

1 Minutes of the regular monthly meeting of the Planning Commission of the County of Henrico, Virginia,
2 held in the Board Room of the County Administration Building in the Government Center at Parham and
3 Hungary Springs Roads, Beginning at 9:00 a.m. Wednesday, November 20, 2002.

4

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

12

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

24

25 **Mr. Frank J. Thornton, the Board of Supervisors Representative, abstains on all cases unless**
26 **otherwise noted.**

27

28

29 Mr. Taylor - The Planning Commission will now come to order. Good morning everyone.
30 We will begin the November POD. I want to welcome all of our guests and visitors. I'll now turn the
31 meeting over to Mr. Marlles.

32

33 Mr. Marlles - Good morning, Mr. Chairman, members of the Commission, ladies and
34 gentlemen. The first item on the agenda is requests for deferrals and withdrawals and those will be
35 presented by Mr. Ted McGarry.

36

37 Mr. McGarry - Good morning, Mr. Chairman, members of the Commission. Our first case on the
38 requests for deferrals and withdrawals is on page 2 of your agenda in the Tuckahoe magisterial district.

39

39 **TRANSFER OF APPROVAL (Deferred from the September 25, 2002, Meeting)**

40

POD-51-99
Gaskins Retirement Center

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

41

42 Mr. McGarry - The applicant requests deferral to January 22, 2003.

43

44 Mr. Taylor - Is there anyone in the audience in opposition to the deferral request by the
45 applicant for transfer of approval POD-51-99, Gaskins Retirement Center? No opposition.

46

47 Mrs. Ware - I'll move that POD-51-99, Gaskins Retirement Center, be deferred to the
48 January 22, 2003, meeting at the applicant's request.

49

50 Mr. Vanarsdall - Second.

51

52 Mr. Taylor - The motion was made by Mrs. Ware and seconded by Mr. Vanarsdall to defer
53 POD-51-99, Gaskins Retirement Center, to the January 22, 2003, meeting. All in favor say aye...all
54 opposed say nay. The motion carries.

55

56 At the applicant's request, the Planning Commission deferred the transfer of approval for POD-51-99,
57 Gaskins Retirement Center, to its January 22, 2003, meeting.

58

59 **TRANSFER OF APPROVAL (Deferred from the October 23, 2002, Meeting)**

60

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

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

61

62 Mr. McGarry - On page 3 of your agenda, this is in the Three Chopt magisterial district, POD-117-98,
63 Courtland @ Wyndham, transfer of approval, the applicant requests deferral to January 22, 2003.

64

65 Mr. Taylor - Is there anyone in the audience in opposition to the deferral request by the
66 applicant for transfer of approval POD-117-98, Courtland @ Wyndham (POD-116-96 Revised)? No
67 opposition. Therefore, I'll move the transfer of approval for POD-117-98, Courtland @ Wyndham be
68 deferred to January 22, 2003, at the applicant's request.

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69

70 Mr. Jernigan - Second.

71

72 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan to defer
73 POD-117-98, Courtland @ Wyndham, to the January 22, 2003, meeting. All in favor say aye...all
74 opposed say nay. The motion carries.

75

76 At the applicant's request, the Planning Commission deferred the transfer of approval for POD-117-98,
77 Courtland @ Wyndham (POD-116-96 Revised), to its January 22, 2003, meeting.

78

79 **SUBDIVISION (Deferred from the October 23, 2002, Meeting)**

80

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

Engineering Design Associates for Newstead Landing L.C.:

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

12 Lots

81

82 Mr. McGarry - On page 11 of your agenda, this is in the Varina magisterial district, we have the
83 subdivision Newstead Landing (September 2002 Plan), the applicant is requesting deferral to your
84 December 18, 2002, meeting.

85

86 Mr. Taylor - Is there anyone in the audience in opposition to the deferral of Newstead
87 Landing to December 18, at the applicant's request? No opposition.

88

89 Mr. Jernigan - Mr. Chairman, I make a motion to defer subdivision Newstead Landing to
90 December 18, at the applicant's request.

91

92 Mr. Vanarsdall - Second.

93

94 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall to
95 defer subdivision Newstead Landing (September 2002 Plan), to the December 18, 2002, meeting. All
96 in favor say aye...all opposed say nay. The motion carries.

97

98 At the applicant's request, the Planning Commission deferred subdivision Newstead Landing (A
99 Resubdivision of Newstead landing, Section A and a Portion of Newstead Farms) (September 2002
100 Plan), to its December 18, 2002, meeting.

101

102 **PLAN OF DEVELOPMENT (Deferred from the September 23, 2002, Meeting)**

103

POD-68-02
Blackwood Retail
Glen Eagles Shopping
Center

Balzer & Associates, Inc. for Richfield Associates, 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 6,600
square foot building addition in an existing shopping center. The 0.90-
acre site is located on the northwest corner of Ridgefield Parkway and

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Eagles View Drive in the Glen Eagles Shopping Center on part of parcel 740-750-0178. The zoning is B-2C, Business District (Conditional). County water and sewer. **(Tuckahoe)**

104

105 Mr. McGarry - On page 21 of your agenda, this is in the Tuckahoe magisterial district, we have POD-
106 68-02, Blackwood Retail – Glen Eagles Shopping Center, the applicant is requesting deferral to your
107 February 26, 2003, meeting.

108

109 Mr. Taylor - Is there anyone in the audience in opposition to the deferral of POD-68-02,
110 Blackwood Retail Glen Eagles Shopping Center, to the February 26, 2003, at the applicant's request?
111 No opposition.

112

113 Mrs. Ware - Then I'll move that POD-68-02 be deferred to the February 26, 2003,
114 meeting, at the applicant's request.

115

116 Mr. Taylor - Second.

117

118 Mr. Taylor - The motion was made by Mrs. Ware and seconded by Mr. Taylor to defer
119 POD-68-02, Blackwood Retail Glen Eagles Shopping Center to the February 26, 2003, meeting. All
120 in favor say aye...all opposed say nay. The motion carries.

121

122 At the applicant's request, the Planning Commission deferred POD-68-02, Blackwood Retail Glen
123 Eagles Shopping Center, to its February 26, 2003, meeting.

124

125 **SUBDIVISION (Deferred from the October 23, 2002, Meeting)**

126

Laurel Woods, Section B
(October 2002 Plan)

Youngblood, Tyler & Associates, P.C. for Edith E. Flora and West End Developers, LLC: The 1.52-acre site is located on the south side of Sunrise Road, approximately 500 feet west of Pump Road at 11911 Sunrise Road on parcel 738-756-5709. The zoning is R-3C, One-Family Residence District (Conditional). County water and sewer. 4 Lots **(Three Chopt)**

127

128 Mr. McGarry - On page 24 of your agenda, this is in the Three Chopt magisterial district, we have
129 subdivision Laurel Woods, Section B (October 2002 Plan), the applicant is requesting deferral to your
130 December 18, 2002, meeting.

131

132 Mr. Taylor - Is there anyone in the audience in opposition to the deferral of subdivision
133 Laurel Woods, Section B (October 2002 Plan) to December 18, 2002, at the applicant's request? No
134 opposition. Therefore, I will move the deferral of subdivision Laurel Woods, Section B (October 2002
135 Plan), at the applicant's request, to the December 18, 2002, meeting.

136

137 Mr. Vanarsdall - Second.

138

139 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall to defer
140 subdivision Laurel Woods, Section B (October 2002 Plan) to its December 18, 2002, meeting. All in
141 favor say aye...all opposed say nay. The motion carries.

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142

143 At the applicant's request, the Planning Commission deferred subdivision Laurel Woods, Section B
144 (October 2002 Plan) to its December 18, 2002, meeting.

145

146 Mr. Marles - Mr. Chairman, the next item on the agenda is the Expedited Agenda. And,
147 again, that will be presented by Mr. McGarry.

148

149 Mr. McGarry - The first Expedited case is on page 6 of your agenda.

150

151 **LANDSCAPE & LIGHTING PLAN**

152

LP/POD-82-01
Millspring Townes,
Section 1

Bay Design for Wilton Development Corporation: 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 11.13- acre site is located along the west side of Hungary Spring Road, approximately 200 feet north of Olde West Drive on Parcel 765-757-9860. The zoning is RTHC, Residential Townhouse District (Conditional). **(Brookland)**

153

154 Mr. McGarry - On page 6 of your agenda in the Brookland magisterial district, we have the landscape
155 and lighting plan for LP/POD-82-01, Millspring Townes, Section 1 on the Expedited Agenda. There is
156 an addendum item with a change to recommend approval of this plan.

157

158 Mr. Taylor - Is there anyone in the audience in opposition to this landscape and lighting plan
159 for LP/POD-82-01, Millspring Townes, Section 1, on the Expedited Agenda? No opposition.

160

161 Mr. Vanarsdall - Mr. Chairman, I move that LP/POD-82-01, Millspring Townes, Section 1, be
162 approved with the annotations on the plan, and the standard conditions for landscape and lighting plan
163 and the request for approval by the staff on the addendum.

164

165 Mr. Jernigan - Second.

166 Mr. Taylor - The motion was made by Mr. Vanarsdall and seconded by Mr. Jernigan. All in
167 favor say aye...all opposed say nay. The motion carries.

168

169 The Planning Commission approved the landscape and lighting plan for LP/POD-82-01, Millspring
170 Townes, Section 1, subject to the annotations on the plan and the standard conditions attached to these
171 minutes for landscape and lighting plans.

172

173 **PLAN OF DEVELOPMENT & LIGHTING PLAN**

174

POD-80-02
PDS Distribution Center

Bay Design Group, P.C. for AR & L Land, LLC: Request for approval of a plan of development and lighting plan, as required by Chapter 24, Section 24-106 of the Henrico County Code, to construct a two-story, 30,293 square foot, office/warehouse. The 6.1961 acre site is located at 5219 Klockner Drive, approximately 310 feet north of Eubank Road on parcel 813-713-6539. The zoning is M-1, Light Industrial District. County water and sewer. **(Varina)**

175

176 Mr. McGarry - On page 7 of your agenda. This is in the Varina magisterial district. This is the PDS
177 Distribution Center on Klockner Drive, POD-80-02. The addendum item is for recommendation of
178 approval.

179

180 Mr. Taylor - Is there anyone in the audience in opposition to POD-80-02, PDS Distribution
181 Center on the Expedited Agenda? No opposition. Mr. Jernigan.

182

183 Mr. Jernigan - Mr. Chairman, I make a motion to approve POD-80-02, PDS Distribution
184 Center, subject to the annotations on the plans, the standard conditions for developments of this type
185 and additional conditions Nos. 23 through 30 and the endorsement by the staff in the addendum on the
186 Expedited Agenda.

187

188 Mr. Vanarsdall - Second.

189

190 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
191 favor say aye...all opposed say nay. The motion carries.

192

193 The Planning Commission approved POD-80-02, PDS Distribution Center, subject to the standard
194 conditions attached to these minutes for developments of this type, the annotations on the plan and the
195 following additional conditions:

196

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

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

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

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

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

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

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

219 30. The developer shall provide fire hydrants as required by the Department of Public Utilities and
220 Division of Fire.

221

222 **PLAN OF DEVELOPMENT AND TRANSITIONAL BUFFER DEVIATION:**

223

POD-79-02
Roy's Auto Body Shop
(Rev. POD-92-95)

C. E. Duncan & Associates, Inc. for Edwards Holding: Request for approval of a revised plan of development and transitional buffer deviation, as required by Chapter 24, Section 24-106, 24-106(3) a. and 24-106.2 of the Henrico County Code to construct a one-story, 3,120 square foot addition to an existing auto body shop. The 1.21-acre site is located on the northwest corner of the intersection of Aberdeen Street and Blackstone at 1100 Blackstone Avenue on parcel 784-758-6804. The zoning is M-1, Light Industrial District. County water and sewer. **(Fairfield)**

224

225 Mr. McGarry - On page 9 of your agenda, there has been a change for this one. The applicant is
226 asking for a deferral of 30 days, to your December 18, 2002, meeting.

227

228 Mr. Taylor - Is there anyone in the audience in opposition to the deferral for POD-79-02,
229 Roy's Auto Body Shop, to the December 18, 2002, meeting? No opposition. Mr. Archer.

230

231 Mr. Archer - Mr. Chairman, I move deferral of POD-79-02, Roy's Auto Body Shop, to the
232 December 18, 2002, meeting, at the applicant's request.

233

234 Mr. Vanarsdall - Second.

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

237

238 At the request of the applicant, the Planning Commission deferred POD-79-02, Roy's Auto Body
239 Shop (POD-92-95 Revised), to its December 18, 2002, meeting.

240

241 **SUBDIVISION**

242

Greenwood Meadows, Section
C (A Resubdivision of
Greenwood Meadows, Sec. A
Common Area) (November
2002 Plan)

Foster & Miller, P.C. for Viking Builders: The 0.34 acre site is
located off Greenwood Road approximately 2,100 feet north of
Mountain Road at 1940 Greenstone Court on parcel 779-763-5992.
The zoning is R-4, One-Family Residence District. County water and
sewer. **1 Lot (Fairfield)**

243

244 Mr. McGarry - On page 13 of your agenda in the Fairfield magisterial district, this is the subdivision
245 Greenwood Meadows. There is an addendum item to add an additional condition.

246

247 Mr. Taylor - Is there anyone in the audience in opposition to the approval of subdivision
248 Greenwood Meadows, Section C (November 2002 Plan) on the Expedited Agenda? No opposition.
249 Mr. Archer.

250

251 Mr. Archer - Mr. Chairman, I move approval of subdivision Greenwood Meadows, subject
252 to the annotations on the plans, the standard conditions for subdivisions served by public utilities and
253 additional condition No. 12 on this morning's addendum.

254

255 Mr. Vanarsdall - Second.

256

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

259

260 The Planning Commission granted conditional approval of subdivision Greenwood Meadows, Section
261 C (A Resubdivision of Greenwood Meadows, Section A, Common Area) (November 2002 Plan)
262 subject to the standard conditions attached to these minutes for subdivisions served by public utilities,
263 the annotations on the plan and the following additional condition:

264

265 12. A detailed soil report prepared by a professional engineer for filling the BMP lot and addressing
266 the adequacy of the compacted fill to support a dwelling and accessory structures shall be
267 submitted to the Planning Office and Building Inspection Office for review and approval prior to
268 issuance of a building permit.

269

270

270 **SUBDIVISION**

271

Oakland Chase
(November 2002 Plan)
(Formerly Dakota Estates)

TIMMONS for The Tetra Company: The 28.9 acre site is located on the west line of Midview Road approximately 1,200 feet south of its intersection with Darbytown Road, on parcel 807-705-5501 and part of 806-704-4472. The zoning is R-3C, One-Family Residence District (Conditional) and R-5C, General Residence District (Conditional). County water and sewer. **78 Lots (Varina)**

272

273 Mr. McGarry - On page 19 of your agenda in the Varina magisterial district we have the subdivision
274 Oakland Chase. On the addendum you have a revised recommendation for approval.

275

276 Mr. Taylor - Is there anyone in the audience in opposition to the approval of subdivision
277 Oakland Chase (November 2002 Plan) on the Expedited Agenda? No opposition, Mr. Jernigan.

278

279 Mr. Jernigan - Mr. Chairman, I make a motion to approve Oakland Chase (November 2002
280 Plan) subject to the standard conditions for subdivisions served by public utilities, and the additional
281 conditions Nos. 12 through 15 plus staff's recommendation of approval on the addendum.

282

283 Mr. Vanarsdall - Second.

284

285 Mr. Taylor - The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall. All in
286 favor say aye...all opposed say nay. The motion carries.

287

288 The Planning Commission granted conditional approval of subdivision Oakland Chase (November 2002
289 Plan) (Formerly Dakota Estates) subject to the standard conditions attached to these minutes for
290 subdivisions served by public utilities, the annotations on the plan and the following additional conditions:

291

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

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

298 14. The proffers approved as part of zoning case C-64C-02 shall be incorporated in this approval.

299 15. Prior to final approval, a draft of the covenants and deed restrictions shall be submitted to the
300 Planning Office for review. Such covenants and restrictions shall be in form and substance
301 satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision
302 plat.

303 **LANDSCAPE PLAN**

304

LP/POD-35-01
Gayton Baptist Church –
North Gayton Road

Dean E. Hawkins for Gayton Baptist Church: Request for approval of a landscape plan, as required by Chapter 24, Sections 24-106 and 24-106.2 of the Henrico County. The 11.748 acre site is located at 13501 N. Gayton Road on parcel 732-761-7760. The zoning is A-1, Agricultural District. **(Three Chopt)**

305

306 Mr. McGarry - On page 20 of your agenda in the Three Chopt magisterial district we have the
307 landscape plan for LP/POD-35-01, Gayton Baptist Church.

308

309 Mr. Taylor - Is there anyone in the audience in opposition to the approval of the landscape
310 plan for LP/POD-35-01, Gayton Baptist Church on the Expedited Agenda? No opposition. I move
311 approval of the landscape plan LP/POD-35-01, Gayton Baptist Church on North Gayton Road on the
312 Expedited Agenda, subject to the annotations on the plan and the standard conditions for landscape
313 plans.

314

315 Mr. Vanarsdall - Second.

316

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

319

320 The Planning Commission approved the landscape plan LP/POD-35-01, Gayton Baptist Church, North
321 Gayton Road, subject to the annotations on the plan and the standard conditions attached to these
322 minutes for landscape plans.

323

324 **SUBDIVISION**

325

Walnut Knoll
(November 2002 Plan)

Koontz-Bryant, P.C. for Morris Edison and Earl Thompson Inc.:
The 1.45 acre site is located on the northern and southern line of Costin Drive, approximately 1,600 feet west of I-64 on parcel 758-749-1798. The zoning is R-3, One-Family Residence District. County water and sewer. **5 Lots (Three Chopt)**

326

327 Mr. McGarry - On page 22 of your agenda, this is the Three Chopt magisterial district, subdivision
328 Walnut Knoll (November 2002 Plan). There is an addendum item to delete condition No. 14.

329

330 Mr. Taylor - Is there anyone in the audience in opposition to the conditional approval of
331 subdivision Walnut Knoll (November 2002 Plan) on the Expedited Agenda? No opposition, therefore,
332 I'll recommend the approval of Walnut Knoll (November 2002 Plan) on the Expedited Agenda, subject
333 to the annotations on the plans, the standard conditions for subdivisions served by public utilities and
334 additional conditions Nos. 12 and 13.

335

336 Mr. Archer - Second, Mr. Chairman.

337

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

340

341 The Planning Commission granted conditional approval of subdivision Walnut Knoll (November 2002
342 Plan) subject to the standard conditions attached to these minutes for subdivisions served by public
343 utilities, the annotations on the plan and the following additional conditions:

344

345 12. Each lot shall contain at least 11,000 square feet.

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

348

349 **SUBDIVISION**

350

Willows Bend
(November 2002 Plan)

Youngblood, Tyler & Associates, P.C. for HHHunt Corporation, Larry A. and Joyce A. Barker & Marian B. Thurston: The 22.27 acre site is located on the northwest side of proposed Hickory Bend Drive adjacent to Saddleridge Subdivision and the Gardens at Twin Hickory on part of parcel 746-769-0926, 745-769-5071, 6845 and 6798; 745-768-7374, 746-770-0619. The zoning is R-5AC, General Residence District (Conditional). County water and sewer. **88 Lots (Three Chopt)**

351

352 Mr. McGarry - On page 23 of your agenda, this is also in the Three Chopt magisterial district,
353 subdivision Willows Bend (November 2002 Plan).

354

355 Mr. Taylor - Is there anyone in the audience in opposition to the conditional approval of
356 subdivision Willows Bend (November 2002 Plan) on the Expedited Agenda? No opposition,
357 therefore, I'll recommend the approval of Willows Bend (November 2002 Plan) on the Expedited
358 Agenda, subject to the annotations on the plans, the standard conditions for subdivisions served by
359 public utilities and additional conditions Nos. 12 through 16 and the revised plan dated today.

360

361 Mr. Jernigan - Second.

362

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

365

366 The Planning Commission granted conditional approval of subdivision Willows Bend (November 2002
367 Plan) subject to the standard conditions attached to these minutes for subdivisions served by public
368 utilities, the annotations on the plan and the following additional conditions:

369

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

373 13. Each lot shall contain at least 5,625 square feet exclusive of the flood plain areas.

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

375 15. Hickory Bend Drive extending to Twin Hickory Road shall be constructed concurrently with
376 this development.

377 16. Prior to requesting the final approval, a draft of the covenants and deed restrictions for the
378 maintenance of the common area by a homeowners association shall be submitted to the
379 Planning Office for review. Such covenants and restrictions shall be in form and substance
380 satisfactory to the County Attorney and shall be recorded prior to recordation of the subdivision
381 plat.

382

383 **SUBDIVISION (Deferred from the October 23, 2002 Meeting)**

384

Thomas Mill
(July 2002 Plan)
November 20, 2002

Foster & Miller, P.C. for WWJ, LC and B & B Development Corporation: The 78.60-acre site is located on the north line of Old

11868 Old Washington Highway (A Resubdivision of Lakeview)

Washington Highway between the Chickahominy River and the CSX Railroad across from Kellipe Road on parcels 772-779-6780, 773-777-3550 and part of 773-777-1078. The zoning is A-1, Agricultural District. Well and septic tank/drainfield.
(Brookland) 42 46 Lots

385

386 Mr. McGarry - The last item on the Expedited Agenda is on page 28 of your agenda, in the Brookland
387 magisterial district. This is subdivision Thomas Mill (July 2002 Plan). In the addendum there is a
388 change for the number of lots from 42 to 46, the recommendation is for approval now and delete
389 condition No. 18 on the agenda and a revised plan.

390

391 Mr. Taylor - Is there anyone in the audience in opposition to the conditional approval of
392 subdivision Thomas Mill (July 2002 Plan) on the Expedited Agenda? No opposition. Mr. Vanarsdall.

393

394 Mr. Vanarsdall - I move that subdivision Thomas Mill (July 2002 Plan) be approved on the
395 Expedited Agenda for subdivisions not served by public utilities and the additional conditions Nos. 12
396 through 18 and on the addendum to delete No. 18. And we are working from the revised plan, as Mr.
397 McGarry stated, dated today, November 20, 2002.

398

399 Mr. McGarry - And it shows 46 lots.

400

401 Mr. Vanarsdall - And it shows 46 lots.

402

403 Mr. Taylor - Second.

404

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

407

408 The Planning Commission granted conditional approval of subdivision Thomas Mill (July 2002 Plan)
409 11868 Old Washington Highway (A Resubdivision of Lakeview) subject to the standard conditions
410 attached to these minutes for subdivisions not served by public utilities, the annotations on the plan and
411 the following additional conditions:

412

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

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

418 14. The plan must be redesigned to provide at least the 150-foot minimum lot width required and as
419 regulated by Chapter 24, of the Henrico County Code.

420 15. Any necessary offsite drainage easements must be obtained prior to approval of the
421 construction plan by the Department of Public Works.

422 16. Right-of-way dedication along Old Washington Highway shall be provided in accordance with
423 the Major Thoroughfare Plan as determined by the Department of Public Works.

424 17. Road widening shall be provided along Old Washington Highway at the subdivision in
425 accordance with the design standard of Public Works.

426

427 Mr. Taylor - All right, Mr. Secretary, I think we are ready for the regular agenda.
428

429 Mr. Marles - Yes, sir. The next item on the agenda is the information on subdivisions
430 Extensions of Conditional Approval. This information is being presented to the Commission
431 and the public by Mr. Wilhite for informational purposes only.
432

433 **SUBDIVISION EXTENSIONS OF CONDITIONAL APPROVAL**
434 **FOR INFORMATIONAL PURPOSE ONLY**
435

Subdivision	Magisterial District	Original No. of Lots	Remaining Lots	Previous Extensions	Year(s) Extended
Clarendon Woods (October 2000 Plan)	Fairfield	210	81	1	3 Years 11/16/05
Woodman Hills (Nov. 2001 Plan)	Fairfield	34	1	0	4 Years 11/15/06

436
437 Mr. Wilhite - Good morning, Commission members. There are two subdivisions both being
438 extended administratively both are located in the Fairfield District. The first one is Clarendon Woods
439 (October 2003 Plan) and also Woodman Hills (November 2001 Plan). If the Commission have any
440 questions, I'll try to answer them for you.

441 Mr. Taylor - Are there any questions for Mr. Wilhite?
442

443 Mr. Archer - Mr. Wilhite, is there any reason why Woodman Hills has only one lot? Is it
444 troublesome?
445

446 Mr. Wilhite - There is one lot being held in reserved because of wetland issues. It remains to
447 be seen whether or not that lot will be recorded as a building lot in the future but this will give them
448 approval for another four years.
449

450 Mr. Archer - Thank you, sir.
451

452 Mr. Taylor - All right. Mr. Secretary, are we ready for our first case?
453

454 Mr. Marles - Yes, sir. Mr. Chairman, our first case is on page 4 of your agenda. It's a
455 transfer of approval request.
456

457 **TRANSFER OF APPROVAL**
458

POD-30-99
The Reflections @ Westcreek

Raymond W. Breeden for North Gayton Apartments, LP:
Request for approval of a transfer of approval, as required by Chapter 24, Section 24-106 of the Henrico County Code from North Gayton Road Venture, LLP to North Gayton Apartments, LP. The 17.597 acre site is located on the east line of North Gayton Road and I-64 on part of parcels 735-765-1837, 9528 and 734-765-6020. The zoning is R-5C, General Residence District

(Conditional) and R-6C, General Residence District (Conditional).
County water and sewer. **(Three Chopt)**

459

460 Mr. Taylor - Good morning, Mr. Kennedy. Is there anyone in the audience in opposition to
461 the transfer of approval request for POD-30-99, The Reflections @ Westcreek? No opposition. Mr.
462 Kennedy.

463

464 Mr. Kennedy - Staff recommends approval of the transfer of approval. The project is currently under
465 construction, we just never received a request in time for it to be placed on the Expedited Agenda.
466 There is no reason not to approve it that staff can see. All of the conditions of the POD will need to be
467 satisfied at the time of the Certificate of Occupancy and no CO has been issued at this time, so staff can
468 recommend approval.

469

470 Mr. Taylor - Are there any questions of Mr. Kennedy by Commission members or
471 comments from the audience? Then I'll move approval of the transfer of approval for POD-30-99, The
472 Reflections at Westcreek.

473

474 Mr. Jernigan - Second.

475

476 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Jernigan to approve
477 the transfer of approval for POD-30-99, The Reflections @ Westcreek. All in favor say aye...all
478 opposed say nay. The motion carries.

479

480 The Planning Commission approved the transfer of approval request for POD-30-99, The Reflections
481 @ Westcreek, with the continued compliance with the conditions of the original approval.

482

483 **LANDSCAPE & LIGHTING PLAN**

484

LP/POD-26-99
Chestnut Grove Assisted Living

Donald Strange-Boston for Chestnut Group, L.P: 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 3.9-acre site is located at 9010 Woodman Road, on the west line of Woodman Road, approximately 200 feet north of E. Parham Road on Parcel 774-758-4341. The zoning is R-6C, General Residence District (Conditional) and B-1, Business District. **(Fairfield)**

485

486 Mr. Taylor - Is there anyone in the audience in opposition to the landscape and lighting plan
487 for LP/POD-26-99, Chestnut Grove Assisted Living? No opposition. Ms. News.

488

489 Ms. News - The applicant has worked closely with staff and has addressed all staff's
490 concerns and proffered requirements, including landscaping in the 35-foot setback strip along
491 Woodman Road and provision of 3½ inch caliber trees in the courtyard. Concealed source lighting has
492 been provided throughout the development and a condition has been added in your agenda to
493 implement the proffered requirement to reduce the lighting to a security level at 10:00 p.m. The
494 applicant has located the screen wall in the field in a manner which preserves existing trees and indicates
495 that the location of the wall has been reviewed and agreed to by the adjacent property owner. Staff
496 recommends approval of the landscape and lighting plan as annotated, subject to the standard

497 conditions for landscape and lighting plans and additional condition No. 6. I'll be happy to answer any
498 questions.

499

500 Mr. Taylor - Are there any questions of Ms. News from the Commission? Mr. Archer.

501

502 Mr. Archer - All right, Mr. Chairman, I would like to note that Ms. News did work quite
503 diligently on this one. And we made a slight deviation in the fence alignment, I believe, to accommodate
504 a neighbor, did we not?

505

506 Ms. News - Right. There are some trees that they were interested in saving. They are
507 actually doing a serpentine wall and they have located the curve so that it works around the existing tree
508 line.

509

510 Mr. Archer - All right, then, Mr. Chairman, I will move approval of LP/POD-26-99, subject
511 to the standard conditions for landscape and lighting plans and additional condition No. 6.

512

513 Mr. Vanarsdall - Second.

514

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

517

518 The Planning Commission approved the landscape and lighting plan for LP/POD-26-99, Chestnut
519 Grove Assisted Living, subject to the annotations on the plan and the standard conditions attached to
520 these minutes for landscape and lighting plans.

521

522 **SUBDIVISION & EXCEPTION (Deferred from the October 23, 2002, Meeting)**

523

Telegraph Run and a
Resubdivision of Section C,
Block B, Lot 22 and a
Reserved for BMP Parcel
(September 2002 Plan)

Wingate & Kestner for Commerce Company, LLC: Request for
approval of a conditional subdivision and an exception pursuant to
Section 19-4(a) of the Henrico County Code requiring increased rear
yard setbacks along Brook Road (U.S. Route 1) a major arterial
roadway. The 6.15-acre site is located on the western terminus of
Connecticut Avenue, between Brook Road (U.S. Route 1) and
Telegraph Road on parcels 784-763-3921, 784-762-3895 and 784-
763-4641. The zoning is R-2A, One-Family Residence District.
County water and sewer. **(Fairfield) 15 Lots**

524

525 Mr. Taylor - Is there anyone in the audience in opposition to subdivision Telegraph Run
526 (September 2002 Plan)? No opposition. Mr. McGarry.

527

528 Mr. McGarry - The Code permits the Planning Commission to grant an exception to the subdivision
529 ordinance for extraordinary hardship. An exception to the subdivision ordinance for increase setbacks
530 has been requested by the applicant for one lot, No. 21, whose rear yard abuts Brook Road, a major
531 arterial roadway that's identified on the Major Thoroughfare Plan. And you have just been handed a
532 blow up, if you will, of what that one detail for that one lot would look like. The standard rear yard
533 setback is 45 feet but as of March we have increase setback requirements for lots backing up to arterial
534 roads. So, his new requirement would be an additional 35 feet for a total of 80 feet or rear yard. The

535 applicant will submit his evidence for consideration of exception by you all. Should the Commission act
536 on this request, in addition to standard conditions for subdivisions served by public utilities, the staff
537 recommends addition of condition No. 12. I'll be happy to answer any questions.

538

539 Mr. Vanarsdall - Is this today's date?

540

541 Mr. McGarry - Yes, sir. November 20, 2002.

542

543 Mr. Taylor - Will that require a wavier of time limits?

544

545 Mr. McGarry - Not really. This is shown on the plan in your packet but this is just much easier to read.

546

547 Mr. Taylor - I don't think I asked for opposition on this. Is there anyone in the audience in
548 opposition to Telegraph Run Resubdivision, Section C? No opposition.

549

550 Mr. Archer - I don't have any questions, Mr. Chairman, unless somebody else does.

551

552 Mr. Taylor - No questions, no comments. I guess it's time for a motion, Mr. Archer.

553

554 Mr. Archer - Okay, Mr. Chairman, I move approval of Telegraph Run Resubdivision of
555 Section C, Block B, Lot 22, subject to the annotations on the plan... The consideration still has to be
556 submitted to us, does it not, Mr. McGarry?

557

558 Mr. McGarry - For the exception?

559

560 Mr. Archer - Yes.

561

562 Mr. McGarry - Yes, sir, you have to include that in your motion.

563

564 Mr. Archer - All right. And subject to the submission of evidence for consideration for the
565 exception by this Commission, subject to the additional condition on the addendum, which added No.
566 13.

567

568 Mr. Vanarsdall - Second.

569

570 Mr. McGarry - Thank you for catching that, Mr. Archer. I forgot that there was an addendum item on
571 this one.

572

573 Mr. Archer - All right.

574

575 Mr. Jernigan - He's on top of it.

576

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

579

580 The Planning Commission granted conditional approval for subdivision Telegraph Run and A
581 Resubdivision of Section C, Block B, Lot 22 and a Reserved for BMP Parcel (September 2002 Plan)

582 and the exception to increase rear yard setbacks along Brook Road subject to the standard conditions
583 attached to these minutes for subdivisions served by public utilities, the annotations on the plan and the
584 following additional conditions:

585

586

587 12. The detailed plant list and specifications for the landscaping to be provided within the 25-foot-
588 wide planting strip easement along Brook Road (U. S. Route 1) shall be submitted to the
589 Planning Office for review and approval prior to recordation of the plat.

590 13. A detailed soil report prepared by a professional engineer for filling the BMP lot and addressing
591 the adequacy of the compacted fill to support a dwelling and accessory structures shall be
592 submitted to the Planning Office and Building Inspection Office for review and approval prior to
593 issuance of a building permit.

594

595 **PLAN OF DEVELOPMENT, SPECIAL EXCEPTION & MASTER PLAN**

596

POD-6-02

Dabbs House Senior
Apartments – Nine Mile
and Dabbs House Roads

**Resource International Ltd. For Ralph W. & Osie O. Zigler,
George T. Jamerson, County of Henrico and Better Housing
Coalition:** Request for approval of a plan of development, special
exception and master plan, as required by Chapter 24, Sections 24-
2, 24-94 and 24-106 of the Henrico County Code, to construct
Phase 1A consisting of a three-story, 76 unit apartment building and
for approval of a master plan for Phase 1B consisting of three-story,
84-unit apartment building and related improvements. The 28.58 acre
site is located on the north side of E. Nine Mile Road approximately
213 feet east of Dabbs House Road on parcels 807-723-4861,
6957, 9052 and part of 2803. The zoning is A-1, Agricultural
District, R-5, General Residence District and M-1C, Light Industrial
District (Conditional). County water and sewer. **(Varina)**

597

598 Mr. Taylor - Is there anyone in the audience in opposition to POD-6-02, Dabbs House
599 Senior Apartments? No opposition. Mr. Kennedy.

600

601 Mr. Kennedy - There was significant community participation in this project. The zoning case appeared
602 before the Planning Commission in January of this year. The zoning case for this which is C-4C-02 was
603 adopted in April of this year by the Board of Supervisors. There are significant proffers on this site.
604 And, just for the record, I would like to review the proffers in general just so everyone knows that this
605 plan satisfies the proffers. That's what I've been asked for by the homeowners in the area. The proffers
606 included a conceptual site plan. The plan is consistent with the Conceptual Site Plan. It requires 750-
607 foot setbacks from the northern boundary line and it does satisfy that and a 300-foot setback residential
608 development from Nine Mile Road and the plan meets that as well. As far as the exterior materials of
609 the building, are brick and cementations siding and that's consistent with the proffers and the visible
610 foundation is brick and that's also consistent with the proffers. The stormwater management ponds,
611 under the proffers, requires landscaping and is set back behind an existing berm and there are existing
612 trees maintained around the BMP. There is a tree preservation proffer and the plan satisfies that as
613 well. As far as uses, and this is the most particular thing that the people in the neighborhood are most
614 concerned about, is that the use of the building is restricted to multi-family independent living residents
615 for seniors over the age of 62, and this plan is restricted to that and it would require a proffer

616 amendment in order to modify that. The plan is specifically built for that. The units themselves have
617 independent security systems and pull cords geared specifically toward seniors with all of the amenities
618 appropriate to that. The height on the building is limited to three stories. That's what the special
619 exception is for. The elevations themselves are consistent with the elevations that were approved by the
620 Board of Supervisors, which did show three story buildings. Finally, the density is limited to 160 units
621 and this master plan would approve the entire 160 units. And the last thing is the preservation of Civil
622 War bunkers and those earth works are preserved and they are avoided to extent possible by all utilities
623 and the BMP is placed behind them. In fact, there is a whole bunch of trash in and around those
624 bunkers and that trash will be removed during the construction of the BMP. So, in fact, the site will not
625 only be preserved but improved. With that, staff can recommend approval. We just want to put for the
626 record the fact that all of the conditions of the proffer have been satisfied, all of the conditions of the
627 multi-family guidelines have been satisfied and all of the family regulations have been satisfied.

628

629 Mr. Taylor - Are there any questions for Mr. Kennedy?

630

631 Mr. Jernigan - I don't have any questions I just want to make a statement. Mr. Kennedy did
632 work pretty hard on this case. There was a lot of opposition in the beginning to the zoning and there
633 have been a couple of neighborhood meetings with the residents of Fairfield Woods and I feel pretty
634 well satisfied now. We don't have any opposition. They were really afraid. A question did come up
635 about if there was a proffer amendment to come through to change it from 62 age restricted back down
636 to just general housing but I don't think that we have a supervisor that would bring that to a motion and
637 I know he would have a hard time getting a second on it so, for the record, they won't have to worry
638 about that. But, I thank you, Mr. Kennedy. I don't have any more questions.

639

640 Mr. Taylor - Are there any more questions from the Commission? I had one as we went
641 over this. It really has to do with the history. Those earth works that are on the site, you mentioned that
642 they were going to be preserved. Are they clearly marked as to the fact that they are Civil War earth
643 works and are in such a manner that they will be preserved and used as a point of interest?

644

645 Mr. Kennedy - They are identified on the construction plans. The construction plans, there is a break in
646 them that's where the construction plans utilize to get utilities through the site, so they have been
647 avoided. As far as being specifically identified by a marker or anything to that effect, I think that's the
648 intention of the owner but that's not shown on the plan. We don't have signage at this time.

649

650 Mr. Taylor - My thought in making that comment is I think that particular feature should be
651 preserved and highlighted so that the people that are on the site as well as people who might be visitors
652 would see that this is an item of interest.

653

654 Mr. Jernigan - Come on up, Robert, I'll let you tell them.

655 Mr. Stout - Good morning. For the record, my name is Robert Stout and I'm with
656 Resource International and we prepared the plan that has been brought before you. I've been in
657 constant contact with Parks and Recreation about the bunkers, how to preserve them, and the clean up
658 of the bunkers. A marker is going to be placed, which they are deciding the style, type and location of
659 the marker. So, at the moment I will assure you that they are going to be preserved and made a site.

660

661 Mr. Taylor - Thank you, Mr. Stout, we appreciate that, the comment and I appreciate the
662 effort. Thank you very much. Are there any other comments from the Commission?

663

664 Mr. Jernigan - We don't need to hear from the applicant on this.

665

666 Mr. Kennedy - We do need two motions, one is for the special exception for the height.

667

668 Mr. Jernigan - I got you. All right, with that, Mr. Chairman, I'll make a motion for the special
669 exception for a three-story building on POD-6-02, Dabbs House Senior Apartments.

670

671 Mr. Vanarsdall - Second.

672

673 Mr. Taylor- The motion was made by Mr. Jernigan and seconded by Mr. Vanarsdall to
674 approve the special exception for a three-story structure. All in favor say aye...all opposed say nay.
675 The motion carries.

676

677 The Planning Commission approved the special exception for building height for POD-6-02, Dabbs
678 House Senior Apartments.

679

680 Mr. Jernigan - And, Mr. Chairman, I would like to make a motion to approve POD-6-02,
681 Dabbs House Senior Apartments on Nine Mile and Dabbs House Road, subject to the annotations on
682 the plan, the standard conditions for developments of this type and the following additional conditions
683 listed on the agenda Nos. 23 through 38.

684

685 Mr. Taylor - Second. The motion was made by Mr. Jernigan and seconded by Mr. Taylor.
686 All in favor say aye...all opposed say nay. The motion carries.

687

688 The Planning Commission approved POD-6-02, Dabbs House Senior Apartments, subject to the
689 standard conditions attached to these minutes for developments of this type, the annotations on the plan
690 and the following additional conditions:

691

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

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

700 25. The entrances and drainage facilities on Nine Mile Road (State Route 33) shall be approved by
701 the Virginia Department of Transportation and the County.

702 26. A notice of completion form, certifying that the requirements of the Virginia Department of
703 Transportation entrances permit have been completed, shall be submitted to the Planning Office
704 prior to any occupancy permits being issued.

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

707 28. The proffers approved as a part of zoning case C-4C-02 shall be incorporated in this approval.

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

- 710 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
711 approved by the County Engineer prior to final approval of the construction plans by the
712 Department of Public Works.
- 713 31. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
714 plans.
- 715 32. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
716 must be approved by the Department of Public Utilities prior to the issuance of a building
717 permit.
- 718 33. Approval of the construction plans by the Department of Public Works does not establish the
719 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
720 will be set by Henrico County.
- 721 34. Approval of the construction plans by the Department of Public Works does not establish the
722 curb and gutter elevations along the Virginia Department of Transportation maintained right-of-
723 way. The elevations will be set by the contractor and approved by the Virginia Department of
724 Transportation.
- 725 35. The owners shall not begin clearing of the site until the following conditions have been met:
726
- 727 (a) The site engineer shall conspicuously illustrate on the plan of development or subdivision
728 construction plan and the Erosion and Sediment Control Plan, the limits of the areas to
729 be cleared and the methods of protecting the required buffer areas. The location of
730 utility lines, drainage structures and easements shall be shown.
 - 731 (b) After the Erosion and Sediment Control Plan has been approved but prior to any
732 clearing or grading operations of the site, the owner shall have the limits of clearing
733 delineated with approved methods such as flagging, silt fencing or temporary fencing.
 - 734 (c) The site engineer shall certify in writing to the owner that the limits of clearing have been
735 staked in accordance with the approved plans. A copy of this letter shall be sent to the
736 Planning Office and the Department of Public Works.
 - 737 (d) The owner shall be responsible for the protection of the buffer areas and for replanting
738 and/or supplemental planting and other necessary improvements to the buffer as may be
739 appropriate or required to correct problems. The details shall be included on the
740 landscape plans for approval.
- 741 36. The conceptual master plan, as submitted with this application, is for planning and information
742 purposes only. All subsequent detailed plans of development and construction plans needed to
743 implement this conceptual plan may be administratively reviewed and approved and shall be
744 subject to all regulations in effect at the time such subsequent plans are submitted for
745 review/approval.
- 746 37. The location of all existing and proposed utility and mechanical equipment (including HVAC
747 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
748 identified on the landscape plans. All equipment shall be screened by such measures as
749 determined appropriate by the Director of Planning or the Planning Commission at the time of
750 plan approval.
- 751 38. The necessary offsite easement for ingress/egress to and from Dabbs House Road shall be
752 obtained prior of final approval of the constructions plans.

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

755

Faith Community Baptist
Church – 1903 Cool Lane

Baptist Church: Request for approval of a plan of development and transitional buffer deviation as required by Chapter 24, Sections 24-106 and 24-106.2(e)(3) of the Henrico County Code to construct a ~~6,490~~ 16,490 square foot, 400 seat, two-story multi-purpose building for church use. The 3.10 acre site is located 400 feet east of Mechanicsville Turnpike (U.S. Route 360), on the south side of Cool Lane on parcel 798-726-9359. The zoning is B-3, Business District. County water and septic tank/drainfield. **(Fairfield)**

756

757 Ms. Goggin - Good morning. This project is requesting the first phase of a multi-phase church
758 as came be seen in the staff's master plan that is submitted for information only. The first issue to come
759 up is the fact that the architectural in your packet reflect this color scheme and the applicant has
760 presented a different color scheme that came in Friday, which is this color scheme (referring to
761 rendering). It has changed a little bit but I wanted the Commission to know that they have presented
762 something different that is in your packet.

763

764 The main reason why we are up here today is because the applicant has requested three transitional
765 buffer deviations. The site is an existing business site in an already developed area of town and they are
766 facing the problems of trying to accumulate land and build a building when they have definite constraints
767 on their boundaries. As you can tell from the ultimate plan, and as I said you are not approving that it's
768 just for your information, they will have approximately six feet on the residential sides of the property,
769 which is the southern and eastern side. But, our code requires a 35-foot transitional buffer and they are
770 asking for a deviation from that. Also, across the street is Agricultural Zoning. Even though it is an
771 active nursing home, it is zoned Agricultural and that also requires a 35-foot transitional buffer. At the
772 time of my staff report, the applicant had not provided what they proposed in lieu or in conjunction with
773 the buffer that was to remain. But since that time, we have gotten with the applicant and they have
774 provided us additional information.

775

776 What they said they would do for this transitional buffer deviation is that they will provide a four-foot
777 mock-iron fence on the residential side of the church, which would be the eastern and southern side.
778 They have also agreed to install landscaping to help hide headlights and such from the adjacent property
779 owners and deciduous trees. Currently, right now the lot is literally an asphalt lot. So, anything that they
780 do to add greenery is great. The applicant also agreed to work with staff on providing proper
781 landscaping to have a reduced buffer on Cool Lane but still something attractive that's inviting to the
782 neighborhood and would be attractive to the nursing home across the street. To do this I need to ask
783 the Commission to do two things. One, the staff annotated plan. The staff annotated a seven-foot
784 block wall and a four-foot mock-ironed fence around three sides of the site that aren't on Cool Lane. I
785 request that you strike those since they are proposing the four-foot mock-iron fence and working with
786 staff. Also, I would like to add a condition that for the transitional buffer deviation that a "landscape plan
787 will be submitted to be reviewed by the Planning Commission before a building permit is issued for the
788 building." That way staff can work with the applicant and vice-versa and the neighbors to make sure
789 that an appropriate amount of landscaping is provided to ease the church into the area while at the same
790 time providing opportunities for visibility for neighbors to keep an eye on each other and the church and
791 for Police to be able to patrol the area versus an opaque fence that would otherwise be required.

792

793 The applicant and engineer are here if you would like to ask them some questions. This will require up
794 to four motions depending on if the Commission approve all of the transitional buffers or if only one or

795 two of the deviations are approved. And I'm here to answer any questions you may have.

796

797 Mr. Archer - Ms. Goggin, okay, we annotated the seven-foot wall, and we will need to
798 change that too....

799

800 Ms. Goggin - Four-foot mock iron against the R-4 zoning, which would be the southern and
801 eastern property lines.

802

803 Mr. Archer - Is that wrought iron you said?

804

805 Ms. Goggin - No. Mock iron.

806

807 Mr. Archer - Okay. Now, can you show us again the difference between the two plans the
808 one that was submitted originally and the one that was submitted today. We are talking basically about
809 color, right?

810

811 Ms. Goggin - Basically color. The elevations are the same. The architectural and colors that
812 are in your packet indicate the tan whereas the more gray that was submitted Friday. As we know
813 magic markers may not represent the true color of the building material.

814

815 Mr. Archer - Okay. And we would also need to add the condition that the landscape plan be
816 submitted before certificate of occupancy.

817

818 Ms. Goggin - We were hoping that the landscape plan would be submitted for review by the
819 Planning Commission prior to issuance of a building permit.

820

821 Mr. Vanarsdall - Mr. Chairman, was there any opposition to this case?

822

823 Ms. Goggin - Oh, I'm sorry.

824

825 Mr. Archer - No, there was no opposition.

826

827 Mr. Taylor - No, there was no opposition.

828

829 Mr. Vanarsdall - All right. Good.

830

831 Ms. Goggin - Ted just brought up a point that No. 9 amended says Planning Commission
832 approval prior to issuance of a certificate of occupancy. We would still like to keep No. 9 amended
833 because that's the approval part of the CO but we would like a conditional condition that would be
834 submittal prior to building permit approval. So, it's a double catch.

835

836 Mr. Archer - I got you. Number 9 amended doesn't quite cover it. Okay.

837

838 Mr. Taylor - Let me ask you a question on each of the fences. You said we had to make
839 separate motions for each of those?

840

841 Ms. Goggin - No. It's just that they are asking for... there are three sides that need

842 transitional buffer deviation and if the Planning Commission felt it was right to approve one and not the
843 other, than I believe you would need to make separate motions.

844

845 Mr. Taylor - But if we collectively approve them all, one motion.

846

847 Ms. Goggin - One motion, right. And then a motion for the POD.

848

849 Mr. Archer - Ms. Goggin, I know you and I discussed this, what was CPTED's feeling about
850 the seven-foot block wall?

851

852 Ms. Goggin - Well I talked to Police about it and the area does have a little bit of crime in the
853 area and with the church and the neighbors they have indicated to me that they would prefer to have, as
854 well as Police, they would prefer to have a lower non-opaque fence so when they are driving by they
855 can see so they can keep an eye on each other and keep an eye out. Also a seven-foot black wall
856 might isolate the church from the neighborhood which we hope not to do that.

857

858 Mr. Archer - And one last thing, oh I can ask the applicant this. Thank you, ma'am.

859

860 Mr. Taylor - Are there any other questions of Ms. Goggin?

861

862 Mr. Vanarsdall - You said it will not be a wall, they don't want it opaque, is that right?

863

864 Ms. Goggin - Four foot mock iron.

865

866 Mr. Taylor - Which is just iron simulated, it's not iron it just looks like iron.

867

868 Mr. Jernigan - Is it aluminum?

869

870 Mr. Taylor - I think it could be aluminum but more appropriate these days I think it's some
871 high-grade plastics. You see that plastic in both white and black and the developers tend to put that in
872 because of the long life span for that particular project.

873

874 Ms. Goggin - And it's more decorative and not chain link.

875

876 Mr. Taylor - And it doesn't need any maintenance actually, so in the long run the economics
877 are improved. So, Mr. Archer, I believe a motion is in order, sir.

878

879 Mr. Archer - We need to hear from the applicant, I believe.

880

881 Mr. Taylor - All right, we will enjoy hearing from the applicant. Ma'am, if you would come
882 down and identify yourself for the record we would be happy to hear your comments.

883

884 Ms. Gould-Champ - Good morning, my name is Patricia Gould-Champ and I'm the pastor of Faith
885 Community Baptist Church. We have been a church for seven years. We started in what was the old
886 recreation or bowling alley and we tore that down and we are now worshipping at another place. We
887 have a special heart for the community of Creighton, Fairfield and Whitcomb Courts. So, we want to
888 move back to the area that we can continue to provide services. We do own the little parcel of

889 property which is our church office and we do ministry during the week out of that office to the
890 community. The reason we asked for the waiver is because of a feeling of inclusivity for the community.
891 We have enjoyed a very good relationship with our neighbors and felt that a wall say something that
892 was indicative of our ministry and we really want to be a part of that community and want the
893 community to feel that they are a part of all that we do. So, we hope that... we are excited about fully
894 returning and so we want to move forward with that plan to serve that community.

895

896 Mr. Archer - Thank you, Dr. Gould-Champ. Can you tell me between the two drawings that
897 were submitted, the two renderings, which one comes closest to the color that you think we will end up
898 with?

899 Ms. Gould-Champ - We had asked that, at our last meeting with the architect, for a lighter color and
900 had to do with the lighting effect at night. It's almost a very pale gray which will come off looking I
901 guess almost white at night, but it was to give the effect, with the lights on it at night, to just speak of
902 illumination for the community. So, it is an effect of that for the community.

903

904 Mr. Archer - We just wanted to have some kind of idea in our mind which one we are
905 actually looking at. And the part about the fence, the CPTED department, and I'm sure Ms. Goggin
906 has discussed this with you, is usually against having high solid walls anyway because of the fact you
907 can't see what's on the other side. At seven feet you can't see over it and being solid you certainly
908 can't see through it. So, that's one of the reasons for that so I think that is actually in our favor. The
909 other thing I wanted to ask you was if you are in concert with the things that the staff has recommended
910 in terms of how we perceive from this point. Does that meet your approval?

911

912 Ms. Gould-Champ - Yes. In fact, our engineer is here and so we would be working with them.

913

914 Mr. Archer - One of the things I think you and I discussed yesterday in the second condition
915 that you submitted, we talked about how we would need to be a little more specific about what types of
916 trees, shrubs that will be planted and they will take care of that part when we do the landscaping. The
917 word "appropriate" is just a little bit vague and we need to get beyond that. That's all I have, unless
918 some of the other Commissioners have any questions.

919

920 Mr. Taylor - No questions from the Commission.

921

922 Mr. Archer - Thank you, Dr. Gould-Champ.

923

924 Mr. Taylor - Thank you, Doctor.

925

926 Mr. Archer - Ms. Goggin, did we grab everything?

927

928 Ms. Goggin - I believe so.

929

930 Mr. Archer - I'm going to try to craft a motion here.

931

932 Mr. Taylor - Take your time, Mr. Archer, it may be a little complicated.

933

934 Mr. Archer - Okay then, Mr. Chairman, I will move for approval of POD-74-02, Faith
935 Community Baptist Church – 1903 Cool Lane, subject to the annotations on the plans, the standard

936 conditions for developments of this type, the additional conditions Nos. 9 and 11 amended, Nos. 23
937 through 32 as shown on the agenda, and changing the annotations for the seven-foot wall to a four-foot
938 mock-iron fence and including the condition that landscape plans will be submitted before a building
939 permit can be issued.

940

941 Ms. Goggin - I'm sorry, that's submitted for review prior to building permit.

942

943 Mr. Archer - Let me change that to say for "review prior to building permit."

944

945 Mr. Vanarsdall - Second.

946

947 Mr. Iernigan - Question. Do we have to do the transitional buffer first, before the POD.

948

949 Mr. Marles - I don't think it makes a difference, Mr. Archer.

950

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

953

954 The Planning Commission approved POD-74-02, Faith Community Baptist Church – 1903 Cool Lane,
955 subject to the standard conditions attached to these minutes for developments of this type, the
956 annotations on the plan and the following additional conditions:

957

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

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

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

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

970 25. A standard concrete sidewalk shall be provided along the north side of Cool Lane.

971 26. Outside storage shall not be permitted.

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

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

977 29. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
978 must be approved by the Department of Public Utilities prior to the issuance of a building
979 permit.

980 30. Approval of the construction plans by the Department of Public Works does not establish the
981 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
982 will be set by Henrico County.

983 31. The conceptual master plan, as submitted with this application, is for planning and information
984 purposes only.
985 32. The location of all existing and proposed utility and mechanical equipment (including HVAC
986 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
987 identified on the landscape plans. All equipment shall be screened by such measures as
988 determined appropriate by the Director of Planning or the Planning Commission at the time of
989 plan approval.
990 33. The landscape plan shall be submitted for review prior to issuance of a building permit.

991
992 Mr. Jernigan - Now, you have got to do the transitional buffer deviation.

993
994 Mr. Archer - Mr. Chairman, we do need a motion for the buffer deviation so I move
995 approval of the transitional buffer deviation.

996
997 Mr. Vanarsdall - Second.

998
999 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall to
1000 approve the transitional buffer deviation for POD-74-02, Faith Community Baptist Church. All in favor
1001 say aye...all opposed say nay. The motion carries.

1002
1003 The Planning Commission approved the transitional buffer deviation for POD-74-02, Faith Community
1004 Baptist Church – 1903 Cool Lane.

1005
1006 Mr. Marlles - Mr. Chairman, our next and last case is on Page 25.

1007
1008 **PLAN OF DEVELOPMENT (Deferred from the October 23, 2002, Meeting)**

1009
POD-78-02
Three Chopt Village,
Sections A and B
Foster & Miller, P.C. for A. R. Tedesco Trust and Wilton Real Estate & Development Corporation: Request for approval of a plan of development, as required by Chapter 24, Section 24-106 of the Henrico County Code to construct 75, two-story townhouses. The 32.6 acre site is located on the north line of Three Chopt Road approximately 1,400 feet west of Gaskins Road at 10700 Three Chopt Road on parcels 748-756-8078, 749-756-6440, 6859 and part of parcels 749-755, 4576 and 6396. The zoning is R-6C, General Residence District (Conditional). County water and sewer.
(Three Chopt)

1010
1011 Mr. Taylor - Before we began I want to ask if there is any opposition to this case? For the
1012 first time in 18 months there is no opposition to this case.

1013
1014 Mr. Vanarsdall - Mr. Secretary, didn't mention it but this case is for decision only.

1015
1016 Mr. Taylor - That is correct.

1017
1018 Mr. Strauss - Okay. Are you ready?

1019

1020 Mr. Taylor - But there is no opposition.
1021

1022 Mr. Strauss - So noted. Thank you, Mr. Chairman. As you may recall this plan of
1023 development was deferred at the last meeting in order to let the applicant meet with the neighbors to
1024 discuss the various issues that were raised at the last meeting. The decision of this Commission was to
1025 allow a deferral so that the neighbors could present their questions relating to road improvements,
1026 buffers, construction phasing and site development. And then the case would be called this morning for
1027 decision only.

1028
1029 During this interim staff held a meeting with the applicant and several representatives from the reviewing
1030 agencies including Public Works and Traffic. These agencies continue to recommend approval of the
1031 revised POD. The applicant also flagged and then the walked the proposed buffers with the neighbors
1032 and that was on November 11, 2002, I believe the Commissioner, Mr. Taylor, was also at that meeting.
1033 There was a meeting also on November 12 where the revised plan was reviewed in detail with the
1034 neighbors. The revised plan has some improvements, such as revised grading, which eliminated one
1035 retaining wall along the buffer to the west along Greenaire Woods, and it lowers the height of the other
1036 retaining walls to a maximum of five feet - from the original 10 feet. The results of discussion with the
1037 neighbors regarding the construction phasing and the submittal of a Phase 1 landscape plan to be
1038 submitted early in the process, will allow participation of the neighbors in deciding how the buffer along
1039 Three Chopt Road would look.

1040
1041 So, this constitutes the basis of the two additional conditions, which we handed out in the addendum. A
1042 condition regarding retaining walls and a condition regarding the Phase 1 landscaping to be approved by
1043 this Commission. So, with that, staff can recommend approval of this plan of development. And, I'll be
1044 happy to answer any questions you may have.

1045
1046 Mr. Taylor - Mr. Strauss, the first question I have for the conditions on the addendum
1047 Nos. 40 and 41 do we have to waive the time limits for those?

1048
1049 Mr. Strauss - The plan materials was the same that was originally submitted prior to
1050 deadline date.

1051
1052 Mr. Taylor - Are there any questions or comments by the Commission? Would the applicant
1053 care to make any comment?

1054
1055 Mr. Iernigan - For decision only.

1056
1057 Ms. Ware - Decision only

1058
1059 Mr. Vanarsdall - We don't need to hear from the applicant.
1060 Mr. Taylor - Mr. Marlles, in this particular case is it appropriate to make comments?

1061
1062 Mr. Vanarsdall - No we don't have to hear from anybody.

1063
1064 Mr. Marlles - I would keep it brief, Mr. Chairman.

1065
1066 Mr. Taylor - I'll keep it brief. But before I go on I would like to thank the neighbors and the

1067 staff and the developer for their efforts to get us to where we are today. This is truly been a very tough
1068 site to develop. We have been working on it now for several years. It's challenging with its many
1069 environmental, topographical and engineering problems including wetlands, trash, debris, as well as
1070 significant geological problems. I wanted to acknowledge the efforts of the neighbors to point out the
1071 many constraints that needed to be considered. They were helpful in enumerating a lot of conditions
1072 that needed to be considered reviewed and solutions resolved. And in doing that, I just want to
1073 acknowledge the efforts by the developers to respond to the site constraints and work with the staff and
1074 the neighbors to resolve them. Also, the efforts by the various staff that had a hand in this - and that's
1075 the entire staff, including the wetland folks who had a rather large roll in it because they worked with the
1076 developer and helped the developers along, helped the neighbors along to the point that I think now
1077 everybody understands the sensitivity of the site and the requirements of the site. And I think it has been
1078 a good solid professional effort on everybody's part and I think the plans for this village have improved
1079 considerable over a period of time as we reviewed it, and reviewed it, and reviewed it. And I want to
1080 thank all of the people for their hard work and diligent effort. And with that, I am delighted to
1081 recommend approval of POD-78-02, Three Chopt Village, in addition to the standard conditions for
1082 developments of this type, additional conditions No. 9 Amended and Nos. 23 through 39 and Nos. 40
1083 and 41 as listed on the addendum.

1084

1085 Mr. Vanarsdall - Second.

1086

1087 Mr. Taylor - The motion was made by Mr. Taylor and seconded by Mr. Vanarsdall. All in
1088 favor say aye...all opposed nay. There being no opposition, POD-78-02, Three Chopt Village is
1089 approved.

1090

1091 The Planning Commission approved POD-78-02, Three Chopt Village, Sections A and B, subject to
1092 the standard conditions attached to these minutes for developments of this type, the annotations on the
1093 plan and the following additional conditions:

1094

1095 9. **AMENDED** - A detailed landscaping plan shall be submitted to the Planning Office for review
1096 and Planning Commission approval prior to the issuance of any occupancy permits.

1097 23. The subdivision plat for Three Chopt Village, Section A shall be recorded before any
1098 occupancy permits are issued.

1099 24. The right-of-way for widening of Three Chopt Road as shown on approved plans shall be
1100 dedicated to the County prior to any occupancy permits being issued. The right-of-way
1101 dedication plat and any other required information shall be submitted to the County Real
1102 Property Agent at least sixty (60) days prior to requesting occupancy permits.

1103 25. The easements for drainage and utilities as shown on approved plans shall be granted to the
1104 County in a form acceptable to the County Attorney prior to any occupancy permits being
1105 issued. The easement plats and any other required information shall be submitted to the County
1106 Real Property Agent at least sixty (60) days prior to requesting occupancy permits.

1107 26. The limits and elevations of the 100-year frequency flood shall be conspicuously noted on the plan
1108 "Limits of 100 Year Floodplain." In addition, the delineated 100-year floodplain must be
1109 labeled "Variable Width Drainage and Utility Easement." The easement shall be granted to the
1110 County prior to the issuance of any occupancy permits.

1111 27. The developer shall provide fire hydrants as required by the Department of Public Utilities and
1112 Division of Fire.

1113 28. The proffers approved as a part of zoning case C-49C-00 shall be incorporated in this

- 1114 approval.
- 1115 29. Any necessary off-site drainage and/or water and sewer easements must be obtained in a form
1116 acceptable to the County Attorney prior to final approval of the construction plans.
- 1117 30. Deviations from County standards for pavement, curb or curb and gutter design shall be
1118 approved by the County Engineer prior to final approval of the construction plans by the
1119 Department of Public Works.
- 1120 31. The pavement shall be of an SM-2A type and shall be constructed in accordance with County
1121 standard and specifications. The developer shall post a defect bond for all pavement with the
1122 Planning Office - the exact type, amount and implementation shall be determined by the Director
1123 of Planning, to protect the interest of the members of the Homeowners Association. The bond
1124 shall become effective as of the date that the Homeowners Association assumes responsibility
1125 for the common areas.
- 1126 32. Storm water retention, based on the 50-10 concept, shall be incorporated into the drainage
1127 plans.
- 1128 33. Insurance Services Office (ISO) calculations must be included with the plans and contracts and
1129 must be approved by the Department of Public Utilities prior to the issuance of a building
1130 permit.
- 1131 34. Approval of the construction plans by the Department of Public Works does not establish the
1132 curb and gutter elevations along the Henrico County maintained right-of-way. The elevations
1133 will be set by Henrico County.
- 1134 35. The owners shall not begin clearing of the site until the following conditions have been met:
1135
- 1136 a. The site engineer shall conspicuously illustrate on the plan of development or subdivision
1137 construction plan and the Erosion and Sediment Control Plan, the limits of the areas to
1138 be cleared and the methods of protecting the required buffer areas. The location of
1139 utility lines, drainage structures and easements shall be shown.
 - 1140 b. After the Erosion and Sediment Control Plan has been approved but prior to any
1141 clearing or grading operations of the site, the owner shall have the limits of clearing
1142 delineated with approved methods such as flagging, silt fencing or temporary fencing.
 - 1143 c. The site engineer shall certify in writing to the owner that the limits of clearing have been
1144 staked in accordance with the approved plans. A copy of this letter shall be sent to the
1145 Planning Office and the Department of Public Works.
 - 1146 d. The owner shall be responsible for the protection of the buffer areas and for
1147 replanting and/or supplemental planting and other necessary improvements to the buffer
1148 as may be appropriate or required to correct problems. The details shall be included on
1149 the landscape plans for approval.
- 1150 36. The location of all existing and proposed utility and mechanical equipment (including HVAC
1151 units, electric meters, junction and accessory boxes, transformers, and generators) shall be
1152 identified on the landscape plans. All equipment shall be screened by such measures as
1153 determined appropriate by the Director of Planning or the Planning Commission at the time of
1154 plan approval.
- 1155 37. The developer and/or builder will provide privacy fences at the rear of all townhouse units in
1156 Section A, Block Q and Block P.
- 1157 38. The applicant shall submit final subdivision plans for review prior to approval and signature of
1158 the final construction plans.
- 1159 39. The location and height of all retaining walls will be shown on the Final Construction plans for
1160 signature. Retaining walls shall be constructed of concrete, masonry or block, unless an

1161 alternative material (such as landscape timber) is approved by the Director.
1162 40. The owner and/or developer shall submit a Phase One Landscape Plan for staff review and
1163 Planning Commission approval. The Phase One area submitted for approval shall include the
1164 western entrance and adjacent buffers along Three Chopt Road.

1165
1166 Mr. Marles - Mr. Chairman, the last item is the approval of minutes for the October 23,
1167 2002, meeting.

1168
1169 Mr. Taylor - I have looked those over and I will move approval of the minutes.

1170
1171 Mr. Archer - Mr. Chairman, excuse me, but I have one correction before you do that.

1172
1173 Mr. Taylor - All right. On Page 61, Line 2491 reads "the plan has passed mustard." I think
1174 it should be "muster." And on Page 62, Line 2536 the last words in that line should be "'has been
1175 done." That's all that I have.

1176
1177 Mr. Taylor - Are there any other questions to the minutes? Can we have a motion to
1178 approve the minutes?

1179
1180 Mr. Archer - So move, Mr. Chairman.

1181
1182 Mr. Vanarsdall - Second.

1183
1184 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall to
1185 approve the October 23, 2002, minutes. All in favor say aye...all opposed say nay. The motion
1186 carries.

1187
1188 The Planning Commission approved the minutes for the October 23, 2002, Planning Commission
1189 minutes.

1190
1191 Mr. Taylor - Gentlemen, before we adjourn our Secretary has a few comments.

1192
1193 Mr. Marles - Mr. Chairman and members of the Commission, I just wanted to update you on
1194 the meeting that the Board had last night with the Henrico Delegation to the General Assembly. This is
1195 an annual meeting that the Board has where the County's legislative package is presented to the
1196 members of the General Assembly representing Henrico. I did want to point out that there were two
1197 particular issues that were discussed. One having to do with manufactured housing and let me just
1198 mention real briefly the issue there. Over the last couple of years there have been bills proposed in the
1199 General Assembly that, to simplify it, would allow manufactured housing in any residential zoning district.
1200 The Board basically wanted the General Assembly members to know that Henrico does oppose that
1201 type of legislation.

1202
1203 The second item had to do with a concern, actually it was a proposal by the Virginia Department of
1204 Housing & Community Development proposing some amendments to the State Building Code which
1205 among other things would have taken out the current space requirements per person for bedrooms in
1206 single-family dwellings. The concern being that one of the complaints that we are seeing occur with
1207 greater frequency is a problem involving large numbers of people occupying single-family dwellings.

1208 And these particular space requirements that are currently in the building code are one of the few tools
1209 that local government (unintelligible) have to deal with that particular issue. The Board was basically
1210 lobbying the members of the General Assembly, helping to get their assistance on not deleting those
1211 provisions from the State Building Code. But those are two of the number of items but those were two
1212 special items I think that do impact on land use and I do want to make the Commission aware of those
1213 positions that the County is taking.

1214

1215 Mr. Vanarsdall - Thank you, John. And I want to add... You said that there were two many
1216 people in a single-family dwelling?

1217

1218 Mr. Marlles - Yes, sir.

1219

1220 Mr. Vanarsdall - Well this has come up before and there are no certain number of people that
1221 can live in a house, is it?

1222

1223 Mr. Marlles - That's correct.

1224

1225 Mr. Vanarsdall - And the Fairfax's County Board of Supervisors, a lady, I think she is in the
1226 General Assembly now, she has a very long last name. She brought that up and the way they presented
1227 was just for, a local way to remember is you don't sleep in the kitchen. And they were trying to pin
1228 down bedroom. But, who says you can't sleep on a sofa so they were saying. They didn't get very far
1229 with that.

1230

1231 Mr. Marlles - It is a problem particularly for our inspectors because, as you just pointed out
1232 Mr. Vanarsdall, our definition of family basically does not put any restrictions on the number of
1233 individuals that can live in a single-family dwelling as long as they are living as a single housekeeping unit.
1234 The inspectors, and I don't know how many of the Commissioners are aware of this, do not have the
1235 authority to actually enter a dwelling. So, it's sometime very hard to prove whether a group of
1236 individuals living in a structure are family members or whether they are renting out rooms. That's one of
1237 the issues. It's not just the definition of family that perhaps need to be tightened, up it's the fact that
1238 from an enforcement standpoint inspectors just can't get into a dwelling to confirm that the violation
1239 exist.

1240

1241 Mr. Vanarsdall - One of the things that concerned them was the more people in the house the
1242 more vehicles are out.

1243

1244 Mr. Marlles - Yes, sir.

1245

1246 Mr. Vanarsdall - And there is no restriction on how many vehicles you can have but if you start
1247 parking in your neighbor's yards and driveways that's when it becomes a problem. And the other thing,
1248 on the manufactured homes, the morning papers said that the real term is "mobile home." The way I
1249 understand that is if you have a lot in your neighborhood and you want to put it on there, there's no
1250 restriction.

1251

1252 Mr. Marlles - There is are no restrictions other than it has to comply with the same restrictions
1253 or regulations that apply to single-family dwellings, site built housing.

1254

1255 Mr. Vanarsdall - So, we could get in on the foundations and stuff like that.
1256

1257 Mr. Marlles - Yes, sir.
1258

1259 Mr. Vanarsdall - Okay. That's good enough.
1260

1261 Mr. Jernigan - So, if you have proffers in a subdivision now that each house has to have a
1262 brick finish then they can't use skirts.
1263

1264 Mr. Marlles - That's correct. The same thing with minimum finished floor requirements would
1265 also apply.
1266

1267 Mr. Vanarsdall - I wonder how the homeowner's covenants would apply.
1268

1269 Mr. Marlles - Well, the current draft bill that was introduced at the last session of the General
1270 Assembly that is supposed to be carried over indicates that any private covenants or restrictions or
1271 conditions would also apply as long as they don't have the affect of prohibiting manufactured housing
1272 from those districts. If this bill gets approved by the General Assembly, I think there are some sections
1273 of it that will really have to be tested in Court before we really know how they apply. But, again, those
1274 are two land use issues that I do want to make the Commission aware of and the Board has taken a
1275 very strong position on both of them.
1276

1277 Mr. Vanarsdall - That's good to know. Thank you.
1278

1279 Mr. Taylor - In that context, does manufactured housing apply to modular type units that can
1280 be incorporated within a frame that are now being used in some localities? In other words, they are
1281 entire units but they are meant to be set up collectively, so they are really relatively high-quality strong
1282 product but they are within an overall complex.
1283

1284 Mr. Marlles - There are distinctions between what is defined as a manufactured house, a
1285 modular house and a mobile home. A manufactured house is basically a mobile home that complies
1286 with Federal standards that were adopted in 1976. Mobile homes on the other hand are basically
1287 similar but they were built according to an earlier construction code basically were manufactured prior
1288 to 1976. Modular homes or modular houses are built on wood joist or trusses and they actually comply
1289 with the BOCA Code. They may be manufactured in a factory but they still have to comply with the
1290 uniformed statewide building code. So those are the major differences between the three. Mobile
1291 homes with a permanent chassis prior to 1976, manufactured homes are built on a permanent chassis
1292 built to a code that was adopted in 1976 and after and modular houses are built to the BOCA code on
1293 wooden trusses or joist and are not on a permanent chassis. Each of those are distinct, and it is very
1294 confusing. It has taken a lot of explanation before we've been able to get those three things straight.
1295

1296 But, what I would also say to the Commission, there are white papers that I can share with you on both
1297 the overcrowded issue in single-family dwellings as well as the manufactured housing issue and I'll be
1298 glad to send those out to the Commission. They have been sent out to the Board.
1299

1300 Mr. Taylor - That actually might be educational and, absent objections from the Commission,
1301 I would ask you to do that for the Commission.

1302

1303 Mr. Marles - Sure, I'll be glad to. That's all I have, Mr. Chairman.

1304

1305 Mr. Taylor - All right, Mr. Secretary, then I guess we need a motion to adjourn.

1306

1307 Mr. Vanarsdall - I move we adjourn.

1308

1309 Mr. Archer - I second Mr. Vanarsdall's motion.

1310

1311 Mr. Taylor - The motion was made by Mr. Archer and seconded by Mr. Vanarsdall to

1312 adjourn. All in favor say aye...all opposed say nay. There being no opposition, this meeting is

1313 adjourned at 10:22 a.m. The motion carries.

1314

1314 On a motion by Mr. Archer and seconded by Mr. Vanarsdall, he Planning Commission adjourned its
1315 November 20, 2002, meeting at 10:22 a.m.

1316

1317

1318

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Allen Taylor, P.E., C.P.C., Chairman

John R. Marlles, AICP, Secretary