Planning Commission Minutes
Chesterfield, Virginia 23832
January 16, 2007

PRESENT:

Mr. Daniel A. Gecker, Chairman
Mr. Russell J. Gulley, Vice-Chairman
Mr. Jack R. Wilson, III,
Mr. Sherman W. Litton
Mr. F. Wayne Bass
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Advance Planning
and Research and Information Section, Planning Department
Mr. Michael E. Tompkins, Assistant Director,
Development Review Section, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects Section, Planning Department
Mr. Robert V. Clay, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Jane Peterson, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Darla W. Orr, Planning and Special Projects Manager,
Zoning and Special Projects Section, Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Zoning and Special Projects Section, Planning Department
Mr. Carl D. Schlaudt, Planning Administrator,
Development Review Section, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review Section, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review Section, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review Section, Planning Department
Mr. Joseph E. Feest, Planning Administrator, Development
Review Section, Planning Department

Ms. Barbara L. Fassett, Planning Administrator, Advance Planning
and Research Section, Planning Department
Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Section, Planning Department
Mr. Steven F. Haasch, Planner, Advance Planning and
Research Section, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administration
Section, Planning Department
Ms. Michelle L. Martin, Secretary, Administrative Section,
Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Director,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Jesse Smith, Senior Engineer,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Scott Flanigan, Water Quality Manager,
Environmental Engineering Department
Mr. Douglas Pritchard, Jr., Engineering Supervisor,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal John P. Jones,
Fire Department
Mr. John "Buster" Frith, Communications Specialist,
Radio Shop

WORK SESSION

Messrs. Litton, Wilson, Gulley, Bass, Gecker and staff met at 12:00 p. m. in the Multipurpose Meeting Room (1st Floor) at the Chesterfield County Community Development Customer Service Building, 9800 Government Center Parkway, Chesterfield, VA, for lunch and a work session to discuss the following:

12:00-12:30 p. m. LUNCH.

12:30 p. m. ANNUAL MEETING: MULTIPURPOSE ROOM (1ST FLOOR) OF THE CHESTERFIELD COUNTY COMMUNITY DEVELOPMENT CUSTOMER SERVICE BUILDING, 9800 Government Center Parkway, Chesterfield, VA.

Election of Officers for 2007.

- Chairman
- Vice Chairman

12:30 p.m. **<u>WORK SESSION</u> - MULTIPURPOSE ROOM (1ST FLOOR), CHESTERFIELD COUNTY COMMUNITY DEVELOPMENT CUSTOMER SERVICE BUILDING.**

A. Requests to **Postpone Action, Emergency Additions** or **Changes** in the **Order of Presentation**.

B. Review **Upcoming Agendas**.
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)

C. Review **Day's Agenda**.
(NOTE: At this time, any items listed for the 3:00 P. m. and 7:00 p. m. Sessions will be discussed.)

D. **Plans** and **Information Section Update**.

E. **Work Program – Review** and **Update**.

F. **Consideration** of the following **Administrative Substantial Accord Determination**:

CASE AND DISTRICT	APPLICANT	REQUEST	PROJECT NAME
07PD0236 Clover Hill	New Cingular Wireless PCS, LLC	Substantial Accord Determination	RI 720 F Napiers

G. **Banners – Information Relative to Advertisement of Non-Profit Uses Off-site.**

H. **Status Report - Upper Swift Creek Reservoir Master Plan and Maintenance Program-Modeling Results Performed by CH2MHill.**

I. **Adjournment.**

<u>ANNUAL MEETING</u>: **Multipurpose Meeting Room (1st Floor) of the Chesterfield County Community Development Customer Service Building, 9800 Government Center Parkway, Chesterfield County VA.**

Mr. Litton left the meeting at 12:30 p. m.

<u>ELECTION OF OFFICERS FOR 2007</u>.

- **<u>CHAIRMAN</u>**

Mr. Wilson stated the first order of business would be the election of officers for the positions of Chairman and Vice Chairman to the Planning Commission for 2007.

Mr. Wilson opened the nominations for the office of Chairman to the Planning Commission for 2007.

Mr. Gulley nominated Mr. Daniel A. Gecker to serve as Chairman of the Planning Commission.

Mr. Bass seconded the nomination.

There were no other nominations; therefore, it was on motion of Mr. Gulley, seconded by Mr. Bass, that the Commission resolved to close the nominations for the office of Chairman of the Planning Commission.

AYES: Messrs. Gulley, Bass and Gecker.
ABSENT: Mr. Litton.
ABSTENTION: Mr. Wilson.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to elect Mr. Daniel A. Gecker to serve as Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Gulley, Bass and Gecker.
ABSENT: Mr. Litton.
ABSTENTION: Mr. Wilson.

At this time, Mr. Gecker assumed the Chairmanship.

- **VICE CHAIRMAN**

Mr. Gecker opened the nominations for the office of Vice Chairman to the Planning Commission for 2007.

Mr. Bass nominated Mr. Russell J. Gulley as Vice Chairman to the Planning Commission.

Mr. Wilson seconded the nomination.

There were no other nominations; therefore, it was on motion of Mr. Gulley, seconded by Mr. Bass that the Commission resolved to close the nominations for the office of Vice Chairman of the Planning Commission.

AYES: Messrs. Gecker, Wilson, Gulley and Bass.
ABSENT: Mr. Litton.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to elect Mr. Russell J. Gulley to serve as Vice Chairman of the Planning Commission until the next annual meeting.

AYES: Messrs. Gecker, Wilson, Gulley and Bass.
ABSENT: Mr. Litton.

At this time, Mr. Gulley assumed the Vice Chairmanship.

WORK SESSION: **Multipurpose Meeting Room (1st Floor) of the Chesterfield County Community Development Customer Service Building, 9800 Government Center Parkway, Chesterfield County VA.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers apprised the Commission of the caseload agenda for the upcoming months of February and March 2007.

Mr. Litton returned to the meeting at 12:38 p. m.

C. REVIEW DAY'S AGENDA.

Messrs. Tompkins, Allen and Feest presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of, and staff's recommendations for, requests to be considered at the 7:00p.m. Evening Session.

During discussion of Case 07SN0228, Chesterfield County Planning Commission, scheduled for discussion at the 7:00 p. m. Evening Session, Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, noting his firm represented the prospective buyer, recused himself from the meeting at 12:52 p. m. and returned at 12:53 p. m.

During discussion of Case 06SN0256, Henry E. Myers, Jr. (General Partner of Myers Family Partnership), Ms. Rogers noted that, although the request was currently on the Consent Agenda, staff had received a letter of opposition.

Mr. Litton requested that Case 06SN0256, Henry E. Myers, Jr. (General Partner of Myers Family Partnership) be moved from the Consent Agenda to the Discussion Agenda.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to move Case 06SN0256, Henry E. Myers, Jr. (General Partner of Myers Family Partnership) from the Consent Agenda to the Discussion Agenda.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

Mr. Schlaudt addressed the proposed Code Amendment relative to residential front yard setback requirements in the Ettrick Village Core scheduled for public hearing at the 7:00 p. m. Evening Session.

D. PLANS AND INFORMATION SECTION UPDATE.

Mr. Larson updated the Commission as to the status of projects relative to the *Northern Area Plan*, the *Northern Courthouse Road Community Plan,* the *Genito Road Community Plan, t*he *Robious Area Plan,* the *Northern Jefferson Davis Corridor Plan*, the *Public Facilities Plan* and the *Upper Swift Creek Plan*. He noted a citizens' community meeting was scheduled on February 1, 2007, at Monacan High School, at 7:00p.m., relative to the *Northern Courthouse Road Community Plan.*

On motion of Mr. Gulley, seconded by Mr. Litton, the Commission scheduled the *Northern Courthouse Road Community Plan* for discussion at the February 20, 2007, Work Session and further set the date of, and requested staff advertise, March 20, 2007, at 7:00 p.m., for a public hearing to consider the *Northern Courthouse Road Community Plan.*

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

E. WORK PROGRAM.

There being no additions, deletions or revisions to the Commission's Work Program, the Commission reviewed and accepted the February 2007 Work Program, as presented.

F. CONSIDERATION OF THE FOLLOWING ADMINISTRATIVE SUBSTANTIAL ACCORD DETERMINATION:

CASE AND DISTRICT	APPLICANT	REQUEST	PROJECT NAME
07PD0236 Clover Hill	New Cingular Wireless PCS, LLC	Substantial Accord Determination	RI 720 F Napiers

No one was present to represent the request.

There was no opposition present.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission confirmed the Director of Planning's decision that the proposed facility (communications tower) for Case 07PD0236, New Cingular Wireless PCS, LLC, was consistent with the Comprehensive Plan.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

G. BANNERS – INFORMATION RELATIVE TO ADVERTISEMENT OF NON-PROFIT USES OFF-SITE.

Mr. Schlaudt presented, and distributed, additional information regarding off-site advertising of non-profit uses and permitted signage for residential uses, as requested by the Commission at their December 2006 meeting.

Upon conclusion of the discussion, it was the consensus of the Commission that no further action was necessary.

H. STATUS REPORT - SWIFT CREEK RESERVOIR MASTER PLAN AND MAINTENANCE PROGRAM-MODELING RESULTS PERFORMED BY CH2MHILL.

Messrs. McElfish and Flanigan distributed copies of a PowerPoint presentation and updated the Commission as to the status of the *Swift Creek Reservoir Master Plan and Maintenance Program* relative to an analysis of the watershed modeling, the results and comparisons of which were currently under review by the consultant, CH2MHill.

Upon conclusion of the discussion, the Commission requested that staff continue to provide a status report on the modeling analysis relative to the *Reservoir Master Plan and Maintenance Program* at the February 20, 2007, Work Session.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to defer the scheduled February 20, 2007, Work Session discussion relative to the land use element of the *Upper Swift Creek Plan* and related Ordinance Amendments to the March 20, 2007, Planning Commission Work Session.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

I. ADJOURNMENT.

There being no further business to discuss, the Commission adjourned at approximately 2:05 p. m., agreeing to reconvene in the Multipurpose Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

3:00 P. M. AFTERNOON SESSION

Mr. Gecker, Chairman, called the Afternoon Session to order at 3:00 p. m. in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

C. APPROVAL OF PLANNING COMMISSION MINUTES.

Mr. Turner stated the December 14, 2006, Planning Commission Meeting minutes were incomplete at this time and asked the Commission to defer consideration of the minutes to the February 20, 2007, meeting.

It was the consensus of the Commission to defer consideration of the December 14, 2006, Planning Commission minutes, to the February 20, 2007, meeting.

D. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ DEFERRAL REQUEST BY APPLICANT.

07TS0193: In Matoaca Magisterial District, **DARTMORE, LLC** requested deferral to February 20, 2007, for consideration of tentative subdivision approval of ninety-six (96) single family residential lots and a waiver to Section 17-76(3)(a) to allow 161 lots on one (1) residential collector access. This development is commonly known as **FOXFIELD**. This request lies in a Residential (R-15) District on an 88.76 acre parcel lying approximately 500 feet off the north line of Woolridge Road at the terminus of Swift Fox Drive. Tax IDs Part of 710-678-6092; Part of 711-678-6422; 711-679-6522; 712-677-3295; 712-679-2887; and 7285 (Sheet 15).

Mr. Andy Scherzer, the applicant's representative, requested deferral of Case 07TS0193 to the February 20, 2007, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07TS0193, Dartmore, LLC (Foxfield PHII), to the February 20, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **DEFERRAL REQUESTS BY STAFF.**

07PR0138: In Midlothian Magisterial District, **KATHERMAN & COMPANY** requested site plan approval with a twenty (20) foot reduction to a fifty (50) foot buffer along the east property line with minor grading within the remaining buffer and approval of a conceptual landscape plan for the buffer to the south by Condition 17 of Case 87S052. This project is commonly known as **RAILEY HILL OFFICE PARK**. This request lies in Corporate Office (O-2), Neighborhood Business (C-2) and Community Business (C-3) Districts on an 8.6 acre parcel fronting approximately 190 feet on the west line of North Woolridge Road, also fronting approximately 150 feet on Browns Way Road, also fronting approximately 425 feet on Walton Park Lane. Tax IDs 732-706-7292 and 732-707-3219 and Part of 9933 (Sheet 6).

Mr. Allen explained staff's recommendation for deferral of the request.

Mr. Andy Scherzer, the applicant's representative, accepted the recommendation by Mr. Gecker to defer Case 07PR0138 to the February 20, 2007, Planning Commission meeting.

Mr. Gecker opened the discussion for public comment.

Ms. Amy Satterfield, Executive Director of the Village of Midlothian Volunteer Coalition, supported the deferral.

There being no one else to speak, Mr. Gecker closed the public comment.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 07PR0138, Katherman & Company (Railey Hill Office Park), to the February 20, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07TS0211: In Midlothian Magisterial District, **DAVID JEFFERSON** requested tentative subdivision approval of three (3) single family residential lots. This development is commonly known as **ASHLEY WOODS @ ELMCREST**. This request lies in a Residential (R-15) District on a 3.21 acre parcel lying approximately 3,000 feet off the west line of Courthouse Road, also approximately 573 feet north of Smoketree Drive. Tax IDs 742-702-Part of 1760 and 742-702-3633 (Sheet 6).

Mr. Andy Scherzer, the applicant's representative, accepted the recommendation by Mr. Gulley to defer Case 07TS0211 to the February 20, 2007, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission, on their own motion, resolved to defer Case 07TS0211, David Jefferson (Ashley Woods at ElmCrest), to the February 20, 2007, Planning Commission meeting.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

06PR0284: In Bermuda Magisterial District, **C. F. CURRIN, JR.** requested site plan approval with two (2) buffer reductions: 1) a fifty (50) foot reduction to the seventy-five (75) foot buffer required along the south line of the Community Business (C-3) zoned parcel adjacent to Residential Multifamily (R-MF) zoning and 2) a twenty (20) foot reduction to the fifty (50) foot buffer required along the south line of the Corporate Office (O-2) zoned parcel adjacent to Residential (R-7) zoning. This project is commonly known as **CURRIN GARDEN SOUTH**. This request lies in Community Business (C-3) and Corporate Office (O-2) Districts on a 10.67 acre parcel fronting approximately 575 feet on the south line of Iron Bridge Road, also fronting approximately 190 feet on West Booker Boulevard and located in the southwest quadrant of the intersection of these roads. Tax IDs 779-652-Part of 6471 and 9168 and 780-652-Part of 1685 and 2380 (Sheet 26).

Mr. Gecker stated staff was working with the applicant's representative to develop an additional condition for Case 06PR0284, C. F. Currin, Jr. (Currin Garden South); therefore, the request would be placed at the end of the agenda.

07PR0238: In Bermuda Magisterial District, **CENTEX HOMES** requested approval of alternate materials to the building materials required by Condition 2 of Case 04SN0326. This development is commonly known as **STONEBRIDGE GARDENS (FORMERLY RIVER FOREST VILLAS)**. This request lies in a Multifamily Residential (R-MF) District on 24.6 acres fronting approximately 645 feet on the south line of Brander's Creek Drive, also fronting the north line of Carver Heights Drive approximately 225 feet west of West Booker Boulevard. Tax IDs 778-651-6195; 779-651-4095; and 779-652-8201 (Sheet 26).

Mr. Darin Smouse, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved that approval of alternate materials to the building materials, as required by Condition 2 of Case 04SN0326, for Case 07PR0238, Stonebridge Gardens (Centex Homes), shall be and it thereby was granted.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PR0213: In Clover Hill Magisterial District, **RONDA GALLAGHER** requested Planning Commission approval to reduce a 100 foot buffer to forty (40) feet in conjunction with site plan approval for two (2) office/warehouses totaling approximately 4,800 square feet. This project is commonly known as **GALLAGHER LAWN SERVICES**. This request lies in a Light Industrial (I-1) District on a 1.626 acre parcel located at 3111 East Boundary Court. Tax ID 731-687-3844 (Sheet 10).

Ms. Ronda Gallagher, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved that approval to reduce a 100 foot buffer to forty (40) feet in conjunction with site plan approval for two (2) office/warehouses totaling approximately 4,800 square feet for Case 07PR0213, Ronda Gallagher (Gallagher Lawn Services, Inc.), shall be and it thereby was granted, subject to the following condition and review comments:

CONDITION

Revised plans shall be submitted to staff for approval which accomplish the following review comments. (P)

REVIEW COMMENTS

1. Label East Boundary Court with Chesterfield County's Functional Classification and or VDOT's Functional Classification whichever is greater to include the Average Daily Traffic (ADT) count. (VDOT)

2. Provide the speed limit for East Boundary Court. (VDOT)

3. Revise the plans to add a reference that all work within the Right of Way is to comply with the 2002 Road & Bridge Specification, the 2001 Road & Bridge Standards, and the 2005 Virginia Work Area Protection Manual to include any revisions to the referenced documents. (VDOT)

4. Clearly label the Right of Way as existing or proposed. If proposed, include stations and offsets along the proposed Right of Way in accordance with the Standards and call for Right of Way Monuments at those locations. (VDOT)

5. Provide stations along East Boundary Court and reference the proposed entrance. At a minimum the distance to the intersection of East Boundary Road is needed. (VDOT)

6. Revise the plans to include the following note; "Any Land Disturbing Activity within the Right of Way will require the presence of an Erosion and Sediment Control Contractor Certified person." (VDOT)

7. Provide capacity and velocity calculations for the paved flume. Attempt to flatten the slope of the flume to minimize erosion velocities and extend the riprap outlet protection an additional five feet. (EE)

8. The roof drain along the rear of phase II cannot easily be installed under the road with the phase II improvements, either specify a pipe sleeve with phase I or route the pipe in a different direction. (EE)

9. Label the sheet number in the note referencing the offsite drainage map on sheet 5. (EE)

10. Any soil stockpile area must be located on the plans. Silt fence must be provided around the perimeter if it is located outside the perimeter erosion controls for the site. (EE)

11. The following note(s) must be added to or adjacent to the erosion control narrative / sequence of construction:

    a. All onsite drainage easements including stormwater / BMP drainage easements must be recorded prior to issuance of a building permit for this project.

    b. A VDOT land use permit is required for this project prior to issuance of a land disturbance permit. (EE)

12. Revise proposed use as an office/warehouse with no retail space and office space less than 50% of the gross floor area since parking is provided based on the 1 space per 750 square feet ratio. (P)

13. Provide detail for bumper block installation at handicap spaces & show connection of access aisle to sidewalk. (P)

14. Add note to site plan: “no outside storage proposed.” (P)

15. Add required/provided interior landscaping area square footage to the landscape tabulations. (P)

16. Show freestanding light fixtures on plan and provide cut sheets. (P)

17. Identify all colors on building elevations. (P)

18. Add tree protection fencing to erosion control narrative prior to clearing. (P)

19. If no bulk storage or hazardous materials including fertilizer is planned on site, add a note to that effect to the plan. (F)

20. Show the approximate location of the required fire lane signs. (F)

21. If no high pile storage will be used, add a note to that effect to the plan. For buildings to be used for high-piled combustible storage (storage in excess of twelve (12) feet), provide details regarding the proposed material to be stored, height of storage, classification of the material to be stored, storage method (rack storage, solid pile storage, palletized storage or shelf storage), in accordance with chapter 23 of the international fire code. Provide additional information regarding the proposed method of protection for the high piled storage area, in accordance with table 2306.2 of the international fire code. (F)

22. Show the location of the street address sign. (HN)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PS0182: In Bermuda Magisterial District, **RIVERMONT DEVELOPMENT CO.** requested approval of the schematic plan for a mixed use development with approximately fifty-seven (57) condominiums, 370 apartments and 33,000 square feet of commercial area. This development is commonly known as **RIVERMONT APTS. & COMMERCIAL AREA**. This request lies in Light Industrial (I-1), General Business (C-5), Residential (R-7), Community Business (C-3) and Agricultural (A) Districts on 99.75 acres located at the southeast quadrant of Route 10 and I-295. Tax IDs 820-646-5355; 820-647-6132, 6373, 7760 and 7974; 820-648-8091; 821-647-0051, 6370, 6839, 8178, 9637; 821-648-2510, 9424; 822-647-0398, 0581, 2886 and 7473; 822-648-7428; 823-646-6389; and 823-647-0455 (Sheet 35).

Mr. Jeff Collins, the applicant's representative, accepted staff's recommendation, including the Addendum.

Mr. Gecker opened the discussion for public comment.

Ms. Kathy Mason and Ms. Judy Radford, area residents, expressed concerns relative to the impact of the development on area drainage, flooding, property erosion and traffic volumes and direct access from the property to Enon Church Road.

In response to comments/questions, Mr. Doug Pritchard addressed concerns relative to drainage, flooding and erosion issues.

Mr. Robert West, an area resident, referenced a letter he submitted to staff expressing his concerns relative to the direct impact the development would have on his property with respect to flooding and drainage.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Mr. Collins addressed the concerns expressed and explained how the applicant planned to maintain on-site and direct off-site drainage so as to not impact area residents, noting there were serious existing flooding problems in the area but indicating the proposed development would not exacerbate the existing situation. He stated the proposal was going through the schematic review process and he would be glad to meet with the residents to determine if the project's improvements could assist them.

Mr. Bass stated it appeared the existing situation was progressively becoming worse and he felt action should be taken to correct the problems and that Environmental Engineering staff should be involved in the meetings.

Mr. Wilson encouraged the applicant to work with area residents and Environmental Engineering staff to remedy the situation if possible.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved that schematic plan approval for Case 07PS0182, Rivermont Associates, LLC (Rivermont Apartments and Commercial Area), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. The maximum density shall be 20,000 square feet of retail uses; 350,000 square feet of light-industrial uses; and 430 multi-family units or equivalent traffic generation as determined by the Transportation Department. (T)

2. Direct vehicular access from the property to Route 10 shall be limited to one (1) public road generally intersecting Route 10 halfway between Route 295 and the Seaboard Coastline Railroad crossing. Direct vehicular access from the property to Enon Church Road shall be limited to one (1) public road that aligns with the driveway that serves the existing Enon Library. The exact location of both of these public road intersections shall be approved by the Transportation Department. (T)

3. The developer shall provide the following:

   a. Construction of additional pavement along the eastbound lanes of Route 10 to provide an additional lane (i.e. third lane) from Route 295 to the Seaboard Coastline Railroad crossing,
   b. Construction of additional pavement along the eastbound lanes of Route 10 to provide a separate right turn lane at the public road intersection,
   c. Closing the existing crossover on Route 10 approximately 500 feet west of the Seaboard Coastline Railroad crossing,
   d. Construction of additional pavement to provide a five (5) lane typical section (i.e. four outbound lanes and one inbound lane) at the Route 10/Enon Church Road intersection. The exact length of this improvement shall be approved by the Transportation Department.
   e. Construction of additional pavement along the westbound lanes of Route 10 to provide an adequate left turn lane at the Enon Church Road intersection,
   f. Full cost of traffic signal modification at the Route 10/Enon Church Road intersection,
   g. Construction of additional pavement to provide adequate right and left turn lanes at the public road intersection with Enon Church Road,
   h. Construction of the public road as a three lane typical section (i.e. one inbound lane and two outbound lanes) at its intersection with Enon Church Road,
   i. Construction of additional pavement along the eastbound lanes of Route 10 to provide an adequate left turn lane at the existing crossover approximately 400 feet east of the Seaboard Coastline Railroad crossing,
   j. Dedication of any additional right-of-way required to provide the improvements identified above. (T)

4. Prior to any site plan approval, a phasing plan for the improvements identified in Condition 3 shall be submitted to and approved by the Transportation Department. (T)

5. Any development on the I-1 parcel shall use development standards as required in the Zoning Ordinance as though the adjacent multifamily development is zoned R-MF. (P)

6. Roads shall be conveyed to the county by deed of dedication.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07PW0219: In Bermuda Magisterial District, **R & L ENTERPRISES, INC.** requested modifications to development standards for screening of loading areas. This development is commonly known as **WHISTLE STOP JUNCTION**. This request lies in a C-3 District on a 2.19 acre parcel fronting approximately 690 feet on the west line of Chester Road, also fronting approximately 130 feet on the north

line of Centralia Road and located in the northwest quadrant of the intersection of these roads. Tax ID 786-664-9035 (Sheet 26).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission found Case substantially complied with the five (5) factors of Section 19-19 of the County Code and resolved to recommend approval of a development standards waiver to Section 19-572 of the Zoning Ordinance requiring screening of loading areas from public rights of way (Chester Road), for Case 07PW0219, R & L Enterprises, Inc. (Whistle Stop Junction), subject to the following conditions:

CONDITIONS

1. Evergreen trees of a species approved by the Planning Department shall be planted eight (8) feet on center with a minimum installation height of eight (8) feet. It is the full responsibility of the property owner to maintain the quality of the hedgerow or install a screening wall as required by the Zoning Ordinance. (P)

2. The evergreen tree hedgerow shall be irrigated using an installed automatic irrigation system. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

Mr. Turner called Case 06PR0284, C. F. Currin, Jr. (Currin Garden South).

06PR0284: In Bermuda Magisterial District, **C. F. CURRIN, JR.** requested site plan approval with two (2) buffer reductions: 1) a fifty (50) foot reduction to the seventy-five (75) foot buffer required along the south line of the Community Business (C-3) zoned parcel adjacent to Residential Multifamily (R-MF) zoning and 2) a twenty (20) foot reduction to the fifty (50) foot buffer required along the south line of the Corporate Office (O-2) zoned parcel adjacent to Residential (R-7) zoning. This project is commonly known as **CURRIN GARDEN SOUTH**. This request lies in Community Business (C-3) and Corporate Office (O-2) Districts on a 10.67 acre parcel fronting approximately 575 feet on the south line of Iron Bridge Road, also fronting approximately 190 feet on West Booker Boulevard and located in the southwest quadrant of the intersection of these roads. Tax IDs 779-652-Part of 6471 and 9168 and 780-652-Part of 1685 and 2380 (Sheet 26).

Mr. Andy Scherzer, the applicant's representative, noted the applicant's withdrawal of a twenty (20) foot reduction to the fifty (50) foot buffer required along the south line of the Corporate Office (O-2) zoned parcel adjacent to Residential (R-7) zoning and acceptance of the remainder of the request, as outlined in the Addendum. He referenced an additional condition, which he read for the record, relative to the provision of a sewer easement from within the site toward the corner of Route 10 and West Booker Boulevard and adjustments to the grading of the buffer along the Coleman property.

In response to Mr. Scherzer's comments, Mr. Lamson provided language by staff to be included in the condition, which he read.

Mr. Gecker opened the discussion for public comment.

Mr. Sam Galston, an adjacent property owner, expressed his appreciation for the efforts of Messrs. Currin and Scherzer in working with the community on the project.

There being no one else to speak, Mr. Gecker closed the public comment.

Mr. Wilson also expressed his appreciation to Messrs. Currin and Scherzer for working with area residents and community members to address/accommodate their concerns.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission acknowledged withdrawal of a twenty (20) foot reduction to the fifty (50) foot buffer required along the south line of the Corporate Office (O-2) zoned parcel adjacent to Residential (R-7) zoning for Case 06PR0284, C. F. Currin, Jr. (Currin Garden South).

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved that site plan approval, including a fifty (50) foot reduction to the seventy-five (75) foot buffer required along the south line of the Community Business (C-3) zoned parcel adjacent to Residential Multi-family (R-MF) zoning, for Case 06PR0284, C. F. Currin, Jr. (Currin Garden South), shall be and it thereby was granted, subject to the following conditions:

CONDITIONS

1. Within Buffer 1, a six (6) foot high solid board opaque screening fence shall be located on the up-hill side of the buffer adjacent to the parking area, and 1.5 times perimeter landscape C shall be provided, with evergreen trees planted in lieu of the requirement for small deciduous trees.

2. The site plan shall be revised and resubmitted to address conditions of this approval and outstanding site plan review comments.

APPLICANT'S SEWER EASEMENT CONDITION

3. A sewer easement will be added from the eastern side of the site to the Route 10 Right of Way. This easement will be provided as a part of the site plan approval and will be used should adjoining properties fronting Route 10 and to the east of the subject site, wish to extend gravity sewer to their sites in the future.

   (NOTE: Staff will evaluate the applicant's sewer easement during site plan review to determine whether the proposed easement location will serve sites fronting Route 10, east of the site.)

REVIEW COMMENTS–Comment 20 has been added to address the existing thirty (30) foot buffer along the east line.

1. Show the easement for the sewer lateral to Building 2 stopping at the property line. (U)

2. The legend shows the irrigation lateral as 5/8". Revise to show the irrigation lateral as 1". (U)

3. It is the responsibility of the applicant to comply with and/or acquire all applicable federal and / or state permits in relationship to environmental features including but not limited to "wetlands, surface waters (e.g. VPDES permit for construction sites of 1 acre or more., ground water and air quality"). Final approval of these plans will not relieve you of your responsibility. Wetlands documentation must be received by this department prior to issuance of the land disturbance permit. (EE)

4. Drainage easements must be shown along any stormwater conveyance system which receives runoff from offsite, from a public right of way or requires improvements on a downstream property owner. Extend a drainage easement from structure 34 to the eastern property lines. (EE)

5. The following note(s) must be added to or adjacent to the erosion control narrative/sequence of construction:

   "The stormwater/B.M.P. facility must be certified by a professional engineer prior to issuance of any occupancy certificates." (EE)

6. All S.W.M./B.M.P. facilities which are more than 4 feet in depth or more than one acre feet in surface area must provide both a safety bench and an aquatic bench, or be enclosed within a six (6) foot high perimeter fence. A vegetative barrier may be substituted for the fence, however a performance bond must be provided for the cost and installation of the plant materials. A gate must also be provided which aligns with the twenty (20) foot access easement. (EE)

7. Permission must be obtained from the adjacent property owner(s) allowing for grading on the property as proposed prior to issuance of a land disturbance permit. (EE)

8. Permission must be obtained from the owner of the river forest SWM/BMP for the proposed retro-fit prior to issuance of a land disturbance permit. (EE)

9. All offsite drainage easements must be recorded prior to issuance of a land disturbance permit for this project. (EE)

10. All onsite drainage easements including stormwater/B.M.P. drainage easements must be recorded prior to issuance of a building permit for this project. (EE)

11. The stormwater/B.M.P. facility must be certified by a professional engineer prior to issuance of any occupancy certificates. (EE)

12. Prior to issuance of a land disturbance permit, a diskette/CD, the format of which shall be AutoCAD.dwg or dxf, must be submitted to Virginia Barbour of Environmental Engineering. The diskette/CD must contain the following, each in a separate layer:

a. Final grading contour lines (five (5) foot intervals);
b. Proposed building footprint;
c. All impervious area (parking lots, driveways, roads, etc); and
d. The storm sewer system. (EE)

13. A layer report printed from AutoCAD must be submitted with the diskette/CD. Both the diskette/CD and the report must be labeled with the site plan name, site plan number, and the engineering firm. All AutoCAD files must be referenced directly to the Virginia State Plane Coordinate System, south zone, in the NAD83 datum. (EE)

14. A land disturbance permit is required for this project and the following are required prior to its issuance:

    a. Substantial or full site plan approval
    b. A VDOT land use permit
    c. A letter must be received from a qualified wetlands expert stating:
        i. There are no wetlands impacted on this project, or
        ii. All applicable federal and state wetland permits have been acquired (copies of the permits must be submitted)
    d. Copies of the Virginia Stormwater Management Permit (VSMP) registration statement and permit fee form (as developed by the Department of Conservation and Recreation) must be submitted (sites of one acre or more). (EE)

15. Revise the vicinity map and layout plans to exclude the residential zoned lot fronting West Booker Boulevard, owned by Patrick and Lizzie Coleman. (P)

16. Label the buffers on all plan sheets. (P)

17. Label the thirty (30) foot buffer along the east line adjacent to the R-7 zoned parcels and include the following note: A buffer reduction to thirty (30) feet was granted by Case 99PR0348. Revise the landscape plan for this thirty (30) foot buffer to reflect planting requirements of Case 99PR0348. (P)

18. The exception to side yards (twenty (20) foot exception to the thirty (30) foot side yard) was not granted by case 05SN0276. Delete note 2 a) under the "exceptions granted" heading. (P)

19. On the site plan, provide the owner, zoning and present use of the abutting property to the south. (P)

20. Revise grading and drainage plans to eliminate impact on existing trees within the thirty (30) foot buffer along the eastern property line adjacent to R-7 districts. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

E. <u>FIELD TRIP AND DINNER</u>.

♦ **<u>FIELD TRIP SITE SELECTION</u>.**

The Commission agreed to forego their Field Trip to visit requests sites.

♦ **DINNER LOCATION.**

On motion of Mr. Litton, seconded by Mr. Gulley, the Commission resolved to meet for dinner at Riptides Seafood Restaurant at 5:00 p. m.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Litton, seconded by Mr. Gulley, that the Commission adjourned the Afternoon Session at 3:40 p. m., agreeing to meet at 5:00 p. m. for dinner at Riptides Seafood Restaurant.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

Mr. Gecker, Chairman, called the Evening Session to order at 7:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building in the Government Center Complex.

Mr. Gecker announced that, at their Work Session, he was elected to serve as Chairman for 2007 and expressed appreciation to Mr. Wilson for his service as the 2006 Chairman. He also announced the Commission elected Mr. Gulley to serve as Vice Chairman for 2007.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW AGENDAS FOR UPCOMING MONTHS.

Mr. Turner apprised the Commission of the caseload agenda for the upcoming months, noting there were twenty-six (26) cases scheduled on the February 20, 2007, agenda; seven (7) cases scheduled on the March 20, 2007, agenda; and, no cases scheduled on the April 17, 2007, agenda.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission amended the agenda to move Case 06SN0256, Henry E. Myers, Jr. (General Partner of Myers Family Partnership), from the Discussion Agenda to the end of the Deferral Requests by Applicants Agenda and reordered the agenda accordingly.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

E. REVIEW MEETING PROCEDURES.

Mr. Turner reviewed the meeting procedures.

F. CITIZENS' COMMENTS ON UNSCHEDULED MATTERS.

There were no citizens' comments on unscheduled matters at this time.

G. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **REQUESTS FOR WITHDRAWALS.**

03SN0324: In Matoaca Magisterial District, **NELSON DAVIS KYLE, II** withdrew the request for Conditional Use and amendment of zoning district map to permit an outdoor recreational facility. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for rural conservation use. This request lies in an Agricultural (A) District on 4.0 acres fronting approximately 240 feet on the north line of Ivey Mill Road, approximately 3,000 feet west of River Road. Tax ID 742-630-8924.

No one was present to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission acknowledged withdrawal of Case 03SN0324.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0189: In Bermuda Magisterial District, **HUNT INVESTMENTS, L.L.C.** withdrew the request for rezoning and amendment of zoning district map from Agricultural (A) and Residential (R-7) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.00 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4 units per acre and 7.01 or more units per acre. This request lies on 5.2 acres located in the southwest quadrant of the intersection of Chippenham Parkway and Strathmore Road. Tax IDs 787-685-1792, 6487 and 6794; and 787-686-6406.

No one was present to represent the request.

There was no opposition to the withdrawal.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission acknowledged withdrawal of Case 06SN0189.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ REQUESTS FOR DEFERRAL BY APPLICANTS.

02SN0176: In Midlothian Magisterial District, **DONALD K. SPRIGGS** requested deferral to March 20, 2007, for consideration of rezoning and amendment of zoning district map from Residential (R-15) to Neighborhood Office (O-1). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies on 0.4 acre and is known as 2743 Buford Road. Tax ID 755-720-0315.

Mr. Donald Spriggs, the applicant, requested deferral of Case 02SN0176 to the March 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 02SN0176 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

03SN0203: In Bermuda Magisterial District, **ROLLING RIDGE LLC** requested deferral to May 15, 2007, for consideration of rezoning and amendment of zoning district map from Light Industrial (I-1) and Residential (R-7) to Multifamily Residential (R-MF) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to ten (10) units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre with high density residential, community-scale commercial or corporate office uses appropriate under certain circumstances. This request lies on 40.2 acres fronting approximately seventy-five (75) feet on the north line of Rio Vista Street approximately 350 feet east of Jefferson Davis Highway, also fronting approximately 1,800 feet on the south line of Route 288 approximately 350 feet east of Jefferson Davis Highway. Tax IDs 797-661-5231 and 798-661-2276.

Mr. Roger Bowers, the applicant's representative, requested deferral of Case 03SN0203 to the May 15, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 03SN0203 to the May 15, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

05SN0159: In Matoaca Magisterial District, **JOHN G. "CHIP" DICKS** requested deferral to February 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential Townhouse (R-TH) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 8.0 units per acre in a Residential Townhouse (R-TH) District is permitted. The Comprehensive Plan suggests the property is appropriate for mixed use corridor

use, single family residential use of 2.0 units per acre or less and conservation: passive recreation use. This request lies on 85.4 acres fronting approximately 460 feet on the south line of Hull Street Road across from Cosby Road. Tax IDs 717-669-2537 and 717-670-1030, 1751, 2877, 5998 and 8050.

Mr. Roger Bowers, the applicant's representative, requested deferral of Case 05SN0159 to the February 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 05SN0159 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0205: In Midlothian Magisterial District, **GOODE LAND COMPANY** requested deferral to February 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for light industrial/flex uses. This request lies on 2.1 acres fronting approximately 200 feet on the south line of Midlothian Turnpike, also fronting approximately 390 feet on the west line of Otterdale Woods Road and located in the southwest quadrant of the intersection of these roads. Tax ID 721-709-3240.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 07SN0205 to the February 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0205 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0206: In Matoaca Magisterial District, **GBS HOLDING LTD** requested deferral to March 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15) plus Conditional Use Planned Development to permit community recreation and exceptions to Ordinance requirements. Residential use of up to 2.90 units per acre is permitted in a Residential (R-15) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 38.8 acres fronting approximately 290 feet on the west line of Old Hundred Road approximately 2,900 feet northwest of Otterdale Road. Tax ID 714-698-Part of 3178.

Mr. Casey Sowers, the applicant's representative, requested deferral.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0206 to the March 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

04SN0224: In Matoaca Magisterial District, **DOUGLAS R. SOWERS AND SUSAN S. SOWERS** requested deferral to April 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 146 acres fronting approximately 750 feet on the east line of Lacy Farm Road, approximately 270 feet north of Ahern Road. Tax IDs 695-695-3122, 695-697-8107 and 696-695-7571.

Ms. Carrie Coyner, the applicant's representative, requested deferral of Case 04SN0224 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 04SN0224 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0244: In Bermuda Magisterial District, **H. H. HUNT CORPORATION** requested deferral to March 20, 2007, for consideration of rezoning and amendment of zoning district map of a 1,445.4 acre tract from Agricultural (A) to Residential (R-12) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use to permit recreational facilities on 43.5 acres of the 1,445.4 acre tract and rezoning of a 169.1 acre tract from Agricultural (A) to Regional Business (C-4) with Conditional Use Planned Development to permit exceptions to Ordinance requirements plus Conditional Use on 3.0 acres of the 169.1 acre tract to permit an above-ground utility structure (water pump station). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for regional mixed use and residential use of 1.01-2.5 units per acre. This request lies on 1,614.5 acres fronting approximately 2,890 feet on the south line of Bradley Bridge Road, also fronting in two (2) places for approximately 9,490 feet on the west line of Branders Bridge Road. Tax IDs 780-644-8171; 781-637-Part of 6541; 781-639-3251; 781-641-6250; 783-635-0505; and 784-641-6810.

Mr. Jim Theobald, the applicant's representative, requested deferral of Case 06SN0244 to the March 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to defer Case 06SN0244 to the March 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0136: In Matoaca Magisterial District, **PRISTINE DEVELOPMENT LLC** requested deferral to February 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 189 acres fronting in two (2) places for approximately 670 feet on the north line of Duval Road approximately 1,650 feet west of Otterdale Road. Tax IDs 704-678-Part of 4771 and 705-680-3057.

Mr. John Easter, the applicant's representative, requested deferral of Case 07SN0136 to the February 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0136 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0152: (Amended) In Matoaca Magisterial District, **PATRICIA H. PATTON AND MICHAEL AND MYRNA T. MCCAFFERY** requested deferral to February 20, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) plus Conditional Use Planned Development to permit exceptions to Ordinance requirements. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor uses. This request lies on 12.5 acres fronting approximately 1,500 feet on the south line of Hull Street Road approximately 170 feet east of Mockingbird Lane. Tax ID 730-674-7150 and 731-674-2477.

Mr. Will Shewmake, the applicant's representative, requested deferral of Case 07SN0152 to the February 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to defer Case 07SN0152 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0256: In Dale Magisterial District, **HENRY E. MYERS, JR. (GENERAL PARTNER OF MYERS FAMILY PARTNERSHIP)** requested deferral to April 17, 2007, for consideration of rezoning and amendment of zoning district map from Agricultural (A) to Corporate Office (O-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use corridor use. This request lies on 6.9 acres fronting approximately 840 feet on the south line of Lori Road, also fronting approximately 330 feet on the east line of Frith Lane and located in the southeast quadrant of the intersection of these roads. Tax ID 769-663-Part of 9114.

Mr. Ben Myers, the applicant's representative, requested deferral of Case 06SN0256 to the April 17, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission resolved to defer Case 06SN0256 to the April 17, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **REQUESTS FOR DEFERRAL BY INDIVIDUAL PLANNING COMMISSIONERS.**

07SN0199: In Midlothian Magisterial District, **BETHLEHEM BAPTIST CHURCH** requested Conditional Use and amendment of zoning district map to permit a computer-controlled, variable message, electronic sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial and office uses. This request lies in an Agricultural (A) District on 4.1 acres and is known as 9600 Midlothian Turnpike. Tax ID 751-708-Part of 7821.

Ms. Kimberly Sanchez, the applicant's representative, accepted the recommendation by Mr. Gecker to defer Case 07SN0199 to the February 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gecker's request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 07SN0199 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0202: In Clover Hill Magisterial District, **GOOD NEWS FREE WILL BAPTIST CHURCH** requested Conditional Use and amendment of zoning district map to permit a private school and child care center use in an Agricultural (A) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1.0-2.5 dwelling units per acre. This request lies on 4.7 acres and is known as 5200 Courthouse Road. Tax ID 748-679-9519.

Mr. Glenn Johnson, the applicant's representative, accepted the recommendation by Mr. Gulley to defer Case 07SN0202 to the February 20, 2007, Planning Commission public hearing.

There was no opposition to the deferral.

The following motion was made at Mr. Gulley's request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission, on their own motion, resolved to defer Case 07SN0202 to the February 20, 2007, Planning Commission public hearing.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

07SN0201: In Matoaca Magisterial District, **MATTHEW J. HAMILTON, JR.** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-88). Residential use of up to 0.50 unit per acre is permitted in a Residential (R-88) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 68.1 acres lying approximately 620 feet off the north line of Hickory Road approximately 2,970 feet east of River Road. Tax ID 757-625-Part of 4630.

Mr. Matthew J. Hamilton, Jr., the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case 07SN0201 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit, for infrastructure improvements within the service district for the property:

   a. $15,600 per dwelling unit, if paid prior to July 1, 2007; or the amount approved by the Board of Supervisors not to exceed $15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.

   b. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

2. The maximum density of this development shall not exceed seventeen (17) lots. (P)

3. Manufactured homes shall not be permitted. (P)

4. The minimum gross floor area for one story dwelling units shall be 1800 square feet and dwelling units with more than one story shall have a minimum gross floor area of 2000 square feet. (P)

5. All exposed portions of the foundation of each new dwelling unit shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)

6. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

7. At a minimum the following restrictive covenants shall be recorded in conjunction with the recordation of any subdivision plat:

   a. No lots shall be used except for single-family residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one detached single-family dwelling not to exceed three stories in height and one private garage.

   b. Only one residence shall be erected or placed on a single lot, and no lot shall, after its original conveyance, be subdivided into smaller lots or parcels. No structure of a temporary character, trailer, basement, tent, shack, garage, barn, or other outbuilding shall be used on any lot at any time as a residence either temporarily or permanently.

   c. No noxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereof which may become an annoyance or nuisance to the neighborhood.

   d. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste. Nor shall any of the above be kept on any lot except in sanitary containers.

   e. No animals, livestock, or poultry of any kind, shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept therein if they are not kept, bred, or maintained for any commercial purpose, and in accordance with the applicable ordinances.

   f. No sign of any kind shall be displayed to the public view on any lot except one sign of not more than six square feet advertising the property for sale or rent, unless approved by the Architectural Control Committee in writing.

   g. All property shall be maintained free of tall grass, undergrowth, dead trees, weeds, and trash, and generally free of any condition that would decrease the attractiveness of the property.

h. No trailer having a height of five feet or more shall be parked over 12 hours in any one week on any property or driveway so as to be visible from the street. No motor vehicle shall be parked over 12 hours in any one week on any property without having a current Virginia State license tag, unless such vehicle is parked in an enclosed garage.

i. The exterior of all houses and other structures must be completed within one year after the construction of same shall have commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency or natural calamities. Houses may not be temporarily or permanently occupied until the exteriors thereof have been completed. During the continuance of construction, the owner of the parcel shall require the contractor to maintain the lot in a reasonably clean and uncluttered condition.

j. An Architectural Control Committee (herein called "Committee") originally composed of Matthew J. Hamilton and Tammy D. Hamilton is hereby established. Either member of the Committee may act on behalf of the Committee without holding a meeting of the full Committee or giving notice to the other members. The Committee together with the written consent of the property owners may amend, modify, or waive, in writing any of the restrictions. The members of the Committee shall receive no compensation. At any time, the then recorded owners of eighty percent of the property shall have the power through a duly recorded written instrument to change membership of the Committee or to withdraw from the membership of the Committee or to restore any of its powers and duties.

k. No improvement shall be erected, placed or altered on any lot until the construction plan thereof, and a plan showing the location of the said improvements shall be submitted to and approved by the Architectural Control Committee. No construction on said improvements shall commence until the said plans and location of said improvements shall have been approved by the Committee in writing. The Committee reserves the right to request such information and data; such as, quality of workmanship and materials, type of construction, harmony of exterior design with existing structures and location with respect to topography and finished grade elevation, as may be necessary to make said determination. Prior to the commencement of any improvements, written approval may be withdrawn at any time by the Committee by giving written notice to said party of its withdrawal of said approval. The Committee approval as required above shall be in writing and, in the absence of such written approval, construction plans and location plans shall be considered as disapproved. The building location on all lots shall be within the applicable county zoning ordinance, and at the discretion of the Committee.

l. Approval by the Committee shall not constitute a basis for liability of the member or members of the Committee, the Committee or the owner for any reason including without limitation; (i) failure of the plans to conform to any applicable

building code; or (ii) inadequacy or deficiency in the plans resulting in defects in the improvements.

m. The ground floor area of any single-family residence erected on any of the lots shall not be less than 1,800 square feet for a single-story residence, not less than 2,000 square feet for any one and one-half story or two story residence. Attached covered porches, covered stoops, breezeways, and garage shall not be included in computing said square footage.

n. The foundation of all single-family residences on any lot shall be faced with brick or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer.

o. All single-family residences shall conform to a Colonial or Traditional Architectural style. No prefabricated single-family residences shall be erected on any lot.

p. No fences shall be permitted between the single-family residences and the street line. Split-rail fences or other wooden fences may be built between the rear of the house and the rear lot line. The split-rail fence may be backed with wire to provide animal retention.

q. Easements for installation and maintenance of utilities and drainage are reserved as shown on the said subdivision plat.

r. Except as otherwise provided by applicable law and unless approved by the Committee, no antenna, aerial, or device shall be erected or placed on any property, house, or garage, or other outbuilding other than the normal antennas, aerial or device necessary to facilitate the reception of television signals, and/or radio signals, normally incident to the radio and television receivers normally used in the home. Satellite dish type television antennas are specifically prohibited unless specifically approved in writing by the Committee and as otherwise provided by applicable law. (P)

s. Each and every covenant, condition, and easement herein imposed may be enforced by the undersigned or by the owner of any lot by appropriate proceedings at law or in equity against any party violating or attempting or threatening to violate the same.

t. Manufactured Homes shall not be permitted. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0207: In Clover Hill Magisterial District, **MICHAEL WOODY** requested rezoning and amendment of zoning district map from Residential (R-15) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 1.9 acres fronting approximately 300 feet on the south line of West Providence Road, also fronting approximately 290

feet on the west line of Grey Oak Drive and located in the southwest quadrant of the intersection of these roads. Tax ID 749-692-7580.

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation, noting the addition of newly submitted Proffered Condition 12.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 07SN0207 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The public wastewater system shall be used. (U)

2. The applicant, subdivider, or assignee(s) shall pay the following, for infrastructure improvements within the service district for the property, to the county of Chesterfield prior to the issuance of building permit:

   A. $15,600.00 per dwelling unit, if paid prior to July 1, 2007; or

   B. The amount approved by the Board of Supervisors not to exceed $15,600.00 per dwelling unit adjusted upward by any increase in the Marshall and Swift building cost index between July 1, 2006, and July 1 of the fiscal year in which the payment is made if paid after June 30, 2007.

   C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

3. Development shall be limited to four (4) lots. (P)

4. Manufactured homes shall not be permitted. (P)

5. The minimum lot size shall be 15,000 square feet. (P)

6. The minimum gross floor area for dwelling units shall be 2000 square feet. (P)

7. All exposed portions of the foundation of each new dwelling unit shall be faced with brick, decorative masonry or stone veneer. Exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)

8. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

9. Other than one (1) private driveway, there shall be no direct vehicular access from the property to West Providence Road. (T)

10. In conjunction with recordation of the initial subdivision plat, forty-five (45) feet of right-of-way along the south side of Providence Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)

11. To provide an adequate roadway system, the developer shall be responsible for the following improvements to be completed in conjunction with the initial development:

    A. Widening/improving the north side of Providence Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and one-half (1 ½) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.

    B. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in proffer condition 11, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department. (T)

12. A solid board on board fence, a minimum of six (6) feet in height, shall be installed along the southern property line and shall extend from the front line of the building located on the lot adjacent to Tax ID 749-692-8363 to the rear property corner of Tax ID 749-692-8363. The exact design and treatment of the fence shall be consistent with the existing fence located on Tax ID 749-692-8363 as determined by the Planning Department at the time of tentative subdivision plan review. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

07SN0228: In Clover Hill Magisterial District, **CHESTERFIELD COUNTY PLANNING COMMISSION** requested amendment to use permit (Case 72SN0023) and amendment of zoning district map relative to driveway widths, parking provisions and building setbacks. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office and high density residential use of 7.01 units per acre or less. This request lies in a Residential (R-7) District on 18.7 acres fronting approximately 400 feet on the west line of Sturbridge Drive approximately 2,200 feet south of Midlothian Turnpike. Tax ID 746-708-9525.

Mr. Wilson declared a conflict of interest pursuant to the Virginia Conflict of Interest Act, as his firm represented the prospective buyer, and excused himself from the meeting at 7:22 p. m.

Mr. Kirk Turner, representing the request, accepted the recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 07SN0228, subject to the following conditions:

CONDITIONS

1. All private drives and entrances shall be paved to a width of twenty-one (21) feet and the developer shall see to prohibition of parking thereon. (P)

   (Note: This condition supersedes Condition 4 of Case 72SN0023.)

2. Parking spaces shall be provided at a ratio of 1.6 spaces per dwelling unit. The total calculation thereof shall include an area set aside and designated for the parking of trucks, campers, boats, travel and utility trailers. (P)

   (Note: This condition supersedes Condition 5 of Case 72SN0023.)

(Note: With the exception of Conditions 4 and 5, as amended herein, and the deletion of Conditions 6, 9 and 10, all previous conditions of Case 72SN0023 shall remain in effect.)

AYES: Messrs. Gecker, Gulley, Litton and Bass.
ABSENT Mr. Wilson.

Mr. Wilson returned to the meeting at 7:23 p. m.

07SN0134: (Amended) In Bermuda Magisterial District, **SECOND FORTUNE, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Community Business (C-3) and Corporate Office (O-2) and from Community Business (C-3) to Corporate Office (O-2), plus proffered conditions on an adjacent parcel currently zoned Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood mixed use. This request lies on 4.1 acres fronting approximately 440 feet on the southeast line of Meadowville Road approximately 530 feet north of West Hundred Road; also fronting approximately 200 feet on the north line of East Hundred Road approximately 400 feet east of Meadowville Road. Tax IDs 814-652-5387 and 814-653-4407, 5807, 6613, 7317 and 7920.

Mr. Dean Hawkins, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 07SN0134 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Timbering Restriction. With the exception of timbering to remove dead or diseased trees which has been approved by the Virginia State Division of Forestry, there shall be no timbering until a Land Disturbance Permit has been obtained from the Environmental Engineering Department. (EE)

2. Public Utilities. The public water and wastewater systems shall be used. (U)

3. Transportation.

   a) Right-of-Way Dedication.

      i) Prior to any site plan approval, forty-five (45) feet of right-of-way, measured from the centerline of that part of Meadowville Road directly adjacent to the Property, or the proposed right-of-way shown on the approved plans for VDOT Project 0010-020-127, C-501, RW-201 directly adjacent to the property, whichever is greater, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

      ii) Prior to final site plan approval, one-hundred (100) feet of right-of-way, measured from the centerline of that part of East Hundred Road (State Route 10) adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

   b) Transportation Improvements. To provide for an adequate roadway system at the time of complete development, the Developer shall be responsible for the:

      i) Construction of an additional lane of pavement along Route 10 for the entire property frontage;

      ii) Construction of additional pavement along Route 10 to provide a separate right turn lane at the approved access, based on Transportation Department Standards;

      iii) Construction of additional pavement to provide right and left turn lanes at the approved access on Meadowville Road, based on Transportation Department standards;

      iv) Closing of existing crossovers on Route 10 between Meadowville Road and Rivers Bend Boulevard;

      v) Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 3.b., the developer may request, in writing, that the County

acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within the available right-of-way, as determined by the Transportation Department. In this event, road improvements may differ from those identified above because of the limited right-of-way. (T)

c) Access Control. Direct vehicular access from the Property to Route 10 and Meadowville Road shall be limited to one (1) entrance/exit on each roadway. The exact location of these accesses shall be approved by the Transportation Department. Prior to any site plan approval, access easements, acceptable to the Transportation Department, shall be recorded across the Property to provide shared use of these accesses with adjacent properties. (T)

d) Phasing of Improvements. Prior to any site plan approval, a phasing plan for the improvements identified in Proffered Condition 3 shall be submitted to and approved by the Transportation Department. The approved phasing plan shall require that, among other things, the improvements identified in Proffered Condition 3.b.i. and 3.b.iv., be completed prior to completion of the approved entrance exit on Route 10, and that the improvement identified in 3.b.iii., be completed prior to completion of the approved entrance/exit on Meadowville Road. (T)

4. The permitted land uses in the Community Business (C-3) District shall be limited to the following:

a. Any permitted or restricted use in the Neighborhood Business (C-2) District;
b. Contractors' Offices and Display Rooms;
c. Hotels;
d. Restaurants, to include carry-out and fast food restaurants. (P)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **CODE AMENDMENT**

♦ ♦ ♦

An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Section 19-99 of the Zoning Ordinance related to front yard setbacks in the R-7 zoning district in the Ettrick Village Core. The proposed amendment would reduce minimum front yard setback requirements to equal front yard setbacks of adjacent or nearby development.

♦ ♦ ♦

Mr. Schlaudt presented an overview of the proposed Code Amendment and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Gulley, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Section 19-99 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:

Sec. 19-99. Required conditions.

The conditions specified in this section shall be met in the R-7 District:

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(c) *Front yard*. Minimum of 30 feet in depth. On lots located along cul-de-sacs, if the radius of the cul-de-sac is 40 feet or less, the building setback around the cul-de-sac shall be at least 30 feet. When the radius of the cul-de-sac is more than 40 feet, the building setback shall not be less than 25 feet. Minimum setbacks shall be increased where necessary to obtain the required lot width at the front building line. Through the subdivision process, an additional setback of up to 25 feet may be added to the minimum setback, if the lot is located along an arterial or collector street. This additional setback requirement will be noted on the record plat.

Notwithstanding the above, front yard setbacks for lots located in the Ettrick Village Core, between contiguous developed lots, may be reduced to the front yard setback of any principal building occupying any adjacent lot. Front yard setbacks for lots located in the Ettrick Village Core, not located between contiguous developed lots, may be reduced to the front yard setback of any principal building occupying any lot on the same side of the street within 200 feet of the subject lot.

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(2) That this ordinance become effective immediately upon adoption. (0425(05):73549.1)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

♦ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

06SN0335: In Matoaca Magisterial District, **GREENACRES LIMITED PARTNERSHIP** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-25). Residential use of up to 1.74 units per acre is permitted in a Residential (R-25) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 53.7 acres lying at the southeastern terminus of Buncrana Lane approximately 230 feet southeast of Derryveach Drive. Tax ID 734-658-8633.

Ms. Peterson presented an overview of the request and staff's recommendation for approval subject to the applicant addressing density concerns. She referenced the distribution of two (2) additional proffered conditions to the Commission at their Work Session relative to the maximum number of lots and development phasing, noting Proffered Condition 5 should be revised to clarify the intent and enforceability of the development phasing.

Ms. Carrie Coyner, the applicant's representative, requested a deferral to the February 20, 2007, Planning Commission meeting to address transportation issues.

Mr. Bass stated the request was deferred at the Commission's September 19, 2006, meeting to allow the applicant an opportunity to resolve issues/concerns and he wished to hear the request at this time.

Mr. Wilson stated he supported deferral of the request to allow the applicant an opportunity to address transportation concerns that arose from the community meetings, noting that if the request were forwarded to the Board in its current posture, the Board would most likely remand the case to the Commission for reconsideration.

Mr. Gecker agreed with Mr. Bass, noting he did not support further deferral of the request; felt the applicant had had ample opportunity to resolve any issues or concerns; and felt the request should be heard at this time.

Ms. Coyner presented an overview of the request, citing limited development densities and outlining proposed transportation improvements and stub road connections that would improve area traffic patterns/circulation.

Mr. Jeff Collins, representing the adjacent property owner to the south, indicated the 250 acre tract could be developed without approval of and/or access through the current request, noting the original zoning of his client's property did provide for access through the Donegal Glen Subdivision and the property to the west.

Ms. Coyner further noted denial of the request would not preclude development of the 250 acre tract to the south; that the current request was for twenty-four (24) homes with access through Donegal Glen Subdivision; and that the connection was desirable not only to provide access to the development but also relieve traffic on other peripheral roads and improve traffic patterns/circulation and fire/emergency services. She indicated she was willing to revise Proffered Condition 5 in an effort to clarify its intent and enforceability.

Mr. Gecker opened the discussion for public comment.

Mr. Richard Brindle, a Donegal Drive resident, voiced opposition to the request, citing concerns relative to the impact of the development on the area road network, cut-through traffic and devaluation of property values. He presented an overview of the history of the request, stating he felt the proposal was designed to maximize density; that he did not oppose growth but felt the proposal did not represent responsible growth; and asked the Commission to recommend denial.

In response to Mr. Brindle's request, approximately 175 citizens stood to indicate their opposition to the request.

Mr. Harry Hanger; Ms. Mary Ellen Stohr; Ms. Mana Preskitt; Ms. Dee Brindle; Ms. Yvonne Willis; Ms. Kimberly Phelps; Ms. Elizabeth Claypool; Mr. Wade Clark; Ms. Pat Ladlee; Mr. Earl Ladlee; Mr. Robert Brown; Mr. Thomas Masetti; Ms. Elaine Hanger; Mr. Paul Lauver; Ms. Kelly Slagel; Mr. Wayne Ballas; Ms. Susan Fee; Mr. Curtis Grant; and Ms. Kimberly Hastings-Beuche, adjacent property owners and/or area residents, voiced opposition to the request, citing concerns relative to increased traffic volumes; cut-through traffic generated by stub road connections; speeding; the lack of adequate infrastructure to address and/or accommodate the impact of the development on capital facilities; overdevelopment of the property; overcrowded school conditions; devaluation of area property values; drainage, erosion and environmental impacts; the nonconformance of the proposed zoning with the area *Plan*; that the residential environment of the area be maintained; that continuing to approve additional zoning requests for the area was irresponsible and that such requests not be approved until such time as there was full build-out of currently approved zonings; that the applicant was a land broker who was not concerned with the impact the development would have on the community; and that the Commission forward a recommendation of denial to the Board of Supervisors.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, commended area residents and the issues of concern they had raised; asked the Commission to consider the cumulative effect of the proposed development on necessary capital facilities; cited environmental concerns; the need for updating the Southern and Western Area Plan; and asked the Commission to consider whether or not the timing of the development was appropriate or responsible.

Ms. Andrea Epps, a County resident, asked that, as various elements of the Comprehensive Plan were considered for revisions, citizens be included in the process.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Ms. Coyner addressed density issues, noting the proposal complied with the Residential (R-88) standards; that only approximately sixteen (16) school age children would be generated by the development; that the soil study performed indicated the property would only support limited dwelling densities; and asked the Commission to consider that the proposal was appropriate for the area and to forward a recommendation for approval to the Board of Supervisors.

In response to questions from Mr. Gulley, Mr. McCracken addressed concerns/answered questions relative to transportation, noting that, although the applicant had proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development, as development continued in this part of the county, traffic volumes on area roads would substantially increase. He stated cash proffers alone would not cover the cost of the improvements needed to accommodate the traffic increases; no road improvement projects in this part of the county were included in the *Six-Year Improvement Plan*, except for several safety improvement projects to Spring Run Road and one (1) safety improvement project on Qualla Road.

In response to questions from Mr. Litton, Mr. McCracken stated the alternative design suggested by Mr. Litton would be beneficial in alleviating future transportation problems in Brandy Oaks Subdivision.

Mr. Bass expressed appreciation to those in attendance for their concerns and comments, noting, if developed to today's standards, the proposed development would be nice. He stated, however, he felt the timing of the proposal was inappropriate and its impact, with respect to infrastructure and capital facilities, was detrimental to the health, safety and welfare of area residents.

Mr. Bass made a motion, seconded by Mr. Gulley for discussion, for denial of Case 06SN0335.

Mr. Wilson stated the Commission was appointed by the Board of Supervisors to make recommendations to the Board and to assist them in the administration of the Zoning Ordinance and he felt it incumbent upon the Commission to ensure zoning proposals were in the best posture possible prior to being forwarded to the Board for consideration. He stated he did not feel such was the case with this proposal; he was disappointed with the resistance to a deferral; and that he felt failure to defer the request and devote more time to the resolution of issues/concerns was a disservice to all those involved.

Mr. Gulley stated he felt it incumbent upon the Commission to render zoning recommendations based on the best interests of the County and its citizens; that consideration should be given to the outpouring of information/concerns from the citizens present; that he did not feel any homes should be build in the area until such time as adequate infrastructure was in place to accommodate area needs; that he was not certain another deferral would be beneficial to any of the involved parties; and he would support Mr. Bass' motion for denial.

Mr. Gecker stated he felt the Commission's statutory obligations was to provide planning not political advice; that a deferral would serve no purpose; he did not agree that the proposed zoning conformed with the area *Plan*; and he supported Mr. Bass' recommendation for denial.

The vote on Mr. Bass' motion was as follows:

AYES: Messrs. Gecker, Gulley and Bass.
ABSTENTIONS: Messrs. Wilson and Litton.

The Commission recessed at 9:08 p.m. and reconvened at 9:14 p.m.

06SN0337: In Bermuda Magisterial District, **NEAL O. AND ROSEMARY HAGER** requested Conditional Use and amendment of zoning district map to permit a bed and breakfast and special events business incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51 to 4.0 units per acre. This request lies in an Agricultural (A) District on 9.1 acres fronting approximately 160 feet on the north line of Happy Hill Road across from Tarris Lane. Tax IDs 794-644-2068 and 4162.

Ms. Rogers presented an overview of the request and staff's recommendation for denial, noting the proposed commercial use of the property failed to comply with the *Southern and Western Area Plan*. She cited concerns expressed by area residents regarding the inappropriateness of the use in a residential area, the hours of operation, lighting intrusion, noise disturbance and referenced the revised and additional proffered conditions submitted. She stated staff felt Proffered Condition 13 was unenforceable and recommended the proffer not be accepted.

Ms. Carrie Coyner, the applicant's representative, did not accept staff's recommendation; presented slides depicting the property; referenced the revised and additional proffered conditions which were designed to improve the proposal, limit the use to a period of one (1) year, limit the hours of operation, restrict the impact of the exterior lighting and reflect the performance of a sound study which would minimize the noise impact on the neighborhood. She noted the applicant was prepared to further modify the proffered

conditions to comply with applicable regulations/requirements and accommodate the area residents concerns. She stated the proposed use provided a beautiful environment, would be a beneficial amenity to the community; the request was in the best posture possible and asked that a recommendation of approval be forwarded to the Board of Supervisors for consideration.

In response to questions from the Commission, Ms. Coyner addressed concerns and answered questions relative to the use, permits for tents, the location of where food was served, the performance and results of a sound study, and other issues of concern.

Mr. Gecker opened the discussion for public comment.

Mr. Mel Kendall, Mr. Brian Schakel, Mr. Freddie Carrabotta, Ms. Flora Jones, Mr. Bernhard Born and Dr. Peter Tahsoh, adjacent and/or area residents, voiced opposition to the proposal, citing concerns relative to the inappropriateness of the use in a residential neighborhood; inappropriate signage; noise pollution; light intrusion; devaluation of property values; hours of operation; serving of alcoholic beverages; and the setting of a precedent to permit similar future uses. A petition containing seventy-five (75) signatures in opposition to the request was submitted.

Ms. Mary Chappell, Ms. Rosa Harris, Ms. Holly Hallmark, Ms. Rosemary Harris, Mr. Hagler Bass, Ms. Janet Sheffield, Ms. Janna Kester, Ms. Stacy Sullivan, Ms. Demetria Green, Mr. Tony Golden and Ms. Melanie Golden, adjacent and/or area residents, voiced support for the proposal, citing the well-kept, beautiful environment of the property, the use would be a beneficial amenity to the community; and approval of the request would provide a needed service in the County.

There being no one else to speak, Mr. Gecker closed the public comment.

In rebuttal, Ms. Coyner indicated the Hagers had worked diligently to address area residents' concerns and accommodate their concerns. She indicated the applicants wished to be good neighbors and have a positive impact on the community.

Mr. Wilson stated this request had been in the process for some time; there had been numerous meetings to address citizens' concerns and resolve issues; and a sound study had been performed. He stated he had felt it was in the community's best interest to continue working on the request to get it in the best posture possible prior to sending it to the Board of Supervisors for consideration; however, given the fact that the applicants had been unable to regain the community's trust, the level of citizen opposition remained very strong and the proposed use did not comply with the area Plan, he did not feel a recommendation for approval would be appropriate.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend denial of Case 06SN0337.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

06SN0344: In Midlothian Magisterial District, **JMS INVESTMENTS LLC** requested rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for single family residential use of 2.0 units per acre or less. This request lies on 1.6 acres fronting approximately 150 feet on the south

line of Midlothian Turnpike, also fronting approximately 610 feet on the west line of County Line Road and located in the southwest quadrant of the intersection of these roads. Tax ID 705-708-2447.

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting that although the request was unique given the subject property's location and existing non-conforming improvements and given these considerations, it would be appropriate to permit limited commercial use of the property under certain circumstances, the proffered conditions failed to adequately address transportation impacts. She stated, specifically, the existing structure may be occupied by uses that generate more traffic than the existing bank (i.e., access control, right of way dedication, widening and turn lanes) and it was staff's position that these proffered transportation improvements should be addressed with any use of the property that generated more traffic than the existing bank.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting that the request presented a unique situation given the subject property's location and existing non-conforming improvements; that the property bordered an area to the east suggested for light industrial and office uses by the *Route 288 Corridor Plan* and property to the west within Powhatan County that was zoned for commercial development; that, prior to 1995, the property was located within Powhatan County and developed as a bank use; the applicant proposed a modest addition to the structure; and the proffered conditions addressed the use and provided improvements. He stated the applicant felt the request was fair and reasonable and asked that a favorable recommendation be forwarded to the Board of Supervisors for consideration.

Mr. Gecker opened the discussion for public comment.

Ms. Andrea Epps, a County resident, questioned if approval of the request would be considered down-zoning and what would happen if Powhatan County wished to utilize the property.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance for Chesterfield, supported approval of the request, noting she felt a commercial use was appropriate.

There being no one else to speak, Mr. Gecker closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 06SN0344 and acceptance of the following proffered conditions:

<u>PROFFERED CONDITIONS</u>

1. Uses shall be restricted to those permitted by right or with restrictions in the Corporate Office (O-2) District. Provided, however, Neighborhood Business (C-2) uses shall be permitted within the structure shown on the plan dated December 29, 2006, prepared by Balzer and Associates, Inc. (Plan), to include use of the existing parking and access both of which are shown on the Plan to serve the uses within the building shown on the Plan. Should the structure be removed; damaged such that the estimated reconstruction cost, exclusive of foundation, exceeds fifty percent of its assessed value per county records; or expanded beyond a cumulative area of 3,800 gross square feet, which includes any expansion that may occur within Powhatan County, uses shall be restricted to those permitted by right or with restrictions in the O-2 District. (P)

2. A maximum of eight (8) parking spaces associated with any Neighborhood Business (C-2) uses located adjacent to and west of the subject property within Powhatan County, such property being identified on the Plan, shall be permitted on the subject property provided they are located behind the rear line of the existing structure. Should the existing structure be removed, such parking shall be located no closer than eighty (80) feet from the ultimate right-of-way of Midlothian Turnpike. (P)

3. Prior to, or in conjunction with, 1) construction of any new structures, 2) expansion of the structure identified on the Plan beyond a cumulative area of 3,800 gross square feet, which includes any expansion that may occur within Powhatan County, or 3) construction of any parking or access other than that shown on the Plan, the following shall be accomplished:

   A. The 0.45 phosphorus runoff standard shall be achieved on site through BMP's or other measures. (EE)

   B. Freestanding light fixtures shall not exceed a height of fifteen (15) feet measured from the top of curb. (P)

   C. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)

   D. The public water and wastewater systems shall be utilized for all structures. (U)

   E. <u>Access</u>.

      i. Direct vehicular access from the property to County Line Road shall be limited to one entrance/exit. The exact location of this access shall be approved by the Transportation Department.

      ii. There shall be no direct vehicular access from the property to Route 60. (T)

   F. To provide an adequate roadway system, the developer shall be responsible for the following improvements:

      i. Prior to site plan approval, a maximum forty-five (45) feet of right-of-way along the west side of County Line Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

      ii. Construction of an additional lane of pavement along Route 60 for the entire property frontage.

iii. Construction of additional pavement along County Line Road at the approved access to provide left and right turn lanes, if warranted, based on Transportation Department standards.

iv. Widening/improving the west side of County Line Road to an eleven (11) foot wide travel lane, measured from the existing centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder, and overlaying the full width of the road with one and a half (1.5) inch of compacted bituminous asphalt concrete, with any modifications approved by the Transportation Department, for the entire property frontage.

v. Closing the existing access to Route 60 and County Line Road, and

vi. Dedication to Chesterfield County, free and unrestricted, any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire any "off-site" right-of-way that is necessary for any improvement described in Proffered Condition 3.F. the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the "off-site" right-of-way, the developer shall be relieved of the obligation to acquire the "off-site" right-of-way and shall provide the road improvements within available right-of-way, as determined by the Transportation Department. In this event, the road improvements may differ from those identified above because of limited right-of-way. (T)

G. Prior to any site plan approval, a phasing plan for the required road improvements, as identified in Proffered Condition 3.F, shall be submitted to and approved by the Transportation Department. (T)

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

H. CITIZENS' COMMENTS ON UNSCHEDULED MATTERS.

Ms. Barbara Rowe, a resident of Walton Park, expressed concerns relative to development trends in the district and asked that an expedient review of, and subsequent revision to, the *Midlothian Area Plan* be considered.

Ms. Marleen Durfee, Executive Director of the Responsible Growth Alliance of Chesterfield, addressed policies/procedures; roles of the Commissioners; the process of bringing forward zoning requests; and suggested the Commission take action to reaffirm the public's trust.

I. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gulley, seconded by Mr. Wilson, that the meeting adjourned at 10:36 p. m. to February 20, 2007, at 12:00 Noon in the Multipurpose Meeting Room of the Chesterfield County Community Development Customer Service Building, 9800 Government Center Parkway, Chesterfield, VA.

AYES: Messrs. Gecker, Gulley, Wilson, Litton and Bass.

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Chairman/Date Secretary/Date