

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico,
2 Virginia, held in the Board Room of the County Administration Building in the Government
3 Center at Parham and Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, May 23,
4 2001.

5

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

13

14 Others Present: Mr. Randall R. Silber, Assistant Director of Planning,
15 Acting Secretary
16 Mr. David D. O'Kelly, Jr., Principal Planner
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, County Planner
21 Mr. Michael F. Kennedy, County Planner
22 Ms. Christina L. Goggin, County Planner
23 Mr. Todd Eure, Assistant Traffic Engineer
24 Ms. Diana B. Carver, Recording Secretary

25

26 Other Absent: Mr. John R. Marlles, AICP, Director of Planning, Secretary

27

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

30

31 Mr. Archer - Good morning, everyone. Welcome to the May 23 edition of this
32 Planning Commission meeting. We have quite a bit on the agenda today and also have right
33 many requests for deferrals and withdrawals. Mr. Silber will be substituting for Mr. Marlles
34 today as Secretary. With that, I'll turn it over to Mr. Silber.

35

36 Mr. Silber - Thank you, Mr. Chairman. Good morning, everyone. We do have all
37 of the Planning Commission members present. We do have a quorum and we can conduct
38 business. It looks like we do have a long agenda, and we have a number of items that are on
39 the expedited agenda, so that should move things along. And it looks like we have several
40 deferrals as well. Mr. McGarry, can you help us through these early items please?

41

42 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. I will start
43 with the list of deferrals and withdrawals. The first one is on page 2 of your agenda.

44 **TRANSFER OF APPROVAL**

45

POD-34-73
Days Inn -
5500 Williamsburg Road

Kantilal M. Patel: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Day Realty of Richmond, Inc. and Cecil Associates Limited Partnership to Kantilal M. Patel. The 2.06 acre site is located at 5500 Williamsburg Road, on the northeast corner of Williamsburg Road (U.S. Route 60) and Sanburne Parkway on parcel 163-0F-B-9. The zoning is B-3, Business District and ASO (Airport Safety Overlay) District. County water and Sewer. **(Varina)**

46

47 Mr. McGarry - The applicant requests deferral to your June 27, 2001, meeting.

48

49 Mr. Archer - All right. Is there anyone here in opposition to this deferral for transfer
50 of approval, POD-34-73, Days Inn? No opposition.

51

52 Mr. Jernigan - Mr. Chairman, I make motion we defer POD-34-73, Days Inn, transfer
53 of approval, to June 27, 2001, by request of the applicant.

54

55 Mr. Vanarsdall - Second.

56

57 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
58 All in favor say aye...all opposed say nay. The motion carries.

59

60 At the request of the applicant, the Planning Commission deferred the transfer of approval
61 request for POD-34-73, Days Inn, to its June 27, 2001, meeting.

62

63 **TRANSFER OF APPROVAL (Deferred from the April 25, 2001, Meeting)**

64

POD-14-97
Rite-Aid, Westwood Retail
Center

McCandlish Kaine for Sky, Inc.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Richmond Horsepen, LLC to David W. Clarke, Esquire for Sky, Inc. The 1.837 acre site is located at 6221 W. Broad Street (U.S. Route 250) on parcels 103-4-28-10 and 103-A-1. The zoning is B-2C, Business District (Conditional). **(Three Chopt)**

65

66 Mr. McGarry - On this particular request, the applicant requests deferral until further
67 notice.

68

69 Mr. Archer - All right. Is there anyone here in opposition to this deferral for transfer
70 of approval, POD-14-97, Rite-Aid, Westwood Retail Center? No opposition. Mr. Taylor.

71

72 Mr. Vanarsdall - Before we have the motion, Mr. Chairman.

73 Mr. Archer - Yes.
74
75 Mr. Vanarsdall - How do we defer something until further notice? I mean, will this come
76 up every month on the agenda and we go ahead and defer it until further notice.
77
78 Mr. Archer - I have no idea, Mr. Vanarsdall.
79
80 Mr. Silber - Ted, can you elaborate on what the issue is.
81
82 Mr. McGarry - I'll have to refer to Ms. Goggin, the planner that's handling this
83 particular case.
84
85 Ms. Goggin - Good morning. When our inspectors went out to inspect the site for
86 deficiencies there were about \$2000 worth of deficiencies noted. The two parties were coming
87 to an agreement as to who should be responsible for the deficiencies and that is what is tying
88 up this transfer right now.
89
90 Mr. Vanarsdall - So, you are saying they may have an agreement by the time we meet
91 again?
92
93 Ms. Goggin - Or they may not.
94
95 Ms. Dwyer - Well, I think, Mr. Vanarsdall, what we need is a certain date.
96
97 Mr. Silber - I think we either need a date or else we need to just pull it from the
98 agenda. I don't think we can just defer it indefinitely.
99
100 Ms. Dwyer - Okay. Six months or in that range.
101
102 Ms. Goggin - They indicated that once they resolve the issue as to who is going to be
103 responsible for the replacement of the landscaping that they would come back to us.
104
105 Mr. Archer - Ms. Goggin, do you have any idea how long that should take?
106
107 Ms. Goggin - No, sir, none at all. They were not very forthcoming with information.
108
109 Mr. Vanarsdall - Is the applicant here?
110
111 Ms. Goggin - No, sir.
112
113 Mr. Silber - I would suggest that we just pull it from the agenda and then when it's
114 ready to come forward we will put it back on the agenda. Or, else the Planning Commission
115 will have to defer it to a specific date.
116
117 Ms. Goggin - Okay. Pulling sounds good.

118 Mr. Silber - I would suggest that it be pulled from the agenda.
119
120 Mr. Archer - Okay. With no motion.
121
122 Mr. Silber - There will be no need for a motion. We will just bring it back to you
123 when it is ready.
124
125 Mr. Archer - Okay. Let's move on with the next item.
126

127 **PLAN OF DEVELOPMENT RECONSIDERATION**

128
129
130 Mr. McGarry - The applicant requests deferral to your June 27, 2001, meeting.
131
132 Mr. Archer - All right. Is there anyone here in opposition to this deferral POD-111-
133 77, Swann Oil Company - Fuel Oil Storage Terminal? No opposition. Mr. Jernigan.
134
135 Mr. Jernigan - Mr. Chairman, I make a motion to defer POD-111-77, Swann Oil
136 Company, to June 27, 2001, meeting, by request of the applicant.
137
138 Mr. Vanarsdall - Second.
139
140 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.
141 All in favor say aye...all opposed say nay. The motion carries.
142
143 At the request of the applicant, the Planning Commission deferred POD-111-77, Swann Oil
144 Company - Fuel Oil Storage Terminal, to its June 27, 2001, meeting.
145

146 **LANDSCAPE & LIGTING PLAN**

147

LP/POD-42-00
Springfield Commons -
Springfield Road

Higgins Gerstenmaier: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 4.29 acre site is located along the west line of Springfield Road (State Route 157) approximately 900 feet north of W. Broad Street (U.S. Route 250) on parcel 48-A-23B. The zoning is O-2C, Office District (Conditional). **(Three Chopt)**

148

149 Mr. McGarry - The applicant requests deferral to your June 27, 2001, meeting.

150

151 Mr. Archer - All right. Is there anyone here in opposition to this deferral, landscape
152 and lighting plan LP/POD-42-00, Springfield Commons? No opposition. Mr. Taylor.

153

154 Mr. Taylor - Mr. Chairman, I move LP/POD-42-00, Springfield Commons, be
155 deferred to June 27, 2001, at the applicant's request.

156

157 Ms. Dwyer - Second.

158

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

161

162 At the request of the applicant, the Planning Commission deferred the landscape and lighting
163 plan for LP/POD-42-00, Springfield Commons, to its June 27, 2001, meeting.

164

165 **LANDSCAPE & LIGTING PLAN**

166

LP/POD-93-00
Capitol Floors &
Decorations

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

167

168 Mr. McGarry - The applicant requests deferral to your June 27, 2001, meeting.

169

170 Mr. Archer - All right. Is there anyone here in opposition to this deferral LP/POD-
171 93-00, Capitol Floors & Decorations? No opposition. Hearing none, I move deferral of
172 LP/POD-93-00, Capitol Floors & Decorations, to the June 27, 2001, meeting, at the
173 applicant's request.

174

175 Mr. Vanarsdall - Second.

176

177 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
178 All in favor say aye...all opposed say nay. The motion carries.

179

180 At the request of the applicant, the Planning Commission deferred the landscape and lighting
181 plan for LP/POD-93-00, Capitol Floors & Decorations, to its June 27, 2001, meeting.

182

183 Mr. Archer - Hold up, one second, Mr. McGarry. This is a Three Chopt item and I
184 just carried it. I thought that was in Fairfield. Why did I think that?

185

186 Mr. Vanarsdall - That's all right. That's all right with you isn't it, Mr. Taylor?

187

188 Mr. Taylor - That's all right with me.

189

190 Mr. Archer - Do you accept my motion, Mr. Taylor?

191

192 Mr. Taylor - Yes, sir.

193

194 Mr. Archer - Okay.

195

196 Mr. Vanarsdall - And I'll second it, if it helps you.

197

198 Mr. Archer - Oh, I see where I got that from now. The pre-agenda does show it as
199 being in Fairfield.

200

201 Mr. Silber - You are absolutely correct.

202

203 Mr. Archer - Okay. Mr. Taylor, you owe me a motion but that's all right. Okay.

204 Next.

205

206 **PLAN OF DEVELOPMENT**

207

POD-36-01

First Union National Bank -
Westgate @ Wellesley

TIMMONS for Wellesley Center, L. C. and First Union National Bank: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 4,410 square foot bank building with drive thru facilities. The 2.56 acre site is located along the south line of W. Broad Street (U.S. Route 250), approximately 490 feet west of Spring Run Drive on part of parcels 36-A-49A and 50. The zoning is B-1C, Business District (Conditional), B-2C, Business District (Conditional) and W.B.S.O (W. Broad Street Overlay) District. County water and sewer. **(Three Chopt)**

208

209 Mr. McGarry - The applicant requests deferral to your June 27, 2001, meeting.

210

211 Mr. Archer - All right. Is there anyone here in opposition to this deferral POD-36-01,
212 First Union National Bank? No opposition. Mr. Taylor.

213

214 Mr. Taylor- Mr. Chairman, I move POD-36-01, First Union National Bank be
215 deferred to June 27, 2001, at the applicant request.

216

217 Mr. Vanarsdall - Second.

218

219 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
220 All in favor say aye...all opposed say nay. The motion carries.

221

222 At the request of the applicant, the Planning Commission deferred POD-36-01, First Union
223 National Bank @ Wellesley, to its June 27, 2001, meeting.

224

225 **LANDSCAPE & LIGHTING PLAN**

226

LP/POD-81-00 **Bay Design Group:** Request for approval of a landscape and
Extra Attic Mini Storage - lighting plan, as required by Chapter 24, Sections 24-106 and
Springfield Road 24-106.2 of the Henrico County Code. The 4.33 acre site is
located at the northeast intersection of Springfield Road (State
Route 157) and Huron Avenue on parcel 49-A-33. The zoning
is M-1C, Light Industrial District (Conditional). **(Brookland)**

227

228 Mr. McGarry - The applicant requests deferral to your June 27, 2001, meeting.

229

230 Mr. Archer - All right. Is there anyone here in opposition to this deferral LP/POD-
231 81-00, Extra Attic Mini Storage? No opposition. Mr. Vanarsdall.

232

233 Mr. Vanarsdall - Mr. Chairman, I move that LP/POD-81-00, Extra Attic Mini Storage, be
234 deferred at the applicant's request until June 27, 2001.

235

236 Mr. Taylor - Second.

237

238 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.
239 All in favor say aye...all opposed say nay. The motion carries.

240

241 At the request of the applicant, the Planning Commission deferred the landscape and lighting
242 plan for LP/POD-81-00, Extra Attic Mini Storage, to its June 27, 2001, meeting.

243

244 Mr. McGarry - Staff has become aware of one additional deferral request. It's on page
245 10 of your agenda.

246 **PLAN OF DEVELOPMENT (Deferred from the March 28, 2001, Meeting)**

247

POD-95-00
Superstar, Inc. Service
Center - 9999 Brook Road
(POD-3-96 Revised)

Foster & Miller, P. C. and Harry Pradham For Superstar, Inc.: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, two service bay addition to an existing convenience store with fuel pumps. The 1.316 acre site is located at 9999 Brook Road at the southeast corner of Brook Road (U.S. Route 1) and J.E.B. Stuart Parkway on parcel 33-A-3C. The zoning is B-3C, Business District (Conditional). County water and sewer. **(Fairfield)**

248

249 Mr. McGarry - The applicant requests deferral to your June 27, 2001, meeting.

250

251 Mr. Archer - All right. Is there anyone here in opposition to this deferral POD-95-00,
252 Superstar, Inc. Service Center? No opposition. I move deferral of POD-95-00 to the June 27,
253 2001, meeting, at the applicant's request.

254

255 Mr. Jernigan - Second.

256

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

259

260 At the request of the applicant, the Planning Commission deferred POD-95-00, Superstar, Inc.
261 Service Center (POD-3-96 Revised), to its June 27, 2001, meeting.

262

263 Mr. Silber - Mr. McGarry, are there any more requests for deferrals and
264 withdrawals?

265

266 Mr. McGarry - That is all of which staff is aware of.

267

268 Mr. Silber - All right. We can now move on to the expedited agenda.

269

270 Mr. McGarry - On page 4 of your agenda this is a transfer of approval request.

271

272 **TRANSFER OF APPROVAL**

273

POD-32-88
Wachovia Bank - West Park
Shopping Center

TIMMONS FOR Wachovia Bank, N.A.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from Central Fidelity National Bank to Wachovia Bank. The .89 acre site is located at 9801 W. Broad Street (U. S. Route 250) parcel 48-10-B-1. The zoning is B-2C, Business District (Conditional). County water and sewer **(Three Chopt)**

274

275 Mr. Archer - Is there anyone in the audience in opposition to POD-32-88, Wachovia
276 Bank, transfer of approval? No opposition. Mr. Taylor.

277

278 Mr. Taylor - Mr. Chairman, I move approval of POD-32-88, Wachovia Bank, subject
279 to the standard conditions, additional conditions and the annotations on the plan.

280

281 Mr. Vanarsdall - Second.

282

283 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
284 All in favor say aye...all opposed say nay. The motion carries.

285

286 The Planning Commission approved the transfer of approval request for POD-32-88,
287 Wachovia Bank, subject to the standard and additional conditions approved on the original plan
288 and the annotations on the plan. The deficiencies as identified in the inspector's report dated
289 May 3, 2001, shall be corrected per the submitted administrative plan dated May 7, 2001.

290

291 **TRANSFER OF APPROVAL**

292

POD-69-00
Kings Crossing, Phase 5 -
Castile Road

**Hirschler, Fleischer, Weinberg, Cox & Allen for Kings
Crossing V, L.C.:** Request for approval of a transfer of
approval, as required by Chapter 24, Section 24-106 of the
Henrico County Code, from Weinstein Associates to Kings
Crossing V, L.C. The 11.6 acre site is located on the south line
of Castile Road, approximately 630 feet east of Pump Road on
parcels 99-A-7, 58C and part of 89-A-28B. The zoning is R-5,
General Residence District. **(Tuckahoe)**

293

294 Mr. Archer - Is there anyone in the audience in opposition to POD-69-00, Kings
295 Crossing, Phase 5, transfer of approval? No opposition. Ms. Dwyer.

296

297 Ms. Dwyer - Mr. Chairman, I move that the transfer of approval for Kings Crossing,
298 Phase 5, POD-69-00, be approved.

299

300 Mr. Vanarsdall - Second.

301

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

304

305 The Planning Commission approved the transfer of approval request for POD-69-00, Kings
306 Crossing, Phase 5, subject to the standard and additional conditions approved on the original
307 plan and the annotations on the plan. The new owner accepts and agrees to be responsible for
308 continued compliance with the conditions of the original approval.

309

310 **PLAN OF DEVELOPMENT**

311

POD-33-01
1901 Dabney Road -
Warehouse Expansion

Foster & Miller, P. C. for C. F. Joyner, Jr. & Sons LLC:
Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a one-story, 9,000 square foot warehouse expansion. The 1.72 acre site is located on the east line of Dabney Road, approximately 210 feet north of the intersection of Dabney Road and Westwood Avenue on parcels 116-A-66 and 67. The zoning is M-1, Light Industrial District. County water and sewer. **(Brookland)**

312

313

314 Mr. Archer - Is there anyone in the audience in opposition to POD-33-01, 1901
315 Dabney Road - Warehouse Expansion? No opposition. Mr. Vanarsdall.

316

317 Mr. Vanarsdall - Mr. Chairman, I move that POD-33-01, 1901 Dabney Road, be
318 approved on the expedited agenda, with the annotations on the plans, and also I would like to
319 add No. 9 amended and additional conditions Nos. 23 through 27.

320

321 Mr. Taylor - Second.

322

323 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.
324 All in favor say aye...all opposed say nay. The motion carries.

325

326 The Planning Commission approved POD-33-01, 1901 Dabney Road - Warehouse Expansion,
327 subject to the standard conditions attached to these minutes for developments of this type, the
328 annotations on the plan and the following additional conditions.

329

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

333 **23.** The developer shall provide fire hydrants as required by the Department of Public
334 Utilities and Division of Fire.

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

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

341 **26.** Insurance Services Office (ISO) calculations must be included with the plans and
342 approved by the Department of Public Utilities prior to the issuance of a building
343 permit.

344 **27.** Approval of the construction plans by the Department of Public Works does not
345 establish the curb and gutter elevations along the Henrico County maintained right-of-

346 way. The elevations will be set by Henrico County.

347

348

349 **PLAN OF DEVELOPMENT, LANDSCAPE AND LIGHTING PLAN**

350

POD-38-01

Church of Jesus Christ of
Latter Day Saints - Parking
Addition -2500 Pump Road
(POD-60-88 Revised)

**Hulcher & Associates, Inc. for Church of Jesus Christ of
Latter Day Saints:** Request for approval of a revised plan of
development, landscape and lighting plan, as required by
Chapter 24, Sections 24-106 and 24-106.2 of the Henrico
County Code to construct a parking area on 0.6 acre which
would net 67 additional parking spaces for a total of 254. The
6.08 acre site is located at 2500 Pump Road, opposite
Crowncrest Drive on parcel 66-A-7B. The zoning is A-1,
Agricultural District. County water and sewer. **(Tuckahoe)**

351

352 Mr. Archer - Is there anyone in the audience in opposition to POD-38-01, Church of
353 Jesus Christ of Latter Day Saints? No opposition. Ms. Dwyer.

354

355 Ms. Dwyer - I move approval of lighting and landscape plan POD-38-01, Church of
356 Jesus Christ of Latter Day Saints, subject to the annotations on the plans, the standard
357 conditions for developments of this type, and additional conditions Nos. 11B, 23 and 24, on
358 the expedited agenda.

359

360 Mr. Vanarsdall - Second.

361

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

364

365 The Planning Commission approved POD-38-01, Church of Jesus Christ of Latter Day Saints -
366 Parking Addition and landscape and lighting (POD-60-88 Revised), subject to the standard
367 conditions attached to these minutes for developments of this type, landscape and lighting, the
368 annotations on the plan and the following additional conditions.

369

370 11B. Prior to the approval of an electrical permit application and installation of the site lighting
371 equipment, a plan including light spread and intensity diagrams, and fixture specifications
372 and mounting heights details shall be revised as annotated on the staff plan and included
373 with the construction plans for final signature.

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

377 24. Deviations from County standards for pavement, curb or curb and gutter design shall be
378 approved by the County Engineer prior to final approval of the construction plans by
379 the Department of Public Works.

380

381

382 **LANDSCAPE PLAN**

383

LP/POD-18-00
Overlook at Brook Run
Apartments - Brook Road

Koontz-Bryant P. C.: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 53.4 acre site is located on the west line of Wilmer Avenue on parcels 95-A-2C, 95-A-1, 84-A-5NR and part of 84-A-5G. The zoning is R-6, General Residence District. **(Fairfield)**

384

385 Mr. Archer - Is there anyone in the audience in opposition to the landscape plan
386 LP/POD-18-00, Overlook at Brook Run Apartments? No opposition.

387

388 Mr. Silber - Mr. McGarry, is there a revision to the caption on this case?

389

390 Mr. Archer - There is also an addendum item also, I believe. The addendum item
391 recommends approval of phase 1 of the landscape plan.

392

393 Mr. Strauss - That is correct. The Commission can only take action on the part of the
394 project that is under construction, so phase 2 would be a later approval.

395

396 Mr. Silber - So, what's being approved today is only phase 1.

397

398 Mr. Strauss - That's correct.

399

400 Mr. Archer - All right, with that, I move approval of phase 1 of LP/POD-18-00,
401 Overlook at Brook Run Apartments, subject to the standard conditions and the annotations on
402 the plan.

403

404 Mr. Vanarsdall - Second.

405

406 Mr. Archer - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall.
407 All in favor say aye...all opposed say nay. The motion carries.

408

409 The Planning Commission approved the landscaping plan for the Phase 1 portion only for
410 LP/POD-18-00, Overlook at Brook Run Apartments, subject to the standard conditions
411 attached to these minutes for landscape plans and the annotations on the plan.

412

413 **PLAN OF DEVELOPMENT**

414

POD-34-01
Mount Vernon Baptist
Church Phases 2A and 2B
(POD-24-95 Revised) -
Nuckols Road

Youngblood, Tyler & Associates, P. C. for Mount Vernon Baptist Church: Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 29,500 square foot, first phase, education building; two, 28,677 square foot, second phase, temporary modular building; permanent parking spaces and relocation of a portion of existing gravel parking area. The 45.62 acre site is located at 11220 Nuckols Road on parcels 18-A-24N and 27. The zoning is A-1, Agricultural District. County water and sewer. **(Three Chopt)**

415

416 Mr. Archer - All right. Is there anyone here in opposition to POD-34-01, Mount
417 Vernon Baptist Church Phases 2A and 2B? No opposition. Mr. Taylor.

418

419 Ms. Dwyer - Mr. Chairman, I have one question about this. We had elevations for
420 two stories and one-story buildings. Are they going to build the first story and then add the
421 second story at a later phase?

422

423 Mr. Kennedy - Two A is actually the one-story building and then they are going to come
424 back with 2B and add the second story to the same exact footprint.

425

426 Ms. Dwyer - Okay. It looked like the same footprint.

427

428 Mr. Kennedy - It was confusing, yes.

429

430 Ms. Dwyer - Okay. Thank you.

431

432 Mr. Archer - All right, Mr. Taylor

433

434 Mr. Taylor- Mr. Chairman, I move approval of POD-34-01, Mount Vernon Baptist
435 Church Phases 2A and 2B, on the expedited agenda, subject to the standard conditions for
436 developments of this type, and additional conditions Nos. 23 through 33 and the annotations on
437 the plan.

438

439 Mr. Vanarsdall - Second.

440

441 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
442 All in favor say aye...all opposed say nay. The motion carries.

443

444 The Planning Commission approved POD-34-01, Mount Vernon Baptist Church, Phases 2A
445 and 2B (POD-24-95 Revised), subject to the standard conditions attached to these minutes for
446 developments of this type, the annotations on the plans and the following additional conditions.

447

- 448 23. The right-of-way for widening of Nuckols Road as shown on approved plans shall be
449 dedicated to the County prior to any occupancy permits being issued. The right-of-way
450 dedication plat and any other required information shall be submitted to the County Real
451 Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 452 24. The easements for drainage and utilities as shown on approved plans shall be granted to the
453 County in a form acceptable to the County Attorney prior to any occupancy permits being
454 issued. The easement plats and any other required information shall be submitted to the
455 County Real Property Agent at least sixty (60) days prior to requesting occupancy permits.
- 456 25. The developer shall provide fire hydrants as required by the Department of Public Utilities
457 and Division of Fire.
- 458 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
459 approved by the County Engineer prior to final approval of the construction plans by the
460 Department of Public Works.
- 461 27. The temporary parking areas shall be properly compacted and maintained at all times.
- 462 28. The temporary trailers and related improvements shall be removed from the site on or before
463 **May 28, 2003.**
- 464 29. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
465 plans.
- 466 30. Insurance Services Office (ISO) calculations must be included with the plans and approved by
467 the Department of Public Utilities prior to the issuance of a building permit.
- 468 31. Approval of the construction plans by the Department of Public Works does not establish the
469 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
470 will be set by Henrico County.
- 471 32. Evidence of a joint ingress/egress and maintenance agreement must be submitted to the
472 Planning Office and approved prior to issuance of a certificate of occupancy for this
473 development.
- 474 33. The conceptual master plan, as submitted with this application, is for planning and
475 information purposes only. All subsequent detailed plans of development and construction
476 plans needed to implement this conceptual plan may be administratively reviewed and
477 approved and shall be subject to all regulations in effect at the time such subsequent plans are
478 submitted for review/approval.
- 479

480 **SUBDIVISION**

481

The Townes at Meredith
Creek (May 2001 Plan)

Koontz-Bryant, P.C. for Ima M. Liesfield Family Limited Partnership and Wilton Real Estate & Development Corporation: The 29.77 acre site is located on the northeast corner of the intersection of Hungary Road and Springfield Road on parcel 38-A-44. The zoning is RTHC, Residential Townhouse District (Conditional). County water and sewer.
(Three Chopt) 98 Lots

482

483 Mr. McGarry - There is an addendum on this case and the addendum states two things.
484 First. There is a plan that has been revised to add sufficient parking to satisfy the parking
485 requirements contained in the recently adopted multi-family design standards, and secondly, it
486 recommends staff's approval.

487

488 Mr. Archer - All right. Is there anyone here in opposition to subdivision The Townes
489 at Meredith Creek (May 2001 Plan)? No opposition. Mr. Taylor.

490

491 Mr. Taylor - Mr. Chairman, I move approval of subdivision The Townes at Meredith
492 Creek subject to the standard conditions for subdivision served by public utilities, additional
493 conditions Nos. 13 through 15 and the annotations on the plan and addendum item No. 1.

494

495 Ms. Dwyer - What is the addendum item?

496

497 Mr. Silber - There is a revised plan, Mr. Taylor, that provides for sufficient parking.

498

499 Mr. Kennedy - There is a revised plan in your packet. The plan has been revised to add
500 sufficient parking to satisfy the parking requirements contained in the recently adopted multi-
501 family design standards. Basically, what happened when it introduces the paper for the
502 rezoning, it was introduced before the multi-family standard were adopted but actually got
503 adopted after the multi-family standards.

504

505 Mr. Silber - So, Mr. Kennedy, there are no additional conditions, just conditions 13
506 through 15 with the revised plan that shows sufficient parking.

507

508 Mr. Kennedy - Exactly.

509

510 Mr. Taylor - So do I need to correct it with the addendum or do I need to move with
511 the addendum?

512

513 Mr. Silber - I think the motion should state "with the revised plan." So the motion
514 would be to approve the POD with the standard conditions, added conditions Nos. 13 through
515 15 and the revised plan that's been submitted as a part of the addendum.

516

517

518 Mr. Taylor - All right. Let me make the motion over. I move approval of the
519 subdivision for The Townes at Meredith Creek (May 2001 Plan) subject to the standard
520 conditions, additional conditions, the annotations on the plan and the revised plan for parking.

521

522 Mr. Vanarsdall - Second.

523

524 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
525 All in favor say aye...all opposed say nay. The motion carries.

526

527 The Planning Commission granted conditional subdivision approval to The Townes at
528 Meredith Creek (May 2001 Plan) subject to the standard conditions attached to these minutes
529 for subdivisions served by public utilities, the annotations on the revised plan and the following
530 additional conditions.

531

532 13. A County standard sidewalk shall be constructed along the north side of Hungary Road.

533 14. The proffers approved as part of zoning case C-80C-00 shall be incorporated in this
534 approval.

535 15. The limits and elevation of the 100-year frequency flood shall be conspicuously noted
536 on the plat and construction plans and labeled "Limits of 100-Year Floodplain."

537 Dedicate floodplain as a "Variable Width Drainage & Utility Easement."

538

539 **SUBDIVISION**

540

Brandyview
(May 2001 Plan)

Balzer & Associates, Inc. for Anne J. Foster and Tummillo Builders, Inc.: The 2.42 acre site is located on the northwest corner of Church Road and Clary Preston Drive on parcel 56-A-13A. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer **(Three Chopt) 7 Lots**

541

542 Mr. Archer - All right. Is there anyone here in opposition to Brandyview? No
543 opposition. Mr. Taylor

544

545 Mr. Taylor - Mr. Chairman, I move approval of the subdivision plan for Brandyview
546 (May 2001 Plan) subject to the standard conditions for subdivisions of this type, the
547 annotations on the plans, additional conditions Nos. 12 through 15.

548

549 Mr. Jernigan - Second.

550

551 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All
552 in favor say aye...all opposed say nay. The motion carries.

553

554 The Planning Commission granted conditional approval to Brandyview (May 2001 Plan)
555 subject to the standard conditions attached to these minutes for subdivisions served by public
556 utilities, the annotations on the plan and the following additional conditions.

557

- 558 12. Each lot shall contain at least 11,000 square feet.
- 559 13. The detailed plant list and specifications for the landscaping to be provided within the 25-
560 foot-wide planting strip easement along Church Road shall be submitted to the Planning
561 Office for review and approval prior to recordation of the plat.
- 562 14. The proffers approved as part of zoning case C-8C-01 shall be incorporated in this
563 approval.
- 564 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
565 the maintenance of the common area by a homeowners association shall be submitted to
566 the Planning Office for review. Such covenants and restrictions shall be in form and
567 substance satisfactory to the County Attorney and shall be recorded prior to recordation
568 of the subdivision plat.

569

570 **SUBDIVISION**

571

Estates of Hampshire
(May 2001 Plan)

**Bay Design Group, P.C. for Gregory Windsor and Wilton
Real Estate & Development Corporation:** The 14.82 acre site
is located approximately 400 feet south of Nuckols Road and
1,450 feet west of Shady Grove Road on part of parcels 10-A-
12, 17C, 17B and 10-1-2-10. The zoning is R-2C, One-Family
Residence District (Conditional), R-2AC, One-Family
Residence District (Conditional) and C-1C, Conservation
District (Conditional). County water and sewer **(Three
Chopt) 17 Lots**

572

573 Mr. Archer - All right. Is there anyone here in opposition to Estates of Hampshire
574 (May 2001 Plan)? No opposition. Mr. Taylor.

575

576 Mr. Taylor - Mr. Chairman, I move approval of subdivision Estates of Hampshire
577 (May 2001 Plan) subject to the standard conditions for developments of this type, additional
578 conditions Nos. 12 through 15 and the annotations on the plans.

579

580 Mr. Vanarsdall - Second.

581

582 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
583 All in favor say aye...all opposed say nay. The motion carries.

584

585 The Planning Commission granted conditional approval to subdivision Estates of Hampshire
586 (May 2001 Plan) subject to the standard conditions attached to these minutes for subdivisions
587 served by public utilities, the annotations on the plans and the following additional conditions.

588

589 12. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on
590 the plant and construction plans and labeled "Limits of 100-Year Floodplain." Dedicate
591 floodplain as a "Variable Width Drainage & Utility Easement."

592 13. The proffers approved as part of zoning cases C-71C-00, C-39C-00 and C-48C-90 shall
593 be incorporated in this approval.

594 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
595 the maintenance of the common area by a homeowners association shall be submitted to
596 the Planning Office for review. Such covenants and restrictions shall be in form and
597 substance satisfactory to the County Attorney and shall be recorded prior to recordation
598 of the subdivision plat.
599 15. The developer shall provide signage, the wording and location as deemed appropriate by
600 the Director of Public Works, which addresses the possible future extension of any stub
601 street.

602

603 **SUBDIVISION**

604

Hampshire
(May 2001 Plan)

Bay Design Group, P. C. for W. L. Jones, Jr., Dominion Land & Development, Gregory Windsor, Robert P. Bain, JAD, L.L.C. and Wilton Real Estate & Development: The 35.27 acre site is located approximately 950 feet south of Nuckols Road and 1,200 feet west of Shady Grove Road on part of parcels 10-(1)2-10, 17-A-9, 9A; 10-A-15, 17A , 17B and 17C. The zoning is R-2AC, One-Family Residence District (Conditional), R-2C, One-Family Residence District (Conditional) and A-1, Agricultural District. County water and sewer **(Three Chopt) 75 Lots**

605

606 Mr. McGarry - There is an addendum item on this case and the addendum basically
607 states that there is a revised recommendation for approval and it adds condition No. 15.

608

609 Mr. Archer - All right. Is there anyone here in opposition to Hampshire (May 2001
610 Plan)? No opposition. Mr. Taylor.

611

612 Mr. Taylor - Mr. Chairman, I move approval of the subdivision Hampshire (May
613 2001 Plan) subject to the standard conditions for subdivisions of this type, additional
614 conditions Nos. 12 through 14 and the addendum adding No. 15 and the annotations on the
615 plan.

616

617 Mr. Vanarsdall - Second.

618

619 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
620 All in favor say aye...all opposed say nay. The motion carries.

621

622 The Planning Commission granted conditional approval to subdivision Hampshire (May 2001
623 Plan) subject to the standard conditions attached to these minutes for subdivisions served by
624 public utilities, the annotations on the plans and the following additional conditions.

625

626 12. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the
627 plant and construction plans and labeled "Limits of 100-Year Floodplain." Dedicate
628 floodplain as a "Variable Width Drainage & Utility Easement."

629 13. The proffers approved as part of zoning cases C-71C-00, C-40C-00 and C-39C-90 shall be
630 incorporated in this approval.

631 14. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
632 maintenance of the common area by a homeowners association shall be submitted to the
633 Planning Office for review. Such covenants and restrictions shall be in form and substance
634 satisfactory to the County Attorney and shall be recorded prior to recordation of the
635 subdivision plat.

636 15. Final approval shall not be granted for any portion of this subdivision impacted by the
637 existing right-of-way of Old Nuckols Road until such time that said right-of-way has been
638 vacated and ownership transferred to the developer.

639

640 **SUBDIVISION**

641

Patch Hills
(May 2001 Plan)

QMT Corporation for Jimmie L. Pittman and Robert P. Bain: The 5.92 acre site is located on the west line of Patch Road, approximately 100 feet north of Greenwood Road on parcels 7-A-15 and 20. The zoning is A-1, Agricultural District. Individual well and septic tank/drainfield.
(Brookland) 5 Lots

642

643 Mr. McGarry - There has been an additional condition No. 13 that has been added on the
644 addendum for this case. That's on page 12 of your addendum if you want to see it.

645

646 Mr. Archer - All right. Is there anyone here in opposition to Patch Hills (May 2001
647 Plan)? No opposition. Mr. Vanarsdall.

648

649 Mr. Vanarsdall - I move that subdivision Patch Hills (May 2001 Plan) be approved, with
650 the annotations on the plan the standard conditions for subdivisions of this type, additional
651 conditions Nos. 11 and 12 and then from the addendum add condition No. 13.

652

653 Mr. Taylor - Second.

654

655 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.
656 All in favor say aye...all opposed say nay. The motion carries.

657

658 The Planning Commission granted conditional approval to subdivision Patch Hills (May 2001
659 Plan) subject to the standard conditions attached to these minutes for subdivisions not served
660 by public utilities, the annotations on the plans and the following additional conditions.

661

662 11. Each lot shall contain at least 1 acre.

663 12. The plan must be redesigned to provide at least the 150 foot minimum lot width required
664 and as regulated by Chapter 24 of the Henrico County Code.

665 13. Prior to final approval of Lots 1 and 2, the applicant shall determine the legal status and
666 ownership of the 30-foot road/easement and provide this information to the Director of
667 Planning and the County Attorney. The road shall be abandoned, vacated or rights

668 thereto quitclaimed if necessary prior to recordation of the plat.
669 Mr. McGarry - This is the last case on the expedited agenda that the staff is aware of.

670

671 **SUBDIVISION**

672

Sadler Glen
(May 2001 Plan)

Youngblood, Tyler & Associates, P. C. for Queen Esther Bush, Lillie B. Morton Estate, T-N Corporation of Virginia, James A. Ryan and Sadler Green, LLC: The 7.80 acre site is located along the north line of Wonder Road (private), approximately 1,000 feet west of Sadler Road on part of parcels 27-A-29, 31, 32, 34 , 35 and 37-A-14 .The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer **(Three Chopt) 14 Lots**

673

674 Mr. McGarry - There is an addendum item on this case. The addendum revises
675 condition No. 13 to delete the reference to a County standard sidewalk and just permit a
676 sidewalk, which will be built in a common area buffer.

677

678 Mr. Archer - All right. Is there anyone here in opposition to subdivision Sadler Glen
679 (May 2001 Plan)? No opposition. Mr. Taylor.

680

681 Mr. Taylor - Mr. Chairman, I move approval of Sadler Glen (May 2001 Plan) subject
682 to the standard conditions for subdivisions of this type, additional conditions Nos. 12 and 18
683 and the addendum revising condition No. 13.

684

685 Mr. Vanarsdall - Second.

686

687 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
688 All in favor say aye...all opposed say nay. The motion carries.

689

690 The Planning Commission granted conditional approval to subdivision Sadler Glen (May 2001
691 Plan) subject to the standard conditions attached to these minutes for subdivisions served by
692 public utilities, the annotations on the plans and the following additional conditions.

693

694 12. The detailed plant list and specifications for the landscaping to be provided within the
695 20-foot-wide common area buffer along Sadler Grove Road shall be submitted to the
696 Planning Office for review and approval prior to recordation of the plat.

697 13. A ~~County standard~~ sidewalk shall be constructed along the north and south side of
698 Wonder Road.

699 14. The proffers approved as part of zoning cases C-2C-01 and C-78C-99 shall be
700 incorporated in this approval.

701 15. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
702 the maintenance of the common area by a homeowners association shall be submitted to
703 the Planning Office for review. Such covenants and restrictions shall be in form and
704 substance satisfactory to the County Attorney and shall be recorded prior to recordation

705 of the subdivision plat.
 706 16. The developer shall provide signage, the wording and location as deemed appropriate
 707 by the Director of Public Works, which addresses the possible future extension of any
 708 stub street.
 709 17. Prior to final subdivision approval, the applicant shall provide evidence satisfactory to
 710 the County Attorney of its legal right to construct a public road over top of Wonder
 711 Road (private).
 712 18. The applicant shall quitclaim his interest in Wonder Road and any other private access
 713 roads or easements within the bounds of this development prior to recordation of the
 714 subdivision plat.

715
 716 Mr. Archer - Are you sure you don't have any more on the expedited agenda, Mr.
 717 McGarry?

718
 719 Mr. McGarry - That's a good strike at this long agenda.

720
 721 Mr. Silber - Our agenda has just become shorter. The next item on the agenda is the
 722 subdivision extensions for conditional approval. There are three listed for informational
 723 purposes only on your agenda, Echo Lake Ridge, Summerfield Woods and University Court.
 724 These do not require any action by the Planning Commission. However, there is one at the
 725 bottom of page 1 that shows the need for Commission consideration, Elinor Springs (May
 726 1999 Plan). Mr. Wilhite, do you have anything to add?

727
 728 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**

729 **(Presented by Kevin Wilhite)**

730

731 **(FOR INFORMATIONAL PURPOSE ONLY)**

732

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Echo Lake Ridge (May 2000 Plan)	Three Chopt	35	35	0	1 Year 05/22/02
Summerfield Woods (April 1998 Plan)	Fairfield	5	5	2	1 Year 05/22/02
University Court (May 1900 Plan)	Tuckahoe	3	3	1	1 Year 05/22/02

733

734 **FOR PLANNING COMMISSION APPROVAL**

735

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Elinor Springs (May 1995 Plan)	Three Chopt	33	33	5	Recommen- dation Made at

May 23, 2001

736 Mr. Wilhite - Yes, sir. First of all, on the subdivision extensions being done
737 administratively, University Court is being removed. I talked to the property owner and this
738 property is in the process of being sold and she does not wish to extend the approval of the
739 subdivision. So, that would drop off of the agenda. As well, the one that was up for Planning
740 Commission extension, Elinor Springs, staff has made numerous attempts to contact both the
741 engineer and the owner and have not heard a response back. We have not gotten a request for
742 extension therefore this would be allowed to expire at this point.

743

744 Ms. Dwyer - Mr. Wilhite, I notice on the Tuckahoe case that this has had a lot of
745 extensions because it is the May 1900 plan.

746

747 Mr. Wilhite - Yes, ma'am. That was an error and we would have corrected that but
748 it's being pulled off. It should have been May 1999 Plan and not 1900.

749

750 Mr. Silber - All right. There is no action necessary. We will now move to the next
751 item for consideration on the agenda. The next item is on page 5 of the agenda.

752

753 **TRANSFER OF APPROVAL**

754

POD-57-95 and POD-10-96 Cameron Crossing Apartments - Phase I and II	General Services Corporation for TCRD, L.L.C.: Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code, from John L. Liesfield and Security Capital Atlantic Inc. to TCRD, L.L.C. The 29.21 acre site is located at the northwest corner of Cox Road and Three Chopt Road on parcels 47-A-53 and 57. The zoning is R-6C, General Residence District (Conditional). (Three Chopt)
--	--

755

756 Mr. Silber - I believe there is an addendum item relating to this with an additional
757 condition. Mr. Wilhite.

758

759 Mr. Wilhite - Thank you. Staff has been out to the property and completed an
760 inspection within the last couple of days. We met with the applicant yesterday. We have
761 identified quite an extensive list of landscaping that's either missing or dead on site. It needs
762 to be replaced. There are a few other deficiencies as far as some handicapped parking spaces
763 missing, some fencing around the BMP needs to be repaired. We have a bond posted to cover
764 the deficiencies, and we are recommending, at this point, approval of the transfer request with
765 the condition that appears on your addendum. That has to deal with the landscaping
766 deficiencies would be corrected by November 30, 2001. The other deficiencies within 30
767 days, by June 30, 2001.

768

769 Mr. Archer - Is there anyone here in opposition to this transfer request? No
770 opposition. Are there any questions of Mr. Wilhite by Commission members?

771

772 Mr. Taylor - Where is that condition on the addendum?

773 Mr. Wilhite - It appears on page one of your addendum.

774

775 Mr. Vanarsdall - Are you ready for a motion?

776

777 Mr. Taylor - Yes. Mr. Chairman, I move approval of transfer of approval for POD-
778 57-95 and POD-10-96, Cameron Crossing Apartments - Phase I and II, subject to the standard
779 conditions, additional conditions and addendum item No. 1.

780

781 Mr. Vanarsdall - Second.

782

783 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
784 All in favor say aye...all opposed say nay. The motion carries.

785

786 The Planning Commission approved the transfer of approval request for POD-57-95 and POD-
787 10-96, Cameron Crossing Apartments - Phases I and II, subject to the standard and additional
788 conditions approved originally, and the following additional condition.

789

790 1. The landscaping deficiencies, as identified in the inspector's report dated May 17,
791 2001, shall be corrected by November 30, 2001. All other site deficiencies identified
792 shall be corrected by **June 30, 2001**.

793

794 **TRANSFER OF APPROVAL**

795

POD-40-96 and POD-82-96 **SHLP Simpson Housing Limited Partnership for SHLP**
The Madison at Spring Oak- **Madison Development LLC:** Request for approval of a
Phases I and II transfer of approval, as required by Chapter 24, Section 24-106
of the Henrico County Code, from Merry Land and Investment
Co. and Polar-BEK Co. to ~~Simpson Housing Limited~~
~~Partnership~~ SHLP Madison Development LLC. The 37.36 acre
site is located on the north line of Three Chopt Road,
approximately 500 feet west of Pump Road on parcels 36-A-
50A and 46-A-1W. The zoning is R-5C, General Residence
District (Conditional) and WBSO, West Broad Street Overlay
District. **(Three Chopt)**

796

797 Mr. Archer - Is there anyone here in opposition to this transfer? No opposition. Mr.
798 Wilhite.

799

800 Mr. Wilhite - On your addendum, also on page 1, there is a revised caption. The
801 correct name of the owner is now SHLP Madison Development LLC. Staff is recommending
802 approval of this transfer.

803

804 Mr. Archer - Are there any questions of Mr. Wilhite?

805

806 Mr. Taylor - Mr. Chairman, I will move approval of transfer of approval for POD-40-
807 96 and POD-82-96, The Madison at Spring Oak - Phases I and II from Merry Land and
808 Investment Co. and Polar-BEK Co. to SHLP Madison Development LLC.

809

810 Mr. Vanarsdall - Second.

811

812 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
813 All in favor say aye...all opposed say nay. The motion carries.

814

815 The Planning Commission approved the transfer of approval request for POD-40-96 and POD-
816 82-96, The Madison at Spring Oak - Phases I and II with the new owner accepting and
817 agreeing to be responsible for continued compliance with the conditions of the original
818 approvals.

819

820 **TRANSITIONAL BUFFER DEVIATION**

821

POD-72-97

W. Broad Street Mitsubishi -
Car Storage Lot - W. Broad
Street

E. D. Lewis & Associates for W. Broad Mitsubishi: Request
for approval of a transitional buffer deviation, as required by
Chapter 24, Sections 24-106.2 of the Henrico County Code.
The .55 acre site is located on the north side of W. Broad
Street (U. S. Route 250) at the intersection of Emerywood
Drive on parcels 81-11-E-12, 15 and 16. The zoning is B-3C,
Business District (Conditional). County water and sewer.
(Brookland)

822

823 Mr. Archer - Is there anyone here in opposition to the transitional buffer deviation for
824 POD-72-97, W. Broad Street Mitsubishi Car Storage Lot? No opposition. Mr. Strauss.

825

826 Mr. Strauss - The applicant has submitted a revised POD for administrative review and
827 this plan is for approval of a car storage lot. Staff has determined that this plan requires a
828 transitional buffer deviation as a 10-foot buffer is proposed with a six-foot fence and the
829 ordinance requires a 23-foot buffer with a six-foot fence. The applicant's plan is the same plan
830 that was reviewed at the time of rezoning, which was just approved this last February 15.
831 Staff is not aware of any public opposition to this proposal and indeed there was no opposition
832 to the rezoning case, therefore, staff has no objection as long as the landscape plan is submitted
833 as part of the review of the final plans for this project and there is an addendum item
834 stipulating that condition. So with that, I'll be happy to answer any questions you may have.

835

836 Mr. Archer - Thank you, Mr. Strauss. Are there questions from the Commission?

837

838 Ms. Dwyer - Mr. Strauss, I don't have the code in front of me but my recollection was
839 that the buffer required, is it 35 feet here?

840

841 Mr. Strauss - It's 35 feet and that's discounted with the provision of a fence as an
842 alternative and it's twice the height of the fence.

843

844 Ms. Dwyer - Which would make it down to 23.

845

846 Mr. Strauss - Right.

847

848 Ms. Dwyer - So do we have the authority to further reduce it beyond the 23?

849

850 Mr. Strauss - Yes, that's up to the Commission provided that the intent is met with the
851 landscape plan submission. Now, we don't have a landscape plan at this point, that's why we
852 have asked for a landscape plan.

853

854 Ms. Dwyer - I didn't realize we could further reduce it beyond the 23 feet.

855

856 Mr. Silber - Yes. By right, the fence allows the applicant to take it down to 23 feet
857 by right. The Commission then can reduce that to whatever amount.

858

859 Ms. Dwyer - Okay. Mr. Silber, I have just a general question. As I look at the
860 zoning map in the front of our case packets. I know that this particular encroachment into the
861 residential area, it's probably not a problem but if you look further west on Broad Street, what
862 is the Planning staff's idea about how far we will allow this business area on Broad Street to
863 encroach on the residential areas as we travel further west? Is there a logical in point to this
864 kind of expansion of the business areas?

865

866 Mr. Silber - That raises a good question. This was contemplated when the zoning
867 came up and I think the question really is how far should it move west but also how far should
868 it move... I guess when you are saying west you are talking up toward Deep Run Avenue.
869 And I guess the question is also how far should it go and I would say to the east over toward
870 Harrison Avenue. This is an area that has some vacant parcels. The remaining homes in this
871 area are old. There is some logic to having this transition and other uses besides single-family
872 residential. I think our concern more is how far should the business zoning go to the east more
873 so than to the north.

874

875 Ms. Dwyer - You mean towards Bethlehem when you say east.

876

877 Mr. Silber - Right. There is some question as to what uses should spread toward
878 Bethlehem. I understand where you are coming from because Fountain Avenue at some point
879 look as though that was sort of a diving line between the business and the residential and now
880 we are back to Harrison Avenue. But I think as the zoning comes forward and as we study the
881 land uses, those can be considered.

882

883 Mr. Vanarsdall - And in keeping along those lines, up above Bethlehem there is another
884 residential area. We had a request for a car lot and we put a brick masonry wall behind it and
885 cut it off from the neighborhood. This was almost in a man's backyard. And then the wall,
886 we left two openings on each side and went back and asked them to fill that in with a wrought
887 iron type fence and they did that. So, what we have been doing is kind of like piece milling it

888 because after this there is no more on Broad Street, after that other area. So, we have tried to
889 look out for the neighbors pretty good along there. This one is kind of unusual because there
890 is really nobody back there, but that doesn't mean we have to drop the standards. That's a
891 good question you had, Ms. Dwyer. Are you ready, Mr. Chairman?

892

893 Mr. Archer - Yes, sir, whenever you are.

894

895 Mr. Vanarsdall - I move we approve the transitional buffer deviation for POD-72-97, W.
896 Broad Street Mitsubishi, with the standard conditions for this type and the annotations on the
897 plan. And then on the addendum the staff recommends approval on the condition that a
898 landscape and fence plan be submitted for staff review and approval, and meets the spirit and
899 intent of the zoning ordinance.

900

901 Mr. Taylor - Second.

902

903 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.
904 All in favor say aye...all opposed say nay. The motion carries.

905

906 The Planning Commission approved the transitional buffer deviation request for POD-72-97,
907 W. Broad Street Mitsubishi - Car Storage Lot.

908

909 **PLAN OF DEVELOPMENT AND ALTERNATIVE FENCE HEIGHT**

910 **(Deferred from the April 25, 2001, Meeting)**

911

POD-23-01
Northside Recreation
Banquet Hall -
Meadowbridge Road

Charles H. Fleet & Associates for M. L. Pinchback: Request for approval of a plan of development and alternative fence height, as required by Chapter 24, Section 24-106 and 24-95(l)(5)b of the Henrico County Code to convert an existing retail building to a catering hall and construct a 308 square foot bathroom addition and a parking lot. A six-foot high fence would be located within the required front yard along Meadowbridge Road. The 0.4869 acre site is located at 3708 Meadowbridge Road at Savannah Avenue on parcel 117-6-A-23. The zoning is B-3, Business District. County water and sewer. **(Fairfield)**

912

913 Mr. Silber - I would like to point out that there is an addendum on page 4 of your
914 addendum.

915

916 Mr. Archer - Is there anyone in the audience in opposition to POD-23-01, Northside
917 Banquet Hall? We have opposition. Mr. Kennedy.

918

919 Mr. Kennedy - Ladies and gentlemen of the Commission, I would like to draw your
920 attention to the fact that there are two attachments to the addendum. One is entitle "Standard
921 Lease Terms and Rules" for the Northside Banquet Hall dated May 23, 2001. And the second

922 one is the Planning and Police Departments security standards that we normally adopt for
923 provision use permits and that address the conditions regarding security cameras. I want to
924 make sure that you see those two items as well. In the audience as well we have, because there
925 are a lot of concerns about security issues, Kim Vann who is the CPTED Crime Prevention
926 Police thru environmental design planner is here. And Steve LaPrade who is the community
927 officer for the area is also here along with Mr. Pinchback. There is some opposition I
928 understand. I just wanted to make you aware of those things.

929

930 This came up at the last meeting and it was deferred at the applicant's request so that the
931 applicant could meet with the neighborhood to discuss the security concerns with converting
932 this existing retail establishment, which is a dry cleaning establish, which is now defunct and
933 has been closed for several years, to a banquet hall or catering hall. There were a lot of
934 concerns expressed by the neighborhood about securing the area. Staff had also expressed
935 some of those same concerns and we have worked with Mr. Pinchback to provide for security
936 through the physical design of the facility and there are annotations on the plan to that affect.
937 In addition, at Mr. Archer's request, we have incorporated these two additional conditions onto
938 the addendum agenda that the owner shall install and maintain a video surveillance system
939 designed in accordance with the County's security standards, that was described in the
940 attachment. That provides for the monitoring of that security system so that he has to maintain
941 tapes for a period of four months and make them available to the Police.

942

943 The second condition that we have added is that the owner shall incorporate into every lease or
944 rental agreement terms substantially consisted with the terms contained in the document title
945 "Northside Banquet Hall Standard Lease Terms and Rules." Those are rules that we have
946 worked out with the applicant with input from Police and the Police planner to provide for a
947 safe operation of the facility. There is still some community opposition. The basic community
948 opposition revolves around the issuance of an ABC license. Unfortunately, that's not
949 something that's the purview of the Commission or the staff, that is a State item. The State has
950 responsibility for ABC licenses. As far as the serving of alcohol, this property is zoned B-3.
951 There are no proffers on the property so we can't restrict his operation in that regard because
952 the State controls those laws. What we have tried to do is work with the applicant to make
953 sure that we provide for a safe operation of the facility. If you want, I can summarize some of
954 the rules for the record, but I think they speak clearly to the operation with respect to serving
955 of alcohol and just a safe operation. The applicant has met with the community on two
956 occasions. Staff has met with the community on at least three occasions. We have tried to
957 take into account the community's concerns in the creation of these rules. Staff feels by
958 incorporating these rules into these conditions of approval that they will be carried forward by
959 subsequent owners as opposed to just an annotation. As a condition, if Mr. Pinchback should
960 sell to someone else who my not be as responsible as he is, we have a way of maintaining
961 those rules in the process. If you have any further questions of myself or Officer LaPrade or
962 Kim Vann, we will be happy to answer them.

963

964 Mr. Archer - Thank you, Mr. Kennedy. You did note that there was opposition here?

965

966 Mr. Kennedy - Yes.

967

968 Mr. Archer - I don't have any questions, specifically, but some of the other
969 Commission members might.

970

971 Mr. Vanarsdall - I have one. On No. 6 I think it should be in quotations "No loitering
972 signs." It looks like no loitering signs will be posted on the premises.

973

974 Mr. Archer - Meaning, none. We can fix that.

975

976 Mr. Kennedy - It should have been quotes "No loitering" comma, or parentheses. Yes,
977 we will correct that.

978

979 Ms. Dwyer - Can you show me where the new fencing will be? I assume that they
980 are taking the existing fencing down. Or, will there be new fencing?

981

982 Ms. Dwyer - I see a new fence around the trash receptacle but I didn't see one around
983 the property.

984

985 Mr. Kennedy - The fence will be located around the entire back of the property. It will
986 be from the rear of the building back to the rear property line and then back along the alley.
987 The intention is to enclosed the entire rear of the building so that there wouldn't be any place
988 for someone to hang out behind the building unless it's under the control of the management.
989 The fence would enclose the entire parking area and the landscape area. So, it would run
990 along the alley. Along the front, there will be gates provided to secure the parking lot at night
991 when it is not operating.

992

993 Ms. Dwyer - Can you show me with your finger because I'm not sure what you mean
994 by rear of the building?

995

996 Mr. Kennedy - I'm having trouble showing this on the computer.

997

998 Mr. Silber - Mike, why don't you show it from the document table?

999

1000 Mr. Kennedy - Here and here (referring to rendering on the document table).

1001

1002 Ms. Dwyer - So then the gates will be locked when the building is not in use.

1003

1004 Mr. Kennedy - The gates will be locked when the building is not in use. And Mr.
1005 Pinchback has agreed that as soon as the function is over, that's one of the rules, that the
1006 property will have to be vacated within a half-hour of the event.

1007

1008 Ms. Dwyer - And what type of fencing will this be?

1009

1010 Mr. Kennedy - It will be chain link along the sides and the back and will have basically
1011 just swing gates in the front. It will be like a farm type gate, it's just a vehicle barrier.

1012

1013 Ms. Dwyer - And how about landscaping at least along the roadway.

1014

1015 Mr. Kennedy - He has a transitional buffer on both sides. We've talked about the type of
1016 landscaping that would be put in because he's got residential on the other side. What we
1017 would do is put in landscaping that would be kind of high and not something low that would
1018 hide somebody but would screen the affect of the fence. That is our intention.

1019

1020 Ms. Dwyer - I notice in the Standard Lease Terms and Rules, No. 16 says, "Any
1021 event having more than 125 guests that offsite parking and valet parking will be provided."
1022 But there are only 28 parking spaces.

1023

1024 Mr. Kennedy - That's right there are 28 parking spaces. We realize that would put a lot
1025 of people on the street. Basically, he is meeting the parking requirement of the Code, which is
1026 28. It was our feeling that what ordinarily happens with events like this, people would end up
1027 parking within the parking lot and just stacking within the access aisle for most events. They
1028 would probably accommodate probably 35 cars within the property.

1029

1030 Ms. Dwyer - What about fire access and that kind of thing if they are stacking in the
1031 drive aisle?

1032

1033 Mr. Kennedy - Well, they have full access along Savannah because there will be no
1034 parking on Savannah Avenue because it is too narrow. There will be no parking on
1035 Meadowbridge Road and it's only a one-story building, so we didn't feel that that was going to
1036 be a problem.

1037

1038 Ms. Dwyer - What's the maximum occupancy of the building?

1039

1040 Mr. Kennedy - It depends upon on whether or not if persons are seated or if they don't
1041 have tables and chairs. The occupancy changes. They haven't completed the full building
1042 design yet. When we spoke to Building Inspection, they estimated with tables and chairs it
1043 would be approximately 125 people. So, if they have tables and chairs, set up for a banquet, it
1044 would be somewhere in the range of 125 persons. If they took away those tables and chairs
1045 and have people standing, like for a dance party, then it would be probably about 200 or so
1046 people.

1047

1048 Ms. Dwyer - And our parking requirement is only 28 spaces?

1049

1050 Mr. Kennedy - That's right.

1051

1052 Ms. Dwyer - We should look at our parking requirements.

1053

1054 Mr. Taylor - Well, actually, when you go to item No. 8 it addresses parking but only
1055 part way, in that the guest are on their own to park responsibly and shall not block fire
1056 hydrants, fire lanes or drive ways. The question I have is will that duty fall to the Henrico

1057 Police Department? Or, in cases where there are more than 125 guests, will we require that
1058 the owner actually hire security attendants to help with parking, because in that range conflict
1059 with the neighbors is almost inevitable.

1060

1061 Mr. Kennedy - That's why with 125 persons or more he is providing valet parking to
1062 make sure that there will be someplace off site. So, indeed he will have to have attendants
1063 moving cars off site. As far as, under 125, there is still going to be a high potential for
1064 causing significant congestion. It's anticipated that for larger events that the owner will
1065 eventually work out an agreement with some of the surrounding property owners. There are
1066 some businesses across the street. There's a church across the street, that if he allows them to
1067 park on his property, hopefully he'll be able to work out some sort or reciprocal agreement
1068 that they can share parking for larger events so that it won't impact the neighborhood. There is
1069 some vacant property along Savannah Avenue, that if he has a successful business, I'm sure
1070 Mr. Pinchback would hope to increase his parking availability in closer proximity. That
1071 property is also zoned B-3 so there is a potential for providing parking in the future should the
1072 demand require it.

1073

1074 Mr. Archer - All right. Are there any further questions? Thank you, Mr. Kennedy.
1075 There is opposition to this case and I would like to ask the applicant if he would like to address
1076 the Commission prior to hearing from the opposition.

1077

1078 Mr. Pinchback - Mr. Chairman and members of the Commission, because there is
1079 possibly someone in opposition to the project, I would prefer waiting until after they speak
1080 before I make any comments.

1081

1082 Mr. Archer - All right. Mr. Secretary, do you think we need to state the 10-minute
1083 rule, or I can do it? There are 10 minutes allowed to each side and I guess you are reserving
1084 your whole 10 minutes, Mr. Pinchback, to address the opposition?

1085

1086 Mr. Pinchback - Yes, sir.

1087

1088 Mr. Archer - And the opposition needs to know also that there is a collective 10
1089 minutes for you to speak. Thank you, Mr. Pinchback, we will hear from you after the
1090 opposition. All right. Anyone care to speak for the opposition?

1091

1092 Mr. Gaines - Good morning. I'm Walter Gaines, president of the Providence Park
1093 Civic Association. We applaud Mr. Pinchback meeting with us on two occasions. We
1094 applaud the staff meeting with us on three occasions. We were before you last month with
1095 some opposition. Thus far some of those have been satisfied. We met on Monday past and we
1096 agreed that No. 24, in addition to this document that you have, that the sentiment of the
1097 neighborhood be No. 24. In his contract that he is to sign with those who might lease the
1098 property that the renters might know the sentiments of the neighborhood. This would allow
1099 for some consideration. Thank you.

1100

1101 Mr. Kennedy - It was added.

1102

1103 Mr. Gaines - It was added? Thank you, because that was the agreement that we made
1104 on Monday past. There was still some continuing opposition to some things. I think you
1105 address one of them, parking. We do have a lady that lives right behind this place, across the
1106 street, who donated 10 feet of her property to allow the street to be maintained by the County.
1107 It was too narrow at first but with her giving up 10 feet of her property to allow for the
1108 minimum standards of a street to be maintained by the County, Ms. Edwards. She was at that
1109 meeting also. She is 96 years old. Providence Baptist Church is located a block away and
1110 another church, who is very instrumental in the neighborhood. They stand for a good cause
1111 and they will speak to the issues that is of some concern to them. Thank you very much.

1112

1113 Mr. Archer - Thank you, Mr. Gaines. Are there any questions of Mr. Gaines before
1114 he takes his seat? Thank you, sir.

1115

1116 Ms. Epps - Good morning. My name is Jeanette Epps and I represent Life-Line for
1117 Jesus Community Church, which is across the street from the establishment that we are talking
1118 about this morning. Yes, we have met with Mr. Pinchback and we have listened to what he
1119 wants to do. And also because we are a church, and because of the environment in this
1120 particular community, and is, in this particular area, more of a minority type area. And
1121 because of a lot of drug transactions and things that are going on, one of our concerns was that
1122 the additional flow of people, if this is approved, and Mr. Pinchback has stated that he is
1123 willing to put up a fence a security camera and all of these sorts of things, the main concern of
1124 the people in the community, and especially the elderly people, is that they wish he had put
1125 something else there instead of this establishment, which gears mostly toward a party or some
1126 sort. But, it is also the alcohol which was mentioned earlier and we know that we can't stop
1127 you from approving this particular building and all but we have stated, also with Mr.
1128 Pinchback, our concerns. If he could have this type of establishment without applying for an
1129 ABC license. The police are often in this area. The crime rate is high. We also know that
1130 with this type of establishment, that it will draw various types of people. And, yes, he does
1131 have laws that they could go by but his main concern is, we understand, the money that he can
1132 make from this and that would be with the ABC license. We don't mind the building, we don't
1133 mind the recreation, but when he wants to apply for the ABC license to put up a fence and, all
1134 that is good, but to me it also draws more attention. Why is there a fence up around this
1135 building? It draws attention to the area. And the more people you have, and if they come in,
1136 if they are drinking or whatever, they can have valet parking or all of these types of things. He
1137 even said that there would be someone there not to serve after a person is drunk or highly
1138 intoxicated but who is to determine when a person is at that stage. I understand that you all
1139 don't control the ABC license but with the approval of this building, and he is already
1140 determined to go forward with that, I see more trouble within the community. I might be
1141 wrong, and I hope that I am wrong, but that is the concern. Not a recreation, not a banquet
1142 hall, but what he wants to do with it after he gets it. Thank you.

1143

1144 Mr. Archer - Are there any questions of Ms. Epps from the Commission? Thank you,
1145 ma'am, no questions. Is there anyone else to speak from the opposition? All right, Mr.
1146 Pinchback it is your time.

1147

1148 Mr. Pinchback - My name is Mr. M. L. Pinchback. I am the owner of the establishment
1149 at 3708 Meadowbridge Road. I met with the Crime Prevention Department, I met with the
1150 Police Department and I've met with the Planning Commission. We have gone over a group
1151 of stipulations and rules. I think that among the Police Department and Crime Prevention,
1152 they have written me out a list and we discussed it orally on several occasions. I have not, but
1153 naturally, because it is written those rules would have to be obeyed by. I have also informed
1154 the church members, that I did attend the two meetings, the criteria pertaining to having the
1155 place safe. It is not that large amount of people will be coming there everyday. It's an
1156 invitational type situation. It is not a general rule for loiters to be hanging around for the same
1157 activity every night. I'm quite sure that the establishment will not be open every night or
1158 every day. I wish that it would be but unfortunately it is not. Therefore, I have talked to the
1159 people of the community, within the church, of providing the most safest area and parking so
1160 that it will not fill over into any neighbor itself. If there are any questions from anyone
1161 pertaining to this I will be happy to answer.

1162

1163 Mr. Archer - So, Mr. Pinchback, there will no regular program or event of any type
1164 going on. Everything will be done by contractual lease on a per event bases.

1165

1166 Mr. Pinchback - Precisely. There will not be a general every night type thing. At all the
1167 time, it will be different personal.

1168

1169 Mr. Vanarsdall - So, there won't be any walk-in traffic?

1170

1171 Mr. Pinchback - No. There will be no walk-in traffic at all. As a matter of fact, it is in
1172 the contract that there must be someone from that event to be at the side door, which is going
1173 to be considered the main entrance, to verify their identification and invitation type things.
1174 There will not be any loiters coming in off the street.

1175

1176 Ms. Dwyer - Who will be managing it? Will it be you or an employee of yours who
1177 will be there?

1178

1179 Mr. Pinchback - It probably won't be me every time. It will probably be someone else.

1180

1181 Mr. Taylor - Who will provide the security every time?

1182

1183 Mr. Pinchback - The individuals that's renting the place will be providing the security.
1184 And among the security there will be a list of licensed security agents and the Police
1185 Department. They will have to choose from that particular list in which I have interviewed.

1186

1187 Mr. Archer - And that will be a contractual obligation with each party that rents your
1188 space.

1189

1190 Mr. Pinchback - That is absolutely correct.

1191

1192 Ms. Dwyer - Where will the overflow parking go if we have 125 or 200 people and 28
1193 parking spaces? Where will those people park? What is your plan for that?

1194

1195 Mr. Pinchback - Just like the Planning Commissioner say that because of the fact that the
1196 people across the street that have the church have been parking on the area. The minister and I
1197 have discussed whether or not it would be all right for them to park over there. I have not
1198 gotten together with him to ask him for the favor for the overflow, if there are any.

1199

1200 Ms. Dwyer - Well, the church is in opposition to this use, so where else would you
1201 look for parking if the church doesn't want to accommodate you?

1202

1203 Mr. Pinchback - Well, there is a vacant lot directly across the street on Savannah Avenue.
1204 I will probably, if I need it, I will probably be applying to buy if it is for sale. And there is a
1205 vacant house on Ladies Mile Road that's adjoining the property on Meadowbridge Road. No
1206 one lives there in the house, and the house has been vacant and demolished for years. So, I
1207 assume if I need it I can also purchase or even rent the property after destroying the house
1208 itself. I understand that it can't be replaced by another residence it will have to be replaced by
1209 a business.

1210

1211 Mr. Taylor - Mr. Pinchback, you will not sell any liquor on the site, directly?

1212

1213 Mr. Pinchback - No, not directly.

1214

1215 Mr. Taylor - But it says anybody who has a catered function must bring their own....

1216

1217 Mr. Pinchback - They must apply.

1218

1219 Mr. Taylor - They can not resale.

1220

1221 Mr. Pinchback - No. There is no transaction of money as far as ABC is concerned, as
1222 this particular time. There may be times wherein that I will have to apply because at some
1223 time, in visiting other functions pertaining to banquets and anniversaries, I've notice that the
1224 party does not have alcoholic beverages themselves; therefore, the establishment provide the
1225 alcohol to be served to the individuals.

1226

1227 Mr. Taylor - Now, while the function is in process, be it a wedding or a social
1228 function, I haven't had time to read all of these provisions, but will you have a full time
1229 manager representing you on site?

1230

1231 Mr. Pinchback - Every time there is a function, yes. There has to be someone there, 21
1232 years of age or older.

1233

1234 Mr. Taylor - Someone 21 years or older in control of the police function and
1235 monitoring ABC and working to protect the neighborhood and being, let's say, in opinion of
1236 first resort that people can come to and say that there's something wrong here. These people

1237 are drinking too much or becoming rowdy or the inevitable possibility that I see is someone
1238 who is not invited to the function, without adequate security, might gain unauthorized access.
1239 In what provisions would you have there to stop that? Would you have a gate monitor or a
1240 door monitor to make sure that everybody at that function is in fact an invited guest?

1241

1242 Mr. Pinchback - There will be a monitor from the event person, from the person that's
1243 renting the establishment at the door, which is considered the main entrance for identification
1244 and to identify all persons that have been invited. There will not be any tickets sold at the
1245 door, period. So, it would not be somewhat of a thing that I want to buy a ticket, they have to
1246 be invited before they come to the establishment.

1247

1248 Mr. Taylor - And that person at the door will be from both your staff and from the
1249 renter's staff or user's staff? There will be effectively one person there to monitor that
1250 everybody there is an invited guest.

1251

1252 Mr. Pinchback - Yes.

1253

1254 Mr. Taylor - And, two, there is your representative there to make sure that all
1255 activities at that function are in accordance with the written guidelines and the standards that
1256 are here.

1257

1258 Mr. Pinchback - Right.

1259

1260 Mr. Taylor - Thank you.

1261

1262 Mr. Archer - All right, are there any further questions?

1263

1264 Mr. Jernigan - Yes. Mr. Pinchback, you said that you have not cut a deal with the
1265 minister on the parking lot.

1266

1267 Mr. Pinchback - No, I have not talked to him in reference to parking there but he has
1268 talked to me pertaining to parking over on my establishment.

1269

1270 Mr. Jernigan - How many spots do he have over there?

1271

1272 Mr. Pinchback - I'll say about 25 or 30, something of that nature, maybe a little less.

1273

1274 Mr. Jernigan - So, you will still need additional parking for a large benefit?

1275

1276 Mr. Pinchback - For a large party, but until those things happen I will not book anything
1277 that will not facilitate my parking lot until I communicate with the particular party.

1278

1279 Mr. Kaechele - Now, Mr. Pinchback, will you be the one that does the booking or do
1280 you have a manager that handles that?

1281

1282 Mr. Pinchback - Right now I do not have an additional employee to do it, so I will be
1283 doing it myself.

1284

1285 Mr. Kaechele - That's your responsibility that these rules in terms of lease are explained
1286 to anybody coming to you.

1287

1288 Mr. Pinchback - Yes, sir.

1289

1290 Mr. Kaechele - All right.

1291

1292 Mr. Vanarsdall - Mr. Pinchback, there is a saying in Planning that "if you can't police it,
1293 don't pass it." But, in this particular case the property is already zoned to what you want to
1294 do. And there is no way possible that this can be policed by our Police Department, inside,
1295 until they are called, unless you do have good security. As I see this, you have a lot of things
1296 on here. For example, anyone drunk won't drive a motor vehicle. That's going to take a lot
1297 of watching. In other words, I see this, in the sense of this, your input and the manager, the
1298 person you hire is going to really have to watch everything in that place, the serving of 21 year
1299 olds, the 125 guests and parking. There are a lot of things on here that are really going to
1300 have to be enforced. I suggest that when you first open your door you enforce these and let
1301 the reputation follow you that you won't tolerate a lot of things on there. Although, it is not
1302 walk-in traffic, you are still going to have trouble with parties, because you don't know who's
1303 in the party that is going to act up, nobody can. I think that would be the secret to it.

1304

1305 Mr. Archer - All right, any further discussion? All right. Thank you, Mr. Pinchback.
1306 Mr. Secretary, do we have to handle these separately with regard to the fence height or can it
1307 all be done in one motion?

1308

1309 Mr. Silber - I think one motion can handle it but just clarify the fence height in your
1310 motion.

1311

1312 Mr. Archer - Let me just make a few remarks, if I may, before we take any action on
1313 this. This has been a particularly difficult case to work and I want to applaud Mr. Kennedy for
1314 his hard work in attending these meetings and trying to ameliorate the differences between the
1315 two parties. This is one of those unfortunate cases where we have commercial zoning that
1316 abuts a residential neighborhood. And unlike a zoning case, there's just not a lot we can do in
1317 terms of whether we approve or deny this case, as it falls within the constraints of the zoning
1318 that fits the property. We can't deny this plan of development. And in all fairness to Mr.
1319 Pinchback, and in looking at the Standard Lease Terms and Rules, somebody would want to
1320 have a party pretty bad to do this. So, I would assume that this would certainly make the
1321 person who leases the space responsible. But, at the same time, we can't control people's
1322 actions whether it's at this location or any other location that people go to where alcohol is
1323 served. I think this will put quite a bit of responsibility and will require a lot of scrutiny by
1324 various departments of the County to make sure that these things are enforced. But, in terms
1325 of working out the lease arrangements we appreciate the fact that the two parties did get
1326 together and meet and you all were able to work these things out. And I might say, this is

1327 going to also involve some scrutiny from the neighbors in the community. You will have to be
1328 the watchful ones to make sure that these things are going as they should be. The things that
1329 happen at this kind of operation are always complaint driven. If nobody complains apparently
1330 nothing will be done. So, we will have to put the onness on everybody including Mr.
1331 Pinchback to make sure that the terms of his own lease arrangements are adhere to.

1332

1333 Mr. Taylor - Mr. Chairman, before we go ahead, I would like to offer a postscript to
1334 your comments, agreeing with them wholeheartedly. I do not see in here, and with a quick
1335 read I might have passed over it, but Mr. Pinchback might consider, and in my judgement, it
1336 would be wise to consider keeping real open communications with the neighborhood and
1337 establishing some kind of a governing board or governing body that incorporates people from
1338 the neighborhood as a sounding board to how the neighborhood feels about the continued
1339 operation. So, that you can make course adjustments very quickly based not on your
1340 perception of how the management and use of this facility is going, but how the community
1341 views it. And, also having that there would be access available to the Henrico Police
1342 Department to be either an official member of that group so that they can be apprised of
1343 problems you are having very early and adjust their behavior accordingly. And keep an open
1344 communication flow between you and the neighbors and other interested people to make sure
1345 that this doesn't get out of hand. I think that everybody who is affiliated with it, everybody
1346 who lives in the neighborhood, and certainly the members of the Planning Commission are
1347 concerned that this, well it looks benign and it looks like it could be a real burn and all of us
1348 understand that it's somewhat of a powder keg if it gets out of hand. So I would urge that kind
1349 of oversight which is more than normal but I think in this particular case with the concerns by
1350 the members of the community you would be wise to have a board of governors that actively
1351 takes a role in this besides yourself. And, perhaps, even workers to assist you while there are
1352 functions to double up on their own vigilance and their own communications to you if they see
1353 a problem or know of a problem. Just a way to keep that communication open to keep that
1354 under control.

1355

1356 Mr. Archer - Thank you very much for those remarks, Mr. Taylor.

1357

1358 Mr. Vanarsdall - Mr. Chairman, I failed to ask Mr. Pinchback, have you applied for your
1359 alcohol license, ABC license?

1360

1361 Mr. Pinchback - No I have not, sir.

1362

1363 Mr. Vanarsdall - Well, you will have to consult the neighbors for that too.

1364

1365 Mr. Pinchback - Of course.

1366

1367 Mr. Vanarsdall - And I want you to know, I think somebody thought that maybe we had
1368 something to do with the license, the Planning Commission has nothing to do with it. And the
1369 other thing I want to suggest to you, that through security cameras and the video system, I
1370 know you are not familiar if you haven't had a place with it before. Ms. Kim Vann is in the
1371 back of the auditorium who handles all the cameras and security. She's a planner for the

1372 Police Department. And I would suggest that you get in touch with her, or she get in touch
1373 with you and she can help you with that to make the place safer and catch the people in the act.
1374 That's all I have.

1375

1376 Mr. Pinchback - Thank you very much.

1377

1378 Mr. Archer - Thank you, Mr. Pinchback. Let me just wrap this up by saying I don't
1379 think that it is fair to Mr. Pinchback to automatically make the assumption that this place is
1380 going to be rowdy and out of control. I don't think we should do that until it is giving an
1381 opportunity to get on line and start running. Let's not make that assumption at this point in
1382 time but, to defer to what Mr. Taylor said, the lines of communication have been open with the
1383 community and I think we ought to keep that open and have periodic meetings with the church
1384 and the surrounding community to make sure that everybody is watching. So, with that, I will
1385 move approval of POD-23-01 including the alternative fence height plan subject to the standard
1386 conditions for developments of this type, the additional conditions Nos. 23 through 27 and
1387 Nos. 28 and 29 as referred to on the addendum.

1388

1389 Mr. Taylor - Second.

1390

1391 Mr. Archer - The motion was made by Archer and seconded by Mr. Taylor. All in
1392 favor say aye...all opposed say nay. The motion carries.

1393

1394 The Planning Commission approved POD-23-01, Northside Banquet Hall, subject to the
1395 standard conditions attached to these minutes, the annotations on the plan and the following
1396 additional conditions.

1397

1398 23. The developer shall provide fire hydrants as required by the Department of Public
1399 Utilities and Division of Fire.

1400 24. A standard concrete sidewalk shall be provided along the west side of Meadowbridge
1401 Road.

1402 25. Deviations from County standards for pavement, curb or curb and gutter design shall be
1403 approved by the County Engineer prior to final approval of the construction plans by the
1404 Department of Public Works.

1405 26. Insurance Services Office (ISO) calculations must be included with the plans and
1406 approved by the Department of Public Utilities prior to the issuance of a building
1407 permit.

1408 27. Approval of the construction plans by the Department of Public Works does not
1409 establish the curb and gutter elevations along the Henrico County maintained right-of-
1410 way. The elevations will be set by Henrico County.

1411 28. The owner shall install and maintain a video camera surveillance system, designed by a
1412 security specialist, in accordance with the "Security Standards" policy dated **February**
1413 **28, 2000** (copy attached).

1414 29. The owner shall incorporate into every lease or rental agreement terms substantially
1415 consistent with the terms contained in the document entitled "Northside Banquet Hall -
1416 Standard Lease Terms and Rules" dated **May 23, 2001** (copy attached).

1417

1418 **THE PLANNING COMMISSION TOOK A BREAK AT THIS TIME**

1419

1420 Mr. Archer - The Commission will come to order. Mr. Secretary, I believe we
1421 have a withdrawal that we can dispense with, do we not?

1422

1423 Mr. Silber - Yes, sir. We have just learned that there has been a request for
1424 withdrawal. This is on Page 23 of the agenda.

1425

1426 **SUBDIVISION & STEM LOT EXCEPTION**

1427

Hallwood Farm - **Engineering Design Associates for H. W. Owens Inc.:**
Resubdivision of Lot 36 Request for approval of a stem lot exception as required by
Chapter 24, Section 24-95(w) and Chapter 19 Section 19-
4(c) of the Henrico County Code to resubdivide an existing
lot and create one standard cul-de-sac lot and one stem lot.
The 0.957 acre site is located at the western terminus of
Hallwood Road (under construction) on parcel 140-7-A-
36. The zoning is R-3AC, One-Family Residence District
(Conditional) and ASO (Airport Safety Overlay) District.
County water and sewer **(Varina) 2 Lots**

1428

1429 Mr. Silber - The engineer handling this has requested that this be withdrawn. It will
1430 take Planning Commission action to withdraw this.

1431

1432 Mr. Archer - OK, and that is because it is on the agenda. Mr. Jernigan.

1433

1434 Mr. Jernigan - Mr. Chairman, I make a motion that we withdraw Hallwood Farm
1435 subdivision from the agenda.

1436

1437 Ms. Dwyer - I will second that.

1438

1439 Mr. Archer - Motion by Mr. Jernigan and seconded by Ms. Dwyer. All in favor of
1440 the withdrawal say aye. All opposed say no. The withdrawal has been done.

1441

1442 The Planning Commission, at the request of the applicant, withdrew Subdivision Hallwood
1443 Farm – Resubdivision of Lot 36 from the agenda.

1444

1445 **PLAN OF DEVELOPMENT**

1446

POD-35-01

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

C. E. Duncan & Associates, for Gayton Baptist Church:
Request for approval of a revised plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 6,000 square foot classroom addition (phase 1), a one-story, 14,400 square foot sanctuary with 900 seats (phase 2), and a two-story, 20,800 square foot gymnasium and fellowship hall (phase 3) at an existing church. The 11.75 acre site is located along the east line of Gayton Road, approximately 1,200 feet south of W. Broad Street (U.S. Route 250) on parcel 35-A-28A. The zoning is A-1, Agricultural District. County water and sewer. **(Three Chopt)**

1447

1448 Mr. Silber - Mr. Chairman, there has been a request to move an item up on the
1449 agenda if that is agreeable to the full Commission. You have the right to do that. This is on
1450 Page 26. There has been a request to have that moved up and acted on sooner rather than
1451 later.

1452

1453 Mr. Archer - Does that meet everyone's approval?

1454

1455 Mr. Vanarsdall - That is up to the Chairman.

1456

1457 Mr. Silber - It was a request from someone in the audience who has plans for
1458 something that they need to attend to.

1459

1460 Ms. Dwyer - Probably everybody has other plans. Usually we do it if someone has a
1461 plane to catch or something.

1462

1463 Mr. Silber - I don't know the circumstances. Mr. Taylor, do you know more of the
1464 circumstances?

1465

1466 Mr. Taylor - No, I am not sure, but the question did come up and it was a matter of
1467 accommodating some neighbors who are here on this particular case that wanted to express
1468 themselves and had some other commitments, so, frankly, Mr. Chairman, I have no objection.

1469

1470 Mr. Archer - OK. If there is no objection, we will do it.

1471

1472 Mr. Archer - Is there opposition to POD-35-01? There is? Thank you. Mr. Wilhite.

1473

1474 Mr. Wilhite - Thank you, sir. As identified on the annotations on the plan, there are a
1475 number of issues that are being worked out, and are still being addressed within the last couple
1476 of days. Firstly, there was more information requested by staff dealing with the water quality
1477 requirements on site. We have received that and it has been looked at by staff. Concerning

1478 the size and location of the BMP, there were some conflicts with existing easements along the
1479 rear of the property bordering the Wellesley neighborhood to the east. Basically, what is being
1480 proposed are two bio retention basins, roughly about six inches to one foot in depth. These
1481 will be areas that will be heavily landscaped there. They are dug out with trees, shrubs and
1482 bushes. There has also been identified a third possible area for a BMP within the groupings of
1483 three buildings. There were also a number of concerns that staff had dealing with the
1484 construction of the buildings. The information that we got on architectural was very sketchy.
1485 The applicant has been working with the Building Inspections' office to determine the type of
1486 construction of these buildings. They are in agreement now that there is going to be at least a
1487 31 foot separation between the education wing, which is on the east side of the site in the rear,
1488 and the sanctuary building. That appears as Phase 2 on this plan. In order to accommodate
1489 that, the sanctuary building is going to be reduced in depth by 20 feet, in order to avoid having
1490 the building sprinkled. The size the building of both the education wing and the sanctuary will
1491 not exceed 12,000 square feet. As I noted, there was quite a bit of lack of information on
1492 architectural design of these buildings. We did get complete architectural plans for the
1493 education wing, which is the first phase. Those were handed out to you. This is primarily a
1494 brick building with asphalt shingles. The design is very similar to the existing church, which is
1495 primarily brick with some drivit architectural details. We do not have very much information
1496 as far as the elevations of both the Phase 2 and Phase 3 buildings. Phase 2 is a 900 seat
1497 sanctuary. The one elevation they did give us was a sketch. That did show that it was going
1498 to be brick as well. We did not get elevations for the other three sides. For the gymnasium,
1499 which is the Phase 3, the type of material was not even identified on the plan that we did
1500 receive. That is the one concern that staff has left at this point, which is the design of the
1501 buildings themselves. Staff would recommend that the buildings be brick and the same
1502 architectural style as the existing church, and that is something that the applicant will need to
1503 address at this time. I will be happy to answer any questions you might have.

1504

1505 Mr. Archer - Thank you, Mr. Wilhite. Are there questions from the Commission?

1506 No questions. All right, Mr. Taylor, would you like to hear from the applicant?

1507

1508 Mr. Taylor - Yes, sir.

1509

1510 Mr. Archer - Would you come forward, sir?

1511

1512 Mr. Taylor - I understand, Mr. Chairman, that there is some opposition here. You
1513 may want to hear from the opposition.

1514

1515 Mr. Archer - Well, I think we will hear from the applicant first, in order that he can
1516 reserve some time for rebuttal.

1517

1518 Mr. Taylor - Fine.

1519

1520 Mr. Archer - While you are coming forward, we will remind you of the 10-minute
1521 rule. There are 10 minutes allotted to the opposition and to the applicant, and, sir, if you'd
1522 like to reserve some of your time for rebuttal, let us know how much.

1523

1524 Mr. Carl Duncan - I will reserve it all other than what you require of me for answering any
1525 questions that you may have.

1526

1527 Mr. Archer - You don't have any remarks to make at all?

1528

1529 Mr. Kaechele - One thing, how much parking is involved with Phase 1? Is that the
1530 shaded portion?

1531

1532 Mr. Duncan Yes, that is the shaded portion.

1533

1534 Mr. Archer - Pardon me. Would you state your name for the record, please.

1535

1536 Mr. Duncan - Carl Duncan with Duncan and Associates.

1537

1538 Mr. Archer - OK. Thank you.

1539

1540 Mr. Silber - I was just going to say that you may want to address the staff's identified
1541 concerns.

1542

1543 Mr. Duncan - Yes, OK. We just conferred back there and the staff's concern about the
1544 type of material of the Phase 3 gymnasium building. We do not have a problem with making
1545 that brick veneer similar to what is already on site.

1546

1547 Mr. Taylor - Mr. Duncan, with regard to that, the building that I have, the
1548 educational wing is going to be brick and it looks like cedar shake.

1549

1550 Mr. Duncan - It should be asphalt shingles, I believe.

1551

1552 Mr. Taylor - Asphalt shingles. On the side of that, it looks like a fire exit of wood?
1553 Is that correct in the elevation - the south elevation? What material is that? It looks like a fire
1554 exit structure.

1555

1556 Mr. Duncan - It is a metal staircase and balcony.

1557

1558 Mr. Taylor - And that meets the Code? And then on the elevation for the gymnasium,
1559 which shows in the plan, really that looked like it was going to be a metal building.

1560

1561 Mr. Duncan - I think the intention at the time was probably with a gymnasium-type
1562 structure, but that was pre-engineered-type metal building, but given the concerns, we
1563 certainly can make that a brick veneer and asphalt shingles to match the buildings on site.

1564

1565 Mr. Taylor - I am looking at the front elevation of that and quite frankly as I looked at
1566 it, it looks like an interesting gymnasium, but in that particular area, that particular site, my
1567 thought would be we should do something more with the architecture to make it compatible

1568 with the architecture of the church and the architecture of the neighborhood and high quality of
1569 the adjacent residential area.

1570

1571 Mr. Duncan - OK, certainly. And we would be willing to work with staff in
1572 accommodating that request.

1573

1574 Mr. Taylor - Now, another point I had is in the plan view, which is sheet 2, I had just
1575 a little difficulty between the educational wing and the new sanctuary, and another phantom
1576 square that has been imposed here.

1577

1578 Mr. Duncan - Oh, that is the existing playground area that is to be removed. The, it looks
1579 like a line with a zero in it, forming a square in it. Is that the one we are talking about?

1580

1581 Mr. Taylor - Yes.

1582

1583 Mr. Duncan - That is an existing playground that will be removed and not relocated on
1584 site.

1585

1586 Mr. Taylor - OK, then the dotted line going from the educational wing to the existing
1587 building and in fact to the new sanctuary. Is that going to be a new set of walls or is that going
1588 to be an alley way? What is that?

1589

1590 Mr. Duncan - That - the dashed line will be the existing building except for where the
1591 new sanctuary is we have erroneously shown it connecting to the new sanctuary, and, in
1592 reality, it is about 20 feet or so gap between the existing building and the new sanctuary
1593 building.

1594

1595 Mr. Taylor - OK. Thank you. Now I can understand it all. I was having trouble
1596 with what that structure was going to be. But you have proffered now to change the family life
1597 center to a brick structure?

1598

1599 Mr. Duncan - Yes.

1600

1601

1602 Mr. Taylor - And the architectural details on that that show a certain lack of
1603 symmetry, can we correct that?

1604

1605 Mr. Duncan - Sure, we can work with staff to meet their needs on that.

1606

1607 Mr. Taylor - I really think a redesign of that in terms of material and architectural
1608 styles would be in order.

1609

1610 Mr. Duncan - At this stage, that building is very conceptual, so we will, we are OK
1611 with any changes like that.

1612

1613 Mr. Taylor - Those were the things that jumped off the sheet on my first review of
1614 that. I am glad to hear that you will accommodate those changes.

1615

1616 Ms. Dwyer - One observation I would make, it really is just a thought, but as I look at
1617 the elevations for the sanctuary and compare it to the elevations for the educational wing, the
1618 educational wing looks like what we refer to, with the grab-bag term, as Colonial Style or
1619 Georgian, maybe, and then the sanctuary is fairly contemporary in style, so it might create a
1620 more cohesive appearance and have a more similar architectural style among the buildings, as
1621 long as you are looking at that, with regard to the...

1622

1623 Mr. Duncan - Certainly. I think the educational wing more mimicked what is already
1624 out there, and the other two, the sanctuary and the gymnasium, are still very conceptual as far
1625 as what we have done, so we certainly will work with staff and whoever to accommodate that.

1626

1627 Ms. Dwyer - I am not saying one is preferable, but just the style...

1628

1629 Mr. Duncan - Certainly.

1630

1631 Ms. Dwyer - And the BMP, I wasn't clear on Mr. Wilhite's comment. Is it still
1632 uncertain as to where it is going to go? Might it be along Gayton Road or do you know?

1633

1634 Mr. Wilhite - I think the general location has been determined, not the exact size and it
1635 could shift back a little bit. There are a number of existing easements along the east boundary
1636 of the site that they have to work within. So, two different basins have been identified. This
1637 is our most recent sketch plan. Those are the rectangles up here at the top of the plan just on
1638 the other side of the parking areas. Roughly, these basins are 40 x 140 feet and 40 x 110 feet.

1639

1640 Ms. Dwyer - It looks like trees would have to come down to accommodate those.

1641

1642 Mr. Wilhite - Yes, there would be trees that would have to be removed, but these are
1643 not just open basins. These are bio retention basins and they are going to be heavily
1644 landscaped as well, so you may end up having more dense vegetation than is currently existing
1645 right now.

1646

1647 Ms. Dwyer - I was observing the one at Grove Avenue Baptist Church the other day
1648 and it looks like it is thriving, so a smaller one than this...

1649

1650 Mr. Wilhite - There are some good examples around. We can address this so this will
1651 be a plus, too.

1652

1653 Mr. Taylor - And they actually, Commissioner Dwyer, the relief on this particular site
1654 is just reasonable. It probably drops from the road back to the site by 30 or 40 feet, which
1655 works to the advantage of the buildings in the back. Actually, stepping down as you go down
1656 the site and (unintelligible) drainage into those basins, so I think that the basins in the back will
1657 be effective, but they are also a very good buffer between the church and the adjacent

1658 residential area.

1659

1660 Ms. Dwyer - Well, looking at the trees, I was thinking about the neighbors there and
1661 how they would be effected by that.

1662

1663 Mr. Wilhite - At this point, from the most recent sketch plan that we have, the closest
1664 that the interior contour of the basin would be within 70 feet of the property line at the closest
1665 point, and grading for that basin would come probably 50 feet at the closest point, but those
1666 are subject to change.

1667

1668 Mr. Duncan - I'd like to add, that if you look at the drawing, there are a couple of
1669 drainage and sewer easements there, and we are trying to keep the development towards our
1670 side of those easements, so that they act like a natural buffer for us, too. We can't cross them.
1671 Obviously there are cleared areas already, so all of the natural vegetation between this and the
1672 property line, which is the creek, is proposed to stay in place.

1673

1674 Ms. Dwyer - Thank you.

1675

1676 Mr. Archer - All right. Any further questions before we hear from the opposition?
1677 All right. We have opposition. Please state your name for the record and be reminded of the
1678 10 minute rule, and also questions that we ask you, we will deduct that time from your time.

1679

1680 Mr. William Deeb - Is it OK if the other households that are a part of this opposition come
1681 forward?

1682

1683 Mr. Archer - They can as long as they stay within the 10 minutes.

1684

1685 Mr. Deeb - So each of us will be restricted to 10 minutes?

1686

1687 Mr. Archer - No. All of you, collectively.

1688

1689 Mr. Deeb - OK. This is my first appearance. I didn't know the protocol here. My
1690 name is William Deeb and I am a resident at Wellesley @ Shelborne subdivision, and with me
1691 today is Eileen Davis, who represents one of the households and Sam Sears represents the
1692 other household. We had intentionally, initially, three other households, because of scheduling
1693 problems, were not able to attend today. We appreciate you bringing this up on the agenda,
1694 also, and also appreciate that courtesy extended to us, and one of the things of concern that we
1695 had upon hearing of this revised plan that was submitted several years back; first of all, I'd like
1696 to take an opportunity to applaud Kevin, who has been really cordial in working with us and
1697 has really bent over backwards to assist us in some of our questions - so, thanks Kevin.

1698

1699 When we initially took a look at the plans, one of the concerns that we had, and I want to
1700 address something after the fact. Several years ago they cut a sewage line that they talked
1701 about. No. 1, we received no notification of that sewage line being cut, and all of a sudden,
1702 one day I was out on my deck and I looked and there were heavy tractors back there just

1703 knocking down every tree in sight to cut this sewage line that connects to Sedgmoor Oaks, and
1704 so at that time I called the County to find out what was going on. I called the church. The
1705 church evidently had granted permission for that cut-through to take place that came all the
1706 way behind our property. I called Mr. Kaechele trying to find an answer to what was going
1707 on. Obviously, that was the first that we heard of it; nothing was done. The silt fence that is
1708 currently in place still has not come down. I talked with the developer. He said the County
1709 has not released it yet, but the bottom line was it was just, to us, done in very poor taste, just
1710 total disregard for the residents and the beautiful scene that we have behind us that is called
1711 woods is vacant, and it is like a hole there, and nothing was done to replace any of the taken-
1712 down trees that was a concern to us.

1713

1714 Ms. Dwyer - Can I ask you a question about that?

1715

1716 Mr. Deeb - Sure.

1717

1718

1719 Ms. Dwyer - Was this work done on your property at all?

1720

1721 Mr. Deeb - It was not on our property. We submit that it is not our property. We
1722 respect that this property does belong to the church. The concern that we have, first of all, is
1723 the church is not, it has been quite surprising, has not contacted any of the residents to sit
1724 down and talk regarding this expansion. This is the first that we have heard. We were
1725 notified by the County. Some of the major concerns that we have, #1 is, we respect the
1726 growth and it is great to see that they are having progress and that their congregation is
1727 growing, but we would also like to be able to maintain the integrity of the buffered landscaped
1728 area between our property and the church, which is slowly diminishing, based on #1, that
1729 sewerage line that was cut through. Also, we have concerns relative to the Chesapeake Bay
1730 Protection Act, the creek that is in between our property and the church that is protected by
1731 that Act. Eileen Davis is going to talk relative to that particular concern, and, again, this is
1732 our first. We saw the plans today for the first time and we saw a representative from the
1733 church who had to leave for another meeting, and he said he was willing to sit down with us to
1734 talk about some of the changes that are taking place. I am going to go ahead and turn this over,
1735 since we have a 10-minute time limit, and let Eileen talk about the Chesapeake Bay
1736 Preservation Act.

1737

1738 Mr. Kaechele - Before you leave, did you contact the church and ask them to meet with
1739 you?

1740

1741 Mr. Deeb - I went up to the church last week to look at the plat that they had in their
1742 foyer and I happened to run into the pastor. And he was trying to explain to me what was
1743 going on. I am not the greatest at reading blueprints or any type of plats, but, you know, he
1744 was cordial. He did not indicate to me at that time that they were going to sit down with the
1745 residents and discuss this project.

1746

1747 Mr. Kaechele - But, if you requested it, I presume they would.

1748

1749 Mr. Deeb - I would assume they would. I would have thought that they would have
1750 contacted us. You can flip-flop it however you want. Let me go ahead and let Sam..

1751

1752 Mr. Sears - Just a quick comment, and again, I don't have great opposition to the
1753 building itself, although I am starting to have some concerns a little bit about it. It doesn't
1754 seem to be very well planned out.

1755

1756 Mr. Taylor - I missed your name.

1757

1758 Mr. Sears - Sam Sears. I do have some concerns about the plans. However, I guess,
1759 #1, I am interested in the buffer, especially with the easement now and the trees being taken
1760 down. And second, the development of the drainage ponds there. The drainage pond that is
1761 now in place is directly behind my house and if you look at that, actually what it is is a berm.
1762 It does have vegetation in it; however, it has gravel at the back of it, and there is basically an
1763 18 inch to two-foot deep ditch where it just runs right straight from the parking lot, through a
1764 culvert into the drainage pond, down the hill, and into the creek. It is nothing but a big
1765 erosion thing that is going right straight into the creek, and if this is what is going to be in this
1766 parking lot, then we are going to have some problems. I will let Eileen speak.

1767

1768 Ms. Eileen Davis - My name is Eileen Davis and I live behind, I am lot 19, which is behind
1769 one of the proposed basins that are on your site map. I actually would like to say to Ms.
1770 Dwyer that I appreciate her comment on her concern about the aesthetics of that building, of its
1771 size and structure. I would agree with you. I think that is really something they need to look
1772 at.

1773

1774 I am here today to specifically talk about the creek and about the grading of the land. As it
1775 happens, my daughter did a study on this creek, Effective Urbanization on a Tributary to the
1776 Chesapeake Bay, over a three-year period. It was a longitudinal study. It was presented at the
1777 Metro Richmond Science Fair for two years and took first place and went on to Virginia Junior
1778 Academy of Science. I say that because it was looked at by a lot of environmental scientists
1779 and it was considered to be scientifically valid. In that study, that creek directly behind the
1780 house is the Chesapeake Bay protected tributary, and the land directly behind that, the creek
1781 area directly behind those two BMPs are in the buffer zone, the 200-foot buffer zone, and what
1782 I have here is on this one map over here...I don't know if you can see it. It is a site map. She
1783 tested four sites and three and four are the area directly behind the proposed building.

1784

1785 As you can see by the basic bar graph, that over that three-year study, specifically what I am
1786 concerned about mostly is the tributary levels. Because the Chesapeake Bay Protection Act is
1787 in place, one of the things that it says is that when there is an increased grading of the land
1788 surrounding the tributary, special consideration has to be made to amend the ability to build
1789 upon that area. The grade behind this property, the grade of this property, is not really
1790 being...he mentioned it a little bit with regards to the grading, but it is a rather sharp incline. I
1791 have a 3-story house and when I'm on the third floor of my house looking out the window,
1792 cars coming down Gayton Road are at eye-level with me, so we are talking about property

1793 that, that this piece of property goes from that amount of pitch from Gayton Road all the way
1794 down to the end of that property, and I share Mr. Sears' concern that those basins that are
1795 being put in, that the way the land is pitched, it is going to be an erosion issue, a serious
1796 erosion issue. I am concerned about the building of that whole area, with the disturbance of a
1797 very heavy forested treed area, now very, very heavily treed. As a matter of fact, right now in
1798 this season, we can't even see Gayton Road except at night you can see the lights. That is how
1799 heavily forested it is, and that would have to be severely disturbed in order for this building to
1800 take place. Basically the concerns are that a silt fence, I know, was always used in building. I
1801 am not an engineer. I am a registered nurse, so this is not my area of expertise, but the silt
1802 fence is, the pitch of the land, I am concerned is too steep to be controlled, that the amount of
1803 disturbance of this land can be controlled by a silt fence, and I would like for someone who
1804 knows about these things to take a hard look at the impact. I am also concerned about the
1805 increased lack of impervious surfaces. When they build those buildings and the parking lots,
1806 all of the other areas and that water, rains and stuff, the way this land is pitched it is coming
1807 right at us and it is going to go right into our creek. There is absolutely no doubt about it.
1808 You don't have to be an engineer to see that that is going to happen, and as Mr. Sears has
1809 already told you, it is already happening behind his house. We have 100-year flood plain on
1810 that creek behind our house and there are some concerns by the residents that if all of this
1811 building is done on that land mass with that gray and that increased water, what are we going
1812 to have in terms of increased floods on that creek behind our property, which would spill over
1813 into our yards. We are also, we would like a review of compliance of how well this building
1814 is, the disturbance of this land would impact the Chesapeake Bay, the runoff into the creek, the
1815 potential for increased flooding for our residential area, and whether or not those basins that
1816 are being built would actually be effective, considering the way that land is graded. And, then
1817 on the sidebar, we would also, we are also concerned about the physical size of that entire, it is
1818 a rather extensive renovation, and if you look at that site map, it is in a rather narrow piece of
1819 property. It slopes around Gayton Road. I think that is it. Thank you.

1820

1821 Ms. Dwyer - Do we have anyone here who can speak to the environmental issues?

1822

1823 Mr. Perry - Hi. I stopped in for a different reason, but while I am here, I will
1824 address this. It appears as far as the RPA issue that this drain is not considered a perennial
1825 stream in accordance with the Chesapeake Bay guidelines. Therefore, as far as the required
1826 100-foot setback RPA, it is not required to have the 100-foot buffer. I will double check on
1827 that when I get back. I apologize. I am just not familiar with this case, but I will check on
1828 that on behalf of the people that are concerned. With respect to the grading that was referred
1829 to, whenever you have steep slopes, highly erodible soils, there are requirements under the
1830 Chesapeake Bay Act, under the Resource Management Area, the RMA, to go ahead and
1831 provide storm water quality. In fact, the RMA properties are ski sloped and I need to check the
1832 highly erodible as well, but just looking very briefly at the plans, it is apparent that we do have
1833 storm water management that would be required by the two retention basins, so they probably
1834 met that provision, as well. With respect to the erosion control comments, obviously at this
1835 point in time, erosion control is not shown, but I can read you our comments and our
1836 comments were: BMPs should be used as sediment traps or basins during construction. This
1837 may allow the bi-pass diversion to be eliminated. So, just by that comment, it is obvious that

1838 we also consider on this site, that they will not just be using silt fence, that we will be using
1839 traps or basins to go ahead and catch sediment from the construction site and treat it prior to
1840 release. Again, for your benefit, this is a very preliminary plan. As far as the environmental
1841 division is concerned, we will get into a lot of the details on how the water is diverted to
1842 basins, how to protect the streams, how those BMPs are designed. I heard some folks talking
1843 about the slopes. You've got to understand that the bio-retention that they are referring to is
1844 actually underground. I mean it is landscaping. It is basically a vault that is built under the
1845 ground. Water collects and actually drops down through this, so you don't have the big basin
1846 slopes that you would, let's say, and normally you see sometimes in a subdivision when you
1847 have a BMP basin. So, it will be a little different with respect to that. Those are the things
1848 that we looked at and a lot more detail when the plan comes in. All I can tell you, if it makes
1849 you feel any better, we are very aggressive as far as the environmental concerns and controls
1850 are. Probably there are some developers and engineers here in the audience who could attest
1851 to that, and I can assure you that listening to your comments, we will give you the maximum
1852 protection that can be afforded. I will say this, not to patting ourselves on the back, but we go
1853 way beyond what the State and Federal requirements are, in many cases, on environmental
1854 control that probably does not make some people happy in the audience, but hopefully our
1855 citizens feel it is well warranted, so with that, I know it is a general comment, but I probably
1856 can't afford, without being too familiar with it.

1857

1858 Ms. Davis - I just have a general question. Again, I am a nurse and not an engineer.
1859 Would the amount of the building, in terms of square footage, between the drives that go out
1860 into the parking and the building, would that have any impact on the water level in that creek
1861 and would that prevent any kind of increased flooding risk to the homeowners that live along
1862 that line?

1863

1864 Mr. Silber - Mr. Perry, and ma'am, I think there are enough issues here, considering
1865 the church has not met with the neighborhood, and there are drainage concerns, and there are a
1866 lot of questions, I would strongly recommend to the Commission that they consider deferring
1867 this instead of spending more time, when we have many things on the agenda still, and if we
1868 can maybe move on, I would certainly, unless the applicant objects, I would suggest the
1869 Commission consider deferring this.

1870

1871 Mr. Taylor - Mr. Silber, I quite agree, and I am ready to move for a 30-day deferral
1872 at the request of the Commission to enable us to study the architectural aspects, the building
1873 materials and the designs, the Chesapeake Bay Protection, and we certainly want Mr. Perry to
1874 go a step beyond on the drainage, and the site layout. So, accordingly...

1875

1876 Mr. Vanarsdall - The applicant may want to defer it, if you want to ask him.

1877

1878 Mr. Duncan - I reserved the right to a rebuttal and I'd like to take the opportunity to
1879 have that rebuttal, if I could. There have been a lot of issues raised and I think we have
1880 addressed them. The home owners may not be aware of it.

1881

1882 Mr. Taylor - Well, I can realize that, but I see so many loose ends that I was going to

1883 offer a 30-day deferral at the request of the Commission, no expense to you, to give us a
1884 chance to review all of the different factors that I have discussed, and meet with the neighbors
1885 and give it a real good look. I am a registered engineer in Virginia and I have looked at it and
1886 I don't understand how complicated it is. I do understand the issues with architecture, with the
1887 building materials, with the Chesapeake Bay Protection, and I just think it would be good if we
1888 walked with Mr. Duncan with the staff and the church to just review where we are and satisfy
1889 everybody that all of the things that need to be considered are considered, and that we have
1890 reasonable assurances that this development that will be acceptable, beneficial, and something
1891 we can all be proud of. So, 30-days really just gives the opportunity to meet and discuss and
1892 go over these things, because I think now with all of the differences that we have, all of the
1893 issues that remain unanswered, there is no way that I think we can go ahead with this and
1894 approve it, nor do I think it is fair to disapprove it. It is just premature to really get into the
1895 details, and I think we are better able to do that in private sessions than we are taking the time
1896 of the Commission.

1897

1898 Mr. Duncan - And I agree with you there and we are supportive of that. The only
1899 comment that we would make in rebuttal is that Mr. Sears had made a comment about the
1900 BMP. Well, there is no BMP on the site currently. What he is referring to is an old sediment
1901 trap that was removed during construction, and that is not what we are proposing to put on
1902 site. What we are proposing to put on site is bio-retention and we purposefully stayed closer
1903 to our side of the development and on our side of the easements to maintain that buffer. We
1904 are outside of the 100-year floodplain. We are outside of the wetlands limit plus 100 foot, and
1905 we've taken good efforts to maintain our creek, because we consider it ours, also.

1906

1907 Mr. Taylor - I completely agree with that and I think that time and consideration will
1908 result in a good design. This just gives us an opportunity to all get together and make sure that
1909 everybody's concerns are heard, they are responded to, and they are satisfied, and that will
1910 give us the opportunity to go over it both within the professional area, within the
1911 neighborhood, and allow me to take a look at it with the staff, and then we can bring it back
1912 and it will be a whole piece of proposal. So, with that, Mr. Chairman...

1913

1914 Mr. Kaechele - Will the architects or the church take responsibility for setting up a
1915 meeting? With that, I guess, all of the neighbors that back up to this.

1916

1917 Mr. Duncan - Well, speaking with the church representatives that we had here earlier
1918 that had to leave, he indicated he would contact us to sit down and discuss the relative issues
1919 both with engineers and (unintelligible).

1920

1921 Mr. Kaechele - We will have a formal meeting set up.

1922

1923 Mr. Duncan - I mean we are OK with that.

1924

1925 Mr. Taylor - Do you want to do this at your request or the request of the
1926 Commission? One is 30 days and the other is 90 days.

1927

1928 Mr. Duncan - If the Commission feels so moved, that is fine.
 1929
 1930 Mr. Vanarsdall - So you are not in agreement with the deferment?
 1931
 1932 Mr. Duncan - Our preference would be for you guys to approve it, but I certainly see
 1933 the issues that are on the table.
 1934
 1935 Mr. Vanarsdall - You are in agreement with the deferment? That is all that I am asking
 1936 you.
 1937
 1938 Mr. Duncan - Yes. I believe so. Are you guys OK with that?
 1939
 1940 Mr. Silber - Also, when you meet with the neighborhood, you may want to have
 1941 someone from our drainage division or Mr. Perry's environmental division there at the meeting
 1942 to discuss the issues that have been brought up.
 1943
 1944 Mr. Taylor - What I would most say there, Mr. Duncan, is to get in touch with myself
 1945 or Mr. Wilhite and we will set up a chain of meetings and probably he and I will attend several
 1946 of them. Some will probably be meeting with us and some with the community with a view
 1947 toward bringing everybody together. So, Mr. Chairman, I move to defer this case for 30 days
 1948 at the request of the Commission.
 1949
 1950 Mr. Jernigan - Second.
 1951
 1952 Mr. Archer - Motion by Mr. Taylor and second by Mr. Jernigan. All in favor of the
 1953 motion say aye. All opposed say no. The ayes have it. It is deferred until June 27, 2001.
 1954
 1955 The Planning Commission deferred POD-35-01, Gayton Baptist Church – North Gayton Road
 1956 (POD-98-90 Revised) to its meeting on June 27, 2001.
 1957

1958 **PLAN OF DEVELOPMENT**

1959

POD-26-99
 Chestnut Grove Assisted
 Living Facility

William J. Schmidt & Associates for Chestnut Grove, LLC: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a two-story, 73,510 square foot, 78 unit, assisted living facility. The 3.919 acre site is located at 9010 Woodman Road, approximately 200 feet north of Parham Road on the west side of Woodman Road on parcels 51-A-98 and 99. The zoning is R-6C, General Residence District (Conditional). County water and sewer. **(Brookland)**

1960

1961 Mr. Archer - All right. Is there anyone here in opposition to the Chestnut Grove

1962 Assisted Living Facility? It is POD-26-99.

1963

1964 Mr. McGarry - You have opposition.

1965

1966 Mr. Archer- OK. Thank you, Mr. McGarry. Go right ahead, sir.

1967

1968 Mr. McGarry - The Planning Commissioner for this district and the staff have met and
1969 are satisfied that the proffers can be met and annotation #4 was added to the plan. The
1970 applicant is aware of this and is in agreement. The building layout, the location of the kitchen
1971 as it relates to the dumpster is something that is not the optimum but staff is willing to accept
1972 the dumpster location shown on the plan. We do have a gate detail, which we requested. It is
1973 a very tight site. Anyway, staff can recommend approval of the plan, subject to the four
1974 annotations on the plans, the standard conditions for this type of development, and the
1975 additional conditions Nos. 23 through 29 with No. 9A Amended. I'd be happy to answer any
1976 questions.

1977

1978 Mr. Archer - OK. Any questions for Mr. McGarry?

1979

1980 Mr. Vanarsdall - Mr. McGarry, where did you say you found a place for the dumpster?

1981

1982 Mr. McGarry - We have not found a place for it. We felt it was best served right where
1983 it is shown, because it relates so well to the kitchen area and the other common areas.

1984

1985 Mr. Vanarsdall - When you and I last talked, you were looking over there on the left and
1986 said that wasn't a good place.

1987

1988 Mr. McGarry - No.

1989

1990 Mr. Vanarsdall - So, it will be screened so that you can't see it.

1991

1992 Mr. McGarry - We do have a (unintelligible) screen for it and there will be wooden
1993 gates.

1994

1995 Mr. Vanarsdall - There's going to be a brick wall there or something?

1996

1997 Mr. McGarry - I believe there is a masonry wall around there. Is that correct (speaking
1998 to applicant)? Yes, it is.

1999

2000 Mr. Archer - Mr. McGarry, is there an addendum item on this case?

2001

2002 Mr. McGarry - I'm not sure that there was. I plan to present No. 9 amended at the
2003 appropriate time.

2004

2005 Mr. Archer - Thank you, sir. Are there any further questions for Mr. McGarry? Mr.
2006 Vanarsdall, would you like to make a motion?

2007

2008 Mr. Vanarsdall - I move POD-26-99....

2009

2010 Ms. Dwyer - Wait a minute, we have opposition.

2011

2012 Mr. Vanarsdall - Oh, I'm sorry. We need to hear from the applicant first.

2013

2014 Mr. Archer - Is the applicant present?

2015

2016 Mr. Schmidt - I'm William Schmidt, the engineer on the project.

2017

2018 Mr. Vanarsdall - Mr. Schmidt, you have some opposition, do you want to reserve some
2019 rebuttal time?

2020

2021 Mr. Schmidt - Yes, please.

2022

2023 Mr. Vanarsdall - How much time?

2024

2025 Mr. Schmidt - All of it.

2026

2027 Mr. Vanarsdall - All right.

2028

2029 Mr. Archer - All right. We will now here from the opposition.

2030

2031 Ms. Thacker - I'm Mary Baldwin Thacker, retired from Richmond Memorial Hospital,
2032 and this joins my land down Salua Drive. We are considering the traffic and the lights at night
2033 and the people coming in. We have Parham Road Rehabilitation near me, and when they first
2034 built that the patients would get out and come in our homes and then they would have to come
2035 and get them. The patients didn't realize where they were. The nurses would come get them
2036 and take them back to the home. Now they have electric locks and they can't get out. We are
2037 concerned for our safety and all with this project going up. I lived at this address since 1956.

2038

2039 Mr. Vanarsdall - You are concerned about the traffic.

2040

2041 Ms. Thacker - Yes. And they pick up trash at three o'clock in the morning, BFI, down
2042 at Parham Road and they also pick up there. And they have visitors coming and going,
2043 doctors, and ambulances and all. I know how it is working in a hospital.

2044

2045 Mr. Vanarsdall - On the original rezoning case, we have hours on the dumpster that trash
2046 won't be picked up at three o'clock in the morning. I can assure you that.

2047

2048 Ms. Thacker - Well, they still pick it up on Parham Road and they wake you up.

2049

2050 Mr. Vanarsdall - We will look into that, now that we know that.

2051 Ms. Thacker - Okay. That will be fine.

2052

2053 Ms. Dwyer - Is there some fencing?

2054

2055 Ms. Thacker - So far it is bare, but they said they will put an eight-foot wall there. But
2056 it is like a beer joint, kids in those woods and painting profanity on those trees.

2057

2058 Mr. Vanarsdall - There will be a wall there, yes, ma'am.

2059

2060 Ms. Thacker - Okay.

2061

2062 Mr. Silber - The access to this property would be off of Woodman Road.

2063

2064 Ms. Thacker - It backs up to my land on Salua Drive. And living by yourself, it gives
2065 you an uneasy feeling, these people coming into a nursing home with visitors and all. My
2066 husband died eight years ago.

2067

2068 Ms. Dwyer - Mr. Vanarsdall, it looks like a fair amount of space between the entry
2069 drive and the property line, and there's going to be a fence, is there landscaping or wooded
2070 area in that section between the Lauderdale subdivision and...

2071

2072 Ms. Thacker - Just what I've put there but the vines have taken that over right now until
2073 I can get it completed.

2074

2075 Mr. Vanarsdall - What about that, Mr. McGarry?

2076

2077 Mr. McGarry - There is, I believe, a seven-foot masonry way adjacent to Laurel Dell.
2078 All the trees between the building and the property line that are all four inches.

2079

2080 Mr. Vanarsdall - We are going to bring it back for landscaping too.

2081

2082 Ms. Dwyer - Is it a solid wall, or is it a decorative wall?

2083

2084 Mr. McGarry - Solid, masonry wall.

2085

2086 Mr. Archer - Are there any other questions for Ms. Thacker? Thank you, ma'am. Is
2087 there anyone else in opposition? I think Mr. Schmidt wanted some rebuttal time.

2088

2089 Mr. Schmidt - First of all, this is not a nursing home facility it is assisted living. All
2090 traffic entering onto the property would be off Woodman Road. As pointed out, they are using
2091 a solid eight-foot-tall serpentine type fence along the line with the subdivision. It is set back to
2092 leave some of the existing vegetation there. So, it is a double screening of it.

2093

2094 Mr. Taylor - When you say setback, do you mean set back from the property line
2095 along there?

2096 Mr. Schmidt - Yes.

2097
2098 Mr. Taylor - That really doesn't show too well on this drawing.
2099
2100 Mr. Schmidt - I know it doesn't.
2101
2102 Mr. Taylor - What distance will that set back be between your property line and the
2103 serpentine wall?
2104
2105 Mr. Schmidt - Approximately, five feet.
2106
2107 Mr. Taylor - Will there be landscaping on the neighbor's side of the wall?
2108
2109 Mr. Schmidt - Yes. The existing vegetation we are trying to keep, but we want to
2110 move it back a little so that we can build it.
2111
2112 Mr. Taylor - And what would you say is the distance from that wall to your building,
2113 and I'm not exactly sure which house we are talking about, but what is that approximately, in
2114 terms of feet? It looks from the scale to be about 150 to 200 feet.
2115
2116 Mr. Schmidt - It's 86 feet from the property line to the nearest corner of the building.
2117 Now the wall has to be hand installed. So, no vegetation, other than shrubs, bramble, briers
2118 are removed to build it.
2119
2120 Ms. Dwyer - Will a person be able to go around the ends of the decorative wall to get
2121 to this neighborhood if they were so inclined?
2122
2123 Mr. Schmidt - If they were so inclined, you can get around anything.
2124
2125 Ms. Dwyer - Well, I mean, in other words, the fencing is not continuous, it's a
2126 serpentine wall that is adjacent to the Laurel Dell subdivision but then nothing else continues,
2127 wraps around your property to permit someone to enter.
2128
2129 Mr. Schmidt - Its main intent is a buffer from the subdivision and not as a protective
2130 barrier, so to speak.
2131
2132 Ms. Dwyer - Is it a brick wall?
2133
2134 Mr. Schmidt - Yes, it is a block wall, serpentine type.
2135
2136 Mr. Taylor - How high?
2137
2138 Mr. Schmidt - Eight feet.
2139
2140 Ms. Dwyer - That's a nice wall.
2141 Mr. Schmidt - Concrete block.

2142
2143 Ms. Dwyer - A concrete block wall.
2144
2145 Mr. Taylor - That is going to end at a corner there, but will that wall continue to go
2146 east back up to Woodman Road?
2147
2148 Mr. Schmidt - No.
2149
2150 Mr. Taylor - It stops right there.
2151
2152 Mr. Schmidt - It's only up against the subdivision property.
2153
2154 Mr. Taylor - Okay. There's no small turn back, it just ends. Will there be any other
2155 kind of a fence, such as a split rail fence or some other kind of a fence to prevent unauthorized
2156 access?
2157
2158 Mr. Schmidt - No.
2159
2160 Mr. Taylor - Okay. Thank you.
2161
2162 Mr. Archer - All right. Are there any further questions? Thank you, Mr. Schmidt.
2163 Mr. Vanarsdall.
2164
2165 Mr. Vanarsdall - I move that POD-26-99, Chestnut Grove Assisted Living Facility, be
2166 approved with the conditions Nos. 23 through 29 and I would like to add Nos. 9 and 11
2167 amended, and the annotations on the plans and the standard conditions for developments of this
2168 type. And remind you of the proffers of the zoning case to control the hours of the dumpster.
2169
2170 Ms. Dwyer - Second.
2171
2172 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.
2173 All in favor say aye...all opposed say nay. The motion carries.
2174
2175 The Planning Commission approved POD-26-99, Chestnut Grove Assisted Living Facility,
2176 subject to the standard conditions attached to these minutes for developments of this type, the
2177 annotations on the plans and the following additional conditions:
2178
2179 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2180 review and Planning Commission approval prior to the issuance of any occupancy
2181 permits.
2182 11. **AMENDED** - Prior to the approval of an electrical permit application and installation
2183 of the site lighting equipment, a plan including depictions of light spread and intensity
2184 diagrams, and fixture specifications and mounting height details shall be submitted for
2185 Planning Office review and Planning Commission approval.
2186 23. The developer shall provide fire hydrants as required by the Department of Public

- 2187 Utilities and Division of Fire.
- 2188 24. The proffers approved as a part of zoning case C-51C-98 shall be incorporated in this
2189 approval.
- 2190 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in
2191 a form acceptable to the County Attorney prior to final approval of the construction
2192 plans.
- 2193 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
2194 approved by the County Engineer prior to final approval of the construction plans by
2195 the Department of Public Works.
- 2196 27. Insurance Services Office (ISO) calculations must be included with the plans and
2197 approved by the Department of Public Utilities prior to the issuance of a building
2198 permit.
- 2199 28. Approval of the construction plans by the Department of Public Works does not
2200 establish the curb and gutter elevations along the Henrico County maintained right-of-
2201 way. The elevations will be set by Henrico County.
- 2202 29. The conditions of variance A-60-2000 shall be met.

2203

2204 **PLAN OF DEVELOPMENT**

2205 **(Deferred from the April 25, 2001, Meeting)**

2206

POD-31-01

Trigon - Blue Cross and
Blue Shield - Phase 1B and
Master Plan - Staples Mill
Road & W. Broad Street
(POD-168-85 Revised)

Draper Aden Associates for Trigon: Request for approval of a revised plan of development and master plan, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct a three-level parking deck, a future 308,000 square foot, four-story office building, and remodeling of the existing 265,000 square foot, four-story office building and northern parking area. The total building area is 573,000 square feet. The 27.18 acre site is located at 2015 Staples Mill Road on parcels 115-A-27, 28 and 29 and N-2003-20 (City of Richmond). The zoning is B-3, Business District and B-3C, Business District (Conditional). County water and sewer.
(Brookland)

2207

2208 Mr. Archer - Is there opposition to POD-31-01, Trigon - Blue Cross and Blue Shield?

2209 No opposition. Mr. Strauss.

2210

2211 Mr. Strauss - Thank you, Mr. Chairman. The approval of the Master Plan and Phase
2212 1B parking deck was deferred at our last meeting in order to allow the Department of Public
2213 Works and the traffic engineer and VDOT time to complete their review of the traffic study
2214 and drainage design revisions. I can report to you this morning that this review is complete.
2215 Both agencies can now recommend approval. I would like to point out that the reference to the
2216 revised plan on the addendum is incorrect. The plan in your original packet is indeed the
2217 correct revised plan.

2218

2219 Mr. Archer - So, the addendum items does not apply at all.

2220

2221 Mr. Strauss - Right. That was just a typo. Your original plan was the correct plan
2222 that we are approving today. The conditions in the addendum are indeed the correct
2223 recommendations. Staff is in agreement, the applicant is here, if need be. I'll answer any
2224 questions you may have.

2225

2226 Mr. Archer - Are there any questions of Mr. Strauss from the Commission? No
2227 questions. There was no opposition, was there? All right. Mr. Vanarsdall.

2228

2229 Mr. Vanarsdall - Before I make a motion, I'm going to continue the theme that I did
2230 before when this came before us. I think this is a very much improvement, not necessarily an
2231 improvement of what's there, but I'm very please that Trigon has decided to continue right on
2232 this corner and not somewhere else. This is sort of a gateway to Staples Mill Road. And
2233 keeping on down Staples Mill, the Holiday Inn has already renovated from top to bottom and
2234 as we come down, Heilig Meyers, who used to have its headquarters farther down has now fill
2235 that building with another company. The shopping center across the street has finally paved
2236 their parking lot and striped it, and so I see good things about this. And the good thing about
2237 having Trigon/Blue Cross as a neighbor in the district, it is a first class company, as I said
2238 before. They are going to keep the property first class and we won't know the place, as we
2239 see it now, when they finish with it. And I know that people like Mr. Strauss is going to see
2240 that the landscaping is done. But if you ever pass the present building, they keep their
2241 landscaping very tidy.

2242

2243 Mr. Strauss - There is No. 9 amended so it will come back to the Commission.

2244

2245 Mr. Vanarsdall - Thank you for helping me on it Jim. Having said that, I recommend
2246 POD-31-01, Trigon - Blue Cross/Blue Shield, be approved. And on the addendum, approved
2247 with the annotations on the plans for developments of this type, and then on our addendum
2248 dated this morning, the 23rd, we have No. 9 amended and Nos. 23 through 33. We are not
2249 going to bring back the lighting because it can't spill over into the neighborhood. And I don't
2250 want to out Ukrop's. Ukrop's made a very nice place behind this building. Capitol One is
2251 occupying some of it now. They may not move. This is one of those perfect examples of
2252 bringing back an older part of the County.

2253

2254 Mr. Taylor - I will second that motion.

2255

2256 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.
2257 All in favor say aye...all opposed say nay. The motion carries.

2258

2259 The Planning Commission approved POD-31-01, Trigon - Blue Cross -Blue Shield - Phase 1B
2260 and Master Plan (POD-168-85 Revised), subject to the standard conditions for developments of
2261 this type, the annotations on the plan and the following additional conditions:

2262

2263 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for
2264 review and Planning Commission approval prior to the issuance of any occupancy

- 2265 permits.
- 2266 23. The easements for drainage and utilities as shown on approved plans shall be granted to
 2267 the County in a form acceptable to the County Attorney prior to any occupancy permits
 2268 being issued. The easement plats and any other required information shall be submitted
 2269 to the County Real Property Agent at least sixty (60) days prior to requesting
 2270 occupancy permits.
- 2271 24. The developer shall provide fire hydrants as required by the Department of Public
 2272 Utilities and Division of Fire.
- 2273 25. Any necessary off-site drainage and/or water and sewer easements must be obtained in
 2274 a form acceptable to the County Attorney prior to final approval of the construction
 2275 plans.
- 2276 26. Deviations from County standards for pavement, curb or curb and gutter design shall be
 2277 approved by the County Engineer prior to final approval of the construction plans by
 2278 the Department of Public Works.
- 2279 27. Storm water retention, based on the 50-10 concept, shall be incorporated into the
 2280 drainage plans.
- 2281 28. Insurance Services Office (ISO) calculations must be included with the plans and
 2282 approved by the Department of Public Utilities prior to the issuance of a building
 2283 permit.
- 2284 29. Approval of the construction plans by the Department of Public Works does not
 2285 establish the curb and gutter elevations along the Henrico County maintained right-of-
 2286 way. The elevations will be set by Henrico County.
- 2287 30. Approval of the construction plans by the Department of Public Works does not
 2288 establish the curb and gutter elevations along the Virginia Department of Transportation
 2289 maintained right-of-way. The elevations will be set by the contractor and approved by
 2290 the Virginia Department of Transportation.
- 2291 31. A notice of completion form, certifying that the requirements of the Virginia
 2292 Department of Transportation entrances permit have been completed, shall be submitted
 2293 to the Planning Office prior to any occupancy permits being issued.
- 2294 32. The applicant shall provide evidence that all approvals required by the City of
 2295 Richmond have been obtained, prior to approval of the final construction plans.
- 2296 33. Loading doors shall remain closed at all times except while loading or unloading.

2297

2298 **SUBDIVISION**

2299

Four Mile Run
(May 2001 Plan)

TIMMONS for Pendragon Development Company: The 86.31 acre site is located approximately 0.33 mile north of intersection of New Market Road (Route 5) and Four Mile Run Parkway on parcel 238-A-31. The zoning is R-2AC, One-Family Residence District (Conditional) and ASO (Airport Safety Overlay) District. County water and sewer (**Varina**)
171- 167 Lots

2300

2301

2302 Mr. Archer - Is there anyone in the audience in opposition to Four Mile Run

2303 subdivision? No opposition. Good morning, Ms. News.

2304

2305 Ms. News - The Commission saw a version of this plan last year, which was
2306 eventually withdrawn by the applicant because he was unable to secure permission to access
2307 this property through an adjacent parcel, which he did not own. The applicant has now
2308 submitted a new plan which redesigns the access to connect to property he is already
2309 developing. There were several concerns with this plan which have either been addressed by
2310 the applicant or which will be addressed prior to final approval in accordance with the
2311 conditions recommended in your agenda and in the addendum. The addendum also indicates
2312 that the approval has been reduced from 171 lots to 167 lots. Several lots were lost in redesign
2313 to provide increased setbacks to RPAs and wetlands as required by the Department of Public
2314 Works.

2315

2316 Additionally, several of the lots have very tight buildable areas, and staff has concerns that the
2317 applicant may have trouble fitting a house and proffered driveways, which must extend to the
2318 rear of the house, on these lots. Staff has identified several questionable lots and will require a
2319 plan showing a dwelling and drive situated on these lots prior to final approval. The applicant
2320 understands he may lose additional lots if the homes can't be accommodated.

2321

2322 A large Virginia Power easement exists within the development. In addition to maintaining
2323 proffered buffers, the applicant will be required to provide evidence that Virginia Power has
2324 approved facilities in their easement prior to construction plan approval. Of particular concern
2325 to Virginia Power is the grading of the road crossing in relationship to their overhead power
2326 lines, which they will need to review and approve. With that said, staff recommends approval
2327 of revised plan No. 2, which was just handed to you, subject to the standard conditions for
2328 subdivisions served by public utilities, and the additional conditions in your agenda and in your
2329 addendum. I'll be happy to answer any questions.

2330

2331 Mr. Archer - Thank you, Ms. News. Questions for Ms. News from the Commission?

2332

2333 Ms. Dwyer - I'm looking at the lots that are adjacent to the easement. Will those lots
2334 actually own the easement, or land that's subject to the easement?

2335

2336 Ms. News - Yes, ma'am. Their property line extends to the center of the easement
2337 and then there's a 35-foot proffered buffer that runs adjacent to the easement and all of that is
2338 their property.

2339

2340 Ms. Dwyer - The buildable area begins at that 35-foot buffer line.

2341

2342 Ms. News - Yes, it does. The proffers specifically address that. We have indicated
2343 that the applicant needs to be careful when they place houses on these sites because they are
2344 not allowed to disturb any trees over three inches in that buffer. So, obviously, you can't put a
2345 house directly on the line if there is a 12-inch tree sitting there. They are going to have to
2346 work with the site.

2347 Ms. Dwyer - Who will review that and at what stage in the process will that be

2348 reviewed by the County?

2349

2350 Ms. News - When a building permit is submitted for the homes. It's normally when
2351 the house site is reviewed.

2352

2353 Ms. Dwyer - We need to be particularly careful and make sure that the houses don't
2354 encroach in that buffer.

2355

2356 Ms. News - Yes. They've got this same situation on previous subdivision sections
2357 that have been approved with the same proffer.

2358

2359 Mr. Silber - This is a situation, Ms. Dwyer, that when the zoning came up staff had
2360 suggested that we get some buffer in addition to the minimum rear yard setback, so that you
2361 won't have a situation where you walk out your back door and you are immediately in this
2362 required 35-foot buffer that you can't touch. So, it creates some challenging design concerns
2363 when you have a situation like this.

2364

2365 Ms. Dwyer - But in this case, it looks like the buildable area is adjacent to that buffer,
2366 so there is no additional rear yard setback.

2367

2368 Mr. Silber - Correct. We weren't successful in getting that.

2369

2370 Ms. News - The proffer along I-295 does have that situation. They specifically
2371 address getting 35 feet of saved trees plus the rear yard setback, which is much more desirable.

2372

2373 Ms. Dwyer - In this case, we don't have that. A good example of why we should.

2374

2375 Mr. Jernigan - Ms. News, when I spoke to you earlier, the Virginia Power situation,
2376 there was debris in the easements.

2377

2378 Ms. News - Yes, the applicant and Virginia Power have been working on previous
2379 subdivisions, the Sections A, B, C and D, which are above this subdivision. Dominion Power
2380 has maintained that there is some unauthorized grading and filling in their easement. And they
2381 are working with the developer and there is actually some pending litigation, to my
2382 understanding. They have also indicated that the developer has begun to remove some of this
2383 material. That's why it's a particular concern to make sure that they approve everything in
2384 there because the way it's graded on their easement, causes some conflict with the overhead
2385 power lines and equipment.

2386

2387 Mr. Jernigan - Did you say it's in litigation?

2388

2389 Ms. News - Yes, that's my understanding. The applicant is here if you need any
2390 further information.

2391 Mr. Vanarsdall - Ms. News, did you say that there are 167 lots now?

2392

2393 Ms. News - Yes. Originally, they had 171 lots but when they had to change the
2394 design - the Public Works Department is requiring the rear yard setback now adjacent to RPAs
2395 and wetlands, so that you do have a backyard when you come out of your house - and that
2396 caused them, when they redesigned, to lose some lots.

2397

2398 Mr. Jernigan - They have three lots on here that they are going to have to show
2399 drawings for.

2400

2401 Ms. News - There are actually several lots. The lots that I have clouded are the ones
2402 I consider questionable at absolute minimums. And I've noted it as an annotation on the plan
2403 which lots we want to see buildable areas. They also have to do some defining of the actual
2404 wetland boundaries. It is my understanding that with the final construction plans, they will be
2405 looking at that closely. So, we may have some additional changes. So, when the final approval
2406 plans come in with the buildable areas, at that point we will be taking a closer look at
2407 everything.

2408

2409 Mr. Jernigan - And the staff is okay with this?

2410

2411 Ms. News - Yes.

2412

2413 Ms. Dwyer - I have just one question for my edification. As I look at Four Mile Run,
2414 I don't see stub roads that might have been nice to have, now that I look at this intersection. Is
2415 that something that was an oversight earlier, or is there something that prevented that earlier?

2416

2417 Ms. News - There are some stub roads planned with the original section. There is
2418 actually a stub road that comes in just below this subdivision. But, you are right, there are
2419 several cul-de-sacs there that did not stub through. I can't say why they didn't but they've got
2420 one directly below it and then directly above it. As a matter of fact, the one that's directly to
2421 the south of the subdivision was the one they were trying to connect to last year, and were
2422 planning on purchasing that property but were not successful in doing that. It may still be on
2423 the table.

2424

2425 Ms. Dwyer - This is still A-1, this undeveloped piece?

2426

2427 Ms. News - Yes, it is.

2428

2429 Ms. Dwyer - So, they still may be able to get a connection through there?

2430

2431 Ms. News - Correct. They have actually got several stubs from this property also,
2432 heading that way. I guess their intention is to try to develop that property.

2433

2434 Mr. Archer - All right. Are there any further questions of Ms. News? Thank you,
2435 ma'am. All right. Mr. Jernigan.

2436

2437 Mr. Jernigan - Well, Mr. Chairman, I make a motion to approve Four Mile Run

2438 subdivision plan with standard conditions for subdivisions served by public utilities and the
2439 following additional conditions Nos. 12 through 17 and Nos. 18 and 19 listed on the
2440 addendum.

2441

2442 Mr. Vanarsdall - Second.

2443

2444 Mr. Archer - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall.

2445 All in favor say aye...all opposed say nay. The motion carries.

2446

2447 The Planning Commission granted conditional approval to subdivision Four Mile Run (May
2448 2001 Plan) subject to the standard conditions attached to these minutes for subdivisions served
2449 by public utilities, the annotations on the plan and the following additional conditions:

2450

2451 12. Prior to construction plan approval, the developer shall furnish a letter from Dominion
2452 Virginia Power stating that this proposed development does not conflict with its
2453 facilities.

2454 13. The detailed plant list and specifications for the landscaping to be provided within the
2455 35-foot-wide landscape buffer along I-295 and along Dominion Power's easement, and
2456 within the common areas shall be submitted to the Planning Office for review and
2457 approval prior to recordation of the plat.

2458 14. Prior to final approval, a draft of the covenants and deed restrictions for the
2459 maintenance of the common area by a homeowners association shall be submitted to the
2460 Planning Office for review. Such covenants and restrictions shall be in form and
2461 substance satisfactory to the County Attorney and shall be recorded prior to recordation
2462 of the subdivision plat.

2463 15. A maximum of 50 lots may be recorded on a single point of access, inclusive of Four
2464 Mile Run Sections A, B, C and D.

2465 16. Prior to construction plan approval, revised construction plans showing installation of
2466 required sidewalk along Four Mile Run Drive and King Elder Drive shall be submitted
2467 to the Planning Office for review and approval.

2468 17. The developer shall provide signage, the wording and location as deemed appropriate
2469 by the Director of Public Works, which addresses the possible future extension of any
2470 street.

2471 18. Water quality requirements must be addressed, as acceptable to the Director of Public
2472 Works, prior to final plan approval.

2473 19. The proffers as part of zoning case C-67C-97 shall be incorporated in this approval.

2474

2475 **LANDSCAPE & LIGTING PLAN**

2476

LP/POD-79-99
Rainbow Station - Three
Chopt Road

K. Earl Johnson: Request for approval of a landscape and lighting plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County Code. The 3.68 acre site is located approximately 235 feet east of the intersection of Three Chopt Road and Church Road on parcel 57-A-66. The zoning is B-1, Business District and B-1C, Business District (Conditional) and O-1C, Office District (Conditional).

(Three Chopt)

2477

2478 Mr. Archer - Is there opposition to this landscape and lighting plan, LP/POD-79-99,
2479 Rainbow Station? No opposition. Mr. James Strauss.

2480

2481 Mr. Strauss - Thank you, Mr. Chairman. The staff has reviewed this landscape and
2482 lighting plan and can recommend approval as annotated. The applicant has discussed staff's
2483 annotations and is in general agreement with those annotations. There are two concerns at this
2484 point. Staff was made aware of some neighborhood opposition late yesterday and that was in
2485 the form of a phone call. I have not received any further information on the aspects of that
2486 opposition, except for the fact that it is concerning the buffer at the back end of the site. The
2487 applicant has informed me that they have an opening date and would like to have the site
2488 landscaped and we would certainly like to promote that, and we certainly understand that. At
2489 this point, not having opposition present to elaborate on their concerns, staff would suggest
2490 that the Commission could approve in a phased manner, the front end of the site, which we all
2491 are in agreement with, with the exception of adding an annotation to add evergreen shrub
2492 material along the parking area, at the front of the site. That would be an additional annotation
2493 to the plan. Beyond that, we will be reviewing the back half of the site with respect to any
2494 concern about the buffer that may be out there, either administratively or by the Commission at
2495 our next meeting. I think that might be a reasonable solution to the issue that we have before
2496 us today. So, with that, I'll be happy to answer questions you may have. And the applicant,
2497 Mr. Earl Johnson is here.

2498

2499 Mr. Archer - Mr. Strauss, did the caller indicate what the opposition was, or did you
2500 say they didn't?

2501

2502 Mr. Strauss - The Planning Commissioner, Mr. Taylor, also received a phone call.
2503 What I heard is that they had not heard directly from the applicant and they did have a concern
2504 about the back of the site, with respect to the saved tree area and the buffer. That was the
2505 extent of the conservation we had. I asked him if he would write a letter and fax or e-mail it to
2506 me and I did not receive a letter, as of this morning.

2507

2508 Mr. Taylor - Mr. Chairman, Mr. Don Owens who is the, I guess, the adjacent rear
2509 neighbor, called us and expressed some concern about the plantings behind the facility and
2510 there is a child care center and the noise in the proximity of their backyard. Mr. Owens was
2511 not able to be here today and he talked to me about seeing if we could resolved this issue this

2512 morning. So, I would like to see if we can hear from Mr. Johnson and get this resolved.

2513

2514 Ms. Dwyer - What exactly is the issue, Mr. Taylor?

2515

2516 Mr. Taylor - The issue seems to be the landscaping between the back of the facility
2517 and the adjacent neighbors.

2518

2519 Mr. Vanarsdall - Behind the building you mean?

2520

2521 Mr. Taylor - Yes.

2522

2523 Mr. Kaechele - Can we read proffer No. 1 on the zoning case because that would
2524 address.....

2525

2526 Mr. Strauss - It will take me a second to retrieve the file, but I can do that.

2527

2528 Mr. Kaechele - If we are meeting that, I think that's what the neighbors had agreed too.

2529

2530 Ms. Johnson - I think in conjunction with Mr. Kaechele's comments, this issue was
2531 dealt with in great length in our rezoning.

2532

2533 Mr. Archer - Pardon me, ma'am. Can we have your name, for the record, please?

2534

2535 Ms. Johnson - I'm sorry. I'm Gail Johnson and I'm the owner and operator of the
2536 facility in question. We dealt with this issue at length and met with the neighbors at length in
2537 the rezoning issues with the Planning Commission back in the summer of 1999. I guess Mr.
2538 Owens is correct in the fact that we have not had any conversations recently and from my
2539 understanding that's because we had already resolved the issue. So, the fact that it isn't up yet
2540 is because we have been waiting on the Planning Commission. We have cleaned out the brush
2541 that is on our side of the fence to make it safe for the children and the only thing that has been
2542 removed from the plantings that were there, which was just shrub brush, with the idea that we
2543 will be planting, that the cover that was specified in the proffer that Mr. Kaechele represented.
2544 We have a grand opening scheduled June 23 and if this is delayed until the next Planning
2545 Commission, we will look awfully muddy for all of our guests to come see us. I would just
2546 ask if we can do anything that we can do today to allow us to look pretty for the public on our
2547 grand opening I think that would make us all very happy. We can do whatever it takes,
2548 though, to work with our neighbors. I think that's what we have tried in the rezoning issue,
2549 and I'll be more than happy to meet with the neighbors again and to resolved whatever it is,
2550 administratively, working with the staff, if that is possible just to kind of resolve this issue.
2551 We don't want to set up a long-term dispute for sure.

2552

2553 Ms. Dwyer - I think I'm still not clear what the problem is. It sounds like, according
2554 to the applicant, they worked all of this out at zoning and that they are complying with that.

2555 Mr. Strauss, is it not enough trees, is it not the right type of trees, what exactly is the
2556 neighbor's concern.

2557 Mr. Strauss - I wish I could be more specific, but I have not received any specifics.
2558
2559 Mr. Taylor - Commissioner Dwyer, I guess, Mr. Owens gave a call this morning and
2560 said he could not be here.
2561
2562 Mr. Vanarsdall - Is this Mr. Hugh Owens?
2563
2564 Mr. Taylor - Mr. Don Owen, I think is the adjacent neighbor. And he was concern
2565 simply that we would provide some mechanism, some means to insure that there is some
2566 vegetation between the two and he thought of Leyland cypress or a number of different shrubs
2567 and I told him given that this is the landscaping plan, we could defer this but the applicant has
2568 requested us not to defer this, at my request, to give us enough time to work it out. And I am
2569 willing to work with them with their acceptance of putting some trees in there and Mr. Strauss'
2570 recommendation as to what trees to go in there so that they can go ahead with their grand
2571 opening.
2572
2573 Mr. Strauss - If I could interject, there was some question about the proffers. There is
2574 one paragraph in proffer No. 2, associated with the zoning case. The southwest corner of the
2575 above referenced 25-foot buffer shall be supplemented with up to 25 Leyland Cypress at least
2576 six feet in height, unless otherwise approved at the time of plan of development review. The
2577 plan does show those Leyland Cyresses. They are not installed yet because we don't have an
2578 approved plan. But, that may alleviate the concerns of the neighbors if they were installed.
2579 So, I think that there is a genuine attempt on the applicant to follow through with the proffers
2580 of this case.
2581
2582 Mr. Vanarsdall - Maybe they want more coverage.
2583
2584 Mr. Strauss - They can't see the effects of what the installation is at this point.
2585
2586 Ms. Dwyer - But it is on the plan.
2587
2588 Mr. Strauss - Yes.
2589
2590 Ms. Dwyer - So, as far as I can tell there is no problem, is that right?
2591
2592 Mr. Taylor - Well, the only problem is it's not there yet, and I think if we just go
2593 ahead with this that we will be okay. If it is not okay, I think we will just try to get a few
2594 more things in there so that it is okay. So, I'm willing to go ahead and move, Mr. Chairman,
2595 for approval for the landscaping plan, LP/POD-79-99, Rainbow Station on Three Chopt Road,
2596 subject to the standard conditions for landscape and lighting plan and the annotations on the
2597 plan.
2598
2599 Mr. Jernigan - Second.
2600
2601 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Jernigan. All

2602 in favor say aye...all opposed say nay. The motion carries.

2603

2604 Mr. Vanarsdall - And don't you want to make sure that something about this is done?

2605

2606 Mr. Taylor - Well, I think it is already on the plan and it's proffered so I assume that
2607 it will be done.

2608

2609 Mr. Kaechele - Mr. Owens in lot 21 or 22, do we know which lot he is in? We may
2610 have met in his home and these plans were all worked out prior to zoning and he may not
2611 recall all of the details but I think they were addressed.

2612

2613 Mr. Taylor - What I would do, sir, I will call Mr. Owens relative to the meeting today
2614 because he called me at six o'clock this morning and told me he was concerned about this but
2615 he had to be out of town. I told him that I would try to work to make sure there's a happy
2616 ending. I have met with the Johnson's. I think we have done everything except plant the
2617 trees. And if we plant the trees and a little bit more, I will take care of Mr. Owen and if there
2618 is anything that we need to do, we agreed to meet and resolve it.

2619

2620 Ms. Johnson - Please do because we have a long term relationship as neighbors here
2621 and we certainly don't want to start out on the wrong foot. So, hear from me, that I will try
2622 our best to make Mr. Owen happy.

2623

2624 The Planning Commission approved the landscape and lighting plan for LP/POD-79-99,
2625 Rainbow Station, subject to the standard conditions attached to these minutes for landscape and
2626 lighting plans and the annotations on the plan.

2627

2628 **PLAN OF DEVELOPMENT & TRANSITIONAL BUFFER DEVIATION**

2629

POD-37-01

Truliant Federal Credit
Union - Cox and Westerre
Roads

**Hankins & Anderson, Inc. and DEI, Inc. for T. Walter
Brashier and Truliant Federal Credit Union:** Request for
approval of a plan of development, as required by Chapter 24,
Sections 24-106 and 24.106.2 of the Henrico County Code to a
one-story, 3,500 square foot facility with future expansion of
1,600 square feet. The 1.57 acre site is located on the northeast
corner of Cox Road and Westerre Parkway, approximately 670
feet south of intersection of W. Broad Street (U.S. Route 250)
and Cox Road on parcels 47-A-42, 43, 43A, and part of 47-A-
55. The zoning is B-2C, Business District (Conditional).
County water and sewer. **(Three Chopt)**

2630

2631 Mr. Silber - There is also an addendum with some additional conditions for your
2632 consideration on this case.

2633

2634 Mr. Archer - Thank you, Mr. Secretary. Is there anyone in opposition to POD-37-01,
2635 Truliant Federal Credit Union? No opposition. Ms. Goggin.

2636 Ms. Goggin - Good morning. The applicant Truliant Federal Credit Union has worked
2637 with the Police and the Planning Department to address landscaping, buffering and safety
2638 concerns. Truliant's north property line is, as you can tell, they are against a strip zoned A-1,
2639 which would require them to have a 25-foot transitional buffer. That strip that is zoned A-1 is
2640 currently a drive way being used by an adjacent business. There is also an existing sewer
2641 easement through their north property line. The developer requested and staff is supporting a
2642 requests from a 25-foot to a 10-foot transitional buffer planting deviation. So, they have the
2643 space, they have 25 feet, but between the sewer easement and the fact that the A-1 property
2644 doesn't exactly need to be protected or buffered from the business, staff supports that. Just for
2645 your information, to meet the 10-foot transitional buffer requirement, the staff would still be
2646 required to plant five large trees, one small tree and 59 shrubs in that space. So, it would still
2647 be pretty buffered. The applicant has addressed all of the Police comments and concerns. Kim
2648 Vann is here and she can illustrate on them some more. Some examples, include the
2649 elimination of two, four-foot walls that could be used to hide behind. And they agreed to fence
2650 in the gazebo area to limit access and discourage loitering. The applicant has also agreed that
2651 all of their entrances, other than the main entrance, should be for emergency exit only and has
2652 moved the ATM so that it is located within the main structure while it is still accessible from a
2653 car. The architect has also stated that he would submit plans so that the Police planner can
2654 review the design and give comments. I do have a color rendering of the site. Unfortunately,
2655 the architectural submitted in your packet was colored, and when it was copied black and
2656 white it became dark. This is the corner of the building (referring to rendering on the screen).
2657 The applicant is going for a park-like setting. Between the proffers and the applicant, it
2658 should be a nice building. I would be glad to address any questions that the Commission may
2659 have about this project. As I previously mentioned, Kim Vann is here. Staff does recommend
2660 approval subject to the annotations on the plans, the standard conditions for developments of
2661 this type and the additional conditions Nos. 23 through 34 in the addendum.

2662

2663 Mr. Archer - Thank you, Ms. Goggin. Are there any questions by the Commission?

2664

2665 Mr. Taylor - I have one question, Mr. Chairman, and that is, relative to the gazebo
2666 and Ms. Vann's thoughts. I recognized that we reduced the wall, but I understand that the
2667 thought is in reducing that wall to reduce the amount of cover we provide to somebody who is
2668 not exactly our friend. One of the thoughts is to put a black metal fence in there. In looking at
2669 the details, on that particular one, my thought would be that that would be so visible from
2670 Westerre Parkway that I would prefer that we stick with the original concept of a masonry
2671 wall, but reduce the height to eliminate the cover aspect but not introduce another color in that
2672 black wire fence. I think architecturally, because of the prominence of that façade alone
2673 Westerre, architecturally, that just appeals to me more than a metal fence.

2674

2675 Ms. Vann - For clarification, the architect hasn't stated what color wrought iron
2676 fence it would be. It would be something to match the building and the architecture wouldn't
2677 necessarily be the black standard wrought iron fence that we have a tendency to see. If I
2678 understand what you are referring to, initially by the patio area. It was done to eliminate any
2679 headlights coming onto Cox Road. And with working with Ms. Goggin and understanding
2680 some of the language in the proffer, if I am stating this correctly, I understood that a brick wall

2681 doesn't actually have to be there. The landscaping can supplement it to eliminating any
2682 headlights onto Cox Road and a landscaping would be done a distance away from that patio
2683 area. Mainly, along the buffer area along Cox Road. That is my understanding.

2684

2685 Mr. Taylor - You are saying that we can eliminate either fence.

2686

2687 Ms. Vann - Well, we would eliminate the brick wall along the patio area.

2688

2689 Mr. Taylor - And you would not put a metal fence in there?

2690

2691 Ms. Vann - What the architect has agreed to, to try to address some of my concerns
2692 with the patio/gazebo area, is to fence in the patio and gazebo with some type of fencing that
2693 would not necessarily, she said, a black wrought iron but some type of fencing that would be
2694 decorative because that's his whole scheme here. It's a very decorative building and it would
2695 not be a brick wall.

2696

2697 Mr. Taylor - That is my concern. Where a small brick wall would not offer cover,
2698 that would be one thing, that it would be just planted would be another or it would be a
2699 combination of the two would be even another. But I think the aesthetics are in favor of that
2700 kind of a treatment rather than a metal fence.

2701

2702 Ms. Vann - I would be comfortable with a combination, using the lower level brick
2703 at the bottom.

2704

2705 Mr. Taylor - I don't want to introduce any cover for the enemy, but by the same
2706 token, we want it to look nice as people are driving down the road. That's the only comment
2707 that I have.

2708

2709 Mr. Kaechele - Can't they get cover in the gazebo itself? Isn't that a concern?

2710

2711 Ms. Goggin - With Kim's help and the architect's agreement, the patio area would be
2712 fenced in to limit access. So, if you wanted to go in that patio area, you would have to get a
2713 bank employee to let you in. It will be locked. Obviously, if you are strong and healthy you
2714 could probably just jump over the fence, but normal people would otherwise have to get
2715 permission to go in there.

2716

2717 Mr. Kaechele - I agree with Mr. Taylor, I think the brick is much more consistent with
2718 the area.

2719

2720 Mr. Taylor - With that, Mr. Chairman, I move approval of POD-37-01, Truliant
2721 Federal Credit Union at Cox and Westerre Roads, subject to the annotations on the plan, the
2722 standard conditions for developments of this type, and conditions Nos. 23 through on the
2723 addendum.

2724

2725 Mr. Vanarsdall - Second.

2726

2727 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall.
2728 All in favor say aye...all opposed say nay. The motion carries.

2729

2730 The Planning Commission approved POD-37-01, Truliant Federal Credit Union, subject to the
2731 standard conditions attached to these minutes, the annotations on the plans, and the following
2732 additional conditions:

2733

2734 23. The easements for drainage and utilities as shown on approved plans shall be granted to
2735 the County in a form acceptable to the County Attorney prior to any occupancy permits
2736 being issued. The easement plats and any other required information shall be submitted
2737 to the County Real Property Agent at least sixty (60) days prior to requesting
2738 occupancy permits.

2739 24. The developer shall provide fire hydrants as required by the Department of Public
2740 Utilities and Division of Fire.

2741 25. A standard concrete sidewalk shall be provided along the north side of Westerre
2742 parkway and on the east side of Cox Road.

2743 26. Employees shall be required to use the parking spaces provided at the rear of the
2744 building(s) as shown on the approved plans.

2745 27. Outside storage shall not be permitted.

2746 28. A 25-foot planting strip along the north side of Westerre parkway and a 35-foot
2747 planting strip to along the east side of Cox Road shall be shown on the approved plans.
2748 The details shall be included with the required landscape plans for review and approval.

2749 29. The proffers approved as a part of zoning case C-63C-98 shall be incorporated in this
2750 approval.

2751 30. Any necessary off-site drainage and/or water and sewer easements must be obtained in
2752 a form acceptable to the County Attorney prior to final approval of the construction
2753 plans.

2754 31. Deviations from County standards for pavement, curb or curb and gutter design shall be
2755 approved by the County Engineer prior to final approval of the construction plans by
2756 the Department of Public Works.

2757 32. In the event of any traffic backup which blocks the public right-of-way as a result of
2758 congestion caused by the drive-up teller facilities, the owner/occupant shall close the
2759 drive-up teller facilities until a solution can be designed to prevent traffic backup.

2760 33. Insurance Services Office (ISO) calculations must be included with the plans and
2761 approved by the Department of Public Utilities prior to the issuance of a building
2762 permit.

2763 34. Approval of the construction plans by the Department of Public Works does not
2764 establish the curb and gutter elevations along the Henrico County maintained right-of-
2765 way. The elevations will be set by Henrico County.
2766

2767 **SUBDIVISION**

2768

Andover Hills
(May 2001 Plan)

Foster & Miller, P. C. for Forrest G. Urban and William Johnson: The 17.92 acre site is located on Meadowview Road off Pemberton Road and proposed Mayland Drive near Pemberton Road on parcel 58-3-C-4 thru 10, 58-3-D-1 thru 7, 58-3-E-6 thru 11, 58-3-F-1 thru 5 and part of 58-2-A-3A and 4B. The zoning is R-5AC, General Residence District (Conditional). County water and sewer **(Three Chopt)**
60 Lots

2769

2770 Mr. Archer - Is there anyone in the audience in opposition to subdivision Andover
2771 Hills (May 2001 Plan)? No opposition. Mr. Strauss.

2772

2773 Mr. Strauss - Thank you, Mr. Chairman. The staff has worked extensively with the
2774 applicant since the preparation of the agenda, and we have received a revised plan, which
2775 addresses the need for storm drainage and water quality issues. There will be storm water
2776 detention (referring to rendering) until such time as the new stream and restoration program is
2777 in effect. Until that time, lots 9, 10, and 11 in block C are to be held in reserve until the new
2778 program is in place. The staff has also added two additional conditions on page 10 of your
2779 addendum, conditions Nos. 18 and 19. At this point, the staff is in agreement and can make a
2780 recommendation of approval this morning, and the applicant is here to assist with any
2781 questions you may have.

2782

2783 Mr. Archer - Are there any questions of Mr. Strauss from the Commission? No
2784 questions. Mr. Taylor, do you need to hear from the applicant?

2785

2786 Mr. Taylor - Well, Mr. Chairman, I think Mr. Johnson has been so patient perhaps he
2787 would like to come up and say a few words on his behalf.

2788

2789 Mr. Johnson - I'm Bill Johnson, the applicant. The only thing I have is to correct the
2790 name from Andover Hill to Andover Hills.

2791

2792 Mr. Taylor - And I also understand, from talking to him, that this will have the new
2793 curbs, which are the wide curbs. That question had come up before. With that, Mr.
2794 Chairman, I move approval of subdivision Andover Hills (May 2001 Plan) subject to the
2795 annotations on the plans, the standard conditions for subdivisions served by public utilities, and
2796 additional conditions Nos. 12 through 19.

2797

2798 Ms. Dwyer - Second.

2799

2800 Mr. Archer - The motion was made by Mr. Taylor and seconded by Mr. Taylor. All
2801 in favor say aye...all opposed say nay. The motion carries.

2802 The Planning Commission granted conditional approval to Andover Hills (May 2001 Plan)
2803 subject to the standard conditions attached to these minutes for subdivisions served by public
2804 utilities, the annotations on the plans and the following additional conditions:

2805

2806 12. Each lot shall contain at least 5,625 square feet exclusive of floodplain areas.

2807 13. Prior to requesting final approval, the engineer shall furnish the Planning Staff a plan
2808 showing a dwelling situated on Lot 1 (Block D) and Lot 48 (Block C) to determine if
2809 the lot design is adequate to meet the requirements of Chapter 24, of the Henrico
2810 County Code.

2811 14. The limits and elevation of the 100 year frequency flood shall be conspicuously noted on
2812 the plat and construction plans and labeled "Limits of 100-Year Floodplain." Dedicate
2813 floodplain as a "Variable Width Drainage & Utilities Easement."

2814 15. The detailed plant list and specifications for the landscaping to be provided with the 20-
2815 foot-wide planting strip easement along Mayland Drive shall be submitted to the
2816 Planning Office for review and approval prior to recordation of the plat.

2817 16. And necessary off-site drainage easements must be obtained prior to final approval of
2818 the construction plans by the Department of Public Works.

2819 17. Prior to requesting the final approval, a draft of the covenants and deed restrictions for
2820 the maintenance of the common area by a homeowners association shall be submitted to
2821 the Planning Office for review. Such covenants and restrictions shall be in form and
2822 substance satisfactory to the County Attorney and shall be recorded prior to recordation
2823 of the subdivision plat.

2824 18. A reasonable and practicable easement to permit maintenance of all structures abutting
2825 a zero lot line shall be designated on the subdivision plan to be recorded and
2826 incorporated into each deed transferring title to the property.

2827 19. The developer shall provide signage, the wording and location as deemed appropriate
2828 by the Director of Public Work, which address the possible future extension of any
2829 street.

2830

2831 **SUBDIVISION**

2832

Keaton Estates
(May 2001 Plan)

Foster & Miller, P. C. for James E. Keaton: The 2.413 acre site is located on the northeast corner of Birch Brook Road and Wistar Road on parcels 71-A-28 and 71-5-C-6. The zoning is R-2, One-Family Residence District. County water and sewer **(Brookland) 4 Lots**

2833

2834 Mr. Archer - Is there anyone in the audience in opposition to subdivision Keaton
2835 Estates? We have opposition. Go ahead, Ms. Goggin.

2836

2837 Ms. Goggin - The applicant, Foster & Miller, has addressed the issues that staff have
2838 has with the proposed subdivision with the exception of encompassing "lot B2" as a part of the
2839 subdivision. Foster & Miller have not demonstrated why the lot should not be included in this
2840 conditional subdivision. Inclusion of this parcel would allow the County to receive the
2841 appropriate amount of right-of-way on the north side of Wistar Road as well as public

2842 improvements. These improvements would include escrow of curb and gutter at such time that
2843 the road is improved. For your information, Wistar is planned for an ultimate build out for a
2844 four-lane undivided road. Staff is recommending approval of this subdivision with the
2845 standard conditions for subdivisions served by public utilities, the annotations on the plan and
2846 additional conditions Nos. 12, 13, and 14 on the agenda and my revised recommendation is on
2847 page 11 of your addendum.

2848

2849 Mr. Archer - Are there any questions of Ms. Goggin by the Commission?

2850

2851 Ms. Dwyer - So, you think "B2" should be included?

2852

2853 Ms. Goggin - Yes, ma'am. Just minimum lot size, minimum lot width in that "B2"
2854 would be included.

2855

2856 Mr. Archer - Mr. Vanarsdall, would you like to hear from the applicant?

2857

2858 Mr. Vanarsdall - Oh, yes. He's already move down here and has got himself I position.

2859

2860 Mr. Mistr - I'm Spud Mistr from Foster & Miller. I'm representing the applicant.
2861 We applied for this subdivision for three lots, which all face Birch Brook Drive. The request
2862 was not for a four-lot subdivision. We prefer to keep it as a three-lot subdivision. What the
2863 staff has recommended to be the fourth lot is the existing house which they are negotiating to
2864 sell and it likely will be sold before we record this subdivision. It's sort of unprecedented for
2865 me for staff to add land to a subdivision that the owner does not request and we would
2866 respectfully submit that condition No. 14 be deleted.

2867

2868 Mr. Vanarsdall - All right, Mr. Silber, do you want to add some light on that?

2869

2870 Mr. Silber - Yes, sir. I think that staff position is that there is one parcel of land that
2871 is under review for consideration for subdivision and it's being sectioned into several parts and
2872 ends up being four parts, why not make one of those, that being B2, one of the lots of the
2873 subdivision. It makes it straighter from a real estate standpoint of keeping track of lot
2874 divisions and lot parcels and it also provides for an opportunity for proper public facilities, in
2875 this case being road widening, so that we can get the proper roads that we need in this area.
2876 To leave it out, seems like it doesn't seem to make a lot of sense.

2877

2878 Mr. Jernigan - But, how can you add that in if they don't own it?

2879

2880 Mr. Silber - From my understanding, they do own it, it's one parcel of land.

2881

2882 Mr. Jernigan - Do you own lot B2 now?

2883

2884 Mr. Mistr - No, I don't. The developer owns it but he is contracting to sell it. It is
2885 for sell as a separate parcel. And I don't know if there is any requirement. If you have 100
2886 acres, and you want to put 25 in a subdivision, it's no requirement to add the other 75 into

2887 your subdivision, and this is the same case. Just because you own a larger tract of land, it
2888 doesn't mean that you have to subdivide all of it to subdivide part of it. Or, it's never been the
2889 case before in Henrico County that I'm aware of.

2890

2891 Mr. Silber - I think, Mr. Mistr, it has been the practice of this department that when
2892 there is a division of property and there is one small piece being left out, it is always our
2893 recommendation that it be made a part of the subdivision. If you take 100 acres and you are
2894 subdividing 25, and you have 75 that's not a part of it, we are not going to take the 75 and
2895 make that a lot. But, in this case, when you are sectioning this off and you are leaving a piece
2896 of property that's about the size of a lot it would make sense to make that a part of the
2897 subdivision. It's a staff's recommendation.

2898

2899 Mr. Mistr - I understand that, and the staff has recommended before, but the
2900 Commission has not agreed to that recommendation before to my knowledge. The developer
2901 does not want to incorporate that light into the subdivision.

2902

2903 Ms. Dwyer - Was the whole parcel submitted?

2904

2905 Mr. Mistr - No, ma'am it was not.

2906

2907 Mr. Kaechele - So, the 2.43 acres is only the three lots?

2908

2909 Mr. Mistr - I don't remember the acreage on that. No. The request was for, it's like
2910 54,000 square feet, it's about 1.1 acre was the request for the three lots. It's three, 18,000
2911 square-foot lots and it's just a shade over that.

2912

2913 Mr. Kaechele - All right, but the 2.413 includes B-2 then.

2914

2915 Mr. Mistr - I don't think that was a part of the request.

2916

2917 Mr. Kaechele - Well, it's a part of what this description is here.

2918

2919 Mr. Mistr - I believe that was changed by the staff.

2920

2921 Mr. Silber - Mr. Mistr, you said that the parcel B-2, that property owner, which is
2922 the property owner of this entire tract. That property does not want to make this a lot. For
2923 what reason does he not want to make this a lot?

2924

2925 Mr. Mistr - He is negotiating to sell it at this point in time.

2926

2927 Ms. Dwyer - And what difference does that make?

2928

2929 Mr. Mistr - Well, I guess we could defer this and he could sell it and we could come
2930 back and then he could subdivide what he has left. I mean, it's just a matter, you know, the
2931 order we do this in. I think he has a perfect right to subdivide three lots.

2932 Mr. Silber - Mr. Mistr is correct. If he came forward he could split this piece of
2933 property one time and create two parcels and then come back and file subdivision for the three
2934 parcels that front on Birch Brook. But, in the view of staff, it makes more sense to deal with
2935 the division of land in a logical fashion, divide pieces of land, create lots and ownership. And
2936 in this case it seems like instead of skirting the subdivision regulations and splitting it once,
2937 and then coming in with three lots it's best to go ahead and take the parcel as a whole, carve it
2938 into four parts and give each of them a lot number.

2939

2940 Mr. Vanarsdall - I would feel better about it if you would defer it until he sells it. Does
2941 what Mr. Silber said makes any sense to you, Spud?

2942

2943 Mr. Mistr - What he said is exactly true but we are going through paper work for the
2944 developer and for me and for the staff for something that we know what the result is going to
2945 be in the end. I don't see any need for all of us to come back here again, you know, for the
2946 same thing that we can approve today.

2947

2948 Mr. Vanarsdall - Well, I'll go ahead and recommend approval according to what the staff
2949 has then, if you want to do that.

2950

2951 Mr. Mistr - Well, suppose he sells the lot before he records the subdivision? I'll
2952 request a deferral until he sells the lot, if that's better, but I think we are just going through a
2953 lot of motions.

2954

2955 Mr. Vanarsdall - All right. I recommend Keaton Estates be deferred until June 27, 2001,
2956 at the applicant's request.

2957

2958 Ms. Dwyer - Second.

2959

2960 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Ms. Dwyer.
2961 All in favor say aye...all opposed say nay. The motion carries.

2962

2963 At the request of the applicant, the Planning Commission deferred Keaton Estates (May 2001
2964 Plan) to the June 27, 2001, meeting.

2965

2966 Mr. Jernigan - While there are not too many people here let me ask a question because
2967 I'm learning something too. Let's say that there are 12 acres in there and you don't want to
2968 use but six of them, do you have to use 12?

2969

2970 Mr. Silber - No.

2971

2972 Mr. Vanarsdall - It depends on the situation.

2973

2974 Ms. Dwyer - In this case, what's being left is basically a lot.

2975

2976 Mr. Jernigan - Well, that could be subdivided into two lots.

2977 Mr. Silber - No, I don't think that could be.
2978

2979 Ms. Dwyer - I think that's staff's point. That's the difference between 100 acres and
2980 taking 25. In this case, we are dealing with a much smaller acreage and what's being left is
2981 essentially a lot. Although, possibly it could be two lots but depending on the access,
2982 depending on the, you know, just looking at the shape of it. Essentially, you are leaving only
2983 one lot, and so staff is saying as long as you will be leaving one lot why not make it a part of
2984 the subdivision. Is that right, Mr. Silber?
2985

2986 Mr. Silber - Yes, that's correct, Mrs. Dwyer.
2987

2988 Mr. O'Kelly - Mr. Jernigan, maybe I can answer your question.
2989

2990 Mr. Vanarsdall - We can't hear you, Dave.
2991

2992 Mr. O'Kelly - Under the definition of subdivision as a condition of properties with
2993 three or more lots, tracts of parcels land along with the subdivision requirements. So, you can
2994 divide the property whether it's 100 acres or (unintelligible) one time into two pieces and make
2995 that third division (unintelligible). (His microphone was not transmitting to the recorder)
2996

2997 Mr. Silber - I think legally you could probably sell that lot under metes and bounds
2998 and then the description will say will become lot 2B of this subdivision in the future and would
2999 have the same result, I would think.
3000

3001 Mr. Mistr - But if you sell that lot it won't be in the subdivision.
3002

3003 Mr. O'Kelly - You can divide it once into two pieces and sell one off but in the future
3004 when you make another division that remaining parcel must comply with the subdivision
3005 ordinance requirements.
3006

3007 Mr. Jernigan - Okay.
3008

3009 Mr. Silber - I believe that concludes the number of plans and cases that we have. We
3010 do have a substantial in accord consideration for the Forest Lodge site. It's in the Brookland
3011 district and the presentation will be made by Audrey Anderson.

3012 **RESOLUTION: Forest Lodge Site - Substantially In Accord with the County of Henrico**
3013 **Comprehensive Plan (Presented by Audrey Anderson) Brookland District**

3014

3015 Mr. Archer - Good afternoon, Ms. Anderson.

3016

3017 Ms. Anderson - I just want to say, first of all, good afternoon to everyone. I would like
3018 to make just a few introductory comments on the significance of this site. What we are
3019 looking at is a relocation of the Forest Lodge Copula, it's called. The original lodge is
3020 historically significant as an example of 19th Century architecture. The hotel itself was
3021 demolished in 1992 and the cupola and some of the columns from the hotel are the only
3022 remaining fragments of the hotel. The original site of the hotel as shown on this slide was at
3023 the northwest intersection of Mountain Road and the RFP Railroad, it was called at that time
3024 and the CSX Railroad today. The cupola was the top floor of the tower that was positioned
3025 over the main entrance to the Forest Lodge Hotel. It was designed as a belvedere type, which
3026 was used to look over a pleasant view and in the situation of the hotel it was on a 1000 acre
3027 site that was designed with a lot of landscaping, beautiful gardens, and that type of thing, and
3028 the belvedere was used to look over that view. The Division of Recreation & Parks wishes to
3029 restore and locate the copula and some of the columns on the parcel in question as part of the
3030 County's historic resources. The structure is a 20 x 20 foot frame structure and it was donated
3031 to the County with the requirement that it be moved to a County-owned location. The structure
3032 is currently resting on temporary framing on the Walkerton's site at the eastern edge of the
3033 Cultural Arts Center parking lot. On the vicinity map, as I just pointed out, the proposed
3034 Forest Lodge site is located in the Brookland district at the northwest intersection of Old
3035 Washington Highway and Mountain Road. The site is approximately 1.9 acres and it consists
3036 of parcel 31-A-62. The site characteristics are suitable for the proposed use. The zoning on
3037 this site is R-2, One-Family Residence District and the proposed facility is permitted in this
3038 zoning district. The topography on this site is mainly flat. It's slightly sloping along the
3039 stream that runs through the parcel. The land use on this site is recommended predominantly
3040 for Environmental Protection Area with a small part of the lot at the southwest corner being
3041 recommended for Office development. Although, the plan does not designate this site for a
3042 public use, the proposed use supports a number of the historic and cultural goals of the Plan
3043 that are designed to generally protect the cultural integrity of the County and guide
3044 development in the vicinity of these historic resources. Based upon the staff's review of this
3045 site for the proposed use, we have concluded that the proposed improvements will create a
3046 cultural activity that is not in conflict with or a significant departure from the Goals, Objectives
3047 and Policies of the Plan. The staff, therefore, recommends that the Planning Commission
3048 approve the resolution finding the proposed Forest Lodge site substantially in accord with the
3049 comprehensive plan. That ends my report and I'll be glad to answer any questions you might
3050 have.

3051

3052 Mr. Kaechele - Has the County owned this site for some time, or do we have to obtain
3053 this site?

3054

3055 Ms. Anderson - It is County-owned property at this point.

3056

3057 Mr. Kaechele - We acquired it for some reason? Have we had it for a while? I'm not
3058 aware of this.
3059

3060 Ms. Anderson - As far as I know, yes. The County has owned it for a while.
3061

3062 Mr. Silber - We can find out when it was obtained. It is my understanding that it
3063 wasn't really obtained. We have had it for some time, as far as I know.
3064

3065 Mr. Kaechele - I never knew we owned that.
3066

3067 Ms. Dwyer - I assume the cupola has a roof and so it will be weatherproof to that
3068 extent.
3069

3070 Ms. Anderson - Yes.
3071

3072 Ms. Dwyer - How will the columns be worked into the design?
3073

3074 Ms. Anderson - The columns, as far as the plans that they have, would surround the
3075 cupola on all four sides. It's a 20 x 20 square and it would have brick pavers. Leslie is going
3076 to put it up on the screen.
3077

3078 Ms. Dwyer - I'm just curious how the columns would be incorporated and how they
3079 would be protected from the weather because they wouldn't be under the roof they would just
3080 be out there in the sun and rain and snow.
3081

3082 Ms. Anderson - In the open, yes, and I'm assuming as part of the restoration, they will
3083 put some type of preservatives on it. The roof right now has a tarp type of covering over it to
3084 protect the cupola from weather and that type of thing at this point.
3085

3086 Ms. Dwyer - It looks like there is something on top of the columns. I can't read what
3087 it says.
3088

3089 Mr. Taylor - It's not shown on the other drawings, though.
3090

3091 Mr. Archer - It could be something just connecting them together.
3092

3093 Ms. Anderson - Are you asking me if it is a canopy over it?
3094

3095 Ms. Dwyer - Well, maybe it's just a beam or something that comes across the
3096 columns.
3097

3098 Mr. Silber - The thing that runs along the columns, that's not a roof structure, is it?
3099

3100 Mr. McGarry - It appears to be a beam to stabilize all of the columns.
3101

3102 Mr. Archer - So they all will be in a straight line, in other words, right?
3103
3104 Mr. Silber - Yes.
3105
3106 Mr. Archer - They might be support beams.
3107
3108 Ms. Dwyer - Sometimes when water collects on the top of something like that it rots
3109 so I assume that's probably part of the purpose of it too.
3110
3111 Ms. Anderson - It will look very nice when they are done with it.
3112
3113 Ms. Dwyer - So, is a belvedere a cupola that is essentially a room that you can look
3114 out of? It's a large cupola?
3115
3116 Ms. Anderson - That's right. This one is designed, as you can see in the plan, with
3117 windows on all four sides. And this particular one is a single-story room that they use to just
3118 look out over the grounds.
3119
3120 Ms. Dwyer - Well, we have a piece of history anyway.
3121
3122 Mr. Archer - All right, is there anymore discussion on this item?
3123
3124 Mr. Vanarsdall - It's an ugly old corner now, isn't it? I move that the Henrico County
3125 Planning Commission find that the proposed Forest Lodge site be substantially in accord with
3126 the County's Comprehensive Plan after being reviewed and researched by staff.
3127
3128 Mr. Taylor - Second.
3129
3130 Mr. Archer - The motion was made by Mr. Vanarsdall and seconded by Mr. Taylor.
3131 All in favor say aye...all opposed say nay. The motion carries.
3132
3133 Mr. Vanarsdall - I move that the Planning Commission adjourn.
3134
3135 Mr. Silber - We do not have any minutes, but just in the form of an announcement.
3136 There is going to be a work session, perhaps you all know about it by now, on May 30, 2001.
3137 And I believe it is starting at 8:30 a.m. and it should go most of the day, maybe to about 2:30
3138 p.m. or 3:00 p.m. to talk about the Comprehensive Revitalization Study and proposed
3139 ordinance amendments. Have you all received any letters yet?
3140
3141 Mr. Archer - I've haven't been notified.
3142
3143 Mr. Vanarsdall - I didn't receive anything. But, I know about it because John told us and I
3144 put it on the calendar. It's 9:00 a.m. to 2:30 p.m. at the Cultural Arts Center.
3145
3146 Mr. Archer - The meeting has already been adjourned. Do I hear a second?

3147 Ms. Dwyer - Second.

3148

3149 Mr. Archer - The motion was made by Mr. Vanarsdall to adjourn and seconded by

3150 Ms. Dwyer. All in favor say aye...all opposed say nay. This meeting is adjourned.

3151

3152 On a motion by Mr. Vanarsdall and seconded by Ms. Dwyer, the Planning Commission

3153 adjourned its meeting for May 23, 2001, meeting at 12:30 p.m.

3154

3155

3156

3157

C. W. Archer, C.P.C., Chairman

3158

3159

3160

3161

3162

Randall R. Silber, Acting Secretary