

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,  
2 Virginia, held in the Board Room of the County Administration Building in the Government  
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, July 25,  
4 2001.

5

6 Members Present: Ms. Elizabeth G. Dwyer, C.P.C., Vice Chairperson (Tuckahoe)  
7 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)  
8 Mr. Allen Taylor, P. E., C.P.C. (Three Chopt)  
9 Mr. E. Ray Jernigan (Varina)  
10 Mr. David A. Kaechele, Board of Supervisors Representative  
11 (Three Chopt)

12

13 Member Absent: Mr. C. W. Archer, C.P.C., Chairperson (Fairfield)

14

15 Others Present: Mr. John R. Marlles, AICP, Director of Planning, Secretary  
16 Mr. Randall R. Silber, Assistant Director of Planning  
17 Mr. David D. O'Kelly, Jr., Principal Planner  
18 Ms. Leslie A. News, CLA, County Planner  
19 Mr. James P. Strauss, CLA, County Planner  
20 Mr. E. J. (Ted) McGarry, III, County Planner  
21 Mr. Kevin D. Wilhite, County Planner  
22 Mr. Michael F. Kennedy, County Planner  
23 Ms. Christina L. Goggin, County Planner  
24 Mr. Todd Eure, Assistant Traffic Engineer  
25 Mr. Keith White, Public Works  
26 Ms. Diana B. Carver, Recording Secretary

27

28 **Mr. David A. Kaechele, the Board of Supervisors Representative, abstains on all cases**  
29 **unless otherwise noted.**

30

31 Ms. Dwyer - This meeting of the July 25, 2001, Planning Commission will now come  
32 to order. Good morning everyone. Okay, Mr. Secretary, let's begin with the first item on the  
33 agenda.

34

35 Mr. Marlles - Thank you, Madam Chairman. Good morning, ladies and gentlemen.  
36 We do have a quorum of the Planning Commission. Mr. Archer, I believe, is on vacation this  
37 week and will not be joining us. The first item on the agenda is requests for deferrals and  
38 withdrawals. We do have a number of those. We have a very long agenda today. I'm going  
39 to ask Mr. McGarry to present those requests.

40

41 Ms. Dwyer - Good morning, Mr. McGarry.

42

43 Mr. McGarry - Good morning, Madam Chair, members of the Commission, ladies and  
44 gentlemen. Staff is aware of a total of nine requests for deferrals and withdrawals, seven are  
45 on the screen in front of you and I will add two more at the end. The first one is on page three

46 of your agenda.

47 **TRANSFER OF APPROVAL (Deferred from the June 27, 2001 Meeting)**

48

POD-7-76  
Huntington Village  
Apartments (Formerly  
Westminister Commons  
Apartments)  
(POD-38-73 and POD-40-74  
Revised)

**Morton G. Thalhimer, Inc. for SLSM, LLC:** Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Westminister Commons Association to SLSM, LLC, Inc. The 21.83 acre site is located at the northeast corner of U.S. Route 301 and Crenshaw Road Extended on parcel 84-A-25. The zoning is R-5, One-Family Residence District and R-6, General Residence District. **(Fairfield)**

49

50 Mr. McGarry - The applicant requests deferral to September 26, 2001.

51

52 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of transfer of  
53 approval for POD-7-76, Huntington Village Apartments? Seeing none. This is in the Fairfield  
54 district, and Mr. Archer has asked me to handle this case for him. So, I will move for the  
55 deferral of POD-7-76 to our September 26, meeting.

56

57 Mr. Vanarsdall - Second.

58

59 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall.  
60 All in favor say aye...all opposed say nay. The motion carries.

61

62 At the request of the applicant, the Planning Commission deferred the transfer of approval  
63 request for POD-7-76, Huntington Village Apartments (Formerly Westminister Commons  
64 Apartments) (POD-38-73 and POD-40-74 Revised), to its September 26, 2001, meeting.

65

66 **TRANSFER OF APPROVAL**

67

POD-138-88  
Lakeside Animal Hospital -  
Lakeside Avenue

**Hirschler, Fleischler, Weinberg, Cox & Allen for Lakeside  
Animal Properties, LLC:** Request for approval of a partial transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Nancy S. Lickey to Lakeside Animal Properties, LLC. The .55 acre site is located on the west line of Lakeside Avenue, between Barclay Road and Winwood Road on parcels 94-14-4-17, 19, 21A, 22 and 24. The zoning is B-2, Business District. **(Fairfield)**

68

69 Mr. McGarry - The applicant requests deferral to September 26, 2001.

70

71 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of transfer of  
72 approval for POD-138-88. Lakeside Animal Hospital? Seeing no opposition. I move for the  
73 deferral of POD-138-88 to our September 26, meeting.

74



104

105 Mr. McGarry - The applicant requests deferral to September 26, 2001.

106

107 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of the  
108 landscape and lighting plan for LP/POD-42-00, Springfield Commons? No opposition.

109

110 Mr. Taylor - Madam Chairman, I move deferral of LP/POD-42-00, Springfield  
111 Commons, to September 26, 2001, at the applicant's request.

112

113 Mr. Vanarsdall - Second.

114

115 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
116 All in favor say aye...all opposed say nay. The motion carries.

117

118 At the request of the applicant, the Planning Commission deferred the landscape and lighting  
119 plan for LP/POD-42-00, Springfield Commons, to its September 26, 2001, meeting.

120

121 **REVISED PLAN OF DEVELOPMENT & REVISED LANDSCAPE PLAN**

122

POD-85-97

Lowes @ Short Pump -  
Pouncey Tract Road

**McKinney & Company for Lowe's Home Centers Inc.:**

Request for approval of a revised plan of development for approval of an outdoors sales area and a revised landscape plan, as required by Chapter 24, Sections 24-106, 24-62.1(i) and 24-106.2 of the Henrico County Code. The 16.21 acre site is located at the southeast corner of Interstate 64 and Pouncey Tract Road on part of parcel 36-A-18-G. The zoning is B-3C, Business District (Conditional) and WBSO (W. Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

123

124 Mr. McGarry - The applicant requests deferral to September 26, 2001.

125

126 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-85-  
127 97, Lowes @ Short Pump? There's no opposition. Ready for a motion.

128

129 Mr. Taylor - Madam Chairman, I move deferral of POD-85-97, Lowes @ Short  
130 Pump, to September 26, 2001, at the applicant's request.

131

132 Mr. Vanarsdall - Second.

133

134 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
135 All in favor say aye...all opposed say nay. The motion carries.

136

137 At the request of the applicant, the Planning Commission deferred the revised plan of  
138 development and revised landscape plan for POD-85-97, Lowes @ Short Pump, to its  
139 September 26, 2001, meeting.

140

141 **PLAN OF DEVELOPMENT & ALTERNATIVE FENCE HEIGHT PLAN**

142

POD-24-01  
Emmaus United Methodist  
Church - Staples Mill Road  
and Wistar Road

**Hulcher & Associates, Inc. for Yunho Eo:** Request for approval of a plan of development and an alternative fence height plan, as required by Chapter 24, Sections 24-106 and 24-95.(1.)(7)b of the Henrico County Code to construct a one-story, 5,348 square foot lecture hall connected to an existing building. The 3.412-acre site is located on the northeast corner of Staples Mill and Wistar Roads at 8001 Staples Mill Road on parcel 71-A-55. The zoning is R-3, One-Family Residence District. County water and septic tank/drainfield. **(Brookland)**

143

144 Mr. McGarry - The applicant requests deferral to September 26, 2001.

145

146 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-24-  
147 01, Emmaus United Methodist Church? There's no opposition. Ready for a motion.

148

149 Mr. Vanarsdall - I move that POD-24-01, Emmaus United Methodist Church be deferred,  
150 to September 26, 2001, at the applicant's request.

151

152 Mr. Taylor - Second.

153

154 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
155 All in favor say aye...all opposed say nay. The motion carries.

156

157 At the request of the applicant, the Planning Commission deferred POD-24-01, Emmaus  
158 United Methodist Church, to its September 26, 2001, meeting.

159

160 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

161

POD-49-01  
O'Charley's -  
W. Broad Street and  
Horsepen Road

**James A. Craig and Foster & Miller, P.C. for Kimco Richmond 800, Inc. and O'Charley's Inc.:** Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 7,062 square foot restaurant. The 1.92 acre site is located at the southwest intersection of W. Broad Street (U.S. Route 250) and Horsepen Road on part of parcel 92-A-47. The zoning is B-2, Business District. County water and sewer. **(Three Chopt)**

162

163 Mr. McGarry - The applicant requests deferral to September 26, 2001.

164 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-49-  
165 01, O'Charley's on W. Broad Street and Horsepen Road? There's no opposition. Ready for a  
166 motion.

167

168 Mr. Taylor - Madam Chairman, I move deferral of POD-49-01, O'Charley's, at the  
169 applicant's request, to September 26, 2001.

170

171 Mr. Vanarsdall - Second.

172

173 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
174 All in favor say aye...all opposed say nay. The motion carries.

175

176 At the request of the applicant, the Planning Commission deferred POD-49-01, O'Charley's -  
177 W. Broad Street and Horsepen Road, to its September 26, 2001, meeting.

178

179 Mr. McGarry - The two additional deferrals we have, the first one is on page 20 of your  
180 agenda.

181

## 182 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

183

POD-53-01  
Parham Place II -  
E. Parham Road  
(POD-150-86, POD-75-99  
and POD-85-00 Revised)

**Balzer & Associates, Inc. for Parham Place II Associates LLC:** Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct a one-story, 28,800 square foot office building. The 3.94 acre site is located at 1920 East Parham Road on the north line of E. Parham Road approximately 1,050 feet east of Lydell Drive on parcel 52-A-5C and part of 5. The zoning is O-2C, Office District (Conditional) and R-3, One-Family Residence District. County water and sewer. **(Brookland)**

184

185 Mr. McGarry - The applicant requests deferral to your August 9, 2001, meeting.

186

187 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-53-  
188 01, Parham Place II, to August 9, 2001, that's our evening meeting? There's no opposition.  
189 Ready for a motion.

190

191 Mr. Vanarsdall - I move POD-53-01 be deferred, at the applicant's request, to August 9  
192 2001.

193

194 Mr. Taylor - Second.

195

196 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
197 All in favor say aye...all opposed say nay. The motion carries.

198

199 At the request of the applicant, the Planning Commission deferred POD-53-01, Parham Place  
200 II (POD-150-86, POD-75-99 and POD-85-0 Revised), to its August 9, 2001, meeting.

201

202 **PLAN OF DEVELOPMENT**

203

POD-42-01

Spring Oak Retail -

W. Broad Street and Spring  
Oak Drive

**Balzer & Associates, Inc. for HHHunt Corporation and  
WSG Development Company:** Request for approval of a plan  
of development, as required by Chapter 24, Section 24-106 of  
the Henrico County Code to construct a one-story, 5,780  
square foot retail facility. The 0.71 acre site is located at the  
southeast corner of W. Broad Street (U.S. Route 250) and  
Spring Oak Drive at 11591 W. Broad Street on parcel 36-A-51.  
The zoning is B-1C, Business District (Conditional). County  
water and sewer. **(Three Chopt)**

204

205 Mr. McGarry - The applicant requests deferral to your September 13, 2001, meeting.

206

207 Ms. Dwyer - Is there anyone in the audience in opposition to the deferral of POD-42-  
208 01, Spring Oak Retail, to September 13, 2001? There's no opposition. Ready for a motion.

209

210 Mr. Taylor - Madam Chairman, I move deferral of POD-42-01, Spring Oak Retail, to  
211 September 13, 2001, Zoning Meeting, at the applicant's request.

212

213 Mr. Jernigan - Second.

214

215 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All  
216 in favor say aye...all opposed say nay. The motion carries.

217

218 At the request of the applicant, the Planning Commission deferred POD-42-01, Spring Oak  
219 Retail, to its September 13, 2001, meeting.

220

221 Ms. Dwyer - Is that all, Mr. McGarry, for the requests for deferrals and withdrawals?

222

223 Mr. McGarry - That's all that staff is aware of.

224

225 Ms. Dwyer - Is there anyone in the audience who would like to come forward to defer  
226 or withdraw a case that we are unaware of? Okay. Let's go on to the next item.

227

228 Mr. Marlles - Madam Chairman, the next item on the agenda is our expedited agenda.  
229 And, just in the way of an explanation, for the citizens in the audience. In order to get on the  
230 expedited agenda the staff must be recommending approval of the applicant's request subject to  
231 any standards or annotations on the plan that are being recommended by the staff. The  
232 applicant must submit a letter stating its agreement with the staff's recommendations. Third.  
233 There is no known opposition to the approval of the plan. And, finally, the plan does not  
234 require any type of special exception, alternative fence height request, transitional buffer

235 deviation, variances, or provisional use permits. So, with that brief explanation to the  
236 audience, Mr. McGarry would you review that list.

237

238 Mr. McGarry - The first item is on page seven.

239

240 **SUBDIVISION (Deferred from the June 27, 2001, Meeting)**

241

Hollybrook Townhouses (Formerly Parkview Townhouses) (June 2001 Plan)	<b>Balzer &amp; Associates, Inc. and Skip Gelletly for Marvin F. Cole and EJD Associates, Inc.:</b> The 6.42 acre site is located 2,200 feet east of Mechanicsville Turnpike (U.S. Route 360) on St. Clair Lane on parcel 139-A-10. The zoning is RTH, Residential Townhouse District. County water and sewer. <b>(Fairfield) 58 62 Lots</b>
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242

243 Mr. McGarry - There is an addendum item on this case. The addendum states: The staff  
244 can now recommend conditional approval subject to the annotations on the plan, the standard  
245 conditions and the additional conditions on the agenda.

246

247 Ms. Dwyer - So the only item on the addendum is simply the revised  
248 recommendation?

249

250 Mr. McGarry - Correct.

251

252 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Hollybrook  
253 Townhouses (June 2001 Plan)? There is no opposition. I'll make a motion to approve the  
254 subdivision Hollybrook Townhouses (Formerly Parkview Townhouses) (June 2001 Plan).

255

256 Mr. Jernigan - Second.

257

258 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Jernigan. All  
259 in favor say aye...all opposed say nay. The motion carries.

260

261 The Planning Commission granted conditional approval to subdivision Hollybrook  
262 Townhouses (Formerly Parkview Townhouses) (June 2001 Plan) subject to the standard  
263 conditions attached to these minutes for subdivision served by public utilities, the annotations  
264 on the plan and the following additional conditions:

265

266 13. Prior to requesting recordation, the developer shall furnish a letter from Dominion  
267 Virginia Power stating that this proposed development does not conflict with its facilities.

268 14. Any necessary offsite drainage easements must be obtained prior to approval of the  
269 construction plan by the Department of Public Works.

270



271 **SUBDIVISION**

272

Shae Place  
(July 2001 Plan)

**Balzer & Associates, Inc. for Donald N. Blake** The 4.37 acre site is located at 11471 Mill Road along the south side of Mill Road opposite Chickahominy Branch Drive on parcels 13-A-27 and 13-A-28. The zoning is R-2, One-Family Residence District. County water and sewer.  
**(Brookland) 8 Lots**

273

274 Mr. McGarry - There is an addendum item on this case. The addendum states: The staff  
275 can now recommend conditional approval subject to the annotations on the plan, the standard  
276 conditions and the additional conditions on the agenda.

277

278 Ms. Dwyer - So the only item on the addendum is simply the revised  
279 recommendation?

280

281 Mr. McGarry - Correct.

282

283 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Shae Place  
284 (July 2001 Plan)? There is no opposition. Ready for a motion.

285

286 Mr. Vanarsdall - I move Shae Place (July 2001 Plan) be approved on the expedited agenda  
287 as recommended by staff.

288

289 Mr. Taylor - Second.

290

291 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
292 All in favor say aye...all opposed say nay. The motion carries.

293

294 The Planning Commission granted conditional approval to subdivision Shae Place (July 2001  
295 Plan) subject to the standard conditions attached to these minutes for subdivision served by  
296 public utilities, the annotations on the plan and the following additional condition:

297

298 12. The detailed plant list and specifications for the landscaping to be provided within the 25-  
299 foot-wide planting strip easement Lots 2, 7 and 8, abutting Mill Road, shall be submitted  
300 to the Planning Office for review and approval prior to recordation of the plat.

301

302 **SUBDIVISION**

303

Vial (A Resubdivision of  
Section 1)  
(July 2001 Plan)

**Shadrach & Neal, Inc. and Ronald D. Swinson for Nazar Aljabar:** The 1 acre site is located at 9950 Staples Mill Road on parcel 40-A-24. The zoning is R-2, One-Family Residence District. County water and sewer. **(Brookland) 2 Lots**

304 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Vial (A  
305 Resubdivision of Section 1) (July 2001 Plan)? There is no opposition. Ready for a motion.

306

307 Mr. Vanarsdall - I move Vial subdivision, Section 1, the July 2001 Plan, be approved on  
308 the expedited agenda as recommended by staff and with condition No. 12.

309

310 Mr. Taylor - Second.

311

312 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
313 All in favor say aye...all opposed say nay. The motion carries.

314

315 The Planning Commission granted conditional approval to subdivision Vial (A Resubdivision  
316 of Section 1) (July 2001 Plan) subject to the standard conditions attached to these minutes for  
317 subdivisions served by public utilities, the annotations on the plan and the following additional  
318 condition:

319

320 12. The detailed plant list and specifications for the landscaping to be provided within the 10-  
321 foot-wide planting strip easement, abutting Merkner Drive, shall be submitted to the  
322 Planning Office for review and approval prior to recordation of the plat.

323

#### 324 **PLAN OF DEVELOPMENT**

325

POD-52-01  
Shrader Road Medical  
Facility

**Balzer & Associates, for Small Health Care Development:**  
Request for approval of a plan of development, as required by  
Chapter 24, Section 24-106 of the Henrico County Code to  
construct a one-story, 14,000 square foot medical office  
facility. The 2.37 acre site is located on the north side of  
Shrader Road approximately 1,000 feet west of Hungary Spring  
Road on part of parcel 70-10-1-1. The zoning is O-2C, Office  
District (Conditional). County water and sewer. **(Brookland)**

326

327 Ms. Dwyer - Is there anyone in the audience in opposition to POD-52-01, Shrader  
328 Road Medical Facility? There is no opposition. Ready for a motion.

329

330 Mr. Vanarsdall - I move POD-52-01, Shrader Road Medical Facility, be approved on the  
331 expedited agenda, as recommended by staff with the conditions Nos. 23 through 29.

332

333 Mr. Taylor - Second.

334

335 Ms. Dwyer - The motion was made by Mr. Vanarsdall for approval and seconded by  
336 Mr. Taylor. All in favor say aye...all opposed say nay. The motion carries.

337

338 The Planning Commission approved POD-52-01, Shrader Road Medical Facility, subject to the

339 standard conditions attached to these minutes for developments of this type, the annotations on  
340 the plan and the following additional conditions:

341

342 23. The developer shall provide fire hydrants as required by the Department of Public Utilities  
343 and Division of Fire.

344 24. The proffers approved as a part of zoning case **C-23C-01** shall be incorporated in this  
345 approval.

346 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in a  
347 form acceptable to the County Attorney prior to final approval of the construction plans.

348 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
349 approved by the County Engineer prior to final approval of the construction plans by the  
350 Department of Public Works.

351 27. Insurance Services Office (ISO) calculations must be included with the plans and approved  
352 by the Department of Public Utilities prior to the issuance of a building permit.

353 28. Approval of the construction plans by the Department of Public Works does not establish  
354 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
355 elevations will be set by Henrico County.

356 29. Refuse collection and parking lot cleaning shall not occur between the hours of 8:00 p.m.  
357 and 8:00 a.m., per proffer No. 3.

358

### 359 **PLAN OF DEVELOPMENT**

360

POD-48-01

The Townes at Meredith  
Creek - Hungary and  
Springfield Roads

**Koontz-Bryant, P.C. for Ima M. Liesfield Family Limited  
Partnership and Wilton Real Estate & Development Corp.:**  
Request for approval of a plan of development, as required by  
Chapter 24, Section 24-106 of the Henrico County Code to  
construct 98 townhouses with a clubhouse and pool. The 29.77  
acre site is located on the northeast intersection of Hungary  
Road and Springfield Road on parcel 38-A-44. The zoning is  
RTHC, Residential Townhouse District (Conditional). County  
water and sewer. **(Brookland)**

361

362 Ms. Dwyer - Is there anyone in the audience in opposition to POD-48-01, The Townes  
363 at Meredith Creek, located at Hungary and Springfield Roads?

364 Mr. Taylor - Madam Chairman, I believe that is in the Three Chopt district?

365 Mr. Kaechele - Yes, it is.

366 Mr. Vanarsdall - No.

367 Mr. McGarry - It just moved into the Brookland District with the new magisterial district  
368 boundaries.

369 Mr. Kaechele - Excuse me. Have the Justice Department approved those lines yet?

370 Mr. Vanarsdall - The rezoning took place in Three Chopt and then they moved the lines  
371 and the POD takes place in Brookland.

372 Mr. Kaechele - Well, that's a technically, I think.  
373

374 Mr. Vanarsdall - I move POD-48-01, The Townes at Meredith Creek, Hungary and  
375 Springfield Road, be approved on the expedited agenda as recommended by staff and condition  
376 No. 9 amended and additional conditions Nos. 23 through 39.

377

378 Mr. Taylor - I will definitely second that one.  
379

380 Ms. Dwyer - So, we have both Three Chopt and Brookland on board. The motion was  
381 made by Mr. Vanarsdall and seconded by Mr. Taylor. All in favor say aye...all opposed say  
382 nay. The motion carries.

383

384 The Planning Commission approved POD-48-01, The Townes at Meredith Creek - Hungary  
385 and Springfield Roads, subject to the standard conditions attached to these minutes for  
386 developments of this type, the annotations on the plan and the following additional conditions:

387

388 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
389 review and Planning Commission approval prior to the issuance of any occupancy  
390 permits.

391 23. The subdivision plat for The Townes at Meredith Creek shall be recorded before any  
392 building permits are issued.

393 24. The right-of-way for widening of Hungary Road as shown on approved plans shall be  
394 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
395 dedication plat and any other required information shall be submitted to the County  
396 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

397 25. The easements for drainage and utilities as shown on approved plans shall be granted to  
398 the County in a form acceptable to the County Attorney prior to any occupancy permits  
399 being issued. The easement plats and any other required information shall be submitted  
400 to the County Real Property Agent at least sixty (60) days prior to requesting  
401 occupancy permits.

402 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
403 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
404 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
405 easement shall be granted to the County prior to the issuance of any occupancy permits.

406 27. The entrances and drainage facilities on Springfield Road shall be approved by the  
407 Virginia Department of Transportation and the County.

408 28. A notice of completion form, certifying that the requirements of the Virginia  
409 Department of Transportation entrances permit have been completed, shall be submitted  
410 to the Planning Office prior to any occupancy permits being issued.

411 29. The required building setback shall be measured from the proposed right-of-way line  
412 and the parking shall be located behind the proposed right-of-way line.

413 30. The developer shall provide fire hydrants as required by the Department of Public

- 414 Utilities and Division of Fire.
- 415 31. The proffers approved as a part of zoning case **C-80C-00** shall be incorporated in this  
416 approval.
- 417 32. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
418 a form acceptable to the County Attorney prior to final approval of the construction  
419 plans.
- 420 33. Deviations from County standards for pavement, curb or curb and gutter design shall be  
421 approved by the County Engineer prior to final approval of the construction plans by  
422 the Department of Public Works.
- 423 34. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
424 County standard and specifications. The developer shall post a defect bond for all  
425 pavement with the Planning Office - the exact type, amount and implementation shall be  
426 determined by the Director of Planning, to protect the interest of the members of the  
427 Homeowners Association. The bond shall become effective as of the date that the  
428 Homeowners Association assumes responsibility for the common areas.
- 429 35. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
430 drainage plans.
- 431 36. Insurance Services Office (ISO) calculations must be included with the plans and  
432 approved by the Department of Public Utilities prior to the issuance of a building  
433 permit.
- 434 37. Approval of the construction plans by the Department of Public Works does not  
435 establish the curb and gutter elevations along the Henrico County maintained right-of-  
436 way. The elevations will be set by Henrico County.
- 437 38. Approval of the construction plans by the Department of Public Works does not  
438 establish the curb and gutter elevations along the Virginia Department of Transportation  
439 maintained right-of-way. The elevations will be set by the contractor and approved by  
440 the Virginia Department of Transportation.
- 441 39. The owners shall not begin clearing of the site until the following conditions have been  
442 met:
- 443
- 444 (a) The site engineer shall conspicuously illustrate on the plan of development or  
445 subdivision construction plan and the Erosion and Sediment Control Plan, the  
446 limits of the areas to be cleared and the methods of protecting the required  
447 buffer areas. The location of utility lines, drainage structures and easements  
448 shall be shown.
- 449 (b) After the Erosion and Sediment Control Plan has been approved but prior to any  
450 clearing or grading operations of the site, the owner shall have the limits of  
451 clearing delineated with approved methods such as flagging, silt fencing or  
452 temporary fencing.
- 453 (c) The site engineer shall certify in writing to the owner that the limits of clearing  
454 have been staked in accordance with the approved plans. A copy of this letter  
455 shall be sent to the Planning Office and the Department of Public Works.
- 456 (d) The owner shall be responsible for the protection of the buffer areas and for  
457 replanting and/or supplemental planting and other necessary improvements to  
458 the buffer as may be appropriate or required to correct problems. The details

459 shall be included on the landscape plans for approval.

460

461 **PLAN OF DEVELOPMENT**

462

POD-50-01  
Virginia Conference of  
United Methodist Church  
Office at CrossRidge

**Jordan Consulting Engineers, P.C. for United Methodist Church, Inc. Board of Trustees:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 33,770 square foot administrative office building and a one-story, 2,660 square foot credit union. The 4.18 acre site is located on the corner of Staples Mill Road and CrossRidge Glen Way on parcels 40-A-1A and 40-A-6. The zoning is O-2C, Office District (Conditional). County water and sewer.  
**(Brookland)**

463

464 Mr. McGarry - There is a revised recommendation on this case. The plan is being  
465 revised to eliminate the need for an administrative transitional buffer deviation of 2.2 feet, and  
466 to eliminate unnecessary parking.

467

468 Ms. Dwyer - Is there anyone in the audience in opposition to POD-50-01, Virginia  
469 Conference United Methodist Church Office at CrossRidge? There is no opposition. Ready  
470 for a motion.

471

472 Mr. Vanarsdall - I move POD-50-01, Virginia Conference of United Methodist Church  
473 Office at CrossRidge, be approved and include the notation on the addendum and conditions  
474 Nos. 23 through 34.

475

476 Mr. Taylor - Second.

477

478 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
479 All in favor say aye...all opposed say nay. The motion carries.

480

481 The Planning Commission approved POD-50-01, Virginia Conference of United Methodist  
482 Church Office at CrossRidge, subject to the standard conditions attached to these minutes for  
483 developments of this type, the annotations on the plan and the following additional conditions:

484

485 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
486 the County in a form acceptable to the County Attorney prior to any occupancy permits  
487 being issued. The easement plats and any other required information shall be submitted  
488 to the County Real Property Agent at least sixty (60) days prior to requesting  
489 occupancy permits.

490 24. The entrances and drainage facilities on Staples Mill Road (State Route 33) shall be  
491 approved by the Virginia Department of Transportation and the County.

492 25. A notice of completion form, certifying that the requirements of the Virginia  
493 Department of Transportation entrances permit have been completed, shall be submitted

- 494 to the Planning Office prior to any occupancy permits being issued.  
495 26. The developer shall provide fire hydrants as required by the Department of Public  
496 Utilities and Division of Fire.  
497 27. The proffers approved as a part of zoning case **C-1C-01** shall be incorporated in this  
498 approval.  
499 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
500 a form acceptable to the County Attorney prior to final approval of the construction  
501 plans.  
502 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
503 approved by the County Engineer prior to final approval of the construction plans by  
504 the Department of Public Works.  
505 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
506 drainage plans.  
507 31. Insurance Services Office (ISO) calculations must be included with the plans and  
508 approved by the Department of Public Utilities prior to the issuance of a building  
509 permit.  
510 32. Approval of the construction plans by the Department of Public Works does not  
511 establish the curb and gutter elevations along the Henrico County maintained right-of-  
512 way. The elevations will be set by Henrico County.  
513 33. Approval of the construction plans by the Department of Public Works does not  
514 establish the curb and gutter elevations along the Virginia Department of Transportation  
515 maintained right-of-way. The elevations will be set by the contractor and approved by  
516 the Virginia Department of Transportation.  
517 34. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
518 Planning Office and approved prior to issuance of a certificate of occupancy for this  
519 development.

520

521 **PLAN OF DEVELOPMENT**

522

POD-54-01  
Magnolia Pointe

**Michael E. Doczi & Associates, PLLD for Magnolia Pointe, LLC:** Request for approval of a plan of development as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 66 residential townhouses. The 12.521 acre site is located at the intersection of Virginia Center Parkway and Francis Road on parcels 32-A-114A, 32-A-117, 32-A-122 and 32-A-102N. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Fairfield)**

523

524 Ms. Dwyer - Is there anyone in the audience in opposition to POD-54-01, Magnolia  
525 Pointe? There is no opposition. Ready for a motion.

526

527 Mr. Vanarsdall - I move POD-54-01, Magnolia Pointe, be approved on the expedited  
528 agenda as recommended by staff, and also conditions No. 9 amended and Nos. 23 through 32.

529 Mr. Taylor - Second.

530

531 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
532 All in favor say aye...all opposed say nay. The motion carries.

533

534 The Planning Commission approved POD-54-01, Magnolia Pointe, subject to the standard  
535 conditions attached to these minutes for developments of this type, the annotations on the plan  
536 and the following additional conditions:

537

538 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
539 review and Planning Commission approval prior to the issuance of any occupancy  
540 permits.

541 23. The subdivision plat for Magnolia Pointe shall be recorded before any building permits  
542 are issued.

543 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
544 the County in a form acceptable to the County Attorney prior to any occupancy permits  
545 being issued. The easement plats and any other required information shall be submitted  
546 to the County Real Property Agent at least sixty (60) days prior to requesting  
547 occupancy permits.

548 25. The limits and elevations of the 100-year frequency flood shall be conspicuously noted  
549 on the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year  
550 floodplain must be labeled "Variable Width Drainage and Utility Easement." The  
551 easement shall be granted to the County prior to the issuance of any occupancy permits.

552 26. The developer shall provide fire hydrants as required by the Department of Public  
553 Utilities and Division of Fire.

554 27. The proffers approved as a part of zoning case **C-66C-00** shall be incorporated in this  
555 approval.

556 28. Deviations from County standards for pavement, curb or curb and gutter design shall be  
557 approved by the County Engineer prior to final approval of the construction plans by  
558 the Department of Public Works.

559 29. The pavement shall be of an SM-2A type and shall be constructed in accordance with  
560 County standard and specifications. The developer shall post a defect bond for all  
561 pavement with the Planning Office - the exact type, amount and implementation shall be  
562 determined by the Director of Planning, to protect the interest of the members of the  
563 Homeowners Association. The bond shall become effective as of the date that the  
564 Homeowners Association assumes responsibility for the common areas.

565 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage  
566 plans.

567 31. Insurance Services Office (ISO) calculations must be included with the plans and  
568 approved by the Department of Public Utilities prior to the issuance of a building permit.

569 32. Approval of the construction plans by the Department of Public Works does not establish  
570 the curb and gutter elevations along the Henrico County maintained right-of-way. The  
571 elevations will be set by Henrico County.

572

573

574 **LANDSCAPE & LIGHTING PLAN (Deferred from the June 27, 2001, Meeting)**

575



LP/POD-93-00  
Capitol Floors & Decorating

**TIMMONS:** Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 3.0 acre site is located along the east side of Brookriver Drive on part of parcels 37-4-A-2B and 47-4-A-2. The zoning M-1C, Light Industrial District (Conditional) and WBSO (W. Broad Street Overlay) District. **(Three Chopt)**

576

577 Ms. Dwyer - Is there anyone in the audience in opposition to the landscape and  
578 lighting plan for LP/POD-93-00, Capitol Floors & Decorating? There is no opposition.  
579 Ready for a motion.

580

581 Mr. Taylor - Madam Chairman, I move approval of LP/POD-93-00, Capitol Floors &  
582 Decorating, subject to the annotations on the plans and the standard conditions for landscape  
583 and lighting plans.

584

585 Mr. Vanarsdall - Second.

586

587 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
588 All in favor say aye...all opposed say nay. The motion carries.

589

590 The Planning Commission approved the landscape and lighting plan for LP/POD-93-00,  
591 Capitol Floors & Decorating, subject to the annotations on the plan and the standard conditions  
592 attached to these minutes for landscape and lighting plans.

593

#### 594 **LANDSCAPE PLAN**

595

LP/POD-18-01  
Dental Office at Westgate -  
At Wellesley -Three Chopt  
Road

**TIMMONS for Wellesley Centre, L. C.:** Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 1.53 acre site is located along the north line of Three Chopt Road, approximately 600 feet east of Lauderdale Drive on part of parcel 36-A-49A. The zoning is O-3C, and WBSO (West Broad Street Overlay) District. **(Three Chopt)**

596

597 Ms. Dwyer - Is there anyone in the audience in opposition to the landscape plan for  
598 LP/POD-18-01, Dental Office at Westgate? There is no opposition. Ready for a motion.

599

600 Mr. Taylor - Madam Chairman, I move approval of landscape plan LP/POD-18-01,  
601 Dental Office at Westgate at Wellesley on Three Chopt Road on the expedited agenda, subject  
602 to the annotations on the plan and the standard conditions for landscape plans.

603

604 Mr. Vanarsdall - Second.

605 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

606 All in favor say aye...all opposed say nay. The motion carries.

607

608 The Planning Commission approved the landscape plan for LP/POD-18-01, Dental Office at  
609 Westgate - at Wellesley, subject to the annotations on the plan and the standard conditions  
610 attached to these minutes for landscape plans.

611

612 **PLAN OF DEVELOPMENT**

613

POD-29-01

Howard Johnson Hotel -  
Brook and Mountain Roads

**Carter Design for East Coast Oil Corporation and K. M. Patel:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 18,836 square foot, 36-room hotel and manager's apartment. The 1.05 acre site is located on the east line of Brook Road (U.S. Route 1) 200 feet south of Mountain Road on part of parcel 53-A-54. The zoning is B-3, Business District and B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

614

615 Ms. Dwyer - Is there anyone in the audience in opposition to POD-29-01, Howard  
616 Johnson Hotel? There is no opposition. Ready for a motion.

617

618 Mr. Vanarsdall - I recommend POD-29-01, Howard Johnson Hotel, Brook and Mountain  
619 Roads, be approved on the expedited agenda and the standard conditions for developments of  
620 this type and the annotations on the plan. And then we have additional conditions Nos. 23  
621 through 37.

622

623 Mr. Taylor - Second.

624

625 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.

626 All in favor say aye...all opposed say nay. The motion carries.

627

628 The Planning Commission approved POD-29-01, Howard Johnson Hotel, Brook and Mountain  
629 Roads, subject to the standard conditions attached to these minutes for developments of this  
630 type, the annotations on the plans and the following additional conditions:

631

632 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
633 the County in a form acceptable to the County Attorney prior to any occupancy permits  
634 being issued. The easement plats and any other required information shall be submitted  
635 to the County Real Property Agent at least sixty (60) days prior to requesting  
636 occupancy permits.

637 24. The entrances and drainage facilities on U.S. Route 1 shall be approved by the Virginia  
638 Department of Transportation and the County.

639 25. A notice of completion form, certifying that the requirements of the Virginia  
640 Department of Transportation entrances permit have been completed, shall be submitted  
641 to the Planning Office prior to any occupancy permits being issued.

642 26. The developer shall provide fire hydrants as required by the Department of Public

- 643 Utilities and Division of Fire.
- 644 27. All repair work shall be conducted entirely within the enclosed building.
- 645 28. Outside storage shall not be permitted.
- 646 29. A 10-foot planting strip to preclude ingress or egress along the west side of Telegraph  
647 Road shall be shown on the approved plans. The details shall be included with the  
648 required landscape plans for review and approval.
- 649 30. The proffers approved as a part of zoning case **C-24C-01** shall be incorporated in this  
650 approval.
- 651 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
652 a form acceptable to the County Attorney prior to final approval of the construction  
653 plans.
- 654 32. Deviations from County standards for pavement, curb or curb and gutter design shall be  
655 approved by the County Engineer prior to final approval of the construction plans by  
656 the Department of Public Works.
- 657 33. The loading areas shall be subject to the requirements of Chapter 24, Section 24-97(b)  
658 of the Henrico County Code.
- 659 34. Storm water retention, based on the 50-10 concept, shall be incorporated into the  
660 drainage plans.
- 661 35. Insurance Services Office (ISO) calculations must be included with the plans and  
662 approved by the Department of Public Utilities prior to the issuance of a building  
663 permit.
- 664 36. Approval of the construction plans by the Department of Public Works does not  
665 establish the curb and gutter elevations along the Henrico County maintained right-of-  
666 way. The elevations will be set by Henrico County.
- 667 37. Approval of the construction plans by the Department of Public Works does not  
668 establish the curb and gutter elevations along the Virginia Department of Transportation  
669 maintained right-of-way. The elevations will be set by the contractor and approved by  
670 the Virginia Department of Transportation.

671  
672 **PLAN OF DEVELOPMENT**

673

POD-7-99  
Grove Park, Phase II -  
Nuckols Road

**McKinney & Company for Highwoods Realty Ltd. Partnership and Highwoods Properties, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 71,326 square foot office building. The 5.14-acre site is located on the south line of Nuckols Road, approximately 640 feet east of Shady Grove Road on parcel 10-A-23C. The zoning is O/SC, Office/Service District (Conditional). County water and sewer. **(Three Chopt)**

674

675 Mr. McGarry - There is an addendum item on this case that adds condition No. 34,  
676 which reads: The applicant shall show parcels 10-A-23A (Phase 1) and 10-A-23C (Phase 2)  
677 combined on the construction plans for signature. A potential future property line that meets  
678 all zoning requirements shall be shown on these plans. If that is not possible, the applicant

679 shall provide a letter stating that he is aware that the individual parcels can **NOT** be sold  
680 independently of one another.

681

682 Ms. Dwyer - Is there anyone in the audience in opposition to POD-7-99, Grove Park,  
683 Phase II? There is no opposition. Ready for a motion.

684

685 Mr. Taylor - Madam Chairman, I move approval of POD-7-99, Grove Park, Phase II,  
686 Nuckols Road, on the expedited agenda, subject to the annotations on the plan, the standard  
687 conditions for developments of this type, and additional conditions Nos. 23 through 33, and  
688 adding No. 34 on the addendum.

689

690 Mr. Vanarsdall - Second.

691

692 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
693 All in favor say aye...all opposed say nay. The motion carries.

694

695 The Planning Commission approved POD-7-99, Grove Park, Phase II, subject to the standard  
696 conditions attached to these minutes for developments of this type, the annotations on the plans  
697 and the following additional conditions:

698

699 23. The right-of-way for widening of Nuckols Road as shown on approved plans shall be  
700 dedicated to the County prior to any occupancy permits being issued. The right-of-way  
701 dedication plat and any other required information shall be submitted to the County  
702 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

703 24. The easements for drainage and utilities as shown on approved plans shall be granted to  
704 the County in a form acceptable to the County Attorney prior to any occupancy permits  
705 being issued.

706 25. The required building setback shall be measured from the proposed right-of-way line  
707 and the parking shall be located behind the proposed right-of-way line.

708 26. The developer shall provide fire hydrants as required by the Department of Public  
709 Utilities and Division of Fire.

710 27. A standard concrete sidewalk shall be provided along the south side of Nuckols Road.

711 28. The certification of building permits, occupancy permits and change of occupancy  
712 permits for individual units shall be based on the number of parking spaces required for  
713 the proposed uses and the amount of parking available according to approved plans.

714 29. Any necessary off-site drainage easements must be obtained in a form acceptable to the  
715 County Attorney prior to final approval of the construction plans.

716 30. Deviations from County standards for pavement, curb or curb and gutter design shall be  
717 approved by the County Engineer prior to final approval of the construction plans by  
718 the Department of Public Works.

719 31. Insurance Services Office (ISO) calculations must be included with the plans and  
720 approved by the Department of Public Utilities prior to the issuance of a building  
721 permit.

722 32. Approval of the construction plans by the Department of Public Works does not  
723 establish the curb and gutter elevations along the Henrico County maintained right-of-

724 way. The elevations will be set by Henrico County.  
 725 33. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
 726 Planning Office and approved prior to issuance of a certificate of occupancy for this  
 727 development.  
 728 34. The applicant shall show parcels 10-A-23A (Phase 1) and 10-A-23C (Phase 2)  
 729 combined on the construction plans for signature. A potential future property line that  
 730 meets all zoning requirements shall be shown on these plans. If that is not possible, the  
 731 applicant shall provide a letter stating that he is aware that the individual parcels can  
 732 **NOT** be sold independently of one another.

733  
 734 Ms. Dwyer - Thank you, Mr. McGarry.

735  
 736 Mr. McGarry - You are welcomed.

737  
 738 Mr. Vanarsdall - Mr. McGarry, you earned your pay today.

739  
 740 Ms. Dwyer - Okay, Mr. Secretary.

741  
 742 Mr. Marlles - Madam Chairman, the next item on the agenda is subdivision extensions  
 743 of conditional approval. We do have three subdivisions that will require the extension, which  
 744 will require Planning Commission approval and those will be reviewed by Mr. Wilhite.

745  
 746 Ms. Dwyer - Good morning, Mr. Wilhite.

747  
 748 Mr. Wilhite - Good morning. We have one subdivision that was approved, given  
 749 extension administratively, and that was Doran Forest in the Varina District. There are three  
 750 subdivisions listed on your agenda for Planning Commission action. The one located in  
 751 Varina, Fairlawn (August 1993 Plan), we have been informed by the applicant that they wish  
 752 to let this expire. So, that is being pulled off but the other two do require Planning  
 753 Commission action.

754  
 755 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

756  
 757 **FOR PLANNING COMMISSION APPROVAL**

758

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Carter Oaks, Sec. C (July 1993 Plan)</b>	<b>Tuckahoe</b>	<b>8</b>	<b>8</b>	<b>8</b>	<b>1 Year 7/24/02</b>
<b>Eddleton Estates (August 1996 1993 Plan)</b>	<b>Brookland</b>	<b>10</b>	<b>5</b>	<b>4</b>	<b>1 Year 7/24/02</b>
<b>Fairlawn (August 1993 Plan)</b>	<b>Varina</b>	<b>5</b>	<b>5</b>	<b>8</b>	<b>1 Year 7/24/02</b>

759 Mr. Wilhite - For Carter Oaks, Section C (July 1993 Plan), in the Tuckahoe district,  
 760 there are eight lots approved. No lots have been granted final approval. Of those eight lots,

761 four lots are flag lots of the pie shape variety. We did get a request in asking for an extension  
762 of this subdivision. However, no reason was provided for the need or the status of the  
763 subdivision at this time. Staff has made numerous attempts to get in touch with the applicant,  
764 but to no avail. Eddleton Estates (August 1993 Plan) in the Brookland District. There are 10  
765 lots that were originally approved. Five lots have been recorded and there are five left. One  
766 of the lots is a flag lot and it is a stem-shape flag lot. The reason for the delay is this is an  
767 extension of a street, which would have a cul-de-sac and five lots off it. The subdivision on  
768 the adjacent property has expired as of May of this year. Currently, this subdivision does not  
769 have any access to it. Andy Kestner is here. He is the engineer who worked on this project  
770 and I think he wants to address the Commission, if you need to hear from him.

771

772 Ms. Dwyer - All right. Mr. Vanarsdall, would you like to hear from the engineer  
773 regarding that?

774

775 Mr. Vanarsdall - Yes. I have already talked to him but I would still like to hear from him.

776

777 Mr. Kestner - I'm Andy Kestner and I'm representing the applicant.

778

779 Mr. Vanarsdall - Would you explain to the Commission the bind that you are in? First of  
780 all, this is another one that I heard when the lines moved, and he understands they can't give  
781 him a year's extension, but I want to give him 60 days if the Commission is okay with that.

782

783 Mr. Kestner - The adjacent subdivision has a problem with an existing right-of-way  
784 that's a private right-of-way. The plan that expired relied on that right-of-way being vacated.  
785 The attorneys have found out that that can not be vacated. So, we found no reason to keep  
786 active a conditional plan that could not be constructed that way. We have revised the  
787 conditional plan now, and we are going to resubmit it within the next 30 days.

788

789 Mr. Vanarsdall - So, you need 60 days, is that long enough?

790

791 Mr. Kestner - Yes, sir.

792

793 Ms. Dwyer - Are there any other questions by Commission members for Mr. Kestner?  
794 Thank you, sir.

795

796 Mr. Vanarsdall - I move.....

797

798 Ms. Dwyer - Wait a minute, I have a question about mine. The last time I spoke to  
799 you, you said that you'd been unable to get in touch with the applicant or the owner to get the  
800 information you needed to fulfil the request for extension.

801

802 Mr. Wilhite - Yes. I have left them a number of messages. We did get a written  
803 request for an extension, and I did make another attempt earlier this week to try to contact  
804 them to try to find out what the status of the subdivision is, but, they have not returned my  
805 call.

806  
807 Ms. Dwyer - And I understand that there has been a death in one of the families.  
808  
809 Mr. Wilhite - Yes. I think Francis Stinson, the original owner, has passed away within  
810 the year.  
811  
812 Ms. Dwyer - What would you say to extending this for six months rather than a year?  
813  
814 Mr. Wilhite - That's fine and staff will make another attempt to get in touch with the  
815 applicant and try to get additional information.  
816  
817 Ms. Dwyer - And let them know that they really do need to respond in order for us to  
818 continue to extend this.  
819  
820 Mr. Wilhite - Okay.  
821  
822 Ms. Dwyer - So, we will extend that one for six months, Carter Oaks. All right. We  
823 are ready for a motion now, Mr. Vanarsdall, I think you were getting ready to do that.  
824  
825 Mr. Vanarsdall - Don't you need a motion on yours?  
826  
827 Ms. Dwyer - Well we usually do them together. We eliminated Fairlawn, in Varina,  
828 to expire. We are not going to extend the Fairlawn subdivision.  
829  
830 Mr. Vanarsdall - I move on Eddleton Estates (August 1993 Plan) for a 60-day deferral,  
831 which would make it September 26, 2001, at the applicant's request.  
832  
833 Ms. Dwyer - Would that be an extension or a deferral?  
834  
835 Mr. Vanarsdall - Oh, that would be an extension.  
836  
837 Mr. Taylor - Second.  
838  
839 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor to  
840 extend subdivision Eddleton Estates for 60 days. All in favor say aye...all opposed say nay.  
841 The motion carries. And I will move that subdivision Carter Oaks, Section C (July 1993 Plan)  
842 be extended for six months rather than the one year proposed.  
843  
844 The Planning Commission approved a 60-day conditional extension (September 26, 2001) for  
845 subdivision Eddleton Estates (August 1993 Plan).  
846  
847 Mr. Jernigan - Second.  
848 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Jernigan.  
849 All in favor say aye...all opposed say nay. The motion carries. Mr. Secretary, what is our  
850 next item?

851

852 The Planning Commission approved subdivision conditional extension for six months (January  
853 23, 2001) for Carter Oaks, Section C (July 1993 Plan).

854

855 Mr. Marlles - We do have one item, and it is also under subdivision extensions of  
856 conditional approval. It's just for informational purposes to the Commission. There is a  
857 request for extension of Doran Forest and the request is just for one year. And, again, that  
858 doesn't require any action by the Commission but is presented for informational purposes only.

859

860 **(FOR INFORMATIONAL PURPOSE ONLY)**

861

<b>Subdivision</b>	<b>Magisterial District</b>	<b>Original No. of Lots</b>	<b>Remaining Lots</b>	<b>Previous Extensions</b>	<b>Year(s) Extended</b>
<b>Doran Forest (July 2000 Plan)</b>	<b>Varina</b>	<b>64</b>	<b>64</b>	<b>0</b>	<b>1 Year 7/24/02</b>

862

863

864 Ms. Dwyer - Thank you, Mr. Secretary. All right, the first case on the regular  
865 agenda.

866

867 Mr. Marlles - The first case on the regular agenda is on page 2.

868

869 **TRANSFER OF APPROVAL**

870

POD-33-89 Rainbow Station Shopping Center Retail Building & Veterinary Clinic (Formerly Rainbow Station Day Care Center)	<b>Water Tower Associates, Inc.:</b> Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Old Cox Road Associates to Water Tower Associates. The 2.060 acre site is located at the northeast corner of Three Chopt Road and Old Cox Road on parcel 57-A-62. The zoning is B-1C, Business District (Conditional). <b>(Three Chopt)</b>
---	---

871

872 Ms. Dwyer - Is there anyone in the audience in opposition to the transfer of approval  
873 request for POD-33-89, Rainbow Station Shopping Center Retail Building and Veterinary  
874 Clinic? There is no opposition. Ms. Goggin.

875

876 Ms. Goggin - The new owner accepts and agrees to be responsible for continued  
877 compliance with the conditions of the original approval. The staff recommends approval of  
878 this transfer request subject to the following condition: The deficiencies including landscaping,  
879 as identified in the inspector's report dated July 9, 2001, shall be bonded and/or corrected by  
880 August 31, 2001. On your addendum it has the word "excluding" but it should be "including."

881

882 Ms. Dwyer - So, it should read "the deficiencies including landscaping."

883

884 Ms. Goggin - Yes.



885

886 Ms. Dwyer - All right. We are ready for a motion.

887

888 Mr. Taylor - Madam Chairman, I move approval of POD-33-89, Rainbow Station  
889 Shopping Center Retail Building & Veterinary Clinic, subject to the condition No. 1, which  
890 would be the landscaping deficiencies as identified in the inspectors report date July 9, 2001,  
891 shall be bonded and corrected by August 31, 2001.

892

893 Mr. Vanarsdall - Second.

894

895 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
896 All in favor say aye...all opposed say nay. The motion carries.

897

898 The Planning Commission approved the transfer of approval request for POD-33-89, Rainbow  
899 Station Shopping Center Retail Building & Veterinary Clinic (Formerly Rainbow Station Day  
900 Care Center) from Old Cox Road Associates to Water Tower Associates, subject to the  
901 standard and additional conditions previously approved and the following additional condition.

902

903 1. The deficiencies excluding landscaping, as identified in the inspector's report dated July  
904 9, 2001, shall be bonded and/or corrected by August 31, 2001.

905

906 **TRANSFER OF APPROVAL**

907

POD-24-73 Scuba Center - Patterson Avenue (Formerly Pizza Hut)	<b>QMT Corporation for Tidewater Ventura LLC:</b> Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Pizza Hut of Richmond, Inc. to Tidewater Ventura LLC. The 0.465 acre site is located on the south line of Patterson Avenue, opposite its intersection with Gayton Road on parcel 100-A-22. The zoning is B-2, Business District. <b>(Tuckahoe)</b>
---	---

908

909 Mr. Wilhite - There is an addendum item on page 2. The name of the applicant has  
910 been changed from Scuba Center, Inc., which is the business name, to Tidewater Ventures  
911 LLC, which is the name of the owner of the property. Staff has completed its inspection of the  
912 property. We have found some deficiencies on site, mainly for missing and dead landscaping,  
913 some pavement striping that needs to be corrected and some repair to an existing fence and  
914 dumpster screen. We spoke to the applicant and we have agreed that the deficiencies would be  
915 corrected by November 30, 2001, and that is reflected in condition No. 1 on the addendum. I  
916 would like to add that there is a revised plan in on this project to do a building addition in the  
917 back and some of these deficiencies may be corrected with that plan approval. I'll be happy to  
918 answer any questions you may have.

919

920 Ms. Dwyer - And the building addition is a pool I understand.

921

922 Mr. Wilhite - An enclosed pool, yes.

923

924 Ms. Dwyer - Is there anyone in the audience in opposition to the transfer of approval  
925 of the Scuba Center at Patterson Avenue (Formerly Pizza Hut)? There is no opposition. I  
926 move the approval of this transfer of approval from Pizza Hut to Tidewater Ventures, LLC,  
927 including condition No. 1 found in our addendum relating to deficiencies that will be  
928 corrected.

929

930 Mr. Vanarsdall - Second.

931

932 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Vanarsdall.  
933 All in favor say aye...all opposed say nay. The motion carries.

934

935 The Planning Commission approved the transfer of approval request for POD-24-73, Scuba  
936 Center (Formerly Pizza Hut) from Pizza Hut of Richmond, Inc. to Tidewater Ventures LLC,  
937 subject to the standard and additional conditions previously approved and the following  
938 additional condition.

939

940 1. The deficiencies, as identified in the inspector's report dated July 23, 2001, shall be  
941 corrected by November 30, 2001.

942

943 **LIGHTING PLAN - PHASE 2**

944

LP/POD-29-99	<b>HVC - Chenault for Discovery United Methodist Church:</b>
Discovery United Methodist Church - Gayton Road and Lauderdale Drive	Request for approval of a phase II lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code. The 7.69 acre site is located at the intersection of Lauderdale Drive and Gayton Road on parcel 55-A-3B. The zoning is RTH, Residential Townhouse District. <b>(Three Chopt)</b>

945

946 Ms. Dwyer - Is there anyone in the audience in opposition to the lighting plan for  
947 LP/POD-29-99, Discovery United Methodist Church? There is no opposition. Ms. News.

948

949 Ms. News - This request is for lighting of the church and the church spire. The  
950 parking lot lighting was approved previously by this Commission. The spire was also  
951 approved by the Commission with a special exception for height. The overall height of this  
952 spire including the cross is 98 feet. A condition of that approval was that no spotlight shall be  
953 attached to the spire. The lighting proposal includes floodlights with adjustable louvered  
954 shields, four of which are mounted on 18-foot poles adjacent to the building, and two of which  
955 are located on the edge of the roof. The lights are pointed up towards the spire to produce a  
956 wash on the surfaces with an average level of five-foot candles. This light level is as  
957 recommended by IES, which is the Illumination Engineering Society, for lighting of this type.  
958 The proposed wattage of the lights are 400 watts and 750 watts, which the applicant indicates  
959 is necessary to produce uniform lighting at this height. The applicant has indicated the lights  
960 will be field aimed at night to ensure there will no glare on the adjacent properties. A  
961 condition to require these adjustments is included in your agenda. In addition, the applicant

962 has indicated that the lights will be turned off at night, no later than 12:00 midnight with the  
963 exception of times when a church event is occurring past this time. Staff can recommend  
964 approval of this plan subject to the annotations on the plan, the standard conditions for lighting  
965 plans, condition No. 5 in your agenda and condition No. 6 in the addendum. The applicant's  
966 representatives, including the architect and the electrical consultant, are present if additional  
967 information is needed. I'll be happy to answer any questions.

968

969 Ms. Dwyer - Are there any questions for Ms. News by Commission members?  
970 Again, is there any opposition to this lighting plan? No opposition. Ready for a motion.

971

972 Mr. Taylor - Madam Chairman, I move approval of LP/POD-29-99, Discovery  
973 United Methodist Church at Gayton Road and Lauderdale Drive, subject to the annotations on  
974 the plans, the standard conditions for lighting plans and additional condition No. 5 on the  
975 agenda and No. 6 on the addendum.

976

977 Mr. Vanarsdall - Second.

978

979 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
980 All in favor say aye...all opposed say nay. The motion carries.

981

982 The Planning Commission approved the lighting plan for LP/POD-29-99, Discovery United  
983 Methodist Church, subject to the standard conditions attached to these minutes for lighting  
984 plans, the annotations on the plan and the following additional conditions:

985

986 5. The lighting for the church spire shall be field adjusted to eliminate glare on any  
987 adjacent residential property and streets as deemed acceptable by the Director of  
988 Planning.

989 6. Lights which illuminate the church spire shall be turned off no later than 12:00 a.m.  
990 except when special activities are in operation at the church. Lights shall be turned off  
991 at the close of operation for activities which extend past 12:00 a.m.

992

993 Mr. Vanarsdall - Madam Chairman, I would like to make a comment on this before we go  
994 any further.

995

996 Ms. Dwyer - All right.

997

998 Mr. Vanarsdall - I know that everybody saw this in the paper, but I thought it was  
999 wonderful what the church did for Sgt. Santa. They honored Sgt. Santa this past Sunday on  
1000 his 75<sup>th</sup> birthday at the church. The church Sunday school took up \$320.00 some dollars and  
1001 gave it to him and Governor Gilmore declared that this past Sunday is Sgt. Santa's Day. I  
1002 think that was wonderful.

1003

1004 Ms. Dwyer - Thank you, Mr. Vanarsdall. All right, next case.

1005

1006 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

1007 **(Deferred from the June 27, 2001, Meeting)**

1008

POD-41-01  
Windsor Business Park -  
West Buildings 5, 6, and 7  
(POD-3-00 Revised)

**TIMMONS and John Frost for Robert B. Ball, Sr., Edna H. Ball, Robert B. Ball, Jr., Roberta B. Rivers and Windsor Business Park, LLC:** Request for approval of a revised plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code to construct three office/warehouse buildings totaling 159,913 square feet. The 16.66 acre site is located on the west line of Magellan Parkway, approximately 450 feet north of Parham Road on parcel 54-A-1A and part of 54-A-2. The zoning is M-1C, Light Industrial District (Conditional). County water and sewer. **(Fairfield)**

1009

1010 Ms. Dwyer - Is there anyone in opposition to POD-41-01, Windsor Business Park,  
1011 revised POD? There is no opposition. Mr. McGarry.

1012

1013 Mr. McGarry - There are still some unresolved issues regarding the percentage of uses  
1014 permitted on the site. So, in order to work that out, the applicant has asked for a deferral to  
1015 your August 9, 2001, meeting to give us some revised calculations.

1016

1017 Ms. Dwyer - Is there anyone in opposition to the deferral of this case? No opposition.  
1018 In that case, I'll move for the deferral of POD-41-01, Windsor Business Park West - Buildings  
1019 5, 6, and 7, at the applicant request to our August 9, 2001, meeting and that's an evening  
1020 meeting.

1021

1022 Mr. Taylor - Second.

1023

1024 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Taylor. All  
1025 in favor say aye...all opposed say nay. The motion carries.

1026

1027 At the request of the applicant, the Planning Commission deferred POD-41-01, Windsor  
1028 Business Park - West Buildings 5, 6, and 7 (POD-3-00 Revised) to its August 9, 2001, meeting  
1029 at 7:00 p.m.

1030 **PLAN OF DEVELOPMENT**

1031

POD-51-01  
Worth Higgins Addition  
(Rev. POD-7-94)

**Balzer & Associates, Inc. for E D Kay Investment and Bovis Land Lease:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 13,832 square foot addition. The 3.50 acre site is located at 8770 Park Central Drive, approximately 1,000 feet north of Parham Road on parcel 53-A-80G. The zoning is O/SC, Office/Service District (Conditional). County water and sewer. **(Fairfield)**

1032

1033 Ms. Dwyer - Is there anyone in opposition to POD-51-01, Worth Higgins? There is  
1034 no opposition. Mr. McGarry.

1035

1036 Mr. McGarry - There were two issues at the time the agenda was prepared. The first  
1037 one has to do with the office/service ratio within the building. We have calculations to show  
1038 that it is met. The other issue is the waterline issue. The applicant has proposed to provide a  
1039 waterline to serve a fire hydrant in the rear, and he has asked to relocate it to the south side of  
1040 the driveway on the southern portion of the site. Staff is in agreement with that, provided they  
1041 can still provide us with a six-foot planting area as required by the Code and that six feet has to  
1042 be exclusive of this utility easement. The applicant has two choices. First, because he owns  
1043 the abutting property, he can provide us the six feet on that parcel, which will encumber a  
1044 portion of that abutting parcel or he can provide the waterline in the driveway up to the point  
1045 where he crosses the curb line at a location where he will have his six feet exclusive of that  
1046 easement. And the applicant is in agreement with that.

1047

1048 Ms. Dwyer - Excuse me. Is the applicant in agreement with either of those options?

1049

1050 Mr. McGarry - Yes, he is. And, with that, staff can recommend approval of the plan  
1051 subject to the standard conditions, plus Nos. 23 through 29 and No. 30 on your addendum.

1052

1053 Ms. Dwyer - Now, the six-foot landscape strip will that need to be memorialized in a  
1054 condition?

1055

1056 Mr. McGarry - I was going to handle that with an annotation. That it will be provided  
1057 one way or the other.

1058

1059 Ms. Dwyer - All right. And the addendum condition is a site line plan.

1060

1061 Mr. McGarry - Yes. That requires a site line plan to show that they have adequate  
1062 screening along the rear of the property for their loading docks.

1063

1064 Ms. Dwyer - Thank you, Mr. McGarry. Are there any questions by Commission  
1065 members of Mr. McGarry on this case? There are no questions. I move for the approval of  
1066 POD-51-01, Worth Higgins Addition (POD-7-94 Revised) subject to the standard conditions

1067 for developments of this type, the annotations on the plan, including the annotation relating to  
1068 the provision of six feet of encumbered landscape strip, and the additional conditions Nos. 23  
1069 through 29 on our agenda and additional condition No. 30 on the addendum.

1070

1071 Mr. Jernigan - Second.

1072

1073 Ms. Dwyer - The motion was made by Ms. Dwyer and seconded by Mr. Jernigan.

1074 All in favor say aye...all opposed say nay. The motion carries.

1075

1076 The Planning Commission approved POD-51-01, Worth Higgins Addition (POD-7-94  
1077 Revised), subject to the standard conditions attached to these minutes for developments of this  
1078 type, the annotations on the plan and the following additional conditions:

1079

1080 23. The developer shall provide fire hydrants as required by the Department of Public  
1081 Utilities and Division of Fire.

1082 24. The proffers approved as a part of zoning case **C-57C-88** shall be incorporated in this  
1083 approval.

1084 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
1085 a form acceptable to the County Attorney prior to final approval of the construction  
1086 plans.

1087 26. Deviations from County standards for pavement, curb or curb and gutter design shall be  
1088 approved by the County Engineer prior to final approval of the construction plans by  
1089 the Department of Public Works.

1090 27. Insurance Services Office (ISO) calculations must be included with the plans and  
1091 approved by the Department of Public Utilities prior to the issuance of a building  
1092 permit.

1093 28. Approval of the construction plans by the Department of Public Works does not  
1094 establish the curb and gutter elevations along the Henrico County maintained right-of-  
1095 way. The elevations will be set by Henrico County.

1096 29. Outside storage shall not be permitted.

1097 30. Prior to plan approval, the developer shall provide a sight line plan, which would  
1098 provide details of any berms and walls necessary for the screening of all loading dock  
1099 facilities.

1100

1101 **LANDSCAPE & LIGHTING PLAN (Deferred from the June 27, 2001, Plan)**

1102

LP/POD-81-00

Extra Attic Mini Storage -  
Springfield Road

**Bay Design Group:** Request for approval of a landscape and  
lighting plan, as required by Chapter 24, Sections 24-106 and  
24-106.2 of the Henrico County Code. The 4.33 acre site is  
located at the northeast intersection of Springfield Road (State  
Route 157) and Huron Avenue on parcel 49-A-33. The zoning  
is M-1C, Light Industrial District (Conditional). **(Brookland)**

1103

1104

**July 25, 2001**

1105 Ms. Dwyer - Is there anyone in the audience in opposition to the landscape and  
1106 lighting plan for LP/POD-81-00, Extra Attic Mini Storage, located on Springfield Road?  
1107 There is no opposition.

1108

1109 Mr. Strauss - Thank you, Madam Chairman. This plan was deferred last month to  
1110 allow construction to proceed with the building, which is normally required before the  
1111 Commission takes action on a landscape and lighting plan. The construction has now  
1112 progressed to a point where we can recommend approval. There is an addendum item on page  
1113 5, at the bottom of your addendum. Staff recommends approval subject to the annotations on  
1114 the plans and the standard conditions for landscape and lighting plans. And after discussion  
1115 with the applicant last night, we would like to make one more annotation to the staff plan  
1116 itself. We would like to see Willow Oaks along the road, which is the same type of tree that's  
1117 being proposed for project across the street, which you will be seeing in your next meeting.  
1118 That will be the Springfield Commons project, which is to the west of this project. It is not  
1119 often that we get two projects going on at the same time, but when we do, we like to  
1120 coordinate the effort. So, the applicants agreed to this initial annotation to add Willow Oaks  
1121 along the street. So, with that I'll answer any other questions you may have and there is a  
1122 representative for the applicant here as well, Mr. Dan Caskie.

1123

1124 Mr. Vanarsdall - I would like to make a comment on what he said. Mr. Taylor suggested  
1125 this, that we have the same kind of trees on both sides, which I think is a good idea. I talked  
1126 to Mr. Strauss yesterday and he said that Mr. Taylor had already talked to him. To make a  
1127 long story longer, you are handling it on both sides of the road, so you will handle this with  
1128 Mr. Wilton to see that we get the same kind of trees.

1129

1130 Mr. Strauss - That's correct.

1131

1132 Mr. Vanarsdall - I think it would be nice to see that. Very good suggestion, Mr. Taylor.

1133

1134 Mr. Taylor - Thank you, sir.

1135

1136 Ms. Dwyer - That is a good suggestion. Would this just be along Springfield?

1137

1138 Mr. Strauss - Yes. There are Willow Oaks proposed on the west side of Springfield  
1139 Road and we are going to have some additional trees behind these trees. This is a warehousing  
1140 project so we would like to see evergreens in addition to that. And the applicant is agreeable  
1141 to having both types, so we are not sacrificing one for the other.

1142

1143 Ms. Dwyer - So, you will probably substitute the Willow Oaks for the Maples, is  
1144 that...

1145

1146 Mr. Strauss - Yes.

1147

1148 Ms. Dwyer - Okay. Are there any other questions for Mr. Strauss by the  
1149 Commission? All right, we are ready for a motion.

1150

1151 Mr. Vanarsdall - I move LP/POD-81-00, Extra Attic Mini Storage on Springfield Road be  
1152 approved with the approval on the addendum.

1153

1154 Mr. Taylor - Second.

1155

1156 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.

1157 All in favor say aye...all opposed say nay. The motion carries.

1158

1159 The Planning Commission approved the landscape and lighting plan for LP/POD-81-00, Extra

1160 Attic Mini Storage, subject to the standard conditions attached to these minutes for landscape

1161 and lighting plans and the annotations on the plan.

1162

1163 **SUBDIVISION**

1164

Church Trace  
(July 2001 Plan)

**Balzer & Associates, Inc. for the Estate of Frederick M. Harris and Aspect Properties, LLC:** The 5.16 acre site is located at the southeast intersection of Church Road and Guyana Drive on parcel 57-A-33. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 15 Lots**

1165

1166 Ms. Dwyer - Is there anyone in the audience in opposition to Church Trace (July 2001  
1167 Plan)? There is no opposition.

1168

1169 Mr. Wilhite - Staff was waiting on additional information on lot design. We have  
1170 received that and it has been reviewed and at this point staff can recommend approval of this  
1171 subdivision.

1172

1173 Ms. Dwyer - Are there any questions of Mr. Wilhite by Commission members? There  
1174 are no questions. We are ready for a motion.

1175

1176 Mr. Taylor - Madam Chairman, I move approval of Church Trace (July 2001 Plan)  
1177 subject to the annotations on the plans the standard conditions for developments of this type  
1178 and conditions Nos. 12 through 16.

1179

1180 Mr. Vanarsdall - Second.

1181

1182 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

1183 All in favor say aye...all opposed say nay. The motion carries.

1184

1185 The Planning Commission granted conditional approval to subdivision Church Trace (July

1186 2001 Plan) subject to the standard conditions attached to these minutes for subdivision served

1187 by public utilities, the annotations on the plan and the following additional conditions:

1188



- 1189 12. The detailed plant list and specifications for the landscaping to be provided within the  
 1190 25-foot-wide planting strip easement along Church Road shall be submitted to the  
 1191 Planning Office for review and approval prior to recordation of the plat.  
 1192 13. The proffers approved as part of zoning case **C-18C-01** shall be incorporated in this  
 1193 approval.  
 1194 14. The developer shall provide signage, the wording and location as deemed appropriate  
 1195 by the Director of Public Works, which addresses the possible future extension of any  
 1196 stub street.  
 1197 15. The applicant shall quitclaim his interest in Kennedy Road and any other private access  
 1198 roads or easements within the bounds of this development prior to the recordation of  
 1199 the subdivision plat.  
 1200 16. Prior to final subdivision approval, the applicant shall provide evidence satisfactory to  
 1201 the County Attorney and the Director of Planning concerning the legal status of  
 1202 Kennedy Road if any portion of said road is to be incorporated into this development.  
 1203

1204 **SUBDIVISION**

1205

Tree of Life  
 (July 2001 Plan)

**Kevin L. Floyd, P.E., L.C. and N. Zasler for Tree of Life, LLC** The 3.051 acre site is located on the north west corner of North Gayton Road and Favero Road on parcel 45-15-A-1. The zoning is A-1, Agricultural District. County water and sewer.  
**(Three Chopt) 2 Lots**

1206

1207 Ms. Dwyer - Is there anyone in the audience in opposition to subdivision Tree of Life  
 1208 (July 2001 Plan)? There is no opposition.

1209

1210 Ms. Goggin - The applicant turned in a revised plan that address staff's concerns about  
 1211 the Resource Management Area and Resource Protection Area. Environmental has gone out  
 1212 there and confirmed that the revised plan meets our standards. Staff recommends approval of  
 1213 the plan with the additional conditions Nos. 12 and 13 in your regular agenda, and the revised  
 1214 plan is in your handout.

1215

1216 Ms. Dwyer - Are there any questions of Ms. Goggin by Commission members?

1217

1218 Mr. Taylor - Is there a revised plan or did you just make annotations on the plan?

1219

1220 Ms. Goggin - There was a revised plan in your handout agenda. It only contained the  
 1221 lots that are requested for subdivision.

1222

1223 Ms. Dwyer - Mr. Taylor, it should be with your addendum.

1224

1225 Mr. Vanarsdall - Here it is.

1226

1227 Mr. Taylor - I've got it. All right, Madam Chairman, I move approval of Tree of  
 1228 Life (July 2001 Plan) subject to the annotations on the plans the standard conditions for

1229 subdivisions served by public utilities and conditions Nos. 12 and 13.

1230

1231 Ms. Dwyer - Do you want to mention the revised plan in the addendum?

1232

1233 Mr. Taylor - And the revised plan dated July 20, 2001.

1234

1235 Mr. Vanarsdall - Second.

1236

1237 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.

1238 All in favor say aye...all opposed say nay. The motion carries.

1239

1240 The Planning Commission granted conditional approval to subdivision Tree of Life (July 2001  
1241 Plan) subject to the standard conditions attached to these minutes for subdivision served by  
1242 public utilities, the annotations on the plan and the following additional conditions:

1243

1244 12. Each lot shall contain at least 43,560 square feet, exclusive of the flood plain areas.

1245 13. The conditions approved as part of variance case **A-28-2001** shall be incorporated in  
1246 this approval.

1247

1248 **PLAN OF DEVELOPMENT (Deferred from the June 27, 2001, Meeting)**

1249

POD-35-01

Gayton Baptist Church - N.  
Gayton Road  
(POD-98-90 Revised)

**C. E. Duncan & Associates, for Gayton Baptist Church:**

Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 12,000 square foot classroom addition (~~phase 1~~), ~~a one-story, 12,000 square foot sanctuary with 900 seats (phase 2)~~, and ~~a two-story, 20,800 square foot gymnasium and fellowship hall (phase 3)~~ at an existing church. The 11.75 acre site is located along the east line of Gayton Road, approximately 1,200 feet south of W. Broad Street (U.S. Route 250) on parcel 35-A-28A. The zoning is A-1, Agricultural District. County water and sewer. **(Three Chopt)**

1250

1251 Ms. Dwyer - Is there anyone in the audience in opposition to POD-35-01, Gayton  
1252 Baptist Church - N. Gayton Road? We do have opposition. Okay. Mr. Wilhite.

1253

1254 Mr. Wilhite - Thank you, Madam Chairman. This case was deferred from your last  
1255 meeting. Since that time, the church has met with the neighbors to go over the plan. A  
1256 revised plan has been submitted to us and was provided to you in the handouts. This revised  
1257 plan eliminates the two future buildings. The only approval being asked for now is the  
1258 education wing addition. Also, the parking associated with that, the improvements have been  
1259 pulled a little bit further away from the adjacent neighborhood. Also, in the revised plan that  
1260 was handed out, I have included a copy of the grading plan that shows the location of clearing  
1261 and the storm water management basins. The closest point of clearing to the adjacent  
1262 property, the Wellesley neighborhood, is 60 feet under this plan. The closest point of the

1263 parking lot, which is the closest physical improvement, would be 145 feet. In your addendum  
1264 appearing on page six, I have revised the caption showing that the approval is only for the two-  
1265 story, 12,000 square foot classroom addition. Also staff is recommending that both the  
1266 landscape plan and the lighting plan come back to the Planning Commission for another public  
1267 hearing and approval based on the comments that we received from the neighborhood.  
1268 Condition No. 28 is also being proposed regarding the trash disposal service on the site. It  
1269 would limit it to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday with  
1270 no trash disposal service on Saturday or Sunday.

1271

1272 The revised plan that was given to you had two additional annotations on it. It showed a  
1273 stockpile next to the parking lot. Staff is recommending that the stockpile be relocated further  
1274 away from the neighborhood. Also, there was one proposed fire hydrant that in order to meet  
1275 hose lay requirements is going to have to be shifted slightly. With that, staff can recommend  
1276 approval of the revised plan, and I'll be happy to answer any question that you may have.

1277

1278 Ms. Dwyer - Are there any questions of Mr. Wilhite by Commission members?

1279

1280 Mr. Marlles - Mr. Wilhite, you mentioned two distances in your presentation, would  
1281 you repeat those?

1282

1283 Mr. Wilhite - In scaling off the grading plan, the closest point of clearing on this, that I  
1284 could see, would be 60 feet from the property line abutting the Wellesley neighborhood to the  
1285 area which will be used for a temporary sediment basin. The permanent improvements of the  
1286 parking lot and the buildings, the closest point that I scaled off, is 145 feet from the corner of  
1287 the parking lot to the property line.

1288

1289 Mr. Marlles - Thank you.

1290

1291 Ms. Dwyer - Mr. Wilhite, the limit of clearing that you mentioned is that shown on  
1292 the grading plan as the tree line closest to the neighborhood?

1293

1294 Mr. Wilhite - On the second sheet in your handout agenda, well, it's going to appear at  
1295 the basin on the extreme right-hand side of the sheet. From that point there, the closest point  
1296 of the, what they show as the tree clearing line, to the property line, I measured off at 60 feet.

1297

1298 Ms. Dwyer - So, you are talking about what is labeled as the silt trap on the plan?

1299

1300 Mr. Wilhite - Yes.

1301

1302 Ms. Dwyer - Okay. And that's a permanent basin you said?

1303

1304 Mr. Wilhite - No. That is only temporary. That will be filled in after construction.  
1305 It's a possibility that the future gymnasium might go in this area, but with this plan of approval  
1306 that is the closest point of clearing to the property line.

1307

1308 Ms. Dwyer - Looking at this, I'm not sure where the limits of clearing are, generally,  
1309 on the site. The tree line that is shown does that delineate the tree-save area?  
1310

1311 Mr. Taylor - Could you highlight that? It would help if we could draw a line between  
1312 that because that is very germane to the audience.  
1313

1314 Mr. Wilhite - This point, right here (referring to map on the screen). It's hard to see  
1315 up on the screen but they do show clearing, here, and they run pretty close to this bio retention  
1316 basin being proposed. And it stops, right here, at the bottom of the grading, where you see the  
1317 heavy lines for grading for that sediment trap, is where they show the limits of clearing.  
1318

1319 Ms. Dwyer - Is there an existing cleared area between the treed area?  
1320

1321 Mr. Wilhite - There is a cleared area, however, that area has some under-canopy  
1322 growth on it. So, it's not completely open, it's not like a grassed area. It has some  
1323 undergrowth.  
1324

1325 Ms. Dwyer - So, between the edge of pavement for the parking and the property lines,  
1326 generally, that is considered treed.  
1327

1328 Mr. Wilhite - It has existing vegetation in the fact that it also mention the bio retention  
1329 is going to be a planted basin as well, and that will be heavily landscaped. I do have a copy of  
1330 a conceptual landscape plan for that area that I can put up on the screen as well.  
1331

1332 Ms. Dwyer - It looks like there is a cleared area running parallel to the property line.  
1333

1334 Mr. Wilhite - Right. It shows two tree lines in there, but that area between the tree  
1335 lines have undergrowth vegetation in it. It's not just a grassed area.  
1336

1337 Ms. Dwyer - And as I recalled last time, well it is actually shown on the front sheet,  
1338 that there are a number of easements crossing the property.  
1339

1340 Mr. Wilhite - Yes. There are storm sewers, both sanitary and storm sewer.  
1341

1342 Mr. Kaechele - You mentioned that the landscape plan is recommended to come back.  
1343

1344 Mr. Wilhite - Yes, sir.  
1345

1346 Mr. Kaechele - And that the silt trap would be filled in?  
1347

1348 Mr. Wilhite - That area would be filled in  
1349

1350 Mr. Kaechele - And will that be subject to landscaping?  
1351

1352 Mr. Wilhite - It could be landscaped, yes.

1353 Mr. Kaechele - Okay.  
1354  
1355 Ms. Dwyer - Are there any other questions of Mr. Wilhite by Commission members?  
1356  
1357 Mr. Taylor - Madam Chairman, I have one that I would like to see. But, I think that  
1358 it is best shown on this sheet, and that is the distance between the church extent of their  
1359 excavation and the adjacent neighbors. Can we see that on the screen? Yes, we can.  
1360  
1361 Mr. Wilhite - I've put up an aerial photograph with the property lines added to show  
1362 the distance between the existing improvements that are out there now and you can see where  
1363 the property line, which is a creek, between the existing homes and the church runs.  
1364  
1365 Mr. Taylor - Was this photo taken after or before the County sewer installation?  
1366  
1367 Mr. Wilhite - It would appear to me that it was taken before the sewer installation.  
1368 You can see one easement area, but that is a storm sewer. The other sewer line that was added  
1369 was a sanitary sewer that runs the full length of that property.  
1370  
1371 Mr. Taylor - Along the creek line is the jagged line that has really remained  
1372 unchanged, correct?  
1373  
1374 Mr. Wilhite - Other than just the clearing out that occurred with the sanitary sewer  
1375 installation. There has been no other work to my knowledge done in that area.  
1376  
1377 Mr. Taylor - Thank you.  
1378  
1379 Ms. Dwyer - Are there any other questions? Mr. Taylor, I assume you would like to  
1380 hear from the applicant?  
1381  
1382 Mr. Taylor - I would indeed, Madam Chairman.  
1383  
1384 Ms. Dwyer - Will the applicant come forward, please? Good morning, would you  
1385 state your name for the record, please.  
1386  
1387 Mr. Walker - My name is Mark Walker, and I'm speaking on behalf of Gayton Baptist  
1388 Church. And I want to thank you for your time this morning, Madam Chairman and  
1389 distinguish Commissioners. Don Faggert and I have been leading our church through a master  
1390 planning project for last 14 months. Several members of our church are here this morning,  
1391 including our youth pastor, Mr. Lance King, and our pastor Darryl Boggs who just had to step  
1392 out. This process has involved several professionals outside our congregation including our  
1393 site engineer Mr. Carl Duncan. We have also received valuable guidance in direction from  
1394 Mr. Kevin Wilhite and his staff, beginning at our first disclosure meeting with Henrico County  
1395 last November. Even more recently, Mr. Wilhite and Mr. Al Taylor had been instrumental in  
1396 providing guidance and coordination to bring this project to where it is today. I also want to  
1397 acknowledge the input received from our neighbors, including Mr. and Mrs. Davis, Mrs.

1398 Barzel, Mr. Darr, who is not here this morning, and Mr. and Mrs. Sears and others. Since the  
1399 project was presented to you on May 23, of the input received from our neighbors, has  
1400 affected several positives changes to our master plan resulting in an enhanced master plan.  
1401 Gayton Baptist Church has greatly benefited from the input receive from Henrico County and  
1402 our neighbors enabling us to better meet the spiritual needs of the rapidly growing area of  
1403 Henrico. The project in front of you is comprised of one phase now. This phase consist of  
1404 expanding the educational wing of our existing church. Providing site work for additional  
1405 parking. Providing site work for environmental retention facilities. Providing site work for  
1406 future sanctuary and site work for a future family-life building gymnasium. Future phases  
1407 would include the new sanctuary building and the new family-life gymnasium building.

1408

1409 Through the plan of development process, conducted at Henrico County, we have become  
1410 acutely aware of several concerns from our neighbors. Following our May 23 meeting with  
1411 the Planning Commission, we conducted several one on one sessions to understand the  
1412 concerns and held a town hall meeting earlier this month to better understand the issues. The  
1413 concerns are summarized in the following three items: Vegetation Screen Reduced. Our  
1414 neighbors enjoy the privacy provided by our church's wooded lot. The nearest home is about  
1415 75 to 80 yards from the closest point of proposed land disturbance. All homes are about 100  
1416 yards from the closest point of proposed building construction. Our recent site plan has  
1417 relocated the parking lot farther from the property line into the interior of the property, which  
1418 is clearly a win, win, for both the church and our neighbors.

1419

1420 The second item was water run off. The local creek which runs into Wild Lake and further  
1421 flows into the Tuckahoe flats drainage basin. The proposed water mitigation system utilizes  
1422 bio-retention areas, densely planted with trees and shrubs to absorb water and minimize water  
1423 runoff. These bio-retention areas will further reduce visibility of parking and buildings as seen  
1424 from our neighbors, clearly an enhancement to the plan. The third item was noise from trash  
1425 collection. Our refuse collection is currently scheduled Saturday mornings. We are in  
1426 communication with our trash collection company to reschedule collection to a time, which is  
1427 acceptable to our neighbors and meets the needs of our church.

1428

1429 As of a result of the feedback received during the process and to maintain open  
1430 communications throughout the project going forward, Gayton Baptist Church has appointed a  
1431 neighbor and church member who resides in the Wellesley subdivision, behind the creek,  
1432 behind our church, Mr. Chuck Allen, to be our church community liaison for these or any  
1433 other matters which may arise from any neighborhood. Mr. Allen will hold regular  
1434 informational meetings to provide a continuous dialogue between the church and all our  
1435 neighbors. This appointment of Mr. Allen is consisted with our churches long-standing  
1436 ministry of community involvement, including activities like Troop 747, which operates out of  
1437 our church. The Women's Community Bible Study. We are actively involved with Shady  
1438 Grove YMCA's supporting needy projects. Foxhall Subdivision, we share resources. We use  
1439 their parking lot, they use our tables and chairs. Our church is used as a voting precinct and  
1440 we provide transportation to and from Our Lady of Hope in Gayton Terrace facilities for our  
1441 services. In conclusion, again on behalf of the staff of Gayton Baptist Church and each of our  
1442 members, we appreciate the support provided by Henrico County in advancing the project to

1443 where it is today. We appreciate the input from our neighbors. We are asking that Henrico  
1444 and our neighbors to trust our intentions to do the right things, as issues arise, as we have  
1445 demonstrated in the past. We are also asking Henrico County to grant us our right to develop  
1446 this property. Therefore, enabling the stewardship we are called to perform with regard to our  
1447 resources and our talents. We look forward to a favorable response today from this  
1448 Commission and we welcome the community into our new facilities in the near future. Thank  
1449 you for your time.

1450

1451 Ms. Dwyer - Thank you, Mr. Walker. Are there any questions for Mr. Walker by  
1452 Commission members? Mr. Walker, the bio-retention facility is that in lieu of another BMP or  
1453 an existing BMP?

1454

1455 Mr. Walker - As I say, we've been spending about 14 months on this and we had a  
1456 design last fall which I think we came to the November meeting with, conceptually, which is  
1457 referred to as a "Delaware Sand Filter." We looked at that and it looked to me like a great  
1458 place to play racquetball. It was a concrete vault that had a sand layer at the base of it and it  
1459 required percolation and collection of the water. We looked at that for economic reasons and  
1460 it's not a really attractive structure and went with these bio-retention areas which are natural  
1461 looking. They use nature absorption of the water to minimize runoffs. We have been through  
1462 at least one iteration just in the technique of capturing water runoff.

1463

1464 Ms. Dwyer - Grove Avenue Baptist has a few of those in their parking area too, one of  
1465 which is along Parham Road. I didn't know if you were aware of that.

1466

1467 Mr. Walker - Personally, no, I'm not.

1468

1469 Ms. Dwyer - I see the one adjacent to the parking lot, do you have another bio-  
1470 retention?

1471

1472 Mr. Walker - There are two. One is between the homes across the creek and the  
1473 parking lot. Could you put the drawing back on the overhead? But, they are pretty substantial  
1474 and very similar in size. To the top of your screen here (referring to drawing on the screen)  
1475 the first bio-retention area is just to the top of the parking lot. And, of course, the homes are  
1476 across the creek and that would catch water running off that back parking lot as well as  
1477 obscure the view from the homes to that parking lot.

1478

1479 Ms. Dwyer - Because that would be heavily planted.

1480

1481 Mr. Walker - Yes. There are many Oak trees, Maple trees and Dogwoods as well as  
1482 shrubs to absorb that. The second bio-retention area is between the parking lot that I was just  
1483 referring to and the main parking lot. That one, again, will absorb water running off this main  
1484 parking lot as well as provide an additional screen to that parking and to the new sanctuary  
1485 that's planned in the interior of this parking loop.

1486

1487 Ms. Dwyer - Thank you. Are there any other questions? Thank you, Mr. Walker.

1488 All right. We will now hear from the opposition. I will mention while the opposition is  
1489 coming forward that we typically limit presentations by the applicants and the opposition to ten  
1490 minutes. The church has taken about four minutes of their time.

1491

1492 Mrs. Darr - I'm Janet Darr and I'm a homeowner adjacent to Gayton Baptist Church.

1493

1494 Ms. Dwyer - Could you spell your last name, please?

1495

1496 Mrs. Darr - D A R R.

1497

1498 Ms. Dwyer - Thank you.

1499

1500 Mr. Kaechele - Mrs. Darr, could you give your address also, for the record.

1501

1502 Mrs. Darr - It's 3725 Blue Lake Drive. As a homeowner whose property abuts  
1503 Gayton Baptist Church, I would like to make the following requests prior to the motion by the  
1504 Board (sic). First, I would like to requests that a landscape plan be developed and put before  
1505 the Board as well as the homeowners. We hope this plan would include an evergreen tree  
1506 buffer with the appropriate height and spacing to lessen the impact of the parking lot lighting,  
1507 as well as the building lighting on the homeowners. Secondly, I would like to see a lighting  
1508 plan developed and submitted also, reducing the impact on the homeowners, the duration of the  
1509 lighting being on at night and the height and level impact to our homes. Third, I was  
1510 concerned of the site work planning, site work clearing. As I understand it, there are three  
1511 phases with the church's development and the clearing was proposed for all three phases,  
1512 where there was only going to proceed with Phase 1. We feel that the additional clearing  
1513 would eliminate the natural landscape for many years, prior to the develop of this area, and is  
1514 unnecessary at this time and would have a negative impact on the adjacent properties. As  
1515 listening to the prior comments, I was concerned about the clearing within 60 feet of the creek  
1516 line. I realize that is a floodplain and I thought the restriction there was 100 feet within the  
1517 creek, in terms of clearing. That I am not sure about but I would like that checked up on.  
1518 When he discussed the vegetation and undergrowth in the area that was cleared by the sewer,  
1519 there really is not much there. There are just some weeds that have popped up since that area  
1520 was cleared. It has not been planted or addressed in any way. We are significantly concerned  
1521 about the runoff in the creek. The development, from that map, northeast of the church  
1522 produce significant runoff within the creek, even with the silt fence. We've seen significant  
1523 runoff in that creek. I would appreciate you addressing those concerns prior to your  
1524 recommendations. Thank you.

1525

1526 Ms. Dwyer - Thank you, Mrs. Darr. Are there any questions of Mrs. Darr by  
1527 Commission members?

1528

1529 Mr. Vanarsdall - I have one question. Have you addressed this with the church?

1530

1531 Mrs. Darr - My husband was at the meeting prior and I was out of town and he has  
1532 addressed some of these concerns, yes, sir.



1533

1534 Mr. Vanarsdall - But y'all haven't had any kind of meeting with the church to work these  
1535 things out?

1536

1537 Mrs. Darr - We have had some contact with the church concerning a tree that fell on  
1538 our property and was not successful in getting much response from them concerning that issue.  
1539 We attempted to contact them a number of times on that issue and did not get a response.  
1540 Subsequent to my husband attended the recent meeting. They have come over and addressed  
1541 some of the issues. I'm sorry. I wasn't with my husband at that meeting.

1542

1543 Mr. Marlles - Mrs. Darr, you do understand that a landscape and lighting plan will be  
1544 required. It's been our experience to require those plans and to review those plans at a later  
1545 stage in the site development process. Simply, because it allows us and the residents to see  
1546 exactly what they are dealing with in terms of buffering or lack there of. So, our normal  
1547 procedure is to require those plans later on in the process. Staff has recommended that those  
1548 plans come back to the Planning Commission at a public hearing. So, regardless of what the  
1549 Commission does today, you will have an opportunity to see those plans in the future. I just  
1550 wanted to make sure that you are aware of that.

1551

1552 Mrs. Darr - No, I wasn't and I appreciate you making me aware of that. But, I also  
1553 was concerned that with that impact, the placement of the parking lot, I see that they adjusted  
1554 the placement following the past meeting. The landscape plan would not impact that  
1555 placement. I guess that is a question to you.

1556

1557 Mr. Marlles - Okay. I'll have to ask Mr. Wilhite to answer that. But, the location of  
1558 the parking lot is shown on the plan today as what they will have to deal with and what they  
1559 will have to landscape in the future.

1560

1561 Mrs. Darr- Then prior to that, I would like to see the floodplain issue with the creek  
1562 and its placement proximity to the floodplain.

1563

1564 Mr. Marlles - Madam Chairman, we might want to hear from all of the citizens there  
1565 might be some similar request. We do have representatives from the Public Works  
1566 Department here that maybe able to address that question.

1567

1568 Ms. Dwyer - We will table that question about the clearing within 60 feet of the creek  
1569 and we will maybe address all of these environmental issues at one time after we have heard  
1570 from all of the citizens, if that is all right with you.

1571

1572 Mrs. Darr - That's fine. Thank you.

1573

1574 Ms. Dwyer - Thank you.

1575

1576 Mrs. Barzel - Hi. I'm Lisa Barzel and my property is directly behind the current  
1577 existing building and parking lot.

1578 Mr. Kaechele - Mrs. Barzel, what is your address?

1579

1580 Mrs. Barzel - It's 3741 Blue Lake Drive. I won't take a lot of your time, I just want to  
1581 say that I support a lot of Jan Darr's concerns or similar concerns. In my case, in particular, I  
1582 am requesting that the landscape plan be brought back before the Commission because I would  
1583 like to see a treed buffer between myself and the parking lot. Our lot is at the lowest point and  
1584 although we would like to be able to provide that buffer ourselves, we can not. Any trees that  
1585 we plant on our side of the creek would do no good at all because of the height. The church is  
1586 a lot higher than we are. So, that is why that is so important. I understand that the plan is to  
1587 plow over the current retention basin, which has been, what I call a snake pit, and that they  
1588 will landscape there but I think that I am looking for more landscaping than the church is  
1589 planning and more evergreens and taller and thicker. The reason is that I have been living  
1590 behind the church and so my experiences, although a church is a very good neighbor to have,  
1591 at times they do use their parking lot for activities. And with all of the hard surfaces it can be  
1592 very noisy when there are a lot of people out there playing and the kids and the whole thing.  
1593 And I assume that those activities will continue and will have even more hard surfaces. So,  
1594 that is another reason for me in requesting this barrier as well as for some privacy. Also, I  
1595 would like to confirm that that area that was clear by the County last year, there is nothing  
1596 there but some wild grass and stuff like that. It is quite a large area. I think it is at least 20  
1597 feet wide or something, and that's already been cleared. I also am the one who brought up the  
1598 trash issue, so I am happy to hear that it's been recommended that that be done during the  
1599 week. I think those are all of the major issues that I have been concerned about. Are there  
1600 any questions?

1601

1602 Ms. Dwyer - Mrs. Barzel, it looks from the picture that there are a lot of trees here,  
1603 and I guess, it is also clear from the picture, that these are deciduous trees. So, what you are  
1604 interested in, then, are evergreens primarily to be added so that during that half of the year  
1605 when there are no leaves, that you will have some screening. Did I understand that correctly?

1606

1607 Mrs. Barzel - Absolutely. And if anyone were to come out and look at it, yes, it is  
1608 very thick with leaves right now, but..... It's really shocking. People always comment, they  
1609 are kind of startled when they walk in my backyard, "Oh, I had no idea, the church is right  
1610 there isn't it." It is very imposing and close without any evergreens.

1611

1612 Ms. Dwyer - Did I understand you to say that you would like to see plantings over the  
1613 easement area that was cleared because I'm not sure that can be done but we can look into that?

1614

1615 Mrs. Barzel - It would be great if it could. I've heard that before that it might not be  
1616 able to be done, I guess I was just clarifying. I just want you to have a visual that that whole  
1617 buffer is gone too.

1618

1619 Mr. Jernigan - Mrs. Barzel, the noise that's coming from the parking lot, is this late at  
1620 night?

1621

1622 Mrs. Barzel - It's not that late, it's in the evening maybe Wednesday night activity. I

1623 really haven't paid that much attention to any particular night but I think like a Wednesday  
1624 night or Sunday night activity. So, no, it's not like late, late. There have been very few times  
1625 it's been late, late.

1626

1627 Mr. Jernigan - But, it's basically just the nights that they have a meeting, Wednesday  
1628 and Sunday. You are not having problems all during the week.

1629

1630 Mrs. Barzel - Oh, no. I don't want to represent that. They will have activities out  
1631 there when the weather is good, that kind of thing.

1632

1633 Mr. Jernigan - I just wanted to make sure we didn't have other people loitering around  
1634 there.

1635

1636 Mrs. Barzel - No, not at all.

1637

1638 Ms. Dwyer - Thank you.

1639

1640 Mrs. Davis - Good morning. My name is Eileen Davis and I live on Lot 19. If you  
1641 wouldn't mind, I would like to have the other drawing put back up because my issues are  
1642 really closer to what that drawing would help to identify. Beside from my issues, Mr. Deeb  
1643 also asked me to.... He had to be out of town today and he's my neighbor. So, my backyard  
1644 concerns are very similar to his. There are a couple of issues we wanted to kind of pre  
1645 discuss. And I want to thank the church for working with us. They have been very amenable.  
1646 We have had conversations back and forth and I really appreciate the changes that they have  
1647 made and I think we are moving closer to an approval that will suit all of us, but we still have  
1648 a little ways to go. To begin with, we keep hearing a little bit of a shift on the numbers,  
1649 between the amount of footage. I believe 60 feet was mentioned today, which we hadn't heard  
1650 about. And I would like to say "A" that we are concern about the floodplain issue and "B"  
1651 about the fact that we really want to get an idea of exactly what is the distance between the  
1652 building and our properties. It's particular important to us because these pictures really don't  
1653 address the elevation of this property. The property is extremely graded and indeed the end of  
1654 the parking lot would probably be a good 30 feet above eye level. One of the gentleman from  
1655 the church suggested to us, when we were talking about the buffering issue, that why don't we  
1656 just plant our own trees. My property itself is also very heavily treed and I intend to keep it  
1657 that way. But, even if I were to plant a 30-foot tree, it still wouldn't address the elevation of  
1658 the tip of the parking lot. It's just to far above me for me to be able to self contain that visual  
1659 image. It really is going to have to be.... Any planting of evergreens is going to have to be on  
1660 level with the parking lot, which is elevated beyond what any of us can do from our own  
1661 property line. So, that is something that we would like to make the Board (sic) aware of.  
1662 Also, I would like to concur with Mrs. Darr and Mrs. Barzel that that clearing from the sewer  
1663 easement really has nothing on it other that brambles and weed grass that a good commercial  
1664 lawnmower couldn't mow down. My biggest personal concern, which was also shared by the  
1665 other residents, is the silt basin. The silt basin is pretty much right on top of my house. If you  
1666 look at... and the property where this silt basin stops, that property down is extremely graded.  
1667 Which means that they will essentially be right above my head. Besides from health concerns

1668 of the water retention, you know, what's not a virus, standing water, all of that. Aside from  
1669 that, I am also concern about the reason that that area of land is being cleared is that is the  
1670 intended site of the gymnasium that is right now not coming before the Board (sic). The  
1671 gymnasium is actually Phase 3, as I understand it. The placement of that silt basin, as I  
1672 understand it, is being put in that particular spot so that "A" land can be cleared because  
1673 somewhere down the road the gymnasium may be built on that site. In looking at that, and  
1674 seeing how heavily encroaching it is on our properties and seeing all of the other possible  
1675 places that the silt basin could be put that would be less of an encroachment upon us, I would  
1676 ask the Board (sic) to consider that. The neighbors are in opposition of all of those trees being  
1677 cleared at this time, essentially in anticipation of a Phase 3 gymnasium that is year's from  
1678 being approved and/or built. Meanwhile, we are going to have to live with the disruption to  
1679 that land. And leaving those trees alone at this time would go a long way towards providing  
1680 the physical barrier that the homeowners in Wellesley are so concerned about. I guess that is  
1681 really my only point. The only other thing I wanted to just make a point of is that we are  
1682 concerned about.... The gentleman from the church said 75 yards, the gentleman from the  
1683 County said 60 feet. That silt basin is kind of right on top of us, which is basically, as I  
1684 understand it, and I would like to be corrected if I'm wrong, it's basically being put in that  
1685 place because that's where the gymnasium maybe someday will go.

1686

1687 Ms. Dwyer - Thank you, Mrs. Davis. Are there any questions for Mrs. Davis by  
1688 Commission members?

1689

1690 Mr. Taylor - Madam Chairman, I would like to go back, if I could to the aerial photo.  
1691 I would like to point out that the distance from point to point really, is very considerable,  
1692 from the neighbors that are down in the far corner to the ones that are closer to the northeast.  
1693 So, too, the grading of the hill. Basically, everyone has, along that stretch, an uphill site,  
1694 which frankly is good. The church has been willing, over a period of time, with their boy  
1695 scout troops to supplement the plantings that are in there with evergreens and screen. And I  
1696 think it was one of your neighbors who suggested something like bamboo, which is a tenacious  
1697 screen.

1698

1699 Mrs. Davis - Okay. I wasn't aware of that.

1700

1701 Mr. Taylor - Once we start bamboo, it will be bamboo forever and a tenuous green  
1702 screen that you may live to regret.

1703

1704 Mrs. Davis - The other thing that we are concerned about is due to the elevation, by  
1705 any lighting plan, we are really concerned that the light is going to cascade down on us from  
1706 above, it really is, you know, above us. And, we understand that the elevation provides some  
1707 particular issues and one of them is the light management. It will be above us and will shine  
1708 down on us, and the topography of the land does amplify noise, greatly. It's like an echo  
1709 valley.

1710

1711 Mr. Marlles - One thing I can assure you is that in the review of the lighting plan that  
1712 is something that staff does look at very closely particularly where we have a residential use

1713 next to this type of use. There are certain types of lighting fixtures that are available that we  
1714 are familiar with that can help prevent that type of spillover onto residential properties and  
1715 glare. And that is something I do want to let you and the other neighbors know. We will be  
1716 looking at that very closely.

1717

1718 Mrs. Davis - Is there anything that we can get in advance that's a little bit more clearly  
1719 out? Right now we are just over nebulous. Is there any way that we have as a proviso to your  
1720 possible approval, something that does designate "Yes, it will be evergreen, yes, they will be  
1721 this height. We understand that you really can't define that until the end of... but just to have  
1722 an idea of what will be the finished product. That would be something that would really go a  
1723 great way to easing our concerns as neighbors. And I would like to consider whether or not  
1724 that silt basin, I would like the Board (sic) to consider whether or not that silt basin being so  
1725 back where it is, is really is an inappropriate place for it. I don't know if it is allowed but it  
1726 would be fabulous if it were on that area that has already been cleared as an easement. That's  
1727 already without trees and we wouldn't have to disturb the trees that are in place, if the silt  
1728 basin could go there, if it doesn't interfere with the easement issues or something. That would  
1729 be, I'm not an engineer, but that would be a wonderful alternative to not disturbing the trees  
1730 that now exist.

1731

1732 Mr. Marlles - I think the applicant's engineer can probably respond to the question best  
1733 about other possible locations for that silt basin. In terms of the landscape and lighting plan, I  
1734 think you are going to have to trust us on this one that our experience is that it is better to get  
1735 those plans later on in the process. The best guarantee that we are going to have, the applicant  
1736 is sensitive to those issues, is the fact that it is going to come back to the Planning  
1737 Commission. The information that is being provided and I think some of you have made some  
1738 excellent suggestions, I'm sure that the church will and their engineers and architects will  
1739 consider that input. Some of the suggestions just make common sense, and I think you will see  
1740 that they will be sensitive to those issues. If this were a rezoning, and I think when we talked  
1741 on the phone, we talked in terms of a possible proffer, this is a different process, but  
1742 sometimes in the cases of rezoning we will get a proffer that details a little bit more of what  
1743 type of buffering will go into effect. However, this being in the POD process, it is a little bit  
1744 different, it is not required. And, again, I think the best thing to do is let the process work. I  
1745 believe you are going to be satisfied with the results.

1746

1747 Mrs. Davis - Okay.

1748

1749 Mr. Kaechele - I might add, that you have already seen on the agenda other landscape  
1750 and lighting plans that have come forward to this hearing process and that one would be the  
1751 same. So, it's open to discussion if things are not worked out prior to the hearing.

1752

1753 Mr. Taylor - Let me just amplify what Mr. Kaechele said. We have been assured by  
1754 the church through the use of their facilities, contractors, and the ever present scout troop.  
1755 The vegetation of that slope can be improved with mature evergreen trees like Hollies, Leyland  
1756 Cypress and Bamboo. The provision of additional trees for the neighbors, if they wish to plant  
1757 them on their side of the stream so that they can screen it and diligent efforts to keep

1758 everything there growing. The site work that the County has, the growth in there is not really  
1759 a welcome thing. The County tries to endeavor to keep that clear. So, we are going to have to  
1760 work from that site over, a little bit extra hard, and plant a little bit extra at the supplement,  
1761 what we can not plant in the County's right-of-way, and then beyond that, additional plantings  
1762 on the building side of the process. So, I think, as we have said in our meeting, if the  
1763 members of the neighborhood and the members of the congregation can come together and  
1764 cooperate and some plan with whatever kind of tree you would like, including bamboo.

1765

1766 Mrs. Davis - Would you consider whether or not the silt basin is in the best spot at  
1767 this time?

1768

1769 Mr. Taylor - Well, I will defer this to the drainage people because I think that they are  
1770 in the best position to do that and right now I think that has been looked at by the County as a  
1771 place. But, that doesn't mean that we can't screen that and shield that even while it's there.  
1772 There are some things that we can do.

1773

1774 Mrs. Davis - It does seem to me that it could be moved up a little bit and some of  
1775 those trees could be left in place. There seems to be a lot of other areas. I don't know if there  
1776 are reasons why it can't be but....

1777

1778 Mr. Taylor - I think it's probably fair to say that we probably can move it a little bit  
1779 but then the question is, how much is a little, and we can screen it, but then that's a question of  
1780 how much is adequate.

1781

1782 Ms. Dwyer - Perhaps it would be useful to hear from some of the County  
1783 professionals who are here who are experts in drainage and environmental questions. I think  
1784 several of those have been raised.

1785

1786 Mr. Taylor - Madam Chairman, I think that is a great idea and I think we should do  
1787 that right after we finish with the questions from the community.

1788 Mrs. Davis - Well, thank you to the Board (sic) and I sure hope we can work this out.  
1789 As the parish nurse of Saint Michael's it's always good news when the church wants to grow,  
1790 and we just hope that we can come to a process that everybody can live with.

1791 Ms. Dwyer - Thank you. Is there anyone else that would like to speak in opposition to  
1792 the case?

1793 Mr. Davis - Yes. My name is Martin Davis. I'm at 3717 Blue Lake Drive. I feel  
1794 much better today getting assurance of the Board (sic) that we will have another chance to  
1795 address my concern which is the lighting. And, again, with the leaves off the trees and the  
1796 lights on from dusk to dawn, I'm concerned about the cascading affect of the lights onto the  
1797 property. Also, it was talked about the clearing for the proposed Phase 3, which has not come  
1798 before the Board (sic) and probably will not for some time to come. I'm interested in why the  
1799 clearing of all that property needs to be done with Phase 1 if it is still several years away. And  
1800 I share the concerns previously mentioned, so not to be redundant, I won't repeat. I thank

1801 you.

1802

1803 Ms. Dwyer - Thank you, sir. Are there any questions for Mr. Davis by Commission  
1804 members? Mr. Taylor, who would you like to call forward from staff?

1805

1806 Mr. Taylor - Madam Chairman, I think the staff member that knows the most of this  
1807 because we have been heavily involved in the public meetings, is Mr. Wilhite.

1808

1809 **AT THIS TIME THE RECORDER MALFUNCTIONED AND A PORTION OF MR.**  
1810 **TAYLOR'S AND MR. WILHITE'S COMMENTS WERE NOT RECORDED.**

1811

1812 Mr. Wilhite - .... clearing limits and distances. Sixty feet was the closest that I could  
1813 tell from the plans from the limits of clearing on the site to the property line of the adjacent  
1814 property. One hundred forty-five feet was from the proposed parking lot to the property line.  
1815 Numbers that Mr. Walker expressed were distances from existing dwellings to the church  
1816 building, which were greater. I wanted to point out the closest that any type of disturbance,  
1817 according to the plans that have been submitted to the County was from the property line of the  
1818 Wellesley development.

1819

1820 Ms. Dwyer - Thank you, Mr. Wilhite. All right.

1821

1822 Mr. White - Keith White, Environmental Division, Public Works. There were a  
1823 couple of issues that were raised that I could speak to. As far as the existing BMP that is out  
1824 there, it is really a sediment trap that was left over from previous construction that was not  
1825 removed, and it would be the intent of Public Works to get it taken care of with this particular  
1826 development project.

1827

1828 Ms. Dwyer - Could that be planted with evergreens or whatever? Could you show us  
1829 where that is on the map?

1830

1831 Mr. White - The engineer can help me out here (pointing to area).

1832

1833 Ms. Dwyer - So that cleared area there would be available for landscaping?

1834

1835 Mr. White - As long as it is not in a drainage or utility easement. Typically those  
1836 things don't get replanted with trees, grasses and shrubs, things with small root systems.

1837

1838 Ms. Dwyer - So, is what you just said apply to the drainage easement and utility  
1839 easement and sewer easement that we see crisscrossing the property?

1840

1841 Mr. White - They don't like large root system plants, like trees.

1842

1843 Ms. Dwyer - So, the County would not want to see any kind of large evergreen trees  
1844 planted over any of those easements.

1845

1846 Mr. White - Right.

1847

1848 Ms. Dwyer - Because the root systems would disturb the utility lines.

1849

1850 Mr. Taylor - Madame Chairman, what would be permissible there that would have  
1851 very little root growth but lots of top growth?

1852

1853 Mr. White - Well, as far as my expertise goes, grasses and shrubs. Now, as far as  
1854 the particular variety, we kind of look to Planning to pick appropriate ones.

1855

1856 Mr. Kaechele - Well, typically, when this happens all across the County and the County  
1857 puts in a water system or sewer system or storm or drainage, there is a lot of clearing because  
1858 the heavy equipment that has to get in there, and you may be putting in a 20-inch pipe but you  
1859 have a 50-foot wide easement for heavy equipment to swing pipe back and forth, and it is very  
1860 unfortunate. But it happens and it even happened on the side of my lot. They cleared 50 feet  
1861 to put in a storm drainage, and typically, unless it is somebody's front yard, they don't go back  
1862 and put in plantings, and they don't allow plantings that can grow down into the root system  
1863 into any kind of sewer that is there, and they also maintain the right and the need to get in and  
1864 maintain these sewers should any stoppage occur. So, heavy equipment has to go back along  
1865 those sewer lines from time to time. It might be 10 or 20 years down the road, but it is a  
1866 difficult issue to re-landscape sewer easements, and the County, typically, is pretty protective  
1867 of the need to get back in there.

1868

1869 Person from the audience - Am I allowed to ask a question?

1870

1871 Mr. Kaechele - Sure.

1872

1873 Person from the audience - This clears approximately 40 feet along this. Does that mean you  
1874 are not allowed to plant any sort of tree or deep root plant within that?

1875

1876 Mr. Kaechele - No. I don't think that means that, particularly. Particularly along the  
1877 edges, they certainly don't want you to plant over the pipe line itself, and anything that is  
1878 planted is subject to, perhaps, damage or removal in the future, if heavy equipment has to  
1879 come back. So, those are the chances, but typically the owners, the property owners put in,  
1880 and/or developers, smaller Pine trees that can be removed in the future if it has to be, but they  
1881 don't have deep root systems and don't grow into big trunk trees.

1882

1883 Ms. Dwyer - OK. Mr. White.

1884

1885 Mr. White - There was another issue concerning a buffer along the creek. That  
1886 stream is not a resource protection area stream, therefore, there is no 100-foot buffer  
1887 associated with that stream.

1888

1889 Ms. Dwyer - So, certain streams in the County are designated as RPA or Resource



1890 Protection Areas, or streams have resource protection areas, which would be the 100-foot  
1891 limitation of clearing or disturbance near the creek area, so this is not one of those, though?

1892

1893 Mr. White - This stream is not an RPA stream.

1894

1895 Ms. Dwyer - OK. So, clearing can be legally done closer than 100 feet of the stream?

1896

1897 Mr. White - Yes.

1898

1899 Mr. Marlles - Is there a flood plain along there?

1900

1901 Mr. White - I believe there is.

1902

1903 Mr. Marlles - And does the distance of that vary along the creek, typically? I guess we  
1904 don't know.

1905

1906 Mr. White - There is no set distance from the flood plain to the creek. That varies  
1907 depending on topo and the drainage area to that particular point.

1908

1909 Ms. Dwyer - Could you clarify what limitations there are to clearing around this  
1910 creek? If it is not RPA, are there any other limitations for clearing around the creek?

1911

1912 Mr. White - No, ma'am.

1913

1914 Ms. Dwyer - So they could clear right up to the creek bed if they wanted to do that?

1915

1916 Mr. White- The proposed activity, they show no impacts to wetlands. If they were  
1917 impacting wetlands, they'd have to get the appropriate permits, and there are none.

1918

1919 Ms. Dwyer - So, what you are saying is that what is being proposed here is  
1920 appropriate in terms of all of the protections for water sheds and streams that there are?

1921

1922 Mr. White - Yes, ma'am.

1923

1924 Ms. Dwyer - There is nothing more that needs to be done here? OK. I will let you  
1925 come back after we finish, if that is all right.

1926

1927 Mr. Marlles- Mr. White, there was also a question that one of the residents brought  
1928 up, a concern about the West Nile Virus. I believe Public Works is taking some action in that  
1929 respect for standing water and BMPs.

1930

1931 Mr. White - It is merely an information practice, right now. People know what they  
1932 can do. We have no requirements that private property owners treat standing water states for  
1933 mosquito control.

1934 Mr. Marlles - But you are informing, to the best of our knowledge, property owners

1935 that have BMPs and basins that they should treat the basins for mosquitoes.

1936

1937 Mr. White - Yes. That won't address the sediment trap. Those are required by state  
1938 regulations and by design, they hold water, but as far as the BMPs that they have proposed, it  
1939 should not be a mosquito-breeding place, because they will not have a permanent body of  
1940 water.

1941

1942 Ms. Dwyer - Are you referring to the bio-retention area?

1943

1944 Mr. White - Yes, the bio-retention area.

1945

1946 Ms. Dwyer - Which is much better than the mud puddle, as Mr. Vanarsdall designates  
1947 them, a big mud puddle?

1948

1949 Mr. White - Yes.

1950

1951 Ms. Dwyer - There was also a question about runoff into the creek and the neighbors  
1952 have noticed it before. Do you have any comments on that?

1953

1954 Mr. White - I am assuming that it is related to quantity of storm water, and in what  
1955 development it is going to occur. Just increased flows throughout that whole water shed. We  
1956 did go in and look at the stream below Sedgemoor Oaks, which is a residential development to  
1957 the northeast, and like most of the streams in Henrico, there is some sediment deposition;  
1958 nothing that we could determine was directly related to that particular development.

1959

1960 Mr. Marlles - The Public Works Department will be looking at the plan, though, to  
1961 insure that it meets all the drainage standards of the County runoff as they typically do.

1962

1963 Ms. Dwyer - Can you answer the question about the location of that basin?

1964

1965 Mr. White - I will look at the engineer to add to this, but it looks to me like - based  
1966 on the topo - that it is in the most logical place to serve the disturbed acreage that they are  
1967 proposing with this development.

1968

1969 Ms. Dwyer - Looking at the grade of the property...

1970

1971 Mr. White - Yes, the existing topo over there in that area where the sediment trap is  
1972 proposed. You may be able to shift it a little bit, but significant changes in its location, I  
1973 don't, I would not anticipate that, based on the grade that they have to work with. The idea is  
1974 to put a facility in like that that would serve the entire disturbed acreage that they are  
1975 proposing in that one. It will, in fact, treat all of the disturbed acreage with this project.

1976

1977 Ms. Dwyer - Do you have any other comments, Mr. White? Any other questions by  
1978 Commission members?

1979 Mr. Jernigan - I have a question, Ms. Dwyer. The work shop that we had a few months

1980 ago, and they gave us a report on the streams, at that time didn't we initiate a SPA because  
1981 some streams didn't fall into the RPA, that the SPA area would be 50 feet on each side.

1982

1983 Mr. White - I will cross my fingers that will be adopted on August 14<sup>th</sup>, the next  
1984 board meeting. It is not in effect right now. If it was, this plan would comply with that 50  
1985 feet as it is seen right now. The stream is, I think, one of the areas that has that 50-foot placed  
1986 on it, but that program is not in effect right now.

1987

1988 Ms. Dwyer - How about the County berms that are super-imposed on all of the  
1989 requirements relating to...

1990

1991 Mr. White - The Stream Protection Watershed Program has that 50-foot buffer on it.

1992

1993 Ms. Dwyer - Any other questions? Thank you, Mr. White. Would the engineer for  
1994 the applicant come forward, please? I believe we had a question about the sediment basin and  
1995 we thought perhaps you could shed some light on its location.

1996

1997 Mr. Duncan - I am Carl Duncan with C. E. Duncan and Associates. I don't remember  
1998 the question now.

1999

2000 Ms. Dwyer - The question was the location of the sediment basin and did it need to be  
2001 there?

2002

2003 Mr. Duncan - Basically, yes. Our decision-making process in locating that was like  
2004 Public Works informed you. We took the lowest spot we could get that would capture all of  
2005 the disturbed area and sized it there. It has no relationship, I think, to the Phase III  
2006 gymnasium other than coincidence at all. We looked at several different methods at the site,  
2007 and this is basically the optimal. It captures all of the disturbed area and we tried to locate it in  
2008 such an area that, excuse me. If you will look at it (referring to slide), there is a pretty  
2009 significant tree-save, existing treed area between it and the property line, and what we were  
2010 trying to do was locate it in such a manner that would capture all of the drainage, but also try  
2011 and be as obscured from the neighbors as possible.

2012

2013 Mr. Kaechele - Well, isn't it typical that it has to be the lowest downstream collation  
2014 that...

2015

2016 Mr. Duncan - Oh, yes. We have to get it in there. Yes.

2017

2018 Ms. Dwyer - So, what you are saying is for it to function properly, it needs to be  
2019 located in that spot?

2020

2021 Mr. Duncan - Yes, ma'am. And another point is, Kevin has mentioned some of the  
2022 setbacks from the property line for this structure. This is a temporary structure; upon  
2023 completion of construction this area is going to be backfilled and seeded and landscaped, so, I  
2024 mean, on a permanent basis, our setback, was it 140? What is it to the parking lot? One

2025 hundred and forty-five feet to the parking lot. That is our permanent distance from the corner  
2026 of the parking lot over to the property line. This structure here is temporary. As soon as we  
2027 are done, it will go away and we will landscape it.

2028

2029 Mr. Taylor - Mr. Duncan, while you are landscaping it, do you think that there will  
2030 also be additional trees planted and additional shrubs?

2031

2032 Mr. Duncan - Oh, yes. Like it has been mentioned before, we have to bring the  
2033 landscaping plan back before the Board. That is certainly an opportunity to make sure that we  
2034 have the appropriate screening.

2035

2036 Mr. Taylor - I have one more question. Ms. Dwyer mentioned in her comments that  
2037 with the project the way that it is now, there will be the clearing of the entire site for the future  
2038 phases now, rather than later, and she asked would it be more advantageous to do it later.  
2039 Would you like to comment on that? The advantages of doing it now.

2040

2041 Mr. Duncan - Well, that comment is somewhat correct and somewhat incorrect. We  
2042 are clearing for all of the site work development with regards to the parking structure; I mean,  
2043 the parking facility. What clearing that we do, if any, for the Phase III, which would be the  
2044 only one outside of the limits of what we have shown here (referring to slide) would be a  
2045 grading issue, if we needed dirt to make the site work, which, you know, apparently by my  
2046 calculations now we will need very little beyond what we already have taken out for the  
2047 sediment trap, but it makes some economic sense to do the parking lot all at the same time.

2048

2049 We have looked at trying to scale it back in phases it or what not, and when you try and do  
2050 that, there is no good breaking point. You need the continuity of the parking lot. You need  
2051 the grades to make the whole site work, so, I guess the answer to your question is yes. We  
2052 have to clear all that we've got shown to make the site work.

2053

2054 Mr. Taylor - There is an advantage if we put these limits now to work within those  
2055 limits. We can establish additional vegetation within the outlying area, and will not have to cut  
2056 through it again.

2057

2058 Mr. Duncan - That is right.

2059

2060 Mr. Taylor - So we get an early start on the screen planting that the neighbors are  
2061 looking for right now, rather than waiting and seeing what happens and then taking it all down  
2062 and it will at least have four or five years to grow. So by the time you came back to a future  
2063 phase, it would be an advantage in that the trees there would be already established, and they  
2064 would be able to remain. You could work the site with no further damage.

2065

2066 Mr. Duncan - Correct. Phase I and Phase II.

2067

2068 Mr. Taylor - Those are all of the questions, Madame Chairman, that I had.

2069

2070 Ms. Dwyer - Any other questions by Commission members? We normally allow 10  
2071 minutes. The church has some rebuttal time and there was another question by the neighbors, I  
2072 think. Someone's hand was raised. You need to come to the microphone. The proceedings  
2073 are being recorded.

2074

2075 Person from Audience - What about the retention basin? We say it is temporary, but is the  
2076 retention basin that will be there through Phase 3.

2077

2078 Mr. Marlles - Sir, could you identify yourself for the record again.

2079

2080 Mr. Davis - Yes. Martin Davis.

2081

2082 Ms. Dwyer - Could someone from the church respond to that and then perhaps we  
2083 could hear the church's rebuttal, if any.

2084

2085 Person from Audience- Specifically to that, that sediment basin is there just for the  
2086 construction activity. At the end of the construction and the occupancy permit, and so forth, I  
2087 think that permit will be required to be approved with that sediment basin removed and  
2088 replanted, so that is strictly a temporary structure for construction runoff, and those bio-  
2089 retention areas then become long term including the Phase 2 and the Phase 3. The timing for  
2090 Phase 2 and Phase 3, we'd like to make a, pass the hat today and make a collection, because as  
2091 soon as we reach our funding level, we're back here requesting building plans for Phase 2 and  
2092 Phase 3. Without that, we might say two years out for Phase 2 and three to four years out for  
2093 Phase 3.

2094

2095 Ms. Dwyer - So the silt trap that is shown, the sediment basin that we are discussing,  
2096 once what has been proposed here today is completed, that will go. It is not going to be  
2097 maintained through 2 or 3.

2098

2099 Mr. Duncan - Not even Phase 2. That structure will go as well as the existing snake  
2100 pit. I want to clarify a statement that was just made. The sediment trap will be removed once  
2101 this construction is finished and stabilized, but it is not tied to issuance of occupancy  
2102 certificates.

2103

2104 Ms. Dwyer - OK. All right. Would the applicant like to make a closing statement or  
2105 any sort of rebuttal statement?

2106

2107 Mr. Walker - Certainly. We appreciate everyone's time today and everybody's input  
2108 and we hope that this is not the end of this process, that we continue to receive input from the  
2109 neighbors, and Chuck Allen is going to be a big part of that. I have business cards today to  
2110 pass out to anyone that is interested. Just a couple of comments, not really rebuttals, but just  
2111 comments. I think that Carl has already mentioned the mast balance, the purpose for the dirt  
2112 work and the economics of doing all of the comprehensive site plan that we have. There were  
2113 some comments about lighting at the church. I remember at our very first meeting in  
2114 November with the County, I think it was the Police Chief or the Police representative was

2115 interested in lighting and it just kind of stuck in my mind. You come to a meeting here is a  
2116 man in uniform, and we were trying to figure out what he was going to say. He was quite  
2117 interested in the lighting. And so it is not so much a convenience for the church, it is a matter  
2118 of security for the County and the neighborhood. So, some of that lighting duration is dictated  
2119 by the County for security reasons, as well as shrubbery against the building and so forth. So,  
2120 we will comply with County requirements, in addition to the needs of safe operating around  
2121 the church for lighting. Again, we will be glad to work with the neighborhood on lighting  
2122 issues, selecting fixtures and so forth. I don't believe I have any other comments. Thank you  
2123 for your time.

2124

2125 Ms. Dwyer - Thank you, Mr. Walker. Anything else, Mr. Taylor?

2126

2127 Mr. Taylor - No, Madam Chairman.

2128

2129 Ms. Dwyer - Are you ready for a motion?

2130

2131 Mr. Taylor - I would just like to make a statement, though, if I might. This particular  
2132 project has been very difficult because of the particular situation of the location of the  
2133 neighbors relative to the church being uphill, and the fact that that area has been forested for a  
2134 long time. When we first started to work on this, Mr. Wilhite and I walked that site and  
2135 looked at the topography and looked at the design. Initially we talked to the church about  
2136 completely revising the design to minimize what we thought were some additional impacts on  
2137 the neighbors and some thought that we had to improving the actual design. We were happy to  
2138 recognize the church for stopping right where they were, submitting their entire plan back to  
2139 Mr. Duncan, who revised the design to accommodate what we saw were some obvious  
2140 improvements that could be made, and I want to commend both the church and Mr. Duncan  
2141 for their efforts. Also, I want to recognize, ask all of the neighbors to recognize that what they  
2142 have done now is actually second generation design that they were very willing to undertake,  
2143 as we looked at it, and with the specific intention of reducing impact on the neighborhood, on  
2144 the environment, and improving what we thought was the use of the site in future years. Now,  
2145 at the present time, after reviewing the design, it is my belief that it is a reasonable sensitive  
2146 design. It is environmentally sound and the church has agreed to work in future harmony with  
2147 the neighbors and, in fact, have a series of annual meetings like the ones we had, where we  
2148 were all able to get together, review the plans, walk the site, get an idea of the project plan and  
2149 scope, and I am delighted that Mr. Allen, a neighbor from Wellesley, will be the church  
2150 liaison, and, of course, Mr. Wilhite and I are available at any time, 24 hours a day.

2151

2152 Ms. Dwyer - You might want to speak for yourself.

2153

2154 Mr. Taylor - That has been tested. There have been a few late night calls, so I think  
2155 really that the willingness of the church to work with the community, the reasonableness that  
2156 they have in changing the design, is really commendable, and I say that because I think this is  
2157 an example of future conduct that neighbors can expect from the church. Every time I have  
2158 called, they have responded. Every time they have responded, they have reviewed the proffers  
2159 and amended the design if they felt that they needed to do so.

2160

2161 Mr. Kaechele - Mr. Taylor, before you get on with your motion, excuse me for  
2162 interrupting, but I would also, as more than a casual observer, I'd like to say to you, Al, Mr.  
2163 Wilhite and Mr. Walker and to the church that there has been a great deal of effort going on  
2164 here prior to this POD coming here this morning, and so my thanks go to you, Mr. Taylor and  
2165 you, Mr. Wilhite, and Mr. Walker and the church. I know that these are sensitive issues and it  
2166 happens at many churches around the County. And churches are good neighbors in  
2167 neighborhoods. They are designed to be that way. Excuse me for the interruption, but I just  
2168 wanted to put that in there.

2169

2170 Mr. Taylor - Thank you very much, Mr. Kaechele. The interchanges that we have  
2171 had with the church and with the neighbors have been very profitable and we would expect  
2172 those to continue, but my belief, my solid belief, both professionally and as a member of the  
2173 community is that I believe the church really will work with the community and the community  
2174 with the church to minimize impact as we go ahead, and there will be challenges that we will  
2175 meet, but I am sure that working together as a team, at ad hoc meetings or whatever meetings  
2176 we need, that the County staff, myself, I really think we can get a great design, great  
2177 construction and we can work to improve and enhance the things that now over a period of  
2178 time, perhaps, we have missed. We can enhance plantings there that are particularly deciduous  
2179 type trees with Holly and other trees. I know that Bamboo raises a few snickers, but once you  
2180 start it, it will screen and you will never get rid of it. If anybody wants some, I will send over  
2181 a few plants. So, looking at everything, and just looking at the nature of the church and the  
2182 sensitivity of the church to the neighbors, the neighbors' sensitivity to the church and the  
2183 willingness to work together, I am confident that this project will be feasible, successful and  
2184 something in the future we can all be proud of. With that, I would move, Madam Chairman,  
2185 for approval of POD-35-01, Gayton Baptist Church, POD-98-90, subject to the annotations on  
2186 the plans, standard conditions for developments of this type, and conditions Nos. 9 and 11  
2187 Amended, and Nos. 23 through 28.

2188

2189 Mr. Kaechele - I would like to second that, Madam Chairman.

2190

2191 Ms. Dwyer - We have a motion by Mr. Taylor and a second by Mr. Kaechele. All in  
2192 favor of the motion say aye....all opposed say nay. The motion is carried.

2193

2194 The Planning Commission voted to approve POD-35-01, Gayton Baptist Church, subject to the  
2195 annotations on the plan, the standard conditions attached to these minutes for developments of  
2196 this type and the following additional conditions.

2197

2198 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for  
2199 review and approval Planning Commission prior to the issuance of any occupancy  
2200 permits.

2201 11. **AMENDED** - Prior to the approval of an electrical permit application and installation  
2202 of the site lighting equipment, a plan including depictions of light spread and intensity  
2203 diagrams, and fixture specifications and mounting height details shall be submitted for  
2204 Planning Office review and Planning Commission approval.





2239 bank now. The remainder of the sidewalk along the access drive will be shown on the  
2240 approved plan and be labeled as being constructed with the future phase of development. The  
2241 remaining parcel between the bank and the existing Crown Central Station. The access itself is  
2242 being constructed with this POD. Staff is agreeable to having that condition worded that way.  
2243 The applicant is agreeable as well. We had concerns over the construction of the wall required  
2244 as a transitional buffer requirement between this property and the Madison @ Spring Oaks  
2245 Apartments construction. The plan showed an eight-foot-high block wall. Staff recommended  
2246 brick to match the building. The applicant is now agreeable to building a six-foot-high brick  
2247 wall. This would mirror the wall that's already behind the Crown Station built with that  
2248 development. The one remaining issue that we had, staff was recommending that the color of  
2249 the roof and the brick match the existing Westgate I and II office buildings. The applicant is  
2250 agreeable to do that. They are going to provide us some samples prior to approval of the  
2251 building permit if there is any variation from those types that they proposed and staff can look  
2252 at that again. With that, staff will recommend approval of this plan, based on the annotations  
2253 and the conditions on your agenda.

2254

2255 Mr. Taylor - Mr. Wilhite, I have one question that you and I had discussed previously  
2256 on sheet #6. Was the elimination of the drive-thru and the conversion of that entire area to a  
2257 planted island. Has the applicant agreed to that or will that come back in the landscaping plan?

2258

2259 Mr. Wilhite - The connections of those paved areas, which is parallel to the access  
2260 drive, is going to be removed and that will be an area available for landscaping.

2261

2262 Mr. Taylor - Thank you.

2263

2264 Mr. Wilhite - That's the way staff annotated the plans.

2265

2266 Mr. Kaechele - I guess the sign on the elevation has room for a future name change,  
2267 perhaps.

2268

2269 Mr. Wilhite - We can always accommodate that. The signs aren't a part of this  
2270 approval. They have to have separate sign permits.

2271

2272 Mr. Kaechele - Okay.

2273

2274 Ms. Dwyer - Are there any other questions? Are you ready for a motion, Mr. Taylor?

2275

2276 Mr. Taylor - Yes, ma'am. I move approval of POD-36-01, First Union National  
2277 Bank - Westgate @ Wellesley, subject to the annotations on the plans, the standard conditions  
2278 for developments of this type, and conditions Nos. 23 through 33.

2279

2280 Mr. Vanarsdall - Second.

2281

2282 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
2283 All in favor of the motion say aye...all opposed say nay. The motion carries.

2284

2285 The Planning Commission approved POD-36-01, First Union National Bank - Westgate @  
2286 Wellesley, subject to the standard conditions attached to these minutes for developments of this  
2287 type, the annotations on the plans and the following additional conditions.

2288

2289 23. The easements for drainage and utilities as shown on approved plans shall be granted to  
2290 the County in a form acceptable to the County Attorney prior to any occupancy permits  
2291 being issued. The easement plats and any other required information shall be submitted  
2292 to the County Real Property Agent at least sixty (60) days prior to requesting  
2293 occupancy permits.

2294 24. The entrances and drainage facilities on W. Broad Street (U.S. Route 250) shall be  
2295 approved by the Virginia Department of Transportation and the County.

2296 25. The developer shall provide fire hydrants as required by the Department of Public  
2297 Utilities and Division of Fire.

2298 26. Outside storage shall not be permitted.

2299 27. The proffers approved as a part of zoning case C-5C-01, C-59C-00 and C-69C-95 shall  
2300 be incorporated in this approval.

2301 28. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
2302 a form acceptable to the County Attorney prior to final approval of the construction  
2303 plans.

2304 29. Deviations from County standards for pavement, curb or curb and gutter design shall be  
2305 approved by the County Engineer prior to final approval of the construction plans by  
2306 the Department of Public Works.

2307 30. In the event of any traffic backup which blocks the public right-of-way as a result of  
2308 congestion caused by the drive-up teller facilities, the owner/occupant shall close the  
2309 drive-up teller facilities until a solution can be designed to prevent traffic backup.

2310 31. Insurance Services Office (ISO) calculations must be included with the plans and  
2311 approved by the Department of Public Utilities prior to the issuance of a building  
2312 permit.

2313 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the  
2314 Planning Office and approved prior to issuance of a certificate of occupancy for this  
2315 development.

2316 33. The applicant shall construct a sidewalk along the north side of the access drive as  
2317 shown on the approved construction plans. The portion of the sidewalk from Spring  
2318 Oak Drive to the eastern property line of the First Union parcel may be constructed  
2319 with the development of the remainder of the site (Parcel 1).

2320

2321 **REVISION OF PLAN OF DEVELOPMENT**

2322

POD-80-99 Revised  
Downtown Short Pump -  
Bank of America

**Balzer & Associates, Inc. for Short Pump Entertainment, LLC and Bank of America:** Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 4,800 square foot bank building with drive-thru facilities within an existing community shopping center. The 23.18 acre site is located on the southeast corner of W. Broad Street (U. S. Route 250) and Pouncey Tract Road on parcels 36-A-19G, 19H, 19I, 19J, 21, 22N and 25. The zoning is B-2C, Business District (Conditional), M-1, Light Industrial District and WBSO (West Broad Street Overlay District). County water and sewer. **(Three Chopt)**

2323

2324 Ms. Dwyer - Is there anyone in the audience in opposition to POD-80-99, Downtown  
2325 Short Pump - Bank of America? There is no opposition. Mr. Wilhite.

2326

2327 Mr. Wilhite - The last issues remaining on this project dealt with the architectural  
2328 design of the building. Staff was fine with the site plan. This area is now going through its  
2329 fourth changes. This was the site that originally was supposed to be Silver Diner and then  
2330 That's Amore and now Bank of America is being proposed here. We have revised plans  
2331 submitted to us, and those have been handed out to you and staff has added some annotations  
2332 to the plans as well to get it to tie in more closely with the existing shopping center, in  
2333 particular, the Regal Cinemas and the other additional shops, the Barnes & Noble. The  
2334 annotations have been review. The applicant is also in agreement with the annotations on the  
2335 plans. Basically, we are just suggesting some color changing and the adding of more detail to  
2336 more closely tie into the existing buildings there. With the annotations on the revised  
2337 architectural plans, staff recommends approval.

2338

2339 Mr. Kaechele - For our annotation purpose, I guess the east elevation would be the view  
2340 from Pouncey Tract Road.

2341

2342 Mr. Wilhite - That is correct. That will be the side that will have the drive-thru  
2343 canopy on it.

2344

2345 Mr. Taylor - Along Pouncey Tract Road, Mr. Kaechele, right at the road, the  
2346 community development has agreed to do some additional landscaping along there to unify that  
2347 side. And it is my hope to get to the Commerce Bank of Virginia and try to work with them to  
2348 see if they will participate in the unification project. Mr. Wilhite and I have talked about that  
2349 we hope to make that so.

2350

2351 Mr. Kaechele - It is a part of the Overlay District, isn't it?

2352 Mr. Wilhite - Yes, it is. Although, the bank on the corner is not a part of this  
2353 shopping center, but it is within the Overlay District.

2354

2355 Mr. Kaechele - Okay.

2356

2357 Mr. Taylor - And what I propose there is do a kind of a special visit and request  
2358 that....

2359

2360 Mr. Kaechele - They are pretty tight for space....

2361

2362 Mr. Taylor - Our hope, and Mr. Wilhite and I had discussed it, and our hope is that  
2363 along that entire side of Pouncey Tract we can unify it with some common plantings.

2364

2365 Mr. Kaechele - That will be good but there isn't a lot of green space in there.

2366

2367 Mr. Taylor - No, sir.

2368

2369 Mr. Wilhite - And, I'll just add. In front of this building, on Pouncey Tract Road,  
2370 they do meet the West Broad Street Overlay District requirements. The landscaping was part of  
2371 the Downtown Short Pump Landscape Plan that came before the Planning Commission a few  
2372 months ago. So, that area has already had an approved landscape plan with it.

2373

2374 Mr. Kaechele - Okay.

2375

2376 Mr. Taylor - I do want to commend Mr. Wilhite for patience. This is the third or  
2377 fourth time we have approved this, and we wish Bank of America the best of luck in making it  
2378 the last. So with that, Madam Chairman, I'll move approval of POD-80-99 Revised  
2379 Downtown Short Pump for Bank of America, consistent with the annotations on the plans, the  
2380 standard conditions for developments of this and additional conditions Nos. 23 through 39.

2381

2382 Mr. Vanarsdall - Second.

2383

2384 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.  
2385 All in favor say aye...all opposed say nay. The motion carries.

2386

2387 The Planning Commission approved POD-80-99 Revised, Downtown Short Pump - Bank of  
2388 America, subject to the standard conditions attached to these minutes for developments of this  
2389 type, the annotations on the plans and the following additional conditions.

2390

2391 23. The right-of-way for widening of W. Broad Street (U.S. Route 250) as shown on  
2392 approved plans shall be dedicated to the County prior to any occupancy permits being  
2393 issued. The right-of-way dedication plat and any other required information shall be  
2394 submitted to the County Real Property Agent at least sixty (60) days prior to requesting  
2395 occupancy permits.

2396 24. The easements for drainage and utilities as shown on approved plans shall be granted to

- 2397 the County in a form acceptable to the County Attorney prior to any occupancy permits  
 2398 being issued.
- 2399 25. The entrances and drainage facilities on (U.S. Route 250) shall be approved by the  
 2400 Virginia Department of Transportation and the County.
- 2401 26. A notice of completion form, certifying that the requirements of the Virginia  
 2402 Department of Transportation entrances permit have been completed, shall be submitted  
 2403 to the Planning Office prior to any occupancy permits being issued.
- 2404 27. The developer shall provide fire hydrants as required by the Department of Public  
 2405 Utilities and Division of Fire.
- 2406 28. A standard concrete sidewalk shall be provided along the north side of W. Broad Street  
 2407 (U.S. Route 250) and the west side of Pouncey Tract Road.
- 2408 29. Outside storage shall not be permitted.
- 2409 30. The developer shall install an adequate restaurant ventilating and exhaust system to  
 2410 minimize smoke, odors, and grease vapors. The plans and specifications shall be  
 2411 included with the building permit application for review and approval. If, in the  
 2412 opinion of the County, the type system provided is not effective, the Commission  
 2413 retains the rights to review and direct the type of system to be used.
- 2414 31. Any necessary off-site drainage and/or water and sewer easements must be obtained in  
 2415 a form acceptable to the County Attorney prior to final approval of the construction  
 2416 plans.
- 2417 32. Deviations from County standards for pavement, curb or curb and gutter design shall be  
 2418 approved by the County Engineer prior to final approval of the construction plans by  
 2419 the Department of Public Works.
- 2420 33. Insurance Services Office (ISO) calculations must be included with the plans and  
 2421 approved by the Department of Public Utilities prior to the issuance of a building  
 2422 permit.
- 2423 34. Approval of the construction plans by the Department of Public Works does not  
 2424 establish the curb and gutter elevations along the Virginia Department of Transportation  
 2425 maintained right-of-way. The elevations will be set by the contractor and approved by  
 2426 the Virginia Department of Transportation.
- 2427 35. The ground area covered by all the buildings shall not exceed in the aggregate 25  
 2428 percent of the total site area
- 2429 36. No merchandise shall be displayed or stored outside of the building(s) or on  
 2430 sidewalk(s).
- 2431 37. Prior to the issuance of a Certificate of Occupancy, the developer shall construct the  
 2432 point of access to the property line to the west of this development as shown on the  
 2433 approved plan.
- 2434 38. The developer shall share on the cost of any future signalization of the entrance from  
 2435 the development onto Pouncey Tract Road.
- 2436 39. Employees shall be required to use the parking spaces provided at the rear of the  
 2437 building(s) as shown on the approved plans.
- 2438
- 2439 Ms. Dwyer - All right, the next item on the agenda, Mr. Secretary.
- 2440
- 2441 Mr. Marlles - Madam Chairman, the next item on the agenda is a discussion item.

2442 **DISCUSSION ITEM: Reconsideration of proffer 26 of rezoning case C-72C-90 pertaining**  
2443 **to underground utilities for the Hunton Development on the west side of Mill Road and**  
2444 **the northern line of I-295.**

2445

2446 Ms. News - This request is for reconsideration of the intent of Proffer #26 as  
2447 approved with rezoning case C-72C-90, which is included with your addendum, to allow the  
2448 extension of an existing three phase overhead power line from Old Mountain Road to serve the  
2449 Hunton Park Development. The line would consist of 34-foot poles with a crossarm and three  
2450 lines. At the request of Dominion Virginia Power, the line would run parallel to I-295, over  
2451 Holladay Branch Creek. In addition, a line would run parallel to and west of the creek to its  
2452 terminus approximately 150 feet south of Hunton Park Boulevard. The service would be  
2453 underground from that point. Proffers from the rezoning case require underground utilities  
2454 unless specifically approved otherwise by the Planning Commission. Dominion Virginia  
2455 Power has indicated that overhead power in this area is preferable due to very rough terrain  
2456 and to minimize what would be substantial disturbance of wetlands. The proffers for the site  
2457 and the O/S standards require a 50-foot buffer along I-295. The applicant requests flexibility  
2458 with the location of the line and indicates that the buffer will be provided either north or south  
2459 of the line after consideration for wooded conditions. Staff recommends that a motion for  
2460 reconsideration of Proffer #26 be approved to allow overhead utilities under the following  
2461 circumstance as outlined in your agenda. "Overhead power shall be permitted in substantial  
2462 conformance with the location shown on the plan prepared by Foster & Miller dated August  
2463 16, 2000. Required landscape buffers shall be provided exclusive of easements." I'll be happy  
2464 to answer any questions and the representative is also here.

2465

2466 Ms. Dwyer - Are there any questions for Ms. News? Do we have the plan prepared  
2467 by Foster & Miller?

2468

2469 Ms. News - It should have been with your packets, the last plan in your packets. I  
2470 have a copy if you don't have it. Would you like for me to put it on the screen?

2471

2472 Ms. Dwyer - Yes. When we say we consider the intent of Proffer #26, it seems clear  
2473 that we have the authority to do this.

2474

2475 Ms. News - Yes.

2476

2477 Ms. Dwyer - So, we are not changing... or the understanding of the proffer.

2478

2479 Ms. News - We are not changing it. The only thing, I would say it's kind of an odd  
2480 situation here, is that it says with the POD and we don't have a POD at this point, but the  
2481 decision needs to be made, so we are just asking for clarification and the Planning  
2482 Commission's approval. This will be incorporated into a POD when it comes.

2483

2484 Mr. Vanarsdall - What it says is if the Planning Commission wanted to do otherwise.

2485

2486 Ms. News - Excuse me.

2487 Mr. Vanarsdall - It leaves it open that the Planning Commission makes the decision.  
2488  
2489 Ms. News - It gives authority for the Planning Commission to specifically approve it.  
2490  
2491 Mr. Taylor - Looking at the plan, the vertical dimensions and the profile that is  
2492 shown, is that profile along the red segment from the start which is station 23 all the way,  
2493 station 0 to 23?  
2494  
2495 Ms. News - No, that's something completely different. Virginia Power indicated to  
2496 me, that the problem was specifically in relation to going up thru the wetlands. With the  
2497 terrain being so rough, they would have to, in order to put it underground, basically move it  
2498 down near the center of the creek, which is all wetlands. And that's where the disturbance  
2499 would come in. By doing overhead power, they can skirt the edge of the wetlands, elevate it  
2500 above ground and not have to go through that disturbance.  
2501  
2502 Mr. Taylor - The lower diagram has nothing to do with, let's say, contours or  
2503 whatever?  
2504  
2505 Ms. News - No.  
2506  
2507 Ms. Dwyer - All right. Are there any other questions by Commission members? We  
2508 are ready for a motion.  
2509  
2510 Mr. Vanarsdall - I make a motion that reconsideration of proffer #26 be approved to allow  
2511 overhead utilities under the following circumstances as outlined in our agenda. Overhead  
2512 power shall be permitted in substantial conformance with the location shown on the plan  
2513 prepared by Foster & Miller, dated August 16, 2000. Required landscape buffers shall be  
2514 provided exclusive of required easements.  
2515  
2516 Mr. Taylor - Second.  
2517  
2518 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
2519 All in favor say aye...all opposed say nay. The motion carries.  
2520  
2521 The Planning Commission approved the reconsideration of the intent for proffer #26 for  
2522 rezoning case C-72C-90 for underground utilities for the Hunton Development on the west side  
2523 of Mill Road and the northern line of I-295.  
2524  
2525 26. Underground Utilities: All utility lines, such as electric, telephone, CATV or other  
2526 similar lines, shall be installed underground unless otherwise specifically approved by the  
2527 Planning Commission at the time of Plan of Development review. This requirement shall  
2528 apply to lines serving individual sites as well as to the utility lines necessary within the  
2529 property, but not to existing lines on the property.  
2530  
2531 Overhead utilities shall be permitted under the following circumstance:

2532 Overhead power shall be permitted in substantial conformance with the location shown on the  
2533 plan prepared by Foster & Miller, dated August 16, 2000. Required landscape buffers shall be  
2534 provided exclusive of required easements.

2535

2536 Mr. Marlles - Madam Chairman, our next item is approval of minutes for May 23,  
2537 2001.

2538

2539 **APPROVAL OF MINUTES: May 23, 2001**

2540

2541 Ms. Dwyer - All right.

2542

2543 Mr. Jernigan - Line 3000. I don't remember saying that, I believe Randy said that. It  
2544 says: I think legally you could probably sell the lot under metes and bounds etc.....

2545

2546 Ms. Dwyer - That sounds like something Randy would say.

2547

2548 Mr. Vanarsdall - It does sound more like Randy than it does you, Ray.

2549

2550 Mr. Jernigan - Well, I haven't been here long enough to be into the metes and bounds,  
2551 yet.

2552

2553 Ms. Dwyer Shall we say Randy say it?

2554

2555 Mr. Jernigan - Yes, give him the credit.

2556

2557 Ms. Dwyer - Anything else?

2558

2559 Mr. Taylor - Madam Chairman, on page 36, line 1355, Mr. Archer says, "Thank you  
2560 very much for those remarks, Mr. Archer." I think he said "Mr. Taylor."

2561

2562 Ms. Dwyer - Okay. Anything else?

2563

2564 Mr. Taylor - No, ma'am.

2565

2566 Ms. Dwyer - All right. Do we have a motion on the minutes?

2567

2568 Mr. Taylor - I move the minutes be approved.

2569

2570 Mr. Jernigan - Second.

2571

2572 Ms. Dwyer - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All  
2573 in favor of the minutes say aye...all opposed say nay. The motion carries.

2574

2575 The Planning Commission approved the May 23, 2001, minutes.

2576



2577 Ms. Dwyer - Now, the calendar.

2578

2579 **APPROVAL OF THE 2002 CALENDAR**

2580

2581 Mr. Marlles - Madam Chairman, the staff has a comment before you get to that item.  
2582 Staff would respectfully request that we defer action on the calendar for two weeks, until our  
2583 next meeting. Frankly, staff is having some second thoughts about the desire, I guess, to  
2584 eliminate the second meeting in August in the future. The length of your agenda today is one  
2585 of those concerns. The other concern has to do with the difficulty with some projects, getting  
2586 them scheduled for action and meeting the time lines that the development community is  
2587 requesting. So, based on that, staff would like to request that we have a two-week deferral on  
2588 this. We will be sending out a recommendation to the Commission prior to the next meeting.

2589

2590 Ms. Dwyer - Well, I have a thought about that too. Why don't we wait until after our  
2591 September POD meeting and see what the affect of eliminating the meeting in August really is.  
2592 And if we are inundated and it's so burdensome in September that we can't handle it, then that  
2593 would be information worth having.

2594

2595 Mr. Vanarsdall - And also. I want to defer it because Chris was the architect on this and  
2596 he's not here. I talked to him about it, right before he left. I have a suggestion, if y'all want  
2597 to do it, is talk to the Supervisors and see if they have any problems with it. I called Dick  
2598 Glover and he hadn't had anybody approach him about anything on it. I think it's too early.  
2599 We haven't even done the first one. And I asked Bryan Marron at break time did he have any  
2600 problems rushing up his to get it on July instead of waiting until August, and he said he didn't  
2601 have any problems. He said he knew we weren't going to meet in August and he just got it in  
2602 there. I'm not saying, right or wrong on what we should do, but I think we should investigate  
2603 it more. We haven't even tried it the first time yet.

2604

2605 Ms. Dwyer - The September meeting would be the test.

2606

2607 Mr. Vanarsdall - And, John, I'm like Chris, and Chris asked me, "weren't you under the  
2608 impression that staff was glad to get this too"? And I said, "yes."

2609

2610 Mr. Marlles - Well, until we actually do it then you really can't measure the impact. I  
2611 think we have a sense of the impact in terms of this agenda that we had today. Now, a number  
2612 of these items are being deferred to the September meeting.

2613

2614 Mr. Vanarsdall - Well, look what time it is. It's not even 12 o'clock, yet.

2615

2616 Ms. Dwyer - I was going to say, it hasn't been burdensome for us but it may have  
2617 been burdensome for staff to get this many cases ready.

2618

2619 Mr. Marlles - It has been, quite frankly.

2620

2621 Mr. Vanarsdall - And I also ask the question, what do you do when the Board doesn't

2622 meet? And Randy had a good answer for that. The Board doesn't interfere with y'all as much  
2623 because that meeting that they drop doesn't take this kind of planning because they don't have  
2624 it.

2625

2626 Mr. Silber - It's there second meeting usually in August and it's not one we have  
2627 zoning cases on.

2628

2629 Mr. Vanarsdall - That brings up another point. Maybe we are dropping the wrong  
2630 meeting. Maybe we should drop the rezoning meeting.

2631

2632 Ms. Dwyer - Or alternate, this year drop POD and next year drop Rezoning.

2633

2634 Mr. Silber - One concern I have about waiting until September, we have already had  
2635 some inquiries about the 2002 Public Hearing dates. I'll Finance Department has also called  
2636 wanting to know what the schedule is so that they can dig into the schedule for the CIP hearing  
2637 and things. So, putting off to September to me seems a little late.

2638

2639 Ms. Dwyer - Well, could we just approve the first half of the year?

2640

2641 Mr. Silber - We could do that or we could approve and maybe in the first meeting in  
2642 August approve a calendar and if you want to consider making a change later, until August, we  
2643 can make a change later.

2644

2645 Ms. Dwyer - Well, if we approve January thru June then that would take care of CIP  
2646 and the first six months of next year, which would be a lot of planning, and then wait until  
2647 after September to approve the second half to see what the data are from the September  
2648 meeting.

2649

2650 Mr. Silber - I know in talking to Mr. Archer about this, Mr. Archer is one of those  
2651 committed Planning Commission members, as all of you are, that he doesn't like to miss  
2652 meetings and he thought this may be a way that he could avoid missing a meeting. I told Mr.  
2653 Archer that I didn't expect Commission members to make all 24 meetings a year. That if you  
2654 needed to miss a meeting or two then that's understandable. But, my opinion was that the  
2655 show needs to go on. There are 24 meetings. I felt like we need to continue to have meetings.  
2656 It's the slave driver part of me that's coming forward.

2657

2658 Ms. Dwyer - And also spacing out the workload, I understand that.

2659

2660 Mr. Silber - Right.

2661

2662 Ms. Dwyer - Well, if people need to have the meeting schedule, I don't think we will  
2663 be eliminating any meetings the first half of next year. We could approve January thru June  
2664 and then wait and see. Wait until after September to approve the second half. Would that be a  
2665 problem? I would rather do that Randy then change the schedule because then if you have a  
2666 published schedule that's been approved, and everybody's got it, you know, photocopies of it

2667 in their files and they are relying on it, they might rely on those instead of the revised  
2668 calendar.

2669

2670 Mr. Vanarsdall - I checked the two other dates, and I'm sure y'all did too. Thanksgiving  
2671 is no conflict and the APA, Chicago, is no conflict. That's not until the 13<sup>th</sup> and it's over  
2672 before POD.

2673

2674 Ms. Dwyer - My birthday is on November 20 so that's the conflict on November  
2675 schedule.

2676

2677 Mr. Vanarsdall - So, what are we going to do, put it off until Chris gets back?

2678

2679 Ms. Dwyer - Well, why don't we put it off until the next zoning meeting, because  
2680 Chris will be back and then we can either approve the first half of the calendar and then wait  
2681 and see if the second half, if people need to know right a way for planning purposes, what our  
2682 January thru June schedule is.

2683

2684 Mr. Vanarsdall - I move that we do that.

2685

2686 Ms. Dwyer - There's a motion to postpone consideration of the meeting schedule until  
2687 our next Rezoning meeting, which is August 9, 2001.

2688

2689 Mr. Taylor - Second.

2690

2691 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
2692 All in favor way aye...all opposed say nay. The motion carries.

2693

2694 The Planning Commission deferred the approval of the 2002 Calendar to the Rezoning meeting  
2695 on August 9, 2001.

2696

2697 Mr. Marlles - We have one additional item, Madam Chairman. As the Commission  
2698 may recall, back on May 30 there was a joint work session with the Board and Planning  
2699 Commission on a number of revitalization initiatives. Yesterday, we had a follow-up work  
2700 session with the Board on two zoning ordinance amendments. If you may recall, one dealt  
2701 with multi-family mix use ordinance, well it was called the Multi-Family Mixed Use  
2702 Ordinance the other was Accessory Dwellings in Office and Business Districts. That work  
2703 session with the Board went very well. Staff is anxious to move ahead with these ordinance  
2704 amendments, and we would like for the Commission to consider the resolution that's been  
2705 passed out which would initiate the zoning ordinance amendments. That's the first request that  
2706 staff has. The second requests is to actually set a work session with the Commission where we  
2707 can brief you on the changes that have been made to those two ordinance amendments, since  
2708 the May 30 work session. Staff is suggesting that we could possibly do that next Tuesday  
2709 when we already have a work session set up on the Residential Setback Ordinance. We don't  
2710 think this is going to take very long, maybe 10 or 15 additional minutes. Those are both  
2711 actions that the staff is recommending at this point.

2712 Ms. Dwyer - Well, I won't be here next week as you know.  
2713

2714 Mr. Marlles - Both of these ordinance amendments were presented to the Commission  
2715 and the Board on May 30, so it's not new information to the Commission. There have been  
2716 some, I guess I would call them, slight changes made based on the input at the May 30 work  
2717 session, but neither one of these ordinances is new to the Commission.  
2718

2719 Ms. Dwyer - What is the date of next Tuesday?  
2720

2721 Mr. Marlles - Next Tuesday is the 31<sup>st</sup>. That work session is scheduled to begin at  
2722 6:30 p.m. and we will be serving dinner at that as well.  
2723

2724 Ms. Dwyer - Do we need public notice for this?  
2725

2726 Mr. Marlles - Not for the work session, no.  
2727

2728 Ms. Dwyer - All right. Do we have a motion? Or do we need a motion?  
2729

2730 Mr. Marlles - Yes. The first motion will deal with the resolution to initiate the zoning  
2731 ordinance amendments. And that's what been passed out.  
2732

2733 Mr. Vanarsdall - So move.  
2734

2735 Mr. Taylor - Second.  
2736

2737 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.  
2738 All in favor say aye...all opposed say nay. The motion carries.  
2739

2740 The Planning Commission approved the resolution to initiate the zoning ordinance  
2741 amendments.  
2742

2743 Ms. Dwyer - Now we need a motion on the second resolution to initiate zoning  
2744 ordinance amendment.  
2745

2746 Mr. Marlles - Right. This would just be a motion to set a work session for staff to  
2747 brief you on the changes to the two ordinance amendments. We've suggested July 31, 2001,  
2748 following our already scheduled work session on that date.  
2749

2750 Ms. Dwyer - Do I have a motion for that?  
2751

2752 Mr. Vanarsdall - I move we do that.  
2753

2754 Mr. Jernigan - Second.  
2755

2756 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan

2757 to have a work session on Mix-Family Use Structure on the 31st. All in favor say aye...all  
2758 opposed say nay. The motion carries.

2759

2760 The Planning Commission approved to set a work session for staff to brief the Planning  
2761 Commission on the changes to the two ordinance amendments on July 31, 2001.

2762

2763 Mr. Vanarsdall - I have an announcement to make. Five months from today is Christmas  
2764 Day.

2765

2766 Ms. Dwyer - Okay.

2767

2768 Mr. Vanarsdall - That's all. So, y'all try to get your shopping done tonight.

2769

2770 Ms. Dwyer - All right, we need a motion to adjourn.

2771

2772 Mr. Vanarsdall - So moved.

2773

2774 Mr. Taylor - Second.

2775

2776 Ms. Dwyer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor to  
2777 adjourn. All in favor say aye...all opposed say nay. This meeting is adjourned.

2778

2779 On a motion by Mr. Vanarsdall and seconded by Mr. Taylor, the Planning Commission  
2780 adjourned its meeting for July 25, 2001, at 11:52 a.m.

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Elizabeth G. Dwyer, C.P. C., Vice Chairperson

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John R. Marles, AICP, Secretary