

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 held in the County Administration Building in the Government Center at Parham and Hungary
3 Springs Roads, beginning at 7:00 p.m. Thursday, October 12, 2006. Display Notice having
4 been published in the Richmond Times-Dispatch on September 21, 2006 and September 28,
5 2006.

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

Also Present: Ralph J. Emerson, Jr., AICP, Assistant Director of Planning
Ms. Jean M. Moore – Principal Planner
Mr. Lee Tyson, County Planner
Mr. Thomas Coleman, County Planner
Ms. Nathalie Croft, County Planner
Mr. Livingston Lewis, County Planner
Mr. Benjamin Sehl, County Planner
Mr. Kevin Wilhite, County Planner

6
7 Mr. Archer: Let's come to order, if we might. Good evening, everyone. This is the
8 October 12th meeting for Rezoning. We have no one here from the press tonight, so there must
9 not be anything exciting going on. With that, I will turn the proceedings over to our Secretary
10 and Director of Planning, Mr. Randall Silber. Mr. Silber, sir.

11
12 Mr. Silber: Thank you, Mr. Chairman. Good evening, everyone. We do have a
13 quorum this evening. We do have five members of the Planning Commission here. We are
14 missing Mrs. O'Bannon. She is out of town and we think she will not be here for the meeting. If
15 we are surprised and she shows up, that would be wonderful. We do have a long agenda
16 tonight. There are many cases on here; however, we do have a lot of deferrals. We will handle
17 the deferrals and withdrawals first before we get into the regular agenda. Ms. Moore, can you
18 review with us the deferrals, please.

19
20 Ms. Moore: Yes, Mr. Secretary. The first deferral is on page 5 of your agenda.

21
22 **P-4-06 Gloria Freye for Bechtel Corp.:** Request for a Provisional Use Permit
23 under Sections 24-95(a)(3) and 24-122.1 of Chapter 24 of the County Code in order to construct
24 a 149' high telecommunication tower on Parcel 744-771-3182, located on the east line of Shady
25 Grove Road north of Hames Lane. The existing zoning is A-1 Agricultural District. The Land Use
26 Plan recommends Suburban Residential 2, 2.4 to 3.4 units net density per acre.

27
28 Ms. Moore: The deferral is requested to the November 9, 2006 meeting.

29
30 Mr. Archer: All right. Is anyone present who is opposed to the deferment of P-4-06,
31 Bechtel Corporation for Cingular Wireless. No opposition. Mr. Branin.

32
33 Mr. Branin: Mr. Chairman, I'd like to move for deferral of P-4-06 to the November 9th,
34 2006 meeting, per the applicant's request.

35
36 Mr. Jernigan: Second.

37
38 Mr. Archer: Motion by Mr. Branin, seconded by Mr. Jernigan. All in favor of the motion
39 say aye. Those opposed say no. The ayes have it; the motion's carried.

40
41 At the request of the applicant, the Planning Commission deferred Case P-4-06, Gloria Freye
42 for Bechtel Corporation to its November 9, 2006 meeting.

43
44 Ms. Moore: The next one is on the same page.

45
46 **C-49C-06 Caroline L. Nadal for Rockwood, Inc:** Request to conditionally rezone
47 from A-1 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels
48 738-771-6301, -4105, and -2400, containing approximately 7.081 acres, located on the east line
49 of Pouncey Tract Road approximately 1,412 feet north of its intersection with Shady Grove
50 Road. The applicant proposes a single-family residential subdivision with a maximum density
51 not to exceed 2.0 units per acre. The R-2A District allows a minimum lot size of 13,500 square
52 feet and a maximum gross density of 3.23 units per acre. The use will be controlled by zoning
53 ordinance regulations and proffered conditions. The Land Use Plan recommends Suburban
54 Residential 1, 1.0 to 2.4 units net density per acre.

55
56 Ms. Moore: The deferral is requested to the November 9, 2006 meeting.

57
58 Mr. Archer: All right, thank you. Is there anyone present who is opposed to the
59 deferral of C-49C-06, Rockwood, Inc.? I see no opposition. Mr. Branin.

60
61 Mr. Branin: Mr. Chairman, I'd like to move for deferral of C-49C-06 to the November
62 9, 2006 meeting, per the applicant's request.

63
64 Mr. Vanarsdall: Second

65
66 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor of the
67 motion say aye. Those opposed say no. The ayes have it, that motion carries.

68
69 At the request of the applicant, the Planning Commission deferred Case C-49C-06, Caroline L.
70 Nadal for Rockwood, Inc. to its November 9, 2006 meeting.

71
72 Ms. Moore: The next is a provisional use permit.

73
74 **P-16-06 Glenn Moore for Basilios E. Tsimbos:** Request for a Provisional Use
75 Permit under Sections 24-58.2(d), 24-120 and 24-122.1 of Chapter 24 of the County Code in
76 order to construct an outside dining area for a proposed restaurant on Parcel 761-754-1383,
77 located on the east line of Skipwith Road approximately 350 feet south of West Broad Street (U.
78 S. Route 250). The existing zoning is B-2C Business District (Conditional). The Land Use Plan
79 recommends Commercial Arterial and Office.

80
81 Ms. Moore: The deferral is requested to the December 7, 2006 meeting.

82
83 Mr. Archer: Okay. Is anyone present who is opposed to this deferment, Glenn Moore
84 for Basilios Tsimbos, P-16-06? All right. Mr. Branin.

85

86 Mr. Branin: Mr. Chairman, I'm starting to get a complex. I think everybody is scared
87 to have cases in front of me. Mr. Chairman, I'd like to move for deferral of P-16-06 to the
88 December 6, 2006 meeting, per the applicant's request.

89
90 Mr. Vanarsdall: Second.

91
92 Ms. Moore: December 7th.

93
94 Mr. Branin: It is.

95
96 Mr. Archer: Okay. Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in favor of
97 the motion say aye. Opposed say no. Okay.

98
99 At the request of the applicant, the Planning Commission deferred Case P-16-06, Glenn Moore
100 for Basilius E. Tsimbos to its December 7, 2006 meeting.

101
102 Ms. Moore: Okay. Moving on to the Tuckahoe District on page 5 of your agenda.

103
104 **C-27C-06 James Theobald for The Rebkee Company:** Request to conditionally
105 rezone from A-1 Agricultural District and B-3 Business District to RTHC Residential Townhouse
106 District (Conditional), B-2C Business District (Conditional) and C-1C Conservation District
107 (Conditional), Parcel 739-754-7156, containing 21.493 acres (RTHC – 10.445 ac.; B-2C –
108 10.413 ac.; C-1C – 0.635 ac.), located at the southwest intersection of Church and Pump
109 Roads. The applicant proposes retail uses and residential townhouses with a density of no more
110 than sixty-nine (69) units. The use will be controlled by zoning ordinance regulations and
111 proffered conditions. The RTH District allows a maximum of nine (9) units per acre. The Land
112 Use Plan recommends Urban Residential, 3.4 to 6.8 units net density per acre, Commercial
113 Concentration, and Open Space/Recreation.

114
115 Ms. Moore: The deferral is requested to the November 9, 2006 meeting.

116
117 Mr. Archer: Thank you. Is anyone present who is opposed to the deferment of C-
118 27C-06, the Rebkee Company? All right. Mrs. Jones.

119
120 Mrs. Jones: Mr. Chairman, I move that Case C-27C-06 be deferred, per the
121 applicant's request, to the November 9, 2006 meeting.

122
123 Mr. Vanarsdall: Second.

124
125 Mr. Archer: Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in favor of the
126 motion say aye. Those opposed to the motion say no. The ayes have it; the motion carries.

127
128 At the request of the applicant, the Planning Commission deferred Case C-27C-06, James
129 Theobald for The Rebkee Company to its November 9, 2006 meeting.

130
131 Ms. Moore: On page 6 of your agenda, it is C-50C-06.

132
133 **C-50C-06 James Theobald for Manor Associates, Ltd.:** Request to conditionally
134 rezone from A-1 Agricultural District to RTHC Residential Townhouse District (Conditional),
135 Parcel 740-755-3511, containing 12.281 acres, located at the southeast intersection of Church
136 and Pump Roads. The applicant proposes a maximum of forty (40) condominium units, an

137 equivalent density of 3.26 units per acre. The maximum density in the RTH District is nine (9)
138 units per acre. The use will be controlled by proffered conditions and zoning ordinance
139 regulations. The Land Use Plan recommends Urban Residential (3.4 to 6.8 units net density per
140 acre), and Commercial Concentration.

141
142 Ms. Moore: The deferral is requested to the November 9, 2006 meeting.

143
144 Mr. Archer: Is there opposition to this case, C-50C-06, Manor Associates, Ltd. See
145 no opposition. Mrs. Jones.

146
147 Mrs. Jones: Mr. Chairman, I move that Case C-50C-06 be deferred per the applicant's
148 request to the November 9, 2006 meeting.

149
150 Mr. Vanarsdall: Second.

151
152 Mr. Archer: Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in favor of the
153 motion say aye. Those opposed say no. The ayes have it, that motion carries.

154
155 At the request of the applicant, the Planning Commission deferred Case C-50C-06, James
156 Theobald for Manor Associates, Ltd. to its November 9, 2006 meeting.

157
158 Ms. Moore: In the Varina District on page 6 of your agenda, it is P-13-06.

159
160 **P-13-06 Burke Lewis for New Cingular Wireless PCS, LLC:** Request for a
161 Provisional Use Permit under Sections 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the
162 County Code in order to construct a 199' high telecommunications tower, on parts of Parcel
163 855-689-5504 and 855-688-7082, located approximately 1,450 feet south of Charles City Road
164 and 400 feet west of Upper Western Run Lane. The existing zoning is A-1 Agricultural District.
165 The Land Use Plan recommends Prime Agriculture.

166
167 Ms. Moore: The deferral is requested to the January 11, 2007 meeting.

168
169 Mr. Archer: Is there anyone present who is opposed to the deferment to P-13-06,
170 National Communications. Mr. Jernigan.

171
172 Mr. Jernigan: Mr. Chairman, with that I will move for deferral of Provisional Use Permit
173 P-13-06 to January 11, 2007, by request of the applicant.

174
175 Mr. Vanarsdall: Second.

176
177 Mr. Archer: Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor say aye.
178 Those opposed say no. The ayes have it; the motion carries.

179
180 At the request of the applicant, the Planning Commission deferred Case P-13-06, Burke Lewis
181 for New Cingular Wireless PCS, LLC to its January 11, 2007 meeting.

182
183 Ms. Moore: Also on page 6 of your agenda, it is case C-36C-06.

184
185 **C-36C-06 Gloria Freye for Waypoint Development, LLC:** Request to conditionally
186 rezone from R-4 One Family Residence District, B-1 Business District and M-1 Light Industrial
187 District to R-5AC General Residence District (Conditional), part of Parcel 805-710-1834,

188 containing 13.15 acres, located on the southwest line of Darbytown Road at its intersection with
189 Oregon Avenue. The applicant proposes a single-family residential subdivision with a maximum
190 of 40 lots. The R-5A District allows a minimum lot size of 5,625 square feet and a maximum
191 gross density of 7.7 units per acre. The use will be controlled by zoning ordinance regulations
192 and proffered conditions. The Land Use Plan recommends Multi-Family Residential, 6.8 to 19.8
193 units net density per acre, Commercial Concentration, and Environmental Protection Area.

194
195 Ms. Moore: The deferral is requested to the November 9, 2006 meeting.

196
197 Mr. Archer: All right. Is there anyone present who is opposed to C-36C-06, Gloria
198 Freye for Waypoint Development? I see no opposition. Mr. Jernigan again.

199
200 Mr. Jernigan: Mr. Chairman, I move for deferral of Case C-36C-06 to November the 9,
201 2006, by request of the applicant.

202
203 Mr. Vanarsdall: Second

204
205 Mr. Archer: Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor of the
206 motion say aye. Those opposed say no. The ayes have it; that motion is granted.

207
208 At the request of the applicant, the Planning Commission deferred Case C-36C-06, Gloria Freye
209 for Waypoint Development, LLC, to its November 9, 2006 meeting.

210
211 Ms. Moore: We have one more, on page 7 of your agenda.

212
213 **C-45C-06 Caroline L. Nadal for Raj Jain:** Request to amend proffered conditions
214 accepted with Rezoning Case C-10C-89, on part of Parcel 818-717-5830, containing 3.071
215 acres, located between the north line of Audubon Drive and the southern terminus of
216 International Trade Court. The applicant proposes to amend Proffer 6 to include hotels in the list
217 of permitted uses. The applicant proposes an extended-stay hotel. The existing zoning is M-1C
218 Light Industrial District (Conditional). The Land Use Plan recommends Planned Industry. The
219 site is in the Airport Safety Overlay District and Enterprise Zone.

220
221 Ms. Moore: The deferral's requested to the November 9, 2006 meeting

222
223 Mr. Archer: Okay. Was that C-45?

224
225 Ms. Moore: Yes sir. C-45C.

226
227 Mr. Archer: All right. Is there anyone present who is opposed to deferring of C-45C-
228 06, Caroline Nadal for Raj Jain? No opposition. Mr. Jernigan.

229
230 Mr. Jernigan: Mr. Chairman, I make a motion to defer zoning Case C-45C-06, Caroline
231 Nadal for Raj Jain to November the 9, 2006, by request of the applicant.

232
233 Mr. Vanarsdall: Second.

234
235 Mr. Archer: Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in favor of the
236 motion say aye. Those opposed say no. The ayes have it; that motion carries.

237
238 Ms. Moore: Mr. Secretary, that concludes the requests we've received for deferrals.

239
240 Mr. Silber: Any deferrals by the Planning Commission.
241
242 Mr. Jernigan: We had one withdrawal and we do have to announce it, right?
243
244 Mr. Silber: Yes. Can you tell us about the one withdrawal?
245
246 Ms. Moore: Yes sir. We had Case P-9-06 on page 6 of your agenda.
247
248 **P-9-06 Gary Barber for National Communication Tower LLC:** Request for a
249 Provisional Use Permit under Sections 24-92.2, 24-95(a), 24-120 and 24-122.1 of Chapter 24 of
250 the County Code to construct a 199' monopole telecommunications tower, on Parcel 851-666-
251 7691, located 343' east of Carters Mill Road. The existing zoning is A-1 Agricultural District. The
252 Land Use Plan recommends Prime Agriculture. The site is in the Airport Safety Overlay District.
253
254 Ms. Moore: This has been withdrawn by the applicant; therefore, no action is required
255 on this item.
256
257 Mr. Archer: All right.
258
259 Mr. Silber: Next on the agenda would be consideration of the expedited items.
260 These are cases that are on the agenda that are somewhat minor in nature. There are no
261 outstanding issues. The staff is recommending approval of these cases. We place them on a
262 special agenda that can be handled without hearing these cases. If there is opposition to these
263 cases, they would be pulled off of the expedited agenda and be heard in order of the full
264 agenda. Tonight, there is one item on the expedited agenda.
265
266 Ms. Moore: Yes sir. It's in the Fairfield District on page 8 of your agenda.
267
268 **C-53-06 Terry Cave for Rogers-Chenault Inc:** Request to rezone from R-3C One
269 Family Residence District (Conditional) to C-1 Conservation District, part of Parcel 777-764-
270 6922, containing 5.81 acres, located approximately 1,700 feet west of the intersection of
271 Mountain Road and Megan Drive. The applicant proposes a conservation area. The Land Use
272 Plan recommends Environmental Protection Area and Open Space/Recreation.
273
274 Mr. Archer: All right. Is there anyone here who is opposed to this case being heard
275 on the expedited agenda? I see no opposition. With that, I will move that C-53-06, Terry Cave
276 for Rogers-Chenault be recommended for approval.
277
278 Mr. Vanarsdall: Second.
279
280 Mr. Archer: Motion by Archer and seconded by Mr. Vanarsdall. All in favor of the
281 motion say aye. Those opposed say no. The ayes have it, the motion is carried.
282
283 **REASON:** The Planning Commission voted 5-0 to recommend the Board of
284 Supervisors grant the request because it is reasonable and it conforms to the Environmental
285 Protection Area and Open Space/Recreation recommendations of the Land Use Plan.
286
287 Ms. Moore: That concludes our report, Mr. Secretary.
288

289 Mr. Silber: Thank you. Moving back to the top of the agenda on page 1. First on the
290 agenda tonight is a Plan of Development and Master Plan.

291
292 **Deferred from September 27, 2006 Meeting**
293 **POD-42-06 Timmons Group for West Broad Village, LLS, West Broad Village II,**
294 **LLC and Unicorp National Developments, Inc.:** Request for approval of a plan of
295 development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to
296 construct an urban mixed use development with a total of 526,500 square feet of commercial
297 space, 88,000 square feet of office space, 130 hotel rooms with conference space, 545
298 townhouse units, 339 multi-family units, a 6,000 square foot community club house, and 6,686
299 parking spaces (surface and structured) and a master plan for a future 300 room hotel and
300 future office space totaling 600,000 square feet. The 115.04-acre site is located along the south
301 line of W. Broad Street (U. S. Route 250), the north line of Three Chopt Road, and the east line
302 of the future John Rolfe Parkway on parcel 742-760-7866. The zoning is UMUC, Urban Mixed
303 Use District (Conditional) and WBSO, West Broad Street Overlay District. County water and
304 sewer. (Three Chopt)

305
306 Mr. Silber: I would also like to call at this time a companion case that we can hear
307 with this request. This is a subdivision.

308
309 **Deferred from September 27, 2006 Meeting.**
310 **West Broad Village Timmons Group for West Broad Village, West Broad Village II, LLC**
311 **and Unicorp National Developments, Inc.:** The 35.72-acre site proposed for a subdivision of
312 545 residential townhomes located along the north line of Three Chopt Road and the east line
313 of the proposed John Rolfe Parkway on part of parcel 742-760-7866. The zoning is UMUC,
314 Urban Mixed Use District (Conditional) and WBSO, West Broad Street Overlay District. County
315 water and sewer. (Three Chopt) 545 Lots.

316
317 Mr. Silber: Members of the Commission, you have the Plan of Development and you
318 have the Subdivision for the townhomes as a separate matter, but these are companion cases
319 covering the same piece of property.

320
321 Mr. Archer: All right. Thank you Mr. Secretary. Is there opposition to POD-42-06,
322 West Broad Village? Is there opposition to the subdivision? Good evening, sir.

323
324 Mr. Wilhite: Good evening, Mr. Chairman and Commission Members. You should
325 have received the revised plan handout. This includes both the POD and the subdivision plans.
326 Staff has had a chance to review these changes. There are a few red line annotations added to
327 it. The written comments that accompany it remain unchanged from the September meeting.
328 Generally, the layout has improved from staff's consideration. There is a more regular street
329 pattern now in the commercial development. This is due to the Plantation Gas pipeline being
330 relocated through the site. It's now being located along to the west. It's been shifted to along
331 Road A and runs behind Building B1 and B2 on your plans. Road W, which runs parallel to the
332 BMP, next to the future John Rolfe Parkway, has been changed from a two-way street to a one-
333 way street with parking on one side of the street in order to get some additional parking in the
334 residential townhouse area. The intersections of A, U, and Q, we are looking at adjusting the
335 alignment to better realign that intersection. That appears on the bottom of page 1.1. That's
336 been circled. There is a parking area behind Building A6, which is just south of the Whole Foods
337 Grocery site. That has been redesigned. They had, originally, one-way drive aisles in there that
338 did not meet County standards. They've been changed to two-way drive aisles and the layout
339 changed on the parking lot. In addition, we've had the applicant show areas of possible future

340 parking decks just in case additional parking is needed in this development. We've had them
341 identify that as an area that additional parking can be provided.
342

343 The bigger changes or some of the problems that we had originally are that the last plan did not
344 accurately show the future right-of-way line along West Broad Street. That's been corrected on
345 this plan. Also, there was a problem with the Three Chopt Road right-of-way. The alignment of
346 Three Chopt Road has changed based on the plans being designed for the widening of that
347 project. As a result, the alignment has come 25 feet, at the worse case, into the West Broad
348 Village project. This occurs at the eastern end of Three Chopt Road. We had concerns that the
349 changing of alignment would result in problems with the BMP encroaching into the buffer area
350 along Three Chopt. As you recall, the landscape plan for this buffer has already been approved
351 at a previous meeting. The engineer for the applicant has gone back and taken a look at it and
352 we believe at this point, that the BMP can be redesigned so there's no negative impact on the
353 buffer area and that the landscape plan that was approved can be planted.
354

355 In addition, the emergency access from Three Chopt Road that's shown on the plan will be
356 relocated to the intersection of Three Chopt and Barrington Hills Drive. That has been reviewed
357 by Fire. We are in agreement with that change. Also, this is a place where we have utility
358 easement crossings anyway, so by relocating the emergency access, it lessens the potential
359 impact on the buffer planting area as well.
360

361 On your agenda, there are four additional conditions from the conditions that were shown in
362 your September packet. Condition #53 addresses the right-of-way dedication. The applicant
363 has agreed to dedicate more right-of-way for Three Chopt Road widening than originally
364 proposed, based on the plan dated September 7th that is being prepared by the engineer
365 working for the County. Condition #54 requires that the architectural plans be submitted and
366 reviewed prior to the County's approval of the construction plans for the project. Conditions #55
367 and #56 deal with the future hotel and office buildings that are part of the Master Plan. Fifty-five
368 (#55) requires that both the hotel and the office buildings come back to the Planning
369 Commission for POD approval. Condition #56 has been offered by the applicant that will limit
370 the office buildings to a total height of 13 stories and 160 feet. The Subdivision Plan that's
371 attached now shows 545 townhouse lots. This is up from 428 that was originally proposed at the
372 time of rezoning. Total number of residential units in this development stays the same at 884
373 units. Under UMU requirements, there are no setback requirements for townhouse lots. They
374 do have to have at least a 10-foot common area separation between rows of townhouses and
375 the plan has been annotated to make sure that they provide that 10 feet.
376

377 Staff is in the position to recommend approval of the revised POD plan and revised subdivision
378 plan with the annotations shown, standard conditions, and the conditions as they appear on
379 your agenda. If you have any questions, I'll be happy to try and answer them.
380

381 Mr. Archer: Thank you, Mr. Wilhite. Are there questions from the Commission
382 members?
383

384 Mr. Jernigan: Kevin, when you first started, you said one of the roads wasn't wide
385 enough, that Fire wasn't happy with it.
386

387 Mr. Wilhite: That was referring to the road next to the BMP along John Rolfe Parkway.
388

389 Mr. Jernigan: How wide was it?
390

391 Mr. Wilhite: The travel lane itself was 18 feet. Fire requested it be at least 20 feet
392 wide. That's been annotated on the plan to allow for fire access up that street. It's 20 feet for
393 the travel lane and 8 feet for the parking space, so the total is 28 feet.

394
395 Mr. Vanarsdall: Kevin, back here under the planning, most all of this has been addressed,
396 hasn't it.

397
398 Mr. Wilhite: Yes sir. These were the original written comments the staff had back in
399 September. There have been no changes to those comments. A few of the [unintelligible] ones
400 have been addressed with this revised plan.

401
402 Mr. Vanarsdall: I'm looking at the suggestion of X and W road.

403
404 Mr. Wilhite: Yes. We tried to get another street converted from two-way down to one-
405 way, and because it's between rows of townhouse units, they weren't sure we could do it. We're
406 still looking at that.

407
408 Mr. Vanarsdall: I like your comments on the dumpsters to make them look better. That's
409 good.

410
411 Mr. Archer: All right, any further questions?

412
413 Mr. Silber: I have a question that may be best answered by the applicant that relates
414 to the parking on the property. There are a large number of parking spaces, I think in excess of
415 6,600 or 6,800 parking spaces. To the best of our knowledge, this will work based on the uses
416 that are planned here. If we find after this is developed, that there are places where it may be
417 challenged by some parking, are there any possibilities for expanding parking, providing for
418 parking structures? What provisions do you have in case parking does come up short?

419
420 Mr. Archer: Good evening, sir. Identify yourself for the record if you would, please.

421
422 Mr. Whittal: Hi. Chuck Whittal, Unicorp National Development. We do not believe,
423 Randy, that there will be a parking issue, based on everything we did; however, if there was a
424 parking issue, there are two areas on the plans. One is behind I believe the A6 building where
425 we could accommodate another parking structure. There's also the area across the street from
426 Whole Foods, that large parking lot where the hotel is that we have room for another parking
427 structure if we ever needed to. We've actually had an office user contact us. The reason we
428 mention that we may want to have the ability to put a parking structure behind A6 is we had a
429 corporate headquarters contact us over the past week and a half who was interested in doing a
430 corporate headquarters overtop of the retail building, 60,000 (square) feet. We looked into that,
431 if we could put a parking garage there. It will facilitate that if we need to. Does that answer your
432 question?

433
434 Mr. Silber: It does. Thank you.

435
436 Mr. Archer: All right. Anything further?

437
438 Mr. Branin: Just a couple of comments, if I may, Mr. Chairman.

439
440 Mr. Archer: You certainly may, sir.

441

442 Mr. Branin: Thank you, sir. Again, to the group, thank you for working with us on the
443 alignment of Three Chopt. The people of Three Chopt will thank you for being flexible in that
444 back area to possibly give us more land. That's a very important road fix, if you will, that we
445 need to take of, so I appreciate that. Also, giving us the flexibility with parking. I've seen
446 everything that you guys have and I think the parking that you have will be fine, but we really do
447 need to know that we can go up if needed.

448
449 Mr. Whittal: One other thing I just forgot to mention on the parking is that the number
450 of spaces that are shown in the garages as they're currently configured on the plan is actually
451 less than the number of parking spaces that will be provided. We gave it to our parking
452 structure company over the past month or so. What they've come up with is actually that those
453 garages, the same size that we've designed, will actually accommodate another 130, -40, -50
454 spaces within that. We drew the structure and our architect lined it out, how many spaces
455 should fit in there. In actuality, now that it's becoming real, it's becoming designed, we're
456 finding out there's actually more room in the garage without changing the size to accommodate
457 another 150 or so spaces. That's just an extra that we didn't expect to have.

458
459 Mr. Branin: Thank you. That's all I have.

460
461 Mr. Archer: Go ahead, Mr. Condlin.

462
463 Mr. Condlin: Andy Condlin from Williams Mullen. We had four questions, I guess, with
464 quick comments regarding the conditions. The first one has to do with — and I apologize to Mr.
465 Silber; I think it was the condition that I wrote. We wanted to make sure that it was clear on the
466 hotel that it was a freestanding hotel for the second phase because we do have a hotel in this
467 existing facility. On #55, if we could add the words, "future freestanding hotel," just so it's clear
468 exactly which hotel it is from that respect. The other issue has to do with the Three Chopt Road
469 expansion. The issue being that we had to redesign the landscaping. I know we made a
470 commitment to get that in by the end of the year, as far as all the landscaping, but because we
471 kinda got set back and having to redesign it because of the additional right-of-way, we're
472 hoping, obviously, we'll get some leniency in that if we need it. As we got set back a couple
473 weeks on that, it might take slightly longer to get that taken care of. I don't think that's an
474 amendment of any condition, it's just an acknowledgement of the fact that we're trying to,
475 obviously, work with you all, we had to amend the landscaping buffer in that area. We'll have to
476 try to get it in as quick as possible, but it may fall into January from that respect. I don't think
477 that's a big deal.

478
479 Two other issues, one concerning 38 with respect to the backup on the drive-up teller facilities.
480 The condition actually reads that in the event any traffic backup blocks the public right-of-way -
481 all these are private roads. We were a little, I guess, confused as to exactly how that would
482 work because any of the drive-thrus would not be going back into any of the public right-of-
483 ways, and certainly where they're located, we don't think there's any issue as far as backup.
484 We have set them out in between the roads a pretty good distance. The concern, really, is
485 whether the banks will accept such, because, obviously, the ATM and drive-up teller facilities
486 are very important to them as part of their business and we can't really have a condition on
487 there that would require to close that if that were the case.

488
489 Mr. Wilhite: The condition with the drive-thru tellers is a standard condition we use on
490 all banks. Now, this particular case, we don't anticipate that there's going to be a problem, but if
491 that happens to occur, then there is something major going on here. Staff would just like to point

492 out this is something that we use on any bank or any drive-thru facilities, we use this condition. I
493 don't think we've ever had a problem with it in the past.

494
495 Mr. Silber: I guess, Mr. Condlin, it seems like there is quite a bit of flexibility with it
496 saying, "public right-of-way." If something backs out from this development onto a public right-
497 of-way, which would be either Broad Street or John Rolfe Parkway, we would have a major
498 problem. I would have thought your concern would have been if that said, "in the private right-
499 of-way." With it being public right-of-way, I don't see how that would be a concern to your
500 banks.

501
502 Mr. Whittal: The concern with it is it's really not applicable. Looking at the plan, there's
503 no condition where that drive-thru could ever back up on a public right-of-way. Typically, when
504 we're dealing with banks and banks' attorneys, they read through a restriction like that and say,
505 "Wait, our drive-thru could be closed?" It's cumbersome, to say the least, to deal with an issue
506 like that on a plan. I could see if it was adjacent to a public right-of-way that it would be a
507 concern. What it becomes is a title issue and when we're dealing with title agents and
508 attorneys, and they see something like that, and trying to prove to them that the drive-thru
509 doesn't match to any public right-of-ways and the roads are all private — I just don't think that
510 it's applicable to our site plan. We'd like it removed, if possible; if not, we'll, obviously, deal with
511 it. If you look at the site plan, it's not applicable, that comment. There's no situation where that
512 could occur.

513
514 Mr. Silber: I agree. It's not likely to occur whatsoever. It is one of those standard
515 conditions, Mr. Branin, that we do impose where it is likely to be a situation. We've had many,
516 many banks that have come in and, obviously, have no trouble.

517
518 Mr. Branin: Right. Mr. Whittal, it may not be applicable to the case, in your mind, and
519 to the bank's mind it shouldn't be. It's all contained within. They are private roads; they aren't
520 public roads. That should put your bank's mind at ease. I don't know the relevance of taking it
521 out.

522
523 Mr. Condlin: Could we amend that to say that the number of lanes will be reduced
524 versus eliminated with the Director of Planning? It's just a pretty big axe, ultimately, for a bank
525 to look at that. If that actually backs up into the public right-of-way, then we could look at either
526 reducing the number of lanes or closing them at that point, if it's still causing a problem.

527
528 Mr. Silber: I wouldn't have a problem with that. You're basically saying that it
529 wouldn't necessarily close it down. You'd have to come up with an alternative solution to the
530 problem.

531
532 Mr. Condlin: They're going to blame the attorneys no matter what, apparently, so. The
533 other issue is on #47. Just to clarify, through the Three Chopt Road buffer is not going to be a
534 sidewalk. That's part of the walking trails. I don't know if that needs to change or not, but we
535 didn't want any anticipation of having a sidewalk constructed through County standards. That's
536 going to be part of the walking trail system in that buffer.

537
538 Mr. Wilhite: That particular condition does not reference to a standard County
539 sidewalk. We have asked that they provide a pedestrian access easement, so people walking
540 along Three Chopt Road would be able to use that sidewalk and be able walk through the buffer
541 area. All the sidewalks along West Broad Street, John Rolfe Parkway, and Three Chopt Road
542 are all located outside the right-of-way, which is not typical from what the County would request.

543 We have just stated that if it's located within that buffer area, that pedestrian access easement
544 be granted so anybody can walk along those sidewalks.

545
546 Mr. Condlin: I don't think there are any problems with the public access. I'm happy to
547 leave it, as long as it's on the minutes with respect to the fact that it's not going to be
548 constructed to County standards. What the expectation is —

549
550 Mr. Branin: I don't think that needs to be moved and it is, now, on the minutes.

551
552 Mr. Condlin: I appreciate that.

553
554 Mr. Branin: You got that one.

555
556 Mr. Archer: Okay. Any further discussion? Any further questions? All right then, I
557 suppose you're ready for a motion and I guess we'll have to do two motions. First, we'll do the
558 POD-42-06.

559
560 Mr. Branin: Thank you, Mr. Chairman. Mr. Chairman, I would like to move for
561 approval of POD-42-06, including staff's annotations, standard conditions including 24 through
562 36.

563
564 Mr. Vanarsdall: Second.

565
566 Mr. Archer: Motion by Mr. Branin, seconded by Mr. Vanarsdall. Those in favor of the
567 motion say aye. Those opposed say no. The ayes have it and that motion is granted.

568
569 Mr. Wilhite: 24 through 56?

570
571 Mr. Jernigan: 56.

572
573 Mr. Jernigan: I misunderstood you.

574
575 Mr. Branin: I definitely said 56.

576
577 Mr. Silber: I thought there was consideration to two modifications of the conditions.

578
579 Mr. Branin: We never modified them, including modification to the —

580
581 Mr. Silber: I guess the one —

582
583 Mr. Branin: That Andy's concerned about.

584
585 Mr. Silber: He had one concern with #55 that dealt with the future hotel and
586 suggested that they provide language to include "freestanding," to clarify that that is a
587 freestanding hotel that they're referring to. I don't have a problem with the language reading,
588 "for the future freestanding hotel."

589
590 Mr. Archer: That's what you would add?

591
592 Mr. Silber: We would add, "freestanding" after "future."

593

594 Mr. Branin: With amended.
595
596 Mr. Silber: Then relative to his question whether the Commission prefers this or not, I
597 think he, on 38, was asking whether you might consider language that would say that instead of
598 the drive-up teller facilities being shut down, that it might say something like, "the owner or
599 occupant shall make modifications to remove the situation". Maybe some language we can
600 come up with. I believe that's what they were asking for there.
601
602 Mr. Branin: Yes sir, but we haven't set that language, so how would you like me to
603 approach this?
604
605 Mr. Archer: Do you want to do that tonight or have staff come up with the language
606 and we can just —
607
608 Mr. Branin: Just say, "amended"?
609
610 Mr. Archer: Do the motion with, "amended conditions"?
611
612 Mr. Silber: Do you have any language?
613
614 Mr. Condlin: Something of the nature of just, "take corrective measures to remedy the
615 situation."
616
617 Mrs. Jones: In a timely way?
618
619 Mr. Silber: How about take immediate?
620
621 Mr. Jernigan: Mr. Silber?
622
623 Mr. Silber: Yes sir.
624
625 Mr. Jernigan: Who would enforce 38?
626
627 Mr. Branin: That would be me, sir.
628
629 Mr. Archer: A traffic engineer, I supposed, wouldn't it?
630
631 Mr. Silber: I think a determination would be made by the traffic engineer if it was
632 impeding traffic. Perhaps a policing situation. Then to remedy the situation, I don't think it would
633 be Mr. Branin. I think that would be a solution that would be made between the property owner
634 and the traffic engineers.
635
636 Mr. Branin: Okay. Well, if you need me there, sir, I'm there for you.
637
638 Mr. Silber: Good to know.
639
640 Mr. Branin: May I start over, Mr. Chairman.
641
642 Mr. Archer: Yes sir, I think you should.
643

644 Mr. Branin: Okay. Mr. Chairman, I would like to make a motion for approval of POD-
645 42-06, including staff's annotations and standard conditions, including the annotations to the
646 plans with amended 55 and amended 38, and also including 24 through 56.

647
648 Mr. Vanarsdall: Second.

649
650 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor of the
651 motion say aye. Those opposed say no. The ayes have it; the motion carries. Now the
652 subdivision.

653
654 Mr. Branin: And with that, Mr. Chairman, I'd like to move for approval of the July 2006
655 subdivision plan for West Broad Village with standard conditions, annotations on the plans, and
656 additional conditions included in the agenda this evening.

657
658 Mr. Vanarsdall: Second.

659
660 Mr. Archer: Motion by Mr. Branin and seconded by Mr. Vanarsdall. All in favor of the
661 motion say aye. Those opposed say no. The ayes have it; the motion's carried. Okay.

662
663 **Deferred from the September 14, 2006 Meeting.**

664 **C-35C-06 E. F. Moseley, LLC:** Request to conditionally rezone from A-1
665 Agricultural District to R-2AC One Family Residence District (Conditional), Parcels 820-689-
666 0994 and -3688, and part of Parcels 819-689-8194, 820-689-1644, and 818-688-9639,
667 containing 21.33 acres, located on the west line of Doran Road approximately 3,300 feet north
668 of New Market Road (State Route 5). The applicant proposes a single-family residential
669 subdivision at a density of not more than 2.2 units per acre. The R-2A District allows a
670 minimum lot size of 13,500 square feet and a maximum gross density of 3.23 units per acre.
671 The use will be controlled by zoning ordinance regulations and proffered conditions. The Land
672 Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units net density per acre. The site is
673 in the Airport Safety Overlay District.

674
675 Mr. Archer: Thank you, Mr. Secretary. Is there anyone present who is opposed to
676 this case, deferred from September 14th, C-35C-06, E. F. Moseley, LLC? I see no opposition.
677 Good evening, ma'am.

678
679 Ms. Croft: Good evening, Mr. Chairman, thank you. The property is located on the
680 west side of Doran Road, approximately 3,300 feet north of New Market Road. This project
681 would consolidate portions of five parcels for the single family development. One of two existing
682 homes on the site would be demolished. The property is surrounded by single-family
683 subdivisions and single-family dwellings.

684
685 A proffered conceptual plan has been submitted, which shows the primary entrance from Doran
686 Road and connectivity with Jarwin Lane to the north. A stub road, shown as "Road B," would
687 provide potential connectivity to the parcel to the south if development were to occur in the future.

688
689 Revised proffers were received today and relate to the overall site design, including a maximum
690 density of 2.2 units per acre; minimum lot widths of 90 feet for no less than 75% of the lots, and
691 no lot width of less than 85 feet; a 25' landscaped common area along Doran Road, planted to a
692 Transitional Buffer 35; a landscaped entrance feature; construction access from Doran Road
693 only, with limited hours of construction; and screening adjacent to the property lines of adjacent
694 single-family dwellings here, as you can see on the map.

695
696 Proffers relating to the individual lots and dwellings include a two-car garage for each dwelling; a
697 minimum of 2 windows per side elevation; a minimum finished floor area of 2,300 square feet for at
698 least 80% of the dwellings. Of these dwellings, at least 75% would have a minimum of 50% of the
699 front elevation constructed of brick, stone, or shake, and a side-loaded garage; a minimum of 2,100
700 sq. ft. for no more than 20% of the dwellings. All of the dwellings with less than 2,300 square feet
701 would have a minimum of 75% of the front elevation constructed of brick, stone, or shake, and a
702 side-loaded garage. Foundation plantings are also proffered for each home.

703
704 With regards to the proffers, staff does note the proffer relating to garages should be clarified to
705 provide minimum internal dimensions for usability and enforcement purposes. Elevation
706 drawings have also been provided but not proffered.

707
708 A community meeting was held on September 12, 2006 and attended by approximately 20 nearby
709 residents.

710
711 The 2010 Land Use Plan recommends Suburban Residential 1 (1.0 to 2.4 units per acre). The
712 proposed single-family use and density are consistent with this designation. It does represents
713 a logical continuation of one-family residential development existing in the area, and the
714 submitted proffers would provide for a higher quality of development than would otherwise be
715 possible. Therefore, staff does support this request. The time limits would need to be waived
716 on these proffers. I would be happy to try to answer any questions you may have regarding this
717 case.

718
719 Mr. Archer: Thank you, Ms. Croft. Are there questions from the Commission?

720
721 Mr. Jernigan: Nathalie, we have the elevations, but there's no proffer that they will be
722 similar to.

723
724 Ms. Croft: That's right. One of the big differences on the elevations is that some of
725 them do not have windows as proffered on the side elevations, so they included that as a
726 proffer.

727
728 Mr. Jernigan: What time did these come in today?

729
730 Ms. Croft: I think they were here before lunchtime.

731
732 Mr. Vanarsdall: Does that mean 12:00?

733
734 Ms. Croft: Sure.

735
736 Mr. Archer: Anything further?

737
738 Mr. Jernigan: I don't have anything else. We can hear from the applicant.

739
740 Mr. Archer: All right. The applicant can come forward please.

741
742 Mr. Johns: Good evening. My name is Bill Johns. Ray, how are you this evening?

743
744 Mr. Jernigan: Fine, how are you?
745

746 Mr. Johns: Just fine. As you know, we had a citizen meeting a while back and
747 everyone seemed to be extremely supportive of the project. We've subsequently met with staff
748 and gone over these proffers. I think at that point, we're pretty comfortable with all of the things
749 that we proffered and I'll be glad to answer any questions that you may have relative to two
750 items that you just brought up.

751
752 Mr. Jernigan: Normally, what we do get proffers on is the elevation that you give us,
753 maybe it's 5 or 6, or A, B, C, D. We don't ask that they're proffered to be exactly like that, but
754 they would be similar to. Would you be willing —

755
756 Mr. Johns: We'd be willing to agree to that, it would be similar to.

757
758 Mr. Jernigan: That the elevations you gave us will be similar to the exhibits A through D,
759 whatever.

760
761 Mr. Johns: We do not have a problem with that at all.

762
763 Mr. Jernigan: There were some discussions on Jarwin Lane and I see Mr. Jennings has
764 made it. I know Mr. Jeffries is here. He didn't raise his hand in opposition, but I know that he is
765 concerned about Jarwin Lane. I told him at the night of the hearing, that my personal feeling, I
766 thought we'd be better to have road connectivity through there because it's safer for school
767 buses and kids traveling from house to house to go through there. I'm pretty comfortable.
768 Nathalie is comfortable with things and I think we're good now. In the next case, try to get these
769 in a little bit earlier. It puts the squeeze on the staff to go over this stuff and get it all done
770 before the hearing.

771
772 Mr. Johns: We'll certainly do our best.

773
774 Mr. Jernigan: I would appreciate it. So would staff. Thank you.

775
776 Mr. Silber: Can I ask you one question, please? There's a proffer on the street tree
777 plan and it talks about street trees being 10 feet from the curb. Typically, the right-of-way would
778 extend about 7 feet beyond the curb, leaving about 3 feet if you're planting outside of the right-
779 of-way. Are there any plans for any easements that might be along that area in front of the lot
780 that might preclude the location of a street tree?

781
782 Mr. Johns: No. We're looking at putting the utilities and so forth in the rear of the lots
783 with this particular development. I wouldn't see where there would be any easements that
784 would be parallel with those right-of-ways that would encumber the growth of those trees.

785
786 Mr. Silber: So, you see all your easements being in the back of the lots?

787
788 Mr. Johns: Well, I would say predominantly most of them in the back or side of the
789 lots, something like that. I don't see how any of that would encumber the growth of trees or
790 prevent the trees from being placed within that strip.

791
792 Mr. Silber: Okay. We've had that as a problem before for a subdivision where they
793 proffer something like this and then easements are placed there. The utility companies will not
794 want trees planted in those easements and then you have an issue.

795

796 Mr. Johns: I've experienced that before also. I know exactly where you're coming
797 from. I wouldn't think that the easements on this would be problematic, not the way this is laid
798 out, not too much parallel with those public right-of-ways.
799
800 Mr. Silber: Because these did come in late, Mr. Jernigan, some of us have just had a
801 chance to look at it late today. I have a few other small matters that I'd like to maybe see
802 corrected before it goes to the Board. We can work with the applicant.
803
804 Mr. Jernigan: Okay.
805
806 Mr. Silber: Thank you.
807
808 Mr. Archer: All right. Any further questions for this gentleman before he takes a seat?
809 Thank you, sir.
810
811 Mr. Johns: Thank you, sir.
812
813 Mr. Jernigan: Mr. Jeffries is in the audience. He didn't raise his hand in opposition, but I
814 would like to give him a chance to speak.
815
816 Mr. Archer: All right. Come on up, Mr. Jeffries. Good evening, sir.
817
818 Mr. Jeffries: Good evening. Thank you, Mr. Jernigan, and, of course, the Chairman as
819 well, and the Planning Commission. My name is Horace Jeffries. I did not raise my hand in
820 opposition to the proposed development, obviously. Thanks for inviting us to the meeting. We
821 support the development, so obviously this is redundant. We do not oppose it whatsoever. We
822 have one concern. I live in Lot 29, if you look at the C-35C-06 standing development with
823 Prospect Homes. Adjacent to that lot is Lot 30, the Secor's. Our concern is simply this. This is
824 a stretch, perhaps, but we would like to request your non-objection to consider in the new
825 development with Centex Homes that the end of the present Jarwin Lane remain as a cul-de-
826 sac, as it now exists, and that the connectivity that's proposed with the homes abutting the
827 present Jarwin Lane, if you look at the map, end as a nice viable cul-de-sac. So, we'll be a
828 back-to-back cul-de-sac. This would simply enhance the aesthetics of the area. I understand in
829 listening, that the trees have not been proffered at this point for the developer. There is a stand
830 of trees adjacent to the Secor home and adjacent to my home that we would like to remain
831 there. Worse case scenario, back-to-back cul-de-sacs. There has been some opposition as to
832 "connectivity" there. If you look at the map, we are asking very simply and succinctly, make it a
833 back-to-back cul-de-sac, Jarwin Lane connecting with the present Jarwin Lane.
834
835 Mr. Jernigan: Nathalie, could you make this bigger so we can see where Lot 29 is,
836 please?
837
838 Mr. Jeffries: You can blow up Lot 29 and Lot 30.
839
840 Mr. Jernigan: She's going to enhance it on there.
841
842 Ms. Croft: This dark, bold line here represents the break between Doran Forest
843 subdivision and the proposed case before you.
844

845 Mr. Jernigan: When we were talking about this on the phone the other day, I believe it is
846 in the proffers of the previous case that that is a temporary cul-de-sac and there's a stub road
847 that is made to come through there.

848
849 Ms. Croft: Yes sir. The proffers from the Doran Forest rezoning case, C-74C-99,
850 show a conceptual plan. This conceptual plan was proffered with the case. This road here is
851 Jarwin Lane shown as a stub road. I pulled the subdivision plat as well and it's oriented a
852 different way this time. Jarwin Lane comes down through here. It's shown with a temporary
853 turnaround easement with a radius of 50 feet.

854
855 Mr. Silber: Mr. Jeffries, is your concern with the connection going through being a
856 concern with construction traffic going through as this development is being constructed?

857
858 Mr. Jeffries: Two concerns. On the PowerPoint, she did not show Lot 29. Lot 30 is
859 there and there's the line there. Yes. To answer your question, yes, the construction traffic
860 coming through there, as well as a safety factor. Jarwin Lane runs parallel to Doran Forest
861 connecting Route 5 and Darbytown Road. It's of the opinion of many of the residents in that
862 area that that would be a second Doran Road expressway. I hope that answers your question.
863 Yes, one, we're concerned with excessive traffic. Two, looking at the feasibility with your non-
864 objection, make that a back-to-back cul-de-sac, if she blows it up on the PowerPoint again.

865
866 Mr. Silber: Right. I understand what you're asking for and I think she was pointing
867 out that the cul-de-sac that exists in your subdivision was a temporary cul-de-sac with
868 easements so that when the adjacent property, the subject property tonight, is rezoned and
869 developed, then that temporary cul-de-sac would go away and this connection would come
870 through. I understand you're not in favor of that.

871
872 Mr. Jeffries: Yes, absolutely. We weren't aware that that would be a temporary cul-
873 de-sac there.

874
875 Mr. Silber: You were not aware of that.

876
877 Mr. Jeffries: No, absolutely not. There is not a Prospect Home representative here,
878 obviously, so I can't speak for them. When we purchased the home a year ago, 13 months ago,
879 we were not aware of that.

880
881 Mr. Silber: What I was going to offer as maybe an alternative, if the applicant is
882 willing to do this, is perhaps — and perhaps staff has already discussed this with the applicant
883 — from a construction standpoint, we can force all the construction traffic to go out to Doran
884 Road and not back through the subdivision. Perhaps not open up that connection until the
885 majority of the subdivision is completed. That would solve the problem with the construction
886 traffic.

887
888 Mr. Jernigan: That's 25. Proffer 25 covers that.

889
890 Mr. Silber: I'm sorry. That's already been proffered.

891
892 Mr. Jernigan: Construction traffic shall be required to use the construction entrance on
893 Doran Road where Road A is shown. Construction traffic via Jarwin Lane will be prohibited in
894 Doran Forest. We've already got that.

895

896 Mr. Jeffries: Did he say 25?
897
898 Mr. Jernigan: It's proffer #25. I don't know if you have the most recent set.
899
900 Mr. Jeffries: I don't have it.
901
902 Ms. Croft: This is what it looks like.
903 Mr. Jeffries: Thank you.
904
905 Mr. Jernigan: Number 25, sir.
906
907 Mr. Jeffries: Okay.
908
909 Mr. Branin: Thank you, ma'am.
910
911 Mr. Jernigan: Mr. Jeffries, we were just in one of our sessions for our 2026 Land Use
912 map and we were discussing road connectivity. That's a sensitive issue. I know a lot of people
913 don't want it, but sometimes you have to do what you feel is going to be best for the County in
914 general. I still have my feelings about the school bus and kids moving back and forth from
915 neighborhood to neighborhood. We did bring a professional in with us tonight — Mr. Jennings
916 — who is with Public Works. He's a road specialist. If he would, I'd like to have him come up to
917 the podium.
918
919 Mr. Jeffries: Sure. I'm not an engineer.
920
921 Mr. Jernigan: I'm not either.
922
923 Mr. Jennings: Good evening. I am Michael Jennings. I'm Assistant Traffic Engineer
924 with the County. I have looked at this case, because Nathalie called me and informed me it was
925 going to be on the agenda tonight. As you know, we do like to encourage interconnectivity
926 within neighborhoods in Henrico County. I look at this connection as a plus. I don't foresee it
927 being a problem. For one thing, for a fire or emergency, it's not required. They are under the 50
928 lot rule. If something did happen at the intersection, there is another way out. Also, Jarwin Lane
929 goes over to Kinvan, which is actually a minor collector on the major thoroughfare plane.
930 Looking at that, I don't foresee a lot of traffic using that, because I looked at the overall picture
931 and Doran Road up to Darbytown or down to New Market is by far the easiest way to get out of
932 this development and anywhere to go west towards the city. I've told you in the past if I think
933 something is going to encourage cut-through traffic; I don't feel this is. I think this could only be
934 a plus for the whole road system.
935
936 Mr. Jernigan: Like Nathalie said, this case was proffered to be a stub road, the Doran
937 Forest case.
938
939 Mr. Jennings: Yes sir.
940
941 Mr. Jernigan: That would be going against the proffers of that case if we didn't put this
942 road through.
943
944 Mr. Jennings: Yes sir. It would be nice to have that connectivity.
945
946 Mr. Jernigan: Thank you, Mike.

947
948 Mr. Jennings: You're welcome.
949
950 Mr. Archer: Thank you, Mr. Jennings. Any further discussions? I think Mr. Jeffries
951 wants to say something again, too.
952
953 Mr. Jernigan: Go ahead, Mr. Jeffries.
954
955 Mr. Jeffries: I've lost this, that's for sure. I'm still fighting. If this has been proffered,
956 obviously, I've lost the argument. Are there others from Centex Homes here?
957
958 Mr. Jernigan: They're here, yes sir.
959
960 Mr. Jeffries: Okay. Is there a feasibility — then I'll let Rod Secor speak. Is there a
961 feasibility of providing some form of buffer at that connectivity if you —
962
963 Mr. Jernigan: The trees that are existing there?
964
965 Mr. Jeffries: Yes. Could you throw it up again on PowerPoint, please? There you see
966 Lot 30 and the adjacent lot there, which is not shown, is my lot. Put some type of buffer there, if
967 Centex would find that cost-effective, or even not cost-effective.
968
969 Mr. Jernigan: Bill? I believe we discussed at the neighborhood meeting about leaving a
970 tree buffer in there.
971
972 Mr. Johns: We did, Ray. I think we would be agreeable on what's Lot 13 and 14 right
973 there to leave a 20-foot tree buffer that would be a part of the lot there adjacent to Lot 30 and
974 Lot 1 of that subdivision. I don't think we'd have a problem with that at all.
975
976 Mr. Jernigan: I knew we had discussed that, but we hadn't settled the issue of the road,
977 but you're fine with that.
978
979 Mr. Johns: Yes, we're fine.
980
981 Mr. Jernigan: Okay. Mr. Jeffries, is that okay?
982
983 Mr. Jeffries: Yes. If they'll proffer that and if my honorable neighbor will agree to that,
984 we will.
985
986 Mr. Jernigan: Yes, he said he would.
987
988 Mr. Jeffries: Okay.
989
990 Mr. Silber: Mr. Jernigan and Mr. Jeffries, let me point out one thing, and this is just
991 coming from the professional staff in regards to this. I understand the developer is willing to do
992 this and that is fine. I will point out that this is somewhat unusual to buffer a single-family
993 community from a single-family community, a single-family home from a single-family home.
994 What this, in essence, will do is it will place an encumbrance on the people that own Lot 13 and
995 14 so that they have to maintain trees on their property, whereas you don't have to maintain
996 trees on your property or anybody else in these two subdivisions, as a means of protection. I'm
997 assuming that these subdivisions are going to be very compatible; they're going to look similar.

998 The homes are going to be similar. So, it's somewhat unusual for us to place this buffer there. I
999 understand where you're coming from. If that's what they want to commit to, the County can
1000 accept that. What will happen in the future, potentially, is this could be an enforcement problem
1001 for someone who buys Lot 13 and 14 who may want to go in and take down a tree or two. The
1002 County, then, ends up being in enforcement mode to have to make sure they don't do that. It's
1003 unusual for us to buffer single-family from single-family. I just want to point that out, Mr.
1004 Jernigan.

1005
1006 Mr. Jernigan: Thank you. This is natural, it's standing now. They're not planting
1007 anything.

1008
1009 Mr. Silber: I understand.

1010
1011 Mr. Jernigan: Randy, when somebody buys that property, though and the developer
1012 has proffered that he will leave the trees there, but once somebody buys that property, that's not
1013 the developer's anymore.

1014
1015 Mr. Silber: It would have to be worded in a fashion to say that at the time of initial
1016 construction of the home, the trees will be left there. Once someone buys a home, they can do
1017 with it as they please. I'm not sure if that's what Mr. Jeffries thinks is going to take place. If he's
1018 looking for those trees to be there forever, that is going to be a struggle between the property
1019 owners of 13 and 14, and the County.

1020
1021 Mr. Jernigan: Do you understand? When the developer leaves them there, once those
1022 houses are sold, if some of those trees are dead, then they may go in there and cut those out.
1023 They don't have to replace them.

1024
1025 Mr. Jeffries: I understand that very clearly. Those are spec homes, 12 and 13, as I
1026 understand that, with Centex Homes.

1027
1028 Mr. Jernigan: 13 and 14.

1029
1030 Mr. Jeffries: 13 and 14, yes.

1031 Mr. Jernigan: It's a step in the right direction. The developer said before that he would
1032 be willing, even before we asked him to proffer it. He's willing to leave the trees in there.

1033
1034 Mr. Jeffries: I'll live with that.

1035
1036 Mr. Jernigan: Okay. I'll tell you what. Let's do that, rather than him proffering it. We
1037 don't want to have an enforcement issue.

1038
1039 Mr. Jeffries: Okay.

1040
1041 Mr. Jernigan: Is that all right?

1042
1043 Mr. Silber: Or else, Mr. Jernigan, it could be proffered that they'd be willing to leave
1044 the 20-foot strip of trees until someone buys the homes and that property owner can then do
1045 with those trees as they please.

1046
1047 Mr. Jeffries: We'll get a proffer on that, then, okay?
1048

1049 Mr. Silber: Okay, that's fine.
1050
1051 Mr. Jeffries: If Centex is willing to live with it, I'm willing to live with it.
1052
1053 Mr. Silber: We can enforce that.
1054
1055 Mr. Jeffries: Thank you.
1056
1057 Mr. Silber: Okay. Thank you.
1058
1059 Mr. Jernigan: Yes sir, good evening.
1060
1061 Mr. Secor: Good evening. My name is Rod Secor. I live at Lot 30, 7725 Jarwin
1062 Lane, and I also speak for the owner of Lot 1 that is directly behind me, 7724 Jarwin Lane. My
1063 concern is the following. It is a temporary cul-de-sac right now. If we will have connectivity,
1064 which it looks like we will, converting that temporary cul-de-sac to the through road has
1065 significant implications on Lot 30 and Lot 1 from the Doran Forest subdivision. Some examples
1066 would be, obviously, you're taking a circle and now putting straight lines through it, making it a
1067 road, removing of asphalt, extension of landscaping, sod, mailbox moving, irrigation removal,
1068 stuff like that. We talked about this at the community meeting. My wife was there and you were
1069 there, I believe, as well. I think Centex Homes and Mr. Moseley have been pretty
1070 accommodating in working with us on that. Just want to get that on the record that I believe they
1071 have agreed to make those corrections to those existing areas. I'd also like to have those
1072 corrections, upgrades or repairs, or however you'd like to word it towards the front of the project.
1073 I can only speak for Lot 30 on that one. The reason would be is I don't want those properties in
1074 a state of limbo in terms of value, if I had to sell, which I know have to sell next summer.
1075 Meaning, trying to sell Lot 30 by saying, "This is how Lot 30 looks now, but in the future it will be
1076 extended," so on and so forth. I would just like to see those repairs made at the beginning of
1077 this project, or towards the beginning of this project.
1078
1079 Mr. Jernigan: I'll have to ask Mr. Jennings about that, because I don't know how Public
1080 Works handles that portion of it.
1081
1082 Mr. Jennings: Hello again. During the submittal of the official plans, we would make
1083 sure that those changes are taken care of. Get rid of the extra asphalt. It's probably not a curb-
1084 and-gutter section out there, but make sure there are proper ditches, fix his mailbox and all that.
1085 I've never heard of a condition that it has to be done up front.
1086
1087 Mr. Jernigan: I haven't either.
1088
1089 Mr. Jennings: It is a condition of Public Works approving that plan, that they do take
1090 care of it and make it a normal through street and not leave that extra asphalt.
1091
1092 Mr. Jernigan: When the street is built, then at that point — correct me if I'm wrong —
1093 they'd have to come in and make the correction of the cul-de-sac.
1094
1095 Mr. Jennings: Yes sir. We wouldn't let them just connect to the cul-de-sac and leave
1096 that bubble there.
1097
1098 Mr. Jernigan: Okay. Does that answer your question?
1099

1100 Mr. Secor: That answers the questions about the street portion, but how about the
1101 portion for the sod, the irrigation, the mailbox? Who would be responsible for that?
1102

1103 Mr. Jernigan: The developer.
1104

1105 Mr. Secor: The developer.
1106

1107 Mr. Jernigan: What Mr. Jennings was saying, once the road is open, Jarwin is
1108 extended, then they would come back at that point and take the cul-de-sac out.
1109

1110 Mr. Secor: I knew trying to get it up front was a stretch, but at least if we have it in
1111 writing, I can at least show it. I know personally that I have to sell the lot and it would be
1112 somewhat difficult. I appreciate them working with us on that.
1113

1114 Mr. Jernigan: Okay. You understand, now, that it'll be done —
1115

1116 Mr. Secor: I understand.
1117

1118 Mr. Jernigan: Okay.
1119

1120 Mr. Secor: I understand.
1121

1122 Mr. Jernigan: Hello.
1123

1124 Ms. Kim Moore: Hello. Good evening. My name is Kim Moore. My question is, basically,
1125 my property line is actually shared between Lot 17 and 14. I'm trying to determine if the
1126 agreement that is being done for Lot 1 and Lot 30, the tree buffer, is still going to be applicable
1127 to my property as well.
1128

1129 Mr. Silber: You're wanting to know if this tree buffer would extend back to the back of
1130 14, in fact, all the way across the back of your lot, which I don't see a lot number.
1131

1132 Mr. Jernigan: Which lot is your, ma'am?
1133

1134 Ms. Kim Moore: My lot is 4C, but it's like the little triangle shape shared between 17 and
1135 14.
1136

1137 Mr. Silber: Where the cursor is.
1138

1139 Mr. Jernigan: Okay.
1140

1141 Mr. Archer: It abuts 17 and 14.
1142

1143 Mr. Silber: I think they would just have to work the proffer that the tree save area
1144 would go back across the full length.
1145

1146 Mr. Jernigan: The full length of the property line. Yes ma'am.
1147

1148 Ms. Kim Moore: Okay, thank you.
1149

1150 Mr. Jernigan: Okay.

1151
1152 Mr. Archer: Thank you, Ms. Moore. All right. Is there anybody else who wants to
1153 speak to this? All right. Mr. Jernigan?
1154
1155 Mr. Jernigan: Mr. Chairman, this case was in pretty good shape and I did want to give
1156 Mr. Jeffries, who had been so nice at the meeting, a chance to speak. He supported the
1157 project; just wanted to clear up on the road issue. I'm sorry we couldn't do it exactly the way
1158 that he wanted it, but I think in the long run, it'll be better off the way we're going to do it. With
1159 that, I will move for approval of zoning case C-35C-06, E. F. Moseley, LLC, and send to the
1160 Board of Supervisors for their approval.
1161
1162 Mr. Branin: Second.
1163
1164 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Branin. All in favor of the
1165 motion say aye. Those opposed say no. The ayes have it; the motion carries.
1166
1167 **REASON:** The Planning Commission voted 5-0 to recommend the Board of
1168 Supervisors grant the request because it represents a logical continuation of existing one-family
1169 residential development existing in the area, and the submitted proffered conditions provide for
1170 a higher quality of development than would otherwise be possible.
1171
1172 Mr. Jernigan: Mr. Chairman, I do have to waive the time limits.
1173
1174 Mr. Archer: We have a motion for that, then.
1175
1176 Mr. Vanarsdall: Second.
1177
1178 Mr. Archer: Motion by Mr. Jernigan and seconded by Mr. Vanarsdall to waive the time
1179 limits on the proffers. All in favor say aye. Those opposed say no. The ayes have it. That
1180 motion carries.
1181
1182 **C-52C-06 Caroline Nadal for Susan Ware:** Request to conditionally rezone from
1183 A-1 Agricultural District to B-1C Business District (Conditional), Parcel 814-688-7044, containing
1184 approximately 1.896 acres, located at the northwest intersection of New Market Road (State
1185 Route 5) and Recreation Road. The applicant proposes a veterinary clinic. The use will be
1186 controlled by zoning ordinance regulations and proffered conditions. The Land Use Plan
1187 recommends Environmental Protection Area and Suburban Residential 1 (1.0 to 2.4 units net
1188 density per acre). The site is in the Airport Safety Overlay District.
1189
1190 Mr. Archer: All right. Okay, is there present anyone who is opposed to C-52C-06,
1191 Caroline Nadal for Susan Ware? Hello, Ben. I see no opposition, or do I? No. Good evening,
1192 sir.
1193
1194 Mr. Sehl: Good evening, Mr. Chairman. The applicant is proposing to rezone 1.896
1195 acres from A-1, Agricultural District to B-1C, Business District (Conditional) to permit the use of
1196 a veterinary hospital or clinic. The site is located at the northwest intersection of New Market
1197 Road and Recreation Road, and is currently improved with a single family dwelling, and
1198 associated outbuildings. The 2010 Land Use Plan recommends Environmental Protection and
1199 Suburban Residential 1 land uses for the parcel. Approximately 85% of the property is
1200 designated as EPA, where no future development is planned. The proposed use is not
1201 consistent with the land uses designated in the 2010 Plan. The property abuts parcels zoned A-

1202 1 to the east, west, north, and across the road to the south. Varina Episcopal Church is also
1203 located across New Market Road to the south. The applicant has submitted amended proffers
1204 dated October 11, which were distributed to you this evening, in an attempt to mitigate potential
1205 impacts of the development. The proffers limit the use to a veterinary clinic, and address
1206 architectural requirements, access, lighting, trash receptacles, parking lot screening, and limits
1207 on the disturbance of historical earthworks located on the property. Time limits would need to
1208 be waived to accept these proffers. The applicant held a community meeting on Monday,
1209 October 9, at Varina High School. The meeting was attended by several local residents and a
1210 representative from the Varina Beautification Committee.

1211
1212 Staff has several concerns with this request. Approval of this request would set a precedent for
1213 commercial zoning along this section of New Market Road. With the 2010 Plan, current
1214 development patterns, and center commercial development at the intersection of Strath and
1215 New Market Roads - staff feels that future commercial development in this area should be
1216 centered on this intersection as recommended in the 2010 Land Use Plan. In addition, there
1217 are vacant B-1 zoned parcels at this intersection, and the Plan discourages the rezoning of
1218 parcels when there is adequate similarly zoned land in the area. If this request were to be
1219 approved, it could limit the ability of this parcel to be developed in a cohesive manner in the
1220 future. Piecemeal development of parcels in this area would be a detriment to the development
1221 of the New Market Road corridor. Approval of this request would be inconsistent with the 2010
1222 Land Use Plan and set a precedent for this area of New Market Road. For these reasons, staff
1223 recommends denial of this request.

1224
1225 This concludes my presentation, I would be happy to try to answer any questions you might
1226 have.

1227
1228 Mr. Archer: All right, thank you, sir. Are there questions from the Commission?

1229
1230 Mr. Silber: Probably should have reintroduced Mr. Sehl. I believe this is his first
1231 presentation before the Planning Commission.

1232
1233 Mr. Jernigan: You did good, Ben.

1234
1235 Mr. Silber: Appreciate that presentation.

1236
1237 Mr. Archer: You did fine. If the Director hadn't said anything, you'd have blended
1238 right in.

1239
1240 Mr. Jernigan: Ben, I don't have any questions for you at his time. Thank you.

1241
1242 Mr. Archer: All right, anyone else.

1243
1244 Mrs. Jones: I'd like to hear from the applicant.

1245
1246 Mr. Archer: Good evening, ma'am.

1247
1248 Ms. Nadal: Good evening, Mr. Chairman, members of the Commission. My name is
1249 Caroline Nadal. I am at Hirschler Fleischer and I am here on behalf of Dr. Susan Ware, the
1250 applicant. I believe I have a PowerPoint presentation. As Mr. Sehl indicated, Dr. Ware would
1251 like to operate a small vet clinic out of an existing home on the property. This is at 2458 New
1252 Market Road. When Dr. Ware first came to us and wanted to change the use of this property,

1253 we were faced with a bit of a quandary because with A-1 zoning, if you have a big enough
1254 parcel of land, you can actually operate a vet clinic, but here we don't have enough acreage to
1255 qualify for that conditional use. In searching through the zoning ordinance and looking for a
1256 designation, what we were left with was B-1 zoning. Dr. Ware does not have any intention of
1257 using this in any fashion other than as a vet clinic; therefore, we have offered a proffer that
1258 would limit the use to simply the running of a small animal vet clinic. What she plans to do is
1259 use the existing home on the property, which is a residence, and it is currently in keeping with
1260 the corridor along New Market Road. She has also offered a number of other proffers.

1261
1262 I do have some photographs of the area for you that I'll just show you real fast. This is the home
1263 itself where Dr. Ware would like to operate her clinic. This is down towards Strath Road. This is
1264 a church across the street, an elementary school. The proposed proffered conditions that Dr.
1265 Ware's offered, as I've said, limit the use to only a veterinary clinic. She's also provided that
1266 there will be no outdoor runs or cages for animals, to prevent any noise that would be created
1267 by barking dogs. She has provided that any additional buildings on the property would be in
1268 keeping with the character of the existing home, and that the home itself, she will not change or
1269 alter the front façade facing New Market Road. Also, she's proffered a sign in the front that
1270 would be of Colonial style and color and there would be only low intensity, low-level lighting,
1271 trashcans screened. She's going to screen any parking areas of three or more spaces with low-
1272 lying evergreen shrubs. She's also going to preserve the earthworks.

1273
1274 There are a couple of points I want to touch upon to address the 2010 Land Use Plan, which
1275 calls for SR-1 and Environmental Protection. What we really tried to do here is by not making
1276 this an open-ended B-1 zoning classification, is to try to keep this as consistent with the
1277 residential area as it exists at the time. I also want to say one other thing. It's been told to me,
1278 and I understand that the 2026 Plan is in draft form and it is not authority; however, the current
1279 draft does contemplate some commercial use spreading down towards Dr. Ware's property. I
1280 think this is indicative, or at least evinces the fact that down the road, there is contemplated
1281 commercial activity. Let me clarify that a little bit.

1282
1283 Several years ago, the Varina Beautification Committee drafted a Varina Village Plan. I actually
1284 have Nelda Snyder here tonight from the Varina Beautification Committee who has graciously
1285 offered us the support of the Varina Beautification Committee. Several years ago, the Varina
1286 Village Plan was drafted by this committee. It calls for a village concept in the area with clusters
1287 of stores, homes, and communities that would extend down to Dr. Ware's property. The 2026
1288 Plan, the latest draft, while it is in draft form, contemplates TND, traditional neighborhood
1289 development, coming down towards Susan Ware's property, which does provide for a small
1290 amount of commercial use. There has certainly been contemplation that this area is going to
1291 allow for some more commercial activity down the road, even though that isn't reflected in the
1292 current 2010 Plan.

1293
1294 I also want to say a few things about the community support that we've received on this. Dr.
1295 Ware and I have made an effort to reach out to the community members. We've had a
1296 community meeting, and weeks ago, Dr. Ware started calling her neighbors and her clients to
1297 support her in this effort. She has actually been a vet in the area for about 19 years and spent
1298 16 of those years at the Varina Vet Clinic. That clinic is actually about 3-1/2 miles down the road
1299 on New Market Road. She's developed quite a favorable representation, has a very loyal
1300 following of clients who would like to use her services. One of the things that I do want you all
1301 to be aware of is there is a need for another vet in this area. The Varina Vet Clinic, Dr. Ware will
1302 attest after spending so many years there, is overbooked, cannot meet the current demands of

1303 the community. Therefore, a veterinary clinic a few miles down the road will serve those needs.
1304 We have had a great deal of support.

1305
1306 I understand that there have been, in recent days, a couple of issues raised by some folks who
1307 I've tried to reach to and talk with, but have not had any response from them. A couple of which
1308 I think we have addressed through our proffers, namely with the commercial activity, any noise
1309 disturbance or light disturbance.

1310
1311 One other thing I do want to say in wrapping up is that she has actually looked at other sites in
1312 trying to find another place for this. Currently, she actually leases a site that's just down the
1313 road closer to the Varina Vet Clinic. That property is for sale or lease; however, it is just too
1314 small of a facility for her to operate. She did look further east to find property, but found that the
1315 pricing on that property was prohibitive for her. This is why she settled on 2458 New Market
1316 Road.

1317
1318 So in sum, I know I've got some community members here who, I believe, may say a word or
1319 two of support, but I just wanted to sum up in saying that this is, I think, going to be consistent
1320 with the future development of this area. A small veterinary clinic is consistent with what I think
1321 we're going to see down the road and it is consistent and in keeping with the current condition
1322 of the area because we're not disturbing the residents. We're proffering that the quality will
1323 remain high and higher than what is required at the moment. With that said, I ask that you send
1324 this to the Board of Supervisors with a recommendation of an approval. I'm here to answer your
1325 questions.

1326
1327 Mr. Archer: Thank you, ma'am. Are there questions from the Commission?
1328

1329 Mrs. Jones: My question was about the reasons why this parcel was chosen and
1330 you've touched on that because there are certainly alternatives and it was clear that this was
1331 going to be a rezoning issue. Basically, that the cost of other areas was prohibitive and the
1332 size.

1333
1334 Ms. Nadal: Dr. Ware would like to say word?
1335

1336 Dr. Ware: I'm Susan Ware. One reason why I touched on this site was it's a
1337 beautiful place. It's very eye-appealing, it's very in keeping with the historic nature of the area
1338 and it's just a very beautiful building and I love it. Another reason is that it has utilities, sewer
1339 and water, which is difficult to find along New Market. There's some business sites further west
1340 where Carlton's Store used to be, but there's no sewer and water available. That would have
1341 been a very real issue for me. This is close to what, at the moment, is downtown Varina. I'm
1342 sure that'll change over time. It felt right. It's a beautiful place; it's in a good location and I really
1343 like this place.

1344
1345 Mrs. Jones: Thank you.

1346
1347 Mr. Archer: Anything further?
1348

1349 Mr. Jernigan: Mr. Chairman, there was no opposition to the case, I believe, but we do
1350 have a couple of people who want to speak in favor.

1351
1352 Mr. Archer: Okay.
1353

1354 Ms. Lipford: Mr. Chairman, Members of the Board, my name is Virginia Lipford. I'm a
1355 lifelong resident of Varina. I have known Dr. Ware — Suzie — since she was a child, a very
1356 little girl with very long braids. I know that that doesn't affect your decision, but because I've
1357 known her so long, I can tell you she's an excellent vet, she's a good person, and we do need
1358 some more veterinarians in the area because Varina Vet Clinic is overworked. I just would say
1359 that because I've known Suzie, too, that I can say if she offers the proffers and says that she
1360 will keep the building in accordance with what the rest of the neighborhood is going to be, that
1361 she will do it. All of us will support her. We hope that you will consider having the rezoning go
1362 through so that we can have another vet in Varina where we need one. Thank you.

1363
1364 Mr. Archer: Thank you, ma'am.

1365
1366 Mr. Jernigan: Thank you.

1367
1368 Ms. Snyder: Good evening Mr. Jernigan, Commissioners. I'm Nelda Snyder from the
1369 Varina Beautification Committee. I know you never thought you'd see us come and support a
1370 business zoning in an agricultural area.

1371
1372 Mr. Archer: I didn't think you would.

1373
1374 Ms. Snyder: I'm sure you didn't, but we do support this because it has everything we
1375 would always ask of a business that wanted to locate on Route 5. It is set back; it is Colonial;
1376 it's beautiful; it's well landscaped. It's going to have the low Colonial sign and the correct
1377 lighting. It has everything that we would normally ask for. We haven't found any opposition in
1378 the community and we've found widespread support. So, we do support it. We did ask for a
1379 little clarification in the proffers, which we have. I think I need one more thing — low lying
1380 evergreen shrubs. How low is low-lying? They should screen the parked cars. Do you need to
1381 qualify or? Randy, what would that be for a landscape plan?

1382
1383 Mr. Silber: As far as the shrub height to screen a car? Probably around four feet,
1384 four or five feet.

1385
1386 Ms. Snyder: Would it better to have that, because low-lying is like those things that
1387 cover hillsides, to me.

1388
1389 Mr. Silber: I think that could be modified at some point.

1390
1391 Ms. Snyder: Okay. Is that okay? Okay. So, we do support and we'll be glad to have
1392 Dr. Ware back in the community, from a personal standpoint also. Thank you. Any questions?

1393
1394 Mr. Jernigan: Thank you.

1395
1396 Mr. Archer: Thank you.

1397
1398 Ms. Davis: Hi. My name is Carroll Davis and I've known Dr. Ware for probably 16 or
1399 so years. She's been my vet. When I first went to her, she was in one location and then they
1400 moved and I went there. I don't know if you own animals, but they become part of you and part
1401 of your family. Right now, I'm without a vet and I've got a dog that is physically handicapped. I
1402 really don't have a vet that I trust. I'm sorry; I get a little emotional here. I do think that we do
1403 need more vets out in that area. With the area that she chose, I can see that in just riding by,
1404 maybe it's not a business that's between her and that barbershop strip, but in the past, it's

1405 looked like a business. You've ridden down there and seen a trailer that has shrubs and plants.
1406 Maybe that's agriculture. I know nothing about that sort of thing, but that did look like a
1407 business to me, but it wasn't an appealing business, as far as being seen. For what she's
1408 proposing, I'm seeing something that is something nice. It is old, it is Colonial, and in the
1409 keeping of what is expected in the Varina area.

1410
1411 Mr. Jernigan: Thank you, Ms. Davis.

1412
1413 Ms. Davis: Thank you.

1414
1415 Mr. Archer: From what you're saying, it'll be in good hands with Dr. Ware.

1416
1417 Ms. Davis: Yes.

1418
1419 Mr. Jernigan: Just like Allstate.

1420
1421 Mr. Archer: Thank you, ma'am. Is there anyone here who doesn't like Dr. Ware?

1422
1423 Mr. Archer: Mr. Jernigan, I've got to turn to you now.

1424
1425 Mr. Jernigan: Yes. I'll tell you, when I first looked at this case, I said, "Oh no." Ben did
1426 a fine job. It does not fall in with the land use map and staff people have to say it. He did a
1427 good job on his report and he was factual, and that's what he's supposed to do. So Ben, I thank
1428 you. I think the reality of this case struck me the other day when I went into a very dense
1429 neighborhood in Sandston and I went by my babysitter's house that used to keep my kids when
1430 they were young. It's a full-blown daycare service now; they keep about 40 people in a
1431 residential neighborhood. She's all licensed and everything's straight. I got to thinking. Gosh,
1432 you don't have to have zoning in a neighborhood to keep your kids, but when I looked at the
1433 veterinary, a lot of folks, your animals are your children. So, I said, well, maybe this will help me
1434 along. Maybe I went by there for a good reason. After really thinking about this case, I'm
1435 comfortable with it. She's proffered out that it'll be only used as a vet, so if she was to sell out,
1436 anybody that would go in there would have to come back before this Commission to change the
1437 proffers. I think that with the proffers that she's included to the landscaping, the additional
1438 landscaping for the parking lot and all. The traffic in there will be probably minimal compared to
1439 the daycare. With that, I'm going to move for approval of zoning case C-52C-06, Caroline Nadal
1440 for Susan Ware and move to the Commission for their approval. Also, I have to waive the time
1441 limits on the proffers that came in today.

1442
1443 Mr. Branin: Second on the first.

1444
1445 Mr. Archer: Is that for the case or the time limits?

1446
1447 Mr. Branin: Case.

1448
1449 Mr. Archer: Okay. Motion by Mr. Jernigan, seconded by Mr. Branin. All in favor of the
1450 motion say aye. Those opposed say no.

1451
1452 **REASON:** The Planning Commission voted 5-0 to recommend the Board of
1453 Supervisors grant the request because the use is reasonable, would provide needed services in
1454 the area, and would not adversely affect adjacent property owners.

1455

1456 Mr. Jernigan: I make a motion to waive the time limits.

1457

1458 Mr. Vanarsdall: Second.

1459

1460 Mr. Archer: Motion by Mr. Jernigan and second by Mr. Vanarsdall. All in favor of that
1461 motion say aye. Those opposed say no. The ayes have it and the case is passed.

1462

1463 **Deferred from the September 14, 2006 Meeting.**

1464 **P-17-06 Jacqueline Karp for Verizon Wireless:** Request for a Provisional Use
1465 Permit under Sections 24-92.2, 24-95(a), 24-120 and 24-122.1 of Chapter 24 of the County
1466 Code in order to construct a 150' high monopole telecommunications tower on part of Parcel
1467 802-736-8028, located at the northwest intersection of E. Laburnum Avenue and Mechanicsville
1468 Turnpike (US Route 360). The existing zoning is B-2 Business District. The Land Use Plan
1469 recommends Commercial Concentration. The site is in the Airport Safety Overlay District.

1470

1471 Mr. Archer: Is there anyone here who is in opposition to P-17-06, Verizon Wireless,
1472 Glen Lea Shopping Center? No opposition? All right, Mr. Garthwright. Thank you. Mr.
1473 Coleman.

1474

1475 Mr. Coleman: Mr. Chairman, Members of the Commission. Approval of this request
1476 would permit a monopole-style communication tower up to 150 feet in height at the rear of the
1477 Glen Lea Shopping Center. The site is zoned B-2 and designated Commercial Concentration
1478 on the Land Use Plan.

1479

1480 The applicant conducted a balloon float and hosted two community meetings. Several area
1481 residents attended and expressed opposition to this request.

1482

1483 Adjacent uses to the north, east, and south along Mechanicsville Turnpike and Laburnum
1484 Avenue are primarily retail and retail service. Henrico Plaza shopping center abuts the site to
1485 the north and west. Henrico Plaza is primarily zoned B-2 but includes R-6 zoning along its
1486 western boundary. March Funeral Home lies in close proximity to the west. The funeral home
1487 property is primarily zoned O-2 but also includes R-3 zoning. The "R" zoned portions of the
1488 funeral home and Henrico Plaza are within 240 feet of the proposed tower and are close
1489 enough to impact site design and setbacks. Austin Heights, an established neighborhood
1490 zoned R-3 is northwest of the site. The closest dwellings in Austin Heights would be
1491 approximately 530 feet northwest of the tower.

1492

1493 The property is zoned for business and recommended for Commercial Concentration on the
1494 Land Use Plan. This request is consistent with the County's siting policy stating a preference
1495 for commercial land uses when considering a new site for a tower. The applicant provided
1496 evidence this tower would improve coverage in the area and demonstrated the tower would
1497 meet setbacks. This site may be acceptable for a tower; however, due to the nearby "R" zoned
1498 areas, staff recommends utilizing flush-mounted antennae to reduce the visual profile of this
1499 proposal. Recommended Condition #10 supports this intent.

1500

1501 Should the Planning Commission recommend approval of this Provisional Use Permit, staff
1502 recommends the permit be granted subject to the conditions listed in the staff report.

1503

1504 That concludes my presentation. I would be happy to answer any questions.

1505

1506 Mr. Archer: Thank you, Mr. Coleman. Are there questions for Mr. Coleman from the
1507 Commission? We do have opposition. I'll state the rules for opposition. There are 10 minutes
1508 allotted for the opposition and 10 minutes for the applicant. As many people as want to can
1509 speak, but don't use up your 10 minutes. If there's one person who is the spokesperson, it
1510 might be good for that person to use the entire 10 minutes. First, we'll hear from the applicant.
1511 Good evening, Mr. Rothenberg.

1512
1513 Mr. Rothenberg: Mr. Chairman, Members of the Planning Commission, my name is Chuck
1514 Rothenberg with Hirschler Fleischer, here tonight on behalf of Verizon. If it's okay, Mr.
1515 Chairman, I'd like to reserve three minutes for rebuttal.

1516
1517 Mr. Archer: That'll be fine, sir.

1518
1519 Mr. Rothenberg: This is a request for a provisional use permit for the construction,
1520 operation and maintenance of a wireless communication facility up to 150 feet in height behind
1521 the Glen Lea Shopping Center in the northwest quadrant of Mechanicsville Turnpike and east of
1522 Laburnum Avenue. Verizon's goal is to provide high-quality, seamless wireless coverage with
1523 as few new communication towers as possible. Unfortunately, there are no towers existing in
1524 the vicinity of this site upon which Verizon could co-locate and meet the coverage needs of the
1525 area.

1526
1527 The tower and ground equipment will fit within a quarter area surrounded by a fence. Verizon's
1528 ground equipment will be located in a 10 by 30 foot building located at the base of the tower.
1529 We believe that the provisional use permit is appropriate for the following reasons. As the staff
1530 report indicates, the use is consistent with the Land Use Plan, which designates the area for
1531 commercial concentration. Very little activity will occur on the site after the initial construction is
1532 complete. A very small area of land will be disturbed to install the tower and equipment. No
1533 County utilities are required. The site is located on and surrounded by commercial property.
1534 The nearest home is about 530 feet away, as Mr. Coleman indicated. The use poses no
1535 environmental or health risk to the public. The required utilities, electric and phone service, are
1536 available to the site, as well as adequate vehicular access in the areas for parking. The
1537 necessary safeguards in the form of the 10 conditions recommended by staff, with one
1538 modification we would ask for, are acceptable to Verizon and provide protection for the
1539 surrounding area, persons, and neighborhood values.

1540
1541 Condition 10 requires flush-mounted antennas instead of Verizon's typical triangular array. We
1542 would like you to consider deleting that condition because flush-mounted antennas reduce the
1543 coverage otherwise available by a full antenna array for two reasons. First, four antennas on
1544 Verizon's typical array per sector, there are 12 on the triangular array, 4 per sector, are more
1545 likely to capture the signal transmitted by wireless phones, which are relatively weak. If you
1546 think of this as a net, the more antennas you have on one sector of the array, the more likely
1547 you are to capture the signal coming from handsets on the ground, which are relatively weak.
1548 They are very weak. They are highly regulated by the FCC and the power they're allowed to use
1549 is very low. Second, Verizon will need to take two slots on the tower if it's forced to use flush-
1550 mounted antennas. That's because one set will be used for normal wireless phone service and
1551 the other will be used for the data transmission service, a separate service that Henrico's
1552 emergency services and customers use. Given the distance of the tower from the nearest
1553 residences and screening provided by existing trees and buildings, we believe that flush-
1554 mounted antennas will provide little aesthetic benefit, but will increase the likelihood that
1555 coverage to constituents in emergency services will be compromised, requiring additional

1556 towers in the area, which, to us, appears to be contrary to the County's goal of promoting co-
1557 location and reducing the number of towers.

1558
1559 The provisional use permit, if granted, will have no material affect on existing or future
1560 development. We believe the tower will benefit the area by providing improved wireless
1561 communications and enhance access to and in between emergency services. We respectfully
1562 ask that you recommend approval of this case to the Board of Supervisors, as recommended by
1563 staff, with the exception of Condition 10. I'm happy to answer any questions.

1564
1565 Mr. Archer: Thank you, Mr. Rothenberg. Any question from the Commission?

1566
1567 Mr. Branin: I have none.

1568
1569 Mr. Archer: Mr. Rothenberg, is that your engineer there with you?

1570
1571 Mr. Rothenberg: Yes. Mr. Walker is our radio frequency engineer from Verizon.

1572
1573 Mr. Archer: Mr. Walker, could you give us a little bit of insight into why the triangular
1574 array would be much better for propagation than the flush-mount antenna?

1575
1576 Mr. Walker: Basically, as Mr. Rothenberg touched on, the more antennas that you
1577 have per sector, the better the tower is able to receive the signals coming from the mobiles. As
1578 you look at the phones nowadays, they're much smaller, they have much smaller antennas and,
1579 as he alluded to, the power is much smaller. So, the tower, basically, needs to have those
1580 additional antennas to pick up those weak signals. What it actually does, as the phone tries to
1581 communicate back to the towers the radio frequencies are not going in a direct line. Some go in
1582 a direct line, some bounce off of buildings, some go through trees and are attenuated. So, what
1583 the multiple antennas do, they take all of those signals, those weak signals, and through
1584 processing within the equipment, they sum all of those signals together to one coherent signal
1585 so that you have a balanced path between the tower and the mobile. That is the reason why
1586 the multiple antennas are usually required. With the flush mounting, you look at a compromise
1587 because, basically, you're trying to put several different elements, antenna elements into one
1588 radial. Whenever you try to do that, put everything into one antenna, there are some
1589 compromises made. Traditionally, what I've seen in other sites where we had to use this flush-
1590 mount configuration, you usually see a decrease of around about 35% to 40% in the total
1591 footprint, so we try to stay away from it.

1592
1593 Mr. Archer: The propagation would be reduced by that amount?

1594
1595 Mr. Walker: The usable footprint of the site would be decreased.

1596
1597 Mr. Archer: Would that, then, entail having to have another antenna somewhere close
1598 by to try to make up for the loss in propagation?

1599
1600 Mr. Walker: Most likely, I would probably send out the request to real estate to go out
1601 and find another tower in the area, but as Mr. Rothenberg has already touched on, there are no
1602 other existing towers in the area. So, we would probably come looking for another raw land
1603 situation where we'd be looking to put a tower somewhere that is not already there.

1604
1605 Mr. Archer: Thank you sir. Anybody else have questions?

1606

1607 Mr. Jernigan: I have one. How far are we away from satellites? Instead of having to
1608 have cell towers, what's the future? Verizon, I'm sure, you all are the biggest. How many years
1609 are we looking at that we won't have to have cell towers?
1610
1611 Mr. Walker: Verizon has no plans to use satellite technology.
1612
1613 Mr. Rothenberg: Mr. Jernigan, I can fill in a little bit of that. The last statistics I heard were
1614 that it cost about \$70 million, and this is going back probably 8 years, to launch a satellite and
1615 they had about 30% failure rate within a very short period of time. The technology really isn't
1616 there and the other issue is that the amount of area that a satellite would cover would be huge.
1617 You can't have a large volume of users on a satellite. If you think about each antenna array as
1618 sort of the old-fashioned telephone systems where you had an operator plugging in little
1619 switches, there's a limit as to how much each one can carry. So you have to have a lot of
1620 satellites and it would be cost prohibitive to do, and not very reliable.
1621
1622 Mr. Jernigan: Well, I'm glad I asked that question because everybody tells me that it's
1623 not going to be too long. I figured you're the pro on this, you ought to know. So, we're not
1624 looking at it any time soon.
1625
1626 Mr. Branin: Mr. Jernigan, I asked the same question on one of my cases and they
1627 said satellite technology is far too expensive and there are also lots of problems with cutting
1628 through —
1629
1630 Mr. Vanarsdall: I have a son that studies that and I asked him a good while ago and he
1631 said the same thing.
1632
1633 Mr. Jernigan: I guess we need to put to the best use of what we have.
1634
1635 Mr. Walker: Yes.
1636
1637 Mr. Archer: Okay, thank you, sir.
1638
1639 Mr. Walker: Thank you.
1640
1641 Mr. Archer: All right. I think we have some opposition. Will you come forward, sir, and
1642 state your name for the record. Good evening, Mr. Garthwright.
1643
1644 Mr. Garthwright: How you doing, sir, Mr. Archer? You guys have cut me close. I have a
1645 hard time in ten minutes telling anybody who I am, but I'll try.
1646
1647 Mr. Archer: I believe you can do it.
1648
1649 Mr. Garthwright: I'm Arthur Garthwright. I live at 1907 North Battery Drive. In a real quick
1650 recap. We did have two community meetings; however, the first community meeting was held
1651 in Hanover and I thought that was a little bit unusual because they were putting the tower in
1652 Henrico. We got that rectified and moved the meeting to a Glen Lea school in Henrico. The
1653 reason there's not many people here tonight, because of the situation, it's commercial property
1654 so therefore you don't have to notify too many people of what you're doing. There are more
1655 towers in the area other than this one. There are towers close by. There's a huge one at the
1656 fairgrounds. There's one on Laburnum Avenue by Ruffin & Payne. There's one over on
1657 Creighton Road. So, there are more towers in the area.

1658
1659 A couple of things come to mind. First of all, I think some people may have gotten scared off the
1660 meeting because we were told at the Glen Lea meeting at the school that if this tower wasn't
1661 constructed, it's a very good possibility when the race is going on, we could lose emergency
1662 services in that area. Now, this troubled me if Henrico County is allowing this to happen. Now,
1663 I'm just going by what they said, because I'm not an engineer and I don't have papers up there
1664 because I'm not a computer person. They said that this is happening. Now, this is not the
1665 neighborhood's fault that this is happening if, in fact, this is happening. If there are so many
1666 people at the race that the fire truck, which I can almost see from the house, will lose
1667 communications, this is something the County needs to look into.
1668

1669 Next thing is I suggested to them that maybe we put the antenna on the water tank, which the
1670 County owns right behind #7 fire station. One of the gentleman said they were going to tear that
1671 down. I said, you gotta be kidding, they just spent millions of dollars building it a while back.
1672 This is an ideal thing. I traveled around through the County and I see where they put antennas
1673 on a lot of things: church steeples, telephones poles, and all kinds of things. The water tank was
1674 there in place, but they say they're going to tear that down, so that was no longer an option. I
1675 guess this is good information. I haven't been able to track all this down.
1676

1677 The next thing is in traveling around through the County, I haven't seen a tower — I realize this
1678 is not a shopping center like Short Pump or anything like that, but it's my neighborhood and it
1679 means a whole lot to me. I have not seen a tower in between two shopping centers. Now, I've
1680 seen them sitting on the back of a shopping center. You understand this is going to be right in
1681 between these two shopping centers that are kinda in disarray.
1682

1683 Okay. There's also a street, Adams Road, that runs right to where this tower is going to set.
1684 Now, this, I believe, is a private road. My wife and I sat out there the other evening looking at
1685 the balloon. I know the guys tried and I told the young man he did a good job with his video, but
1686 I don't have good eyesight. I was looking up in the air at the balloon where it was tied to the
1687 cinderblock and had a hard time seeing it. This visual thing wasn't too good for me, but anyway.
1688 This Adams Road comes through there and what people are doing to cut off that light at
1689 Laburnum and 360 in the evening, they're cutting through that old shopping center. We sat
1690 there for what, honey, less than 10 minutes and about 25 cars came through there. When they
1691 came through there, they thought they were maybe on the racetrack. This antenna's going to sit
1692 right in that [unintelligible] there where these cars are coming through. It's at the end of Adams
1693 Road, because I think Adams Road is a private road.
1694

1695 The gentleman has said to me, "Okay, there's nothing else available in this neighborhood to put
1696 up a tower." He said if you don't use these flush mounts, then you'll have to build another
1697 tower. You can't build another tower because he just said there's no more property available.
1698 There's plenty of property like up by Ruffin and Payne. The County owns property there, off
1699 course, like I said, at the water tank. No problem in the world. I've seen antennas on water
1700 tanks. The tank is already there. It's probably higher than what he wants to go.
1701

1702 I just hate to see it because we're in an older neighborhood. We don't have a community
1703 association like some new neighborhoods have so we're not able to get the people out. I don't
1704 know what can be done. I hate to see the tower out there, because I know it's going to be a real
1705 eyesore. The only thing that bothers me is it's right on the line of the shopping center and I
1706 mean like right on the line of two shopping centers. I can understand why the man that owns
1707 the shopping center would want to put the tower there and get the rent, but I'm thinking like
1708 what happens if both of these shopping centers are sold and somebody wants to come in there

1709 and put a nice shopping center there, which is a possibility because they did one down in East
1710 End. Then, all of a sudden, they realize they got a tower sitting in the middle of it. Then it's
1711 close to school. Well, you can't say the thing's unsafe because the government said they are
1712 safe, so that's kind of the end of that.

1713
1714 I don't know what we can do. I told him it's David and Goliath and I think David's going to lose
1715 this one. I understand it's going to be hard for you guys to kind of go against these fellows
1716 because they provide your telephone service. I wish it could be deferred and could really take a
1717 look at that water tank, that water tank that's sitting back there. The reason I say this is
1718 because this would put some money into the County's pocket because the County would be
1719 getting the rent. I don't see why anybody would object to this because you've already got a
1720 water tank there. I'm not all up in this technology and all like that, but I know we've never had
1721 any trouble. I guess the biggest thing that concerns me is the statement that was made that if
1722 we don't get this tower, we may lose our emergency services in that area. If nothing else, if it
1723 could be deferred until this could be clarified and, as a matter of fact, is this true or is this not
1724 true. What kind of a situation are we in in that immediate area when the race is going on? I
1725 guess the biggest thing that concerns me is that you've got the school sitting there on the
1726 corner. My wife is the nurse up there at the school and she uses the people up there at
1727 Company 7 quite often. So, if a race is going on and she had an emergency at school, the
1728 people might be telling me you can't get an emergency call through.

1729
1730 Mr. Archer came to the meeting and I appreciate him coming. I guess what happened is we
1731 started off wrong when we had that meeting in Hanover. I guess it concerned me that they had
1732 the meeting in Hanover, and I don't know where it fell through the cracks. Seems like they
1733 couldn't get with the County to find out a place to have it. Then, of course, the County got with
1734 them. I've been assured that we're not going to have any more meetings that could pertain to
1735 Fairfield District in Hanover County. I'll be glad to answer anything.

1736
1737 Mr. Archer: Any questions for Mr. Garthwright from the Commission?

1738
1739 Mr. Jernigan: Yes. Mr. Garthwright, at the meeting, did they show you the propagation
1740 map, the map that shows where the holes are?

1741
1742 Mr. Garthwright: They showed me the holes and all like that, but like I said, I'm not high
1743 into this high tech. I guess I'm still operating off pencil and paper, and it seems to work because
1744 it never goes down. If they say these are where the holes are at, what have I got to do but say
1745 they are the holes. What happens is, what I can't understand is, there's some holes in the
1746 propagation map that they say is a problem, but we haven't got that many people living in that
1747 neighborhood. They've got a tower down at Creighton Road. If they have to have a tower to
1748 cover that hole, they'll need a hundred more towers because they're only covering, supposedly
1749 covering that little Glen Lea area, but that's not the real problem. What they're covering is the
1750 problem they've got up at the fairground. When all these race people come in there's too many
1751 people talking on the telephone and communication, so they need to put this in there. I
1752 suggested that they go on the backside of the fairground, which going through the woods is only
1753 like a half mile and it's nothing but open spaces. Goodness knows, as much money that's
1754 created in that area from those races. I know you all don't have anything to do with it, but it
1755 seems like to me Glen Lea could get more than a 150-foot pole stuck up in the middle of a
1756 shopping center.

1757
1758 Mr. Garthwright: I know this thing about these telephones, but I've seen you've deferred a
1759 couple more cases. Things may not be right with these things.

1760
1761 Mr. Jernigan: Well, the case that I had that got deferred, I have to have two towers.
1762 One was ready and the other one wasn't, so I wanted to try both of them at the same time.
1763
1764 Mr. Garthwright: I understand.
1765
1766 Mr. Jernigan: I figured I'd pass both or fail both.
1767
1768 Mr. Garthwright: Is there a possibility that we can defer this until we can look at that water
1769 tank there and see what the story on that is?
1770
1771 Mr. Archer: Well, Mr. Garthwright, I'm going to try to see if I can get some answers on
1772 that tonight while we're here. Let's play it out and see what happens.
1773
1774 Mr. Garthwright: If we could get the answer on that water tank and if that's true that if this
1775 tower doesn't go up we're going to lose emergency services in that area. We've got 120-some
1776 thousand people up at the racetrack and we're going to lose emergency services —
1777
1778 Mr. Archer: Let me ask the applicant how he can address that issue. Mr. Rothenberg,
1779 can you clarify? I think he's talking about statements that you made at the meeting the other
1780 night that we could lose emergency services if that existing tower got overcrowded with calls.
1781 Can you expound on that a little bit and also let us know whether or not the water tower would
1782 be able to provide the type of array and the height that we will need to fill in for this tower.
1783
1784 Mr. Rothenberg: Yes sir, I'm happy to do that now or if there are other people you want to
1785 hear from who might be in opposition.
1786
1787 Mr. Archer: Well, is there anyone else in opposition who wants to speak? We have
1788 about a minute left.
1789
1790 [Off mike.] [Several voices speaking – unintelligible.]
1791
1792 Mr. Archer: Not to my knowledge, Mr. Garthwright. Go ahead, Mr. Rothenberg, see if
1793 you can help us out.
1794
1795 Mr. Rothenberg: Sure, sure. Let me first address the coverage issue that Mr. Garthwright
1796 is raising. As we explained at the community meeting, the second meeting, and I'm certainly
1797 happy to do for all of you, the fairground has a tower that Verizon is located on. The fairgrounds
1798 has plenty of coverage for Verizon. The issue comes about because when there's an event at
1799 the fairground, the very, very smart technology that Verizon uses actually shrinks the footprint of
1800 that tower down so that it doesn't lose calls within the footprint. It forces the other towers
1801 around the fairground's tower to expand and they take the extra calls that are on the periphery
1802 of the fairgrounds. What the technology tries to do is it makes sure that the sites actually grow
1803 and shrink based on the volume of calls that are coming through. So, at an event at the
1804 fairgrounds when there are a lot of people there and folks are using their phones, that site
1805 shrinks down and that's fine because the other sites that Verizon has will expand to fill in the
1806 gaps. The problem is, there is no site here. If you're traveling along Mechanicsville Turnpike or
1807 you're in the vicinity of these residences, Verizon doesn't have a way of filling that gap right
1808 now. That's where the loss in coverage occurs. As you probably know, the County's
1809 emergency services uses Verizon, subscribes to Verizon on the EVDO, on the data
1810 transmission service. So, in the back of an ambulance when the guys are typing, transmitting

1811 information to a hospital, that's actually going over a Verizon service. So, that's our concern
1812 with the safety issue is that given those circumstances, and they occur frequently when there's
1813 an event at the fairground, you have that loss of coverage. In general, even without that, going
1814 up and down Mechanicsville Turnpike, there is poor coverage there in this vicinity.

1815
1816 The other issue, the water tank, that is actually a site that Verizon looked at. I can assure you
1817 that Verizon, the last thing they want to do is build a new tower. It's expensive. We know you
1818 don't like it. We know that the constituents don't like it. It's the last thing Verizon wants to do;
1819 however, when there's simply not an existing structure or another communication tower in the
1820 area, Verizon is forced to do something that's a raw land build. They take a hard look at all the
1821 existing structures in the area. They actually did look at the water tank and it doesn't provide the
1822 coverage in the area that Verizon would need, and also, the County indicated that that water
1823 tank is due to be dismantled.

1824
1825 Mr. Vanarsdall: Nowhere to co-locate anything either, was it?

1826
1827 Mr. Rothenberg: Right. So those were the issues there.

1828
1829 Mr. Archer: Any questions for Mr. Rothenberg?

1830
1831 Mr. Silber: You have some rebuttal time, if you had anything else you wanted to add.

1832
1833 Mr. Rothenberg: I would mention a few things. I was called in sort of late on this case and
1834 I missed the first meeting. I wasn't involved at that point. Certainly at the second meeting, we
1835 certainly understand the constituents' frustration with the meeting in Hanover. Clearly, no ill
1836 intent there, just probably a bad choice on location. We did send out notices to about 60
1837 neighbors on the second meeting and we had about 8 people show up, 8 or 10 people. The
1838 comment that Mr. Garthwright made about the effect of this tower on the commercial property,
1839 there are numbers of towers in front of or around shopping centers. Regency Mall, I think, has a
1840 lattice tower with a full array on it that is much closer to residences than this proposal. There are
1841 towers up and down West Broad Street in front of Bruce's. I think there's one at Haynes. There
1842 are certainly towers in the vicinity of Short Pump Town Center. None of those have any
1843 adverse affect on commercial property. I think folks are very accustomed to them and I don't
1844 see that having any adverse effect on the commercial properties. I think that's it, unless you
1845 have some other questions.

1846
1847 Mr. Archer: Any other questions? Thank you, sir.

1848
1849 Mr. Vanarsdall: Thank you, sir.

1850
1851 Mr. Archer: Well, now, I guess, the tower's in my court. First of all, I'd like to thank
1852 Mr. Garthwright and the neighbors that you brought with you, both for attending the meeting and
1853 for coming here tonight. You show a strong sense of pride in your community and I appreciate
1854 that because I don't live that far away. In trying to make a logical decision as to what we need
1855 to do with this, I'm trying to weigh the benefits of having this tower as opposed to the non-
1856 benefit of what it would provide in the community.

1857
1858 The good thing about the tower that is proposed, is that it is not a lattice tower. I think lattice
1859 towers are really unattractive. Those are the ones with the cobweb design. They are big and
1860 obtrusive, as far as I'm concerned. I'm also concerned about the fact that these emergency
1861 situations could happen. I don't know of any that has happened right now, but I guess you have

1862 to have the right set of circumstances all come together at one time when this kind of thing
1863 could happen. The use of cell phones, and not just cell phones, but other kinds of emergency
1864 information is becoming much more apparent all the time. I don't see us going back to the day
1865 of using the landline telephones. In fact, we might even be at a point where all phones may be
1866 cellular one day; I don't know. I think we're fast approaching it. Also, as indicated in the staff
1867 report, they could build a 50-foot tower on this site by right. I don't know if they could even use
1868 a 50-foot tower, but in looking at what we have to do here, if that tower is built, then I think in
1869 order to serve the needs of most of the people in the community and the surrounding area, that
1870 we should at least maximize the benefit that we could get out of it. Knowing that we could get at
1871 least two more co-locators on that tower would eliminate the need for at least two more towers
1872 or possibly three. I think we're getting to the point where technology has moved to where we'll
1873 have to accept some things that we just don't like.

1874
1875 Mrs. Garthwright has a concern about the kids at the school, and I can understand that; my
1876 children went to school over there and she was a nurse there then. I don't know of any
1877 documented case where there has been any harm brought to anyone by a tower. Now, I've
1878 heard of telephones that people keep in the same position on their bodies all the time, at least
1879 some years ago used to have some effect. In fact, the FCC has come up with some level of
1880 protection that has to be built in the telephones now so that that does not occur.

1881
1882 In trying to weigh what could happen with the tower and what could happen without the tower,
1883 we have a situation that we don't usually have that much — all of the surrounding zonings are
1884 all commercial B-2, B-2, B-2, and O-2 and B-2 and B-3C. A lot of times we have situations
1885 where towers are requested and the rezoning is in a residential area. This one, fortunately,
1886 doesn't have that. The pictures that were given to us the other night when they did the balloon
1887 test show that in most areas that are next to where this tower would be located, you can barely
1888 see what would be there if the balloon test was at the height that you could see. As far as
1889 Condition #10 is concerned, and I don't know, this might be changed at some time in the future,
1890 but I would think that even though Mr. Coleman's reason for wanting to do the inside flush-
1891 mount tower is a good one, I would think that if we're going to build a tower, we might as well
1892 use it to its fullest advantage, to the maximum advantage we can get out of it.

1893
1894 So, in trying to weigh all that and tie it together, it would be my decision tonight that we make a
1895 motion to recommend approval for this tower. The Board may see is differently when they meet
1896 on it. We're 530 feet away from the nearest residence and I don't think the tower will really have
1897 any impact on that commercial property, and it could certainly be of benefit to people who will
1898 have a need and have an emergency. My motion would be to recommend to the Board that
1899 they approve it.

1900
1901 Mr. Vanarsdall: Second.

1902
1903 Mr. Archer: All right. Motion by Archer and seconded by Mr. Vanarsdall. All in favor of
1904 the motion say aye. Those opposed say no. The ayes have it; the motion is carried.

1905
1906 **REASON:** The Planning Commission voted 5-0 to recommend the Board of
1907 Supervisors grant the request because it is reasonable, the location of the proposed tower is an
1908 adequate distance from the closest residential area and as conditioned, the tower would have
1909 minimal impact on the surrounding development.

1910

1911 Mr. Archer: Mr. Garthwright, the Board will have its meeting on this November the 14th
1912 and they meet at 7:00 also. If you all would like to come back and express it again, that's the
1913 night that they'll meet.

1914
1915 Mr. Garthwright: Did anyone want to pursue the question that I had that, in fact, if we don't
1916 have this tower, are they right that we will lose emergency services and we are losing that
1917 service now?

1918
1919 Mr. Archer: I didn't get from them that you will lose emergency service. What I got
1920 from it, is there's a possibility that you could lose emergency services if the right set of
1921 circumstances came together at the right time. I didn't understand that we would lose
1922 emergency service if we didn't have the tower. I don't think that's a statement of fact.

1923
1924 Mr. Rothenberg: It's a set of circumstances. Mr. Archer, can I ask you for one clarification?

1925
1926 Mr. Archer: Certainly.

1927
1928 Mr. Rothenberg: Is your recommendation for approval with Condition 10 or without?

1929
1930 Mr. Archer: With Condition 10.

1931
1932 Mr. Rothenberg: With Condition 10.

1933
1934 Mr. Archer: No, wait a minute; I'm sorry. Without Condition 10.

1935
1936 Mr. Garthwright: So, it's not going to be a flush mount.

1937
1938 Mr. Archer: No, it would be a full array tower.

1939
1940 Mr. Rothenberg: Okay, thank you.

1941
1942 Mr. Archer: You're welcome.

1943
1944 Mr. Silber: It is the recommendation of the Planning Commission and then it would
1945 come up before the Board of Supervisors on November 14th.

1946
1947 **C-54C-06 Andrew Condlin for Shuler Acquisitions, LLC:** Request to conditionally
1948 rezone from R-4 One Family Residence District and B-1 Business District to B-2C Business
1949 District (Conditional), Parcels 784-754-6140, 784-754-6324, 784-754-6505, 784-754-8004, 784-
1950 754-8014, and 784-754-7628 containing approximately 3.08 acres, located at the northeast
1951 corner of Brook Road (US Route 1) and Wilkinson Road. The applicant proposes a retail
1952 center. The uses will be controlled by zoning ordinance regulations and proffered conditions.
1953 The Land Use Plan recommends Commercial Arterial and Suburban Residential 2 (2.4 to 3.4
1954 units net density per acre). A portion of the site lies within the Brook Road Special Strategy
1955 Area and in the Enterprise Zone.

1956
1957 Mr. Archer: All right. Is there anyone here opposed to C-54C-06, Shuler Acquisitions,
1958 LLC? Opposition in the back. We'll get to you. Mr. Coleman again.

1959
1960 Mr. Coleman: Mr. Chairman, Members of the Commission. The subject property is
1961 designated Commercial Arterial and Suburban Residential 2 in the 2010 Land Use Plan. The

1962 proposed uses are consistent with the Commercial Arterial recommendation but not with the
1963 SR2. The site lies within the Brook Road Enhancement Study area, and the B-1 portion is in the
1964 County's Enterprise Zone.

1965
1966 The property is bounded on all four sides by rights-of-way, including Brook Road and Wilkinson
1967 Road, and the unimproved Seminary Avenue to the east and Beecham Road to the north. An
1968 alley traverses the property. The applicant intends to have Beecham Road and the alley vacated.

1969
1970 The applicant proposes a retail center and submitted two conceptual plans demonstrating potential
1971 site layouts. The applicant submitted proffers providing some assurances of quality development,
1972 and major aspects include a landscaped buffer a minimum of 15' in width along the eastern and
1973 southern boundaries; an extensive list of prohibited uses; detached signs would be ground mounted
1974 and no more than 6 feet in height; and all buildings would be at least 70% brick.

1975
1976 Additional proffers address an entrance feature, BMP's, loading docks, trash receptacles,
1977 limited hours for refuse pick-up, parking lot lighting standards, and other items.

1978
1979 While providing some positive features, staff does not believe this proposal sufficiently
1980 addresses the goals set forth in the Brook Road Enhancement Study. Staff recommends
1981 consideration of the following specific issues recommended by the study. The applicant should
1982 fully commit to installing sidewalks along Brook Road and Wilkinson Road; the applicant should
1983 make a more significant commitment to providing street trees along the Brook Road frontage;
1984 and effective buffers between commercial and residential uses are important, and the applicant
1985 should consider masonry walls as buffers, where possible.

1986
1987 Staff also has concerns regarding the site design and contemplated uses. Staff recommends
1988 prohibiting additional uses including convenience stores, service stations, and fast food
1989 restaurants, including restaurants with drive-thru windows and those whose primary business is
1990 delivery. Staff encourages the applicant to locate all buildings closer to Brook Road, and where
1991 practical, locating parking to the rear and side of the building to provide better continuity with
1992 existing businesses in the Brook Road corridor to the south. HVAC equipment should be
1993 screened from view and should not be located on the east side of buildings where noise could
1994 negatively impact adjacent residences. No public address, paging, or speaker system audible at
1995 the property line should be permitted or installed outside of any building.

1996
1997 This request provides an opportunity to implement recommendations of the Brook Road
1998 Enhancement Study, and properly designed and regulated, would provide a new development
1999 opportunity in this corridor, bring new uses to these underutilized parcels, and could be compatible
2000 with nearby residential areas. However, while this request includes some positive features, it
2001 should be more consistent with the recommendations in the Brook Road Study, and as proposed,
2002 could support a style of strip commercial development that is not appropriate at this location. Staff
2003 recommends deferral of this request to allow additional time to address the issues outlined these
2004 evening and in the staff report.

2005
2006 That concludes my presentation. I would happy to answer any questions.

2007
2008 Mr. Archer: Thank you, Mr. Coleman. Any questions from the Commission members?
2009 Thank you, sir. Good evening, Mr. Condlin.

2010
2011 Mr. Condlin: Mr. Chairman, Members of the Commission. Andy Condlin from Williams
2012 Mullen. I'm here on behalf of Shuler Properties with Steve Shuler, Jeff Doxey and Zack Means

2013 here with me to help answer any questions. This is obviously an area that is challenged. That was
2014 recognized by the Brook Road Enhancement Study. There are a great variety of zoning uses
2015 surrounding it — including categories of B-1 with the Wal-Mart and the shopping center at the north
2016 and B-3; R-3, 4, 5 and 6 and O-1 — surrounding this property. As Mr. Coleman pointed out, it is
2017 subject to the Brook Road Enhancement Study. I would add that I found, of the things that he
2018 mentioned, we had already, I thought, proffered three of those items of the four, including a number
2019 of other items that we found were consistent with. We took the Brook Road Enhancement Study
2020 very seriously. In fact, we met with two different groups who both said they represented and were
2021 part of the Brook Road Enhancement Study, as well as some neighborhood associations and had, I
2022 think, five neighborhood meetings including the Brook Road Enhancement Study folks. Again, we
2023 took this very seriously.

2024
2025 One of the comments of that study said to provide for consistent landscape theme and landscaping
2026 along Brook Road. We've actually provided for in our site plan and in our proffers for a buffer along
2027 the eastern area, which will include a six-foot fence. Because it's falling out of favor to have a wood
2028 fence, we provided for PVC — this is in proffer #2 — with landscaping. Currently, the separation
2029 between commercial and residential throughout this area is the alley the runs along this area. You
2030 can see it's just a small alley. I know there was a recent case, in which that was about the only
2031 separation between the commercial and the residential. We've also provided for an entrance
2032 feature and a masonry wall long this area in Wilkinson Road, again, in proffer #2, providing for this
2033 area to try to remain consistent with the suggestions. Finally, we have proffered in proffer #3 street
2034 trees along Brook Road.

2035
2036 The sidewalks, we didn't proffer those because the sidewalks already exist on the Brook Road.
2037 Those would be improved per the Department of Public Works. They also commented to us that
2038 they would required, as necessary, through the POD process, sidewalk along Wilkinson Road.
2039 Obviously, we're willing to do that because that's going to be a requirement consistent with the
2040 policy of the County. We'll be happy to proffer that if that's necessary at this time.

2041
2042 The Brook Road Enhancement Study also provided for coordinated signage, which we have
2043 provided, to limit the number of signage, the type of signage to monument signage, and, along
2044 Wilkinson Road, to be part of this entrance feature in this masonry wall. Again, which was
2045 recommended by the study. The Study also discusses at times decreasing the traffic cut-through,
2046 both through the design of the plan and through — at this time, we have put in that we're going to
2047 request not only the alley vacation, which runs along here, but also Beecham Road, which we're
2048 going to request. Obviously, we can't proffer that. It will be closed. The neighbors were concerned
2049 about this cut-through traffic, using this as a cut-through back into the residential neighborhoods.
2050 We would want to provide for that vacation. We've also provided for a lighting theme with a 25-foot
2051 height limitation. Within a hundred feet of Seminary in this area, lights can be no taller than 15 feet
2052 using concealed sources of light. We even provided, at the request of the staff and with discussion
2053 with some of the neighbors, some street lighting as approved by the Planning Commission. The
2054 idea being that we provide lighting to enhance this sidewalk as folks walk along Brook Road.

2055
2056 We have tried to, finally, increase the quality of the development along Brook Road. To say that
2057 there are areas along Brook Road that are challenged, it is, I think, accurate, particularly not too far
2058 from this site along Brook Road, the commercial areas. I think this will clearly set a higher standard
2059 for the area, very much consistent with the Brook Road Enhancement Study. In addition to the
2060 mentioned items and typical development standards that we proffered, including underground
2061 utilities and screening, we have very specific material with at least 70% brick required on the
2062 buildings that you see here. It will be on all buildings regardless of the use. We do feel that this is
2063 not only consistent with, but exceeding those recommendations of the study.

2064
2065 The only item I don't think that we have addressed otherwise in our proffers — what Mr. Coleman
2066 mentioned regarding the street trees, the sidewalk and the masonry wall, which I believe we have
2067 addressed — is no public address system, audible. We would be willing to provide for that no
2068 public address system would be audible outside the boundary lines of the property.
2069

2070 This is, obviously, a very heavily trafficked area along Brook Road. The existing zoning calls for B-1,
2071 but unfortunately, it's not very deep and what ends up happening with the alley being right at this
2072 location, you get the types of uses that, quite frankly, are typically in conflict with the residential area
2073 because you can't provide the type of parking that you need. You end up with a lot of convenience
2074 stores, a lot of separate uses that are smaller stores. Here, we're trying to provide for a bank along
2075 this corner, which certainly is, I think, a quiet use with a typical retail area of about 4 to 5,000 square
2076 feet in this area. The neighbors, quite frankly, when we discussed it with them on a number of
2077 occasions, asked us to push this back so that there's not parking and they didn't want the cars back
2078 there. So, on one hand, we hear the staff say we want the cars behind the building, but otherwise,
2079 the neighbors say, well, we're back there. The same owner that owns all this property actually
2080 owns a lot of this residential that sits behind here. Obviously, he's very comfortable with that
2081 concept and neighbors farther back recommended that we bring this building back as well.
2082

2083 The proposal that we're providing, I think, is something better than, certainly, what's existing up and
2084 down Brook Road, particularly as you end south from this site, but also with the knowledge that
2085 we're right behind Wal-Mart. There is a large buffer, but we are right behind Wal-Mart and the
2086 access road the goes into Wal-Mart in behind it. I think we're increasing the standard and, quite
2087 frankly, setting a precedent for future development along Brook Road. As I said, we're consistent
2088 with the Brook Road Enhancement Study, consistent with surrounding uses. I think we have
2089 provided for great protection to the residential areas with the proffers regarding the buffers and the
2090 street trees, and providing for an enhancement along Brook Road for pedestrian access and
2091 pedestrian use with street trees and street level lighting. The staff report identified the number of
2092 goals and policies where this meets the comprehensive plan.
2093

2094 With that, I would ask that you recommend this to the Board of Supervisors and I'll be happy to
2095 answer any questions that you have.
2096

2097 Mr. Archer: Thank you, Mr. Condlin. Are there questions from the other
2098 Commissioners?
2099

2100 Mrs. Jones: I just have a quick question. Mr. Condlin, because I can't read all this as
2101 quickly as you can go through it. The bank has a drive-thru feature. What do you envision it to be?
2102 Would there be any other drive-thru businesses allowed on this parcel?
2103

2104 Mr. Condlin: We haven't restricted the drive-thru, per se, for any use. You can see over
2105 here we've shown a pad site for a potential fast food restaurant. We're trying to be up front about it.
2106 We did proffer that any fast food uses would have to be within 200 feet of the northern property line,
2107 so that would be up towards the Wal-Mart, which we think would be appropriate and consistent with
2108 the uses that are otherwise in that area. There would be a drive-thru permitted for the fast food,
2109 but, again, we would — I think the only thing that I haven't done that Mr. Coleman mentioned that
2110 would be consistent with the Enhancement Study would be to make sure that no outdoor speakers
2111 would be audible beyond the property lines. We can certainly do that. Those would be the two
2112 drive-thrus. At the request of the neighbors that we talked with and with the knowledge that there
2113 are no set users here at this point, they wanted to see what would it look like without a fast food,

2114 how would we provide the design. That's about a 10- to 12,000-square-foot building. It's not unlike
2115 Brook Run farther down Brook Road. If you can bring the camera up.

2116
2117 Mrs. Jones: Are these one- or two-story buildings or what?

2118
2119 Mr. Condlin: One story.

2120
2121 Mrs. Jones: One story?

2122
2123 Mr. Condlin: We haven't proffered it and, quite frankly, it really hasn't gotten into it, but
2124 that's some of the conceptual renderings, that would be the quality of what we'd be looking for.
2125 Again, one of the things we tasked the client with was when you look down at Brook Run, it had a
2126 lot of brick and some of those new facilities, but also, you can see the features they're trying to
2127 provide.

2128
2129 Mrs. Jones: Okay, thank you.

2130
2131 Mr. Silber: Mr. Condlin, I think staff had mentioned that it may provide better protection
2132 to have a masonry wall along the back side. You said you had addressed most of staff's concerns.

2133
2134 Mr. Condlin: We have provided for the masonry wall as part of the entrance feature
2135 here along Wilkinson Road on this corner. This one, we have proposed a fence along this area.
2136 We do have Seminary Avenue, which would separate us from zoned residential, but currently
2137 vacant, with the same property owner. All through our meetings, quite frankly, we hadn't heard
2138 from anyone that said that that should be a masonry wall. This is sitting in behind the buildings
2139 and, quite frankly, with the 70% brick, we would rather put it on the buildings than on a wall. We
2140 would have a six-foot opaque fence we thought would be more appropriate at that location. We
2141 can certainly provide for decorative brick columns or something of that nature, if that would help,
2142 but at this point, we felt that it wasn't necessary back there. It really wasn't going to be doing
2143 anything in addition; otherwise, it would be behind the landscaping.

2144
2145 Mr. Silber: How many homes are there on the other side of Seminary Avenue that
2146 would be looking into the back of this?

2147
2148 Mr. Condlin: Well, you can see the lots here. There's one, two, three, four, is the
2149 number of the lots they have. It is zoned R-4, so I certainly don't know what their plans would
2150 be for their subdivision of that. I don't know if those are conforming or non-conforming lots.
2151 They seem awfully small comparative to the other lots in the area. Currently, there are four lots
2152 in there. You can see the same property owner, Mr. Ball — these back here. There is currently
2153 a florist or nursery area here. Their lease is up and they didn't want to renew and they're closing
2154 their shop, so that's why this came on the market. These are leased and everything else in here
2155 is leased. I know I've talked to the builder that wants to build back there and he's very
2156 comfortable with our case at this point. He's got it under contract, I understand, with Mr. Ball.
2157 Although, I haven't seen that contract, that's what he told us.

2158
2159 Mr. Archer: All right, anything further? Thank you, Mr. Condlin.

2160
2161 Mr. Condlin: Thank you.

2162

2163 Mr. Archer: We did have opposition. Is there one person who wants to be the
2164 spokesperson for the group? Not that we can't hear from more than one, but we have to adhere
2165 to our 10-minute limit.

2166
2167 Ms. White: Good evening.

2168
2169 Mr. Archer: Good evening, ma'am.

2170
2171 Ms. White: My name is Cindy White. I'm currently the president for the North
2172 Chamberlayne Civic Association. There were three meetings that we had with the
2173 neighborhood. The first one was with the Board. They requested one right away and we didn't
2174 have Civic meetings during the summer, so we had a meeting with the Board. Then there was a
2175 meeting with our Enhancement Group, and then they were able to come to our Civic meeting
2176 just recently.

2177
2178 Just wanted to point out there were three major concerns that were brought up in all three
2179 meetings. The biggest one is the congestion at the Wilkinson Road and Brook Road corridor
2180 intersection there. Not only for the residents, those of us that live on Seminary Avenue, but also
2181 pretty much the whole North Chamberlayne Civic Association area because Wilkinson Road is a
2182 main road for them to get out of the neighborhood.

2183
2184 The second biggest issue was, of course, for a lot of the residents on the Seminary Road area,
2185 is rezoning residential to business, because a lot of homes in that area are backed up to
2186 business. If we're starting to take away our residential, will it affect some of our other
2187 neighborhoods? So, that was the second biggest issues that came up.

2188
2189 Finally, the third big issue was traffic, again, but the residential traffic. A lot of people cut
2190 through Seminary and Chamberlayne Avenue on Brookside and Ridge to avoid the traffic light
2191 there at Wilkinson and Brook. With extra retail area there — it already backs up past I think it's
2192 Ridge Road in the afternoons. I can see with more people wanting to get in the shopping center
2193 being backed up even further, increasing the residential traffic. That's a big concern. Also, the
2194 fact that we cannot prevent the delivery trucks from coming on the residential areas, that they
2195 would use Seminary as a cut-through.

2196
2197 Those were the three big issues that came up in the three meetings that they had with our
2198 citizens. I'd like you to keep those in mind when you make your decision tonight. Thank you.

2199
2200 Mr. Archer: All right. Ms. White, before you take your seat, in the meetings that you all
2201 had, were there ever any suggestions as to what you might like to see built or was the
2202 conversation generally around what the proposal was?

2203
2204 Ms. White: There was some. Whenever you get something like that going, things like
2205 a Dunkin' Donuts and/or a coffee shop. If you really think about it, that area within three miles,
2206 there's anything and everything you want. In fact, I keep thinking, riding around looking for what
2207 I would like — I live on Seminary, in walking distance — it's like, I don't need anything. I can get
2208 there within 10, 15 minutes to anything I would like.

2209
2210 Mr. Archer: Okay. Thank you.

2211
2212 Ms. Marshall: Good afternoon.

2213

2214 Mr. Archer: Hello. Good evening.
2215
2216 Ms. Marshall: I'm Dawn Marshall. I'm a resident on Seminary Avenue.
2217
2218 Mr. Archer: Was it Marshall?
2219
2220 Ms. Marshall: Marshall.
2221
2222 Mr. Archer: Okay.
2223
2224 Ms. Marshall: I'm sorry. I have some concerns. Like Cindy said, the traffic. Brook and
2225 Wilkinson is a dangerous intersection. When big trucks try to turn on Wilkinson off of Brook, it's
2226 going to get it even more congested. I was looking at your plan and I was wondering if they
2227 could have no entrance on the Wilkinson Road side and make all the entries go to the Beecham
2228 or whatever that road is on the back side, or have to come in off Seminary? Once people start
2229 trying to turn into that shopping center there, it's going to back the traffic up even worse than
2230 what it already is. So, if we could have that brick wall extended all the way down Wilkinson
2231 Road to keep an entry from coming there and, like Cindy said, delivery trucks and all that. We
2232 already have that problem. Whenever there's an accident on Route 1, everything's diverted
2233 down Ridge Road and then up Seminary Avenue. We already have the problem with traffic and
2234 big trucks, delivery trucks and dump trucks and stuff like that, cutting over whenever there is an
2235 accident on Route 1. To have a shopping center at that corner, it's going to make it even worse
2236 and have more traffic coming through the area.
2237
2238 Mr. Archer: All right, thank you ma'am. Any questions for Ms. Marshall? Okay. Mr.
2239 Condlin, you and I have discussed this several times. I'm sorry; somebody else wants to speak.
2240 Come on down, ma'am.
2241
2242 Mr. Silber: It's about three minutes.
2243
2244 Mr. Archer: Yes. We've got about three minutes of time left. You don't have to talk
2245 fast; take your time.
2246
2247 Ms. Glass: I do anyway. I'm Sandra Glass. I live on Seminary Avenue.
2248
2249 Mr. Archer: How are you doing, Ms. Glass?
2250
2251 Ms. Glass: Doing fine. My concern is tonight is the rezoning of the residential
2252 property. We are in an older neighborhood. We are in the Fairfield District, which I don't know
2253 how many of you go in there, but that's an older area. I was, in the beginning, excited about the
2254 revitalization because I think it would be great to have some businesses on those lots. I would
2255 take issue with Mr. Condlin the implication that all the businesses along there are bad. There
2256 are some nice businesses along there, in spite of the shallow lots, that have been there for a
2257 number of years. The revitalization study and Enhancement Study, the Enterprise Zone are
2258 beneficial to businesses, but in all those plans and studies, there's also a lot of indication and
2259 desire for protection and enhancement and preservation of the residential areas because we
2260 are adjacent to it. Our protection has to come from the County. Beecham Road is not the road
2261 that everybody's concerned about for the cut-through. That doesn't cut through to any
2262 neighborhoods; Seminary Avenue is the road with the concern about the cut-through.
2263

2264 I'm very concerned that I see residential lots, 20 of them, wanting to be rezoned to business. I
2265 like to see some businesses go, of course, in that lot. The O-1, I believe that's actually zoned
2266 B-1 and not O-1. We went down to the Revitalization Department a couple of weeks ago and
2267 John Young checked that for us and I think it's B-1 not O-1. I'd like to see business, but I'd like
2268 to see this recommended for denial based on the fact that it is invasive and encroaching upon
2269 the neighborhood, which we're trying to preserve. We want to protect it. I want to stay there.

2270
2271 Mr. Archer: Well, we don't want you to leave, Ms. Glass.

2272
2273 Ms. Glass: Tonight, or permanently.

2274
2275 Ms. Glass: No, I don't want to leave either. I've been there for about 39 years and
2276 I've always been interested in it. As Mr. Garthwright said, it may not be Short Pump, but I want
2277 to think of it as Henrico County being all one county and protected. We're older and we're all
2278 going to get there.

2279
2280 Mr. Archer: Well, you're right. Your input has been very instrumental in the Brook
2281 Road Enhancement Study and we appreciate you doing that.

2282
2283 Ms. Glass: Thank you, Mr. Archer.

2284
2285 Mr. Archer: All right.

2286
2287 Mr. Jernigan: Ms. Glass, can I ask you something?

2288
2289 Ms. Glass: Yes sir.

2290
2291 Mr. Jernigan: If you were to take that property and split it in half, it's only 3.08 acres.

2292
2293 Ms. Glass: That's right.

2294
2295 Mr. Jernigan: So, if you just use the B-1, that would be about an acre and a half. By the
2296 time you do the setbacks that you'd have to do from B to R, you're not going to have much left
2297 to work with there. It would be pretty hard to put anything there.

2298
2299 Ms. Glass: I understand what you're saying, but I also understand that I don't want to
2300 see business come down my street. What's going to prevent it in the future? Once you set a
2301 precedent, it's going to be hard to back up, real hard to back up; and I've been there, too. I've
2302 been told I wanted a dumpster right in my backyard, when I knew I didn't. Once you go with it, I
2303 mean, you can't back it up. You said it's okay, so what's to stop that from — Mr. Ball owns all
2304 the rest of the property and Mr. Condlin said to us that they might build a residential community
2305 somewhere back in there. I'll make reference to the other case, too, that the cul-de-sac, there
2306 would be a cul-de-sac at the end of Seminary. If homes were built back there, then that would
2307 most likely would be opened. It goes on and on; it's not going to stop. I don't want to stop
2308 progress; I don't want to stop business, but I want to protect our residential area also. We've
2309 been part of it with the businesses for a long time, and most of them are good business
2310 neighbors.

2311
2312 Mr. Jernigan: Thank you.

2313

2314 Mr. Archer: Thank you, Ms. Glass. Mr. Condlin, I know you want to respond to some
2315 of this and we didn't ask you for any time, but I think you have about three minutes left.
2316

2317 Mr. Condlin: I won't take but just a few minutes. In some of the neighborhood
2318 meetings — we met with the North Chamberlayne Civic Association, of course, a number of
2319 times, and their committee, but we also sent a notice from everywhere from Brook Road to 95 in
2320 this entire area, and you can see it's residential area. We thought they had a unique perspective
2321 and, quite frankly, it was them who asked for the Beecham Road vacation because they were,
2322 quite frankly, concerned about folks starting to run through here, because Beecham Road is
2323 improved back here. I did reference the residential because, in fact, that is appropriate because
2324 it is zoned residential, behind this property. I think that provides for a unique circumstance that
2325 isn't provided for anywhere along Wilkinson Road. To me, Wilkinson Road provides the obvious
2326 dividing line when we've already got Wal-Mart and Big Lots and the Lowe's back there that
2327 already provide encroachment into that area. The folks we met with here were very supportive
2328 of what our requests where and, quite frankly, liked the idea of not having more residential, but
2329 providing quality business. I think, instead of setting a bad precedent, we are, in fact, setting a
2330 positive precedent with the quality that we're providing, on the specifics that we're providing.
2331

2332 I would add that we are providing more protection to the residential than just the B-1 only
2333 provides with an alley sitting behind it with very little other protection to the residential that could
2334 be build right there that very close to Brook Road.
2335

2336 With respect to the access points, as you know from the staff report, the Department of Public
2337 Works has already signed off and said the roads could handle the traffic that would be an
2338 addition to this. We have met with them about the signalization, which does have unique
2339 features because of what's across the street, and trying to allow time for handicapped access.
2340 They did agree that there were some problems with the turn movements, turning left and then
2341 also turning off of Wilkinson causing a backup. Both of these entrances, quite frankly, provide
2342 more of right-in entrance, and this entrance will provide for those that are coming down
2343 Wilkinson to come in and take a left because of the distance concerns that folks had raised that
2344 there is a backup along Wilkinson.
2345

2346 With that, again, I think that this provides for a better development. I, in no means, meant to
2347 insult any of the other developments, but there was an Enhancement Study that did recognize
2348 there is a need for enhancing the quality of business development along Brook Road with the
2349 use of signage, landscaping, street trees. We provided for all of those and I think we've
2350 identified as much of those items that we could in the study and responded to each and every
2351 one of those by providing everything other than a full masonry wall along Seminary Avenue,
2352 which that was the only item I would say that we haven't provided that otherwise was provided
2353 in the Brook Road Enhancement Study.
2354

2355 With that, I'll be happy to answer any questions.
2356

2357 Mr. Archer: Well, Mr. Condlin, you and I discussed this and, of course, I've met with
2358 you and your client on a couple of occasions so we could talk about these things. Last time we
2359 met, there was an indication that there was some favorable approval from the surrounding
2360 community, but then a couple of days later, I got some letters from people who were not
2361 necessarily enthralled with everything that was going to go back. Would you point on the map,
2362 also, so the rest of the Commissioners can see the unimproved portion of Beecham? Beecham
2363 doesn't run all the way out to Route 1.
2364

2365 Mr. Condlin: The unimproved portion of Beecham.
2366
2367 Mr. Archer: Yeah, right there. Just show it.
2368
2369 Mr. Condlin: That's the one I want; I never think of that. There you go. You can see
2370 Beecham Road runs generally here. At some point, I think, this is were it is. It gets improved
2371 here. This is where Mr. Ball owns the property. It's not improved here. I don't think that when
2372 the residential goes in, certainly when we put it in, Seminary along here it will be cul-de-sac. I
2373 think at some point it will connect to Beecham Road to provide for another service, if that's what
2374 their design is back there, unless they want to vacate it. I think the traffic is going to require a
2375 connection of these roads that would go in through this way and that that connection. We would
2376 just prohibit the Beecham Road, or we would request for a vacation so that they couldn't come
2377 up out to Brook Road again. People avoiding this light, cutting here, and then using this to go all
2378 the way back. Wilkinson carries a lot of traffic all the way from Chamberlayne to Brook Road. It
2379 just carries a lot of traffic. It's serving the folks that are over in the North Chamberlayne area as
2380 well.
2381
2382 Mr. Archer: I just wanted to make sure the Commissioners understood that Beecham
2383 does not now run out to Route 1.
2384
2385 Mr. Condlin: I certainly didn't mean to mislead you.
2386
2387 Mr. Archer: No, you weren't trying. I just wanted to make sure they understood.
2388
2389 Mr. Condlin: Quite frankly, the same folks that you heard from tonight, we met with the
2390 neighborhood and their organization and there weren't a lot of issues. Also, more importantly,
2391 we had separate meetings with the immediately adjacent areas, the folks that aren't organized
2392 into a homeowner's association back here, that we had at the school, and met with them on one
2393 other occasion after that. That's where we thought there was more of an immediate impact,
2394 those on the same side of Wilkinson. They were very favorable in that respect.
2395
2396 Mr. Archer: Well, here's what I think we ought to do. Mr. Coleman, of course,
2397 recommended that we defer this so that it could be discussed again. I don't want to imply to the
2398 neighborhood that you can just go in a meeting and say here's what we want and that's what
2399 you get, but there are some things that trouble me about this. One being that the little garden
2400 shop that's there now is going to close, which means that at some point in time, whatever would
2401 fit within that use classification as it's currently zoned, could go there and we wouldn't have too
2402 much of a say-so in how to control it, except for the conditions that already exist in that
2403 particular zoning. I think what we should try to do is defer this and meet again and see if you
2404 and your client, Mr. Condlin, can come up with some alternate uses that might be not just
2405 beneficial, but some that might be approved by the planning staff and also approved by the
2406 community that lives there so we can sort of have a meeting of the minds as to what might go.
2407 We talked about fast foods and you know we don't want that.
2408
2409 Mr. Condlin: Right.
2410
2411 Mr. Archer: I'm thinking even if we were to approve it and go forward with that, that
2412 the Board would deny it. At this point, we could deny it and just take what you got to the Board
2413 and see what they'd do with it, but to give you an opportunity to have another meeting of the
2414 minds — I think there are some things that have come up since your last meeting that you
2415 probably didn't anticipate. Again, reiterating the fact that I don't want to mislead the community

2416 into thinking they can just go and ask you for something and this is what you get, but at the
2417 same time, give them an opportunity to express, along with your considerations, what you might
2418 be able to put there and how it would fit into what they want to do and then how staff can make
2419 it all work.

2420
2421 Mr. Condlin: I wouldn't want to mislead or have expectations. I'm not sure there's
2422 anything I can do, quite frankly, with what they're calling an encroachment within the residential
2423 area.

2424
2425 Mr. Archer: I understand. I understand the difficulty that exists with them not owning
2426 all of the property that backs up to what you propose to do.

2427
2428 Mr. Condlin: Right.

2429
2430 Mr. Archer: From what we've seen so far, I think the uses that are anticipated would
2431 probably not fly with the Board. I don't know what your alternate plan is.

2432
2433 Mr. Condlin: Are you talking specifically with respect to the fast food only? We took
2434 out everything else that we could think of.

2435
2436 Mr. Archer: Yes, but it all still has to tie in together. That's the major portion, I believe.
2437 I think we could get some satisfaction from the neighborhood as to what might be next to what
2438 encroaches onto their property, and the traffic circulation. I did hear you say, and I think when
2439 we met the last time, the traffic engineer indicated that the light pattern could be changed
2440 somewhat to make it flow more smoothly than it does now.

2441
2442 Mr. Condlin: That was our suggestion from Stacy Berson, that he thought that could be
2443 changed, and had McKinney look at that as well. They said they would get with VDOT and help
2444 alleviate because there is too long of a delay off of Wilkinson. The cars are backing up.

2445
2446 Mr. Archer: Well, the other thing that doesn't trouble me, but I need to keep it in front
2447 of my mind, is that every time we have a rezoning request in that area, it does provide the
2448 opportunity, as Mr. Coleman said, for us to improve, enhance, and do what we want to do to
2449 that Brook Road corridor. So far, from the point that it has improved up to there, the rezonings
2450 that have occurred, we've been able to get some pretty good things out of it. Ms. Glass and all
2451 of the people who have worked on that committee have been very diligent in trying to make it so
2452 that we keep that going.

2453
2454 Mr. Condlin: They've been very receptive to a lot of discussions. That's, quite frankly,
2455 why we started. When we first came to you, it was 70% brick and trying to get the quality of the
2456 elevations that you're looking for. We recognize that fact and we're trying to achieve that as well
2457 by looking at other cases, as well as meeting the enhancements —

2458
2459 Mr. Archer: I'm not saying you haven't tried, but it seems like right now, we're at an
2460 impasse. I think in order for us to get a zoning case here that would pass, we need to be more
2461 in concert with what each side wants to do. I think in order to do that, you're probably going to
2462 need to have at least one or two more meetings and see whether or not your client can devise
2463 something that might be acceptable to everybody. I would recommend that you defer this and
2464 then we don't have to deny it and then you won't have to fight with the Board.

2465
2466 Mr. Condlin: I never look forward to fighting with the Board, as you know that.

2467
2468 Mr. Archer: That's the wrong terminology.
2469
2470 Mr. Condlin: I understand. If you don't mind, you have a third option, which would be
2471 to defer it for us. I think that would be our preference, if —
2472
2473 Mr. Archer: You'd like that, wouldn't you?
2474
2475 Mr. Condlin: Yes sir.
2476
2477 Mr. Condlin: I don't do it very often, but in this case, I think we'll ask for that.
2478
2479 Mr. Archer: How much time do you think you need? Do you think you need two
2480 months instead of one?
2481
2482 Mr. Condlin: I think we can do it in 30 days. We've met a number of times with them
2483 over the last month and I know they've got their regularly scheduled meetings and their work
2484 group. I know each of the ladies that spoke. I can get their address. Two of the three, anyway,
2485 we've met with them
2486
2487 Mr. Archer: Ms. Glass, is your group willing to meet again to see if we can sort of
2488 blend things together? Yes ma'am. We'll give you 45 seconds.
2489
2490 Ms. Brownlee: Sharon Brownlee. I'm a resident —
2491
2492 Mr. Archer: Hi, Ms. Brownlee. I got your letter, too.
2493
2494 Ms. Brownlee: I just wanted to address Mr. Jernigan's question to Mrs. Glass about what
2495 can you do with an acre and a half. Well, you could put one business instead of three. Instead
2496 of maximizing whatever you're looking for — putting three businesses on an acre and a half —
2497 you can cut it back to one. Everybody's happy. You don't have to rezone the residential lots;
2498 you get your business on Brook Road; you get the Enterprise Zone. That should be a strong
2499 consideration, too.
2500
2501 Mr. Archer: Ms. Brownlee, I'm not disagreeing with you, but I think what Mr. Jernigan
2502 was getting at, and it kinda disturbed me too, leaving that small piece back there that's not
2503 owned by anybody except the person who wants to do the rezoning means that we'll just have
2504 another infield piece that's going to come up again at some point in the future, and it might turn
2505 into something —
2506
2507 Ms. Brownlee: What piece are you talking about?
2508
2509 Mr. Archer: The R-4 piece.
2510
2511 Ms. Brownlee: Right.
2512
2513 Mr. Archer: Is that what you're saying? Leave it alone?
2514
2515 Ms. Brownlee: Leave it alone and just rezone on the front of Brook Road. Just put one
2516 business in instead of three.
2517

2518 Mr. Archer: But if they request rezoning again, and at that point in time somebody
2519 probably would, it might turn out to be not as attractive as you might think.
2520

2521 Ms. Brownlee: Well, but I mean, if our neighborhood is being protected by Henrico, that
2522 will stay residential, the way we look at it.
2523

2524 Mr. Archer: I understand that. I'm saying that the owner could request a rezoning.
2525

2526 Ms. Brownlee: That's right.
2527

2528 Mr. Archer: If they did, we'd have to consider it. We can't, as they say, take a
2529 property and say you just can't do anything with it.
2530

2531 Ms. Brownlee: What we're looking at is protection for our neighborhood, not rezoning.
2532

2533 Mr. Archer: I understand.
2534

2535 Ms. Brownlee: Not up zoning. That was kind of the conclusion of the Brook Road
2536 Revitalization, is not do any up zoning in the area because there was enough to deal with as it
2537 was.
2538

2539 Mr. Archer: I understand, but this is a peculiarly small piece of property.
2540

2541 Ms. Brownlee: Mmm-hmm.
2542

2543 Mr. Archer: Let's have the meeting and see what we can resolve.
2544

2545 Ms. Brownlee: Okay.
2546

2547 Mr. Jernigan: One thing I was implying, too, this is B-1 unrestricted, which means that if
2548 they don't have any proffers on that, they can just go put a business with no landscaping or
2549 anything.
2550

2551 Ms. Brownlee: We would still want to talk about proffers.
2552

2553 Mr. Jernigan: There are no proffers on this B-1.
2554

2555 Mr. Archer: Under the current zoning.
2556

2557 Mr. Jernigan: Under the current zoning that's on the front row now, anybody can go in
2558 there with no conditions at all for quality.
2559

2560 Ms. Brownlee: Right.
2561

2562 Mr. Jernigan: I was saying if they zoned the whole piece, then they put together a plan
2563 that gives you shrubs, hedge rows —
2564

2565 Ms. Brownlee: Well, but what we're talking about is encroachment of our neighborhood,
2566 not protecting it with trees and fences and everything. We're talking about just tearing houses
2567 down behind it. There's two houses that they want to tear down. This is not really protection of a
2568 neighborhood when you tear housing down.

2569
2570 Mr. Branin: Yes ma'am, but what we're trying to point out is without encompassing
2571 the whole land and allowing them by adding that on, the Commission has the opportunity to
2572 regulate it. Currently, that piece of land doesn't have proffers on it that we can touch or impose
2573 any regulation on it to protect you. So, by —
2574
2575 Ms. Brownlee: That's up in the front part, though. Is that the lot you're talking about?
2576
2577 Mr. Jernigan: The front portion, yes ma'am.
2578
2579 Ms. Brownlee: Right.
2580
2581 Mr. Jernigan: The thing of it is, if you did the project the way they have it planned, it
2582 would look a whole lot nicer for the road and the neighborhood than just having that one little
2583 parcel that's unrestricted. They could just go in there and build a building and do anything they
2584 want.
2585
2586 Ms. Brownlee: Well, but that's along the corridor. That's really not part of the residential
2587 area.
2588
2589 Mr. Jernigan: I know. They had the Brook Road Study and that's the reason they
2590 wanted things to look as nice as they can.
2591
2592 Ms. Brownlee: Exactly. That's what we hope the County will encourage, anything that
2593 goes in there, encourage what the study has recommended.
2594
2595 Mr. Jernigan: What they're saying is, if somebody goes on that B-1 property as it is right
2596 now, you can't make them do anything.
2597
2598 Ms. Brownlee: You can ask them; you can encourage them to do certain things.
2599
2600 Mr. Archer: Sometimes I encourage, but it doesn't go too far.
2601
2602 Mr. Vanarsdall: What you ought to do is get together in the committee and come up with
2603 what he wants to do, Mr. Condlin there. I call him Andy so much but get together with Andy and
2604 come up with something better.
2605
2606 Ms. Brownlee: We just think three businesses is an awful lot to put in there.
2607
2608 Mr. Archer: The reason why we want to do the meeting is because we value your
2609 input, ma'am. That's why I want to.
2610
2611 Ms. Brownlee: Thank you.
2612
2613 Mr. Archer: All right. So, since Mr. Condlin doesn't want to pay for this, then I will —
2614
2615 Mr. Archer: That doesn't mean I have to pay for it, does it?
2616 Mr. Silber: No.
2617
2618 Mr. Branin: I'll get your money later.
2619

2620 Mr. Archer: I will move for deferral of C-54C-06 until our next regular zoning meeting
2621 on November the 9th.
2622

2623 Mr. Archer: Motion by Archer, seconded by Mr. Branin. All in favor of the motion say
2624 aye. Those opposed say no. The ayes have it.
2625

2626 Mr. Silber: Only remaining thing on the agenda tonight is consideration of the
2627 minutes from September 14th.
2628

2629 Mr. Archer: Okay. Ms. Jones has been out of town. Did anybody read the minutes?
2630

2631 Mrs. Jones: I did.
2632

2633 Mr. Archer: I read the minutes.
2634

2635 Mr. Branin: She took them with her.
2636

2637 Mrs. Jones: I simply have two words to change.
2638

2639 Mr. Archer: I have two, also.
2640

2641 Mrs. Jones: Okay. Page 52 on line 2533, the last three words should read, "Cedar
2642 Field went" to Cedarville."
2643

2644 Mr. Archer: What line was that? I'm sorry, Ms. Jones.
2645

2646 Mrs. Jones: 2533.
2647

2648 Mr. Archer: 2533.
2649

2650 Mrs. Jones: Then on page 53, I believe that in line 2572, the word "true," should be
2651 "approved."
2652

2653 Mr. Silber: Approved. Okay.
2654

2655 Mr. Archer: I believe you're right. I don't think I would have said that.
2656

2657 Mr. Silber: Mr. Archer, did you have —
2658

2659 Mr. Archer: Yes, on page 2, line 73. Wait a minute; I lost it. Page 2, line 73. It should
2660 read, "may not have had setbacks." On page 9, line 389, that should have been, "one way or
2661 another to the Board of Supervisors."
2662

2663 Mr. Silber: Okay. Any other comments?
2664

2665 Mr. Archer: Any other comments?
2666

2667 Mr. Silber: Is there a motion?
2668

2669 Mr. Branin: I motion to accept the comments that Mr. Archer has and the minutes as
2670 have been amended.

2671
2672 Mr. Archer: Is there a second?
2673
2674 Mrs. Jones: Second.
2675
2676 Mr. Archer: Okay. The minutes have been approved as corrected. Any further
2677 business?
2678
2679 Mr. Branin: Why did you take them on vacation with you?
2680
2681 Mrs. Jones: I didn't; I read them this afternoon, Mr. Branin.
2682
2683 Mr. Archer: Meeting adjourned at 9:44 p.m.
2684
2685
2686

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2688
2689

Randall R. Silber, Secretary

2690
2691
2692
~~2693~~
2694

C. W. Archer, CPC, Chairman
2695