

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building, Parham and Hungary
3 Spring Roads at 7:00 p.m. November 14, 2002, Display Notice having been published in the
4 Richmond Times-Dispatch on October 24, 2002 and October 31, 2002.

5
6 Members Present: Mr. Allen Taylor, P.E., C.P.C., Chairperson, Three Chopt
7 Mr. E. Ray Jernigan, C.P.C., Vice Chairperson, Varina
8 Mr. C. W. Archer, C.P.C., Fairfield
9 Mr. Ernest B. Vanarsdall, C.P.C., Brookland
10 Mrs. Lisa D. Ware, Tuckahoe
11 Mr. Frank J. Thornton, Board of Supervisors, Fairfield
12 Mr. John R. Marlles, AICP, Secretary, Director of Planning
13

14 Others Present: Mr. Randall R. Silber, Assistant Director of Planning
15 Mr. Joe Emerson, Principal Planner
16 Mr. Mark Bittner, County Planner
17 Ms. Jean Moore, County Planner
18 Mr. Tom Coleman, County Planner
19 Mr. Seth Humphreys, County Planner
20 Mr. Paul Gidley, County Planner
21 Ms. Debra Ripley, Office Assistant
22

23 Mr. Frank J. Thornton, the Board of Supervisors Representative, abstains on all cases unless
24 otherwise noted.

25
26 Mr. Taylor - Good evening, ladies and gentlemen and welcome to the
27 November Zoning Meeting. I want to acknowledge a member of the press, Mr. Chris Dovi, from
28 *The Richmond Times-Dispatch*. We have what I think is a reasonably short agenda, tonight,
29 and with that I will turn the program over to our Director, Mr. Marlles.
30

31 Mr. Marlles - Thank you, Mr. Chairman. Again, good evening members of the
32 Commission, ladies and gentlemen. We do have a number of items on our agenda this evening
33 that will be deferred, but before that I do want to acknowledge that we do have a full
34 Commission here tonight, including Mr. Thornton, who is our Board member liaison and, of
35 course, we can conduct business. The first item on the agenda is Request for Deferrals and
36 Withdrawals, and those will be presented by Mr. Emerson. Mr. Emerson.
37

38 Mr. Emerson - Yes, sir, Mr. Marlles. On the Agenda tonight you have one
39 withdrawal and five deferrals.
40

41 **Deferred from the September 12, 2002 Meeting:**
42 **C-36C-02** **Jim McVey:** Request to conditionally rezone from R-2 One Family
43 Residence District to O-1C Office District (Conditional), Parcel 754-747-3878 (79-A-70),
44 containing approximately 0.32 acre, located at the southeast intersection of Michael and
45 Parham Roads (8481 Michael Road). An office building is proposed. The use will be controlled
46 by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends
47 Office.
48

49 Mr. Emerson - C-36-02 on Page 3 of your agenda, Jim McVey has been
50 withdrawn by the applicant.

51
52 Mr. Vanarsdall - Mr. Chairman, is there anyone here that came in behalf of that
53 case? Jim McVey? Anyone here? They must have gotten the word, then.

54
55 Mr. Taylor - I believe that they did. I think this was pretty well announced in
56 advance. Was it not?

57
58 Mr. Emerson - Yes, sir. They were notified.

59
60 Mr. Vanarsdall - Don't you remember he said he would like for us to take action on
61 the 14th of November, so he took the action and had it withdrawn. So, congratulations, Mr.
62 Chairman.

63
64 Mr. Taylor - Well, we will see what happens next.

65
66 Mr. Emerson - The first item for deferral is on Page 1 of your Agenda.

67
68 **Deferred from the May 9, 2002 Meeting:**

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

76
77 Mr. Emerson - The deferral is requested to January 9, 2003.

78
79 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
80 Case C-27C-02? No opposition. Commission Ware.

81
82 Ms. Ware - In that case, I move that Case C-
83 27C-02 be deferred to the January 9, 2003 meeting at the applicant's request.

84
85 Mr. Taylor - Second.

86
87 Mr. Taylor - Motion made by Ms. Ware and seconded by Mr. Vanarsdall to
88 defer Case C-27C-02 to January 9, 2003 at the applicant's request. All in favor say aye. All
89 opposed say no. The motion passes.

90
91 At the applicant's request, the Planning Commission deferred Case C-27C-02, RFA Management,
92 LLC, to January 9, 2003.

93
94 **C-66C-02 Gloria Freye for Stony Run Development Co. LLC:** Request
95 to conditionally rezone from A-1 Agricultural District and R-3AC One Family Residence District
96 (Conditional) to R-3C One Family Residence District (Conditional), Parcel 806-727-6208,

97 containing 14.8 acres, located on the east line of Creighton Road approximately 160 feet north
98 of Stone Dale Drive and at the northern terminus of Stoney Valley Drive and the southern
99 terminus of Maplegrove Drive (3183 Creighton Road). A single-family subdivision is proposed.
100 The R-3 District allows a minimum lot size of 11, 000 square feet. The Land Use Plan
101 recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental
102 Protection Area. The site is also in the Airport Safety Overlay District.

103
104 Mr. Emerson - The deferral is requested to December 12, 2002.

105
106 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
107 Case C-66C-02? No opposition.

108
109 Mr. Jernigan - Mr. Chairman, I make a motion to defer Zoning Case C-66C-02 to
110 December 12, 2002, at the request of the applicant.

111
112 Mr. Vanarsdall - Second.

113
114 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to
115 defer Case C-66C-02 to December 12 at the request of the applicant. All in favor say aye. All
116 opposed say no. The motion passes.

117
118 At the request of the applicant, the Planning Commission deferred Case C-66C-02, Gloria Freye
119 for Stony Run Development Co. LLC, to December 12, 2002.

120
121 **Deferred from the October 10, 2002 Meeting:**

122 **C-23C-02 Richmond Federal Credit Union:** Request to conditionally
123 rezone from O-1 Office District to O-2C Office District (Conditional), Parcel 783-762-9359 (43-2-
124 1-11 & 12), containing 0.8305 acre, located at the northwest intersection of Brook Road (U. S.
125 Route 1) and New York Avenue (Biltmore Subdivision). A bank (credit union) branch of the
126 Richmond Federal Credit Union is proposed. The use will be controlled by proffered conditions
127 and zoning ordinance regulations. The Land Use Plan recommends Office and Environmental
128 Protection Area.

129
130 Mr. Emerson - The deferral is requested to December 12, 2002.

131
132 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
133 Case C-23C-02? Mr. Archer, no opposition.

134
135 Mr. Archer - All right, Mr. Chairman. I move deferral of C-23C-02 to the
136 December 12, 2002 meeting at the request of the applicant.

137
138 Mr. Vanarsdall - Second.

139
140 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall to
141 defer Case C-23C-02 to December 12 at the request of the applicant. All in favor say aye. All
142 opposed say no. The motion passes.

143

144 At the request of the applicant, the Planning Commission deferred Case C-23C-02, Richmond
145 Federal Credit Union, to its meeting on December 12, 2002.

146
147 **C-70C-02 Gloria L. Freye for Harlan Enterprises:** Request to amend
148 proffered conditions accepted with Rezoning Case C-95C-88, on Parcel 799-737-4491,
149 containing 15.44 acres, located at the northeast intersection of E. Laburnum and Vawter
150 Avenues. The amendment is a revision of the proffers from the original case, including buffer
151 areas, building materials, lighting, permitted and prohibited uses, and access. The existing
152 zoning is M-1C Light Industrial District (Conditional). The Land Use Plan recommends Light
153 Industry. The site is also in the Airport Safety Overlay District.

154
155 Mr. Emerson - The deferral is requested to December 12, 2002.

156
157 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
158 Case C-70C-02 to December 12? No opposition. Mr. Archer.

159
160 Mr. Archer - Mr. Chairman, I move deferral of Case C-70C-02, to the December
161 12 meeting at the applicant's request.

162
163 Mr. Vanarsdall - Second.

164
165 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All
166 in favor say aye. All opposed say no. The motion passes.

167
168 At the request of the applicant, the Planning Commission deferred Case C-70C-02, Gloria L.
169 Freye for Harlan Enterprises, to the December 12, 2002 meeting.

170
171 **C-61C-02 William H. Shewmake for North Atlantic Holdings, Inc.:**
172 Request to amend proffered conditions accepted with Rezoning Case C-54C-89, on Parcel 761-
173 754-4773 (59-A-84A), containing approximately 2.52 acres, located on the south line of W.
174 Broad Street (U. S. Route 250) approximately 600 feet northwest of E. Parham Road. The
175 amendment is related to the landscape and natural buffers on the property. The existing
176 zoning is B-3C Business District (Conditional). The Land Use Plan recommends Commercial
177 Concentration.

178
179 Mr. Emerson - The deferral is requested to December 12, 2002.

180
181 Mr. Taylor - Is there anyone in the audience who is opposed to the deferral of
182 Case C-61C-02, William H. Shewmake for North Atlantic Holdings, Inc. to December 12, 2002?
183 No opposition. Therefore, I will move the deferral of Case C-61C-02, William H. Shewmake for
184 North Atlantic Holdings, to December 12, 2002, at the applicant's request.

185
186 Mr. Jernigan - Second.

187
188 Mr. Taylor - Motion made by Mr. Taylor and seconded by Mr. Jernigan to defer
189 Case C-61C-02 to December 12, 2002. All in favor say aye. All opposed say no. The motion
190 passes.

191

192 At the applicant's request, the Planning Commission deferred Case C-61C-02, William H.
193 Shewmake for North Atlantic Holdings, Inc. to December 12, 2002.

194
195 Mr. Marlles - Mr. Chairman, the next item on the agenda is request for
196 Expedited Items and, just for information for the audience, items that are on the Expedited
197 Agenda are items for which staff is recommending approval of and the Planning Commissioner
198 has no objection, and there is no known citizen opposition. If there is opposition to those
199 cases, they can be removed from the Expedited Agenda. Mr. Emerson.

200
201 Mr. Emerson - Mr. Marlles, the first item on the Expedited Agenda is on Page 2 of
202 the regular agenda, Case C-68C-02.

203
204 **C-68C-02 James W. Theobald for GGC Associates, LLC:** Request to
205 conditionally rezone from R-5 General Residence District to B-2C Business District (Conditional),
206 Parcel 774-739-3999, containing 1.754 acres, located on the west line of Staples Mill Road
207 (State Route 33) approximately 385 feet south of Suburban Avenue and 70 feet north of the
208 northern terminus of Yorkshire Avenue. Retail uses are proposed. The use will be controlled by
209 proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Semi-
210 Public.

211
212 Mr. Taylor - Is there anyone in the audience who is opposed to the hearing of
213 Case C-68C-02 on the Expedited Agenda? No opposition.

214
215 Mr. Vanarsdall - Mr. Chairman, I move that Case C-68C-02, James W. Theobald for
216 GGC Associates, LLC, be recommended to the Board for approval.

217
218 Mr. Taylor - Second. Motion by Mr. Vanarsdall and seconded by Mr. Taylor to
219 approve Case C-68C-02. All in favor say aye. All opposed say no. The motion passes.

220
221 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning
222 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
223 request because it conforms to the goals of Redevelopment Corridor Special Strategy Area (RC
224 3) of the Land Use Plan, it continues a similar pattern of zoning, and it is a parcel that would
225 logically be developed as a whole with the adjacent property on either side.

226
227 **C-69-02 Henry L. Wilton for Wilton Development Corp.:** Request to
228 rezone from A-1 Agricultural District and RTHC Residential Townhouse District (Conditional) to
229 C-1 Conservation District, part of Parcels 755-762-2908 and 755-761-5847, containing 11.18
230 acres, located approximately 100 feet north of Hungary Road and 800 feet east of Springfield
231 Road. A conservation area is proposed. The Land Use Plan recommends Environmental
232 Protection Area, Suburban Residential 2, 2.4 to 3.4 units net density per acre, Urban
233 Residential, 3.4 to 6.8 units net density per acre, and Semi-Public.

234
235 Mr. Taylor - Is there anyone in the audience who is opposed to the approval of
236 Case C-69-02 on the Expedited Agenda? No opposition.

237
238 Mr. Vanarsdall - I move that Case C-69-02, Henry L. Wilton for Wilton
239 Development Corp, be recommended to the Board of Supervisors for approval.

240
241 Mr. Archer - Second.
242

243 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Archer. All
244 in favor say aye. All opposed say no. The motion passes.
245

246 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning
247 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
248 request because this action fulfills requirements of C-80C-00 and rezoning floodplain land to C-1
249 conforms with the objectives and intent of the County's Comprehensive Plan.
250

251 Mr. Emerson - Mr. Chairman, that completes the expedited items for tonight.
252

253 Mr. Taylor - Thank you very much, Mr. Emerson.
254

255 **Deferred from the October 10, 2002 Meeting:**

256 **C-57C-02 Koontz-Bryant, P.C. for J. Stefan Cametas:** Request to
257 conditionally rezone from A-1 Agricultural District to R-2AC One Family Residence District
258 (Conditional), Parcels 831-720-3959 (1790 Meadow Road), 831-720-0223, and 831-721-8011,
259 containing approximately 39.6 acres, located on the north line of Meadow Road approximately
260 2,054 feet east of Hanover Road. An 83 lot single-family subdivision is proposed. The R-2A
261 District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends
262 Suburban Residential 1, 1.0 to 2.4 units net density per acre, and Environmental Protection
263 Area. The site is also in the Airport Safety Overlay District.
264

265 Mr. Marlles - The staff report will be given by Mr. Mark Bittner.
266

267 Mr. Taylor - Is there anyone in the audience opposed to Case C-57C-02? There
268 is opposition. Thank you. Please go ahead, Mr. Bittner.
269

270 Mr. Bittner - Mr. Chairman, I wanted to point out that we just handed our new
271 proffers to you. We just got those at the start of the meeting. I haven't had a chance to go
272 through them in depth, but I am going to try to explain them as best I can in my presentation.
273 I want to point out that this application has been revised since you last saw it. It is now an R-
274 2AC case as opposed to the previous R-3C request. Additional acreage has been added and the
275 density has been reduced to being more consistent with the recommendations of the 2010 Plan.
276 The new proffers that I just mentioned a moment ago, if you will follow along with me, Proffer
277 #1 has been changed to state that "Dwelling shall be built with a crawl space." Proffer #4 has
278 been amended to state "No more than 25% of the dwellings shall be one-story structures."
279 What that means is that at least 3/4s of the homes would be one and a half or two-stories.
280 Proffer #11 has been amended to state that "Standard curb and gutter shall be used instead of
281 roll-face curbing." Proffer #17 has been amended to state that "There shall be some trees left
282 in a buffer area along side any property that is now zoned A-1." Proffer #18 has been added to
283 state that no less than 50% of the lots shall be at least 90 ft. wide at the building lot. The
284 minimum standard for R-2A is 80 feet, so at least half of them will have to be 90 feet wide at
285 the building line. In #19, two (2) street trees will be planted on each lot. Former Proffer #20
286 dealing with side walks has been removed from this latest set of proffers. Again, just to repeat,
287 there would be no sidewalks included with these proffers. Proffer #21 has been added to state

288 "That a water line shall be built along Hanover Road from west of the site, extending down
289 Hanover Road to the front of the property." The reason being is that the applicant feels that
290 this may aid some of the property owners along Hanover Road that might be on well and septic
291 at the moment, and may want to collect to public water in the future. Now, even with these
292 new proffers, staff still has some outstanding issues.

293
294 One is that we would prefer to have all lots be at least 90 feet wide, and as stated, applicant
295 has proffered half of them would be. Our preference would be for all of them to be that wide.
296 Also, as I mentioned, sidewalks have been removed, and staff does continue to recommend
297 inclusion of sidewalks within this development. If the applicant could address these concerns,
298 staff could recommend approval.

299
300 Mr. Taylor - Any questions on behalf of the Commission?

301
302 Mr. Jernigan - Mr. Bittner, on the sheets that we were handed, No. 20, is, rather
303 than 21. There is no #21 on our sheet.

304
305 Mr. Bittner - Right. Former #20 dealt with sidewalks and has been changed.

306
307 Mr. Jernigan - I don't have any questions.

308
309 Mr. Taylor - Any other questions from the Commission?

310
311 Mr. Archer - Mr. Chairman, do we have a list of defined trees that meet the
312 definition of street trees?

313
314 Mr. Bittner - No, we don't, but generally what it is is that it is a tree that is
315 either within the street right of way or near the street right of way that is designed to create
316 sort of a streetscape or curb appeal, so that when a driver is going down the road, they would
317 see some line of trees or shrubbery not too far off of the roadway and create kind of a nice sort
318 of little symmetrical affect.

319
320 Mr. Archer - So it doesn't speak to any particular type of trees?

321
322 Mr. Bittner - Type, no. No type at all.

323
324 Ms. Ware - So the density will remain as it is in the staff report of 2.1?

325
326 Mr. Bittner - Yes, 83 lots is what they have proffered, a maximum of 83.

327
328 Mr. Jernigan - And this falls under SR-1 in the Land Use Map from 1 to 2.4?

329
330 Mr. Bittner - Yes, it is within the SR-1 recommended range?

331
332 Mr. Jernigan - Thank you.

333
334 Mr. Taylor - Any other comments from the Commission? Shall we hear from
335 the applicant?

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Mr. Jernigan - Yes, sir.

Mr. Marlles - Mr. Chairman, I will go ahead and summarize the policy of the Commission when there is opposition to a case. Ladies and gentlemen, it is the policy of the Planning Commission when there is opposition to a case to grant a total of 10 minutes to the applicant to make his presentation. Now, a portion of that 10 minutes can be reserved for rebuttal, and the applicant may want to consider setting aside several minutes for rebuttal. That 10 minutes does not include answering questions from the Commission. The opponents to a case are also granted a total of 10 minutes to present their concerns regarding a case. Again, that 10 minutes does not include time responding to questions from the Commission. Generally it is a good idea for the opponents to have a spokesperson or several spokes people to present their case, just to make the best use of time. You want to try to avoid repetition in stating your concerns, but, again, that 10 minutes does not include responding to time from the Commission, and the Commission does have the option of adding additional time if they feel it is warranted, but would the applicant like to reserve some time for rebuttal, sir?

Mr. Greg Koontz - Yes, I would.

Mr. Marlles - Two minutes?

Mr. Koontz - That would be fine.

Mr. Marlles - OK. Thank you.

Mr. Koontz - Mr. Chairman and members of the Commission, good evening. My name is Greg Koontz of Koontz- Bryant, and I represent the applicant, Mr. Cametas. Our request tonight is to rezone approximately 40 acres, 39.6 acres from A-1 to R-2A. We have worked very diligently with the neighbors, with staff and the Commissioner to try to work through the issues with this case. This subject parcel as stated in the staff report does meet the Comprehensive Plan that falls within the range for SR-1 as shown on the Comprehensive Plan. The applicant had three meeting with the neighbors. They deferred the case the last time, so they could have an additional meeting with the Director of Utilities there, Todd Eure with Traffic, and Mr. Emerson and Mr. Bittner were also at that meeting. The applicant, in addition to meeting the Comprehensive Plan, has offered 20 additional proffers to try to provide assurance to the County and the adjacent and local neighbors that this will be a quality development for Henrico County. In addition, some of the things that have happened over the last 30 days, working this out with everybody, a third parcel was actually added in the front along Meadow Road. There were some issues at some of these meetings addressing how the front of this project would be constructed along Meadow Road. A third parcel was added to make a much better construction along Meadow Road. The number of lots was reduced. The acreage was actually increased and the number of lots was reduced. Width was actually proffered and as was stated before, 50% of the lots would be 90 feet. The average lot size, and this is based off the conceptual plan that is right there, the average lot size by scale on that is about 17,000 sq. ft. while the minimum for the R-2A is 13,500, so these lots should be substantially larger square footage wise than what is required. One of the major items, and I know it was stated by staff, is that the sidewalks were taken out of the proffers. The reason they were taken out is the proffer for the water line extension was added. The applicant has

384 proffered to extend the water line from Hanover Road, which is approximately 2,000 feet from
385 the development instead of from Early Forest Circle, which is only about 1,300 feet, based on
386 comments from the neighbors to try to provide additional residents with the ability to connect
387 to this water line. And that is a fairly significant cost that the developer is going to have to
388 fund, so, basically we switched that in an effort to try to help more of the neighbors in that
389 area. I will be more than glad to answer any questions that you have, and we respectfully
390 request your support on this rezoning.

391

392 Mr. Taylor - Any questions or comments from the Commissioner?

393

394 Mr. Jernigan - Mr. Koontz, on the water line, really he had committed on that in
395 some point ago. We didn't swap that off for the sidewalks. It was kind of more for putting the
396 standard curb and gutter. He had committed to put the water in a long time ago, but I told him
397 I would rather have the standard curb and gutter rather than that rolled curb and gutter,
398 because I just don't like it. It is just too rough on your car, and I think most people don't like it.
399 Well, I know everything that is going on here, so I really don't have any questions. Do you all
400 have any?

401

402 Mr. Vanarsdall - Well, I know that this has been changed from R-3 to R-2A. Is the
403 Major Thoroughfare Transportation Section, Mr. Bittner, has that been changed to 1170 trips.
404 It would be about the same, wouldn't it?

405

406 Mr. Bittner - We have not gotten an official revised traffic estimate. Normally,
407 a single-family house generates 10 car trips a day, and I believe the initial estimate was over a
408 thousand. They are proffering 83 lots, so you can roughly estimate 830 trips a day.

409

410 Mr. Vanarsdall - OK. That is good. Thank you.

411

412 Mr. Taylor - Any other questions from the Commissioners? Thank you, Mr.
413 Koontz. I guess we will hear from the opposition.

414

415 Mr. Jernigan - Who would like to speak?

416

417 Mr. Taylor - Who would like to speak first? Is there any, do you have a
418 sequence set up or would just like to come up? First off, may I ask a show of hands of how
419 many people would like to comment. Two. Only two. All right, can we say five minutes each?
420 Well, which one of you two gentlemen would like to go first? The gentleman on my left. Please
421 come down sir, and if you would, identify yourself for the record, and we'd be happy to hear
422 your comments.

423

424 Mr. Lonnie Royal - I am not necessarily in opposition. I am new to this forum. Is
425 there an opportunity to speak for the project?

426

427 Mr. Taylor - Yes, there will be some time left if you can work with Mr. Koontz
428 and share the microphone.

429

430 Mr. Vanarsdall - We have that so rarely that we'd be glad for you to speak.

431

432 Mr. Marlles - He probably should go first, because Mr. Koontz is going to be
433 speaking in rebuttal but Mr. Koontz has plenty of time. I would suggest we take the supporters
434 of the project first.

435
436 Mr. Taylor - OK. The Secretary has just reminded me that even though we've
437 asked you to come up sir, that it would probably be more appropriate for protocol purposes if
438 we spoke for the project first, and then we speak for the opposition. So, if we might sir, there
439 is no charge in penalty or time, and we have seven minutes remaining the Director has told me.
440 So, sir, if you would please come up to the podium and identify yourself for the record, we
441 would enjoy hearing your comments in support of the project. And as you are coming down, I
442 would just ask that you give your name for the record.

443
444 Mr. Will - Thank you, ladies and gentlemen. My name is Lonnie Will and I
445 happen to be an adjacent property owner to this property. As I face what is on the screen up
446 here, my property adjoins it to the left side of the longer dotted line. We have met extensively,
447 I am going to say Mr. Fon, and I cannot pronounce his last name either, and he has been very
448 forward with us, and under what has happened in the past with this, there was a developer that
449 came before the County several years ago to develop this land, and they tried rezoning to about
450 124 houses. The Planning Commission denied that. The developer went back and met with the
451 community. The community at that point said that we felt like we could work in the range of an
452 85 to 95 housing area. You all have recommended 88 homes, and at that time the community
453 basically said that they would accept that. That was without the proffers that we have been
454 given here by Mr. Cametas. Based on the information that he had provided us with the lots and
455 stating that it is a maximum of 83 lots to be constructed there, and he has also taken into
456 consideration the houses of the property owners prior to that from Hanover Road to that, by
457 adding the water line. It does appear that it is beneficial for the adjacent lots, or the lots along
458 Meadow Road from Hanover, to have this project go forward. Granted I am only speaking for
459 myself, and I know that I've got neighbors that are in opposition, but I would like that to be
460 taken into consideration. Thank you.

461
462 Mr. Taylor - Thank you, Mr. Will. Are there any questions for Mr. Will on the
463 part of the Commission? Thank you very much, sir. Ma'am, if you would, please come up and
464 also provide us with your name.

465
466 Ms. Betty Hall - I am Betty Hall and I am here to represent my mother, Annie Mae
467 Williams, who actually is the third parcel that was in conjunction with this. I don't know where
468 to start. At the very beginning, we were very opposed to this. I would like to reiterate what
469 Mr. Will just said as far as the workings that Stefan has done and trying to help out everybody
470 that has been concerned and answering all the questions that we have had and everything, and
471 realizing also that he is making a lot of sacrifices on his part to amend the things that we are
472 asking for. I wouldn't, I am here to benefit my mother, and if I didn't think he was going to be
473 putting in a realistic and a good site, I wouldn't be going for her to do hers either.

474
475 Mr. Jernigan - Ms. Hall, your mother owns the property on the other side, on the
476 right hand side?

477
478 Ms. Hall - Mine is actually the one that would be in the little middle section,
479 the last acreage that was purchased or would be purchased. We were concerned where the

480 road came in, because we were afraid we'd have to go this way (referring to rendering), and
481 then come back out and go back in again, because she is right in the middle of the whole thing.
482 It is not showing here on this map though. It is right in the middle, and that was one of our
483 concerns that the road would go, that he would widen the road here (referring to rendering),
484 and then my mother's house is right there, so it would come back out and then the land was
485 here, and it would go back in. And Stefan has worked with us and everything to do it so that
486 he can purchase that land or whatever he needs to do so that the road is going to continue on.
487

488 Mr. Jernigan - All right. Thank you.
489

490 Mr. Taylor - Thank you, Ms. Hall. I believe that is all the hands we saw for
491 support, but we will ask one more time if there are any more people in the audience who would
492 like to speak in support of the project. I see none, so we will go ahead to those who are
493 opposed to the project and we will start with the gentleman who came up and is now here. Sir,
494 if you would, approach the podium and give us your name and begin.
495

496 Mr. Allen Thomas - Good evening. My name is Allen Thomas and my wife and I live at
497 1982 Meadow Road. I am speaking on behalf of 100 residents of Meadow Road and Hanover
498 Road who would be affected by the proposed rezoning and development. I am also speaking
499 on behalf of North Airport Drive Civic Association of which I am a board member. Meadow
500 Road is semi-rural in nature with existing developments typically being single-family dwellings
501 on lots of an acre or more. Some of the lots are as large as 20 acres. We feel that the
502 proposed type of development is inconsistent with the character of the area and would
503 depreciate the quality of life for the existing residents. The proposed rezoning is inconsistent
504 with the zoning of the surrounding properties, which is A-1. We are not opposed to
505 development. We are not opposed to all development, but we wish it would be in keeping with
506 the nature of the area, that is each house on an acre or more. During the 20 years that my
507 wife and I have lived there, there have been several new houses built and these are all in
508 keeping with the area, and, in fact, they have enhanced the area. Our principal objection to
509 this development is that it will change the way of life for people around there because it is a
510 different kind of life style. It is a different kind of property development. We have other
511 objections, the next one being that residents have widely reported that the sewage pumping
512 station is incapable of handling, at times, of handling the present volume of flow. And that
513 additional loading on this is inappropriate in those circumstances at this time. We also note
514 that Meadow Road is narrow, and there are at times traffic problems on Meadow Road,
515 especially at that first corner there, which is adjacent to the lower southeast corner of the
516 development lot. And that is exactly the place at which some of the traffic will be exiting this
517 proposed development. The theoretical calculations of the Traffic Engineer may show that the
518 additional traffic is tolerable, but we, the residents of the area, know that it will only make the
519 present situation worse. The County's own report stated and I quote, "Staff feels the applicants
520 may want to consider delaying the development of this project until improvements on Meadow
521 Road are made." The majority of the extra traffic will exit Meadow Road into Hanover Road.
522 This road also is narrow and has existing traffic problems, at both its northern and southern
523 ends. These problems have only been made worse by the addition of more vehicles at peak
524 times. The developer has made only token efforts to meet with the residents. Yes, there have
525 been three meetings. I did not learn of the first meeting until I attended the second meeting. I
526 learned of the second meeting only 30 minutes before it was due to take place, and then only
527 because a neighbor called me. That neighbor only learned of it because someone else called

528 her. I did not know of the third meeting until six days after it took place, this, despite the fact
529 that my property is within 1,200 feet of that proposed development. I am not alone in this.
530 There are a number of other people in fairly close proximity who knew nothing about the
531 meetings and had no chance to be there. There are a number of people who are opposed to
532 this development, who have decided to demonstrate that opposition by being here in person
533 tonight. And if I may, I would like to ask those who are opposed to this to briefly stand, please.
534 Thank you.

535
536 Mr. Taylor - Thank you very much.

537
538 Mr. Thomas - Some of the residents of Meadow Road were born there. Some,
539 like my wife and I, chose to live there. We enjoy it because of the quiet, rural nature, the large
540 lots, which give privacy and safety for children playing. This proposed development will
541 become completely different in character and would permanently change for the poorer the
542 area in which we live, and we strongly oppose it. Therefore, we ask that this proposed
543 rezoning be denied. We further ask that if you are not capable or not willing to deny this
544 rezoning that you accept it conditionally based on density not exceeding one house per acre, so
545 that the development, if it takes place, will be at least in accordance with the character and
546 nature of the existing Meadow Road. Thank you very much for the opportunity to speak to you
547 tonight.

548
549 Mr. Taylor - Thank you very much, Mr. Thomas. Are there any questions for
550 Mr. Thomas?

551
552 Mr. Thomas - I would like, if I may, to present you with a petition signed by 100
553 people in that area in opposition to this proposal.

554
555 Mr. Taylor - Thank you. You can give that to Mr. Archer.

556
557 Mr. Archer - Thank you.

558
559 Mr. Jernigan - I have a couple of questions. The 100 people that are on this
560 petition, do they all live on Meadow Road?

561
562 Mr. Thomas - No. Some of them are on Hanover
563 and some of them on Kimbrook. Kimbrook is a small lane, which extends across, you can see it
564 on the map here (referring to rendering) which extends across towards this development site.

565
566 Mr. Jernigan - Of the people that are on this petition, how many live on Meadow
567 Road?

568
569 Mr. Thomas - Meadow?

570
571 Mr. Jernigan - Approximately.

572
573 Mr. Thomas - Approximately 40. I am speaking from memory now.

574

575 Mr. Jernigan - OK. We are not going to hold you to it. Now, when you speak of
576 a change in the way of life, explain that to me.

577
578 Mr. Thomas - It is almost country. It is a strange thing, because it is so close
579 relatively to Highland Springs and Sandston, yet it is almost country. We have deer, we have
580 turkey, we have other wild things, which come wandering out on the property. It is quiet,
581 except for construction which is currently going on at Chartwood, but we can't do anything
582 about that now. But it is quiet. It is peaceful. The lots are large. It is a very stable
583 population, very little change in people. Like I say, there are people here this evening who
584 were born on Meadow Road.

585
586 Mr. Jernigan - In relation to the property, where is your home, your lot?

587
588 Mr. Thomas - If you follow Meadow Road to the east, it is just underneath the
589 word – just south of the word “plan” on this drawing here (referring to rendering).

590
591 Mr. Jernigan - OK. Now, unfortunately, I did not make this third meeting myself.
592 I knew about it, but I had another meeting scheduled for that same night and I had to be
593 there, and Stefan had scheduled this meeting before he called me, thinking that I was possibly
594 free, but I wasn't, so I went to my other meeting first and then I came by the American Legion
595 Hall and the meeting had broken up at that point. I did see Stefan and got to catch him as he
596 was leaving. Did you know that Mr. Patrini was there from Public Utilities and explained about
597 the pumping station that they are upgrading, and they are spending millions of dollars on
598 upgrading that pumping station, and he assured everybody that was at that meeting that there
599 is not going to be a problem.

600
601 Mr. Thomas - Good. Good.

602
603 Mr. Jernigan - Let me ask you, how many people in the audience received
604 notification of the meeting? None of you people in the back got a letter? But you all did? That
605 is all I had for you. Thank you.

606
607 Mr. Taylor - Thank you, Mr. Thomas. Now, sir, if
608 you would please approach the podium, I believe you are the only other one that wants to
609 speak in opposition. Have any of the attendees decided they would like to speak? It is still just
610 two? OK, sir, if you would, please, state your name and address and Mr. Marlles will let us know
611 the status of the clock.

612
613 Mr. Marlles - There are four minutes remaining.

614
615 Mr. Bill Leake - My name is Bill Leake and I live on Kimbrook Lane. Mr. Thomas
616 basically covered everything that I wanted to say tonight. I had a nice little speech planned out
617 here, but he basically covered it except for two things. The meetings that took place, I was
618 never allowed at any of them, and I live within 200 ft. of this property. I live on Kimbrook
619 Lane, the second lot over, which is about 200 feet away and I never received the first notice of
620 any meeting. I agree with everything he said. I am definitely opposed to all of it and the
621 second thing is the roads. He brought up Meadow Road and he also brought up Hanover Road,
622 but he didn't say anything about Nine Mile Road. Nine Mile Road is a two-lane road, also. I

623 don't see how we can add the additional traffic from this subdivision onto Meadow and then on
624 to Nine Mile. I do have some pictures of Hanover and Nine Mile, if you all are not familiar with
625 the road, but there are several places on there that the road has been widened for future use,
626 but all of it has not been widened yet, and it needs to be done so. So I would strongly feel that
627 the subdivision could be delayed until the road could be brought up to where it could handle
628 the traffic from the new development. That is all I really have to add.

629
630 Mr. Jernigan - Mr. Leake, I can see possibly why you didn't get it because you
631 really don't abut anywhere around it. You are not abutting to this property, but you are off of
632 Kimbrook Lane.

633
634 Mr. Leake - I am a neighbor. I live 200 feet away from it, but I do not touch
635 the property. No. I do not.

636
637 Mr. Jernigan - OK.

638
639 Mr. Vanarsdall - Was there a sign on the property that said rezoning was coming
640 up?

641
642 Mr. Leake - I have not seen the sign, no, sir.

643
644 Mr. Vanarsdall - Thank you.

645
646 Mr. Jernigan - Thank you, Mr. Leake. Would somebody else like to speak?
647 Ma'am, if you would, come up.

648
649 Mr. Taylor - If you come down, ma'am, to the podium and just provide your
650 name for the record, we sure would appreciate it.

651
652 Mr. Marlles - Mr. Chairman, there are two and a half minutes remaining.

653
654 Mr. Taylor - Ma'am, if you would, state your name. Mr. Marlles has said that
655 we have two and a half minutes remaining.

656
657 Ms. Ann Maiden - My name is Ann Maiden and I live on Hanover Road. My property
658 backs up within a couple hundred feet of it, too. This is completely wrong for this area. There
659 has to be something left for nature. It took us 10 years to get our property, to save for it. We
660 bought because it was agricultural, because it was rural, but we were close in. But this whole
661 side of the road, it is just not right to develop every inch of land out there and stick a house on
662 every piece of land. We were not notified that this was going on and our property is within 200
663 feet of it, too. You only tell the people right there on Meadow? That is just not right. There are
664 surrounding property all around there. There are deer that feed in my backyard. They won't be
665 there any more once you stick 80 houses back there. I am just totally opposed to it. Thank
666 you.

667
668 Mr. Jernigan - Ms. Maiden, hold on please. You are on Hanover Road?

669
670 Ms. Maiden - Yes.

671
672 Mr. Jernigan - OK. How long have you been there?
673
674 Ms. Maiden - Twenty years. Nineteen years, excuse me.
675
676 Mr. Jernigan - How many houses would you say have been built in this area
677 since you have been there?
678
679 Ms. Maiden - Not on our side of the road. Nothing on Hanover on our side of
680 the road. They have been the same houses. We have horses. We have goats. We have
681 chickens. We are agricultural, and you want to put 80 houses in the middle of this. And it is not
682 right.
683
684 Mr. Jernigan - OK. Thank you.
685
686 Mr. Taylor - Thank you, Ms. Maiden.
687
688 Mr. Marlles - Mr. Chairman, there is still a minute and sixteen seconds left if
689 anybody else would like to speak.
690
691 Mr. Taylor - All right. We have a minute and 16 seconds that our Director has
692 declared to be available if anyone else would care to speak. Is there anybody who would care
693 to speak?
694
695 Mr. Jernigan - By a show of hands, how many people were at the first meeting?
696 Nobody? You were there, weren't you, Mr. Thomas? Who was there at the second meeting?
697 Did you all get notification, and you are right up on...
698
699 Mr. Thomas - I have no notification from either the County or the developer.
700
701 Mr. Taylor - Looking at that, it seems to me that the people to the left went to
702 the first meeting, and the people to the right went to the second meeting. Is there anybody
703 that went to both meetings? Oh, there was first and second and third? OK. I am sorry. I
704 misunderstood that.
705
706 Mr. Thomas - Sir, I believe the people here are the ones from property
707 contiguous with the development site. I think I am correct in saying that you are required to
708 notify them.
709
710 Mr. Jernigan - The County notified them, too.
711
712 Mr. Marlles - Ladies and gentlemen, maybe that is worth a little bit of an
713 explanation. Under the State Code and also the County Code, as part of the rezoning process,
714 the County is required to notify all adjacent property owners, including property owners across
715 the street from the property. One of the things that we do do though is in addition to that, we
716 are not required to do this, but we also post those blue signs on the property that you see to
717 try to alert the larger community that there is a rezoning going on. Over and above that, the
718 applicant, not in all cases, but we do encourage the applicants to hold community meetings,

719 neighborhood meetings to discuss these plans. There is not a requirement as to who they
720 notify. Generally we do try to provide them with the names of people that have called in
721 response to seeing the blue sign, but I hope that clarifies it a little bit anyway. But, if you do
722 see these blue signs on properties within your neighborhood or around your community, you
723 can call the telephone number. That is the Planning Office telephone number and speak to the
724 planner, who can give you information on it and let you know if there is a community meeting.
725 But, again, just for your information.

726
727 Mr. Jernigan - By a show of hands again, how many of you folks out there have
728 1+ acres on there? On Meadow Road. OK. Thank you. I guess we can get Mr. Koontz back.

729
730 Mr. Taylor - Mr. Koontz, you have, according to our distinguished Secretary,
731 three minutes and 50 seconds.

732
733 Mr. Koontz - OK. I will take a couple of minutes just to respond to a couple of
734 these; the first would be the notification. I would like to just say that we notified everybody
735 that touched the property on all sides. After the first meeting, based on the input of people
736 that attended, they asked if we would notify everybody on Meadow Road, between Meadow
737 Road and Hanover Drive, which we did. We notified every adjacent on both sides of Meadow
738 Road between the subject parcel over to Hanover, and then we also went and requested a copy
739 of the list after the first meeting from County staff and made sure our list contained all of the
740 names on it that their list contained for the third letter that went out. So, I feel like we really
741 tried to be diligent in notifying people. There is a limit as to how far you can go, and that is the
742 purpose of the sign in front. So, I felt like we did do our job as far as notification.

743
744 As far as the issues on differences in character, we respectfully disagree with that because we
745 feel like it meets with the Comprehensive Plan. The Comprehensive Plan was, has been
746 adopted by the County. There was public comment involved with the adoption of that. This
747 falls well within their Comprehensive Plan. There are existing subdivisions with higher densities
748 that actually touch this, Chartwood Subdivision is a R-3A Subdivision, and it has a much higher
749 density than the one we are proposing. Across the street there is actually a mobile home park
750 across the street which has a much higher density, and there is additional land zoned R-3 close
751 to Chartwood. So we feel like it is within the character and it is bigger and better than what is
752 actually out there, and it meets within what the County and the public, based on the adoption
753 of the Comprehensive Plan, felt like would be good, quality development for this area. So, as
754 far as the difference in character, we feel like we have met that.

755
756 The traffic issues, basically Meadow Road is going to be a major collector. The improvement of
757 Meadow Road is not in the County's foreseeable future plan at this time, and based on
758 comments at the last meeting we had, it was stated that this road would basically be improved
759 through development until there were some smaller segments left, like what has happened all
760 over the County, and then those would possibly be filled in by the County, but the development
761 would be the primary vehicle for the improvement of Meadow Road. The east end of Meadow
762 Road, based on that meeting, I think Todd had said had over 2,000 vehicles per day at the east
763 end of Meadow Road currently at their last traffic count, and the west end, close to this
764 property was down in the thousand range, a little over a thousand currently. So, I feel like
765 from a traffic standpoint, what we have tried to do with adding that third parcel on the front will

766 provide a better strip in there that will be widened to the full width based off the County's
767 overall transportation plan, and start the improvements on Meadow Road.

768
769 As far as utility issues, Mr. Petrini was at that meeting and the pump station that was discussed
770 is under a major improvement program right now. They are actually adding a big stewing basin
771 in there and upgrading the whole pump station. He brought a map of the area and it showed
772 that this was well within the area that could be handled by that pump station, and also, this
773 whole area, I know it has been an issue at every meeting that we have been to with everybody,
774 are the utilities, water and sewer, and the only way those get extended is through quality
775 development. That is the only way these utilities will be extended to some of these other
776 parcels is through quality development. And I just would like to reiterate...

777
778 Mr. Marlles - Mr. Koontz, you are going to have to wrap it up.

779
780 Mr. Koontz - This is a quality development. I mean we've offered as far as
781 brick fronts, paved drives, garages, and lot sizes that are substantially larger than the minimum.
782 Thank you.

783
784 Mr. Taylor - Thank you, Mr. Koontz.

785
786 Mr. Jernigan - Well, like I said, I apologized earlier for not being at the third
787 meeting, but I was at the first meeting, and when Mr. Cametas discussed with the neighbors on
788 Meadow Road about bringing water down, and at that time, it seemed to be the general
789 consensus in the room that not everybody was against the subdivision per se, but when they
790 thought they could get water it seemed to make everybody a little bit happier, and Mr. Cametas
791 was worried at that time. He said I will do this, as long as I can get the easements for bringing
792 water through, and I believe that Mr. Watson, I heard him tell Mr. Cametas, he said, "If you
793 come down here and do this subdivision, I will guarantee you myself, I will get you the
794 easements." Is that correct? OK.

795
796 Mr. Watson - With 10 or 12 people on the right-hand sides permission, because
797 the gas line is on the left and there is no way you can it down there.

798
799 Mr. Jernigan - Well, Marion, I knew you'd give it 100% of what you could. That
800 is what I wanted to make sure of. At that time, it didn't seem to be that it was that much
801 opposition as what we have tonight, but I want to make a statement, and then I want to ask
802 you all a couple of questions before I tell you what happened. A few years ago I went to a
803 town hall meeting that Jim Donati had that was right up at the Dabb's House in the old building
804 up there, and they probably had about 130 or 140 people there that night. I don't know if any
805 of you attended, and they had people come up to the podium and they wanted to know, "What
806 do you want for the Varina District?" And lo and behold, over half, and I want to say 60%, I
807 can't be too far off, everybody, some people mentioned they wanted nice homes. Some people
808 mentioned they wanted a park, but 60% of the people up there said, "We want restaurants."
809 And I mean now, after all of those people came through, that is what they said. So, I am
810 surprised that the next morning in the newspaper, the front page didn't say, "Varina District
811 Starving To Death." But it didn't. It was back to normal. But my point is, and I knew after
812 that, because I discussed it with Jim, is in order to have the things that everybody in Varina
813 wants, people out here want restaurants. I am sure you people want restaurants. But

814 restaurants come because of density, and in order to have density in income, you have to have
815 homes. Now, you know, we are walking a narrow line here because we are trying to get things
816 out here for the people in Varina that they have in the west end, but yet nobody wants to give
817 up a little bit of land for homes. Now, it puts me in a precarious position because everybody
818 wants it, but nobody wants it close to them. Now, when I met with Mr. Cametas, and I had a
819 couple of meetings with him prior and on what we were going to do in this subdivision, and I
820 told him at that point, "If you are going to build a subdivision in here, we want it first class."
821 And he wanted to know what I wanted him to do and I told him, and he stepped up to the
822 plate on every issue. You've got nice homes, garages on 75% of them. It is going to be a nice
823 community if it is built. But at this point I feel we have too much opposition, and I am not
824 saying that we can't work this out. At the last meeting, I know, for a fact, it was only 7 of the
825 neighbors there. Now I don't know what happened. I feel that the developer has sent out the
826 notices. Now, why you all didn't get them I don't know, but I tell you what I want you to do,
827 and I told you this earlier, Stefan. I think this is at a point that I can't make a decision on this
828 tonight. What I want to do is, I want to have one more meeting with everybody, because this
829 man is willing to run water down Meadow Road to the residents there, and that is what people
830 wanted. They wanted water. In a situation we have right now with a three-year drought, we
831 don't know what is going to happen next year. The man is willing to run an extra thousand feet
832 to accommodate the people on Meadow Road. Now, we've got a petition here with 100 names
833 on it. I am going to have to look over it. I have one adjoining land owner here who takes the
834 biggest impact. The people that adjoin any property that is developed, they are the ones that
835 suffer the impact. They are OK. I had a call from a Mrs. Moran, who is, I think, is close to Mr.
836 Leake up on Kimbrook. She is OK with it and she wanted me to know before I came to this
837 meeting that she supports it. Now, the piece of property on the following side, next to the EPA
838 line, is the person that owns that in here tonight? How do you feel on this ma'am? Are you yea
839 or nay?

840
841 Unidentified Speaker - To be honest with you, I don't want a development, but Stefan
842 has gone through great extensive - he has worked with everybody to get them what they want,
843 and he has actually done something for the land owners who have A-1 and have horses, and
844 are concerned, and he satisfied me. So, as long as it is a nice development, as it sounds like it
845 is going to be. I don't have any opposition.

846
847 Mr. Jernigan - Now folks, we've got the three people that are impacted the most
848 on this sitting in the audience and they are OK with it. But, I said that I am going to ask you to
849 make a deferral on this and we are going to have one more meeting, and December 12 there is
850 going to be a final decision. There is not going to be any deferral after that, and I am going to
851 make a final decision on that point. So, Mr. Koontz, would you entertain a deferral, please?

852
853 Mr. Koontz - Yes, we will go ahead and request a deferral.

854
855 Mr. Jernigan - Mr. Chairman, I make a motion that we defer Case C-57-02 to the
856 December 12 agenda, at the applicant's request.

857
858 Mr. Vanarsdall - I second it.

859
860 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall to
861 defer Case C-57C-02 to December 12 at the applicant's request.

862
863 Mr. Marlles - Mr. Chairman, could I ask and question and clarify it. Is that for
864 decision only, Mr. Jernigan?
865
866 Mr. Jernigan - Yes. We are going to clear it up at this meeting now.
867
868 Mr. Taylor - All in favor say aye. All opposed say no. The motion passes.
869
870 At the applicant's request, the Planning Commission deferred Case C-57C-02, Koontz-Bryant,
871 P.C. for J. Stefan Cametas, to its meeting on December 12, 2002.
872
873 Mr. Jernigan - Now, I want everybody to know there is going to be a meeting.
874 Now, if you do not get a notification – if they haven't set a date yet because they just found out
875 about it, but if you don't get a notification, I want you to call me and I will...yes, Mr. Leake?
876
877 Mr. Leake - Is everybody on the petition going to get a notice on this?
878 Because a lot of people on the petition that probably would have come to this meeting but we
879 couldn't get a hold of them in time.
880
881 Mr. Jernigan - Greg, would you like to...
882
883 Ms. Ware - Mr. Jernigan, what about the people here signing a list for Mr.
884 Koontz, and so he will have their names and addresses, and can send them a notice.
885
886 Mr. Jernigan - Let's do that. Let everybody that is
887 here now sign up, and like I said, I am a little uncomfortable with it, but I don't know why,
888 and I know they sent the letters out, because I checked with them on it, and I don't think they
889 are lying to me. I want to know, I don't know why everybody didn't get the notice, but I don't
890 want anything said after this decision is made that nobody had a fair chance to say their piece,
891 so there definitely will be a meeting, so let everybody know and they will send out the letters.
892 But I want you all to sign up, so we know everybody right here now is going to know about it.
893
894 Mr. Marlles - Mr. Koontz, perhaps after your conclusion of this case, you can go
895 out into the lobby and take the names of the citizens that did not receive notification previously.
896
897 Mr. Koontz - Yes, sir. We will and we will check with County staff to make sure
898 they don't have any additional names to add to the list. Thank you.
899
900 Mr. Taylor - Thank you, Mr. Koontz. I believe that brings us to the next case.
901

902 **Deferred from the October 10, 2002 Meeting:**

903 **C-60C-02 Robert M. Atack for Hunton Estates Development, Inc.:**
904 Request to conditionally rezone from A-1 Agricultural District to R-3C One Family Residence
905 District (Conditional), Parcels 763-772-8743 (21-A-16, 3936 Mountain Road) and 764-772-3888
906 (21-A-4), containing approximately 19.2 acres, located on the north line of Mountain Road
907 approximately 160 feet east of Old Mountain Road. Single-family residential subdivision is
908 proposed. The applicant has proffered a density of no more than sixty (60) units. The Land Use
909 Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre.

910
911 Mr. Marlles - Ladies and gentlemen, if you would move out into the foyer to
912 have your discussion so we can continue our hearing. The staff report will be given by Mr.
913 Bittner.

914
915 Mr. Taylor - Is there anybody in the audience who is opposed to Case C-60C-
916 02, Robert M. Attack for Hunton Estates Development, Inc.? There is opposition, Mr. Marlles.
917 We will go ahead and ask Mr. Bittner to present the case.

918
919 Mr. Bittner - Thank you, Mr. Chairman. This area is designated SR-1 on the
920 2010 Land Use Plan. That recommends 1 to 2.4 net units per acre. The surrounding
921 subdivisions in the area have densities of two units per acre or less. The proposed lot sizes and
922 density with this subdivision would exceed those found in the area. Staff feels the applicant
923 should consider limiting the density of this site to two units per acre to correspond with
924 surrounding development. The applicant could also consider R-2 or R-2A zoning instead of the
925 requested R-3.

926
927 To further improve the quality of this subdivision, the applicant should also consider including
928 quality measures such as –

- 929
930 - Side or rear-loading garages
931 - Sodded and irrigated front yards
932 - Sidewalks; and
933 - Standard curb and gutter instead of roll-face curbing

934
935 The proposed use could be appropriate considering its similarity to the surrounding area, and
936 the current proffers do provide some positive items. However, there are outstanding issues the
937 applicant should consider addressing, including density and quality. If the applicant were to
938 address these issues, staff could fully recommend approval of this application.

939
940 With that, I would be happy to answer any questions you may have.

941
942 Mr. Taylor - Any questions from the Commission to Mr. Bittner? No questions
943 from the Commission. Thank you, Mr. Bittner. I believe now we should hear from the applicant.
944 Mr. Attack.

945
946 Mr. Attack - Mr. Chairman and members of the Planning Commission, my
947 name is Bob Attack. I am the applicant before you this evening and I appreciate Mr. Bittner's
948 comments, and I appreciate the efforts that the staff has shown as well as Mr. Vanarsdall, who
949 suggested that we have a meeting with the residents in the community, which we did. Since
950 we last met with the staff, we have added, I believe, and I hope that we e-mailed you, Mr.
951 Bittner, a copy of our draft of the covenants. What Mr. Bittner and the staff report said
952 regarding additional abilities to assure quality, what we have added is an exhibit, and we just
953 got this e-mail to Mr. Bittner today, but it was a proffered condition, and that is a copy of our
954 Declaration, Restrictions and Covenants. This is a 29-page exhibit and it addresses primarily
955 and almost specifically every issue that the staff has as far as their additional attempts to
956 improve quality. I will allude to the actual staff report. For instance, the staff report refers to
957 the prohibition of satellite dishes larger than 18 inches in diameter. That is specifically

958 mentioned and prohibited. It mentions no above-ground pools, and in the covenants no pools
959 will be allowed without specific requirements and approvals of the architectural committee. It
960 also mentions in the staff report that any pools should not be any closer to the rear building line
961 of the dwelling of the site building line on a corner lot. That is specifically addressed as well,
962 affirming that request by the staff. There is also a request addressing no street parking for
963 recreational vehicles or boats. That is specifically addressed as well. We believe that these
964 items are often times better addressed in the covenants of the development than in proffered
965 conditions, but we did proffer that we would have these covenants. This is a draft that is
966 attached. We do have addressed a number of other items with regard to curb and gutter, and I
967 understand it was an issue in the case before this. What is commonly referred to as roll-faced
968 curb and gutter is a 24-inch section of curb and gutter. Our firm develops what is called a
969 rolled-top curb and gutter. It is a 36-inch section. The problem that I think Mr. Jernigan
970 referred to as far as cars bottoming out when you cross roll-faced curb and gutter is a definite
971 problem. We have seen people put asphalt in their curb. We have seen people put 2 x 4's in
972 the curb to try to soften this out. We believe the solution is the new design for curb and gutter,
973 which is referred to as roll-top. It is a 36-inch section. So, you are getting an additional 12
974 inches. So, you are getting a much flatter appeal.

975
976 With regard to density, the SR-1 qualification requires one unit to 2.4 units per acre. Our
977 original zoning case proffered 60 units. We have reduced that density to 45. That gives a
978 density of 2.3 units per acre. Quality is something that we pride ourselves on, particularly in
979 this area. We believe our proposed development will exceed the economic value of the homes
980 in the area, while maintaining the life style that the community already enjoys. These homes
981 will start at a price range of today's dollars of \$250,000 to \$300,000. We believe that this will
982 be an asset to the community. As well, we also proffered – something very important that Mr.
983 Bittner referred to – R-2 and R-2A zoning and in R-2A zoning the minimum frontage is an 80-
984 foot wide lot. We are proffering a minimum of an 85-foot wide lot. So, the minimum zoning
985 proffer that we are recommending exceeds that of R-2A.

986
987 I will be glad to answer any questions.

988
989 Mr. Taylor - Are there any questions for Mr. Attack?

990
991 Mr. Vanarsdall - Mr. Attack, that meeting we had yesterday morning.

992
993 Mr. Attack - Yes, sir.

994
995 Mr. Vanarsdall - For the benefit of the other Commissioners, we have had three
996 meetings. We have had two meetings with Mr. Attack and Mr. Parker, and we also had a
997 community meeting, and I have talked to Mr. Attack by phone. In those meetings, Mr. Bittner
998 and Mr. Emerson have been with us and have worked on this. Now my question to you is, in
999 the meeting yesterday morning, I believe it was Mr. Emerson who suggested that we put these
1000 items that Mr. Bittner had suggested in a covenant, and I was under the impression, maybe I
1001 misread you, that you and Mr. Parker were going to see if you could do that, and I was notified
1002 this afternoon by Mr. Bittner that you put in about four and made no mention of the others. For
1003 example, brick material for stoops was most important. Side or rear loading garages. So I am
1004 not saying you have to do anything, and you know that, but what we have now is just a...

1005

1006 Mr. Atack - Excuse me, Mr. Vanarsdall. If I may interrupt you for just a point
1007 of correction, sir. In the covenants that we have provided to Mr. Bitter, and I apologize,
1008 because he has really literally had them only for only a few hours. It states in here "that no
1009 home may be approved unless two sets of architectural plans are submitted to us and
1010 approved." So, such things as sod irrigation, front entry garages, and it even refers to paint
1011 colors, must be approved. So, we actually have a vehicle to address those very issues. So we
1012 have not ignored that, sir.
1013
1014 Mr. Vanarsdall - Is that the way you see it, Mr. Bittner?
1015
1016 Mr. Bittner - I don't necessarily agree.
1017
1018 Mr. Atack - Excuse me. It is not a question of agreeing. It states it right
1019 here. I will be glad to show it to you specifically, Mr. Bittner.
1020
1021 Ms. Ware - I have a question, I guess, for Mr. Bittner to speak to it first, and
1022 then I can ask Mr. Atack. Mr. Bittner, is it true that covenants are not enforceable by the
1023 County of Henrico?
1024
1025 Mr. Bittner - Yes, the County does not enforce covenants.
1026
1027 Ms. Ware - So, therefore, if these assurances are presented within covenants,
1028 then we have no jurisdiction over them actually enforcing them.
1029
1030 Mr. Bittner - We have no jurisdiction over enforcing them. However, at this
1031 stage, we do have some overview in that we can try and get those into the covenants, and they
1032 are adopted later by the neighborhood. Does that answer your question?
1033
1034 Ms. Ware - But they are not legally binding?
1035
1036 Mr. Bittner - They are not legally binding; however, a lot of these items which
1037 do deal with the quality and the details of the homes, sometimes we actually prefer them to be
1038 in covenants, because down the road they can be an enforcement problem, and it is really not
1039 something the County is well equipped to deal with. As I said, we are just trying to see if we
1040 can get some quality measures put in place now that will be carried on in the future by the
1041 home owners association.
1042
1043 Mr. Marlles - Let me clarify one point. They are legally binding. It is a matter
1044 that the County doesn't enforce covenants. A homeowner's association or some other private
1045 entity could seek legal action to enforce the covenants, but it is not the County who enforces it.
1046
1047 Ms. Ware - Or change covenants?
1048
1049 Mr. Bittner - The County does not change covenants, no.
1050
1051 Ms. Ware - No, but I mean an independent authority could change covenants.
1052
1053 Mr. Bittner - Yes, they can.

1054
1055 Mr. Vanarsdall - Thank you, Mr. Bittner. I don't have any more questions, Mr.
1056 Chairman.
1057
1058 Mr. Taylor - Mr. Atack, sir, are you finished?
1059
1060 Mr. Atack - I would just make a point of clarification. Ma'am, that is a good
1061 point, and I think it is one we all wrestle with as to whether an item should be a covenant or an
1062 actual zoning proffer. The enforceability is somewhat the issue, and I think Mr. Bittner was
1063 alluding to, and our covenants require 75% of the property owner's vote to change any of the
1064 covenants, so in and though they don't have the strength of a zoning proffer which actually
1065 requires a rezoning, it does have a pretty good amount of strength, and also we are very
1066 accepted to converting these issues to zoning proffers, as well. So, it is not something that we
1067 have cast in stone. The only comment I might make again is with regarding to architectural
1068 control on Page 18, Article 7. Architectural Control. It has two pages of requirements with
1069 regard to the approval process of any homes and colors, designs, siding and such that would be
1070 built in the community.
1071
1072 Mr. Vanarsdall - Well, I do have another question. I am still in the dark about, it is
1073 on Page 3 of the report, and I don't know if you have it with you or not.
1074
1075 Mr. Atack - Yes, sir.
1076
1077 Mr. Vanarsdall - Mr. Bittner has pointed out all of those things.
1078
1079 Mr. Atack - Yes, sir.
1080
1081 Mr. Vanarsdall - To further improve the quality of this subdivision. He just
1082 suggests, that is all we have done. But you didn't pick up but four of those items. That is what
1083 I am trying to find out. You didn't pick up but four of them, did you? In other words, you
1084 didn't have all of those items. When you e-mailed, when Mr. Parker e-mailed Mr. Bittner, you
1085 did not have all of those in there, or the covenant as we talked about early yesterday morning.
1086 It's OK and that is up to you. But you didn't have them all in there.
1087
1088 Mr. Atack - No, sir. Mr. Vanarsdall, maybe if I may, I do have this list here in
1089 front of me, and if I could walk through them, I will. Brick materials, any stoops provided at
1090 front entry of homes; side entry and rear entry garages instead of front entry loading garages.
1091 Those are two issues.
1092
1093 Mr. Vanarsdall - Wait a minute. Which ones were in there?
1094
1095 Mr. Atack - I am on Page 3, sir, the first two items. Both of those items are
1096 specifically addressed in the architectural control and approval process. Neither of that can be
1097 done without the architectural approval of the house, that is in the covenants. And that same
1098 thing applies, and specifically referred to in these covenants with regard to landscaping as well
1099 as this next issue, sodding, irrigated front yards. We also refer to landscaping, sodding and
1100 irrigation. We specifically prohibit satellite dishes. We specifically require that no pools can be

1101 built without approval, and any pool that is approved must be within the guidelines of the side
1102 building line, which is the next issue.

1103

1104 The sidewalks on the street, sir, we have not addressed. That is correct.

1105

1106 Mr. Vanarsdall - You didn't have sidewalks in the plans anyway, did you?

1107

1108 Mr. Atack - No, sir. We did not. With regard to no street parking of
1109 recreational vehicles, that is specifically addressed in these covenants, and, again, I have to
1110 take fault in that we just got these to the County today. We discussed it yesterday morning. It
1111 is a 29-page item. The last three items are all addressing fencing, 42-inch high chain link. All of
1112 those are also in the architectural. No fence can be allowed on this property without the
1113 approval of the architectural approval. And we are developing over 1,000 lots currently in this
1114 district. We have never allowed a chain-link fence. Now, as I said, I will be glad to, if you'd like
1115 me to Mr. Vanarsdall, to readdress these as proffered conditions, if that is the preference of the
1116 Planning Commission.

1117

1118 Mr. Vanarsdall - OK. Thank you.

1119

1120 Mr. Atack - Thank you, sir.

1121

1122 Mr. Taylor - Are there any other questions for Mr. Atack? Thank you, sir. Is
1123 there any one else speaking in support of the project? Just Mr. Atack. All right, we will go
1124 ahead and we'll ask those who are in opposition if we could see their hands again. There are
1125 10 minutes available and there are six people that want to speak. How would you like to
1126 arrange the time? Have you discussed that, or should each nominally take, say a minute or
1127 two. Do you think we can do that? All right. Who would like to be first with this speaking in
1128 opposition? OK, sir. Why don't we just start on this side, and we will do one, two, three, and
1129 we'll see what kind of time it is and we'll do four, five and six over here. So, sir, if you would
1130 step to the podium, yes. The gentleman in the blue coat, and if you would come down please
1131 and identify yourself for the record, we would be happy to hear your comments. Please give
1132 your name for the record.

1133

1134 Mr. Cooper - My name is David Cooper and I live at 4112 Michael Court, which
1135 is the neighborhood off of Old Mountain Road.

1136

1137 Mr. Taylor - Thank you, Mr. Cooper.

1138

1139 Mr. Cooper - Thank you. Our neighborhood, myself and my wife, live in that
1140 house. We are opposed to the density problem plus other concerns in that area. At the
1141 meeting we had, we spoke about this and at that time he said he was going to lower the
1142 density. Even with that lower density on 19.2 acres, we are talking about making Mountain
1143 Road look like Springfield Road, and from the plans he showed us, it looked exactly like the
1144 developments on Springfield Road, which is inconsistent with what Mountain Road now looks
1145 like. That is our major concern, plus where he is talking about the entrance onto Mountain
1146 Road, the added traffic for us to get out of the neighborhood now at different times of the day
1147 is difficult. It causes traffic, of course. If you look at the road the way it curves like that,
1148 where he is proposing his entrance into the neighborhood is also in the curve, and I myself and

1149 other neighbors have been in near accident conditions over there with people coming up. I
1150 know there is a speed limit, but it is not enforced in that area, and it is dangerous, to say the
1151 least, in that area, just to come and cause traffic and the added people in that area is not going
1152 to help us out at all next door. I appreciate the opportunity to speak to this Commission.

1153
1154 Mr. Vanarsdall - The curve there is what is making this difficult, isn't it Mr. Cooper?

1155
1156 Mr. Cooper - Yes. It is a rural area. Mountain Road is a lot different than
1157 Springfield and what he is proposing is going to make it look like Springfield Road, and it is
1158 going to add that much more people over there.

1159
1160 Mr. Vanarsdall - If you were heading west and had a right-turn lane, that would
1161 help, too, wouldn't it?

1162
1163 Mr. Cooper - I think it would actually add to more confusion over there. If you
1164 don't drive that every day, it is a confusion area and it is a dangerous area.

1165
1166 Mr. Vanarsdall - The Traffic Department recommends that. What kind of density
1167 would you like to see over there?

1168
1169 Mr. Cooper - I would like to see R-1 zoning, one house per acre, I think is what
1170 R-1 is. It would be more consistent in that area, and right now it is, with whatever you are
1171 proposing, that many houses, it is going to change the whole look of that area. Like I said, it
1172 is going to look like Springfield Road to me. I didn't move over there to be on Springfield.
1173 Thank you.

1174
1175 Mr. Taylor - Thank you, Mr. Cooper. Mr. Secretary advised me we have eight
1176 a half minutes, so we are doing pretty good for time. About a minute and a half a piece. Sir, I
1177 think you were No. 2, and if you would step forward to the podium and provide a name, you
1178 can speak, and if you would, try to keep it to one a half minutes, we'll have time for everybody.

1179
1180 Mr. Sykes - Thank you. My name is James Sykes and I live at 4180 Old
1181 Springfield Road, which is right off of Old Mountain Road, and I am zoned Agriculture. OK. I
1182 am in opposition to this zoning being changed, period, to anything other than what it is right
1183 now, which is Agriculture, I do believe. I attended a meeting with Mr. Atack, and I asked Mr.
1184 Atack how many houses could he build with the current zoning. He told me he could build one
1185 per acre. I suggested that he do that. He told me that if he did that, well we wouldn't have
1186 the quality. He could build 900 square foot houses, but he won't, because it is a matter of
1187 money. My biggest concern is the curve on Mountain Road where they would like to bring an
1188 entrance. My contention is that I think staff says that is 10 trips per household per day. That is
1189 an additional 450 chances of having an accident right there. I have lived in Glen Allen for a
1190 little over 20 years and I've lived at my current address since 1987, and I have seen this area
1191 grow very, very rapidly, and I think it is time now to maybe slow the density level down
1192 somewhat. That is all I have to say.

1193
1194 Mr. Vanarsdall - So your concern is no change at all.

1195
1196 Mr. Sykes - Yes, sir.

1197
1198 Mr. Vanarsdall - Thank you.
1199
1200 Mr. Taylor - Thank you, Mr. Sykes. Now if we would continue with the
1201 program, please, if the gentleman in the rear row would like to speak. No. Fine. Then we have
1202 perhaps three more speakers on the right side, and if we could have one person start to speak,
1203 we will start the clock. Do we still have three on the right side of the audience that wants to
1204 speak? One. We have two. So, typically, you have three or four minutes. Please proceed. And
1205 if you would, when you get up to the podium, sir, if you would provide your name for the
1206 record.
1207
1208 Mr. Wayne Styles - Mr. Chairman, my name is Wayne Styles. I live on Springfield
1209 Court, which is in the Springfield section adjacent to the proposed development. First, I would
1210 like to say that I am not against development. I am very much for responsible development. I
1211 have two issues with the development as proposed. First is the density. During the community
1212 meeting that we had, perhaps I misinterpreted what was going around the room, but there was
1213 discussion with Mr. Attack, Mr. Glover, and others of changing the zoning to an R-2 or R-2A, and
1214 I see that is not happening. I would much prefer to see the zoning changed and because, as I
1215 view it, the volatility of the proffers. What Mr. Attack had proffered is certainly in the R-2 class,
1216 with the exception of the frontage, and he wanted to keep it lower because of the configuration
1217 of the plan. As you can see here, to give him a little flexibility on the frontages of the lots and I
1218 have no problem with that. But I would prefer to go with a higher zoning classification other
1219 than what he is requesting. Tonight on your proposed agenda, there were, at my count, three
1220 items listed requesting change or amended proffers. Now, that is something that I have never
1221 seen a sign on the side of the road saying that we are having a meeting on the changed
1222 proffers. That is something that gets away from the people that can be done, and maybe the
1223 adjacent landowners will be notified, but it is not a sign out there on the side of the road telling
1224 us that it is going to be changed, whereas the zoning...
1225
1226 Mr. Marlles - Just for correction, the change in proffers has to go through the
1227 same process as a rezoning, including putting the sign out and notifying the adjacent property
1228 owners, so we do that, just for clarification.
1229
1230 Mr. Styles - I am kind of new in this, and I've never seen it, and I am glad to
1231 hear that, because it is something that, like I said, I saw tonight on the agenda that there were
1232 three proposed amendments, requesting amendments. The other issue I have is the proposed
1233 access onto Mountain Road, the proximity of it to Old Mountain Road, the fact that it is in the
1234 middle of the curve. The speed is, I believe, 40 on that section of the road. I think some
1235 people think maybe it is minimum speed. I come in in the afternoons and I am making a left
1236 turn onto Mountain, and it is nothing unusual to have someone sliding down the road behind
1237 me, and I've got my fingers crossed that they are going to be able to stop in time. Putting this
1238 entrance down the road, another one, approximately 200 feet away from Old Mountain I think
1239 is going to be a combination for potential disaster. I don't know what Mr. Attack can do with it.
1240 I mean, his property being what it is, but that is something for the County to have to wrestle
1241 with is what they can do with it without endangering those of us who already live there.
1242
1243 Mr. Vanarsdall - OK. Thank you, Mr. Styles.
1244

1245 Mr. Taylor - Any questions for Mr. Styles? Thank you, Mr. Styles.
1246
1247 Mr. Vanarsdall - Your No. 1 is just density, and traffic.
1248
1249 Mr. Styles - No. 1 is density and No. 2 is traffic.
1250
1251 Mr. Vanarsdall - Don't you think that was the theme at the community meeting?
1252
1253 Mr. Styles - Yes, sir.
1254
1255 Mr. Vanarsdall - Thank you.
1256
1257 Mr. Taylor - Thank you, Mr. Styles. Now our Secretary advises me we have
1258 three minutes left, sir, and I believe you are the last speaker. Is there anyone else who would
1259 like to speak after this gentleman? Sir, if you would please, provide your name for the record.
1260
1261 Mr. Locke A. Taylor - Yes, sir. My name is Locke A. Taylor. I live in the property
1262 approximately across the street. That is my driveway that enters into Mountain Road. Again, I
1263 am concerned with density, partially, I guess, because my family moved to the Lakeside area in
1264 1948, and my mother still lives in the same house, which she has lived in for 52 years, and
1265 what was once a two-lane road is now a six-lane highway. I have already sacrificed part of my
1266 land to Mountain Road. My property originally extended down Old Mountain Road, not new
1267 Mountain Road, so part of my land was condemned and taken by the State, and I have another
1268 acre of land across the street from me which once adjoined my property. If we, those of us
1269 and not just the Glen Allen area, but I think the Richmond area, I think we think of Mountain
1270 Road as kind of the jewel of Glen Allen. We have a lot of historic things there that those of us
1271 in the community are very, very proud of, and unless we control the density and the number of
1272 houses going in, this will be lost forever. So, I guess one thing I would like to impress with you
1273 gentlemen is whatever your decision, those of us who live there and not just us, but you as
1274 well, it is what we will live with the rest of our lives. If 19 houses go in there, one per acre, I
1275 agree with others. I think that conforms more to what we currently have. Unfortunately, if
1276 these large parcels of land continue to be bought up and developed and even smaller ones, six
1277 and eight acre pieces of property. I bought one next door to me, adjoining me to protect
1278 myself against five or six more houses, and if I had Donald Trump's money, I would own that
1279 piece of land across the street, and like all farmers, you don't want to own the world, but you
1280 just want to own what adjoins you. I really do feel like traffic entering the road, at that place in
1281 the curve, since I have lived where I currently live, there has already been one fatality within
1282 several hundred yards of where the new proposed road is, and I can promise you when I come
1283 out of my driveway in the morning or enter it at night, I have to look both ways several times,
1284 because as traffic comes around that curve it, I know that it is an issue but the speed limit of
1285 40 miles an hour is not being observed, and if cars coming from Route 33 toward the
1286 subdivision, if the first one who stops with his blinker on because of oncoming traffic, and cars
1287 start to back up there, I don't it will matter of it. I think it is a matter of when we have serious
1288 accidents there.
1289
1290 Mr. Vanarsdall - Dr. Taylor, have you seen a lot of accidents in there since you
1291 have lived there?
1292

1293 Dr. Taylor - Yes, I have, especially when we have inclement weather. They
1294 slide off the road right into my ditch.
1295
1296 Mr. Vanarsdall - They do.
1297
1298 Dr. Taylor - Yes, sir. I have pulled countless, I don't know how many I have
1299 pulled out of there. I have a tractor and a truck with four wheel drive, so I guess you do
1300 remember that there has been a fatality there in the very recent past.
1301
1302 Mr. Vanarsdall - Yes, I remember that.
1303
1304 Dr. Taylor - Yes, sir. I just feel like the fewer houses, I know that is what
1305 most of us who live there in the neighborhood would most like to see, and, of course, we would
1306 like quality homes, but to us I think quality means larger lots. At least, it does to me personally.
1307
1308 Mr. Taylor - Thank you, Mr. Taylor. Any other questions for Mr. Taylor.
1309
1310 Mr. Vanarsdall - Do you have any problems with two houses on an acre, two lots
1311 on an acre? Two units an acre? That is what is next door.
1312
1313 Dr. Taylor - I would, but you know. Well, next door to me, immediately next
1314 door there is...
1315
1316 Mr. Vanarsdall - Not to you but across the street.
1317
1318 Dr. Taylor - I don't know how many acres...most of the land across the street
1319 from me is on multiple acres, the houses facing me on Old Mountain Road.
1320
1321 Mr. Taylor - Mr. Taylor, I have one question relative to the traffic entrance
1322 onto Mountain Road, because of the geometry of this lot. What would you propose or can you
1323 propose or theorize what would be a better entrance to increase safety on this site?
1324
1325 Dr. Taylor - The only thing that I can see, which I hope never happens, would
1326 be widening of the road, similar to what they've done to Hilliard Road, where you are going to
1327 have de-acceleration lanes and when you start putting in de-acceleration lanes, that just means
1328 that Mountain Road gets wider and wider, and this road, which has its charm, which goes back
1329 to pre-Civil War times, will be like, I don't know if you people are old enough...I know you are
1330 old enough, but whether or not you recall places like Solomon's Store, which, you know, that
1331 used to be an area on Route 1, but these places after a while just become gobbled up, because
1332 the pavement gets wider an wider and I just would like to see Mountain Road keep the charm
1333 that I feel that it currently has.
1334
1335 Mr. Vanarsdall - I don't know this for a fact, but I don't think it is anything on the
1336 front burner to ever widen it. I think we would keep it, because it is historical.
1337
1338 Dr. Taylor - I would agree, but I wouldn't have dreamed in my childhood that
1339 my mother's house would end up on a postage-stamp lot either, but I have seen it happen, you
1340 know. It has been over 52 years, but still, 52 years from now I hope my property is still in my

1341 family, and I don't want to see them pushed back and I don't want another Parham Road or
1342 295 coming down through Glen Allen.
1343
1344 Mr. Vanarsdall - I don't blame you.
1345
1346 Mr. Taylor - The speed limit in front of the subject property currently is, I
1347 believe he said 35 or 40.
1348
1349 Dr. Taylor - My property?
1350
1351 Mr. Taylor - Or right in the front of this projected property, right in that curve.
1352
1353 Dr. Taylor - Yes, sir. Are you speaking of my property?
1354
1355 Mr. Taylor - No. What is the speed limit right there?
1356
1357 Dr. Taylor - It is supposedly 40 miles an hour.
1358
1359 Mr. Taylor - How fast does traffic normally move along there?
1360
1361 Dr. Taylor - Every bit of 50 miles an hour and oftentimes, currently with the
1362 construction, I don't know where the construction is taking place, but there are tandem dump
1363 trucks that come around that curve at dangerous speeds, and I don't know if you visualize what
1364 driveway is mine, but I am in the curve just before you get to Old Mountain Road, the long, the
1365 first driveway after the D in the word Mountain Road. That long gray strip, that is my driveway
1366 (referring to rendering).
1367
1368 Mr. Vanarsdall - Thank you, Dr. Taylor.
1369
1370 Mr. Taylor - Thank you very much.
1371
1372 Mr. Vanarsdall - Anybody else? You want to speak, don't you, in the back?
1373
1374 Mr. Hudnall Davis - Good evening. My name is Hudnall Davis and I have spoken to
1375 you before in the past. I have to tell you we are all kind of caught flatfooted tonight about the
1376 10-minute rule, and I don't think Mr. Attack has got all of his plans the way he wants them to
1377 be, and I think there is a lot of infrastructure around that area that really needs to be
1378 addressed before we go adding any more potential problems to that area. The neighborhood
1379 adjacent to part of this development hasn't even been finished yet, and there is a bottle neck at
1380 the school that needs to be addressed. There is a little widening of the road at the end of
1381 Mountain Road that should be addressed before we even consider moving forward with
1382 something like that. I think if we maybe even deferred a ruling on this tonight for another
1383 month or so and gave us a chance to come up here and talk eloquently in our 10-minute span,
1384 and Mr. Attack maybe could get, you know, e-mails out to everybody that needs to be seen and
1385 the changes made the way he wants them to, we would all benefit from it.
1386
1387 Mr. Vanarsdall - And what would be the reason, Mr. Davis?
1388

1389 Mr. Davis - I just – we've had numerous contact with Mr. Bittner and his
1390 office, and we have been to several meetings, and tonight is the first time I ever heard of the
1391 10-minute rule, where we are only given a few minutes to speak about all the opposition that
1392 we have. I think everybody has kind of said the main points, but I think there are a lot of other
1393 things that might be touched on if we had a little more time to sit down and map out a strategy
1394 on it.

1395
1396 Mr. Vanarsdall - So you don't have any one problem?

1397
1398 Mr. Davis - I just think there are a lot of things that if we sat down and
1399 looked at them under a microscope, you would understand that what you are trying to do is
1400 going to tear away from the nature of the neighborhood and upset a lot of people. I think that
1401 property could easily handle. I think that property could easily handle a cul-de-sac rather than
1402 an exit there. I know one of the issues was emergency services being able to enter that
1403 property. Why couldn't we just put that as a cul-de-sac right there at Mountain Road. They
1404 have a fire station within one minute and easy access which overrules any emergency services
1405 complaint. There would be no exit on to Mountain Road. I tell you what you are going to
1406 create. You are going to create a short cut for people who are leaving the elementary school in
1407 the mornings and evenings, and you are going to see that neighborhood used as a bypass,
1408 because that intersection currently does not have any kind of a light. The school buses back up
1409 there when they are trying to leave in the morning. Fifty percent of the parents take their kids
1410 to school there, so you have this caravan every morning and evening of...

1411
1412 Mr. Vanarsdall – I don't follow what you mean, take a short cut. Where would you
1413 come out?

1414
1415 Mr. Davis - Well, if you look at the exit from the school, they are going to go
1416 right into the new neighborhood, which adjoins his development, and they are going to take
1417 and make a little loop around that corner that has become a bottleneck currently. I think really
1418 what the County needs to do is put some sort of a temporary light that would allow the school
1419 buses to get out and allow the parents to get out at the high traffic situation that is created at
1420 the school convening and recessing. It could save a lot of headache, but you are going to
1421 create a shortcut for people leaving the elementary school. It is going to create a real problem
1422 for the neighborhood.

1423
1424 Mr. Vanarsdall - OK. Thank you.

1425
1426 Mr. Taylor - Thank you, sir. Any other questions? Thank you very much. OK.
1427 We are out of time. Mr. Attack, would you like to sum up?

1428
1429 Mr. Attack - Yes, sir. Thank you. I am not sure Mr. Davis. Where do you
1430 reside? I may have missed that address?

1431
1432 Mr. Davis - On Springfield Court.

1433
1434 Mr. Attack - Springfield Court. It is an interesting property here. Mr. Taylor's
1435 mother has lived in Lakeside since 1948. My mother moved into Lakeside in 1936. I have lived
1436 in this area for 30 years. I realize I am the developer, so I am sort of the enemy, even though

1437 we could be neighbors. The folks who spoke tonight were all interested in densities of one unit,
1438 one lot per acre, and those people are impacted tremendously. Those people who spoke all
1439 live, Mr. Taylor lives just south of the subject property, and the other people all live in the Old
1440 Springfield Road or Old Mountain Road to the west of the site. To the east of the site is the
1441 adjoining subdivision, which we sent 32 letters to, which is sort of the new residents in Glen
1442 Allen, and none of those people spoke tonight, because they were very pleased with what we
1443 were proposing because they felt that the quality of development that we were providing would
1444 add to the value of their home, No. 1, and No. 2, which is kind of interesting, those residents
1445 which usually we don't see in the planning end of our business, actually want this property to
1446 connect with theirs. Most people don't subdivisions to connect, but they wanted to connect to
1447 Mill Place West because they would like to have their community and this property be one
1448 continuous community, for synergism, for Boy Scouts, for neighborhood parties. They actually
1449 have requested that we put the homeowner's association under one umbrella. So, it is kind of
1450 an interesting dichotomy as to what is going on in the Glen Allen area, and it is a unique area,
1451 Mr. Taylor. I appreciate that. Thomas Jefferson, that was his route to Charlottesville, Old
1452 Mountain Road, and as you said, Mr. Vanarsdall, there is an attempt to maintain the historical
1453 significance of this route. I will be glad to answer any other questions.

1454

1455 Mr. Taylor - Do we have any questions from the Commission for Mr. Atack?

1456

1457 Mr. Vanarsdall - Mr. Atack, we touched on a lot of things yesterday morning, and
1458 we didn't get them all. I just feel like this could be a much better case if we could get
1459 everything all together. For example, we talked yesterday about deleting the word Dryvit. You
1460 all didn't address that. I asked you to, if you wanted to, to finish the proffer, 2,000 square feet
1461 of finished floor, and we have got a lot of things. I just think that with a little more work we
1462 could make this an excellent case. Would you object to deferring it and we will work on it
1463 again, or have another meeting?

1464

1465 Mr. Atack - Mr. Vanarsdall, I certainly wouldn't object to the County's request
1466 to deferral of the case. That is your prerogative.

1467

1468 Mr. Vanarsdall - Do you think it would do any good to sit down again and talk
1469 about the things that we talked about before?

1470

1471 Mr. Atack - Absolutely.

1472

1473 Mr. Vanarsdall - And you know I have always, from Day 1, been interested in the
1474 density. I have always thought it was too much density. I don't necessarily agree to the one
1475 acre lots, but, do you object if we defer it to December 12?

1476

1477 Mr. Atack - That would certainly be your prerogative, sir, and I think it is
1478 always healthy to further discuss these items.

1479

1480 Mr. Vanarsdall - OK. All right. Well, thank you.

1481

1482 Mr. Atack - Thank you.

1483

1484 Mr. Taylor - Thank you, Mr. Atack.

1485
1486 Mr. Vanarsdall - I want to defer this to December 12 and between now and then
1487 we will have another meeting, and we will try to tie all of these things together. Mr. Bittner has
1488 worked on it very diligently, and Mr. Emerson. Is that all right with you all? OK.
1489
1490 Mr. Taylor - Motion made by Mr. Vanarsdall to defer Case C-60C-02 to
1491 December 12 at the request of the Commission.
1492
1493 Mr. Jernigan - Second.
1494
1495 Mr. Vanarsdall - Did you say the 12th?
1496
1497 Mr. Taylor - Motion made by Mr. Vanarsdall and seconded by Mr. Jernigan. All
1498 in favor say aye. All opposed say no. The motion passes.
1499
1500 The Planning Commission deferred Case C-60C-02, at the request of the Commissioner, to
1501 December 12, 2002.
1502
1503 Mr. Taylor - Thank you very much, Mr. Atack. Thank you very much to all of
1504 the neighbors.
1505
1506 **C-67C-02 Robert B. Smith, III for Asbury Automotive North Carolina**
1507 **Real Estate Holdings L.L.C.:** Request to conditionally rezone from A-1 Agricultural District to
1508 C-1C Conservation District (Conditional), part of Parcel 760-756-7631 (2510 Darnell Road),
1509 containing 0.84 acre, located on the west line of Darnell Road approximately 235 feet north of
1510 the western terminus of Lynn Avenue. A conservation area for stormwater retention/treatment
1511 is proposed. The Land Use Plan recommends Semi-Public.
1512
1513 Mr. Marlles - The staff report will be given by Mr. Paul Gidley.
1514
1515 Mr. Taylor - Is there anybody in the audience who is opposed to Case C-67C-
1516 02? No opposition. Mr. Gidley.
1517
1518 Mr. Gidley - Thank you Mr. Secretary, Mr. Chairman, members of the Planning
1519 Commission and especially Mr. Vanarsdall.
1520
1521 You should have revised proffers before you right now. The case before you is C-67C-02, a
1522 request to rezone 0.84 acres of land that is located behind Crown BMW on West Broad Street.
1523 This would be from A-1 Agricultural District to C-1C Conservation District. The Land Use Plan
1524 calls Semi-Public.
1525
1526 This case is an offshoot of case C-40C-02, which was approved Tuesday night by the Board of
1527 Supervisors. It rezoned land at the Parham Hills Christian Church from A-1 Agricultural District
1528 to O-2C Office District. Proffer #9 of this case requires the applicant to rezone the
1529 northernmost portion of this site, which is 0.84 acres of this site to C-1 Conservation in order to
1530 be used for stormwater detention. Thus, the proposal you now have before you.
1531

1532 As you can see on the site plan here, (referring to rendering), this area up to the north here is
1533 what is covered by this rezoning case. To the south is the site of C-40C-02, which is zoned O-
1534 2C as of the Board action Tuesday night.

1535
1536 To the west and to the north here is the Virginia Home for Boys which is zoned A-1, whereas to
1537 the east here is the Mount Vernon Heights neighborhood, which is zoned R-3. As part of the
1538 proffers, the applicant has proffered a 25-foot transitional buffer against the Virginia Home for
1539 Boys property again to the west and to the north, and a 50-foot transitional buffer to the east
1540 where the Mount Vernon Heights neighborhood is. Please note also on this site plan through
1541 here you have clearing limits shown, and so this will provide an additional measure of
1542 protection beyond the transitional buffers for these adjacent property owners in here.

1543
1544 Since submittal is required by case C-40C-02, and since the applicant has proffered substantial
1545 buffers, with limited clearing on the site, staff feels this is a good case and can recommend
1546 approval of it.

1547
1548 Are there any questions that I can answer for you?

1549
1550 Mr. Vanarsdall - I don't have a question, but for the
1551 benefit of the Commission, there is a letter from Sam Amos, who is the Chief Design Engineer,
1552 and we were concerned about what the West Nile Mosquito would do, and so he wrote that the
1553 design that they are going to have for the BMP, that is all that this is, a BMP, would be
1554 sufficient, and you might want to explain what he said. So, in other words, it is not going to be
1555 a pond, so to speak. It is not going to be a BMP, a big mud puddle. It is going to be, come in
1556 and go out, right?

1557
1558 Mr. Gidley - Yes, sir. That is correct.

1559
1560 Mr. Vanarsdall - All right. That is it. I don't need to hear from the applicant if
1561 nobody else does.

1562
1563 Mr. Taylor - Do any of the Commissioners feel they need to hear the
1564 applicant? None of the Commissioners feel that we need to hear from the applicant.

1565
1566 Mr. Vanarsdall - You remember that, Mr. Smith.

1567
1568 Mr. Smith - I am very grateful.

1569
1570 Mr. Vanarsdall - I had to read that letter twice that he sent to you, Monte, to see
1571 what he was talking about and then it sunk in. You know, can you think about how nice it
1572 would be when we had the Chesapeake Bay Act if they would have required immediately that
1573 everything had to be underground. It was expensive. All right, I recommend C-67C-02 to be
1574 approved by the Board of Supervisors.

1575
1576 Mr. Taylor - Second. I second that motion. Motion made by Mr. Vanarsdall
1577 and seconded by Mr. Taylor. All in favor say aye. All opposed say no. The motion passes.

1578

1579 REASON: Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning
1580 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1581 request because it would assist in achieving the appropriate development of adjoining property
1582 by providing for stormwater detention and preserving the remaining area in a natural state.
1583

1584 **C-73-02** **Michael Kelly:** Request to rezone from A-1 Agricultural District to
1585 R-2 One Family Residence District, Parcel 814-726-5543, containing 0.981 acre, located at the
1586 southwest intersection of Bayard and Biloxi Roads (22 Bayard Road). A single-family
1587 subdivision is proposed. The R-2 District allows a minimum lot size of 18,000 square feet. The
1588 Land Use Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre. The
1589 site is also in the Airport Safety Overlay District.

1590
1591 Mr. Marlles - The staff report will be given by Mr. Gidley.

1592
1593 Mr. Taylor - Before Mr. Gidley speaks, is there anyone who is opposed to Case
1594 C-73-02 that is currently in the audience? I see no opposition. Mr. Gidley, please proceed.
1595

1596 Mr. Gidley - Thank you again, Mr. Chairman, Mr. Secretary, and members of
1597 the Planning Commission.
1598

1599 This case is C-73-02, which is a proposal to rezone 0.981 acres from A-1 Agricultural District to
1600 R-2 Residential.
1601

1602 The subject property is located at the southwest corner of the intersection of Bayard and Biloxi
1603 Roads. It presently contains a single-family dwelling. There is also an old well on the site,
1604 which the applicant has given us written assurances will be capped.
1605

1606 The 2010 Land Use Plan calls for this area to be Suburban Residential 2, which is 2.4 to 3.4
1607 units net density per acre. The site is also in the Airport Safety Overlay District.
1608

1609 To the north and to the west are single-family residences, which are zoned A-1. To the east
1610 are additional residences, which are zoned R-2, while to the southern side of the property is the
1611 Fairmont Avenue Methodist Church, which is zoned A-1.
1612

1613 The purpose of this request is to allow the existing parcel of just under one acre to be divided
1614 into a total of two lots, one for the existing dwelling that would remain and another for a future
1615 dwelling to be built on the site in the future. The applicant originally proposed R-3 zoning with
1616 a total of three lots. However, due to staff concerns over the density, along with the inability of
1617 the applicant to make the three lots fit with the setbacks, the applicant changed his request to
1618 the R-2 zoning that you have before you right now, and also agreed to a total of just two lots.
1619

1620 This request is in compliance with the 2010 Land Use Plan. The present request also continues
1621 the pattern of R-2 zoning in much of the area and given that fact, staff can recommend
1622 approval of this case.
1623

1624 Are there any questions that I can answer?
1625

1626 Mr. Taylor - Thank you. Are there any questions for Mr. Gidley on behalf of the
1627 Commission? Mr. Archer? No.
1628
1629 Mr. Archer - Is the applicant here? How are you, sir? I am not going to call
1630 you up. Mr. Chairman, I don't have any questions.
1631
1632 Mr. Taylor - Any questions on behalf of the Commission?
1633
1634 Mr. Archer - OK. I move to recommend approval to the Board of C-73-02.
1635
1636 Mr. Vanarsdall - Second.
1637
1638 Mr. Taylor - Motion made by Mr. Archer and seconded by Mr. Vanarsdall. All
1639 in favor say aye. All opposed say no. The motion passes.
1640
1641 REASON: Acting on a motion by Mr. Archer, seconded by Mr. Vanarsdall, the Planning
1642 Commission voted 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the
1643 request because it reflects the type of residential growth increasingly found in the area and
1644 complies with the objectives and intent of the County's Comprehensive Plan.
1645
1646 Mr. Marlles - We have approval of minutes, Mr. Chairman, for October 10.
1647
1648 Mr. Taylor - Has everybody had the opportunity to look over the minutes of
1649 October 10? Do you have any changes?
1650
1651 Mr. Vanarsdall - I have a correction. Page 70, Line 2228, does Mary Whitfield work
1652 for you, not Woodfield. But I can understand how you would think that would be Woodfield
1653 because I talk kind of mush mouth. It is Whitfield. And somewhere in here, I didn't mark it, but
1654 it says that I said "I haven't got together" in a sentence. I never use have and got together, as
1655 I know of, but if you all find that out, let me know and I will go back to school. I learned in the
1656 first grade never to say have got together or haven't gotten and I hear it all of the time.
1657
1658 Mr. Archer - He also never says off of.
1659
1660 Mr. Taylor - Are there any other corrections? I believe Mr. Vanarsdall is
1661 finished.
1662
1663 Mr. Jernigan - On Page 61, Line 1915, Mr. Prezioso was speaking, and then you
1664 said, "Thank you, Mr. President."
1665
1666 Mr. Taylor - My goodness. That was an instant promotion, so I think if you
1667 would change that to Mr. Prezioso, and I am quite sure that President Bush will be relieved.
1668
1669 Mr. Vanarsdall - October 10th, that was the day the President made a speech and
1670 somebody, one of the reporters that "Thank you, Mr. President" and you were watching it.
1671
1672 Mr. Taylor - I must have. Our apologies to President Bush. Are there any
1673 other questions from the Commission? Mr. Secretary, I see no more.

1674
1675 Mr. Jernigan - Mr. Chairman, if that is everything, I make a motion we approve
1676 the minutes from October 10.
1677
1678 Mr. Vanarsdall - And I second the motion.
1679
1680 Mr. Taylor - Motion made by Mr. Jernigan and seconded by Mr. Vanarsdall. All
1681 in favor say aye. All opposed say no. The minutes are approved.
1682
1683 Mr. Vanarsdall - I make a motion that we adjourn this meeting.
1684
1685 Mr. Jernigan - Second.
1686
1687 Mr. Taylor - Motion made by Mr. Vanarsdall to adjourn and seconded by Mr.
1688 Jernigan to adjourn the meeting. All in favor say aye. All opposed say no. This meeting is
1689 adjourned.
1690
1691
1692
1693
1694

Allen Taylor, P.E., Chairman
1695
1696
1697
1698

John R. Marlles, AICP, Secretary
1699