffered to be planted to a Transitional Buffer 35-foot standard—would
1496 be installed along the Old Staples Mill frontage. This would serve to screen the
1497 rear of the building and would maintain the same landscaped buffer width that
1498 has been provided on adjacent properties. A 25-foot landscaped buffer would
1499 also be provided on the Staples Mill Road frontage; however, that has not been
1500 proffered to be planted to the same standard.

1501
1502 The requested zoning designation is consistent and compatible with the zoning of
1503 the adjacent properties. The applicant has submitted revised proffers to mitigate
1504 potential impacts and ensure a quality development. In addition to the
1505 conceptual plan and the landscaped buffer already mentioned, proffered items
1506 include: buildings not exceeding 35 feet in height; potentially incompatible uses
1507 would be prohibited; freestanding signs would be monument-style, ground-
1508 mounted, and no more than 10 feet in height; and a sidewalk five feet in width
1509 would be provided along the Staples Mill Road.

1510
1511 The applicant has proffered the buildings would be substantially similar to those
1512 depicted in the elevations you've been provided. Building materials would be
1513 primarily brick and glass, with EIFS sign banding, and accents.

1514
1515 The applicant has also provided a letter of intent to landscape the portion of the
1516 VDOT right-of-way formed by the intersection of Staples Mill and Old Staples Mill
1517 Road, which is this triangular area here.

1518
1519 The proposed zoning and use are consistent with the land use designation
1520 contained in the 2010 Land Use Plan and the other uses in the area, and the
1521 applicant has addressed the items contained in the staff report. Staff
1522 recommends the Planning Commission forward this request to the Board of
1523 Supervisors with a recommendation for approval.

1524
1525 I'd be happy to answer any questions, and Ms. Freye, the applicant's attorney, is
1526 here.

1527
1528 Mr. Branin - Thank you, Mr. Tyson. Does anybody have any
1529 questions for Mr. Tyson?

1530
1531 Mr. Archer - You have a copy of the letter of intent, don't you?

1532
1533 Mr. Tyson - I don't have a copy with me.
1534
1535 Mr. Archer - No, I mean you have received—
1536
1537 Mr. Tyson - Yes, we've received it.
1538
1539 Mr. Archer - I remember Ms. Freye said she sent it to you, so I'll
1540 take her word for it.
1541
1542 Mr. Silber - Mr. Tyson, maybe the applicant can address the, but
1543 can you clarify along Old Staples Mill Road the cross-hatched area? It looks as
1544 though they're dedicating additional right-of-way, but do we have any idea what
1545 road improvements would be provided along there?
1546
1547 Mr. Tyson - This is the dedicated right-of-way. The Department of
1548 Public Works, given the location of this with relationship to the intersection and
1549 the entrance to the Wawa site, which is right here, I think is trying to get some
1550 additional taper to get people off the road and onto this site. I think the applicant
1551 can probably answer that better than I.
1552
1553 Mr. Branin - Okay. Would you like to hear from the applicant?
1554
1555 Mr. Silber - The Commission may. I have questions of Mr. Tyson,
1556 but I would like an answer to that when the time comes.
1557
1558 Mr. Branin - Okay.
1559
1560 Mr. Vanarsdall - You want an answer to what you asked?
1561
1562 Mr. Silber - At some point in time, please.
1563
1564 Ms. Freye - Good evening. My name's Gloria Freye. I'm the
1565 attorney here on behalf of the applicant.
1566
1567 Mr. Branin - Good evening, Ms. Freye.
1568 Ms. Freye - Mr. Chairman, Members of the Commission. Yes,
1569 that's exactly what it's for. As Mr. Tyson described, it was for that additional right-
1570 of-way to allow the flow of traffic to get out of the through lane at an earlier point.
1571
1572 One thing that I did want to add to Mr. Tyson's presentation is there has been
1573 discussion on this conceptual layout as to where the dumpster should be. And on
1574 this triangular piece, it's been very difficult to find the best location. We did
1575 submit a plan that showed the dumpster behind the building, recessed, so that
1576 we would screen it on the Old Staples Mill Road. I don't think either staff or we
1577 are particularly convinced that that is the best location. What we'd like to do

1578 between now and the Board, though, is to continue to work with staff and the
1579 landscape folks on staff about making sure that we do have it in the best location.
1580 It is something that we would be willing to continue to work with the staff on.
1581
1582 Mr. Branin - Okay, thank you. Mr. Tyson, I think Mr. Silber has
1583 some more questions for you.
1584
1585 Mr. Silber - Not for Mr. Tyson. Ms. Freye, though, one more.
1586
1587 Ms. Freye - Yes sir.
1588
1589 Mr. Branin - I thought you weren't finished with Mr. Tyson.
1590
1591 Mr. Silber - I was. Thank you, though.
1592
1593 Mr. Branin - You were? Okay.
1594
1595 Mr. Silber - Back to this and the improvements on Old Staples
1596 Mill, would it be possible between now and the Board to show how the
1597 improvements along Old Staples Mill Road will tie into the shopping center
1598 access? The shopping center access is, I guess, to the north of this property.
1599
1600 Mr. Silber - It's hard to tell exactly how this has any relationship to
1601 that access point.
1602
1603 Ms. Freye - We'd be glad to do that. We could show a
1604 perspective of how that ties in.
1605
1606 Mr. Silber - Okay.
1607
1608 Mrs. Jones - May I ask a question?
1609
1610 Mr. Branin - As many as you want.
1611 Mrs. Jones - Is Layout #2 in consideration at all?
1612
1613 Ms. Freye - It's gone. We had filed this with the alternative of a
1614 branch bank being a potential development there. That has been ruled out, so
1615 we are just down to this one conceptual layout.
1616
1617 Mrs. Jones - I will tell you that it fits so well in this triangular site,
1618 and it eliminates issues such as the big dumpsters and all of that. What we're
1619 doing now is putting a square peg in a round hole, it almost seems.
1620
1621 Ms. Freye - This is a challenge site for development, and I agree
1622 with you. I thought that layout looked beautiful. Since that was presented, there

1623 has been some market study done and some research about the potential for a
1624 bank going there, and there just seems to be very little interest in that.

1625
1626 Mrs. Jones - That's too bad.

1627
1628 Ms. Freye - I know.

1629
1630 Mr. Vanarsdall - As a matter of fact, we had a meeting last week,
1631 Gloria and Mr. Huffman, and Lee, and he had both of the layouts. I never had a
1632 case where they had an "and/or." So, he hasn't had enough people interested to
1633 put the bank there, or it would have been a bank. He thought at first he did, but
1634 they didn't come back. So, that took care of that. With the dumpster, the reason
1635 we didn't like the dumpster, Lee and the staff and us did not like the dumpster, it
1636 is so exposed there with Wawa across the street, and the car wash and traffic.
1637 That's the reason for that. I hope you can find another place for it. You're going
1638 to work on it.

1639
1640 Ms. Freye - Yes sir.

1641
1642 Mr. Vanarsdall - Thank you, Gloria.

1643
1644 Ms. Freye - Okay.

1645
1646 Mr. Vanarsdall - Now, I'm going tell one on Mrs. Freye. She said you
1647 don't have to call me down tonight, unless you have to, 'Because it'll be a waste
1648 of your time and mine.' So, we found out it wasn't a waste of time, didn't we?

1649
1650 Ms. Freye - That's right; I was wrong. I apologize.

1651
1652 Mr. Vanarsdall - Bob, will you deduct that from her billing time?

1653
1654 Ms. Freye - I'll never say that again.

1655
1656 Mr. Vanarsdall - I know you were joking. This site appeared when the
1657 Staples Mill Square shopping center was developed. This is and was an
1658 outparcel, but it appeared to be part of the shopping center. They've done a nice
1659 job on this. And you're right, Mrs. Jones, the bank would look nice. One of the
1660 good things that he agreed to do was the letter of intent. I'm sure none of you all
1661 have noticed the corner like I have. It belonged to VDOT and it became a place
1662 to sell your car or your vehicle. Had all kind of vehicles on the corner. It got so
1663 bad that VDOT had to put up "No Parking" signs—and they still park there.
1664 They're going to take care of that corner. They don't have to; this is offsite. I
1665 appreciate you doing that.

1666
1667 With that, I recommend to the Board of Supervisors approval of C-48C-07, Gloria
1668 L. Freye for Cadence Capital Investments. Wait a minute, we have to waive the

1669 time limits. I move to waive the time limits on C-48C-07, Gloria L. Freye for
1670 Cadence Capital Investments.

1671
1672 Mr. Archer - Second.

1673
1674 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr.
1675 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
1676 carries.

1677
1678 Mr. Vanarsdall - Now I recommend approval to the Board of
1679 Supervisors C-48C-07, Gloria L. Freye for Cadence Capital Investments.

1680
1681 Mr. Jernigan - Second.

1682
1683 Mr. Branin - Motion made by Mr. Vanarsdall, seconded by Mr.
1684 Jernigan. All in favor say aye. All opposed say no. The ayes have it; the motion
1685 carries.

1686
1687 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by
1688 Mr. Jernigan, the Planning Commission voted 5-0 (one absent) to recommend
1689 the Board of Supervisors **grant** the request because it conforms to the
1690 recommendations of the Land Use Plan, it would not adversely affect the
1691 adjoining area if developed as proposed, and proffered conditions would provide
1692 for a higher quality development than would otherwise be possible.

1693
1694 Mr. Vanarsdall - I don't think you could shut out the chance of the bank
1695 maybe showing up before anything's done on this. And Mrs. Jones will be all—

1696
1697 Mrs. Jones - I'll be very happy, yes.

1698
1699 Mr. Branin - Mr. Secretary?

1700
1701 **C-49C-07 Bay Design Group for Williams Realty and**
1702 **Development Corp.:** Request to conditionally rezone from A-1 Agricultural
1703 District to R-5AC General Residence District (Conditional), Parcel 833-718-6524,
1704 containing 29.91 acres, located between the north line of the Southern Railway
1705 right-of-way and the south line of Meadow Road at its intersection with
1706 Chartwood Drive. The applicant propose a gated community with a maximum of
1707 50 age-restricted, zero-lot line detached dwellings. The R-5A District allows a
1708 minimum lot size of 5,625 square feet and a maximum gross density of 6 units
1709 per acre. The use will be controlled by zoning ordinance regulations and
1710 proffered conditions. The Land Use Plan recommends Suburban Residential 1,
1711 1.0 to 2.4 units net density per acre. The site is in the Airport Safety Overlay
1712 District.

1713

1714 Mr. Branin - Is anyone in opposition to C-49C-07, Bay Design
1715 Group for Williams Realty and Development Corporation? No one? Ms. Croft,
1716 good evening.

1717
1718 Ms. Croft - Good evening. Thank you, Mr. Chairman.

1719
1720 The undeveloped property is located on the south line of Meadow Road, across
1721 from the Chartwood and Hillview Park single-family subdivisions. The site is
1722 mostly wooded with several areas of possible wetlands and floodplain.

1723
1724 The applicant is proposing an age-restricted gated community of no more than
1725 50 lots.

1726
1727 The 2010 Land Use Plan recommends Suburban Residential 1 (1.0 to 2.4 units
1728 per acre) for the subject site.

1729
1730 A proffered conceptual plan has been submitted and shows the majority of the
1731 site would remain undeveloped with the home sites situated in four groupings.
1732 Two pocket parks are also shown.

1733
1734 Revised proffers were received today, and include a gated entry with a center
1735 island and brick guardhouse and walls; minimum lot widths of 60 feet and
1736 minimum floor areas of 1,300 square feet; a sound transmission coefficient rating
1737 of 54 for dwelling unit walls abutting the railroad; an application for C-1 zoning for
1738 that portion of the property lying within the floodplain; a Phase 1 archeological
1739 study would be performed if required; front porches for at least 75% of the
1740 dwellings; and natural buffers of various widths along all property lines.

1741
1742 The submitted proffers are generally consistent with other cases in the area;
1743 however, to ensure a high-quality development consistent with what is presented,
1744 staff recommends the applicant commit to the elevation and entry feature
1745 drawings that I have shown here. These currently are unproffered. Here is the
1746 entrance feature.

1747 Staff does have concerns with the possibility for by-right industrial development
1748 to the west of the site and the potential impacts it may have. Staff is also
1749 concerned the proffered Homeowners' Association may have difficulty
1750 maintaining the road network and common area in a project of this size.
1751 Incorporating the opportunity for connection to the property to the west in the
1752 event of future residential development could alleviate both concerns and should
1753 be considered.

1754
1755 Overall, the proposed use and density of 1.7 units per acre are consistent with
1756 this recommendation of the Land Use Plan.

1757
1758 The proffered conditions would provide for a higher quality of development than
1759 would otherwise be possible and the request would not adversely affect the

1760 adjoining area if properly developed as proposed. However, the request could be
1761 strengthened by providing for a connection to the property to the west and
1762 committing to the elevation and entry drawings submitted. Time limits would
1763 need to be waived since proffers were received today.
1764
1765 Mr. Branin - Okay, thank you, Ms. Croft. Does anyone have any
1766 questions for Ms. Croft? Anyone?
1767
1768 Mr. Jernigan - I'm checking the black lines to see what's changed.
1769 On the elevations—
1770
1771 Ms. Croft - Yes sir?
1772
1773 Mr. Jernigan - —I believe in the original—Let me find it in here.
1774 Didn't it say that the exhibit showed that all houses would be built similar to the
1775 exhibits that he furnished us with?
1776
1777 Ms. Croft - I don't believe so.
1778
1779 Mr. Jernigan - Let me look on the original.
1780
1781 Ms. Croft - I may have overlooked it, if so. Proffer #6,
1782 Architectural Treatment, lists exterior materials, talks about garages, and
1783 foundations.
1784
1785 Mr. Vanarsdall - How about Proffer #8? Is that supposed to be, "no
1786 less than 75% of units will have front porches," or "not less"?
1787
1788 Ms. Croft - "Not less" or "no less," depending on what you prefer,
1789 I think.
1790
1791 Mr. Jernigan - Not less than 75% will have front porches. At least
1792 75% of them must have a front porch.
1793 Mrs. Jones - What is the reason they are not proffered?
1794
1795 Ms. Croft - I am not sure. Maybe the applicant could address
1796 that question.
1797
1798 Mr. Jernigan - All right. Would the applicant come down, please?
1799
1800 Mr. Branin - Please state your name for the record.
1801
1802 Mr. Williams - My name is Jason Williams. I am president of
1803 Williams Realty and Development Corporation. I'm the applicant.
1804

1805 Mr. Jernigan - Jason, on the elevations that you have turned in, is
1806 that what you discussed with the neighbors and Mr. Thomas?
1807

1808 Mr. Williams - Yes. I have met with the North Airport Drive
1809 Association and some of the other residents around there, and shown the
1810 elevations that you have. We can term a proffer that the style is basically what
1811 I've turned in. But I'm not a homebuilder, so for me to proffer these exact
1812 elevations would not be proper.
1813

1814 Mr. Jernigan - When we take these architectural in, we tag them A,
1815 B, C, D exhibits, and normally what developers do, they proffer that the buildings
1816 will be similar to exhibits A, B, C, D. That gives you the flexibility that you can
1817 make a few changes on it, but still it's going to be 85% to 90% of what was in
1818 front of you.
1819

1820 Mr. Williams - Yes sir. I think part of the problem was I think there
1821 was a delay in getting some of those elevations. I really wanted to try to get them
1822 to you, and I think they got caught up in somebody else's hands for a little bit
1823 longer than they should have. We definitely will address that.
1824

1825 Mr. Jernigan - Okay.
1826

1827 Mr. Williams - We have no problems proffering those terms. No
1828 problems at all.
1829

1830 Mrs. Jones - Does that include the entrance feature?
1831

1832 Mr. Williams - Yes. The entrance feature, the only reason it hasn't
1833 been proffered yet, as I discussed with her, is that it is 99% of exactly what we
1834 want to do. I want to make sure that we get some changes as far as maybe some
1835 light fixtures on the wall. We may also curve the walls a little bit, depending on
1836 the site conditions. But that wall and the entrance feature, as it sits, is 99.9%
1837 exactly what we want. I just didn't know how to term it as a proffer because we
1838 might make a slight modification to it, as far as maybe some curvature or some
1839 stuff like that.
1840

1841 Mr. Jernigan - Okay. Now, when I was reading through these
1842 proffers last night, one question I had was when you were talking about a
1843 detached garage, that it will be behind the house if it's front-loaded. Is that what
1844 you meant to say?
1845

1846 Mr. Branin - Which proffer is that, Mr. Jernigan?
1847

1848 Mr. Jernigan - Let me see. It was five.
1849

1850 Mr. Williams - I think it's moved to #6 now.

1851
1852 Mr. Jernigan - "If the garage is attached and is front-loading, it shall
1853 be behind the front face of the structure at least five feet. Any detached garage
1854 will be placed behind the main structure."
1855
1856 Mr. Williams - Yes.
1857
1858 Mr. Jernigan - Is that what you mean to say?
1859
1860 Mr. Williams - Yes sir. As you and I discussed, just so the
1861 Commission understands, we want to make sure that the front porches are used
1862 for people to congregate in, so we've pushed the garages behind the front doors
1863 so that people won't congregate with a garage door open, sitting out there. On
1864 the same token, on several of these lots, there is enough space where a two-car
1865 garage could be put, but we may have to detach it and put it behind the unit.
1866
1867 Mr. Jernigan - The only reason I was looking at that, I mean, you
1868 have a front porch, which we discussed, and that lets people sit on the front
1869 porch rather than sitting in their garage. Plus, if the garage is in the backyard,
1870 chances are they're not going to be sitting in it. If you put that garage behind the
1871 house, you're either going to have to side-load it to have a straight driveway
1872 coming in, or you're going to have to have a bend in that driveway to get into it.
1873 In an age-restricted community, I would do away with the bends, you know?
1874
1875 Mr. Williams - Well, yeah, I understand that.
1876
1877 Mr. Vanarsdall - I wouldn't have it like that either; I agree.
1878
1879 Mr. Williams - I think we have 60-foot lot widths, so I think yeah,
1880 you're probably right.
1881
1882 Mr. Jernigan - I think it would be better to have a straight shot to the
1883 garage, rather than having to weave in.
1884
1885 Mr. Williams - Preferably, we probably wouldn't want to have any
1886 detached garages because of them having to back up and down the driveway, it
1887 would cause some problems with running into corners of houses.
1888
1889 Mr. Vanarsdall - You'll have a lot of widows living there and you're
1890 going to have to have a lot of space.
1891
1892 Mr. Silber - Mr. Jernigan, I know this lot is going to be narrow, but
1893 I would think you'd have room to be able to position your house and still have
1894 plenty of room for a driveway and access to a detached garage in the back. It
1895 would be a straight pull-in garage.
1896

1897 Mr. Branin - But if he puts the garage directly behind the house,
1898 then the driveway's going to bend.
1899

1900 Mr. Silber - I thought what he was trying to say is it's behind the
1901 back elevation of the house. It could be anywhere along the back.
1902

1903 Mr. Jernigan - But in the rear yard.
1904

1905 Mr. Silber - In the rear yard.
1906

1907 Mr. Jernigan - I would say "the rear yard" would be the way you'd
1908 want to—Because he's saying, "behind the structure," which means it has to be
1909 behind the house.
1910

1911 Mr. Silber - Mr. Jernigan, if you take the back line of the house,
1912 then run it all the way across the whole width of the lot, he's stating it will be in
1913 the back yard.
1914

1915 Mr. Jernigan - Yeah, but that's not what it says. "The rear yard," is
1916 what I would recommend you say, rather than "behind the structure."
1917

1918 Mr. Williams - I'll have the engineer and Nathalie work that out.
1919

1920 Mr. Jernigan - That might get a little testy with the inspectors.
1921

1922 Mrs. Jones - I have a quick question, just out of curiosity. With an
1923 age-restricted gated community, obviously a lovely vision that you have here,
1924 have you thought about making it yard-maintenance free?
1925

1926 Mr. Williams - The proffers would have a covenant, an association,
1927 and all the maintenance of the exterior of the unit would be included in that. I
1928 know Nathalie had one concern about the actual roads in there being they're
1929 private roads, because of the radius turns. I know she also had a concern about
1930 the association being able to afford that. I've had the same concern, and believe
1931 me, if I could get another entrance into that property, then I would, to be able to
1932 maybe put a few more units in there in order to spread that out. There's also a
1933 concern about the industrial land next door. The owner of that land, Mr. Thomas,
1934 is here tonight. You're not ready to sell, are you, Mr. Thomas?
1935

1936 Mrs. Jones - It was worth a try.
1937

1938 Mr. Williams - Yes, yes, certainly. The last thing that I guess I want
1939 to talk about before I field any more questions is the spur road going over
1940 towards that property. My concern with that is the project that I'm trying to do is
1941 gated, secure, 50 units, and separated into four little pockets. More of a rural
1942 setting. Now, of course there are zero lot lines, so those houses that are going to

1943 be there are close together. There is going to be a lot of green space between
1944 them. My concern is I don't know if Mr. Thomas will ever sell that property. I
1945 can't look in the future and see what will happen. But my concern is that if
1946 somebody buys that property, how do I know that they're going to make sure the
1947 security on their side of the property is as good as the security I want to provide
1948 for the people who live there, because it is a rural area. It's not heavily traveled.
1949 There's a lot of traffic on Meadow Road, but it's not a major thoroughfare. The
1950 security feature and the closed-in section I'm thinking long-term is good. Now, if
1951 someone comes along and wants to develop in between my property and the
1952 other age-restricted property that's two doors down, then that spur definitely
1953 makes sense. But I know Mr. Thomas has told me in no uncertain terms he is not
1954 ready to sell and does not even want to discuss selling. So, I'm not sure if that,
1955 right now, would be something that really we need to put in there for the future.
1956 But I'll let you guys use your wisdom to tell me what you think. I'd prefer it not to
1957 be there, personally.

1958
1959 Mr. Jernigan - Normally, in a gated community, you wouldn't have a
1960 stub road. We don't have that many, but they're gated communities.

1961
1962 Mr. Branin - I think with it being a gated community, I think we're
1963 okay with it this way.

1964
1965 Mr. Jernigan - One other thing, and I know that you're not going to
1966 do this, but there was nothing in the proffers about stoops. This is a ADA issue.
1967 The steps, we would have brick or stone, correct?

1968
1969 Mr. Williams - We're still working on the foundations, whether or not
1970 it needs to be termed as crawl spaces or on-slab. I think you and I had that
1971 discussion as well.

1972
1973 Mr. Jernigan - Mr. Silber, doesn't ADA require slabs, if it's an age-
1974 restricted community?

1975
1976 Mr. Silber - I don't know. I would think not necessarily. You have
1977 to have access to it, but I don't think it has to be slab. I think you can always
1978 have ramps into the house.

1979
1980 Mr. Jernigan - Nathalie, we all had a discussion about it. I thought,
1981 actually, it went under ADA that they were supposed to be on slabs, but maybe
1982 I'm wrong on that.

1983
1984 Mr. Williams - I am going to try to get to the bottom of that. Once I
1985 do, Nathalie and I will work out the proper wording that the County wants. If they
1986 want crawlspaces, then we can do that to meet the ADA. I have no problems with
1987 that at all. Obviously, I want to make sure that since it's an age-restricted

1988 community, that I try to make it as easy as it can be to make sure the access to
1989 the units is accessible to anyone who has a handicap or disability.
1990
1991 Mr. Jernigan - Okay.
1992
1993 Mr. Williams - And the front porches, we were talking about that,
1994 about whether the country-style porches, which would be more wood, or like
1995 brick and like an aggregate. I think that's something we're still trying to hammer
1996 out. I think we're in agreement that we want to make sure the County is happy.
1997
1998 Mr. Jernigan - I think you'd be better with a solid.
1999
2000 Mr. Williams - Sure, I think so, too. It would be a lot less
2001 maintenance for them as well.
2002
2003 Mr. Jernigan - I'd recommend that.
2004
2005 Mr. Williams - Especially with the roads they're going to have to
2006 maintain.
2007
2008 Mr. Jernigan - Okay. That's all I have.
2009
2010 Mr. Williams - Thank you for your time.
2011
2012 Mr. Branin - Anybody else have any other questions? None? Mr.
2013 Jernigan, I'll remind you that we have time limits.
2014
2015 Mr. Jernigan - Yes sir. I'd like to waive the time limits on case C-
2016 49C-07, Bay Design Group for Williams Realty and Development Corporation.
2017
2018 Mr. Vanarsdall - Second.
2019
2020 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
2021 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the
2022 motion carries.
2023
2024 Mr. Jernigan - With that, I would like to move for approval of C-49C-
2025 07, Bay Design Group for Williams Realty and Development Corporation, to send
2026 to the Board of Supervisors for their approval.
2027
2028 Mr. Vanarsdall - Second.
2029
2030 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
2031 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the motion
2032 carries.
2033

2034 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
2035 Vanarsdall, the Planning Commission voted 5-0 (one absent) to recommend the
2036 Board of Supervisors **grant** the request because the use and proffered density of
2037 1.7 units per acre is consistent with the recommendation of the Land Use Plan
2038 and the proffered conditions provide for a higher quality of development than
2039 would otherwise be possible.
2040

2041 **C-50C-07 Caroline L. Nadal for Audubon Hospitality, LLC:**
2042 Request to amend proffered conditions accepted with Rezoning Case C-45C-06,
2043 on Parcel 819-717-6812, located at the southeastern terminus of International
2044 Trade Court adjacent to Audubon Drive. The applicant proposes to amend
2045 Proffers 8, 9, 18, and 22 related to the conceptual master plan, architectural
2046 treatment, stormwater management, and HVAC equipment for a proposed hotel.
2047 The existing zoning is M-1C Light Industrial District (Conditional). The Land Use
2048 Plan recommends Planned Industry. The site is in the Airport Safety Overlay
2049 District and Enterprise Zone.
2050

2051 Mr. Branin - Is anyone in opposition to C-50C-07, Caroline L.
2052 Nadal for Audubon Hospitality, LLC? No one? Okay. Ms. Croft.
2053

2054 Ms. Croft - Good evening again. The property was originally
2055 zoned to the M-1C Light Industrial District Conditional in 1989 for the
2056 development of light industrial uses. In January 2007, a proffer amendment was
2057 approved to permit hotel uses on this parcel within the International Business
2058 Park.
2059

2060 The applicant is now requesting to amend Proffers 8, 9, 18 and 22 for a proposed
2061 hotel. You were just handed out some revised proffers.
2062

2063 Proffer 8, the Conceptual Master Plan, would shift the main drive aisle to the
2064 western portion of the site, addressing the request by the Division of Recreation
2065 and Parks Department to preserve the existing line of earthworks that runs along
2066 the eastern property line.
2067

2068 Proffer 9, Architectural Treatment. The proposed elevation drawings indicate the
2069 hotel would be constructed of EIFS, brick, and split-face block. To allow the hotel
2070 to have a false and flat roof as proposed, several requirements pertaining to
2071 shingles, roof style, and dormers would be removed.
2072

2073 Proffer 18, BMP, would eliminate the requirement for an underground BMP by
2074 clarifying that any above-ground wet BMP would be aerated. It should be noted
2075 that the site plan submitted with a POD indicates a dry pond is proposed.
2076

2077 Proffer 22, HVAC, would permit heating and air conditioning equipment to be
2078 located on the roof of the hotel.
2079

2080 The 2010 Land Use Plan recommends Planned Industry for the site and also
2081 designates this site as a Prime Economic Development site for industrial uses.
2082 The property is also located within the Enterprise Zone, Nine Mile Road sub-
2083 zone. The proposed hotel is not consistent with the Planned Industry or Prime
2084 Economic Development designations; however, it was deemed an appropriate
2085 use for the site as a supporting use for the surrounding industrial park given the
2086 high-quality materials and site plan proffered.

2087
2088 The proffers are generally in keeping with the quality development originally
2089 proffered. Overall, staff recognizes the importance of quality development on this
2090 site, based on its location and designations, and the request could be
2091 strengthened by committing to enhanced landscaping of any dry BMP, now that a
2092 dry BMP is proposed.

2093
2094 Time limits do not need to be waived on these proffers.

2095
2096 The applicant is here.

2097
2098 Mr. Branin - Does anyone have any questions for Ms. Croft?

2099
2100 Mr. Silber - Ms. Croft, you said that the applicant would be willing
2101 to provide a landscape plan, or that this case could be enhanced if that was
2102 provided?

2103
2104 Ms. Croft - Staff believes the case could be enhanced by
2105 committing to providing a landscaping plan to address landscaping around the
2106 BMP. It has not yet been committed to. We are proposing that it be provided.

2107
2108 Mr. Jernigan - When Ms. Nadal comes up we can ask her.

2109
2110 Mr. Branin - Okay.

2111
2112 Mr. Jernigan - Nathalie, I don't have any questions for you.

2113
2114 Ms. Croft - Okay.

2115
2116 Mr. Jernigan - I think that we've discussed this enough already.

2117
2118 Ms. Croft - Yes sir.

2119
2120 Mr. Jernigan - I just want to say that on the conceptual plan, that
2121 was a request by Parks and Recreation to change the location of the drive. So
2122 the rest of the Commissioners will know, this case needed a lot of work on it
2123 when it came through the first time. But since then, the hotel design came out
2124 with a new design, of which I thought looked better than the other design. It

2171 Ms. Nadal - And that's fine.
2172
2173 Mr. Jernigan - So, what I would recommend is get your colored
2174 elevations with the split-face block, and brick, and see which looks best to us.
2175
2176 Ms. Nadal - Sure, sure. I only had one more comment.
2177
2178 Mr. Jernigan - Okay.
2179
2180 Ms. Nadal - Happy birthday, Mr. Jernigan.
2181
2182 Mr. Jernigan - Oh, thank you.
2183
2184 Mr. Jernigan - I think that seals it up, as far as our discussion, Mr.
2185 Silber?
2186
2187 Mr. Silber - Yes.
2188
2189 Mr. Jernigan - Does anybody else have any questions?
2190
2191 Mr. Branin - I think it looks good.
2192
2193 Mr. Jernigan - All right. We don't have to waive the time limits, so
2194 with that, I will move that C-50C-07, Caroline L. Nadal for Audubon Hospitality,
2195 LLC, be send to the Board of Supervisors for approval.
2196
2197 Mr. Archer - Second.
2198
2199 Mr. Branin - Motion made by Mr. Jernigan, seconded by Mr.
2200 Archer. All in favor say aye. All opposed say no. The ayes have it; the motion
2201 carries.
2202
2203 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mr.
2204 Archer, the Planning Commission voted 5-0 (one absent) to recommend the
2205 Board of Supervisors grant the request because the changes do not greatly
2206 reduce the original intended purpose of the proffers.
2207
2208 **RESOLUTION:** **SIA-3-07—West Area Middle School Site –**
2209 **Substantially In Accord with the County of Henrico Comprehensive Plan. (Three**
2210 **Chopt District)**
2211
2212 Mr. Branin - Mr. Tyson.
2213
2214 Mr. Tyson - The proposed middle school site is located at the
2215 northern terminus of Concourse, approximately 450 feet north of Nuckols Road
2216 and 2,000 feet east of the Nuckols Road/Shady Grove intersection.

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The proposed middle school will relieve membership at Short Pump Middle School. It is anticipated that capacity for the proposed school would be 1,058 students. The targeted opening date for the school is the fall of 2010.

The subject site is zoned A-1, Agricultural, and the proposed use is a permitted use in the A-1 District. The site is largely rectangular and wooded, with a mixture of deciduous and evergreen trees.

The 2010 Land Use Plan recommends Suburban Residential 2, Office and Environmental Protection Area for the proposed school site and the surrounding area. Public schools are generally compatible with the uses recommended for this designation. The site is immediately adjacent to Holman Ridge Road, which I know is on Concept Road 10-1 on the Major Thoroughfare Plan. Public Works has indicated Schools Administration may be required to construct this road along the school's frontage and access to the site, according to the conceptual plan, would be via Concourse Boulevard through the West Shore Office Complex.

The Department of Public Works has indicated that the site is located in a Watershed Enhancement Area and the site of a stream requiring a 50-foot streamside protection area and a FEMA-designated floodplain.

The Division of Recreation and Parks notes that the site is in close proximity to Elmwood Farm, which includes a good example of a 19th century central Virginia home. The Division has suggested a visual buffer be maintained to preserve the visual aesthetics of the house.

Considering the pace of residential development in this area of the County, providing necessary public facilities and services has become more challenging, while options for viable sites with few development constraints has become less available. The proposed school would be compatible with the goals, objectives and policies of the 2010 Land Use Plan in terms of providing such services to predominantly residential area. The site does appear to have some minor physical constraints; however, with proper site design, an adequate developable area should be available.

After reviewing the proposed location in the context of the existing and recommended land uses, the transportation system, and the parks, recreation, and open space goals of the County, staff concludes that the proposed use of the site presents no apparent conflict with the intent of the Plan, and should be deemed substantially in accord with the Comprehensive Plan for the County.

I'd be happy to answer any questions you might have.

2262 Mr. Branin - Thank you, Mr. Tyson. Is there anyone in the room
2263 representing the School Board? No, there isn't. Okay. Fellow Commissioners,
2264 there is a letter that I received today from the community, because they have
2265 questions and concerns in regards to the school. The don't have a problem with
2266 the school itself, but they're requesting information, as we on the Planning
2267 Commission would have community meetings to educate and inform our
2268 constituents, our citizens. Their concern is that they have not received any
2269 information. I was hoping that someone from the School Board would be here
2270 this evening so we could formally request a community meeting. Since there is
2271 no one here representing the schools this evening, we can either deny it, or defer
2272 it and have it come back when they have time to come to our meeting, or we can
2273 ask the Secretary to speak to them for us and request the community meeting.
2274 The community is concern not with the school, but which direction it will be
2275 facing, where it will be located on the property, and coordination with the
2276 residences around it, bus ramps and so forth, which are all legitimate questions
2277 to be asked.
2278
2279 Mrs. Jones - I'm not sure all of them have answers at the moment,
2280 but—
2281
2282 Mr. Branin - It would come to POD, but as you all know, it won't
2283 come in front of us, it would go to the Board of Supervisors.
2284
2285 Mr. Vanarsdall - Ms. Duvall was another one.
2286
2287 Mrs. Jones - That's for a different case.
2288
2289 Mr. Vanarsdall - This is for the schools, too. Okay.
2290
2291 Mr. Branin - I'll leave it in your hands. If you would like to defer
2292 this, I'll be happy to entertain that. But if you would like it to move forward, then—
2293
2294 Mr. Vanarsdall - This is from the whole homeowners.
2295
2296 Mr. Branin - We'll do it with a recommendation for a community
2297 meeting.
2298
2299 Mr. Archer - I would propose, Mr. Chairman, that since nobody
2300 from the community showed up either, and this is something that we're talking
2301 about is three years down the road. It would probably be wise to defer it until you
2302 have a community meeting. I'm like Mrs. Jones, I don't know how much you
2303 could really answer at that meeting. It depends on what they ask, I suppose.
2304
2305 Mr. Silber - I think the questions that have been posed by the
2306 community relate more to site plan design issues. What's before the Commission

2307 tonight is a Substantially in Accord. It's a determination as to whether this use is
2308 appropriate here, given the adopted Comprehensive Plan.

2309
2310 Mr. Vanarsdall - At that particular site.

2311
2312 Mr. Silber - I think the particulars on the layout, the neighborhood
2313 had concerns about lighting, parking access, noise, etcetera. I think those are
2314 things that can be dealt with at the time of POD. Keep in mind that your
2315 recommendation is on Substantially in Accord to the Board of Supervisors. A
2316 POD comes back through the Board of Supervisors. I think Mr. Branin has a
2317 good point. I think before this comes up before the Board, or even before they
2318 submit their plan of development, they need to hold a community meeting and
2319 begin to address these concerns.

2320
2321 Mr. Archer - Mr. Secretary, let me rephrase what I said. Normally,
2322 I would not have made that remark except I do remember two years ago, we
2323 actually declined a Substantially in Accord.

2324
2325 Mr. Jernigan - We sure did.

2326
2327 Mr. Archer - It was the first and only one I ever saw. And I agree
2328 with your remarks. We're just trying to say is this site suitable? In that case, Mr.
2329 Chairman, I think we can go forward with this.

2330
2331 Mrs. Jones - I think one element of this is the availability of land in
2332 this area. It's very tight. I think this location, as supported by the documentation,
2333 is certainly substantially in accord.

2334
2335 Mr. Branin - I have no doubt that this is a great location for a
2336 school. But my concern is, as I'm sure you all's concern is, is information getting
2337 out to the community. We have had now another case in this district with schools
2338 that the community came to the Commission asking for help with sidewalks, so
2339 forth and so on, and cried at that point for help with lack of information given to
2340 them, as when we handle cases, we go straight out into the community and try to
2341 inform everyone. My intent this evening is not to delay this, because this is a
2342 proper location. My intent is to make it clear that they need to be more conscious
2343 of community information.

2344
2345 Mr. Jernigan - Do you want to pass it along with the condition that
2346 they have to have a neighborhood meeting before it goes to the Board?

2347
2348 Mr. Branin - I would ask whoever makes this motion, to make a
2349 motion with approval to the Board with a request being provided to the School
2350 Board for a community meeting.

2351

2352 Mr. Vanarsdall - Since you made the motion and it's your district, I'll
2353 second that motion. I would like to say it seems like the real problem—I read the
2354 letter very quickly. They're not saying no.
2355

2356 Mrs. Jones - No. They just want the details.
2357

2358 Mr. Vanarsdall - They're saying, "we don't know."
2359

2360 Mr. Branin - Right. A cry out for more information. So, then, with
2361 that, I would like to move that SIA-3-07, West Area Middle School Site,
2362 Substantially in Accord with the County of Henrico Comprehensive Land, move
2363 forward to the Board of Supervisors with a recommendation of approval, with a
2364 note that the community needs a meeting for informational purposes.
2365

2366 Mr. Vanarsdall - Second.
2367

2368 Mr. Branin - Motion made by Mr. Branin, seconded by Mr.
2369 Vanarsdall. All in favor say aye. All opposed say no. The ayes have it; the
2370 motion carries.
2371

2372 Mr. Vanarsdall - When will this be heard by the Board, next month?
2373

2374 Mr. Silber - Next month, yes sir.
2375

2376 Mr. Branin - Mr. Secretary, anything else?
2377

2378 Mr. Silber - Just approval of the minutes. These would be the
2379 August 9, 2007 minutes.
2380

2381 Mr. Vanarsdall - We have two sets of minutes this time, you all know
2382 that.
2383

2384 Mr. Silber - Two sets. The work session minutes and the public
2385 hearing.
2386

2387 Mrs. Jones - I have one quick correction to the work session
2388 minutes. On page 6, line 246. It should be changed to, "we're all comfortable
2389 with whatever decision we make."
2390

2391 Mr. Silber - Okay, thank you. Any other comments, corrections,
2392 changes?
2393

2394 Mr. Archer - Hearing none, Mr. Secretary, I move for approval of
2395 the minutes. Both.
2396

2397 Mrs. Jones - Second.

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Mr. Branin - Motion made by Mr. Archer, seconded by Mrs. Jones.
All in favor say aye. All opposed say no. The ayes have it; the motion carries.

Are there any other items of business? Then this meeting is adjourned.

The meeting was adjourned at 9:04 p.m.

Randall R. Silber, Secretary

Tommy Branin, Chairperson