

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia, held
2 in the Board Room of the County Administration Building, Parham and Hungary Spring Roads at 7:00 p.m.,
3 September 11, 2003, Display Notice having been published in the Richmond Times-Dispatch on August 21,
4 2003 and August 28, 2003.

5
6 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson, Varina
7 Mrs. Lisa D. Ware, C.P.C., Vice-Chairperson, Tuckahoe
8 Mr. Allen Taylor, P.E., C.P.C., Three Chopt
9 Mr. C. W. Archer, C.P.C., Fairfield
10 Mr. Ernest B. Vanarsdall, C.P.C., Brookland
11 Mr. Richard W. Glover, Board of Supervisors, Brookland
12 Mr. Randall R. Silber, Assistant Director of Planning, Acting Secretary

13
14 Others Present: Mr. John R. Marlles, AICP, Director of Planning
15 Mr. Ralph J. Emerson, Principal Planner
16 Mr. Mark Bittner, County Planner
17 Ms. Jean Moore, County Planner
18 Mr. Thomas Coleman, County Planner
19 Mr. Paul Gidley, County Planner
20 Mr. Seth Humphreys, County Planner
21 Ms. Debra Ripley, Recording Secretary

22
23 **Unless otherwise indicated, Mr. Glover abstained from voting on all zoning cases.**

24
25 Mr. Jernigan - Good evening everyone. On behalf of the Henrico County Planning Commission
26 and the Planning staff, we'd like to welcome you to our public hearing for zoning. For those of you who are
27 not regular members, I will briefly go over how things work. When each case is called, I will ask if there is
28 any opposition. If you have opposition to a case, just raise your hand and I will recognize you. When you
29 are going to speak, you come to the podium. The hearings are audibly taped and you have to be at the
30 microphone for us to pick you up. On cases where there is opposition, there is a 10-minute rule. The
31 applicant has 10 minutes to present a case. The opposition has 10 minutes to speak against it. So, with
32 that I will turn the meeting over to our Secretary, Mr. Silber.

33
34 Mr. Silber - Thank you, Mr. Chairman. We do have all members present. We do have a
35 quorum and we can conduct business. The first on the agenda would be the review of those cases that
36 have requested deferrals.

37
38 Mr. Emerson - Thank you, Mr. Secretary. On the agenda tonight you have no withdrawals and 12
39 deferrals. The first deferral item is on Page 1 of your agenda.

40
41 **Deferred from the June 12, 2003 Meeting:**

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

49
50 Mr. Emerson - The deferral is requested to January 15, 2004.

51
52 Mr. Jernigan - Is there any opposition to the deferral of Case C-27C-02? No opposition. Mrs.
53 Ware?

54
55 Mrs. Ware - I move that Case C-27C-02 be deferred to the January 15, 2004 meeting at the
56 applicant's request.

57
58 Mr. Vanarsdall - Second.

59
60 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in favor say
61 aye. All opposed say no. The ayes have it. The motion is passed.

62
63 At the request of the applicant, the Planning Commission deferred Case C-27C-02, RFA Management, LLC,
64 to its meeting on January 15, 2004.

65

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

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

73
74 Mr. Emerson - The deferral is requested to November 13, 2003.

75
76 Mr. Jernigan - Is there any opposition to the deferral of Case C-25C-03? No opposition.

77
78 Mrs. Ware - I move that C-25C-03, Henry L. Wilton for Wilton Companies, LLC, be deferred to
79 the November 13, 2003 meeting at the applicant's request.

80
81 Mr. Vanarsdall - Second.

82
83 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in favor say
84 aye. All opposed say no. The ayes have it. The motion is passed.

85
86 At the request of the applicant, the Planning Commission deferred Case C-25C-03, Henry L. Wilton for
87 Wilton Companies, LLC, to its meeting on November 13, 2003.

88

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

90 **C-32C-03 William R. Cawthorn for Amir Zinat:** Request to conditionally rezone from
91 RTHC Residential Townhouse District (Conditional) to R-5C General Residence District (Conditional), Parcel
92 749-755-3834, containing approximately 3.33 acres, located on the south line of Three Chopt Road
93 approximately 575 feet east of Cedarfield Parkway. A child care center or multi-family residences are
94 proposed. The use will be controlled by proffered conditions and zoning ordinance regulations. The R-5
95 District allows a density up to 14.52 units per acre. The Land Use Plan recommends Urban Residential, 3.4
96 to 6.8 units net density per acre, and Environmental Protection Area.

97
98 Mr. Emerson - The deferral is requested to the December 11, 2003 meeting.

99
100 Mr. Jernigan - Is there any opposition to the deferral of Case C-32C-03? No opposition.

101
102 Mrs. Ware - Then I move that case C-32C-03 be deferred to December 11, 2003 at the
103 applicant's request.

104
105 Mr. Vanarsdall - Second.

106

107 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in favor say
108 aye. All opposed say no. The motion passes.
109

110 At the request of the applicant, the Planning Commission deferred Case C-32C-03, William R. Cawthorn for
111 Amir Zinat, to its meeting on December 11, 2003.
112

113 **C-43C-03 Melvin Spain for Chuck Lessin:** Request to conditionally rezone from R-0 One
114 Family Residence District to R-1C One Family Residence District (Conditional), Parcel 742-738-9442,
115 containing 3.0 acres, located on the west line of N. Gaskins Road approximately 996 feet north of River
116 Road. A single family residential subdivision is proposed. The applicant proffers the density shall not
117 exceed a maximum of four (4) lots. The R-1 District allows a minimum lot size of 25,000 square feet. The
118 Land Use Plan recommends Rural Residential, not exceeding 1.0 unit per acre.
119

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

121
122 Mr. Jernigan - Is there any opposition to the deferral of Case C-43C-03? No opposition.

123
124 Mrs. Ware - I move that Case C-43C-03 be deferred to the October 9, 2003 meeting at the
125 applicant's request.
126

127 Mr. Vanarsdall - Second.

128
129 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in favor say
130 aye. All opposed say no. The ayes have it. The motion is passed.
131

132 At the applicant's request, the Planning Commission deferred Case C-43C-03, Melvin Spain for Chuck Lessin,
133 to its meeting on October 9, 2003.
134

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

136 **C-41C-03 James W. Theobald for Don Smith:** Request to conditionally rezone from B-2C
137 Business District (Conditional) to M-1C Light Industrial District (Conditional), part of Parcel 808-729-7538,
138 containing 6.496 acres, located at the southeast intersection of Dabbs House and Creighton Roads. A mini-
139 storage warehouse/self-storage facility is proposed. The use will be controlled by proffered conditions and
140 zoning ordinance regulations. The Land Use Plan recommends Commercial Concentration. The property is
141 located in the Airport Safety Overlay District.
142

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

144
145 Mr. Jernigan - Is there any opposition to the deferral of Case C-41C-03? You have opposition to
146 the deferral, ma'am?
147

148 Mr. Silber - Ma'am, what they have requested is that this be deferred for two months until
149 November 13, 2003. Is your concern that you want to hear the case tonight or is your concern relative to
150 this being put off to some future date?
151

152 Mr. Jernigan - Ma'am, would you come up to the microphone, please, and give us your name and
153 address, please.
154

155 Ms. Covington Coleman -Dabbs House Road. It is relative to the constant deferral if you have community
156 support that wants to hear it and wants to oppose it, and we see scheduling it, I know that it's difficult for
157 whoever has got to ...Don Smith, but once I put it on my agenda, I try to be on top of it, so if you can
158 schedule ahead next time (unintelligible)
159

160 Mr. Jernigan - Do you know Mrs. Palmer?
161
162 Ms. Coleman - Yes.
163
164 Mr. Jernigan - OK. Mrs. Palmer and I have spoken, I have spoken to her two or three times. I
165 am not saying she represents the neighborhood, but I know she represents a few of the neighbors there,
166 and when she called me earlier I told her this case was going to be deferred so we could have another
167 neighborhood meeting and make sure that we had everybody that was affected by this case to be there,
168 and that is the reason that the applicant opted to do 60 days. So we will have plenty of time to get
169 everybody together. I am going to call Mrs. Palmer probably next week and give her a date that the
170 meeting will be.
171
172 Mr. Silber - Can we have your name and address and if you will give that to staff behind you,
173 and we will make sure you are included with that.
174
175 Ms. Coleman - Thank you.
176
177 Mr. Jernigan - With that I will move for deferral of Case C-41C-03 to November 13, 2003, by
178 request of the applicant.
179
180 Mr. Taylor - Second.
181
182 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Taylor. All in favor say
183 aye. All opposed say no. The ayes have it. The motion is passed.
184
185 At the request of the applicant, the Planning Commission deferred Case C-41C-03, James W. Theobald for
186 Don Smith, to its meeting on November 13, 2003.
187
188 Mr. Emerson - The next item is on Page 3 of your agenda.
189
190 **Deferred from the July 10, 2003 Meeting:**
191 **C-33C-02 Henry L. Wilton for WILHOOK, LLC:** Request to rezone from B-3C Business
192 District (Conditional) to R-3C One Family Residence District (Conditional) and B-3C Business District
193 (Conditional), Parcel 804-736-0481, containing 10.415 acres (approximately 6.7 acres in R-3C;
194 approximately 3.7 acres in B-3C), located at the northeast intersection of Mechanicsville Turnpike and Neale
195 Street (Maplewood Farm). Commercial and single family residential developments are proposed. The uses
196 will be controlled by proffered conditions and zoning ordinance regulations. The R-3 District allows a
197 minimum lot size of 11,000 square feet. The Land Use Plan recommends Commercial Concentration. The
198 site is also in the Airport Safety Overlay District.
199
200 Mr. Emerson - The deferral is requested to November 13, 2003.
201
202 Mr. Jernigan - Is there any opposition to Case C-33C-02? No opposition, Mr. Archer.
203
204 Mr. Archer - OK, Mr. Chairman, before I move on this and Mr. Wilton is here, I just want to
205 remind him that the community is expecting another meeting prior to this being brought forward on
206 November 13, 2003. And with that, Mr. Chairman, I move deferral of Case C-33C-02, Henry L. Wilton for
207 WILHOOK, LLC, to the November 13, 2003 meeting at the request of the applicant.
208
209 Mr. Vanarsdall - Second.
210
211 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in favor say
212 aye. All opposed say no. The ayes have it. The motion passes.

213
214 At the request of the applicant, the Planning Commission deferred Case C-33C-02, Henry L. Wilton for
215 WILHOOK, LLC, to its meeting on November 13, 2003.

216
217 Mr. Silber - Mr. Emerson, I just noticed that we are actually into the 8:00 portion of the
218 agenda. So, the other files on the agenda need to be taken up after 8:00, and, in fact, I'd again like to
219 announce this case after 8:00, in case someone has not arrived yet.

220
221 Mr. Emerson - We have on the Expedited Agenda two items.

222
223 Mr. Glover - Mr. Chairman, before you start, I want to make a statement that I usually make in
224 Planning Commission meetings. Since I sit on the Board of Supervisors also, I request that it show on each
225 case that I abstained for the evening, and I will get to vote on it when it comes to the Board of Supervisors.

226
227 Mr. Jernigan - Mr. Chairman, I also want to welcome Mr. Glover. He was back in the back talking
228 when we opened the meeting, and we'd like to welcome our Board of Supervisors member, Mr. Glover.

229
230 Mr. Silber - Mr. Emerson, we do have one Expedited on the 7:00 portion of the agenda.

231
232 Mr. Emerson - Yes, sir, Mr. Secretary.

233
234 **C-44C-03 Jay Weinberg for Staples Mill, LC:** Request to amend proffered conditions
235 accepted with rezoning case C-17C-00, on part of Parcel 762-764-6451, containing approximately 8.92
236 acres, located on the west line of Staples Mill Road (State Route 33) at Warren Road. The applicant
237 proposes to amend proffered conditions relating to building materials and size, access, and parking. The
238 existing zoning is O-2C Office District (Conditional). The Land Use Plan recommends Suburban Residential
239 1, 1.0 to 2.4 units net density per acre.

240
241 Mr. Silber - Really, now, at this point, if this item is on the Expedited Agenda, it means that
242 this item has come forward, it has been reviewed by the County staff, everything has been found to be in
243 order and staff is recommending approval. If there is no opposition tonight, the Commission will hear this
244 with no further consideration or discussion. If there is opposition tonight, we will pull this and hear it in
245 order. This was a method to try to move the meeting a little quicker on what are basically housekeeping
246 items, and consider it as an Expedited Item.

247
248 Mr. Jernigan - Is there any opposition to Case C-44C-03?

249
250 Mr. Vanarsdall - Mr. Chairman, I recommend that Case C-44C-03, Jay Weinberg for Staples Mill,
251 LLC, be recommended to the Board of Supervisors for approval as outlined in the Expedited Agenda.

252
253 Mr. Archer - Second.

254
255 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Archer. All in favor say
256 aye. All opposed say no. The ayes have it. The motion passes.

257
258 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Archer, the Planning Commission voted
259 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because the
260 amendment does not greatly reduce the original intended purposes of the proffers.

261
262 **ORDINANCE** - To Amend and Reordain Subsection (a) of Section 24-12.1 Titled "Provisional uses
263 permitted," Section 24-51.1 Titled "Provisional uses permitted" and Subsection (a) of Section 24-95 Titled
264 "Additional requirements, exceptions and modifications" of the Code of the County of Henrico to Regulate
265 Stage Towers and Scenery Lofts in Certain Districts.

266
267 Mr. Marlles - Mr. Chairman and members of the Commission, as the Commission is aware, the
268 Zoning Ordinance for the County regulates the height of structures within the various zoning districts within
269 the County. In the R-1 One-Family Residence District, and in the A-1 District, schools and similar uses are
270 limited to 45 feet in height. There are a number of exceptions to that height regulation, including
271 structures and attachments that are allowed to go taller than the normal maximum permitted height, and
272 those exceptions are listed in Section 24-95 (a) 1, which you do have a copy before you. That section
273 includes such structures as smoke stacks, stage towers, scenery lofts, water tanks, sand pipes, windmills.
274 It has been our experience recently, that one of these structures, and I am particularly referring to a stage
275 tower, or scenery lofts, that was constructed near in a residential community has resulted in concerns
276 because the height of the structure was out of scale with the surrounding residential community. This is
277 actually a picture of the stage tower itself (referring to slide). I've got a couple of these pictures to show
278 you. For those of you who don't know what a stage tower or scenery loft is, it is that structure in the back
279 of the stage where they can raise the scenery as one piece, and store the scenery for the various scenes
280 that occur during the course of a play or a performance. On June 10 of this year, the Board directed the
281 Planning Office to prepare an ordinance amendment that would provide for the review of stage towers and
282 scenery lofts on a case-by-case basis if they are to be taller than the 45 ft. height requirement. The
283 proposed amendment before you this evening accomplishes that very simply. The amendment would
284 basically delete stage towers or scenery lofts from Section 24-95 (a) 1, and again, that is the section that
285 lists the structures which are exempt from the height requirement and would add stage towers and scenery
286 lofts to the lists of uses requiring a Provisional Use Permit in the A-1 and R Districts. As the Commission is
287 aware, the Provisional Use Permit process allows for uses to be looked at on a case-by-case basis, and for
288 appropriate conditions to be added possible conditions include such items as setbacks, limitations on the
289 height, etc. That does conclude my presentation, and again, it is a very straightforward amendment. We
290 believe it does give us control over these types of uses, particularly where they are close to residential
291 communities. And with that I will be glad to answer any questions.

292
293 Mr. Jernigan - Mr. Marlles, how tall is the structures that we are looking at here?

294
295 Mr. Marlles - This structure is 73 feet, 2 inches tall.

296
297 Mr. Jernigan - Are there any questions for Mr. Marlles from the Commission?

298
299 Mr. Marlles - Mr. Chairman, this is a public hearing. There might be someone in the audience
300 who might want to comment on this, and staff is recommending approval.

301
302 Mr. Jernigan - Is there anyone in the audience who would like to speak on this? Nobody. OK. Mr.
303 Silber.

304
305 Mr. Silber - Members of the Commission, there would be a recommendation on this ordinance
306 amendment that would be made and passed on to the Board of Supervisors, and they would likely hold a
307 public hearing on this in next four to eight weeks. So, it would be appropriate for the Commission at this
308 time to take action on this ordinance amendment.

309
310 Mr. Jernigan - With that, I will make a motion that the "Provisional uses permitted," Section 24-
311 51.1 Titled "Provisional uses permitted" and Subsection (a) of Section 24-95 Titled "Additional requirements,
312 exceptions and modifications" of the Code of the County of Henrico to Regulate Stage Towers and Scenery
313 Lofts in Certain Districts be passed to the Board of Supervisors.

314
315 Mrs. Ware - Second.

316
317 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mrs. Ware. All in favor say
318 aye. All opposed say no. The motion passes.

319
320 The Planning Commission voted that "Provisional uses permitted," Section 24-51.1 Titled "Provisional uses
321 permitted" and Subsection (a) of Section 24-95 Titled "Additional requirements, exceptions and
322 modifications" of the Code of the County of Henrico to Regulate Stage Towers and Scenery Lofts in Certain
323 Districts be passed to the Board of Supervisors.

324
325 **Deferred from the August 14, 2003 Meeting:**

326 **C-33C-03 Andrew Scherzer/Kristen Keatley for B K Katherman:** Request to
327 conditionally rezone from A-1 Agricultural District, RTHC Residential Townhouse District (Conditional) and R-
328 6C General Residence District (Conditional) to O-2C Office District (Conditional), Parcels 749-754-5736 and
329 749-754-5769 and part of Parcel 749-754-2538, containing 6.813 acres, located on the south line of Three
330 Chopt Road approximately 400 feet west of Gaskins Road and on the west line of Gaskins Road
331 approximately 200 feet south of Three Chopt Road. A condominium office park development is proposed.
332 The use will be controlled by proffered conditions and zoning ordinance regulations. The Land Use Plan
333 recommends Urban Residential, 3.4 to 6.8 units net density per acre.

334
335 Mr. Jernigan - Is there any opposition to Case C-33C-03? We have opposition. Ms. Moore.

336
337 Ms. Moore - Thank you, Mr. Chairman.

338
339 This request would consolidate three parcels, including a portion of the rezoning for the adjacent retirement
340 facility approved in 1999 (C-10C-99). This portion of the site would affect three of the proffers attached
341 with that case pertaining to density, the prohibition of access to Three Chopt Road, and development on
342 the northern property fronting Three Chopt Road.

343
344 The approval of this rezoning request would essentially void these proffers for the northern portion of this
345 site. The intent of proffers 10 and 15, which govern the adjacent retirement facility, was to reserve the
346 property to allow a coordinated development with the adjacent properties in the future. There was concern
347 that access to Three Chopt Road and other improvements on this portion would disrupt that potential. This
348 request is in keeping with this intent.

349
350 The applicant has submitted revised proffers and a site plan dated September 11, 2003. The time limits
351 would need to be waived in order to take any action of this project tonight.

352
353 Major aspects of the proffers include:

- 354
355 • One story office buildings with proffered elevations to ensure an attractive design on the facades facing
356 the right-of-ways;
357 • The installation of sidewalks along Gaskins Road and Three Chopt Road;
358 • 35-foot minimum buffers with vegetation equivalent to a 25' transitional buffer along Gaskins and Three
359 Chopt Roads;
360 • Preservation of mature trees within wetland areas;
361 • Boulevard entry at Gaskins Road; and
362 • No access between the site and the adjacent retirement facility.

363
364 In response to residents' concerns regarding traffic congestion at the Three Chopt/Gaskins Road
365 intersection, the applicant has also proffered that a left turn lane to access the site from Three Chopt Road
366 would be prohibited and daycare and school uses would not be included in the project.

367
368 Although the requested office use is not consistent with the Land Use Plan recommendation, an office
369 development would be an appropriate use for the site. The site has direct access to Three Chopt and
370 Gaskins Roads and the proposed use would provide a good transition to the adjacent retirement/nursing
371 home facility and would provide more choice for office use within this area.

372
373 Staff supports this request.

374
375 That concludes my presentations, I'll be happy to try to answer any questions you may have.

376
377 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission? Thank you, Ms.
378 Moore.

379
380 Mr. Scherzer - Good evening, Mr. Chairman, and members of the Commission. My name, for the
381 record is Andrew Scherzer, Balzer and Associates, and I represent the applicant, who is also here tonight if
382 you should have any questions. I'd like to thank Jean Moore for presenting the case tonight, as well as for
383 all of the efforts she has made over the last three or four months that we have actually been working on
384 this case. Mrs. Ware had done a yeoman's job in trying to keep this thing moving in a forward direction
385 and we thank her for her consideration tonight in terms of allowing us to even consider keeping this thing
386 moving now that most of the issues that we feel were contentious in the process have been resolved, at
387 least to our knowledge. I would also like to thank the number of neighbors that will be here tonight, and
388 some of them may want to speak about some issues that may still give them concern or issues they want
389 on the record, but we do feel that the process, certainly over the last few weeks, has pushed this case to
390 the point where it is today, where staff supports it; we feel we have the general support of the
391 neighborhood and we feel it really will be a successful part of this neighborhood and the community and the
392 County in general. I'd like to reserve the rest of my time to rebut and deal with any issues that come up.
393 And I thank you for your consideration tonight.

394
395 Mr. Jernigan - Are there any questions from the Commission? Thank you, Mr. Scherzer. OK. We
396 will hear from Mr. Kofax.

397
398 Mr. Silber - Let me remind those present tonight, Mr. Chairman did this at the beginning of the
399 meeting, that the Planning Commission has a policy that they feel to keep the meeting moving that they
400 encourage people to be concise and to the point. The policy is that those making the presentation, the
401 applicant, have 10 minutes to make their case and save some of that time for rebuttal, and those speaking
402 in opposition have 10 minutes, that is collectively 10 minutes. The Planning Commission has the right to
403 extend that and grant more time if they feel it is necessary, but we'd like to try to keep it to about 10
404 minutes.

405
406 Mr. Kofax - I am David Kofax and I am one of the guys at the Cross Keys area who has been
407 active in anything that goes on in this area. I was chosen from the folks today to represent the community
408 as a whole, probably for the shock value, in that we are not opposed in the sense of "Don't approve it," but
409 we do have some comments to make relative to it.

410
411 I would like to thank Todd Lewis, who is following in my steps at Cross Keys as the other zoning guy, and
412 hopefully you will see more of him than me. We've spent a lot of time working on this and learning how
413 the system works. Our other neighbors, Richard will speak, Tammy and Duncan, who are there and many
414 others were there. We've had about 20 at each of our neighborhood meetings. Also, I would like to thank
415 Tim Foster, our resident, he is not a resident of our neighborhood, but he is there so often that he is part of
416 our traffic engineering, and over the years he has certainly been beneficial, to let us know how traffic
417 engineering studies work, how they apply, so we are pretty knowledgeable in that area, and Mrs. Ware,
418 also, in particularly getting in and observing the meetings, so that we didn't have any confrontation type of
419 things today and saying "Here's what works and here is what doesn't work on the site" – so we thank you
420 for that.

421
422 We have come down to the point that the zoning, with respect to use and intensity of use, which is what is
423 the basic issue here today, is acceptable, given what the proffers that you heard brought forward. So, not
424 having the day care center and not having a left turn was certainly a big concern that the folks had.

425
426 My other comments pertain to, there are a few things in the staff report about the need for office, which I
427 would debate, but it is not worth the debate, and also, for the representation on the proffers that were
428 done with the retirement community, that, they were in conflict with what is being proposed today. I think
429 what is being proposed today is about as good as we can get with those. There is one, and maybe the
430 applicants can address this later, but I haven't seen the proffers for tonight, but it was read that one of
431 them would not have a connection with the retirement community, and if that is governed by the other
432 proffers on the other site, I think, so be it, and maybe address that, but I wouldn't think it would be
433 appropriate to add that as a condition as a proffer on this one, because then you have to go through and
434 change both proffers if it works out that it is a good thing to do. So, my suggestion would be that maybe
435 the developer would want to pull that proffer back, so that he'd have freer hands in case that is a positive
436 thing to work on later and work out. The only other point to make is that, particularly where the day care
437 was, and that has been changed by office now, that was a 24-hour move and there may be some work to
438 be done there, and we've raised some concerns about the intensity of the development on the site, but
439 those are things we will look at when we get more site information, and we look forward to meeting with
440 Mr. Katherman when it goes to the POD process, and I also want to thank Mr. Katherman for listening to
441 the neighbors and to the District Commissioner and saying, "OK, we've got to drop the day care and the left
442 turn." Do you have any questions?

443
444 Mr. Jernigan - Thank you, Mr. Kofax. Are there any questions for Mr. Kofax from the
445 Commission?

446
447 Mr. Silber - Let me clarify one point and the staff may need to clarify me if I am interpreting
448 this wrong, but the proffer that you refer to, if you haven't seen it, is Proffer 18 and speaks to the proffer
449 that is on the adjacent property, basically saying, if I am reading it properly, that the proffer next door
450 would have to be amended to eliminate that access restriction before access would be allowed through this
451 subject property.

452
453 Mr. Kofax - That is correct. That would be good wording.

454
455 Mr. Silber - That is the way that it stands now. I would like to look at that closer before that
456 goes to the Board of Supervisors, but that is the way that it reads at this point.

457
458 Mr. Kofax - I have always supported having interconnectiveness between projects like this.
459 Thank you.

460
461 Mr. Jernigan - Thank you, sir. Who was next? Good evening.

462
463 Mr. Solari - Good evening. My name is Richard Solari and I live at 10805 Three Chopt Road,
464 and if you are familiar with that address and the intersections of Gaskins and Three Chopt, I am one of the
465 neighbors who will be most directly impacted by whatever development we end up with at that intersection.
466 My objection tonight is basically in the procedural approach that was taken by the applicant. We did, in
467 fact, have two community meetings and a number of the concerns we aired were addressed, however, I
468 personally just found out about some substantive changes to this earlier today. They don't even have a
469 copy of the amended proffers to hand out to us to look over it tonight, so I don't think it is fair to the
470 neighbors to say, "Well, we took care of everything you wanted us to take care of, so go ahead and drop
471 your opposition." I think a deferral for 30 days would be appropriate to give us time to look over those
472 revised proffers and a drawing that has some detail. This little photo copy doesn't even have the roads
473 labeled on it. I think we should be given more time to look over the new proposal as it stands now, instead
474 of saying "You all go ahead and vote for approval."

475
476 Mrs. Ware - There have been some changes to the proffers, but most of the proffers have
477 stayed the same from the last meeting that we had. I believe that was last week. There is time between

478 now and the Planning Commission meeting and the Board of Supervisors meeting to look over these
479 proffers again. This is the final word. The Board of Supervisors does have the final word, and I am sure
480 that the applicant would be happy to give you a set of proffers. Do you have any extra set this evening? I
481 have two sets. You can have a set of mine or Jean will have one that you can look over, but at this point I
482 feel that it is best to go ahead and move on with the case.

483
484 Mr. Jernigan - Are there any questions for Mr. Solari from the Commission? Thank you, sir.

485
486 Mr. Scherzer - I would just like to say we thank you for your patience with us this evening over
487 this process. It has been, there have been some ups and downs, but we do feel obviously that the
488 progress that we've made, minor adjustments in terms of the wording, are fairly clearly understood, and we
489 certainly welcome the opportunity to talk to anyone in the intervening time between the Planning
490 Commission and the Board. However, changes were made at the request of the neighborhood, and
491 obviously, some concerns of staff and Mrs. Ware, and we feel we are making the right changes for the right
492 reason, and we do thank you for your patience and we do ask for a favorable recommendation this
493 evening. I am available for any questions, and I thank you again for your patience.

494
495 Mr. Jernigan - Are there any questions for Mr. Scherzer? Thank you, sir? We have more
496 opposition? How are you this evening?

497
498 Mr. Smith - My name is John Smith and I live in Raintree, and I am not familiar with the
499 process, but our interest in Raintree is the impact of this development on the wetlands in that area and in
500 the wetlands moving south into our area, along Deep Run Green and into Gregory's Pond, and so my
501 question basically is, "Is there a point in this process where we can get involved?" I heard you mention
502 preservation of wetlands, just like one of the proffers, but it is a complicated thing, and we need to know if
503 we can get involved in this before it is a (unintelligible) and have some input.

504
505 Mrs. Ware - When they will be addressing those issues is at plan of development when they
506 have more detailed information, and if you give your name to Ms. Moore, we will make sure that you are on
507 a list to be contacted that is being reviewed.

508
509 Mr. Smith - All right. There is another point where we get to do that?

510
511 Mrs. Ware - There is another.

512
513 Mr. Silber - Mr. Smith, if I can maybe add to that, and Mrs. Ware did a good job in explaining
514 the process, but basically what happens after tonight, if this is passed on, and ultimately the Board of
515 Supervisors acts on the rezoning, then the use rights are in place, and they can develop that piece of
516 property. But they have to come in with detailed engineering plans that shows how they are going to lay
517 out this property. All of the information relative to drainage and wetlands and storm water runoff will be
518 dealt with at that time, and your concern is a good concern, because there are extensive wetlands here,
519 that flows into the floodplain and heads down towards Raintree, so your point is well taken, but at this point
520 in time they are making the determination as to whether the use is appropriate at this location. Your
521 involvement would come later at the time of plan of development review. So, if you could leave your name
522 and address, we will make sure that you receive notification when that plan of development comes in.

523
524 Mr. Smith - OK.

525
526 Mr. Jernigan - Thank you, Mr. Smith. Mrs. Ware.

527
528 Mrs. Ware - I know that Mr. Solari has asked about the proffers, and the big changes that took
529 place are the ones that were talked about at the last neighborhood meeting. There is no left-turn access.
530 The proposed day care has been removed, and also the access from the assisted living facility has been

531 addressed. I know that we went over some other minor changes, additions and deletions at the meeting
532 last, and those were made as well. The current zoning on this property is reflective of a large townhouse
533 development from 1988 that was never constructed. The request provides coordinated development by
534 combining three parcels, as well as a good transition to the adjacent retirement home facility. Office condo
535 use will also help to disburse traffic in this area throughout the day. The project is in keeping with the
536 development trends in the area, and it will be compatible with the design and use of the adjacent
537 retirement facility, water treatment plant to the south, and other office uses to the east. Therefore, I move
538 that Case C-33C-03 be sent to the Board of Supervisors with a recommendation for approval. Oh, I have to
539 waive the time limits. I move that we waive the time limits.

540
541 Mr. Vanarsdall - Second.

542
543 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall to waive the time
544 limits. All in favor say aye. All opposed say no. The motion passes.

545
546 The Planning Commission voted to waive the time limits on the revised proffers and a site plan dated
547 September 11, 2003.

548
549 Mrs. Ware - Now I move that Case C-33C-03 be sent to the Board of Supervisors with a
550 recommendation of approval.

551
552 Mr. Vanarsdall - Second.

553
554 Mr. Jernigan - We have a motion by Mrs. Ware and a second by Mr. Vanarsdall. All in favor say
555 aye. All opposed say no. The motion passes.

556
557 **REASON:** Acting on a motion by Mrs. Ware, seconded by Mr. Vanarsdall, the Planning Commission voted
558 5-0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it would
559 provide for appropriate development of that site and the proffered conditions will assure a level of
560 development otherwise not possible.

561
562 Mrs. Ware - When is the next Board meeting?

563
564 Mr. Silber - This rezoning request would be going to the Board of Supervisors at their next
565 meeting, or their meeting in October, and the date would be October 14, 2003 at 7:00 p.m.

566
567 Mr. Jernigan - All of our deferred cases weren't pulled through because we have a split agenda.
568 One starts at 7:00 p.m. and the other starts at 8:00 p.m. We can't handle the other deferrals until the 8:00
569 p.m. hour.

570
571 **Deferred from the August 14, 2003 Meeting:**

572 **C-35C-03 Gary Weinberger:** Request to rezone from M-2 General Industrial District and M-
573 2C General Industrial District (Conditional) to M-2C General Industrial District (Conditional) Parcels 818-707-
574 0077, 818-707-3268, and 818-707-1322 containing approximately 31.2 acres located at the southwest
575 intersection of Charles City and Miller Roads. The applicant proposes to construct additional parking and
576 make other improvements to an existing truck terminal. The Land Use Plan recommends Heavy Industry.
577 The site is also in the Airport Safety Overlay District.

578
579 Mr. Silber - Ms. Moore.

580
581 Ms. Moore - Thank you, Mr. Secretary.

582

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

585
586 Ms. Moore - This request, if approved, will permit Swift Transportation to construct an addition
587 up to 30' in height for their existing truck terminal and fueling facility. The existing proffer limits height to
588 20 feet. This request also consolidates the existing proffers attached with Cases C-43C-94 and C-76C-97,
589 which govern the site.

590
591 With the exception of building height, this request carries forth the existing proffers attached with the
592 property. In addition, the applicant has provided new proffers including:

- 593
594 • Prohibiting the use of barb wire and gravel on the site; and
595 • Prohibiting the sale or dispensing of fuel to the general public.

596
597 At the time the staff report was drafted, there were two unresolved issues. One pertained to referencing the
598 correct adjacent properties to implement the 50 and 35 -foot buffers, so the intent of such screening would
599 be maintained.

600
601 Secondly, the applicant did not submit a site plan referenced in Proffer #2.

602
603 The applicant submitted revised proffers which address these concerns. These proffers are dated
604 September 5, 2003, copies of which you just received. In addition, the applicant has submitted a site plan
605 showing the entire facility and the proposed addition.

606
607 The existing use, site layout and proposed addition to expand the truck terminal are in keeping with the
608 2010 Land Use Plan's designation for Heavy Industrial and EPA on the site. In addition, the proposal would
609 be harmonious with the surrounding development and would enhance the site design of this facility.
610 Therefore, staff supports this request.

611
612 This concludes my presentation, I'd be happy to try to answer any questions you may have.

613
614 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission?

615
616 Mr. Archer - Ms. Moore, these proffers are on time, right? They don't need to be waived.

617
618 Ms. Moore - Yes, sir. They are on time.

619
620 Mr. Jernigan - Ms. Moore, how many parking places are we picking up out of this?

621
622 Ms. Moore - I don't have that answer off the top of my head, but I can find out for you in a few
623 minutes.

624
625 Mr. Jernigan - All right. Thank you. Is the applicant here? Sir, you can come up to the podium,
626 please. How are you?

627
628 Mr. Weinberger - Good. My name is Gary Weinberger and I am vice president with Swift
629 Transportation.

630
631 Mr. Jernigan - OK, sir. Would you like to reserve rebuttal time? You have ten minutes.

632
633 Mr. Weinberger - Yes, if there are any questions, I'd be happy to answer those.

634

635 Mr. Jernigan - Well, maybe you can answer this. How many parking places are we going to pick
636 up on the POD?
637
638 Mr. Weinberger - I would have to look at my...
639
640 Ms. Moore - There are 83 existing and 102 would be new.
641
642 Mr. Jernigan - 102?
643
644 Ms. Moore - Yes, sir.
645
646 Mr. Jernigan - Thank you, Jean. I don't have any questions other than that. I know that it has
647 been a long discussion and this case was probably looking good last month. It just was not advertised
648 correctly, because we incorporated all of the land in, but if you don't have any statements, then I am going
649 to hear from the opposition, and then I will let you rebut to him.
650
651 Mr. Weinberger - I understand.
652
653 Mr. Jernigan - Thank you, Mr. Weinberger. Sir, you may come up.
654
655 Mr. Henricus - Good evening. I am George Henricus and my Dad owns a piece of property out
656 there. It is zoned M-1, and with more traffic coming out on Charles City Road, we are wondering how the
657 impact to that is going to be or access in and out of that piece of property. You are going to end up adding
658 102 more spots out there. Is that going to impact us with a business coming in and out on Charles City
659 Road? The other question I had is with these additional parking spaces. Are we going to end up having
660 more water problems? In the past we have had over the years, out there, all the water that comes across
661 from the Byrd Center comes across my Dad's property, and I am just kind of concerned – does the County
662 know that this is an issue, and are we addressing that properly. And, the other thing I had, in the past,
663 these fellows end up, they run their rigs all night long, and in the winter the fumes out there get pretty bad.
664 Are we doing anything to take care of that. I mean, if you run a rig out there all night long and you walk
665 out, that is all you are breathing are fumes, and are we addressing that?
666
667 Mr. Jernigan - First of all, I didn't hear your last name.
668
669 Mr. Henricus - Henricus. My Dad has run a business there for the last 25 years and, you know, it
670 impacts us. If they end up putting too much traffic on Charles City Road where you can't get in and out of
671 the place...
672
673 Mr. Jernigan - Well, one reason I am glad this case came along was to get them off of the road.
674 If you are there now, you know the stacking problem that they are having.
675
676 Mr. Henricus - Yes, I understand that.
677
678 Mr. Jernigan - You know they are stacking on the road now. The police are having problems with
679 it and all, and I am glad to see this, because it will get them in and off of the road, and have a place to
680 park. That is the reason that I did want this case moved along. They want to put another building back
681 there, and what happened on that, the current building height was limited to 20 feet. They wanted to go to
682 30 feet, and I had Mr. Weinberger, we incorporated so that the proffers that exist on the property now, the
683 small four acres that they had went on the whole 31. Now, you are speaking of drainage. At the time of
684 POD, when they compile the plan for this other building, that will be addressed through our Department of
685 Public Works.
686
687 Mr. Henricus - Well, I am here for my Dad and looking out for his best interests.

688
689 Mr. Jernigan - But I am hoping this will make the situation, as far as the fumes,
690
691 Mr. Henricus - You know you've got 120 more rigs or what. How many more rigs are we talking
692 about putting out there, running all night long.
693
694 Mr. Jernigan - Well, I don't know that we are going to have that much more, but we are not
695 going to have them stacked out on Laburnum and Miller Road. They are going to be tucked in, away, and
696 that is what we want to do. They may have some more trucks. I am not sure.
697
698 Mr. Silber - Mr. Chairman, let me suggest this, perhaps. I think the applicant can get back up
699 in a few minutes to address the question on the number of trucks that would be at the site versus what is
700 there now, and he can do that in a few minutes. I think what is important is there is a plan of development
701 that has been submitted. It will be coming to the Planning Commission, I believe, later this month. Staff,
702 correct me if I am wrong, but I believe it comes up later this month, so please find out when that comes
703 up, review that plan and begin to become familiar with those issues. But the drainage aspects will be dealt
704 with with that plan of development. Access and traffic that might come off of this property impacting
705 Charles City Road and potentially your access, I think it may be best that you consult with the traffic
706 engineer. He was here earlier. He is coming back for another case. If you can't reach him tonight, we will
707 put you in touch with him, and you can speak to that.
708
709 The comments in the staff report say that there will be no impact from this site on the existing roads that
710 would be overwhelming. We believe that should be taken care of.
711
712 Mr. Henricus - The thing I am trying to do, we are right there by Laburnum and Charles City
713 Road, so what happens if we get too much traffic. I've got a funny feeling that it will get further and
714 further and you will never be able to make that left-hand turn on Laburnum, you know.
715
716 Mr. Silber - Are you the first parcel that is zoned industrial on the south side of Charles City?
717
718 Mr. Henricus - Yes, sir. Right beside the Baptist Church.
719
720 Mr. Silber - That may be a valid concern. It looks like there would have to be a lot of stacking
721 before it could impact your access, but that is a possibility.
722
723 Mr. Henricus - Right now, I don't want to end up losing my access to the road. That is my main
724 concern. I don't want to see them come out there and extend the road so I can't come out of my property.
725
726 Mr. Jernigan - Your condition should get better rather than worse.
727
728 Mr. Henricus - I appreciate it.
729
730 Mr. Jernigan - Are there any questions of Mr. Henricus from the staff or the Commission? Thank
731 you. All right. Mr. Weinberger.
732
733 Mr. Weinberger - Thank you and those are some legitimate questions. Your comment back here
734 about the number of trucks is correct. We now, if you ever went in our yard on the weekend, we have
735 exceeded the parking places. There are trailers, not necessarily tractors, parked in our driveways, and this
736 will alleviate that. We now drop trailers at a lot of our customers. We don't have the space. It is mostly
737 trailer drop parking situation. A standard, just as a point of information, on a full load truck area itself, we
738 have 3 to 3.5 to 1 ratio trailers to trucks, so even if we filled this, 83 and 102, is that the total? Say we'd
739 have 185 spaces, and they would never be more than 1/3 of that, tractors there. I don't know if that
740 answers your question. We are not bringing any more equipment in other than trailers. As far as the

741 drainage goes, Mr. Henricus, I believe you are under the second lot over. Now, the drainage problem
742 they've been talking about has been one that is not really his problem but the County's problem. Since
743 1994 when I first developed the five acres on the corner, it drains across his property off of Charles City
744 Road, and then goes into a drainage pipe that goes under Laburnum and down wherever from there. We
745 don't drain any water from his property. All of our water is contained in a pond that we have created at the
746 rear of our property, which is on the piece that is currently developed, the M-2C piece, right against
747 Laburnum. We drain all of our water there and then we made sure, as you well know, we built that up
748 three or four feet behind his property on ours to prohibit any water from ever going out to his property. His
749 problem is the water from Charles City Road drains across his property to that drainage ditch. Am I
750 correct?

751
752 Mr. Silber - We can only record those that are at the podium. So, let's let the applicant
753 continue to speak.

754
755 Mr. Weinberger - What was his other question? There were three I think.

756
757 Mr. Silber - Access, drainage and fumes from the trucks.

758
759 Mr. Weinberger - As far as fumes from the trucks, we have to idle them during the Winter time, but
760 I can guarantee you that our equipment is State-of-the-Art as any equipment in use. You don't see any
761 trucks that are old relics. All of our engines are the most clean burning engines that are made today.
762 These are Detroit Cummings Engines. There are no better engines made. I mean, of course, you probably
763 know that everybody is pushing for cleaner engines, whether it is in cars, trucks, whatever it may be, and
764 when that gets there, we will be in line to buy those. They are just not available today.

765
766 Mr. Jernigan - Are there any questions for Mr. Weinberger from the Commission? All right. Thank
767 you, sir.

768
769 Mr. Weinberger - Thank you.

770
771 Mr. Jernigan - Tom Coleman was one of the staff members that worked on this case and got
772 everything brought around, and Tom, I want to thank you for your effort on this. I feel that even though
773 we do have some problems down there, that this, over all, is going to be a better situation for you, and for
774 the County as a whole. So, with that I would like to recommend approval of Case C-35C-03, Gary
775 Weinberger Trucking Company.

776
777 Mrs. Ware - Second.

778
779 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mrs. Ware. All in favor say
780 aye. All opposed say no. The ayes have it. The motion is passed.

781
782 **REASON:** Acting on a motion by Mr. Jernigan, seconded by Mrs. Ware, the Planning Commission voted 5-
783 0 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is appropriate
784 industrial zoning in this area, it conforms with the recommendations of the Land Use Plan, and the proffered
785 conditions will provide appropriate quality assurances not otherwise available.

786
787 ***Deferred from the August 14, 2003 Meeting:***

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

794
795 Mr. Jernigan - Is there any opposition to Case C-28C-03? No opposition. You may proceed, Mr.
796 Emerson.

797
798 Mr. Emerson - Thank you, Mr. Chairman.
799

800 The applicant proposes to expand the existing Honda House for sales, service, and warehousing of
801 motorcycle and marine products.
802

803 The proposed use is consistent with the Land Use Plan's designation of Commercial Concentration for this
804 site and with the adjacent commercial developments.
805

806 The addition would be developed at the rear of the existing Honda House. It would be adjacent to Fountain
807 Avenue, which is unimproved right-of-way at this location. The applicant has filed a request to vacate this
808 right-of-way, which is scheduled to be heard by the Board of Supervisors on October 14th, 2003.
809

810 The staff report notes several concerns and the applicant has submitted revised proffers dated September
811 8, 2003 addressing these concerns. Specifically, the applicant has revised:
812

- 813 • Proffer #3, which would prohibit check cashing/payday loan establishments and bowling alleys along
814 with some other prohibited uses,
- 815 • Proffer #6 regarding visibility of items over any potential screening wall and outside storage, and
- 816 • Proffer #7 prohibiting access to Schrader Road.
817

818 In addition, the applicant has proffered an elevation, which is referenced in Proffer 8.
819

820 Staff recommends approval of this request.
821

822 If you have any questions or comments, I will be happy to try to answer them.
823

824 Mr. Jernigan - Are there any questions for Mr. Emerson from the Commission? Thank you, Mr.
825 Emerson. Mr. Vanarsdall.
826

827 Mr. Vanarsdall - I don't really need to hear from the applicant unless some of the other Commission
828 members would like to ask some questions. First of all, I am glad that Honda House has decided to stay
829 there and expand, and we have deferred this case once, so as Mr. Emerson said, they will go before the
830 Board to vacate Fountain Avenue. The applicant has agreed to all of the things that we discussed, and I
831 appreciate your getting them in to us Jack, Mr. Beamon and Mr. Upshur. With that, I move that Case C-
832 28C-03, Abe L. Massad for A. F. Associates be recommended to the Board of Supervisors for approval.
833

834 Mr. Taylor - Second.
835

836 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in favor say
837 aye. All opposed say no. The motion passes.
838

839 **REASON:** Acting on a motion by Mr. Vanarsdall, seconded by Mr. Taylor, the Planning Commission voted
840 5-0 to recommend that the Board of Supervisors **grant** the request because it conforms to the
841 recommendations of the Land Use Plan, is reasonable in light of the Business District zoning in this area and
842 the proffered conditions provide appropriate quality assurances.
843

844 Mr. Silber - At this time, Mr. Emerson, it would be fine to continue on with the deferrals.
845

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

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

855
856 Mr. Silber - The Planning Commission took action earlier to defer this request. If there is
857 someone here that was opposing, or wants to oppose deferral, we could reconsider that. If there is no
858 opposition, I would argue that the motion and action stands. Is there anyone in opposition or has concern
859 with C-33C-02? OK. Mr. Emerson, if you could run through the other deferrals on the 8:00 p.m. portion of
860 the agenda.

861
862 Mr. Emerson - Yes, sir, Mr. Secretary. On Page 4 of the agenda is C-38C-03.

863
864 **Deferred from the August 14, 2003 Meeting:**

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

870
871 Mr. Emerson - The deferral is requested to the October 9, 2003 meeting.

872
873 Mr. Jernigan - Is there any opposition to the deferral of Case C-38C-03? No opposition. Mr.
874 Archer.

875
876 Mr. Archer - Mr. Chairman, I move deferral of Case C-38C-03 to the October 9, 2003 meeting at
877 the request of the applicant.

878
879 Mr. Vanarsdall - Second.

880
881 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in favor say
882 aye. All opposed say no. The ayes have it. The motion is passed.

883
884 At the applicant's request, the Planning Commission deferred Case C-38C-03, Andrew M. Condlin for Park
885 Central Associates, L. C., to its meeting on October 9, 2003.

886
887 **Deferred from the August 14, 2003 Meeting:**

888 **C-39C-03 Andrew M. Condlin for Windsor Business Park, LLC:** Request to amend
889 proffered conditions accepted with rezoning case C-90C-97, on Parcels 791-760-1417, 791-760-7833, 792-
890 760-2349 and 792-760-3482, containing 18.877 acres, located on the north line of E. Parham Road at
891 Magellan Parkway (Windsor Business Park). The applicant proposes to reduce the Parham Road buffer
892 from 125' to 75'. The existing zoning is O-2C Office District (Conditional) and M-1C Light Industrial District
893 (Conditional). The Land Use Plan recommends Office and Office/Service.

894
895 Mr. Emerson - The deferral is requested to the October 9, 2003 meeting.

896
897 Mr. Jernigan - Is there any opposition to the deferral of Case C-39C-03? No opposition. Mr.
898 Archer.

899

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

902
903 Mr. Vanarsdall - Second.

904
905 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mr. Vanarsdall. All in favor say
906 aye. All opposed say no. The ayes have it. The motion is passed.

907
908 At the request of the applicant, the Planning Commission deferred Case C-39C-03, Andrew M. Condlin for
909 Windsor Business Park, LLC, to its meeting on October 9, 2003.

910
911 **C-46C-03 Andrew Condlin for Gregory A. Windsor:** Request to conditionally rezone from
912 R-2 One Family Residence District to R-2AC One Family Residence District (Conditional), part of Parcel 791-
913 759-1653, containing approximately 8.76 acres, located on the south line of E. Parham at the east line of
914 Franconia Road to the west line of Fredonia Road. A single family residential subdivision is proposed. The
915 applicant proffers a maximum of 171 building lots including the acreage on the companion case C-47C-03.
916 The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan recommends Office.

917
918 Mr. Emerson - Deferral is requested to the October 9, 2003 meeting.

919
920 Mr. Jernigan - Is there any opposition to the deferral of Case C-46C-03? No opposition. Mr.
921 Archer.

922
923 Mr. Archer - I move deferral of Case C-46C-03 to the October 9, 2003 meeting at the
924 applicant's request.

925
926 Mr. Vanarsdall - Second.

927
928 Mr. Jernigan - We have a motion for Mr. Archer and a second by Mr. Vanarsdall. All in favor say
929 aye. All opposed say no. The ayes have it. The motion is passed.

930
931 At the request of the applicant, the Planning Commission deferred Case C-46C-03, Andrew Condlin for
932 Gregory A. Windsor, to its meeting on October 9, 2003.

933
934 **C-47C-03 Andrew Condlin for Gregory A. Windsor:** Request to conditionally rezone from
935 A-1 Agricultural District and R-2 One Family Residence District to R-2AC One Family Residence District
936 (Conditional), part of Parcel 791-759-1653 and Parcels 792-759-3596 and 793-759-4718, containing
937 approximately 90.3 acres, located on the southwest line of E. Parham Road at the east line of Fredonia
938 Road to the north line of Chamberlayne Road (Route 301). A single family residential subdivision is
939 proposed. The applicant proffers a maximum of 171 building lots including the acreage on the companion
940 case C-46C-03. The R-2A District allows a minimum lot size of 13,500 square feet. The Land Use Plan
941 recommends Office and Environmental Protection Area.

942
943 Mr. Emerson - The deferral is requested to the October 9, 2003 meeting.

944
945 Mr. Jernigan - Is there any opposition to the deferral of Case C-47C-03? No opposition. Mr.
946 Archer.

947
948 Mr. Archer - Mr. Chairman, I move deferral of Case C-47C-03, Andrew Condlin for Gregory A.
949 Windsor, to the October 9, 2003 meeting, at the applicant's request.

950
951 Mrs. Ware - Second.

952

953 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mrs. Ware. All in favor say aye.
954 All opposed say no. The ayes have it. The motion is passed.
955

956 At the request of the applicant, the Planning Commission deferred Case C-47C-03, Andrew Condlin for
957 Gregory A. Windsor, to its meeting on October 9, 2003.
958

959 **Deferred from the July 10, 2003 Meeting:**
960 **C-18C-03 James W. Theobald for Commercial Net Lease Realty Services, Inc.:**
961 Request to conditionally rezone from B-3 Business District and A-1 Agricultural District to B-2C Business
962 District (Conditional), Parcel 741-761-8112 and part of Parcel 741-761-8532, containing approximately
963 2.899 acres, located at the southeast intersection of W. Broad Street (U. S. Route 250) and Three Chopt
964 Lane. A retail use is proposed. The use will be controlled by proffered conditions and zoning ordinance
965 regulations. The Land Use Plan recommends Office and Commercial Concentration.
966

967 Mr. Emerson - The deferral is requested to the November 13, 2003 meeting.
968

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

971
972 Mr. Taylor - Mr. Chairman, I move deferral of Case C-18C-03 to November 13, 2003, at the
973 applicant's request.
974

975 Mr. Vanarsdall - Second.
976

977 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in favor say
978 aye. All opposed say no. The ayes have it. The motion is passed.
979

980 At the request of the applicant, the Planning Commission deferred Case C-18C-03, James W. Theobald for
981 Commercial Net Lease Realty Services, Inc, to its meeting on November 13, 2003.
982

983 **Deferred from the August 14, 2003 Meeting:**
984 **C-42C-03 William Shewmake for P & F LLC:** Request to conditionally rezone from R-3
985 One Family Residence District to O-1 Office and B-3C Business District (Conditional), Parcels 761-754-2053
986 and 761-754-1763, containing approximately 1.0 acre (B-3C - .23 acre, O-1 - .77 acre), located on the east
987 line of Skipwith Road approximately 360 feet north of N. Parham Road and approximately 520 feet south of
988 W. Broad Street (U. S. Route 250). Office uses and parking for the adjacent Infiniti car dealership are
989 proposed. The uses will be controlled by proffered conditions and zoning ordinance regulations. The Land
990 Use Plan recommends Office.
991

992 Mr. Emerson - The deferral is requested to the November 13, 2003 meeting.
993

994 Mr. Jernigan - Is there any opposition to the deferral of Case C-42C-03? Mr. Taylor?
995

996 Mr. Taylor - I move deferral of Case C-42C-03 to November 13, 2003 at the request of the
997 applicant.
998

999 Mr. Vanarsdall - Second.
1000

1001 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in favor say
1002 aye. All opposed say no. The ayes have it. The motion is passed.
1003

1004 Mr. Emerson - Mr. Secretary, we have one remaining Expedited item. That is on page 6 of your
1005 agenda.

1006
1007 **C-49C-03 North Atlantic Holdings, Inc:** Request to amend proffered conditions accepted
1008 with Rezoning Case C-54C-89, on Parcel 761-754-4773, containing approximately 2.52 acres, located on the
1009 south line of W. Broad Street (U. S. Route 250) approximately 600 feet northwest of E. Parham Road. The
1010 amendment is related to the landscape and natural buffers. The existing zoning is B-3C Business District
1011 (Conditional). The Land Use Plan recommends Commercial Concentration.

1012
1013 Mr. Jernigan - Is there any opposition to Case C-49C-03, North Atlantic Holdings, Inc.? No
1014 opposition.

1015
1016 Mr. Taylor - I move that Case C-49C-03 be approved on the Expedited Agenda.

1017
1018 Mr. Archer - Second.

1019
1020 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Archer. All in favor say aye.
1021 All opposed say no. The ayes have it. The motion is passed.

1022
1023 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission voted 5-0
1024 (one abstention) to recommend that the Board of Supervisors **grant** the request because the proffers
1025 continue to assure a quality form of development with maximum protection afforded the adjacent
1026 properties and it is not expected to adversely impact surrounding land uses in the area.

1027
1028 **C-45C-03 Ken Baucom for David C. Circeo:** Request to conditionally rezone from O-1C
1029 Office District (Conditional) to B-1C Business District (Conditional), Parcel 781-748-5100, containing
1030 approximately 0.882 acre, located at the southeast intersection of Oak Street and Lakeside Avenue
1031 (Lakeside Place). A dental office and hair salon are proposed. The use will be controlled by proffered
1032 conditions and zoning ordinance regulations. The Land Use Plan recommends Urban Residential, 3.4 to 6.8
1033 units net density per acre.

1034
1035 Mr. Jernigan - Is there any opposition to Case C-45C-03, David C. Circeo? No opposition. Good
1036 evening, Mr. Bittner.

1037
1038 Mr. Bittner - Good evening commissioners and Mr. Chairman.

1039
1040 A rezoning application for O-1C was approved in 2000. The proposed hair salon would locate in part of this
1041 structure that has been built to house the dental office, and that is shown here (referring to slide).

1042
1043 The 2010 Land Use Plan recommends Urban Residential, and this request is not consistent with this
1044 designation.

1045
1046 However, this site is also designated as a Redevelopment Corridor in the 2010 Land Use Plan. This
1047 designation is intended to focus on opportunities for infill development and the need for improving the
1048 overall appearance of older nonresidential corridors.

1049
1050 This proposal appears to meet the intent of the Redevelopment Corridor designation.

1051
1052 The applicant has submitted revised proffers which should now be in front of you. These new proffers
1053 simply retain the proffers currently regulating the property and alter selected proffers to accommodate the
1054 hair salon. The altered proffers include the following:

1055
1056 (Proffer #4) Any barbershop or beauty salon on the site would not make appointments any later than 7:30
1057 p.m. All other uses would cease operation by 7:00 p.m.

1058

1059 (Proffer #7) Permitted uses would be limited to only barbershops, beauty salons, and those uses first
1060 permitted in the O-1 district. This would accommodate the existing dental office.

1061
1062 (Proffer #9) has been clarified to state barbershops and beauty salons shall not exceed 1,500 square feet in
1063 size within the allowed total square footage of 8,500.

1064
1065 Staff also notes that selected requirements of the approved landscape plan for the dental office, notably a
1066 seeded lawn, do not appear to be completed at this time. Staff encourages the applicant to complete these
1067 items as soon as possible.

1068
1069 Staff recommends approval of this application. This concludes my presentation, I would be happy to try to
1070 answer any questions you may have.

1071
1072 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you, Mr.
1073 Bittner. Mr. Archer, do you want to hear from the applicant?

1074
1075 Mr. Archer - I don't believe it is necessary, Mr. Chairman. I did get a couple of phone calls, or
1076 at least one phone call from a person who represented another one, and they were not so much concerned
1077 about this case as they were with some activity that is occurring within the whole corridor. As most of you
1078 know, who have visited out there, there is a lot of preferential development out there along Lakeside that is
1079 improving that area. This is one of the more modern buildings out there. I don't see that this additional
1080 operation would increase any exposure to the building, and it is a very well kept building. All of the parking
1081 is on the sides and the rear, and with that, I will recommend approval of Case C-45C-03.

1082
1083 Mrs. Ware - Second.

1084
1085 Mr. Jernigan - We have a motion by Mr. Archer and a second by Mrs. Ware. All in favor say aye.
1086 All opposed say no. The ayes have it. The motion is passed.

1087
1088 **REASON:** Acting on a motion by Mr. Archer, seconded by Mrs. Ware, the Planning Commission voted 5-0
1089 (one abstention) to recommend that the Board of Supervisors **grant** the request because it would permit
1090 infill development and the proffered conditions will provide appropriate quality assurances not otherwise
1091 available.

1092
1093 ***Deferred from the August 14, 2003 Meeting:***

1094 **P-8-03 Gloria Freye for Doswell Properties, Inc.:** Request for a provisional use permit under Sections
1095 24-58.2(a) and 24-122.1 of Chapter 24 of the County Code in order to permit 24 hours of service to the
1096 general public for a proposed convenience store with fuel pump and restaurant (Great To Go – Store No. 3;
1097 POD-119-98), on part of Parcel 747-760-6472, containing 4,400 square feet, located at the northeast
1098 intersection of Dominion Boulevard and W. Broad Street (U. S. Route 250). The existing zoning is B-2C
1099 Business District (Conditional). The Land Use Plan recommends Commercial Concentration.

1100
1101 Mr. Jernigan - Is there any opposition to Provisional Use Permit P-8-03, Doswell Properties, Inc.?
1102 No opposition. Ms. Moore.

1103
1104 Ms. Moore - Thank you, Mr. Chairman.

1105
1106 The item before you tonight is a request for a Provisional Use Permit, to allow a convenience store located
1107 at the northeastern corner of W. Broad Street and Dominion Boulevard to operate 24 hours a day. This
1108 would include fuel sales and a restaurant.

1109

1110 The 2010 Land Use Plan designates this site Commercial Concentration. The site is zoned B-2C and is
1111 improved with a bank and a convenience store. The request for a provisional use permit pertains only to
1112 the convenience store.
1113

1114 This case was deferred at the August 14, 2003 Planning Commission meeting to allow the applicant to meet
1115 with the Division of Police to conduct a security survey. This survey has been completed and the applicant
1116 concurs with the Police Division's recommendations included in the conditions stated in the staff report.
1117 The Police Division has no objections to a 24-hour operation at this location.
1118

1119 Staff has since recommended the adherence to the Police report and is okay with a 24 operation.
1120

1121 Major aspects of the conditions include:

- 1122
- 1123 • Volume adjustment for outside speakers
- 1124
- 1125 • The prohibition of tinted windows and the placement of advertisements and other material on windows
1126 that would obstruct vision into the facility
- 1127 • The installation of metal or solid core doors
- 1128 • The installation of security cameras and video systems to monitor the entrance(s), parking area(s)
- 1129

1130 In addition, there is a condition that the applicant would comply with the recommendations of the security
1131 survey conducted by the Crime Prevention Unit of the Division of Police on August 14, 2003 and August 19,
1132 2003.
1133

1134 With these recommendations, staff supports this request.
1135

1136 This concludes my presentation, I would be happy to try to answer any questions you may have.
1137

1138 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission? Thank you, Ms.
1139 Moore. Mr. Taylor, would you like to hear from the applicant?

1140

1141 Mr. Taylor - I would if he is here. Mrs. Freye, I guess, would like to speak.
1142

1143 Mrs. Freye - Good evening, Mr. Chairman and members of the Commission. My name is Gloria
1144 Freye and I am an attorney here on behalf of the applicant. We do thank Ms. Moore for that report and we
1145 thank the staff for working with us through this, letting us take the deferral last time so that we could get
1146 the security survey done. We thank you, too, Mr. Taylor, for meeting with us out on the property and
1147 looking at the security measures that have been put in place and that they have agreed to do with the
1148 security survey. We feel that this will be a benefit to the citizens in the area, particularly those in Innsbrook
1149 that operate around the clock, and Capital One across the street from this site. We were very glad when
1150 the Police did the inspection that they actually applauded the applicant for going beyond the security
1151 measures that had even been recommended, and with the conditions under this permit, that this facility will
1152 be safer than the other stores in the area that actually are already open 24 hours. So, we thank you for
1153 your consideration and we will be glad to respond to any questions you may have.
1154

1155 Mr. Jernigan - Are there any questions for Mrs. Freye from the Commission? Thank you, Mrs.
1156 Freye. OK. Mr. Taylor.
1157

1158 Mr. Taylor - Mr. Chairman, I would just like to provide a few comments for the record. I did
1159 visit the site and I do want to remark that while I was at the site I was able to see some considerable safety
1160 and security provisions, rapid and positive lockdown procedures that are instantaneously available, very
1161 experienced managers that are available night time and day time, but the night time people are actually
1162 senior managerial officials. The site received a positive Police review. The site itself and the mechanical

1163 provisions show significant safety, hardware and site design. It is designed from the beginning as a facility
1164 that can be operated with automatic locks and some very quick closure in the area if there is any kind of
1165 difficulty. And I think the nature of the neighborhood available makes this facility adjacent to 64 and to
1166 travelers, and I think that is a positive benefit, and I think it is consistent with the facilities at other locations
1167 that I have seen, so I will recommend approval of P-8-03 for approval by the Board of Supervisors.
1168

1169 Mrs. Ware - Second.

1170
1171 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware. All in favor say aye.
1172 All opposed say no. The ayes have it. The motion is passed.
1173

1174 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Ware, the Planning Commission voted 5-0
1175 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is reasonable in
1176 light of surrounding uses and existing zoning on the property and when properly regulated by the
1177 recommended special conditions, it would not be detrimental to the public health, safety, welfare and
1178 values in the area.
1179

1180 **Deferred from the August 14, 2003 Meeting.**

1181 **C-23C-03 Robert Atack:** Request to conditionally rezone from A-1 Agricultural District to R-
1182 3C One Family Residential District (Conditional), Parcels 747-764-3839, 747-764-7729, and 747-764-9550,
1183 containing approximately 9.71 acres, located at the southeast intersection of Sadler Road and Thorncroft
1184 Drive. Single family subdivision is proposed. The applicant proffers a density not to exceed 2.3 units per
1185 acre. The Land Use Plan recommends Suburban Residential 1, 1.0 to 2.4 units per acre.
1186

1187 Mr. Jernigan - Is there any opposition to Case C-23C-03, Robert M. Atack? We have opposition.
1188 Mr. Bittner, you may proceed.
1189

1190 Mr. Bittner - Thank you, Mr. Jernigan.
1191

1192 The subject property is designated SR1 in the 2010 Land Use Plan. The applicant proposes a density up to
1193 2.3 units per acre, which is within the recommended SR1 density range of 1.0 to 2.4 units per acre.
1194

1195 Most nearby land uses are single-family residential subdivisions, and much of the Sadler Road corridor is
1196 designated SR1 on the 2010 Plan. The established residential neighborhood along Thorncroft Drive is
1197 zoned primarily A-1 and characterized by minimum one-acre lots with 150-foot lot widths. The subject
1198 property serves as a gateway to the residents along Thorncroft Drive.
1199

1200 The proposed subdivision would be an appropriate use and density for the subject property. The applicant
1201 has also proffered some positive features, including:

- 1202 • A minimum house size of 2,200 square feet,
- 1203 • 30-year dimensional shingles,
- 1204 • Exposed aggregate driveways, and
- 1205 • Irrigated and sodded front yards.
1206

1207 In an effort to be consistent with other new development recently approved in the area, staff suggests the
1208 applicant address these remaining concerns:
1209

1210 1. Increasing all lot widths to 85'; and
1211

1212 2. Providing a limitation on the number of front-loaded garages.
1213

1214 On September 2, the developer hosted a community meeting for nearby residents to discuss their concerns.
1215 Primary concerns included traffic along Sadler Road, stormwater drainage from the subject property, and
1216 plans for bringing public water and sewer to the site.
1217

1218 This concludes my presentation, I would be happy to try to answer any questions you may have.
1219

1220 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you, Mr.
1221 Bittner. OK. Mr. Taylor, would we like to hear from the applicant?
1222

1223 Mr. Taylor - Yes, sir. I believe I would.
1224

1225 Mr. Silber - Mr. Parker, do you want to reserve some of your time? Some rebuttal time?
1226

1227 Mr. Parker - Please, if I may. I've got a short presentation, so any time I have remaining after
1228 my presentation I will have for rebuttal.
1229

1230 Good evening. My name is Phillip Parker, Vice President with Attack Properties. We have had a number of
1231 meetings recently with the various homeowners in the area. We discussed numerous issues along the lines
1232 of traffic, sanitary sewer, public water, storm drainage through the area. The primary concern that came
1233 up among all of that in the meetings has been the issue of covenants and restrictions of the existing A-1
1234 parcel. Each individual parcel, when it was sold from S. B. Cox in 1963, had individual lot by lot deed
1235 covenants, and there was a lot of confusion related to that. I think that we have come to terms with that
1236 and resolved those issues. We worked diligently with staff and the adjoining owners in the area to resolve
1237 their concerns relative to this development. I believe the primary concerns that remain with the adjoining
1238 owners are relative to the improvements of Sadler Road and Sadler Road Relocated, which is a County
1239 project, which we are here to discuss tonight, and I believe most of the adjoining residents are anxious to
1240 hear what he has to say. We proffered a number of items on this property to make it an upscale
1241 development and upscale neighborhood and create a sense of community, and those upgrades include
1242 minimum dwellings of 2200 sq. ft. of finished floor area, attached garages for each home, minimum two-car
1243 garage width, brick or stone foundations that would include bay windows and chimneys, quality exterior
1244 products including at least half of the homes having brick front elevations to increase the potential
1245 aesthetics but increase diversity, 30 year dimensional shingle roofs, exposed aggregate sidewalk and
1246 driveways for each of the lots, standing seam metal roofs for all the bay windows and ornamental roofs on
1247 return A's, screening of ground mounted HVAC units with landscaping or fencing, sodded and irrigated front
1248 yards, brick or stone chimneys, not just the foundation but the entire chimney, two street trees of a
1249 minimum caliper of 2-1/2 inch per lot, to be installed within 25 feet of the public right of way. We are
1250 proposing a 1.3-acre common area essential to the neighborhood that will enhance the community aspect
1251 of this property. We will be putting a foot trail in. It is intended as a passive use to create a sense of
1252 community and allow neighbors to get to each others homes without having to cut through someone's yard.
1253 All the utilities installed will be underground and irrigated landscape entrance feature to be approved by the
1254 Director of Planning is being provided for this neighborhood, and a 25 ft. landscape buffer with no ingress
1255 and egress along Sadler Road. We've got a very short frontage along Sadler Road. That primary front is
1256 along Thorncroft, as well as recorded declaration of covenants and restrictions for the neighborhood and
1257 the establishment of a homeowner's association.
1258

1259 We feel, based upon all our efforts, including staff's efforts and the neighbors, that we have come to a point
1260 of consideration of this property that is a well developed piece of property, and I believe the homeowners in
1261 the area would tend to agree with that. They do have some questions on traffic that I am unable to
1262 answer, as the County is currently in the design process or beginning the design process of Sadler Road
1263 Relocated. With that, I will answer any questions that the Commission may have.
1264

1265 Mr. Jernigan - Are there any questions for Mr. Parker from the Commission? Thank you, Phil.
1266

1267 Mr. Taylor - I don't have any at this time, Mr. Chairman.
1268
1269 Mr. Jernigan - We have opposition. If you would like to come down, please. Good evening. First
1270 of all, state your name and address.
1271
1272 Amarish Jain - Amarish Jain. I live in Cedars at Innsbrook, address is 11108 Red Cedar Terrace,
1273 Glen Allen, VA, and I am mostly concerned, as the gentleman said, about the traffic on Sadler Road. I just
1274 wanted to give you a little background that the road is quite narrow and the number of developments that
1275 have been going on, that is a public safety issue for the residents traveling through as well as moving
1276 around that area. The County has approved Neil Farmer's residential development, Sadler Green, Sadler
1277 Grove, Sadler Glen, and now you are possibly approving this as well, which means that some of the
1278 neighborhoods that are going on actually have bigger roads than this Sadler Road, which is the main artery
1279 through this neighborhood, so I think I am just concerned about the reactive mode that the County has
1280 been in this regard. We need to have bigger roads before we can start to putting in this additional traffic.
1281 In my estimate, it is approximately 400 homes, and you are looking at about times 2, at least 800 cars
1282 driving back and forth on such a narrow road, and in fact, some of the, like a McDonald's Farms, you have
1283 to leave six and add a little bit more space, but this one has actually a pot hole, and I came here because I
1284 am a victim of that small road. My tire got flat because of a pot hole. It is a huge pot hole and a big SUV
1285 ran us off of the road, and it cost me, AAA called and all that stuff, so my concern is let's be more active
1286 and get the projects on the Board. Is there funding available? What is the due date? Let's get it done
1287 before we approve this new development.
1288
1289 Mr. Jernigan - Are there any questions from Mr. Jain from the Commission?
1290
1291 Mr. Silber - Let me make one comment. If there is other opposition, I think we'd like to hear
1292 from all opposition before we call on the Traffic Engineer, but we do have Tim Foster, our Traffic Engineer
1293 here this evening, to address your concerns relative to Sadler Road. I will tell you that the County is aware
1294 of Sadler Road. We are sensitive to the issue regarding safety and safe movements of vehicles on that
1295 road. The County is preparing to award an engineering contract and in the process of engineering and
1296 before too much longer there would be construction out there, but that does take time. It is a number of
1297 years down the road. Mr. Foster will address those concerns at the end. Perhaps at this point we can hear
1298 from the rest of the applicants.
1299
1300 Mr. Jain - Would we have an opportunity to put up a point? We'd like to know of concrete
1301 plans and funding so that we are assured. We have heard this a long time. It has been over two years, so
1302 we are very concerned about this, and we want to know more about it.
1303
1304 Mr. Silber - Before you leave this evening, you will have information on the funding and the
1305 timing. That will come shortly.
1306
1307 Mr. Jernigan - Thank you. We had someone else to speak. Good evening.
1308
1309 Mr. Flippen - Good evening. My name is William Flippen and I live at 11171 Thorncroft Drive
1310 and I did have an issue with the property, because my covenants and stuff when I bought my house said
1311 that it could only be houses built, but if anything changed in my covenant, the whole neighborhood would
1312 have to agree to it, but since then I have found out that everybody in my neighborhood does not have the
1313 same covenants that I have on my property, so evidently as you went before Mr. Cox, he wrote whatever
1314 you wanted into your deed, and he let the rest of it kind of go by whatever, but anyway, that is another
1315 subject, but that has been addressed.
1316
1317 Now, we were concerned about the wetlands, the pond and stuff that is in this property, and they are
1318 supposed to be being addressed right now by the County, and we are also opposed to building a whole lot
1319 more out there until the roads are improved, and the developer told us the other night at a meeting we had

1320 that if they do develop this property, Sadler Road, being as bad as it is already, they would have to tear up
1321 Sadler Road and close down part of it in order to get the sewer up to his piece of property, which, not only
1322 is bad enough now, but as you start to tearing it up, which you have done this past year to put gas lines
1323 and all down through there. To me, if you were going to tear it up, you should have put everything you
1324 had down there at one time; the gas line, the water line, the sewer or whatever down the road if you are
1325 going to develop it. And as a homeowner, a lot of my neighbors, if you are going to bring sewer and water
1326 up to this property, I've been out there going on 39 years, and right after Innsbrook and all came out there
1327 we were told by the County that we would eventually get sewer and water. Well, in 1979 they built the first
1328 building in Innsbrook, and here it is 2003, and we ain't got no sewer and we don't have no water. Not that
1329 I particularly want it, but a lot of the neighbors in there, the wells have gone dry. They have to redrill new
1330 wells and stuff of this nature and when the power goes off, with a well you don't have no water. You don't
1331 have any way of using the bathrooms and stuff like this, but if you do have County water at least you can
1332 use the bathroom and all, and they are talking about building a new Sadler Road. It will affect a whole lot
1333 of my neighbors, not me, because where they are talking about putting the new road doesn't affect my
1334 property, but it will affect my neighbors, and it is a concern about everybody that lives around there. All of
1335 these housing projects and all the new building going on...(break in tape here – machine did not
1336 switch tapes)

1337
1338 Mr. Silber - Down across from the current location that entire situation should be improved
1339 with the parking area that they will be building, so that situation can be improved. If they are test driving
1340 cars back to your neighborhood, we can make contact with them and encourage them again not to do that.
1341 Relative to parking the vehicles, that should be improved when they make improvements across the street.

1342
1343 The water and sewer in that area, the sewer is currently in the Sadler Woods Subdivision, and certainly
1344 water will be brought closer to you in this development, and you may want to talk to the applicant, and
1345 perhaps the applicant can address that when he comes back up in a few minutes. Certainly there is
1346 concern that Sadler Road being torn up with installation of water and sewer lines, that that may be the
1347 case. I think we can get our Department of Public Works to coordinate with Public Utilities to address that
1348 so that it is better coordinated. I appreciate that comment. I think that is a good one and we need to
1349 coordinate those efforts.

1350
1351 The wetlands and the pond issue, I will ask Mr. Parker to answer when he comes up how his development
1352 is going to deal with the wetlands and the pond.

1353
1354 Your questions on the covenants may be self addressed.

1355
1356 Mr. Flippen - Oh, yes, that has been addressed, but like I said, I thought it was a problem, but it
1357 was my problem, but another thing, I'd like to address something to Carmax about these tractor trailers
1358 that they park all out in the road and unload the cars. If you are going to unload the cars, you should pull
1359 it off of the road onto their property and unload these cars, but they don't unload or load the first tractor
1360 trailers I've ever seen. They all do it on the County road.

1361
1362 Mr. Silber - Again, that will be corrected when the County improvements are made, and they
1363 will be building a storage lot, and they will have room to put all the tractor trailers in on their new storage
1364 lot. So, that, hopefully, will be corrected.

1365
1366 Mr. Flippen - Thank you.

1367
1368 Mr. Jernigan - Thank you, Mr. Flippen. Was there anybody else that wanted to make a
1369 comment?

1370
1371 Mr. Silber - We have about three or four minutes left, but the Commission can entertain
1372 lengthening that, but that is about how much time we have of the 10 minutes.

1373
1374 Mr. Orbin - Good evening. My name is Larry Orbin. My address is 4420 Sadler Road.
1375 Thorncroft Road runs right directly in front of my property. My question is, when you find out about the
1376 sewer and water in the new development, I am trying to find out which way the water and sewer is coming
1377 from. I have asked this question more than one time. It does not seem like no one knows which way it will
1378 be coming, whether it is coming from over near Virginia Electric and Power Company or whether it is
1379 coming from further down Sadler Road, and I know that the gas line has been brought in front of my
1380 property, all the way down Broad, all the way down to the new development that they have now. So can
1381 anyone tell me exactly which way the sewerage and water is coming?
1382

1383 Mr. Silber - I think we will get the applicant to answer that.
1384

1385 Mr. Orbin - OK. Thank you very much.
1386

1387 Mr. Jernigan - OK. Thank you, sir. Mr. Foster, would you come up, please. We would like to
1388 hear from you now.
1389

1390 Mr. Foster - Yes, sir. For the record, I am Tim Foster, the Traffic Engineer. A couple of things.
1391 We did review this plan. There are approximately 22 houses that generates about 220 trips per day, which
1392 means a trip is one in and one out. That is two trips. At a crucial peak-hour time, 7 to 8 and 4 to 6, we
1393 will have about 13 leave the subdivision and 4 go in; in the afternoons we will have about 15 go in and 11
1394 come out. When we looked at this and looked at how close it was compared to some of the other
1395 subdivisions, we do think that most of the traffic will go southbound and in looking at the low volumes
1396 during the peak hour and crucial times, we do feel comfortable with this case. Also, there will have to be
1397 some improvements on Thorncroft in front of the frontage of the property at the entrance there, so we will
1398 get a little bit better road on Thorncroft.
1399

1400 The Sadler Road project, I am going to give you some time frames. I wish I could give you dates. It is
1401 very difficult with road projects to give you exact dates because of different things that happen. We have
1402 received the engineering studies and proposals. We will be awarding the contract for engineering design in
1403 the latter part of October or November. Typically, when we do that, we will have the first public hearing
1404 with the citizens in 12 to 18 months after that process. It takes that long, because we don't know how long
1405 the environmental documents will take. We don't know how long some of the other items take. We do
1406 anticipate that we will have a public hearing either toward the end of 2004 or the beginning of 2005, so it
1407 does take about 12 to 18 months, depending on how much environmental work has to be done. That is
1408 usually the last thing and the thing that takes the longest. From that standpoint, typically from a public
1409 hearing stage, once we go to the public hearing, we could have one public hearing that may work, or we
1410 may have several. It really depends on what happens there, and that is a chance for the citizens to look at
1411 the plans and proposals and also for us to get back and change them. We do have the alignment of Sadler
1412 Road that was discussed. If you can see the hand, we are looking at the possibility of taking it behind
1413 these lots here (referring to slide). The reason we are doing that is when we looked at curves here, trying
1414 to straighten out this part of Sadler Road and some homes in here, we were getting very close into those
1415 houses, where behind it they are further away. We are looking at all options now. That plan will also
1416 include what we do with this portion of Sadler Road to make some improvements and also tie it in. I can
1417 tell you that we have funding for this project beginning after 2004, so there is funding in place for this
1418 entire project and we are moving forward with that. A lot of times we don't know when the funding is
1419 going to be in place, even if we have engineering funding, I am very pleased to say that we have funding in
1420 place for this project. Sadler Road is going through just about what every road in the County has gone
1421 through, growing pains, whether it is Three Chopt Road, Shady Grove Road or even Pump Road. They
1422 used to all be like Sadler Road. Even Hungary Road which is a nice four-lane road now, used to be just like
1423 Sadler Road, and that is the growing pains, and I am real pleased that I have a project in place and we are
1424 moving forward to construct Sadler Road. I know that it might have said it was started a couple of years

1425 ago. There are always funding issues, but we do have funding in place for this project and we are ready to
1426 move forward with it.

1427
1428 Mr. Jernigan - Are there any questions of Mr. Foster from the Commission?
1429

1430 Mr. Taylor - Mr. Chairman, I think I have a couple of questions for Tim Foster, because we met
1431 with the residents of the area a couple of times, and their concerns are about the alignment and Mr. Foster,
1432 if you would, please define the alignment to show where it would come. Would it come from the
1433 intersection of Ireland and Sadler and go over to Sadler in the triangle near Wonder Lane? Right?
1434

1435 Mr. Foster - Yes, sir. We are looking at the possibility and we have some studies of this, of
1436 taking the road here, at Wonder Lane, and actually curving it around this way, and coming in behind here
1437 (referring to slide) to look at that. We will also be looking at this alignment here, too, but when we looked
1438 at the preliminary alignments, just drawing some alignments on a plan, we start to getting real close to all
1439 of these houses...there are several houses here that front Sadler Road (referring to slide), and straighten up
1440 these curves properly. We were getting very close to the front of these houses (referring to slide), so we
1441 will be looking at both of them, but the plan that is more feasible is actually coming behind.
1442

1443 Mr. Taylor - When it was discussed at our meeting that we had with the residents, it was
1444 exactly that alignment that would be the preferred alignment from the Wonder Lane over to Ireland Lane.
1445 That would leave the present alignment of Sadler Road, it would become Old Sadler Road?
1446

1447 Mr. Foster - Well, we don't know what the name of it would be, but essentially it would be. We
1448 would have more time for that and be sure that we don't leave just a piece of road down there. I think
1449 with this public hearing process and also with our design process, we have to look to make sure that we
1450 service that road, too.
1451

1452 Mr. Taylor - One of the concerns that came up, Mr. Foster, is drainage along Sadler Road along
1453 Thorncroft Road, so the one concern is in doing that, I really feel that there needs to be some concurrent
1454 improvements along Old Sadler Road, as we finish up that project.
1455

1456 Mr. Foster - Yes, sir, and I will make sure that the Director of Public Works gets that
1457 information and that when we go through this we will look at that, and we will be having public hearings
1458 with the citizens in the area to make sure that what we are proposing is something that they want, too.
1459 This is our first brush at it, if you will, and once we get some design plans, we will be going out for...
1460

1461 Mr. Taylor - There were other things that they brought up and I don't know if they were road
1462 issues or traffic issues, and that is something that I didn't think, or had already been discussed, and that is
1463 Carmax is using Sadler Road as a test track. They take the cars and it is right adjacent to it and they go
1464 down Sadler Road. And I thought once upon a time we had an agreement with Carmax that they would
1465 not use Sadler Road to test their vehicles. Is that correct or am I wrong?
1466

1467 Mr. Foster - It is my understanding that we did ask them and I have asked them before myself
1468 not to use it.
1469

1470 Mr. Taylor - Do we have a record on file?
1471

1472 Mr. Foster - That I do not know. That one never came through me. Randy, are you familiar
1473 with that?
1474

1475 Mr. Silber - I am not sure where it came through.
1476

1477 Mr. Taylor – What I think we at least need to do to help the people out – just with the volume
1478 that we have now – is to send a letter and ask Carmax to do two things: one is, don't use Sadler Road as a
1479 test track. The other thing I would ask them to do is please don't use trailer trucks on there. The other
1480 report that we got is driving trailer trucks up and down there and parking and unload, and I think the new
1481 facility that they have should preclude that kind of action, so I would ask that we send a letter with those
1482 two points and see what we can do to reduce the impact on the people from that standpoint, while we are
1483 in this. I hear what you are saying with the road and I think that is delightful, because there will be a four-
1484 lane road.

1485
1486 Mr. Foster - Part of it will be and we are still looking at it. We are looking at it in this area here
1487 (referring to slide) because this is where everybody is coming up to, and having a four-lane undivided road
1488 here, once it gets to Wonder Road, it will go down to a (unintelligible) in there.

1489
1490 Mr. Silber - Mr. Foster, if I have added up the time period that you have given us, these 12
1491 month periods, are you saying that we would be going to construction or completing construction in like 36
1492 months or 48 months?

1493
1494 Mr. Foster - It would be more like going to construction. It really depends on the
1495 environmental document, how quick that can be done, and then it would depend on the public hearing
1496 process. If the public hearing process, as well, can be done, the process would be done 12 months after
1497 the first one. If we have to go back to public hearing to make changes, it could be closer to 18 months, so
1498 it really depends on the public hearing process after that. The good thing is the project is funded, and that
1499 helps us move along, too.

1500
1501 Mr. Taylor - And with that same set of funding, let's see, Mr. First Speaker, Mr. Flippen, he
1502 brought up the fact that there are some significant drainage issues on and along Thorncroft, because of the
1503 way the water goes over towards the lake, over towards Dominion Boulevard. Is there anything we can do
1504 from a public works point of view to look at that drainage and improve it. I really think something in terms
1505 of an added conduit or whatever could drain the water that they are apparently suffering from, after rains
1506 and shortly after a period before it can settle in. Is there some kind of storm drain that we can get over
1507 into the boulevard area, into the lakes over there? Is there anything we can do?

1508
1509 Mr. Silber - Mr. Taylor, I am not sure Mr. Foster can address drainage issues.

1510
1511 Mr. Foster - What I was going to say, Randy, is that Mr. Jennings of our Traffic Engineering,
1512 was at the meeting the other night, and we have relayed that information to our design division and Mr.
1513 Thompson, and I know they have somebody looking into that. So, I will follow up on that to see where we
1514 are on that, but I do know we relayed two things, several things to them. One of the things was to get
1515 road maintenance to go out and check the road and see what needs to be paved and if they are doing that,
1516 and also the drainage situation, which we have relayed to our design section, Mr. Thompson, and I know
1517 they have somebody looking into that. I don't have the answers for that tonight, but I know that we did
1518 relate that information to them.

1519
1520 Mr. Taylor - The other thing, as Mr. Flippen said, with regard to the water, he would hope that
1521 there is some way that we can bring in some kind of water, because the people that live there have been
1522 on wells, and some of them have called me, and the well has been giving out in the past couple of dry
1523 years, and I tried to explain our normal process is to put the water in when we put the roads in, and where
1524 we put the roads in terms of where we put the water, but in this particular instance, I think we've got the
1525 opportunity coming from the Dominion Boulevard side, or coming from the Sadler Road side, and I wonder
1526 if there is any way we can influence or provoke a study of just exactly what the alternatives are with the
1527 way towards providing either with Mr. Parker's project or separately, water lines that the residents could
1528 hook into.

1529

1530 Mr. Foster - Yes, sir. What I would do is I would recommend, I would actually recommend that
1531 question to Randy to be able to contact our Utilities Department to see what kind of coordination could be
1532 done on that. That would be something...
1533

1534 Mr. Taylor - There were no people from Utilities there that night and this is the first time it has
1535 come up, and now with some of the problems that they are having, some of the wells frankly are going dry.
1536

1537 Mr. Foster - Yes, sir. I think that is something that since the developer has to bring water to
1538 the site that the Utilities Department can look into.
1539

1540 Mr. Taylor - I know he will bring it, and maybe one way or the other we can bring water to the
1541 site.
1542

1543 Mr. Jernigan - OK, Mr. Parker.
1544

1545 Mr. Parker - Mr. Taylor, I may have to answer your questions first, and then reply to some of
1546 the questions that were mentioned by...
1547

1548 Mr. Taylor - Mr. Parker, I wish you could answer all of my questions.
1549

1550 Mr. Parker - I'd like to.
1551

1552 Mr. Taylor - With regard to drainage, the first issue that has come up has been the issue of
1553 how drainage, how you will effect drainage in the way, and I would appreciate it if you would explain to
1554 everybody just what will happen and what your plans are in revising the marsh conditions that exist in
1555 there.
1556

1557 Mr. Parker - The property in question is bounded right here (referring to slide), Mrs. Robinson
1558 lives here, the Flippens live, I believe right here (referring to rendering). Thorncroft Road is high in this
1559 area, and then it begins to roll down and it gets to a low point in the (unintelligible) of Stonecroft Road,
1560 right at the Flippen's residence. Currently, there is a new residence constructed on this lot (referring to
1561 rendering) and this R-2A area which remains undeveloped for a reason. It is low, and that low sits right
1562 across Thorncroft Drive and then feeds down along behind the Thorncroft and Mrs. Robinson and the
1563 Resnick property is here (referring to rendering), and out this way over to Dominion Boulevard, then into
1564 the system that is in Innsbrook storm system into Innsbrook Lake. The Innsbrook Lake takes a drainage
1565 area almost all the way back up into this area (referring to rendering) and they designed it to carry that
1566 system, but the area that is the concern of the Flippens and Ms. Resnick and Mrs. Robinson is down along
1567 this area, back through here (referring to rendering), where they do have water standing in the back and
1568 each of these owners has had issues with the Corps of Engineers. Mr. Morrissey had issues with them as
1569 they were putting in the septic seals and Mr. Flippen had some issues when he was trying to put a driveway
1570 in. It is wet. It is low. That whole entire area is. The drainage on the subject property, however, there is a
1571 ridge that runs right along here, and the majority of that drainage comes down through the existing pond
1572 right here, then leads down through here, and goes on back through this way and ties into the storm
1573 system in this proximity of Dominion Boulevard. We will make the necessary road and drainage
1574 improvements required along Thorncroft Drive and our proposed property.
1575

1576 Mark, could you turn that one on for me? (Referring to rendering) You can see the common area is below
1577 the pond. I was going to try to show where the pond was. As you come in the Attack property, the existing
1578 property is the third and fourth lot and our proposal is to drain that pond, fill it with compacted fill and
1579 eliminate the standing water problem in that area. I have got the required permit from the Corps of
1580 Engineers and DEQ, and we are preparing those documents in order to go through that process, subject to
1581 the zoning. That would resolve a lot of the concerns in that area, but a lot of the drainage that comes
1582 through, behind the Flippens and the Rasnick's actually comes from back on the other side of Thorncroft

1583 and goes under an undersized culvert under Thorncroft and then moves down through the back of their
1584 property, where a lot of dead fall, debris resides. According to the Department of Public Works today, a
1585 different meeting that I was in, we discussed this, they have been out on that property and looked at it, the
1586 back areas of the Thorncroft property, and there are a lot of trees, brush, a lot of brush that has been
1587 dumped there from people cleaning their yards, etc. I don't know exactly what the resolution is from Public
1588 Works, but they are working on a resolution in the area as a global issue, not relative to what we are
1589 proposing.

1590
1591 Mr. Loving questioned the location of sanitary sewer and public water to our subject property. Public water
1592 is at the Sadler Grove Subdivision, right at Wonder Lane. We would be required to bring a properly sized
1593 water line up Sadler Road to serve the parcels that front Sadler Road, as well as that property, and the size
1594 of that line would be based upon the Public Utilities review of the entire water system in that area.
1595 Availability for use to the adjoining owners of each of those roads, if that line comes up through and water
1596 is available, they will be able to make taps, set meters and have public water that will be made available.
1597 The location of that line would be determined by the Utilities Department, however, I can assure you that I
1598 would expect we would have that water line as close to the shoulder of the road as possible, because I
1599 know their positions on maintenance, etc. would be to minimize impact to that road today or in the future.

1600
1601 Regarding public sewer, we would prefer to bring it from the Sadler Woods development, where there is an
1602 existing man hole, to the terminus of the road in Sadler Woods. I can't think of the street now, but that
1603 would sacrifice two off-site easements. I feel, I have been told that I will be able to obtain one of the
1604 easements by that owner, and the other I have not come to terms with yet, and I will be continuing efforts
1605 to resolve that easement. Should that easement not go through, we have spoken with the Utilities
1606 Department and sewer could be brought, if necessary, again from the Sadler Grove Subdivision. It would
1607 be on the opposite shoulder of Sadler Road, as the water line, thereby minimizing impact coming up to the
1608 property, and again, connections would be made available to those people that front the improvement.
1609 Further, any work in Sadler Road would be governed by the Department of Public Works, meaning as we
1610 come through and would open that road to build up the improvements, we would also be required to repair
1611 any damages and/or typically (unintelligible) other parts of the roadway as approved by the construction
1612 division of the Department of Public Works, with their work and the right-of-way permits. That is separate
1613 from the subdivision construction plan process required of the contractor to meet with the construction
1614 division to get that permit, and at that point in time it is determined by the Department of Public Works
1615 what improvements are required and we are obligated to do so.

1616
1617 I believe I have answered all the questions regarding the drainage, water, sewer, (unintelligible) Sadler
1618 Road, and I have discussed our intentions with the pond. It is an open water condition today. The
1619 property is currently vacant, and I think in the best interest of the County, removal of that pond would
1620 serve the entire area.

1621
1622 Any other questions?

1623
1624 Mr. Taylor - No. That sounds very good. It sounds to me, and I have expressed to the
1625 neighbors, that the more you do in terms of development, the more we work with the County, the better
1626 the situation will be for the people who are living there, both in terms of drainage, roads, wells and
1627 availability of utilities. Is that pretty much your sense, too?

1628
1629 Mr. Parker - I agree. I won't call this a subdivision because it is not...

1630
1631 Mr. Glover - I am going to engineer this thing before you get through.

1632
1633 Mr. Parker - I'd like not to, but I agree with your statement. Yes, sir.

1634

1635 Mr. Jernigan - Mr. Parker, I have one question. I know you have some other things going on
1636 right now. What is your time frame if this is approved? What would you look at as a groundbreaking date?
1637

1638 Mr. Parker - If you want to look at it from that perspective, the earliest would be 12 months
1639 from today at the very earliest. The due process of going through the zoning process, the construction plan
1640 process, the subdivision process typically runs on an expedited process six months, but I would foresee no
1641 earlier than 12 months from today. But as it relates to traffic, staff recommends that this meets the criteria
1642 for the road system. This is 22 lots. A lot of the other subdivisions are 100 lots at a time.
1643

1644 Mr. Jernigan - OK. Thank you.

1645
1646 Mr. Taylor - Mr. Parker, one more issue with regard to lot width. Your lot width, what were the
1647 statistics again?
1648

1649 Mr. Parker - The average lot width is 85 ft. The minimum is 80. We have six lots that, I believe
1650 six, six lots that are 80 ft. in width and lots up to 130 plus feet in width. It is a very unique piece of
1651 property the way it sits, and with the environmental considerations of the property.
1652

1653 Mr. Taylor - One of the comments we have by staff is they hoped some of those lots could be
1654 widened. Is that a reasonable expectation that we might be able to hope for as we go forward?
1655

1656 Mr. Parker - Technically, I thought we had resolved that issue. I was surprised to hear it come
1657 up again tonight. We worked with staff diligently on that and expressed the issues relative to the minimum
1658 lot width. We have got six lots out of 22 that are under 85, 80 to 82 ft. in width due to the limitations of
1659 the site and I request approval as it is shown.
1660

1661 Mr. Taylor - We will expect you to do your best as you squeeze them out. OK. Thank you very
1662 much.
1663

1664 Mr. Jernigan - OK. Thank you very much, Mr. Parker.

1665
1666 Mr. Taylor - Mr. Chairman, I am ready for a motion. I move approval of Case C-23C-03, Robert
1667 Atack.
1668

1669 Mr. Archer - Second.

1670
1671 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Archer. All in favor say aye.
1672 All opposed say no. The ayes have it. The motion passes.
1673

1674 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission voted 5-0
1675 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is reflective of
1676 the type of residential growth in the area.
1677

1678 **AT THIS TIME THE COMMISSION TOOK AT 15-MINUTE BREAK, 9:00 P.M.**

1679
1680 **THE COMMISSION RECONVENED AT 9:15 P.M.**

1681
1682 **P-11-03 Glen Thompson for An Tu Nguyen:** Request for a provisional use permit under
1683 Sections 24-58.2 and 24-122.1 of Chapter 24 of the County Code in order to increase the number of billiard
1684 tables from two (2) to four (4), on part of Parcel 768-742-4600, containing 1,629 square feet, located on
1685 the south line of Rigsby Road approximately 60 feet east of Pinehaven Road Pine Acres subdivisions. The
1686 existing zoning is B-2 Business District. The Land Use Plan recommends Office.
1687

1688 Mr. Jernigan - Is there any opposition to Provisional Use Permit P-11-03? No opposition. Ms.
1689 Moore.
1690
1691 Ms. Moore - The B-2 District permits up to two (2) billiard tables and allows operation of these
1692 tables until midnight. These regulations may be exceeded by the issuance of a provisional use permit.
1693
1694 The existing and proposed use is not consistent with the Land Use Plan's recommendation for Office use.
1695 However, it is consistent with the existing tearoom establishment and the commercial developments located
1696 within the vicinity of the site.
1697
1698 The establishment does not offer food or alcoholic beverages. To maintain an orderly operation, the
1699 applicant has agreed to several conditions, including:

- 1700 • There would be a maximum of four (4) billiard and/or pool tables permitted on the site;
- 1701 • The operator of the facility would work with the Crime Prevention Unit of the Division of Police to
1702 conduct a security survey;
- 1703 • The windows of the facility would be kept clear of advertisements, posters, blinds or shades and
1704 other material to maintain visibility into the business; and
- 1705 • No alcohol would be served on the premises.
1706

1707 With the approval of the conditions listed in the staff report, staff recommends approval of this application.
1708
1709 This concludes my presentation. I would be happy to try to answer any questions you may have.
1710
1711 Mr. Jernigan - Are there any questions for Ms. Moore from the Commission?
1712
1713 Mr. Vanarsdall - Ms. Moore, if he were to decide to serve alcohol, then how would we get the other
1714 seven security issues in? Have you found out about it?
1715
1716 Ms. Moore - If requested, they would have to go through the Provisional Use Permit and with
1717 that, at that time, analyzed by the Police Division again.
1718
1719 Mr. Vanarsdall - When he went to the ABC Board to get the license, that automatically triggers
1720 that?
1721
1722 Ms. Moore - Right, and actually he'd have to go through this provision to get the Provisional
1723 Use Permit, prior to the ABC granting them such license.
1724
1725 Mr. Vanarsdall - OK, thank you. I don't have any more questions.
1726
1727 Mr. Jernigan - OK, thank you, Ms. Moore. Mr. Taylor
1728
1729 Mr. Taylor - Is there anybody you want to hear from, Mr. Chairman?
1730
1731 Mr. Jernigan - There is no opposition.
1732
1733 Mr. Taylor - No opposition. All right. Then, I move approval of Case P-11-03, Glen Thompson
1734 for An Tu Nguyen, in accordance with the comments of the staff and their recommendations and their
1735 conditions in the staff report.
1736
1737 Mr. Archer - Second.
1738

1739 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Archer. All in favor say aye.
1740 All opposed say no. The ayes have it. The motion is passed.
1741

1742 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mr. Archer, the Planning Commission voted 5-0
1743 (one abstention) to recommend that the Board of Supervisors **grant** the request because it is reasonable in
1744 light of surrounding uses and existing zoning on the property and when properly regulated by the
1745 recommended special conditions, it would not be detrimental to the public health, safety, welfare and
1746 values in the area.
1747

1748 **Deferred from the August 14, 2003 Meeting:**

1749 **C-24C-03 James Theobald for Springfield Land Development Group:** Request to
1750 conditionally rezone from A-1 Agricultural District to B-3C Business District (Conditional), part of Parcels
1751 730-766-8989 and 730-765-7288, containing approximately 16.0 acres, located between I-64 and West
1752 Broad Street (U. S. Route 250). An automotive sales development is proposed. The use will be controlled
1753 by proffered conditions and zoning ordinance regulations. The Land Use Plan recommends Mixed Use. The
1754 site is also in the West Broad Street Overlay District.
1755

1756 Mr. Jernigan - Is there any opposition to Case C-24C-03? We have opposition. OK, Mr. Bittner.
1757

1758 Mr. Bittner - Thank you, Mr. Jernigan. This proposal would rezone 16 acres from A-1 to B-3C for
1759 development of an automobile dealership on the north side of West Broad Street at the Goochland County
1760 line.
1761

1762 The proposal could also allow additional outparcel retail development.
1763

1764 A revised site layout and building elevation were submitted earlier this week. They should be included in
1765 the packet just handed to you. We also have those new site plan elevations with us tonight.
1766

1767 The site is also within the West Broad Street Overlay District.
1768

1769 Staff does not support this application for several reasons including that it is not fully consistent with the
1770 Mixed-Use designation.
1771

1772 Staff would prefer a larger-scale project with more varied uses developed in coordination with adjacent
1773 properties.
1774

1775 This application would encourage individual parcel-by-parcel development of a strip commercial nature.
1776

1777 This proposal is also not consistent with the envisioned image for the West Broad Street Overlay District,
1778 which encourages a mixture of land uses with adequate buffering, screening and landscaping to help
1779 reduce the visual impacts of development.
1780

1781 The vision for this area, designated as a Special Strategy Area in the County's Comprehensive Plan, is to
1782 provide a land use pattern that is more inclusive of large-scale coordinated projects.
1783

1784 This proposal fails to address a primary goal of the area to encourage "well-planned and coordinated large
1785 tract development."
1786

1787 In addition, this application does not include any provisions to address necessary transportation
1788 infrastructure improvements created by the pressure of new development in this area.
1789

1790 For these reasons, staff cannot recommend approval of this application. I'd be happy to answer any
1791 questions you may have.

1792
1793 Mr. Jernigan - Are there any questions for Mr. Bittner from the Commission? Thank you, Mr.
1794 Bittner. OK. Mr. Theobald. Good evening.
1795
1796 Mr. Theobald - Good evening.
1797
1798 Mr. Silber - Mr. Theobald, would you like to reserve some time for rebuttal?
1799
1800 Mr. Theobald - I believe two minutes, Mr. Silber. Thank you. Mr. Chairman, ladies and gentlemen,
1801 my name is Jim Theobald. I am here this evening on behalf of Hayes Automotive Group requesting the
1802 rezoning of approximately 13 acres from A-1 to B-3C consistent with mixed use designation of your Land
1803 Use Plan.
1804
1805 This request is on West Broad Street near Short Pump Town Center, which comprises 1.4 million square
1806 feet of retail uses. That is exactly where car dealerships need and want to locate if they are to grow and
1807 prosper. If they can't locate here, I am not sure where they would be welcome. The Board of Supervisors
1808 approved a nearly identical request for Dominion Chevrolet in Case C-27C-98, which is only four or five
1809 parcels to the east of this site. The proffers in this case substantially those to the Dominion case. We have
1810 set forth essentially the same list of use restrictions, but have further eliminated fast food restaurants and
1811 check cashing businesses. We have proffered the concept plan that you see before you, which has been
1812 prepared by Jack Shady, which is absolutely unique and designed to be more retail like in appearance
1813 consistent with other retail development up and down Broad Street. What you see is a unique display of
1814 cars in the oval section surrounded by landscaping out on Broad Street. The two green areas to the
1815 corners are future potential outparcels that would further screen the field of parking behind them. You see
1816 a unique business design that has a nice flow to it, and again, certainly consistent with other retail
1817 development along Broad Street. We have proffered the same architectural standards in addition to
1818 proffered elevations. Is that Exhibit B here, Mark? (Referring to rendering).
1819
1820 We have addressed the impact of repair and body work in our proffered conditions, the storage of vehicles.
1821 We have addressed lighting, loading, hours of operation and building heights. We have also provided for a
1822 connection to the East to the extent the desired East/West road becomes a reality. We have also restricted
1823 direct access to our out parcel.
1824
1825 The County's Land Use Plan calls for mixed-use development for this property, which is subject to the West
1826 Broad Street Overlay District. The mixed-use designation, of course, includes business and commercial
1827 uses. If Dominion Chevrolet was said to be consistent with the Land Use Plan, and it was, I am not sure
1828 why this request has been deemed to the contrary. Some apparently fear that a motor mile might develop
1829 in this area, but I just don't think that is a valid reason to deny the zoning case. Our system does not
1830 provide the opportunity to say one is OK but two is not, especially when the use is consistent with the Land
1831 Use Plan. Who gets to decide just how many office supply stores, shoe stores or barber shops are enough
1832 in Henrico County? Well, the answer is the market place does that. I honestly don't understand the
1833 preoccupation with uses that might occur as stated in the staff report, as though car dealerships might be
1834 vacating their existing premises. That is also not a reason to deny a rezoning request. Our businesses
1835 should be encouraged to expand for the benefit of their owners, the customers and the County at large, but
1836 the message set forth in the report is that the dealerships have to stay where they are, no matter what the
1837 limitations. This request, coupled with the Edward Rose request that you will hear next for apartments, is
1838 over 20 acres larger than that which comprised the Dominion Chevrolet and Summit property case. But,
1839 somehow, in the staff report, that case was deemed to comply with the large tract development, goals and
1840 policies of the Land Use Plan. But, as you just heard, for some reason this does not. And I don't know how
1841 to explain that. I am not sure how development on this part of West Broad Street can be premature, when
1842 you have approved and wholly supported over a million square feet of new retail a stone's throw away.
1843

1844 Haynes will employ some 200 people at the proposed facility and has been a good corporate citizen in
1845 Henrico County for over 40 years. They expect growth sales in excess of 100 million dollars a year, with a
1846 10 to 12 million dollar a year payroll. They currently pay Henrico County taxes in the form of personal
1847 property tax, real estate property tax, business license tax, rental tax and sales tax in the amount of some
1848 \$320,000 per year, which number is expected to double if the new facility is approved. Their investment in
1849 land and buildings at the new site is expected to be in the neighborhood of some 10 million dollars, alone
1850 generating over \$100,000 in real estate taxes. We will also participate in the extension of water and sewer
1851 to the site in order to provide necessary infrastructure at their expense, not the County's. This is a
1852 reasonable request. The current A-1 zoning on this property not being a reasonable classification any
1853 longer, given area development. It is also consistent with the Land Use Plan and the approved zoning close
1854 by, and deserves your favorable recommendation to the Board of Supervisors. I would ask that you
1855 embrace this request and support a long-standing Henrico County business, as you have embraced others.
1856 I would be happy to answer any questions that you might have.

1857
1858 Mr. Jernigan - Are there any questions for Mr. Theobald from the Commission? Thank you, Mr.
1859 Theobald. Al, do you have anything?

1860
1861 Mr. Taylor - No, sir. I don't have any questions and I have gone over the staff report.

1862
1863 Mr. Jernigan - Let me ask you one thing. I know they are a little tight there, but do they also
1864 own property next to Moore Cadillac?

1865
1866 Mr. Theobald - Yes, sir, they do, and I think we had gotten a POD approved on that site, but given
1867 some of the requirements of their franchise, that site is very narrow and very deep, and it is currently under
1868 contract with Moore Cadillac, who has been looking to expand as well. They are right beside and they can
1869 perhaps better utilize that site.

1870
1871 Mr. Jernigan - Do you know what the acreage is?

1872
1873 Mr. Theobald - I don't recall. Just under 10 acres.

1874
1875 Mr. Jernigan - OK. Thank you. That is all I had. All right. We have opposition. Who would like
1876 to speak first? Come on down, please, sir. How are you?

1877
1878 Mr. Rick Grizell - I am doing fine, sir. My name is Rick Grizell and I live at 13200 Old Three Chopt
1879 Road, which is right down the road from this parcel towards the mall and everything.

1880
1881 It is not that I am in opposition to it, as much as I have questions, and one of the questions that I have is
1882 property values. And I think Mr. Bittner brought that up, the fact that when you have piece-meal properties
1883 like that, or properties put in, in that order and stuff, does that devalue the properties that say, would be
1884 behind the Haynes Auto place? Would that devalue that property, because it puts the car dealership
1885 between it and the Interstate. Would that devalue that property in any way? The other thing is that I had
1886 talked to Mr. Randy Silber, well, one time about something. I had been approached about some property
1887 that our family owns and things, and it was someone that was interested in a convention center site there
1888 on that area, which I thought was more conducive to that, because it would feed the restaurants and feed
1889 the mall. It would feed as far as the public anyway. If that area could be developed that way, the motels
1890 would be put along the 288 area and it would also feed off the Interstate, but you'd have a convention
1891 center site there that would be, I think, conducive to that area. It wouldn't affect the density as far as the
1892 schools are concerned and things, and I just felt like a convention center site there would add value to the
1893 property and also add value to the mall. It would feed the mall and the restaurants and other things that
1894 are going to be put there.

1895

1896 I am concerned about the property values, and, of course, my family is concerned about it. If I can have a
1897 little bit more at ease, feel a little bit more at ease as far as what this is going to do to the property values
1898 in that area, and I think Mr. Bittner brought that up and I think that was a good thing to bring up, the fact
1899 that when you have...Randy had showed me the Master Plan and what it called for and things, and I
1900 thought the Master Plan had a lot of good thought with dividing up a road that was possibly submitted that
1901 was going to be dividing 64 and Broad Street, that would run, I think, parallel with that. Wasn't that
1902 correct? And I think that lends itself to taking a lot of traffic off of 250 and a lot of those things, and I think
1903 we have to look at all of those things. There is a boulevard. I think that makes good sense, but I am
1904 concerned about the property values and I am also concerned about the Master Plan for the whole area
1905 and what this does to the Master Plan. I think the Master Plan that I saw that Randy showed me had a lot
1906 of good thought put behind it, and I think it was more conducive to the area. Again, the only thing I was
1907 considering and had been approached about was a convention center site there, including our property,
1908 because it would feed the existing buildings, and where the County is going, and also bring revenue to the
1909 County, as far as more revenue, as far as sales and things like that, and it would be a continued people
1910 supply at that mall, and that was the only thing that I had to bring up. Thank you.

1911
1912 Mr. Jernigan - Are there any question for Mr. Grizell from the Commission? Thank you, sir. We
1913 have someone else to speak. Good evening.

1914
1915 Mr. James Bond - Good evening, Mr. Chairman, members. My name is James Bond, and my address
1916 is 3533 Grand Meadows Place, and I am president of the Grand Meadows Homeowners Association.

1917
1918 Our concern really addresses a lot of issues. We have had meetings with the neighborhood. We have
1919 talked to the neighbors and we have addressed this issue when it was one item, which included both the
1920 Haynes and the apartments. It has now been separated and I think Mr. Theobald referenced the other
1921 one. Now our concern was for both of those items and we will be talking about the other item when it
1922 comes up. We strongly support staff's recommendation. We feel there are a lot of issues to be resolved.
1923 We also, we are not necessarily opposed to Haynes, but anybody going out there, what we are concerned
1924 about is the development from Pouncey Tract to the County line. This is one part of it and if things don't
1925 fit, then they shouldn't be approved. It doesn't mean it shouldn't be declined, deferred, looked at, but they
1926 should fit the Master Plan, and it is very clearly evident that it does not. The staff recommendation clearly
1927 indicates that.

1928
1929 Our concern is one of residents. We are not talking about business to business. We are talking about the
1930 people that live in that community and what their concerns are. Again, for both items we are concerned
1931 about traffic. Traffic, again, for any of the developments going out there needs to tie into a Master Plan,
1932 not a piece-meal plan where we will do one item this week and one item next week. They need to really be
1933 tied together. Progress out there is going to come. We know that. But it needs to be done in a fashion
1934 that is conducive to the residents who live out there, and to the businesses who build there, and, in our
1935 opinion, where we are today is the best source for recommendations as to how that could proceed, your
1936 own staff's recommendation. They looked at it very carefully. They looked at it thoroughly. They have not
1937 waived on their position since it first came up, the two deferrals until now. Nothing has changed.
1938 Splitting the items still does not make it any better. So, again, our concern is for the entire area and we
1939 strongly urge you to support your staff's recommendation. Thank you.

1940
1941 Mr. Jernigan - Are there any questions for Mr. Bond from the Commission? Thank you, Mr. Bond.
1942 Did we have anybody else to speak in opposition? OK. Mr. Theobald.

1943
1944 Mr. Theobald - Two quick comments. If there is one thing that we aren't concerned about in this
1945 case as being a negative factor is property values in the West Broad Street Corridor. The West Broad Street
1946 Corridor is hot as a firecracker. There are certainly brokers in the audience that could, I think, sway Mr.
1947 Grizell's feelings as to what the property values will do out there. This will do nothing but continue to
1948 enhance property values in that area, and they are out of sight.

1949
1950 I respect Mr. Bond's comments, but, frankly, it is consistent with the Plan. The Plan calls for mixed use
1951 development. Mixed use development calls for business, multifamily, meaning apartments, and office in
1952 this area, and if you can find many 55 acre tracts of land, which is the combination of the Haynes case and
1953 the Rose case on this section of West Broad Street anymore, good luck. You have to aggregate all of the
1954 parcels that are left. There are one or two-acre parcels, other than Pruitt's Farm, so when you can find 55
1955 acres in the Master Plan and zone it all at once, in my opinion, you can't help but meet the large tract
1956 development standard in the Land Use Plan. It is consistent with the Plan and I hope that you will
1957 favorably consider this request? Do you have any questions? I would be happy to answer it.
1958
1959 Mr. Jernigan - Any questions for Mr. Theobald from the Commission?
1960
1961 Mr. Archer - Mr. Theobald, Mr. Bond, I believe it was, indicated that, I think I heard him say
1962 that it was not so much of not being in favor of the case as it is to adhering to concerns that are in the staff
1963 report. Do you see anything that can be done to come close to maybe what he is talking about? Changes
1964 or...
1965
1966 Mr. Theobald - Mr. Archer, in all candor, as I expressed, the staff report is directly opposite to the
1967 comments made in the Dominion Chevrolet and the Summit Properties case, so, what was OK in one case is
1968 suddenly now not OK in this case. The proffers are nearly identical in the two cases, the land use plan
1969 designation is the same in these two cases, and yet one was said to comply. This one does not. One was
1970 said to comply with large tract development. This one does not, and I don't get it. I think they are being
1971 held to different standards. I don't know what else I could proffer. I have asked staff specifically if there
1972 was anything else that I could proffer, and the answer was "It wouldn't change the recommendation at this
1973 point" and I just don't, frankly, buy the assumption set forth in the staff report. I don't think those are
1974 reasons to deny zoning. I don't think that they should be in the staff report.
1975
1976 Mr. Jernigan - Any more questions for Mr. Theobald? Sir, you will have to come to the podium.
1977
1978 Mr. Bond - When you get to the details as to who is deciding what is what, I would be a
1979 novice. We've got experts here and we've got an expert here. One, we've got two clear distinctions as to
1980 what is right. Staff is interpreting one way, if I am correct, and Mr. Theobald another. It seems to me that,
1981 you know, a staff recommendation, if it is not correct, needs to be corrected. If his is correct, then we need
1982 to correct...but they are not together. It seems we ought to be able to agree as to what that land use is,
1983 how it is defined, and go from there. It also seems to me that the County or staff and so forth has the
1984 right, if not the obligation, to change positions as we go through. If something was done one time, it
1985 doesn't mean it could be done forever and ever and ever. We have to look at what is there, and what is
1986 the best use. So, if we have got a strong difference, which we do, between staff and the developer, maybe
1987 they just need more time to try to work it out, but to approve it against staff's recommendations, because it
1988 does not accommodate any developer or any builder, doesn't seem appropriate.
1989
1990 Mr. Jernigan - Thank you, Mr. Bond.
1991
1992 Mr. Silber - Perhaps I can address that. I am not sure that is something the applicant should
1993 try to address. Let me say this, that the area along West Broad Street from I-64 to the Goochland County
1994 line is an area of the County that is designated as a very special and unique area. We studied it some
1995 time ago and designated the area as a Special Strategy Area in the Comprehensive Plan and established a
1996 set of guidelines that was to guide development and establish a pattern of development that we determined
1997 was necessary, and that was going to be very high quality form of development. In addition to that, we
1998 established a special zoning overlay for this area, called the West Broad Street Overlay District, and that is
1999 in addition to the underlying zoning. It is an additional zoning layer on top of it, and that zoning
2000 classification has regulations and guidelines that goes along with that as well. The County amended its
2001 Land Use Plan to designate this area as a Mixed-Use development area, and I think that leads to some of

2002 the confusion, because mixed-use can be thought of in many different ways. Mr. Theobald has described
2003 mixed-use by having a dealership and an apartment complex. He says there is my mix. I think that the
2004 County feels that we are looking at something different. We are looking at a larger scale development. We
2005 are looking for a larger mass. We are looking for a greater mix of uses, and I'd like to just read, for
2006 example, the definition in the Land Use Plan, the 2010 Land Use Plan for Mixed-Use Land Use. It reads:
2007 "An area where a combination of land uses, such as office, office service, business, multifamily residential,
2008 which could be condominiums, or townhouses), and high technology uses are planned and coordinated to
2009 achieve an overall balance among the various uses and where such development shall generally consist of
2010 large tract unified high-quality development, phased with a provision of necessary infrastructure
2011 improvements." What we are looking for is a very high quality mixed-use project that will compliment the
2012 quality development that we have achieved in the area, and yes, we have a dealership and apartment
2013 complex in the area. But, now we also have a Short Pump Town Center, very high quality, and we think
2014 there is great potential here for this part of our County. When I say great, I am talking about extraordinary
2015 possibilities here, of a quality and mixed-use development that can interject pedestrian interaction and flow
2016 between developments, and I think that our expectations are higher than a dealership and apartment
2017 complex. It is not to say anything about these two particular businesses. We think these two businesses
2018 are outstanding businesses, and we want to continue to have them do business in Henrico County. We'd
2019 like to be able to accommodate them if we can, but I think in this particular situation, this is not what we
2020 are talking about of mixed use development. So I think, depending on how Mr. Theobald looks at it, it may
2021 be just a little bit different than the way we are looking at it, but staff does not feel that this complies with
2022 the intent of the Land Use Plan, nor the Goals and Objectives and Policies of the Comprehensive Plan, nor
2023 the guidelines established with the Special Strategy Area. So, for those reasons, the staff is recommending
2024 this not be approved.
2025

2026 Mr. Jernigan - All right. Mr. Taylor.
2027

2028 Mr. Taylor - Mr. Silber, that is really a hard act to follow, but I share your views. I worked with
2029 Mr. Theobald when we found the previous site and I thought it was a great place for Haynes Jeep, and yet,
2030 at this particular point in time, with this particular parcel, I share really many of the concerns expressed in
2031 the staff report. This area that we are talking about is an extraordinary parcel, a parcel of very high quality,
2032 unique quality. It is governed by the West Broad Street Overlay, and, very frankly, on that particular part of
2033 the County, Henrico County is running out of room. For this to be the County next door, it would be
2034 perhaps a mile away and a world apart. But, I have to say I share the same concerns expressed in the staff
2035 report. Approving this application would really encourage individual parcel by parcel, piece by piece
2036 development of a strip commercial nature. That is not what we want, and it is not consistent with the West
2037 Broad Overlay District as it was developed. The Comprehensive Plan sought to develop a large, important
2038 tract for specific reasons, as Mr. Silber described it, and this, we feel, will have the greatest impact on
2039 property values and in keeping with the Master Plan, and on this particular week, after we just looked, in
2040 the past week, at the opening of Short Pump Town Center, I think we all, who have shopped there, visited
2041 there, have a completely new appreciation of development in the West End, and just looking at the figures,
2042 I think the figures that I heard was for the first period, first cycle, they had made 18 million dollars,
2043 thousands of people, difficult to get a parking spot. Our lives in West Henrico County have really changed
2044 in the last week. Not that the last week changed it, because this is a project, Short Pump Town Center, has
2045 been a long time in coming, but really now that we realize the development that we see, we are really truly
2046 unique to have a facility of that type, and I think that it is incumbent on us to keep that development
2047 standard alive, and it is difficult to look back. In fact, there is no looking back on what we had before, but
2048 the application that we have really doesn't include provisions for necessary transportation and infrastructure
2049 nor is it consistent with the West Broad Street Overlay, and these are all very critical issues, because of the
2050 fact that we are now seeing, as we look at the development that we have, we are looking at the end of the
2051 horizon as we look at the Goochland border, and we must be careful to maintain the same quality of
2052 development that we have at Short Pump Town Center as we begin to look west. And, furthermore,
2053 looking ahead we've got to work with our colleagues in Goochland and recognize and have them recognize
2054 what they need to do to support what we have done over here. And this says nothing about the new roads

2055 that are going to come from Powhatan and points west, points south, with the opening of 288, so these
2056 issues are really very important matters that have significant implications for the future, and the
2057 infrastructure of the County, and with all of that said, and having worked very hard with Mr. Theobald on
2058 the last case in supporting Haynes Jeep, I cannot support this, and with that I recommend denial of Case C-
2059 24C-03.

2060
2061 Mrs. Ware - Second.

2062
2063 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware. All in favor say aye.
2064 All opposed say no. The ayes have it. The motion is denied.

2065
2066 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Ware, the Planning Commission voted 5-0
2067 (one abstention) to recommend that the Board of Supervisors **deny** the request because it would
2068 encourage individual parcel-by-parcel development of a strip commercial nature, it is not consistent with the
2069 vision of the Mixed-Use classification of the Land Use Plan nor the intent of the Special Strategy Area, and it
2070 does not include any provisions to address necessary transportation infrastructure improvements created by
2071 the pressure of new development in this area.

2072
2073 **C-48C-03 James Theobald for Edward Rose Properties, Inc.:** Request to conditionally
2074 rezone from A-1 Agricultural District to R-6C General Residence District (Conditional), part of Parcels 730-
2075 766-8989 and 730-765-7288, containing approximately 39.064 acres, located between I-64 and West Broad
2076 Street (U. S. Route 250). A multifamily residential development is proposed. The applicant proffers no more
2077 than three hundred seventy eight (378) residential units shall be constructed on the property. The R-6
2078 District allows a density up to 19.8 units per acre. The Land Use Plan recommends Mixed Use and
2079 Environmental Protection Area. The site is also in the West Broad Street Overlay District.

2080
2081 Mr. Jernigan - Is there any opposition to Case C-48C-03? We have opposition. Mr. Bittner, you
2082 may proceed.

2083
2084 Mr. Bittner - Thank you, sir.

2085
2086 The site is vacant and designated Mixed-Use and Environmental Protection Area on the 2010 Land Use Plan.

2087
2088 It is also within the West Broad Street Overlay District and adjacent to the previous case to the south.

2089
2090 Staff does not support this application for many of the same reasons it does not support the adjacent
2091 automobile dealership rezoning.

2092
2093 Staff would prefer a larger-scale project with more varied uses developed in coordination with adjacent
2094 properties.

2095
2096 This proposal is not consistent with the envisioned image for the West Broad Street Overlay District, which
2097 encourages a mixture of land uses with adequate buffering, screening and landscaping to help reduce the
2098 visual impacts of development.

2099
2100 Staff also does not encourage the development of additional multi-family apartment units.

2101
2102 Relative to other jurisdictions in the region, Henrico County has a greater percentage of apartment-unit
2103 households. Staff does not see a current need for more.

2104
2105 Finally, this application does not include any provisions to address necessary transportation infrastructure
2106 improvements created by the pressure of new development in this area.

2107

2108 For these reasons, staff cannot recommend approval of this application. I'd be happy to answer any
2109 questions you may have.

2110
2111 Mr. Jernigan - Are there any questions from Mr. Bittner from the Commission? Thank you, Mr.
2112 Bittner. OK. Mr. Theobald.

2113
2114 Mr. Theobald - Mr. Chairman, if I could just reserve perhaps two minutes, I'd appreciate it. For
2115 the record, Mr. Chairman, ladies and gentlemen, my name again is Jim Theobald and I am here this
2116 evening on behalf of Edward Rose Properties, which is one of the nation's largest and respected developers,
2117 owners and managers of multifamily communities. This is a request to rezone approximately 39 acres from
2118 A-1 to R-6C, consistent with the mixed-use designation of the Land Use Plan, which specifically includes
2119 multifamily housing as a desirable use. The R-6 category is being requested only if the property includes
2120 the joint access road, which you see on this site plan, which are sort of the bookends of the Haynes
2121 Dealership (referring to rendering). The idea there is that your Ordinance requires R-6 zoning in order to
2122 travel across that strip to access the B-3 as opposed to R-5. However, the density of this R-6 request is
2123 capped by proffered conditions that 9.5 units per gross acre, and we believe to be about 12.3 units per acre
2124 net of floodplain, which is well below the permitted R-5 density of 14.5 units per acre.

2125
2126 Inasmuch as the Board of Supervisors approved a nearly identical request for Dominion Chevrolet and
2127 Summit Properties, that being for a car dealership in front with out parcels, and apartments in the back in
2128 Case C-27C-98, which, again is about three or four parcels to the East. I must necessarily draw a
2129 comparison where appropriate in an effort to try to persuade you to afford my clients an equal opportunity
2130 to do business in Henrico County. This property is but a stone's throw away from the 1.4 million square
2131 foot Short Pump Town Center, which was also approved by the County, and successfully opened just last
2132 week.

2133
2134 The apartments behind the Dominion Chevrolet case were approved at 14.5 units per acre, on a gross
2135 basis, versus the 9.5 units per acre, on a gross basis, in this request. We have similarly provided identical
2136 proffers to the Summit Properties case, but for certain issues that were unique to that case, just some
2137 drainage issues that impacted a particular neighbor in that other case. If we could go to the conceptual
2138 plan, please (referring to rendering), Mark. I am sorry. Let's leave this up for just a minute. This plan
2139 shows a well designed laid out arrangement of our building. They have been spread out to take advantage
2140 of the various features applicable to this site in terms of some wetlands, some proposed water features.
2141 These units, the living space of all of these units face these amenities with the backs of these units toward
2142 the bedroom side that would overlook the parking that would be accessory to the building. This plan shows
2143 how we take advantage of the numerous water features that are existing and to be established on the site.
2144 We have some pictures of some existing projects, developed by Edward Rose in the Richmond area.
2145 (Referring to renderings) That is Trophy Club Apartments. If we can go to the next one, please. You can
2146 see that a trademark of Edward Rose Development is the use of water features for aesthetic impact as
2147 shown on these pictures, and there is one more, if you want to take off the first two. That is the clubhouse
2148 and pool area. Now, if we could have the elevations I would appreciate it. Thank you. The elevations,
2149 which have also been proffered, provide for a minimum of 45% brick. We have some materials here
2150 (referring to materials). There was no brick proffer, by the way, in the case for Summit Properties. We
2151 have limited the unit mix to mitigate the number of school-aged children and based on our experience, and
2152 other of our projects, we'd expect there to be approximately 25 elementary students, six middle school
2153 students and 10 high school students generated by this development of 378 units.

2154
2155 We have proffered a minimum of 60 covered parking spaces, minimum unit sizes of 750 sq. ft. for one-
2156 bedroom apartments and 950 sq. ft. for two-bedroom apartments, and 1340 sq. ft. for three bedrooms.
2157 There were no minimum square footages proffered in the Summit case. We have proffered amenities to
2158 include a swimming pool, tennis courts, clubhouse with a fitness room, and a business center and
2159 pedestrian walking paths.

2160

2161 Some of our unit amenities will include full size washer and dryer hookups, pre-wiring for multi-line high
2162 speed data transmission, cable TV, and each unit has either a balcony or a patio. Some of these units will
2163 have fireplaces, ceiling fans and vaulted ceilings in units at the upper levels. We have also proffered to
2164 provide a connection to the County's proposed access road running east toward Pouncy Tract Road should
2165 it become a reality. Again, your Land Use Plan designates the area for mixed-use development and is
2166 subject to the West Broad Street Overlay District. Mixed-use designation includes multifamily specifically in
2167 combination with other uses, such as with the commercial project in the front. The West Broad Street
2168 Overlay District does not regulate uses contrary to some of the implications in the staff report, but merely
2169 provides additional quality development standards with which this project will comply. This development,
2170 when combined with requests for the Haynes dealership, comprises some 55 acres of land, which, by any
2171 definition, is a large tract of development, particularly when the parcels along West Broad Street are
2172 typically only an acre or two in size. These proffered conditions assure a high-quality development,
2173 consistent with, and in many cases exceeding the conditions for Summit Properties development. The
2174 developers will provide all necessary infrastructure, extending water and sewer to the site, at no cost to the
2175 County. We are consistent with the Land Use Plan, particularly as it was applied to the Dominion Chevrolet
2176 and the Summit Properties case.

2177
2178 Staff has raised the question, "Do we need any more apartments?" Well, I don't believe that that is an
2179 appropriate basis on which to make a zoning decision. I would note that Richmond is 11th in the nation in
2180 terms of corporate headquarters that locate here. From 1990 to 2000, Henrico County experienced an
2181 increase in population of some 20%. It is expected to grow another 10% from 2000 to 2010. As you are
2182 aware, with the opening of Short Pump Town Center, there is an influx of employment opportunities, which
2183 should be good news for us all. This property is in the very heart of that area that is being developed.
2184 These apartments are designed to primarily attract young, suburban professionals. There is also a distinct
2185 increase in the number of single individuals, particularly in the 21-34 age bracket, who are seeking housing
2186 in this particular area, according to the U.S. Census. The average occupancy for all apartments in this area
2187 is approximately 93%. You should know that Edward Rose Properties is a family held company, who
2188 develops, owns and manages his own portfolio. They rarely sell projects. The last project they sold was in
2189 1986. The company was started over 80 years ago by one of the largest and most respected builders in the
2190 country.

2191
2192 The economic impact of this development will be significant. The anticipated expenditure for this
2193 completed project is in the range of 25 million dollars. This means approximately a quarter of a million
2194 dollars a year in real estate taxes alone to Henrico County, not to mention the revenue generated from
2195 employment due to construction and the building materials.

2196
2197 In summary, this request represents the development of the highest quality. It is consistent with your Land
2198 Use Plan. It is consistent with the approved rezoning close by and I respectfully request your
2199 recommendation of this case to the Board of Supervisors, and I'd be most happy to answer any questions.

2200
2201 Mr. Jernigan - Are there any questions for Mr. Theobald from the Commission? Thank you, Mr.
2202 Theobald. All right. Mr. Bond, would you like to speak.

2203
2204 Mr. Bond - Yes, please. Thank you, Mr. Chairman. Again, for the record, my name is James
2205 Bond. The address is 3533 Grand Meadows Drive. We have, again, our Association has looked carefully at
2206 this and I guess, again, we strongly support staff's recommendation as far as the best use. In listening to
2207 some of the comments Mr. Theobald made, it looks like there have been some positive comparisons
2208 between these apartments and the other apartments. Therein lies some of the problem. You don't need
2209 another apartment. His question was, "Who determines if you need apartments?" When I think, staff, in
2210 looking at how the land is used, and the Planning Commissioner turns up what they approve the land use
2211 for and makes that decision. It is not so much do we need apartments, but what is the best use of the land
2212 that is available, and in this case, it is not apartments. If you do want to combine the impact, his numbers,
2213 and I can't question his numbers, although I would think they are probably a little bit low as far as

2214 elementary schools, but I will yield to his numbers of 25 elementary children going to the neighborhood
2215 school. Well, that is 25 additional from the other apartments, and (unintelligible) growing, which means that
2216 elementary school which is closest to the proposed apartments, and the boundary of that elementary school
2217 is 64 to the Goochland line back up. So it means that all of that development in the additional apartments
2218 is going to put additional pressure on the school system, to either have that school system expand, put in
2219 trailers, or it is going to redistrict. So, there is a responsibility and someone who should say enough is
2220 enough whether it is apartments or all of this. The school issues are very, very important issues. The
2221 quality of the apartments is really not an issue. In fact, it is not the best use for the land, and, again, I
2222 would go back to staff's recommendation, if it is not the best use and it doesn't fit, then let's try to come up
2223 with something that works better. Thank you.

2224
2225 Mr. Jernigan - Thank you, Mr. Bond. Are there any questions for Mr. Bond from the Commission?
2226 Thank you. All right. Mr. Theobald.

2227
2228 Mr. Theobald - Just one final comment for the record, Mr. Jernigan. I would say that I do object
2229 to the comments in the staff report in this and the other case suggesting that denial might be in order for
2230 failure to pay the "voluntary cash proffers for infrastructure costs." That is all I had to say. Thank you.

2231
2232 Mr. Jernigan - Thank you, Mr. Theobald. Mr. Taylor.

2233
2234 Mr. Taylor - All right, Mr. Chairman. My turn. As with the previous case, I share the concerns
2235 with the application expressed in the staff report. This is the same as the last case, basically it is a land use
2236 issue, and staff and I feel that the proposal is not consistent with the County's vision for the West Broad
2237 Street Overlay District. This vision encourages a mixture of land uses with adequate buffering, screening,
2238 and landscaping to help reduce the visual impact of the development. Relative to other jurisdictions in the
2239 region, Henrico County really has a greater percentage of apartment unit households and at the present
2240 time it doesn't seem to be a current need for more. At the same time, we have a need to conserve major
2241 tracts of land for other purposes. In addition, this application does not include provisions to address the
2242 necessary infrastructure and improvements created by the pressure of new development in the area,
2243 particularly the planned bridge extending Gayton Road across Route 64, which is on the near horizon.
2244 These are major issues, I guarantee you, but this is a week where we have seen dramatic changes in all of
2245 our lives, and because these have such broad implications for the future and the provision of necessary
2246 infrastructure in this section of the County, I must recommend denial of Case C-48C-03 to the Board of
2247 Supervisors and I so move.

2248
2249 Mrs. Ware - Second.

2250
2251 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mrs. Ware for denial. All in favor
2252 say aye. All opposed say no. The case is denied.

2253
2254 **REASON:** Acting on a motion by Mr. Taylor, seconded by Mrs. Ware, the Planning Commission voted 5-0
2255 (one abstention) to recommend that the Board of Supervisors **deny** the request because it is not consistent
2256 with the vision of the Mixed-Use classification of the Land Use Plan nor the intent of the Special Strategy
2257 Area, and it does not include any provisions to address necessary transportation infrastructure
2258 improvements created by the pressure of new development in this area.

2259
2260 Mr. Silber - Both of those cases will be coming before the Board of Supervisors on October 14
2261 at 7:00 p.m.

2262
2263 Mr. Jernigan - Thank you.

2264

2265 Mr. Silber - We have two quick remaining items, one involves a Discussion Item at the end of
2266 the agenda. It was not on the agenda yesterday. If you are referring to the agenda we faxed, it is not on
2267 that. It is on the September 11th agenda.
2268

2269 **DISCUSSION ITEM:** Consideration of change to the Planning Commission, Rules, and Regulations and
2270 Calendar relative to filing deadline for new applications for rezoning and provisional use permit requests.
2271

2272 Mr. Silber - This goes back to some of the discussion items that we had this evening following
2273 the work session. This would speak to, and I've got a copy of the rules and Regulations and the Calendar.
2274 Whether the Commission just wants to take this under advisement and act on it at the next Planning
2275 Commission meeting, or if you would like to discuss it, that is fine, too. But, what we are suggesting is
2276 increasing the period between the filing deadline for rezoning application and provisional use permit to the
2277 time in which it would appear on the agenda. Currently, the Rules and Regulations say it is a six week
2278 period of time and staff is suggesting that this be changed to eight weeks. So, I have for you copies of that
2279 revision to the Planning Commission Rules and Regulations. You will note on Page 5 of the Rules and
2280 Regulations a very minor change, Page 5, No. 3, it is changed so that it says the applications must be
2281 received by the Planning Office at least eight weeks prior to the Commission's regular meeting.
2282

2283 Mr. Taylor - What page?
2284

2285 Mr. Silber - Page 5, Condition 3, and we have also revised for your consideration the calendar
2286 that would show those changes, filing deadlines, by moving them two additional weeks, so they are eight
2287 weeks from the meeting date. Now, this would start, if you so adopt this, at the January meeting, which
2288 have a filing deadline of November 20, 2003 for the January 15, 2004 Planning Commission meeting, just
2289 for rezoning and provisional use permits. Any thoughts or comments from the Commission?
2290

2291 Mrs. Ware - Can we take this under advisement and discuss it when we get together at the
2292 Plan of Development meeting?
2293

2294 Mr. Silber - That would be a good idea.
2295

2296 Mr. Archer - I concur with that.
2297

2298 Mr. Jernigan - Do we need a motion?
2299

2300 Mr. Silber - No. The remaining item involves two sets of minutes, the Work session Minutes of
2301 August 14, 2003 and Planning Commission Minutes of August 14, 2003.
2302

2303 Mr. Jernigan - Are there any corrections to the Work Session minutes of August 14?
2304

2305 Mr. Vanarsdall - If there are none, I move we approve them as written.
2306

2307 Mr. Taylor - Second.
2308

2309 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor to approve the
2310 Work Session Minutes of August 14, 2003. All in favor say aye. All opposed say no. The ayes have it. The
2311 minutes are approved.
2312

2313 Mr. Jernigan - How about the Planning Commission Minutes of August 14, 2003? Are there any
2314 corrections?
2315

2316 Mrs. Ware - On Page 71, Line 2498, it should be "hosted" not "posted."
2317

2318 Mr. Jernigan - Are there any other corrections to the minutes?
2319
2320 Mr. Vanarsdall - I move we approve the minutes.
2321
2322 Mr. Taylor - Second.
2323
2324 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in favor say
2325 aye. All opposed say no. The ayes have it. The minutes are approved.
2326
2327 Mr. Archer - Mr. Chairman, I move that we adjourn.
2328
2329 Mr. Jernigan - Second.
2330
2331 The Planning Commission adjourned its meeting at 10:09 p.m. on September 11, 2003.
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E. Ray Jernigan, C.P.C., Chairman
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Randall R. Silber, Acting Secretary
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