

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government Center
3 at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, March 26, 2003.

4

5 Members Present: Mr. E. Ray Jernigan, C.P.C., Chairperson (Varina)
6 Mrs. Lisa D. Ware, Vice Chairperson (Tuckahoe)
7 Mr. Ernest B. Vanarsdall, C.P.C. (Brookland)
8 Mr. Allen Taylor, P.E., C.P.C. (Three Chopt)
9 Mr. Richard W. Glover (Brookland) Board of Supervisors
10 Representative

11

12 Others Absent: Mr. C. W. Archer, C.P.C. (Fairfield)

13

14 Others Present: Mr. Randall R. Silber, Assistant Director of Planning, Acting Secretary (Left
15 at 11:30 a.m.)
16 Mr. David D. O'Kelly, Jr., Principal Planner, Acting Secretary
17 Ms. Leslie A. News, CLA, County Planner
18 Mr. James P. Strauss, CLA, County Planner
19 Mr. E. J. (Ted) McGarry, III, County Planner
20 Mr. Kevin D. Wilhite, C.P.C., AICP, County Planner
21 Mr. Michael F. Kennedy, County Planner
22 Ms. Christina L. Goggin, AICP, County Planner
23 Mr. Michael P. Cooper, County Planner
24 Mr. Todd Eure, Assistant Traffic Engineer
25 Ms. Diana B. Carver, Recording Secretary

26

27 Others Absent: Mr. John R. Marlles, AICP, Director of Planning, Secretary

28

29 **Mr. Richard W. Glover, the Board of Supervisors Representative, abstains on all cases**
30 **unless otherwise noted.**

31

32 Mr. Jernigan - The Planning Commission will come to order. Good morning, ladies and
33 gentlemen. Ladies and gentlemen, on behalf of the Planning Commission and the Henrico
34 County Planning staff, we would like to welcome you to our public hearing. I think I would like
35 to start this morning off with The Pledge of Allegiance to the Flag. Please stand.

36

37 I pledge allegiance to the flag of the United States of America, and to the republic for
38 which it stands, one nation, under God, indivisible, with liberty and justice for all.

39

40 Thank you. This morning it looks like we have two cases that are deferred, we have 12 on the
41 Expedited Agenda, and we have about 10 to try. I will go over a few of the ground rules for some
42 of you that are not regular members here. Mr. Silber will call each case that comes up, and I will
43 ask if there is opposition. If there is opposition, just raise your hand and you will have time to
44 speak at the appropriate time. In cases where there is opposition, there will be a 10-minute rule.
45 The developer will have 10 minutes and the opposition will have a total of 10 minutes. And

46 when you are speaking, please come to the podium. These hearings are audibly taped. We have
47 to have you at the podium to pick you up for the record. Do we have anybody here from the
48 press? No press. All right, Mr. Silber.

49

50 Mr. Silber - Thank you, Mr. Chairman. We do have a quorum. We do have five
51 members of the Commission present. We are expecting Mr. Glover momentarily. First on the
52 agenda, as the Chairman just indicated, would be the requests for deferrals and withdrawals. Mr.
53 Kennedy.

54

55 Mr. Kennedy - Good morning. We have two items on requests for deferrals and withdrawals.
56 The first item is on Page 16.

57

58 **SUBDIVISION (Deferred from the December 18, 2002, Meeting)**

59

Newstead Landing
(A Resubdivision of Newstead
Landing, Section A and a Portion
of Newstead Farms)
(September 2002 Plan)

Engineering Design Associates for Newstead Landing L.C.:
The 52.7-acre site is located on the south line of Kingsland
Road 140 feet east of Osborne Landing (private road) on parcels
808-670-1962, 3363, 4865, 6169, 1028; 808-668-9806 and 809-
668-6715. The zoning is A-1, Agricultural District. Private
central water and central sewer system. (**Varina**)
30 Lots

60

61 Mr. Kennedy - It is again being deferred at the request of the applicant. The applicant requests
62 deferral until April 23, 2003.

63

64 Mr. Jernigan - Is there any opposition to the deferral of Newstead Landing? I will make a
65 motion to defer Newstead Landing to the April 23, 2003 meeting.

66

67 Mr. Vanarsdall - Second.

68

69 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in
70 favor say aye. All opposed say no. The motion passes.

71

72 At the request of the applicant, the Planning Commission deferred Subdivision Newstead
73 Landing to its meeting on April 23, 2003.

74

74 **PLAN OF DEVELOPMENT**

75

POD-22-03
Bethlehem Road Office
Building – Bethlehem Road

Engineering Design Associates for Hugh W. Owens: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 6,450 square foot office building. The 2.58-acre site is located at 6501 Old Bethlehem Road on parcels 769-745-9774 and 770-745-1768. The zoning is O-2C, Office District (Conditional). County water and sewer. **(Brookland)**

76

77 Mr. Kennedy - The applicant requests deferral to April 23, 2003.

78

79 Mr. Jernigan - Is there any opposition to the deferral of POD-22-03? Mr. Vanarsdall.

80

81 Mr. Vanarsdall - Mr. Chairman, I move that POD-22-03, Bethlehem Road Office Building,
82 be deferred until April 23, 2003, at the applicant's request.

83

84 Mr. Taylor - Second.

85

86 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in
87 favor say aye. All opposed say nay. The motion passes.

88

89 At the request of the applicant, the Planning Commission deferred POD-22-03, Bethlehem Road
90 Office Building, to its meeting on April 23, 2003.

91

92 Mr. Silber - Next on the agenda would be the Expedited Items. These are items that at
93 this point in time there are no known issues. The staff is recommending approval of these. The
94 Planning Commission is generally comfortable with these matters and we know of no opposition.
95 We will handle these in an expedited fashion. If there is opposition, we will ask for the
96 opposition and you will be allowed to come forward and we will pull it off of the Expedited
97 Agenda if necessary. Mr. Kennedy.

98

99 **TRANSFER OF APPROVAL (Deferred from the February 26, 2003, Meeting)**

100

POD-51-99
Gaskins Retirement Center

Matthew Bowe for Meadow Glen of West End, L.P.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from South Gaskins Retirement LLC (Dr. Nazir Chauldhary) to Meadow Glen of West End L.P. The 9.955-acre site is located along the west line of Gaskins Road (2400 Gaskins Road), approximately 500 feet south of Three Chopt Road on parcel 749-754-2538. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Tuckahoe)**

101

102 Mr. Kennedy - On the Addendum there is a revised recommendation and added conditions and it

103 also notes revised plan, but that was incorrect. There is no revised plan attached. The two added
104 conditions are:

105

106 1. The site deficiencies identified in the inspection report dated **September 12, 2002**, shall
107 be corrected prior to the release of the posted bond.

108 2. The landscaping shown on the revised landscape plan as annotated on **3/21/03** shall be
109 installed prior to the release of the posted bond.

110

111 With that, staff recommends approval.

112

113 Mr. Jernigan - All right. Is there any opposition to the approval of POD-51-99? Mrs.
114 Ware.

115

116 Mrs. Ware - OK. Thank you, Mr. Kennedy, for all the work you've done with this and I
117 move that Transfer of Approval for POD-51-99, Gaskins Retirement Center, be approved with
118 the following conditions, Nos.1 and 2.

119

120 Mr. Vanarsdall - Second.

121

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

124

125 The Planning Commission approved Transfer of Approval for POD-51-99, Gaskins Retirement
126 Center, subject to the new owner accepting and agreeing to be responsible for continued
127 compliance with the conditions of the original approval, and the following additional conditions:

128

129 1. The site deficiencies identified in the inspection report dated **September 12, 2002**, shall be
130 corrected prior to the release of the posted bond.

131 2. The landscaping shown on the revised landscape plan as annotated on **3/21/03** shall be
132 installed prior to the release of the posted bond.

133

134 **TRANSFER OF APPROVAL**

135

POD-54-75

NYW Enterprise (Formerly
Beacon Press)

4731 Eubank Road

Juan Q. Lin for NYW Enterprises, LLC: Request for approval
of a transfer of approval, as required by Chapter 24, Section 24-
106 of the Henrico County Code from Media General, Inc. to
NYW Enterprises, LLC. The 6.438-acre site is located at 4731
Eubank Road on parcel 815-711-9946. The zoning is M-1, Light
Industrial District and ASO (Airport Safety Overlay) District.
County water and sewer. (**Varina**)

136

137 Mr. Kennedy - This also has an added condition in the Addendum.

138

139

140 Mr. Jernigan - Is there any opposition to the approval of POD-54-75, NYW Enterprise

March 26, 2003

141 (Formerly Beacon Press)? No opposition. With that, I will make a motion to approve Transfer
142 of Approval for POD-54-75, NYW Enterprise (Formerly Beacon Press) from Media General on
143 the Expedited Agenda with added Condition No. 1.

144

145 Mr. Taylor - Second.

146

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

149

150 The Planning Commission approved Transfer of Approval for POD POD-54-75, NYW
151 Enterprise (Formerly Beacon Press) 4731 Eubank Road, subject to the new owner accepting and
152 agreeing to be responsible for continued compliance with the conditions of the original approval
153 and the following additional conditions:

154

155 1. The site deficiencies as identified in the inspection report dated **March 14, 2003**, shall be
156 corrected prior to the issuance of a new certificate of occupancy.

157

158 **PLAN OF DEVELOPMENT & MASTER PLAN**

159

POD-5-02
New Bridge Baptist
Church Addition –
E. Nine Mile Road

Robert K. Carter for New Bridge Baptist Church: 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 a one-story, 6,020 square foot classroom and fellowship hall addition to an existing church and a temporary parking area addition. The 2.265 acre site is located at 5807 Nine Mile Road, 220 feet east of Lowell Street on parcels 817-725-5989, 817-726-6010 and 817-725-5989. The zoning is R-2A, One-Family Residence District and ASO (Airport Safety Overlay) District. County water and sewer. (**Varina**)

160

161 Mr. Kennedy - On the Addendum, there is a revised caption and a revised plan. The revised
162 caption was amended to add Master Plan. The plan was revised to eliminate existing entrance on
163 Nine Mile Road in the course of requirements of the Traffic Engineer and provide annotations
164 related to waivers of development standards approved by the Director of Public Works, which
165 defer such improvements to Phase 2 of the Master Plan, which is now attached.

166

167 Mr. Jernigan - Is there any opposition to the approval of POD-5-02, Newbridge Baptist
168 Church Addition? With that I will move for approval of POD-5-02, Newbridge Baptist Church
169 Addition, subject to the annotations on the plans, the standard conditions for developments of
170 this type, and the following conditional conditions Nos. 23 through 34 and the revised plan on
171 the addendum.

172

173 Mr. Vanarsdall - Second.

174

175 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in

176 favor say aye. All opposed say no. The motion passes.

177

178 The Planning Commission approved POD-5-02, New Bridge Baptist Church Addition– E. Nine
179 Mile Road, subject to approval of the revised plan, the annotations on the plan, the standard
180 conditions attached to these minutes for developments of this type, and the following additional
181 conditions:

182

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

188 24. The entrances and drainage facilities on E. Nine Mile Road (State Route 33) shall be
189 approved by the Virginia Department of Transportation and the County.

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

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

195 27. Deviations from County standards for pavement, curb or curb and gutter design shall be
196 approved by the County Engineer prior to final approval of the construction plans by the
197 Department of Public Works.

198 28. The temporary parking and related improvements shall be removed from the site on or
199 before April 1, 2008.

200 29. The temporary parking areas shall be properly compacted and maintained at all times.

201 30. Insurance Services Office (ISO) calculations must be included with the plans and
202 contracts and must be approved by the Department of Public Utilities prior to the issuance
203 of a building permit.

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

207 32. Approval of the construction plans by the Department of Public Works does not establish
208 the curb and gutter elevations along the Virginia Department of Transportation
209 maintained right-of-way. The elevations will be set by the contractor and approved by the
210 Virginia Department of Transportation.

211 33. The conceptual master plan, as submitted with this application, is for planning and
212 information purposes only. All subsequent detailed plans of development and construction
213 plans needed to implement this conceptual plan shall be approved by the Planning
214 Commission and shall be subject to all regulations in effect at the time such subsequent
215 plans are submitted for review/approval

216 34. The location of all existing and proposed utility and mechanical equipment (including
217 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
218 shall be identified on the landscape plans. All equipment shall be screened by such
219 measures as determined appropriate by the Director of Planning or the Planning
220 Commission at the time of plan approval.

221

222 **PLAN OF DEVELOPMENT (Deferred from the February 26, 2003, Meeting)**

223

POD-7-03
Park Commons @ Twin
Hickory

Youngblood, Tyler & Associates, P. C. for HHHunt Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 60 detached condominiums. The 12.99-acre site is located on the west side of Hickory Bend Drive and the south side of Twin Hickory Road on part of parcels 745-770-0962; 746-770-1492 and 0619; 745-769-6789. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

224

225 Mr. Kennedy - I know there are some people in the audience to hear this. I am not sure if they
226 want to hear the case. I just wanted to give you a chance to make sure of that?

227

228 Mr. Jernigan - Do we have opposition to POD-7-03? OK. Ms. Zuercher you can come
229 up. Good morning, Ms. Zuercher.

230

231 Ms. Zuercher - Good morning, Mr. Jernigan, and members of the Planning Commission.
232 I am Lucy Zuercher. I live 5109 Doran Hill Court. Thirty days ago we asked the developer of
233 this parcel to increase our amenities to meet the growing demand with the annexation into our
234 HOA. The developer has put a plan to increase our amenities in writing. It addresses the
235 community's concerns and establishes a good working plan to move forward on. I just wonder if
236 they would be gracious enough to share that with us today. And I thank you all and especially
237 Mike Kennedy for facilitating this.

238

239 Mr. Jernigan - Thank you Ms. Zuercher.

240

241 Mr. Vanarsdall - Mr. Chairman, I believe if we are going to go into it in any depth, we
242 should pull it off the Expedited Agenda.

243

244 Mr. Jernigan - OK. We will pull POD-7-03 off the Expedited Agenda and put it in its
245 regular spot on the regular agenda. OK, Mr. Kennedy.

246

247 **SUBDIVISION**

248

Jamerson Park @ Twin
Hickory – Hickory Bend Dr.
(March 2003 Plan)

Youngblood, Tyler & Associates, P.C. for HHHunt Corporation: The 29.68-acre site is located at the southwest corner of the intersection of Hickory Bend Drive and Twin Hickory Drive on parcel 745-768-7374. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt) ~~113 Lots~~ 124 Lots**

249

250 Mr. Kennedy - The caption was revised to increase it from 113 lots to 124 lots. There is a revised

251 plan.

252

253 Mr. Jernigan - Is there any opposition to subdivision Jamerson Park @ Twin
254 Hickory – Hickory Bend Dr. (March 2003 Plan)? No opposition.

255

256 Mr. Taylor - No opposition. Mr. Chairman, I move approval of Jamerson Park @ Twin
257 Hickory, subject to the annotations on the plan, standard conditions for subdivisions served by
258 Public Utilities and conditions Nos. 13 and 14.

259

260 Mr. Vanarsdall - Second.

261

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

264

265 The Planning Commission granted conditional approval to Subdivision Jamerson Park @ Twin
266 Hickory – Hickory Bend Drive (March 2003 Plan), subject to the annotations on the plan, the
267 standard conditions attached to these minutes for subdivisions served by public utilities, and the
268 following additional conditions:

269

270 13. The limits and elevation of the 100-year frequency flood shall be conspicuously noted on the
271 plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate floodplain
272 as a "Variable Width Drainage & Utilities Easement."

273 14. The proffers approved as part of zoning case C-13C-02 shall be incorporated in this
274 approval.

275

276 **LANDSCAPE PLAN (Deferred from the February 26, 2003, Meeting)**

277

LP/POD-54-01 Magnolia Point, Sections 1-3 – Virginia Center Parkway and Francis Road	Mike Doczi for Magnolia Pointe, 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 12.141-acre site is located at the intersection of Virginia Center Parkway and Francis Road on parcel 782-767-6816. The zoning is RTHC, Residential Townhouse District (Conditional). (Fairfield)
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278

279 Mr. Kennedy - On the Addendum it notes that there is a revised plan. The plan was revised to
280 address staff's previous annotations and was annotated to require separate individual
281 unit landscape plans to be approved by staff.

282

283 Mr. Jernigan - Is there any opposition to the approval of Landscape Plan LP/POD-54-01?
284 Mr. Vanarsdall is handling Mr. Archer's cases today.

285

286 Mr. Vanarsdall - Mr. Chairman, I recommend approval on the Expedited Agenda as
287 recommended by staff of Landscape Plan LP/POD-54-01, with the standard conditions for
288 landscape and lighting plans, and we also have on the addendum that it recommends approval.

289

290 Mr. Taylor - Second.

291

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

294

295 The Planning Commission approved the landscape plan for LP/POD-54-01, Magnolia Point,
296 Sections 1-3 – Virginia Center Parkway and Francis Road, subject to the annotations on the plans
297 and the standard conditions attached to these minutes for landscape plans.

298

299 **SUBDIVISION**

300

Casey Meadows
(March 2003 Plan)

Koontz-Brant, P.C. for J. Stephan Cametas: The 37.22-acre site is located on the north line of Meadow Road, approximately 2000 feet east of Hanover Road on parcels 831-720-3959 and 831-721-8011. The zoning is A-1, Agricultural District and Airport Safety Overlay (ASO) District. County water and sewer.
(Varina) 29 Lots

301

302 Mr. Kennedy - On the Addendum there is a revised recommendation of approval.

303

304 Mr. Jernigan - Do we have opposition to Subdivision Casey Meadows? OK. With that, I
305 move for approval Subdivision Casey Meadows, with approval of staff on the Addendum, and on
306 the Expedited Agenda and Conditions Nos. 12 through 17.

307

308 Mr. Vanarsdall - Second.

309

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

312

313 The Planning Commission granted conditional approval to Subdivision Casey Meadows (March
314 2003 Plan), subject to the annotations on the plan, the standard conditions attached to these
315 minutes for subdivisions served by public utilities and the following additional conditions:

316

317 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
318 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
319 floodplain as a "Variable Width Drainage & Utilities Easement."

320 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
321 foot-wide planting strip easement along Meadow Road shall be submitted to the Planning
322 Office for review and approval prior to recordation of the plat.

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

324 15. The applicant shall provide a mortgage survey for the existing dwelling on Parcel C.

325 16. The surplus parcel north of Parcel D shall be either conveyed to Parcel D or combined with
326 Lot 1 Block B.

327 17. The applicant shall provide a right-of-way dedication for the return for the east side of
328 Meadow Road Place unless a waiver is granted by the Director of Public Works.

329

330 **TEMPORARY PLAN OF DEVELOPMENT**

331

POD-18-03

Grace Community Baptist
Church – Pump Road and
Burnside Lane

E. D. Lewis & Associates, P.C. for Grace Community Baptist Church: Request for approval of a temporary plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to allow an existing classroom trailer to remain for a period of one year. The 7.199-acre site is located on the northwest corner of Pump Road and Burnside Road on parcel 740-753-6225. The zoning is A-1, Agricultural District. County water and sewer. (**Tuckahoe**)

332

333 Mr. Kennedy- On the addendum is a revised recommendation and an added condition.
334 The recommendation is for approval. The added condition is regarding removal of dead or
335 missing landscaping, replacement of that.

336

337 Mr. Jernigan - All right. Do we have opposition to POD-18-03? No opposition. Mrs.
338 Ware.

339

340 Mrs. Ware - OK. I move for the approval of POD-18-03, Grace Community Baptist
341 Church, subject to the annotations on the plans, standard conditions for developments of this type
342 and additional condition No. 25.

343

344 Mr. Vanarsdall - Second.

345

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

348

349 The Planning Commission approved POD-18-03, Grace Community Baptist Church – Pump
350 Road and Burnside Lane, subject to the annotations on the plans, the standard conditions attached
351 to these minutes for developments of this type and additional conditions shown below:

352

353 23. Outside storage shall not be permitted.

354 24. The temporary use and related improvements shall be removed from the site on or before
355 **March 26, 2004.**

356 25. Any dead or missing landscaping, approved as a condition of case UP-7-2001, shall be
357 replaced by **May 31, 2003.**

358

359

359 **SUBDIVISION**

360

Wellington Woods
(March 2003 Plan)

Barthol Design Associates, P.C. for Rosemary Blitz and Virginia Land Resources, Inc.: The 59.00-acre site is located at the terminus of Hawkshead Road, approximately 1,700 feet to intersection of Banstead and Charles City Roads on parcel 842-693-3378. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield. **(Varina) 34 32 Lots**

361

362 Mr. Kennedy - In the Addendum there is a revised caption and a revised recommendation and a
363 revised plan. The plan was revised to reduce the total number of homes on one point of access to
364 50 per County Code. The revision also includes two stub roads to adjacent parcels and redesigned
365 lots to meet District regulations.

366

367 Mr. Silber - Mr. Kennedy, the number of lots is now 32?

368

369 Mr. Kennedy - Yes, 32. That is right. It was 34.

370

371 Mr. Jernigan - Is anyone in the audience in opposition to Subdivision Wellington Woods?

372 Mr. Kennedy, do we have to waive the time limits on this?

373

374 Mr. Kennedy - No, sir. We do not.

375

376 Mr. Jernigan - I make a motion to approve Subdivision Wellington Woods, March 2003
377 Plan, with the Addendum, and approval of staff on the Expedited Agenda and Conditions Nos. 11
378 through 15.

379

380 Mr. Vanarsdall - Second.

381

382 Mr. Jernigan - I have a motion by Mr. Jernigan and a second by Mr. Vanarsdall. All in
383 favor say aye. All opposed say no. The motion passes.

384

385 The Planning Commission granted conditional approval to Subdivision Wellington Woods,
386 March 2003 Plan, subject to the annotations on the plans, the standard conditions attached to
387 these minutes for subdivisions not served by public utilities, and the following additional
388 conditions:

389

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

391 12. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on the
392 plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate floodplain
393 as a "Variable Width Drainage & Utilities Easement."

394 13. Any necessary offsite drainage easements must be obtained prior to approval of the
395 construction plan by the Department of Public Works.

396 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
397 maintenance of the common area by a homeowners association shall be submitted to the

398 Planning Office for review. Such covenants and restrictions shall be in form and substance
399 satisfactory to the County Attorney and shall be recorded prior to recordation of the
400 subdivision plat.
401 15. Any future building lot containing a BMP, sediment basin or trap and located within the
402 buildable area for a principal structure or accessory structure, may be developed with
403 engineered fill. All material shall be deposited and compacted in accordance with the
404 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
405 professional engineer. A detailed engineering report shall be submitted for the review and
406 approval by the Building Official prior to the issuance of a building permit on the affected
407 lot. A copy of the report and recommendations shall be furnished to the Directors of
408 Planning and Public Works.

409

410 **SUBDIVISION**

411

Shady Grove Road (A
Dedication of a Portion of
Shady Grove Road)
(March 2003 Plan)

**TIMMONS for The County of Henrico and Henrico County
School Board:** The 1.19-acre site is located on along the east
line of existing Shady Grove Road from its intersection with
Twin Hickory Roads to approximately 250 feet south of Old
Millrace Terrace on parcels 743-770-4669 and 744-771-3182.
The zoning is A-1, Agricultural District. **(Three Chopt) 0 Lots**

412

413 Mr. Jernigan - Is there any opposition in the audience to Subdivision Shady Grove Road?
414 No opposition. Mr. Taylor.

415

416 Mr. Taylor - Mr. Chairman, I move approval of Shady Grove (Dedication of a Portion
417 of Shady Grove Road) March 2003 Plan, subject to the annotations on the plan and the standard
418 conditions for subdivisions served by public utilities.

419

420 Mr. Vanarsdall - Second.

421

422 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
423 favor say aye. All opposed say no. The ayes have it. The motion passes.

424

425 The Planning Commission granted conditional approval to Subdivision Shady Grove Road (A
426 Dedication of a Portion of Shady Grove Road) (March 2003 Plan), subject to the annotations on
427 the plans and the standard conditions attached to these minutes for subdivisions served by public
428 utilities.

429

429 **PLAN OF DEVELOPMENT**

430

POD-24-03

Sheetz – 7035 W. Broad St.

Balzer & Associates, Inc. for Emerywood, LLC and Sheetz, Inc. Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a one-story, 5,369 square foot convenience store with fuel pumps, a 672 square foot car wash, and a 1,600 square foot outdoor dining area. The 2.376-acre site is located at the southwest corner of the intersection of Emerywood Parkway and W. Broad Street (U.S. Route 250) on parcel 766-747-7212. The zoning is M-1, Light Industrial District. County water and sewer. **(Three Chopt)**

431

432 Mr. Kennedy - On the Addendum, there is a revised recommendation and an added condition.

433

434 Mr. Jernigan - Is there any opposition to POD-24-03, Sheetz? No opposition. Mr. Taylor.

435

436 Mr. Taylor - If you wait just a second, I move approval of POD-24-03, Sheetz, subject
437 to standard conditions for developments of this type, annotations on the plan, and added
438 Conditions Nos. 9 and 11 Amended and Nos. 23 through 35.

439

440 Mr. Vanarsdall - Second.

441

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

444

445 The Planning Commission approved POD-24-03, Sheetz – 7035 West Broad Street, subject to
446 the annotations on the plans, the standard conditions attached to these minutes for developments
447 of this type, and the following additional conditions:

448

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

452 **11. AMENDED** - Prior to the installation of the site lighting equipment, a plan including
453 depictions of light spread and intensity diagrams, and fixture and specifications and
454 mounting height details shall be submitted for Planning Office review and Planning
455 Commission approval.

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

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

463 **25.** A notice of completion form, certifying that the requirements of the Virginia Department

- 464 of Transportation entrances permit have been completed, shall be submitted to the
 465 Planning Office prior to any occupancy permits being issued.
- 466 26. The developer shall provide fire hydrants as required by the Department of Public
 467 Utilities and Division of Fire.
- 468 27. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
 469 form acceptable to the County Attorney prior to final approval of the construction plans.
- 470 28. Deviations from County standards for pavement, curb or curb and gutter design shall be
 471 approved by the County Engineer prior to final approval of the construction plans by the
 472 Department of Public Works.
- 473 29. The owner or manager on duty shall be responsible for temporarily closing the car facility
 474 when the on-site stacking space is inadequate to serve customer demand to prevent a
 475 backup of vehicles onto the public right-of-way. The owner shall arrange with the Traffic
 476 Engineer to provide standard traffic control signs to notify customers that stopping or
 477 standing on the public right-of-way shall not be permitted near the entrances to the car
 478 wash facility.
- 479 30. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
 480 plans.
- 481 31. Insurance Services Office (ISO) calculations must be included with the plans and
 482 contracts and must be approved by the Department of Public Utilities prior to the issuance
 483 of a building permit.
- 484 32. Approval of the construction plans by the Department of Public Works does not establish
 485 the curb and gutter elevations along the Henrico County maintained right-of-way. The
 486 elevations will be set by Henrico County.
- 487 33. Approval of the construction plans by the Department of Public Works does not establish
 488 the curb and gutter elevations along the Virginia Department of Transportation
 489 maintained right-of-way. The elevations will be set by the contractor and approved by the
 490 Virginia Department of Transportation.
- 491 34. The location of all existing and proposed utility and mechanical equipment (including
 492 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 493 shall be identified on the landscape plans. All equipment shall be screened by such
 494 measures as determined appropriate by the Director of Planning or the Planning
 495 Commission at the time of plan approval.
- 496 35. Light fixtures for the gas canopy shall be flat lens, recessed, or surface-mounted.

497
 498 **LIGHTING PLAN**

499
 LP/POD-86-02
 Carmax – Richmond
 Expansion

Jeff Loman for Carmax Auto Super Stores: Request for approval of a lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County. The 3.8-acre site is located on the southeast corner of Sadler and Old Sadler Roads on part of parcel 746-761-5525. The zoning is B-3C, Business District (Conditional). **(Three Chopt)**

500 Mr. Jernigan - Is there any opposition to Lighting Plan LP/POD-86-02? No opposition.
 501 Mr. Taylor.
 502

503 Mr. Taylor - I move approval of LP/POD-86-02, Carmax – Richmond Expansion,
504 subject to the annotations on the plans and standard conditions for lighting plans.

505

506 Mr. Vanarsdall - Second.

507

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

510

511 The Planning Commission approved the lighting plan for LP/POD-86-02, Carmax – Richmond
512 Expansion, subject to the annotations on the plans and standard conditions attached to these
513 minutes for lighting plans.

514

515 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

516

517 FOR INFORMATIONAL PURPOSE ONLY

518

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Effinger Drive (A Ded. of a Portion of Effinger Dr.) (June 1998 Plan)	Fairfield	0	0	3	1 Year 03/24/04
Oak Hill Manor (March 1999 Plan)	Fairfield	40	23	3	1 Year 03/24/04

519

520 Mr. Silber - Mr. Wilhite, do you want to discuss these two?

521

522 Mr. Wilhite - Thank you, Mr. Secretary. Both of the subdivisions up for one-year
523 extension are in the Fairfield District, both being done administratively by the Director of
524 Planning. The first one is Effinger Drive (June 1998 Plan) and the other one is Oak Hill Manor
525 (March 1999 Plan). I will be happy to answer any questions that you may have.

526

527 Mr. Jernigan - Any questions for Mr. Wilhite from the Commission? Thank you, Mr.
528 Wilhite. Next case.

529

529 **TRANSFER OF APPROVAL**

530

POD-10-86

Triangle Park Retail Shops -

7110 Patterson Avenue

(State Route 6)

Grubb & Ellis for Moudilos Family, LLC: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from 7110 Patterson LLC & Russell Malone III to Moudilos Family, LLC. The 1.15-acre site is located on the north side of Patterson Avenue (U.S. Route 6) approximately 400 feet west of Three Chopt Road on parcels 763-740-1061 and 1271. The zoning is B-1, Business District and B-2C, Business District (Conditional). County water and sewer. (**Tuckahoe**)

531

532 Mr. Jernigan -

Is there any opposition to the Transfer of Approval of POD-10-86? Ms.

533 Goggin.

534

535 Ms. Goggin -

Good morning. I would like to apologize for my absence. I was answering questions for a citizen on another case.

536

537 Mr. Vanarsdall -

We accept that apology. Thank you.

538

539 Ms. Goggin -

The applicant has not corrected or bonded the deficiencies as outlined in the inspection report and the property manager cited the need to meet with several vendors to correct these issues as one reason for the delay. As of this morning, staff has not received a formal request for deferral but I did receive an e-mail from the property manager indicating that they would probably defer. At this time, staff cannot recommend approval of the transfer and suggest that this transfer be deferred until the April agenda to allow the applicant time to correct or bond the deficiencies as noted in the inspection report.

540

541 Mr. Jernigan -

But they did not give you a deferral?

542

543 Ms. Goggin -

I received an e-mail indicating that they were probably going to ask for one, but I never received the formal request.

544

545 Mr. Jernigan -

Is there anyone in the audience from Triangle Park Retail Shops? Mrs.

546 Ware.

547

548 Ms. Silber -

Mrs. Ware, I think there still are some outstanding issues that we are aware of and I think there is some indication the applicant is willing to defer it, and I think the Commission should go ahead and grant it.

549

550 Mrs. Ware -

So, it would be at my request.

551

552 Mr. Silber -

Yes, you can request it.

553

554 Mrs. Ware -

All right. I move that the Transfer of Approval for POD-10-86, Triangle

565 Park Retail Shops be deferred at the Commission's request to April 23, 2003.

566

567 Mr. Vanarsdall - Second.

568

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

571

572 The Planning Commission deferred Transfer of Approval, POD-10-86, Triangle Park Retail
573 Shops – 7110 Patterson Avenue (State Route 6) to its meeting on April 23, 2003.

574

575 **TRANSFER OF APPROVAL**

576

POD-138-85

Progressive Concierge

(Formerly Costen Floors)

Marc A. Allocca/Carolina Browder for McKenney Land Company, LLC: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from Ralph Costen Jr. to McKenney Land Company. The 1.37-acre site is located at 8611 Telegraph Road on parcel 784-758-6933. The zoning is M-1, Light Industrial District. County water and sewer. **(Fairfield)**

577

578 Mr. Jernigan - Do we have any opposition to POD-138-85? OK. Mr. Strauss.

579

580 Mr. Strauss - Thank you, Mr. Chairman. The staff can now recommend approval of this
581 transfer. We had two outstanding issues from the POD from 1985 dealing with right of way and
582 landscaping. So, staff is recommending approval in accordance with the Addendum on Page 1.

583

584 Mr. Silber - Mr. Strauss, the Addendum includes one condition that has three parts to
585 it.

586

587 Mr. Strauss - Correct, A, B and C.

588

589 Mr. Vanarsdall - No opposition was it, Mr. Chairman?

590

591 Mr. Jernigan - No, sir.

592

593 Mr. Vanarsdall - I am ready for a motion. I move that POD-138-85, Progressive Concierge
594 (Formerly Costen Floors) be approved with the standard conditions of the original approval, the
595 annotations on the plan, and Condition No. 1 on the Addendum.

596

597 Mr. Jernigan - Condition No. 1, with A, B and C?

598

599 Mr. Vanarsdall - Right.

600

601 Mr. Taylor - Second.

602 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor. All in

603 favor say aye. All opposed say no. The motion passes.

604

605 The Planning Commission approved Transfer of Approval for POD-138-85, Progressive
606 Concierge (Formerly Costen Floors), subject to continued compliance with the conditions of the
607 original approval and the following additional condition:

608

609 1. The owner shall submit a revised site plan for administrative review and approval of the
610 proposed Progressive Concierge facility. The revised site plan shall:

611

612 a. Show all improvements to the site since the construction of the building addition
613 approved with POD-135-85.

614 b. Show the improvements for Telegraph Road, including all proposed curb and
615 gutter, paving, and include a landscape plan for staff review and approval.

616 c. Indicate the right-of-way to be dedicated along Telegraph Road, and dedicate the
617 right-of-way prior to final inspection of building renovations.

618

619 **TRANSFER OF APPROVAL (Deferred from the February 26, 2003, Meeting)**

620

POD-117-98
Courtland @ Wyndham
(POD-116-96 Revised)

Anthony P. Renaldi, Vice President and Chief Financial Officer for Prospect Homes of Richmond, Inc.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from C. Richard Dobson Builders, Inc. to Prospect Homes of Richmond, Inc. The 4.9-acre site is located on the west line of Wyndham Park Drive at its intersection with Dominion Club Drive on parcel 740-776-1890. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

621

622 Mr. Jernigan - Is there any opposition to POD-117-98, Courtland at Wyndham? Good
623 morning again, Mr. Kennedy.

624

625 Mr. Kennedy - Staff can recommend approval of the transfer of this POD. This been carried on
626 the Planning Commission's agenda for approximately six months now. The staff resolved their
627 issues with the new developer. Primarily, the issue was development issues and construction
628 plan problems that originated with the original developer and the new developer was having
629 problems with getting responsibility by the former developer to take responsibility for those
630 things. The new developer is willing to take responsibility for those site development issues.
631 Any building issues with the buildings have already been CO'd are the responsibility of the old
632 developer, and that is basically what we need to put into the record so everyone knows what is
633 going on and where the responsibility lies. With regard to the one outstanding development
634 issue, just for the record, there is a wetlands that needs to be removed as part of the construction
635 plans, and the developer has agreed to remove that as part of the approval process. Mr. Renaldi is
636 here to represent Prospect Homes if anyone has any questions.

637 Mr. Jernigan - Are there any questions for Mr. Kennedy from the Commission?

638

639 Mr. Taylor - The only question I have, Mr. Chairman, is with regard to the issue on the
640 wetlands. I presume that all of the issues have been resolved by the staff and everything is
641 satisfactory.

642

643 Mr. Kennedy - Yes, sir.

644

645 Mr. Jernigan - Mr. Taylor.

646

647 Mr. Taylor - All right. Thank you. Mr. Chairman, I will go ahead and I don't have any
648 further questions.

649

650 Mr. Jernigan - OK. Would you like to hear from the applicant?

651

652 Mr. Taylor - No, sir. With that, I will move approval of POD-117-98, Courtland @
653 Wyndham (POD-116-96 Revised), with the following conditions: Nos. 1, 2 and 3, and standard
654 conditions for developments of this type.

655

656 Mr. Vanarsdall - Second.

657

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

660

661 The Planning Commission approved Transfer of Approval for POD-117-98, Courtland at
662 Wyndham (POD-116-96 Revised) subject to the following conditions:

663

664 1. The new developer accepts and agrees to be responsible for continued compliance with
665 the conditions of the original approval.

666 2. The new developer agrees to correct all site deficiencies, as identified in the inspection
667 report dated **June 12, 2002**, prior to the issuance of the final Certificate of Occupancy.

668 3. The new developer agrees to post a defect bond for the construction of roads, driveways,
669 and parking areas upon the transfer of the Homeowners Association to homeowners'
670 control as required by Section 24-30.2(a) of the Henrico County Code. The defect bond
671 shall remain in effect for a period to three years from the date of the issuance of the final
672 Certificate of Occupancy.

673

674

674 **PLAN OF DEVELOPMENT (Deferred from the February 26, 2003, Meeting)**

675

POD-7-03
Park Commons @ Twin
Hickory

Youngblood, Tyler & Associates, P. C. for HHHunt Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct 60 detached condominiums. The 12.99-acre site is located on the west side of Hickory Bend Drive and the south side of Twin Hickory Road on part of parcels 745-770-0962; 746-770-1492 and 0619; 745-769-6789. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer. **(Three Chopt)**

676

677 Mr. Jernigan - We don't have opposition, but we will have people speak, though, so, Mr.
678 Kennedy, whenever you are ready.

679

680 Mr. Kennedy - I will make a brief statement. The plan was revised since the last Planning
681 Commission meeting. It was deferred. At that time the Planning Commission expressed concern
682 about the width of right of way, private right of ways within the development. The plan has been
683 revised to provide 30 foot right of ways within the entire development, which addresses the
684 Planning Commission's concerns. In addition, the developer was able to provide a larger
685 common area within the center, which is called Park Commons, and that also addresses a staff
686 concern about providing appropriate and adequate recreational area. I believe the developer does
687 have a plan that shows that. Lastly, another issue that came up at that meeting which was not a
688 staff concern, because it had to do with the homeowner's association separate from anything that
689 was proffered had to do with the pool and recreational facilities. We understand the developer
690 has presented a plan to expand the pool facilities in the Twin Hickory community, and they are
691 willing to present something to that effect. My understanding about the pool facilities is that
692 since Twin Hickory was originally adopted, the size of the community has increased with
693 numbers of units by 44%, and this new plan provides a pool that is increased by 45%, so it is
694 commensurate with that increase in the size of the community. And with that I will give the
695 representative from HHHunt an opportunity to make a presentation.

696

697 Mr. Jernigan - Are there any questions for Mr. Kennedy from the Commission? Thank
698 you, Mr. Kennedy.

699

700 Mr. Tyler - For the record my name is Webb Tyler. I am the engineer if you have any
701 questions on the site plan, you are welcome to ask me. As far as the revised site plan, Mr. Dan
702 Schmidt, the Vice President and Director of HHHunt would like to make a brief presentation
703 relative to the community facilities, which was also the subject of some concern. As far as site
704 plan, I will be glad to answer any questions. Otherwise, I am going to turn this over to Mr.
705 Schmidt.

706

707 Mr. Jernigan - Are there any questions?

708

709 Mr. Taylor - Mr. Chairman, I really have a question, because the last time we were here

710 we were concerned about a feature within the circulation of the 22 foot right of way and a
711 concern about emergency vehicles, and I know that that has been addressed, and I would
712 appreciate it if Mr. Tyler, who had a hand in resolving the issue, could describe the changes to
713 the plan that were made from the previous version to this version, that will alleviate the
714 conditions that we cited in the last report.

715

716 Mr. Tyler - Mr. Taylor, essentially what we did is we met the County's new standards
717 in its entirety, including the roadway widths of these private roads to 32 feet. We met the Fire
718 Marshall's desires for a complete looping of an asphalt road system in our driveways. We met
719 staff's ultimate desires relative to parking and available parking and we created a commons area
720 in the center. I believe we have the standards, which were in transition, which was the cause of
721 some of this concern. We have met the standards in their entirety to the best of my knowledge.

722

723 Mr. Taylor - And these new standards will really guide development from this moment
724 on? We won't see the 22-foot issue anymore? It will all be 32?

725

726 Mr. Tyler - That is correct, Mr. Taylor. On this particular project was commenced
727 before those standards were changed. There was some confusion as to the issuance of those
728 standards. They were then issued, but this project was in the middle of its design, and had been
729 submitted and then it was an effort to try to find some compromise between the various parties.
730 That was accomplished with staff but there are still some concerns with Commission members,
731 and that is what resulted in this project being deferred from last month's hearing to this. During
732 that time, we went back to the drawing board, revised the plan and the plan you see on the screen
733 is the current plan that I hope has the overwhelming support of staff this time.

734

735 Mr. Glover - Mr. Tyler, to use your words, you mentioned something about losing some
736 lots. With this redesign, have you lost any lots from the previous design?

737

738 Mr. Tyler - Mr. Glover, I am smart enough to realize that I don't have any lots until
739 this Commission gives me those lots.

740

741 Mr. Glover - Well, you are now, but you did use that term before, so...

742

743 Mr. Tyler - I learned that from Mr. Kaechele about 15 years ago, sir.

744

745 Mr. Glover - But you were using that terminology at the last meeting. Did you lose any
746 lots?

747

748 Mr. Tyler - No, sir. I'd like to think we are very good at...

749

750 Mr. Glover - In other words, your redesigning taxed your ability as a professional?

751

752 Mr. Tyler - Yes, sir.

753

754 Mr. Glover - We appreciate that. You take a little more time, you get it right.

755

756 Mr. Tyler- Yes, sir.

757

758 Mr. Taylor - Mr. Tyler, we do appreciate that. I look at that design and I really think it
759 is a considerable improvement from what you had before, so thank you very much for your
760 efforts.

761

762 Mr. Tyler - My pleasure.

763

764 Mr. Jernigan - Thank you, Mr. Tyler. Good morning, sir.

765

766 Mr. Schmidt - Good morning, Mr. Chairman, and members of the Planning Commission.
767 My name is Dan Schmidt. I am the Vice President and General Manager for HHHunt. I would
768 like to address the pool and recreation issues that Ms. Zuercher brought up a few moments ago.
769 We began this discussion with the implementation of the rezoning case of an additional 120 acres
770 last summer. At that time, there was considerable resident concern about the adequacy of the
771 recreational facilities, specifically the pool facilities, if this new property would be annexed. At
772 that time, we were not sure what our intentions were. We weren't sure what the feasibility was
773 of expanding the lake house – swim complex, and so we met with residents and we said at the
774 zoning case, "It is not a condition of zoning, but I pledge to this podium that if we did annex any
775 of those units into Twin Hickory that we would revisit that and we would make adjustments to
776 the pool facilities. In the interim, we have spent a great deal of time. We have hired an aquatics
777 consultant out of Norfolk. They specialize in pool consulting and we brought them up here and
778 they looked at our facilities. They determined that we could expand them in a very practical way
779 that would benefit the community, so we decided to annex those units, which will total about 272
780 units, and we have, if I could get this plan...(referring to rendering) what we have proposed for
781 the financial gain of the community and the facilities improvement for the community, we have
782 proposed an additional swimming pool within the existing structure for the existing site of the
783 community, and you can see it on the bottom there. It is called a recreation pool, and we see this
784 as more of an adult pool. We have got our 25 meter standards swim pool for the swim meets and
785 so forth, and we have got a diving well and a deep well. We are proposing about a 2,300 sq. ft.
786 adult pool that has got under water benches, it has got a water gazebo, a racing lane. It has got
787 volley ball, net opportunities and it fits within our existing facility. Likewise, to complement that
788 and to really make this what we believe would be one of the finest swim complexes in
789 Richmond, we are proposing a spray park that is adjacent to the kiddies pool. You can see the
790 existing kiddies pool, a small square there, and what we are going to try to achieve in that
791 location is a real nice upscale spray park with rubber mats, spray facilities of all sorts for the
792 small children. We believe that these swim facilities when completed will be some of the finest
793 in Richmond. Obviously, we've got to look at and improve the parking facilities, but in our
794 analysis we are increasing the number of users by 20% and we are increasing the pool facilities
795 by almost 45%. So, it is a big benefit to the Twin Hickory Homeowners Association. Not only
796 that, but it will bring in – with these annexed units – it will bring into the HOA \$172,000 per year
797 and \$168,000 one-time builder contribution. That money goes directly to the HOA. We have
798 committed that HHHunt will build, will fund and build these facilities, and that these
799 improvements will be in place by the summer of 2005. So, we have, we met recently with a joint

800 meeting of the budget and finance committee, the community affairs committee and the pool
801 committee of Twin Hickory. We showed them this plan that we have been working on for quite
802 some time. The pool committee is now critiquing that and giving us specific comments, but I
803 think it is fair to say that the group overwhelmingly endorsed our plan, are very excited, and we
804 have provided written assurances to the pool committee that this is our direction and
805 commitment. I think it is, we started out not knowing exactly where we'd end up. We believe
806 that the best course of action was to make this an inclusive community for a lot of reasons, and
807 that is where it is going to end up. The Twin Hickory community will just get a little larger and
808 the amenities will get even larger than that, so that is where we stand, and I think it has turned
809 out real well and we are proceeding forward. I'd be happy to answer any questions.

810

811 Mr. Jernigan - Are there any questions for Mr. Schmidt from the Commission?

812

813 Mr. Glover - Mr. Schmidt, I had a question. Mr. Tyler did this for HHHunt. Is that
814 correct? Did the engineering?

815

816 Mr. Schmidt - This?

817

818 Mr. Glover - No, the Park Commons. Is that what you are talking about bringing into
819 the Twin Hickory?

820

821 Mr. Schmidt - Yes.

822

823 Mr. Glover - He did the design of this for HHHunt?

824

825 Mr. Schmidt - He did the design for Park Commons.

826

827 Mr. Glover - I just want to know, do you like this design better than the one he
828 presented last month?

829

830 Mr. Schmidt - Yes, sir. I do.

831

832 Mr. Glover - Thank you.

833

834 Mr. Jernigan - Any other questions for Mr. Schmidt?

835

836 Mr. Taylor - Mr. Schmidt, I think your cooperation from last time is excellent and I
837 want to thank you for the community support.

838

839 Mr. Jernigan - Thank you, Mr. Schmidt. Ms. Zuercher, did you want to come back now?
840 There was nobody else to speak.

841

842 Mr. Vanarsdall - Why don't you come down to the mike and give us the OK so we can get
843 it on the record if you want to.

844

845 Ms. Zuercher - Ladies and gentlemen, I think it is a wonderful plan and we very much
846 appreciate it in the community and again appreciate all you've done to facilitate this and Mr.
847 Kennedy's hours on this, and thank you for the opportunity to say so.

848

849 Mr. Vanarsdall - Would you say your name again?

850

851 Ms. Zuercher - I am sorry. Lucy Zuercher, 5109 Doran Hill Court. Have you not
852 memorized it by now?

853

854 Mr. Taylor - Just one more time. You are satisfied with it?

855

856 Ms. Zuercher - Yes, Mr. Taylor, yes, Mr. Taylor! I am satisfied. You still may call me
857 anytime you wish.

858

859 Mr. Taylor - Thank you, ma'am. And likewise.

860

861 Mr. Jernigan - Mr. Taylor.

862

863 Mr. Taylor - Mr. Chairman, I will move with pleasure to approve POD-7-03, Park
864 Commons @ Twin Hickory, subject to the standard conditions for developments of this type,
865 additional conditions Nos. 23 through 37, and the annotations on the plans.

866

867 Mr. Vanarsdall - Second.

868

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

871

872 Mr. Vanarsdall - I would like to thank my colleagues here, Ms. Ware, for catching this last
873 time, and bringing it back with a better design.

874

875 The Planning Commission approved POD-7-03, Park Commons @ Twin Hickory, subject to the
876 annotations on the plans, the standard conditions for developments of this type, and the following
877 additional conditions:

878

879 23. The unit house numbers shall be visible from the parking areas and drives.

880 24. The names of streets, drives, courts and parking areas shall be approved by the Richmond
881 Regional Planning District Commission and such names shall be included on the
882 construction plans prior to their approval. The standard street name signs shall be ordered
883 from the County and installed prior to any occupancy permit approval.

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

889 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on

890 the plan "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain
891 must be labeled "Variable Width Drainage and Utility Easement." The easement shall be
892 granted to the County prior to the issuance of any occupancy permits.

893 27. The developer shall provide fire hydrants as required by the Department of Public
894 Utilities and Division of Fire.

895 28. A standard concrete sidewalk shall be provided along the west side of Hickory Bend
896 Drive and south side of Twin Hickory Road.

897 29. The proffers approved as a part of zoning case **C-13C-02** shall be incorporated in this
898 approval.

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

901 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
902 approved by the County Engineer prior to final approval of the construction plans by the
903 Department of Public Works.

904 32. The pavement shall be of an SM-2A type and shall be constructed in accordance with
905 County standard and specifications. The developer shall post a defect bond for all
906 pavement with the Planning Office - the exact type, amount and implementation shall be
907 determined by the Director of Planning, to protect the interest of the members of the
908 Homeowners Association. The bond shall become effective as of the date that the
909 Homeowners Association assumes responsibility for the common areas.

910 33. Insurance Services Office (ISO) calculations must be included with the plans and
911 contracts and must be approved by the Department of Public Utilities prior to the issuance
912 of a building permit.

913 34. Approval of the construction plans by the Department of Public Works does not establish
914 the curb and gutter elevations along the Henrico County maintained right-of-way. The
915 elevations will be set by Henrico County.

916 35. The location of all existing and proposed utility and mechanical equipment (including
917 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
918 shall be identified on the landscape plans. All equipment shall be screened by such
919 measures as determined appropriate by the Director of Planning or the Planning
920 Commission at the time of plan approval.

921 36. Any future building lot containing a BMP, sediment basin or trap and located within the
922 buildable area for a principal structure or accessory structure, must be developed with
923 engineered fill. All material shall be deposited and compacted in accordance with the
924 uniformed Statewide Building Code and geotechnical guidelines established by a
925 professional engineer. A detailed engineering report shall be submitted for review and
926 approval by the Director of Public Works and the Building Official prior to the issuance
927 of a building permit on the affected lot. A copy of the report shall be furnished to the
928 Planning Office.

929 37. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
930 maintenance of the common area by a homeowners association shall be submitted to the
931 Planning Office for review. Such covenants and restrictions shall be in form and
932 substance satisfactory to the County Attorney and shall be recorded prior to recordation of
933 the subdivision plat.

934

935 Mr. Jernigan - Thank you. Mr. Silber, before you bring the next case in, we did want to
936 welcome Mr. Glover, our sitting Board member. He had a meeting earlier and could not be here
937 right at opening time, but it is a pleasure having you with us, Mr. Glover.

938

939 Mr. Glover - I had a meeting over at Hardee's.

940

941 **PLAN OF DEVELOPMENT, SPECIAL EXCEPTION AND MASTER PLAN**

942

POD-26-03

Shady Grove YMCA

Expansion – Twin Hickory

Road

Draper Aden Associates for YMCA of Greater Richmond:

Request for approval of a plan of development and special exception to permit expansion of a private non-commercial recreation center, as required by Chapter 24, Sections 24-2, 24-12(b), 24-51(a), and 24-106 of the Henrico County Code, to construct phase III, which consists of two, one-story building additions totaling 25,700 square feet to an existing YMCA and 241 new parking spaces, and to approve a master plan for future improvements including additional parking, building expansion and aquatic center, and camp pavilion and a playfield. The 22.56-acre site is located at 11255 Nuckols Road on parcel 746-771-2682. The zoning A-1, Agricultural District. County water and sewer. **(Three Chopt)**

943

944 Mr. Jernigan - Is there any opposition to POD-26-03, Shady Grove YMCA Expansion?

945 OK. Mr. Kennedy.

946

947 Mr. Kennedy - Good morning, members of the Commission, once again. This is my last
948 presentation. The special exception is required for expansion of private non-commercial
949 recreation center in a residential district which also it carries over to the Agricultural District, in
950 which the Shady Grove YMCA is located. That is the reason why this is not on the Expedited
951 Agenda. Staff can recommend approval of the plan as proposed. The master plan will be
952 approved as part of the special exception that will permit it to go forward without further special
953 exceptions in the future. The master plan contemplates the proposed Phase III expansion, which
954 is before you today. It also has two further phases, which would require further Planning
955 Commission approval. Phase IV, which is basically a doubling of the size of their existing
956 facility and Phase V, which would be an aquatic center. This would set the parameters for that
957 development, would describe what those features would be, how the storm water would be
958 treated, and basically the buffering around the site. With that, we can recommend approval.

959

960 Mr. Jernigan - Are there any questions for Mr. Kennedy from the Commission? Thank
961 you, Mr. Kennedy.

962

963 Mr. Silber - Let me point out, Mr. Chairman, that there were, I mean to do this earlier.
964 There were on Conditions 40, 41 and 42, I think there was a language change. You will note that
965 it says, in each of those conditions it mentions, it starts out saying "A minimum 10-foot
966 transitional buffer should be maintained, and we'd like to change that to "shall be maintained"

967 and in 41, “shall be maintained,” and 42, “shall be maintained.” Change “should to shall” in
968 those three conditions, if you would, please.

969

970 Mr. Jernigan - OK. Mr. Taylor, do we need to hear from the applicant or are we OK?

971

972 Mr. Taylor - Well, I think that probably it would be good, I know the representatives for
973 the applicants are here. I think this project, just on the basis of it, extends and improves, Mr.
974 Chairman, the facility that the YMCA that has really notably served the public in the Twin
975 Hickory area and this is a plan that will extend those facilities, and increase them, and I think that
976 it is a good plan. We may want to hear from the applicant if he would like to describe his plan or
977 characterize his plan, but unless he is willing, I think I am ready to proceed.

978

979 Mr. Jernigan - Well, he is not standing up.

980

981 Mr. Taylor - He is not standing up; he is not volunteering. So what I will do, Mr.
982 Chairman, is move for approval of POD-26-03, Shady Grove YMCA Expansion – Twin Hickory
983 Road, subject to the annotations on the plans, the standard conditions for developments of this
984 type and the following additional conditions, Nos. 9 and 11 Amended and Nos. 23 through 43,
985 and the annotations on the plans.

986

987 Ms. Ware - Second.

988

989 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Ms. Ware. All in favor
990 say aye. All opposed say no. The ayes have it. The motion is passed.

991

992 Mr. Kennedy - Sir, we need an additional motion for the special exception.

993

994 Mr. Silber - That is a good point. That does need a separate motion, Mr. Taylor, if we
995 can have a motion for the special exception.

996

997 Mr. Taylor - I move approval of the special exception for the non-commercial
998 recreation center itself.

999

1000 Ms. Ware - Second.

1001

1002 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Ms. Ware for the special
1003 exception. All in favor say aye. All opposed say no. The ayes have it. The motion passes.

1004

1005 The Planning Commission approved POD-26-03, Special Exception and Master Plan for POD-
1006 26-03, Shady Grove YMCA Expansion – Twin Hickory Road, subject to the annotations on the
1007 plans, the standard conditions for developments of this type, and the following additional
1008 conditions:

1009

1010 **9. AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
1011 review and Planning Commission approval prior to the issuance of any occupancy

- 1012 permits.
- 1013 11. **AMENDED** - Prior to the installation of the site lighting equipment, a plan including
1014 depictions of light spread and intensity diagrams, and fixture and specifications and
1015 mounting height details shall be submitted for Planning Office review and Planning
1016 Commission approval.
- 1017 23. The right-of-way for widening of Twin Hickory Road as shown on approved plans shall
1018 be dedicated to the County prior to any occupancy permits being issued. The right-of-
1019 way dedication plat and any other required information shall be submitted to the County
1020 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 1021 24. The easements for drainage and utilities as shown on approved plans shall be granted to
1022 the County in a form acceptable to the County Attorney prior to any occupancy permits
1023 being issued. The easement plats and any other required information shall be submitted
1024 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
1025 permits.
- 1026 25. The developer shall provide fire hydrants as required by the Department of Public
1027 Utilities and Division of Fire.
- 1028 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
1029 approved by the County Engineer prior to final approval of the construction plans by the
1030 Department of Public Works.
- 1031 27. Insurance Services Office (ISO) calculations must be included with the plans and
1032 contracts and must be approved by the Department of Public Utilities prior to the issuance
1033 of a building permit.
- 1034 28. Approval of the construction plans by the Department of Public Works does not establish
1035 the curb and gutter elevations along the Henrico County maintained right-of-way. The
1036 elevations will be set by Henrico County.
- 1037 29. The owners shall not begin clearing of the site until the following conditions have been
1038 met:
1039
- 1040 (a) The site engineer shall conspicuously illustrate on the plan of development or
1041 subdivision construction plan and the Erosion and Sediment Control Plan, the
1042 limits of the areas to be cleared and the methods of protecting the required buffer
1043 areas. The location of utility lines, drainage structures and easements shall be
1044 shown.
- 1045 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
1046 clearing or grading operations of the site, the owner shall have the limits of
1047 clearing delineated with approved methods such as flagging, silt fencing or
1048 temporary fencing.
- 1049 (c) The site engineer shall certify in writing to the owner that the limits of clearing
1050 have been staked in accordance with the approved plans. A copy of this letter
1051 shall be sent to the Planning Office and the Department of Public Works.
- 1052 (d) The owner shall be responsible for the protection of the buffer areas and for
1053 replanting and/or supplemental planting and other necessary improvements to the
1054 buffer as may be appropriate or required to correct problems. The details shall be
1055 included on the landscape plans for approval.
- 1056 30. The conceptual master plan, as submitted with this application, is for planning and

- 1057 information purposes only. All subsequent detailed plans of development and
 1058 construction plans needed to implement this conceptual plan may be administratively
 1059 reviewed and approved and shall be subject to all regulations in effect at the time such
 1060 subsequent plans are submitted for review/approval, except that future phases involving
 1061 buildings over 2500 square feet require approval by the Planning Commission.
- 1062 31. The location of all existing and proposed utility and mechanical equipment (including
 1063 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
 1064 shall be identified on the landscape plans. All equipment shall be screened by such
 1065 measures as determined appropriate by the Director of Planning or the Planning
 1066 Commission at the time of plan approval.
- 1067 32. A parking study shall be provided with each major phase of the construction plan, unless
 1068 waived by the Director of Planning, to ensure adequate on-site parking is provided.
- 1069 33. No parking is permitted in the minimum 40-foot street side yard along Twin Hickory
 1070 Road or in the minimum 50-foot front yard along Nuckols Road, unless a variance is
 1071 granted by the Board of Zoning Appeals.
- 1072 34. Parking shall be improved in accordance with the requirements of the Department of
 1073 Public Works unless otherwise waived by the Director of Public Works. The existing
 1074 temporary parking area constructed with Phase 2 should be improved with Phase 3. All
 1075 parking needed to satisfy minimum zoning parking requirements must be improved.
- 1076 35. A construction staging plan should be provided with each phase of the construction plans.
 1077 The staging plan should address parking stockpiles, construction trailers, porta-johns, fire
 1078 lanes and BOCA egress requirements.
- 1079 36. A public sidewalk or private pedestrian walk shall be provided along the east side of
 1080 Twin Hickory Road from the southern property line to the pedestrian tunnel walk with
 1081 Phase 3 improvements.
- 1082 37. A public sidewalk or private pedestrian walk shall be provided along the east side of
 1083 Twin Hickory Road from Nuckols Road to the northern most entrance along Twin
 1084 Hickory Road with Phase 4 improvements.
- 1085 38. A public sidewalk or private pedestrian walk shall be provided along the east side of
 1086 Twin Hickory Road from the northern most entrance along Twin Hickory Road to
 1087 pedestrian tunnel walk with Phase 5 improvements.
- 1088 39. Provide or maintain landscaping equal to 10-foot transitional buffer landscaping between
 1089 BMP and adjoining properties at the time of landscape plan review for BMP.
- 1090 40. A minimum 10-foot transitional buffer shall be maintained or provided between parking
 1091 located within a side yard and a street or propertyline.
- 1092 41. A minimum 10-foot transitional buffer shall be maintained or provided between the
 1093 proposed aquatics center and the western property line.
- 1094 42. A minimum 10-foot transitional buffer shall be maintained or provided between the
 1095 future play field and both the southern and western property line.
- 1096 43. Lighting fixtures on the future playing field and aquatics center shall not exceed a
 1097 height of 25 feet.

1098
 1099 **SUBDIVISION**
 1100

Covington

Koontz-Brant, P.C. for Wilton Development Corporation:

March 26, 2003

-29-

(March 2003 Plan)

The 36.42-acre site is located at the northwest intersection of Nuckols Road and Shady Grove Road on parcel 742-777-9115. The zoning is R-2AC, One-Family Residence District (Conditional). County water and sewer. **(Three Chopt) 73 Lots**

1101

1102 Mr. Jernigan - Is there any opposition to Covington Subdivision (March 2003 Plan)? No
1103 opposition. Mr. Wilhite. You may proceed.

1104

1105 Mr. Wilhite - Thank you, Mr. Chairman. At the time the agenda was prepared, staff did
1106 have some issues involving water quality and also design of the cul-de-sac located closest to
1107 Shady Grove Road. Since that time, we have received additional information from the applicant
1108 and we have been able to recommend approval of this subdivision. There will be no substantial
1109 change to the cul-de-sac or the lots immediately adjacent to Shady Grove Road. Staff
1110 recommends approval.

1111

1112 Mr. Jernigan - Are there any questions for Mr. Wilhite from the Commission?

1113

1114 Mr. Taylor - Mr. Wilhite, I have one question, because yesterday we were working with
1115 the developer on the entrance feature or what was characteristically called the "Hinson Bubble"
1116 and I understand we have resolved that now.

1117

1118 Mr. Wilhite - Yes, sir. The substantial location of that cul-de-sac and its design will not
1119 change. There won't be an island in the middle of the cul-de-sac. We have received more
1120 information on the lot layout. There will still be four lots around the cul-de-sac there, and the
1121 dimensions will not change substantially.

1122

1123 Mr. Taylor - OK. Thank you. With that completed, the roadway system is acceptable?

1124

1125 Mr. Wilhite - Yes. Staff can recommend approval.

1126

1127 Mr. Taylor - Then, Mr. Chairman, I would move approval of the subdivision at
1128 Covington (March 2003), subject to the standard conditions for developments of this type and
1129 additional conditions Nos. 12 through 18, and any annotations on the plan.

1130 Mr. Vanarsdall - Second.

1131

1132 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
1133 favor say aye. All opposed say no. The ayes have it. The motion passes.

1134

1135 The Planning Commission granted conditional approval Subdivision Covington (March 2003
1136 Plan), subject to the annotations on the plan, the standard conditions for subdivisions served by
1137 public utilities and the following additional conditions:

1138

1139 12. Each lot shall contain at least 13,500 square feet, exclusive of the flood plain areas.

1140 13. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan

1141 showing a dwelling situated on Lot 16 to determine if the lot design is adequate to meet the

- 1142 requirements of Chapter 24, of the Henrico County Code.
- 1143 14. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
1144 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
1145 floodplain as a "Variable Width Drainage & Utilities Easement."
- 1146 15. The detailed plant list and specifications for the landscaping to be provided within the 30-
1147 foot-wide planting strip easement along Nuckols Road and Shady Grove Road shall be
1148 submitted to the Planning Office for review and approval prior to recordation of the plat.
- 1149 16. The proffers approved as part of zoning case C-1C-03 shall be incorporated in this approval.
- 1150 17. Prior to requesting final approval, a draft of the covenants and deed restrictions for the
1151 maintenance of the common area by a homeowners association shall be submitted to the
1152 Planning Office for review. Such covenants and restrictions shall be in form and substance
1153 satisfactory to the County Attorney and shall be recorded prior to recordation of the
1154 subdivision plat.
- 1155 18. Any future building lot containing a BMP, sediment basin or trap and located within the
1156 buildable area for a principal structure or accessory structure, may be developed with
1157 engineered fill. All material shall be deposited and compacted in accordance with the
1158 Virginia Uniform Statewide Building Code and geotechnical guidelines established by a
1159 professional engineer. A detailed engineering report shall be submitted for the review and
1160 approval by the Building Official prior to the issuance of a building permit on the affected
1161 lot. A copy of the report and recommendations shall be furnished to the Directors of
1162 Planning and Public Works.
1163

1163 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

1164

POD-19-03

First Citizens Bank– Short
Pump Town Center

Kimley-Horn & Associates for First Citizens Bank and Forest City Commercial Group: Request for approval of a plan of development ~~and lighting plan~~ as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 12,147 square foot bank building with drive-thru facilities. The 2.42-acre site is located on the north line of W. Broad Street (U. S. Route 250), approximately 1,350 feet west of the intersection with Lauderdale Drive on parcel 736-763-0263. The zoning B-3C, Business District (Conditional) and WBSO (West Broad Street Overlay) District. Private water and sewer. **(Three Chopt)**

1165

1166 Mr. Jernigan - In the audience is there any opposition to POD-19-03, First Citizens Bank?

1167 No opposition. Mr. Wilhite.

1168

1169 Mr. Wilhite - The remaining issues that staff had on this had to do with the lighting plan
1170 itself, the location of some of the poles in landscape islands, and also the use of some flood lights
1171 mounted on top of the light poles. Staff cannot recommend approval. We were expecting a
1172 revised plan to be submitted. We did not receive that. In talking to the applicant yesterday, he
1173 wishes to withdraw the approval of the lighting plan from consideration today. He will resubmit
1174 at time of landscape plan approval. As far as the site plan is concerned, staff can recommend
1175 approval of the site plan.

1176

1177 Mr. Silber - So this would not be for the approval of the lighting plan, only the plan of
1178 development?

1179

1180 Mr. Wilhite - Yes, sir.

1181

1182 Mr. Jernigan - So we will amend 11?

1183

1184 Mr. Wilhite - No, 11B would have to be changed. Standard 11 unless the Planning
1185 Commission asked for it to come back for approval. Standard condition No. 11.

1186

1187 Mr. Jernigan - All right. Any questions for Mr. Wilhite from the Commission? Mr.
1188 Taylor, did you get that?

1189

1190 Mr. Taylor - Yes, I did.

1191

1192 Mr. Jernigan - Are you ready for a motion?

1193

1194 Mr. Taylor - Yes, sir. I am. I am ready to move for approval of POD-19-03, First
1195 Citizens Bank – Short Pump Town Center, subject to the annotations on the plan, standard
1196 conditions for developments of this type, and additional conditions Nos. 11, 23, 24, 25, 26 and

1197 27.

1198

1199 Mr. Vanarsdall - Second.

1200

1201 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall. All in
1202 favor say aye. All opposed say no. The ayes have it. The motion is passed.

1203

1204 The Planning Commission approved PO-19-03, First Citizens Bank – Short Pump Town Center,
1205 subject to the annotations on the plans, the standard conditions for developments of this site, and
1206 the following additional conditions:

1207

1208 23. The developer shall provide fire hydrants as required by the Department of Public
1209 Utilities and Division of Fire.

1210 24. Outside storage shall not be permitted.

1211 25. The proffers approved as a part of zoning case C-29C-98 shall be incorporated in this
1212 approval.

1213 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
1214 approved by the County Engineer prior to final approval of the construction plans by the
1215 Department of Public Works.

1216 27. The location of all existing and proposed utility and mechanical equipment (including
1217 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
1218 shall be identified on the landscape plans. All equipment shall be screened by such
1219 measures as determined appropriate by the Director of Planning or the Planning
1220 Commission at the time of plan approval.

1221

1222 **PLAN OF DEVELOPMENT**

1223

POD-05-03

St. Mary's MOB West –
5601 Bremo Road

**Balzer & Associates, Inc. and Dean Deforest Director
Facilities Development for St. Mary's Hospital Bon Secour
Richmond and Woolfolk Medical Group:** Request for
approval of a plan of development, as required by Chapter 24,
Section 24-106 of the Henrico County Code, to construct a three-
story, 128,700 square foot medical office building with one story
below grade and a four-story, 629 space parking deck with
basement. The 11.108-acre site is located at the southwest corner
of Monument Avenue and Bremo Road on parcels 768-737-
4978, 2490, 3397 and 2576; 768-738-4003 and 2201. The
zoning is O-3, Office District and O-3C, Office District
(Conditional). County water and sewer. **(Three Chopt)**

1224

1225 Mr. Jernigan - Do we have opposition to POD-05-03 for St. Mary's? We do have
1226 opposition. Good morning, Ms. Goggin.

1227

1228 Ms. Goggin - Good morning. The request in front of you today is for a medical office
1229 building and parking deck, as previously mentioned. The proposed office building is located at

1230 the southwest corner of Monument Avenue and Bremono Road, right here (referring to rendering)
1231 and it is on the same site as the existing parking deck right now. The existing surface parking
1232 located north and west of the existing deck will be removed and the new deck that is proposed
1233 will be connected to the existing parking deck and provide a covered walkway to the new
1234 building to the north. We are going to put up a color rendering provided by the applicant to show
1235 the deck and the new building. Currently, the applicant is requesting a four-story 44-1/2 foot tall
1236 building from the Planning Commission today. The applicant has also provided additional
1237 required front yard to be able to build a six-story building, but it will be structurally engineered
1238 for eight stories total. As previously mentioned, the front yard setback for the six stories is
1239 provided with this plan and any additional stories would require, excuse me, any additional
1240 stories over four would require an additional POD and public hearing, and anything after that
1241 they would need to get a variance from the BZA for a front yard setback if they wish to go over
1242 the six stories that they currently have enough space for. After the BZA we would need to have a
1243 plan of development and another public hearing, as previously mentioned. So, this is the view of
1244 the building going east on Monument Avenue, so the existing hospital is behind the buildings up
1245 front. The applicant has saved the existing wooded buffer that is located along Monument
1246 Avenue and plans on only removing the underbrush and providing supplemental landscaping
1247 when necessary to provide a continuous buffer for the neighborhood and adjacent property
1248 owners.

1249

1250 The applicant held a neighborhood meeting the 19th to convey their plans to adjacent property
1251 owners and to hear their concerns and complaints that they may have had about or they may have
1252 about the hospital operation in general. Concerns with landscaping, lighting, HVAC mechanical
1253 equipment noise and traffic were expressed by the residents. The hospital is currently looking at
1254 upgrading their lighting on the campus to a more energy and night-sky friendly fixtures, and they
1255 conveyed that to the neighbors. They are looking at the campus as a whole, and when it comes to
1256 HVAC mechanical noise, they are currently putting a sound suppression system on the existing
1257 towers on the existing building, and they intend on using the same sound suppression system for
1258 the new building. The generators and compressors will be located between the new building and
1259 the parking lot. So, they will be in that walkway area versus on top and that will help suppress
1260 the sound. Citizens also stated concerns about hospital staff parking in the neighborhood, and St.
1261 Mary's has promised to increase their private security presence and to crack down on employee
1262 parking in the residential neighborhood streets, and they agreed to also address that concern for
1263 construction staff during construction of the building.

1264

1265 Staff has expressed concern about displacement of existing staff parking and construction
1266 operation parking during site and building work by crafting some conditions of approval for this
1267 POD. Staff recommends approval subject to the annotations on the plans, standard conditions
1268 for developments of this type, additional conditions listed on the agenda, including Nos. 9 and 11
1269 Amended, which would require landscaping and lighting to come back in front of the Planning
1270 Commission, and the following additional conditions: Nos. 35 through 38 in your Addendum. I
1271 would be happy to answer any questions you may have. We have representatives from the
1272 hospital, their Administrator, their Director of Facilities. We've got the engineer, the architect
1273 and Todd Eure from Traffic is here, and we also have the landscape architect if you have any
1274 questions.

1275

1276 Mr. Jernigan - Are there any questions for Ms. Goggin from the Commission?

1277

1278 Mr. Glover - Yes, ma'am. Good morning.

1279

1280 Ms. Goggin - Good morning.

1281

1282 Mr. Glover - You stated that they would promise that they would police parking of
1283 employees or construction traffic in the residential neighborhood. How do they propose to do
1284 that other than make a promise?

1285

1286 Ms. Goggin - Well, they indicated when we talked about that issue, that hospital
1287 employees receive a sticker that they are supposed to put on their cars, and that is one way of
1288 determining who works there and who doesn't, and they also told me that they do perform "sting
1289 operations" when they notice the same car parked in the same street days in a row, and hospital
1290 staff does face disciplinary action and they told me that some people had been dismissed for
1291 these infractions over the years.

1292

1293 Mr. Glover - Who polices it is what I am getting at? I understand what it is, how they
1294 could do if they had someone policing it. Who is policing it?

1295

1296 Ms. Goggin - Their private security that they have for the hospital.

1297

1298 Mr. Glover - Can we put a condition on this case, now I am making an assumption that
1299 the zoning for St. Mary's is already in place, and they have the property right to build what they
1300 are proposing.

1301

1302 Ms. Goggin - Yes, sir.

1303

1304 Mr. Glover - OK. I just want to make it comfortable for the neighborhood as possible.
1305 Can we put a condition on there that they will have a security officer that polices on a daily basis
1306 for traffic in that neighborhood, in the residential neighborhoods?

1307

1308 Ms. Goggin - We could amend No. 38 to say "The hospital will provide a security
1309 officer on a daily basis to patrol the area."

1310

1311 Mr. Glover - And prosecute.

1312

1313 Ms. Goggin - To the fullest extent of the law.

1314

1315 Mr. Silber - Mr. Glover, I don't know if you have seen No. 38. It is on the Addendum.

1316

1317 Mr. Glover - I did. I did. I just want to get it on the record. Now, as far as the noise
1318 suppressant for the cooling tower to this building, we've got a bond posted for the original
1319 building that goes back four years that we had a promise there. So, I wonder if we could do more

1320 than just promise here and put a bond on that portion that they must post a bond for the same
1321 suppressant, and put a time limit on that, please.

1322

1323 Ms. Goggin - OK.

1324

1325 Mr. Glover - And the only reason I do that is St. Mary's is very, usually is very good,
1326 but when they change Administrators and change top people, they have a tendency to lose sight
1327 of what they are committed to.

1328

1329 Ms. Goggin - We will craft Condition No. 39 that indicates that a bond will be posted
1330 for a sound suppression – specifically for sound suppression.

1331

1332 Mr. Glover - I think they need to submit a design for that when they submit for the
1333 building permit.

1334

1335 Ms. Goggin - OK.

1336

1337 Mr. Taylor - Ms. Goggin, with that sound suppression, is there some way we can
1338 specify the appropriate level of sound beyond which there would be action taken?

1339

1340 Mr. Glover - I think that would be based on the neighbors and whether it is a freight
1341 train or whether it is just a normal sound. I think they are willing to do it, Mr. Taylor. It is just
1342 that it gets lost if they change administrators and change people in charge. We have been able to
1343 work it out for the existing one, I believe. I think we have a \$94,000 bond. Is that correct?

1344

1345 Mr. Silber - Yes, sir.

1346

1347 Mr. Glover - So, I would imagine that it would be similar to that, and it would be
1348 separate and specifically for that with a time frame.

1349

1350 Mr. Jernigan - Ms. Goggin, I have a question for you. What formula do you use for
1351 figuring how many parking spaces you will need for a hospital?

1352

1353 Ms. Goggin - I believe medical office building is one per 200. I don't have my Code
1354 right in front of me, but hospitals themselves are one per four beds. So, I did the calculation for a
1355 medical office building for this, not as one per four beds.

1356

1357 Mr. Jernigan - OK.

1358

1359 Mr. Vanarsdall - I have a question, Ms. Goggin. I think we mentioned this one time, how
1360 would I know that it was an employee of the hospital if I was a security officer?

1361

1362 Ms. Goggin - Employees are supposed to put a sticker on their car, indicating that it is an
1363 employee vehicle. Some people don't.

1364

1365 Mr. Vanarsdall - They might have a decal that says, "St. Mary's Employee" or personnel?
1366

1367 Ms. Goggin - Yes, sir. And then they – unfortunately, some people don't do it. Can't
1368 make everybody. But they actually do sting operations where they go around and notice that the
1369 same Honda has been parked in the same place all day, and they will go out there and wait for
1370 that person to show up, and when they get out of their car in the scrubs or dress clothes, with
1371 their employee tag, that is when they get them.
1372

1373 Mr. Vanarsdall - Thank you.
1374

1375 Mr. Jernigan- All right. Are there any other questions for Ms. Goggin? Thank you.
1376

1377 Mr. Taylor - Mr. Chairman, I just have one just a point of clarification and I wanted to
1378 ask Ms. Goggin if on Monument Avenue there is a buffer along Monument Avenue, in this
1379 drawing. First off, is this the existing buffer now, or is this the augmented buffer sometime in
1380 the future?
1381

1382 Ms. Goggin - I really honestly don't know the answer to that question. I do know that
1383 they have committed to save a large number of trees, and if the landscape architect would like to
1384 come up here and address that, I would prefer – that by the time they supplement the planting, it
1385 should resemble this.
1386

1387 Mr. Taylor - We do have the landscape architect right here.
1388

1389 Mr. Glover - Before you get to that, let me clarify something.
1390

1391 Ms. Goggin - Yes, sir.
1392

1393 Mr. Glover - Did somewhere on a zoning case in the history of St. Mary's, did they
1394 refer to an equal amount of buffer on the south side of Monument that they have on the north
1395 side?
1396

1397 Ms. Goggin - I do not remember.
1398

1399 Mr. Glover - If you look at the plan, you will see that it appears that they have attempted
1400 to do that.
1401

1402 Ms. Goggin - I do not remember that being a condition.
1403

1404 Mr. Glover - Did you read the case to make sure that it wasn't?
1405

1406 Ms. Goggin - Yes, sir, I did research and I don't remember that one, per se. But I would
1407 like to say that they are actually increasing the green area on Monument Avenue by removing the
1408 existing surface parking. I believe it is an additional 35 feet or so that is going to be green and
1409 landscaped. That right now is asphalt.

1410

1411 Mr. Silber - Mr. Glover, if I can maybe respond to that. We have done some research
1412 on the past zoning of this property, and the property was zoned R-6 back in 1973, without any
1413 proffered conditions. We didn't have proffered conditions then. When the office amendments
1414 went through, the O-1, O-2 and O-3 amendments went through in the early 1980s, this property
1415 was rezoned O-3. It is not conditionally rezoned. There are no proffered conditions on this
1416 particular site where the building is going. I think there has been...

1417

1418 Mr. Glover - Do they have a zoning line? I notice on the plan here, the POD plan, the
1419 sheet that the County provides here, and on everything they've done it appears that the zoning
1420 line sets back from Monument Avenue.

1421

1422 Mr. Silber - The zoning line, yes sir, on the east side of Broom Road.

1423

1424 Mr. Glover - Yes. It appears that that was zoned and that is the way they used to do this,
1425 and I remember when they didn't put proffered conditions in order to make sure of the setback,
1426 they would zone a zoning line rather than the total parcel of land, and it appears that has
1427 happened. Are they setting back according to the line that I see on this paper?

1428

1429 Mr. Silber - The line that you are referring to is the line between O-3 and R-3, which is
1430 on the east side of Bremo Road. As you cross over Bremo Road on the west side, that office
1431 zoning line does not set back as it does on the east side of Bremo Road, so I think the answer to
1432 your question is that zoning line may have been contemplated on the east side, pulling that R-3
1433 back onto the hospital property did not take place west of Bremo Road.

1434

1435 Mr. Glover - Could you verify and clarify that the zoning - where the zoning line is and
1436 be sure that we set back accordingly?

1437

1438 Ms. Goggin - Yes, sir.

1439

1440 Mr. Glover - I believe even from the zoning line you have certain setbacks, don't you,
1441 that are required?

1442

1443 Ms. Goggin - I know that this case requires a minimum of 35 foot from the property line
1444 for front yard.

1445

1446 Mr. Glover - I understand the property line, but I am asking about the zoning line. I
1447 believe zoning from residential, that there is some type of transitional buffer that takes place.
1448 Could you verify that?

1449

1450 Ms. Goggin - Yes, sir. There is a transitional buffer, 25 foot buffer required, but the
1451 right of way of Monument Avenue exceeds our normal County policy for transitional buffer
1452 requirement, but the applicant has indicated that they are going to meet the spirit and intent of the
1453 transitional buffer along Monument Avenue.

1454

1455 Mr. Silber - Ms. Goggin, what is the landscaped area between Monument Avenue and
1456 their development?

1457

1458 Mr. Taylor - We may have to go back to the previous slide.

1459

1460 Mr. Glover - I appreciate your allowing me to do this, Mr. Taylor, based on your
1461 questions to have the landscape, but I think you need to establish the zoning line before you start
1462 landscaping.

1463

1464 Ms. Goggin - The building is set back 56 feet from the property line. I will need to pull
1465 the old rezoning cases to confirm the exact location of the zoning line, which I can do.

1466

1467 Mr. Taylor - In the discussions that we have had, frankly, we have discussed a buffer on
1468 I guess what would be the south side of Monument, which was the hospital property. We have
1469 also considered whether or not there could be a buffer in the median strip along Monument that
1470 would reduce some of the sound getting into the residential area, and then we had separately
1471 considered buffering – planting strips in the area on the north side of Monument in the individual
1472 areas. Is that shown on any particular plan here, or is that still a part of the discussion?

1473

1474 Ms. Goggin - No, sir. We haven't gone into that much detail yet, because you will want
1475 to see how the building is going up to determine exactly where you want to place the
1476 landscaping, so it is effective.

1477

1478 Mr. Taylor - Because it seems one issue here that is a primary concern to the neighbors
1479 is the emanation of sound from the hospital, but in addition, it is the emanation of sound from
1480 emergency vehicles that come by there with their sirens, and no matter what we do on the south
1481 side of Monument, it is not going to shield the residents, who are on the north side from that. So
1482 my question really relates to what we might do to help the neighborhood residents themselves by
1483 placing some kind of buffering on their property, or adjacent to their property.

1484

1485 Ms. Goggin - At the citizen meeting the 19th and the meeting I had with the
1486 Administration Monday, they indicated that they were willing to work with the neighborhood and
1487 the neighbors to put landscaping where it is most efficient. Obviously, to have it on the north
1488 side of Monument Avenue, we would need to get the Henrico Department of Parks and
1489 Recreation to give the hospital permission to landscape on their property, but I don't see how that
1490 would be a problem.

1491

1492 Mr. Glover - Instead of working with the neighborhood, I would like, and the reason I
1493 am into this is because on the side is my district. St. Mary's is now and there is a divide there.
1494 And while I remember when I was on the Planning Commission years ago some of these things
1495 taking place, the point being that some where along the line, as the rezoning west of Bremono, they
1496 didn't follow the zoning line that they had followed east of Bremono, but by the same token, I think
1497 St. Mary's made a gesture that they would, and now they are not. I understand zoning, that they
1498 certain property rights, but listening to Mr. Taylor talk about the sirens and the noise level, I
1499 think it gives us even more reason to be sure that you have more, not just space, but a barrier for

1500 sound, and I don't see that they are giving that. And I would like very much to make sure that
1501 they do give it. They have a right to build, but they also have an obligation to not disturb that
1502 neighborhood, and that is what they committed to years ago. And the commitment was made on
1503 that first zoning and somehow or another they missed it on the second zoning. Can we do that?
1504 Work with the staff here on a landscaping plan? Can we set the building back further so that we
1505 get more buffer?

1506

1507 Ms. Goggin - I believe, staff has no problem with that, but the applicant might to have a
1508 building that is of useable size.

1509

1510 Mr. Glover - What about the buildings that the people live in across the street? That is
1511 useable, too, wouldn't you say?

1512

1513 Ms. Goggin - Yes, sir.

1514

1515 Mr. Glover - OK. They have a pretty good investment over there, too.

1516

1517 Ms. Goggin - Definitely. But I just honestly cannot speak to the needs of the hospital and
1518 the size building that they are required to have to make this project feasible for them.

1519

1520 Mr. Glover - The homes were there and we have got to make sure that we look out for
1521 the homes. You know, when business encroaches and intrudes into residential neighborhoods,
1522 then we haven't done our job, have we?

1523

1524 Ms. Goggin - I can't say that we have.

1525

1526 Mr. Jernigan - Are there any other questions for Ms. Goggin? Thank you, Ms. Goggin.

1527

1528 Mr. Glover - Mr. Taylor had a question there.

1529

1530 Mr. Taylor - Well, I think the landscape person came to the front, so if you'd like to
1531 address that now, we'd appreciate that, sir. Sir, if you would, please identify yourself for the
1532 record.

1533

1534 Mr. Vaninwegen - I am Keith Vaninwegen with Higgins-Gerstenmaier, Landscape Architects.

1535

1536 Mr. Jernigan - Good morning. I'd like to tell you that we do have a 10-minute rule if you
1537 would like to reserve rebuttal time.

1538 Mr. Taylor - And would you state that last name again.

1539

1540 Mr. Vaninwegen - Vaninwegen.

1541

1542 Mr. Taylor - And for the record, could you spell it?

1543

1544 Mr. Vaninwegen - Sure. V A N I N W E G E N.

1545

1546 Mr. Taylor - Thank you, Mr. Vaninwegen.

1547

1548 Mr. Vaninwegen - The buffer shown on the plan up above indicated by the dark green mass is
1549 the existing tree buffer that currently is there. A large portion of these trees are within the right
1550 of way, and we have taken great pains on the site plan here with the use of retaining walls to
1551 minimize the disturbance to that buffer. We are confident that on the building side and the
1552 parking lot side that we are going to retain the majority of that wooded buffer and those trees
1553 have been surveyed and located, each tree has been located on the plans.

1554

1555 Mr. Taylor - Sir, the buffer of which you speak, if I can just identify it in this print that
1556 you provided, that is the dark green area?

1557

1558 Mr. Vaninwegen - Yes, the dark green area. Correct.

1559

1560 Mr. Taylor - Now the little, the light green circles in there, those are existing deciduous
1561 trees, I believe.

1562

1563 Mr. Vaninwegen - Those are actually trees that we are proposing.

1564

1565 Mr. Taylor - Those are new trees?

1566

1567 Mr. Vaninwegen - Those are additional trees, yes.

1568

1569 Mr. Taylor - Are they deciduous or conifers?

1570

1571 Mr. Vaninwegen - A mix of deciduous and evergreen trees.

1572

1573 Mr. Taylor - So, basically, if you are going to take everything that is there out, and you
1574 are going to replace it, you have looked at, let's say, how sound absorbent those particular trees
1575 are. Would that be a correct statement?

1576

1577 Mr. Vaninwegen - Yes.

1578

1579 Mr. Taylor - With that, and only having the past to judge from, will that be significantly
1580 better than what we have now in all seasons?

1581

1582 Mr. Vaninwegen - Yes, sir. It will be, because the, like I said, we are maintaining the existing
1583 buffer and adding trees to it.

1584

1585 Mr. Taylor - And what would you gauge, sir, the width of the buffer from Monument
1586 Avenue, and I think I heard that there will be no parking along that side of Monument.

1587

1588 Mr. Vaninwegen - That is correct. I would gauge the width of the existing tree mass
1589 somewhere between 20 and 30 feet, depending on where it is.

1590

1591 Mr. Taylor - And how high will those trees eventually get in terms of blocking sound?

1592

1593 Mr. Vaninwegen - The deciduous trees should mature somewhere between 50 and 60 feet tall.

1594 The evergreen trees should be somewhere between 15 and 25 feet tall.

1595

1596 Mr. Taylor - Thank you. Now going across into the median between Monument, we
1597 have talked about this, putting a buffer there, and realizing that there are some administrative
1598 County issues that have to be resolved, but is it your plan to put any kind of trees – an auxiliary
1599 buffer, if you will – in that buffer on Monument Avenue?

1600

1601 Mr. Vaninwegen - At this time we have not looked at anything outside of the property lines,
1602 but in our discussions with the community, we are willing to work with the community to
1603 provide landscaping that will help buffer them visually and acoustically from the site.

1604

1605 Mr. Taylor - That is very kind of you to do that because I think that may prove to be
1606 necessary. An easier step, of course, is to buffer on the Monument side heavily and generously.
1607 Let me know go to the other side of Monument, which will be the north side. I understand that
1608 you would be willing to put some trees along there as an auxiliary buffer.

1609

1610 Mr. Vaninwegen - Yes, sir.

1611

1612 Mr. Taylor - And within the additional yards. There seems to be some acoustic
1613 spillover. Some people hear the sound and some people, because of the reflectivity of the sound
1614 and the angles of the sound, no matter what we have done to baffle it, it seems that the sound is
1615 reverberated or ricochets off of existing structures and hits those. Is there some way we can
1616 identify those areas of trouble and buffer them?

1617

1618 Mr. Vaninwegen - I believe so, sir, and that is why Ms. Goggin did say that aspect of it could
1619 be done after the building starts to go up, and then we can actually go to the neighboring
1620 properties and see where there are issues with sound, and with site, and place trees in that buffer
1621 appropriately.

1622

1623 Mr. Taylor - In our last discussion that Mr. Glover, Mr. Kaechele and I had and Mr.
1624 Vanarsdall with the hospital people, you seemed very willing to do that, and it was just a matter
1625 of identifying who is still impacted by the sound, and finding some way to work around that, and
1626 really what I want to hear is for those people who are impacted from a peculiarity standpoint by
1627 the physics of sound, you would be willing to work with them, and being in the neighborhood, I
1628 think, somebody of long distance would probably not receive the same treatment. But
1629 individuals, if they can identify some source of sound, some sound that they do hear that we
1630 could put a mechanism in the record that would identify your willingness to work with them on
1631 an individual basis to reduce whatever sound would finally manifest itself once we get this
1632 structure done, and we've got the plants growing.

1633

1634 Mr. Vaninwegen - Oh yes, sir. Absolutely. We are willing to work with the community.

1635

1636 Mr. Taylor - I am sorry to capitalize your time.

1637

1638 Mr. Glover - Let me clarify something, Mr. Taylor. I don't believe I have ever met with
1639 them, with you and Mr. Kaechele and Mr. Vanarsdall. So I would like to clarify that. I have not
1640 talked with you all with St. Mary's, and I'd like to use a different word rather than...

1641

1642 Mr. Taylor - I am sorry, Mr. Glover. I thought you were at the meeting, but perhaps I
1643 am wrong.

1644

1645 Mr. Glover - No, sir. I wasn't. I would like to use a different word, if you would. The
1646 word willingness disturbs me a little bit. I would like to have it as a requirement that you do it.
1647 Are you willing to allow the Administration to put a requirement there that you will buffer sound
1648 and visual on that side of Monument Avenue and, let's deal with your site first. And then if the
1649 neighbors and the County want to go to the other side of the street, that is OK. But I first want to
1650 deal with St. Mary's site, because I think that is the important part as you are dealing with a
1651 client. Do you represent the client and have the authority to make these statements?

1652

1653 Mr. Vaninwegen - I believe I would like to have the hospital Administrator make those
1654 commitments.

1655

1656 Mr. Michael Kerner - Good morning. I am Michael Kerner, the Administrator at St. Mary's
1657 Hospital, and we would make a commitment to do as you said, to work with the staff and the
1658 community to address those concerns.

1659

1660 Mr. Glover - OK. I am concerned that the hospital made a commitment to stay
1661 considerably off of Monument Avenue until you got to Bremo, and at some point your
1662 commitment slid. Why did you slide and not keep that same distance all the way down through
1663 there?

1664

1665 Mr. Kerner - I believe that land, if we could put that site plan back up that that is
1666 actually not owned by the hospital. That is a buffer zone that is either owned by the County or
1667 the City, and that may be why we are seeing that zoning line jog from before. You can see the
1668 part that says "Mag. District?"

1669

1670 Mr. Glover - Yes.

1671

1672 Mr. Kerner - That is actually a buffer zone that is full of old oak trees and the hospital's
1673 fountain is actually out there, but that land is not owned by the hospital.

1674

1675 Mr. Glover - Who owns it?

1676

1677 Mr. Kerner - I believe the City.

1678

1679 Mr. Taylor - Mr. Kerner, is that an area that sound emanates from which would be over

1680 across the Avenue to the west to the east? Does sound get all the way over there?

1681

1682 Mr. Kerner - From that buffer zone where the zoning line jogs?

1683

1684 Mr. Taylor - Yes, sir.

1685

1686 Mr. Kerner - If you go step back from that to the south side, that is the hospital there,
1687 and then you see...it is hard for me to point it out, but the North Medical Office Building, where
1688 the cooling tower is, is right there at the end of where Bremono and Monument intersect. It is
1689 behind that buffer area is where that medical office building is. And that is where we, you know,
1690 we are working on that. We actually have the building permit in to the County to address that.

1691

1692 Mr. Glover - Since you are here and you gave the other, and you worked with us, and I
1693 appreciate that very much, Mr. Kerner. You are willing to post a bond for the sound suppression
1694 on this building as well?

1695

1696 Mr. Kerner - We would. We would.

1697

1698 Mr. Glover - OK. I would appreciate that. I think mainly we've beat this horse a little
1699 bit, if you hear what the citizens have and their concerns.

1700

1701 Mr. Kerner - We also, since we haven't had a project for a number of years, we haven't
1702 continually met with the citizens, so I think what we do from going forward is probably have
1703 quarterly meetings during this time period, and if we move on and we don't have projects, we
1704 would have ad hoc meetings if people want to meet on any kind of basis. We would be willing to
1705 meet with the community to keep them updated on what is going on at the hospital and hear their
1706 concerns, and address their concerns.

1707

1708 Mr. Glover - Do you want to hear the citizens?

1709

1710 Mr. Jernigan - Thank you, Mr. Kerner? Are there any questions for Mr. Kerner from the
1711 Commission?

1712

1713 Mr. Taylor - One question that I have is whether or not we want to make, as another
1714 condition, which will be Condition No. 40, "that there be not less than a meeting quarterly with
1715 the neighbors."

1716 Mr. Glover - Mr. Taylor, I would prefer that meeting be generated. One of the things
1717 that we have here, Mr. Taylor, is your citizens are not affected in Three Chopt, but the Brookland
1718 citizens are, and from my standpoint of representing those citizens, if they want to meet next
1719 month, I will meet with them, and I am sure that Mr. Kerner will, too. So, rather than make a
1720 condition as to when you meet, I think that ties it down. How about if we just work with the
1721 County and the elected official and the appointed official and you have done that very well, Mr.
1722 Kerner, and I appreciate it. But I don't think we need to make a condition of it and I want to be
1723 sure that the citizens are that we don't encroach or intrude, and I think right now it appears that
1724 we are doing a little of that, and I think we can correct it with your agreement.

1725

1726 Mr. Kerner - I would agree to meet whenever you all would like to meet.

1727

1728 Mr. Glover - Thank you.

1729

1730 Mr. Jernigan - Thank you, sir. How many people do we have in opposition? We have
1731 four people. All right, if the first speaker would like to come up.

1732

1733 Mr. Grubbs - Thank you, Mr. Chairman, my name is Ron Grubbs.

1734

1735 Mr. Jernigan - Mr. Grubbs, the opposition has a total of 10 minutes.

1736

1737 Mr. Grubbs - This will be very brief. My wife owns two properties on Paxton Street.
1738 They are rental properties. The problem I have is not with noise and light. It is with parking. I
1739 heard the suggestion that St. Mary's issues stickers to their employees, which is meaningless on a
1740 public street. I submit that anyone has a right to park in front of these houses as a matter of law,
1741 so St. Mary's Security can't patrol that. They certainly cannot control their patients, and I will
1742 represent to you that is a significant problem to the owners of those five or six houses on Paxton
1743 Street. There is only parking on one side of the street, and these are all residences. As a matter
1744 of fact, as late as last week, one of my tenants called me in tears because they were in a fight with
1745 the tenant next door over parking, and she had moved her car down in front of their house. Well
1746 again, public street. But then they are arguing about it. She is crying and upset, and I am sitting
1747 there going, "I don't know what to tell you. It is a public street." And secondly, my wife has
1748 owned these properties for a number of years and she informs me that the last time they came
1749 over here and wanted the parking lot expanded, probably, you will recall. I don't know how long.
1750 They had promised to put up a barrier between the public street and the parking lot, and what, in
1751 fact, they did is put up a few trees. So, as you sit in the front yard of either 5809 or 5807 Paxton,
1752 you just look right across the parking lot into the hospital. There is no barrier to prohibit anyone
1753 from parking there and just walking across the street. As a matter of fact, there is probably not
1754 20 yards difference from actually parking in the parking lot and parking in front of these
1755 residents' homes. I personally think the problem is easily resolved if St. Mary's would agree to
1756 put up, as I am informed they agreed some years ago, to put up a fence. That would obviate or
1757 that would keep it from being just very easy to park your car in front of these resident's homes
1758 and walk across the street, across the parking lot and into the medical office building or into the
1759 rehab facility there also expanding. And I don't know what St. Mary's position is on this, quite
1760 honestly. I like St. Mary's, been there several times, and glad to have them in the neighborhood,
1761 but I think they owe a duty to those people that they basically are displacing, because there is no
1762 other place to park for these folks, and secondly, the proposals about patrolling it are just
1763 unworkable. They are certainly not going to go over there and tow their patient's cars away.

1764

1765 With the coming of this construction, I expect a lot of their parking is going to be displaced and
1766 so it is going to put even more pressure on the neighborhoods. Some of the houses in that
1767 neighborhood are not amenable to my solution on my properties on Paxton, but the solution for
1768 the residents of Paxton and part of Maple, really, was simply just to put a fence down there. That
1769 would, obviously, then make anybody who is parking there have to walk all the way around and

1770 go up the other street. It wouldn't be as convenient. So, I would certainly ask St. Mary's or the
1771 Commission to consider that so I don't get any more phone calls from tenants still crying.

1772

1773 Ms. Ware - Can you point out Paxton on the map?

1774

1775 Mr. Grubbs - Sure. You are going to make me put my glasses on now. It is right, I
1776 believe, if I am oriented correctly, is that right? And there are about five or six houses right
1777 there. And I doing that right to show you the area? Directly across the street is their parking lot,
1778 right here where the hand is going, and they had expanded this some years ago and we were, and
1779 I say, this is hearsay on my part, because I wasn't there, but we were told they were going to
1780 shield this and all that was going to happen, and they did plant some trees, but that doesn't keep
1781 anybody from just walking across this little area of grass. I see them doing it all the time when I
1782 am over there, and if they would just put a fence from down this area down to Maple, I think that
1783 would certainly obviate that, unless the County wants to go like the Fan and issue parking
1784 stickers to the residents, which would allow then the Police to tow cars. But, I think the simplest
1785 and cheaper solution, frankly, is just to put a fence in there tall enough...

1786

1787 Mr. Glover - You are not talking about being like Richmond, are you?

1788

1789 Mr. Grubbs - Sir, I wouldn't want us to be anything like that. But, I will say that if I
1790 lived in the Fan I would probably appreciate a sticker so I could park in front of my house, and
1791 that is what is happening in this nice little neighborhood. And these are not people who can
1792 really come over here and fight you and raise Cain, so I am kind of doing it on their behalf. And
1793 the answer is easy. I think if they'd done what they said they said they were going to do last
1794 time, which may have been your point, Mr. Glover, but willingness vs. obligation and we
1795 probably wouldn't have a problem. And also a fence, solid, would help some of the noise,
1796 because the emergency room is also right across that parking lot, but I haven't gotten any
1797 complaints about that. But parking really is a problem. I think it will be during this whole
1798 construction phase. In fact, I think St. Mary's has bought several of these houses, so maybe they
1799 are not complaining about their plan, but they haven't gotten mine yet, so I am complaining
1800 about it.

1801 Mr. Vanarsdall - Are yours for sale?

1802

1803 Mr. Grubbs - Not right now. They might be some day.

1804

1805 Mr. Jernigan - Are there any questions for Mr. Grubbs from the Commission? All right,
1806 thank you.

1807

1808 Mr. Grubbs - OK, thank you, sir.

1809

1810 Mr. Jernigan - All right. Next speaker.

1811

1812 Mr. Ray LaMura - Good morning, Mr. Chairman. My name is Ray LaMura. I live at 5812
1813 Morningside Drive, and while I appreciate the concerns of a business owner, I am a resident and I
1814 have some significant concerns. I do appreciate Mr. Kerner meeting with us last week. I will say

1815 it was just last week we received a very few days notice prior to that meeting. In fact, we
1816 received as little notice about this meeting. In fact, many of the residents didn't even receive
1817 notices of this meeting, which is of great concern as a public body. There were a number of
1818 concerns raised at the meeting. We have not had a subsequent meeting of the local neighborhood
1819 association nor with Mr. Kerner to hear any of the solutions that may have been addressed
1820 relating to traffic flow. There were a number of concerns expressed about the volume of traffic
1821 that will be increased. There was also the conversation about future stacking opportunities for
1822 this new structure that is currently at four levels. You don't see plans for eight levels. Now, I
1823 will submit to you I have the luxury of being able to take my children out to our front yard and
1824 watch the sun set in the evening. In the future, at eight levels, that will not exist. I appreciate the
1825 concerns and the opportunity to continue a dialogue and we are willing to continue a dialogue,
1826 but there are a great number of concerns that I think need to be addressed before this plan goes
1827 forward, and I respectfully request that you defer action on this issue until further concerns of the
1828 neighborhood have been adequately addressed and brought back before this body, so that you can
1829 hear those concerns. And I will be glad to answer any questions you all may have.

1830

1831 Mr. Silber - Could you tell me your address, please, and the spelling of your last name.

1832

1833 Mr. LaMura - Sure. It is 5812 Morningside Drive. Last name is L a M U R A.

1834

1835 Mr. Jernigan - Are there any other questions from Mr. LaMura from the Commission?

1836

1837 Mr. Taylor - I might have one, Mr. Chairman, and that is with regard to the statement of
1838 their being no meetings, no notice, no dialogue. There has been no discussion at all between the
1839 neighbors and St. Mary's to your knowledge?

1840

1841 Mr. LaMura - Last week was the first notice of any meeting.

1842

1843 Mr. Taylor - In terms of requesting a deferment, how much time do you feel would be
1844 necessary to have the meetings and have the dialogue that you feel is the...

1845

1846 Mr. LaMura - Sixty days. We are a neighborhood of citizens who work all over the
1847 place. So we have to get folks together, to address concerns and be able to submit them to the
1848 hospital for them to address concerns. And if we are able to address concerns, we may be able to
1849 move on completely down the road together.

1850

1851 Mr. Glover - If they were willing to do this, if the Commission is, could we do that on a
1852 30-day and make sure that as of today that each of the people that lives along that Morningside
1853 are notified, and I agree with you. I got notice that many of those people did not get a notice or
1854 were not aware. If we could work it out in a 30-day period, would you be willing to do that, have
1855 at least two meetings, one to. I think you all need to determine what it is that you want and what
1856 you are expecting, and then I believe also the County has an obligation to say to you that these
1857 are things we can make them do. I don't like to use that word, but then I think there are things
1858 that they have to volunteer to do, because they do have a zoning classification that allows them to
1859 do what they are doing. The point I'd like to make with you is, I know when Mrs. Wade was the

1860 Planning Commissioner, she worked very, very hard to be sure that the citizens all through there
1861 were happy, as happy as they could be, and if you can do that, and if Mr. Kerner would agree to
1862 send out a notice today, I think the way to do that would be to hand carry it to each of the homes
1863 in that area, and then, is it Mr. Ryland that is the, who is the President of the Westwood?

1864

1865 Mr. Grubbs - Off the top of my head, Henry Han.

1866

1867 Mr. Glover - That is right, Henry Han. Is it possible for you all to come together? I
1868 think really who we are talking about is the people right there on Morningside more than
1869 anything else, aren't we? I am sure there are others, too, but...

1870

1871 Mr. Grubbs - Mr. Glover, I will submit to you that the volume of traffic that would
1872 increase to Bremono would effect the entire neighborhood of Westwood. So, if you are willing to
1873 give 30 days and that is all you are willing to give, we'll take 30 days.

1874

1875 Mr. Glover - Well, I think, I'd like to give you what you want. But I would also like to
1876 give St. Mary's now. If we can't resolve something in 30 days, there is always another time.

1877

1878 Mr. Grubbs - That is fine. We will take 30 days.

1879

1880 Mr. Glover - I think what you need to help me do is pull the people together.

1881

1882 Mr. Grubbs - I will work on that for you.

1883

1884 Mr. Glover - Will you do that? And I am sure they would be willing to meet with you
1885 and, in the past they have been more than willing to work with satisfying those things that they
1886 can and those things that we can handle.

1887 Mr. Grubbs - I believe Mr. Kerner's sincerity in showing that the neighborhood's
1888 concerns are addressed.

1889

1890 Mr. Jernigan - Thank you, Mr. LaMura. Next speaker. Good morning, sir.

1891

1892 Mr. Wilson - Good morning. I am David Wilson. My wife and I live on Monument
1893 Avenue right at the intersection of where Maple crosses and changes it name to Keystone. I
1894 think this development would severely impact the property that we have, primarily from the
1895 traffic view. Previously, in meeting with St. Mary's, they have informed us that they are trying to
1896 keep the main flow of traffic on Monument, Libbie and Bremono, and with this new proposal, and
1897 new construction, traffic is routed to Maple Avenue and Maple Avenue is a very short distance
1898 from the access to this hospital parking lot to Monument Avenue. This is directly across from
1899 my house. There have already been accidents there from the normal traffic flow, and we are
1900 putting a 630-car garage in that area, some of the traffic will go to Bremono, but primarily most of
1901 the traffic for the new facility, which offers some diagnostic services, physical therapy and so
1902 forth. Many, many people are going to be dropped off and picked up, patients on a daily basis,
1903 and I would like to see if this could be addressed as far as routing the traffic to Bremono, which is
1904 controlled with stop lights, and is a much wider street presently than what Maple Avenue offers.

1905 In addition to these concerns, I have landscape concerns that were never met that are on the
1906 County POD accepted by St. Mary's that have not been followed to provide a visual barrier from
1907 my property to the parking lot. Currently, I look straight on into the parking lot with very few
1908 landscaping specimens to block that. The plants that are there have not been allowed to grow to a
1909 height of 6 feet, as was agreed with the hospital and the County. They are sheared to a much
1910 lower height, which prevents them from providing adequate screening. I hope that in the future
1911 meeting with the Board (sic) and with the hospital that we can address the landscaping and the
1912 lighting on the new facilities, as well as the existing.

1913

1914 Mr. Jernigan - Are there any questions for Mr. Wilson from the Commission?

1915

1916 Mr. Vanarsdall - Mr. Wilson, have you ever addressed this with anyone in the County?

1917

1918 Mr. Wilson - Yes, sir. Stacey Burcin, when he was a member, and I have a stamped
1919 landscaped plan from the County that indicates the position of the new plantings. I think the
1920 plantings were made and were not maintained by the hospital. Speaking with Mr. Kerner last
1921 week, he indicated that the hospital has a new landscape maintenance company helping them
1922 with their grounds maintenance. Mr. Kerner also proposed that any additional landscaping that
1923 was done outside of the County or the hospital property, he requested help from the homeowners
1924 in watering these plants, and I suggested that possibly this landscape maintenance company could
1925 maintain the new plantings and help with improving the neighborhood, rather than put the
1926 obligation on the homeowners.

1927

1928 Mr. Jernigan - Any more questions for Mr. Wilson?

1929

1930 Mr. Taylor - Mr. Wilson, at any time has there been any attempts with St. Mary's to get
1931 like a noise suppression committee, a neighborhood noise suppression or neighborhood meetings
1932 that might address the problems that the neighborhood is having with the hospital?

1933

1934 Mr. Wilson - Not to my knowledge. I've never been contacted concerning that. I have
1935 been in contact with Mr. DeForest. He and I have had opposing ideas on some of the
1936 development at the hospital, but other than that, no sir. No contact at all.

1937

1938 Mr. Taylor - Thank you, sir.

1939

1940 Mr. Jernigan - Thank you, Mr. Wilson. Did we have one more speaker?

1941

1942 Mr. Silber - In the spirit of trying to maintain a 10-minute limit, there are two minutes
1943 left in opposition time.

1944

1945 Mr. Fallow - Mr. Richard Fallow, 5804 Morningside Drive. I'd like to go on record as
1946 opposing to any further expansion by St. Mary's Hospital.

1947

1948 Mr. Glover - Mr. Silber, could you and Mr. Fallow, being an attorney, he will
1949 understand this. Could you give him the position the County is in and the hospital is in as far as

1950 the legal ramifications of zoning and property rights, and I know you understand what property
1951 rights are, but is there a possibility of outright denying the building here? Could you give a
1952 synopsis?

1953

1954 Mr. Silber - Yes, sir, Mr. Glover. The property, as we mentioned before, is zoned for
1955 offices. It already has that current zoning classification or designation. Zoned in that fashion, the
1956 responsibility of the property owner to develop the property is one of only preparing plans that
1957 the Planning Commission then reviews. The plans have to meet the technical requirements of the
1958 Zoning Ordinance and meet all of the other requirements of the County, but from a legal
1959 standpoint, the legislative decision was made back in the 1970s and 1980s that this was
1960 appropriate for office use and a hospital is permitted in the office zoning classification. So, at this
1961 point in time, this body, the Planning Commission, has very little legal authority to deny a plan of
1962 development on this property. In fact, it has none if it meets the administrative active
1963 requirements.

1964

1965 Mr. Fallow - Yes, sir. As a citizen, I am opposed to any further expansion by St.
1966 Mary's. I have been lied to them on numerous occasions and I don't believe anything they say.

1967

1968 Mr. Silber - You are entitled to that.

1969

1970 Mr. Fallow - I certainly am. I certainly am.

1971

1972 Mr. Glover - You understand the terminology of "holding peoples feet to the fire?"

1973

1974 Mr. Fallow - Yes, sir.

1975 Mr. Glover - I think we are getting ready to do that.

1976

1977 Mr. Fallow - Mr. Glover, you are a champion of our cause and I would like to go on
1978 record as saying that. The only response we've ever gotten from St. Mary's in a positive manner
1979 is when Mr. Glover came to our side.

1980

1981 Mr. Glover - I appreciate that, but I think it is just getting to the right person, and I
1982 believe we have the right person, and he is more than willing.

1983

1984 Mr. Fallow - I certainly hope so, sir.

1985

1986 Mr. Glover - Thank you.

1987

1988 Mr. Jernigan - Are there any questions from Mr. Fallow from the Commission? Thank
1989 you, Mr. Fallow.

1990

1991 Thank you, ladies and gentlemen. Were there any more speakers? OK. I just want to make a
1992 statement, and maybe I will ask Mr. Kerner. Unfortunately, I had to go to, I shouldn't say it that
1993 way, St. Mary's is a great hospital, but I had two family members in last year for quite a long
1994 time, and I noticed that every time I went up there, there was a parking problem. I mean, you

1995 know, people not only in the places on the grade parking was completely full, and people parking
1996 along side, even in the doctor's lots they were jammed up in there. And the reason I asked Ms.
1997 Goggin earlier what is our formula for figuring parking places for hospitals, we may need to
1998 adjust that, and going into another county, Hanover, I went to Regional Memorial over there and
1999 they have the same problem. That is a brand new hospital, but you can't find a place to park, so I
2000 think, Ms. Goggin, that you said the formula is one per four beds.

2001

2002 Mr. Glover - But the beds don't drive, Mr. Jernigan. The people in those beds don't
2003 drive.

2004

2005 Mr. Jernigan - I know, but when you have got four people visiting, the formula they are
2006 going by, we may need to look at that formula we are using and adjust that some.

2007

2008 Mr. Vanarsdall - Mr. Chairman, before Mr. Kerner answers that, I will just give you my
2009 layman's opinion. The hospitals, if you remember, years ago didn't have many office doctors in
2010 them, and this is one of the problems that happens at every hospital. Every time they get a
2011 chance, they add an office and they add five more doctors so to speak, and I think you will agree
2012 to that Mr. Kerner, that that is one of the problems.

2013

2014 Mr. Kerner - I think that adds to the property usage for sure. There is, I think Christina,
2015 Ms. Goggin mentioned that there is a 5 per 1,000 requirement, I believe, for parking in the
2016 medical office building space. We know we have a parking issue and we are trying to address it
2017 partly with this deck, partly with – we have rented some space and we have been using some
2018 space in the church down the street – for parking for our staff. As part of the construction
2019 project, we will have to move our staff off site and rent spaces elsewhere to do that.

2020

2021 Mr. Vanarsdall - Bring it before us. We approve that.

2022

2023 Mr. Kerner - Right. So we are trying to address it. I know longer term it is a key to our
2024 success, I guess. We have been victims of our success for being so busy. Hospitals in Richmond
2025 have closed. A number of hospitals have closed over the last few years. There has been a lot of
2026 consolidation, so each of the hospitals have these types of issues that we are dealing with, both
2027 inside the hospital with bed capacity, but also with the property in trying to address the needs of
2028 the patients and visitors.

2029

2030 Mr. Jernigan - What I was saying was if the formula was figured as it has been currently,
2031 we may be in more trouble right now. We may need to add more places per square foot or per
2032 office or whatever that we are doing. I just think the County may need to look at that. That's all I
2033 wanted to say. Thank you, sir.

2034

2035 Mr. Taylor - While Mr. Kerner is up there, if I might, Mr. Chairman, I would like to ask
2036 a question. After hearing the comments, it is clear that additional dialogue in some depth is
2037 needed, and a question of how best to do that is probably through a deferral. I, actually as
2038 Planning Commissioner, have the opportunity to defer this at my discretion for 30 days. I can do
2039 that.

2040

2041 Mr. Vanarsdall - He may not be against deferring it, Mr. Taylor.

2042

2043 Mr. Taylor - I know that, but you also, sir, have the opportunity that you can ask for a
2044 deferral of this for whatever period you feel it would take to listen to the neighbors, work with
2045 the staff, work with the consultants, see if we can amicably work out solutions to what is not just
2046 one or two problems but a myriad of problems, with parking, landscaping, noise, volume of
2047 traffic, parking lots and on and on, and it may take actually more than 30 days.

2048

2049 Mr. Kerner - We are committed to work with the County and the neighbors to address
2050 the concerns. One concern I have with deferrals over time is that we have a major tenant who
2051 has leases elsewhere in the community that they have to notify their landlords, and they need to
2052 be in the process to move, and we've got in our lease agreements that have recently been signed,
2053 we have typed timeframes on meeting those requirements. We are committed to, whatever we
2054 need to do to work with the County and the community. As you have mentioned, the zoning
2055 piece here we need to move forward with this project, but we are committed to meet with them.
2056 If we can get this 30 days, I know we are on a tight timeframe as it is now, but we are committed
2057 to meet with the community. We are committed to meet with the County, as Mr. Glover said.
2058 We will take notices around or work through the County to make sure that everybody gets
2059 notified of the timeframe for the meetings, and, within reason we will do the things that are
2060 necessary that will make the property more attractive to the community

2061

2062 Mr. Silber - I think Mr. Kerner that Mr. Taylor is saying that it provides the Planning
2063 Commission more flexibility if you would ask for the deferral.

2064

2065 Mr. Kerner - For 30 days?

2066

2067 Mr. Vanarsdall - All right, 30 days.

2068

2069 Mr. Taylor - Or if you feel, you could ask for it for 60 days or 45 days, whatever time
2070 you feel we need to resolve these issues, and as Mr. Glover said, my predecessor was very active
2071 with you in working with you to resolve these issues, and I will be as active in trying to meet
2072 with all of the meetings that you have with the neighbors in trying to resolve these issues one by
2073 one, but if we go ahead, I don't see any potential of approving this now because there are just too
2074 many open issues. And I think it needs at least 30 days and perhaps more.

2075

2076 Mr. Kerner - I think with our timeframe that we would like to request deferral for 30
2077 days and work directly with you all in a quick manner to get these issues resolved.

2078

2079 Mr. Taylor - And that would reserve that would still reserve my deferral at the end of
2080 30 days if it were needed even if you objected to going on. I realize that there is a penalty.

2081

2082 Mr. Vanarsdall - If you want to make a motion to the first 30 days, I will support you on it.
2083 Mr. Kerner said he would, so...

2084

2085 Mr. Taylor - Well, if he is going to defer it...is that acceptable to you? All right, good.
2086 Then I move the 30-day deferral at the request of the applicant.

2087

2088 Mr. Vanarsdall - Second.

2089

2090 Mr. Jernigan - We have a motion by Mr. Taylor and a second by Mr. Vanarsdall to defer
2091 POD-05-03 for 30 days. All in favor say aye. All opposed say no. The motion passes.

2092

2093 At the request of the applicant, the Planning Commission deferred POD-05-03, St. Mary's
2094 MOB West -5601 Bremo Road, to its meeting on April 23, 2003.

2095

2096 Mr. Jernigan - Mr. Silber, it's eleven o'clock. Let's take a 10-minute break and then come
2097 back and then continue.

2098

2099 **AT THIS TIME THE COMMISSION TOOK A 10-MINUTE BREAK**

2100 Mr. Jernigan - It's 11:18 a.m. and we are now back in order.

2101

2102 Mr. Silber - I believe we are now on page 25, subdivision Old Courtney Road (January
2103 2003 Plan)

2104

2105 **SUBDIVISION (Deferred from the January 22, 2003, Meeting)**

2106

Old Courtney Road
(January 2003 Plan)

Balzer & Associates, Inc. for Sunbelt Homes: The 1.81-acre site is located at the intersection of Staples Mill Road (U.S. Route 33) and Old Courtney Road, approximately 700 feet north of Warren Road, on parcel 765-764-4863. The zoning is R-2, One-Family Residence District. County water and sewer.

3 2 Lots (Brookland)

2107

2108 Mr. Jernigan - Is there any opposition to Old Courtney Road?

2109

2110 Mr. Kirkland - I have a comment to make.

2111

2112 Mr. Jernigan - Okay. Mr. Cooper, you may proceed.

2113

2114 Mr. Cooper - Good morning, Mr. Chairman and members of the Commission. This
2115 plan, when deferred from the January Planning Commission meeting, raised issues pertaining to
2116 setbacks for major roads as identified on the Major Thoroughfare Plan. Specifically, staff was
2117 concerned that the additional required setback along Staples Mill Road would not provide a
2118 buildable area large enough to accommodate a house that would meet County Code
2119 Requirements for a minimum finished floor area for lot two. The applicant has provided staff a
2120 floor plan that satisfies the Code requirements and fits within the buildable area for lot two.
2121 Therefore staff can recommend approval of this subdivision.

2122

2123 Mr. Jernigan - All right are there any questions for Mr. Cooper by the Commission?
2124

2125 Mr. Vanarsdall - The only question that I have is, is the applicant here? Okay. You told me
2126 this make a total of two houses, two lots.
2127

2128 Mr. Cooper - Yes, sir. One house has actually been... If you look at the map... This site
2129 right here has already been cleared and graded. They received their one-time free split, if you
2130 will, along this property line (referring to map) here that you see on your screen, which will
2131 enable them to construct the house that's already built and then they have already cleared the site
2132 for what we are calling Lot 1 on this subdivision plan.
2133

2134 Mr. Vanarsdall - Are you satisfied with the revised plan?
2135

2136 Mr. Cooper - What I received was a floor plan for the typical dwelling to be placed in
2137 that lot two, which is where the concern was. As you will see on the plan, the buildable area for
2138 it is relatively small. But, what they have shown does fit within the buildable area and according
2139 to the architects finished floor calculations it meets the County minimum requirement of 1,500
2140 square feet.
2141

2142 Mr. Vanarsdall - Okay.
2143

2144 Mr. Silber - Mr. Cooper, is this a two lot or three lot subdivision?
2145

2146 Mr. Cooper - I believe it is actually... We are calling it a three-lot subdivision, we are
2147 including the lot that was given the first....
2148

2149 Mr. Jernigan - It has an existing house with two additions.
2150

2151 Mr. Silber - I understand. So, this would... Old Courtney Road subdivision would
2152 have lots 1, 2, and 3.
2153

2154 Mr. Cooper - Yes. This map I believe is incorrect and doesn't show the third lot.
2155

2156 Mr. Jernigan - All right. Are there any more questions for Mr. Cooper? Thank you, Mr.
2157 Cooper.
2158

2159 Mr. Vanarsdall - We would like to hear from the applicant since we have some inquiry.
2160

2161 Mr. Jernigan - Will the applicant come forward.
2162

2163 Mr. Green - Mr. Chairman, members of the Commission, my name is Ron Green
2164 representing the applicant, and I'll be glad to answer any questions.
2165

2166 Mr. Vanarsdall - Ron, we already have a house there and I understand that when you build
2167 this one you don't have but probably an inch to move.

2168

2169 Mr. Green - Things are critical.

2170

2171 Mr. Vanarsdall - So you are going to have to be really careful.

2172

2173 Mr. Green - Yes, sir, we do understand that.

2174

2175 Mr. Vanarsdall - That's all the questions I have.

2176

2177 Mr. Jernigan - Are there any other questions for Mr. Green by the Commission? Thank
2178 you, sir. We have opposition or a comment.

2179

2180 Mr. Kirkland - Good morning, Mr. Chairman, members of the Board (sic). My name is
2181 Rick Kirkland and I live at 10333 Old Courtney Road. My brother lives next door to me, my
2182 mom lives next door to him. We are the three heading east. We know a subdivision can be built.
2183 I just have a question on how close it will be supervised because the home that's considered in
2184 the second lot or lot 2 on your drawing doesn't have an inch to move. That's how close and
2185 critical it is. I know there is another body that they can appeal to if they need a variance but I just
2186 find it hard to believe that a person can build a home that critical, in a lot in an envelope that
2187 small. The backyard would basically be under the Virginia Power easement. It really would be a
2188 tough market to sell. I have one other question and maybe the builder can address this. The first
2189 home that was built, which is the little box up there on your drawing... most of the vehicles that
2190 constructed it parked all over Old Courtney, as Mr. Glover is aware of, and that Old Courtney is
2191 a very small road and we hope in this subdivision part that they can park off the street and they
2192 work hours that normal people work, Monday through Friday, not Saturday, Sundays and
2193 holidays. I know we can't do anything about that but for respect of the neighbors... I've lived
2194 there 53 years. I was one of the first homes on Old Courtney Road. I live in my grandfather's
2195 house. And so, other than that, there's not much I can do but I just hope the County can police
2196 that second home because I hate to see it miss by an inch.

2197

2198 Mr. Vanarsdall - We'll have our inspectors keep an eye on it.

2199

2200 Mr. Kirkland - Are there any questions? I'll be glad to answer them.

2201

2202 Mr. Jernigan - Are there any questions for Mr. Kirkland from the Commission? Thank
2203 you, Mr. Kirkland.

2204

2205 Mr. Kirkland - Thank you for my five minutes on the soap box.

2206

2207 Mr. Vanarsdall - Mr. Green, can you come back up? Can we put a condition on here for the
2208 hours of construction? I know the man is probably building it in his spare time but he still has
2209 neighbors across the street.

2210

2211 Mr. Green - I understand and I don't know that that's going to be a problem but since
2212 the builder is not here I will take the liberty....

2213
2214 Mr. Vanarsdall - He did it on the first house.
2215
2216 Mr. Green - Then we can do that this time.
2217
2218 Mr. Vanarsdall - He worked on Sundays and holidays, nights, midnight.
2219
2220 Mr. Green - We can put a condition that he work during normal business hours.
2221
2222 Mr. Vanarsdall - And what would that be?
2223
2224 Mr. Glover - What hours do you work?
2225
2226 Mr. Green - You want those hours. Seven to five.
2227
2228 Mr. Glover - Those are normal business hours aren't they?
2229
2230 Mr. Vanarsdall - Mr. Cooper, would you help me with this condition? We don't want any
2231 Sunday hours and we would like it no earlier than seven o'clock in the morning and no later than
2232 six at night. Randy, do you have any suggestions on that?
2233 Mr. Silber - Mr. Vanarsdall, personally I think, in respect to the neighbors, I think we
2234 need to have this tight as possible but we don't want to have this to be a recurring problem. I
2235 would suggest seven to seven something like that and no construction on Sunday.
2236
2237 Mrs. Ware - And nine to five on Saturday.
2238
2239 Mr. Silber - That seems reasonable. Mr. Vanarsdall, does this apply to this entire
2240 subdivision or just the construction of this one home as it takes place?
2241
2242 Mr. Vanarsdall - Why wouldn't it apply to the whole subdivision?
2243
2244 Mr. Silber - I think it would.
2245
2246 Mr. Vanarsdall - I think it should apply to the whole subdivision.
2247
2248 Mr. Green - I suspect they will be built at the same time.
2249
2250 Mr. Jernigan - What I would say is "new construction" because somebody may have to
2251 make a repair at night. Isn't there one house already constructed?
2252
2253 Mr. Vanarsdall - There are no more in the subdivision except the two.
2254
2255 Mr. Jernigan - No, there are three. There's one that's finished plus the two new ones. I
2256 would make that for the "new construction."
2257

2258 Mrs. Ware - "Hours of site development activity."
2259
2260 Mr. Vanarsdall - All right, what kind of a condition do we have? Do you want to read it
2261 back to me, Mr. Secretary?
2262
2263 Mr. Silber - Yes, sir. The condition would read: The hours of new construction on the
2264 subdivision would be limited to 7:00 a.m. to 7:00 p.m. Monday thru Friday, 9:00 a.m. to 5:00
2265 p.m. on Saturday and no construction to occur on Sunday.
2266
2267 Mr. Vanarsdall - I think it's another word "construction" and....
2268
2269 Mrs. Ware - "Site development activity."
2270
2271 Mr. Vanarsdall - And "development activity."
2272
2273 Mr. Silber - That's a good point.
2274
2275 Mr. Vanarsdall - All right. Thank you. I'm ready for a motion.
2276
2277 Mr. Jernigan - Okay, sir.
2278
2279 Mr. Vanarsdall - I move Old Courtney Road be approved with the annotations on the plan,
2280 the standard conditions for subdivisions served by public utilities and additional conditions Nos.
2281 12, 13, 14 and the condition just read by the Secretary on the hours of construction development
2282 which would be condition No. 15.
2283
2284 Mr. Taylor - Second.
2285
2286 Mr. Jernigan - We have a motion by Mr. Vanarsdall and seconded by Mr. Taylor. All in
2287 favor say aye...all opposed say nay. The ayes have it the motion is passed.
2288
2289 The Planning Commission granted conditional approval to Old Courtney Road (January 2003
2290 Plan) subject to the standard conditions attached to these minutes for subdivisions served by
2291 public utilities, the annotations on the plan and the following additional conditions:
2292
2293 12. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan
2294 showing a dwelling situated on Lot 2 to determine if the lot design is adequate to meet the
2295 requirements of Chapter 24, of the Henrico County Code.
2296 13. Any necessary offsite drainage easements must be obtained prior to approval of the
2297 construction plan by the Department of Public Works.
2298 14. The detailed plant list and specifications for the landscaping to be provided within the 10-
2299 foot-wide planting strip easement along Staples Mill Road shall be submitted to the
2300 Planning Office for review and approval prior to recordation of the plat.
2301 15. New construction and development activity shall be limited to the hours between 7:00 a.m.
2302 to 7:00 p.m., Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturday, with no

2303 construction or development activity on Sunday.

2304

2305 **PLAN OF DEVELOPMENT**

2306

POD-20-03

Jiranek Medical Office –
1007 Peachtree Boulevard

Balzer & Associates, Inc. for Dr. William Jiranek: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 2,324 square foot addition to an existing two-story, 2,240 square foot dwelling. The dwelling will be converted to a medical office. The 0.46-acre site is located at 1007 Peachtree Boulevard, approximately 150 feet north of Monument Avenue on parcel 770-737-8513. The zoning is O-1, Office District. Private water and sewer. **(Brookland)**

2307

2308 Mr. Silber - There is an addendum item on this case as well.

2309

2310 Mr. Jernigan - Is there anyone in the audience in opposition to POD-20-03, Jiranek
2311 Medical Office? No opposition.

2312

2313 Mr. Vanarsdall - Mr. Chairman, we don't have any opposition but we do have Mr. and Mrs.
2314 James here who live the closest to this and we have been working with Mrs. James on this the
2315 best we could. We didn't have any problems except the dumpster. That may not come as a
2316 surprise to you. We very often have dumpster problems.

2317

2318 Mr. Jernigan - All right, Mr. Cooper, you may proceed.

2319

2320 Mr. Cooper - This plan of development is for the construction of a two-story, 2,324
2321 square foot addition to an existing two-story, 2,240 square foot house. This house will be
2322 converted and used as a medical office. The medical office will share an entrance and parking
2323 with the adjacent medical building. The applicant has worked with staff to maintain the
2324 residential character of the existing house and to insure that the addition resembles the exterior of
2325 the existing house. I'll show you that now. Staff is satisfied with the architectural style as
2326 proposed by the applicant. There was concern from the adjacent neighborhood pertaining to the
2327 location and the screening of the dumpster. While the dumpster is located on the Grace Street
2328 side of the property, the dumpster will be screened with a brick wall on three sides at a minimum
2329 of eight feet in height and an opaque metal access gate on the fourth side. The enclosure will
2330 match the color of the house. Additionally, the applicant has agreed to provide substantial
2331 landscaping along Grace Street to further buffer the adjacent neighborhood from the subject
2332 property. The landscape plan would come before the Planning Commission at a later date for
2333 approval. Staff has encouraged the applicant to meet with the neighborhood again prior to this
2334 time to discuss the proposed landscape plan. Furthermore, a condition has been added to restrict
2335 trash removal and parking lot cleanup to the hours between 7:00 a.m. and 9:00 p.m., Monday
2336 through Saturday with no trash removal or cleanup on Sunday. Staff is pleased with these
2337 measures. In general, the applicant and his engineer have worked diligently to address the
2338 concerns of the staff and has met with the neighborhood to address their concerns as well,

2339 therefore staff can recommend approval.

2340

2341 Mr. Jernigan - Are there any questions for Mr. Cooper from the Commission? Thank
2342 you, Mr. Cooper. Mr. Vanarsdall, does that cure the dumpster problem with the screening on
2343 three sides?

2344

2345 Mr. Vanarsdall - I was just thinking... Mr. Cooper, we talked about no egress/ingress on
2346 Grace Street. Did you annotate that? I notice you didn't make that a condition.

2347

2348 Mr. Cooper - Yes, sir. I annotated the staff plan which will be marked as approved by
2349 the Planning Commission to address that. Yes, sir. It reads: No ingress/egress along Grace
2350 Street.

2351

2352 Mr. Vanarsdall - Well, the plan do not show for it now and there is no plans for the present
2353 owner. I want to make sure that the next owner doesn't.

2354

2355 Mr. Glover - Why don't you make that a condition instead of an annotation?

2356

2357 Mr. Vanarsdall - That's what I am going to do right now. I would like to add this and make
2358 this condition No. 34. There shall be no ingress/egress on Grace Street. And you covered the
2359 dumpster enclosure and Mr. Cooper was able to get a metal door on this, and opaque, and the
2360 metal door is so that they can't beat the door up, beat it to death and then set it inside of the
2361 dumpster. Like it's been done so many times before. Let's see. That's it. Oh, and you mentioned
2362 the brick opaque at eight feet in height?

2363

2364 Mr. Cooper - Yes, sir. It will be a minimum of eight feet. If we sight inspect the
2365 dumpster enclosure and it's not tall enough we can add to it.

2366

2367 Mr. Vanarsdall - Now I want to give you a little history before I make my motion. This is
2368 an old house on Peachtree Boulevard, right next to Monument Avenue. It was rezoned with no
2369 conditions years before conditions on it to O-1. A lady lived there and then she went to a nursing
2370 home and she has since died. So, Dr. Jiarnek who is over at the Tuckahoe Orthopedic Center,
2371 and he is going to keep his office there also, and he's going to make this his office. Dr. Jiranek
2372 has been very cooperative with Mike on everything he has asked him to do. And Mr. and Mrs.
2373 James who live right across the street have look.... There's another building next to it and they
2374 are going to share parking with this house and this building. And for years and years this
2375 building next to it has been nothing but, well there's no way to put it but unsightly, ugly. There
2376 has been no landscaping. The dumpster has set out there with no enclosure. We have had
2377 complaints on it and I've asked our inspector to go over and he said he couldn't do anything
2378 accept he would go over as a courtesy call and he did and they were going to do everything. The
2379 last time I was over there, there was trash beside it and Mike Cooper and Leslie News and I went
2380 over one day and looked at it. So, the Doctor has agreed to put landscaping from his building all
2381 the way to the corner of Trebov and Grace Street and cover the back of the old ugly building and
2382 going to move the dumpster inside and it's going to be heavily landscaped. So, we worked that
2383 out and, Mike, I want to congratulate you, I mean compliment you on the hard work you did on

2384 this and the way you contacted him. The first thing he told me... I talked to the doctor and I
2385 talked to the man that owns the other building and the first thing the doctor said was how good
2386 you had been to deal with and so forth. So, with that said I'll make a motion to approve POD-
2387 20-03, Jiranek Medical Office, with annotations on the plan, the standard conditions for
2388 developments of this type and additional conditions Nos. 23 through 34 and No. 34 pertaining to
2389 the ingress/egress.

2390

2391 Mr. Taylor - Second.

2392

2393 Mr. Jernigan - And on the addendum Nos. 9 and 11 amended.

2394

2395 Mr. Vanarsdall - Right. And on the addendum Nos. 9 and 11 amended. And for the benefit
2396 of the James, this means that it will come back to this body for landscaping and lighting. So, I
2397 want you to please let me know if all this I've said today and Mr. Cooper has worked on, please
2398 let me know if it doesn't come back. And you know you have a new supervisor, Mr. Glover
2399 sitting down there on the end. If I can't get it done, he can.

2400

2401 Mr. Glover - Boy, that's putting the pressure on.

2402

2403 Mr. Vanarsdall - Feel free to call on him if you can't find me.

2404 Mr. Jernigan - All right. We have a motion by Mr. Vanarsdall and a second by Mr.
2405 Taylor. All in favor say aye...all opposed say nay. The ayes have it the motion is passed.

2406

2407 The Planning Commission approved POD-20-03, Jiranek Medical Office – 1007 Peachtree
2408 Boulevard, subject to the standard conditions attached to these minutes for developments of this
2409 type, the annotations on the plan and the following additional conditions:

2410

2411 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2412 review and Planning Commission approval prior to the issuance of any occupancy
2413 permits.

2414 11. **AMENDED** - Prior to the approval of an electrical permit application and installation of
2415 the site lighting equipment, a plan including depictions of light spread and intensity
2416 diagrams, and fixture specifications and mounting height details shall be submitted for
2417 Planning Office review and Planning Commission approval.

2418 23. The developer shall provide fire hydrants as required by the Department of Public
2419 Utilities and Division of Fire.

2420 24. Any necessary off-site drainage and/or water and sewer easements must be obtained in a
2421 form acceptable to the County Attorney prior to final approval of the construction plans.

2422 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
2423 approved by the County Engineer prior to final approval of the construction plans by the
2424 Department of Public Works.

2425 26. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
2426 plans.

2427 27. Insurance Services Office (ISO) calculations must be included with the plans and
2428 contracts and must be approved by the Department of Public Utilities prior to the issuance

- 2429 of a building permit.
- 2430 28. Approval of the construction plans by the Department of Public Works does not establish
- 2431 the curb and gutter elevations along the Henrico County maintained right-of-way. The
- 2432 elevations will be set by Henrico County.
- 2433 29. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
- 2434 Planning Office and approved prior to issuance of a certificate of occupancy for this
- 2435 development.
- 2436 30. The location of all existing and proposed utility and mechanical equipment (including
- 2437 HVAC units, electric meters, junction and accessory boxes, transformers, and generators)
- 2438 shall be identified on the landscape plans. All equipment shall be screened by such
- 2439 measures as determined appropriate by the Director of Planning or the Planning
- 2440 Commission at the time of plan approval.
- 2441 31. The easements for drainage and utilities as shown on approved plans shall be granted to
- 2442 the County in a form acceptable to the County Attorney prior to any occupancy permits
- 2443 being issued. The easement plats and any other required information shall be submitted
- 2444 to the County Real Property Agent at least sixty (60) days prior to requesting occupancy
- 2445 permits.
- 2446 32. All exterior lighting fixtures shall be designed and arranged so the source of light is not
- 2447 visible from the roadways or adjacent residential properties. The lighting shall be low
- 2448 intensity, residential in character, and the height or standards shall not exceed 15 feet.
- 2449 33. Trash pick up and parking lot cleaning shall be limited to the hours between 7:00 a.m.
- 2450 and 9:00 p.m. Monday through Saturday with no pick up or cleaning on Sunday.
- 2451 34. No ingress or egress access will be permitted along Grace Street.

2452

2453 Mr. Jernigan - For the record, Mr. Silber has left and Mr. David O'Kelly is now sitting in

2454 as our Secretary. Mr. O'Kelly.

2455

2456 Mr. O'Kelly - Thank you, Mr. Chairman. Good morning members of the Commission.

2457 The next case is on page 30 of the agenda.

2458

2459 **SUBDIVISION**

2460

<p>Highland Springs, Section 18 (March 2003 Plan)</p>	<p>Engineering Design Associates for G&G Limited: The 14.83-acre site is located at the intersection of Oakley's Lane and Holly Avenue, adjacent to Southern Railway, on parcels 818-721-5210, 6640 and 8400. The zoning is R-3, One-Family Residence District. County water and sewer. (Varina) 34 31 Lots</p>
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2461

2462 Mr. Jernigan - Is there anyone in the audience in opposition to Highland Springs, Section

2463 18? No opposition. Mr. Cooper, you may proceed.

2464

2465 Mr. Cooper - There is an addendum. They have submitted a revised plan and the

2466 revised plan now calls for 31 lots instead of 34. You should have recently received this revised

2467 layout and the latest plan proposes the 31 lots. Initially, staff had concerns for providing access

2468 to the parcel east of this proposed subdivision. If you look at your screen it is this parcel here
2469 (referring to screen). The revised plan before you addresses that concern by constructing South
2470 Street to the parcel property line and providing temporary turnaround easements at the end of
2471 South Street and Green Street. This will allow for South Street to be extended eastward in the
2472 future, which will allow for the development of the adjacent parcel. The revised plan satisfies
2473 staff's concern and therefore staff can recommend approval of this subdivision.

2474

2475 Mr. Jernigan - Now, that's not the plan that we just received. I'm looking at the screen.
2476 What you just gave us here is current. This is different than what's on the screen. (Mike
2477 approach the podium to review Mr. Jernigan's map)

2478

2479 Mrs. Ware - This is what he was talking about, right (referring to map)? This just
2480 shows it going all the way through pass that empty space. This one you can't see the line as it
2481 goes across.

2482

2483 Mr. Jernigan - What I was talking about, this is two different layouts, see there (referring
2484 to map). The front page is different. Do you see what we have up there now?

2485

2486 Mr. Cooper - And that matches this.

2487

2488 Mrs. Ware - No, it doesn't.

2489

2490 Mr. Jernigan - See, you are showing two cul-de-sacs in here, which that doesn't.

2491

2492 Mr. Cooper - Yes, sir. This is Kalmia Place, that's not in the subdivision. You will see
2493 it's not in the orange it's to the right.

2494

2495 Mrs. Ware - Where is Holly?

2496

2497 Mr. Jernigan - Holly comes down to Oakley Lanes and runs down to the railroad track.

2498

2499 Mr. Vanarsdall - Do you know what you are approving? Well, I don't mean it that way
2500 but....

2501

2502 Mr. Jernigan - Okay. I'm straight now. My apology. All right. Are there any questions
2503 for Mr. Cooper from the Commission? Thank you, Mr. Cooper. Ms. Isaac, I know that you
2504 don't need to say anything and probably don't want to say anything. This is a piece of R-3
2505 zoning that was done years ago and it is unconditional. At this time I have not been able to get in
2506 contact with the developer as to the quality of what's going in here but I've expressed to Ms.
2507 Isaac who also has not been able to get in touch with him, that we do want quality. But by the
2508 way the law is I'm going to ask for approval on this and I will talk with the developer myself to
2509 make sure that we get quality. I know that this area is not going to have high-price homes in it
2510 but we want to make sure what is done is nice.

2511

2512 Mr. Taylor - Mr. Chairman, before you make your motion and in furtherance of that

2513 thought, there are six lots that abut directly to CSX Railroad and I think that, not knowing the
2514 nature of those houses, one of the physical considerations is to make sure that either there is a
2515 fence to absorb sound or some kind of sound absorption on the back wall of that.

2516

2517 Mr. Jernigan - I believe right now they have a 25-foot buffer to go in there. Mike, am I
2518 right?

2519

2520 Mr. Cooper - Yes, sir, that's correct. The intention at this point is to leave it in a natural
2521 state. As existing, it is a wooded site. And obviously if need should show that that would need to
2522 be changed, I'm sure we can address it at that time.

2523

2524 Mr. Taylor - And, Mike, where we put buildings like, residential, well residential
2525 buildings adjacent to I-295, we have upped the sound absorption capability by adding additional
2526 insulation or additional construction methods. It can be done and I would suggest in this
2527 particular one that the contractor really use those areas.

2528

2529 Mr. Cooper - Sure, I will pass that along to the applicant.

2530

2531 Mr. Jernigan - All right, with that I will move for approval of Highland Spring
2532 subdivision subject to the standard conditions for subdivisions served by public utilities and
2533 additional conditions Nos. 12, 13, and 14.

2534

2535 Mrs. Ware - Second.

2536

2537 Mr. Jernigan - We have a motion by Mr. Jernigan and a second by Mrs. Ware. All in
2538 favor say aye... all opposed say nay. The ayes have it and the motion is passed. Sorry, for such a
2539 long day Laraine.

2540

2541 The Planning Commission granted conditional approval to subdivision Highland Springs,
2542 Section 18 (March 2003 Plan) subject to the standard conditions attached to these minutes for
2543 subdivisions served by public utilities, the annotations on the plan and the following additional
2544 conditions:

2545

2546 12. Each lot shall contain at least 11,000 square feet, exclusive of the flood plain areas.

2547 13. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
2548 the plat and construction plans and labeled "Limits of 100 year floodplain." Dedicate
2549 floodplain as a "Variable Width Drainage & Utilities Easement."

2550 14. The detailed plant list and specifications for the landscaping to be provided within the 25-
2551 foot-wide no ingress/egress planting strip easement along Holly Avenue shall be
2552 submitted to the Planning Office for review and approval prior to the recordation of the
2553 plat.

2554

2555 Mr. O'Kelly - The next item is a discussion item listed on page 33 of your agenda.

2556

2557 **DISCUSSION ITEM: POD-64-02, Wawa – 5221 Brook Road – Brook Road and Wilmer**

2558 **Avenue. Reconsideration of the Planning Commission's October 23, 2002, approval of the**
2559 **plan of development POD-64-02 which contained an annotation requiring provision of a**
2560 **four-foot sidewalk and a 10-foot landscape area exclusive of a side walk abutting Brook**
2561 **Road.**

2562

2563 Mr. O'Kelly - This is a reconsideration of POD-64-02, Wawa, proposed on Brook Road.
2564 And this is at the current location of the Brookside Restaurant. Reconsideration of the Planning
2565 Commission's October 23, 2002, approval of a plan of development which contained an
2566 annotation and I think it was actually in Mr. Archer's motion to approve this case. The
2567 requirement for a four-foot sidewalk in a 10-foot landscape area exclusive of a sidewalk abutting
2568 Brook Road. We need to reconsider that. It is my understanding that the engineer for the project
2569 has determined that they cannot provide both a four-foot sidewalk and a 10-foot landscape area
2570 outside of a four-foot sidewalk. So what we will end up with is a sidewalk within the 10-foot
2571 landscape area and an easement will be provided for the maintenance of that sidewalk. Staff has
2572 no objection to that as an alternative. Mr. McGarry, do you have anything to add to that?

2573

2574 Mr. McGarry - You covered it completely.

2575 Mr. Glover - Who will maintain it?

2576

2577 Mr. O'Kelly - It will be maintained by VDOT (Virginia Department of Transportation)
2578 Mr. Glover. VDOT has agreed to the easement is my understanding. Gloria Freye is here to
2579 represent the applicant.

2580

2581 Mr. Glover - All right, I was just wondering who it was.

2582

2583 Mr. Taylor - In the 10-foot landscape area, will that be planted with some kind of trees
2584 to buffer or will it just be grass?

2585

2586 Mr. McGarry - It will have landscaping.

2587

2588 Mr. Vanarsdall - Mr. Secretary, it is my understanding that the sidewalk wouldn't be built
2589 because one of the sidewalks goes nowhere. It's a sidewalk that goes nowhere, right?

2590

2591 Mr. McGarry - There's a gap between this property and the existing sidewalk down farther
2592 towards Arby's.

2593

2594 Mr. Vanarsdall - I thought we were going to approve it with, or consider it with, being built
2595 when the time came.

2596

2597 Mr. O'Kelly - Mr. Vanarsdall, if I could, the recommendation for a sidewalk grows out
2598 of the current work that's being done on the "Brook Road Study." That is something...sidewalks
2599 as development occurs or redevelopment occurs in the Brook Road corridor something that the
2600 citizens of that area has asked the County to specifically try to require. And in this case, Wawa is
2601 in agreement with the sidewalk. I think there was just a question as to where it could be located.

2602

2603 Mr. Vanarsdall - Okay. I see the applicant shaking their head up and down. Sorry about
2604 that.
2605
2606 Mr. Jernigan - Are there any questions for Mr. McGarry by the Commission? Okay,
2607 thank you, Mr. McGarry.
2608
2609 Mr. Glover - Why wouldn't Wawa if he takes care of his concrete driveway, why
2610 wouldn't he take care of the concrete sidewalk? Is it on his property?
2611
2612 Mr. McGarry -The sidewalk will actually be built part in the right-of-way and part on the
2613 property.
2614
2615 Mr. Glover - Let me ask you a question. Is the sidewalk on his property or on the right-
2616 of-way?
2617
2618 Mr. McGarry -It's split, half and half. Essentially it's being set up so that... VDOT normally
2619 wants a sidewalk that they are going to be responsible for all on their right-of-way. In this case,
2620 they have agreed to take an easement for a portion of the sidewalk. Ms. Frye could probably add
2621 more to it.
2622
2623 Mr. Glover - I haven't heard of this before.
2624
2625 Mr. Jernigan - Ms. Freye, would you come down please?
2626
2627 Mr. Glover - Twenty years and I haven't heard of it, half and half. It sounds like
2628 something you would get in the dairy case.
2629
2630 Ms. Freye - Good morning my name is Gloria Freye and I am an attorney here on
2631 behalf of Wawa. And, yes, sir, it is an unusual situation and because of the development having
2632 to be moved forward it did put the sidewalk into that 10-foot landscape area and we had hope to
2633 have them separate but in working with VDOT we did get a letter from them that they are willing
2634 to take a three and a half foot easement so that they can accept the sidewalk into their system and
2635 maintain it as they normally do.
2636
2637 Mr. Glover - Would Wawa accept...they were going to maintain that sidewalk
2638 originally, weren't they? They were going to maintain that sidewalk originally when they were
2639 building it on their property.
2640
2641 Ms. Freye - No, sir.
2642
2643 Mr. Glover - They weren't?
2644
2645 Ms. Freye - No, sir, it was going to be fully in the right-of-way. It's just that there
2646 wasn't sufficient right-of-way with the landscape area beside it to accommodate it. I think the
2647 letter from VDOT is in the file recognizing that they would accept that 3 ½ foot easement and

2648 accept the sidewalk under that arrangement.

2649

2650 Mr. Vanarsdall - Mr. Glover, did you want to ask who is going to maintain it?

2651

2652 Mr. Glover - Yes, it's VDOT. I understand.

2653

2654 Mr. Vanarsdall - That scares me because they don't do anything to half of them. If you just
2655 look around at all of the VDOT streets in the County. The weeds will grow knee deep. I don't
2656 see it on here that they would maintain it. Do you know what I am saying?

2657

2658 Ms. Freye - The operation and the management of the Wawa I'm sure that they will....

2659

2660 Mr. Vanarsdall - Well, that's what I was going to ask you. Would they take care of it as if it
2661 were their own because it would make their place better?

2662

2663 Ms. Freye - I guess I need to be careful about what they are going to accept
2664 responsibility for, but as far as maintaining the landscaping and the mowing they will do that. If
2665 the sidewalk becomes cracked or broken apart or if there is an accident where it gets ripped apart
2666 then that would be the responsibility of VDOT to put that sidewalk back. I'm not really sure
2667 what else to say about that, Mr. Vanarsdall. But, as far as the aesthetics and the landscaping,
2668 Wawa certainly will take care of that, clearing or debris.

2669

2670 Mr. Vanarsdall - Mr. Secretary, do we need to put a condition on here so that we won't have
2671 to worry about it?

2672

2673 Mr. O'Kelly - I don't think you need a condition, Mr. Vanarsdall. I think the conditions
2674 of the original POD approval require that the property be properly maintained. Also, I believe
2675 the landscaping plan will be coming back to the Planning Commission for review and approval.
2676 That also will have conditions relative to the maintaining of the property.

2677

2678 Mr. McGarry - Mr. O'Kelly, it does not come back to the Commission.

2679

2680 Mr. O'Kelly - It does not come back?

2681

2682 Mr. McGarry - No. Not unless the Commission would like to see it come back at this point.

2683

2684 Mr. Vanarsdall - I don't have any objections to it coming back. So, I would like to add No.
2685 9 amended to it. You don't have any objection do you, Ms. Freye?

2686

2687 Ms. Freye - No, sir.

2688

2689 Mr. Vanarsdall - That means you can come back to see us.

2690

2691 Mr. Glover - The fee just went up.

2692

2693 Mr. Vanarsdall - If there are no more questions, I'm ready for a motion.
2694
2695 Mr. Jernigan - Thank you, Ms. Freye.
2696
2697 Mr. Vanarsdall - Thank you, Ms. Freye. I move that we approve the new plan for POD-64-
2698 02, Wawa, as stated with No. 9 amended.
2699
2700 Mrs. Ware - Second.
2701
2702 Mr. Jernigan - We have a motion from Mr. Vanarsdall and seconded by Mrs. Ware. All
2703 in favor say aye...all opposed say nay. The ayes have it and the motion is passed.
2704
2705 The Planning Commission approved the sidewalk reconsideration for POD-64-02, Wawa – 5221
2706 Brook Road.
2707
2708 Mr. Jernigan - All right, the next thing, the minutes of February 26, 2003.
2709
2710 **APPROVAL OF MINUTES: February 26, 2003 Minutes**
2711
2712 Mr. Vanarsdall - Mr. Glover, do you have any changes?
2713
2714 Mr. Glover - No, I don't have any.
2715
2716 Mr. Jernigan - Are there any corrections?
2717
2718 Mrs. Ware - I have some.
2719
2720 Mr. Vanarsdall - Oh, I thought we had a rule that the sitting Board member would read the
2721 minutes.
2722
2723 Mr. Glover - He did, back in 1983.
2724
2725 Mrs. Ware - Can we go ahead?
2726
2727 Mr. Jernigan - Yes, Mrs. Ware.
2728
2729 Mrs. Ware - Okay. On Page 20, line 693, instead of "Westham" it's "Weston." And
2730 you can mark out the "I." It's Weston development.
2731
2732 Mr. Taylor - What page is that on?
2733
2734 Mrs. Ware - Page 20. And then on page 695, "taking" should be "taken." That's it.
2735
2736 Mr. Jernigan - Is there anybody else? I have also on Page 20, line 709, I believe I said
2737 "Are there any questions **for** Mr. Kennedy" rather than "**of** Mr. Kennedy." And on Page 30, Line

2738 1142, I said “Mr. Tyler, would you like to come back up to speak” and they have got Mr. Tyler
2739 saying that on Line 1144. So, 1144 should be moved up to 1142 and Mr. Tyler didn’t say
2740 anything.

2741

2742 Mr. Glover - Did he come up.

2743

2744 Mr. Jernigan - Yes. Yes, he did. And that’s all I have.

2745

2746 Mrs. Ware - I have one more. Page 19, Line 653, “what” should be “that.” That’s all.

2747

2748 Mr. Vanarsdall - And if there are no more changes, I move that the February 26, 2003,
2749 minutes be accepted.

2750 Mr. Taylor - Second.

2751

2752 Mr. Jernigan - We have a motion by Mr. Vanarsdall and a second by Mr. Taylor to
2753 approve the minutes of February 26, 2003. All in favor say aye...all opposed say nay. The ayes
2754 have it and the motion is passed.

2755

2756 Mr. Glover - That’s as corrected, right?

2757

2758 Mr. Jernigan - As corrected. Thank you, Mr. Glover.

2759

2760 The Planning Commission approved the September 26, 2003, minutes as corrected.

2761

2762 Mr. Jernigan - All right. There being no other business, this meeting is adjourned.

2763

2764 Mr. Taylor - Second.

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2766 On a motion by Mr. Jernigan and seconded by Mr. Taylor, the Planning Commission adjourned
2767 its March 26, 2003, meeting at 11:56 a.m.

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E. Ray Jernigan, C.P.C., Chairman

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Randall L. Silber, Acting Secretary

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