

1 Minutes of the regular monthly meeting of the Planning Commission of Henrico County,
2 held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Spring Roads, beginning at 9:00 a.m. Wednesday, June 25,
4 2008.

5

Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
Mrs. Bonnie-Leigh Jones, Vice Chairperson (Tuckahoe)
Mr. C. W. Archer, C.P.C. (Fairfield)
Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
Mr. Tommy Branin (Three Chopt)
Mr. R. Joseph Emerson, Jr., Director of Planning, Secretary
Mr. Richard W. Glover (Brookland)
Board of Supervisors Representative

Others Present: Mr. David D. O'Kelly, Assistant Director of Planning
Ms. Leslie A. News, CLA, Principal Planner
Mr. James P. Strauss, CLA, County Planner
Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
Mr. Michael F. Kennedy, County Planner
Ms. Christina L. Goggin, AICP, County Planner
Mr. Tony Greulich, C.P.C., County Planner
Mr. Matt Ward, County Planner
Mr. Gregory Garrison, County Planner
Mr. Lee Pambid, C.P.C., County Planner
Mrs. Aimee Berndt, County Planner
Mr. Jonathan W. Steele, G.I.S. Manager
Mr. Mike Jennings, Traffic Engineer
Ms. Kim Vann, Police Division
Ms. Diana B. Carver, Recording Secretary

6

7 **Mr. Richard W. Glover, the Board of Supervisors representative, abstains from**
8 **voting on all cases unless otherwise noted.**

9

10 Mr. Jernigan - Good morning, ladies and gentlemen.

11

12 Mr. Vanarsdall - Thank you. Good morning, Mr. Chairman.

13

14 Mrs. Jones - Good morning, Mr. Chairman.

15

16 Mr. Jernigan - We sure have a nice crowd here today, a nice looking crowd.
17 Thanks for coming out. I'd like to welcome you all to our June 25th hearing for Plans of
18 Development. With that, I want to welcome Mr. Glover, who is our attending member of
19 the Board of Supervisors, and sits with us on the Planning Commission. Good morning,
20 Mr. Glover.

21

22 Mr. Glover - Good morning, sir.

23 Mr. Jernigan - With that, I will turn our program over to Mr. Emerson, our
24 secretary.

25
26 Mr. Emerson - Thank you, Mr. Chairman. The first item on your agenda
27 today is the request for deferrals and withdrawals. These will be handled by Ms. Leslie
28 News.

29
30 Ms. News - Good morning, Mr. Chairman, members of the Commission.
31 I have five items on our list of deferrals and withdrawals this morning. The first item is
32 found on page 4 of your agenda, and is located in the Tuckahoe District. This is a
33 landscape and lighting plan LP/POD-03-06 for Gayton Terrace Addition. The applicant
34 is requesting a deferral to the July 23, 2008 meeting.

35
36 **LANDSCAPE PLAN**

37
LP/POD-03-06 **E. D. Lewis & Associates, P.C. for Aspen Gayton**
Gayton Terrace Addition – **Terrace:** Request for approval of a landscape plan, as
12401 Gayton Road required by Chapter 24, Sections 24-106 and 24-106.2 of
the Henrico County Code. The 9.874-acre site is located
along the east line of Gayton Road, approximately 600 feet
south of the intersection of Ridgefield Parkway and Gayton
Road on parcel 732-750-7894. The zoning is R-6C,
General Residence District (Conditional). **(Tuckahoe)**

38
39 Mr. Jernigan - Is there any opposition to the deferral of LP/POD-03-06,
40 Gayton Terrace Addition? There is no opposition.

41
42 Mrs. Jones - I move the deferral of LP/POD-03-06, Gayton Terrace
43 Addition, to the July 23, 2008 meeting, per the applicant's request.

44
45 Mr. Vanarsdall - Second.

46
47 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in
48 favor say aye. All opposed say no. The ayes have it; the motion passes.

49
50 At the request of the applicant, the Planning Commission deferred LP/POD-03-06,
51 Gayton Terrace Addition, to its July 23, 2008 meeting.

52
53 Ms. News - The next item is found on page 10 of your agenda and is
54 located in the Tuckahoe District. This is POD-68-07, The Shire at Short Pump and
55 Church. The applicant is requesting a deferral to the July 23, 2008 meeting.

56

57 **PLAN OF DEVELOPMENT & MASTER PLAN**

58 *(Deferred from the April 23, 2008 Meeting)*

59

POD-68-07
The Shire @ Pump and
Church – Church Road
and Pump Road

Kimley Horn for Kevin McFadden and The Rebkee Company: Request for approval of a plan of development and master plan as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct five, one-story retail buildings (Buildings 1-5) totaling 50,480 square feet and a master plan for a future one-story retail building (Building 6) totaling 12,900 square feet. The 21-acre site is located at the southwest corner of the intersection of Pump and Church Roads on parcels 739-754-7156 and 739-753-1396. The zoning is B-2C, Business District (Conditional), C-1C, Conservation District, RTHC, Residential Townhouse District (Conditional) and R-3AC, One-Family Residence District (Conditional), B-3, Business District and R-5A, General Residence District. County water and sewer. **(Tuckahoe)**

60

61

62 Mr. Jernigan - Is there any opposition to deferral of POD-68-07, The Shire
63 @ Pump and Church? There is no opposition.

64

65 Mrs. Jones - I move the deferral of POD-68-07, The Shire @ Pump and
66 Church, per the applicant's request, to the July 23, 2008 meeting.

67

68 Mr. Branin - Second.

69

70 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Branin. All in favor
71 say aye. All opposed say no. The ayes have it; the motion passes.

72

73 At the request of the applicant, the Planning Commission deferred POD-68-07, The
74 Shire @ Pump and Church, to its July 23, 2008 meeting.

75

76 Ms. News - Next on page 16 of your agenda, and located in the
77 Tuckahoe District, is POD-39-08, First Market Bank. This is a request by the Planning
78 Commission to defer this case to the July 23, 2008 meeting.

79

80 **PLAN OF DEVELOPMENT**

81

POD-39-08 **Timmons Group for First Market Bank:** 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, 2,280 square-foot bank with drive thru facilities. The 0.84-acre site is located along the north line of Patterson Avenue, approximately 300 feet east of its intersection with Gaskins Road on parcels 745-742-8604 and 5710. The zoning is B-1, Business District. County water and sewer. **(Tuckahoe)**

82

83 Mr. Jernigan - Is there any opposition to deferral of POD-39-08, First
84 Market Bank? No opposition.

85

86 Mrs. Jones - I move deferral of POD-39-08, First Market Bank, per the
87 Commission’s request, to the July 23, 2008 meeting.

88

89 Mr. Archer - Second.

90

91 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Archer. All in favor
92 say aye. All opposed say no. The ayes have it; the motion passes.

93

94 At the request of the Commission, the Planning Commission deferred POD-39-08, First
95 Market Bank, to its July 23, 2008 meeting.

96

97 Ms. News - Next on page 28 of your agenda, and located in the
98 Tuckahoe District, is POD-23-08, Gaskins Professional Offices, Phase II. There is a
99 request by the applicant to defer this case until the July 23, 2008 meeting.

100

101 **PLAN OF DEVELOPMENT**

102

POD-23-08 **Balzer & Associates, Inc. for Katherman Investments, Inc.:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct three, one-story buildings, and one, two-story building for office use totaling 31,051 square feet and to convert an existing one-story, single-family dwelling containing 1,995 square feet to office use. The 2.17-acre site is located at the southwest corner of Gaskins and Three Chopt Roads on parcels 749-754-5736, 7268 and 7958. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Tuckahoe)**

103

104 Mr. Jernigan - Is there any opposition to the deferral of POD-23-08,
105 Gaskins Professional Offices – Phase II? There is no opposition.

106 Mrs. Jones - I move deferral of POD-23-08, Gaskins Professional Offices
107 – Phase II, to the July 23, 2008 meeting, per the applicant’s request.

108
109 Mr. Vanarsdall - Second.

110
111 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in
112 favor say aye. All opposed say no. The ayes have it; the motion passes.

113
114 At the request of the applicant, the Planning Commission deferred POD-23-08, Gaskins
115 Professional Offices – Phase II, to its July 23, 2008 meeting.

116
117 Ms. News - The final request is found on page 33 of your agenda, and is
118 located in the Three Chopt District. This is POD-41-07, formerly POD-57-96 revised,
119 Pouncey Place, Phase 1. The applicant is requesting a deferral to the September 24,
120 2008 meeting.

121
122 **PLAN OF DEVELOPMENT (*Deferred from the April 23, 2008 Meeting*)**

123
124
125 **POD-41-07 Bay Design Group, P.C. for Pouncey Place, LLC:**
126 Pouncey Place, Phase 1 – Request for approval of a plan of development as required
127 Twin Hickory Lake Drive and Pouncey Tract Road by Chapter 24, Section 24-107 of the Henrico County
(POD-57-86 Revised) Code, to construct a shopping center with two one-story
buildings for a total of 27,630 square feet. The 5.25-acre site is part of a 10.10-acre parcel and is located on the
southeast corner of Pouncey Tract Road (State Route 271) and Twin Hickory Lake Drive on part of parcel 740-
765-2150. The zoning is B-2C, Business District (Conditional) and WBSO, West Broad Street Overlay
District. County water and sewer. **(Three Chopt)**

124
125 Mr. Jernigan - Is there any opposition to the deferral of POD-41-07,
126 Pouncey Place, Phase 1 (POD-57-86 Revised)? No opposition, Mr. Branin.

127
128 Mr. Branin - Mr. Chairman, I’d like to move that POD-41-07, Pouncey
129 Place, Phase 1 (POD-57-86 Revised), be deferred to the September 28, 2008 meeting
130 per the applicant’s request.

131
132 Mr. Vanarsdall - Second.

133
134 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
135 favor say aye. All opposed say no. The ayes have it; the motion passes.

136
137 Ms. News - Those are all the requests that staff is aware of.

138
139 Mr. Jernigan - Thank you, Ms. News.

140

141 Mr. Emerson - Mr. Chairman, that does conclude the deferrals and
142 withdrawals, unless there are additional items to be brought forth by the Planning
143 Commission. The next item on your agenda is the Expedited Agenda. In order for
144 cases to appear on the Expedited Agenda, staff must be recommending approval, the
145 applicant must submit a letter stating agreement with staff recommendations,
146 conditions, and so forth, and there must be no known opposition. If there is opposition,
147 the item will be removed from the expedited agenda and heard in the order as it
148 appears on the regular agenda. Any member of the Commission can also request the
149 item be removed from the Expedited Agenda. Ms. News will be presenting the
150 Expedited Agenda.

151
152 Mr. Jernigan - While we're here, would you explain the time limits?
153

154 Mr. Emerson - Sure, I can do that. Before we move into the public hearing
155 portion of the meeting, there are regulations that are adopted by the Commission that
156 govern public hearings. For public hearings, the applicant is allowed ten minutes to
157 present the request, and they may reserve time for responses to testimony. The
158 opposition is allowed ten minutes to present its concerns. Commission questions do not
159 count into the time limit, so if the Commission asks a question, we will stop the clock
160 and not count that against either party. The Commission may waive the limits for either
161 party at its discretion.
162

163 Mr. Jernigan - Thank you, Mr. Emerson. Ms. News, before we go on, I
164 would like to recognize—and I didn't see the young lady. We have somebody from the
165 Times-Dispatch with us this morning. Welcome. All right, Ms. News, thank you. Would
166 you continue?
167

168 Ms. News - Yes sir. There are six items on our expedited agenda this
169 morning. The first item is found on page 3 of your agenda, and is located in the
170 Tuckahoe District. This is a transfer of approval for POD-27-86, Children's World.
171 There is an addendum item on page 1 of your addendum, with some added information
172 indicating that three light poles and a mounted wall fixture will replace the five lights that
173 were missing from the plan. Staff can recommend approval.
174

175 **TRANSFER OF APPROVAL**

176

POD-27-86 **Cowan Gates PC for KMD, LLC:** Request for transfer of approval as required by Chapter 24, Section 24-106 of the Children’s World Henrico County Code from Dwayne E. Russell Trust and 11155 Ridgefield Parkway Darlene E. Russell Trust to KMD, LLC. The 0.687-acre site is located on the south line of Ridgefield Parkway, approximately 160 feet east of the intersection of Gayton Road on parcel 732-751-7770. The zoning is R-5, General Residence District. County water and sewer. **(Tuckahoe)**

177

178 Mr. Jernigan - Is there any opposition to transfer of approval POD-27-86,
179 Children’s World? There is no opposition.

180

181 Mrs. Jones - With that, I would like to move approval of transfer of
182 approval POD-27-86, Children’s World on Ridgefield Parkway on the expedited agenda
183 with the additional condition #1 about the bond on page 3 of the agenda, and the added
184 item on page 1 of the addendum.

185

186 Mr. Vanarsdall - Second.

187

188 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in
189 favor say aye. All opposed say no. The ayes have it; the motion passes.

190

191 The Planning Commission approved the transfer of approval request for POD-27-86,
192 Children’s World, from Dwayne E. Russell Trust and Darlene E. Russell Trust to KMD,
193 LLC, subject to the standard and added conditions previously approved and the
194 following additional condition:

195

- 196 1. A bond shall be posted to cover the site deficiencies as identified in the
197 inspection report, dated **June 2, 2008**, and such deficiencies shall be corrected
198 by **August 31, 2008**.

199

200 Ms. News - The next item is on page 6 of your agenda and is located in
201 the Fairfield District. This is a landscape plan, LD/POD-20-05 for Brook Run
202 Independent Living. Staff recommends approval.

203

204 **LANDSCAPE PLAN**

205 LP/POD-20-05
Brook Run Independent
Living – Brook Road

Townes Site Engineering for Brook Run Somerset, LLC: 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 8.63-acre site is located on the west line of Brook Road (U. S. Route 1), approximately 365 feet north of Wilmer Avenue and adjacent to the Brook Run Shopping Center on parcels 784-748-0982 and 784-749-1627. The zoning is R-5C, General Residence District. **(Fairfield)**

206
207 Mr. Jernigan - Is there any opposition to landscape plan LP/POD-20-05,
208 Brook Run Independent Living? No opposition, Mr. Archer.

209
210 Mr. Archer - All right, Mr. Chairman. With that, I will move for approval on
211 the expedited agenda of LP/POD-20-05, Brook Run Independent Living, subject to the
212 annotations on the plan, and standard conditions for landscape plans.

213
214 Mr. Vanarsdall - Second.

215
216 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
217 favor say aye. All opposed say no. The ayes have it; the motion passes.

218
219 The Planning Commission approved the landscape plan for LP/POD-20-05, Brook Run
220 Independent Living, subject to the standard conditions attached to these minutes for
221 landscape plans.

222
223 Ms. News - The next item is on page 7 of your agenda and is located in
224 the Varina District. This is a landscape plan, LP/POD-58-06, for the Shops at White Oak
225 Village. Staff recommends approval.

226 **LANDSCAPE PLAN**

227 LP/POD-58-06
228 The Shops @ White Oak
Village

Vanasse, Hagen, Brustlin, Inc. for Forest City Commercial Development: 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 136.5-acre site is located at the intersection of I-64 and Laburnum Avenue, north of the intersection of Audubon Drive on parcels 815-718-5710, 813-718-8188, 814-718-2788 and 0855 and 816-718-0130. The zoning is B-3C, Business District (Conditional) and ASO, Airport Safety Overlay District. **(Varina)**

229

230 Mr. Jernigan - Is there any opposition to landscape plan LP/POD-58-06,
231 The Shops @ White Oak Village? There is no opposition. With that, I will move for
232 approval of landscape plan LP/POD-58-06, The Shops @ White Oak Village, subject to
233 the annotations on the plans, and the standard conditions for landscape plans.

234
235 Mr. Vanarsdall - Second.

236
237 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
238 favor say aye. All opposed say no. The ayes have it; the motion passes.

239
240 The Planning Commission approved the landscape plan for LP/POD-58-06, The Shops
241 @ White Oak Village, subject to the standard conditions attached to these minutes for
242 landscape plans.

243
244 Ms. News - Next on page 8 of your agenda, and located in the Varina
245 District, is POD-35-08, Longhorn @ the Shops @ White Oak Village Shopping Center.
246 Staff can recommend approval.

247
248 **PLAN OF DEVELOPMENT**

249
POD-35-08 **HGBD, Inc. for Laburnum Associates and Darden**
Longhorn @ The Shops @ **Restaurant:** Request for approval of a plan of
White Oak Village development, as required by Chapter 24, Section 24-106
Shopping Center of the Henrico County Code, to construct a one-story,
5570 square foot restaurant on an outparcel in the Shops
@ White Oak Village Shopping Center. The 1.43-acre site
is located on the north line of S. Laburnum Avenue,
approximately 450 feet south of I-64 on parcel 814-718-
0855. The zoning is B-3C, Business District (Conditional)
and ASO, Airport Safety Overlay District. County water
and sewer. **(Varina)**

250
251 Mr. Jernigan - Is there any opposition to POD-35-08, Longhorn @ The
252 Shops @ White Oak Village Shopping Center? There is no opposition. With that, I will
253 move for approval of POD-35-08, Longhorn @ The Shops @ White Oak Village
254 Shopping Center, subject to the annotations on the plans, the standard conditions for
255 developments of this type, and the following additional conditions #29 through #37.

256
257 Mr. Vanarsdall - Second.

258
259 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
260 favor say aye. All opposed say no. The ayes have it; the motion passes.

261
262 The Planning Commission approved POD-35-08, Longhorn @ The Shops @ White Oak
263 Village Shopping Center, subject to the annotations on the plans, the standard

264 conditions attached to these minutes for developments of this type, and the following
265 additional conditions:

- 266
- 267 29. Only retail business establishments permitted in a B-3 zone may be located in this
268 center.
 - 269 30. The ground area covered by all the buildings shall not exceed in the aggregate 25
270 percent of the total site area.
 - 271 31. No merchandise shall be displayed or stored outside of the building(s) or on
272 sidewalk(s).
 - 273 32. Outside storage shall not be permitted.
 - 274 33. The proffers approved as a part of zoning case C-29C-06 shall be incorporated in
275 this approval.
 - 276 34. The developer shall install an adequate restaurant ventilating and exhaust
277 system to minimize smoke, odors, and grease vapors. The plans and
278 specifications shall be included with the building permit application for review and
279 approval. If, in the opinion of the County, the type system provided is not
280 effective, the Commission retains the rights to review and direct the type of
281 system to be used.
 - 282 35. Approval of the construction plans by the Department of Public Works does not
283 establish the curb and gutter elevations along the Henrico County maintained
284 right-of-way. The elevations will be set by Henrico County.
 - 285 36. Evidence of a joint ingress/egress and maintenance agreement must be
286 submitted to the Department of Planning and approved prior to issuance of a
287 certificate of occupancy for this development.
 - 288 37. The location of all existing and proposed utility and mechanical equipment
289 (including HVAC units, electric meters, junction and accessory boxes,
290 transformers, and generators) shall be identified on the landscape plans. All
291 equipment shall be screened by such measures as determined appropriate by
292 the Director of Planning or the Planning Commission at the time of plan approval.

293
294 Ms. News - The next item is found on page 32 of your agenda, and is
295 located in the Fairfield District. This is POD-38-08, Partners Financial Federal Credit
296 Union (POD-38-04 Revised). Staff recommends approval.

297

298 **PLAN OF DEVELOPMENT**

299

POD-38-08 **Keith Engineering, Inc. for Partners Financial Federal Credit Union and Debs Construction:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to renovate an existing one-story building for credit union administrative office use and the addition of one ATM drive-through lane and one teller service lane. The 1.15-acre site is located on the northwest corner of Brook Road (U.S. Route 1) and New York Avenue on parcels 783-762-7854 and 9359. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Fairfield)**

300

301 Mr. Jernigan - Is there any opposition to POD-38-08, Partners Financial
302 Federal Credit Union (POD-38-04 Revised)? There is no opposition.

303

304 Mr. Archer - Mr. Chairman, I move approval on the expedited agenda of
305 POD-38-08, Partners Financial Federal Credit Union (POD-38-04 Revised), subject to
306 the annotations on the plan, the standard conditions for developments of this type, and
307 the additional conditions #29 through #33.

308

309 Mr. Vanarsdall - Second.

310

311 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
312 favor say aye. All opposed say no. The ayes have it; the motion passes.

313

314 The Planning Commission approved POD-38-08, Partners Financial Federal Credit
315 Union (POD-38-04 Revised), subject to the annotations on the plans, the standard
316 conditions attached to these minutes for developments of this type, and the following
317 additional conditions:

318

319 29. The proffers approved as a part of zoning case C-7C-08 shall be incorporated in
320 this approval.

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

325 31. Approval of the construction plans by the Department of Public Works does not
326 establish the curb and gutter elevations along the Henrico County maintained
327 right-of-way. The elevations will be set by Henrico County.

328 32. The location of all existing and proposed utility and mechanical equipment
329 (including HVAC units, electric meters, junctions and accessory boxes,
330 transformers, and generators) shall be identified on the landscape plan. All
331 building mounted equipment shall be painted to match the building, and all

332 equipment shall be screened by such measures as determine appropriate by the
333 Director of Planning or the Planning Commission at the time of plan approval
334 33. The limits and elevations of the Special Flood Hazard Area shall be
335 conspicuously noted on the plan and labels “Limits of Special Flood Hazard
336 Area.” In addition, the delineated Special Flood Hazard Area must be labeled
337 “Variable Width Drainage and Utility Easement.” The easement shall be granted
338 to the County prior to the issuance of any occupancy permits.

339
340 Ms. News - The final item is on page 34 of your agenda, and is located
341 in the Fairfield District. This is SUB-13-08, Turner Mountain (June 2008 Plan) for 21
342 lots. Staff can recommend approval.

343
344 **SUBDIVISION**

345
SUB-13-08 **E. D. Lewis & Associates for Eugertha Minnicks and**
Turner Mountain **Curnow Development, Inc.:** The 7.23-acre site proposed
(June 2008 Plan) for a subdivision of 21 single-family homes is located on
the east line of Mountain Road, approximately 150 feet
south of Mountain Run Drive on parcels 779-763-2659 and
2342. The zoning is R-4, One-Family Residence District.
County water and sewer. **(Fairfield) 21 Lots**

346
347 Mr. Jernigan - Is there any opposition to SUB-13-08, Turner Mountain
348 (June 2008 Plan)? There is no opposition, Mr. Archer.

349
350 Mr. Archer - Mr. Chairman, with that, I'll move for approval of SUB-13-08,
351 Turner Mountain (June 2008 Plan), subject to the plan annotations, standard conditions
352 for subdivisions served by public utilities, and the additional conditions #13 through #16.

353
354 Mr. Vanarsdall - Second.

355
356 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
357 favor say aye. All opposed say no. The ayes have it; the motion passes.

358
359 The Planning Commission granted conditional approval to SUB-13-08, Turner Mountain
360 (June 2008 Plan), subject to the standard conditions attached to these minutes for
361 subdivisions served by public utilities, the annotations on the plans, and the following
362 additional conditions:

- 363
364 13. Each lot shall contain at least 8,000 square feet.
365 14. The details for the landscaping to be provided within the 25-foot-wide planting strip
366 easement along Mountain Road shall be submitted to the Department of Planning
367 for review and approval prior to recordation of the plat.
368 15. A County standard sidewalk shall be constructed along the north side of Mountain
369 Road.
370 16. The following note shall be added to the construction plans:

“NOTICE: The subject property may contain a burial ground of unknown location. Any graves identified during construction activities shall be left undisturbed, unless reburial of the remains is approved in accordance with applicable laws. Any known cemetery, burial ground, or graveyard shall be platted as a cemetery lot with either public street frontage or an access easement 16 feet in width.”

Ms. News - That completes our expedited agenda.

Mr. Jernigan - Thank you, Ms. News.

Mr. Emerson - Mr. Chairman, that takes you to the next item on your agenda, which is subdivision extensions for conditional approval. Those will be presented by Lee Pambid.

SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL

FOR INFORMATIONAL PURPOSES ONLY

Subdivision	Original No. of Lots	Remaining Lots	Previous Extensions	Magisterial District	Recommended Extension
Banbury Park @ Greenbrooke (Jan. 2006 Plan)	27	27	1	Three Chopt	06/23/2009
Midview Farms (June 2005 Plan)	95	47	2	Varina	06/23/2009
SUB-17-07 Nature’s Way (June 2007 Plan)	8	8	0	Fairfield	06/23/2009
Tech Park (June 2005 Plan) (Road Dedication)	0	0	2	Varina	06/23/2009
SUB-38-07- Winston Trace (June 2007 Plan)	12	12	0	Brookland	06/23/2009
DELETE					

Mr. Jernigan - Good morning, Mr. Pambid.

Mr. Pambid - Good morning.

Mr. Jernigan - On the first page of the agenda, the subdivision extensions. You may proceed.

Mr. Pambid - Okay. I just have one item. One of the cases has been removed, Winston Trace; that’s found on the addendum. That has actually been granted

399 final. If there are any other questions about these other items, I'll be more than happy
400 to try to answer them.

401
402 Mr. Vanarsdall - That was on there last time, wasn't it?

403
404 Mr. Pambid - Sir?

405
406 Mr. Vanarsdall - The bottom one.

407
408 Mr. Pambid - Yes, but that's been granted final approval.

409
410 Mr. Jernigan - Any other questions for Mr. Pambid? Thank you, sir.

411
412 Mr. Pambid - Thank you.

413
414 Mr. Emerson - Mr. Chairman, that moves us into the regular agenda where
415 you have, I believe, 12 cases to be heard this morning.

416
417 **LANDSCAPE & LIGHTING PLAN**

418
LP/POD-60-05 **Parker Design, Inc. for Kalan III, Inc.:** Request for
Comfort Suites @ Virginia approval of a landscape and lighting plan, as required by
Commons – 10601 Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
Telegraph Road County Code. The 3.57-acre site is located along the east
line of Telegraph Road, adjacent to I-95, approximately
1,130 feet north of the intersection of JEB Stuart Parkway
and Telegraph Road on parcels 786-770-7883 and 9586.
The zoning is B-2C, Business District (Conditional).
(Fairfield)

419
420 Mr. Jernigan - Do we have any opposition to LP/POD-60-05, Comfort
421 Suites @ Virginia Commons? There is no opposition. Good morning, Mr. Garrison.

422
423 Mrs. Jones - Good morning.

424
425 Mr. Garrison - Good morning. The applicant is requesting approval of the
426 landscape and lighting plan for two hotels at Virginia Center Commons. As you know,
427 Henrico County has received numerous requests to construct hotels, and most, if not
428 all, desire to illuminate their building façade with lights. Staff has started to receive
429 inquiries regarding the use of up-lights on other hotels in lieu of a white light, as is
430 proposed at this hotel.

431
432 This plan before you today uses white up-lights mounted above the first floor of the
433 building. Staff originally had concerns with the intensity of the up-lighting, which is
434 greater than projects we have seen in the past. Although current lighting guidelines do
435 not specifically address lighting levels and the use of up-lighting, the applicant has been

436 working with staff to reduce the wattage and meet the .5-foot candles at the eave.
437 Therefore, staff can recommend approval subject to the annotations on the plan, and
438 standard conditions for landscape and lighting plans. Staff and representatives of the
439 applicant are available to answer any questions that you may have.

440
441 Mr. Jernigan - Any questions for Mr. Garrison from the Commission?

442
443 Mrs. Jones - No.

444
445 Mr. Jernigan - Okay. Thank you, Mr. Garrison.

446
447 Mr. Archer - We had quite a bit of discussion on this, and we were finally
448 able to bring it to fruition. Thank you, Mr. Garrison, for your hard work on this. With that,
449 Mr. Chairman, I would like to move for approval of LP/POD-60-05, Comfort Suites @
450 Virginia Commons, subject to the annotations on the plan, and standard conditions for
451 landscape and lighting plans.

452
453 Mr. Vanarsdall - Second.

454
455 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall. All in
456 favor say aye. All opposed say no. The ayes have it; the motion passes.

457
458 The Planning Commission approved the landscape and lighting plan for LP/POD-60-05,
459 Comfort Suites @ Virginia Commons, subject to the standard conditions attached to
460 these minutes for landscape and lighting plans.

461
462 **PLAN OF DEVELOPMENT (Deferred from the May 28, 2008 Meeting)**

463
464
465 **POD-30-08 Kimley-Horn & Associates, Inc. for Ridgeview**
466 **CVS Pharmacy # 1991 @ Incorporated and The Rebke Company:** Request for
467 **Patterson Avenue and approval of a plan of development, as required by Chapter**
468 **Lauderdale Drive 24, Section 24-106 of the Henrico County Code, to**
469 **construct a one-story, 13,540 square foot pharmacy with**
470 **drive-thru facilities. The 2.59-acre site is located on the**
471 **northeast corner of Patterson Avenue (State Route 6) and**
Lauderdale Drive on parcels 738-742-5943, 6844 and
9542. The zoning is B-2C, Business District (Conditional).
County water and sewer (Tuckahoe)

464
465 Mr. Jernigan - Is there any opposition to POD-30-08, CVS Pharmacy
466 #1991?

467
468 Mrs. Jones - Yes sir.

469
470 Mr. Jernigan - Okay, we do have opposition. Sir we'll get to you after Mr.
471 Garrison. Mr. Garrison, you may proceed.

472 Mr. Garrison - Good morning again. The applicant is requesting approval of
473 a one-story retail building with approximately 13,000 square feet, and an alternative
474 transitional buffer to reduce the 25-foot buffer north of the proposed building. Staff has
475 received a revised layout showing a conceptual landscape plan that addresses staff's
476 concerns regarding landscaping west of the BMP, on top of the retaining wall, and
477 parking lot landscaping.

478
479 Staff has received phone calls from nearby residents expressing concern regarding
480 sight distance on Careybrook, height of the wall to the north, and increased traffic.
481 However, staff has advised the use is permitted, the wall meets the required height of
482 six feet, and both VDOT and the traffic engineer can recommend approval.

483
484 With that, staff can recommend approval subject to the annotations on the plan, the
485 standard conditions for developments of this type, conditions 9 and 11 amended, and
486 added conditions #29 through #40. Staff is available to answer any questions you may
487 have.

488
489 Mr. Jernigan - Any questions for Mr. Garrison from the Commission?

490
491 Mrs. Jones - Mr. Garrison, we have all of the details about the fencing and
492 the walls worked out with the applicant at this point, right?

493
494 Mr. Garrison - Yes ma'am.

495
496 Mrs. Jones - Okay. The questions that were asked by a citizen last
497 evening, have you had a chance to discuss that with him?

498
499 Mr. Garrison - I have this morning.

500
501 Mrs. Jones - Okay. Are his concerns met, do you think?

502
503 Mr. Garrison - I'm not sure at this point.

504
505 Mrs. Jones - You did show him the—

506
507 Mr. Garrison - I did show it, yes.

508
509 Mrs. Jones - Okay. All right. Just so you all have had a chance. I was
510 going to send you out to talk in the hall if you hadn't had a chance to talk yet. All right,
511 I'd like to go ahead and hear from the opposition, and then we may call you back.

512
513 Mr. Jernigan - Do you want to hear from the developer?

514
515 Mrs. Jones - I'd like to hear from the opposition first.

516

517 Mr. Jernigan - Okay. Sir, you can come on down to the podium. You're the
518 opposition, yes sir. I'd asked her if she wanted to hear from the applicant first.

519
520 Mrs. Jones - I thought it might be easier to address your concerns
521 directly.

522
523 Mr. Jernigan - Good morning. Would you state your name for the record,
524 please?

525
526 Mr. Dallas - My name is David Dallas. Excuse my allergies. I'm a
527 homeowner in the vicinity, but not adjacent to the property. I was able to contact—and I
528 have some flimsy excuses for not being a little bit quicker to get them to you, Mrs.
529 Jones, and I apologize for that; I wish I could have. I've come over and looked at these
530 plans, and looked over them carefully—or at least looked over part of them carefully.
531 Some of those parts leave a lot of questions in my mind.

532
533 One is, they're showing it five-foot high on one side. I understand now that that's a
534 typo, but on this wall in contention, it's a zoning requirement and it's required to reduce
535 the buffering zone. I'm of that opinion. I'm almost sure that's the case. What they're
536 presenting on the POD is not following very carefully what was put in the zoning, in that
537 they're moving it over close and all this sort of stuff. That wall is to buffer the B-3 from
538 the R-5. If they're going to move it over there and go downhill like they're showing, a 3
539 to 1 ratio, first of all, what they show on the plan has been considered as a typo, so I
540 don't know what they're planning to do. They also have a wall over a pipeline. In this
541 material, it says it's a Plantation pipeline. A signpost out there says it's Colonial Gas
542 transmission. So, I don't know whose it is, but it is a pipeline. It's marked as a pipeline
543 on the property. That's an owner of property on the property that apparently hasn't been
544 notified. This plan intends to build a wall overtop of the pipeline. Historically, the
545 pipeline's people police it right carefully, and they are very, very sensitive about you
546 building something on their line, you messing with it. My point is, they haven't cleared
547 this with the pipeline. They're putting off a lot of stuff for the landscape.

548
549 My major point here is they need a landscape architect. This is quite an unusual project.
550 They need a qualified landscape architect to get here before you try to fix everything
551 with a bunch of plants after multitudes of money, talent, and resources have been spent
552 on the project. You think you're going to resolve a bunch of ugly stuff with a few plants.
553 It just won't do it. You may as well give up on it and accept it as not well planned.

554
555 I'll try to answer of your questions.

556
557 Mrs. Jones - Mr. Dallas, I'm not concerned at all about you contacting us
558 last night; that's fine. I just want to make sure your concerns are addressed here, as
559 you have raised questions. As I understand it, your concerns are about the wall. Your
560 concern is the gas line, and your concern is the landscaping plan.

561
562 Mr. Dallas - Overall.

563 Mrs. Jones - Okay. Your third concern is answered by #9 amended.
564 What this means is that the landscaping that you see outlined on this plan is conceptual
565 in nature, basically where plantings may go. The exact species and the layout will be
566 determined at landscape plan review by a set of professional landscape architects here
567 at the County in concert with the applicant. The landscaping that you see before you is
568 a concept, and it will guide the discussion of later landscaping specifics. That's how we
569 work through the POD to the landscape and lighting plan. We'll have very professional
570 scrutiny and we will certainly have your concerns, I would hope, answered with that.

571
572 On the others, I will let the applicant answer those two concerns for you. If you don't
573 mind just letting them come up and respond to your concerns. Then we'll make sure
574 that any further questions you have are answered.

575
576 Mr. Dallas - May I ask you if that landscape plan presented now was
577 done by a landscape architect, professionally registered.

578
579 Mrs. Jones - I'll let the applicant speak to that, as to exactly who has
580 worked on this landscape plan on their part. It's just a general concept.

581
582 Mr. Dallas - That's a wide range of definitions of "landscape architect,"
583 versus "landscape plans." A landscape architect has to do with the whole project to the
584 environment.

585
586 Mrs. Jones - Yes.

587
588 Mr. Dallas - Landscape plan is basically arranging plants around near the
589 end. A landscape architect—

590
591 Mrs. Jones - I would disagree with you on that point.

592
593 Mr. Dallas - —is generally brought in at the very beginning of the project.

594
595 Mrs. Jones - Thank you. I'd like to call on the applicant at this point.
596 You're welcome to take a seat in the front, if you'd like to.

597
598 Mr. Jernigan - Thank you, Mr. Dallas.

599
600 Mr. Branin - Was that the only opposition?

601
602 Mr. Jernigan - Yes.

603
604 Ms. Willis - Good morning. I'm Christina Willis with the Rebkee
605 Company. I'm project manager for the developer.

606
607 Mr. Jernigan - Good morning.

608

609 Mrs. Jones - Good morning.
610
611 Mr. Perkins - I'm Ryan Perkins with Kimley-Horn.
612
613 Ms. Willis - Just to address, I've made a few notes as he was going
614 through his discussion.
615
616 The landscape plan was done by a landscape architect. We've worked several
617 gyrations with our planner on this. Although not a requirement for POD, we're trying to
618 work through those and make sure that we're complying with all the proper conditions.
619 We will, obviously, go through that process.
620
621 Regarding the wall, I'll let you speak to the height of the wall and what's actually shown
622 on the detail of the plans.
623
624 Mr. Perkins - On the plans on the site layout sheet, it's called out as a six-
625 foot high wall. It will be six feet high on the CVS side. On the opposite side, on the
626 residential side, because we're raising the site up due to the floodplain, the wall in some
627 places will serve as a retaining wall at the bottom. Essentially, it'll be between six and
628 eight feet tall on the—
629
630 Mrs. Jones - Let me stop you there. Could you—Yes. I'd like you to
631 illustrate that.
632
633 Mr. Perkins - This (referring to slide) is the retaining wall that's within the
634 pond area and the floodplain, but the back wall is going to be a brick wall six feet high
635 on the CVS side, and anywhere between six and eight feet on the residential side.
636
637 Mrs. Jones - Do you have illustrations of those?
638
639 Mr. Perkins - We do not.
640
641 Ms. Willis - On the plans, we have a detail called out. What the
642 discrepancy was is along the whole rear of the property, the retaining wall is shown—
643 excuse me—the brick wall is shown as six feet. When we were asked to provide
644 additional detail, there was a typo that was pulled down, and instead of the six feet
645 where it's labeled the length of the property, it's called out at five feet. So, that was the
646 discrepancy on the question.
647
648 Mrs. Jones - Have you corrected that on the plan?
649
650 Ms. Willis - We will on our next, I guess, through our site plan process
651 we would. We've called it out correctly along the entire length of the fence, the wall—
652 excuse me. On the plans, it's called out six feet along the entire back, and it was just
653 the detail in the corner that it listed five feet. Our intent is to do the six feet, which is
654 required.

655 Mrs. Jones - We don't have an illustration of that wall to show?
656
657 Ms. Willis - I don't think there's one to show up there. I have one I could
658 show you on the plans. I think it'll be a lot easier once you see it.
659
660 Mrs. Jones - Okay. While they're doing that, could you address the point
661 about the gas line.
662
663 Ms. Willis - There is a gas line there. We're very much aware of it. It is
664 so many feet from the building, which is allowed. We've worked with the gas company,
665 and as far as we're concerned, it's to remain in place.
666
667 Mrs. Jones - They're aware that this project is underway and they have
668 no objection to the plan.
669
670 Ms. Willis - No ma'am.
671
672 Mrs. Jones - What will actually cross the gas line?
673
674 Ms. Willis - The parking lot will be over it.
675
676 Mrs. Jones - There will not be a wall over it?
677
678 Mr. Perkins - The wall's going to be stopped short of the gas line.
679
680 Mrs. Jones - Okay. I also wanted to ask you about the landscaped
681 islands in the parking area that we talked about. Could you explain your plan for that?
682
683 Ms. Willis - Per all of your suggestions, we went through and
684 incorporated additional landscaping in each of the islands where we had previously
685 shown concrete, as well as the front entrance feature. We added a tree as well.
686
687 Mrs. Jones - Okay. The decision on the safety factor that we needed to
688 address with the post and cable along Patterson. Could you describe where that will
689 be?
690
691 Ms. Willis - We were working with Mike Jennings, and determined that
692 on Patterson Avenue a post with cable was going to be required, which we have shown
693 on the plans. Then along the BMP, there was no guardrail or additional fencing that
694 would be required other than the decorative fencing that we were committed to from the
695 proffers.
696
697 Mrs. Jones - That was the decorative fencing on top of the wall.
698
699 Ms. Willis - Yes ma'am.
700

701 Mrs. Jones - Okay. The post and cable around the project at Mayland
702 and Gaskins is what I'm using as my guideline for what will be used here. Is that
703 correct?
704

705 Ms. Willis - We were provided that picture, I believe, from Mr. Garrison.
706

707 Mrs. Jones - This is not the same scale as the project at Mayland and
708 Gaskins, however, is it? Or is it?
709

710 Mr. Perkins - This is—
711

712 Mrs. Jones - Okay, all right. It looked different than when I went out there
713 the other day. That's fine then. Okay. Thank you very much. Anybody else have
714 questions?
715

716 Mr. Jernigan - Any other questions? Okay, thank you.
717

718 Mrs. Jones - Okay. I'd like to ask if there are any further questions from
719 the audience? This would be the time. If you don't mind, just have a seat in the front or
720 whatever.
721

722 Mr. Jernigan - Good morning, ma'am.
723

724 Ms. Miller - Good morning.
725

726 Mrs. Jones - Good morning.
727

728 Ms. Miller - Kathleen Miller. I am west and south of this project. I have a
729 concern I don't think has ever been answered about the traffic on Patterson. At one
730 point, we were told there were going to be two lanes on Careybrook coming out. I never
731 could see how you could have a right-hand lane and two other lanes, in other words,
732 three lanes on Careybrook.
733

734 Mrs. Jones - I'm going to have Mr. Jennings, our Traffic Engineer, speak
735 to that point.
736

737 Ms. Miller - Okay. That would be great.
738

739 Mrs. Jones - Thank you.
740

741 Mr. Jernigan - Good morning.
742

743 Mr. Jennings - Good morning. I'm Mike Jennings, Traffic Engineer for
744 Henrico County.
745

746 Mrs. Jones - Good morning, Mr. Jennings.

747 Mr. Jennings - Good morning. How are you, Mrs. Jones?
748
749 Mrs. Jones - Well, I'm fine. We did talk about this at a community
750 meeting. There was a problem with doing this; however, I'd like you to go ahead and
751 address that.
752
753 Mr. Jennings - Actually, I'm working with their engineer. It wasn't shown on
754 the POD right here, but they are going to re-stripe Careybrook Drive for a 14-foot lane of
755 ingress, and two 11-foot lanes coming out, so they'll be able to stripe a right and left turn
756 lane from Careybrook.
757
758 Mrs. Jones - There's no widening, there's no changing of the current
759 street.
760
761 Mr. Jennings - No ma'am.
762
763 Mrs. Jones - It's simply a re-striping.
764
765 Mr. Jennings - Yes ma'am. It's a 36-foot street that we'll be able to stripe for
766 two lanes of egress getting onto Patterson.
767
768 Mrs. Jones - Okay. That was quite a while ago.
769
770 Mr. Jennings - Yes ma'am, it was.
771
772 Mrs. Jones - Your memory is wonderful. Thank you. Okay. Does that
773 answer your question? Okay. All right, folks. I have no more questions, unless
774 someone from the Commission does. Yes sir, you have a minute or so left of your time.
775 You'll have to come to the microphone.
776
777 Mr. Branin - You'll have to come to the microphone.
778
779 Mrs. Jones - Didn't mean to yell at you like that.
780
781 Mr. Dallas - They're putting up plans I haven't seen before of the
782 retaining wall with a decorative fence above—and as if that's going to solve the required
783 wall. I have another question. If they're saying they're going to stop the wall before
784 they get to the gas line, how far are they going to stop before they get to the right-of-
785 way, as the condition proposes they do?
786
787 Mrs. Jones - All right, thank you so much. I'm going to have Mr. Garrison
788 come up, please, and answer the question that Mr. Dallas seems to be raising in
789 several aspects. Does this plan meet all the requirements of the Code, and does it
790 conform to all of the proffers of the rezoning?
791
792 Mr. Garrison - Yes ma'am, it does.

793 Mrs. Jones - Okay. Now, on the plan, would you please show the limits of
794 the wall as he was questioning, please?

795
796 Mr. Garrison - The retaining wall in this location right here tapers down to
797 Careybroke eventually until there is no wall, it's just a fence, the decorative faux
798 wrought iron fence that is proffered.

799
800 Mrs. Jones - How about the distance from right-of-way?

801
802 Mr. Garrison - I believe he's referring to this screen wall in this location. The
803 Traffic Engineer did not see a sight distance issue. The wall terminates before it gets
804 into this sight distance.

805
806 Mrs. Jones - Okay, thank you. There has been a lot of oversight of this
807 plan through the POD process. It has been scrutinized to meet the requirements. It has
808 been analyzed to make the project attractive and as functionally good as it can be, and
809 I'm really quite comfortable with it. Having been through this process with CVS, we
810 know the product that they have, we know the other projects in the area and the way in
811 which they've been built, so we have a very specific example of the proposals that are
812 going onto this site. This is not the full presentation with the color elevations of the
813 building and this kind of thing. We've shown those previously, and there will be follow-up
814 to this project with 9 amended and 11 amended, which are the landscaping and lighting
815 plans. That will be much more detailed. Unless there are other questions? Then I'd
816 like to move for approval of POD-30-08, CVS Pharmacy #1991@ Patterson and
817 Lauderdale, subject to the standard conditions for developments of this type, and the
818 additional conditions #9 amended, #11 amended, and #29 through #40, with the
819 addendum item referencing a revised plan.

820
821 Mr. Jernigan - We have a motion by Mrs. Jones.

822
823 Mr. Vanarsdall - Second.

824
825 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Vanarsdall. All in
826 favor say aye. All opposed say no. The ayes have it; the motion passes.

827
828 The Planning Commission approved POD-30-08, CVS Pharmacy #1991@ Patterson
829 and Lauderdale , subject to the annotations on the plans, the standard conditions
830 attached to these minutes for developments of this type, and the following additional
831 conditions:

- 832
833 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
834 Planning for review and Planning Commission approval prior to the issuance of any
835 occupancy permits.

- 836 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
837 of the site lighting equipment, a plan including depictions of light spread and
838 intensity diagrams, and fixture specifications and mounting height details shall be
839 submitted for Department of Planning review and Planning Commission approval.
- 840 29. The right-of-way for widening of Lauderdale Drive as shown on approved plans
841 shall be dedicated to the County prior to any occupancy permits being issued.
842 The right-of-way dedication plat and any other required information shall be
843 submitted to the County Real Property Agent at least sixty (60) days prior to
844 requesting occupancy permits.
- 845 30. The entrances and drainage facilities on Patterson Avenue (State Route 6) shall
846 be approved by the Virginia Department of Transportation and the County.
- 847 31. A notice of completion form, certifying that the requirements of the Virginia
848 Department of Transportation entrances permit have been completed, shall be
849 submitted to the Department of Planning prior to any occupancy permits being
850 issued.
- 851 32. A concrete sidewalk meeting County and VDOT standards shall be provided
852 along the east side of Lauderdale Drive, the north side of Patterson Avenue and
853 the west side of Careybrook Drive.
- 854 33. Outside storage shall not be permitted.
- 855 34. The proffers approved as a part of zoning case C-21C-07 shall be incorporated in
856 this approval.
- 857 35. Prior to issuance of a building permit, the developer must furnish a letter from
858 Plantation Pipeline stating that this proposed development does not conflict with
859 their facilities.
- 860 36. The loading areas shall be subject to the requirements of Chapter 24, Section
861 24-97(b) of the Henrico County Code.
- 862 37. Approval of the construction plans by the Department of Public Works does not
863 establish the curb and gutter elevations along the Henrico County maintained right-
864 of-way. The elevations will be set by Henrico County.
- 865 38. Approval of the construction plans by the Department of Public Works does not
866 establish the curb and gutter elevations along the Virginia Department of
867 Transportation maintained right-of-way. The elevations will be set by the
868 contractor and approved by the Virginia Department of Transportation.
- 869 39. The location of all existing and proposed utility and mechanical equipment
870 (including HVAC units, electric meters, junctions and accessory boxes,
871 transformers, and generators) shall be identified on the landscape plan. All
872 building mounted equipment shall be painted to match the building, and all
873 equipment shall be screened by such measures as determine appropriate by the
874 Director of Planning or the Planning Commission at the time of plan approval.
- 875 40. The limits and elevations of the Special Flood Hazard Area shall be
876 conspicuously noted on the plan and labels "Limits of Special Flood Hazard
877 Area." In addition, the delineated Special Flood Hazard Area must be labeled
878 "Variable Width Drainage and Utility Easement." The easement shall be granted
879 to the County prior to the issuance of any occupancy permits.
- 880

881 **PLAN OF DEVELOPMENT ARCHITECTURALS**
882 ***(Deferred from the May 28, 2008 Meeting)***
883

884
885 **POD-21-08** **Timmons Group for Towne Center West, LLC:** Request
886 Towne Center West – for approval of a plan of development, as required by
887 Apartments over Retail – Chapter 24, Section 24-106 of the Henrico County Code,
888 W. Broad Street to construct a five-story, mixed-use building with 25,400
square feet of retail/restaurant space and 72 apartment
units with a 3,115 square foot clubhouse. The 4.85-acre
site is located at the northwest intersection of W. Broad
Street (U.S. Route 250) and Towne Center West
Boulevard (private) on part of parcel 734-764-9340. The
zoning is R-6C, General Residence District (Conditional)
and WBSO, West Broad Street Overlay District. County
water and sewer. **(Three Chopt)**

884
885 Mr. Jernigan - Do we have any opposition to POD-21-08, Towne Center
886 West – Apartments over Retail? There is no opposition. Good morning, Mr. Wilhite.
887

888 Mr. Wilhite - Good morning, Mr. Chairman and Commission members.
889 The site plan for this project was approved two months ago at your April 23rd meeting.
890 At that time, the applicant had requested deferral of the architectural plans for them to
891 look at making some possible changes. On Friday, we did receive a second revised set
892 of architectural plans; they are in your addendum packet that you received this morning.
893 This plan adds additional standing metal seam material at the roofline in a couple areas
894 to meet the proffer requirements for a varied roofline. They also demonstrated that they
895 meet the percentage brick requirements that were also proffered. The other additional
896 materials, primary materials in this building are EIFS, Hardyboard siding, and split-face
897 block. There was a proffer that dealt with the square footage of finished area of the
898 bedrooms in the one- and two-bedroom units. They also demonstrate they meet that as
899 well.

900
901 Staff is in the position to recommend approval of the revised architectural elevations.
902

903 Mr. Jernigan - Are there any questions for Mr. Wilhite from the
904 Commission?

905
906 Mr. Branin - I have none.
907

908 Mr. Jernigan - Okay. Thank you, Mr. Wilhite. Mr. Branin?
909

910 Mr. Branin - Mr. Chairman, I'd like to compliment the Breeden Company
911 for working with staff and working with myself to get the quality of this project to where it
912 needs to be. With that, I'd like to move that POD-21-08, Towne Center West –
913 Apartments over Retail, be approved.
914

915 Mrs. Jones - Second.

916
917 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor
918 say aye. All opposed say no. The ayes have it; the motion passes.

919
920 The Planning Commission approved POD-21-08, Towne Center West – Apartments
921 over Retail, subject to the annotations on the plans, and the standard conditions
922 attached to these minutes for developments of this type.

923
924 **PLAN OF DEVELOPMENT & SPECIAL EXCEPTION**

925
POD-43-08 **Littlejohn Engineering Associates for HCA Healthcare:**
Henrico Doctors Hospital Request for approval of a plan of development, and
Renovation – Forest and special exception for relocating the existing emergency
Skipwith Roads helipad, as required by Chapter 24, Sections 24-106 and
(POD-1-73, POD-1-76, 24-50.12(c) of the Henrico County Code, and to construct
POD-81-78 and POD-4-81 a five-story, 143,996 square-foot addition to an existing
Revised) hospital building to convert semi-private rooms to private
rooms. The 30.45-acre site is located at the southwestern
corner of the intersection of Forest and Skipwith Roads on
parcels 761-744-3004 and 760-745-1480. The zoning is O-
3, Office District and O-3C, Office District (Conditional).
County water and sewer. **(Three Chopt)**

926
927 Mr. Jernigan - Is there any opposition to POD-43-08, Henrico Doctors
928 Hospital Renovation? There is no opposition. Good morning, Ms. Goggin.

929
930 Ms. Goggin - Good morning. As previously mentioned, this application is
931 to construct a five-story, sixty-foot addition to an existing hospital. The first floor is an
932 emergency department and 10-bed critical decision unit, a new lobby, and a waiting
933 area. The second floor is a 12-bed intensive care unit, and 12-bed intensive care step-
934 down unit. The third floor is a 12-bed cardiac care unit, and 12-bed cardiac step-down
935 unit. The fourth floor is a 24-bed second-phase heart attack recovery unit. The fifth
936 floor is elevator, mechanical penthouse, and future hospital office expansion. The
937 addition will enable the hospital to convert semi-private rooms to private rooms with no
938 net increase in beds.

939
940 The original use permit for the emergency medical helipad was approved in 1986. The
941 new helipad is crossing onto an adjacent parcel, which was owned by the hospital at the
942 time of approval, but was not on the same parcel number and is located approximately
943 105 feet southwest of the existing helipad. You can see it better on this screen up here.
944 It is now in this area. If I take it to the first staff plan, the helipad is shown right here,
945 where currently it's located up here.

946
947 The applicant has met with the Deputy Director of Construction and Maintenance for
948 Henrico County Public Schools, as well as the Principal from Three Chopt Elementary.

949 They went through the information with them, and they were very supportive of the
950 request and did not anticipate any problems.

951
952 A neighborhood meeting was held June 19th. The overall plan that is in your packet
953 labeled as Sheet 1—the original one, though, not the one that was copied and not very
954 visible in your packet—was available for the attendees to see the proposed expansion
955 and helipad relocation. Staff has not been contacted since notice letters were sent out
956 concerning this request.

957
958 The applicant has also provided color renderings of the proposed addition, utilizing earth
959 tones to match the existing hospital.

960
961 Staff recommends approval of the POD and special exception, subject to the
962 annotations on the plan, the standard conditions for developments of this type, and
963 conditions 29 through 39 in the agenda. I would be happy to answer any questions from
964 the Commission. Lenny Arnold, the applicant's engineer, is happy to answer any
965 technical questions concerning the project, and the architect is here, but I don't see the
966 applicant's attorney, should you have any questions of him.

967
968 Mr. Jernigan - Any question for Ms. Goggin from the Commission?

969
970 Mr. Branin - I don't have any questions for Ms. Goggin.

971
972 Mr. Jernigan - I do have one, but you can go first.

973
974 Mrs. Jones - I am simply curious. Tell me, do you have any idea how
975 many times the helipad is actually used?

976
977 Ms. Goggin - I thought I put that in here, but from what I understand, it was
978 used about three or four times in the last seven months.

979
980 Mrs. Jones - Okay.

981
982 Ms. Goggin - Fortunately, they don't have to use it often.

983
984 Mrs. Jones - That's good. I found it interesting in Condition 38 that all
985 landings and takeoffs are to be scheduled between the hours of 7 a.m. and 9 p.m.

986
987 Mr. Jernigan - Now, that does not make sense.

988
989 Mrs. Jones - Except for emergencies.

990
991 Ms. Goggin - Except for emergencies.

992
993 Mrs. Jones - Which is what they all are.

994

995 Ms. Goggin - Well, that is just in case they have to bring somebody from a
996 more remote hospital—
997
998 Mrs. Jones - I see.
999
1000 Ms. Goggin - —that needs more intensive care, and it would be easier to
1001 fly them in.
1002
1003 Mrs. Jones - And they have discretion as to the timing.
1004
1005 Ms. Goggin - Yes. Versus putting them in an ambulance and driving them
1006 six hours.
1007
1008 Mr. Branin - When I looked into how many flights and how it would affect
1009 the school and so forth and so on, what information I was given was a lot of the critical
1010 accident care doesn't come to Henrico. It's a three-minute difference in flight time to
1011 MCV, and MCV's better suited for it.
1012
1013 Mrs. Jones - That's good. Okay.
1014
1015 Mr. Jernigan - MCV is busy. We will assume that any chopper coming in
1016 will be an emergency.
1017
1018 Ms. Goggin - Yes.
1019
1020 Mr. Jernigan - One question I wanted to ask you. On the parking codes, is
1021 it still one parking place per two beds?
1022
1023 Ms. Goggin - Yes sir. As previously mentioned, this is no net increase in
1024 beds, and we all love semi-private rooms, so these are going to private rooms.
1025
1026 Mr. Jernigan - Okay. Any more questions for Ms. Goggin?
1027
1028 Mr. Vanarsdall - Are you saying when they go to private rooms that the
1029 parking will still stay the same?
1030
1031 Ms. Goggin - The parking will still stay the same because the semi-private
1032 rooms are being converted to private rooms, and they'll now have more private rooms.
1033
1034 Mr. Jernigan - Thank you, Ms. Goggin.
1035
1036 Ms. Goggin - You're welcome.
1037
1038 Mr. Branin - No sir, I do not need to hear from the applicant.
1039
1040 Mr. Jernigan - You're a mind reader, too. Go ahead.

1041 Mr. Branin - Mr. Chairman, I'd like to move that POD-43-08, Henrico
1042 Doctors Hospital Renovation, be approved subject to the annotations on the plan,
1043 standard conditions for developments of this type, and the following conditions 29
1044 through 39.

1045
1046 Mrs. Jones - We had a special exception?

1047
1048 Mr. Jernigan - The special exception is included in—

1049
1050 Mr. Branin - Including the special exception.

1051
1052 Mrs. Jones - Second.

1053
1054 Mr. Jernigan - Motion by Mr. Branin, seconded by Mrs. Jones. All in favor
1055 say aye. All opposed say no. The ayes have it; the motion passes.

1056
1057 The Planning Commission approved POD-43-08, and special exception for Henrico
1058 Doctors Hospital Renovation, subject to the annotations on the plans, the standard
1059 conditions attached to these minutes for developments of this type, and the following
1060 additional conditions:

- 1061
1062 29. The right-of-way for widening of Forest Avenue as shown on approved plans
1063 shall be dedicated to the County prior to any occupancy permits being issued.
1064 The right-of-way dedication plat and any other required information shall be
1065 submitted to the County Real Property Agent at least sixty (60) days prior to
1066 requesting occupancy permits.
- 1067 30. A concrete sidewalk meeting County standards shall be provided along the east
1068 side of Forest Avenue.
- 1069 31. Outside storage shall not be permitted.
- 1070 32. The proffers approved as a part of zoning cases C-59C-03, C-31C-07 and C-
1071 26C-08 shall be incorporated in this approval.
- 1072 33. The certification of building permits, occupancy permits and change of
1073 occupancy permits for individual units shall be based on the number of parking
1074 spaces required for the proposed uses and the amount of parking available
1075 according to approved plans.
- 1076 34. Approval of the construction plans by the Department of Public Works does not
1077 establish the curb and gutter elevations along the Henrico County maintained
1078 right-of-way. The elevations will be set by Henrico County.
- 1079 35. The location of all existing and proposed utility and mechanical equipment
1080 (including HVAC units, electric meters, junction and accessory boxes,
1081 transformers, and generators) shall be identified on the landscape plans. All
1082 equipment shall be screened by such measures as determined appropriate by
1083 the Director of Planning or the Planning Commission at the time of plan approval.
- 1084 36. A building permit to construct a building in excess of 50 feet in height shall not be
1085 issued until such time as an amendment is approved by the Board of Supervisors
1086 to C-59C-03 to permit a building over 50 feet in height.

- 1087 37. The applicant shall operate the helistop authorized by this Special Exception only
 1088 for medically related purposes.
 1089 38. All landings and takeoffs shall be scheduled between the hours of 7:00 am and
 1090 9:00 p.m. except for emergency situations.
 1091 39. The helistop shall be located, designed and operated in accordance with all rules
 1092 of the Federal Aviation Administration and Virginia Department of Aviation.
 1093

1094 **PLAN OF DEVELOPMENT**
 1095

POD-36-08 **M-Squared Engineering, LLC for Georgi Georgiev &**
 North Parham Offices **Aleksandar Aleksandrov:** Request for approval of a plan
 of development, as required by Chapter 24, Section 24-
 106 of the Henrico County Code, to convert two existing
 single-family dwellings into office buildings totaling 2,465
 square feet including an accessory residential unit. The
 0.79-acre site is located along the north line of N. Parham
 Road, approximately 125 feet west of its intersection with
 Skipwith Road on parcels 760-754-8425 and 9225. The
 zoning is O-2C, Office District (Conditional). County water
 and sewer. **(Three Chopt)**

1096
 1097 Mr. Jernigan - Is there any opposition to POD-36-08, North Parham
 1098 Offices? There is no opposition. Good morning, Mr. Ward.
 1099

1100 Mr. Ward - Good morning. The revised plan as stated in your addendum
 1101 on page 3 does conform to the proffered concept plan. Also, appropriate right-of-way
 1102 dedication, interior curb, gutter, and sidewalk were provided along the north side of
 1103 Parham Road to meet the Department of Public Works requirements.
 1104

1105 The plan for 3110 North Parham Road shows offices on the first floor, and residential on
 1106 the second floor. The adjacent building at 3112 North Parham will be strictly office. Per
 1107 the proffers, the building will remain as shown. We have pictures of each of the
 1108 buildings.
 1109

1110 Should the Commission act on the request, staff recommends approval subject to the
 1111 standard conditions for developments of this type, the annotations on the plan, and the
 1112 following additional conditions 29 through 33. Mike Morgan, the engineer, is here for
 1113 questions, and I'm happy to answer any questions you may have of me.
 1114

1115 Mr. Jernigan - Are there any questions for Mr. Ward from the Commission?
 1116 Thank you, Mr. Ward.
 1117

1118 Mr. Ward - You're welcome.
 1119

1120 Mr. Jernigan - Mr. Branin?
 1121

1122 Mr. Branin - Mr. Chairman, this is a good project that's really come along,
1123 and this is the beginning of the continued progress of renewal of that area. I'm pretty
1124 excited about this project. I'd like to move for approval of POD-36-08, North Parham
1125 Offices, with standard conditions for developments of this type, and the following
1126 additional conditions 29 through 33.

1127
1128 Mr. Vanarsdall - Second.

1129
1130 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All in
1131 favor say aye. All opposed say no. The ayes have it; the motion passes.

1132
1133 The Planning Commission approved POD-36-08, North Parham Offices subject to the
1134 standard conditions attached to these minutes for developments of this type, and the
1135 following additional conditions:

- 1136
1137 29. The right-of-way for widening of N. Parham Road as shown on approved plans
1138 shall be dedicated to the County prior to any occupancy permits being issued.
1139 The right-of-way dedication plat and any other required information shall be
1140 submitted to the County Real Property Agent at least sixty (60) days prior to
1141 requesting occupancy permits.
1142 30. A concrete sidewalk meeting County standards shall be provided along the north
1143 side of N. Parham Road.
1144 31. Outside storage shall not be permitted.
1145 32. The proffers approved as a part of zoning case C-3C-08 shall be incorporated in
1146 this approval.
1147 33. The certification of building permits, occupancy permits and change of occupancy
1148 permits for individual units shall be based on the number of parking spaces
1149 required for the proposed uses and the amount of parking available according to
1150 approved plans.

1151
1152 **PLAN OF DEVELOPMENT (*Deferred from the April 10, 2008 Meeting*)**

1153
1154
1155 POD-3-08 **Rummel Klepper & Kahl, LLP for Trustees of Third**
1156 Third Presbyterian Church Addition **Presbyterian Church:** 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 and a half
story, 46,268 square foot addition to an existing church, a
tot lot and parking area improvements. The 3.34-acre site
is located at on the west line of Forest Avenue at its
intersection with Silverspring Drive on parcels 756-737-
8569, 7779, 7986 and 757-737-0393. The zoning is R-3,
One-Family Residence District and R-2, One-Family
Residence District. County water and sewer. **(Tuckahoe)**

1154
1155 Mr. Jernigan - Is there any opposition to POD-3-08, Third Presbyterian
1156 Church Addition?

1157 Male - [Off mike.] Yes sir, there is.

1158

1159 Mr. Jernigan - Okay. Good morning, Mr. Strauss.

1160

1161 Mr. Strauss - Good morning.

1162

1163 The Trustees of the Third Presbyterian Church are proposing to build an addition to
1164 their existing church at the corner of Forest Avenue and Silverspring Drive. As you can
1165 see from the area plan, the church is located in an existing residential area, the
1166 Spottswood Park neighborhood. This church addition has been the subject of concern
1167 by many of the neighbors, including Spottswood Park.

1168

1169 The case was originally submitted for review in January of this year. Since that time
1170 there have been many community meetings in the neighborhood, to discuss a variety of
1171 issues including the addition itself, and the drainage impact and traffic and parking.

1172

1173 We think it would be useful to reflect upon the recent history of the church. The original
1174 building—including a chapel, and an education building now referred to as the
1175 Fellowship Hall—was built in 1958. The sanctuary was added in 1969, and I have an
1176 aerial photo here. This is the Fellowship Hall, this is the sanctuary, this is Forest
1177 Avenue, and Silverspring Drive is here.

1178

1179 Since that time, as the congregation grew, the church has expanded with other
1180 construction. In 1987 a two-story 17,800-square-foot addition was built—that would be
1181 here. An adjacent lot across the street—which is over on this side—was approved with
1182 a variance for offsite parking. That was in 1987. This parking lot was constructed in
1183 1998. The reason for the additional parking lot was to meet the minimum requirements
1184 for parking at that time. And as a result of neighborhood discussions at that time, a
1185 private agreement was made between the Spottswood Park Civic Association and the
1186 church. This is a private agreement between the neighborhood and the church, but it is
1187 relevant, for with this agreement, the church agreed there would not be any further
1188 expansion of the proposed accessory parking lot site, nor of the existing church parking
1189 into any adjoining residential property in the neighborhood.

1190

1191 The current proposal before us today is due in part to what the church can and can't do
1192 with regards to its expansion. The proposed building addition this morning is to approve
1193 a POD for construction of a building addition, and not parking by agreement, on two lots
1194 that the church has purchased—and that would be over here. I'm going to switch back
1195 to the overall graphic for a minute. There are two residential lots in here that the church
1196 plans to use for this building addition. As was said before, the addition is a two and a
1197 half story building. I'm going to have the architect speak in a few minutes in more detail
1198 on this. Staff has reviewed the addition and it meets the setbacks. It is below the
1199 maximum height of 45 feet for this zoning district. The addition will contain classrooms
1200 and office space for the expanding church operations, and a multi-use room which the
1201 church has indicated will be used for their contemporary church service on Sunday
1202 morning.

1203 The site improvements will include parking re-grading in two locations—here and here.
1204 There will be underground storm drainage structures in both parking areas, which is part
1205 of an overall plan to improve the drainage situation in the vicinity. I'm going to have Mr.
1206 Woodburn of our Public Works Department speak to this in more detail in a few minutes
1207 on this. I can tell you that the Department of Public Works has approved an exception
1208 to allow the church to over detain on the site in combination with some of the offsite
1209 storm drainage improvements along Silverspring drive.
1210

1211 This concept for handling storm runoff from the church and the proposed addition was
1212 the subject of a great deal of discussion with the neighborhood over the last five
1213 months. Several options to improve the situation were discussed. Our understanding
1214 of the consensus is that the option chosen is Option C. Mr. Woodburn can expound on
1215 that.
1216

1217 The staff has carefully reviewed this application over a period of six months. There have
1218 been many meetings with the church and the neighborhood. The main concerns of the
1219 neighborhood relate to the parking issue and the building itself. You are going to hear
1220 from the opposition shortly, but I'd like the Commission to know that we have listened to
1221 their concerns, and I'd like to address some those.
1222

1223 In evaluating the required parking for churches, the staff looked carefully at the exiting
1224 sanctuary and the proposed addition. The minimum required parking for churches is
1225 based on fixed seats. The sanctuary has 380 fixed seats and requires, by Code, 95
1226 parking spaces. The addition has a multi-use room, which will be used for a church
1227 service once it is completed. The contemporary service is to be relocated from the
1228 existing fellowship hall to this new multi-use room. We have proposed a condition (#32)
1229 that will require the church to provide parking at an assembly rate, since there are no
1230 fixed seats. That rate is one per 100 square feet, which would be 60 spaces. Therefore,
1231 the required minimum required parking per the Ordinance is 155 spaces. The
1232 applicant's plan proposes 176 spaces. During peak usage on Sunday, 360 to 401 cars
1233 have been observed by the neighbors. With this development providing 176 parking
1234 spaces on site, the neighbors contend that would leave about 165 cars that must park
1235 off site.
1236

1237 The staff would remind everyone that many churches that have been through the POD
1238 process. In every case, the minimum requirements of the Ordinance for parking for
1239 churches, is one space for four fixed seats. The minimum required parking was to be
1240 provided and is to be provided on site. We have a graphic here from the applicant that
1241 shows available parking in the area. There are parking spaces around the vicinity that
1242 would provide an additional 230 spaces off site. There were no additional parking
1243 requirements for classrooms on any of these reviews of other churches, or any
1244 accessory uses subordinate to the principal use.
1245

1246 In reviewing this case, staff is being consistent with the way parking is viewed for
1247 churches, and in looking at many other jurisdictions, they use the very same
1248 requirement— one parking space for four fixed seats. The Ordinance does not

1249 discriminate between a popular large church or a small church; the parking rate is the
1250 same.

1251
1252 In the POD process, we do encourage sufficient parking be provided to account for
1253 overflow peak uses. The need for overflow parking on peak use days like Sunday can
1254 vary with any church at any time of year. It is a need that would have to be evaluated
1255 on a case-by-case basis. How churches handle their peak use/overflow varies. Up the
1256 street from this church is Trinity United Methodist. They use adjacent public streets on
1257 Sunday. Some churches like River Road Baptist Church use adjacent parking lots as
1258 well as public streets, and some, like Grove Avenue Baptist Church, use public streets
1259 as well as a shuttle bus service.

1260
1261 One can imagine, that if we required churches to provide all of the parking spaces they
1262 would conceivably need on the site as opposed to using available public street parking
1263 or available lots nearby, it would increase the amount of paving required when our
1264 overall goal and objective is to preserve more open space.

1265
1266 The neighbors have also made the observation that the Fellowship Hall could seat as
1267 many as 500, and perhaps as many as 600 persons, which would, require an additional
1268 150 spaces if it was to be used concurrently with the church services. Staff was aware
1269 of this concern as well, and the effect it would have on the ability of the church to meet
1270 the minimum requirements of the Ordinance for church for parking, which is why we
1271 have recommended a Condition 33 in your agenda to prohibit a third church service
1272 being held concurrently with the other church services.

1273
1274 The neighborhood has indicated that they believe that the staff has suggested that
1275 variances be sought for future offsite parking areas to handle the overflow parking, and
1276 that many of the offsite lots the church members use on Sunday is too far to walk, since
1277 some of the adjacent parking lots are located more than 400 feet away. This church
1278 has a variance in place now for some of the minimum required parking they have to be
1279 providing, and that's 84 spaces across the street, which was approved by variance in
1280 1987. A variance would typically be required if they needed the parking lot to meet the
1281 minimum requirement for parking spaces.

1282
1283 As for the walking distance, 400 feet doesn't seem unreasonable when considered in
1284 the context of other walking distances in the County. For instance, our schools have
1285 policies and regulations for walking distances for students. The walking distance for
1286 middle or high school is 2,640 feet, and the walking distance for elementary schools is
1287 1,584 feet. So it hardly seems unreasonable to expect a church member to walk
1288 greater than 400 feet, if we ask our elementary school children to walk 1,584 feet.

1289
1290 The neighbors provided their own parking study; they put a lot of effort into this. They
1291 felt that if the parking standards of the Code could not be met, then the size of the
1292 building should be reduced. Staff will make two observations here: the parking
1293 requirements of Code have been met; and secondly, the building as proposed meets
1294 the height and setbacks per Code. Further, while the neighbors imply that the church is

1295 using provisions for substitute parking contained in Code, staff does not agree with this
1296 since those provisions are clearly for mixed use/dual use facilities and the shared
1297 parking scenario in the Ordinance is for employees and not patrons. So this part of the
1298 ordinance is not even applicable to this case.

1299
1300 The neighborhood also contends that staff's application of parking code is too liberal,
1301 and it conflicts with the documentation the neighborhood has observed. While it doesn't
1302 address the use of Sunday school classrooms, staff would like to point out that while the
1303 proposed addition has classrooms, classrooms in churches are accessory uses, and
1304 therefore by Code are not required to be parked. The new multi-use room shall be
1305 parked, since we were made aware that the church could use this for a church service.

1306
1307 The neighbors have also mentioned two concerns, which are, in a sense, actually
1308 related; they involve enforcement questions. One is the conditioning out of the
1309 fellowship hall—which exists and is located here—for a third church service. This is
1310 viewed as a problem. The Traffic Department installed some "No Parking" signs along
1311 Silverspring Drive in an effort to address sight distance issues. The neighbors are
1312 concerned about the likelihood of churchgoers continuing to park in areas that have
1313 been signed for no parking. Staff has considered this possibility, but we feel the concern
1314 about enforcement of these is outweighed by having these conditions on the POD, if it
1315 were better off with these conditions than not having them. In summary, we operate on
1316 a complaint basis and we will act on and investigate any complaint filed.

1317
1318 With respect to the building, the architect will be showing you some details shortly of the
1319 building addition, but this may be a good time to mention something about the POD
1320 process itself. The Plan of Development process is different from the rezoning process.
1321 When a POD application is filed and comes before this Commission, the Commission's
1322 role is to review the plan to determine whether or not it meets the zoning requirements.
1323 This is set forth very clearly in State Code, which is the enabling authority for a plan of
1324 development review. Because this is an administrative process, a ministerial process if
1325 you will, the Commission's scope is not a discretionary scope to review the case. The
1326 criteria for denial of a POD would be non-compliance with the zoning ordinance. In
1327 other words, during the POD review process, once the ordinance requirements have
1328 been found to be met, this Commission does not have discretion to deny the
1329 application.

1330
1331 Now we know many of the neighbors feel that this building addition is inappropriate, but
1332 I can tell you, as well as the architect can tell you, that the proposed building addition
1333 and the use is allowed in the R-2 district, and that the proposed addition does meet the
1334 setbacks and is well within the height limit of the R-2 District, which is 45 feet.

1335
1336 I'm going to have the architect speak to the building design shortly, but I'd like to
1337 conclude my presentation by stating that the staff has reviewed the application and we
1338 can recommend approval, with the additional conditions on your agenda. I can go over
1339 those in more detail if you like, but that would be conditions #31 through #35. Number
1340 31 requires a phasing plan during construction, #32 requires additional parking for the

1341 multi-use room at the assembly rate; #33 requires that the existing fellowship hall not be
1342 used for a third concurrent church service; #34, drainage improvements detailed as
1343 Option C shall be provided as approved by the Director of Public Works; and finally #35,
1344 the applicant continue to pursue methods to handle current and future traffic to and from
1345 the church during peak use, and update their parking analysis prior to approval of the
1346 construction plans. We're also recommending 9 amended and 11 amended. That
1347 would be for landscaping and lighting, and I'll be happy to answer any questions.
1348

1349 We have John Woodburn here from Public Works, and Mike Jennings from Traffic. We
1350 have the Architect here. We have Mr. Wilson, who represents the church, and Mr.
1351 Malachi Mills. Thank you.

1352
1353 Mr. Jernigan - All right. Are there any questions for Mr. Strauss from the
1354 Commission? Very well presented, sir.

1355
1356 Mr. Strauss - Thank you.

1357
1358 Mr. Branin - Mr. Strauss, I have one while they're chatting. Can you pull
1359 up the picture—I believe I saw it just for a flash—that had outer areas that people park
1360 in? No, not that one. It was actually an aerial photo. That one. Now, in regards to like
1361 the medical office building and all of these optional parking areas, does the church have
1362 agreements with these locations that they're—

1363
1364 Mr. Strauss - We have asked several times that agreements be provided.
1365 The neighborhood is interested in having those agreements. We have an agreement for
1366 one lot, which is over here, and we've asked for additional documentation.

1367
1368 Mr. Branin - Are we to assume that they don't have agreements?

1369
1370 Mr. Strauss - I know they're parking there now. The neighborhood did a
1371 pretty good job of observing the parking taking place. To my knowledge, we don't have
1372 written agreements for all of those.

1373
1374 Mr. Emerson - Mr. Branin, I don't know that that would be material based on
1375 the fact that the church is providing the parking that's required by Code on site.

1376
1377 Mr. Branin - Okay.

1378
1379 Mr. Vanarsdall - Mr. Strauss, how far did you say the shopping center is from
1380 the church?

1381
1382 Mr. Strauss - My guess is a little over 400, but I didn't scale, so I may have
1383 to get some help on that one.

1384
1385 Mr. Vanarsdall - Four hundred feet.

1386 Mrs. Jones - It's not far, but it's far enough that I'm sure folks would look
1387 for other alternatives.
1388
1389 Mr. Vanarsdall - Right.
1390
1391 Mrs. Jones - Did you want to ask—
1392
1393 Mr. Jernigan - Well, Mr. Branin. I'm—
1394
1395 Mrs. Jones - Okay.
1396
1397 Mr. Jernigan - Mr. Strauss?
1398
1399 Mrs. Jones - Mr. Strauss, could you come back, please?
1400
1401 Mr. Jernigan - In the beginning of your presentation when you were talking
1402 about the agreement that they had, this was an agreement between the church and the
1403 neighborhood?
1404
1405 Mr. Strauss - This occurred during the variance hearing in 1987. It was a
1406 covenant between the church and the neighborhood.
1407
1408 Mr. Jernigan - It was a covenant.
1409
1410 Mr. Strauss - Yes. Now, that's not enforceable by the County, but it does
1411 have a bearing on what the church can and can't do with the lots they've provided. In
1412 other words, the building has to be there because the parking can't. I'll just summarize
1413 it that way.
1414
1415 Mr. Jernigan - I want to make everybody aware of something because I've
1416 hit this in a zoning case before. We have certain laws that we have to follow for POD
1417 cases, and this is mandated by the State. Now, if there is agreement between the
1418 neighborhood and the church, that is a civil case, not a POD case. What we do here
1419 today is what we have to do. I don't know what we're doing yet, but whatever we do is
1420 what we have to do according to the law. I want you to know if there is a binding
1421 agreement between the neighborhood, that has to be handled in a civil court and not
1422 here. I just want to make everybody aware of that.
1423
1424 Mrs. Jones - We are treating that as a private agreement.
1425
1426 Mr. Jernigan - Whatever it is, we have to handle what we have to handle
1427 here, and that comes under a separate jurisdiction. Okay? All right. Thank you, Mr.
1428 Strauss. Any more questions for Mr. Strauss?
1429
1430 Mr. Woodburn - Good morning. I'm John Woodburn. I work for Public Works.
1431 I'm the review engineer for the Third Presbyterian project. I've been looking at this

1432 project over the last three or four months, primarily focusing in on all site drainage
1433 issues for the project.

1434
1435 Just to give you a brief overview, it became pretty apparent early on in the project that
1436 all site drainage was going to be a great concern due to the increased runoff that a new
1437 development generates, coupled with the fact that there was already a lot of community
1438 concern about existing drainage problems in the area, particularly along Silverspring
1439 Drive. Early on, the engineer and the County met the community to discuss what might
1440 be the best strategy for addressing the drainage issues. We put forth, basically, three
1441 options for the community to consider.

1442
1443 The first option is onsite detention only. It really didn't address, of course, any of the
1444 existing inadequacies primarily along Silverspring Drive. There are some sections where
1445 there is really little or no existing ditch section. I think they were having problems with
1446 water washing over the road during larger storm events and that sort of thing. Even
1447 with onsite detention, that did not address what was coming there already.

1448
1449 Secondly, we looked at doing just full downstream improvements. Not detaining on site,
1450 just looking at can we just improve the existing drainage along Silverspring Drive, under
1451 Spottswood Road, and so forth. In looking at that, it also became apparent that the
1452 degree of improvements that would be required for the proposed discharges would be
1453 fairly extensive. We're talking about large ditch sections, riprap, probably having to
1454 replace pipe and large pipe under Spottswood Road. Even on down from there, some
1455 existing channel or stream almost that goes through the Chase property. That really
1456 didn't seem like doing downstream improvements would solve the problem.

1457
1458 From there, we went to what we refer to as Option C, which is a combination of onsite
1459 detention with limited downstream improvements. That's what's illustrated on the
1460 drawing I put on the projector. It's mainly focused on the improvements along
1461 Silverspring Drive, replacing a couple of driveway culverts—12 inch with 15 inch—then
1462 some, basically, restoration of ditch section in front of the Frayser and Hotchkiss
1463 property. I can show you those on one of the overheads. I'm not a master of the
1464 technology here. I just need to get back to the overhead. This is kind of just a blowup
1465 rendering of the improvements proposed in front of the Frayser and Hotchkiss
1466 properties, which consist of a ditch section, triangular in nature, about a foot to a foot
1467 and a half deep, graded with more or less a two-foot to three-foot shoulder along the
1468 side of the existing pavement. So, really a minor ditch in keeping with kind of the
1469 appearance of the neighborhood. That's Frayser, and then down to Hotchkiss. The
1470 engineer has proposed that he'll need to get a 10-foot construction easement to do this,
1471 and there is, at least in this current proposal, some indication of some grading outside of
1472 right-of-way to tie in the grade of the ditch with the existing yard. That's kind of
1473 illustrated down in this area here. I'm talking grading on the order of six inches. Still, the
1474 County recognizes that when you go outside of right-of-way, any type of work outside of
1475 right-of-way requires the permission of the property owner. It's been made clear to the
1476 engineer that that will be required to do this work.

1477

1478 Public Works is satisfied with the drainage strategy proposed by the engineer consisting
1479 of onsite detention with limited downstream improvements. It's the best method to
1480 address the drainage concerns of the project in the adjacent neighborhood.

1481
1482 To summarize, with the onsite detention proposed by the church, the overall combined
1483 peak discharge from church property for the proposed development will be less than
1484 what is coming off the church now in its existing state. The existing roadside ditch will be
1485 improved along Silverspring Drive, and runoff from the north parking area—and I didn't
1486 touch on that. But the north parking area currently drains into the backyards of several
1487 properties along Silverspring. With the proposed improvements that the church is
1488 proposing, that parking lot will be drained toward Forest Road and will no longer be
1489 draining off into those backyards.

1490

1491 I'll be happy to answer any questions or provide additional exhibits.

1492

1493 Mr. Jernigan - Any questions for Mr. Woodburn from the Commission?

1494

1495 Mrs. Jones - Yes. Mr. Woodburn, as you go down Silverspring with the
1496 improvements that have been proposed as part of Option C, and you meet the
1497 properties that will require homeowner permission in order to accomplish the plan as it
1498 stands now, if that permission is not granted, will the improvements be able to
1499 accomplish the goal that we envisioned with the engineer?

1500

1501 Mr. Woodburn - I believe that it's possible to either modify the ditch section or
1502 perhaps propose some other solution that will meet the requirements.

1503

1504 Mrs. Jones - The impact on these two properties to the curve on
1505 Silverspring, while you do need permission from the owner to work in a fairly large area,
1506 the impact to their property, would you consider that to be minimal or extensive when
1507 these particular improvements are in place?

1508

1509 Mr. Woodburn - When the work is done, the ditch itself will be full in right-of-
1510 way. What we're envisioning is only if there is some grading to basically tie in the crown
1511 of the ditch with the existing slope.

1512

1513 Mrs. Jones - So, it's—

1514

1515 Mr. Woodburn - So you don't have kind of an abrupt transition from the ditch
1516 section to the existing.

1517

1518 Mrs. Jones - So it's functionally, as well as aesthetically in everyone's
1519 best interest to allow the County to gently slope that back so that there is a rounded
1520 contour to the ditch, not abrupt.

1521

1522 Mr. Woodburn - I generally don't speak to aesthetics, but—

1523

1524 Mrs. Jones - I'd like you to, please.
1525
1526 Mr. Woodburn - Okay.
1527
1528 Mrs. Jones - I realize that. But that's the reason. It will look better and it
1529 will function better. Correct?
1530
1531 Mr. Woodburn - Mmm-hmm.
1532
1533 Mrs. Jones - Okay. Thank you.
1534
1535 Mr. Woodburn - If it would please the Commission, I think the applicant's
1536 architect is—
1537
1538 Mr. Glover - I can't hear you.
1539
1540 Mr. Woodburn - If it would please you all, I think the architect is ready to talk,
1541 so we can have the applicant address some questions.
1542
1543 Mr. Loving - Good morning. I'm Bill Loving, Cox and Associates
1544 Architects. A little over two years ago, we worked with the church through a space
1545 needs study to look at the existing church situation and hear from them what they
1546 needed. There were three main things that came out of that. One was circulation. The
1547 other one was a safe, secured area for their children. The third one was a third larger
1548 space. Let me go to the plans and show you what that ended up looking like.
1549
1550 With this plan, this is the existing church building here. This is the addition. Thirty
1551 percent of the addition is circulation. Currently, their church has very little informal
1552 fellowship space, just space for people to hang out in between church services, in
1553 between Sunday school, things like that. So, a significant amount of this addition is
1554 devoted to that.
1555
1556 The classrooms that are over to the rear of the church toward Silverspring, that has
1557 been developed as a two-story with a basement area for the children. It is secured so
1558 that to get into that area, you have to pass through a secure area. Currently, all their
1559 children's Sunday school classes are just along the hall, and anybody can walk down
1560 and walk into them. Also, for them to go and use toilets, things like that, they have to
1561 take the children out of the hall. The teacher has to leave the classroom. This provides
1562 toilets in between classrooms, storage between classrooms, things like that. That's part
1563 of the reason for the size and scope of what we're doing. We're trying to make much
1564 better classrooms.
1565
1566 The multipurpose room, located here. One of their difficulties is because they do run
1567 two church services, their only fellowship space is set up on Sunday mornings for a
1568 church service. Therefore, if they want to do any after-church socials, they have to
1569 break that down, set up tables, and do all that that. By the time they do all that, it's a

1570 half hour later. It makes it very difficult for them to do any sort of church socials. The
1571 purpose of doing this is to move the contemporary service, and then they would be able
1572 to use their fellowship hall for fellowship on Sunday mornings.

1573
1574 The second floor, again, we have the children's area. Ground floor plan. Part of the
1575 circulation effort is—Like many churches, the church has been built on two different
1576 floor levels. We include a significant amount of ramp area within that circulation to make
1577 it all handicap accessible. As such, we wanted to align the addition with the existing
1578 floor levels of the majority of the church. When we do that, with the lay of the land, we
1579 pick up a basement. So, we're utilizing the lowest portion of that for some additional
1580 children's classroom space, and also some indoor recreation space so that on rainy
1581 days the kids have a place to be able to play.

1582
1583 To review the outside of the building. This is the existing church and steeple here,
1584 shown through some—we've sort of done a rendering that shows the landscape. The
1585 existing landscape, these crape myrtles, we made them a little bit see-through so you
1586 can see the building. The existing building is two-story colonial architecture, very typical
1587 church architecture. Where we tie into the church, we continue that architecture. As
1588 soon as we move away from the church proper, we move away from this covered entry
1589 that we've provided for handicap accessibility, we start breaking the church building
1590 down into smaller masses that are about 30 feet wide, more residential scale. We've
1591 added residential elements onto the building. This is as you'd look from Silverspring
1592 looking up the street. We've put shutters on the building. We've lowered the roofline so
1593 that it has more the appearance of a story and a half, rather than a full two-story
1594 building.

1595
1596 We've also added significant landscape in front of the building to shield the
1597 neighborhood from the building. The landscaping that's shown in the rendering is
1598 accurate, according to the landscape plan. We've tried to be careful in pulling out
1599 cryptomeria, Nellie Stevens hollies, and maple trees, and accurately showing those in
1600 our renderings. From the neighborhood, between the existing landscape and the new
1601 landscape, this is the house next door, the Tice's house. This is really what you would
1602 see from the majority of the neighborhood area.

1603
1604 The building itself, just to show the building elevations, this is the existing sanctuary, this
1605 is the addition. The addition up on this level, the building height is about 28 feet to the
1606 average of the roof height. As we go along on Silverspring, you can see where we start
1607 to break the building down into parts. Our building height is 33-1/2 feet; we're allowed
1608 45 feet. Then as we go around over to the portion that faces the neighbors, we, again,
1609 try to bring the building down even further with lowering the eaves on these boxes here,
1610 lowering the eave on the multipurpose room so that, again, it's brought down to about a
1611 story and a half. The height above the grade at the portion is, again, about in the mid
1612 20's.

1613
1614 Are there any questions?

1615

1616 Mr. Jernigan - Any questions for Mr. Loving from the Commission?
1617
1618 Mrs. Jones - Mr. Loving, do you have any rendering where you can point
1619 out the playground and how it fits into the plan?
1620
1621 Mr. Loving - Let's see. Yes. This is—Actually, I'm going to go to the
1622 ground floor cover plan, I think. This is Silverspring here. This is the addition. As part of
1623 the architectural character of breaking the building mass up, we moved a portion of the
1624 building further away from the setback line. In that, we created a playground area. That
1625 playground area is recessed down at the ground-floor level. This is the playground
1626 area. The play equipment is outside of the setback area.
1627
1628 Mrs. Jones - Is there any rendering of the elevation that would show that?
1629
1630 Mr. Loving - Let's see, that is—This fence area here, that is the
1631 playground area. It's recessed down behind that fence. Now, one thing that has been
1632 changed about the landscape, the plantings have not been changed, but at the
1633 neighborhood's request, a berm area has been added between this fence and the street
1634 to raise the grade in that area.
1635
1636 Mrs. Jones - Could you show where that berm will be construction from
1637 point A to B?
1638
1639 Mr. Loving - Basically, from this upper portion down to right around in this
1640 area here. It's about a two- to three-foot berm. I don't see a grading plan that shows the
1641 berm itself, but it has been put into the grading plan and the landscape plan, and looked
1642 at, and it still works with it.
1643
1644 Mrs. Jones - Okay.
1645
1646 Mr. Loving - Any other questions?
1647
1648 Mr. Jernigan - Anymore questions?
1649
1650 Mr. Glover - Mr. Chairman, I have a question of the engineer.
1651
1652 Mr. Jernigan - Mr. Strauss.
1653
1654 Mr. Glover- Well, then they can pass it to who they want to. I was
1655 listening to the—First of all I want to say that I'd be the first one to encourage new
1656 membership and new attendance at churches, but unfortunately or fortunately, all
1657 developments have to meet the same standards. I want to find out—It's Mr. Woodburn,
1658 right?
1659
1660 Mr. Jernigan - Yes.
1661

1662 Mr. Glover - He's the drainage engineer. He's the one I think can answer
1663 my questions. The question is, it sounded like the County was going to do some
1664 improvements on Silverspring Drive in order to accommodate this development. Did I
1665 hear that correctly?
1666
1667 Mr. Woodburn - Right now, the County's not proposing doing any work along
1668 Silverspring Drive.
1669
1670 Mr. Glover - Does that mean that the drainage outfall is a problem? It
1671 sounded like you said it would be better than it is now.
1672
1673 Mr. Woodburn - Yes it would.
1674
1675 Mr. Glover - But yet it's still not up to the standards that we would
1676 require?
1677
1678 Mr. Woodburn - That is correct.
1679
1680 Mr. Glover - How do we then approve something, and we can't make the
1681 developer go off site. We can't, by law, make him go off site, I believe. Is that correct?
1682 Can't make him, can't require it.
1683
1684 Mr. Woodburn - I'm required in doing my reviews for construction plans to
1685 determine if they have an adequate outfall, and if they do not, to require them to make
1686 improvements.
1687
1688 Mr. Glover - Then my question would go to someone else then. Can we
1689 require an applicant that's developing—Can we require the developer of any
1690 development to go off site to make improvements? Can we require it?
1691
1692 Mr. Emerson - No sir, in most cases we would not.
1693
1694 Mr. Glover - So then if we have a situation—And again, I'm not against
1695 the church improving their membership, good gracious. I don't want to have to answer
1696 to that when I leave this earth. But I can tell you that I think what I do have to answer to
1697 is the citizen. I think I'm required to do that, and that's why I speak up. I normally don't
1698 speak at these cases at all. When I hear that the outfall is not creating anything other
1699 than an impact that's adverse to that area, how can we approve? I know Mr. Strauss
1700 recommended approval and that it meets all the requirements, but do we meet all the
1701 requirements when we allow a drainage situation to exist?
1702
1703 Mr. Woodburn - The proposed improvements that the applicant has proposed
1704 to make are to make the outfall adequate.
1705

1706 Mr. Glover - Are you retracting the statement that it isn't as good as it
1707 should be? When you say "adequate," I think I need you to define the word "adequate"
1708 as you hear it.
1709
1710 Mr. Woodburn - In its current condition, it is not adequate.
1711
1712 Mr. Glover - Okay.
1713
1714 Mr. Woodburn - But under the proposals made by the applicant, it will be
1715 adequate.
1716
1717 Mr. Glover - Is that because you're requiring them to go off site to
1718 improve it?
1719
1720 Mr. Woodburn - Yes. He's going off site. He is making improvements in
1721 County right-of-way to—
1722
1723 Mr. Glover - That brings it up to the standard that we require.
1724
1725 Mr. Woodburn - Yes. It will convey a 10-year storm.
1726
1727 Mr. Glover - Okay. So, we are requiring that they go off site.
1728
1729 Mr. Woodburn - Yes.
1730
1731 Mr. Glover - We can't do that, can we, Mr. Strauss?
1732
1733 Mr. Strauss - I think I understand you correctly. The applicant happily has
1734 agreed to do it. I think you're right in saying we can't make him do it—
1735
1736 Mr. Glover - I'm asking—
1737
1738 Mr. Strauss - —but is—
1739
1740 Mr. Glover - —are we requiring it?
1741
1742 Mr. Strauss - It is a condition, yes.
1743
1744 Mr. Glover - How can we make it a condition, is my question. I'm not
1745 against—I'm going to say it over and over. I'm not against them improving and doing
1746 what they want to do, but I don't think the County should require something that they're
1747 not capable of doing. When you put it as a condition on the case, isn't that a
1748 requirement?
1749
1750 Mr. Strauss - Yes. I guess it's up to the Commission whether they think
1751 that this condition is merited.

1752 Mr. Glover - I understand that, but I think we depend on our professional
1753 staff to make recommendations that meet the Code as required. My question is, is this
1754 being required by the condition being on the case, or are they giving you an agreement
1755 that they'll do it because they want to go ahead.

1756
1757 Mr. Strauss - I think it's both, actually.

1758
1759 Mr. Glover - Well, I don't think you can have it as a condition on the case.
1760 You can answer that if you want to. If you tell me you can, I'm not against it. But so far,
1761 what I've heard is hesitations of uncertainty. I just want to be sure that when we do this,
1762 that we're not putting ourselves in a position at sometime in the future, because this isn't
1763 the only church that has a parking problem.

1764
1765 Mr. Strauss - I understand.

1766
1767 Mrs. Jones - Mr. Glover, I'd like to just speak to your question, if I could.
1768 The drainage issue and the neighborhood participation in the options has been a pivotal
1769 part of a lot of the time spent in the past number of months. The condition on this case
1770 is a mutually-agreed-to condition. It is part of the County case because it's important
1771 that we go ahead and define what the option is that has been mutually acceptable to the
1772 neighborhood, to the applicant, and to meet County standards. We are improving with
1773 this condition the drainage situation in what is a difficult area for drainage. We are doing
1774 it by virtue of a condition, which should be viewed as a mutually acceptable agreement,
1775 and we want to be very clear that it is part of the case in that definition of what we're
1776 calling Option C.

1777
1778 Mr. Glover - I don't disagree that the improvement is needed. According
1779 to what I've heard staff say is that we cannot require, and the condition on this case is
1780 as if it's a requirement. You can get it done. Isn't that right, Mr. Strauss? But it has to
1781 be a letter of agreement that they'll go off site and do it on their own, and that the
1782 County's not requiring it. I think the next thing they do as a church, if this is approved, or
1783 the people, is they appeal it. You know where it comes, don't you? It comes to the
1784 Board of Supervisors. As soon as it does, we'll have the Code with the legal department
1785 sitting here telling us what we can and can't do. All I'm asking is, is it legal? If it's legal,
1786 keep the condition. If it's not, get an agreement.

1787
1788 Mr. Branin - Because it's been set into a condition, that's the question. If
1789 it was just a letter of agreement, that's a lot different than a condition.

1790
1791 Mr. Glover - If we approve the case—I'll let staff, Mr. Emerson, answer
1792 this if he wants to, or Mr. O'Kelly. If we approve a case as it sits with the condition, I
1793 don't think we can legally do that and require it. However, if we approve it without the
1794 condition, then it's up to the County to go in there and improve the drainage to meet the
1795 requirements that doesn't inundate the neighborhood. Is that correct?

1796

1797 Mr. Emerson - Mr. Glover, I believe that we wouldn't allow the project to
1798 move forward without the improvement taking place. As far as who would be
1799 responsible for the improvement, I couldn't respond to that right now. I'd have to look
1800 into that. We definitely would not let the project move forward without the drainage
1801 being handled adequately.
1802

1803 Mr. Glover - And we can't require it. We can't require it by the applicant. I
1804 want to get that straight before I leave here today.
1805

1806 Mr. Emerson - We cannot place it as a condition, I don't believe, on the
1807 case. However, if the applicant is in agreement and came forward and stated their
1808 agreement with the condition, I believe we would probably be—
1809

1810 Mr. Glover - And could the applicant give you a letter of agreement.
1811

1812 Mr. Emerson - Yes sir, he could, and that has been done in the past.
1813

1814 Mr. Glover - That has to be binding.
1815

1816 Mr. Emerson - Yes sir.
1817

1818 Mr. Glover - It wouldn't put you in a legal position.
1819

1820 Mrs. Jones - Could we include this in #34 as, "Drainage improvements will
1821 be provided by letter of agreement along Silverspring Drive," so that it is part of the
1822 case, but by letter of agreement? Would that be suitable?
1823

1824 Mr. Glover - I think, Mr. Emerson, if you want to address it, but I think it's
1825 been done before, that the case can be approved subject to a letter of agreement.
1826

1827 Mr. Emerson - Yes sir, it can. That has happened on several occasions.
1828

1829 Mr. Jernigan - Mr. Glover?
1830

1831 Mr. Glover - Yes.
1832

1833 Mr. Jernigan - I'll throw this in. I'm not sure that we're right on not being
1834 able to make somebody do downstream improvements, because after Gaston, there
1835 was a developer that had some property and had an approved set of plans from Public
1836 Works. But after Gaston came through, he had to make downstream improvements that
1837 were not on his property. I also had another case within the last—
1838

1839 Mr. Glover - It depends on how strong the person at the County ran at the
1840 man to tell him he had to do something, because I don't think we have the legal right to
1841 make anyone do anything off site.
1842

1843 Mr. Jernigan - Do you want me to get somebody down here from the legal
1844 staff?
1845
1846 Mr. Glover - If I did, I would ask.
1847
1848 Mr. Jernigan - Okay.
1849
1850 Mr. Branin - Mrs. Jones, you may be able to answer this, or Mr. Strauss.
1851 If these downstream improvements are agreed upon, if the homeowners that have to
1852 agree for their property to be impacted—whether it's extreme or, I don't know the words,
1853 I don't remember the words that you were trying to get Public Works nailed down to—
1854 don't agree, then the work can't be performed, correct?
1855
1856 Mrs. Jones - That was the question I posed to Mr. Woodburn.
1857
1858 Mr. Strauss - I would think that the improvements are confined to the
1859 County right-of-way, and with a letter of agreement from the applicant, they could be
1860 done. Anything involving the neighbor's own property, outside the right-of-way, could
1861 be in contention.
1862
1863 Mrs. Jones - The drainage improvements could be accomplished without
1864 homeowner permission, however—
1865
1866 Mr. Branin - Because it's County right-of-way.
1867
1868 Mrs. Jones - However, the ideal situation would be we would be able to
1869 do that with access to incorporating some of the grading on the owner's property.
1870
1871 Mr. Branin - Okay. All right.
1872
1873 Mrs. Jones - Mr. Strauss, have I summarized that correctly?
1874
1875 Mr. Strauss - Yes, I think so. If I could, I just want to mention there is an
1876 opposition group here that has been patiently waiting. So, if we could move on, if we
1877 think we have that handled.
1878
1879 Mrs. Jones - I think it probably would be wise to go ahead, unless there
1880 are further questions.
1881
1882 Mr. Archer - Mr. Strauss, condition 34 says, "Approval of Option C as
1883 outlined in Public Works letter dated June 5, 2008."
1884
1885 Mr. Strauss - That letter—
1886
1887 Mr. Archer - Does that speak to—
1888

1889 Mr. Strauss - That letter is not necessarily what I would call a letter of
1890 agreement. That letter specified the details of the drainage improvements, but it wasn't
1891 phrased in a way that the applicant of his own volition agrees to do these
1892 improvements. I think that's the kind of letter we would be looking for.
1893
1894 Mr. Archer - Seems to me like that's what Mr. Glover's speaking to.
1895
1896 Mr. Strauss - Yes.
1897
1898 Mr. Archer - We can't require it, but if the person says, "I'll do it," and
1899 signs something saying that they do agree to do it—
1900
1901 Mr. Strauss - That June 5th letter wasn't phrased in that manner.
1902
1903 Mr. Archer - Okay. I just—
1904
1905 Mr. Strauss - But I guess we could revise it and have a letter that does
1906 that.
1907
1908 Mr. Branin - Well, then—Mr. Chairman, I have one more thing then. If
1909 that's the case, before we move on to possibly other issues that will be discussed by the
1910 opposition, can we put this one to bed? I know Mr. Glover and I have been discussing
1911 the legality of it. If it is a letter, can we address that and get that off the table now?
1912
1913 Mrs. Jones - I think we probably can have a phrasing that will be suitable
1914 to all concerned.
1915
1916 Mr. Branin - And that would be by the applicant.
1917
1918 Mrs. Jones - By the applicant.
1919
1920 Mr. Branin - Can we see the applicant?
1921
1922 Mr. Strauss - I think Malachi Mills will be best to get that question.
1923
1924 Mr. Mills - Good morning, members of the Commission. My name is
1925 Malachi Mills. I'm with RK&K Engineers, and I represent the applicant.
1926
1927 Mr. Jernigan - Good morning.
1928
1929 Mr. Mills - We've talked quite a bit and trying to keep things short. With
1930 the initial design, we recognized from a site plan design the issues of parking and
1931 drainage. Our initial design provided onsite detention. One was an underground
1932 storage detention that was collecting portions of the existing rooftop, portions of the
1933 existing parking, the new proposed rooftop, and the increased impervious cover into an
1934 underground storage detention facility under the western parking lot that is over by

1935 Silverspring. We choked back that drainage to reduce its outfall to less than what it
1936 does today, knowing that there are concerns and being aware that's there's a
1937 hodgepodge of pipes, culverts, ditches, and no ditches that are further downstream on
1938 Silverspring. That was our initial approach.

1939
1940 On the north parking lot area where we were going to expand and add approximately 18
1941 or 20 spaces, we provided onsite detention which was in an open basin. We continued
1942 to discharge it out of the back towards the neighborhood where it goes to today. We
1943 had choked that back from 2.8 CFS to 1 CFS. As we got further with neighborhood
1944 meetings and getting more into the technical background on drainage, the best solution
1945 that I saw—and at the leading of the neighborhood, specifically Mr. Hotchkiss and
1946 Frayser—was that north parking lot pavement. We looked at the 15-inch pipe that's
1947 along Forest Avenue. We were able to grade the existing parking lot and the expansion
1948 into it. Now we're going to be underground in that facility and piping it to the pipe that's
1949 in Forest Avenue. The net result is a decrease across the board from our existing
1950 condition.

1951
1952 Clarification, Mr. Glover, on drainage—or I feel it's a clarification. When we look at the
1953 existing conditions, our receiving pipes—there aren't channels, there are existing
1954 culverts, 15-inch culverts. Those are adequately sized to receive existing and our
1955 improved drainage without detention. The concern is further downstream there are
1956 some conditions that within the County's right-of-way are lacking the standard minimum
1957 ditch section. I think over time it's just gone away. Law-wise, yes, we must have, as a
1958 developer, an adequate receiving channel and it could be off site. No questions. And
1959 we would have to either choke back to that condition, or attempt easements and
1960 engineering exercises to improve that downstream channel. What we've looked at in
1961 Option C is the County Public Works gave us permission to do onsite detention, but we
1962 recognize that 2 to 300 feet downstream when the pipe sections and ditches essentially
1963 go away along Silverspring, it won't carry today's drainage, it doesn't meet the normal
1964 standard today. Listening to the neighborhood and their concerns, we proposed Option
1965 C as also doing a downstream improvement, but that's approximately 4 or 500 feet
1966 further downstream. Normally, we look at about 150 feet of downstream channelization
1967 and conveyances. If they're adequate, normally we're done. But we've gone further and
1968 further downstream. I could look at it and say it's really a standard maintenance issue if
1969 the shoulder and a one-foot ditch were put in to maintain the existing conditions that it
1970 should have. We would be fine with that adequacy. Our receiving channels, our pipes,
1971 are adequate to take our development. We've added this detention to improve the
1972 situation as much as we can. I've tried to capture the drainage.

1973
1974 Are there any questions?

1975
1976 Mr. Branin - Mr. Mills, all I asked was if you would clarify that you will
1977 state it in a letter so we can clear up the legality.

1978
1979 Mr. Mills - Yes sir. From our side's standpoint of the application, we've
1980 given those conditions as we've approached it. If we can come to an agreement on

1981 Option C to do those downstream improvements, we're happy to do those, to effectively
1982 do the work within the right-of-way.
1983
1984 Mr. Jernigan - All the downstream improvements would be in County right-
1985 of-way.
1986
1987 Mr. Mills - Yes sir. The ditch line, the shoulder. But I will say in trying to
1988 be straight in my discussions with the neighborhood, I would like to go, say, four or five
1989 over just to soften the grade to transition. It's about a six-inch softening. But we could
1990 achieve it all within right-of-way. In listening to them, I see what you're saying, there's
1991 this high hump. We could certainly flatten it and be about four feet onto the property.
1992 I've said ten feet just for the sake of laying it and just very nominal fine grading. We
1993 could proceed as an agreement within County right-of-way.
1994
1995 Mr. Branin - Mrs. Jones, would you state the way it should probably be
1996 read so Mr. Mills can agree to it?
1997
1998 Mrs. Jones - My question before was whether the drainage improvements
1999 condition, which is #34, should be struck completely and notes made elsewhere, such
2000 as on the plan, or do we keep condition #34 and state that the drainage improvements
2001 will be provided per a letter of agreement, or how that wording should be stated so that
2002 #34 remains as a condition simply to note the agreement that has been reached. I need
2003 some direction from staff or the director on how best to handle that.
2004
2005 Mr. Emerson - Mrs. Jones, #34 may already be in accordance, if you read
2006 it. "Drainage improvements will be provided along Silverspring Drive in accordance with
2007 the Director of Public Works. Approval of Option C is outlines in Public Works letter
2008 dates June 5th." Maybe if you just said, "Drainage improvements will be provided along
2009 Silverspring Drive in accordance with a letter of agreement between the Director of
2010 Public Works and the developer."
2011
2012 Mrs. Jones - With respect, isn't that all accomplished by inserting the
2013 words, "by letter of agreement," between—
2014
2015 Mr. Emerson - Yes.
2016
2017 Mrs. Jones - —"provided" and "along"?
2018
2019 Mr. Emerson - You could, yes.
2020
2021 Mrs. Jones - Mr. Mills, would you agree to draw up a letter of agreement
2022 to accomplish this goal?
2023
2024 Mr. Mills - Yes ma'am.
2025 Mrs. Jones - Dated today?
2026

2027 Mr. Mills - Yes ma'am.
2028
2029 Mrs. Jones - All right. Now, at this point, would you like to continue with
2030 your comments? I know Mr. Strauss is going to ask you to discuss a number of other
2031 issues. No?
2032
2033 Mr. Jernigan - We have opposition. We need to hear from them.
2034
2035 Mrs. Jones - All right. We'll call on you if needed. Don't go away please.
2036 All right. We do have—Excuse me, Mr. Strauss?
2037
2038 Mr. Strauss - Let the control room know that there is a PowerPoint show
2039 the neighbors have worked on.
2040
2041 Mrs. Jones - Okay. We'd like to call on the opposition at this time.
2042
2043 Mr. Jernigan - Yes sir. Would you come to the podium please?
2044
2045 Mr. Dickinson - Thank you.
2046
2047 Mr. Jernigan - Good morning.
2048
2049 Mr. Dickinson - Good morning. My name is Ken Dickenson. I am a resident
2050 of Spottswood Park, and I'm also here on behalf of Spottswood Park Civic Association. I
2051 would request of the Board a waiver of the 10-minute timeframe, simply because of the
2052 magnitude of what's been discussed this morning. I have another neighbor who is
2053 directly affected adjacent to this project that would like to speak for a few minutes. I'll
2054 try to be as brief as possible, but you have to understand this has been going on 18 to
2055 24 months for us.
2056
2057 Mrs. Jones - What kind of timeframe were you requesting?
2058
2059 Mr. Dickinson - Maybe an addition five minutes.
2060
2061 Mrs. Jones - I think there's certainly no problem with that.
2062
2063 Mr. Dickinson - Okay, thank you. What I'd like to do initially is to present to
2064 the Commission copies of our PowerPoint and copies of petitions that we have signed.
2065 Let me just address this initially, some questions that were raised and brought up. I just
2066 want the Board to know that we met with the Session of the church and expressed our
2067 willingness to modify that civil agreement that you referred to on occasions. We met
2068 with complete resistance. I can say that in all sincerity. In deference to Mr. Loving's
2069 comments regarding the space needs basis for the church when this initial plan was
2070 coming to fruition prior to getting the neighborhood involved, we asked for the space
2071 needs available basis, this plan that they wanted to come up with, and we were never

2072 provided a copy. So, we really have been in the dark for quite a period of time as to
2073 what the church was planning on doing.

2074
2075 As I said, on the behalf of the Spottswood Park Association, let me give you a little
2076 history. The Park was established in 1939. This is a picture of our children at their
2077 Easter party. We have a number of events. It's a close-knit community. It was
2078 established in 1939. We have 62 households. We raise 67 children. We have a \$23
2079 million tax bases, and we pay the County in tax revenues on real estate alone
2080 approximately \$200,788 a year. There are a number of members from our Spottswood
2081 Park ownerships in our neighborhood here this morning—if you'd please stand. A
2082 number of them could not be here because of the time constraints of it being during the
2083 day. I want to thank everybody for attending.

2084
2085 I just presented to the Commission 163 signatures of many households in and around
2086 the neighborhood of Spottswood Park. I want you to know that we live here 24/7. We
2087 don't come in just on Sundays and Wednesdays during the week; we're there 24/7.
2088 We're not just there on Sundays and Wednesdays when they have many things going
2089 on at the church.

2090
2091 Obviously, we don't support this POD plan as it stands right now. The size of the
2092 structure is too large for the neighborhood. We have opposed this from the get-go, once
2093 we found out what the church had planned to do. We have a long history with the
2094 church, unfortunately. We just think it's too big for the neighborhood, and we don't think
2095 it should be approved under its current design.

2096
2097 The first picture depicts the existing church structure, which is here. What the church
2098 wants to do, as we understand it, is demolish 605 and 607 Silverspring, and to bring an
2099 addition completely out here behind the church with a portico right here on the rear
2100 parking lot of the church. For reference, I live right here, so I look right across the back
2101 church parking lot. These two houses I just showed you—605 and 607—are 1-1/2 story
2102 Cape Cods, approximately 2200 square feet. What the church is planning on doing, as
2103 has been mentioned, is putting in a 46,268-square-foot addition. This is what you're
2104 going to see when it comes on the back end of Silverspring Drive—if I can find the
2105 arrow here. Right here. This is what the church is proposing to put, if on an overlay.
2106 The existing houses should lie right along in here somewhere, which are about 2200
2107 square feet. In essence, they're taking two houses of 2200 square feet—4400 square
2108 feet—and increasing an area tenfold over what the existing has.

2109
2110 Now, the applicant—No, I think it was Mr. Strauss who gave some history of the church.
2111 Well, this is a picture of the existing structure. This is 605. This is what the neighbors
2112 across Silverspring see right now. The adjacent house, 607, is immediately adjacent
2113 there, too. The church sanctuary, as I think Mr. Strauss mentioned, was built in 1968;
2114 in '87, the offices, classroom, and basement, and in '94, the fellowship hall, classrooms,
2115 the music room, and the parlor. The agreement that was referred to was struck in 1998
2116 to built the ancillary parking lot across from Tuckahoe Shopping Center, which was the
2117 old Hubel Robbins tract that the church developed into a parking lot to alleviate the

2118 parking issue. Well, nothing has really changed since that time, and I'll talk about
2119 parking in just a minute.

2120
2121 Now, this being 605 Silverspring, this is what the neighbors across the street are going
2122 to see. In lieu of 605, this is what the neighbors across the street at 606, 604, and 602
2123 are going to see. Mr. Tice's house is here at 701, which is directly adjacent to the
2124 church proposed addition. We're talking about 46,000 square feet here, a 2-1/2-story
2125 building which will rise approximately 18-1/2 feet above the apex of the Tice home.

2126
2127 This is a current view that you see from I think my neighbor's home at 807 Silverspring
2128 Drive, and you can see across the back of the church parking lot, and you can see—this
2129 is 605. This is what you'll see right now if you walk out on Silverspring Drive in my
2130 neighbor's front yard, and this is what he will see, or my neighbor adjacent to me at 801,
2131 this is what they're going to see once the building is completed.

2132
2133 This is the surface that is going to be taken up by the church. If this POD is approved,
2134 the character and the intrusion into a typically 2,000-square-foot Cape Cod
2135 neighborhood will make it 1-1/2 times the size of Tuckahoe Elementary School on the
2136 two to three acres of land that the church has, compared to Tuckahoe Elementary
2137 School, which has 10 acres and is directly across the street. What happens is, it's
2138 going to be bigger than River Road Baptist Church by approximately 10,000 square feet
2139 with 110 less parking spaces. In the neighborhood to the left of the proposed expansion,
2140 the Tice's have obtained an appraisal of the diminution of value of their property. This
2141 POD is approved, the structure goes up—and I'm going let Mr. Tice deal with that.

2142
2143 In all candor, we view this as an elephant on a postage stamp. In deference to Mr.
2144 Loving, you can't hide that elephant that sits across Silverspring Drive. You can put up
2145 all the screenings and all. You might make him lay down, but you're not going to be
2146 able to hide it. I don't care what you put up there, these people across on Silverspring
2147 Drive are going to see it. Even though it meets the County setback, it meets the County
2148 height and massing requirements—is it reasonable? I know that's a definition that's
2149 very subject to interpretation. Is it reasonable for this neighborhood to allow the church
2150 to put a 46,000-square-foot addition, with all this impervious surface, this roof, in our
2151 neighborhood? Unfortunately, we have asked the church to downsize, downscale, or
2152 what have you, and it has not been amenable to the church.

2153
2154 In addition to what the Tice's will see next door to them, it's going to be a downtown
2155 effect, I call it. They're going to look out their bathroom window upstairs and they're
2156 going to see a brick wall. It's a downtown effect, is what I'm afraid they're going to
2157 experience.

2158
2159 In addition to the size and mass of the structure, I'd like to discuss really four other
2160 issues regarding the neighbors, which are the drainage and parking that have been
2161 briefly discussed, and the playground, and the property values. For the playground, the
2162 church proposes a tot lot—and I'll get to the drainage in a second. The church proposes
2163 a tot lot, which in essence sits in the alcove area of the two wings of the church. Due to

2164 the location, it's going to create an amphitheater impact. In essence, we feel that it's
2165 going to be a nuisance to the neighbors, in particular across the street. It's going to be
2166 a noise problem with kids yelling and screaming. And it's going to reverberate into the
2167 neighborhood. This is going to really directly affect the neighbors across the street at
2168 604, 606, and the neighbors oppose this tot lot.

2169
2170 I've been asked to mention that Sylvia Martinez Cazon and her family have lived in the
2171 neighborhood for 20 years. They live at 606, which they're going to be directly across
2172 from the tot lot. They've expressed their concerns to the County and to the applicant,
2173 and unfortunately, they tell me they haven't been responded to. They just want the
2174 Board to know that.

2175
2176 Another issue is property values. Mr. Tice is going to deal with that issue. All the
2177 adjacent property owners, while not having gone out and received actual appraisals,
2178 certainly they feel their property values will be diminished by allowing this structure to be
2179 built across the street and adjacent to their properties. I think the Tice's have already
2180 filed, and there should be a file record of their appraisal that shows the diminution of
2181 value of 10% of their property.

2182
2183 Drainage. We've talked about drainage. Spottswood Park already experiences
2184 drainage issues. Here's a picture taken on November 16, 2006, at 706 Silverspring
2185 Drive. In essence, 45 acres of Spottswood Park flows down Silverspring Drive. This is
2186 what we experience. This is a major concern that we have, whether the additional
2187 46,000 square of impervious surface is going to create additional drainage issues for
2188 Spottswood Park. I know the engineers have said that they're going to be able to handle
2189 it. Well, we question that.

2190
2191 In February of '08, this is 2.5 inches of rain at 707 and 709 Silverspring Drive. This is
2192 coming from the north parking lot located on the back of the church along Forest
2193 Avenue. This is running across I think Mr. Hotchkiss' property. This is a river—or
2194 stream, I guess I should say—that comes across his property. This is 704 Silverspring
2195 Drive with 1.55 inches of rain that fell in November of '06.

2196
2197 We question whether your onsite detention is appropriate to ensure that the outflow is
2198 kept at or below the predevelopment outflow rates. We believe that much of this can
2199 either be engineered away, or should be achieved by making the proposed
2200 improvements or expansions smaller, with less square footage of impervious space,
2201 therefore cutting back on the amount of roofing that the church will be placing upon the
2202 property.

2203
2204 Parking and traffic. The significant increase in impervious square footage will obviously
2205 be devastating to the parking that we've already been experiencing. This has been a
2206 problem for 15 years. That's why the church came in in 1997 and bought the Hueble
2207 Robbins piece, to alleviate some parking issues. Nothing has changed since then. It
2208 already overflows into the neighborhood. It's continuing to overflow. And I guess the old
2209 phrase is, if you build it, they will come. If you allow this to be built, obviously we're

2210 going to have a more significant traffic problem than we already have, and I'm going to
2211 show you some pictures.

2212
2213 This is the church's own recognition. This is from a statement from the POD that was
2214 done in 1997 of Mr. Kay, who was the chairman of the Parking Lot Committee. This is
2215 where he acknowledges they have a problem. That problem has persisted. I'm not
2216 going to read it to you, since I'm limited on time, but I want you to be aware that it is in
2217 the prior minutes of the POD. The situation ten years ago is the same as it exists today.
2218 As was pointed out earlier, the church on its own website points out, "If you come to
2219 church here, this is where you need to park."

2220
2221 The one issue that we've already raised, and has been brought up today, is what
2222 agreements does the applicant have in place to handle this overflow parking. Are they
2223 going to shuttle people? Do they have written agreements? What do they have to deal
2224 with the parking issue that, as I said, has been in existence for over ten years?

2225
2226 Some ladies in our neighborhood have done a wonderful job. They went out and
2227 counted cars that parked around the applicant's property. Right now, they have 194
2228 onsite parking spots. This is including the ancillary lot. Post-development they're going
2229 to lose 18 spaces, so therefore they're going to have a total of 176. When we went out
2230 and counted cars for eight consecutive Sundays, you can see the average cars at peak
2231 service. In other words, a 205% increase. It's an average of over 165 cars that have to
2232 park off site.

2233
2234 Mr. Emerson - Mr. Dickinson, you are at 14 minutes.

2235
2236 Mr. Dickinson - Okay. Just quickly, I want to show you another picture. This
2237 is what it looks like on Sunday morning. This is in front of Tuckahoe Elementary School
2238 and how the cars are parked. This is reality. This is what actually exists. This is overflow
2239 parking onto Carriage Lane. This is a sketch of post-development, pre- and post-
2240 development. What we feel is if the County's going to require the church to have this
2241 condition that they can't do a service in that new facility or that new fellowship hall, how
2242 are we going to monitor that? How is the County going to monitor that? They could
2243 have three services and nobody would know the difference. That is a major concern.
2244 Who's going to enforce that? Is a rock concert going to be considered there? Is that
2245 going to be a use of the facility? When we talk about usage and space, the Code deals
2246 with the usage of the space, not when it's used. So, what we're concerned about is how
2247 it's going to be used and when it's going to be used, and is this a pertinent or good use
2248 of this space for the expansion.

2249
2250 These are just additional pictures. As we said, are there any agreements in place for
2251 additional parking. We have a major, major parking problem. It's a major issue that we
2252 have been trying to deal with with the church. We have reached no resolution, and now
2253 we're talking about adding another multipurpose assembly hall, an additional 46,000
2254 square feet. We as a neighborhood have a major problem with what's happening here,
2255 and I can't emphasize that any more.

2256
2257 For the record, we would like to make sure that all our correspondence—the appraisals,
2258 e-mails, all the stuff that’s gone on for the last almost two years—is made a part of this
2259 record.
2260
2261 I’ll be happy to answer any questions. I’m sorry I’ve gone over a couple minutes, but this
2262 is major issue with our neighborhood. Thank you.
2263
2264 Mr. Jernigan - Are there any questions for Mr. Dickinson from the
2265 Commission?
2266
2267 Mrs. Jones - Not from me. I do think we need to hear from Mr. Jennings at
2268 some point to address the parking and signing of various areas.
2269
2270 Mr. Jernigan - In the last chart they just showed, it was required 194
2271 spaces by Code. And Mr. Strauss—
2272
2273 Mrs. Jones - No. It’s required 155.
2274
2275 Mr. Jernigan - At the bottom of this chart, it says, “Onsite parking
2276 requirement by Henrico County.” It says 197. We seem to have a discrepancy here.
2277
2278 Mr. Dickinson - [Off mike.] If you count—and I’m sorry, I didn’t mean to
2279 interrupt. If you count—
2280
2281 Mr. Jernigan - Mr. Dickinson, you have to speak to the podium. These
2282 hearings are taped.
2283
2284 Mr. Dickinson - I understand.
2285
2286 Mr. Jernigan - So, we have to—
2287
2288 Mr. Dickinson - What our position was is that if you take the two, in other
2289 words, the existing fellowship hall, the existing church sanctuary, and what is being
2290 proposed on a square-footage basis, if you made the 1 to 4 requirement in the church
2291 seats in the sanctuary, in the existing fellowship hall, and the new fellowship hall, which,
2292 in essence, this could accommodate three concurrent services. That’s our point.
2293
2294 Mr. Branin - Mr. Chairman, also be aware that these are the citizens’
2295 numbers, not—
2296
2297 Mr. Jernigan - Well, that’s what I’m going to ask Mr. Strauss.
2298
2299 Mr. Strauss - I think he said that correctly. I’d have to agree that if you
2300 were to park all three rooms, if you will, it would be—My number was 197. The point is,
2301 we conditioned out the fellowship hall.

2302
2303 Mrs. Jones - Mr. Straus, while you're at the podium, could you address
2304 the enforcement issue?
2305
2306 Mr. Strauss - As best I can. We operate on a complaint basis. I don't
2307 think that I would want to be out there monitoring how they use their facility.
2308
2309 Mrs. Jones - Okay.
2310
2311 Mr. Strauss - But if we received any complaints, we'd investigate them.
2312
2313 Mrs. Jones - Thank you. All right. We have other opposition. If we could
2314 allow time for some other folks to come talk, please.
2315
2316 Mr. Jernigan - Yes, let's give them another five minutes, Mr. Secretary.
2317
2318 Mr. Tice - I'll be very brief. Good morning, Mr. Chairman, members of
2319 the Commission. My name is Doug Tice. I live at 701 Silverspring Drive. I've been a
2320 resident of the Tuckahoe District of Henrico County for most of my life. I went to
2321 Tuckahoe Elementary School. I'm very familiar with and love our neighborhood and the
2322 area where we live.
2323
2324 So that I don't repeat some of the points that Mr. Dickinson made earlier, I just want to
2325 say—and I ask that this photograph, this rendering be placed back up on the screen.
2326 You can see our house to the left. The window in the upper right-hand corner of my
2327 house is where my daughter, my 10-year-old daughter, Christie, has her bedroom. The
2328 playground, which is in excess of 40 by 60 feet—probably give or take 25 to 2700
2329 square feet—commercial playground— is, according to the latest rendering, 60 feet
2330 from my daughter's bedroom window. That playground currently is used at night until
2331 9:00 or later on certain nights of the week. We already have issues with noise. It's just
2332 going to be right on top of us. We believe that that's a public nuisance, potentially, and
2333 have great concern about that, not just to mention the sheer scale and size of this
2334 facility. It will literally shadow over our house.
2335
2336 The last point that I want to make is that your approval this morning—and whether the
2337 church goes forward with the addition or not—will reduce the value of our house by
2338 approximately \$50,000, not to mention the degradation of the quality of life going
2339 through over a year of construction. It may be legal, and they may meet all of the
2340 requirements, the County requirements, but we just believe it's wrong. I hope today that
2341 that's obvious here. Thank you very much.
2342
2343 Mr. Jernigan - Thank you.
2344
2345 Mrs. Jones - Thank you, Mr. Tice. I would like to have the applicant come
2346 address a number of the points, unless there is other opposition. Okay. We have how
2347 many minutes?

2348
2349 Mr. Emerson - You have about three minutes left.
2350
2351 Mrs. Jones - Okay.
2352
2353 Mr. Vanarsdall - Mr. Chairman, since everybody's here, I think if they want to
2354 speak, they should speak. They're all here.
2355
2356 Mr. Jernigan - Let's hear from whoever needs to speak.
2357
2358 Mrs. Jones - Folks who would like to come address the Commission are
2359 welcome to come on down to this front row so that it's easy access to the podium.
2360
2361 Mr. Jernigan - Ladies and gentlemen, one thing. Let's not be repetitious. If
2362 there is something somebody else has already stated, let's not state it again.
2363
2364 Mr. Hotchkiss - Thank you. I'm Tom Hotchkiss and I'm the resident of 709
2365 Silverspring Drive. I will be brief and will try not to be repetitious. I oppose this project
2366 for several reasons. One, frankly, the project is just too big in scope.
2367
2368 Secondly, a subset of the parking issue that you have already heard. I would like for this
2369 Commission to consider that some of the seating that exists at the church is
2370 constructively fixed seating. I think the Commission has a propensity to consider just
2371 the pews in the sanctuary as fixed seating, and the other seating in the fellowship hall
2372 as just assembly space and not fixed seating. I would ask you to broaden your thought
2373 process and consider that the seating in the fellowship hall, in so far as people come
2374 there every week and sit and there are concurrent services. I think there are 380 fixed
2375 seats in the sanctuary and 4 to 500 that we have heard attend a concurrent service in
2376 the fellowship hall. These folks come every week. So, I would like for you to consider
2377 that that seating is, in fact, constructively fixed seating; it is not just temporary assembly
2378 kind of space. It is used that way every week. Additionally, the new addition would
2379 probably allow the church to have 1,000 or 1500 people that could possibly come every
2380 week. I think that you should require parking space as if that, too, is constructively fixed
2381 seating, because that's what it is, because that's how it's used.
2382
2383 Third, the downstream drainage. I've heard some comments today that sort of suggest
2384 that there is agreement between the neighborhood and the downstream folks. I'm at
2385 709 Silverspring. I am at least one of the properties that is impacted with the County
2386 having to come beyond the right-of-way. I am opposed to the downstream condition
2387 fixes that I have seen so far. I've been very clear. I've tried to make myself available for
2388 communication. I have talked with Mr. Mills about putting underground piping in front of
2389 my property. Mrs. Jones, I think you asked Mr. Woodburn at one point in time whether
2390 he considered the impact to that property as minimal or extreme.
2391 Mrs. Jones - Yes, I put him right on the spot. I did.
2392

2393 Mr. Hotchkiss - You heard him hem and haw for quite a while, and finally
2394 you drew it out of him. And he said, well, okay, minimal. The fact of the matter—And
2395 he went on to say that he doesn't usually opine on aesthetics and those kinds of things.
2396 And clearly there's a reason for that: He's not an expert at it. If the impacts to my
2397 property were going to be put on his property, he would consider those extreme and he
2398 wouldn't have any hesitation about responding to you and saying that those are going
2399 to be extreme. This is a condition of my property that you see quite often after maybe a
2400 good rain, a half-inch rain, and if the water table's been up. This is what it looks like, and
2401 often it takes five days or longer before I can mow my yard.

2402
2403 The proposed ditch is to come up into my yard 10 feet and take away, basically, 10 feet
2404 of my front lawn. I consider that extreme. There's no way that it's going to look nice.
2405 One way to deal with that would be to put the piping underground. Options B and C that
2406 were attached to documentation you've seen propose that the piping that goes under
2407 the driveways uphill from me are increased from 12 inches to 15 inches. The reason
2408 why they're proposing that increase is because there's more water that's going to come
2409 by my house. There is on the parking lot of the church now probably less than an acre
2410 of asphalt parking that collects rain, and it distributes that rain both on the west side of
2411 Silverspring Drive and the east side. I am on the east side. What's being proposed is
2412 something probably short of another acre under roof that will collect water, put it into two
2413 retaining bins, and dispense that water down the east side. So, now we have twice as
2414 much water going into those retaining bins, and all of it is being re-engineered to come
2415 down the east side of Silverspring in front of my property. I don't think you need to
2416 really have a lot of water studies to understand that another acre under roof, and
2417 redirecting all that water to one side of the street instead of both sides of the street, is
2418 going to put significantly more water on my side of the street in front of my house.
2419 Frankly, I consider it nothing short of a double barrel water canon. That's what's coming
2420 at 709 Silverspring. Thank you.

2421
2422 Mr. Jernigan - Mr. Hotchkiss, you do realize by Code, Henrico County
2423 Code, that when people come out and do improvements as they plan on doing, they
2424 can't worsen your condition, they have to correct it? Assuming that the engineers—
2425 which has gone through our Public Works. You do have a problem here; we can plainly
2426 see that. But it should be better. If this is approved, that should—

2427
2428 Mr. Hotchkiss - But that "better" should include aesthetics. What was
2429 discussed at one point in time was putting the ditch and riprap in the ditch. What I think
2430 is now, hopefully, being more considered is a ditch with the mesh. But frankly, when
2431 that comes up into my yard, it might take away the water problem, but it's going to
2432 cause my property to look worse and to be devalued, frankly. It's going to come 10 feet
2433 into my front yard. I just ask that you consider what that ditch would look like in front of
2434 your own houses.

2435
2436 Mr. Jernigan - Okay, thank you, sir.
2437 Mrs. Jones - Thank you. Is there someone else who'd like to speak in
2438 opposition?

2439
2440 Ms. Cazon - Good morning. My name is Sylvia Martinez Cazon. I live at
2441 606 Silverspring Drive. I'd like to go back to the picture of the actual project. I will be
2442 very [unintelligible]—no, the other one. That one. My house sits directly across from
2443 that project. That's what my family and I will see every day. That playground sits right
2444 across from my house. That noise, our bedrooms face that—Silverspring. The County
2445 staff observed that the playground should be moved inward into the building. On April
2446 7th, I sent an e-mail to the County, to Ms. Jones, with a copy to the church. I see that
2447 the project is still to have the playground right across from my house. I'd like an answer.
2448 Thank you.
2449
2450 Mrs. Jones - Okay. All right. Mmm-hmm.
2451
2452 Ms. Gilson - I just have one thing really quickly about this analysis.
2453 Because of lack of time, we did not really have a chance to go through it. In the third
2454 box—
2455
2456 Mr. Archer - Excuse me, ma'am.
2457
2458 Mr. Vanarsdall - What is your name?
2459
2460 Mr. Archer - What is your name, please.
2461
2462 Ms. Gilson - Angie Gilson. I live at 706 Silverspring Drive. The onsite
2463 parking requirement in the third box post-development is what the County is requiring,
2464 155 spaces. Below is what we think should be required. How can you count one
2465 assembly hall and not count both, because the Code speaks to "uses" and not "when
2466 used." I just wanted to point that out. Assembly halls, use #15 without fixed seats, one
2467 for each 100 square feet of floor area. In doing that, that would be 197 spaces would
2468 need to be required. And one thing I just wanted to mention is Jim Strauss said that the
2469 education hall and classes are an accessory use and were not included here; however,
2470 Webster says, "A number of persons gathering together, usually for a particular
2471 purposes, whether religious, political, educational, or social," is the definition of
2472 assembly. Thanks.
2473
2474 Mr. Jernigan - Thank you, ma'am.
2475
2476 Mrs. Jones - Thank you, Ms. Gilson. Anyone else?
2477
2478 Ms. Tice - I'll be brief as well. I'm Miriam Tice. One thing that hadn't
2479 been mentioned yet is that their church doesn't intend to do this addition immediately.
2480 I'm quoting Dr. Harman, who is the head minister there, who in a public, quote unquote,
2481 town meeting on January 20th said, "We're going to do this, if approved, down the road.
2482 First, we're going to do a second site at the Columbian Center," which it's my
2483 understanding they have it under contract. So, in the interim, however, if this POD is
2484 approved today, our house value goes down by 55 grand, and we do have it

2485 documented—it's been turned in to you all—an appraisal. It goes down. We'd have to
2486 show it. In case we were to up and move, which we don't want to do, we'd have to
2487 show that for the next four or five years to any potential homeowner, or excuse me,
2488 potential homebuyers. I just wanted to bring that to your attention that their first
2489 priority—and again, to quote Dr. Hartman—is to do the Columbian Center. But in the
2490 interim, we have to live with this picture and this proposal—well, not proposal, but if it
2491 gets passed, we have to live with the fact that it's passed. That affects not just our home
2492 value, but I think it affects the home values of our neighbors as well. That's it. Thank
2493 you.

2494
2495 Mr. Jernigan - Thank you, Ms. Tice.

2496
2497 Mrs. Jones - Thank you, Miriam. Is there anyone else who'd like to bring
2498 comments forward? I would like—

2499
2500 Mr. Jernigan - We're going to have to wrap this up.

2501
2502 Mrs. Jones - Yes.

2503
2504 Mr. Vanarsdall - [Unintelligible.]

2505
2506 Mrs. Jones - Excuse me, Mr. Vanarsdall?

2507
2508 Mr. Vanarsdall - Go ahead, I'm sorry.

2509
2510 Mrs. Jones - I'd like to bring the applicant's representative, as well as
2511 Malachi Mills, down to the podium for a moment, please. Next up after that is Mr.
2512 Jennings, so we can wrap up answers to questions here. First, for the church, if you
2513 could identify yourself, I have a number of questions that have been raised that I'd like
2514 you to address.

2515
2516 Mr. Wilson - Good morning, my name's Frank Wilson and I'm an elder at
2517 Third Presbyterian Church. I'm standing in for Bruce Kay, who's out of the country at the
2518 moment.

2519
2520 Mrs. Jones - Good morning, Mr. Wilson.

2521
2522 Mr. Wilson - Good morning.

2523
2524 Mrs. Jones - I'd like you, on behalf of the church, to please make
2525 response to the concerns that the neighbors had, starting with the mass and scale of
2526 the addition.

2527
2528 Mr. Wilson - We've met with the neighbors on many occasions and we
2529 have tried to—We have a need. We have done a space needs analysis. We need more
2530 space for Sunday schools. The fellowship hall at the moment is being used for both

2531 worship and special events. It's very, very difficult to use the same space for two events,
2532 to try to break down and move chairs all within a very short period of time. We have a
2533 problem with very narrow corridors. Because we have multiple worship services, and
2534 Sunday school classes, we have children and adults having to pass each other. People
2535 want to stop and socialize, and it's very, very difficult in the facility as it is at the
2536 moment. So, with the addition and the build-out, about 30% of the total floor area will be
2537 dedicated to passageways and public thoroughfare areas. We've tried to minimize the
2538 height of the building. The architect has already addressed this. We've tried to break
2539 up the façade to smaller elements to try and minimize the aesthetic impact. I believe
2540 that we've gone out of our way to try and meet the requirements of the neighborhood.

2541
2542 Mrs. Jones - Can you address the tot lot concerns that have been brought
2543 up, the noise and the location of the tot lot. It was suggested that this be brought to the
2544 interior of the structure, and I'd like you to tell the Commission why that was not a
2545 possibility in your view.

2546
2547 Mr. Wilson - Well, could I just first say that the tot lot is used by the local
2548 neighborhood, as well as the church. It's open to anybody, so we think it's a resource
2549 for the whole community. The location of the tot lot has been pulled back to within the
2550 setback of the building so as not to project into the 40-foot setback.

2551
2552 Mrs. Jones - And the noise?

2553
2554 Mr. Wilson - Well, tot lots are used mainly during the daytime. I'm not
2555 aware of situations where there's been noise at night, where people are not going to be
2556 able to sleep because of children playing in the tot lot. It's pretty much a daytime activity
2557 and on Sundays during worship services.

2558
2559 Mrs. Jones - All right. I'm going through my list here. The fact that the
2560 church has given the indication that they don't want to build what would be approved by
2561 this POD right away and are considering other locations, can you speak to that?

2562
2563 Mr. Wilson - Well, from a straight economic point-of-view, we are not in a
2564 position to do anything. It's not planned to do anything in the short-term. We want to be
2565 able to have the right to be able to do this expansion in the future. I think it's been
2566 alluded to already—it may happen in a few years time. We are looking at other sites, so
2567 we have other options available as well. We do have a need at our present facility, but
2568 we don't anticipate anything happening within the next year or so. It's something we
2569 plan to do in the future.

2570
2571 Mrs. Jones - Okay. Thank you. If you won't go too far, though. Mr. Mills, I
2572 would like you to specifically answer something that hasn't been brought up yet, and
2573 that is the phasing of the construction and the plans that are in place to minimize
2574 impacts to the neighborhood.

2575

2576 Mr. Mills - Yes ma'am. Initially, the POD was designed for satisfying the
2577 needs, providing the footprint, the parking, and all the drainage issues all at one time.
2578 As we've done this timeline, we've looked at the practicality of building this. Some of this
2579 timeline that Mr. Wilson was speaking to as well is we know that parking is an issue. We
2580 wouldn't want to just suddenly be on the north parking lot, the west parking lot, trying to
2581 build a building. We realize the first thing we can do is our first phase, now within the
2582 POD documents that we've designed. Phase 1 is the north parking lot expansion. Being
2583 that it's critical on parking issues as it relates to the neighborhood, it's critical on
2584 drainage as it relates to the neighborhood, and also Tuckahoe Elementary where we do
2585 share parking. During the week, Tuckahoe parks in that northern parking lot. During
2586 Sundays and Wednesday evenings, we use the Tuckahoe parking lot. There are
2587 approximately 56 spaces that we share in this that we've done for decades. The north
2588 parking lot would be able to expand from the 49 spaces to 60 spaces. We could then
2589 achieve the underground detention that would relieve the acre or so of drainage that
2590 runs down through Frayser and Hotchkiss, to then direct it to a conveyance that is
2591 adequately sized with our detention. That would be done and finished before we would
2592 go to what we phased in as Phase 2, which would include any work on Silverspring.
2593

2594 The portion of improvement along our frontage in front of the two houses is a widening,
2595 where we would provide—it varies, but it's from zero to about a six-foot widening of
2596 asphalt and a straight extension of the curb and gutter that's there. We would close off
2597 the driveway that accesses that portion of the western parking lot onto Silverspring,
2598 which is a key element in breaking the bad habits of the 20 to 30 folks that seem to want
2599 to park down Silverspring and towards Carriage Lane. We're impeding that cut-through
2600 to take traffic conveniently out of the neighborhood. It's not convenient for them, but
2601 convenient for, say, a parishioner who comes in, the parking lot's full, and they want to
2602 just pull down Silverspring and find a parking place. We try to discourage it as best we
2603 can, but habits are hard to break. Physically separating that from Silverspring is a big
2604 deterrent to people parking. They are really going off site, because we're providing the
2605 landscaping, the hedgerow, the curb. There won't be any vehicular access, and
2606 eventually when we do the building, the fencing—no doors are accessible into the
2607 structure from there, they are really remote to a reasonable access to the sanctuary or
2608 fellowship gathering areas for assembly. We feel like we will break that chain.
2609

2610 It's also a matter of if, when we do get into the Option C and the downstream drainage
2611 improvement, we would effectively do that as well. The timing of issues would be smart
2612 that we would do this parking lot when school isn't in, and do these improvements on
2613 Silverspring when there's no bus traffic and other issues to minimize it during the
2614 summer, and it's also the driest season.
2615

2616 Phase 3 would then be we would demolish the homes, the two homes, springing
2617 everything off with the fencing and whatnot, and then we would only be onsite dealing
2618 with the displacement of the smaller parking lot. Then by way of all of that phasing,
2619 that's how we would see it being built in a sequence. I think the biggest concern would
2620 be that year, year and a half that the construction team would be on site physically
2621 building buildings. In discussions with Brett Graves, the project manager that has been

2622 working through us on the value engineering, he and I have had detailed discussions on
2623 how to actually deal with the construction traffic. They specialize in this kind of tight
2624 knit, or even more urbanized areas. He clearly tells me that we would sit down with the
2625 school officials and the neighborhood. I think the timing would dovetail together that,
2626 obviously, the folks leaving for businesses would be early in the morning, but then you'd
2627 have that little bit later for students, folks with their kids, and also the school traffic. If it
2628 would conflict with school hours from the standpoint of the season, we would look to
2629 modify any kind of work schedules to accommodate the school and the neighborhood
2630 from 8 to 3 construction time, and traffic in and out, or periods that had stopped. Mr.
2631 Graves is aware that he's going to have stage everything and only deliver during certain
2632 hours.

2633
2634 Mrs. Jones - Right.

2635
2636 Mr. Mills - It may be midday when the kindergartners aren't breaking
2637 out, or the kids coming and going. He has told me that he's very clear with any crew
2638 that's assigned to this job, if a guy shows up in a work van and tries to park, he's no
2639 longer welcomed on the job.

2640
2641 Mrs. Jones - This would be settled before the permits are in place.

2642
2643 Mr. Mills - Correct. When we know the timing. Again, the season will
2644 tell us an awful lot, too. We'd like to do most of it when it's non-school, in the summer
2645 months.

2646
2647 Mrs. Jones - Okay.

2648
2649 Mr. Mills - The weather's good and there's not as much traffic during
2650 the day-to-day.

2651
2652 Mrs. Jones - Would you just give me a yes or no on will the proposed—
2653 This is difficult; there are so many issues, I realize. Will the proposed ditch take 10% of
2654 Mr. Hotchkiss' front yard, as proposed?

2655
2656 Mr. Mills - No ma'am. The ten feet I think Mr. Hotchkiss is concerned
2657 about is actually right-of-way from the edge of the pavement where there is no ditch. We
2658 do not need to go onto his property to achieve this standard ditch section.

2659
2660 Mrs. Jones - Okay. I just wanted to be clear about that. All right, I thank
2661 you. Mr. Jennings, I just have one question, please, about parking, and then I think
2662 we'll have addressed the issues that were raised.

2663
2664 Mr. Jennings - Yes, Mrs. Jones.

2665
2666 Mrs. Jones - Hello, Mr. Jennings.

2667

2668 Mr. Jennings - Hello.
2669
2670 Mrs. Jones - We've had quite a few discussions about parking, and
2671 certainly about line-of-sight issues, and the streets around this proposal. It is a key
2672 element to this. I think that the on-street parking, while it is not counted in our number,
2673 has been a concern on your part, certainly for safety if nothing else.
2674
2675 Mr. Jennings - Yes ma'am.
2676
2677 Mrs. Jones - You have signed the curve on Silverspring, and there's also
2678 signage in place to prohibit parking in front of residences along Forest. Do you
2679 anticipate that additional signage is needed for the safety of this project or for any other
2680 reason?
2681
2682 Mr. Jennings - Along this side of Forest, along Silverspring, no. But on the
2683 other side of Forest, I've noticed that cars have been parked there that cause sight
2684 distance problems getting out of some businesses over there. I will need to restrict
2685 some additional parking on Forest on the opposite side of the church. On their side, I
2686 feel that it's adequately signed.
2687
2688 Mrs. Jones - Okay. Thank you very much. Unless there's anything else
2689 you'd like to add to this—
2690
2691 Mr. Branin - I'd like to ask Mr. Jennings a question, if I may.
2692
2693 Mrs. Jones - Please.
2694
2695 Mr. Branin - Mr. Jennings, if the neighborhood itself, Silverspring in
2696 particularly, requests "No Parking" signs on their street, will the County, by request,
2697 provide those?
2698
2699 Mr. Jennings - I guess it depends on the sign, the regulation type, and if
2700 they agree to not park in front of their houses also. It'll also apply to them.
2701
2702 Mr. Branin - But that's—Answer the question I ask. If they request it and
2703 it was explained the definition and parameters, would the County provide it?
2704
2705 Mr. Jennings - Yes, if it's an acceptable sign and it's able to be enforced by
2706 police.
2707
2708 Mr. Branin - Do we have signs that limit parking from 8 to 6 p.m. or
2709 anything like that?
2710 Mr. Jennings - We have some signs in some neighborhoods near some
2711 schools that we've restricted parking from, like, 9 to 2 p.m. The reason we restricted
2712 those is because the cars were parking blocking sight distances, they were blocking

2713 mailboxes, and they were making it very difficult to get in and out of driveways, so it was
2714 a traffic safety hazard. So, yes it has been done in other locations.

2715
2716 Mr. Branin - If we have numerous cars parked on a neighborhood road,
2717 and people are trying to get out of their driveways, would that cause sight problems?

2718
2719 Mr. Jennings - If it's a traffic safety hazard, yes sir.

2720
2721 Mr. Branin - Thank you. That's all I had to ask.

2722
2723 Mrs. Jones - Mr. Branin, we did talk about a lot of those options, and for
2724 various reasons, feeling that it was difficult for enforcement to have some of the
2725 neighborhood streets signed for specific times only, that the enforcement may not make
2726 this a desirable result. However, obviously, Mr. Jennings is willing to take a look at
2727 situations that arise, and would be happy to accommodate something that is needed,
2728 realizing that restrictions apply to everybody, including residents, and guests of
2729 residents. We do have problems with the neighborhood being affected, as well as those
2730 who come to the church. But those are certainly valid considerations.

2731
2732 All right. The only other thing I'd like to do is to ask of our director if he would please
2733 address—if you'd like to—the issue that's been brought up about the appraisal and
2734 property values, if there has been any indication in past cases with churches in close
2735 proximity to homes and the diminution of property values.

2736
2737 Mr. Emerson - Mrs. Jones, I really couldn't provide an opinion in regards to
2738 property values in relation to adjacent churches. I do think that's, obviously, in the eye of
2739 beholder, and whoever's appraising the property, and wants to purchase it, or sell it. In
2740 the decision that you're making today, the appraised value of a property and the impact
2741 really don't have a role. The Commission does have two different types of decisions
2742 they make. They make recommendations to the Board of Supervisors on zoning issues.
2743 Those are allowed uses, and that becomes a legislative decision. There is much more
2744 discretion in those decisions to consider other extraneous issues, such as possibly
2745 property value impacts. Those are then made by the Board of Supervisors after
2746 recommendation by the Planning Commission. The decision in front of you today is
2747 based on a development plan for a use that's already allowed, so the use decision has
2748 already been made. The decision in front of you today is, does this use fit on this
2749 property based on the regulations that are contained in the zoning ordinance. That
2750 decision is what's in front of you today and, of course, you have staff's opinion on that.
2751 We feel that it does fit the regulations as consistently applied to other uses of this type,
2752 and we've recommended approval.

2753
2754 Mrs. Jones - Thank you, Mr. Director. All right.

2755
2756 Male - May I say one thing? I have one request. This letter that
2757 you've asked Mr. Mills to address, the neighbors that are directly affected on this
2758 drainage issue would like to be included as a part of that letter or part of that agreement,

2759 if at possible, so that they would have some standing in the event something was not
2760 done properly as to what the applicant agreed to do.

2761
2762 Mr. Emerson - Mrs. Jones, I don't believe that we could do that.

2763
2764 Mrs. Jones - I don't believe that they can be involved in the signing of the
2765 letter; this is from the applicant. However, the applicant and the County have been very
2766 open with the neighborhood as to what those elements are that will be considered in
2767 Option C.

2768
2769 I will tell you I am very, very happy that this has come to this point only because I feel it
2770 is time. I am not happy with the decision-making process because I know that at the
2771 end of the day, we will all wish that something could have been worked out differently.
2772 That's the essence of decision-making.

2773
2774 We've heard a lot about the case. I do have some comments I'd like to make because
2775 I'd like to bring together my thoughts about it for you to hear. With that, I think I'll just let
2776 you know how I feel about it, and then I will make a motion.

2777
2778 This POD in front of us today represents almost limitless effort and absolutely untold
2779 hours of scrutiny, consideration, and discussion by the neighbors in Spottswood Park
2780 Civic Association; by the church through their representatives and their consultants; by
2781 the Planning Department staff; other County agencies, myself, your elected official; and
2782 administrators within Henrico County. I cannot overstate how much attention this case
2783 has received, because it should. This has been a very important case in that it has
2784 brought many, many issues into focus and under discussion.

2785
2786 I also can't overstate how supportive Jim Strauss has been to me, to the neighborhood,
2787 and to the church as we've worked through each and every detail. He has met
2788 individually with many of you in the neighborhood. He's attended group meetings at
2789 night. He's worked with the applicant, he's directed questions to appropriate agencies,
2790 he's researched other issues, and he generally has spent the last year on speed dial for
2791 all of us. I do believe that he has been incredibly patient and of invaluable help. I can't
2792 thank him enough. Many others in the County, and that includes certainly Mr. Jennings,
2793 Mr. Woodburn, everyone that has been involved in this, I'm grateful for their support as
2794 well, but Jim has been the point man for everyone and he's really done a wonderful job.

2795
2796 The Spottswood Park community has raised the bar of civic involvement to a new level,
2797 at least in my experience. You are a very close-knit group. Some of you are
2798 professionals in the fields of law, planning, and in building. Others of you have an
2799 incredible passion for being involved in the public process. You've represented your
2800 neighborhood well. You have shown great conviction, and it really has been my
2801 privilege to work with you throughout this POD process. I admire your energy, your
2802 organization, and absolutely your tenacity with this project.

2803

2804 The church has spent considerable time and resources to design a building that they
2805 feel will accomplish their goals for their worship and the needs of their membership.
2806 And to their credit, they have pursued some County and neighborhood concerns far
2807 beyond what is normally done at this stage of plan of development, and in an effort to
2808 accommodate requested aspects of drainage and landscaping, primarily. Plans have
2809 been revised and deferrals have been granted in order to have time for further
2810 discussion. I do want to thank the church for their responsiveness to some of these
2811 issues. The one element of the plan which the church has not wished to change, and
2812 the one which is arguably most important to the neighborhood, is the size of the
2813 requested addition. Everything else emanates from that. It is the driver for the entire
2814 issue we're here discussing today. On this one aspect, we could not find compromise.
2815

2816 This POD has focused attention on many aspects of our plan of development process,
2817 in particular on the changing role of large community churches within residential zoning
2818 districts. I suggest that the Code is clear as to the requirements which this POD must
2819 meet; however, as churches fulfill expanded roles from those in decades past, there is
2820 certainly a question as to whether these changes are fully reflected in our ordinances.
2821 There is history to this case, as those who've spoken today, all of you, have described.
2822 This is documented through pages and pages of testimony through previous additions,
2823 the variance lot, and other testimonies. We've seen that an agreement in one case has
2824 the potential, unfortunately, to limit the ability to craft solutions in another. This is what
2825 we call "unintended consequences," and I think we've seen a little of that at work here.
2826 The right of a property owner to use their property for permitted by-right development
2827 within the requirements of the Code is also a key element in this case.
2828

2829 The church's request to expand to meet the vision and scope of their ministry in an ideal
2830 situation could be balanced perfectly with the neighborhood's desire to maintain the look
2831 and feel of their current community. That would be perfect. But since that balance is
2832 never perfect, many neighborhood meetings, as well as smaller meetings to address
2833 specific aspects of this POD, have all been geared to find common ground and areas of
2834 compromise that would lead to a reasonable blend of the church's permitted
2835 development and resolution of the neighbors' concerns. These included, as you heard
2836 today, architectural compatibility with the residential setting, the drainage implications,
2837 the traffic, the parking, the use of the facility, the construction phrasing specifics,
2838 landscaping to screen and help with noise and light mitigation, and other items. County
2839 staff and I have tried to help facilitate those compromises between the church and the
2840 neighbors. We've succeeded, I believe, in some respects, and unfortunately, we have
2841 not succeeded in others.
2842

2843 The church has submitted a plan of development that has been approved by all
2844 departments following extensive and prolonged evaluation, received a recommendation
2845 of approval from the Planning staff, and which meets all of the requirements of the
2846 County's ordinance. This case has been evaluated with the same standards and
2847 regulations applied to other church expansions in our County, and will have to be
2848 approved or denied based on those same standards and regulations. If approved, it will
2849 move forward to landscape plan and lighting plan, which will involve further meetings

2850 with neighbors, and a hearing before the Planning Commission. There will be
2851 conditions in place that must be satisfied prior to the approval of final construction plans.
2852

2853 Still, I must tell you that of course I realize that the perfect balance has not been struck.
2854 That balance that we would love to meet with every case between the needs and
2855 request of the applicant, their ability to do what they wish to do by right, and the
2856 requests and the feelings of the surrounding neighbors. That balance is elusive. We try
2857 always to get it perfect. We always can't. At the end of the day, all parties involved, I
2858 would hope, could at least agree that the process has been fair, and this incredibly
2859 extensive review of the POD has insured compliance with applicable requirements of
2860 the County zoning ordinance, as well as the fact that it's uncovered some specific points
2861 of compromise wherever that was possible.
2862

2863 As you've heard other folks tell you—both Mr. Strauss and our Director—zoning cases
2864 are legislative in nature. In those particular cases, the governing body has the
2865 discretion to reject them if reasonable people can disagree about the propriety of
2866 granting or denying them. On the other hand, this is a POD, and POD cases are
2867 administrative in nature. You've heard them referred to as ministerial. This means they
2868 should be approved if they meet all the requirements of the County Code. Along the
2869 way, it is my hope that the discussions that we've held, the understandings we've
2870 reached in some aspects have made this a better case for everybody. I have
2871 tremendous respect for both sides of this issue. I am bound to operate by the legal
2872 requirements of my authority.
2873

2874 With that, I must move for approval of POD-3-08, Third Presbyterian Church Addition,
2875 with the annotations on the plan, the standard conditions for developments of this type,
2876 and additional conditions #9 amended, #11 amended, #29 through #33, #34 as
2877 amended today with the insertion of the words, "by letter of agreement dated 6/25/08"
2878 between "provided" and "along," and with condition #35.
2879

2880 Mr. Jernigan - We have a motion by Mrs. Jones. Do we have a second?
2881

2882 Mr. Archer - Second, Mr. Chairman.
2883

2884 Mr. Jernigan - Motion by Mrs. Jones, seconded by Mr. Archer. All in favor
2885 say aye. All opposed say no. The ayes have it; the motion passes.
2886

2887 The Planning Commission approved POD-3-08, Third Presbyterian Church Addition,
2888 subject to the annotations on the plans, the standard conditions attached to these
2889 minutes for developments of this type, and the following additional conditions:
2890

2891 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
2892 Planning for review and Planning Commission approval prior to the issuance of any
2893 occupancy permits.

2894 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
2895 of the site lighting equipment, a plan including depictions of light spread and

- 2896 intensity diagrams, and fixture specifications and mounting height details shall be
 2897 submitted for Department of Planning review and Planning Commission approval.
 2898 29. Approval of the construction plans by the Department of Public Works does not
 2899 establish the curb and gutter elevations along the Henrico County maintained
 2900 right-of-way. The elevations will be set by Henrico County.
 2901 30. The location of all existing and proposed utility and mechanical equipment
 2902 (including HVAC units, electric meters, junction and accessory boxes,
 2903 transformers, and generators) shall be identified on the landscape plans. All
 2904 equipment shall be screened by such measures as determined appropriate by
 2905 the Director of Planning or the Planning Commission at the time of plan approval.
 2906 31. A construction staging plan which includes details for traffic control, fire
 2907 protection, stockpile locations, construction fencing and hours of construction
 2908 shall be submitted for County review and prior to the approval of any final
 2909 construction plans.
 2910 32. In addition to the required parking for the sanctuary, the owner shall provide
 2911 additional parking for the proposed multi-use room at the parking rate for
 2912 assembly use (1 parking space per 100 square feet.)
 2913 33. The existing fellowship hall shall not be used for a third concurrent church
 2914 service.
 2915 34. Drainage improvements will be provided **by letter of agreement dated 6/25/08**
 2916 along Silverspring Drive in accordance with the Director of Public Works approval
 2917 of Option C, as outlined in Public Works letter dated June 5, 2008.
 2918 35. The Trustees of the church should continue to pursue methods to handle current
 2919 and future traffic to and from the church during peak use, such as shuttle service
 2920 from adjacent parking areas. The church's parking study and analysis shall be
 2921 revised to reflect permissions granted for offsite parking as well as be updated for
 2922 any planned shuttle service prior to approval of final construction plans.
 2923

2924 Mr. Archer - Mr. Chairman, can we take five?

2925
 2926 Mr. Jernigan - We're going to take a five-minute break.
 2927

2928 Mr. Archer - Tough one, Mrs. Jones. But you were not arbitrary, you
 2929 were not capricious. You did what you had to do.
 2930

2931 **COMMISSION TAKES A FIVE-MINUTE BREAK**
 2932

2933 Mr. Jernigan - All right, it's 12:08; we'll reconvene. Mr. Secretary, what's
 2934 the next case?
 2935

2936 Mr. Emerson - Yes sir, Mr. Chairman.
 2937

2938 **PLAN OF DEVELOPMENT**
 2939

POD-42-08 Rummel, Klepper & Kahl, LLP for Staples Mill Square
 Union Bank & Trust @ Associates, LLC and Union Bankshares Corporation:

Staples Mill Square - Request for approval of a plan of development, as required
Staples Mill Road by Chapter 24, Section 24-106 of the Henrico County
Code, to construct a one-story, 3,500 square-foot bank
with drive-thru facilities in an existing shopping center. The
1.12-acre site is located along the north line of Staples Mill
Road (U.S. Route 33), approximately 690 feet east of
Hungary Spring Road on parcel 768-758-7024. The zoning
is B-2C, Business District (Conditional). County water and
sewer. **(Brookland)**

2940

2941 Mr. Jernigan - Is there any opposition to POD-42-08, Union Bank & Trust
2942 @ Staples Mill Square? There is no opposition. Mr. Ward?

2943

2944 Mr. Ward - As previously stated, this application is for a 3500-square-
2945 foot Union Bank & Trust with drive-thru facilities at Staples Mill Square Shopping
2946 Center. The site does meet shopping center calculations and setbacks for outparcels in
2947 the shopping center. The building elevations show red brick, gray seam metal roof, and
2948 knee walls that hide the HVAC equipment. The building should be similar to another
2949 Union Bank & Trust built two years ago at the corner of Hickory Park Drive and Nuckols
2950 Road.

2951

2952 Staff recommends approval subject to the standard conditions for developments of this
2953 type, the annotations on the plan, 9 and 11 amended on page 4 of your addendum, and
2954 the following additional conditions 29 through 35.

2955

2956 Malachi Mills, engineer, is here for any questions. I'm also happy to answer any
2957 questions you have.

2958

2959 Mr. Jernigan - Are there any questions for Mr. Ward from the Commission?

2960

2961 Mr. Vanarsdall - I don't have any, because we've talked back and forth.

2962

2963 Mr. Jernigan - All right, Mr. Vanarsdall.

2964

2965 Mr. Vanarsdall - Before I make the motion, I just want to say that Union Bank
2966 & Trust is one of the oldest, and a real solid bank. It was headquartered in Bowling
2967 Green for a number of years, and now has a holding company that took in banks in
2968 Warsaw and down in the Northern Neck, Tappahannock. They have one in
2969 Charlottesville, and I don't know how many more. I think they have about 12, maybe 13
2970 branches in this region. I'm very glad that they're coming to the Staples Mill Shopping
2971 Center. As Mr. Ward mentioned, they only have one other branch in Henrico, and that's
2972 in Twin Hickory, so we're glad to have them.

2973

2974 With that, I recommend POD-42-08, Union Bank & Trust @ Staples Mill Square, for
2975 approval with the annotations on the plan, standard conditions for developments of this

2976 type, and the following conditions on the addendum #9 and #11 amended, and 29
2977 through 35.

2978
2979 Mrs. Jones - Second.

2980
2981 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mrs. Jones. All in
2982 favor say aye. All opposed say no. The ayes have it; the motion passes.

2983
2984 The Planning Commission approved POD-42-08, Union Bank & Trust @ Staples Mill
2985 Square, subject to the annotations on the plans, the standard conditions attached to
2986 these minutes for developments of this type, and the following additional conditions:

- 2987
2988 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
2989 Planning for review and Planning Commission approval prior to the issuance of any
2990 occupancy permits.
- 2991 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
2992 of the site lighting equipment, a plan including depictions of light spread and
2993 intensity diagrams, and fixture specifications and mounting height details shall be
2994 submitted for Department of Planning review and Planning Commission approval.
- 2995 29. Outdoor storage shall not be permitted.
- 2996 30. The proffers approved as a part of zoning cases C-77C-94 and C-35C-97 shall
2997 be incorporated in this approval.
- 2998 31. In the event of any traffic backup which blocks the public right-of-way as a result
2999 of congestion caused by the drive-up teller facilities, the owner/occupant shall
3000 close the drive-up teller facilities until a solution can be designed to prevent traffic
3001 backup.
- 3002 32. The location of all existing and proposed utility and mechanical equipment
3003 (including HVAC units, electric meters, junctions and accessory boxes,
3004 transformers, and generators) shall be identified on the landscape plan. All
3005 building mounted equipment shall be painted to match the building, and all
3006 equipment shall be screened by such measures as determine appropriate by the
3007 Director of Planning or the Planning Commission at the time of plan approval.
- 3008 33. The ground area covered by all the buildings shall not exceed in the aggregate 25
3009 percent of the total site area.
- 3010 35. No merchandise shall be displayed or stored outside of the building(s) or on
3011 sidewalk(s).
- 3012

3048 I'm happy to answer any questions that you might have, and Randy Hooker with
3049 Engineering Design Associates is also here on behalf of the applicant to answer your
3050 questions as well.

3051
3052 Mr. Jernigan - Are there any questions for Mr. Pambid from the
3053 Commission?

3054
3055 Mr. Vanarsdall - We've discussed this—Mr. Pambid and I—and I don't have
3056 any.

3057
3058 Mr. Branin - Can I ask a question of the applicant?

3059
3060 Mr. Vanarsdall - Yes sir.

3061
3062 Mr. Branin - I think it's great that Ben Wallace is building a gymnasium,
3063 but what confused me was Condition #37, "The gymnasium will operated for private
3064 use, shall not be open to the general public, nor shall membership be offered to the
3065 general public." That would lead me to believe that it's for his private use only.

3066
3067 Mr. Hooker - Yes sir.

3068
3069 Mr. Branin - I think it's great, all right, but then I look at the drawings and
3070 we have vending machines. Why would you have vending machines? I could see if it
3071 had refrigerators and cabinets for food, but vending machines for private use? Again, I
3072 think it's great, I just didn't understand the conflict.

3073
3074 Mr. Hooker - There is the potential that they could rent the facility out to a
3075 high school or something like that for practices. It's not going to be a facility—It has the
3076 potential for somebody to come in and rent the facility to use it for practice. It will not be
3077 a venue for any events or anything like that.

3078
3079 Mr. Vanarsdall - Mr. Jernigan, you can also notice that they have private
3080 women's locker rooms, and private men's locker rooms, and then they have the others.
3081 I think he might have some groups of people, particularly young people, because he's
3082 very involved in this. I think that might be the reason.

3083
3084 Mr. Branin - When I read 37, I said the design doesn't match the
3085 condition.

3086
3087 Mr. Vanarsdall - That confused me, too, when I looked at it.

3088
3089 Mr. Branin - Okay.

3090
3091 Mr. Jernigan - He might want to invite the Boston Celtics or somebody to
3092 come down and play, who knows? It's his club.

3093

3094 Mr. Archer - Not the Celtics.
3095
3096 Mr. Branin - That was my only question. I just didn't understand.
3097
3098 Mr. Jernigan - That was who I could think of right off hand, because Jay
3099 Leno's been talking about him.
3100
3101 Mr. Vanarsdall - Ready for a motion?
3102
3103 Mr. Jernigan - Yes sir.
3104
3105 Mr. Vanarsdall - All right. For those of you who don't know who Ben Wallace
3106 is, he was in yesterday's paper on the sports page. He was in it this summer. He's going
3107 to have another summer league like he has every year. He plays for Cleveland in the
3108 NBA, and he's a star there and was a star at Virginia Union. The only problem we have
3109 with this is, is part of it belongs to VDOT—he wants to put the BMP under the I-195
3110 there, and they're going to decide on that. To cover us, we have Condition 30 that
3111 states that they're going to have to get approval for that. And our Department of Public
3112 Works has already approved it, so we're okay.
3113
3114 With that, I move that POD-32-08, Wallace Gymnasium, be approved with 9 and 11
3115 amended, standard conditions for developments of this type, and the following
3116 additional conditions 29 through 37.
3117
3118 Mr. Archer - Second.
3119
3120 Mr. Jernigan - Motion by Mr. Vanarsdall, seconded by Mr. Archer. All in
3121 favor say aye. All opposed say no. The ayes have it; the motion passes.
3122
3123 The Planning Commission approved POD-32-08, Wallace Gymnasium, subject to the
3124 annotations on the plans, the standard conditions attached to these minutes for
3125 developments of this type, and the following additional conditions:
3126
3127 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Department of
3128 Planning for review and Planning Commission approval prior to the issuance of any
3129 occupancy permits.
3130 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
3131 of the site lighting equipment, a plan including depictions of light spread and
3132 intensity diagrams, and fixture specifications and mounting height details shall be
3133 submitted for Department of Planning review and Planning Commission approval.
3134 29. There shall be no outdoor storage, or outdoor storage in moveable storage
3135 containers including, but not limited to, cargo containers and portable on demand
3136 storage containers.
3137 30. Prior to approval of construction plans for any work within the Virginia
3138 Department of Transportation (VDOT) I-195 easement, the developer shall

- 3139 furnish a letter from VDOT stating that this development does not conflict with
3140 their facilities.
- 3141 31. The entrances and drainage facilities on Westwood Avenue (State Route 197)
3142 shall be approved by the Virginia Department of Transportation and the County.
- 3143 32. A notice of completion form, certifying that the requirements of the Virginia
3144 Department of Transportation entrances permit have been completed, shall be
3145 submitted to the Department of Planning prior to any occupancy permits being
3146 issued.
- 3147 33. Approval of the construction plans by the Department of Public Works does not
3148 establish the curb and gutter elevations along the Virginia Department of
3149 Transportation maintained right-of-way. The elevations will be set by the
3150 contractor and approved by the Virginia Department of Transportation.
- 3151 34. Evidence of a joint ingress/egress and maintenance agreement must be
3152 submitted to the Department of Planning and approved prior to issuance of a
3153 certificate of occupancy for this development.
- 3154 35. The location of all existing and proposed utility and mechanical equipment
3155 (including HVAC units, electric meters, junction and accessory boxes,
3156 transformers, and generators) shall be identified on the landscape plans. All
3157 equipment shall be screened by such measures as determined appropriate by
3158 the Director of Planning or the Planning Commission at the time of plan approval.
- 3159 36. The limits and elevations of the Special Flood Hazard Area shall be
3160 conspicuously noted on the plan and labels "Limits of Special Flood Hazard
3161 Area." In addition, the delineated Special Flood Hazard Area must be labeled
3162 "Variable Width Drainage and Utility Easement." The easement shall be granted
3163 to the County prior to the issuance of any occupancy permits.
- 3164 37. The gymnasium shall be operated for private use and shall not be open to the
3165 general public nor shall memberships be offered to the general public.

3166
3167 Mr. Vanarsdall - I believe Chris just told me that he was 6 foot 9—not Chris,
3168 but Wallace.

3169
3170 Mr. Jernigan - That's somebody I can look up to.

3171
3172 Mr. Vanarsdall - I knew he was tall, because if he fell down he could be
3173 halfway home.

3174

3175 **PLAN OF DEVELOPMENT**

3176

POD-34-08 **Resource International, LC and Tetra Investment Group 16, LLC:** Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a shopping center with two, one-story retail buildings totaling ~~422,560~~ **122,600** square feet. The 23.00-acre site is located on the north line of Audubon Drive, approximately 1,500 feet east of Laburnum Avenue on parcels 816-717-4209 and 817-171-4199 (part). The zoning is M-1C, Light Industrial District (Conditional) and ASO, Airport Safety Overlay District. County water and sewer. **(Varina)**

3177

3178 Ms. Goggin - Good afternoon.

3179

3180 Mr. Jernigan - Good afternoon.

3181

3182 Ms. Goggin - The proposed shopping center is adjacent to White Oak
3183 Shopping Center, which is currently under construction. Here's the shopping center that
3184 we're hearing right now, and here is White Oak. A revised plan is in your handout
3185 addendum revising the traffic engineer's comments to reflect this project. Inadvertently,
3186 staff put the wrong annotations on the plan, so I had to do a revised staff plan for that.

3187

3188 There is a proffer that limits the size of individual buildings to 75,000 square feet, unless
3189 they have Planning Commission approval, and the applicant proposes a 100,000-
3190 square-foot building. Staff has added an additional condition—42 in your handout
3191 addendum—requiring review and approval of any architectural drawings if the building converts
3192 from multiple users—as shown on your floor plan in the packet—to a single user, to
3193 ensure that the architectural drawings provided in the proffers, as well as with this POD, are still
3194 met.

3195

3196 Staff can recommend approval of the revised staff plan with standard conditions for
3197 developments of this type, conditions 29 through 41 in the agenda, and 42 in the
3198 addendum. I am happy to answer any questions the Commission may have, and we
3199 have representatives from Tetra, as well as their engineer, should you have any
3200 questions.

3201

3202 Mr. Jernigan - Do we have to waive the time limits on 42?

3203

3204 Ms. Goggin - No sir. That was just a condition that we came up with to
3205 address the architectural concern.

3206

3207 Mr. Jernigan - I didn't ask—Is there any opposition to POD-34-08, Audubon
3208 South Shopping Center? There is no opposition.

3209

3210 All right. I don't need to hear from the applicant, and Christina, I appreciate your help on
3211 this. I'm ready to make a motion. I'd like to move that POD-34-08, Audubon South
3212 Shopping Center, be approved subject to the annotations on the plans, standard
3213 conditions for developments of this type, and the following additional conditions #29
3214 through #41, and then #42 added on the addendum.

3215
3216 Mr. Archer - Second.

3217
3218 Mr. Jernigan - Motion made by Mr. Jernigan, seconded by Mr. Archer. All in
3219 favor say aye. All opposed say no. The ayes have it; the motion passes.

3220
3221 The Planning Commission approved POD-34-08, Audubon South Shopping Center,
3222 subject to the annotations on the plans, the standard conditions attached to these
3223 minutes for developments of this type, and the following additional conditions:

- 3224
3225 29. Only retail business establishments permitted in a M-1 zone may be located in this
3226 center.
- 3227 30. The ground area covered by all the buildings shall not exceed in the aggregate 25
3228 percent of the total site area.
- 3229 31. No merchandise shall be displayed or stored outside of the building(s) or on
3230 sidewalk(s).
- 3231 32. The right-of-way for widening of Audubon Drive as shown on approved plans
3232 shall be dedicated to the County prior to any occupancy permits being issued.
3233 The right-of-way dedication plat and any other required information shall be
3234 submitted to the County Real Property Agent at least sixty (60) days prior to
3235 requesting occupancy permits.
- 3236 33. A concrete sidewalk meeting County standards shall be provided along the north
3237 side of Audubon Drive.
- 3238 34. Outside storage shall not be permitted.
- 3239 35. There shall be no outdoor storage in moveable storage containers including, but
3240 not limited to, cargo containers and portable on demand storage containers.
- 3241 36. The proffers approved as a part of zoning case C-60C-04 shall be incorporated in
3242 this approval.
- 3243 37. The developer shall install an adequate restaurant ventilating and exhaust
3244 system to minimize smoke, odors, and grease vapors. The plans and
3245 specifications shall be included with the building permit application for review and
3246 approval. If, in the opinion of the County, the type system provided is not
3247 effective, the Commission retains the rights to review and direct the type of
3248 system to be used.
- 3249 38. Evidence of a joint ingress/egress and maintenance agreement must be
3250 submitted to the Department of Planning and approved prior to issuance of a
3251 certificate of occupancy for this development.
- 3252 39. The loading areas shall be subject to the requirements of Chapter 24, Section
3253 24-97(b) of the Henrico County Code.

- 3254 40. Approval of the construction plans by the Department of Public Works does not
 3255 establish the curb and gutter elevations along the Henrico County maintained
 3256 right-of-way. The elevations will be set by Henrico County.
- 3257 41. The location of all existing and proposed utility and mechanical equipment
 3258 (including HVAC units, electric meters, junction and accessory boxes,
 3259 transformers, and generators) shall be identified on the landscape plans. All
 3260 equipment shall be screened by such measures as determined appropriate by
 3261 the Director of Planning or the Planning Commission at the time of plan approval.
- 3262 42. Should the applicant convert the 100,000 square foot building from individual
 3263 tenants to a single tenant, the applicant shall submit revised architectural
 3264 elevations for review and approval by the Director of Planning prior to approval at
 3265 a building permit.

3266
 3267 **PLAN OF DEVELOPMENT**

3268
 3269
 3270 **POD-40-08 Balzer & Associates, Inc. for D & R Associates, Inc.**
 3271 **Klockner Drive Fueling and JR Charles, LLC:** Request for approval of a plan of
 3272 **Station (POD-31-08 Rev.)** development, as required by Chapter 24, Section 24-106
 3273 **Klockner Drive and** of the Henrico County Code, to construct a one-story,
 3274 **Charles City Road** 1,900 square-foot private fueling station canopy and a 64
 3275 square-foot storage shed. The 3.0-acre site is located on
 3276 the northwest corner of the intersection of Charles City
 3277 Road and Klockner Drive on parcel 812-711-3575. The
 3278 zoning is M-1, Light Industrial District and ASO, Airport
 3279 Safety Overlay District. County water and sewer. **(Varina)**

3270 Mr. Jernigan - Is there any opposition to POD-40-08, Klockner Drive
 3271 Fueling Station (POD-31-08 Revised)? There is no opposition.

3272
 3273 Ms. Berndt - Good afternoon.

3274
 3275 Mr. Jernigan - Good afternoon.

3276
 3277 Ms. Berndt - This is kind of like a sister/brother case to one that we heard
 3278 last month. This would be the remaining, southern portion of the parcel. The applicant
 3279 proposes to use this portion for a private fueling station with a canopy. As you can see,
 3280 there will be a 50-foot transitional buffer along Charles City Road and the adjacent A-1
 3281 property. It's pretty set back in the site. Staff received some calls in opposition, but they
 3282 were more satisfied with knowing that the buffer was going to be there, and their
 3283 concerns have been met, as far as we can tell.

3284
 3285 Staff recommends approval, subject to the annotations on the plan, standard conditions
 3286 for developments of this type, and additional conditions 29 through 31 in your agenda.

3287
 3288 Simon Mueller from Balzer and Associates is here representing the applicant, Mr. Lloyd
 3289 Little. If you have any questions of me, I'd be happy to answer those, too.

3290
3291 Mr. Jernigan - Are there any questions for Ms. Berndt from the
3292 Commission? Thank you. We have the architectural on this filling station, and it's
3293 pretty normal with what these look like today. With that, I will move for approval of
3294 POD-40-08, Klockner Drive Fueling Station (POD-31-08 Revised), subject to the
3295 annotations on the plan, the standard conditions for developments of this, and additional
3296 conditions 29 through 31.

3297
3298 Mr. Vanarsdall - Second.

3299
3300 Mr. Jernigan - Motion by Mr. Jernigan, seconded by Mr. Vanarsdall. All in
3301 favor say aye. All opposed say no. The ayes have it; the motion passes.

3302
3303 The Planning Commission approved POD-40-08, Klockner Drive Fueling Station (POD-
3304 31-08 Revised), subject to the annotations on the plans, the standard conditions
3305 attached to these minutes for developments of this type, and the following additional
3306 conditions:

- 3307
3308 29. The right-of-way for widening of the intersection of Charles City Road and
3309 Klockner Drive as shown on approved plans shall be dedicated to the County
3310 prior to any occupancy permits being issued. The right-of-way dedication plat
3311 and any other required information shall be submitted to the County Real
3312 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 3313 30. Outside storage shall not be permitted.
- 3314 31. Approval of the construction plans by the Department of Public Works does not
3315 establish the curb and gutter elevations along the Henrico County maintained
3316 right-of-way. The elevations will be set by Henrico County.

3317
3318 **PLAN OF DEVELOPMENT**

3319
POD-37-08 **Richard L. Bowen & Associates, Inc. for Forest City
Talbots @ Short Pump Commercial Group:** Request for approval of a plan of
Town Center – W. Broad development, as required by Chapter 24, Section 24-106
Street of the Henrico County Code, to construct a 13,500 square-
foot retail building in an existing shopping center. The
2.60-acre site is located at the northwest intersection of W.
Broad Street (U.S. Route 250) and Lauderdale Drive on
parcel 737-763-0900. The zoning is B-3C, Business
District (Conditional) and WBSO, West Broad Street
Overlay District. County water and sewer. **(Three Chopt)**

3320
3321 Mr. Jernigan - Is there any opposition to POD-37-08, Talbots @ Short
3322 Pump Town Center? There is no opposition.

3323
3324 Mr. Branin - Mr. Chairman?

3325

3326 Mr. Jernigan - I guess we knew that.
3327
3328 Mr. Branin - Mr. Chairman, I'd like to move for approval.
3329
3330 Mr. Jernigan - I have to ask it anyway.
3331
3332 Mr. Vanarsdall - Not unless the staff is—
3333
3334 Mr. Jernigan - Well, I wanted to make sure in case somebody was outside.
3335
3336 Mr. Branin - Okay.
3337
3338 Mr. Jernigan - We're cleared up legally. All right, Mr. Wilhite.
3339
3340 Mr. Branin - Make it quick, Mr. Wilhite.
3341
3342 Mr. Wilhite - He was here earlier this morning. Staff was satisfied with
3343 the site plan that was provided to the County. We did request revised architectural
3344 plans. They were provided in your addendum packet this morning. We did receive these
3345 on Monday, so it will be necessary for the Commission to waive time limits in order to
3346 accept it. Staff did have some concerns about the rear façade of the building facing the
3347 ring road. This outparcel is at a prominent location at the main entrance into Short
3348 Pump Town Center. We requested some additional detailing on the back of the building.
3349 The applicant has responded by providing additional pilasters, EIFS panels at the top on
3350 half of it, and a EIFS band that runs the full length of the rear façade, more or less the
3351 same height as the fabric awnings on the front of the building.
3352
3353 Staff is in a position to recommend approval. On page 5 of your addendum, there is a
3354 revised recommendation for approval. We have also had indication from Forest City that
3355 they have approved the revised elevations as well.
3356
3357 Mr. Jernigan - Are there any questions for Mr. Wilhite from the
3358 Commission? Mr. Branin?
3359
3360 Mr. Branin - Thank you, sir. I'd like to move that POD-37-08, Talbots @
3361 Short Pump Town Center—What?
3362
3363 Mr. Jernigan - Time limits.
3364
3365 Mr. Branin - Oh. That time limits be waived.
3366
3367 Mr. Vanarsdall - Second.
3368
3369 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall to waive
3370 the time limits on case POD-37-08, Talbots @ Short Pump Town Center. All in favor
3371 say aye. All opposed say no. The ayes have it; the motion passes.

3372
3373 Mr. Branin - With that, I'd like to move that POD-37-08, Talbots @ Short
3374 Pump Town Center, be approved with staff recommendation, the standard conditions
3375 for developments of this type, additional conditions 29 through 33, and the addendum.

3376
3377 Mr. Vanarsdall - Second.

3378
3379 Mr. Jernigan - Motion by Mr. Branin, seconded by Mr. Vanarsdall. All those
3380 in favor say aye. All opposed say no. The ayes have it; the motion passes.

3381
3382 The Planning Commission approved POD-37-08, Talbots @ Short Pump Town Center,
3383 subject to the annotations on the plans, the standard conditions attached to these
3384 minutes for developments of this type, and the following additional conditions:

- 3385
3386 29. Outside storage shall not be permitted.
3387 30. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in
3388 this approval.
3389 31. The location of all existing and proposed utility and mechanical equipment
3390 (including HVAC units, electric meters, junction and accessory boxes,
3391 transformers, and generators) shall be identified on the landscape plans. All
3392 equipment shall be screened by such measures as determined appropriate by
3393 the Director of Planning or the Planning Commission at the time of plan approval.
3394 32. The ground area covered by all the buildings shall not exceed in the aggregate 25
3395 percent of the total site area.
3396 33. No merchandise shall be displayed or stored outside of the building(s) or on
3397 sidewalk(s).

3398
3399 Mr. Emerson - Mr. Chairman, that brings us to the last item on your agenda,
3400 which is consideration for the approval of the minutes of May 28, 2008.

3401
3402 **APPROVAL OF MINUTES: May 28, 2008**

3403
3404 Mr. Jernigan - Do we have any changes to the minutes?

3405
3406 Mrs. Jones - I wasn't here.

3407
3408 Mr. Branin - You could have read ours.

3409
3410 Mr. Jernigan - We'll assume that that's a motion to approve. Do we have a
3411 motion to approve the minutes?

3412
3413 Mr. Archer - So moved.

3414 Mr. Vanarsdall - Second.

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3416 Mr. Jernigan - Motion by Mr. Archer, seconded by Mr. Vanarsdall to
3417 approve the minutes. All in favor say aye. All opposed say no. The ayes have it; the
3418 motion passes.

3419
3420 The Planning Commission approved the May 28, 2008 minutes.

3421
3422 Mr. Jernigan - Mr. Archer has something he wants to say to the
3423 Commission.

3424
3425 Mr. Archer - Move for adjournment first.

3426
3427 Mrs. Jones - Second.

3428
3429 Mr. Jernigan - Motion made by Mr. Archer, seconded by Mrs. Jones to
3430 adjourn. All in favor say aye. All opposed say no. The ayes have it; the motion passes.

3431 The meeting is adjourned.

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E. Ray Jernigan, Chairperson

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R. Joseph Emerson, Jr., Secretary

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